

Senate Resolution 263

By: Senators Carter of the 42nd, Davis of the 22nd and Seay of the 34th

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 related matters; to provide for the submission of this amendment for ratification or
 8 rejection; and for other purposes.

9 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

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

12 SECTION IV.

13 LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT

14 Paragraph I. *Citizens' Redistricting Commission.* (a) In each year following a year in
 15 which a United States decennial census is conducted or when congressional or legislative
 16 redistricting is required by court order, a Citizens' Redistricting Commission shall be
 17 established as provided in this section.

18 (b) The commission shall consist of seven members appointed as follows:

19 (1) One member appointed by the Lieutenant Governor;

20 (2) One member appointed by the minority leader of the Senate;

21 (3) One member appointed by the Speaker of the House of Representatives;

22 (4) One member appointed by the minority leader of the House of Representatives;

23 (5) Two members appointed by the Governor, only one of whom may be a member of
 24 the same political party as the Governor; and

25 (6) One member who shall be selected and appointed by the other six members of the
 26 commission. The members appointed by the Governor, Lieutenant Governor, Speaker
 27 of the House of Representatives, and the minority leaders of the Senate and House of
 28 Representatives shall be appointed not later than March 1 of the year following the year
 29 in which a United States decennial census is conducted and not later than 30 days
 30 following a court order requiring congressional or legislative redistricting. The seventh
 31 member shall be selected by the other six members not later than March 15 of the year
 32 following the year in which a United States decennial census is conducted and not later
 33 than 45 days following a court order requiring congressional or legislative redistricting.
 34 In the event that the six members of the commission cannot agree upon a seventh member
 35 by the expiration of such times periods, the seventh member shall be selected by the
 36 Georgia Supreme Court not later than 15 days following the expiration of such time
 37 periods. The seventh member shall be the chairperson of the commission.

38 (c) A person shall be eligible for appointment to serve on the commission if such person:

39 (1) As of the date of his or her appointment, is registered to vote for federal and state
 40 offices in Georgia and was registered to vote in the two most recent state November
 41 general elections held in Georgia;

42 (2) Is not a current member of the General Assembly and does not hold any federal or
 43 state elective office while serving on the commission; and

44 (3) Certifies and agrees at the time of such person's appointment that such person will
 45 not run as a candidate for any federal or state elective office while serving on the
 46 commission and for a period of two years thereafter.

47 (d) Vacancies on the commission shall be filled in the same manner in which the original
 48 appointment was made.

49 (e) Members of the commission shall be reimbursed for expenses incurred in the
 50 performance of their duties on the commission in the same manner as members of the
 51 General Assembly. The General Assembly is authorized to provide for the payment of
 52 reasonable compensation to the members of the commission. The General Assembly shall
 53 provide adequate funding to the commission, including the employment of a competent
 54 staff, in order for the commission to carry out its duties. The General Assembly shall
 55 provide adequate funding for the representation of the commission in any litigation; and
 56 the Department of Law shall have the responsibility for such representation.

57 (f) The commission shall have the following duties:

58 (1) To create proposed congressional and House of Representatives and Senate
 59 legislative districts for submission to the General Assembly for approval or rejection;

60 (2) Prior to developing a proposed plan or making any recommendations, to conduct
 61 public hearings throughout all areas of this state, including at least one hearing in each

62 congressional district in this state, after adequate advance notice to the public so that all
63 interested citizens have a reasonable opportunity to express their views with regard to
64 redistricting plans; and

65 (3) To conduct meetings, discussions, and deliberations in public and provide ample
66 notice of the meetings of the commission to facilitate public participation and attendance.

67 (g) In developing proposed redistricting plans for submission to the General Assembly
68 for approval or rejection, the commission shall adhere to the following criteria:

69 (1) The plan shall be in compliance with the Constitutions of this state and the United
70 States;

71 (2) The plan shall be in compliance with the federal Voting Rights Act of 1965, as
72 amended;

73 (3) The plan shall contain only contiguous districts;

74 (4) The plan shall contain districts that are as compact as possible or practicable;

75 (5) The plan shall maintain communities of interest, as determined by the commission
76 from time to time to the extent that it is reasonably possible to do so; and

77 (6) The plan, if for congressional redistricting, shall provide for zero deviation among
78 the districts and, if for legislative redistricting, shall provide for as close as practicable
79 to zero deviation among the districts.

80 (h) The commission shall, no later than July 1 of the year following the year in which a
81 United States decennial census is conducted or as soon as practicable following a court
82 ordered congressional or legislative redistricting, submit its report with a proposed
83 congressional redistricting plan, a proposed redistricting plan for the House of
84 Representatives, and a proposed redistricting plan for the Senate to the General Assembly
85 for approval. Such plans shall be voted upon by both houses of the General Assembly
86 without amendment. If either house of the General Assembly declines to approve a plan,
87 the plan and the report shall be returned to the commission with such specific suggestions
88 as the Senate or the House of Representatives, as applicable, believes would eliminate the
89 basis for disapproval of the plan. The commission shall then meet and revise the plan and
90 submit a new report and proposed plan to the General Assembly within 15 days following
91 the disapproval of the plan. Such revised plan shall be voted upon by the General
92 Assembly without amendment. If either house of the General Assembly declines to
93 approve the revised plan, the General Assembly shall proceed to formulate and enact a
94 redistricting plan on its own.

95 (i) Upon the approval or final rejection of each of the proposed plans by the General
96 Assembly, the commission shall be dissolved."

97 **SECTION 2.**

98 Article III, Section II of the Constitution is amended by revising Paragraph II as follows:

99 "Paragraph II. *Apportionment of General Assembly.* The General Assembly shall
 100 apportion the Senate and House districts. ~~Such districts shall be composed of contiguous~~
 101 ~~territory.~~ The apportionment of the Senate and of the House of Representatives shall be
 102 changed by the General Assembly as necessary after each United States decennial census
 103 as provided in Article II, Section IV."

104 **SECTION 3.**

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

108 "() YES Shall the Constitution of Georgia be amended so as to provide that
 109 legislative and congressional redistricting shall be done by an independent,
 110 () NO nonpartisan commission?"

111 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 112 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 113 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 114 become a part of the Constitution of this state.