

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 69  
Feb 13, 2019  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30032-BK-2

Short Title: Nonpartisan Redistricting Commission. (Public)

Sponsors: Representatives Reives, McGrady, Hardister, and B. Turner (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH A NONPARTISAN REDISTRICTING PROCESS.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Chapter 120 of the General Statutes is amended by adding a new  
5 Article to read:

6 "Article 1B.

7 "Nonpartisan Redistricting.

8 "Part 1. General Provisions.

9 "§ 120-4.51. Definitions.

10 As used in this Article, unless the context requires otherwise, the following definitions apply:

- 11 (1) Census Bureau. – The United States Bureau of the Census.  
12 (2) Commission. – The Nonpartisan Redistricting Commission established  
13 pursuant to this Article.  
14 (3) Federal census. – The decennial census required by federal law to be  
15 conducted by the Census Bureau in every year ending in zero.  
16 (4) Four selecting authorities. –  
17 a. The President Pro Tempore of the Senate.  
18 b. The minority leader of the Senate.  
19 c. The Speaker of the House of Representatives.  
20 d. The minority leader of the House of Representatives.  
21 (5) Ideal population. – The number determined by dividing the number of  
22 members in a plan into the population of the State as reported in the federal  
23 census.  
24 (6) Plan. – A plan for legislative and congressional reapportionment drawn up  
25 pursuant to the requirements of this Article.  
26 (7) Political party office. – An office in the national or State organization of a  
27 political party.  
28 (8) Public office. – An elective State, local, or federal office.  
29 (9) Relative. – An individual who is related to the person in question as father,  
30 mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece,  
31 husband, wife, grandfather, grandmother, father-in-law, mother-in-law,  
32 son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather,  
33 stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half  
34 sister.  
35 (10) Voting Districts. – The State's voting precincts as reported by the State Board  
36 of Elections to the Bureau of the Census as required by G.S. 163-132.1C.



\* D R H 3 0 0 3 2 - B K - 2 \*

1 "§ 120-4.52. Reserved.

2 "§ 120-4.53. Reserved.

3 "Part 2. Nonpartisan Redistricting Commission.

4 "§ 120-4.54. Nonpartisan Redistricting Commission established; composition.

5 (a) The Nonpartisan Redistricting Commission is established and shall consist of 11  
6 registered voters of this State, as follows:

7 (1) Four members registered as affiliated with the political party having the  
8 highest number of registered affiliates, as reflected by the latest registration  
9 statistics published by the State Board of Elections.

10 (2) Four members registered affiliated with the political party having the second  
11 highest number of registered affiliates, as reflected by the latest registration  
12 statistics published by the State Board of Elections.

13 (3) Three members registered as not affiliated with either of the two political  
14 parties having the highest number of registered affiliates, as reflected by the  
15 latest registration statistics published by the State Board of Elections.

16 (b) Immediately after the convening of the regular session of the General Assembly in  
17 odd-numbered years, each of the four selecting authorities shall prepare a list of 10 nominees  
18 who are affiliated with the political party of the selecting authority, and a list of three nominees  
19 who are not affiliated with either of the two political parties having the highest number of  
20 registered affiliates as reflected by the latest registration statistics published by the State Board  
21 of Elections. In preparing the lists of nominees, the four selecting authorities shall have the goal  
22 of representing the State's diversity, including racial, ethnic, geographic, and gender diversity.

23 (c) The Office of the State Auditor shall verify that each nominee meets the criteria for  
24 appointment to the Commission, as established in this section. If the Office of the State Auditor  
25 determines that any nominee is not eligible for appointment to the Commission, the Office of the  
26 State Auditor shall notify the respective selecting authority for a substitute nominee.

27 (d) The Office of the State Auditor shall establish a system for randomly selecting the  
28 Commission members as follows:

29 (1) Two individuals from each list of 10 nominees affiliated with the political  
30 party of the selecting authority submitted by each of the four selecting  
31 authorities.

32 (2) Three individuals from a combined list of nominees not affiliated with either  
33 of the two political parties having the highest number of registered affiliates,  
34 as reflected by the latest registration statistics published by the State Board of  
35 Elections.

36 (e) The term of office for members of the Commission shall begin on April 1 of the year  
37 the member is selected, and shall continue for four years, and until a successor is appointed and  
38 qualified. Members shall not serve more than three consecutive full terms.

39 (f) No person shall be eligible for appointment to the Commission if any of the following  
40 apply:

41 (1) Within five years immediately prior to appointment, the individual, or a  
42 relative of the individual, has done any of the following:

43 a. Been appointed to, elected to, or been a candidate for any elective  
44 public office, or been appointed to a State board or commission.

45 b. Served as an officer or executive committee member of a political  
46 party, or as an officer, paid employee, or paid consultant of a  
47 candidate's campaign committee.

48 c. Been a lobbyist registered under Chapter 120C of the General Statutes.

49 (2) The individual is an employee of the General Assembly or Congress, or is a  
50 consultant or is under contract with the General Assembly or Congress.

51 (3) The individual has a financial relationship with the Governor.

1        (g) No member of the Commission shall be eligible, during service on the Commission  
2 or within five years after service on the Commission, to do any of the following:

3            (1) Be appointed to a State board or commission.

4            (2) Serve as an officer or executive committee member of a political party, or as  
5 an officer, paid employee, or paid consultant of a candidate's campaign  
6 committee.

7            (3) Register as a lobbyist under Chapter 120C of the General Statutes.

8        (h) The Commission's only functions shall be those prescribed by G.S. 120-4.58.

9 **"§ 120-4.55. Selection of chair; vacancies; quorum; expenses of members.**

10        (a) The Commission shall organize by electing one of its members chair.

11        (b) Five members of the Commission shall constitute a quorum.

12        (c) Members of the Commission shall receive from funds appropriated to the General  
13 Assembly per diem, travel expenses, and reimbursement for other necessary expenses incurred  
14 in performing their duties as provided by G.S. 138-5 or G.S. 138-6, as applicable.

15        (d) Any vacancy on the Commission shall be filled within 30 days. For a vacating  
16 member affiliated with either of the two political parties having the highest number of registered  
17 affiliates, the Office of the State Auditor shall randomly select an individual from the most recent  
18 lists of nominees provided from the two selecting authorities who are affiliated with the vacating  
19 member. For a vacating member not affiliated with either of the two political parties having the  
20 highest number of registered affiliates, the Office of the State Auditor shall randomly select an  
21 individual from the most recent combined list of nominees not affiliated with either of the two  
22 political parties having the highest number of registered affiliates.

23 **"§ 120-4.56. Records.**

24        (a) For any files, documents, or other information submitted to the Commission, or any  
25 member thereof, the following information shall be recorded by the Commission and is a public  
26 record:

27            (1) The name of individual or entity submitting the file, document, or other  
28 information.

29            (2) The date the file, document, or other information was received.

30            (3) A brief description or summary of the contents of the file, document, or other  
31 information.

32        (b) The Commission shall adopt procedures for each member of the Commission to  
33 document verbal conversations between members of the Commission, when not sitting as a  
34 public body, and individuals holding public office or declared candidates for public office, to  
35 include at least the following:

36            (1) The names of the parties to the conversation.

37            (2) The date and location of the conversation.

38            (3) A brief description or summary of the conversation.

39 **"§ 120-4.57. Staff and offices.**

40        (a) The Commission may employ professional, technical, and support staff, including  
41 consultants and legal representation, and may contract for other expertise as needed.

42        (b) Except for public input and comment, Commission staff or contract employees shall  
43 not have any communications about the content or development of any plan outside of public  
44 hearings with anyone except other Commission staff. Commission staff shall report to the  
45 Commission any attempt by anyone to exert influence over the staff's role in the drafting of plans.

46        (c) The Commission shall be located within the Department of Administration for  
47 administrative purposes only, but shall exercise all of its powers, including the power to employ,  
48 direct, and supervise all personnel, independent of the Secretary of Administration. The  
49 Department shall provide administrative support to the Commission free of charge.

50 **"§ 120-4.58. Duties of Commission.**

51        The duties of the Commission shall be as follows:



1       (f)     When preparing proposed plans for submission under G.S. 120-4.62, the Commission  
2 shall release population data, geographic data, election data, and any other data used to create the  
3 proposed plan.

4       (g)     When preparing proposed plans for submission under G.S. 120-4.62, the Commission  
5 shall provide terminals for members of the public to access the data and associated software. Any  
6 member of the public may submit maps for consideration to the Commission, and those  
7 submissions shall be public records and open to public comment.

8 **"§ 120-4.62. Commission submission of proposed redistricting plans.**

9       (a)     Not later than April 1 of each year ending in one, the Commission shall submit, by a  
10 vote of at least eight of its members, a proposed plan for revising the senate districts and  
11 representative districts and for election of members of the House of Representatives of the  
12 Congress of the United States. In voting to approve a proposed plan, at least two members from  
13 each of the following groups must vote in the affirmative to submit the proposed plan:

14           (1)     The members affiliated with the political party having the highest number of  
15 registered affiliates.

16           (2)     The members affiliated with the political party having the second-highest  
17 number of registered affiliates.

18           (3)     The members not affiliated with either of the two political parties having the  
19 highest number of registered affiliates.

20       (b)     If the population data for legislative districting that the Census Bureau is required to  
21 provide this State under P.L. 94-171 and, if used by the Commission, the corresponding  
22 geographic referencing data file for that population data are not available to the Commission on  
23 or before February 15 of a year ending in one, the April 1 date set forth in subsection (a) of this  
24 section shall be extended by a number of days equal to the number of days after February 15 of  
25 the year ending in one that the federal census population data and the geographic encoding and  
26 referencing data file for legislative districting become available.

27       (c)     Upon a successful vote of submission of a proposed plan under subsection (a) of this  
28 section, the Commission shall deliver to the Principal Clerks of both the Senate and the House  
29 of Representatives, along with the following information:

30           (1)     Maps illustrating the proposed plan.

31           (2)     A summary of the standards prescribed by this Article for development of the  
32 proposed plan.

33           (3)     A statement of the population of each district included in the proposed plan  
34 and the relative deviation of each district population from the ideal population.

35           (4)     Shape files.

36 **"§ 120-4.63. Voting on redistricting plans.**

37       (a)     Upon receipt by the Principal Clerks of both the Senate and the House of  
38 Representatives of a proposed plan submitted by the Commission pursuant to G.S. 120-4.62, a  
39 member of the General Assembly shall file a bill embodying the plan within three legislative  
40 days after the proposed plan is received.

41       (b)     It is the intent of this Article that the bill embodying a proposed plan submitted by the  
42 Commission under G.S. 120-4.62 shall be brought to a vote in the house where the bill was filed  
43 expeditiously, but not less than three legislative days after the bill was filed. The bill shall be  
44 voted in under a procedure or rule permitting no amendments except those of a purely corrective  
45 nature. It is further the intent of this Article that if the bill is approved on third reading by the  
46 first house in which it is considered, it shall expeditiously be brought to a vote in the second  
47 house under a similar procedure or rule. If the bill embodying the proposed plan submitted by  
48 the Commission under G.S. 120-4.62 fails to be approved on second or third reading in either the  
49 Senate or the House of Representatives, the respective house may direct by resolution to the  
50 Commission information regarding reasons why the proposed plan was not approved.

1       (c) If the bill embodying the proposed plan submitted by the Commission under  
2 G.S. 120-4.62 fails to pass second or third reading in either house, the Commission shall submit  
3 a second proposed plan of legislative or congressional districting under G.S. 120-4.62. The  
4 proposed plan shall be prepared in accordance with this section and, insofar as it is possible to  
5 do so within the requirements of G.S. 120-4.64, with any reasons cited by the Senate or House  
6 of Representatives for the failure to approve the proposed plan. If a second proposed plan is  
7 required under this subsection, the Commission shall submit a proposed plan and deliver the  
8 proposed plan to the Principal Clerks of both the Senate and the House of Representatives not  
9 later than 35 calendar days after the date of the vote by which the Senate or the House of  
10 Representatives fails to approve the bill. Upon receipt by the Principal Clerks of both the Senate  
11 and the House of Representatives of the proposed plan submitted by the Commission, a member  
12 of the General Assembly shall file a bill embodying the proposed plan within three legislative  
13 days after the proposed plan is received.

14       (d) If it is necessary to file a bill under subsection (c) of this section, it is the intent of this  
15 Article that the bill embodying the proposed plan shall be brought to a vote not less than three  
16 legislative days after the bill is filed, under a procedure or rule permitting no amendments except  
17 those of a purely corrective nature. If the bill is approved on third reading by the first house in  
18 which it is considered, it is the intent of this Article that it shall expeditiously be brought to a  
19 vote in the second house under a similar procedure or rule. If the bill embodying the proposed  
20 plan submitted by the Commission under G.S. 120-4.62 fails to be approved on second or third  
21 reading in either the Senate or the House of Representatives, the respective house may direct by  
22 resolution to the Commission information regarding reasons why the proposed plan was not  
23 approved.

24       (e) If the bill embodying the proposed plan submitted by the Commission under  
25 G.S. 120-4.62 under subsection (c) of this section fails to be enacted, the same procedure as  
26 prescribed by subsections (c) and (d) of this section shall be followed. If a third proposed plan is  
27 required under this subsection, the Commission shall submit a proposed plan and deliver the  
28 proposed plan to the Principal Clerks of both the Senate and the House of Representatives not  
29 later than 35 calendar days after the date of the vote by which the Senate or the House of  
30 Representatives fails to approve the bill submitted under subsection (d) of this section. If it is  
31 necessary to submit a bill under this subsection, it is the intent of this Article that the bill shall be  
32 brought to a vote within the same time period after its delivery to the Principal Clerks of both the  
33 Senate and the House of Representatives as is prescribed for the bill submitted under subsection  
34 (b) of this section but shall be subject to amendment in the same manner as other bills.

35 **"§ 120-4.64. Redistricting standards.**

36       (a) Legislative and congressional districts shall be established on the basis of population.

37       (b) Legislative districts shall each have a population that is within five percent (5%) of  
38 the ideal population for that district.

39       (c) Congressional districts shall each have a population as nearly equal as practicable to  
40 the ideal population, but in all cases within one-tenth of a percent (0.1%) of the ideal population.

41       (d) Legislative and congressional districts shall be drawn in a manner that complies with  
42 requirements of federal and State law.

43       (e) To the extent consistent with other standards provided by this section, district  
44 boundaries in a plan shall coincide with the boundaries of political subdivisions of the State. In  
45 the State Senate and House of Representatives plans, the "whole county" requirements  
46 established by the North Carolina Constitution shall be complied with in a manner consistent  
47 with federal law. The number of counties and cities divided among more than one district shall  
48 be as small as possible, but in the case of cities located in more than one county, minimizing the  
49 division of counties prevails. The division of voting districts shall also be minimized consistent  
50 with the other standards of this section.

1        (f) Districts shall be composed of convenient contiguous territory. Areas which meet  
2 only at the points of adjoining corners are not contiguous.

3        (g) Districts shall be reasonably compact in form, to the extent consistent with the  
4 standards established by this section. In general, reasonably compact districts are those that are  
5 square, rectangular, or hexagonal in shape, and not irregularly shaped, to the extent of natural or  
6 political boundaries or those of voting districts. If it is necessary to compare the relative  
7 compactness of two or more districts, or of two or more alternative districting plans, the tests  
8 prescribed by this subsection shall be used as follows:

9            (1) Length-width compactness. – The compactness of a district is greatest when  
10 the length of the district and the width of the district are equal. The measure  
11 of a district's compactness is the absolute value of the difference between the  
12 length and the width of the district. In general, the length-width compactness  
13 of a district is calculated by measuring the distance from the northernmost  
14 point or portion of the boundary of a district to the southernmost point or  
15 portion of the boundary of the same district and the distance from the  
16 westernmost point or portion of the boundary of the district to the easternmost  
17 point or portion of the boundary of the same district. The absolute values  
18 computed for individual districts under this subdivision may be cumulated for  
19 all districts in a plan in order to compare the overall compactness of two or  
20 more alternative districting plans for the State or for a portion of the State.

21            (2) Perimeter compactness. – The compactness of a district is greatest when the  
22 distance needed to traverse the perimeter boundary of a district is as short as  
23 possible. The total perimeter distance computed for individual districts under  
24 this subdivision may be cumulated for all districts in a plan in order to compare  
25 the overall compactness of two or more alternative districting plans for the  
26 State or for a portion of the State.

27        (h) Except to the extent required by the North Carolina and United States Constitutions,  
28 the Voting Rights Act of 1965, and applicable court decisions, the Commission shall not do any  
29 of the following:

30            (1) Draw a district for the purpose of favoring a political party, incumbent  
31 legislator or member of Congress, or other person or group.

32            (2) Draw a district for the purpose of augmenting or diluting the voting strength  
33 of a language or racial minority group.

34            (3) Make any use of any of the following:

35                a. Political affiliations of registered voters.

36                b. Previous election results.

37                c. Demographic information, other than population head counts.

38                d. The location of incumbents' residences."

39        **SECTION 2.(a)** Notwithstanding G.S. 120-4.54(b), as enacted by Section 1 of this  
40 act, by March 1, 2020, each of the four selecting authorities shall prepare a list of 10 nominees  
41 who are affiliated with the political party of the selecting authority, and a list of three nominees  
42 who are not affiliated with either of the two political parties having the highest number of  
43 registered affiliates as reflected by the latest registration statistics published by the State Board  
44 of Elections. In preparing the lists of nominees, the four selecting authorities shall have the goal  
45 of representing the State's diversity, including, but not limited to, racial, ethnic, geographic, and  
46 gender diversity.

47        **SECTION 2.(b)** Notwithstanding G.S. 120-4.54(d) and (e), by April 1, 2020, the  
48 Office of the State Auditor must randomly select the initial members of the Commission as  
49 follows:

- 1           (1)    One individual from each list of 10 nominees affiliated with the political party  
2                   of the selecting authority submitted by each of the four selecting authorities,  
3                   to each serve a three-year term.
- 4           (2)    One individual from a combined list of the nominees not affiliated with either  
5                   of the two political parties having the highest number of registered affiliates,  
6                   as reflected by the latest registration statistics published by the State Board of  
7                   Elections, to serve a three-year term.
- 8           (3)    One individual from each list of 10 nominees affiliated with the political party  
9                   of the selecting authority submitted by each of the four selecting authorities,  
10                  to each serve a five-year term.
- 11          (4)    Two individuals from a combined list of the nominees not affiliated with  
12                  either of the two political parties having the highest number of registered  
13                  affiliates, as reflected by the latest registration statistics published by the State  
14                  Board of Elections, to serve a five-year term.
- 15          **SECTION 3.** This act is effective when it becomes law and applies to redistricting  
16 following the return of the 2020 federal decennial census and thereafter.