

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 651

Short Title: Indep. Redist. Comm./Statutory.

(Public)

Sponsors: Senators Horton and Kinnaird.

Referred to: Judiciary I.

April 1, 2003

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH BY STATUTE AN INDEPENDENT REDISTRICTING  
3 COMMISSION TO RECOMMEND TO THE GENERAL ASSEMBLY PLANS  
4 FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.

5 The General Assembly of North Carolina enacts:

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

8 **"§ 120-2.3. Independent Redistricting Commission.**

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

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

21 The appointing officers shall appoint the initial members of the Independent  
22 Redistricting Commission as soon as practicable after this section becomes law.  
23 Subsequent to the initial appointments, the appointing officers shall make their  
24 appointments, other than vacancy appointments, no earlier than February 1 of the year  
25 prior to the year in which the appointed members are to take office under subsection (b)  
26 of this section and no later than June 1 of the year in which the members are to take  
27 office under subsection (b) of this section. The appointing officers, in making their  
28 appointments, shall take into account the advisability of having the Commission reflect  
29 the State's geographic, gender, racial, and ethnic diversity.

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

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

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

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

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

1 its plans, the Independent Redistricting Commission shall not consider the following  
2 information:

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

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

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

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

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

1 interests, including, but not limited to, geographic, social, cultural, or  
2 historic interests, as well as commonality of communications.

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

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

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

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

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