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## SENATE JOINT RESOLUTION NO. 284

Offered January 14, 2015

Prefiled January 14, 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; criteria for redistricting; and the establishment of the Virginia Redistricting Commission.*

Patrons—Vogel and Lucas

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; *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.*

(1) *In the calendar year following each decennial census of the United States, the Virginia Redistricting Commission shall establish the districts for the House of Representatives of the United States and for the Senate and the House of Delegates of the General Assembly and shall apportion the members of the House of Representatives and the members of the Senate and the House of Delegates among the districts, respectively.*

(2) 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.~~

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.

(3) *To the extent consistent with subdivision (2), 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 few as practicable. When there is a choice between dividing local political subdivisions, the more populous subdivisions shall be divided before the less populous.*

(4) No district shall be drawn for the purpose of favoring a political party or incumbent legislator or member of Congress.

(5) *In establishing districts, no use shall be made of any of the following data:*

(A) *Addresses of incumbent legislators or members of Congress.*

(B) *Political affiliations of registered voters.*

(C) *Previous election results.*

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

(b) *The Virginia Redistricting Commission shall consist of thirteen members, none of whom shall be a member or employee of the Congress of the United States or of the General Assembly. The members of the Commission shall be appointed with due consideration to geographic diversity. Except as provided in subdivision (2), appointments to the Commission shall be made on or before July 1 of the*

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59 year in which such census is taken and shall be certified to the Secretary of the Commonwealth on or  
60 before July 15 of that year. Each partisan delegation so appointed shall appoint one of its members as  
61 its chairman, who shall have authority to make such certifications and to perform such other tasks as  
62 the members of that delegation shall reasonably require.

63 (1) There first shall be appointed twelve members as follows:

64 (A) Two members to be appointed by the President pro tempore of the Senate of Virginia;

65 (B) Two members to be appointed by the Speaker of the House of Delegates;

66 (C) Two members to be appointed by the leader in the Senate of the political party holding the most  
67 seats in the Senate, other than the political party of the President pro tempore;

68 (D) Two members to be appointed by the leader in the House of Delegates of the political party  
69 holding the most seats in the House of Delegates, other than the political party of the Speaker; and

70 (E) Four members to be appointed, as provided by law, so that two members represent the political  
71 party whose candidate for the office of Governor received the largest number of votes at the most recent  
72 gubernatorial election and two members represent the political party whose candidate for the office of  
73 Governor received the next largest number of votes in that election.

74 (2) There then shall be appointed one member to serve as an independent member, who shall have  
75 been for the preceding five years a resident of the Commonwealth, but who shall not during that period  
76 have held public or political party office in the Commonwealth. The independent member shall be  
77 appointed upon the vote of at least seven of the previously appointed members of the Commission on or  
78 before August 15 of the year in which the census is taken, and those members shall certify that  
79 appointment to the Secretary of the Commonwealth on or before September 1 of that year. If the  
80 previously appointed members are unable to appoint an independent member within the time allowed  
81 therefor, they shall so certify to the Supreme Court not later than that September 1 and shall include in  
82 that certification the names of the two persons who, in the members' final vote upon the appointment of  
83 the independent member, received the greatest number of votes. Not later than September 15 following  
84 receipt of that certification, the Supreme Court shall by majority vote of its full authorized membership  
85 select, of the two persons so named, the one more qualified by education and occupational experience,  
86 by prior public service in government or otherwise, and by demonstrated ability to represent the best  
87 interests of the people of the Commonwealth to be the independent member. The Court shall certify that  
88 selection to the Secretary of the Commonwealth not later than the following October 1.

89 (3) The independent member shall serve as the Chairman of the Commission. The Commission shall  
90 meet to organize as soon as may be practicable after certification of the appointment of the independent  
91 member, but not later than December 1 of the year in which the census is taken. At the organizational  
92 meeting, the members of the Commission shall determine such organizational matters as they deem  
93 appropriate. Thereafter, a meeting of the Commission may be called by the Chairman or upon the  
94 request of seven members, and seven members of the Commission shall constitute a quorum at any  
95 meeting thereof for the purpose of taking any action.

96 (4) The term of office of each member of the Commission shall expire upon the appointment of the  
97 first member of the succeeding Commission. Vacancies in the membership of the Commission occurring  
98 prior to the certification by the Commission of the districts for the House of Representatives, Senate,  
99 and House of Delegates or during any period in which the districts established by the Commission may  
100 be or are under challenge in court shall be filled in the same manner as the original appointments were  
101 made within five days of their occurrence. In the case of a vacancy in the membership of the  
102 independent member, if the other members of the Commission are unable to fill that vacancy within that  
103 five-day period, they shall transmit certification of such inability within three days of the expiration of  
104 the period to the Supreme Court, which shall select the person to fill the vacancy within five days of  
105 receipt of that certification.

106 (c) The Commission, convened in an open public meeting and by a majority of the whole number of  
107 its members, shall certify the establishment of districts. The Commission shall give at least twenty-four  
108 hours' public notice of the meeting. Any vote by the Commission upon a proposal to certify the  
109 establishment of a district plan shall be taken by roll call and shall be recorded, and the vote of any  
110 member in favor of any district plan shall nullify any vote which that member shall previously have cast  
111 during the life of the Commission in favor of a different district plan.

112 (1) The establishment of Senate of Virginia and House of Delegates districts and the apportionment  
113 of members of the Senate of Virginia and the House of Delegates, respectively, shall be certified to the  
114 Secretary of the Commonwealth within one month of the receipt by the Governor of the official  
115 decennial census of the United States for Virginia, or by April 1 of the year following the year in which  
116 the census is taken, whichever date is later.

117 (2) The establishment of House of Representatives districts shall be certified to the Secretary of the  
118 Commonwealth within three months of the receipt by the Governor of the official decennial census of  
119 the United States for Virginia, or by June 1 of the year following the year in which the census is taken,  
120 whichever date is later.

121 (3) If the Commission is unable to certify the establishment of districts by the time required due to  
122 the inability of a plan to achieve seven votes, the two district plans receiving the greatest number of  
123 votes, but not fewer than five votes, shall be submitted to the Supreme Court, which shall select and  
124 certify whichever of the two plans so submitted conforms most closely to the requirements of this  
125 Constitution and the Constitution and laws of the United States.

126 (d) The Commission shall hold at least three public hearings in different parts of the Commonwealth  
127 on districts for the House of Representatives, Senate of Virginia, and House of Delegates. The  
128 Commission shall, subject to the constraints of time and convenience, review plans for the establishment  
129 of districts submitted by members of the public.

130 (e) Meetings of the Commission shall be held at convenient times and locations. Meetings may be  
131 closed to the public with the exception of any meeting at which the establishment of districts is certified  
132 as prescribed by subsection (c) and the public hearings required by subsection (d).

133 (f) The General Assembly shall appropriate the funds necessary for the efficient and independent  
134 operation of the Commission.

135 (g) The districts established for the House of Representatives, Senate of Virginia, or House of  
136 Delegates shall be used thereafter at any general election of members of the House of Representatives,  
137 Senate of Virginia, or House of Delegates, respectively, and shall remain unaltered through the next  
138 year ending in zero in which a federal census for the Commonwealth is taken. Members of the House of  
139 Representatives, Senate of Virginia, and House of Delegates in office at the time districts are established  
140 by the Commission shall complete their terms of office and continue to represent their districts as  
141 constituted at the time of their election to office. Any vacancy occurring in the House of Representatives,  
142 Senate of Virginia, or House of Delegates shall be filled from the district as constituted when the  
143 member whose vacancy is being filled was elected to office.

144 (h) Notwithstanding any provision to the contrary of this Constitution and except as otherwise  
145 required by the Constitution or laws of the United States, no court of the Commonwealth other than the  
146 Supreme Court shall have jurisdiction over any judicial proceeding challenging the appointment of  
147 members to the Commission or any action, including the establishment of districts, by the Commission  
148 or other public officer or body under the provisions of this section. If a plan certified by the  
149 Commission is declared unlawful, the Commission shall reorganize and adopt another district plan in  
150 the same manner as herein required and within the period of time prescribed by the Supreme Court or  
151 within such shorter period as may be necessary to ensure that the new plan is effective for the next  
152 succeeding primary and general election for all members of the House of Representatives, Senate of  
153 Virginia, or House of Delegates.