

078125212

## HOUSE JOINT RESOLUTION NO. 620

Offered January 10, 2007

Prefiled January 5, 2007

*Proposing an amendment to Section 6 of Article II of the Constitution of Virginia, relating to districts for the House of Representatives and General Assembly; criteria for redistricting; and the 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 amendment to the Constitution of Virginia be, and the same hereby is, 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 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. The Commission shall be subject to legislation affecting the redistricting and apportionment process or the application of relevant criteria enacted before the selection of commissioners pursuant to subsections (d) and (e). Subsequent legislation shall apply only to plans adopted by subsequent commissions unless authorized by subsection (o) of this section or adopted to comply with federal law or a court order.~~

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.

The districts delineated in the decennial reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted. A member in office at the time that a decennial redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.

(b) To the extent consistent with subsection (a), district boundaries shall coincide with the boundaries of political subdivisions of the Commonwealth. The number of counties and cities divided among more than one district shall be as small as possible. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous.

(c) After the next and every subsequent decennial census of the United States, the districts for the House of Representatives, Senate, and House of Delegates shall be established, and the members of the House of Representatives, Senate, and House of Delegates shall be apportioned among the districts, respectively, by the Virginia Redistricting Commission. The Commission shall consist of five members, none of whom shall hold a public or political party office during the year of his appointment to the Commission or while serving on the Commission.

(d) There first shall be appointed four members as follows:

(1) The majority and minority leaders of each house shall each appoint one commissioner;

(2) Appointments to the Commission under this subsection shall be made on or before August 15 of the year in which the census is taken and shall be certified to the Secretary of the Commonwealth on or before September 1 of that year.

(e) The four commissioners shall elect an independent fifth member, who shall serve as chair of the Commission. The independent fifth member shall have been for the preceding five years a resident of the

INTRODUCED

HJ620

59 Commonwealth, and shall not during that period have held public or political party office. The  
60 independent member shall be elected upon the vote of at least three of the previously appointed  
61 members of the Commission on or before October 1 of the year in which the census is taken, and those  
62 members shall certify that appointment to the Secretary of the Commonwealth on or before October 5 of  
63 that year. If the previously appointed members are unable to appoint an independent member within the  
64 time allowed, they shall so certify to the Supreme Court not later than that October 5 and shall include  
65 in that certification the names of the persons who, in the members' final vote upon the appointment of  
66 the independent member, received votes. Not later than November 1 following receipt of that  
67 certification, the Supreme Court shall by majority vote of its full authorized membership select, of the  
68 persons so named, the one most qualified by education and occupational experience, by prior public  
69 service in government or otherwise, and by demonstrated ability to represent the best interests of the  
70 people of the Commonwealth, to be the independent member. The Court shall certify that selection to  
71 the Secretary of the Commonwealth not later than the following November 5.

72 (f) Vacancies in the membership of the Commission occurring prior to the certification by the  
73 Commission of the districts for the House of Representatives, Senate, and House of Delegates or during  
74 any period in which the districts established by the Commission may be or are under challenge in court  
75 shall be filled in the same manner as the original appointments were made within five days of their  
76 occurrence. In the case of a vacancy in the membership of the independent member, if the other  
77 members of the Commission are unable to fill that vacancy within that five-day period, they shall  
78 transmit certification of such inability within three days of the expiration of the period to the Supreme  
79 Court, which shall select the person to fill the vacancy within five days of receipt of that certification.

80 (g) The independent member shall serve as the chairman of the Commission. The Commission shall  
81 meet to organize as soon as may be practicable after certification of the appointment of the independent  
82 member, but not later than December 1 of the year in which the census is taken. At the organizational  
83 meeting, the members of the Commission shall determine such organizational matters as they deem  
84 appropriate. Thereafter, a meeting of the Commission may be called by the chairman or upon the  
85 request of three members, and three members of the Commission shall constitute a quorum at any  
86 meeting thereof for the purpose of taking any action.

87 (h) The Commission, by a majority of the whole number of its members, shall certify the  
88 establishment of Senate and House of Delegates districts and the apportionment of members of the  
89 Senate and the House of Delegates, respectively, to the Secretary of the Commonwealth within thirty  
90 days of the receipt by the Governor of the official decennial census of the United States for Virginia.

91 (i) The Commission, by a majority of the whole number of its members, shall certify the  
92 establishment of House of Representatives districts to the Secretary of the Commonwealth within ninety  
93 days of the receipt by the Governor of the official decennial census of the United States for Virginia.

94 (j) The Commission, convened in an open public meeting and by a majority of the whole number of  
95 its members, shall certify the establishment of districts. The Commission shall give at least  
96 twenty-four-hours' public notice of the meeting. Any vote by the Commission upon a proposal to certify  
97 the establishment of a district plan shall be taken by roll call and shall be recorded, and the vote of any  
98 member in favor of any district plan shall nullify any vote which that member shall previously have cast  
99 during the life of the Commission in favor of a different district plan. If the Commission is unable to  
100 certify the establishment of districts by the time required due to the inability of a plan to achieve three  
101 votes, the district plans receiving a favorable vote of any member shall be submitted to the Supreme  
102 Court, which shall select and certify the plan so submitted that conforms most closely to the  
103 requirements of this Constitution and the Constitution and laws of the United States.

104 (k) Subject to the constraints of time and convenience, the Commission shall hold at least three  
105 public hearings in different parts of the Commonwealth on districts for the House of Representatives,  
106 Senate, and House of Delegates and shall review plans for the establishment of districts submitted by  
107 members of the public.

108 (l) Meetings of the Commission shall be held at convenient times and locations. Meetings may be  
109 closed to the public with the exception of the public hearings required by subsection (k) of this section  
110 and any meeting at which the establishment of districts is certified as prescribed by subsections (h), (i),  
111 and (j) of this section.

112 (m) The General Assembly shall appropriate the funds necessary for the efficient operation of the  
113 Commission.

114 (n) Notwithstanding any provision to the contrary of this Constitution and except as otherwise  
115 required by the Constitution or laws of the United States, no court of the Commonwealth other than the  
116 Supreme Court shall have jurisdiction over any judicial proceeding challenging the appointment of  
117 members to the Commission, or any action, including the establishment of districts, by the Commission  
118 or other public officer or body under the provisions of this section.

119 (o) The districts established for the House of Representatives, Senate, or House of Delegates shall be  
120 used thereafter at any general election of members of the House of Representatives, Senate, or House of

Delegates, respectively, and shall remain unaltered through the next year ending in zero in which a federal census for the Commonwealth is taken. However, the General Assembly may by law make corrections or technical adjustments to district lines affecting less than one percent of the district's population. Members of the House of Representatives, Senate, and House of Delegates in office at the time districts are established by the Commission shall complete their terms of office and continue to represent their districts as constituted at the time of their election to office. Any vacancy occurring in the House of Representatives, Senate, or House of Delegates shall be filled from the district as constituted when the member, whose vacancy is being filled, was elected to office.

(p) If a plan certified by the Commission is declared unlawful, the Commission shall reorganize and adopt another district plan in the same manner as herein required and within the period of time prescribed by the court or within such shorter period as may be necessary to ensure that the new plan is effective for the next succeeding primary and general election for all members of the House of Representatives, Senate, or House of Delegates.

(q) No commissioner shall, during the two years after termination of his service, be eligible for election to any office in this Commonwealth.