

NORTH CAROLINA GENERAL ASSEMBLY  
EXTRA SESSION 1963

CHAPTER 2  
HOUSE BILL 5

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA SO AS TO  
2 INCREASE THE MEMBERSHIP OF THE SENATE AND TO PROVIDE FOR  
3 COMPULSORY REDISTRICTING OF THE SENATE AFTER EACH FEDERAL  
4 DECENNIAL CENSUS AND TO PROVIDE FOR ONE REPRESENTATIVE FROM  
5 EACH COUNTY.  
6

7 The General Assembly of North Carolina do enact:  
8

9 **Section 1.** Article II of the Constitution of North Carolina is amended by rewriting  
10 Sections 3, 4, 5 and 6 thereof to read as follows:

11 **"Sec. 3.** Number of Senators. The Senate shall consist of seventy Senators, biennially  
12 chosen by ballot.

13 **"Sec. 4.** Senatorial Districts; Apportionment of Senators; Senate Redistricting Commission.  
14 The Senators shall be elected from districts. The General Assembly, at the first regular Session  
15 convening after the effective date of this Section as amended, and thereafter, at the first regular  
16 Session convening after the return of every Federal decennial census, shall revise the Senatorial  
17 Districts and the apportionment of Senators subject to the following requirements:

18 "(1) The number of inhabitants for each Senator in the Senatorial Districts shall  
19 not vary more than twenty-five per cent (25%) from the quotient obtained by  
20 dividing the total population of the State by seventy.

21 "(2) Each Senatorial District shall at all times consist of contiguous territory.

22 "(3) No county shall be divided in the formation of a Senatorial District, unless  
23 that county shall be entitled to two or more Senators.

24 "(4) When established, the Senatorial Districts and the apportionment of Senators  
25 among those districts shall remain unaltered until the return of the next  
26 decennial census taken by order of Congress.

27 "(5) If the first regular Session of the General Assembly convening after the  
28 effective date of this Section as amended, and after the return of every  
29 decennial census taken by order of Congress shall fail to revise the  
30 Senatorial Districts and the apportionment of Senators among those districts  
31 in accordance with the standards set forth in this Section, then within ten  
32 days after adjournment sine die of that Legislative Session, or on July 1 of  
33 that year, whichever is earlier, the Senatorial Redistricting Commission shall  
34 be convened. The Commissioners shall consist of the President of the  
35 Senate, ex officio, one Senator appointed by the President of the Senate, the  
36 Speaker of the House, one Representative appointed by the Speaker of the  
37 House, and one Senator or Representative appointed by the Governor. The  
38 President of the Senate shall be Chairman, but shall have no vote except in  
39 case of a tie. The members of the Commission shall receive such  
40 compensation as shall be fixed by the Governor and Council of State.  
41 Service on the Commission shall not constitute holding office within the  
42 meaning of Article XIV, Section 7, of the Constitution. The Commission  
43 shall revise the Senatorial Districts and the apportionment of Senators

1 among those districts in accordance with the provisions of this Section, and  
2 shall file its report with the Secretary of State within 120 days from the date  
3 on which it was first convened. Upon the filing in the Office of the Secretary  
4 of State of the report of the Commission within the time set out in this  
5 Section, the report shall be deemed to be an Act of the General Assembly  
6 and shall govern the next and all subsequent elections for members of the  
7 Senate until the next revision of the Senatorial Districts and the  
8 apportionment of Senators is made in accordance with this Section.

9 **"Sec. 5.** Number of Representatives. The House of Representatives shall consist of one  
10 Representative from each county in the State, biennially chosen by ballot.

11 **"Sec. 6.** Schedule. The new and amended provisions of Sections 3, 4 and the membership  
12 of the House of Representatives and Senate of the General Assembly of 1967 and thereafter.  
13 The former provisions of Sections 3, 4, 5 and 6 of Article II of this Constitution shall continue  
14 in full force and effect as to the composition, nomination and election of the membership of the  
15 House of Representatives and Senate of the General Assembly of 1965. Provided, however, the  
16 General Assembly of 1965 shall revise the Senatorial Districts and apportion the seventy  
17 Senators as required by the provisions of the new and amended Section 4 of this Article, and if  
18 the General Assembly of 1965 shall fail to do so, the Senatorial Redistricting Commission shall  
19 be constituted, convened and shall comply with the provisions of said Section 4 of this Article."

20 **Sec. 2.** The amendment set out in Section 1 of this Act shall be submitted as a unit  
21 to the qualified voters of the State at the next general election. The election shall be conducted  
22 under the laws then governing general elections in this State.

23 **Sec. 3.** At that election, the qualified voters favoring the amendment set out in  
24 Section 1 of this Act shall vote ballots on which shall be printed or written the words:

25 "FOR constitutional amendment increasing membership of Senate from fifty (50) to  
26 seventy (70), providing for compulsory redistricting of Senate, and reducing number of  
27 Representatives from one hundred twenty (120) to one hundred (100)"; and those voters  
28 opposed shall vote ballots on which shall be printed or written the words:

29 "AGAINST constitutional amendment increasing membership of Senate from fifty (50) to  
30 seventy (70), providing for compulsory redistricting of Senate, and reducing number of  
31 Representatives from one hundred twenty (120) to one hundred (100)".

32 **Sec. 4.** If a majority of the votes cast thereon be in favor of the amendment set out  
33 in Section 1 of this Act, the Governor shall certify the amendment under the Great Seal of the  
34 State to the Secretary of State, who shall enroll the amendment so certified among the  
35 permanent records of his office, and the amendment shall take effect according to the  
36 provisions thereof and upon such certification.

37 **Sec. 5.** All laws and clauses of laws in conflict with this Act are hereby repealed.

38 **Sec. 6.** This Act shall be in full force and effect from and after its ratification.

39 In the General Assembly read three times and ratified, this the 17th day of October,  
40 1963.