

The House Committee on Legislative and Congressional Reapportionment offers the following substitute to HB 1453:

A BILL TO BE ENTITLED
AN ACT

1 To provide for the composition and number of state house districts; to provide for the
2 contingent nature of this Act and the circumstances under which it shall or shall not apply,
3 according to the enforceability of prior provisions under federal law; to provide for related
4 matters; to require submission of this Act to the United States Department of Justice for
5 certain approval; to provide for automatic repeal under certain circumstances; to provide for
6 an effective date and for applicability; to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 (a) As used in this Act, the term "special session House redistricting plan" means the
10 districts for the Georgia House of Representatives as described in Code Section 28-2-1 of the
11 Official Code of Georgia Annotated as amended by an Act approved October 1, 2001 (Act
12 No. 2EX23 of the second 2001 special session of the General Assembly of Georgia; Georgia
13 Laws 2001 Extraordinary Sessions, p. 425).

14 (b) If, as of the first day of qualifying for nomination or election to the entire Georgia State
15 House of Representatives in 2004 or any future year, the special session House redistricting
16 plan may lawfully be implemented under the federal Voting Rights Act of 1965, as amended,
17 pursuant to court order, or otherwise, then qualifying for the Georgia State House of
18 Representatives in 2004 or such future year and the ensuing elections shall be conducted
19 according to the special session House redistricting plan; and this Act shall not apply to such
20 qualifying or elections or otherwise be of any further force or effect.

21 (c) If, as of the first day of qualifying for nomination or election to the entire Georgia State
22 House of Representatives in 2004 or any future year, the special session House redistricting
23 plan may not lawfully be implemented under the federal Voting Rights Act of 1965, as
24 amended, pursuant to court order, or otherwise, then qualifying for the Georgia State House
25 of Representatives in 2004 or such future year and the ensuing elections shall be conducted
26 according to the House redistricting plan provided for in this Act.

1 (d) This Act does not repeal or amend the provisions of the special session House
 2 redistricting plan; and those provisions are merely suspended pending a final determination
 3 of their enforceability under the federal Voting Rights Act of 1965, as amended, or pursuant
 4 to court order.

5 SECTION 2.

6 (a) Subject to the provisions of Section 1 of this Act, the representative districts for election
 7 of members of the Georgia State House of Representatives shall be according to the
 8 description of representative districts 1 through 166 attached to this Act and made a part
 9 hereof and further identified as: Plan Name: HSE04-P2 Plan Type: House User: staff
 10 Administrator: H113.

11 (b)(1) There shall be 180 members of the House of Representatives, and such
 12 membership shall be apportioned among the representative districts provided for in this
 13 section.

14 (2) Except as otherwise provided in paragraph (3) of this subsection, each such district
 15 shall consist of either a portion of a county, or a county, or counties, or any combination
 16 thereof, as provided in this section, and shall be represented by one Representative.

17 (3)(A) The districts specified in this paragraph shall consist of either a portion of a
 18 county, or a county, or counties, or any combination thereof, as provided in this
 19 subsection.

20 (B)(i) District 33 shall consist of one election district with 2 numbered posts.

21 (ii) District 34 shall consist of one election district with 2 numbered posts.

22 (iii) District 47 shall consist of one election district with 2 numbered posts.

23 (iv) District 48 shall consist of one election district with 3 numbered posts.

24 (v) District 58 shall consist of one election district with 2 numbered posts.

25 (vi) District 59 shall consist of one election district with 2 numbered posts.

26 (vii) District 65 shall consist of one election district with 3 numbered posts.

27 (viii) District 66 shall consist of one election district with 3 numbered posts.

28 (ix) District 75 shall consist of one election district with 3 numbered posts.

29 (x) District 140 shall consist of one election district with 2 numbered posts.

30 (C) Each person seeking election shall designate the post for which such person seeks
 31 election. Such posts shall be designated by numbers, beginning with post number 1 and
 32 ending with the number equaling the total number of Representatives in such district.

33 (c) A member of the House of Representatives must be a resident of the district which such
 34 member represents and at the time of such member's election must have been a resident
 35 of the territory embraced within such district for at least one year preceding such time.

1 Each Representative shall be elected only by the voters of such Representative's
2 representative district.

3 (d) The first members of the House of Representatives elected pursuant to this section shall
4 be those who are elected to take office on the convening date of the regular session of the
5 General Assembly in 2005. Until that time the membership of the House of
6 Representatives elected under prior law shall continue to serve and shall represent the
7 districts from which elected; and until that time the composition of the districts from which
8 such members were elected shall remain the same. The provisions of this section shall be
9 effective, however, for the primary and general elections of 2004 for the purpose of
10 electing members of the House of Representatives in 2004 who are to take office in 2005.
11 Successors to those members and future successors shall likewise be elected under this
12 section.

13 (e) For purposes of said attachment and description:

14 (1) The terms "Tract" and "BG" (Block Group) shall mean and describe the same
15 geographical boundaries as provided in the report of the Bureau of the Census for the
16 United States decennial census of 2000 for the State of Georgia. The separate numeric
17 designations in a Tract description which are underneath a "BG" heading shall mean and
18 describe individual Blocks within a Block Group as provided in the report of the Bureau
19 of the Census for the United States decennial census of 2000 for the State of Georgia; and

20 (2) Except as otherwise provided in the description of any representative district,
21 whenever the description of any representative district refers to a named city, it shall
22 mean the geographical boundaries of that city as shown on the census maps for the
23 United States decennial census of 2000 for the State of Georgia.

24 (f) Any part of the State of Georgia which is not included in any representative district
25 described in said attachment shall be included within that district contiguous to such part
26 which contains the least population according to the United States decennial census of 2000
27 for the State of Georgia.

28 (g) Any part of the State of Georgia which is described in said attachment as being
29 included in a particular representative district shall nevertheless not be included within
30 such representative district if such part is not contiguous to such representative district.
31 Such noncontiguous part shall instead be included within that representative district
32 contiguous to such part which contains the least population according to the United States
33 decennial census of 2000 for the State of Georgia.

34 SECTION 3.

35 Subject to the provisions of Section 1 of this Act, this Act shall become effective upon its
36 approval by the Governor or upon its becoming law without such approval and shall apply

1 to future elections for the Georgia State House of Representatives and Senate to the extent
2 provided for in Section 1 of this Act.

3 **SECTION 4.**

4 Pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended, it shall be the
5 duty of the Attorney General of Georgia to submit this Act to the United States Department
6 of Justice for approval. If, as of the time candidates begin qualifying for the general primary
7 in 2004, implementation of this Act is not permissible under the federal Voting Rights Act
8 of 1965, as amended, then as of such date this Act shall be void and stand repealed in its
9 entirety.

10 **SECTION 5.**

11 All laws and parts of laws in conflict with this Act are repealed.