

# Out Of Order



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 1092

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H1092-AMTy-75 [v.12]

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Amends Title [YES]  
Second Edition

Date \_\_\_\_\_, 2018

Representative John

1 moves to amend the bill on page 1, line 3, by inserting between the word "PERSON" and the  
2 period the following new language:

3  
4 " AND TO ESTABLISH AN INDEPENDENT REDISTRICTING COMMISSION";

5  
6 and on page 1, lines 32 to 33, by inserting between the lines the following new section to read:

7  
8 "SECTION 5.1.(a) Effective beginning with the redistricting done upon the return  
9 of the 2020 decennial census, Section 3 of Article II of the Constitution of North Carolina reads  
10 as rewritten:

11 "**Sec. 3. Senate districts; apportionment of Senators.**

12 The Senators shall be elected from districts. ~~The General Assembly, at the first regular session~~  
13 ~~convening~~ The Independent Redistricting Commission, beginning as soon as practical after the  
14 return of every decennial census of population taken by order of Congress, shall revise the senate  
15 districts and the apportionment of Senators among those districts, subject to the following  
16 requirements: so that, to the extent possible, those districts meet the following goals:

17 (1) ~~Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the~~  
18 ~~number of inhabitants that each Senator represents being determined for this purpose by dividing~~  
19 ~~the population of the District that he represents by the number of Senators apportioned to that~~  
20 ~~district;~~

21 (2) ~~Each senate district shall at all times consist of contiguous territory;~~

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

23 (4)

24 (1) The goal of compactness, to avoid elongated and irregularly shaped districts.

25 (2) The goal of one person, one vote to ensure each voter's vote.

26 (3) The goal of minimizing the number of split counties, municipalities, and other  
27 communities of interest.

28 Precincts shall not be split in the preparation of a plan for State Senate districts, except to the  
29 extent necessary to comply with federal law. All districts shall be contiguous.

30 When established, the senate districts and the apportionment of Senators shall remain  
31 unaltered until the return of another decennial census of population taken by order of Congress."



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1           **SECTION 5.1.(b)** Effective beginning with the redistricting done upon the return of  
2 the 2020 decennial census, Section 5 of Article II of the Constitution of North Carolina reads as  
3 rewritten:

4 **"Sec. 5. Representative districts; apportionment of Representatives.**

5       The Representatives shall be elected from districts. ~~The General Assembly, at the first regular~~  
6 ~~session convening~~ The Independent Redistricting Commission, as soon as practical after the  
7 return of every decennial census of population taken by order of Congress, shall revise the  
8 representative districts and the apportionment of Representatives among those districts, ~~subject~~  
9 ~~to the following requirements:~~ so that, to the extent possible, those districts meet the following  
10 goals:

11       (1) ~~Each Representative shall represent, as nearly as may be, an equal number of~~  
12 ~~inhabitants, the number of inhabitants that each Representative represents being determined for~~  
13 ~~this purpose by dividing the population of the district that he represents by the number of~~  
14 ~~Representatives apportioned to that district;~~

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

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

17       (4)

18       (1) The goal of compactness, to avoid elongated and irregularly shaped districts.

19       (2) The goal of one person, one vote to ensure each voter's vote.

20       (3) The goal of minimizing the number of split counties, municipalities, and other  
21 communities of interest.

22       Precincts shall not be split in the preparation of a plan for State House of Representatives  
23 districts, except to the extent necessary to comply with federal law. All districts shall be  
24 contiguous.

25       When established, the representative districts and the apportionment of Representatives shall  
26 remain unaltered until the return of another decennial census of population taken by order of  
27 Congress."

28           **SECTION 5.1.(c)** Effective January 1, 2020, Article II of the Constitution of North  
29 Carolina is amended by adding a new section to read:

30 **"Sec. 25. Independent Redistricting Commission.**

31       (1) Establishment and membership. There is established the Independent Redistricting  
32 Commission to consist of seven persons appointed as follows:

33       (a) One retired justice of the North Carolina Supreme Court and one retired judge  
34 of the North Carolina Court of Appeals, appointed by the Chief Justice of the  
35 North Carolina Supreme Court, with no more than one affiliated with the same  
36 political party.

37       (b) Two appointed by the Governor, with no more than one affiliated with the  
38 same political party.

39       (c) One that is not registered with either the political party with the largest number  
40 of registered affiliates in the State or the political part with the second-largest  
41 number of registered affiliates in the State, appointed by the Governor from a  
42 list of two nominees selected by the other six members of the Independent  
43 Redistricting Commission.

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1           (d)    One appointed by the President Pro Tempore of the Senate.

2           (e)    One appointed by the Speaker of the House of Representatives.

3           The appointing officers shall appoint the initial members of the Independent Redistricting  
4 Commission as soon as practicable after this Section becomes effective. Subsequent to the initial  
5 appointments, the appointing officers shall make their appointments, other than vacancy  
6 appointments, no earlier than February 1 of the year prior to the year in which the appointed  
7 members are to take office under subsection (2) of this Section and no later than June 1 of the  
8 year in which the members are to take office under subsection (2) of this Section. The appointing  
9 officers, in making their appointments, shall take into account the advisability of having the  
10 Commission reflect the State's geographic, gender, racial, and ethnic diversity.

11          (2)    Appointment selection meeting. Within 14 days of appointment of the six members  
12 appointed under subdivisions (a), (b), (d), and (e) of subsection (1) of this Section, all six  
13 members shall hold an initial appointment selection meeting for the sole purpose of selecting two  
14 nominees who meet the qualifications for appointment under subdivision (c) of subsection (1) of  
15 this Section and shall promptly submit those names to the Governor. No additional actions, other  
16 than the oath of office, shall be taken by the six members appointed under subdivisions (a), (b),  
17 (d), and (e) of subsection (1) of this Section at the appointment selection meeting.

18          (3)    Term of office; chair; vacancies. The initial members of the Independent Redistricting  
19 Commission shall take office as soon as practicable after appointment. The initial members shall  
20 serve until successors are appointed and qualified. Subsequent to the initial appointments, the  
21 members of the Independent Redistricting Commission shall take office on the first day of July  
22 of each year ending in the number zero and shall continue in office until successors are appointed  
23 and qualified. The Independent Redistricting Commission shall elect from its members a chair,  
24 who will serve throughout the term of the Commission unless replaced by a vote of the  
25 Commission. Any vacancy occurring in the membership of the Commission appointed under  
26 subdivisions (a), (b), (d), and (e) of subsection (1) of this Section shall be filled for the remainder  
27 of the unexpired term by the officer who appointed the vacating member. For a vacancy for an  
28 appointment under subdivision (c) of subsection (1) of this Section, the Governor shall fill the  
29 vacancy from a list of two names submitted by the remaining members of the Commission if that  
30 list is submitted within 30 days of the occurrence of the vacancy. The Commission shall hold a  
31 meeting within 21 days of the occurrence of the vacancy for the purpose of selecting two  
32 nominees for submission to the Governor to fill the vacancy.

33          (4)    Eligibility. To be eligible for appointment to the Independent Redistricting  
34 Commission, a person must be a resident of North Carolina. No person who has served as a  
35 member of the Independent Redistricting Commission shall be eligible to hold any elective State  
36 office for four years after termination of service on the Independent Redistricting Commission.  
37 The term "public office" means any partisan or nonpartisan office filled by election by the people  
38 on a statewide, county, municipal, or district basis.

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

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

5       (7) Preparation and adoption of plans. The Independent Redistricting Commission shall  
6 adopt district plans as required by subsections (5) and (6) of this Section no later than October 1  
7 of the year following each decennial census of population taken by order of Congress. There  
8 shall be a minimum period of 45 days of public comment on a plan before it is finally adopted.

9       In preparing or adopting its plans, the Independent Redistricting Commission shall not  
10 consider the following information:

11           (a) The political affiliation of voters.

12           (b) Voting data from previous elections.

13           (c) The location of incumbents' residences.

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

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

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

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

28       **SECTION 5.1.(d)** Effective January 1, 2021, Subsection (5) of Section 22 of Article  
29 II of the Constitution of North Carolina reads as rewritten:

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

31           ~~(a) In bill in which the General Assembly makes an appointment or appointments~~  
32 ~~to public office and which contains no other matter;~~

33           ~~(b) Revising the senate districts and the apportionment of Senators among those~~  
34 ~~districts and containing no other matter;~~

35           ~~(c) Revising the representative districts and the apportionment of Representatives~~  
36 ~~among those districts and containing no other matter; or~~

37           ~~(d) Revising the districts for the election of members of the House of~~  
38 ~~Representatives of the Congress of the United States and the apportionment~~  
39 ~~of Representatives among those districts and containing no other matter,~~  
40 matter shall be read three times in each house before it becomes law and shall  
41 be signed by the presiding officers of both houses."

42       **SECTION 5.1.(e)** Effective January 1, 2020, Section 8 of Article VI of the  
43 Constitution of North Carolina reads as rewritten:

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1 **"Sec. 8. Disqualifications for office.**

2 The following persons shall be disqualified for office:

3 ...

4 Fourth, any person who has served as a member of the Independent Redistricting  
5 Commission within four years of the termination of service on the Independent Redistricting  
6 Commission."

7 **SECTION 5.1.(f)** The amendments set out in subsections (a) through (e) of this  
8 section shall be submitted to the qualified voters of the State at the general election in November  
9 2018, which election shall be conducted under the laws then governing elections in the State.  
10 Ballots, voting systems, or both may be used in accordance with Chapter 163A of the General  
11 Statutes. The question to be used in the voting systems and ballots shall be:

12 "[ ] FOR [ ] AGAINST

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

16 **SECTION 5.1.(g)** If a majority of votes cast on the question are in favor of the  
17 amendments set out in subsections (a) through (e) of this section, the Bipartisan State Board of  
18 Elections and Ethics Enforcement shall certify the amendments to the Secretary of State. The  
19 amendments become effective as provided in this act. The Secretary of State shall enroll the  
20 amendments so certified among the permanent records of that office.

21 **SECTION 5.1.(h)** Article 20 of Chapter 163A of the General Statutes is amended  
22 by adding a new Part to read:

23 "Part 2A. Redistricting.

24 **"§ 163A-1080. Redistricting plans.**

25 The Independent Redistricting Commission, established pursuant to Section 25 of Article II  
26 of the North Carolina Constitution, shall be administratively housed in the School of Government  
27 at the University of North Carolina. In order to implement Section 25 of Article II of the North  
28 Carolina Constitution, the Independent Redistricting Commission shall retain independent staff  
29 under contract to prepare redistricting plans covered by that section. In drafting plans for  
30 consideration by the General Assembly, that staff shall not be provided any instructions as to the  
31 content of the plans other than to follow the guidelines set out in that section."

32 **SECTION 5.1.(i)** Subsection (h) of this section is effective only if the constitutional  
33 amendments proposed by subsections (a) through (e) of this section are approved by the qualified  
34 voters as provided in subsection (f) and (g) of this section.

35 **SECTION 5.1.(j)** This section is effective when it becomes law."

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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_