

House Resolution 1160

By: Representatives Gardner of the 57th, Oliver of the 82nd, and Kendrick of the 93rd

A RESOLUTION

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

14 COMMISSION REAPPORTIONMENT

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

19 (b)(1) The commission shall consist of 14 members appointed as provided in this
 20 Paragraph.

21 (2) The commission shall include five members who are identified with the political
 22 party whose candidate for Governor in the last general election received the highest
 23 number of votes, five members who are identified with the political party whose
 24 candidate for Governor in the last general election received the next highest number of
 25 votes, and four members who are not identified with any political party. Identification

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

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

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

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

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

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

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

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

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

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

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

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

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

85 (8) Not later than November 20, 2020, and in each year ending in the number zero
86 thereafter, the Chief Justice shall randomly draw eight names from the applicants
87 remaining. Three names shall be drawn from the subpool of applicants who identify with
88 the political party whose candidate for Governor in the last general election received the
89 highest number of votes, three names shall be drawn from the subpool of applicants who
90 identify with the political party whose candidate for Governor in the last general election
91 received the next highest number of votes, and two names shall be drawn from the
92 subpool of applicants who do not identify with any political party. These persons shall
93 serve on the 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 subparagraph (b)(8) shall review the names remaining in the pool of applicants following
97 their selection and shall appoint an additional six persons from such remaining applicants.
98 Two names shall be selected from the subpool of applicants who identify with the
99 political party whose candidate for Governor in the last general election received the

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

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

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

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

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

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

136 (1) To create proposed congressional districts, House of Representatives and Senate
137 legislative districts, and Public Service Commission districts for submission to the
138 General Assembly for approval or rejection;

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

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

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

148 (1) Plans shall be in compliance with the Constitutions of this state and the United
149 States;

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

152 (3) Plans shall contain only contiguous districts;

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

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

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

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

168 (h) The commission shall, no later than July 1 of the year following the year in which a
169 United States decennial census is conducted or as soon as practicable following a court
170 ordered congressional, legislative, or Public Service Commission redistricting, submit its
171 report with a proposed congressional redistricting plan, a proposed redistricting plan for
172 the House of Representatives, a proposed redistricting plan for the Senate, and a proposed

173 redistricting plan for the Public Service Commission to the General Assembly for approval.
 174 Such plans shall be voted upon by both houses of the General Assembly without
 175 amendment. If either house of the General Assembly declines to approve a plan, the plan
 176 and report shall be returned to the commission with such specific suggestions as the Senate
 177 or House of Representatives, as applicable, believes would eliminate the basis for
 178 disapproval of the plan. The commission shall then meet, revise the plan, and submit a new
 179 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 of 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, congressional, and Public Service Commission redistricting be
 199 done by an independent, 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.