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SENATE JOINT RESOLUTION NO. 84

Offered January 11, 2006

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Establishing a joint subcommittee to study the redistricting process. Report.

Patrons—Williams, Hanger, Potts, Quayle and Stolle; Delegates: Callahan, Morgan and Parrish

Referred to Committee on Rules

WHEREAS, Article II, Section 6 of the Constitution of Virginia provides that the General Assembly shall redraw state legislative and congressional district boundaries every 10 years following the United States Census; and

WHEREAS, the decennial redistricting process followed by the General Assembly in 1991 and 2001 reflects new developments and problems now inherent in the process, including the use of sophisticated technology, more frequent division of localities among two or more districts, less attention to the compactness and contiguity of districts, a more intense reliance on political data, increased protection for incumbents, a severe reduction in the number of competitive contests for state legislative and congressional seats, and a consequent decline in voter participation; and

WHEREAS, the lack of competition in Virginia's legislative and congressional elections is demonstrated by the following statistics: (i) only 38 of 100 Delegate races were contested by both major parties in 2005, only 11 races were decided by a margin of less than 10 percent, and only three incumbent members were defeated; (ii) only eight of 11 congressional district races were contested by both parties in 2004; and (iii) the margin of victory was less than 20 percent in only one congressional race, that of the Second District where the margin was 10 percent, and no incumbents were defeated; and

WHEREAS, the lack of competition is even more pronounced in off-year elections as demonstrated by these statistics: (i) only 35 of 100 Delegate races and only 19 of 40 Senate races were contested by both major parties in 2003; (ii) only eight of 100 Delegate races and only four of 40 Senate races were decided by less than a 10 percent margin in 2003; (iii) only six of the 11 congressional district races were contested by both parties in 2002 and there were no close contests, with the smallest victory margin being a 25 percent victory margin in the Eighth District; and (iv) only one incumbent member of the House, Senate, or Congress was defeated in the 2002 and 2003 general elections; and

WHEREAS, the League of Women Voters of Virginia in its study, "Does Your Vote Really Count?" similarly documents the lack of turnout, suggests that partisan gerrymandering is one of the contributing factors, and offers a bipartisan redistricting commission as a step towards reducing that factor; and

WHEREAS, other states have turned to independent commissions or staff to redraw districts or participate in the process, and other states have developed guidelines to promote reliance on neutral redistricting criteria; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the redistricting process. The joint subcommittee shall have a total membership of 12 members that shall consist of eight legislative members, two nonlegislative citizen members, and two ex-officio members. Members shall be appointed as follows: three members of the Senate to be appointed by the Senate Committee on Rules; five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one nonlegislative citizen member to be appointed by the Senate Committee on Rules, who shall be a representative of a public policy center at one of the Commonwealth's public institutions of higher education; and one nonlegislative citizen member to be appointed by the Speaker of the House of Delegates, who shall be a local government official. The Chief Justice of the Supreme Court of Virginia, or his designee, and the Secretary of the State Board of Elections shall serve ex-officio with nonvoting privileges. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice chairman from among its membership.

In conducting its study, the joint subcommittee shall (i) evaluate the present Virginia redistricting process and its impact on competitive elections and district criteria, (ii) review alternative redistricting processes used in other states, (iii) examine the impact of federal legislation such as the Voting Rights

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59 Act, (iv) consider both constitutional and statutory changes in the process, and (v) study the criteria that
60 should be followed in developing redistricting plans.

61 Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal,
62 research, policy analysis, and other services as requested by the joint subcommittee shall be provided by
63 the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the
64 joint subcommittee for this study, upon request.

65 The joint subcommittee shall be limited to four meetings for the 2006 interim and four meetings for
66 the 2007 interim, and the direct costs of this study shall not exceed \$8,800 for each year without
67 approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require
68 the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a
69 companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall
70 be required.

71 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members
72 or a majority of the House members appointed to the joint subcommittee (i) vote against the
73 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
74 joint subcommittee.

75 The joint subcommittee shall complete its meetings for the first year by November 30, 2006, and for
76 the second year by November 30, 2007 and the chairman shall submit to the Division of Legislative
77 Automated Systems an executive summary of its findings and recommendations no later than the first
78 day of the next Regular Session of the General Assembly for each year. Each executive summary shall
79 state whether the joint subcommittee intends to submit to the Governor and the General Assembly a
80 report of its findings and recommendations for publication as a House or Senate document. The
81 executive summaries and reports shall be submitted as provided in the procedures of the Division of
82 Legislative Automated Systems for the processing of legislative documents and reports and shall be
83 posted on the General Assembly's website.

84 Implementation of this resolution is subject to subsequent approval and certification by the Joint
85 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
86 delay the period for the conduct of the study, or authorize additional meetings during the 2006 and 2007
87 interims.