

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 24.2 a section
3 numbered 24.2-304.04, relating to standards and criteria for congressional and state legislative
4 districts.

5 [H 1598]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 24.2 a**
9 **section numbered 24.2-304.04 as follows:**

10 **§ 24.2-304.04. Standards and criteria for congressional and state legislative districts.**

11 A. Every congressional and state legislative district shall be constituted so as to adhere to the
12 following criteria.

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

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

24 D. Existing political boundaries shall be respected to the maximum extent possible. Political
25 boundaries shall include the boundaries of counties, cities, towns, county magisterial and election
26 districts, municipal councilmanic districts, and voting precincts. If a departure from existing political
27 boundaries is necessary in order to comply with other districting criteria, the district lines shall be
28 drawn utilizing clearly observable physical boundaries. A "clearly observable boundary" shall include
29 (i) any named road or street; (ii) any road or highway that is a part of the federal, primary, or
30 secondary state highway system; (iii) any river, stream, or drainage feature shown as a polygon
31 boundary on the TIGER/Line Files of the United States Bureau of the Census; or (iv) any other natural
32 or constructed or erected permanent physical feature that is shown on an official map issued by the
33 Virginia Department of Transportation, on a United States Geological Survey topographical map, or as
34 a polygon boundary on the TIGER/Line Files of the United States Bureau of the Census. No property
35 line or subdivision boundary shall be deemed to be a clearly observable boundary unless it is marked
36 by a permanent physical feature that is shown on an official map issued by the Virginia Department of
37 Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on
38 the TIGER/Line Files of the United States Bureau of the Census.

39 E. Each legislative and congressional district shall be composed of contiguous territory. Districts
40 divided by water shall be deemed contiguous if a common means of transport, such as a bridge or ferry,
41 connects the two parts of the district or, if the water were to be removed, the land on one side of the
42 district would be contiguous with the land on the other side of the district. Connections by water
43 running downstream or upriver are not permissible.

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

51 G. Consideration may be given to communities of interest by creating districts that do not carve up
52 homogeneous neighborhoods or separate groups of people living in an area with similar interests or
53 needs in transportation, employment, or culture.

54 **2. That the provisions of this act shall apply to congressional and state legislative districts drawn**
55 **following the 2020 United States Census and thereafter.**