

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 827
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30373-MT-94

Short Title: N.C. Citizens Redistricting Commission. (Public)

Sponsors: Representatives Harrison, Morey, and Holley (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA CITIZENS REDISTRICTING
3 COMMISSION.

4 The General Assembly of North Carolina enacts:

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

7 "Article 1B.

8 "Redistricting.

9 "§ 120-4.48. Definitions.

10 As used in this Article, unless the context requires otherwise, the following definitions shall
11 apply:

- 12 (1) Adopted plan. – A plan adopted by the Commission and presented to the
13 General Assembly for enactment.
- 14 (2) Alternative and proposed plans. – Plans released by the Commission
15 following public input.
- 16 (3) Census Bureau. – The United States Bureau of the Census.
- 17 (4) Commission. – The North Carolina Citizens Redistricting Commission
18 established pursuant to G.S. 120-4.50.
- 19 (5) Congressional districts or plans. – Districts or plans for the House of
20 Representatives of the United States Congress.
- 21 (6) Federal census. – The decennial census required by federal law to be
22 conducted by the Census Bureau in every year ending in zero.
- 23 (7) Final plan. – A plan prepared by a special master in the event the Commission
24 is unable to adopt a plan.
- 25 (8) Ideal population. – The number determined by dividing the number of
26 members in a plan into the population of the State as reported in the federal
27 census.
- 28 (9) Legislative districts or plans. – Districts or plans for the Senate and House of
29 Representatives of the General Assembly.
- 30 (10) Plan. – A plan for legislative or congressional reapportionment drawn in
31 accordance with this Article.
- 32 (11) Preliminary plan. – An initial plan released by the Commission for public
33 input at the beginning of the redistricting cycle.
- 34 (12) Public office. – Elective State, local, or federal office.
- 35 (13) Relative. – An individual who is related to the person in question as father,
36 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,



1 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,
2 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,
3 stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or
4 half-sister.

5 **"§ 120-4.50. North Carolina Citizens Redistricting Commission.**

6 (a) Establishment. – There is established the North Carolina Citizens Redistricting
7 Commission to prepare preliminary, proposed, and alternative legislative and congressional
8 plans, to adopt final legislative and congressional plans, and to present adopted plans to the
9 General Assembly for enactment.

10 (b) Eligibility. – A resident of North Carolina is eligible to apply for membership on the
11 Commission if that person meets all of the following requirements:

12 (1) Has been a registered voter in North Carolina with the same affiliation, or lack
13 thereof, for at least three years prior to commencement of service on the
14 Commission.

15 (2) Has not contributed more than two thousand dollars (\$2,000) to any candidate
16 for public office.

17 (3) No person who has served as a member of the Commission shall be eligible
18 to hold any public office for three years after termination of service on the
19 Commission.

20 (4) Is not any of the following:

21 a. A relative of a current member of the General Assembly.

22 b. A political appointee of the General Assembly.

23 c. A staff member or legal counsel to the General Assembly.

24 d. An official of a political party or a consultant or legal counsel to a
25 political party in the United States.

26 (5) Has never done any of the following:

27 a. Served in public office or held a political appointment.

28 b. Served as an elected or appointed officer of a political party, body, or
29 committee at any level of government in the United States.

30 c. Served as an officer, employee, or paid consultant of a political party
31 or body or of the campaign or campaign committee of a candidate for
32 public office in the United States.

33 d. Been employed by Congress.

34 (6) Is not a legislative staffer, lobbyist, or legislative liaison.

35 (c) Membership Application; Evaluations. – Any citizen of North Carolina may apply to
36 the State Auditor to be a member of the Commission. As part of a person's application, that
37 person shall (i) disclose all relevant relationships and positions and (ii) submit to the State
38 Auditor an attestation that the person is eligible to serve as a member of the Commission pursuant
39 to subsection (b) of this section. The State Auditor shall evaluate applications to ensure they meet
40 the requirements of this section and any other requirements of State law. The State Auditor shall
41 submit all eligible applications to the Administrative Office of the Courts. The Administrative
42 Office of the Courts shall review the eligible applications and submit a diverse group of up to 60
43 applications to the General Assembly and the Governor, as follows:

44 (1) Applications submitted to the General Assembly shall reflect the State's
45 diverse races, ethnicities, nationalities, sexual orientations, socioeconomic
46 statuses, and geography.

47 (2) The Administrative Office of the Courts shall submit no more than 20
48 applications from persons registered in each of the following ways, as
49 reflected by the latest registration statistics published by the State Board of
50 Elections:

- 1 a. As affiliated with the political party with the highest number of
2 registered affiliates.
- 3 b. As affiliated with the political party with the second-highest number
4 of registered affiliates.
- 5 c. As not affiliated with either of the two political parties having the
6 highest and second-highest number of registered affiliates.
- 7 (3) If there are fewer than 20 applications from persons registered in accordance
8 with any sub-subdivision of subdivision (c)(2) of this section, the
9 Administrative Office of the Courts may submit additional eligible
10 applications to the General Assembly and the Governor, as necessary, to reach
11 a total of 60 applications.
- 12 (d) Appointment. – The Commission shall be composed of 15 members appointed from
13 the pool of candidates submitted to the General Assembly and the Governor pursuant to
14 subsection (c) of this section, as follows:
- 15 (1) Two by the President Pro Tempore of the Senate.
- 16 (2) Two by the minority leader in the Senate.
- 17 (3) Two by the Speaker of the House of Representatives.
- 18 (4) Two by the minority leader in the House of Representatives.
- 19 (5) One by the Governor.
- 20 (6) Six by a majority vote of the nine members appointed pursuant to subdivisions
21 (1), (2), (3), (4), and (5) of this subsection.
- 22 (7) All appointing authorities shall consider the importance of diversity, as
23 defined in subdivision (c)(1) of this section, when making their appointments.
- 24 (e) Term of Office. – The term of office for members of the Commission shall begin on
25 July 1 of each year ending in zero. The members shall continue in office for 10 years until their
26 successors are appointed and qualified.
- 27 (f) Chair. – The position of chair of the Commission shall rotate every six months,
28 following a schedule randomly generated at the beginning of the redistricting cycle. No two
29 members who share the same party affiliation, or lack thereof, shall serve as chair in the same
30 12-month period.
- 31 (g) Removal from Office. – A member of the Commission who fails to comply with
32 G.S. 120-4.54(2) may be removed from office by the authority that appointed the member.
- 33 (h) Vacancies. – Any vacancy occurring in the membership of the Commission shall be
34 filled in the manner prescribed in this section by the authority that made the initial appointment.
35 Vacancies shall be filled for the remainder of the unexpired term.
- 36 (i) Stipend. – Members of the Commission shall receive a stipend of one thousand two
37 hundred dollars (\$1,200) for each month that the Commission meets.
- 38 (j) Other Expenses. – Members of the Commission may receive travel and subsistence,
39 as follows:
- 40 (1) Members who are officials or employees of a State agency or unit of local
41 government, in accordance with G.S. 138-6.
- 42 (2) All other members at the rate established in G.S. 138-5.
- 43 **"§ 120-4.52. Staff.**
- 44 (a) The Commission shall be administratively housed in the Legislative Services Office
45 of the General Assembly.
- 46 (b) The Commission may exercise its prescribed powers independently of the General
47 Assembly and the Legislative Services Officer. The Commission may enter into contracts, own
48 property, and accept funds, grants, and gifts from any public or private source to pay expenses
49 incidental to implementing its purposes.
- 50 (c) The Legislative Services Officer shall provide general administrative support to the
51 Commission, including purchasing, payroll, and similar administrative services.

1 (d) The Commission shall retain independent staff under contract, including an executive
2 secretary and any additional necessary supporting staff. Staff shall be hired upon a vote of at least
3 nine members. The nine members shall be composed of at least three members selected pursuant
4 to each sub-subdivision of G.S. 120-4.50(c)(2). As a whole, the political affiliations of staff
5 members, or lack thereof, shall be divided approximately into thirds among the two political
6 parties with the highest number of affiliates and among persons unaffiliated with a political party.
7 A person is ineligible to serve as a staff member to the Commission if that person would be
8 ineligible to serve as a member of the Commission pursuant to G.S. 120-4.50(b).

9 **"§ 120-4.54. Open meetings and public records.**

10 The Commission shall be subject to the Public Records Act, Chapter 132 of the General
11 Statutes, and the Open Meetings Law, Article 33C of Chapter 143 of the General Statutes, except
12 to the extent those enactments conflict with the below requirements:

- 13 (1) Members of the Commission and staff shall not discuss the business of the
14 Commission outside public meetings.
- 15 (2) If a member of the Commission violates subdivision (1) of this subsection, he
16 or she shall place in the public records of the Commission (i) any violating
17 written communication and (ii) a written description of any violating oral
18 communication. The written description of an oral communication must
19 include the name of the parties to the communication, the date and
20 approximate time of the communication, and a description of the nature and
21 substance of the communication.
- 22 (3) The Commission shall provide at least 14 days' notice prior to any meeting in
23 which votes will be taken.

24 **"§ 120-4.56. Redistricting criteria.**

25 The Commission shall prepare preliminary, proposed, and alternative legislative and
26 congressional plans in accordance with the following goals, in order of priority:

- 27 (1) One person one vote, to ensure each voter's vote.
- 28 (2) Compliance with the North Carolina Constitution, State law, the Constitution
29 of the United States, including the equal protection clause of the Fourteenth
30 Amendment, and federal law.
- 31 (3) The population for a legislative district shall be within five percent (5%) of
32 the ideal population for that district. Congressional districts shall each have a
33 population that is as nearly equal as practicable to the ideal population but in
34 all cases within one-tenth of one percent (0.1%) of the ideal population for
35 that district.
- 36 (4) Minimizing the number of split counties.
- 37 (5) All districts shall be contiguous. Areas that meet only at the points of
38 adjoining corners are not contiguous.
- 39 (6) Minimizing the number of split municipalities.
- 40 (7) To the extent practicable, all districts shall be compact. Districts should not
41 bypass nearby communities for more distant communities.
- 42 (8) Electoral impartiality. The Commission shall not consider electoral results,
43 political considerations, or incumbency in the preparation of a plan, except to
44 the extent necessary to comply with federal law.
- 45 (9) Minimizing the number of split communities of interest. Precincts shall not be
46 split in the preparation of a plan for senate districts, except to the extent
47 necessary to comply with federal law.

48 **"§ 120-4.58. Adoption of redistricting plans by the Commission.**

49 (a) Duties. – The Commission shall prepare preliminary, proposed, and alternative
50 legislative and congressional plans and adopt final legislative and congressional plans. Plans shall
51 be adopted by a vote of at least nine members. The nine members shall be composed of at least

1 three members selected pursuant to each sub-subdivision of G.S. 120-4.50(c)(2). Adopted plans
2 shall be submitted to the General Assembly for enactment pursuant to G.S. 120-4.62.

3 (b) Special Master. – At the beginning of the redistricting cycle, the State Auditor shall
4 submit to the Commission a list of names of persons with an expertise in redistricting who are
5 qualified to serve as a special master. In the event a plan cannot be adopted pursuant to subsection
6 (a) of this section, the Commission shall appoint a special master from the list of names provided
7 by the State Auditor by a vote of at least nine members. The nine members shall be composed of
8 at least three members selected pursuant to each sub-subdivision of G.S. 120-4.50(c)(2). The
9 special master shall draw a final plan and submit the plan, along with the rationale for the plan,
10 to the Commission, which shall adopt that plan.

11 (c) Time Line. – District plans shall be adopted no later than October 1 of the year
12 following each federal census. Prior to the adoption of a plan, the Commission shall adhere to
13 the following maximum time line:

14 (1) Within 30 days of receipt of data from the Census Bureau, the Commission
15 shall hold the initial 10 public hearings pursuant to G.S. 120-4.60.

16 (2) Within 50 days of receipt of data from the Census Bureau, the Commission
17 shall release to the public preliminary plans for revising the congressional and
18 legislative districts.

19 (3) Within 70 days of receipt of data from the Census Bureau, the Commission
20 shall hold an additional 10 public hearings pursuant to G.S. 120-4.60.

21 (4) Within 90 days of receipt of data from the Census Bureau, the Commission
22 shall release to the public all of the following:

23 a. Proposed plans for revising the congressional and legislative districts.

24 b. Alternative plans for revising the congressional and legislative
25 districts.

26 c. A summary of public input provided pursuant to G.S. 120-4.60.

27 (5) Within 110 days of receipt of data from the Census Bureau, the Commission
28 shall vote to adopt its proposed or alternative plans for revising the
29 congressional and legislative districts. The adopted plans shall be submitted
30 to the General Assembly for enactment pursuant to G.S. 120-4.60.

31 (6) Within 130 days of receipt of data from the Census Bureau, if the Commission
32 fails to adopt any plan pursuant to subdivision (5) of this subsection, the
33 Commission shall select from the list of names provided by the State Auditor
34 pursuant to subsection (b) of this section a special master to complete the plan
35 or plans. The Commission shall provide the special master with its proposed
36 and alternative plans and all supporting data.

37 (7) Within 150 days of receipt of data from the Census Bureau, if the Commission
38 fails to adopt any plan pursuant to subdivision (5) of this subsection, the
39 special master selected pursuant to subsection (b) of this section shall prepare
40 and release a final plan and rationale for any changes from the plans released
41 by the Commission. The special master shall present the final plan to the
42 Commission.

43 (8) Within 160 days of receipt of data from the Census Bureau, the Commission
44 shall adopt the final plan presented by the special master. The adopted plans
45 shall be submitted to the General Assembly for enactment pursuant to
46 G.S. 120-4.60.

47 (9) Notwithstanding subdivisions (1) through (8) of this subsection, the
48 Commission may extend the maximum number of days between any event
49 required in this subsection by as many as seven days, up to a total of 40 days
50 over the course of a year, for good cause.

51 **"§ 120-4.60. Public input.**

1 (a) Public Hearings. – The Commission shall engage in a minimum of 20 public hearings
2 across the State. Of those public hearings, at least 10 hearings shall occur before a preliminary
3 plan is released to the public, and at least 10 hearings shall occur after a preliminary plan is
4 released to the public but before a proposed or alternative plan is released to the public.

5 (b) Public Input. – To the extent possible, the Commission shall facilitate the ability of
6 members of the public to provide substantive comments on any plan released to the public. To
7 achieve that goal, the Commission shall provide members of the public with all of the following
8 resources:

9 (1) Sufficient time to review any plan released to the public.

10 (2) The opportunity to communicate comments, questions, and recommendations
11 on any plan released to the public, at a minimum, in person, online, and
12 through the mail.

13 (3) Access to the same demographic data that is used by the Commission in a
14 machine-readable form.

15 (4) Access to mapping software and census data in a minimum of five public
16 library facilities in the State within 20 business days of receipt of that data
17 from the United States Bureau of the Census.

18 (5) A public, written response to every substantive comment or recommendation
19 regarding a specific component of a plan released to the public. The response
20 shall address the viability of any recommendation and indicate whether it was
21 or will be incorporated in any other plan.

22 (6) At the conclusion of the redistricting process, the Commission shall publish a
23 summary of the public input received by the Commission.

24 (7) A Web site with all of the following information:

25 a. Background information on the redistricting process available in at
26 least English and Spanish. The Commission shall provide information
27 in other languages if at least one million people petition the
28 Commission to have a particular language included.

29 b. Livestreams of all public meetings in audio, video, or both formats and
30 minutes from those meetings.

31 c. Meeting announcements.

32 d. A searchable database of feedback and plans discussed by the
33 Commission.

34 e. Plans discussed by the Commission and the data used to create those
35 plans.

36 **"§ 120-4.62. Enactment of adopted plans.**

37 (a) Upon a successful vote of adoption of a plan under G.S. 120-4.58, the Commission
38 shall deliver the adopted plan to the Principal Clerks of both the Senate and the House of
39 Representatives, along with the following information:

40 (1) Maps illustrating the adopted plan.

41 (2) A summary of the standards prescribed by this Article for development of the
42 adopted plan.

43 (3) A statement of the population of each district included in the adopted plan and
44 the relative deviation of each district population from the ideal population.

45 (4) Shape files.

46 (b) If provided for in the rules of the Senate or House of Representatives, it shall not be
47 in order to introduce any plan other than one adopted by the Commission. The adopted plan shall
48 not be amended in the House of Representatives or the Senate, and if the plan fails any reading,
49 the Commission shall recommend another plan. Subsequent plans shall be prepared in
50 accordance with this Article and, insofar as it is possible to do so within the requirements of

1 G.S. 120-4.56, with any reasons cited by the Senate or House of Representatives for the failure
2 to approve the proposed plan.

3 **"§ 120-4.64. Miscellaneous.**

4 (a) In Case Plan Held Invalid. – In the event that a proposed plan adopted by the North
5 Carolina Citizens Redistricting Commission and enacted by the General Assembly is held
6 invalid, a new district plan shall be adopted using the process described in this Article, modified
7 as necessary to reflect the timing and nature of the holding. Notwithstanding the foregoing, the
8 maximum intervals between the events required in subsection (b) of this section shall be
9 maintained.

10 (b) Federal and State Law. – In adopting any proposed plan under this section, the
11 Commission shall take into consideration all relevant requirements of the United States
12 Constitution and Acts of Congress and shall comply with the North Carolina Constitution.

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

17 **SECTION 2.** Section 1 of this act becomes effective January 1, 2020. Except as
18 otherwise provided, this act is effective when it becomes law.