

Senate Resolution 45

By: Senators Parent of the 42nd, Rhett of the 33rd, James of the 35th, Jones of the 10th, Sims of the 12th and others

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 at its regular session in the second year  
12 following each federal decennial census, by general law, shall reapportion the state in  
13 accordance with this Constitution and the Constitution of the United States. The General  
14 Assembly shall reapportion the state into a number of congressional districts equal to the  
15 number of congressional districts allocated to the state under the United States Constitution  
16 and federal law. The General Assembly shall also reapportion the state into not less than  
17 30 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. Should such regular session adjourn sine die without enacting such  
21 general reapportionment Act or should the Governor veto such Act, the Governor by  
22 proclamation shall reconvene the General Assembly within 60 days in a special  
23 reapportionment session which shall not exceed 30 consecutive days, during which no  
24 other business shall be transacted, and it shall be the mandatory duty of the General  
25 Assembly to adopt a 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 a 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 in 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 regular or special  
 52 reapportionment session 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 to  
 55 adopt a general reapportionment Act as required by this Paragraph or should the Supreme  
 56 Court determine that the general reapportionment Act that was enacted in such special  
 57 reapportionment session is invalid, the court shall, not later than 60 days after receiving the  
 58 petition of the Attorney General, file with the Secretary of State an order making such  
 59 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.