

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 437
Mar 29, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10198-MTy-17B

Short Title: Fair Maps Act.

(Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR AN
3 INDEPENDENT REDISTRICTING PROCESS, TO ESTABLISH THE NORTH
4 CAROLINA CITIZENS REDISTRICTING COMMISSION, AND TO MAKE
5 CONFORMING CHANGES TO THE GENERAL STATUTES.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. INDEPENDENT REDISTRICTING PROCESS**

9 **SECTION 1.(a)** Section 3 of Article II of the North Carolina Constitution reads as
10 rewritten:

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

12 The Senators shall be elected from districts. The General Assembly, at the first regular session
13 convening after the return of every decennial census of population taken by order of Congress,
14 shall revise the senate districts and the apportionment of Senators among those districts, subject
15 to the following requirements: Assembly shall establish an independent process to revise the
16 senate districts and the apportionment of Senators among those districts pursuant to Section 25
17 of this Article.

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

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

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

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

26 **SECTION 1.(b)** Section 5 of Article II of the North Carolina Constitution reads as
27 rewritten:

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

29 The Representatives shall be elected from districts. The General Assembly, at the first regular
30 session convening after the return of every decennial census of population taken by order of
31 Congress, shall revise the representative districts and the apportionment of Representatives
32 among those districts, subject to the following requirements: Assembly shall establish an
33 independent process to revise the representative districts and the apportionment of
34 Representatives among those districts pursuant to Section 25 of this Article.

35 (1) Each Representative shall represent, as nearly as may be, an equal number of
36 inhabitants, the number of inhabitants that each Representative represents being determined for



1 this purpose by dividing the population of the district that he represents by the number of
2 Representatives apportioned to that district;

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

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

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

8 SECTION 1.(c) Article II of the North Carolina Constitution is amended by adding
9 a new section to read:

10 "**Sec. 25. Redistricting.**

11 The General Assembly shall establish by law an independent process to revise electoral
12 districts for Congress and the General Assembly after the return of every decennial census of
13 population taken by order of Congress. The process shall meet at least all of the following
14 requirements:

15 (1) The General Assembly shall have no role in revising electoral districts for Congress
16 or the General Assembly.

17 (2) Each member of the Senate and House of Representatives of the General Assembly
18 and the House of Representatives of the United States Congress shall represent, as nearly as may
19 be, an equal number of inhabitants.

20 (3) Each electoral district shall at all times consist of contiguous territory.

21 (4) To the extent practicable and consistent with federal law, no county shall be divided
22 in the formation of an electoral district for the Senate or House of Representatives of the General
23 Assembly.

24 (5) When established, the electoral districts for the Senate and House of Representatives
25 of the General Assembly shall remain unaltered until the return of another decennial census of
26 population taken by order of Congress.

27 (6) Electoral districts adopted pursuant to the process shall have the force and effect of
28 acts of the General Assembly."

29 SECTION 1.(d) The amendments set out in subsections (a), (b), and (c) of this
30 section shall be submitted to the qualified voters of the State at the general election in November
31 2022, which election shall be conducted under the laws then governing elections in the State.
32 Ballots, voting systems, or both may be used in accordance with Subchapter III of Chapter 163A
33 of the General Statutes. The question to be used in the voting systems and ballots shall be:

34 "[] FOR [] AGAINST

35 A constitutional amendment providing for an independent redistricting process for
36 electoral districts for Congress and the General Assembly. The General Assembly would
37 establish the process, but have no role in the revising of districts."

38 SECTION 1.(e) If a majority of votes cast on the question are in favor of the
39 amendments set out in subsections (a), (b), and (c) of this section, the State Board of Elections
40 shall certify the amendments to the Secretary of State. The Secretary of State shall enroll the
41 amendments so certified among the permanent records of that office. The amendments set out in
42 subsections (a), (b), and (c) of this section are effective upon certification.

43 SECTION 1.(f) Chapter 120 of the General Statutes is amended by adding a new
44 Article to read:

45 "Article 1B.

46 "Redistricting.

47 "**§ 120-4.50. Definitions.**

48 As used in this Article, unless the context requires otherwise, the following definitions shall
49 apply:

50 (1) Census Bureau. – The United States Bureau of the Census.

- 1 (2) Commission. – The North Carolina Citizens Redistricting Commission
2 established pursuant to G.S. 120-4.55.
- 3 (3) Communities of interest. – Contiguous and cohesive populations of persons
4 that share common social, economic, or policy interests. Communities of
5 interest include, but are not limited to, populations that share any of the
6 following characteristics:
- 7 a. A racial, cultural, or ethnic identity.
8 b. A common history of marginalization or discrimination.
9 c. Natural resources.
10 d. Excessive damage from past or present natural disasters or pollution.
11 e. An organized decision-making body.
- 12 (4) Congressional districts or plans. – Districts or plans for the House of
13 Representatives of the United States Congress.
- 14 (5) Final plan. – A plan adopted by the Commission to be used for the purpose of
15 nominating and electing identified representatives. In accordance with Section
16 25 of Article II of the North Carolina Constitution, final plans shall have the
17 force and effect of acts of the General Assembly.
- 18 (6) Federal census. – The decennial census required by federal law to be
19 conducted by the Census Bureau in every year ending in zero.
- 20 (7) Ideal population. – The number determined by dividing the number of
21 members in a plan into the population of the State as reported in the federal
22 census.
- 23 (8) Identified representative. – A member of the Senate or House of
24 Representatives of the General Assembly or a member of the House of
25 Representatives of the United States Congress.
- 26 (9) Legislative districts or plans. – Districts or plans for the Senate and House of
27 Representatives of the General Assembly.
- 28 (10) Plan. – A plan for legislative or congressional reapportionment drawn in
29 accordance with Section 25 of Article II of the North Carolina Constitution
30 and this Article.
- 31 (11) Preliminary plan. – An initial plan released by the Commission for public
32 input at the beginning of the redistricting cycle.
- 33 (12) Proposed and alternative plans. – Plans released by the Commission following
34 public input.
- 35 (13) Public office. – Elective State, local, or federal office.
- 36 (14) Relative. – An individual who is related to the person in question as father,
37 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,
38 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,
39 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
40 stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or
41 half-sister.

42 **"§ 120-4.55. North Carolina Citizens Redistricting Commission.**

- 43 (a) Establishment. – There is established the North Carolina Citizens Redistricting
44 Commission in accordance with Section 25 of Article II of the North Carolina Constitution to
45 prepare preliminary, proposed, and alternative plans and to adopt final plans for the purpose of
46 nominating and electing members of the Senate and House of Representatives of the General
47 Assembly and the House of Representatives of the United States Congress.
- 48 (b) Eligibility. – A resident of North Carolina is eligible to apply for membership on the
49 Commission if that person meets all of the following requirements:

- 1 (1) Has been a registered voter in North Carolina with the same affiliation, or lack
2 thereof, for at least three years prior to commencement of service on the
3 Commission.
- 4 (2) Has not contributed more than two thousand dollars (\$2,000) to any candidate
5 for public office.
- 6 (3) No person who has served as a member of the Commission shall be eligible
7 to hold any public office for three years after termination of service on the
8 Commission.
- 9 (4) Is not any of the following:
- 10 a. A relative of a current member of the General Assembly.
- 11 b. A political appointee of the General Assembly.
- 12 c. A staff member or legal counsel to the General Assembly.
- 13 d. An official of a political party or a consultant or legal counsel to a
14 political party in the United States.
- 15 (5) Has never done any of the following:
- 16 a. Served in public office for any period of time during the 10 years
17 preceding the date of his or her application.
- 18 b. Held a political appointment.
- 19 c. 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 d. 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 public office in the United States.
- 24 e. Been employed by Congress.
- 25 f. Been convicted of any of the following crimes against a governmental
26 body of the United States or a crime with a direct connection to the
27 crimes:
- 28 1. Espionage.
- 29 2. Terrorism.
- 30 3. Treason.
- 31 4. Sabotage.
- 32 5. Sedition.
- 33 g. Been a member of an organization that advocates any of the crimes
34 listed in sub-subdivision f. of this subdivision or any of the following:
- 35 1. Overthrowing or attacking any governmental body of the
36 United States.
- 37 2. Preventing any official of any governmental body of the
38 United States from performing his or her official duties.
- 39 3. Preventing persons from exercising their rights under the laws
40 of any governmental body of the United States.
- 41 (6) Is not a legislative staffer, lobbyist, or legislative liaison.
- 42 (c) Membership Application; Evaluations. – Any citizen of North Carolina may apply to
43 the State Auditor to be a member of the Commission. As part of a person's application, that
44 person shall (i) disclose all relevant relationships and positions and (ii) submit to the State
45 Auditor an attestation that the person is eligible to serve as a member of the Commission pursuant
46 to subsection (b) of this section. The State Auditor shall evaluate applications to ensure they meet
47 the requirements of this section and any other requirements of State law. The State Auditor shall
48 submit all eligible applications to the North Carolina Human Relations Commission. The North
49 Carolina Human Relations Commission shall review the eligible applications and submit a
50 diverse group of up to 60 applications to the General Assembly, as follows:

- 1 (1) Applications submitted to the General Assembly shall reflect the State's
2 diverse races, ethnicities, nationalities, sexual orientations, socioeconomic
3 statuses, and geography.
- 4 (2) The North Carolina Human Relations Commission shall submit no more than
5 20 applications from persons registered in each of the following ways, as
6 reflected by the latest registration statistics published by the State Board of
7 Elections:
- 8 a. As affiliated with the political party with the highest number of
9 registered affiliates.
- 10 b. As affiliated with the political party with the second-highest number
11 of registered affiliates.
- 12 c. As not affiliated with either of the two political parties having the
13 highest and second-highest number of registered affiliates.
- 14 (3) If there are fewer than 20 applications from persons registered in accordance
15 with any sub-subdivision of subdivision (c)(2) of this section, the North
16 Carolina Human Relations Commission may submit additional eligible
17 applications to the General Assembly, as necessary, to reach a total of 60
18 applications.
- 19 (d) Appointment. – The Commission shall be composed of 15 members appointed from
20 the pool of candidates submitted to the General Assembly pursuant to subsection (c) of this
21 section, as follows:
- 22 (1) Two by the President Pro Tempore of the Senate from the pool of applications
23 that share his or her political party affiliation or lack thereof.
- 24 (2) Two by the minority leader in the Senate from the pool of applications that
25 share his or her political party affiliation or lack thereof.
- 26 (3) Two by the Speaker of the House of Representatives from the pool of
27 applications that share his or her political party affiliation or lack thereof.
- 28 (4) Two by the minority leader in the House of Representatives from the pool of
29 applications that share his or her political party affiliation or lack thereof.
- 30 (5) Seven randomly selected by the North Carolina Human Relations
31 Commission, as follows:
- 32 a. One from the pool of applications submitted pursuant to
33 sub-subdivision (c)(2)a. of this section.
- 34 b. One from the pool of applications submitted pursuant to
35 sub-subdivision (c)(2)b. of this section.
- 36 c. Five from the pool of applications submitted pursuant to
37 sub-subdivision (c)(2)c. of this section.
- 38 (6) All appointing authorities shall consider the importance of diversity, as
39 defined in subdivision (c)(1) of this section, when making their appointments.
- 40 (e) Term of Office. – The term of office for members of the Commission shall begin on
41 July 1 of each year ending in zero. The members shall continue in office for 10 years until their
42 successors are appointed and qualified.
- 43 (f) Chair. – The position of chair of the Commission shall rotate every three months,
44 following a schedule randomly generated at the beginning of the redistricting cycle. No two
45 members who share the same party affiliation, or lack thereof, shall serve as chair in the same
46 six-month period. No member shall serve as chair more than once in a 12-month period.
- 47 (g) Removal from Office. – A member of the Commission may be removed from office,
48 as follows:
- 49 (1) By the authority that appointed the member for any of the following:
- 50 a. Failure to comply with G.S. 120-4.65.
- 51 b. Ineligibility pursuant to subsection (b) of this section.

1 (2) By a vote of at least 11 members of the Commission, in open session at any
2 duly head meeting, for any cause that renders the member incapable or unfit
3 to discharge the duties of the office, including neglect of duty or gross
4 misconduct. All Commission member votes on removal of a member pursuant
5 to this subdivision shall be recorded in the record.

6 (h) Vacancies. – Any vacancy occurring in the membership of the Commission shall be
7 filled in the manner prescribed in this section by the authority that made the initial appointment.
8 Vacancies shall be filled for the remainder of the unexpired term.

9 (i) Stipend. – Members of the Commission shall receive a stipend of one thousand two
10 hundred dollars (\$1,200) for each month that the Commission meets.

11 (j) Other Expenses. – Members of the Commission may receive travel and subsistence,
12 as follows:

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

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

16 **"§ 120-4.60. Staff.**

17 (a) The Commission shall be administratively housed in the Legislative Services Office
18 of the General Assembly.

19 (b) The Commission may exercise its prescribed powers independently of the General
20 Assembly and the Legislative Services Officer. In order to pay expenses incidental to
21 implementing its purposes, the Commission may enter into contracts, own property, and accept
22 funds, grants, and gifts from academic and nonprofit entities that have never contributed to
23 political parties, persons holding public office, or candidates for public office.

24 (c) The Legislative Services Officer shall provide general administrative support to the
25 Commission, including purchasing, payroll, and similar administrative services.

26 (d) The Commission shall retain independent staff under contract, including an executive
27 secretary and any additional necessary supporting staff. As a whole, the political affiliations of
28 staff members, or lack thereof, shall be divided approximately into thirds among the two political
29 parties with the highest number of affiliates and among persons unaffiliated with a political party.
30 A person is ineligible to serve as a staff member to the Commission if that person would be
31 ineligible to serve as a member of the Commission pursuant to G.S. 120-4.55(b). Staff shall be
32 selected as follows:

33 (1) If there are at least three members appointed to the Commission from each
34 sub-subdivision of G.S. 120-4.55(c)(2), staff shall be selected by a vote of at
35 least nine members composed of at least three members appointed to the
36 Commission from each sub-subdivision of G.S. 120-4.55(c)(2).

37 (2) If there are not at least three members appointed to the Commission from each
38 sub-subdivision of G.S. 120-4.55(c)(2), staff shall be selected by a vote of all
39 of the following:

40 a. At least three members from each sub-subdivision of
41 G.S. 120-4.55(c)(2) with more than three members appointed to the
42 Commission.

43 b. A unanimous vote from each sub-subdivision of G.S. 120-4.55(c)(2)
44 with three or fewer members appointed to the Commission.

45 **"§ 120-4.65. Open meetings and public records.**

46 The Commission shall be subject to the Public Records Act, Chapter 132 of the General
47 Statutes, and the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes, except
48 to the extent those enactments conflict with the below requirements:

49 (1) Members of the Commission and staff shall not discuss the business of the
50 Commission outside public meetings.

1 (2) If a member of the Commission violates subdivision (1) of this section, he or
2 she shall place in the public records of the Commission (i) any violating
3 written communication and (ii) a written description of any violating oral
4 communication. The written description of an oral communication must
5 include the name of the parties to the communication, the date and
6 approximate time of the communication, and a description of the nature and
7 substance of the communication.

8 (3) The Commission shall provide at least 14 days' notice prior to any meeting in
9 which votes will be taken.

10 **"§ 120-4.70. Redistricting criteria.**

11 All plans shall meet the following goals, in order of priority:

12 (1) Each identified representative shall represent, as nearly as may be, an equal
13 number of inhabitants.

14 (2) Compliance with the North Carolina Constitution, State law, the Constitution
15 of the United States, including the equal protection clause of the Fourteenth
16 Amendment, and federal law.

17 (3) In accordance with subdivisions (1) and (2) of this section, the population for
18 a legislative district shall be within five percent (5%) of the ideal population
19 for that district. Congressional districts shall each have a population that is as
20 nearly equal as practicable to the ideal population but in all cases within
21 one-tenth of one percent (0.1%) of the ideal population for that district.

22 (4) Minimizing the number of split counties.

23 (5) All districts shall be contiguous. Areas that meet only at the points of
24 adjoining corners are not contiguous.

25 (6) Minimizing the number of split municipalities.

26 (7) To the extent practicable, all districts shall be compact. Districts should not
27 bypass nearby communities for more distant communities.

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

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

34 **"§ 120-4.75. Adoption of redistricting plans by the Commission.**

35 (a) Duties. – The Commission shall adopt preliminary, proposed, alternative, and final
36 plans, as follows:

37 (1) If there are at least three members appointed to the Commission from each
38 sub-subdivision of G.S. 120-4.55(c)(2), plans shall be adopted by a vote of at
39 least nine members composed of at least three members appointed to the
40 Commission from each sub-subdivision of G.S. 120-4.55(c)(2).

41 (2) If there are not at least three members appointed to the Commission from each
42 sub-subdivision of G.S. 120-4.55(c)(2), plans shall be adopted by a vote of all
43 of the following:

44 a. At least three members from each sub-subdivision of
45 G.S. 120-4.55(c)(2) with more than three members appointed to the
46 Commission.

47 b. A unanimous vote from each sub-subdivision of G.S. 120-4.55(c)(2)
48 with three or fewer members appointed to the Commission.

49 (b) Special Master. – At the beginning of the redistricting cycle, the State Auditor shall
50 submit to the Commission a list of names of persons with an expertise in redistricting who are
51 qualified to serve as a special master. In the event a plan cannot be adopted pursuant to subsection

1 (a) of this section, the Commission shall appoint a special master from the list of names provided
2 by the State Auditor, and the special master shall draw a plan and submit the plan, along with the
3 rationale for the plan, to the Commission, which shall adopt that plan. The special master shall
4 be appointed as follows:

5 (1) If there are at least three members appointed to the Commission from each
6 sub-subdivision of G.S. 120-4.55(c)(2), the special master shall be appointed
7 by a vote of at least nine members composed of at least three members
8 appointed to the Commission from each sub-subdivision of
9 G.S. 120-4.55(c)(2).

10 (2) If there are not at least three members appointed to the Commission from each
11 sub-subdivision of G.S. 120-4.55(c)(2), the special master shall be appointed
12 by a vote of all of the following:

13 a. At least three members from each sub-subdivision of
14 G.S. 120-4.55(c)(2) with more than three members appointed to the
15 Commission.

16 b. A unanimous vote from each sub-subdivision of G.S. 120-4.55(c)(2)
17 with three or fewer members appointed to the Commission.

18 (c) Time Line. – The Commission shall adopt all plans no later than October 1 of the year
19 following each federal census. Prior to the adoption of a plan, the Commission shall adhere to
20 the following maximum time line:

21 (1) Within 30 days of receipt of data from the Census Bureau, the Commission
22 shall hold the initial 10 public hearings pursuant to G.S. 120-4.85.

23 (2) Within 50 days of receipt of data from the Census Bureau, the Commission
24 shall release to the public preliminary plans for revising the congressional and
25 legislative districts.

26 (3) Within 70 days of receipt of data from the Census Bureau, the Commission
27 shall hold an additional 10 public hearings pursuant to G.S. 120-4.85.

28 (4) Within 90 days of receipt of data from the Census Bureau, the Commission
29 shall release to the public all of the following:

30 a. Proposed plans for revising the congressional and legislative districts.

31 b. Alternative plans for revising the congressional and legislative
32 districts.

33 c. A summary of public input provided pursuant to G.S. 120-4.85.

34 (5) Within 110 days of receipt of data from the Census Bureau, the Commission
35 shall vote to adopt final plans from its proposed or alternative plans for
36 revising the congressional and legislative districts.

37 (6) Within 130 days of receipt of data from the Census Bureau, if the Commission
38 fails to adopt any final plan pursuant to subdivision (5) of this subsection, the
39 Commission shall select from the list of names provided by the State Auditor
40 pursuant to subsection (b) of this section a special master to complete the plan
41 or plans. The Commission shall provide the special master with its proposed
42 and alternative plans and all supporting data.

43 (7) Within 150 days of receipt of data from the Census Bureau, if the Commission
44 fails to adopt any plan pursuant to subdivision (5) of this subsection, the
45 special master selected pursuant to subsection (b) of this section shall prepare
46 and release a plan and rationale for any changes from the plans released by
47 the Commission. The special master shall present the plan to the Commission.

48 (8) Within 160 days of receipt of data from the Census Bureau, the Commission
49 shall adopt as a final plan the plan presented by the special master.

50 (9) Notwithstanding subdivisions (1) through (8) of this subsection, the
51 Commission may extend the maximum number of days between any event

1 required in this subsection by as many as seven days, up to a total of 40 days
2 over the course of a year, for good cause.

3 **"§ 120-4.80. Public input.**

4 (a) Public Hearings. – The Commission shall engage in a minimum of 20 public hearings
5 across the State. Of those public hearings, at least 10 hearings shall occur before a preliminary
6 plan is released to the public, and at least 10 hearings shall occur after a preliminary plan is
7 released to the public but before a proposed or alternative plan is released to the public.

8 (b) Public Input. – To the extent possible, the Commission shall facilitate the ability of
9 members of the public to provide substantive comments on any plan released to the public. To
10 achieve that goal, the Commission shall provide members of the public with all of the following
11 resources:

- 12 (1) Sufficient time to review any plan released to the public.
- 13 (2) The opportunity to communicate comments, questions, and recommendations
14 on any plan released to the public, at a minimum, in person, online, and
15 through the mail.
- 16 (3) Access to the same demographic data that is used by the Commission in a
17 machine-readable form.
- 18 (4) Access to mapping software and census data in a minimum of 30 public library
19 facilities in the State within 20 days of receipt of that data from the United
20 States Bureau of the Census.
- 21 (5) A public, written response to every substantive comment or recommendation
22 regarding a specific component of a plan released to the public. The response
23 shall address the viability of any recommendation and indicate whether it was
24 or will be incorporated in any other plan.
- 25 (6) At the conclusion of the redistricting process, the Commission shall publish a
26 summary of the public input received by the Commission.
- 27 (7) A website with all of the following information:
 - 28 a. Background information on the redistricting process available in at
29 least English and Spanish. The Commission shall provide information
30 in other languages if at least 50,000 people petition the Commission
31 to have a particular language included.
 - 32 b. Livestreams and recordings of all public meetings in audio, video, or
33 both formats and minutes from those meetings.
 - 34 c. Meeting announcements.
 - 35 d. A searchable database of feedback and plans discussed by the
36 Commission.
 - 37 e. Plans discussed by the Commission and the data used to create those
38 plans.

39 **"§ 120-4.85. Local redistricting.**

40 The General Assembly may by law assign to the Commission the duty to prepare district
41 plans for any county, city, town, special district, and other governmental subdivision, if the
42 governing board of the unit or a court of appropriate jurisdiction so requests."

43 **SECTION 1.(g)** Notwithstanding G.S. 120-4.55(f), as enacted by this act, for any
44 redistricting that may occur pursuant to G.S. 120-2.4, as amended by this act, based on data from
45 the 2020 federal census, the term of office for members of the North Carolina Citizens
46 Redistricting Commission shall begin on January 1, 2023, and conclude on June 30, 2030.

47
48 **PART II. CONFORMING CHANGES**

49 **SECTION 2.(a)** G.S. 120-2.3 reads as rewritten:

50 **"§ 120-2.3. Contents of judgments invalidating apportionment or redistricting acts.**

1 Every order or judgment declaring unconstitutional or otherwise invalid, in whole or in part
2 and for any reason, any ~~act of the General Assembly plan~~ that apportions or redistricts State
3 legislative or congressional districts shall find with specificity all facts supporting that
4 declaration, shall state separately and with specificity the court's conclusions of law on that
5 declaration, and shall, with specific reference to those findings of fact and conclusions of law,
6 identify every defect found by the court, both as to the plan as a whole and as to individual
7 districts."

8 **SECTION 2.(b)** G.S. 120-2.4 reads as rewritten:

9 "**§ 120-2.4. Opportunity for ~~General Assembly~~ to remedy defects.**

10 (a) If ~~the General Assembly enacts a plan~~ apportioning or redistricting State legislative
11 or congressional ~~districts, districts becomes effective,~~ in no event may a court impose its own
12 substitute plan unless the court first gives the ~~General Assembly~~ North Carolina Citizens
13 Redistricting Commission a period of time to remedy any defects identified by the court in its
14 findings of fact and conclusions of law. That period of time shall not be less than two weeks,
15 provided, however, that if the ~~General Assembly is scheduled to convene legislative session~~
16 ~~within 45 days of the date of the court order that period of time shall not be less than two weeks~~
17 ~~from the convening of that legislative session weeks.~~

18 (a1) In the event the ~~General Assembly~~ North Carolina Citizens Redistricting Commission
19 does not act to remedy any identified defects to its plan within that period of time, the court may
20 impose an interim districting plan for use in the next general election only, but that interim
21 districting plan may differ from the previous districting plan ~~enacted by the General Assembly~~
22 only to the extent necessary to remedy any defects identified by the court.

23 (b) Notwithstanding any other provision of law or authority of the State Board of
24 Elections under Chapter 163 of the General Statutes, the State Board of Elections shall have no
25 authority to alter, amend, correct, impose, or substitute any plan apportioning or redistricting
26 State legislative or congressional districts other than a plan imposed by a court under this section
27 or a plan ~~enacted by the General Assembly~~ adopted by the North Carolina Citizens Redistricting
28 Commission."

29 **SECTION 2.(c)** G.S. 120-133 is repealed.
30

31 **PART III. EFFECTIVE DATE**

32 **SECTION 3.(a)** If the constitutional amendments proposed by subsections (a), (b),
33 and (c) of Section 1 of this act are approved by the qualified voters as provided in subsections
34 (d) and (e) of Section 1 of this act, the following shall become effective January 1, 2023:

35 (1) Subsections (f) and (g) of Section 1 of this act.

36 (2) Part II of this act.

37 **SECTION 3.(b)** Except as otherwise provided, this act is effective when it becomes
38 law.