

# **Recommendations of the Independent Redistricting Task Force to Governor Sonny Perdue**

## **Introduction**

On March 6, 2006, Governor Sonny Perdue issued an Executive Order (Exhibit A) creating an independent redistricting task force (“the Task Force”). The Task Force was charged with the responsibility of studying and making recommendations “regarding ways in which an independent redistricting commission may help to insure balanced, fairly drawn districts, and to improve public faith in the elective process.” The Governor asked that a final report be issued to him by December 31, 2006.

On April 20, 2006, Governor Perdue announced the appointments to the Task Force of 11 individuals, with Honorable Harold G. Clarke, former Chief Justice of the Supreme Court of Georgia, serving as Chair (Exhibit B). The members of the Task Force, listed alphabetically, are:

J. Veronica Biggins  
Harold G. Clarke  
Walter M. Deriso, Jr.  
James Randal Hall  
Frank C. Jones  
Dink NeSmith  
Steve Smith  
John D. Sours  
Frank B. Strickland  
Kerwin Swint, Ph.D.  
William B. Turner

Since this date, the Task Force has engaged in an intensive fact gathering process that has included the review of a good many written

documents and the holding of 10 meetings. A brief summary of the meetings is attached (Exhibit C).

## **Summary of Recommendations**

The Task Force believes that the present system of redistricting in Georgia does not serve the best interest of the Georgia electorate and should be changed. It is recommended that there be a constitutional amendment that would establish a commission to be known as the Citizens Redistricting Commission (“the Commission”). The Commission would function independently with respect to both congressional districts, and state legislative districts, and would submit its report to the General Assembly for an “up or down” vote. The General Assembly would be expected to give full consideration to the Commission’s recommendations but would retain final authority to approve or disapprove these recommendations.

The Task Force makes further recommendations with respect to the creation and the functioning of the Commission that should be implemented by the General Assembly.

## **Recommendations**

### **1. Present System**

The present system is not a good one. There is too strong a temptation for the party in power – whether it is the Democratic party or the Republican party – to create congressional districts, and Senate and House districts, that will achieve maximum political advantage for that party. A number of observers have pointed out, “You can’t take politics out of politics,” and the Task Force does not recommend that there be an attempt to do so if it means removing altogether any participation by the General Assembly in the redistricting process. However, the Task Force

believes that it is possible to improve the present system by increasing the involvement of Georgia citizens and by reducing the current level of partisanship.

## 2. Options

The Task Force considered three alternative recommendations that might be made, as follows:

- (a) A constitutional amendment that would vest full and final authority for redistricting in a commission, removing altogether the power of the General Assembly to redistrict as provided in the 1983 Georgia Constitution, as some states have done;
- (b) A commission that would be established by a legislative act and that would participate actively in the redistricting process but with the General Assembly to have the final authority to redistrict; and
- (c) A constitutional amendment that would establish an independent commission that would, after obtaining the views of the citizens of Georgia, submit its recommendations with respect to redistricting to the General Assembly for an up or down vote.

The Task Force does not recommend option (a), both because it is unrealistic to expect that such a constitutional amendment would receive the necessary two-thirds vote in each house of the General Assembly, and also because this option is undesirable in that it would deprive the citizens of Georgia of the benefit of the experience and expertise in redistricting of the members of the General Assembly. The Task Force does not recommend option (b) because the commission could easily be abolished at any time, or stripped of any significance in

the redistricting process, by a legislative act, with the result that the recommendations of the Commission likely would be given little weight.

In the judgment of the Task Force, option (c) is the most reasonable of the three alternatives and is a desirable compromise between the two extremes. A constitutional amendment would give dignity and status to the Commission, and would increase the likelihood that its recommendations would be approved by the General Assembly. The Task Force believes that option (c) would best serve the public interest.

### 3. The Commission

The commission would be called the Citizens Redistricting Commission (“the Commission”).

There would be seven members who would be appointed as follows:

- A person appointed by the leader of the political party in the Georgia Senate with the greatest number of seats in that house;
- A person appointed by the leader of the political party in the Georgia Senate with the second greatest number of seats in that house;
- A person appointed by the leader of the political party in the Georgia House of Representatives with the greatest number of seats in that house;
- A person appointed by the leader of the political party in the Georgia House of Representatives with the second greatest number of seats in that house; and

- Two citizens appointed by the Governor, only one of whom may be a member of the same political party as the Governor.
- The six persons provided for above would, within 30 days after they are appointed, meet and select a seventh person who would serve as chair. This person would be a retired Georgia justice or judge of the Supreme Court, the Court of Appeals, a Superior Court or a State Court. If the six persons fail to act within 30 days, the seventh member of the Commission, who would serve as chair, would be appointed by the Chief Justice of the Supreme Court of Georgia.

An individual would be eligible to serve as a member of the Commission if:

- As of the date of appointment, the individual is registered to vote for federal and state offices, and was registered to vote in the two most recent general elections held in Georgia;
- The individual is not a current member of either the Senate or the House of Representatives and does not hold any federal or state elective office while serving on the Commission; and
- The individual certifies at the time of appointment that he or she will not run as a candidate for any federal or state elective office while serving on the Commission or within a period of two years thereafter.
- A vacancy in the Commission would be filled in the manner in which the original appointment was made.
- The General Assembly would provide for uniform terms of office for the members of the Commission.

#### 4. Duties

The Commission would have the responsibility following each decennial census, and at such other times as necessary, to create congressional districts, and Senate and House legislative districts, in accordance with the criteria set forth in paragraph 5.

The Commission would submit its report and a recommended plan for redistricting to the General Assembly for its approval. If either or both houses of the General Assembly decline to give approval, the report and recommendations would be returned to the Commission together with such specific suggestions as the Senate and/or the House of Representatives believe would eliminate the basis for disapproval. The Commission would then have an opportunity to revise its plan for redistricting, and to return its report and any revised plan to the General Assembly for further consideration and action. If either or both houses again decline to give approval, the General Assembly would proceed to complete the redistricting process on its own.

#### 5. Criteria for Redistricting

The following criteria would be followed by the Commission:

- Compliance with the U.S. and Georgia Constitutions;
- Compliance with the applicable provisions of the Voting Rights Act of 1965, as amended;
- Districts must be contiguous;
- Districts must be as compact as reasonably possible;
- “Communities of interest”, as determined from time to time by the Commission in the exercise of its discretion, should be maintained if reasonably possible; and

- The Commission's plan should provide for zero deviation with respect to congressional districts, and as close as practicable to zero deviation for legislative districts.

## 6. Functioning of Commission

The members of the Commission would be reimbursed for actual and reasonable expenses incurred in the performance of their duties. The General Assembly would have authority to provide for the payment of reasonable compensation to the members of the Commission if this is deemed to be desirable.

Both the Open and Public Meetings Act, and the Public Records Act, would apply fully to the Commission.

Before making any recommendations, the Commission would schedule public hearings throughout all areas of the state, including at least one hearing in each congressional district to be affected, and give adequate advance notice to the public, so that all interested citizens would have a reasonable opportunity to express their views. The media should be encouraged to attend these public hearings and all other meetings of the Commission.

## 7. Funding and Litigation

The General Assembly would provide adequate funding for the Commission, including the employment of a competent staff, to enable it to carry out its duties. The General Assembly would also provide adequate funding for the representation of the Commission in any litigation, with The Department of Law to have responsibility for the representation of the Commission.

## **Conclusion**

The Task Force assumes that the persons serving on the proposed Commission would be highly respected citizens of Georgia who would act in good faith in carrying out their responsibilities. The Task Force believes that such a Commission would help to insure balanced, fairly drawn districts and would improve public trust and confidence in the elective process.

This the \_\_\_\_ day of \_\_\_\_\_ 2006.

The Independent Redistricting Task Force

By \_\_\_\_\_  
Harold G. Clarke  
Chair