

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS55132-RR-12 (2/10)

Short Title: Indep. Redist. Comm./Statutory. (Public)

Sponsors: Senators Horton; and Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH BY STATUTE AN INDEPENDENT REDISTRICTING
COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS
FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.

The General Assembly of North Carolina enacts:

SECTION 1. Article 1 of Chapter 120 of the General Statutes is amended by
adding a new section to read:

"§ 120-2.3. Independent Redistricting Commission.

(a) Establishment and Membership. – There is established the Independent
Redistricting Commission to consist of nine persons appointed as follows:

- (1) Two by the Chief Justice of the Supreme Court, with no more than one
affiliated with the same political party;
- (2) Three by the Governor, with no more than two affiliated with the same
political party;
- (3) Two by the Speaker of the House of Representatives, with no more
than one affiliated with the same political party, or if there are two
Speakers, one by the Democratic Speaker and one by the Republican
Speaker; and
- (4) Two by the President Pro Tempore of the Senate, with no more than
one affiliated with the same political party.

The appointing officers shall appoint the initial members of the Independent
Redistricting Commission as soon as practicable after this section becomes law.
Subsequent to the initial appointments, the appointing officers shall make their
appointments, other than vacancy appointments, no earlier than February 1 of the year
prior to the year in which the appointed members are to take office under subsection (b)
of this section and no later than June 1 of the year in which the members are to take
office under subsection (b) of this section. The appointing officers, in making their

1 appointments, shall take into account the advisability of having the Commission reflect
2 the State's geographic, gender, racial, and ethnic diversity.

3 (b) Term of Office; Vacancies, Chair. – The initial members of the Independent
4 Redistricting Commission shall take office as soon as practicable after their
5 appointment. The initial members shall serve until their successors are appointed and
6 qualified. Subsequent to the initial appointments, the members of the Independent
7 Redistricting Commission shall take office on the first day of July of each year ending
8 in the number 0 and shall continue in office until December 31 of the next year ending
9 in the number 2. Any vacancy occurring in the membership of the Commission shall be
10 filled for the remainder of the unexpired term by the officer who appointed the vacating
11 member. The Independent Redistricting Commission shall elect from its members a
12 Chair who will serve throughout the term of the Commission unless replaced by vote of
13 the Commission.

14 (c) Eligibility. – To be eligible for appointment to the Independent Redistricting
15 Commission, a person must be a resident of North Carolina. No person may serve on
16 the Commission who has held elective public office or been a candidate for elective
17 public office in the four years prior to commencement of service on the Independent
18 Redistricting Commission. No person who has served as a member of the Independent
19 Redistricting Commission shall be eligible to hold any elective State office for four
20 years after termination of service on the Independent Redistricting Commission.

21 (d) Legislative Plans. – The Independent Redistricting Commission shall
22 recommend, in accordance with subsections (f) through (i) of this section, plans for
23 revising the Senate districts and the House of Representatives districts. The General
24 Assembly shall, without amendment, approve or reject the legislative district plans
25 recommended by the Independent Redistricting Commission. If the General Assembly
26 rejects a plan recommended by the Commission, the Commission shall revise that plan
27 and recommend the revised plan. The General Assembly shall, without amendment,
28 approve or reject the revised plan.

29 (e) Congressional Plans. – The Independent Redistricting Commission shall
30 recommend, in accordance with subsections (f) through (i) of this section, a district plan
31 for election of members of the United States House of Representatives. The General
32 Assembly shall, without amendment, approve or reject the district plan for election of
33 members of the United States House of Representatives. If the General Assembly
34 rejects a plan recommended by the Commission, the Commission shall revise that plan
35 and recommend the revised plan. The General Assembly shall, without amendment,
36 approve or reject the revised plan.

37 (f) Preparation and Adoption of Plans. – The Independent Redistricting
38 Commission shall adopt district plans as required by subsections (d) and (e) of this
39 section no later than October 1 of the year following each decennial census of
40 population taken by order of Congress. If the General Assembly has the duty to adopt
41 revised plans for the State House of Representatives and the State Senate for the
42 elections of 2004 through 2010, the Independent Redistricting Commission shall adopt
43 plans revising the State Senate districts and the State House of Representatives districts
44 in 2003 and recommend those plans to the General Assembly in time for the General

1 Assembly to consider those plans for use in the 2004 elections. In preparing or adopting
2 its plans, the Independent Redistricting Commission shall not consider the following
3 information:

- 4 (1) The political affiliation of voters;
- 5 (2) Voting data from previous elections;
- 6 (3) The location of incumbents' residences; or
- 7 (4) Demographic data from sources other than the United States Bureau of
8 the Census.

9 (f1) Public Comment. – There shall be a minimum period of 45 days of public
10 comment on a plan before it is finally adopted.

11 (f2) Restriction on Use of Certain Census Data. – Racial and ethnic census data
12 shall be used only for purposes of compliance with the United States Constitution and
13 laws enacted pursuant thereto.

14 (g) Criteria for Legislative and Congressional Redistricting. – In preparing
15 legislative and congressional district plans, the Independent Redistricting Commission
16 shall adhere to the following criteria in the order of precedence in which they appear
17 below:

- 18 (1) There shall be substantial equality of population among Senators in
19 each senatorial district. State Senate and State House of
20 Representatives districts shall be drawn so as to contain approximately
21 the ideal number of residents for each member. In no event shall the
22 population of any district in the State House of Representatives and the
23 State Senate plans deviate from the ideal population by more than five
24 percent (5%). In congressional districts, the districts shall be drawn as
25 nearly equal in population as practicable.
- 26 (2) The voting rights of racial minorities shall not be abridged or denied in
27 the formation of districts.
- 28 (3) All districts shall consist of contiguous territory.
- 29 (4) Census blocks shall not be divided in the drawing of districts.
- 30 (5) It is desirable to avoid dividing precincts in the drawing of districts.
- 31 (6) All congressional and legislative districts shall, to the extent consistent
32 with federal law and the North Carolina Constitution, be single-
33 member districts.
- 34 (7) Legislative districts shall be drawn so as to avoid the unnecessary
35 division of counties, cities, and other political subdivisions. No city
36 smaller than the size of a district shall contain subdivisions of more
37 than two districts, except as required by federal law or the North
38 Carolina Constitution.
- 39 (8) Districts shall be geographically compact in form. In drawing such
40 districts, populous adjacent territory shall not be bypassed to reach
41 distant populous areas.
- 42 (9) Congressional and legislative districts shall be drawn so as to preserve
43 existing communities of interest where that can be done in compliance
44 with the standards listed above. For purposes of this subdivision,

1 'community of interest' means a recognizable area with similarities of
2 interests, including, but not limited to, geographic, social, cultural, or
3 historic interests, as well as commonality of communications.

4 (10) Districts shall not be established with the intent and effect of diluting
5 the voting strength of any person, group of persons, or members of any
6 political party. Legislative districts shall not be drawn for the purpose
7 of favoring any incumbent.

8 (h) In Case Plan Held Invalid. – The Independent Redistricting Commission shall
9 recommend a new district plan in the event that a plan it has recommended is held
10 invalid.

11 (i) Federal and State Law. – In recommending any plan under this section, the
12 Independent Redistricting Commission shall comply with all relevant requirements of
13 the United States Constitution and acts of Congress. It shall comply with the North
14 Carolina Constitution as enunciated by the North Carolina Supreme Court.

15 (j) Local Redistricting. – The General Assembly may by law assign to the
16 Independent Redistricting Commission the duty to recommend districting and
17 redistricting plans for any county, city, town, special district, and other governmental
18 subdivision if the governing board of the unit or a court of competent jurisdiction so
19 requests."

20 **SECTION 2.** This act is effective when it becomes law.