

SUBCOMMITTEE: SUBCOMMITTEE #4

1 SENATE JOINT RESOLUTION NO. 306  
 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--Senator Barker)

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 Senate, the House of Delegates 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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