House Resolution 55
By: Representatives Wilson of the 80th, Hugley of the 136th, Bennett of the 94th, Evans of the 57th, Roberts of the 52nd, and others

A RESOLUTION

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

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This resolution shall be known and may be cited as the "Democracy Act."

SECTION 2.

Article II of the Constitution is amended by adding a new Section IV to read as follows:
Paragraph I. **Citizens' Redistricting Commission.** (a) In each year following a year in which a United States decennial census is conducted or when congressional or legislative redistricting is required by court order, the state's congressional districts and Senate and House of Representative districts shall be reapportioned in accordance with this Constitution and the United States Constitution. The state shall be reapportioned into a number of congressional districts equal to the number of congressional districts allocated to the state under the United States Constitution and federal law. The state shall also be reapportioned into not less than 30 nor more than 56 consecutively numbered senatorial districts and into not less than 120 nor more than 180 consecutively numbered representative districts. The term 'reapportionment,' as used in this section, means any redistricting process by which congressional and legislative district boundaries are established and the term 'reapportionment plan,' as used in this section, means any plan that implements any redistricting process.

(b) In establishing district boundaries, the following exclusive standards shall govern:

(1) Districts shall comply with the United States Constitution, the federal Voting Rights Act of 1965, as amended, and other applicable laws of the United States;

(2) Districts shall not be drawn with the intent or result of denying or abridging the right of any citizen of the United States to vote on account of race, color, or language-minority status. A district does not satisfy this standard if, based on the totality of circumstances, the political processes leading to nomination or election in the state or political subdivision are not equally open to participation by members of a class of citizens protected by this Paragraph, in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice, whether as a single group or acting in concert with others.
Any voter who is a member of such a class and who resides in a political subdivision where a violation of this subparagraph is alleged may file an action in the superior court of the county in which the political subdivision is located;

(3) Districts shall be geographically contiguous;

(4) Plans, if for congressional redistricting, shall provide for zero deviation of total population per district and, if for redistricting of the House of Representatives or the Senate, shall provide for as close as practicable to zero deviation of total population among the districts, consistent with the standards set forth in this Paragraph;

(5) District boundaries shall conform to existing county geographical boundaries to the extent practicable and to the extent there is no conflict with the standards set forth in this Paragraph;

(6) Districts shall not breach precinct boundaries, and any agency or body authorized to create new precinct boundaries shall not breach district boundaries;

(7) Except as otherwise required by this Paragraph:

(A) No reapportionment plan or district shall be drawn with the intent to favor or disfavor a political party, incumbent, or other person or group; and

(B) No reapportionment plan or district shall be drawn on the basis of maps existing prior to the enactment of this provision; and

(8) No use shall be made of any of the following data: residential addresses of incumbent legislators, perceived or actual political affiliations of registered voters, past election results, voting history data, or any demographic information other than population head counts.

(c)(1) In each year following a year in which a United States decennial census is conducted or when congressional or legislative redistricting is required by court order, a Citizens' Redistricting Commission shall be established as provided in this Paragraph. The Citizens' Redistricting Commission shall be the reapportionment body responsible for congressional and legislative redistricting.
(2) The commission shall be composed of 14 members appointed as provided in this Paragraph.

(3) The commission shall include five members who are identified with the political party whose candidate for Governor in the last general election to fill the office of Governor received the highest number of votes, five members who are identified with the political party whose candidate for Governor in the last general election to fill the office of Governor received the next highest number of votes, and four members who are not identified with any political party. Identification with a political party shall mean that a person voted in the general primary of such political party in each of the three immediately preceding general primaries and publicly swears or affirms that he or she supports the political party and personally identifies as a member of the political party. Not being identified with a political party shall mean that the person did not vote exclusively in the general primary of one political party in the three immediately preceding general primaries and publicly swears or affirms that he or she does not personally identify as a member of any political party.

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

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

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

(B) Served as an officer, employee, or paid consultant of a political party or body or of the campaign or campaign committee of a candidate for elective federal, state, or local office;
(C) Served as an elected or appointed officer of a political party or body on a state or county executive committee;

(D) Served as an appointee of the Governor;

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

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

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

Immediate family members include spouses, parents, siblings, and children.

(6) Not later than January 1, 2030, and in each year ending in the number zero thereafter, the Chief Justice of the Supreme Court shall initiate an application process for service on the commission which shall be open to all registered electors in Georgia in a manner that promotes a diverse and qualified applicant pool reflecting the diverse demographics and geography of the state. Such applications shall be received through June 30 of such year and in each year ending in the number zero thereafter. Not later than July 1 of such year and in each year ending in the number zero thereafter, the Chief Justice shall establish a review panel consisting of three retired appellate or superior court judges to screen applicants for the commission. Not later than August 1 of such year and in each year ending in the number zero thereafter, the Chief Justice shall publicize the names of the applicants and deliver copies of their applications to the review panel.

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

(8) Not later than October 1, 2030, and in each year ending in the number zero thereafter, the review panel shall submit the three subpools of applicants to the Secretary of the Senate and the Clerk of the House of Representatives. Not later than November 15, 2030, and in each year ending in the number zero thereafter, the President Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives may each strike up to two of the applicants from each subpool for a total of up to eight strikes from each subpool. After removing the names of those persons stricken from the subpools, the Secretary of the Senate and the Clerk of the House of Representatives shall deliver the pool of remaining names to the Chief Justice of the Supreme Court.

(9) Not later than November 20, 2030, and in each year ending in the number zero thereafter, the Chief Justice shall randomly draw eight names from the applicants remaining. Three of the randomly drawn names shall be drawn from the subpool of applicants who identify with the political party whose candidate for Governor in the last general election to fill the office of Governor received the highest number of votes, three of the randomly drawn names shall be drawn from the subpool of applicants who identify with the political party whose candidate for Governor in the last general election to fill the office of Governor received the next highest number of votes, and two of the randomly drawn names shall be drawn from the subpool of applicants who do not identify with any political party. These persons shall serve on the commission.
(10) Not later than December 31, 2030, and in each year ending in the number zero thereafter, the initial eight members of the commission selected as provided in subparagraph (c)(9) of this Paragraph shall review the names remaining in the pool of applicants following their selection and shall appoint an additional six persons from such remaining applicants. Two names shall be selected from the subpool of applicants who identify with the political party whose candidate for Governor in the last general election to fill the office of Governor received the highest number of votes, two names shall be selected from the subpool of applicants who identify with the political party whose candidate for Governor in the last general election to fill the office of Governor received the next highest number of votes, and two names shall be selected from the subpool of applicants who do not identify with any political party. The six appointees must receive the affirmative vote of at least five of the initial eight members of the commission, which shall include at least two votes by members of the commission who identify with one of the political parties and one vote by a member of the commission who does not identify with any political party. Such additional six members of the commission shall be chosen to represent the state's diversity to include, but not be limited to, racial, ethnic, geographic, and gender diversity, provided that no formula or specific ratio shall be used for such purpose. Such members of the commission shall also be chosen for their analytical skills and ability to be impartial.

(11) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of the office, a member of the commission may be removed by the review panel established by the Chief Justice pursuant to subparagraph (c)(6) of this Paragraph after having been served with written notice and provided with an opportunity for responding.

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

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

(14) 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. The commission shall have legal standing to seek judicial relief from the Supreme Court should the General Assembly fail to satisfy the requirements of this Paragraph. The Supreme Court shall have original jurisdiction to hear such actions and may appoint a special master to take testimony and evidence and determine factual issues necessary to resolve such actions.

(d)(1) Before January 1 of a reapportionment year, a publicly accessible internet based redistricting portal shall be established to assist the public in drawing maps and providing input on the reapportionment process and allow members of the public to upload their
own maps. Such portal shall allow any member of the public to submit written comments on any proposed plans.

(2) Not later than April 15 of a reapportionment year, one or more initial proposed plans that satisfy the standards set forth in subparagraph (d)(1) of this Paragraph shall be created and published on the internet based redistricting portal. The plan or plans shall be presented visually, in sufficient detail such that the public may visually inspect all district boundaries down to the residence level, and the plan or plans shall also include all data necessary for a third party to electronically recreate an accurate visual representation of such proposed plan or plans. The plan or plans shall be presented in a manner that will allow any member of the public to immediately inspect visually the proposed district in which they live as well as all neighboring districts. Not later than April 15 of a reapportionment year, a visual representation of the plan shall also be published for once a week for two consecutive weeks in the legal organ for each county.

(3) Any initial proposed plan or plans published on the internet based redistricting portal shall also include a detailed explanation of the procedure or process used to create such plan or plans, including, but not limited to, all inputs, variables, factors, or other bases used to create such plan or plans, draft maps, formulae or algorithms, and any hardware or software relied upon to create such plan or plans. This provision shall be construed to defeat any legal claim or defense that is brought or raised by any party to prevent the disclosure of such procedure or process, including, but not limited to, a claim or defense that such disclosure would constitute an unlawful disclosure of a trade secret or other confidential or proprietary information.

(4) There shall be at least one public hearing in the highest-population municipality of each congressional district in this state, to be held no earlier than May 1 and no later than May 31 of a reapportionment year. At least two members of the commission shall be present at each public hearing, and one member of the commission shall preside and conduct the hearing. Visual representations of the proposed plan or plans shall be

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prominently presented at the hearing. The hearings shall be recorded and made available live and archived for public viewing on the internet. During each public hearing, the representatives shall present the initial proposed plan or plans, explain the procedure or process used to create such plan or plans, have available any plans submitted by the public and the commission's evaluation of such plan or plans, and hear public comments and suggestions. Public notice of such meetings shall be published via the internet based redistricting portal and for once a week for two consecutive weeks in the legal organ for each county, not later than 14 days before the date of the hearing.

(5) Not later than July 1 of a reapportionment year, all public comments submitted in writing or during a public hearing shall be processed and considered for purposes of revising any initial proposed plan or plans, and the basis for accepting or rejecting any such comments shall be published on the internet based redistricting portal;

(6) Not later than August 1 of a reapportionment year, the final reapportionment plan shall be publicly presented on the internet based redistricting portal and such plan shall be certified to the Secretary of State. Such plan shall comply with all presentation requirements set forth in subparagraph (d)(2) of this Paragraph.

(7) All meetings, discussions, and deliberations concerning reapportionment shall be conducted in public, and public notice of such meetings, discussions, and deliberations shall be published on the internet based redistricting portal 14 days in advance. All communications, including electronic communications, shall be made available to the public for inspection and copying.

(8) All communications with any party not hired or contracted to perform, or not responsible for performing, the duties set forth in this Paragraph are strictly prohibited. Such prohibition shall not apply to any public communications explicitly authorized by this Paragraph.
(9) Nothing in this provision shall be construed as limiting any obligations set forth in statute relating to disclosure of public records and open meetings which shall apply to this Paragraph or any other such applicable laws.

(10) A plaintiff interested in having the duties or prohibitions set forth in this Paragraph enforced may seek a writ of mandamus to compel due performance of the duties set forth in this Paragraph or writ of prohibition, whichever is proper. A writ of prohibition shall be permitted to enforce the prohibitions set forth in this Paragraph. Lack of clarity or specificity shall not constitute a defense in any such actions.

(e)(1) Within 15 days after the final reapportionment plan is certified to the Secretary of State, any citizen of this state may petition the Supreme Court of Georgia for a declaratory judgment determining the validity of the reapportionment under the standards set forth in subparagraph (b) of this Paragraph. The Supreme Court shall have original jurisdiction of such actions and may appoint a special master to take testimony and evidence and determine factual issues necessary to resolve such actions. The Supreme Court, in accordance with its rules, shall permit adversary interests to present their views and, within 60 days from the filing of the petition, shall enter its judgment. Should no petition be filed, the reapportionment plan shall take effect.

(2) A judgment of the Supreme Court determining the reapportionment to be valid shall be binding upon all the citizens of the state. Should the Supreme Court determine that the reapportionment is invalid, the reapportionment body shall reconvene within five days thereafter and, within 15 consecutive days, revise the reapportionment plan to conform to the judgment of the Supreme Court, and certify such second reapportionment to the Secretary of State.

(3) Within 15 days after such second reapportionment is certified, any citizen of this state may petition the Supreme Court for a declaratory judgment determining the validity of the second reapportionment under the standards set forth in subparagraph (b) of this Paragraph. Consideration of the validity of the second reapportionment shall be had as
provided for in subparagraph (e)(1) of this paragraph. Should no petition be filed, the
second reapportionment plan shall take effect.
(4) Should no second reapportionment be certified within the time limit, or should the
Supreme Court determine that such second reapportionment is invalid, the court shall, not
later than 60 days after receiving the petition, file with the Secretary of State an order
making such reapportionment.
(5) The commission shall have standing in legal actions regarding the redistricting
plan."

SECTION 3.
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."

SECTION 4.
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 for the creation
( ) NO of a nonpartisan independent citizens' redistricting commission composed of
Georgia voters to conduct legislative and congressional redistricting?"
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.

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