

Senate Bill 152

By: Senators Davis of the 22nd, Henson of the 41st, Seay of the 34th, Tate of the 38th, James of the 35th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 2 of Title 28 of the Official Code of Georgia Annotated, relating to  
2 apportionment of the House of Representatives and the Senate and qualifications of  
3 members, so as to create the Citizens' Redistricting Commission; to provide for its  
4 membership and its duties; to provide for an effective date; to repeal conflicting laws; and  
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 28 of the Official Code of Georgia Annotated, relating to apportionment  
9 of the House of Representatives and the Senate and qualifications of members, is amended  
10 by adding a new Code section to read as follows:

11 "28-2-3.

12 (a) There is created the Citizens' Redistricting Commission which shall be established as  
13 provided in this Code section.

14 (b) The commission shall consist of seven members appointed as follows:

15 (1) One member appointed by the Lieutenant Governor;

16 (2) One member appointed by the minority leader of the Senate;

17 (3) One member appointed by the Speaker of the House of Representatives;

18 (4) One member appointed by the minority leader of the House of Representatives;

19 (5) Two members appointed by the Governor, only one of whom may be a member of  
20 the same political party as the Governor; and

21 (6) One member who shall be selected and appointed by the other six members of the  
22 commission.

23 In the year following a United States decennial census, the Governor, Lieutenant Governor,  
24 Speaker of the House of Representatives, and the minority leaders of the Senate and the  
25 House of Representatives shall make their respective appointments not later than March  
26 1 of such year, and the member to be selected by such appointees shall be selected not later

27 than March 15 of such year. In the case of a court order directing that congressional or  
28 legislative redistricting be done, the appointments by the Governor, Lieutenant Governor,  
29 Speaker of the House of Representatives, and the minority leaders of the Senate and the  
30 House of Representatives shall be made not later than 30 days following such order, and  
31 the member to be selected by such appointees shall be selected not later than 45 days  
32 following such order. In the event that the six members of the commission cannot agree  
33 upon a seventh member within such time periods, the seventh member shall be selected by  
34 the Georgia Supreme Court not later than 15 days following the expiration of such time  
35 periods. The seventh member shall be the chairperson of the commission.

36 (c) A person shall be eligible for appointment to serve on the commission if such person:

37 (1) As of the date of his or her appointment, is registered to vote for federal and state  
38 offices in Georgia and was registered to vote in the two most recent state November  
39 general elections held in Georgia;

40 (2) Is not a current member of the General Assembly and does not hold any federal or  
41 state elective office while serving on the commission; and

42 (3) Certifies and agrees at the time of such person's appointment that such person will  
43 not run as a candidate for any federal or state elective office while serving on the  
44 commission and for a period of two years thereafter.

45 (d) Vacancies on the commission shall be filled in the same manner in which the original  
46 appointment was made.

47 (e) Members of the commission shall be reimbursed for expenses incurred in the  
48 performance of their duties on the commission in the same manner as members of the  
49 General Assembly. The General Assembly is authorized to provide for the payment of  
50 reasonable compensation to the members of the commission. The General Assembly shall  
51 provide adequate funding to the commission, including the employment of a competent  
52 staff, in order for the commission to carry out its duties. The General Assembly shall  
53 provide adequate funding for the representation of the commission in any litigation; and  
54 the Department of Law shall have the responsibility for such representation.

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

56 (1) To create proposed congressional and House of Representatives and Senate  
57 legislative districts for submission to the General Assembly for approval or rejection;

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

- 63 (3) To conduct meetings, discussions, and deliberations in public and provide ample  
64 notice of the meetings of the commission to facilitate public participation and attendance.  
65 (g) In developing proposed redistricting plans for submission to the General Assembly for  
66 approval or rejection, the commission shall adhere to the following criteria:  
67 (1) The plan shall be in compliance with the Constitutions of this state and the United  
68 States;  
69 (2) The plan shall be in compliance with the federal Voting Rights Act of 1965, as  
70 amended;  
71 (3) The plan shall contain only contiguous districts;  
72 (4) The plan shall contain districts that are as compact as possible or practicable;  
73 (5) The plan shall maintain communities of interest, as determined by the commission  
74 from time to time to the extent that it is reasonably possible to do so; and  
75 (6) The plan, if for congressional redistricting, shall provide for zero deviation among  
76 the districts and, if for legislative redistricting, shall provide for as close as practicable  
77 to zero deviation among the districts.  
78 (h) The commission shall, no later than July 1 of the year following the year in which a  
79 United States decennial census is conducted and as soon as practicable following a court  
80 ordered redistricting, submit its report with a proposed congressional redistricting plan, a  
81 proposed redistricting plan for the House of Representatives, and a proposed redistricting  
82 plan for the Senate to the General Assembly for approval. Such plans shall be voted upon  
83 by both houses of the General Assembly without amendment. If either house of the  
84 General Assembly declines to approve a plan, the plan and the report shall be returned to  
85 the commission with such specific suggestions as the Senate or the House of  
86 Representatives, as applicable, believes would eliminate the basis for disapproval of the  
87 plan. The commission shall then meet and revise the plan and submit a new report and  
88 proposed plan to the General Assembly within 15 days following the disapproval of the  
89 plan. Such revised plan shall be voted upon by the General Assembly without amendment.  
90 If either house of the General Assembly declines to approve the revised plan, the General  
91 Assembly shall proceed to formulate and enact a redistricting plan on its own.  
92 (i) Upon the approval or final rejection of each of the proposed plans by the General  
93 Assembly, the commission shall be dissolved."

94 **SECTION 2.**

95 This Act shall become effective upon its approval by the Governor or upon its becoming law  
96 without such approval.

97

**SECTION 3.**

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