



**GEORGIA**  
**(status quo)**

**KEY POINTS:**

The state legislature currently draws both congressional and state legislative districts, subject to a few state constitutional limitations as well as federal constitutional and statutory constraints.

Article III of the Georgia Constitution governs redistricting with only minimal restrictions. *See*, Ga. Const. Art. III, § 2, ¶ II. The legislature shall draw all districts and the governor may veto them.

**PROCESS:**

The legislature is responsible for both congressional and state redistricting. The Georgia House and Senate each have a standing committee on reapportionment and redistricting who initially review plans during a special session of the legislature. The General Assembly will consider the plans these committees produce through the normal legislative process during a special session of the legislature. The governor then has the opportunity to veto any plan. There is no constitutional requirement regarding the timing of redistricting in Georgia; however the state is constrained by the fact that it must submit all plans to the Department of Justice for preclearance according to Section 5 of the Voting Rights Act.

- **Independence from Legislators:** None.
- **Partisan Balance:** The process has only as much partisan balance as the legislature itself. Currently, both chambers of the Georgia legislature and the governor are under unified party control.
- **Minority Participation:** Georgia has no requirement under state law requiring minority participation in the process therefore the process features only as much diversity as the legislature itself
- **Public Input:** Georgia lawmakers are offering twelve public hearings for the public to comment on the redistricting process, in addition to the usual hearing process for every bill. Individuals and organizations may also submit their own redistricting plans to the legislature in writing or at a public hearing.
- **Timing:** The Georgia Constitution provides that redistricting shall take place at least once after each census “if necessary.” *See*, Ga. Const. Art. III, § 2, ¶ II. However the practice is not limited to once in a decade. A 2006 court ruling held

that “[t]he frequency of reapportionment between censuses is solely a matter of unfettered legislative discretion, unrestricted by any state constitutional prohibition.” *Blum v. Schrader*, 281 Ga. 238, 241 (2006).

## **CRITERIA**

Congressional and state districts are subject to federal constitutional and statutory limitations, as well as a few state constitutional provisions. Georgia’s Constitution requires that all districts be contiguous, Ga. Code Ann. §§ 28-2-1, 28-2-2; Ga. Const. Art. III, § 2, ¶ II, and it is advised (though not required) that districts respect local voting district lines.

In the last round of redistricting, a federal court invalidated the legislature-drawn state reapportionment plans, and ordered a “special master” to redraw lines based on adherence to the U.S. Constitution, the federal Voting Rights Act, and “neutral principles of redistricting,” including compactness, contiguity, minimizing the splits of counties, municipalities, and precincts, recognizing communities of interest, and avoiding multi-member districts. *See, Larios v. Cox*, 314 F. Supp F.2d 1357 (N.D. Ga. 2004). The court adopted the plan drawn under these criteria, and although the Georgia legislature did not alter any standards as a result, it is worth noting their past role in the state’s redistricting process in the event that forthcoming plans are challenged as well.

- **Population Equality**: There is no provision for equal population in Georgia other than the federal constitutional standards.
- **Minority Rights**: There are no provisions for minority rights other than federal law.
- **District Competition**: Georgia has no requirement to create competitive districts.
- **Statewide Partisan balance**: Georgia has no provision encouraging or discouraging statewide partisan balance, thus unified control of the state legislature and governor’s office may produce redistricting results favorable to itself.
- **Preservation of Political Boundaries**: Georgia rules advise legislators to respect exiting local voting district boundaries where practicable, though this is not a stringent requirement.
- **Communities of Interest**: There is no provision requiring preservation of communities of interest.
- **Nesting**: Georgia has no nesting requirement.
- **Incumbent Residence**: There is no provision prohibiting mapmakers from considering incumbent residence.