

House Bill 1139

By: Representatives Parent of the 81st, Abrams of the 84th, Oliver of the 83rd, Evans of the 40th, Kendrick of the 94th, and others

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 **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 In the year following the conducting of a United States decennial census, the appointments
23 by the Governor, Lieutenant Governor, Speaker of the House of Representatives, and the
24 minority leaders of the Senate and the House of Representatives shall be made not later
25 than March 1 of such year, and the member to be selected by such appointees shall be
26 selected not later than March 15 of such year. In the case of a court order directing that

27 congressional or legislative redistricting be done, 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 30 days
30 following such order, and the member to be selected by such appointees shall be selected
31 not later than 45 days following such order. In the event that the six members of the
32 commission cannot agree upon a seventh member within such time periods, the seventh
33 member shall be selected by the Supreme Court not later than 15 days following the
34 expiration of such time periods. The seventh member shall be the chairperson of the
35 commission.

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

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

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

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

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

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

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

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

58 (2) Prior to developing a proposed plan or making any recommendations, to conduct
59 public hearings throughout all areas of this state, including at least one hearing in each
60 congressional district in this state, after adequate advance notice to the public so that all
61 interested citizens have a reasonable opportunity to express their views with regard to
62 redistricting plans; and

- 63 (3) To conduct meetings, discussions, and deliberations in public and provide ample
 64 notice of the meetings of the commission to facilitate public participation and attendance.
 65 (g) In developing proposed redistricting plans for submission to the General Assembly for
 66 approval or rejection, the commission shall adhere to the following criteria:
 67 (1) The plan shall be in compliance with the Constitutions of this state and the United
 68 States;
 69 (2) The plan shall be in compliance with the federal Voting Rights Act of 1965, as
 70 amended;
 71 (3) The plan shall contain only contiguous districts;
 72 (4) The plan shall contain districts that are as compact as possible or practicable;
 73 (5) The plan shall maintain communities of interest, as determined by the commission
 74 from time to time to the extent that it is reasonably possible to do so; and
 75 (6) The plan, if for congressional redistricting, shall provide for zero deviation among
 76 the districts and, if for legislative redistricting, shall provide for as close as practicable
 77 to zero deviation among the districts.
 78 (h) The commission shall, no later than July 1 of the year following the year in which a
 79 United States decennial census is conducted and as soon as practicable following a court
 80 ordered redistricting, submit its report with a proposed congressional redistricting plan, a
 81 proposed redistricting plan for the House of Representatives, and a proposed redistricting
 82 plan for the Senate to the General Assembly for approval. Such plans shall be voted upon
 83 by both houses of the General Assembly without amendment. If either house of the
 84 General Assembly declines to approve a plan, the plan and the report shall be returned to
 85 the commission with such specific suggestions as the Senate or the House of
 86 Representatives, as applicable, believes would eliminate the basis for disapproval of the
 87 plan. The commission shall then meet and revise the plan and submit a new report and
 88 proposed plan to the General Assembly within 15 days following the disapproval of the
 89 plan. Such revised plan shall be voted upon by the General Assembly without amendment.
 90 If either house of the General Assembly declines to approve the revised plan, the General
 91 Assembly shall proceed to formulate and enact a redistricting plan on its own.
 92 (i) Upon the approval or final rejection of each of the proposed plans by the General
 93 Assembly, the commission shall be dissolved."

94 **SECTION 2.**

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

97

SECTION 3.

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