

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10243-MT-61 (02/14)

Short Title: Independent Redistricting Commission.

(Public)

Sponsors: Representative John.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO ESTABLISH AN INDEPENDENT  
REDISTRICTING COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Effective beginning with the redistricting done upon the return of the  
2020 decennial census, Section 3 of Article II of the North Carolina Constitution reads as  
rewritten:

**"Sec. 3. Senate districts; apportionment of Senators.**

The Senators shall be elected from districts. ~~The General Assembly, at the first regular  
session convening~~ The Independent Redistricting Commission, beginning as soon as practical  
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:~~ so that, to the extent possible, those districts meet the following goals:

(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;~~

(2) ~~Each senate district shall at all times consist of contiguous territory;~~

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

(4)

(1) The goal of compactness, to avoid elongated and irregularly shaped districts.

(2) The goal of one person, one vote to ensure each voter's vote.

(3) The goal of minimizing the number of split counties, municipalities, and other  
communities of interest.

Precincts shall not be split in the preparation of a plan for State Senate districts. All districts  
shall be contiguous.

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

**SECTION 2.** Effective beginning with the redistricting done upon the return of the  
2020 decennial census, Section 5 of Article II of the North Carolina Constitution reads as  
rewritten:

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

The Representatives shall be elected from districts. ~~The General Assembly, at the first  
regular session convening~~ The Independent Redistricting Commission, as soon as practical  
after the return of every decennial census of population taken by order of Congress, shall revise



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1 the representative districts and the apportionment of Representatives among those districts,  
2 ~~subject to the following requirements: so that, to the extent possible, those districts meet the~~  
3 ~~following goals:~~

4 ~~(1) Each Representative shall represent, as nearly as may be, an equal number of~~  
5 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~  
6 ~~this purpose by dividing the population of the district that he represents by the number of~~  
7 ~~Representatives apportioned to that district;~~

8 ~~(2) Each representative district shall at all times consist of contiguous territory;~~

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

10 ~~(4)~~

11 (1) The goal of compactness, to avoid elongated and irregularly shaped districts.

12 (2) The goal of one person, one vote to ensure each voter's vote.

13 (3) The goal of minimizing the number of split counties, municipalities, and other  
14 communities of interest.

15 Precincts shall not be split in the preparation of a plan for State House of Representatives  
16 districts. All districts shall be contiguous.

17 When established, the representative districts and the apportionment of Representatives  
18 shall remain unaltered until the return of another decennial census of population taken by order  
19 of Congress."

20 **SECTION 3.** Effective January 1, 2020, Article II of the North Carolina  
21 Constitution is amended by adding a new section to read:

22 **"Sec. 25. Independent Redistricting Commission.**

23 (1) Establishment and membership. There is established the Independent Redistricting  
24 Commission to consist of seven persons as follows:

25 (a) One retired justice of the North Carolina Supreme Court or one retired judge  
26 of the North Carolina Court of Appeals, appointed by the Chief Justice of the  
27 North Carolina Supreme Court.

28 (b) One retired justice of the North Carolina Supreme Court and one retired  
29 judge of the North Carolina Court of Appeals, appointed by the Governor,  
30 with no more than one affiliated with the same political party.

31 (c) One retired justice of the North Carolina Supreme Court and one retired  
32 judge of the North Carolina Court of Appeals, appointed by the President  
33 Pro Tempore of the Senate, with no more than one affiliated with the same  
34 political party.

35 (d) One retired justice of the North Carolina Supreme Court and one retired  
36 judge of the North Carolina Court of Appeals, appointed by the Speaker of  
37 the House of Representatives, with no more than one affiliated with the same  
38 political party.

39 The appointing officers shall appoint the initial members of the Independent Redistricting  
40 Commission as soon as practicable after this Section becomes effective. Subsequent to the  
41 initial appointments, the appointing officers shall make their appointments, other than vacancy  
42 appointments, no earlier than February 1 of the year prior to the year in which the appointed  
43 members are to take office under subsection (2) of this Section and no later than June 1 of the  
44 year in which the members are to take office under subsection (2) of this Section. The  
45 appointing officers, in making their appointments, shall take into account the advisability of  
46 having the Commission reflect the State's geographic, gender, racial, and ethnic diversity.

47 (2) Term of office; vacancies; chair. The initial members of the Independent  
48 Redistricting Commission shall take office as soon as practicable after appointment. The initial  
49 members shall serve until successors are appointed and qualified. Subsequent to the initial  
50 appointments, the members of the Independent Redistricting Commission shall take office on  
51 the first day of July of each year ending in the number zero and shall continue in office until

1 successors are appointed and qualified. Any vacancy occurring in the membership of the  
2 Commission shall be filled for the remainder of the unexpired term by the officer who  
3 appointed the vacating member. The Independent Redistricting Commission shall elect from its  
4 members a chair, who will serve throughout the term of the Commission unless replaced by  
5 vote of the Commission.

6 (3) Eligibility. To be eligible for appointment to the Independent Redistricting  
7 Commission, a person must be a resident of North Carolina. No person who has served as a  
8 member of the Independent Redistricting Commission shall be eligible to hold any elective  
9 State office for four years after termination of service on the Independent Redistricting  
10 Commission. The term "public office" means any partisan or nonpartisan office filled by  
11 election by the people on a statewide, county, municipal, or district basis.

12 (4) Legislative plans. The Independent Redistricting Commission shall adopt, in  
13 accordance with Sections 3 and 5 of this Article, plans for revising the senate districts and  
14 representative districts, which shall have the force and effect of acts of the General Assembly.  
15 The General Assembly shall not adopt any legislative district plan.

16 (5) Congressional plans. The Independent Redistricting Commission is responsible for  
17 adopting a district plan for election of members of the House of Representatives of the  
18 Congress of the United States. The General Assembly shall not adopt any district plan for  
19 election of members of the United States House of Representatives.

20 (6) Preparation and adoption of plans. The Independent Redistricting Commission shall  
21 adopt district plans as required by subsections (4) and (5) of this Section no later than October  
22 1 of the year following each decennial census of population taken by order of Congress. There  
23 shall be a minimum period of 45 days of public comment on a plan before it is finally adopted.

24 In preparing or adopting its plans, the Independent Redistricting Commission shall not  
25 consider the following information:

26 (a) The political affiliation of voters.

27 (b) Voting data from previous elections.

28 (c) The location of incumbents' residences.

29 (d) Demographic data from sources other than the United States Bureau of the  
30 Census. In the use of Census data, racial and ethnic data shall be used only  
31 for the purposes of compliance with the United States Constitution and laws  
32 enacted pursuant thereto.

33 (7) In case plan held invalid. The Independent Redistricting Commission shall adopt a  
34 new district plan in the event that a plan it has adopted is held invalid.

35 (8) Federal and State law. In adopting any plan under this Section, the Independent  
36 Redistricting Commission shall take into consideration all relevant requirements of the United  
37 States Constitution and acts of Congress. It shall comply with the North Carolina Constitution  
38 as enunciated by the North Carolina Supreme Court.

39 (9) Local redistricting. The General Assembly may by law assign to the Independent  
40 Redistricting Commission the duty to adopt districting and redistricting plans for any county,  
41 city, town, special district, and other governmental subdivision if the governing board of the  
42 unit or a court of competent jurisdiction so requests."

43 **SECTION 4.** Effective January 1, 2021, Subsection (5) of Section 22 of Article II  
44 of the North Carolina Constitution reads as rewritten:

45 "(5) ~~Other exceptions. Appointments to office.~~ Every bill:

46 (a) ~~In bill in which the General Assembly makes an appointment or~~  
47 ~~appointments to public office and which contains no other matter;~~

48 (b) ~~Revising the senate districts and the apportionment of Senators among those~~  
49 ~~districts and containing no other matter;~~

50 (c) ~~Revising the representative districts and the apportionment of~~  
51 ~~Representatives among those districts and containing no other matter; or~~

(d) ~~Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other matter, matter shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses."~~

SECTION 5. Effective January 1, 2020, Section 8 of Article VI of the North Carolina Constitution reads as rewritten:

**"Sec. 8. Disqualifications for office.**

The following persons shall be disqualified for office:

...

Fourth, any person who has served as a member of the Independent Redistricting Commission within four years of the termination of service on the Independent Redistricting Commission."

SECTION 6. The amendments set out in Sections 1 through 5 of this act shall be submitted to the qualified voters of the State at a statewide general election to be held November 8, 2017, which election shall be conducted under the laws then governing elections in the State. The question to be used in the voting systems and ballots shall be:

[ ] FOR [ ] AGAINST

A constitutional amendment providing for an Independent Redistricting Commission to redistrict the State for the purpose of electing members of the General Assembly and members of the United States House of Representatives."

SECTION 7. If a majority of votes cast on the question are in favor of the amendments set out in Sections 1 through 5 of this act, the State Board of Elections shall certify the amendments to the Secretary of State. The amendments become effective as provided in this act. The Secretary of State shall enroll the amendments so certified among the permanent records of that office.

SECTION 8. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 12B.

"Redistricting.

**"§ 163-133. Redistricting plans.**

The Independent Redistricting Commission, established pursuant to Section 25 of Article II of the North Carolina Constitution, shall be administratively housed in the School of Government at the University of North Carolina. In order to implement Section 25 of Article II of the North Carolina Constitution, the Independent Redistricting Commission shall retain independent staff under contract to prepare redistricting plans covered by that section. In drafting plans for consideration by the General Assembly, that staff shall not be provided any instructions as to the content of the plans other than to follow the guidelines set out in that section."

SECTION 9. Section 8 of this act is effective only if the constitutional amendments proposed by Sections 1 through 5 of this act are approved by the qualified voters as provided in Sections 6 and 7 of this act.

SECTION 10. This act is effective when it becomes law.