

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 488

Short Title: Independent Redistricting Commission.

(Public)

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Sponsors: Representatives Weatherly; Arnold, Barbee, Bowie, Brawley, J. Brown, Capps, Carpenter, Cocklereece, Culp, Cummings, Decker, Dickson, Hiatt, Justus, Kiser, Lemmond, Mercer, K. Miller, Pate, Rayfield, Reynolds, Robinson, Russell, Sexton, Sharpe, Shubert, Tallent, Thompson, Warner, and G. Wilson.

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Referred to: Judiciary II.

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March 16, 1995

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION TO  
HANDLE REDISTRICTING MATTERS.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Article II of the Constitution of North Carolina reads as  
rewritten:

"Sec. 3. Senate districts; apportionment of Senators. The Senators shall be elected  
from districts.

The ~~General Assembly, Independent Redistricting Commission, at beginning upon the~~  
convening of the first regular session convening 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~~ and each district shall elect one Senator;

1 (2) Each senate district shall at all times be compact and consist of  
2 contiguous territory;

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

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

7 Sec. 2. Section 5 of Article II of the Constitution of North Carolina reads as  
8 rewritten:

9 "Sec. 5. Representative districts; apportionment of Representatives.

10 The Representatives shall be elected from districts. ~~The General Assembly,~~  
11 Independent Redistricting Commission, at beginning upon the convening of the first  
12 regular session convening after the return of every decennial census of population taken  
13 by order of Congress, shall revise the representative districts and the apportionment of  
14 Representatives among those districts, subject to the following requirements:

15 (1) Each Representative shall represent, as nearly as may be, an equal  
16 number of inhabitants, ~~the number of inhabitants that each~~  
17 ~~Representative represents being determined for this purpose by dividing~~  
18 ~~the population of the district that he represents by the number of~~  
19 ~~Representatives apportioned to that district~~and each District shall elect  
20 one Representative;

21 (2) Each representative district shall at all times be compact and consist of  
22 contiguous territory;

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

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

28 Sec. 3. Article II of the Constitution of North Carolina is amended by adding a  
29 new section to read:

30 "Sec. 25. Independent Redistricting Commission.

31 (a) There is established the Independent Redistricting Commission, to consist of  
32 11 persons appointed as follows:

33 (1) Three by the Chief Justice;

34 (2) Four by the Governor;

35 (3) Two by the Speaker of the House of Representatives; and

36 (4) Two by the President Pro Tempore of the Senate.

37 (b) The Independent Redistricting Commission shall take office on the first day of  
38 July of each year ending in the number 0, and shall exist until completion of all  
39 redistricting plans for the Senate, the House of Representatives, and the United States  
40 House of Representatives.

41 (c) To be eligible for appointment to the Independent Redistricting Commission, a  
42 person must be a resident of North Carolina, and have academic qualifications in  
43 demographics, statistics, mathematics, or computer science. No person may serve on the

1 Commission who has held elective public office or been a candidate for elective public  
2 office, in the 10 years prior to commencement of service on the Independent Redistricting  
3 Commission. No person who has served as a member of the Independent Redistricting  
4 Commission shall be eligible to hold any elective public office for 10 years after  
5 termination of service on the Independent Redistricting Commission.

6 (d) The Independent Redistricting Commission is responsible for adopting, in  
7 accordance with Sections 3 and 5 of this Article, a plan for revising the senate districts  
8 and representative districts. Such plan shall have the force and effect of a bill passed by  
9 the General Assembly. The General Assembly has no jurisdiction to adopt any district  
10 plans under Sections 3 and 5 of this Article.

11 (e) The Independent Redistricting Commission is responsible for adopting a  
12 district plan for election of members of the House of Representatives of the Congress of  
13 the United States. The General Assembly shall have no jurisdiction to adopt any district  
14 plan for election of members of the House of Representatives of the United States.

15 (f) The Independent Redistricting Commission shall adopt district plans as  
16 required by subsections (d) and (e) of this section no later than August 1 of the year of the  
17 convening of the first regular session of the General Assembly after the return of the  
18 decennial census of population taken by order of Congress.

19 (g) The Independent Redistricting Commission may provide for a schedule of  
20 adoption of a district plan in the event that a plan it adopts is held invalid.

21 (h) In adoption of any plan under this section, the Independent Redistricting  
22 Commission shall take into consideration any requirements of the United States  
23 Constitution or Acts of Congress which may be relevant.

24 (i) The General Assembly may by law assign to the Independent Redistricting  
25 Commission the duty to adopt districting plans and redistricting plans for counties, cities,  
26 towns, special districts, and other governmental subdivisions if the governing board of  
27 the unit so requests."

28 Sec. 4. The amendments set out in Sections 1 through 3 of this act shall be  
29 submitted to the qualified voters of the State at the general election in November 1996,  
30 which election shall be conducted under the laws then governing elections in the State.  
31 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the  
32 General Statutes. The question to be used in the voting systems and ballots shall be:

33 **"[ ] FOR [ ] AGAINST**

34 Constitutional amendments providing for an Independent Redistricting  
35 Commission to be responsible for redistricting of the General Assembly and the North  
36 Carolina representatives in Congress".

37 Sec. 5. If a majority of votes cast on the question are in favor of the  
38 amendments set out in Sections 1 through 3 of this act, the State Board of Elections shall  
39 certify the amendments to the Secretary of State. The amendments become effective  
40 upon this certification. The Secretary of State shall enroll the amendments so certified  
41 among the permanent records of that office.

42 Sec. 6. This act is effective upon ratification.