

November 24, 2003

S 2. SENATE REDISTRICTING. TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION SEATS IN THE SENATE AMONG DISTRICTS AND MAKE CHANGES TO THE ELECTION LAWS AND TO OTHER LAWS RELATED TO REDISTRICTING. Amends GS 120-1 to create and describe 50 senatorial districts. Provides that if, by Feb. 9, 2004, 10:00 a.m., the US Dep't of Justice has not approved the House and Senate redistricting acts, the State Board of Elections shall postpone the primary election for all offices listed in GS 163-1 (all elected offices except municipal governing board members) to a date that is fair to candidates and voters. Further provides that the State Board of Elections shall make conforming changes in its rules and schedules to accommodate the new primary date. Enacts new GS 1-267.1 to provide that any action challenging the validity of any act creating or changing state legislative or congressional districts must be filed in the Wake County Superior Court and heard and determined by a three-judge panel of that superior court. The presiding judge of the panel shall be the senior resident superior court judge of Wake County. The two other judges on the panel shall be appointed by the Chief Justice, upon the recommendation of the NC Conference of Superior Court Judges. Decision in the action shall be by a majority vote of the three judges. Any action that is currently pending that challenges any redistricting act shall be transferred to the Wake County Superior Court to be heard by a panel of three judges appointed as described above. Enacts new GS 1-81.1 providing that venue in any action challenging any redistricting act lies exclusively with the Wake County Superior Court. Enacts new GS 120-2.3 to provide that any court order or judgment invalidating a redistricting act shall "find with specificity all facts supporting that declaration, shall state separately and with specificity the court's conclusions of law on that declaration, and shall, with specific reference to those findings of fact and conclusions of law, identify every defect found by the court, both as to the plan as a whole and as to individual districts." Enacts new GS 120-2.4 to provide that if a court invalidates a redistricting plan enacted by the General Assembly, the court may not impose its own substitute plan until the General Assembly has had at least two weeks to remedy the defects found in the plan, and in no event may a court, in a substitute plan, change the General Assembly's plan except to the extent necessary to remedy the defects identified by the court. Enacts new GS 120-2.5 to provide that appeal of any court order or judgment invalidating a redistricting plan lies of right to the Supreme Court. A map of this redistricting plan may be viewed at the General Assembly Web site:
http://www.ncleg.net/gascripts/GIS/2003_proposed_plans.asp?PlanName=2003_Senate_Redistricting_Plan*Senate.

Intro. by Clodfelter, Dannelly, Lucas.

Ref. to Redistricting

GS 1, 120, 163