

Senate Bill 455

By: Senators Parent of the 42nd, Jordan of the 6th, Jackson of the 2nd, Henson of the 41st,
Seay of the 34th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 28 of the Official Code of Georgia Annotated, relating to the General
2 Assembly, so as to provide procedures and standards for legislative and congressional
3 reapportionment; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
8 amended by revising Chapter 2, relating to apportionment of House of Representatives and
9 Senate and qualifications of members, as follows:

10 style="text-align:center">"CHAPTER 2

11 28-2-1.

12 (a)(1) There shall be not less than 180 nor more than 200 members of the House of
13 Representatives.

14 ~~(2) The General Assembly by general law shall divide the state into 180 representative~~
15 ~~districts which shall consist of either a portion of a county or a county or counties or any~~
16 ~~combination thereof and shall be represented by one Representative elected only by the~~
17 ~~electors of such district.~~

18 (b) A member of the House of Representatives shall be a resident of the district which such
19 member represents and at the time of such member's election shall have been a resident of
20 the territory embraced within such district for at least one year preceding such time.

21 28-2-2.

22 (a) There shall be not less than 30 nor more than 56 members of the Senate. ~~The General~~
23 ~~Assembly shall by general law divide the state into 56 Senate districts which shall be~~

24 ~~composed of a portion of a county or a county or counties or a combination thereof and~~
 25 ~~shall be represented by one Senator elected only by the electors of such district.~~

26 (b) A member of the Senate shall be a resident of the district which such member
 27 represents and at the time of such member's election shall have been a resident of the
 28 territory embraced within such district for at least one year preceding such time.

29 28-2-3.

30 (a) The General Assembly at its regular session in the second year following each federal
 31 decennial census, by general law, shall reapportion the state in accordance with the
 32 Constitution of Georgia and the Constitution of the United States. The General Assembly
 33 shall reapportion the state into a number of congressional districts equal to the number of
 34 congressional districts allocated to the state under the United States Constitution and
 35 federal law. The General Assembly shall also reapportion the state into not less than 30
 36 nor more than 56 consecutively numbered senatorial districts of either contiguous,
 37 overlapping, or identical territory and into not less than 180 nor more than 200
 38 consecutively numbered representative districts of either contiguous, overlapping, or
 39 identical territory. Should such regular session adjourn sine die without enacting such
 40 general reapportionment Act or should the Governor veto such Act, the Governor by
 41 proclamation shall reconvene the General Assembly within 60 days in a special
 42 reapportionment session which shall not exceed 30 consecutive days, during which time
 43 no other business shall be transacted and it shall be the mandatory duty of the General
 44 Assembly to adopt a general law reapportioning the state as required by this subsection.

45 (b) In the event that a special reapportionment session of the General Assembly finally
 46 adjourns without enacting a general reapportionment Act or the Governor vetoes such Act,
 47 the Attorney General shall, within five days, petition the Supreme Court to make such
 48 reapportionment. Not later than the sixtieth day after the filing of such petition, the
 49 Supreme Court shall file with the Secretary of State an order making such reapportionment.

50 (c) Within 15 days after the passage of a general reapportionment Act, the Attorney
 51 General shall petition the Supreme Court for a declaratory judgment determining the
 52 validity of the reapportionment. The Supreme Court, in accordance with its rules, shall
 53 permit adversary interests to present their views and, within 30 days from the filing of the
 54 petition, shall enter its judgment.

55 (d) A judgment of the Supreme Court determining the general reapportionment Act to be
 56 valid shall be binding upon all citizens of the state. Should the Supreme Court determine
 57 that the general reapportionment Act made by the General Assembly is invalid, the
 58 Governor by proclamation shall reconvene the General Assembly within five days
 59 thereafter in a special reapportionment session which shall not exceed 15 consecutive days.

60 during which time no other business shall be transacted and the General Assembly shall
61 enact a general reapportionment Act conforming to the judgment of the Supreme Court.
62 (e) Within 15 days after the adjournment of a special reapportionment session resulting
63 from a determination by the Supreme Court that a general reapportionment Act is invalid,
64 the Attorney General shall file a petition in the Supreme Court setting forth the general
65 reapportionment Act enacted by the General Assembly, or if none has been adopted,
66 reporting such fact to the court. Consideration of the validity of a general reapportionment
67 Act shall be had as provided for in cases of such general reapportionment Act enacted at
68 a regular or special reapportionment session as provided in subsection (c) of this Code
69 section.
70 (f) Should a special reapportionment session resulting from a determination by the
71 Supreme Court that a general reapportionment Act is invalid fail to adopt a general
72 reapportionment Act as required by this Code section or should the Supreme Court
73 determine that the general reapportionment Act that was enacted in such special
74 reapportionment session is invalid, the court shall, not later than 60 days after receiving the
75 petition of the Attorney General, file with the Secretary of State an order making such
76 reapportionment.
77 (g) In establishing district boundaries:
78 (1) No reapportionment plan or district shall be drawn with the intent to favor or disfavor
79 a political party or an incumbent, districts shall not be drawn with the intent or result of
80 denying or abridging the equal opportunity of racial or language minorities to participate
81 in the political process or to diminish their ability to elect representatives of their choice,
82 and districts shall consist of contiguous territory; and
83 (2) Districts shall be as nearly equal in population as is practicable, shall be compact,
84 and, where feasible, shall utilize existing political and geographical boundaries."

85 **SECTION 2.**

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