

SUBCOMMITTEE: SUBCOMMITTEE #4

1 HOUSE JOINT RESOLUTION NO. 615
 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE
 3 (Proposed by the House Committee on Privileges and Elections
 4 on _____)
 5 (Patron Prior to Substitute--Delegate Cole)

6 Proposing an amendment to Section 6 of Article II of the Constitution of Virginia and proposing
 7 amendments to the Constitution of Virginia by adding in Article II sections numbered 6-A and 6-
 8 B, relating to apportionment; state and local independent redistricting commissions; criteria.

9 RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected
 10 to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same
 11 hereby are, proposed and referred to the General Assembly at its first regular session held after the next
 12 general election of members of the House of Delegates for its concurrence in conformity with the
 13 provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

14 Amend Section 6 of Article II of the Constitution of Virginia and amend the Constitution of
 15 Virginia by adding in Article II sections numbered 6-A and 6-B as follows:

ARTICLE II

FRANCHISE AND OFFICERS

18 Section 6. Apportionment.

19 (a) Members of the House of Representatives of the United States and members of the Senate and
 20 of the House of Delegates of the General Assembly shall be elected from electoral districts established by
 21 ~~the General Assembly pursuant to Section 6-A of this Constitution. The Commonwealth shall be~~
 22 reapportioned into electoral districts in accordance with this section and Section 6-A in the year 2021 and
 23 every ten years thereafter. Every electoral district shall be ~~composed of contiguous and compact territory~~
 24 ~~and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the~~
 25 ~~population of the district. The General Assembly shall reapportion the Commonwealth into electoral~~

26 ~~districts in accordance with this section in the year 2011 and every ten years thereafter~~ constituted so as
27 to adhere to the following standards and criteria:

28 (1) Districts shall be established on the basis of population. Senate and House of Delegates
29 districts, respectively, shall each have a population that is as substantially equal to the population of every
30 other such district as practicable. Congressional districts shall have populations that are as nearly equal as
31 practicable. The Commission shall be guided by the most recent federal and state judicial decisions
32 defining standards for equal population for the respective districts, including permissible deviations from
33 the ideal population if the deviation is necessary in order to achieve some other legitimate districting
34 criteria.

35 (2) Districts shall be drawn in accordance with the requirements of federal and state laws, and
36 judicial decisions interpreting such laws, that address racial and ethnic fairness, including the Equal
37 Protection Clause of the Constitution of the United States and the provisions of the federal Voting Rights
38 Act of 1965, as amended.

39 (3) Existing political boundaries shall be respected to the maximum extent possible. Political
40 boundaries shall include the boundaries of counties, cities, towns, county magisterial and election districts,
41 municipal councilmanic districts, and voting precincts. If a departure from existing political boundaries is
42 necessary in order to comply with other districting criteria, the district lines shall be drawn utilizing clearly
43 observable physical boundaries. A "clearly observable physical boundary" shall include (i) any named
44 road or street; (ii) any road or highway that is a part of the federal, primary state, or secondary state
45 highway system; (iii) any river, stream, or drainage feature shown as a polygon boundary on the
46 TIGER/Line Files of the United States Bureau of the Census; or (iv) any other natural or constructed or
47 erected permanent physical feature that is shown on an official map issued by the Virginia Department of
48 Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on
49 the TIGER/Line Files of the United States Bureau of the Census. No property line or subdivision boundary
50 shall be deemed to be a clearly observable physical boundary unless it is marked by a permanent physical
51 feature that is shown on an official map issued by the Virginia Department of Transportation, on a United

52 States Geological Survey topographical map, or as a polygon boundary on the TIGER/Line Files of the
53 United States Bureau of the Census.

54 (4) Each district shall be composed of contiguous territory. Districts divided by water shall be
55 deemed contiguous if a common means of transport, such as a bridge or ferry, connects the two parts of
56 the district or, if the water were to be removed, the land on one side of the district would be contiguous
57 with the land on the other side of the district. Connections by water running downstream or upriver are
58 not permissible.

59 (5) Each district shall be composed of compact territory. Districts shall not be oddly shaped or
60 have irregular or contorted boundaries, unless justified because the district adheres to political boundary
61 lines. Fingers or tendrils extending from a district core shall be avoided, as shall thin and elongated
62 districts and districts with multiple core populations connected by thin strips of land or water. The
63 Commission shall employ one or more standard numerical measures of individual and average district
64 compactness to provide an objective assessment of a districting plan's compactness, both statewide and
65 district by district.

66 (6) Consideration may be given to communities of interest by creating districts that do not carve
67 up homogeneous neighborhoods or separate groups of people living in an area with similar interests or
68 needs in transportation, employment, or culture.

69 (7) Every effort possible shall be made to preserve the political parity between the two political
70 parties receiving the highest and next highest number of votes in the immediately preceding gubernatorial
71 election.

72 (b) Any such decennial reapportionment law shall take effect immediately and not be subject to
73 the limitations contained in Article IV, Section 13, of this Constitution.

74 (c) The districts delineated in the decennial reapportionment law shall be implemented for the
75 November general election for the United States House of Representatives, Senate, or House of Delegates,
76 respectively, that is held immediately prior to the expiration of the term being served in the year that the
77 reapportionment law is required to be enacted. A member in office at the time that a decennial redistricting
78 law is enacted shall complete his term of office and shall continue to represent the district from which he

79 was elected for the duration of such term of office so long as he does not move his residence from the
80 district from which he was elected. Any vacancy occurring during such term shall be filled from the same
81 district that elected the member whose vacancy is being filled.

82 Section 6-A. Virginia Independent Redistricting Commission.

83 (a) In the year 2020 and every ten years thereafter, the Virginia Independent Redistricting
84 Commission (the Commission) shall be convened for the purpose of proposing districts for the United
85 States House of Representatives and for the Senate and the House of Delegates of the General Assembly
86 pursuant to Article II, Section 6 of this Constitution.

87 (b) The Commission shall consist of twelve commissioners who shall be selected in accordance
88 with the provisions of this subsection and in the manner determined by the General Assembly by general
89 law. Commissioners shall be appointed not later than the first day of February of the year following the
90 decennial census. Members and employees of the Congress of the United States or of the General
91 Assembly shall be ineligible to serve as commissioners.

92 (1) Four commissioners shall be appointed by the Speaker of the House of Delegates, with equal
93 representation given to the two political parties receiving the highest and next highest number of votes for
94 governor at the immediately preceding gubernatorial election.

95 (2) Four commissioners shall be appointed by the Senate Committee on Rules, with equal
96 representation given to the two political parties receiving the highest and next highest number of votes for
97 governor at the immediately preceding gubernatorial election.

98 (3) Four commissioners shall be appointed by the Governor, with equal representation given to the
99 two political parties receiving the highest and next highest number of votes for governor at the
100 immediately preceding gubernatorial election.

101 (c) The Commission shall submit to the General Assembly one or more proposed plans for districts
102 for members of the United States House of Representatives and the Senate and the House of Delegates of
103 the General Assembly within forty-five days of receipt of the official decennial census data or by the first
104 day of June of that year, whichever occurs later.

105 (1) To be submitted as a proposed plan for districts for members of the United States House of
106 Representatives, a plan shall receive affirmative votes of at least eight of the twelve commissioners. Such
107 plan shall be introduced as a bill in each house and the General Assembly shall take a vote on any such
108 bill in accordance with the provisions of Article IV, Section 11 of this Constitution, except that no
109 amendments shall be permitted. The bill shall not be subject to the provisions contained in Article V,
110 Section 6 of this Constitution.

111 (2) To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive
112 affirmative votes of at least three of the four commissioners appointed by the Senate Committee on Rules.
113 Such plan shall be introduced as a bill in the Senate and the Senate shall take a vote on any such bill in
114 accordance with the provisions of Article IV, Section 11 of this Constitution, except that no amendments
115 shall be permitted. The concurrence of the House of Delegates shall not be required and the bill shall not
116 be subject to the provisions contained in Article V, Section 6 of this Constitution.

117 (3) To be submitted as a proposed plan for districts for members of the House of Delegates, a plan
118 shall receive affirmative votes of at least three of the four commissioners appointed by the Speaker of the
119 House of Delegates. Such plan shall be introduced as a bill in the House of Delegates and the House of
120 Delegates shall take a vote on any such bill in accordance with the provisions of Article IV, Section 11 of
121 this Constitution, except that no amendments shall be permitted. The concurrence of the Senate shall not
122 be required and the bill shall not be subject to the provisions contained in Article V, Section 6 of this
123 Constitution.

124 (d) If a plan is rejected by the General Assembly or either house of the General Assembly, the
125 Commission shall submit a new plan to the General Assembly or respective body within thirty days of the
126 rejection. If such plan is rejected by the General Assembly or respective body, the districts shall be
127 established by the Supreme Court of Virginia.

128 Section 6-B. Local independent redistricting commissions.

129 The governing body of each county, city, and town in which members of the governing body are
130 elected from districts shall establish in the year following the decennial census a local independent

131 redistricting commission for the purpose of proposing electoral districts for members of the governing
132 body.

133 Commissioners shall be appointed not later than the first day of February of that year by the
134 governing body. The governing body shall appoint four commissioners, with equal representation given
135 to the political parties having the highest and next highest number of votes in the Commonwealth for
136 governor at the last preceding gubernatorial election. Members and employees of the governing body shall
137 be ineligible to serve as a commissioner.

138 The commission shall submit to the governing body one or more proposed plans for electoral
139 districts for members of the governing body within sixty days of receipt of the official decennial census
140 data or by the first day of July of that year, whichever occurs later. To be submitted as a proposed plan, a
141 plan shall receive affirmative votes of at least three of the four commissioners.

142 Any proposed plan submitted to the governing body shall be introduced as an ordinance and, if
143 enacted, shall be done so in accordance with law.

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