

House Resolution 1105

By: Representatives Jackson of the 68th, Schofield of the 63rd, Scott of the 76th, Davis of the 87th, and Mitchell of the 88th

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia so as to provide for the
 2 creation of the Georgia Independent Redistricting Commission; to provide for definitions;
 3 to provide for the manner of selection of members; to provide for its composition; to provide
 4 for qualifications and compensation; to provide for its duties and responsibilities; to provide
 5 for restricting criteria; to provide for the manner of challenges; to provide certain remedies;
 6 to limit the role of the General Assembly; to provide for related matters; to provide for the
 7 submission of this amendment for ratification or rejection; and for other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

11 Paragraph II. *Apportionment of General Assembly.* ~~The General Assembly shall~~
 12 ~~apportion the Senate and House districts. Such districts shall be composed of contiguous~~
 13 ~~territory. The apportionment of the Senate and of the House of Representatives shall be~~
 14 ~~changed by the General Assembly as necessary after each United States decennial census.~~

15 (a) To avoid the partisan gerrymandering that can undermine the principle of one-person,
 16 one-vote and can depress voter participation and lead to unrepresentative and polarized
 17 government. The creation of electoral districts for members of the United States House of

18 Representatives from Georgia and for members of the General Assembly must prioritize
19 fair and effective representation over partisan advantage. Therefore, the State of Georgia
20 hereby creates and establishes an independent, nonpartisan commission to draw boundaries
21 for all electoral districts for members of the United States House of Representatives from
22 Georgia and for members of the General Assembly to ensure transparency, public input,
23 and adherence to objective, nonpartisan criteria in the drawing of such districts.

24 (b) As used in this Paragraph, the term:

25 (1) 'Community of interest' means a geographically defined group of people that share
26 common social, cultural, historical, or economic interests, which should be protected and
27 kept together in a single electoral district.

28 (2) 'Commission' means the Georgia Independent Restricting Commission.

29 (3) 'Cracking' means the practice of dividing or spreading voters who typically support
30 a particular party or candidate across multiple districts so that they constitute a minority
31 in each district, thereby diluting their voting power and minimizing their ability to elect
32 a preferred candidate.

33 (4) 'Packing' means the practice of concentrating voters who typically support a
34 particular party or candidate into a small number of districts, thereby maximizing the
35 number of seats such party or supporters of such candidate can win in other districts.

36 (c) A permanent, seven-member Georgia Independent Redistricting Commission is
37 hereby established as an independent agency of the State of Georgia.

38 (d) To be eligible to serve on such commission, commissioners shall be registered voters
39 of this state who have not, for the immediately preceding ten years:

40 (1) Held or was a candidate for elective federal or state office in this state;

41 (2) Served as a registered state or federal lobbyist or officer for a political party or
42 political body; or

43 (3) Served as paid staff member for a political party, political body, candidate, or
44 elected official.

45 (e) The commission shall be formed in the following manner:

46 (1) Beginning not later than January 15 of each year in which a United States decennial
47 census is conducted, the state auditor shall select 50 qualified applicants at random from
48 the state-wide voter registration list; and

49 (2) Not later than February 15 of each year in which a United States decennial census
50 is conducted, the state auditor shall submit the list of 50 names which the state auditor has
51 selected to the majority and minority leaders of the Georgia House of Representatives and
52 Georgia Senate. Not later than March 15 of such year, such majority and minority
53 leaders shall each strike five names from such list. Not later than April 1 of such year,
54 the Chief Justice of the Supreme Court of Georgia shall select three commissioners from
55 the remaining 30 names who are not affiliated with the political party or political body
56 whose candidate for Governor at the most recent election for such office received the
57 highest number of votes or the political party or political body whose candidate for
58 Governor at the most recent election for such office received the second highest number
59 of votes. Not later than April 15, such majority leaders shall select two commissioners
60 from the names remaining on the list who are affiliated with the majority political party
61 or political body. Not later than May 1, such minority leaders shall select two
62 commissioners from the names remaining on the list who are affiliated with the minority
63 political party or political body. The persons so selected shall take office on July 1 of
64 such year and shall serve on the commission for a term of ten years. Such persons may
65 resign from the commission at any time by submitting a written resignation to the
66 Governor and the Chief Justice of the Supreme Court of Georgia. Vacancies on the
67 commission shall be filled by appointment by the entity who made the appointment of the
68 person whose position on the commission is being vacated. The commissioners shall be
69 compensated as provided by law.

70 (f) It shall be the duty of the commission to produce district maps for the use in electing
71 members of the United States House of Representatives from Georgia and members of the
72 General Assembly.

73 (g) In producing such maps, the commission shall adhere to the following criteria:

74 (1) All districts shall adhere to the requirements of the United States Constitution;

75 (2) All districts shall comply with the applicable provisions of the federal Voting
76 Rights Act of 1965, as amended;

77 (3) All parts of a district shall be contiguous;

78 (4) Districts shall be drawn to minimize the distances among all parts of the district;

79 (5) Communities of interest shall be preserved; and

80 (6) County and municipal boundaries shall not be divided unless necessary to meet
81 higher-ranking criteria.

82 (h) The commission in the drawing of district lines shall not:

83 (1) Engage in the practice of cracking or packing voters to favor or disfavor any
84 political party or political body, candidate, or elected official of this state;

85 (2) Protect or defeat an incumbent elected official of this state;

86 (3) Consider the residence address of any incumbent elected official of this state; or

87 (4) Consider or use any political date such as voter registration, past election results,
88 or political party or political body affiliation unless required solely to comply with the
89 federal Voting Rights Act of 1965, as amended.

90 (i) Before drawing any electoral district maps, the commission shall conduct at least ten
91 public hearings across the state and solicit input from the public on potential districts and
92 communities of interest. All draft maps, data, and technical resources used by the
93 commission in drawing electoral district maps shall be made public and accessible on a
94 state website at least seven days before the adoption of any map.

95 (j) Any registered voter of this state shall have standing to challenge any electoral district
96 map adopted by the commission. Such challenges shall be filed in the Superior Court of

97 Fulton County. The burden of proof in such challenges shall lie with the commission to
 98 demonstrate by clear and convincing evidence that the challenged electoral map complies
 99 with the provisions of subparagraph (g) of this Paragraph and does not violate the
 100 provisions of subparagraph (h) of this Paragraph. If the court finds a violation, the court
 101 shall remand the map to the commission with specific instructions for revision and, if the
 102 commission fails timely to adopt an acceptable map, the court may adopt a remedial map
 103 using the portions of the commission's map that is not violation as a starting point.

104 (k) The General Assembly shall not amend or veto the final maps adopted by the
 105 commission.

106 (l) The General Assembly shall provide such staffing, offices, equipment, supplies, and
 107 appropriations as is sufficient for the commission to perform its duties under this
 108 Paragraph."

109 **SECTION 2.**

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

113 "() YES Shall the Constitution of Georgia be amended so as provide for the creation
 114 of the Georgia Independent Redistricting Commission and provide for its
 115 () NO composition, duties, and responsibilities?"

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