

H251

House Bill 252 (=S25)

H2!

Horton Independent Redistricting Comm.
2009-2010 Session

VIEW BILL DIGEST	
EDITION	FISCAL NOTE
Filed	
Edition 1	

Last Action:	Ref to the Com on Rules, Calendar, and Operations of the House, if favor: Election Law and Campaign Finance Reform, if favorable, Judiciary I on 2/23/2009
Sponsors:	Current; Samuelson; Brown; Stam (Primary) Blackwood; Cleveland; Frye; Hilton; Johnson; Justus; Lewis; McGee; Mills; Moore; Neumann; Rhyne; Steen; Stevens; Tillis; Wiley
Attributes:	Public; Roll Call; Affects Constitution
Counties:	No counties specifically cited
Statutes:	163-207.1, C-II-3, C-II-5 (Sections)
Keywords:	APPOINTMENTS, COMMISSIONS, CONSTITUTION, NC, ELECTIONS, GENERAL ASSEMBLY, MEMBERSHIP, PRESIDENT PRO TEMPORE, PUBLIC, REDISTRICTING, REFERENDUMS & INITIATIVES, SPEAKER, REP. CURRENT, REDISTRICTING COMM.

HISTORY			
DATE	CHAMBER	ACTION	DOCUMENTS
2/23/2009	House	Ref to the Com on Rules, Calendar, and Operations of the House, if favorable, Election Law and Campaign Finance Reform, if favorable, Judiciary I	
2/23/2009	House	Passed 1st Reading	
2/19/2009	House	Filed	



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

1

HOUSE BILL 252*

Short Title: Horton Independent Redistricting Comm. (Public)

Sponsors: Representatives Current, Samuelson, Brown, Stam (Primary Sponsors);
Blackwood, Cleveland, Frye, Hilton, Johnson, Justus, Lewis, McGee, Mills,
Moore, Neumann, Rhyne, Steen, Stevens, Tillis, and Wiley.

Referred to: Rules, Calendar, and Operations of the House, if favorable, Election Law and
Campaign Finance Reform, if favorable, Judiciary I.

February 23, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH
THE HAMILTON C. HORTON JR. INDEPENDENT REDISTRICTING COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. 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. 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



* H 2 5 2 - V - 1 *

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.** Article II of the North Carolina Constitution is amended by adding a
21 new section to read:

22 **"Sec. 25. Hamilton C. Horton Jr. Independent Redistricting Commission.**

23 (1) Establishment and membership. There is established the Hamilton C. Horton Jr.
24 Independent Redistricting Commission to consist of 11 persons appointed as provided in this
25 section.

26 (2) General Composition and Eligibility. The Commission shall have partisan balance,
27 comprising four members affiliated with the largest political party in this State based on voter
28 registration, four members affiliated with the second largest political party in this State based
29 on voter registration, and three members not affiliated with either of the two largest political
30 parties in the State. Of the 11 members, no more than two may reside in the same county. Each
31 member shall be a registered voter in this State who has been continuously affiliated with the
32 same political party, or has been registered as unaffiliated with a political party, for three or
33 more years immediately before appointment. The Commission shall be representative of this
34 State's diversity, including, but not limited to, racial, ethnic, geographic, and gender diversity.
35 Each member shall commit to applying this section in an honest, independent, and impartial
36 fashion and to upholding public confidence in the integrity of the redistricting process. Within
37 five years immediately before appointment, neither a Commission member nor a member of the
38 member's extended family may have done any of the following:

39 (a) Been appointed to, elected to, been a candidate for any elective office
40 whether state or local, or served in any other public state office.

41 (b) Served as an officer or executive committee member of a political party, or
42 as an officer, paid employee, or paid consultant of a candidate's campaign
43 committee.

44 (c) Been a registered lobbyist.

45 The following are not eligible to be Commission members: Legislative and congressional
46 staff and consultants, persons under contract with the General Assembly, any person with a
47 financial or extended family relationship with the Governor, a member of the General
48 Assembly, or a member of the Congress of the United States. As used in this section, a member
49 of a person's "extended family" is a person's spouse, lineal descendant, lineal ascendant,
50 sibling, spouse's lineal ascendant, spouse's lineal descendant, spouse's sibling, and the spouse of
51 any of these persons.

1 A member of the Commission shall not be eligible, during or within three years after
2 service on the Commission, to hold elective office, whether state or local, or to hold any public
3 state office or register as a lobbyist.

4 (3) Selection process. The Commission members shall be appointed as provided by law.
5 The law providing for the appointment process may provide independent authority to officers
6 and other members of the Senate and the House of Representatives.

7 (4) Term of office; vacancies; chair. The initial members of the Independent
8 Redistricting Commission shall take office as soon as practicable after their appointment. The
9 initial members shall serve until their successors are appointed and qualified. Subsequent to the
10 initial appointments, the members of the Independent Redistricting Commission shall take
11 office on the last day of February of each year ending in the number one and shall continue in
12 office until their successors are appointed and qualified. Any vacancy occurring in the
13 membership of the Commission shall be filled as provided by law. The Independent
14 Redistricting Commission shall elect from its members a Chair, who will serve throughout the
15 term of the Commission unless replaced by vote of the Commission.

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

20 (6) Congressional plans. The Independent Redistricting Commission is responsible for
21 adopting a district plan for election of members of the House of Representatives of the
22 Congress of the United States. The General Assembly shall not adopt any district plan for
23 election of members of the United States House of Representatives.

24 (7) Preparation and adoption of plans. The Independent Redistricting Commission shall
25 adopt district plans as required by subsections (5) and (6) of this section no later than October 1
26 of the year following each decennial census of population taken by order of Congress. In
27 preparing or adopting its plans, the Independent Redistricting Commission shall not consider
28 the following information:

29 (a) The political affiliation of voters;

30 (b) Voting data from previous elections;

31 (c) The location of incumbents' residences; or

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

36 There shall be a minimum period of 45 days of public comment on a plan before it is finally
37 adopted.

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

40 (9) Federal and State law. In adopting any plan under this section, the Independent
41 Redistricting Commission shall take into consideration all relevant requirements of the United
42 States Constitution and acts of Congress. It shall comply with the North Carolina Constitution
43 as enunciated by the North Carolina Supreme Court.

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

48 **SECTION 4.** Subsection (5) of Section 22 of Article II of the North Carolina
49 Constitution reads as rewritten:

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

- (a) ~~In bill in which the General Assembly makes an appointment or appointments to public office and which contains no other matter;~~
 - (b) ~~Revising the senate districts and the apportionment of Senators among those districts and containing no other matter;~~
 - (c) ~~Revising the representative districts and the apportionment of 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. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 17A.

"§ 163-207.1. Selection of Hamilton C. Horton Jr. Independent Redistricting Commission.

(a) Purpose. – All participants in the selection process set forth in this section shall work to ensure that each stage of the process promotes the goal of achieving a membership of the Hamilton C. Horton Jr. Independent Redistricting Commission that is composed as provided in Article II, Section 25 of the Constitution of North Carolina.

(b) Screening Process. – A screening panel of 10 current or retired county election directors or election board members shall establish an application and screening process open to all North Carolina registered voters. This screening panel shall be nominated by the North Carolina Election Directors Association and the North Carolina Election Boards Association meeting jointly. Those organizations shall make their nominations no later than December 1 of each year ending in the number zero. Those organizations shall adopt rules that are publicly disclosed for appointing qualified panelists and for selecting alternatives in the event that a panelist is unable to carry out his or her duties. Those organizations shall submit the names of their nominees for screening panelists to the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives. They shall have five days to object to the composition of the screening panel. Otherwise, the screening panel shall immediately convene.

Of the 10 screening panelists, four shall be affiliated by voter registration with the largest political party in North Carolina based on party registration, four shall be affiliated by voter registration with the second largest political party in North Carolina based on party registration, and two shall not be affiliated by voter registration with either of those parties. Each panelist shall be a registered voter of North Carolina who has been continuously affiliated by voter registration with the same political party for at least three years immediately before appointment.

By January 8 of each year ending in the number one, the screening panel shall, through an open and public process, establish a pool of qualified persons who are willing to serve on the Independent Redistricting Commission, and submit the names to the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives. The pool of candidates shall consist of 55 nominees, with 20 nominees affiliated by voter registration with each of the two largest parties in North Carolina.

(c) Appointment Process. – No later than January 31 of each year ending in the number one, the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives may each strike up to two candidates from each partisan subpool. The four legislative leaders shall make every effort to strike so as not to result in a pool of candidates that is not representative of this State's diversity as provided in Article II, Section 25 of the Constitution of North Carolina.

1 After all four legislative leaders have exercised their strikes, the Principal Clerk of the House of
2 Representatives shall present the remaining pool of candidates to the State Board of Elections.

3 The State Board of Elections shall establish and implement a public and auditable process
4 of randomly drawing four names from each of the political party subpools and three names
5 from the subpool of those not affiliated with the two largest parties.

6 The names of the 11 individuals drawn for the Commission shall be presented to the
7 President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the
8 House of Representatives, and the minority leader of the House of Representatives. Each of
9 those four legislative leaders shall have five days to object to the composition of the
10 Commission on the grounds of lack of representation of the State's diversity as required by
11 Article II, Section 25 of the Constitution of North Carolina. If objections are raised by three of
12 those legislative leaders, the State Board of Elections shall return all names to the pool for
13 another round of random drawing. The State Board of Elections may draw up to three times.

14 Upon the completion of this process, the 11 individuals so chosen shall take office.

15 (d) Vacancies. – Any vacancies on the Commission shall be filled from the pool
16 through a public and auditable process of randomly drawing names from the same pool selected
17 in subsection (b) of this section. The vacancy shall be filled with a member of the same partisan
18 affiliation as the vacating member. The random drawing process shall be established and
19 implemented by the State Board of Elections."

20 **SECTION 6.** The amendments set out in Sections 1 through 4 of this act shall be
21 submitted to the qualified voters of the State at the statewide primary election in 2010, which
22 election shall be conducted under the laws then governing elections in the State. Ballots,
23 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
24 The question to be used in the voting systems and ballots shall be:

25 FOR AGAINST

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

29 **SECTION 7.** If a majority of votes cast on the question are in favor of the
30 amendments set out in Sections 1 through 4 of this act, the State Board of Elections shall certify
31 the amendments to the Secretary of State. The amendments become effective upon this
32 certification. The Secretary of State shall enroll the amendments so certified among the
33 permanent records of that office.

34 **SECTION 8.** This act is effective when it becomes law.