

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS15157-LU-9 (11/16)

Short Title: Fair Redistricting/Postmark&Absentee Ballots. (Public)

Sponsors: Senators Bryant, McKissick, and Robinson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CREATE THE JOINT LEGISLATIVE STUDY COMMITTEE ON FAIR REDISTRICTING AND TO PROVIDE THAT ABSENTEE BALLOTS RECEIVED BY A COUNTY BOARD OF ELECTIONS BY MAIL ON THE DAY AFTER THE ELECTION THAT ARE NOT POSTMARKED ARE DEEMED TO HAVE BEEN POSTMARKED ON OR BEFORE ELECTION DAY UPON VERIFICATION OF RECEIPT BY THE COUNTY BOARD OF ELECTIONS.

Whereas, North Carolina has a long history of gerrymandering voting districts in ways that weaken the political power of Black voters; and

Whereas, particularly in the South, the history of gerrymandering is inextricably linked to the deliberate division of voters by race, generally to undercut the power of Black voters and their fusion coalitions with other voters; and

Whereas, deep community involvement and understanding of the history of racism and voting rights are crucial to ending unconstitutional gerrymandering; and

Whereas, any redistricting process should abide by the protections of the Voting Rights Act and the United States and North Carolina Constitutions, laws, and applicable court precedents; and

Whereas, a strong representative democracy depends on voting districts that comply with the Voting Rights Act and the United States and North Carolina Constitutions, laws, and applicable court precedents; and

Whereas, voting districts should be very nearly equal in population, compact, without odd tentacles, and geographically contiguous; and

Whereas, all voters and communities are not fully and fairly represented in redistricting unless incarcerated people are counted as residents of their pre-incarceration home or family residence; and

Whereas, North Carolina's unique history, geography, and demographics require the development of a unique North Carolinian solution to unlawful gerrymandering and redistricting; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) Creation of Fair Redistricting Study Committee. – There is created the Joint Legislative Study Committee on Fair Redistricting (Committee). The Committee shall consist of 14 members to be appointed as follows:

- (1) Two Representatives and one public member appointed by the Speaker of the House of Representatives.
- (2) Two Senators and one public member appointed by the President Pro Tempore of the Senate.



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1 (3) The leader of the minority party in the House of Representatives or the
2 leader's designee and one public member appointed by the minority party
3 leader.

4 (4) The leader of the minority party in the Senate or the leader's designee and
5 one public member appointed by the minority party leader.

6 (5) Four members of the public appointed by the Governor.

7 Each appointing authority shall designate one of his or her appointees to be a
8 nonvoting member of the Committee, except the Governor shall designate two of the
9 Governor's appointees as nonvoting. All other members of the Committee shall be voting
10 members. The members appointed shall have experience in the redistricting process or with
11 voting rights laws and issues. The Speaker of the House of Representatives and President Pro
12 Tempore of the Senate shall jointly select one cochair and the leaders of the minority party in
13 the House and the Senate shall jointly select one cochair from the eight voting Committee
14 members. Vacancies on the Committee shall be filled by the appointing authority making the
15 initial appointment. A majority of the voting members will constitute a quorum for the purpose
16 of conducting official business.

17 **SECTION 1.(b)** Purpose. – The purpose of the Joint Legislative Study Committee
18 on Fair Redistricting is to provide principles and guidance on issues studied in subsection (c) of
19 this section to ensure that the 2020 House, Senate, and Congressional district plans for North
20 Carolina are drawn fairly. The work of the Committee shall ensure that districts are drawn free
21 from unlawful racial or partisan gerrymandering in compliance with the Voting Rights Act and
22 the United States and North Carolina Constitutions, federal and State statutes and regulations,
23 and applicable court precedents. Furthermore, the Committee shall establish redistricting
24 principles, recommendations and guidance for the General Assembly and, in doing so, shall
25 consider North Carolina's long history of racism and racial gerrymandering. The Committee
26 shall also ensure that it considers public input in the development of and in response to its final
27 recommendations and those districts drawn by the General Assembly abide by the Voting
28 Rights Act and the United States and North Carolina Constitutions, laws, and applicable court
29 precedents.

30 **SECTION 1.(c)** Study. – The Joint Legislative Study Committee on Fair
31 Redistricting shall conduct a study of the issues outlined below, and provide the General
32 Assembly with principles and guidance formulated from the study's findings for the 2020
33 redistricting process. In the conduct of its study, the Committee shall examine existing State
34 and federal laws and precedents regarding redistricting, the history of the redistricting process
35 in North Carolina, and the legislation enacted in other states that encourages a fair, legal, and
36 open redistricting process. Specifically, the Committee shall study:

37 (1) Strategies for inviting, facilitating, and documenting public input into the
38 redistricting process. This shall include documenting the most effective
39 ways, in the study process, to involve local government districts, local, State,
40 and regional coalitions, grassroots organizations, and a broad diversity of
41 community members and to consider "communities of interest," i.e., a group
42 of people with common social, cultural, racial, ethnic, and economic
43 interests that are common to and strongly felt by the population of their area
44 and that are probable subjects of legislation.

45 (2) Methods for map drawing that result in fair and equitable districts that
46 exclude partisan data, the addresses of current lawmakers, the party
47 affiliation or voting history of voters, and other data and micro-targeting
48 designed to favor a particular party or politician.

49 (3) Tools used by state and federal courts to assess district maps for compliance
50 with the Voting Rights Act and the United States and North Carolina
51 Constitutions, laws, and applicable court precedents.

- 1 (4) Models used by other jurisdictions for reducing partisan and racial
2 gerrymandering that include the permanent residency of incarcerated persons
3 in the redistricting process.

4 **SECTION 1.(d)** Powers. – The Committee, while in the discharge of its official
5 duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through
6 G.S. 120-19.4. The Committee may meet at any time upon the joint call of the cochairs. The
7 Committee may meet in the Legislative Building or in the Legislative Office Building.

8 **SECTION 1.(e)** Staffing. – The Legislative Services Commission, through the
9 Legislative Services Officer, shall assign professional staff to assist the Committee in its work.
10 The Directors of Legislative Assistants of the Senate and of the House of Representatives shall
11 assign clerical staff to the Committee, and the expenses relating to the clerical employees shall
12 be borne by the Committee. Members of the Committee shall receive subsistence and travel
13 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

14 **SECTION 1.(f)** Report. – The Committee shall submit a final report, including
15 findings and legislative recommendations and guidance, no later than June 15, 2018. If for any
16 reason a majority of the Committee cannot agree on findings and recommendations, the
17 Committee shall provide a majority and minority party report. The Committee shall terminate
18 upon filing its final report or on June 15, 2018, whichever occurs earlier.

19 **SECTION 2.** G.S. 163-231(b) reads as rewritten:

20 "(b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
21 container-return envelope in which executed absentee ballots have been placed shall be
22 transmitted to the county board of elections who issued those ballots as follows:

- 23 (1) All ballots issued under the provisions of this Article and Article 21A of this
24 Chapter shall be transmitted by mail or by commercial courier service, at the
25 voter's expense, or delivered in person, or by the voter's near relative or
26 verifiable legal guardian and received by the county board not later than 5:00
27 p.m. on the day of the statewide primary or general election or county bond
28 election. Ballots issued under the provisions of Article 21A of this Chapter
29 may also be electronically transmitted.

- 30 (2) If ballots are received later than the hour stated in subdivision (1) of this
31 subsection, those ballots shall not be accepted unless one of the following
32 applies:

- 33 a. Federal law so requires.
34 b. The ballots issued under this Article are (i) postmarked and that
35 postmark is dated on or before the day of the statewide primary or
36 general election or county bond election and are received by the
37 county board of elections not later than three days after the election
38 by ~~5:00 p.m.~~ 5:00 P.M. or (ii) if there is no postmark, are received by
39 the county board of elections not later than one day after the election
40 by 5:00 P.M. When a ballot is received by mail one day after the
41 election without a postmark, the county board of elections shall
42 verify receipt of the ballot by stamping on the ballot the date it was
43 received.
44 c. The ballots issued under Article 21A of this Chapter are received by
45 the county board of elections not later than the end of business on the
46 business day before the canvass conducted by the county board of
47 elections held pursuant to G.S. 163-182.5."

48 **SECTION 3.** This act is effective when it becomes law.