NC Constitutional Provisions
Legislative and Judicial Redistricting

	Legislative	Judicial
State Constitutional Authority	Article II, Sec. 3 and Sec. 5 – "The Senators (Representatives) shall be elected from districts. The General Assembly, at the first regular session convening after the return of every decennial census of population taken by order of Congress, shall revise the senate (representative) districts and the apportionment of Senators (Representatives) among those districts, subject to the following requirements: (1) Each Senator (Representative) shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants that each Senator (Representative) represents being determined for this purpose by dividing the population of the district that he represents by the number of Senators (Representatives) apportioned to that district. (2) Each senate (representative) district shall at all times consist of contiguous territory. (3) No county shall be divided in the formation of a senate (representative) district. (4) When established, the senate (representative) districts and apportionment of Senators (Representative) shall remain unaltered until the return of another decennial census of population taken by order of Congress."	Article IV, Sec. 9 – "The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district…" Article IV, Sec. 10 – "The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county..." Article IV, Sec. 11 – "…the General Assembly may divide the State into a number of judicial divisions." Article IV, Sec. 18 – "The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a District Attorney shall be chosen…"
Number of Officials	Senate – 50 members (Article II, Sec. 2) NC House – 120 members in the House (Article II, Sec. 4)	Set by the General Assembly, as follows: ➢ G.S. 7A-41 – 97 elected superior court judges districts, effective 1/1/19 ➢ G.S. 7A-45.1 – 10 special appointed superior court judges, effective 1/1/18 ➢ G.S. 7A-133 – 272 elected district court judges, effective 1/1/19 ➢ G.S. 7A-60 – 43 elected District Attorneys, effective 1/1/19

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Equal Population, as interpreted by the N.C. Supreme Court	**Stephenson v. Bartlett (2002) –** In Stephenson, the N.C. Supreme Court held that the Whole County Provision (Article II, Sections 2 and 4) should be harmonized not only with the Voting Rights Act (VRA) and the federal decisions of "one person, one vote," but also with other requirements of the N.C. Constitution. The Court also held that the Equal Protection Clause of the N.C. Constitution required, absent a compelling governmental interest otherwise, that all legislative districts be single-member districts. The Court in Stephenson did not specify what compelling governmental interest would justify drawing multi-member districts. Stephenson then set forth a set of directions for drawing a House or Senate redistricting plan, which the Court reaffirmed in its second Stephenson opinion in 2003 as follows: "[1.] ... [T]o ensure full compliance with federal law, legislative districts required by the VRA shall be formed prior to creation of non-VRA districts.... In the formation of VRA districts within the revised redistricting plans on remand, we likewise direct the trial court to ensure that VRA districts are formed consistent with federal law and in a manner having no retrogressive effect upon minority voters. *To the maximum extent practicable, such VRA districts shall also comply with the legal requirements of the WCP, as herein established ....* [2.] In forming new legislative districts, any deviation from the ideal population for a legislative district shall be at or within plus or minus five percent for purposes of compliance with federal "one-person, one-vote" requirements. [3.] In counties having a 2000 census population sufficient to support the formation of one non-VRA legislative district ..., the WCP requires that the physical boundaries of any such non-VRA legislative district not cross or traverse the exterior geographic line of any such county. [4.] When two or more non-VRA legislative districts may be created within a single county, ... single-member non-VRA districts shall be formed within said county. *Such non-VRA districts shall be compact and shall not traverse the exterior geo-graphic boundary of any such county.*	**Blankenship v. Bartlett (2009) –** In Blankenship, ruling on a case brought regarding Wake County following the 2000 federal decennial Census, the N.C. Supreme Court held that although North Carolina is under no mandate to give its citizens the right to vote for judges, once the legal right to vote has been established under the constitution, equal protection requires the right to vote be administered equally. "Judicial districts will be sustained if the legislature's formulations advance important governmental interests unrelated to vote dilution and do not weaken voter strength substantially more than necessary to further those interests." In describing important governmental interests, the Court stated that in "addition to compliance with federal voting rights laws, legitimate factors for the legislature's consideration include geography, population density, convenience, number of citizens in the district eligible to be judges, and number and types of legal proceedings in a given area." The Court in Blankenship emphasized "that a plaintiff must make a prima facie showing of considerable disparity between similarly situated districts in order to trigger constitutional review." In Blankenship, the Court found that the plaintiffs "demonstrated gross disparity in voting power between similarly situated residents of Wake County.... No other subdivided district in the State comes close to the degree of disproportionality found in District 10. Even comparing District 10A with dissimilar districts throughout the State, the voting strength disparity between District 10A and the other subdivisions of District 10 is unique.... District 10A has the lowest resident-to-judge ratio of any district in the State, while District 10C has the second highest resident-to-judge ratio. No other districts that divide a county have a voting strength disparity among the districts remotely approaching the ratios found in District 10. In order to make a prima facie showing of significant voting strength disparity, a plaintiff must demonstrate a disparity in voting power closely approaching the gross disparity in District 10 as divided into its four election districts, a phenomenon not currently present in any other judicial district in the State, as evinced by the record before us."

	Legislative	Judicial
	[5.] In counties having a non-VRA population pool which cannot support at least one legislative district ... or, alternatively, counties having a non-VRA population pool which, if divided into districts, would not comply with the ... "one-person, one-vote" standard, the requirements of the WCP are met by combining or grouping the *minimum number of whole, contiguous counties necessary to comply with the at or within plus or minus five percent "one-person, one-vote" standard. Within any such contiguous multi-county grouping, compact districts shall be formed, consistent with the at or within plus or minus five percent standard, whose boundary lines do not cross or traverse the "exterior" line of the multi-county grouping;* provided, however, that the resulting interior county lines created by any such groupings may be crossed or traversed in the creation of districts within said multi-county grouping but only to the extent necessary to comply with the at or within plus or minus five percent "one-person, one-vote" standard. [6.] The intent underlying the WCP must be en-forced to the maximum extent possible; thus, *only the smallest number of counties necessary to comply with the at or within plus or minus five percent "one-person, one-vote" standard shall be combined*[.] [7.] *... [C]ommunities of interest should be considered in the formation of compact and contiguous electoral districts.* [8.] ... [M]ulti-member districts shall not be used in the formation of legislative districts unless it is established that such districts are necessary to advance a compelling governmental interest. [9.] Finally, we direct that any new redistricting plans, including any proposed on remand in this case, *shall depart from strict compliance with the legal requirements set forth herein only to the extent necessary to comply with federal law*."	
Gubernatorial Veto	A redistricting plan is not subject to gubernatorial veto if it is in a bill that contains no other matter (Article II, Sec. 22).	No exception from the veto