

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 648
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40311-BK-4

Short Title: NC FAIR State & Congressional Districts Act. (Public)

Sponsors: Representatives Warren, Hanig, Martin, and Beasley (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA FAIR ALIGNMENT AND
3 IMPARTIAL REDISTRICTING OF STATE AND CONGRESSIONAL DISTRICTS ACT
4 OF 2019.

5 The General Assembly of North Carolina enacts:

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

8 "Article 1B.

9 "Apolitical Redistricting.

10 "Part 1. General Provisions.

11 "§ 120-4.51. Definitions.

12 As used in this Article, unless the context requires otherwise, the following definitions apply:

- 13 (1) Census Bureau. – The United States Bureau of the Census.
- 14 (2) Commission. – The Independent Redistricting Commission established
15 pursuant to this Article.
- 16 (3) Federal census. – The decennial census required by federal law to be
17 conducted by the Census Bureau in every year ending in zero.
- 18 (4) Ideal population. – The number determined by dividing the number of
19 members in a plan into the population of the State as reported in the federal
20 census.
- 21 (5) Proposed plan. – A plan proposed for legislative and congressional
22 reapportionment drawn up pursuant to the requirements of this Article.
- 23 (6) Relative. – An individual who is related to the person in question as father,
24 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,
25 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,
26 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
27 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half
28 sister.
- 29 (7) Special Master. – An individual who has been appointed by a judge to assist
30 in or oversee the redistricting process due to the individual's demonstrated
31 experience in drawing districting maps, redistricting parameters, and
32 redistricting law, and who meets the following criteria:
- 33 a. The individual is not employed by the State.
- 34 b. The individual has demonstrated impartiality to districting in North
35 Carolina.



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1 c. The individual has not contracted with a major political party for the
2 purpose of map drawing.

3 (8) Voting districts. – The State's voting precincts as reported by the State Board
4 of Elections to the Bureau of the Census as required by G.S. 163-132.1C.

5 **§ 120-4.52. Redistricting standards.**

6 (a) Except to the extent required by the North Carolina and United States Constitutions,
7 the Voting Rights Act of 1965, and applicable court decisions, the Commission shall not do any
8 of the following:

9 (1) Draw a district for the purpose of favoring a political party, incumbent
10 legislator, or member of Congress, or other person or group.

11 (2) Draw a district for the purpose of augmenting or diluting the voting strength
12 of a language or racial minority group.

13 (3) Make any use of any of the following:

14 a. Political affiliations of registered voters.

15 b. Previous election results.

16 c. Residential address of an incumbent or declared candidate.

17 d. Demographic information, other than population head counts, except
18 as required to comply with federal or State law.

19 e. Any other data which could identify with reasonable certainty the
20 voting tendencies of any group of citizens.

21 (b) Electoral districts shall be drawn in a manner that complies with requirements of
22 federal and State law.

23 (c) Electoral districts shall be established on the basis of population.

24 (d) State senatorial and representative districts, as well as electoral districts for local
25 boards of education and for any unit of local government in the State, shall each have a population
26 that is within five percent (5%) of the ideal population for that district.

27 (e) Congressional districts shall each have a population as nearly equal as practicable to
28 the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal population.

29 (f) Electoral districts shall be composed of convenient contiguous territory. Areas which
30 meet only at the points of adjoining corners are not contiguous.

31 (g) To the extent consistent with other standards provided by this section, district
32 boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In
33 State Senate and State House plans, the "whole county" requirements established by the North
34 Carolina Constitution shall be complied with in a manner consistent with federal law. The
35 number of counties and cities divided among more than one district shall be as small as possible,
36 but in the case of cities located in more than one county, minimizing the division of counties
37 prevails. The division of VTDs shall also be minimized consistent with the other standards of
38 this section.

39 (h) Electoral districts shall be reasonably compact in form to the extent consistent with
40 the standards established by this section. In general, reasonably compact districts are those which
41 are not irregularly shaped to the extent of natural or geographic features or those of VTDs. If it
42 is necessary to compare the relative compactness of two or more districts, or of two or more
43 alternative districting plans, the tests prescribed by this subsection may be used as follows:

44 (1) Length-width compactness. – The compactness of a district is greatest when
45 the length of the district and the width of the district are equal. The measure
46 of a district's compactness is the absolute value of the difference between the
47 length and the width of the district. In general, the length-width compactness
48 of a district is calculated by measuring the distance from the northernmost
49 point or portion of the boundary of a district to the southernmost point or
50 portion of the boundary of the same district and the distance from the
51 westernmost point or portion of the boundary of the district to the easternmost

1 point or portion of the boundary of the same district. The absolute values
2 computed for individual districts under this subdivision may be cumulated for
3 all districts in a plan in order to compare the overall compactness of two or
4 more alternative districting plans for the State or for a portion of the State.

- 5 (2) Perimeter compactness. – The compactness of a district is greatest when the
6 distance needed to traverse the perimeter boundary of a district is as short as
7 possible. The total perimeter distance computed for individual districts under
8 this subdivision may be cumulated for all districts in a plan in order to compare
9 the overall compactness of two or more alternative districting plans for the
10 State or for a portion of the State.

11 **"§ 120-4.53. Reserved.**

12 "Part 2. Independent Redistricting Commission.

13 **"§ 120-4.54. Independent Redistricting Commission established; composition.**

14 (a) Not later than June 1 of each year ending in zero, the Independent Redistricting
15 Commission shall be established and shall consist of 16 individuals registered to vote in this State
16 for at least one year, with 11 voting members and five nonvoting alternate members, as follows:

- 17 (1) Two individuals, to serve as voting members, and one individual, to serve as
18 a nonvoting alternate member for those two individuals, selected by the
19 majority leader of the Senate.
- 20 (2) Two individuals, to serve as voting members, and one individual, to serve as
21 a nonvoting alternate member for those two individuals, selected by the
22 minority leader of the Senate.
- 23 (3) Two individuals, to serve as voting members, and one individual, to serve as
24 a nonvoting alternate member for those two individuals, selected by the
25 majority leader of the House of Representatives.
- 26 (4) Two individuals, to serve as voting members, and one individual, to serve as
27 a nonvoting alternate member, selected by the minority leader of the House of
28 Representatives.
- 29 (5) Three individuals, to serve as voting members, and one individual, to serve as
30 a nonvoting alternate member for those three individuals, selected by the other
31 eight voting members of the Commission. These individuals must meet the
32 following criteria:
- 33 a. The individual is listed as unaffiliated on the individual's voter
34 registration record.
- 35 b. The individual has not voted twice consecutively in a political party's
36 primary during the past five years.

37 (b) Within 15 calendar days of receipt of the nominees from each selecting authority
38 listed in subdivisions (1) through (4) of subsection (a) of this section, the State Board of Elections
39 shall verify that each nominee meets the criteria for appointment to the Commission, as
40 established in this section. If the State Board of Elections determines that any nominee is not
41 eligible for appointment to the Commission, the State Board of Elections shall notify the
42 respective selecting authority within five calendar days for a substitute nominee. For a voting
43 member appointment, the selecting authority shall have 10 calendar days to either submit the
44 name of a substitute nominee or designate the alternate nominee as a voting member nominee. If
45 the selecting authority does not submit the name of a substitute nominee for a voting member
46 appointment, the alternate nominee will be deemed to be a voting member appointee. In the event
47 that the alternate nominee becomes a voting member appointee, the selecting authority shall have
48 10 calendar days to submit a substitute alternate nominee.

49 (c) Within 15 calendar days after the State Board of Elections verifies that each nominee
50 is eligible for appointment to the Commission, the eight voting members appointed under
51 subdivisions (1) through (4) of subsection (a) of this section shall hold an initial appointment

1 selection meeting for the sole purpose of selecting eight individuals who meet the criteria listed
2 in subdivision (5) of subsection (a) of this section. No additional actions, other than the oath of
3 office, shall be taken by the eight voting members appointed under subdivisions (1) through (4)
4 of subsection (a) of this section at the appointment selection meeting. In selecting these eight
5 individuals, each of the eight voting members appointed under subdivisions (1) through (4) of
6 subsection (a) of this section shall each select one nominee who meets the criteria. The State
7 Board of Elections shall then verify that each of these eight nominees meet the criteria listed in
8 subdivision (5) of subsection (a) of this section within 15 calendar days of receipt of the
9 nominees. In the event the State Board of Elections determines that a nominee is not eligible for
10 appointment to the Commission, the member who selected that nominee shall nominate a
11 substitute nominee.

12 (d) Within 15 calendar days of the State Board of Elections verifying the eligibility of
13 each of the eight nominees from subsection (c) of this section, the eight voting members
14 appointed under subdivisions (1) through (4) of subsection (a) of this section shall hold an
15 appointment selection meeting to randomly select from the eight nominees in subsection (c) of
16 this section three individuals to serve as voting members and one individual to serve as a
17 nonvoting alternate member for those three individuals, as provided in subdivision (5) of
18 subsection (a) of this section. No additional actions shall be taken by the eight voting members
19 appointed under subdivisions (1) through (4) of subsection (a) of this section at this meeting.

20 (e) The term of office for members of the Commission shall begin on July 1 of each year
21 ending in zero and shall continue until a plan for redistricting has been enacted by the General
22 Assembly or has been found favorably adjudicated without appeal, if court challenged,
23 whichever occurs later.

24 (f) No person shall be eligible for appointment to the Commission if, within five years
25 immediately prior to appointment, the individual or a relative of the individual, has done any of
26 the following:

- 27 (1) Served as an officer or executive committee member of a political party, or as
28 an officer, paid employee, or paid consultant of a candidate's campaign
29 committee.
- 30 (2) Been a lobbyist registered under Chapter 120C of the General Statutes.
- 31 (3) Has held any elected or appointed public or political office.
- 32 (4) Is related to, or employed by, a current or past member of the North Carolina
33 General Assembly or North Carolina Congressional delegation.
- 34 (5) Is related to, or employed by, a current or past Governor of the State.
- 35 (6) Is a current or past employee of the State, the North Carolina General
36 Assembly, or the federal government.

37 **"§ 120-4.55. Selection of chair; vacancies; quorum; expenses of members.**

38 (a) The Commission shall organize by electing one of its members chair and one of its
39 members vice-chair by a majority vote.

40 (b) Seven members of the Commission shall constitute a quorum.

41 (c) Members of the Commission shall receive from funds appropriated to the General
42 Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred
43 in performing their duties as provided by G.S. 138-5 or G.S. 138-6, as applicable.

44 (d) Any vacancy on the Commission shall be filled immediately by the alternate member
45 who was selected to replace the departing member. Within 10 days, a new alternate nominee may
46 be selected in accordance with the following:

- 47 (1) If the departing member was selected by the majority leader or minority leader
48 of the Senate, the alternate nominee may be selected by the majority leader or
49 the minority leader of the Senate that is associated with the same political
50 party who made the initial appointment of the departing member.

1 (2) If the departing member was selected by the majority leader or minority leader
2 of the House of Representatives, the alternate nominee may be selected by the
3 majority leader or the minority leader of the House of Representatives that is
4 associated with the same political party who made the initial appointment of
5 the departing member.

6 (3) If the departing member was selected by members of the Commission, the
7 alternate nominee may be selected by the remaining voting members of the
8 Commission.

9 **"§ 120-4.56. Records.**

10 (a) The Commission shall document and maintain complete and accurate records of any
11 files, documents, or other information submitted to, or used by, the Commission or any member
12 thereof.

13 (b) The Commission shall adopt procedures for each member of the Commission to
14 document verbal conversations between members of the Commission, when not sitting as a
15 public body, and individuals holding public office or declared candidates for public office, to
16 include at least the following:

17 (1) The names of the parties to the conversation.

18 (2) The date and location of the conversation.

19 (3) A brief description or summary of the conversation.

20 **"§ 120-4.57. Staff and offices.**

21 (a) The Commission may employ professional, technical, and support staff, including
22 consultants and legal representation, and may contract for other expertise as needed.

23 (b) Commission staff or contract employees shall not have communications about the
24 content or development of any plan with anyone except other Commission staff. Commission
25 staff shall report to the Commission any attempt by anyone to exert influence over the staff's role
26 in the drafting of plans.

27 (c) The Commission shall be located within the Department of Administration for
28 administrative purposes only, but shall exercise all of its powers, including the power to employ,
29 direct, and supervise all personnel, independent of the Secretary of Administration. The
30 Department shall provide administrative support to the Commission free of charge.

31 **"§ 120-4.58. Reserved.**

32 **"§ 120-4.59. Reserved.**

33 "Part 3. Redistricting Process.

34 **"§ 120-4.60. Preparations for redistricting.**

35 (a) By December 31 of each year ending in zero, the Commission shall obtain from the
36 Census Bureau information regarding geographic and political units in this State for which
37 federal census population data has been gathered and will be tabulated. The Commission shall
38 use the data so obtained to:

39 (1) Prepare necessary descriptions of geographic and political units for which
40 census data will be reported and that are suitable for use as components of
41 legislative districts.

42 (2) Prepare maps of counties, cities, precincts, voting districts, and other
43 geographic units within the State that may be used to illustrate the locations
44 of legislative district boundaries proposed in plans drawn in accordance with
45 this Article.

46 (b) As soon as possible after January 1 of each year ending in one, the Commission shall
47 obtain from the Census Bureau the population data needed for congressional and legislative
48 districting that the Census Bureau is required to provide this State under P.L. 94-171 and shall
49 use that data to assign a population figure to geographic and political units based upon that data.

50 (c) No later than February 1 of each year ending in one, the Commission shall interview
51 at least three individuals classified as a Special Master. Following the interviews, the

1 Commission shall select a Special Master by majority vote and contract with the Special Master
2 for the purpose of drafting proposed election maps for the State upon the return of every federal
3 census. The Special Master shall have the following duties:

4 (1) Prepare, in accordance with the redistricting standards in G.S. 120-4.64, two
5 proposed plans for revising the State senate and representative districts.

6 (2) Prepare, in accordance with the redistricting standards in G.S. 120-4.64, two
7 proposed plans for election of members of the House of Representatives of
8 the Congress of the United States.

9 (3) Prepare, in accordance with the redistricting standards in G.S. 120-4.64, two
10 additional proposed plans for any plan passed by the General Assembly that
11 is subsequently held invalid by a court, addressing any districts held invalid.

12 (d) Upon receipt of population data from the Census Bureau, the Commission shall
13 deliver the data to the Special Master. The Special Master shall immediately begin the process
14 of preparing proposed plans as provided in subsection (c) of this section.

15 **"§ 120-4.61. Commission submission of proposed redistricting plans.**

16 (a) Not later than April 1 of each year ending in one, the Special Master shall submit to
17 the Commission two proposed plans for revising the State senate and representative districts and
18 two proposed plans for election of members of the House of Representatives of the Congress of
19 the United States.

20 (b) If the population data for legislative districting that the Census Bureau is required to
21 provide this State under P.L. 94-171 and, if used by the Commission, the corresponding
22 geographic referencing data file for that population data are not available to the Commission on
23 or before February 15 of a year ending in one, the April 1 date set forth in subsection (a) of this
24 section shall be extended by a number of days equal to the number of days after February 15 of
25 the year ending in one that the federal census population data and the geographic encoding and
26 referencing data file for legislative districting become available.

27 (c) Not later than 30 days after receiving the proposed plans from the Special Master
28 under subsection (a) of this section, the Commission shall submit, by a vote of at least six of its
29 members, a proposed plan for revising the State senate districts and representative districts and
30 for election of members of the House of Representatives of the Congress of the United States to
31 the Principal Clerks of both the Senate and the House of Representatives, along with the
32 following information:

33 (1) Maps illustrating the proposed plan.

34 (2) A summary of the standards prescribed by this Article for development of the
35 proposed plan.

36 (3) A statement of the population of each district included in the proposed plan
37 and the relative deviation of each district population from the ideal population.

38 (4) Shape files.

39 (d) The Commission shall only submit one proposed plan for the State senate districts,
40 the State representative districts, and the House of Representatives of the Congress of the United
41 States, respectively, to the Principal Clerks of both the Senate and the House of Representatives.
42 All other proposed plans from the Special Master shall be kept on reserve.

43 (e) In the event that the Commission does not successfully submit a proposed plan under
44 subsection (c) of this section within 30 days after receiving the proposed plans from the Special
45 Master, the Commission shall work with the Special Master to amend the proposed plans until
46 the Commission successfully votes to submit a plan by a vote of at least six of its members to the
47 Principal Clerks of both the Senate and the House of Representatives.

48 **"§ 120-4.62. Introduction of redistricting plans.**

49 (a) Upon receipt by the Principal Clerks of both the Senate and the House of
50 Representatives of a proposed plan submitted by the Commission pursuant to G.S. 120-4.61, a

1 member of the General Assembly shall file a bill embodying the plan within three legislative
2 days after the proposed plan is received.

3 (b) Nothing in this Article shall preclude any member of the General Assembly from
4 proposing an amendment to any bill embodying a proposed plan or from introducing a bill
5 providing for district plans, where redistricting by the General Assembly is authorized by law."

6 **SECTION 2.** This act is effective when it becomes law and applies to redistricting
7 following the return of the 2020 federal decennial census and thereafter.