

2011 SPECIAL SESSION I

LEGISLATION NOT PREPARED BY DLS
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SENATE RESOLUTION NO. 502

Offered February 27, 2011

Prefiled February 27, 2011

Adopting criteria for the redrawing of Virginia's Senate Districts.

Patrons—Watkins, Vogel, Blevins, Hanger, Martin, McDougle, McWaters, Newman, Norment, Obenshain, Quayle, Ruff, Smith, Stanley, Stosch, Stuart, Wagner and Wampler

Referred to Committee on Privileges and Elections

WHEREAS, the Senate of Virginia's goals are twofold: (i) to pass a bill to redistrict the Senate of Virginia that meets all applicable constitutional and legal standards and (ii) to act promptly so that legislation is enacted, precleared under the Voting Rights Act, and implemented in time to hold primary elections in August and regular elections on November 8, 2011; now therefore, be it

RESLOVED by the Senate of Virginia, That after consideration of legal requirements and public policy objectives informed by public comment, the Senate of Virginia adopts the following criteria for redrawing of the Virginia's Senate districts:

A. Equal Representation.

1. Single member districts. The Senate of Virginia redistricting plan shall contain 40 single member districts.

2. Equal population. The populations of the 40 Senate districts shall be as nearly equal to the population of every other district as practicable.

3. Deviations from the ideal district population. In no case shall the relative population deviation from the ideal population for any district exceed plus or minus one half of one percent.

4. Population base. The 2010 federal census reports released for redistricting purposes (the P.L. 94-171 reports delivered to Virginia February 3, 2011) shall be the basis for determining district populations in plans considered at the reapportionment special session convened February 27, 2011.

5. Census Blocks. District plans shall be based on census blocks or other larger units of census and political geography.

B. Minority Representation.

1. Voting Rights Act, § 2 and 5. Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. No district plan shall be acceptable if it affords members of a racial or language minority group "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

2. Voting Rights Act, preclearance. Legislation adopted to redistrict the Senate of Virginia shall be submitted for preclearance under § 5 of the Voting Rights Act.

3. Compliance with existing law. Nothing in these criteria shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act.

C. Compactness.

Districts shall be reasonably compact. Irregular district shapes may be justified because the district line follows a political subdivision boundary or significant geographic feature. Districts shall be compact in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the case of *Jamerson v. Womack*, 244 Va. 506 (1992).

D. Contiguity.

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the case of *Jamerson v. Womack*, 244 Va. 506 (1992).

E. Political Fairness.

The Senate is cognizant of the Supreme Court's decision in *Davis v. Bandemer*, 478 U.S. 109 (1986) and will seek to approve a plan that complies with the equal protection clause of the Fourteenth Amendment to the United States Constitution.

F. Political Subdivisions.

District plans shall be drawn so as to avoid splitting counties, cities, and towns to the extent practicable.

G. Precincts; Communities of Interest.

Legislative consideration should be given to factors that can create or contribute to communities of interest such as economic factors, social factors, cultural factors, geographic factors, governmental jurisdictions and service delivery areas, political beliefs, voting trends and incumbency considerations.

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58 The discernment, weighing, and balancing of the varied factors that contribute to communities of interest
59 is an intensely political process best carried out by elected representatives of the people. Local
60 government jurisdiction and precinct lines may reflect communities of interest to be balanced, but they
61 are entitled to no greater weight as a matter of state policy than other identifiable communities of
62 interest.

63 H. Existing Districts; Incumbency.

64 It is permissible to consider existing districts and incumbency.