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HOUSE JOINT RESOLUTION NO. 28

Offered January 9, 2008

Prefiled December 14, 2007

Proposing an amendment to Section 6 of Article II of the Constitution of Virginia, relating to apportionment and establishing the Virginia Redistricting Commission.

Patron—Moran

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.

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~~ *having only one member each*. ~~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~~ *Such* districts ~~in accordance with this section~~ *shall be established* in the year 2011 and every ten years thereafter *by the Virginia Redistricting Commission, which is hereby created*.

~~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.~~

Each electoral district shall be composed of contiguous and compact territory and shall have a population approximately equal to that of every other district within its class.

The Virginia Redistricting Commission shall seek to create an efficient system of representation based upon compact districts having, insofar as practicable, natural communities of interest and demarcated the one from the other by boundaries such as mountain ranges, rivers, primary highways, or the boundaries of counties, cities, and towns. Insofar as practicable, political subdivisions shall be kept intact within electoral districts.

By December 1, 2010, and every ten years thereafter, the duly elected leaders of the political parties in the Senate and in the House of Delegates having the highest and next-highest membership shall each submit a list of three names to the Chief Justice of the Supreme Court, who shall, within thirty days, name one person to the Virginia Redistricting Commission from each list. The four persons thus designated shall elect a fifth member, who shall serve as chairman of the Virginia Redistricting Commission. If they cannot agree on a fifth member, the Chief Justice shall name such member.

No person may be nominated or chosen who has held public office or been an official of a political party during a period of five years prior thereto.

The Virginia Redistricting Commission shall consult the people and complete its work by delivering redistricting plans to the Governor and to the chief election official of the Commonwealth. The Commission shall deliver plans for redistricting the House of Delegates and Senate within thirty days after the Governor receives the official United States decennial census for Virginia. The Commission shall have sixty days to deliver congressional redistricting plans following the Governor's receipt of the official United States decennial census for Virginia. Each plan shall take effect on the date of its delivery to the Governor. In the event that the Commission cannot agree on an initial plan or plans by the time specified herein due to the inability of a plan to achieve three votes, the plans receiving a favorable vote of any member shall be submitted to the Supreme Court, which shall select and deliver to the Governor and the chief election official of the Commonwealth the plan so submitted that conforms most closely to the requirements of this Constitution and the Constitution and laws of the United States.

The Supreme Court shall have original jurisdiction in any case arising from any redistricting plan.

The districts delineated in the decennial ~~reapportionment law~~ *redistricting plans* 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

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year that the ~~reapportionment~~ ~~law~~ *plan* is required to be ~~enacted~~ *adopted*. A member in office at the time that a decennial redistricting ~~law~~ *plan* is ~~enacted~~ *adopted* 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.