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HOUSE JOINT RESOLUTION NO. 698

Offered January 12, 2005

Prefiled January 12, 2005

Proposing amendments to Section 6 of Article II and Sections 2 and 3 of Article IV of the Constitution of Virginia, relating to the Senate and House of Delegates; districts for the House of Representatives and General Assembly; and establishment of the Virginia Redistricting Commission.

Patron—Amundson

Referred to Committee on Privileges and Elections

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

Amend Section 6 of Article II and Sections 2 and 3 of Article IV of the Constitution of Virginia as follows:

ARTICLE II

FRANCHISE AND OFFICERS

~~Section 6. Apportionment~~ *Districts for the House of Representatives and General Assembly; the Virginia Redistricting Commission.*

(a) Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established by the ~~General Assembly~~ *Virginia Redistricting Commission*. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district

The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.

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

(b) By January 31 of each year that ends in one, an independent redistricting commission to be known as the Virginia Redistricting Commission (Commission) shall be established to provide for the redistricting of congressional and General Assembly districts. The Commission shall consist of five members. No more than two members shall be members of the same political party. Of the first four members appointed, no more than one shall reside in any single county or city. Each member shall be a registered voter of the Commonwealth who has been continuously registered for three or more years immediately preceding appointment and who is committed to applying the provisions of this section in an honest, independent, and impartial fashion, and to upholding public confidence in the integrity of the redistricting process. Within the three years prior to appointment, members shall not have been appointed to, elected to, or a candidate for any other public office, excluding school board member or officer, and shall not have served as an officer of a political party, a registered paid lobbyist, or an officer of a candidate's campaign committee.

(c) By December 8 of years ending in zero, the Supreme Court shall establish a pool of persons who are willing to serve on and are qualified for appointment to the Commission. The pool of candidates shall consist of twenty-five nominees, with (i) ten nominees representing each of the two political parties which, at the most recent general statewide election preceding their nomination, cast the highest and next highest number of votes and (ii) five who represent no political party and shall be considered independents.

(d) Appointments to the Commission shall be made in the order set forth below. No later than December 31 of years ending in zero, the Speaker of the House of Delegates shall make one appointment from the pool of nominees, followed by one appointment from the pool made in turn by each of the following: the minority party leader of the House of Delegates; the President pro tempore of the Senate of Virginia; and the minority party leader of the Senate. Each such official shall have a seven-day period in which to make an appointment. Any official who fails to make an appointment within the specified time period will forfeit the appointment privilege.

(e) Any vacancy in the above four independent redistricting commission positions remaining as of February 1 of a year ending in one shall be filled from the pool of nominees by the Supreme Court. The appointing body shall strive for political balance and fairness.

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59 (f) At a meeting called by the Secretary of the Commonwealth or his successor, the four redistricting
60 commission members shall select by majority vote from the nomination pool a fifth member who shall be
61 an independent and shall serve as chair. If the four commissioners fail to appoint a fifth member within
62 seven days, the Supreme Court, striving for political balance and fairness, shall appoint a fifth member
63 from the nomination pool, who shall serve as chair.

64 (g) The five commissioners shall then select by majority vote one of their members to serve as
65 vice-chair.

66 (h) After having been served written notice and provided with an opportunity for a response, a
67 member of the Commission may be removed by the Governor, with the concurrence of two-thirds of the
68 Senate, for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of
69 office.

70 (i) If a commissioner or chair does not complete the term of office for any reason, the Supreme
71 Court shall nominate a pool of three candidates within the first fifteen days after the vacancy occurs.
72 The nominees shall be of the same political party or status as was the member who vacated the office at
73 the time of his appointment, and the appointment other than the chair shall be made by the current
74 holder of the office designated to make the original appointment. The appointment of a new chair shall
75 be made by the remaining commissioners. If the appointment of a replacement commissioner or chair is
76 not made within seven days following the presentation of the nominees, the Supreme Court shall make
77 the appointment, striving for political balance and fairness. The newly appointed commissioner shall
78 serve out the remainder of the original term.

79 (j) Three commissioners, including the chair or vice-chair, constitute a quorum. Three or more
80 affirmative votes are required for any official action. Where a quorum is present, the Commission shall
81 conduct business in meetings open to the public, with two or more days' public notice provided.

82 (k) A commissioner, during the commissioner's term of office and for three years thereafter, shall be
83 ineligible for Virginia public office or for registration as a paid lobbyist.

84 (l) The Commission shall establish (i) General Assembly districts by March 1 of the year ending in
85 one or within one month of the receipt of the decennial redistricting data from the United States Bureau
86 of the Census, whichever is later and (ii) congressional districts by June 1 of the year ending in one.
87 The mapping process for both the congressional and General Assembly districts shall be designed to
88 create districts of equal population and to meet the goals as set forth below:

89 (1) Districts shall comply with the United States Constitution and the United States voting rights act;

90 (2) Congressional, House of Delegates, and Senate of Virginia districts shall have equal population
91 to the extent practicable;

92 (3) Districts shall be geographically compact and contiguous to the extent practicable;

93 (4) District boundaries shall respect communities of interest to the extent practicable;

94 (5) To the extent practicable, district lines shall use visible geographic features, city, town and
95 county boundaries, and undivided census tracts;

96 (6) To the extent practicable, competitive districts shall be favored as long as doing so does not
97 create significant detriment to the other goals.

98 (m) Party registration data, if any, and voting history data shall be excluded from the initial phase
99 of the mapping process but may be used to test maps for compliance with the above goals. The places
100 of residence of incumbents or candidates shall not be identified or considered.

101 (n) The Commission shall advertise a draft map of congressional districts and a draft map of
102 General Assembly districts to the public for comment, which comment shall be taken for at least fifteen
103 days. Either or both houses of the General Assembly may act within this period to make
104 recommendations to the Commission by resolution or by minority report, which recommendations shall
105 be considered by the Commission. The Commission shall then establish final district boundaries.

106 (o) The districts delineated in the ~~decennial reapportionment law~~ established by the Commission shall
107 be implemented for the November general election for the United States House of Representatives,
108 Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term
109 being served in the year that the ~~reapportionment law~~ is required to be enacted. Commission establishes
110 final district boundaries. A member in office at the time that a ~~decennial redistricting law~~ is enacted the
111 Commission establishes new districts shall complete his term of office and shall continue to represent
112 the district from which he was elected for the duration of such term of office so long as he does not
113 move his residence from the district from which he was elected. Any vacancy occurring during such
114 term shall be filled from the same district that elected the member whose vacancy is being filled.

115 (p) The provisions regarding this section are self-executing. The Commission shall certify to the
116 Secretary of the Commonwealth or his successor the establishment of congressional and General
117 Assembly districts.

118 (q) Upon approval of this amendment, the Department of General Services or its successor shall
119 prepare to make adequate office space available for the Commission. In years ending in eight or nine
120 after the year 2001, the Department of General Services or its successor shall submit to the General

Assembly a recommendation for an appropriation for adequate redistricting expenses. The General Assembly shall make the necessary appropriations by a majority vote.

(r) The Commission shall have procurement and contracting authority and may hire staff and consultants for the purposes of this section, including legal representation.

(s) The Commission shall have standing in legal actions regarding the redistricting plan and the adequacy of resources provided for the operation of the Commission. The Commission shall have sole authority to determine whether the Attorney General or counsel hired or selected by the Commission shall represent the Commonwealth in the legal defense of a redistricting plan.

(t) Members of the Commission shall be eligible for reimbursement of expenses pursuant to law.

(u) Each commissioner's duties established by this section shall expire upon the appointment of the first member of the next Virginia Redistricting Commission. The Commission shall not meet or incur expenses after the redistricting plan is completed, except if litigation or any government approval of the plan is pending, or to revise districts if required by court decisions or if the number of congressional or General Assembly districts is changed.

ARTICLE IV LEGISLATURE

Section 2. Senate.

The Senate shall consist of ~~not more than forty and not less than thirty-three~~ members, who shall be elected quadrennially by the voters of the several senatorial districts on the Tuesday succeeding the first Monday in November.

Section 3. House of Delegates.

The House of Delegates shall consist of ~~not more than one hundred and not less than ninety~~ members, who shall be elected biennially by the voters of the several house districts on the Tuesday succeeding the first Monday in November.