

House Resolution 963

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

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia so as to provide
2 procedures and standards for legislative and congressional reapportionment; to provide for
3 related matters; to provide for the submission of this amendment for ratification or rejection;
4 and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

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

8 "SECTION IV.

9 LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT

10 Paragraph I. Legislative and congressional reapportionment. (a) Senatorial and
11 representative districts. The General Assembly in the second year following each federal
12 decennial census, by general law, shall reapportion the state in accordance with this
13 Constitution and the Constitution of the United States. The General Assembly shall
14 reapportion the state into a number of congressional districts equal to the number of
15 congressional districts allocated to the state under the United States Constitution and
16 federal law. The General Assembly shall also reapportion the state into not less than 30
17 nor more than 56 consecutively numbered senatorial districts of either contiguous,
18 overlapping, or identical territory, and into not less than 120 nor more than 180
19 consecutively numbered representative districts of either contiguous, overlapping, or
20 identical territory. The Governor, by proclamation, shall reconvene the General Assembly
21 in a special reapportionment session following the adjournment sine die of the regular
22 session of the General Assembly in the second year following each federal decennial
23 census, which shall not exceed 30 consecutive days, during which no other business shall
24 be transacted, and it shall be the mandatory duty of the General Assembly to adopt a
25 general law reapportioning the state as required by this subparagraph.

26 **(b) Failure of General Assembly to reapportion; judicial reapportionment.** In the event
 27 that the special reapportionment session of the General Assembly finally adjourns without
 28 enacting a general reapportionment Act or if the Governor vetoes such Act, the Attorney
 29 General shall, within five days, petition the Supreme Court to make such reapportionment.
 30 Not later than the sixtieth day after the filing of such petition, the Supreme Court shall file
 31 with the Secretary of State an order making such reapportionment.

32 **(c) Judicial review of reapportionment.** Within 15 days after the passage of a general
 33 reapportionment Act, the Attorney General shall petition the Supreme Court for a
 34 declaratory judgment determining the validity of the reapportionment. The Supreme Court,
 35 in accordance with its rules, shall permit adversary interests to present their views and,
 36 within 30 days from the filing of the petition, shall enter its judgment.

37 **(d) Effect of judgment on reapportionment; special reapportionment session.** A
 38 judgment of the Supreme Court determining the general reapportionment Act to be valid
 39 shall be binding upon all the citizens of the state. Should the Supreme Court determine that
 40 the general reapportionment Act made by the General Assembly is invalid, the Governor,
 41 by proclamation, shall reconvene the General Assembly within five days thereafter in a
 42 special reapportionment session which shall not exceed 15 consecutive days, during which
 43 the General Assembly shall enact a general reapportionment Act conforming to the
 44 judgment of the Supreme Court.

45 **(e) Special reapportionment session; review of reapportionment.** Within 15 days after
 46 the adjournment of a special reapportionment session resulting from a determination by the
 47 Supreme Court that a general reapportionment Act is invalid, the Attorney General shall
 48 file a petition in the Supreme Court setting forth the general reapportionment Act enacted
 49 by the General Assembly, or if none has been adopted, reporting that fact to the court.
 50 Consideration of the validity of a general reapportionment Act shall be had as provided for
 51 in cases of such general reapportionment Act enacted at a special reapportionment session
 52 as provided in subparagraph (c) of this Paragraph.

53 **(f) Judicial reapportionment.** Should a special reapportionment session, resulting from
 54 a determination by the Supreme Court that a general reapportionment Act is invalid, fail
 55 to adopt a general reapportionment Act as required by this Paragraph or should the
 56 Supreme Court determine that the general reapportionment Act that was enacted in such
 57 special reapportionment session is invalid, the court shall, not later than 60 days after
 58 receiving the petition of the Attorney General, file with the Secretary of State an order
 59 making such reapportionment.

60 **(g) Standards for establishing district boundaries.** In establishing district boundaries:
 61 (1) No reapportionment plan or district shall be drawn with the intent to favor or
 62 disfavor a political party or an incumbent; and districts shall not be drawn with the intent

63 or result of denying or abridging the equal opportunity of racial or language minorities
64 to participate in the political process or to diminish their ability to elect representatives
65 of their choice; and districts shall consist of contiguous territory; and
66 (2) Districts shall be as nearly equal in population as is practicable; districts shall be
67 compact; and districts shall, where feasible, utilize existing political and geographical
68 boundaries."

69 **SECTION 2.**

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

73 "() YES Shall the Constitution of Georgia be amended so as to provide procedures for
74 () NO legislative and congressional reapportionment?"

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