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SENATE JOINT RESOLUTION NO. 312

Offered January 14, 2009

Prefiled January 12, 2009

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.

Patrons—Miller, J.C., Reynolds and Stuart

Referred to Committee on Privileges and Elections

RESOLVED by the Senate, the House of Delegates 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. *Areas that meet only at the points of adjoining corners are not contiguous. All districts shall be as equal in population as is practicable and required by federal law and relevant case law.*

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. The number of counties and cities divided among more than one district shall be as small as practicable. All districts shall encompass communities of interest to the extent practicable.

(c) No district shall be drawn for the purpose of favoring a political party or incumbent legislator or member of Congress. All districts shall promote competitiveness among candidates to the extent practicable. However, no district shall be made artificially competitive in violation of other standards set out in this section. In establishing districts, no use shall be made of any of the following data:

(1) Addresses of incumbent legislators or members of Congress.

(2) Political affiliations of registered voters.

(3) Previous election results.

(4) Demographic information, other than population counts, except as required by the Constitution and laws of the United States.

(d) All district boundaries shall maintain the core geographical areas of existing districts to the extent practicable and not in conflict with other standards set out in this section.

(e) 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,

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59 respectively, by the Virginia Redistricting Commission. The Commission shall consist of five members
60 who shall be appointed as follows: one member each by the President pro tempore of the Senate; the
61 Speaker of the House of Delegates; the leader in the Senate of the political party holding the most seats
62 in the Senate other than the political party of the President pro tempore; and the leader in the House of
63 Delegates of the political party holding the most seats in the House other than the political party of the
64 Speaker. These four appointments shall be made by December 1 of the year ending in zero. The four
65 appointed members shall appoint the fifth member who shall serve as chair of the Commission by
66 December 10 of the year ending in zero.

67 (f) Vacancies in the membership of the Commission occurring prior to the submission by the
68 Commission of plans to establish districts for the House of Representatives, Senate, and House of
69 Delegates or during any period in which the districts established by the Commission may be or are
70 under challenge in court shall be filled in the same manner as the original appointments were made
71 within five days of their occurrence.

72 (g) The Commission, by a majority of at least four members, shall submit a bill for the establishment
73 of Senate and House of Delegates districts to the General Assembly within one month of the receipt by
74 the Governor of the official decennial census of the United States for Virginia, or by March 1 of the
75 year following the year in which the census is taken, whichever date is later. Within twenty days of the
76 date on which the Commission submits its bill to the General Assembly, the General Assembly shall act
77 on the bill. The General Assembly may amend the bill by a vote of two-thirds of the elected members of
78 each house but no amendment shall affect more than ten percent of the population of any district as
79 drawn in the bill submitted by the Commission. Within ten days of the date on which the General
80 Assembly passes the bill, the Governor may submit amendments to the bill to the General Assembly but
81 no amendment shall affect more than ten percent of the population of any district as drawn in the bill
82 submitted by the Commission. The Governor shall not have power to veto the bill. For any amendment
83 submitted by the Governor to become part of the bill, each house must agree to the amendment by a
84 vote of two-thirds of the elected members of the house. If the General Assembly fails to pass the bill
85 submitted by the Commission as submitted by the Commission or with amendments approved by the
86 General Assembly in compliance with this subsection, the bill shall be before the Supreme Court on the
87 thirty-first day following the date on which the Commission submitted its bill to the General Assembly.
88 The Court may consider recommendations submitted by the Governor or any member of the General
89 Assembly within seven days of the first date that the bill was before the Court. The Court shall certify
90 the final plan to establish state Senate and House of Delegates districts.

91 (h) The Commission, by a majority of at least four members, shall submit a bill for the establishment
92 of congressional districts to the General Assembly within three months of the receipt by the Governor of
93 the official decennial census of the United States for Virginia, or by June 1 of the year following the
94 year in which the census is taken, whichever date is later. Within twenty days of the date on which the
95 Commission submits its bill to the General Assembly, the General Assembly shall act on the bill. The
96 General Assembly may amend the bill by a vote of two-thirds of the elected members of each house but
97 no amendment shall affect more than ten percent of the population of any district as drawn in the bill
98 submitted by the Commission. Within ten days of the date on which the General Assembly passes the
99 bill, the Governor may submit amendments to the bill to the General Assembly but no amendment shall
100 affect more than ten percent of the population of any district as drawn in the bill submitted by the
101 Commission. The Governor shall not have power to veto the bill. For any amendment submitted by the
102 Governor to become part of the bill, each house must agree to the amendment by a vote of two-thirds of
103 the elected members of the house. If the General Assembly fails to pass the bill submitted by the
104 Commission as submitted by the Commission or with amendments approved by the General Assembly in
105 compliance with this subsection, the bill shall be before the Supreme Court on the thirty-first day
106 following the date on which the Commission submitted its bill to the General Assembly. The Court may
107 consider recommendations submitted by the Governor or any member of the General Assembly within
108 seven days of the first date that the bill was before the Court. The Court shall certify the final plan to
109 establish congressional districts.

110 (i) The Commission shall hold at least three public hearings in different parts of the Commonwealth
111 on districts for the House of Representatives, Senate, and House of Delegates. The Commission shall,
112 subject to the constraints of time and convenience, review plans for the establishment of districts
113 submitted by members of the public.

114 (j) The General Assembly shall appropriate the funds necessary for the efficient operation of the
115 Commission.

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

121 (l) *The districts established for the House of Representatives, Senate, or House of Delegates shall be*
122 *used thereafter at any general election of members of the House of Representatives, Senate, or House of*
123 *Delegates, respectively, and shall remain unaltered through the next year ending in zero in which a*
124 *federal census for the Commonwealth is taken. Members of the House of Representatives, Senate, and*
125 *House of Delegates in office at the time districts are established by the Commission shall complete their*
126 *terms of office and continue to represent their districts as constituted at the time of their election to*
127 *office. Any vacancy occurring in the House of Representatives, Senate, or House of Delegates shall be*
128 *filled from the district as constituted when the member, whose vacancy is being filled, was elected to*
129 *office.*

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