

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 35

Short Title: Independent Redistricting Commission. (Public)

Sponsors: Representatives Dollar; Avila, Blackwood, Dockham, Gulley, Hilton, Justice, Justus, Killian, Langdon, Lewis, Moore, Neumann, Samuelson, and Stevens.

Referred to: Rules, Calendar, and Operations of the House.

February 4, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REFORM LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.

The General Assembly of North Carolina enacts:

SECTION 1. Section 3 of Article II of the Constitution of North Carolina 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~~ An agency in the executive branch designated by law, beginning as soon as practical after the return of every decennial census of population taken by order of Congress, shall ~~revise~~ supervise the revision of the senate districts and the apportionment of Senators among those ~~districts, districts by the people of North Carolina, according to the process described in Section 26 of this Article, subject to the requirements in that Section and the~~ following requirements:

(1) Each Senator shall ~~represent, as nearly as may be, an equal~~ represent a number of inhabitants, inhabitants which shall not differ from the ideal by more than five percent, the ideal number of inhabitants that each Senator represents being determined for this purpose by dividing the population of the ~~district that he represents~~ State by the number of Senators apportioned to that district;50.

(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)(2) 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 Constitution of North Carolina 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~~ An agency in the executive branch, beginning as soon as practical after the return of every decennial census of population taken by order of Congress, shall ~~revise~~ supervise the revision of the representative districts and the apportionment of Representatives among those ~~districts, districts by the people of North Carolina, according to the process described in Section 26 of this Article, subject to the requirements in that Section and the~~ following requirements:



1 (1) Each Representative shall ~~represent, as nearly as may be, an equal~~ represent a
2 number of inhabitants, inhabitants which shall not differ from the ideal by more than five
3 percent, the ideal number of inhabitants that each Representative represents being determined
4 for this purpose by dividing the population of the district that he represents State by the number
5 of Representatives apportioned to that district;120.

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

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

8 ~~(4)(2) When established, the representative districts and the apportionment of~~
9 ~~Representatives shall remain unaltered until the return of another decennial census of~~
10 ~~population taken by order of Congress."~~

11 **SECTION 3.** Section 6 of Article II of the Constitution of North Carolina reads as
12 rewritten:

13 **"Sec. 6. Qualifications for Senator.**

14 Each Senator, at the time of his election, shall be not less than 25 years of age, shall be a
15 qualified voter of the State, and shall have resided in the State as a citizen for two years and in
16 the district for which he is chosen for one year immediately preceding his ~~election.~~ election,
17 unless the boundaries of any senate district were revised less than 15 months before the general
18 election, in which case he shall have established residence in the district no later than three
19 months after the date the boundaries were last revised."

20 **SECTION 4.** Section 7 of Article II of the Constitution of North Carolina reads as
21 rewritten:

22 **"Sec. 7. Qualifications for Representative.**

23 Each Representative, at the time of his election, shall be a qualified voter of the State, and
24 shall have resided in the district for which he is chosen for one year immediately preceding his
25 ~~election.~~ election, unless the boundaries of any representative district were revised less than 15
26 months before the general election, in which case he shall have established residence in the
27 district no later than three months after the date the boundaries were last revised."

28 **SECTION 5.** Article II of the Constitution of North Carolina is amended by adding
29 a new section to read:

30 **"Sec. 25. Congressional districts.**

31 Members of the House of Representatives of the Congress of the United States shall be
32 elected from districts. An executive branch agency designated by law, beginning as soon as
33 practical after the return of the decennial census of population taken by order of Congress, shall
34 supervise the revision of the congressional districts and the apportionment of Representatives
35 among those districts by the people of North Carolina, according to the process described in
36 Section 26 of this Article, subject to the requirements of that Section and the following
37 requirements:

38 (1) Each Representative shall represent a number of inhabitants which shall not differ
39 from the ideal by more than the lesser of five percent or the limit set by federal law, the ideal
40 number of inhabitants that each Representative represents being determined for this purpose by
41 dividing the population of the State by the number of United States House seats to which North
42 Carolina is entitled by federal law.

43 (2) When established, the congressional districts shall remain unaltered until the return
44 of another decennial census population taken by order of Congress."

45 **SECTION 6.** Article II of the Constitution of North Carolina is amended by adding
46 a new section to read:

47 **"Sec. 26. Process of defining districts.**

48 (1) Legislative and congressional districts shall be revised by the citizens of North
49 Carolina, under the supervision of an agency in the executive branch designated by law,
50 hereafter referred to as 'the agency'. The General Assembly shall not adopt any legislative or
51 congressional district plan.

1 (2) Any citizen of the State of North Carolina may submit one or more proposed
2 redistricting plans to the agency for any or each type of district: North Carolina House of
3 Representatives, North Carolina Senate, and United States House of Representatives.

4 (3) Each plan submitted to the agency shall be accompanied by a nonrefundable fee of
5 one hundred dollars (\$100.00), unless waived under subsection (9) of this Section.

6 (4) The proposed redistricting plans shall be submitted to the agency electronically, in a
7 manner and format to be determined by the agency for the mutual convenience of the citizens
8 and the agency.

9 (5) The agency shall have the responsibility for evaluating each such plan according to
10 the criteria of this Article. Each plan shall first be evaluated for compliance with the mandatory
11 requirements. Plans which do not comply with the mandatory requirements shall not be scored
12 for quality. Plans which comply with the mandatory requirements shall be scored for quality
13 according to the criteria of this Section.

14 (6) The agency shall accept the proposed redistricting plans for a Submission Period of
15 90 days. At the end of the Submission Period, the agency shall announce which submitted plan
16 for each type of district had the highest total quality score. Those plans shall be adopted to
17 define the legislative and congressional districts until the return of another decennial census of
18 population taken by order of Congress, except if the agency determines that a plan does not
19 comply with federal law, it shall not be adopted, and the agency shall instead adopt the plan
20 complying with federal law that has the highest total quality score.

21 (7) Each weekday during the Submission Period, or as frequently as practical, but not
22 less than once per week, the agency shall post on its Web site the 10 highest-scoring proposed
23 plans received so far for each type of district, based on each plan's total quality score. The
24 highest-scoring plan for each type of district shall be called the Leading Plan for that day.

25 (8) Each proposed plan submitted to the agency shall become public information. Both
26 the data file defining each plan and each plan's total quality score and component scores shall
27 be made public as quickly as practical on the agency's Web site, so that other citizens may use
28 them when creating other proposed plans.

29 (9) The fee for submitting a plan shall be waived or refunded if that plan is determined
30 by the agency to be the Leading Plan for the day.

31 (10) The State of North Carolina shall create, place into the public domain, and make
32 available to the public computer software for designing and scoring redistricting plans,
33 including the software that the agency uses to evaluate proposed plans. The source code for all
34 such software shall also be placed into the public domain and made available to the public.
35 Such software may be dependent upon the use of commercially available software, but the cost
36 of the required commercially available software shall be as small as practical to avoid being an
37 impediment to citizen participation in the redistricting process.

38 (11) The following are mandatory requirements for all proposed redistricting plans:

39 (a) Each district shall consist of contiguous territory. Point-contiguity shall not
40 be considered contiguous.

41 (b) One and only one person shall represent each district.

42 (c) The districts shall comply with federal law.

43 (12) The total quality score for each proposed redistricting plan shall be computed as the
44 sum of three component scores, each of which is chosen to achieve a particular goal. The three
45 goals are: compactness; one person, one vote; and minimizing the number of split counties,
46 municipalities, and precincts:

47 (a) The goal of compactness is to avoid elongated and irregular districts. The
48 component score which quantifies this goal shall be the Reock quotient for
49 the plan. The 'Reock quotient for the plan' means the average of the Reock
50 quotients for each proposed district in the plan. The Reock quotient for a

1 district is the area of the district divided by the area of the smallest possible
2 enclosing circle, a number between 0 and 1.

3 (b) The goal of one person, one vote is to ensure that each voter's vote is of
4 equal importance. The component score that quantifies this goal shall be
5 computed as follows: First, compute X, the 'ideal district voting strength,'
6 which means the total number of votes cast in the most recent gubernatorial
7 election divided by the number of districts in the State. Then, for each
8 proposed district, compute Y, the number of those voters who resided in the
9 proposed district. Then, for each proposed district, divide the smaller of X
10 and Y by the larger of X and Y, resulting in a number between 0 and 1.
11 Finally, average these quotients for all the districts in the plan.

12 (c) The goal of minimizing the number of split counties, municipalities, and
13 precincts is quantified by calculating a component score as follows: First, for
14 each county, municipality, or precinct (hereafter 'geographic entity') which
15 the plan splits, calculate the number of 'excess splits,' and cube that number.
16 Then sum these cubed numbers, divide the sum by twice the number of
17 districts in the State, and subtract the quotient from 1. The result is the
18 component score for this goal, a number less than or equal to 1. The number
19 of excess splits for a geographic entity is calculated as follows: First,
20 calculate X, the ideal number of districts to represent that geographic entity.
21 For precincts, X is always equal to 1. Otherwise, X is defined as ninety-nine
22 percent of the population of the county or municipality, divided by the ideal
23 population of a district, rounded up to the next integer. Then define Y, the
24 number of districts into which the geographic entity is split by the proposed
25 plan. If Y is not greater than X, the number of excess splits is 0. If Y is
26 greater than X, the number of excess splits is Y minus X."

27 **SECTION 7.** Article II of the Constitution of North Carolina is amended by adding
28 a new section to read:

29 **"Sec. 27. Process of redefining districts if required by courts.**

30 If any redistricting plan adopted in accordance with the process in Section 26 of this Article
31 is invalidated by a court decision, the State of North Carolina shall first exhaust all legal
32 remedies in appealing that decision to reinstate the districts. But if the decision cannot be
33 reversed, the citizens of North Carolina shall create revised districts under the supervision of
34 the agency, according to the process in Section 26 of this Article, except that the Submission
35 Period shall be shortened to 45 days."

36 **SECTION 8.** The amendments set out in Sections 1 through 7 of this act shall be
37 submitted to the qualified voters of the State at the general election in November 2010, which
38 election shall be conducted under the laws then governing elections in the State. Ballots, voting
39 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
40 question to be used in the voting systems and ballots shall be:

41 "[] FOR [] AGAINST

42 A constitutional amendment to eliminate gerrymandering by providing for the
43 citizens of the State of North Carolina to redistrict the State for the purpose of electing
44 members of the General Assembly and members of the United States House of Representatives
45 into districts designed with the goals of compactness, smallest number of split counties and
46 cities, and one person, one vote."

47 **SECTION 9.** If a majority of votes cast on the question are in favor of the
48 amendments set out in Sections 1 through 7 of this act, the State Board of Elections shall certify
49 the amendments to the Secretary of State. The amendments become effective upon this
50 certification. The Secretary of State shall enroll the amendments so certified among the
51 permanent records of that office.

1 **SECTION 10.** The General Assembly designates the State Board of Elections as
2 the agency under Sections 3, 5, 25, 26, and 27 of Article II of the Constitution of North
3 Carolina.

4 **SECTION 11.** Section 10 of this act is effective only if the constitutional
5 amendments proposed by this act are approved by the qualified voters as provided by this act.

6 **SECTION 12.** This act is effective when it becomes law.