

# TABLED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 3

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H3-AST-201 [v.1]

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Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2016

Senator J. Jackson

1 moves to amend the bill on page 1, line 8, by deleting "AND";

2  
3 and on page 1, line 9, by deleting "WILDLIFE." and substituting

4 "WILDLIFE; AND TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT  
5 REDISTRICTING COMMISSION TO PREPARE REDISTRICTING PLANS AFTER THE  
6 2030 CENSUS AND THEREAFTER.";

7  
8 and on page 3, lines 38-39, by rewriting those lines to read:

9  
10 **"PART IV. INDEPENDENT REDISTRICTING COMMISSION**

11 **SECTION 4.1.(a)** Effective January 1, 2030, Section 3 of Article II of the North  
12 Carolina Constitution reads as rewritten:

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

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

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

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

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

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

27 The Independent Redistricting Commission shall present three plans to the General Assembly,  
28 which may enact one of the plans. If the General Assembly fails to enact one of the plans within  
29 120 days of receipt, the Independent Redistricting Commission shall adopt one of the plans the  
30 Commission submitted to the General Assembly, which shall have the force and effect of acts of  
31 the General Assembly."



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1           **SECTION 4.1.(b)** Effective January 1, 2030, Section 5 of Article II of the North  
2 Carolina Constitution reads as rewritten:

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

4       The Representatives shall be elected from districts. ~~The General Assembly, at the first regular~~  
5 ~~session convening~~ The Independent Redistricting Commission, as soon as practical after the return  
6 of every decennial census of population taken by order of Congress, shall revise the representative  
7 districts and the apportionment of Representatives among those districts, subject to the following  
8 requirements:

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

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

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

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

18       The Independent Redistricting Commission shall present three plans to the General Assembly,  
19 which may enact one of the plans. If the General Assembly fails to enact one of the plans within  
20 120 days of receipt, the Independent Redistricting Commission shall adopt one of the plans the  
21 Commission submitted to the General Assembly, which shall have the force and effect of acts of  
22 the General Assembly."

23           **SECTION 4.1.(c)** Effective January 1, 2028, Article II of the North Carolina  
24 Constitution is amended by adding a new section to read:

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

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

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

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

32       (c) One by the Speaker of the House of Representatives and one by the leader in  
33 the House of Representatives of the political party with the next highest or  
34 equal number of members of the House of Representatives as the party of the  
35 Speaker. If there are two or more parties other than the Speaker's party with  
36 equal membership, the appointing authority shall be selected in a manner  
37 prescribed by law.

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

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

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

7 (a) Present to the General Assembly, for consideration in accordance with Sections  
8 3 and 5 of this Article, three plans for revising the Senate districts and three  
9 plans for revising the House of Representatives districts.

10 (b) Present to the General Assembly for consideration three district plans for  
11 election of members of the House of Representatives of the Congress of the  
12 United States.

13 (c) If none of the bills embodying a plan submitted by the Independent  
14 Redistricting Commission under this subsection is approved by the General  
15 Assembly within 120 days of receipt, the Independent Redistricting  
16 Commission shall by majority vote adopt one of the plans the Commission  
17 submitted to the General Assembly, which shall have the force and effect of  
18 acts of the General Assembly."

19 **SECTION 4.2.** The amendments set out in Section 4.1 of this act shall be submitted to  
20 the qualified voters of the State at a statewide general election to be held November 8, 2016,  
21 which election shall be conducted under the laws then governing elections in the State. The  
22 question to be used in the voting systems and ballots shall be:

23 "[ ] FOR [ ] AGAINST

24 A constitutional amendment providing for an Independent Redistricting Commission to  
25 present three redistricting plans to the General Assembly for the purpose of electing members of  
26 the General Assembly and members of the United States House of Representatives. If the General  
27 Assembly fails to enact one of the plans within 120 days of receipt, the Independent Redistricting  
28 Commission will adopt one of the redistricting plans the Commission submitted to the General  
29 Assembly."

30 **SECTION 4.3.** If a majority of votes cast on the question are in favor of the  
31 amendments set out in Section 4.1 of this act, the State Board of Elections shall certify the  
32 amendments to the Secretary of State. The amendments become effective as provided in this act.  
33 The Secretary of State shall enroll the amendments so certified among the permanent records of  
34 that office.

35 **SECTION 4.4.(a)** Chapter 163 of the General Statutes is amended by adding a new  
36 Article to read:

37 "Article 12B.

38 "Redistricting.

39 "**§ 163-133. Independent Redistricting Commission.**

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

42 (1) If there are two or more parties other than the Speaker's party in the House of  
43 Representatives with equal membership, the leaders in that chamber of the tied

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1 parties other than the Speaker's party shall draw lots to determine which shall  
2 make the appointment. If there are two or more parties other than the President  
3 Pro Tempore's party in the Senate with equal membership, the leaders in that  
4 chamber of the tied parties other than the President Pro Tempore's party shall  
5 draw lots to determine which shall make the appointment.

6 (2) The appointing officers shall appoint members of the Independent Redistricting  
7 Commission as soon as practicable after this section becomes effective.  
8 Subsequent to the initial appointments, the appointing officers shall make their  
9 appointments, other than vacancy appointments, no earlier than February 1 of  
10 the year prior to the year in which the appointed members are to take office  
11 under subsection (b) of this section and no later than June 1 of the year in which  
12 the members are to take office under subsection (b) of this section. The  
13 appointing officers, in making their appointments, shall take into account the  
14 advisability of having the Commission reflect the State's geographic, gender,  
15 racial, and ethnic diversity.

16 (b) Term of Office; Vacancies; Chair. The initial members of the Independent  
17 Redistricting Commission shall take office in the year 2028 as soon as practicable after their  
18 appointment. The initial members shall serve until their successors are appointed and qualified.  
19 Beginning in the year 2040, the members of the Independent Redistricting Commission shall take  
20 office on the first day of July of each year ending in the number zero and shall continue in office  
21 until their successors are appointed and qualified. Any vacancy occurring in the membership of  
22 the Commission shall be filled for the remainder of the unexpired term by the holder of the office  
23 which appointed the vacating member. The Independent Redistricting Commission shall elect  
24 from its members a Chair, who will serve throughout the term of the Commission unless replaced  
25 by vote of the Commission.

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

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

36 **"§ 163-134. Redistricting Plans.**

37 (a) Legislative Plans. The Independent Redistricting Commission shall present to the  
38 General Assembly, for consideration in accordance with Sections 3 and 5 of Article II of the North  
39 Carolina Constitution, three plans for revising the Senate districts and three plans for revising the  
40 House of Representatives districts. Each of the bills shall be voted on under a procedure or rule  
41 permitting no amendments except those of a purely corrective nature. If any of the bills is  
42 approved on third reading by the first house in which it is considered, it shall expeditiously be  
43 brought to a vote in the second house under a similar procedure or rule. The General Assembly

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1 shall, within 120 days of receiving the plans, adopt one Senate plan and one House plan presented  
2 by the Commission. If none of the bills embodying a plan submitted by the Independent  
3 Redistricting Commission under this subsection is approved by the General Assembly within 120  
4 days of receipt, the Independent Redistricting Commission shall by majority vote adopt, in  
5 accordance with Sections 3 and 5 of Article II of the North Carolina Constitution, one of the plans  
6 the Commission submitted to the General Assembly for revising the Senate districts and House of  
7 Representatives districts, which shall have the force and effect of acts of the General Assembly.

8 (b) Congressional Plans. The Independent Redistricting Commission shall present to the  
9 General Assembly for consideration three district plans for election of members of the House of  
10 Representatives of the Congress of the United States. Each of the bills shall be voted on under a  
11 procedure or rule permitting no amendments except those of a purely corrective nature. If any of  
12 the bills is approved on third reading by the first house in which it is considered, it shall  
13 expeditiously be brought to a vote in the second house under a similar procedure or rule. The  
14 General Assembly shall, within 120 days of receiving the plans, adopt one of the plans presented  
15 by the Commission. If none of the bills embodying a plan submitted by the Independent  
16 Redistricting Commission under this subsection is approved by the General Assembly within 120  
17 days of receipt, the Independent Redistricting Commission shall by majority vote adopt a district  
18 plan for election of members of the House of Representatives of the Congress of the United States,  
19 which shall have the force and effect of acts of the General Assembly.

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

- 24 (1) The political affiliation of voters;  
25 (2) Voting data from previous elections;  
26 (3) The location of incumbents' residences; or  
27 (4) Demographic data from sources other than the United States Bureau of the  
28 Census. In the use of Census data, racial and ethnic data shall be used only for  
29 the purposes of compliance with the United States Constitution and laws  
30 enacted pursuant thereto.

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

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

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

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

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1           **SECTION 4.4.(b)** This section becomes effective January 1, 2028, and is effective  
2 only if the constitutional amendments proposed by Section 4.1 of this act are approved by the  
3 qualified voters as provided in Sections 4.2 and 4.3 of this act.

4  
5 **PART V. EFFECTIVE DATE**

6           **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
7 law."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_