

16102143D

HOUSE JOINT RESOLUTION NO. 205

Offered January 21, 2016

Proposing an amendment to Section 6 of Article II of the Constitution of Virginia, relating to apportionment; congressional and legislative districts; Virginia Redistricting Commission.

Patrons—Sickles, Bagby, Boysko, Hope, Keam, Krizek, Levine, McQuinn, Rasoul, Simon, Sullivan and Watts; Senators: Ebbin and Surovell

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; *Virginia Redistricting Commission*.

(a) *This subsection shall only apply if the contingency in subsection (b) has not been met.* 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 and every ten years thereafter.

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) *This subsection only applies if the Division of Legislative Services determines that both Maryland and Pennsylvania have adopted a redistricting process that is substantially similar to the process in this subsection.*

(1) *There shall be a Virginia Redistricting Commission (the Commission). The Commission shall develop and propose a plan for the congressional and legislative districts in accordance with the provisions of this subsection.*

(2) *On or before June 1 of the year following the decennial census, the Executive Director (the Director) of the Division of Legislative Services (the Division) shall select the members of the Commission, who shall be full-time employees of the Division or, if the Director determines the needs of the Commission cannot be met by the full-time employees of the Division, employees hired on a contractual basis for the purpose of serving on the Commission.*

(A) *The members of the Commission shall include (i) a demographer; (ii) a cartographer; (iii) an applied mathematician; (iv) a computer scientist; and (v) a lawyer or legal expert who specializes in election and redistricting law. In selecting these members of the Commission, the Director shall determine the education and experience required in order to be selected. The Director shall not deviate from what is normally considered to be the minimum qualifications to be employed as the professional listed.*

(B) *While serving on the Commission, a member shall not be an elected official, a candidate for elected office, or an official whose appointment is subject to confirmation by the Joint Committee on Rules.*

(C) *The term of a member of the Commission shall begin when he is selected by the Director and shall end when a plan for the congressional and legislative districts is enacted by the General Assembly or, if such a plan is not enacted by the General Assembly, by the courts.*

INTRODUCED

HJ205

58 (D) A member of the Commission may be removed during the member's term by impeachment under
59 Article IV, Section 17 of this Constitution for malfeasance, misfeasance, or nonfeasance. However, a
60 member of the Commission who is a full-time employee of the Division and is so impeached may not
61 have his employment with the Division terminated as a result of such impeachment, unless the grounds
62 for his impeachment would be grounds for termination of his employment with the Division if committed
63 in the course of the employee's other duties.

64 (3) Following each decennial census of the United States and after public hearings, the Commission
65 shall prepare a plan establishing the congressional and legislative districts that comply with applicable
66 federal and state law. Plans establishing the districts shall be submitted to the General Assembly for
67 enactment and shall not be amended by either house.

68 (4) The Commission shall submit the plan to the President Pro Tempore of the Senate and the
69 Speaker of the House of Delegates, who shall introduce the plan no later than the first day of the
70 regular session of the General Assembly in the second year following the decennial census. The plan
71 shall become law upon its passage of both houses, by a majority vote in each house of those present.

72 (5) If the General Assembly fails to pass the plan introduced under subdivision (3) by the
73 seventeenth day following the first day of the regular session of the General Assembly in the second
74 year following the decennial census, the Commission shall submit an alternative plan to the President
75 Pro Tempore of the Senate and the Speaker of the House of Delegates, who shall introduce the
76 alternative plan. The plan shall become law upon its passage of both houses, by a majority vote in each
77 house of those present.

78 (6) If the General Assembly fails to pass an alternative plan introduced under subdivision (4) by the
79 last day of the regular session of the General Assembly in the second year following the decennial
80 census, the congressional and legislative districts shall be established by the courts.