

Senate Resolution 23

By: Senators Parent of the 42nd, Rhett of the 33rd, James of the 35th, Butler of the 55th,
Sims of the 12th and others

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

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

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

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

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

(3) Certifies and agrees at the time of his or her appointment that he or she will not run as a candidate for any federal or state elective office while serving on the commission and for a period of two years thereafter.

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

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

(f) The commission shall have the following duties:

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

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

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

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

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

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

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

(3) The plan shall contain only contiguous districts;

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

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

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

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

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

SECTION 2.

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

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

SECTION 3.

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

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

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