

REPUBLICAN FORM OF GOVERNMENT

WHEREAS: Article IV, Section IV of the Constitution "guarantee[s] to every State in this Union a Republican form of Government." A republican form of government is one in which sovereignty rests with the people and representatives are chosen by the people to represent them in public matters via a constitution; and

WHEREAS: Georgia is the only state to specifically grant provisions in the Georgia Constitution, Article IX, Section II for Home Rule for Counties and Municipalities. Home rule involves the authority of a local government to prevent state government intervention with its operations. This is further buttressed by the founders' belief "That government closest to the people governs best!"; and

WHEREAS: The "one person, one vote" principle derives from the US Supreme Court ruling in *Reynolds v. Sims*, 377 US 533 (1964) that held state political districts of unequal size resulted in under-representation of some citizens' interests and over-representation of others'. This was considered "un-republican," per Article IV, Section 4 of the Constitution, and also unconstitutional under the Fourteenth Amendment Equal Protection Clause; and

WHEREAS: The state legislature has implemented a new form of governance, known as regionalism, through 12 special districts and 36 councils managed by the Department of Community Affairs and the Georgia Department of Transportation which are appointed agencies; and

WHEREAS: Under the Georgia Constitution there are no provisions for this new form of regional governance. These districts are ruled in part by governing councils who were not elected to serve on a regional council but rather to a county commission or city mayor seat; and

WHEREAS: These 12 special districts and 36 councils are another layer of government between the local county/city government and the state government; and

WHEREAS: That some people serving on these councils acquired their authority through mal-apportionment because Georgia voters that live within city municipalities are allowed two votes: one for the city mayor and one for the county commission chair; while voters in unincorporated parts of the county are allowed only one vote for the county commission chair. Other council members serve through outright appointment by the Governor, Lt. Governor, and Speaker of the House; and

WHEREAS: The mal-apportionment between city and unincorporated county voters is unequal representation and violates the "one person, one vote" principle and the Fourteenth Amendment Equal Protection Clause as determined by the U.S. Supreme Court;

BE IT THEREFORE RESOLVED THAT the _____ city council/county commission reaffirms its commitment to the republican form of government that is guaranteed to the state through the U.S. Constitution; and regional governance violates a foundational principle of our republican form of government in that these regional councils are in essence appointed by law and in fact; and that regionalism is an appointed form of government that is unelected and unaccountable to the people. This new layer of government diminishes the local control and authority of county and city governments for self-government through "home rule" as provided for in the Georgia Constitution; and does hereby request that formal action be taken by the Governor, Lt. Governor, Speaker of the House, and Georgia General Assembly, to dissolve the 12 Regional Commissions in the state of Georgia. The secretary of the _____ city council/county commission is directed to transmit a copy of this resolution to the Governor, Lt. Governor, President Pro Tempore, Speaker of the House, and Speaker Pro Tempore.