

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that legislative and
 2 congressional reapportionment be done by an independent, nonpartisan commission instead
 3 of the General Assembly; to provide for the establishment of such commission; to provide
 4 for the qualifications and appointment of members of such commission; to provide for the
 5 filling of vacancies on the commission; to provide for powers, duties, responsibilities, and
 6 resources for such commission; to provide for guidelines for reapportionment; to provide for
 7 related matters; to provide for submission of this amendment for ratification or rejection; and
 8 for other purposes.

9 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"SECTION IV.**LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT**

12 Paragraph I. *Citizens' Redistricting Commission.* (a) In each year following a year in
 13 which a United States decennial census is conducted or when congressional or legislative
 14 redistricting is required by court order, a Citizens' Redistricting Commission shall be
 15 established as provided in this Paragraph.
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17 (b)(1) The commission shall consist of 14 members appointed as provided in this
 18 Paragraph.
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20 (2) The commission shall include five members who are identified with the political
 21 party whose candidate for Governor in the last general election to fill the office of
 22 Governor received the highest number of votes, five members who are identified with the
 23 political party whose candidate for Governor in the last general election to fill the office
 24 of Governor received the next highest number of votes, and four members who are not
 25 identified with any political party. Identification with a political party shall mean that a

26 person voted in the general primary of such political party in each of the immediately
 27 preceding three general primaries. Not being identified with a political party shall mean
 28 that the person did not vote in the general primary of any political party in any of the
 29 immediately preceding three general primaries.

30 (3) Each commission member shall be a registered voter who, at the time of his or her
 31 selection to serve on the commission, has been continuously registered to vote in Georgia
 32 for the immediately preceding five-year period or longer and has voted in each of the
 33 three immediately preceding state-wide general elections.

34 (4) No person shall be eligible to serve on the commission who has, within the
 35 immediately preceding ten-year period prior to his or her selection to serve on the
 36 commission, or whose immediate family member has, within the immediately preceding
 37 ten-year period prior to such person's selection to serve on the commission:

38 (A) Been appointed or elected to or been a candidate for federal or state office;

39 (B) Served as an officer, employee, or paid consultant of a political party or body or
 40 of the campaign or campaign committee of a candidate for elective federal or state
 41 office;

42 (C) Served as an elected or appointed officer of a political party or body on a state
 43 or county executive committee;

44 (D) Served as a registered federal, state, or local lobbyist;

45 (E) Served as a paid congressional or legislative staff member; or

46 (F) Contributed \$2,000.00 or more to any federal, state, or local candidate for elective
 47 public office in any year; such amount shall be adjusted every ten years by the
 48 Secretary of State by calculating the cumulative percentage increase in the consumer
 49 price index for Georgia or its successor over the preceding ten-year period.

50 Immediate family member includes spouse, parents, siblings, and children.

51 (5) Not later than January 1, 2020, and in each year ending in the number zero
 52 thereafter, the Chief Justice of the Supreme Court shall initiate an application process for
 53 service on the commission, which shall be open to all registered electors in Georgia in a
 54 manner that promotes a diverse and qualified applicant pool. Such applications shall be
 55 received through June 30 of such year and in each year ending in the number zero
 56 thereafter. Not later than July 1 of such year and in each year ending in the number zero
 57 thereafter, the Chief Justice shall establish a review panel consisting of three retired
 58 appellate or superior court judges to screen applicants for the commission. Not later than
 59 August 1 of such year and in each year ending in the number zero thereafter, the Chief
 60 Justice shall publicize the names of the applicants and deliver copies of their applications
 61 to the review panel.

62 (6) The review panel shall review and verify the qualifications of the applicants and
63 shall select 20 of the most qualified applicants who are identified with the political party
64 whose candidate for Governor in the last general election to fill the office of Governor
65 received the highest number of votes, 20 of the most qualified applicants who are
66 identified with the political party whose candidate for Governor in the last general
67 election to fill the office of Governor received the next highest number of votes, and 20
68 of the most qualified applicants who are not identified with any political party. These
69 subpools shall be created on the basis of relevant analytical skills, ability to be impartial,
70 and appreciation of the diverse demographics and geography of the state. The members
71 of the review panel shall not communicate with any member of the Georgia congressional
72 delegation, any member of the General Assembly, or any representative of any such
73 member prior to the selection of the three subpools of applicants.

74 (7) Not later than October 1, 2020, and in each year ending in the number zero
75 thereafter, the review panel shall submit the three subpools of applicants to the Secretary
76 of the Senate and the Clerk of the House of Representatives. Not later than
77 November 15, 2020, and in each year ending in the number zero thereafter, the President
78 Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House
79 of Representatives, and the minority leader of the House of Representatives may each
80 strike up to two of the applicants from each subpool for a total of up to eight strikes from
81 each subpool. After removing the names of those persons stricken from the subpools, the
82 Secretary of the Senate and the Clerk of the House of Representatives shall deliver the
83 pool of remaining names to the Chief Justice of the Supreme Court.

84 (8) Not later than November 20, 2020, and in each year ending in the number zero
85 thereafter, the Chief Justice shall randomly draw eight names from the applicants
86 remaining. Three names shall be drawn from the subpool of applicants who identify with
87 the political party whose candidate for Governor in the last general election to fill the
88 office of Governor received the highest number of votes, three names shall be drawn
89 from the subpool of applicants who identify with the political party whose candidate for
90 Governor in the last general election to fill the office of Governor received the next
91 highest number of votes, and two names shall be drawn from the subpool of applicants
92 who do not identify with any political party. These persons shall serve on the
93 commission.

94 (9) Not later than December 31, 2020, and in each year ending in the number zero
95 thereafter, the initial eight members of the commission selected as provided in
96 Paragraph (8) of this subsection shall review the names remaining in the pool of
97 applicants following their selection and shall appoint an additional six persons from such
98 remaining applicants. Two names shall be selected from the subpool of applicants who

99 identify with the political party whose candidate for Governor in the last general election
100 to fill the office of Governor received the highest number of votes, two names shall be
101 selected from the subpool of applicants who identify with the political party whose
102 candidate for Governor in the last general election to fill the office of Governor received
103 the next highest number of votes, and two names shall be selected from the subpool of
104 applicants who do not identify with any political party. The six appointees must receive
105 the affirmative vote of at least five of the eight commissioners, which shall include at
106 least two votes by commissioners who identify with one of the political parties and one
107 vote by a commissioner who does not identify with any political party. The additional
108 six commissioners shall be chosen to represent the state's diversity to include, but not be
109 limited to, racial, ethnic, geographic, and gender diversity, provided that no formula or
110 specific ratio shall be used for such purpose. Such commissioners shall also be chosen
111 for their analytical skills and ability to be impartial.

112 (c)(1) In the event of substantial neglect of duty, gross misconduct in office, or
113 inability to discharge the duties of the office, a member of the commission may be
114 removed by the Governor with the concurrence of two-thirds of the members of the
115 Senate after having been served with written notice and provided with an opportunity for
116 responding.

117 (2) Vacancies on the commission shall be filled within 30 days following the occurrence
118 of such vacancy by the remaining members of the commission by selecting a person from
119 the same subpool of applicants from which the vacating member was selected as such
120 subpool existed on November 20 of the year in which that pool was established. In the
121 event that none of the remaining applicants are available for service, the Chief Justice of
122 the Supreme Court shall create a new subpool following the general methodology of
123 subsection (b) of this Paragraph.

124 (d) The members of the commission shall select from among their number a chairperson
125 to preside over meetings of the commission and a vice chairperson to act in the absence of
126 the chairperson. The commission may also select a secretary to keep the records of the
127 commission and minutes of its meetings. Such person need not be a member of the
128 commission.

129 (e) Members of the commission shall be reimbursed for expenses incurred in the
130 performance of their duties on the commission in the same manner as members of the
131 General Assembly. The General Assembly is authorized to provide for the payment of
132 reasonable compensation to the members of the commission. The General Assembly shall
133 provide adequate funding to the commission, including the employment of a competent
134 staff, in order for the commission to carry out its duties. The General Assembly shall

135 provide adequate funding for the representation of the commission in any litigation, and
136 the Department of Law shall have the responsibility for such representation.

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

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

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

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

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

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

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

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

154 (4) The plan shall contain districts that are as compact as possible or practicable for
155 which the commission may use, but shall not be limited to, a general appearance test
156 regarding compactness, and may also consider functional compactness in terms of travel
157 and transportation, communication, and geography;

158 (5) The plan shall maintain communities of interest, as determined by the commission
159 from time to time, to the extent that it is reasonably possible to do so, including, but not
160 limited to, urban interests, suburban interests, rural interests, neighborhoods, trade areas,
161 geographic location, communication and transportation networks, media markets, social
162 and cultural interests, economic interests, and occupations and lifestyles;

163 (6) The plan shall follow the lines of political subdivisions and geographic boundaries
164 whenever possible, and the commission shall consider boundary lines of counties,
165 municipalities, school districts, and other political units in developing its plans; and

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

169 (h) The commission shall, no later than July 1 of the year following the year in which a
170 United States decennial census is conducted or as soon as practicable following a court
171 ordered congressional or legislative redistricting, submit its report with a proposed

172 congressional redistricting plan, a proposed redistricting plan for the House of
 173 Representatives, and a proposed redistricting plan for the Senate to the General Assembly
 174 for approval. Such plans shall be voted upon by both houses of the General Assembly
 175 without amendment. If either house of the General Assembly declines to approve a plan,
 176 the plan and report shall be returned to the commission with such specific suggestions as
 177 the Senate or House of Representatives, as applicable, believes would eliminate the basis
 178 for disapproval of the plan. The commission shall then meet, revise the plan, and submit
 179 a new report and proposed plan to the General Assembly within 15 days following the
 180 disapproval of the plan. Such revised plan shall be voted upon by the General Assembly
 181 without amendment. If either house of the General Assembly declines to approve the
 182 revised plan, the General Assembly shall proceed to formulate and enact a redistricting
 183 plan on its own.

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

186 **SECTION 2.**

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

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

193 **SECTION 3.**

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

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

200 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

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