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SENATE DRS65002-ML-22 (01/02)

Short Title: Horton Independent Redistricting Commission. (Public)

Sponsors: Senator Kinnaird (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE
HAMILTON C. HORTON JR. INDEPENDENT REDISTRICTING COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. Effective January 1, 2015, Section 3 of Article II of the North Carolina Constitution reads as rewritten:

"Sec. 3. Senate districts; apportionment of Senators.

The Senators shall be elected from districts. ~~The General Assembly, at the first regular session convening~~The Independent Redistricting Commission, beginning as soon as practical after the return of every decennial census of population taken by order of Congress, shall revise the senate districts and the apportionment of Senators among those districts, subject to the following requirements: so that, to the extent possible, those districts meet the following goals:

(1) ~~Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the district that he represents by the number of Senators apportioned to that district;~~

(2) ~~Each senate district shall at all times consist of contiguous territory;~~

(3) ~~No county shall be divided in the formation of a senate district;~~

(4) ~~When established, the senate districts and the apportionment of Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress.~~

(1) The goal of compactness, to avoid elongated and irregularly shaped districts.

(2) The goal of one person, one vote to ensure each voter's vote.

(3) The goal of minimizing the number of split counties, municipalities, and other communities of interest.

Precincts shall not be split in the preparation of a plan for State Senate districts. All districts shall be contiguous.

When established, the senate districts and the apportionment of Senators shall remain unaltered until the return of another decennial census of population taken by order of Congress."

SECTION 2. Effective January 1, 2015, Section 5 of Article II of the North Carolina Constitution reads as rewritten:

"Sec. 5. Representative districts; apportionment of Representatives.

The Representatives shall be elected from districts. ~~The General Assembly, at the first regular session convening~~The Independent Redistricting Commission, as soon as practical after the return of every decennial census of population taken by order of Congress, shall revise the



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1 representative districts and the apportionment of Representatives among those districts, ~~subject~~
2 ~~to the following requirements:so that, to the extent possible, those districts meet the following~~
3 ~~goals:~~

4 ~~(1) Each Representative shall represent, as nearly as may be, an equal number of~~
5 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~
6 ~~this purpose by dividing the population of the district that he represents by the number of~~
7 ~~Representatives apportioned to that district;~~

8 ~~(2) Each representative district shall at all times consist of contiguous territory;~~

9 ~~(3) No county shall be divided in the formation of a representative district;~~

10 ~~(4) When established, the representative districts and the apportionment of~~
11 ~~Representatives shall remain unaltered until the return of another decennial census of~~
12 ~~population taken by order of Congress.~~

13 (1) The goal of compactness, to avoid elongated and irregularly shaped districts.

14 (2) The goal of one person, one vote to ensure each voter's vote.

15 (3) The goal of minimizing the number of split counties, municipalities, and other
16 communities of interest.

17 Precincts shall not be split in the preparation of a plan for State House of Representatives
18 districts. All districts shall be contiguous.

19 When established, the senate districts and the apportionment of Representatives shall
20 remain unaltered until the return of another decennial census of population taken by order of
21 Congress."

22 **SECTION 3.** Effective January 1, 2015, Article II of the North Carolina
23 Constitution is amended by adding a new section to read:

24 **"Sec. 25. Hamilton C. Horton Jr. Independent Redistricting Commission.**

25 (1) Establishment and membership. There is established the Hamilton C. Horton Jr.
26 Independent Redistricting Commission to consist of 11 persons appointed as provided in this
27 Section.

28 (2) General composition and eligibility. The Commission shall have partisan balance,
29 comprising four members affiliated with the largest political party in this State based on voter
30 registration, four members affiliated with the second largest political party in this State based
31 on voter registration, and three members not affiliated with either of the two largest political
32 parties in the State. Of the 11 members, no more than two may reside in the same county. Each
33 member shall be a registered voter in this State who has been continuously affiliated with the
34 same political party, or has been registered as unaffiliated, for three or more years immediately
35 before appointment. The Commission shall be representative of this State's diversity, including,
36 but not limited to, racial, ethnic, geographic, and gender diversity. Each member shall commit
37 to applying this Section in an honest, independent, and impartial fashion and to upholding
38 public confidence in the integrity of the redistricting process. Within five years immediately
39 before appointment, neither a Commission member nor a member of the member's extended
40 family may have done any of the following:

41 (a) Been appointed to, elected to, been a candidate for any elective office
42 whether State or local, or served in any other public State office.

43 (b) Served as an officer or executive committee member of a political party, or
44 as an officer, paid employee, or paid consultant of a candidate's campaign
45 committee.

46 (c) Been a registered lobbyist.

47 The following are not eligible to be Commission members: Legislative and congressional
48 staff and consultants, persons under contract with the General Assembly, any person with a
49 financial or extended family relationship with the Governor, a member of the General
50 Assembly, or a member of the Congress of the United States. As used in this Section, a member
51 of a person's "extended family" is a person's spouse, lineal descendant, lineal ascendant,

1 sibling, spouse's lineal ascendant, spouse's lineal descendant, spouse's sibling, and the spouse of
2 any of these persons.

3 A member of the Commission shall not be eligible, during or within three years after
4 service on the Commission, to hold elective office, whether State or local, or to hold any public
5 State office or register as a lobbyist.

6 (3) Selection process. The Commission members shall be appointed as provided by law.
7 The law providing for the appointment process may provide independent authority to officers
8 and other members of the Senate and the House of Representatives.

9 (4) Term of office; vacancies; Chair. The initial members of the Independent
10 Redistricting Commission shall take office as soon as practicable after their appointment. The
11 initial members shall serve until their successors are appointed and qualified. Subsequent to the
12 initial appointments, the members of the Independent Redistricting Commission shall take
13 office on the last day of February of each year ending in the number one and shall continue in
14 office until their successors are appointed and qualified. Any vacancy occurring in the
15 membership of the Commission shall be filled as provided by law. The Independent
16 Redistricting Commission shall elect from its members a Chair, who will serve throughout the
17 term of the Commission unless replaced by vote of the Commission.

18 (5) Legislative plans. The Independent Redistricting Commission shall adopt, in
19 accordance with Sections 3 and 5 of this Article, plans for revising the senate districts and
20 representative districts, which shall have the force and effect of acts of the General Assembly.
21 The General Assembly shall not adopt any legislative district plan.

22 (6) Congressional plans. The Independent Redistricting Commission is responsible for
23 adopting a district plan for election of members of the House of Representatives of the
24 Congress of the United States. The General Assembly shall not adopt any district plan for
25 election of members of the United States House of Representatives.

26 (7) Preparation and adoption of plans. The Independent Redistricting Commission shall
27 adopt district plans as required by subsections (5) and (6) of this Section no later than October
28 1 of the year following each decennial census of population taken by order of Congress. In
29 preparing or adopting its plans, the Independent Redistricting Commission shall not consider
30 the following information:

31 (a) The political affiliation of voters.

32 (b) Voting data from previous elections.

33 (c) The location of incumbents' residences.

34 (d) Demographic data from sources other than the United States Bureau of the
35 Census. In the use of Census data, racial and ethnic data shall be used only
36 for the purposes of compliance with the United States Constitution and laws
37 enacted pursuant thereto.

38 There shall be a minimum period of 45 days of public comment on a plan before it is finally
39 adopted.

40 (8) In case plan held invalid. The Independent Redistricting Commission shall adopt a
41 new district plan in the event that a plan it has adopted is held invalid.

42 (9) Federal and State law. In adopting any plan under this Section, the Independent
43 Redistricting Commission shall take into consideration all relevant requirements of the United
44 States Constitution and acts of Congress. It shall comply with the North Carolina Constitution
45 as enunciated by the North Carolina Supreme Court.

46 (10) Local redistricting. The General Assembly may, by law, assign to the Independent
47 Redistricting Commission the duty to adopt districting and redistricting plans for any county,
48 city, town, special district, and other governmental subdivision if the governing board of the
49 unit or a court of competent jurisdiction so requests."

50 **SECTION 4.** Subsection (5) of Section 22 of Article II of the North Carolina
51 Constitution reads as rewritten:

"Sec. 22. Action on bills.

~~(5) Other exceptions. Every bill:~~

- ~~(a) In which the General Assembly makes an appointment or appointments to public office and which contains no other matter;~~
- ~~(b) Revising the senate districts and the apportionment of Senators among those districts and containing no other matter;~~
- ~~(c) Revising the representative districts and the apportionment of Representatives among those districts and containing no other matter; or~~
- ~~(d) Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other matter;~~

~~shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses.~~

(5) Appointments to office. Every bill in which the General Assembly makes an appointment or appointments to public office and which contains no other matter shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses.

...."

SECTION 5. Effective January 1, 2015, Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 17A.

"§ 163-207.1. Selection of Hamilton C. Horton Jr. Independent Redistricting Commission.

(a) Purpose. – All participants in the selection process set forth in this section shall work to ensure that each stage of the process promotes the goal of achieving a membership of the Hamilton C. Horton Jr. Independent Redistricting Commission that is composed as provided in Section 25 of Article II of the North Carolina Constitution.

(b) Screening Process. – A screening panel of 10 current or retired county election directors or election board members shall establish an application and screening process open to all North Carolina registered voters. This screening panel shall be nominated by the North Carolina Election Directors Association and the North Carolina Election Boards Association meeting jointly. Those organizations shall make their nominations no later than December 1 of each year ending in the number zero. Those organizations shall adopt rules that are publicly disclosed for appointing qualified panelists and for selecting alternatives in the event that a panelist is unable to carry out his or her duties. Those organizations shall submit the names of their nominees for screening panelists to the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives. They shall have five days to object to the composition of the screening panel. Otherwise, the screening panel shall immediately convene.

Of the 10 screening panelists, four shall be affiliated by voter registration with the largest political party in North Carolina based on party registration, four shall be affiliated by voter registration with the second largest political party in North Carolina based on party registration, and two shall not be affiliated by voter registration with either of those parties. Each panelist shall be a registered voter of North Carolina who has been continuously affiliated by voter registration with the same political party or unaffiliated for at least three years immediately before appointment.

By January 8 of each year ending in the number one, the screening panel shall, through an open and public process, establish a pool of qualified persons who are willing to serve on the Independent Redistricting Commission and submit the names to the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and

1 the minority leader of the House of Representatives. The pool of candidates shall consist of 55
2 nominees, with 20 nominees affiliated by voter registration with each of the two largest parties
3 in North Carolina.

4 (c) Appointment Process. – No later than January 31 of each year ending in the number
5 one, the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of
6 the House of Representatives, and the minority leader of the House of Representatives may
7 each strike up to two candidates from each partisan subpool. The four legislative leaders shall
8 make every effort to strike so as not to result in a pool of candidates that is not representative of
9 this State's diversity as provided in Section 25 of Article II of the North Carolina Constitution.
10 After all four legislative leaders have exercised their strikes, the Principal Clerk of the House of
11 Representatives shall present the remaining pool of candidates to the State Board of Elections.

12 The State Board of Elections shall establish and implement a public and auditable process
13 of randomly drawing four names from each of the political party subpools and three names
14 from the subpool of those not affiliated with the two largest parties.

15 The names of the 11 individuals drawn for the Commission shall be presented to the
16 President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the
17 House of Representatives, and the minority leader of the House of Representatives. Each of
18 those four legislative leaders shall have five days to object to the composition of the
19 Commission on the grounds of lack of representation of the State's diversity as required by
20 Section 25 of Article II of the North Carolina Constitution. If objections are raised by three of
21 those legislative leaders, the State Board of Elections shall return all names to the pool for
22 another round of random drawing. The State Board of Elections may draw up to three times.

23 Upon the completion of this process, the 11 individuals so chosen shall take office.

24 (d) Vacancies. – Any vacancies on the Commission shall be filled from the pool
25 through a public and auditable process of randomly drawing names from the same pool selected
26 in subsection (b) of this section. The vacancy shall be filled with a member of the same partisan
27 affiliation as the vacating member. The random drawing process shall be established and
28 implemented by the State Board of Elections."

29 **SECTION 6.** The amendments set out in Sections 1 through 4 of this act shall be
30 submitted to the qualified voters of the State at the general election in November 2014, which
31 election shall be conducted under the laws then governing elections in the State. Ballots, voting
32 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
33 question to be used in the voting systems and ballots shall be:

34 " FOR AGAINST

35 A constitutional amendment providing for an Independent Redistricting
36 Commission to redistrict the State for the purpose of electing members of the General
37 Assembly and members of the United States House of Representatives."

38 **SECTION 7.** If a majority of votes cast on the question are in favor of the
39 amendments set out in Sections 1 through 4 of this act, the State Board of Elections shall certify
40 the amendments to the Secretary of State. The amendments become effective upon this
41 certification. The Secretary of State shall enroll the amendments so certified among the
42 permanent records of that office. Section 5 of this act is effective only if the amendments are
43 approved by the qualified voters as provided in this section.

44 **SECTION 8.** This act is effective when it becomes law.