Darcy Castro
LEADERSHIP THAT PUTS PEOPLE FIRST

Educational Resources Series: Partisan Gerrymandering in Georgia

What Is Partisan Gerrymandering?

Partisan gerrymandering is drawing district lines so one political party wins more seats than its share of the vote would suggest.[1] Mapmakers "pack" the other party's voters into a few lopsided districts or "crack" them across many districts where they fall just short.[2] Since *Rucho v. Common Cause* (2019), federal courts will not hear partisan gerrymandering claims, so any limits must come from state constitutions, state courts, or the way a state draws its maps.[3]

Georgia's Current Maps

The General Assembly draws Georgia's congressional and legislative maps as ordinary bills, and Georgia law has no rule against favoring a party. In October 2023, a federal judge ruled that the 2021 maps diluted Black voting power under the Voting Rights Act (VRA) and ordered a new majority-Black congressional district.[4] Lawmakers added it in west metro Atlanta but dismantled Rep. Lucy McBath's Gwinnett-based district to do so, keeping the delegation at nine Republicans and five Democrats in a state that votes close to evenly.[5] The judge accepted the map, saying he could not interfere with legislative choices even if Republicans moved to protect their power.[6] After the Supreme Court's *Callais* decision, Governor Kemp called a June 2026 special session to redraw the maps for 2028, but House Speaker Jon Burns declined, citing pending litigation, while leaving the door open for redistricting during the regular session.[7]

Other Ways to Draw Maps

Independent citizen commissions in California, Colorado, and Michigan, whose members are screened applicants rather than politicians, drew some of the fairest maps of the 2021 cycle.[8] Commissions made up of elected officials or their appointees, like Ohio's and New Jersey's, often produced maps that favored one party.[9] A 2025 study found the best results came from commissions with final authority, nonpartisan members, and binding court review.[10] Georgia has no citizen initiative process, so creating a commission would require a constitutional amendment passed by two-thirds of each chamber and approved by voters.[11]

Lessons from the United Kingdom and Canada

Both countries removed politicians from the process entirely. In the United Kingdom, four Boundary Commissions led by judges redraw all 650 seats every eight years.[12] Since 2020, Parliament no longer votes on the maps.[13] In Canada, each province has a three-member commission: a judge chosen by the province's chief justice and two members chosen by the Speaker of the House of Commons. Sitting legislators cannot serve, and the commission's decisions are final.[14] Neither allows redrawing in the middle of a decade.[15]

Effect of Callais

In *Louisiana v. Callais* (April 2026), the Supreme Court held that a VRA vote-dilution claim now requires strong evidence that a state intentionally discriminated by race, rather than acting for reasons like partisan advantage.[16] For Georgia, the 2023 majority-Black districts lose much of their legal protection. In August 2026, a federal appeals court sent Georgia's VRA case back to the trial court for reconsideration under *Callais*.[17] Other Southern states are already using the decision to eliminate majority-Black districts. Louisiana redrew its map to remove one of its two, and Tennessee split the Memphis-based 9th District, the state's only majority-Black seat.[18] Supporters call the ruling a colorblind reading of the law, while critics argue it will reduce Black representation across the South.[19]

Footnotes

1. *Is Drawing a Voting Map That Helps a Political Party Illegal? Only in Some States*, NPR (May 17, 2023), https://www.npr.org/2023/05/17/1173469584/partisan-gerrymandering-explainer-north-carolina.
2. Michael Li, *Gerrymandering Explained*, Brennan Ctr. for Just. (Aug. 10, 2021, updated May 14, 2026), https://brennancenter.org/our-work/research-reports/gerrymandering-explained.
3. Rucho v. Common Cause, 588 U.S. 684 (2019).
4. *Federal Judge Accepts Redrawn Georgia Congressional and Legislative Districts That Will Favor GOP*, Associated Press via CNBC (Dec. 28, 2023), https://www.cnbc.com/2023/12/28/federal-judge-accepts-redrawn-georgia-congressional-and-legislative-districts-that-will-favor-gop.html.
5. *Republicans Again Target Democrat Lucy McBath in Georgia Congressional Map That Keeps 9-5 GOP Edge*, FOX 5 Atlanta (Dec. 2, 2023), https://www.fox5atlanta.com/news/georgia-congressional-map-redistricting-lucy-mcbath.
6. Associated Press, *supra* note 4.
7. *State House, Senate Leaders Decline to Redraw Georgia Legislative Maps — For Now*, Ga. Pub. Broad. (June 17, 2026), https://www.gpb.org/news/2026/06/17/state-house-senate-leaders-decline-redraw-georgia-legislative-maps-for-now.
8. New Am., *2021–2022 Reapportionment and Commissions*, https://www.newamerica.org/insights/what-we-know-about-redistricting-and-redistricting-reform/2021-2022-reapportionment-and-commissions/ (last visited Oct. 25, 2026).

9. *Id.* (Ohio); *New Congressional District Map Largely a Victory for Democrats*, N.J. Monitor (Dec. 22, 2021), https://newjerseymonitor.com/2021/12/22/new-congressional-district-map-largely-a-victory-for-democrats/ (New Jersey's tiebreaker chose the Democratic map because Republicans drew the previous one).

10. Samuel S.-H. Wang & Zachariah W. Sippy, *The Good, the Bad, and the Ugly: Redistricting Commissions in the 2021 Cycle*, 20 Duke J. Const. L. & Pub. Pol'y 167 (2025), https://scholarship.law.duke.edu/djclpp/vol20/iss1/4.

11. Ga. Const. art. X, § I, para. II.

12. Boundary Comm'n for Eng., *The 2023 Review of Parliamentary Constituency Boundaries in England – Volume One: Report* (2023), https://boundarycommissionforengland.independent.gov.uk/2023-review/2023-review-volume-one-report/page/2.

13. Boundary Comm'n for Eng., *Parliamentary Constituencies Act 2020 Passed*, https://boundarycommissionforengland.independent.gov.uk/parliamentary-constituencies-act-2020-passed/ (last visited Oct. 25, 2026).

14. Elections Can., *The Role of the Electoral Boundaries Commissions*, https://redecoupage-redistribution-2022.ca/red/rolecom/index_e.aspx (last visited Oct. 25, 2026); House of Commons of Can., *House of Commons Procedure and Practice*, ch. 4, https://www.ourcommons.ca/procedure/procedure-and-practice-3/ch_04_2-e.html.

15. Boundary Comm'n for Eng., *supra* note 12; House of Commons of Can., *supra* note 14.

16. Scott Bomboy, *The Supreme Court's* Callais *Decision Sets New Framework for Racial Gerrymandering*, Nat'l Const. Ctr. (Apr. 30, 2026), https://constitutioncenter.org/blog/the-supreme-courts-callais-decision-sets-new-framework-for-racial-gerrymandering.

17. Jacinda Linderman, *Redistricting Tracker: What Changed in 2025 and 2026*, PolicyMap (Sept. 28, 2026), https://www.policymap.com/blog/redistricting-tracker.

18. *Id.*

19. Bomboy, *supra* note 16.