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SENATE JOINT RESOLUTION NO. 233

Offered January 14, 2015

Prefiled January 8, 2015

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; district criteria.

Patron—Howell

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; *district criteria*.

(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. ~~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~~ 2021 and every ten years thereafter.

(b) Every electoral district shall be constituted so as to adhere to the following criteria, in the order of priority in which the criteria are hereby set forth:

(1) Existing political boundaries shall be respected to the maximum extent possible. Political boundaries shall include the boundaries of counties, cities, towns, county magisterial and election districts, municipal councilmanic districts, and voting precincts. If a departure from existing political boundaries is necessary in order to comply with other districting criteria, the district lines shall be drawn utilizing clearly observable physical boundaries such as highways, roads, railroad lines, rivers, streams, and other natural or man-made features observable on official maps.

(2) Legislative and congressional districts shall be established on the basis of population. Senate and House of Delegates districts, respectively, shall each have a population that is as substantially equal to the population of every other such district as practicable. Congressional districts shall have populations that are as nearly equal as practicable. The General Assembly shall be guided by the most recent federal and state judicial decisions defining standards for equal population for the respective districts, including permissible deviations from ideal population if the deviation is necessary in order to achieve some other legitimate districting criterion.

(3) Districts shall be drawn in accordance with the requirements of federal and state laws, and judicial decisions interpreting such laws, that address racial and ethnic fairness, including the Equal Protection Clause of the United States Constitution and the provisions of the federal Voting Rights Act of 1965, as amended.

(4) Each legislative and congressional district shall be composed of contiguous territory. A district shall be deemed contiguous if it is possible to travel from one point in the district to any other point in the district without crossing the boundary of the district. Territory that touches the rest of a district only by a point shall not be deemed contiguous territory. Districts divided by water shall be deemed contiguous if a common means of transport, such as a bridge or ferry, connects the two parts of the district or, if the water were to be removed, the land on one side of the district would be contiguous with the land on the other side of the district.

(5) Each legislative and congressional district shall be composed of compact territory. Districts shall not be oddly shaped or have irregular or contorted boundaries, unless justified because the district adheres to political subdivision lines. Fingers or tendrils extending from a district core shall be avoided, as shall thin and elongated districts and districts with multiple core populations connected by thin strips of land or water. The General Assembly shall employ one or more standard numerical measures of individual and average district compactness to provide an objective assessment of a districting plan's compactness, both statewide and district-by-district.

(6) Consideration may be given to communities of interest by creating districts that do not carve up

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59 *homogeneous neighborhoods or separate groups of people living in an area with similar interests or*
60 *needs in transportation, employment, or culture.*

61 *(c) The General Assembly shall not include political data or election results as part of a redistricting*
62 *database, and no district shall be drawn using political data or election results in order to favor a*
63 *political party or incumbent legislator. This prohibition includes using addresses of incumbent*
64 *legislators, political affiliations of voters, and previous election results. This prohibition shall not apply*
65 *to minority or ethnic districts drawn pursuant to subdivision (b) (3) if an analysis of election data is*
66 *required in order to determine if racial or ethnic minorities can elect candidates of their choice.*

67 *(d) Any such decennial reapportionment law shall take effect immediately and not be subject to the*
68 *limitations contained in Article IV, Section 13, of this Constitution.*

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