

Senate Bill 175

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 28 of the Official Code of Georgia Annotated, relating to
2 apportionment of House of Representatives and Senate and qualifications of members, so as
3 to create the Citizens' Redistricting Commission; to provide for its membership and its
4 duties; to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 2 of Title 28 of the Official Code of Georgia Annotated, relating to apportionment
8 of House of Representatives and Senate and qualifications of members, is amended by
9 adding a new Code section to read as follows:

10 "28-2-3.

11 (a) There is created the Citizens' Redistricting Commission which shall be established as
12 provided in this Code section.

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

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

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

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

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

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

20 (6) One member who shall be selected and appointed by the other six members of the
21 commission.

22 For the year 2011, the members appointed by the Governor, Lieutenant Governor, Speaker
23 of the House of Representatives, and the minority leaders of the Senate and the House of
24 Representatives shall be appointed not later than 20 days following the effective date of
25 this Code section. The member to be appointed by those members shall be appointed not
26 later than 30 days after the effective date of this Code section. In future years following

27 the conducting of a United States decennial census, the appointments by the Governor,
28 Lieutenant Governor, Speaker of the House of Representatives, and the minority leaders
29 of the Senate and the House of Representatives shall be made not later than March 1 of
30 such year, and the member to be selected by such appointees shall be selected not later than
31 March 15 of such year. In the case of a court order directing that congressional or
32 legislative redistricting be done, the appointments by the Governor, Lieutenant Governor,
33 Speaker of the House of Representatives, and the minority leaders of the Senate and the
34 House of Representatives shall be made not later than 30 days following such order, and
35 the member to be selected by such appointees shall be selected not later than 45 days
36 following such order. In the event that the six members of the commission cannot agree
37 upon a seventh member within such time periods, the seventh member shall be selected by
38 the Georgia Supreme Court not later than 15 days following the expiration of such time
39 periods. The seventh member shall be the chairperson of the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

82 (h) The commission shall, no later than August 1 of 2011 and no later than July 1 of future
83 years following years in which a United States decennial census is conducted and as soon
84 as practicable following a court ordered redistricting, submit its report with a proposed
85 congressional redistricting plan, a proposed redistricting plan for the House of
86 Representatives, and a proposed redistricting plan for the Senate to the General Assembly
87 for approval. Such plans shall be voted upon by both houses of the General Assembly
88 without amendment. If either house of the General Assembly declines to approve a plan,
89 the plan and the report shall be returned to the commission with such specific suggestions
90 as the Senate or the House of Representatives, as applicable, believes would eliminate the
91 basis for disapproval of the plan. The commission shall then meet and revise the plan and
92 submit a new report and proposed plan to the General Assembly within 15 days following
93 the disapproval of the plan. Such revised plan shall be voted upon by the General
94 Assembly without amendment. If either house of the General Assembly declines to
95 approve the revised plan, the General Assembly shall proceed to formulate and enact a
96 redistricting plan on its own.

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

99

SECTION 2.

100 This Act shall become effective upon its approval by the Governor or upon its becoming law
101 without such approval.

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SECTION 3.

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