

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
Feb 4, 2015
S.B. 28
PRINCIPAL CLERK

S

D

SENATE DRS35008-TH-3C* (01/27)

Short Title: Independent Redistricting Commission.

(Public)

Sponsors: Senator J. Jackson (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT
REDISTRICTING COMMISSION TO PREPARE REDISTRICTING PLANS AFTER
THE 2030 CENSUS AND THEREAFTER.

The General Assembly of North Carolina enacts:

SECTION 1. Effective January 1, 2030, 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:

(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.

The Independent Redistricting Commission shall present three plans to the General Assembly, which may enact one of the plans. If the General Assembly fails to enact one of the plans within 120 days of receipt, the Independent Redistricting Commission shall adopt one of the plans the Commission submitted to the General Assembly, which shall have the force and effect of acts of the General Assembly."

SECTION 2. Effective January 1, 2030, 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 representative districts and the apportionment of Representatives among those districts, subject to the following requirements:



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

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

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

7 (4) When established, the representative districts and the apportionment of
8 Representatives shall remain unaltered until the return of another decennial census of
9 population taken by order of Congress.

10 The Independent Redistricting Commission shall present three plans to the General
11 Assembly, which may enact one of the plans. If the General Assembly fails to enact one of the
12 plans within 120 days of receipt, the Independent Redistricting Commission shall adopt one of
13 the plans the Commission submitted to the General Assembly, which shall have the force and
14 effect of acts of the General Assembly."

15 **SECTION 3.** Effective January 1, 2028, Article II of the North Carolina
16 Constitution is amended by adding a new section to read:

17 **"Sec. 25. Independent Redistricting Commission.**

18 (1) Establishment and membership. There is established the Independent Redistricting
19 Commission to consist of nine persons appointed as follows:

20 (a) Two by the Chief Justice of the Supreme Court, with no more than one
21 affiliated with the same political party.

22 (b) Three by the Governor, with no more than two affiliated with the same
23 political party.

24 (c) One by the Speaker of the House of Representatives and one by the leader in
25 the House of Representatives of the political party with the next highest or
26 equal number of members of the House of Representatives as the party of
27 the Speaker. If there are two or more parties other than the Speaker's party
28 with equal membership, the appointing authority shall be selected in a
29 manner prescribed by law.

30 (d) One by the President Pro Tempore of the Senate and one by the leader in the
31 Senate of the political party in the Senate with the next highest or equal
32 number of Senators as the party of the President Pro Tempore. If there are
33 two or more parties other than the President Pro Tempore's party with equal
34 membership, the appointing authority shall be selected in a manner
35 prescribed by law.

36 (e) No person who has served as a member of the Independent Redistricting
37 Commission shall be eligible to hold any elective public office for four years
38 after termination of service on the Independent Redistricting Commission.
39 The term "public office" means any partisan or nonpartisan office filled by
40 election by the people on a statewide, county, municipal, or district basis.

41 (2) Duties. The Independent Redistricting Commission shall have the following duties:

42 (a) Present to the General Assembly, for consideration in accordance with
43 Sections 3 and 5 of this Article, three plans for revising the Senate districts
44 and three plans for revising the House of Representatives districts.

45 (b) Present to the General Assembly for consideration three district plans for
46 election of members of the House of Representatives of the Congress of the
47 United States.

48 (c) If none of the bills embodying a plan submitted by the Independent
49 Redistricting Commission under this subsection is approved by the General
50 Assembly within 120 days of receipt, the Independent Redistricting
51 Commission shall by majority vote adopt one of the plans the Commission

1 submitted to the General Assembly, which shall have the force and effect of
2 acts of the General Assembly."

3 **SECTION 4.** The amendments set out in Sections 1 through 3 of this act shall be
4 submitted to the qualified voters of the State at the general election in November 2016, which
5 election shall be conducted under the laws then governing elections in the State. Ballots, voting
6 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
7 question to be used in the voting systems and ballots shall be:

8 " FOR AGAINST

9 A constitutional amendment providing for an Independent Redistricting Commission to
10 present three redistricting plans to the General Assembly for the purpose of electing members
11 of the General Assembly and members of the United States House of Representatives. If the
12 General Assembly fails to enact one of the plans within 120 days of receipt, the Independent
13 Redistricting Commission will adopt one of the redistricting plans the Commission submitted
14 to the General Assembly."

15 **SECTION 5.** If a majority of votes cast on the question are in favor of the
16 amendments set out in Sections 1 through 3 of this act, the State Board of Elections shall certify
17 the amendments to the Secretary of State. The amendments become effective as provided in
18 this act. The Secretary of State shall enroll the amendments so certified among the permanent
19 records of that office.

20 **SECTION 6.** Chapter 163 of the General Statutes is amended by adding a new
21 Article to read:

22 "Article 12B.

23 "Redistricting.

24 "§ 163-133. Independent Redistricting Commission.

25 (a) Membership. Membership of the Commission shall comply with the requirements
26 set forth in Section 25 of Article II of the North Carolina Constitution.

27 (1) If there are two or more parties other than the Speaker's party in the House
28 of Representatives with equal membership, the leaders in that chamber of the
29 tied parties other than the Speaker's party shall draw lots to determine which
30 shall make the appointment. If there are two or more parties other than the
31 President Pro Tempore's party in the Senate with equal membership, the
32 leaders in that chamber of the tied parties other than the President Pro
33 Tempore's party shall draw lots to determine which shall make the
34 appointment.

35 (2) The appointing officers shall appoint members of the Independent
36 Redistricting Commission as soon as practicable after this section becomes
37 effective. Subsequent to the initial appointments, the appointing officers
38 shall make their appointments, other than vacancy appointments, no earlier
39 than February 1 of the year prior to the year in which the appointed members
40 are to take office under subsection (b) of this section and no later than June 1
41 of the year in which the members are to take office under subsection (b) of
42 this section. The appointing officers, in making their appointments, shall
43 take into account the advisability of having the Commission reflect the
44 State's geographic, gender, racial, and ethnic diversity.

45 (b) Term of Office; Vacancies; Chair. The initial members of the Independent
46 Redistricting Commission shall take office in the year 2028 as soon as practicable after their
47 appointment. The initial members shall serve until their successors are appointed and qualified.
48 Beginning in the year 2040, the members of the Independent Redistricting Commission shall
49 take office on the first day of July of each year ending in the number zero and shall continue in
50 office until their successors are appointed and qualified. Any vacancy occurring in the
51 membership of the Commission shall be filled for the remainder of the unexpired term by the

1 holder of the office which appointed the vacating member. The Independent Redistricting
2 Commission shall elect from its members a Chair, who will serve throughout the term of the
3 Commission unless replaced by vote of the Commission.

4 (c) Eligibility. To be eligible for appointment to the Independent Redistricting
5 Commission, a person must be a resident of North Carolina. No person may serve on the
6 Commission who has held elective public office or been a candidate for elective public office
7 in the four years prior to commencement of service on the Independent Redistricting
8 Commission.

9 (d) Staffing. The Commission shall be administratively housed in the Legislative
10 Services Office of the General Assembly. In order to implement Section 25 of Article II of the
11 North Carolina Constitution, the Independent Redistricting Commission shall retain
12 independent staff under contract to prepare redistricting plans covered by that Section. In
13 drafting plans for consideration by the General Assembly, that staff shall not be provided any
14 instructions as to the content of the plans other than to follow the guidelines set out in that
15 Section."

16 **"§ 163-134. Redistricting Plans.**

17 (a) Legislative Plans. The Independent Redistricting Commission shall present to the
18 General Assembly, for consideration in accordance with Sections 3 and 5 of Article II of the
19 North Carolina Constitution, three plans for revising the Senate districts and three plans for
20 revising the House of Representatives districts. Each of the bills shall be voted on under a
21 procedure or rule permitting no amendments except those of a purely corrective nature. If any
22 of the bills is approved on third reading by the first house in which it is considered, it shall
23 expeditiously be brought to a vote in the second house under a similar procedure or rule. The
24 General Assembly shall, within 120 days of receiving the plans, adopt one Senate plan and one
25 House plan presented by the Commission. If none of the bills embodying a plan submitted by
26 the Independent Redistricting Commission under this subsection is approved by the General
27 Assembly within 120 days of receipt, the Independent Redistricting Commission shall by
28 majority vote adopt, in accordance with Sections 3 and 5 of Article II of the North Carolina
29 Constitution, one of the plans the Commission submitted to the General Assembly for revising
30 the Senate districts and House of Representatives districts, which shall have the force and effect
31 of acts of the General Assembly.

32 (b) Congressional Plans. The Independent Redistricting Commission shall present to the
33 General Assembly for consideration three district plans for election of members of the House of
34 Representatives of the Congress of the United States. Each of the bills shall be voted on under a
35 procedure or rule permitting no amendments except those of a purely corrective nature. If any
36 of the bills is approved on third reading by the first house in which it is considered, it shall
37 expeditiously be brought to a vote in the second house under a similar procedure or rule. The
38 General Assembly shall, within 120 days of receiving the plans, adopt one of the plans
39 presented by the Commission. If none of the bills embodying a plan submitted by the
40 Independent Redistricting Commission under this subsection is approved by the General
41 Assembly within 120 days of receipt, the Independent Redistricting Commission shall by
42 majority vote adopt a district plan for election of members of the House of Representatives of
43 the Congress of the United States, which shall have the force and effect of acts of the General
44 Assembly.

45 (c) Preparation and Adoption of Plans. District plans shall be adopted no later than
46 October 1 of the year following each decennial census of population taken by order of
47 Congress. In preparing or adopting its plans, the Independent Redistricting Commission shall
48 not consider the following information:

- 49 (1) The political affiliation of voters;
- 50 (2) Voting data from previous elections;
- 51 (3) The location of incumbents' residences; or

1 (4) Demographic data from sources other than the United States Bureau of the
2 Census. In the use of Census data, racial and ethnic data shall be used only
3 for the purposes of compliance with the United States Constitution and laws
4 enacted pursuant thereto.

5 The Independent Redistricting Commission shall ensure there is a minimum period of 45
6 days of public comment on a plan before it is submitted to the General Assembly for
7 consideration.

8 (d) In Case Plan Held Invalid. A new district plan shall be adopted as required by
9 subsections (a), (b), and (c) of this section in the event that an adopted plan is held invalid.

10 (e) Federal and State Law. In adopting any plan under this section, the General
11 Assembly and the Independent Redistricting Commission shall take into consideration all
12 relevant requirements of the United States Constitution and Acts of Congress and shall comply
13 with the North Carolina Constitution.

14 (f) Local Redistricting. The General Assembly may by law assign to the Independent
15 Redistricting Commission the duty to prepare districting and redistricting plans for any county,
16 city, town, special district, and other governmental subdivision if the governing board of the
17 unit or a court of competent jurisdiction so requests."

18 **SECTION 7.** Section 6 of this act becomes effective January 1, 2028, and is
19 effective only if the constitutional amendments proposed by Sections 1 through 3 of this act are
20 approved by the qualified voters as provided in Sections 4 and 5 of this act.

21 **SECTION 8.** The remainder of this act is effective when it becomes law.