

House Resolution 3

By: Representatives Gardner of the 57th, Oliver of the 82nd, Kendrick of the 93rd, and Dreyer of the 59th

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that legislative and congressional reapportionment be done by an independent bipartisan commission instead of the General Assembly; 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 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.

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

"SECTION IV.LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT

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, a Citizens' Redistricting Commission shall be established as provided in this Paragraph.

(b)(1) The commission shall consist of 14 members appointed as provided in this Paragraph.

(2) 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. 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.

(3) 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.

(4) 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 a registered federal, state, or local lobbyist;

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

(F) 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.

(5) Not later than January 1, 2020, 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. 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.

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

74 (7) Not later than October 1, 2020, and in each year ending in the number zero
75 thereafter, the review panel shall submit the three subpools of applicants to the Secretary
76 of the Senate and the Clerk of the House of Representatives. Not later than
77 November 15, 2020, and in each year ending in the number zero thereafter, the President
78 Pro Tempore of the Senate, the minority leader of the Senate, the Speaker of the House
79 of Representatives, and the minority leader of the House of Representatives may each
80 strike up to two of the applicants from each subpool for a total of up to eight strikes from
81 each subpool. After removing the names of those persons stricken from the subpools, the
82 Secretary of the Senate and the Clerk of the House of Representatives shall deliver the
83 pool of remaining names to the Chief Justice of the Supreme Court.

84 (8) Not later than November 20, 2020, and in each year ending in the number zero
85 thereafter, the Chief Justice shall randomly draw eight names from the applicants
86 remaining. Three names shall be drawn from the subpool of applicants who identify with
87 the political party whose candidate for Governor in the last general election to fill the
88 office of Governor received the highest number of votes, three names shall be drawn
89 from the subpool of applicants who identify with the political party whose candidate for
90 Governor in the last general election to fill the office of Governor received the next
91 highest number of votes, and two names shall be drawn from the subpool of applicants
92 who do not identify with any political party. These persons shall serve on the
93 commission.

94 (9) Not later than December 31, 2020, and in each year ending in the number zero
95 thereafter, the initial eight members of the commission selected as provided in
96 subparagraph (b)(8) of this Paragraph shall review the names remaining in the pool of
97 applicants following their selection and shall appoint an additional six persons from such
98 remaining applicants. Two names shall be selected from the subpool of applicants who

99 identify with the political party whose candidate for Governor in the last general election
100 to fill the office of Governor received the highest number of votes, two names shall be
101 selected from the subpool of applicants who identify with the political party whose
102 candidate for Governor in the last general election to fill the office of Governor received
103 the next highest number of votes, and two names shall be selected from the subpool of
104 applicants who do not identify with any political party. The six appointees must receive
105 the affirmative vote of at least five of the eight commissioners, which shall include at
106 least two votes by commissioners who identify with one of the political parties and one
107 vote by a commissioner who does not identify with any political party. Such additional
108 six commissioners shall be chosen to represent the state's diversity to include, but not be
109 limited to, racial, ethnic, geographic, and gender diversity, provided that no formula or
110 specific ratio shall be used for such purpose. Such commissioners shall also be chosen
111 for their analytical skills and ability to be impartial.

112 (c)(1) In the event of substantial neglect of duty, gross misconduct in office, or inability
113 to discharge the duties of the office, a member of the commission may be removed by the
114 review panel established by the Chief Justice pursuant to subparagraph (b)(5) of this
115 Paragraph after having been served with written notice and provided with an opportunity
116 for responding.

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

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

129 (e) Members of the commission shall be reimbursed for expenses incurred in the
130 performance of their duties on the commission in the same manner as members of the
131 General Assembly. The General Assembly is authorized to provide for the payment of
132 reasonable compensation to the members of the commission. The General Assembly shall
133 provide adequate funding to the commission, including the employment of a competent
134 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.

(f) The commission shall have the following duties:

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

(2) To conduct public hearings throughout all areas of this state, including at least one hearing in each congressional district in this state, after providing adequate advance notice to the public so that all interested citizens have a reasonable opportunity to express their views with regard to proposed redistricting plans prior to the submission of such plans to the General Assembly; and

(3) To conduct meetings, discussions, and deliberations in public and to provide ample notice of the meetings of the commission to facilitate public participation and attendance.

(g) In developing proposed redistricting plans for submission to the General Assembly for approval or rejection, the commission shall adhere to the following criteria:

(1) The plan shall be in compliance with the Constitutions of this state and the United States;

(2) The plan shall be in compliance with the federal Voting Rights Act of 1965, as amended;

(3) The plan shall contain only contiguous districts;

(4) The plan shall contain districts that are as compact as possible or practicable for which the commission may use, but shall not be limited to, a general appearance test regarding compactness, and may also consider functional compactness in terms of travel and transportation, communication, and geography;

(5) The plan shall maintain communities of interest, as determined by the commission from time to time, to the extent that it is reasonably possible to do so, including, but not limited to, urban interests, suburban interests, rural interests, neighborhoods, trade areas, geographic location, communication and transportation networks, media markets, social and cultural interests, economic interests, and occupations and lifestyles;

(6) The plan shall follow the lines of political subdivisions and geographic boundaries whenever possible, and the commission shall consider boundary lines of counties, municipalities, school districts, and other political units in developing its plans;

(7) The plan, if for congressional redistricting, shall provide for zero deviation among the districts and, if for legislative redistricting, shall provide for as close as practicable to zero deviation among the districts; and

(8) The plan and districts shall not be drawn with the intent to favor or disfavor a political party or an incumbent; districts shall not be drawn with the intent or result of

denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice.

(h) The commission shall, no later than July 1 of the year following the year in which a United States decennial census is conducted or as soon as practicable following a court ordered congressional or legislative redistricting, submit its report with a proposed congressional redistricting plan, a proposed redistricting plan for the House of Representatives, and a proposed redistricting plan for the Senate to the General Assembly for approval. Such plans shall be voted upon by both houses of the General Assembly without amendment during a special called session for the specific purpose of approving or rejecting such plans. If either house of the General Assembly declines to approve a plan, the plan and report shall be returned to the commission with such specific suggestions as the Senate or House of Representatives, as applicable, believes would eliminate the basis for disapproval of the plan. The commission shall then meet, revise the plan, and submit a new report and proposed plan to the General Assembly within 15 days following the disapproval of the plan. Such revised plan shall be voted upon by the General Assembly without amendment. If either house of the General Assembly declines to approve the revised plan, the General Assembly shall proceed to formulate and enact a redistricting plan on its own which shall adhere to the criteria provided in subparagraph (g) of this Paragraph.

(i) Upon the approval or final rejection of each of the proposed plans by the General Assembly, the commission shall be dissolved.

(j) In the event that, at the time a commission is formed under this Paragraph, the Public Service Commission is elected from districts by the electors residing within such district and not the electors of the entire state, then following each decennial census or when redistricting of the Public Service Commission districts is required by court order, redistricting of the Public Service Commission districts shall be accomplished in the same manner as provided for congressional and legislative districts in this Paragraph. In the event that, at the time a commission is formed under this Paragraph, the Public Service Commission is elected from districts by the electors of the entire state, then following each decennial census, the commission formed under this Paragraph may submit a new district plan for the election of members of the Public Service Commission but shall not be bound by the provisions of subparagraph (g) of this Paragraph in formulating such districts, but shall take into account political subdivision boundaries and shall devise districts that are as near as practicable equal in population."

SECTION 2.

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 as provided in Article II, Section IV of this Constitution."

SECTION 3.

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 bipartisan independent citizens' redistricting commission comprised of
Georgia voters to conduct legislative and congressional redistricting to be
submitted to the General Assembly for final approval?"

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.