

TABLED
CHANGES TITLE



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 455

AMENDMENT NO. 3
(to be filled in by
Principal Clerk)

S455-ALB-145 [v.3]

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Comm. Sub. [NO]
Amends Title [YES]
Second Edition

Date July 25, 2011

Senator Blue

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moves to amend the bill on page 1, line 3, by rewriting the line to read:

"FOLLOWING THE RETURN OF THE 2010 FEDERAL DECENNIAL CENSUS AND TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.";

And on page 106, lines 8-9, by rewriting those lines to read:

"SECTION 2. Chapter 120 of the General Statutes is amended by adding a new Article to read:

"Article 1B.

"Nonpartisan Redistricting Process.

"§ 120-4.51. Definitions.

As used in this Article, unless the context requires otherwise, the following definitions apply:

- (1) Census Bureau. – The United States Bureau of the Census.
- (2) Commission. – The Temporary Redistricting Advisory Commission established pursuant to this Article.
- (3) Federal census. – The decennial census required by federal law to be conducted by the Census Bureau in every year ending in zero.
- (4) Four selecting authorities. –
 - a. The President Pro Tempore of the Senate.
 - b. The minority leader of the Senate.
 - c. The Speaker of the House of Representatives.
 - d. The minority leader of the House of Representatives.
- (5) Ideal population. – The number determined by dividing the number of members in a plan into the population of the State as reported in the federal census.
- (6) Plan. – A plan for legislative and congressional reapportionment drawn up pursuant to the requirements of this Article.



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- 1 (7) Political party office. – An office in the national or state organization of a
2 political party.
- 3 (8) Public office. –
4 a. An elective State, local, or federal office.
5 b. An appointive State or federal office.
- 6 (9) Relative. – An individual who is related to the person in question as father,
7 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew,
8 niece, husband, wife, grandfather, grandmother, father-in-law,
9 mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
10 stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half
11 brother, or half sister.
- 12 (10) VTD. – A voting tabulation district reported by the Census Bureau.

13 **§ 120-4.52. Preparations for redistricting.**

14 (a) The Legislative Services Office shall acquire appropriate information, review and
15 evaluate information, review and evaluate available facilities, and develop programs and
16 procedures in preparation for drawing congressional and legislative redistricting plans on the
17 basis of each federal census. Funds shall be expended for the purchase or lease of equipment
18 and materials only with prior approval of the Legislative Services Commission.

19 (b) By December 31 of each year ending in zero, the Legislative Services Office shall
20 obtain from the Census Bureau information regarding geographic and political units in this
21 State for which federal census population data has been gathered and will be tabulated. The
22 Legislative Services Office shall use the data so obtained to:

- 23 (1) Prepare necessary descriptions of geographic and political units for which
24 census data will be reported and which are suitable for use as components of
25 legislative districts.
- 26 (2) Prepare maps of counties, cities, precincts, VTDs, and other geographic units
27 within the State which may be used to illustrate the locations of legislative
28 district boundaries proposed in plans drawn in accordance with this Article.

29 (c) As soon as possible after January 1 of each year ending in one, the Legislative
30 Services Office shall obtain from the Census Bureau the population data needed for legislative
31 districting which the Census Bureau is required to provide this State under P.L. 94-171 and
32 shall use that data to assign a population figure to geographic and political units based upon
33 that data. Upon completing that task, the Legislative Services Office shall begin the preparation
34 of congressional and legislative districting plans as required by this Article.

35 (d) Upon each delivery by the Legislative Services Office to the General Assembly of a
36 bill embodying a plan, pursuant to this Article, the Legislative Services Office shall at the
37 earliest feasible time make available to the public the following information:

- 38 (1) Copies of the bill delivered by the Legislative Services Office to the General
39 Assembly.
- 40 (2) Maps illustrating the plan.
- 41 (3) A summary of the standards prescribed by this Article for development of
42 the plan.

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1 (4) A statement of the population of each district included in the plan and the
2 relative deviation of each district population from the ideal district
3 population.

4 "**§ 120-4.53. Preparations for redistricting.**

5 (a) Not later than April 1 of each year ending in one, the Legislative Services Office
6 shall deliver to the Principal Clerk of the Senate and the Principal Clerk of the House of
7 Representatives and to the members of the Senate and the House of Representatives identical
8 bills embodying a plan of legislative and congressional districting prepared in accordance with
9 this Article. It is the intent of this Article that the bill shall be brought to a vote in either the
10 Senate or the House of Representatives expeditiously, but not less than three legislative days
11 after the report of the Temporary Redistricting Advisory Commission required by
12 G.S. 120-4.56 is received and made available to the members of the General Assembly. The
13 bill shall be voted in under a procedure or rule permitting no amendments except those of a
14 purely corrective nature. It is further the intent of this Article that if the bill is approved on third
15 reading by the first house in which it is considered, it shall expeditiously be brought to a vote in
16 the second house under a similar procedure or rule. If the bill embodying the plan submitted by
17 the Legislative Services Office under this subsection fails to be approved on second or third
18 reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate
19 or the Principal Clerk of the House, as the case may be, shall at once, but in no event later than
20 seven days after the date the bill failed to be approved, transmit to the Legislative Services
21 Office information which the Senate or House may direct by resolution regarding reasons why
22 the plan was not approved.

23 (b) If the population data for legislative districting which the Census Bureau is required
24 to provide this State under P.L. 94-171 and, if used by the Legislative Services Office, the
25 corresponding geographic referencing data file for that population data are not available to the
26 Legislative Services Office on or before February 15 of the year ending in one, the April 1 date
27 set forth in subsection (a) of this section shall be extended by a number of days equal to the
28 number of days after February 15 of the year ending in one that the federal census population
29 data and the geographic encoding and referencing data file for legislative districting become
30 available.

31 (c) If the bill embodying the plan submitted by the Legislative Services Office under
32 subsection (a) of this section fails to pass second or third reading in either house, the
33 Legislative Services Office shall prepare a bill embodying a second plan of legislative and
34 congressional districting. The bill shall be prepared in accordance with this section and, insofar
35 as it is possible to do so within the requirements of G.S. 120-4.54, with the reasons cited by the
36 Senate or House of Representatives by resolution for the failure to approve the plan. If a second
37 plan is required under this subsection, the bill embodying it shall be delivered to the Principal
38 Clerk of the Senate and the Principal Clerk of the House of Representatives and to the members
39 of the Senate and the House of Representatives not later than 35 calendar days after the date of
40 the vote by which the Senate or the House of Representatives fails to approve the bill submitted
41 under subsection (a) of this section. If it is necessary to submit a bill under this subsection, the
42 bill shall be brought to a vote not less than seven calendar days after the bill is submitted and
43 made available to the members of the General Assembly, under a procedure or rule permitting

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1 no amendments except those of a purely corrective nature. It is further the intent of this Article
2 that if the bill is approved on third reading by the first house in which it is considered, it shall
3 expeditiously be brought to a vote in the second house under a similar procedure or rule. If the
4 bill embodying the plan submitted by the Legislative Services Office under this subsection
5 fails to be approved on second or third reading in either the Senate or the House of
6 Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House, as the
7 case may be, shall transmit to the Legislative Services Office in the same manner, as described
8 in subsection (a) of this section, information which the Senate or House may direct by
9 resolution regarding reasons why the plan was not approved.

10 (d) If the bill embodying the plan submitted by the Legislative Services Office under
11 subsection (c) of this section fails to be enacted, the same procedure as prescribed by
12 subsection (c) of this section shall be followed. If a third plan is required under this subsection,
13 the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal
14 Clerk of the House of Representatives and to the members of the Senate and the House of
15 Representatives not later than 35 calendar days after the date of the vote by which the Senate or
16 the House of Representatives fails to approve the bill submitted under subsection (c) of this
17 section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a
18 vote within the same time period after its delivery to the Principal Clerk of the Senate and the
19 Principal Clerk of the House of Representatives as is prescribed for the bill submitted under
20 subsection (c) of this section but shall be subject to amendment in the same manner as other
21 bills.

22 (e) Prior to delivering any plan and the bill embodying that plan in accordance with this
23 section, the Legislative Services Office shall provide to persons outside its staff only such
24 information regarding the plan as may be required by policies agreed upon by the Temporary
25 Redistricting Advisory Commission. This subsection does not apply to population and
26 geographic data furnished to the Legislative Services Office by the Census Bureau.

27 **"§ 120-4.54. Redistricting standards.**

28 (a) Legislative and congressional districts shall be established on the basis of
29 population.

30 (b) Senatorial and representative districts, respectively, shall each have a population
31 that is within five percent (5%) of the ideal population for that district.

32 (c) Congressional districts shall each have a population as nearly equal as practicable to
33 the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal
34 population.

35 (d) Legislative and congressional districts shall be drawn in a manner that complies
36 with requirements of federal and State law.

37 (e) To the extent consistent with other standards provided by this section, district
38 boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In
39 Senate and State House plans, the "whole county" requirements established by the North
40 Carolina Constitution shall be complied with in a manner consistent with federal law. The
41 number of counties and cities divided among more than one district shall be as small as
42 possible, but in the case of cities located in more than one county, minimizing the division of

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1 counties prevails. The division of VTDs shall also be minimized consistent with the other
2 standards of this section.

3 (f) Districts shall be composed of convenient contiguous territory. Areas which meet
4 only at the points of adjoining corners are not contiguous.

5 (g) Districts shall be reasonably compact in form, to the extent consistent with the
6 standards established by this section. In general, reasonably compact districts are those which
7 are square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of
8 natural or political boundaries or those of VTDs. If it is necessary to compare the relative
9 compactness of two or more districts, or of two or more alternative districting plans, the tests
10 prescribed by this subsection shall be used as follows:

11 (1) Length-width compactness. – The compactness of a district is greatest when
12 the length of the district and the width of the district are equal. The measure
13 of a district's compactness is the absolute value of the difference between the
14 length and the width of the district. In general, the length-width compactness
15 of a district is calculated by measuring the distance from the northernmost
16 point or portion of the boundary of a district to the southernmost point or
17 portion of the boundary of the same district and the distance from the
18 westernmost point or portion of the boundary of the district to the
19 easternmost point or portion of the boundary of the same district. The
20 absolute values computed for individual districts under this subdivision may
21 be cumulated for all districts in a plan in order to compare the overall
22 compactness of two or more alternative districting plans for the State or for a
23 portion of the State.

24 (2) Perimeter compactness. – The compactness of a district is greatest when the
25 distance needed to traverse the perimeter boundary of a district is as short as
26 possible. The total perimeter distance computed for individual districts under
27 this subdivision may be cumulated for all districts in a plan in order to
28 compare the overall compactness of two or more alternative districting plans
29 for the State or for a portion of the State.

30 (h) No district shall be drawn for the purpose of favoring a political party, incumbent
31 legislator, or member of Congress, or other person or group, or for the purpose of augmenting
32 or diluting the voting strength of a language or racial minority group. In establishing districts,
33 no use shall be made of any of the addresses or geographic locations of incumbents.

34 Except to the extent required by the North Carolina or United States Constitutions, the
35 Voting Rights Act of 1965, and applicable court decisions, no use shall be made of:

36 (1) Political affiliations of registered voters.

37 (2) Previous election results.

38 (3) Demographic information, other than population head counts.

39 **§ 120-4.55. Temporary Redistricting Advisory Commission.**

40 (a) Not later than February 15 of each year ending in one, a five member Temporary
41 Redistricting Advisory Commission shall be established as provided by this section. The
42 Commission's only functions shall be those prescribed by G.S. 120-4.56.

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1 **(b)** Each of the four selecting authorities shall certify to the Chair of the State Board of
2 Elections the authority's appointment of a person to serve on the Commission.

3 **(c)** Within 10 days after the four selecting authorities have certified their respective
4 appointments, but in no event later than February 15 of the year ending in one, the four
5 commission members so appointed shall select, by a vote of at least three members, and certify
6 to the Chair of the State Board of Elections the fifth Commission member, who shall serve as
7 chairperson.

8 **(d)** A vacancy on the Commission shall be filled by the initial selecting authority within
9 15 days after the vacancy occurs.

10 **(e)** Members of the Commission shall receive from funds appropriated to the General
11 Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred
12 in performing their duties as provided by G.S. 138-5 or G.S. 138-6 as applicable.

13 **(f)** No person shall be appointed to the Commission who:

14 **(1)** Is not a registered voter of this State at the time of selection.

15 **(2)** Holds public office or political party office.

16 **(3)** Is a relative of or is employed by a member of the General Assembly or of
17 the United States House of Representatives or Senate, or is employed
18 directly by the General Assembly or by the United States House of
19 Representatives or Senate.

20 "**§ 120-4.56. Duties of Commission.**

21 The functions of the Commission shall be as follows:

22 **(1)** Answer a written request for direction made by the Legislative Services
23 Office when in preparation of plans as required by this Article, the
24 Legislative Services Office is confronted with the necessity to make any
25 decision for which no clearly applicable guideline is provided by
26 G.S. 120-4.54 and requests direction from the Commission.

27 **(2)** Authorize by adoption of policies the release of information under
28 G.S. 120-4.53(e).

29 **(3)** Upon the delivery by the Legislative Services Office to the General
30 Assembly of a bill embodying an initial plan, as required by
31 G.S. 120-4.53(a), the Commission shall:

32 a. As expeditiously as reasonably possible, schedule and conduct at
33 least three public hearings, in different geographic regions of the
34 State, on that plan.

35 b. Following the hearings, promptly prepare and submit to the Principal
36 Clerk of the Senate and the Principal Clerk of the House of
37 Representatives a report summarizing information and testimony
38 received by the Commission in the course of the hearings. The
39 Commission's report shall include any comments and conclusions
40 which its members deem appropriate on the information and
41 testimony received at the hearings or otherwise presented to the
42 Commission. The report as to a plan shall be submitted no later than

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1 14 calendar days after the date the bill embodying an initial plan is
2 delivered to the General Assembly.

3 **"§ 120-4.57. Special rule if this Article becomes effective in 2011 or 2012.**

4 (a) This section is effective only if this Article becomes effective in 2011 or 2012 as
5 provided by the law enacting this Article.

6 (b) Not later than 20 days after this section becomes effective, the Legislative Services
7 Office shall deliver to the Principal Clerk of the Senate and the Principal Clerk of the House of
8 Representatives and to the members of the Senate and the House of Representatives identical
9 bills embodying a plan of Senate districting prepared in accordance with this Article. It is the
10 intent of this Article that the bill shall be brought to a vote in either the Senate or the House of
11 Representatives expeditiously, but not less than three legislative days after the report of the
12 Temporary Redistricting Advisory Commission required by G.S. 120-4.56 is received and
13 made available to the members of the General Assembly. The bill shall be voted in under a
14 procedure or rule permitting no amendments except those of a purely corrective nature. It is
15 further the intent of this Article that if the bill is approved on third reading by the first house in
16 which it is considered, it shall expeditiously be brought to a vote in the second house under a
17 similar procedure or rule. If the bill embodying the plan submitted by the Legislative Services
18 Office under this subsection fails to be approved on second or third reading in either the Senate
19 or the House of Representatives, the Principal Clerk of the Senate or the Principal Clerk of the
20 House, as the case may be, shall at once, but in no event later than three days after the date the
21 bill failed to be approved, transmit to the Legislative Services Office information which the
22 Senate or House may direct by resolution regarding reasons why the plan was not approved.

23 (c) If the bill embodying the plan submitted by the Legislative Services Office under
24 subsection (b) of this section fails to pass second or third reading in either house, the
25 Legislative Services Office shall prepare a bill embodying a second plan of Senate districting.
26 The bill shall be prepared in accordance with this section and, insofar as it is possible to do so
27 within the requirements of G.S. 120-4.54, with the reasons cited by the Senate or House of
28 Representatives by resolution for the failure to approve the plan. If a second plan is required
29 under this subsection, the bill embodying it shall be delivered to the Principal Clerk of the
30 Senate and the Principal Clerk of the House of Representatives and to the members of the
31 Senate and the House of Representatives not later than ten calendar days after the date of the
32 vote by which the Senate or the House of Representatives fails to approve the bill submitted
33 under subsection (b) of this section. If it is necessary to submit a bill under this subsection, the
34 bill shall be brought to a vote not less than five calendar days after the bill is submitted and
35 made available to the members of the General Assembly, under a procedure or rule permitting
36 no amendments except those of a purely corrective nature. It is further the intent of this Article
37 that if the bill is approved on third reading by the first house in which it is considered, it shall
38 expeditiously be brought to a vote in the second house under a similar procedure or rule. If the
39 bill embodying the plan submitted by the Legislative Services Office under this subsection
40 fails to be approved on second or third reading in either the Senate or the House of
41 Representatives, the Principal Clerk of the Senate or the Principal Clerk of the House, as the
42 case may be, shall transmit to the Legislative Services Office in the same manner, as described

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1 in subsection (b) of this section, information which the Senate or House may direct by
2 resolution regarding reasons why the plan was not approved.

3 (d) If the bill embodying the plan submitted by the Legislative Services Office under
4 subsection (c) of this section fails to be enacted, the same procedure as prescribed by
5 subsection (c) of this section shall be followed. If a third plan is required under this subsection,
6 the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal
7 Clerk of the House of Representatives and to the members of the Senate and the House of
8 Representatives not later than ten calendar days after the date of the vote by which the Senate
9 or the House of Representatives fails to approve the bill submitted under subsection (c) of this
10 section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a
11 vote within the same time period after its delivery to the Principal Clerk of the Senate and the
12 Principal Clerk of the House of Representatives as is prescribed for the bill submitted under
13 subsection (c) of this section but shall be subject to amendment in the same manner as other
14 bills.

15 (e) Prior to delivering any plan and the bill embodying that plan in accordance with this
16 section, the Legislative Services Office shall provide to persons outside its staff only such
17 information regarding the plan as may be required by policies agreed upon by the Temporary
18 Redistricting Advisory Commission. This subsection does not apply to population and
19 geographic data furnished to the Legislative Services Office by the Census Bureau.

20 (f) If this section becomes effective, then the Temporary Redistricting Advisory
21 Commission provided for by G,S 120-4.55 shall be appointed within five days thereafter, and
22 the four members shall appoint the fifth member within ten days of this section becoming
23 effective."

24 **SECTION 4.** Section 1 of this act is effective when it becomes law and applies to
25 elections held on or after January 1, 2012. Section 2 of this act becomes effective January 1,
26 2020, and applies beginning with the 2020 federal census, but if: (i) An objection is interposed
27 under Section 5 of the Voting Rights Act of 1965 by the United States Department of Justice to
28 the plan proposed by Section 1 of this act, (ii) The United States District Court for the District
29 of Columbia rejects under Section 5 of the Voting Rights Act of 1965 the plan proposed by
30 Section 1 of this act; (iii) A federal court finds that the plan proposed by Section 1 of this act
31 violates any provision of the Constitution of the United State or any provision of the Voting
32 Rights Act of 1965. or (iv) a three judge superior court under ~~12~~^{5.2} 67.1 finds the plan proposed
33 by Section 1 of this act violates the Constitution of North Carolina or any federal law or federal
34 constitutional provision, then Section 2 of this act becomes effective upon such occurrence and
35 G.S. 120-4.57 as enacted by that section shall govern the proceedings in 2011 and 2012. The
36 remainder of this act is effective when it becomes law."

↑
G.S. 1-267.1 ↙

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SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

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27-18
Sarah Clapp
7-25-11

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