

House Resolution 803

By: Representative Irvin of the 45th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that legislative and
 2 congressional reapportionment shall be done by an independent, nonpartisan commission
 3 instead of the General Assembly; to provide for the establishment of such commission; to
 4 provide for the qualifications and appointment of members of such commission; to provide
 5 for the filling of vacancies on the commission; to provide for powers, duties, responsibilities,
 6 and resources for such commission; to provide for guidelines for reapportionment; to provide
 7 for a continuing Office of Legislative and Congressional Reapportionment; to provide for
 8 staffing and maintaining of such office; to provide for related matters; to provide for the
 9 submission of this amendment for ratification or rejection; and for other purposes.

10 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Article II of the Constitution is amended by adding a new Section IV to read as follows:

13 "SECTION IV.

14 LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT

15 Paragraph I. *Legislative and Congressional Reapportionment Commission.* (a) In each
 16 year following a year in which a United States decennial census is conducted or when
 17 required by court order, a Legislative and Congressional Reapportionment Commission
 18 shall be established as provided in this Section.

19 (b) The commission shall consist of nine members. Two members each shall be
 20 appointed by the Speaker of the House of Representatives, by the minority leader of the
 21 House of Representatives, by the majority leader of the Senate, and by the minority leader
 22 of the Senate. One member shall be appointed by the Justices of the Supreme Court of
 23 Georgia who shall serve as the chairperson of the commission.

24 (c) Members of the commission shall be citizens of the United States and the State of
 25 Georgia, residents of the state for at least five years immediately preceding the date of their

1 appointment, and registered voters of the state. No member of the commission shall have
2 held public office in the two years immediately preceding the date of his or her
3 appointment.

4 (d) Vacancies on the commission shall be filled by the appointing authority who
5 appointed the individual whose seat has been vacated.

6 (e) Members of the commission shall not be eligible for nomination or election to the
7 General Assembly during their terms of service on the commission or for a period of four
8 years following such term of service. During their terms of service on the commission,
9 members shall not participate in any campaign for public office, either for themselves or
10 others, or contribute to any campaign for public office.

11 (f) Members of the commission shall be appointed no later than April 1 in each year
12 following a year in which a United States decennial census is conducted and no later than
13 30 days after any court order becomes final that finds any legislative or congressional
14 reapportionment plan invalid. In the event that members of the commission have not been
15 appointed by these dates, any vacancies on the commission shall be filled by appointment
16 by the Justices of the Supreme Court.

17 (g) Members of the commission shall receive the same per diem and expense
18 reimbursement for their days of service on behalf of the commission as members of the
19 General Assembly receive for legislative service.

20 (h) The Attorney General shall serve as legal counsel for the commission.

21 Paragraph II. ***Office of Legislative and Congressional Reapportionment.*** There is
22 created the Office of Legislative and Congressional Reapportionment which shall be under
23 the authority and direction of the Supreme Court and shall have continuous existence. The
24 General Assembly shall provide such office with adequate funding, staffing, equipment,
25 and resources to fulfill its duties. The office shall be responsible for and shall have the
26 duty of providing logistical and technical support to the Legislative and Congressional
27 Reapportionment Commission and to boards of education and county and municipal
28 governments for the purpose of redistricting and reapportionment. The office shall have
29 such other duties as the General Assembly may provide by law. Upon the creation of the
30 Office of Legislative and Congressional Reapportionment, all staff positions, equipment,
31 supplies, and resources of any other state funded office having similar responsibility of
32 providing technical assistance to the General Assembly and other political subdivisions in
33 this state for the purpose of developing redistricting and reapportionment plans shall be
34 transferred to the Office of Legislative and Congressional Reapportionment.

1 Paragraph III. ***Procedure for Legislative and Congressional Reapportionment.*** (a) Not
2 later than May 1 following their appointments, the members of the Legislative and
3 Congressional Reapportionment Commission shall meet and shall organize in such manner
4 as the commission shall deem appropriate.

5 (b) At least six members of the commission must be present in order to conduct business.
6 Any action of the commission shall require the affirmative vote of at least six members of
7 the commission.

8 (c) The commission shall conduct such public hearings and meetings at such times and
9 in such locations as it shall deem appropriate.

10 (d) In the year following the year in which a United States decennial census is conducted,
11 the commission shall prepare initial reapportionment plans for the election of the General
12 Assembly and for the Georgia members of the United States House of Representatives not
13 later than August 1. The plans shall be published and made available for public comment
14 for a period of not less than 14 days. After such public comment period, the commission
15 shall finalize and file the final reapportionment plans with the Secretary of State not later
16 than September 1.

17 (e) When the commission is formed as the result of the invalidation of a legislative or
18 congressional reapportionment plan, the members of the commission shall organize as soon
19 as practicable, but not later than 30 days after appointment. The commission shall prepare
20 an initial reapportionment plan to replace the invalidated plan or plans, as the case may be,
21 not later than 60 days after the organizational meeting of the commission. The plan or
22 plans, as the case may be, shall be published and made available for public comment for
23 a period of not less than 14 days. After such public comment period, the commission shall
24 finalize and file the final reapportionment plan or plans, as the case may be, with the
25 Secretary of State not later than 30 days after the publishing of the initial plan or plans.

26 (f) The commission shall draw district lines that are in compliance with all applicable
27 federal constitutional and statutory requirements and shall:

- 28 (1) Create single-member districts of as nearly equal population as is practicable;
- 29 (2) Minimize the division of counties and municipalities insofar as practicable;
- 30 (3) Create districts which are contiguous and compact;
- 31 (4) Minimize the division of existing voting precincts;
- 32 (5) Minimize the division of recognized communities of interest; and
- 33 (6) Minimize the number of incumbents who are placed in the same district.

34 (g) In drawing district lines, the commission shall not use or take into account election
35 results or favor any political party or body.

36 (h) Upon filing final plan or plans with the Secretary of State, the commission shall be
37 dissolved.

1 (i) In the event that the commission cannot agree on an initial plan or plans by the time
 2 specified herein, the commission shall be dissolved and the Supreme Court shall prepare
 3 and file a plan that meets requirements of subparagraphs (f) and (g) of this Paragraph with
 4 the Secretary of State no later than the date on which the commission would have been
 5 required to file a final plan or plans under this Paragraph."

6 **SECTION 2.**

7 Article III, Section II of the Constitution is amended striking Paragraph II in its entirety and
 8 inserting in lieu thereof a new Paragraph II to read as follows:

9 "Paragraph II. *Apportionment of General Assembly.* The General Assembly shall
 10 ~~apportion the Senate and House districts. Such districts shall be composed of contiguous~~
 11 ~~territory. The apportionment of the Senate and of the House of Representatives shall be~~
 12 ~~changed by the General Assembly as necessary after each United States decennial census~~
 13 be apportioned as provided in Article II, Section IV."

14 **SECTION 3.**

15 The above proposed amendment to the Constitution shall be published and submitted as
 16 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 17 above proposed amendment shall have written or printed thereon the following:

18 "() YES Shall the Constitution be amended so as to provide that legislative and
 19 congressional reapportionment shall be done by an independent, nonpartisan

20 () NO commission instead of the General Assembly?"

21 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

22 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 23 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 24 become a part of the Constitution of this state.