

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Apr 18, 2019
S.B. 673
PRINCIPAL CLERK

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SENATE BILL DRS15331-MTy-103A

Short Title: N.C. Citizens Redistricting Commission.

(Public)

Sponsors: Senators Smith, Foushee, and Van Duyn (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ESTABLISH THE
3 NORTH CAROLINA CITIZENS REDISTRICTING COMMISSION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Effective beginning with the redistricting done upon the return of the
6 2020 decennial census, Section 3 of Article II of the North Carolina Constitution reads as
7 rewritten:

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

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

15 (1) ~~Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the~~
16 ~~number of inhabitants that each Senator represents being determined for this purpose by dividing~~
17 ~~the population of the district that he represents by the number of Senators apportioned to that~~
18 ~~district;~~ One person, one vote, to ensure each voter's vote.

19 (2) Compliance with the Constitution of the United States, including the equal protection
20 clause of the Fourteenth Amendment.

21 ~~(2)(3) Each senate district shall at all times consist of contiguous territory;~~ Compliance with
22 federal law.

23 (4) Minimizing the number of split counties.

24 (5) All districts shall be contiguous.

25 (6) Minimizing the number of split municipalities.

26 ~~(3)(7) No county shall be divided in the formation of a senate district;~~ Compactness, to avoid
27 elongated and irregularly shaped districts.

28 ~~(4)(8) Electoral impartiality. The Commission shall not consider electoral results, political~~
29 ~~considerations, or incumbency in the preparation of a plan for senate districts, except to the extent~~
30 ~~necessary to comply with federal law.~~

31 (9) Minimizing the number of split communities of interest. Precincts shall not be split
32 in the preparation of a plan for senate districts, except to the extent necessary to comply with
33 federal law.

34 A plan adopted by the North Carolina Citizens Redistricting Commission shall have the force
35 and effect of acts of the General Assembly. When established, the senate districts and the



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1 apportionment of Senators shall remain unaltered until the return of another decennial census of
2 population taken by order of Congress."

3 **SECTION 2.** Effective beginning with the redistricting done upon the return of the
4 2020 decennial census, Section 5 of Article II of the North Carolina Constitution reads as
5 rewritten:

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

7 The Representatives shall be elected from districts. ~~The General Assembly, at the first regular~~
8 ~~session convening~~ North Carolina Citizens Redistricting Commission, beginning as soon as
9 practical after the return of every decennial census of population taken by order of Congress,
10 shall revise the representative districts and the apportionment of Representatives among those
11 districts, ~~subject to the following requirements:~~ so that, to the extent possible, those districts meet
12 the following goals, in order of priority:

13 (1) ~~Each Representative shall represent, as nearly as may be, an equal number of~~
14 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~
15 ~~this purpose by dividing the population of the district that he represents by the number of~~
16 ~~Representatives apportioned to that district;~~ One person, one vote, to ensure each voter's vote.

17 (2) Compliance with the Constitution of the United States, including the equal protection
18 clause of the Fourteenth Amendment.

19 ~~(2)(3) Each representative district shall at all times consist of contiguous territory;~~
20 Compliance with federal law.

21 (4) Minimizing the number of split counties.

22 (5) All districts shall be contiguous.

23 (6) Minimizing the number of split municipalities.

24 ~~(3)(7) No county shall be divided in the formation of a representative district;~~ Compactness,
25 to avoid elongated and irregularly shaped districts.

26 ~~(4)(8) Electoral impartiality. The Commission shall not consider electoral results, political~~
27 ~~considerations, or incumbency in the preparation of a plan for representative districts, except to~~
28 ~~the extent necessary to comply with federal law.~~

29 (9) Minimizing the number of split communities of interest. Precincts shall not be split
30 in the preparation of a plan for senate districts, except to the extent necessary to comply with
31 federal law.

32 A plan adopted by the North Carolina Citizens Redistricting Commission shall have the force
33 and effect of acts of the General Assembly. When established, the representative districts and the
34 apportionment of Representatives shall remain unaltered until the return of another decennial
35 census of population taken by order of Congress."

36 **SECTION 3.** Effective January 1, 2020, Article II of the North Carolina Constitution
37 is amended by adding a new section to read:

38 "**Sec. 25. North Carolina Citizens Redistricting Commission.**

39 (1) Establishment. There is established the North Carolina Citizens Redistricting
40 Commission to adopt plans for the House of Representatives of the Congress of the United States
41 and for the Senate and House of Representatives of the General Assembly.

42 (2) Eligibility. A resident of North Carolina is eligible to apply for membership on the
43 North Carolina Citizens Redistricting Commission if that person meets all of the following
44 requirements:

45 (a) Has been a registered voter in North Carolina with the same affiliation, or lack
46 thereof, for at least three years prior to commencement of service on the North
47 Carolina Citizens Redistricting Commission.

48 (b) Has not contributed more than two thousand dollars (\$2,000) to any candidate
49 for public office. As used in this section, the term "public office" means any
50 partisan or nonpartisan office filled by election by the people on a statewide,
51 county, municipal, or district basis.

- 1 (c) No person who has served as a member of the North Carolina Citizens
2 Redistricting Commission shall be eligible to hold any elective public office
3 for three years after termination of service on the North Carolina Citizens
4 Redistricting Commission.
- 5 (d) Is not any of the following:
- 6 1. A relative of a current member of the General Assembly. For purposes
7 of this section, a relative is a father, mother, son, daughter, brother,
8 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,
9 grandfather, grandmother, father-in-law, mother-in-law, son-in-law,
10 daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother,
11 stepson, stepdaughter, stepbrother, stepsister, half-brother, or
12 half-sister.
- 13 2. A political appointee of the General Assembly.
- 14 3. A staff member or legal counsel to the General Assembly.
- 15 4. An official of a political party or a consultant or legal counsel to a
16 political party in the United States.
- 17 (e) Has never done any of the following:
- 18 1. Served in elected office or held a political appointment.
- 19 2. Served as an elected or appointed officer of a political party, body, or
20 committee at any level of government in the United States.
- 21 3. Served as an officer, employee, or paid consultant of a political party
22 or body or of the campaign or campaign committee of a candidate for
23 federal, State, or local elective office in the United States.
- 24 4. Been employed by Congress.
- 25 (f) Is not a legislative staffer, lobbyist, or legislative liaison.
- 26 (3) Membership application. Any citizen of North Carolina may apply to the State
27 Auditor to be a member of the North Carolina Citizens Redistricting Commission. The Auditor
28 shall evaluate applications to ensure they meet the requirements of this section and any other
29 requirements of State law. The Auditor shall submit all eligible applications to the Administrative
30 Office of the Courts. The Administrative Office of the Courts shall review the eligible
31 applications and submit a diverse group to the General Assembly, as follows:
- 32 (a) Applications submitted shall reflect the State's diverse races, ethnicities,
33 nationalities, sexual orientations, socioeconomic statuses, and geography.
- 34 (b) The Administrative Office of the Courts shall submit 20 applications from
35 persons registered in each of the following ways, as reflected by the latest
36 registration statistics published by the State Board of Elections:
- 37 1. As affiliated with the political party with the highest number of
38 registered affiliates.
- 39 2. As affiliated with the political party with the second-highest number
40 of registered affiliates.
- 41 3. As not affiliated with either of the two political parties having the
42 highest and second-highest number of registered affiliates.
- 43 (c) If there are fewer than 20 applications from persons registered in accordance
44 with subdivision (b) of this subsection, the Administrative Office of the Courts
45 may submit additional eligible applications to the General Assembly, as
46 necessary, to reach a total of 60 applications.
- 47 (4) Appointment. The North Carolina Citizens Redistricting Commission shall be
48 composed of 15 members, divided by party affiliation, or lack thereof, into groups of five. Each
49 group shall consist of members appointed exclusively from one of the three pools of applications
50 submitted to the General Assembly pursuant to subsection (3)(b) of this section, as follows:

1 member. Vacancies occurring pursuant to this section shall be filled pursuant to Section 25(5) of
2 the North Carolina Constitution.

3 (g) Stipend. – Members of the North Carolina Citizens Redistricting Commission shall
4 receive a stipend of one thousand two hundred dollars (\$1,200) for each month that the
5 Commission meets.

6 (h) Other Expenses. – Members of the Commission may receive travel and subsistence,
7 as follows:

8 (1) Members who are officials or employees of a State agency or unit of local
9 government, in accordance with G.S. 138-6.

10 (2) All other members at the rate established in G.S. 138-5.

11 **§ 120-4.52. Adoption of redistricting plans.**

12 (a) Redistricting Criteria. – The North Carolina Citizens Redistricting Commission shall
13 prepare and adopt plans for revising the districts of the Senate and House of Representatives of
14 the General Assembly (legislative districts) and the House of Representatives of the United States
15 Congress (congressional districts) in accordance with the following criteria:

16 (1) Legislative districts shall comply with Sections 3 and 5 of Article II of the
17 North Carolina Constitution.

18 (2) Congressional districts shall minimize the number of split counties,
19 municipalities, and other communities of interest. Precincts shall not be split
20 in the preparation of a plan for congressional districts, except to the extent
21 necessary to comply with federal law. All congressional districts shall be
22 contiguous.

23 (3) The ideal population for a district is the number of members in a plan divided
24 by the population of the State as reported by the decennial census. The
25 population for a legislative district shall be within five percent (5%) of the
26 ideal population for that district. Congressional districts shall each have a
27 population that is as nearly equal as practicable to the ideal population, but in
28 all cases within one-tenth of one percent (0.1%) of the ideal population for
29 that district.

30 (4) Legislative and congressional districts shall all comply with the following:

31 a. State and federal law.

32 b. Geographic integrity, as follows:

33 1. Districts shall be composed of convenient contiguous territory.
34 Areas which meet only at the points of adjoining corners are
35 not contiguous.

36 2. To the extent practicable, districts shall be compact. Districts
37 should not bypass nearby communities for more distant
38 communities.

39 c. Electoral impartiality. The Commission shall not consider electoral
40 results, political considerations, or incumbency in the preparation of
41 districts.

42 (b) Time line. – District plans shall be adopted no later than October 1 of the year
43 following each decennial census of population taken by order of Congress. Prior to the adoption
44 of a plan, the Commission shall adhere to the following maximum time line:

45 (1) Within thirty days of receipt of data from the United States Bureau of the
46 Census, the Commission shall hold the initial 10 public hearings pursuant to
47 subsection (c) of this section.

48 (2) Within fifty days of receipt of data from the United States Bureau of the
49 Census, the Commission shall release to the public preliminary plans for
50 revising the congressional and legislative districts.

- 1 (3) Within seventy days of receipt of data from the United States Bureau of the
2 Census, the Commission shall hold an additional 10 public hearings pursuant
3 to subsection (c) of this section.
- 4 (4) Within ninety days of receipt of data from the United States Bureau of the
5 Census, the Commission shall release to the public all of the following:
6 a. Proposed plans for revising the congressional and legislative districts.
7 b. A summary of public input provided pursuant to subsection (d) of this
8 section.
9 c. Alternative plans for revising the congressional and legislative
10 districts.
- 11 (5) Within one hundred ten days of receipt of data from the United States Bureau
12 of the Census, the Commission shall vote on approval of its proposed or
13 alternative plans for revising the congressional and legislative districts.
- 14 (6) Within one hundred thirty days of receipt of data from the United States
15 Bureau of the Census, if the Commission fails to approve any plan pursuant
16 to subdivision (5) of this subsection, the Commission shall select from the list
17 of names provided by the State Auditor pursuant to Section 25 of Article II of
18 the North Carolina Constitution a special master to complete the plans. The
19 Commission shall provide the special master with its proposed and alternative
20 maps and all supporting data.
- 21 (7) Within one hundred fifty days of receipt of data from the United States Bureau
22 of the Census, if the Commission fails to approve any plan pursuant to
23 subdivision (5) of this subsection, the special master selected pursuant to
24 subdivision (6) of this subsection shall prepare and release the final plan and
25 the rationale for any changes from the proposed and alternative plans debated
26 by the Commission. The special master shall present the final plan to the
27 Commission.
- 28 (8) Within one hundred sixty days of receipt of data from the United States
29 Bureau of the Census, the Commission shall adopt any final plan presented by
30 the special master. A final plan adopted by the Commission shall have the
31 force and effect of acts of the General Assembly.
- 32 (9) Notwithstanding subdivisions (1) through (8) of this subsection, the
33 Commission may extend the maximum number of days between any event
34 required in this subsection by as many as seven days, up to a total of forty
35 days over the course of a year, for good cause.
- 36 (c) Public Hearings. – The Commission shall engage in a minimum of 20 public hearings
37 across the State. Of those public hearings, at least 10 hearings shall occur before a preliminary
38 plan is released to the public and at least 10 hearings shall occur after a preliminary plan is
39 released to the public.
- 40 (d) Public Input. – To the extent possible, the Commission shall facilitate the ability of
41 members of the public to provide substantive comments on any proposed plan. To achieve that
42 goal, the Commission shall provide members of the public with all of the following resources:
- 43 (1) Sufficient time to review any plan released to the public.
44 (2) The opportunity to communicate comments, questions, and recommendations
45 on any plan released to the public, at a minimum, in person, online, and
46 through the mail.
- 47 (3) Access to the same demographic data that is used by the Commission in a
48 machine readable form.
- 49 (4) Access to mapping software and census data in as many public facilities and
50 locations in the State as possible within 20 business days of receipt of data
51 from the United States Bureau of the Census. For purposes of this subdivision,

1 the term "public facilities" may include public libraries, constituent
2 institutions of the University of North Carolina, community colleges,
3 courthouses, offices of county boards of elections, the website of the North
4 Carolina General Assembly, and electronic devices provided to members of
5 the North Carolina General Assembly.

6 (5) A public, written response to every substantive comment or recommendation
7 regarding a specific component of a plan released to the public. The response
8 shall address the viability of any recommendation and indicate whether it was
9 or will be incorporated in any other plan.

10 (6) At the conclusion of the redistricting process, the Commission shall publish a
11 summary of the public input received by the Commission.

12 (7) A website with all of the following information:

13 a. Background information on the redistricting process available in at
14 least English and Spanish. The Commission shall provide information
15 in other languages if at least one million people petition the
16 Commission to have a particular language included.

17 b. Live streams and recordings of all public meetings in audio, video, or
18 both formats and minutes from those meetings.

19 c. Meeting announcements.

20 d. A searchable database of feedback and plans discussed by the
21 Commission.

22 e. Plans discussed by the Commission and the data used to create those
23 plans.

24 (e) In Case Plan Held Invalid. – In the event that an adopted plan is held invalid, a new
25 district plan shall be adopted using the process described in this Article, modified as necessary
26 to reflect the timing and nature of the holding. Notwithstanding the foregoing, the maximum
27 intervals between the events required in subsection (b) of this section shall be maintained.

28 (f) Federal and State Law. – In adopting any plan under this section, the Commission
29 shall take into consideration all relevant requirements of the United States Constitution and Acts
30 of Congress and shall comply with the North Carolina Constitution.

31 (g) Local Redistricting. – The General Assembly may by law assign to the Commission
32 the duty to prepare districting and redistricting plans for any county, city, town, special district,
33 and other governmental subdivision if the governing board of the unit or a court of appropriate
34 jurisdiction so requests."

35 **SECTION 7.** G.S. 120-133 is repealed.

36 **SECTION 8.** Sections 6 and 7 of this act become effective January 1, 2020, if the
37 constitutional amendments proposed by Sections 1 through 3 of this act are approved by the
38 qualified voters as provided in Sections 4 and 5 of this act. Except as otherwise provided, this act
39 is effective when it becomes law.