

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 824  
PROPOSED COMMITTEE SUBSTITUTE H824-PCS70233-TC-23

Short Title: Nonpartisan Redistricting Process.

(Public)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.

The General Assembly of North Carolina enacts:

**SECTION 1.** 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.
- (7) Political party office. – An office in the national or state organization of a political party.
- (8) Public office. –
  - a. An elective State, local, or federal office.
  - b. An appointive State or federal office.
- (9) Relative. – An individual who is related to the person in question as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, father-in-law,



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1 mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
2 stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half  
3 brother, or half sister.

4 (10) VTD. – A voting tabulation district reported by the Census Bureau.

5 **"§ 120-4.52. Preparations for redistricting.**

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

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

15 (1) Prepare necessary descriptions of geographic and political units for which  
16 census data will be reported and which are suitable for use as components of  
17 legislative districts.

18 (2) Prepare maps of counties, cities, precincts, VTDs, and other geographic units  
19 within the State which may be used to illustrate the locations of legislative  
20 district boundaries proposed in plans drawn in accordance with this Article.

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

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

30 (1) Copies of the bill delivered by the Legislative Services Office to the General  
31 Assembly.

32 (2) Maps illustrating the plan.

33 (3) A summary of the standards prescribed by this Article for development of  
34 the plan.

35 (4) A statement of the population of each district included in the plan and the  
36 relative deviation of each district population from the ideal district  
37 population.

38 **"§ 120-4.53. Preparations for redistricting.**

39 (a) Not later than April 1 of each year ending in one, the Legislative Services Office  
40 shall deliver to the Principal Clerk of the Senate and the Principal Clerk of the House of  
41 Representatives and to the members of the Senate and the House of Representatives identical  
42 bills embodying a plan of legislative and congressional districting prepared in accordance with  
43 this Article. It is the intent of this Article that the bill shall be brought to a vote in either the  
44 Senate or the House of Representatives expeditiously, but not less than three legislative days  
45 after the report of the Temporary Redistricting Advisory Commission required by  
46 G.S. 120-4.56 is received and made available to the members of the General Assembly. The  
47 bill shall be voted in under a procedure or rule permitting no amendments except those of a  
48 purely corrective nature. It is further the intent of this Article that if the bill is approved on third  
49 reading by the first house in which it is considered, it shall expeditiously be brought to a vote in  
50 the second house under a similar procedure or rule. If the bill embodying the plan submitted by  
51 the Legislative Services Office under this subsection fails to be approved on second or third

1 reading in either the Senate or the House of Representatives, the Principal Clerk of the Senate  
2 or the Principal Clerk of the House, as the case may be, shall at once, but in no event later than  
3 seven days after the date the bill failed to be approved, transmit to the Legislative Services  
4 Office information which the Senate or House may direct by resolution regarding reasons why  
5 the plan was not approved.

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

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

36 (d) If the bill embodying the plan submitted by the Legislative Services Office under  
37 subsection (c) of this section fails to be enacted, the same procedure as prescribed by  
38 subsection (c) of this section shall be followed. If a third plan is required under this subsection,  
39 the bill embodying it shall be delivered to the Principal Clerk of the Senate and the Principal  
40 Clerk of the House of Representatives and to the members of the Senate and the House of  
41 Representatives not later than 35 calendar days after the date of the vote by which the Senate or  
42 the House of Representatives fails to approve the bill submitted under subsection (c) of this  
43 section. If it is necessary to submit a bill under this subsection, the bill shall be brought to a  
44 vote within the same time period after its delivery to the Principal Clerk of the Senate and the  
45 Principal Clerk of the House of Representatives as is prescribed for the bill submitted under  
46 subsection (c) of this section but shall be subject to amendment in the same manner as other  
47 bills.

48 (e) Prior to delivering any plan and the bill embodying that plan in accordance with this  
49 section, the Legislative Services Office shall provide to persons outside its staff only such  
50 information regarding the plan as may be required by policies agreed upon by the Temporary

1 Redistricting Advisory Commission. This subsection does not apply to population and  
2 geographic data furnished to the Legislative Services Office by the Census Bureau.

3 **"§ 120-4.54. Redistricting standards.**

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

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

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

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

13 (e) To the extent consistent with other standards provided by this section, district  
14 boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In  
15 Senate and State House plans, the "whole county" requirements established by the North  
16 Carolina Constitution shall be complied with in a manner consistent with federal law. The  
17 number of counties and cities divided among more than one district shall be as small as  
18 possible, but in the case of cities located in more than one county, minimizing the division of  
19 counties prevails. The division of VTDs shall also be minimized consistent with the other  
20 standards of this section.

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

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

29 (1) Length-width compactness. – The compactness of a district is greatest when  
30 the length of the district and the width of the district are equal. The measure  
31 of a district's compactness is the absolute value of the difference between the  
32 length and the width of the district. In general, the length-width compactness  
33 of a district is calculated by measuring the distance from the northernmost  
34 point or portion of the boundary of a district to the southernmost point or  
35 portion of the boundary of the same district and the distance from the  
36 westernmost point or portion of the boundary of the district to the  
37 easternmost point or portion of the boundary of the same district. The  
38 absolute values computed for individual districts under this subdivision may  
39 be cumulated for all districts in a plan in order to compare the overall  
40 compactness of two or more alternative districting plans for the State or for a  
41 portion of the State.

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

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

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

- 3 (1) Political affiliations of registered voters.
- 4 (2) Previous election results.
- 5 (3) Demographic information, other than population head counts.

6 **"§ 120-4.55. Temporary Redistricting Advisory Commission.**

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

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

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

17 (d) A vacancy on the Commission shall be filled by the initial selecting authority within  
18 15 days after the vacancy occurs.

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

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

- 23 (1) Is not a registered voter of this State at the time of selection.
- 24 (2) Holds public office or political party office.
- 25 (3) Is a relative of or is employed by a member of the General Assembly or of  
26 the United States House of Representatives or Senate, or is employed  
27 directly by the General Assembly or by the United States House of  
28 Representatives or Senate.

29 **"§ 120-4.56. Duties of Commission.**

30 The functions of the Commission shall be as follows:

- 31 (1) Answer a written request for direction made by the Legislative Services  
32 Office when in preparation of plans as required by this Article, the  
33 Legislative Services Office is confronted with the necessity to make any  
34 decision for which no clearly applicable guideline is provided by  
35 G.S. 120-4.54 and requests direction from the Commission.
- 36 (2) Authorize by adoption of policies the release of information under  
37 G.S. 120-4.53(e).
- 38 (3) Upon the delivery by the Legislative Services Office to the General  
39 Assembly of a bill embodying an initial plan, as required by  
40 G.S. 120-4.53(a), the Commission shall:
  - 41 a. As expeditiously as reasonably possible, schedule and conduct at  
42 least three public hearings, in different geographic regions of the  
43 State, on that plan.
  - 44 b. Following the hearings, promptly prepare and submit to the Principal  
45 Clerk of the Senate and the Principal Clerk of the House of  
46 Representatives a report summarizing information and testimony  
47 received by the Commission in the course of the hearings. The  
48 Commission's report shall include any comments and conclusions  
49 which its members deem appropriate on the information and  
50 testimony received at the hearings or otherwise presented to the  
51 Commission. The report as to a plan shall be submitted no later than

1                                      14 calendar days after the date the bill embodying an initial plan is  
2                                      delivered to the General Assembly."  
3                      **SECTION 2.** This act becomes effective January 1, 2020, and applies beginning  
4 with the 2020 federal census.