

The House Committee on Legislative and Congressional Reapportionment offers the following substitute to HB 20EX:

A BILL TO BE ENTITLED
AN ACT

To provide for the composition and number of congressional districts; to provide for a short title; to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for election of members of Congress; to provide when such members shall take office; to provide for definitions and inclusions; to provide for continuation of present congressional districts until a certain time; to correct a certain reference; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Georgia Congressional Reapportionment Act of 2011."

SECTION 2.

(a) For the purpose of electing representatives to the Congress of the United States, the State of Georgia is divided into 14 congressional districts. Such congressional districts shall be and correspond to those 14 numbered districts described in and attached to and made a part of this Act and further identified as "Plan: congprop2 Plan Type: Congress Administrator: H167 User: Gina".

(b) For the purposes of such plan,

(1) The term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a "VTD" heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

(2) Except as otherwise provided in the description of any congressional district, whenever the description of any congressional district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2010 for the State of Georgia.

(c) Any part of the State of Georgia which is not included in any congressional district described in subsection (a) of this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(d) Any part of the State of Georgia which is described in subsection (a) of this section as being included in a particular congressional district shall nevertheless not be included within such congressional district if such part is not contiguous to such congressional district. Such noncontiguous part shall instead be included within that congressional district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(e) The first members elected pursuant to the provisions of this Act shall be those who are elected to take office in January, 2013. Successors to those members and future successors shall likewise be elected under the provisions of this Act. Until that time the members of the United States House of Representatives elected in 2010 shall continue to serve and, for all purposes relative to membership in the House of Representatives, the composition of congressional districts from which such members were elected shall remain the same. The provisions of this Act shall be effective for the primaries and elections of 2012 for the purpose of electing the members who are to take office in 2013.

SECTION 3.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by revising Code Section 21-1-1, relating to definitions and descriptions for use in designating congressional districts, as follows:

"21-1-1.

~~(a) For purposes of this chapter:~~

~~(1) The terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia.~~

~~(2) Except as otherwise provided in the description of any congressional district, whenever the description of any congressional district refers to a named city, it shall~~

~~mean the geographical boundaries of that city as shown on the census maps for the United States decennial census of 2000 for the State of Georgia.~~

~~(b) Any part of the State of Georgia which is not included in any congressional district described in subsection (a) of Code Section 21-1-2 shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia.~~

~~(c) Any part of the State of Georgia which is described in subsection (a) of Code Section 21-1-2 as being included in a particular congressional district shall nevertheless not be included within such congressional district if such part is not contiguous to such congressional district. Such noncontiguous part shall instead be included within that congressional district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia Reserved.~~

SECTION 4.

Said title is further amended by repealing Code Section 21-1-2, relating to the designation of congressional districts, and enacting a new Code Section 21-1-2 to read as follows:

"21-1-2.

The General Assembly shall by general law divide the state into 14 congressional districts.

There shall be elected one representative to the Congress of the United States from each such district by the electors of such district."

SECTION 5.

Said title is further amended by adding a new Code section to read as follows:

"21-1-3.

(a) Any member of any constitutional or statutory board or body who:

(1) Is in office on January 1 of the year following the year in which members of

Congress are first elected from Georgia under any congressional redistricting Act; and

(2) Was appointed or otherwise selected (other than by election by the people) on the

basis of residency within a congressional district

shall have his or her eligibility or ineligibility to continue to serve determined as provided

in this subsection. Such member shall serve out the term for which the member was

appointed and shall represent the congressional district in which the member resides unless

more members of the board or body than authorized by the applicable constitutional

provision or statute reside within the same congressional district. In the event any

congressional district in which there are residing therein more members of any such board

or body than the number of members specified by the applicable constitutional provision

or statute, the appointing authority shall designate which member or members representing

the congressional district shall continue to serve as a member or members of the board or body. Any member not designated for continued membership shall cease to hold office as of the date of such designation by the appointing authority. If a congressional district is not represented on a board or body as specified by the applicable constitutional provision or statute, a vacancy shall exist. Such vacancy shall be filled by the appointing authority appointing to the board or body a member or members from the congressional district which does not have sufficient representation. In the case of an appointment to fill a vacancy created by the displacement of a member from a congressional district on the basis of residency, the initial appointment shall be for a term ending on the date on which the term of the member removed by the appointing authority in accordance with the foregoing requirement would have ended. The initial term of all other appointments to fill a vacancy as provided for in this Code section shall be set by the appointing authority in accordance with the schedule of expiration dates established by law for the terms of members of the board or body.

(b) The same rules provided for in subsection (a) of this Code section shall be applied insofar as may be practicable in the event a court of competent jurisdiction enters an order changing the composition of Georgia's congressional districts. In such event, such rules shall be applied as of January 1 of the year following the year in which members of Congress are first elected from Georgia under such court order. If such a court order is stayed, the application of this subsection shall likewise be stayed. If such a court order is subject to appeal but is not stayed and congressional elections are held under such court order, the application of this subsection likewise shall not be stayed."

SECTION 6.

Said title is further amended by repealing Code Section 21-2-4.1, relating to certain boards or bodies for which membership is based upon residency within a congressional district, in its entirety.

SECTION 7.

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

SECTION 8.

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