



**NORTH CAROLINA**  
(status quo)

**KEY POINTS:**

The North Carolina legislature currently draws congressional and state legislative maps, abiding by a number of state and federal constitutional and statutory limitations. The governor does not have veto power of the plans. Legislative and congressional redistricting are controlled by Article II of the North Carolina Constitution. *See*, N.C. Const. art. II, §§ 2-6, 22.

North Carolina statute gives exclusive jurisdiction over challenges to all state and congressional redistricting plans to a three-judge panel in state court composed of three superior court judges, with appeal directly to the Supreme Court of North Carolina. If a court finds a plan unlawful, it must first give the legislature an opportunity to remedy the issue before it imposes its own plan. N.C. N.C. Stat. §§ 1-267.1, 120-2.4, 120-2.5.

**PROCESS:**

The North Carolina legislature is responsible for drafting congressional and state legislative maps. Plans are enacted by the usual legislative process except that they are not subject to the governor's veto. In the event that a plan is challenged in court, the senior superior court judge of Wake County, and two superior court judges appointed by the Chief Justice of the state Supreme Court will hear the case. No member of the three-judge panel may be a former legislator. All appeals go directly to the state Supreme Court. If a plan is found to be unlawful, the court may not impose its own plan until the state legislature has had an opportunity to remedy the problem.

State legislative lines must be drawn in the first legislative session following the conclusion of the decennial census. That session began on January 19, 2011, and will conclude on August 5, 2011. There is no specified deadline for congressional districts except for the constraints imposed by primary filing deadlines.

- **Independence from Legislators:** None.
- **Partisan Balance:** The process has only as much partisan balance as the legislature itself. After the November 2010 elections, both chambers of the North Carolina General Assembly are controlled by the same party.
- **Minority Participation:** No stipulation ensuring minority participation in the process, therefore, the process will feature as much diversity as the legislative leadership.
- **Public Input:** The legislature will conduct hearings across the state to receive public input on redistricting and have also made available an online form for additional feedback.

- **Timing**: Article II, sections 3 and 5 of the North Carolina Constitution prohibit mid-decade redistricting for state legislative districts; however there is no similar provision for congressional redistricting.

**CRITERIA:**

Congressional and state legislative districts are subject to congressional and statutory constraints. Redistricting principles for population equity, compactness, respect for political boundaries and communities of interest are all found in North Carolina's constitution. *See* N.C. Const. art. II, §§ 3, 5.

In addition, 40 counties in North Carolina are covered by section 5 of the Voting Rights Act and all changes therein must be precleared by the Department of Justice.

- **Population Equality**: The state constitution contains an express provision that districts must contain substantially equal populations. For state legislative districts, the North Carolina Supreme Court has ruled that this means no more than  $\pm 5\%$  deviation between districts.
- **Minority Rights**: There are no provisions for the protection of minority rights beyond federal law.
- **Compactness**: There is a general provision that districts be reasonably compact. All districts must be contiguous.
- **District Competition**: There is no requirement to create competitive districts.
- **Statewide Partisan Balance**: North Carolina has no provision encouraging or discouraging statewide partisan balance.
- **Preservation of Political Boundaries**: The North Carolina Constitution requires mapmakers to minimize division of counties.
- **Communities of Interest**: North Carolina courts have stated that mapmakers should consider communities of interest. *Stephenson v. Bartlett*, 582 S.E.2d 247, 249-51 (N.C. 2003).
- **Nesting**: There is no nesting requirement in North Carolina.
- **Incumbent Residence**: There is no criteria encouraging or discouraging the consideration of incumbent residence.