

February 3, 2009

H 35. INDEPENDENT REDISTRICTING COMMISSION. Filed 2/3/09. *TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REFORM LEGISLATIVE AND CONGRESSIONAL REDISTRICTING.*

Subject to approval by the voters at the general election in November 2010, enacts three new sections, Section 25 (Congressional districts), Section 26 (Process of defining districts), and Section 27 (Process of redefining districts if required by courts) to Article II of the North Carolina Constitution, effective upon certification by the State Board of Elections to the Secretary of State, to authorize revision of congressional and legislative districts by North Carolina citizens under the supervision of an agency in the executive branch designated by law (Agency). Section 10 of this act provides that the General Assembly designates the Agency as the State Board of Elections. Establishes in Section 25, as well as by amending Section 3 (Senate districts) and Section 5 (Representative districts) of Article II, that each senator or representative must represent a number of inhabitants that does not differ from the ideal by more than 5% (or, if less, the limit set by federal law for congressional representatives), determined by dividing the state population by the number of member seats (was in Section 3 and Section 5, representation of nearly an equal number of inhabitants determined by dividing the district population by the number of members apportioned to that district). Prohibits the districts from being altered until the return of another decennial census taken by the order of Congress.

In Section 26, sets forth the process that allows any state citizen to submit one or more proposed redistricting plans to the Agency for any or each type of district: House of Representatives, Senate, and US House of Representatives. Requires that each plan be submitted to the Agency electronically, in a manner and form designated by the Agency, and be accompanied by a nonrefundable \$100 fee. Provides that the Agency must accept the proposed redistricting plans for a submission period of 90 days. At the end of that period, the Agency will announce which plan for each type of district had the highest quality score and adopt each of those plans, if in compliance with federal law. During the submission period, the Agency must post each weekday, or at a minimum once a week, the 10 highest-scoring proposed plans for each type of district and designate the highest scoring plans as the Leading Plans of the day. A Leading Plan of the day is given a waiver or refund of the \$100 submission fee. Requires that each plan be made public information and that public computer software for designing and scoring redistricting plans be made available. Sets forth the following mandatory requirements for all proposed plans: (1) each district must consist of contiguous territory, (2) only one person must represent each district, and (3) the districts must comply with federal law. Also establishes a formula for scoring plans based on certain goals.

In Section 27, requires that, if a court invalidates any adopted redistricting plan, the state must exhaust all legal remedies in appealing a decision to reinstate the districts. If the decision is not reversed, allows for another revision by citizens under the supervision by the Agency within a 45-day submission period.

Amends the qualifications for members in Section 6 (senator) and Section 7 (representative) of Article II to create an exception to the one-year district residency requirement for revisions of a district less than 15 months before the general election, in which case the member must establish residency in the district no later than three months after the boundaries were last revised. Also makes technical and conforming changes to Section 3 and Section 5 of Article II.

Intro. by Dollar.

CONST