

The House Committee on Legislative and Congressional Reapportionment offers the following substitute to HB 1454:

A BILL TO BE ENTITLED
AN ACT

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **PART I**
10 **SECTION 1.**

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

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

23 (c) If, as of the first day of qualifying for nomination or election to the entire Georgia State
24 House of Representatives in 2004 or any future year, the special session House redistricting
25 plan may not lawfully be implemented under the federal Voting Rights Act of 1965, as

1 amended, pursuant to court order, or otherwise, then qualifying for the Georgia State House
 2 of Representatives in 2004 or such future year and the ensuing elections shall be conducted
 3 according to the House redistricting plan provided for in this Act.

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

8 **SECTION 2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (c) A member of the House of Representatives must be a resident of the district which such
2 member represents and at the time of such member's election must have been a resident
3 of the territory embraced within such district for at least one year preceding such time.
4 Each Representative shall be elected only by the voters of such Representative's
5 representative district.

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

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

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

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

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

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

PART II**SECTION 3.**

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3 (a) As used in this Act, the term "special session Senate redistricting plan" means the
4 districts for the Georgia State Senate as described in an Act approved April 11, 2002 (Act
5 No. 444 of the 2002 regular session of the General Assembly of Georgia; Georgia Laws
6 2002, p. 148); provided, however, that, if the Act approved August 24, 2001 (Act No. 1EX6
7 of the first 2001 special session of the General Assembly of Georgia; Georgia Laws 2001
8 Extraordinary Sessions, p. 2), may be lawfully implemented under the federal Voting Rights
9 Act of 1965, as amended, the term "special session Senate redistricting plan" means the
10 districts for the Georgia State Senate as described in Code Section 28-2-2 of the Official
11 Code of Georgia Annotated as amended by such Act.

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

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

25 (d) This Act does not repeal or amend the provisions of Code Section 28-2-2 of the Official
26 Code of Georgia Annotated as amended by an Act approved August 24, 2001 (Act No. 1EX6
27 of the first 2001 special session of the General Assembly of Georgia; Georgia Laws 2001
28 Extraordinary Sessions, p. 2), or the provisions of an Act approved April 11, 2002 (Act
29 No. 444 of the 2002 regular session of the General Assembly of Georgia; Georgia Laws
30 2002, p. 148), and those provisions are merely suspended pending a final determination of
31 their enforceability under the federal Voting Rights Act of 1965, as amended, or pursuant to
32 court order.

SECTION 4.

(a) Subject to the provisions of Section 3 of this part, the senatorial districts for election of members of the Georgia State Senate shall be according to the description of senatorial districts 1 through 56 attached to this Act and made a part hereof and further identified as: Plan Name: senrb2 Plan Type: Senate User: joe Administrator: S026. Each Senate district shall be composed of a portion of a county, or a county, or counties, or a combination thereof, as provided in this section, and shall be represented by one Senator.

(b) A member of the Senate must be a resident of the district which such member represents and at the time of such member's election must have been a resident of the territory embraced within such district for at least one year preceding such time. Each Senator shall be elected only by the voters of such Senator's senatorial district.

(c) The first members of the Senate elected pursuant to this section shall be those who are elected to take office on the convening date of the regular session of the General Assembly in 2005. Until that time the membership of the Senate elected under prior law shall continue to serve and shall represent the districts from which elected; and until that time the composition of the districts from which such members were elected shall remain the same. The provisions of this section shall be effective, however, for the primary and general elections of 2004 for the purpose of electing members of the Senate in 2004 who are to take office in 2005. Successors to those members shall likewise be elected under the provisions of this section.

(d) For the purposes of said attachment and description:

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

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

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

(f) Any part of the State of Georgia which is described in said attachment as being included in a particular senatorial district shall nevertheless not be included within such senatorial

1 district if such part is not contiguous to such senatorial district. Such noncontiguous part
2 shall instead be included within that senatorial district contiguous to such part which contains
3 the least population according to the United States decennial census of 2000 for the State of
4 Georgia.

5 **PART III**

6 **SECTION 5.**

7 Subject to the provisions of Sections 1 and 3 of this Act, this Act shall become effective upon
8 its approval by the Governor or upon its becoming law without such approval and shall apply
9 to future elections for the Georgia State House of Representatives and Senate to the extent
10 provided for in Sections 1 and 3 of this Act.

11 **SECTION 6.**

12 Pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended, it shall be the
13 duty of the Attorney General of Georgia to submit this Act to the United States Department
14 of Justice for approval. If, as of the time candidates begin qualifying for the general primary
15 in 2004, implementation of both Part I and Part II of this Act is not permissible under the
16 federal Voting Rights Act of 1965, as amended, then as of such date this Act shall be void
17 and stand repealed in its entirety.

18 **SECTION 7.**

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