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SENATE JOINT RESOLUTION NO. 260

Offered January 11, 2017

Prefiled January 4, 2017

Proposing an amendment to Section 6 of Article II of the Constitution of Virginia, relating to apportionment; partisan balance; establishing Virginia Redistricting Commission.

Patrons—Barker and Marsden

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.

(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 in the manner provided by law*. 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 electoral districts shall be drawn to reflect the voting patterns of the Commonwealth with, to the extent practicable, half of the districts more favorable than statewide totals to each of the two political parties most often receiving the most votes cast in statewide elections. Further, to the extent practicable, districts shall be drawn so that the differences in votes in each district between the top two candidates in recent statewide elections are within competitive margins.* The ~~General Assembly~~ *Virginia Redistricting Commission* shall reapportion the Commonwealth into electoral districts in accordance with this section in the year ~~2014~~ *2021* 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) *The Virginia Redistricting Commission (the Commission) shall be created for the purpose of establishing the districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly and apportioning the members of the House of Representatives and the members of the Senate and the House of Delegates among the districts, respectively. This shall take place in the year 2021 and every ten years thereafter and at no other time unless so ordered by a court.*

(1) *The Commission shall consist of eight members, none of whom shall be a member or employee of the Congress of the United States or of the General Assembly. Members of the Commission shall be appointed with due consideration to geographic diversity and in the manner provided herein:*

- a. Two members, to be appointed by the President pro tempore of the Senate of Virginia;*
- b. Two members, to be appointed by the leader in the Senate of Virginia of the political party holding the most seats in the Senate other than the political party of the President pro tempore;*
- c. Two members, to be appointed by the Speaker of the House of Delegates; and*
- d. Two members, to be appointed by the leader in the House of Delegates of the political party holding the most seats in the House of Delegates other than the political party of the Speaker.*

(2) *Appointments shall be made no later than the first day in December of the year in which the census is taken and shall be confirmed by the General Assembly no later than the thirtieth day after the commencement of the regular session of the General Assembly in the year immediately following the*

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59 census. The members of the Commission shall continue to serve until their successors are appointed.

60 (3) The Commission, by a majority vote of six of its eight members, shall certify the establishment of
61 the Senate districts and the House of Delegates districts to the Secretary of the Commonwealth by the
62 first day of June in the year immediately following the census. The Commission, by a majority vote of
63 six of its eight members, shall certify the establishment of the House of Representatives districts to the
64 Secretary of the Commonwealth by the first day of July in the year immediately following the census.

65 (4) If the Commission is unable to certify the establishment of districts within the prescribed time by
66 a majority vote of six of its eight members, the plans for districts receiving the highest and next highest
67 number of votes shall be submitted to the Supreme Court of Virginia. The Supreme Court of Virginia
68 shall select and certify to the Secretary of the Commonwealth one of the two plans no later than thirty
69 days after receiving them from the Commission.

70 (5) The Commission shall conduct meetings and public hearings in the manner provided by law.