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HOUSE BILL NO. 205

Offered January 10, 2018

Prefiled December 28, 2017

A *BILL to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-304.04, relating to criteria for remedial redistricting plans.*

Patrons—Sullivan, Gooditis and Keam

Referred to Committee on Privileges and Elections**Be it enacted by the General Assembly of Virginia:**

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

§ 24.2-304.04. Criteria for remedial redistricting plans.

If any congressional or state legislative district drawn as required by Article II, Section 6 of the Constitution of Virginia shall be declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court, the General Assembly shall adhere to the following standards and criteria when drawing its redistricting plan to remedy that unlawful or unconstitutional district:

1. Legislative and congressional districts shall be established on the basis of population. Senate and House of Delegates districts shall each have a population that is as substantially equal to the population of every other respective district as practicable. Congressional districts shall have populations that are as nearly equal as practicable. The General Assembly shall be guided by the most authoritative federal and state judicial decisions defining standards for equal population for the respective districts. Variations in the size of districts, within the deviations permitted by applicable law, may be permitted if necessary to facilitate compliance with one or more of the other standards or criteria set forth in this section.

2. Districts shall be drawn in accordance with the requirements of all applicable federal and state laws and judicial decisions interpreting such laws, including the Equal Protection Clause of the United States Constitution, the provisions of the federal Voting Rights Act of 1965, as amended, and any other such laws addressing racial and ethnic fairness.

3. 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 water would be contiguous with the land on the opposite side of the water. Connections by water running downstream or upriver are not permissible.

4. Each legislative and congressional district shall be composed of compact territory, such that nearby areas of population are not bypassed for more distant populations. Districts shall not be oddly shaped or have irregular or contorted boundaries, unless justified because the district adheres to political subdivision lines or well-recognized communities of interest. 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.

5. Existing political boundaries shall be respected to the maximum extent possible, and departures from existing political boundaries may be permitted only if necessary to comply with one or more of the other standards or criteria set forth in this section. 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. A "clearly observable boundary" includes (i) any named road or street; (ii) any road or highway that is a part of the federal highway system or the primary or secondary state highway system; (iii) any river, stream, or drainage feature shown as a polygon boundary on the TIGER/Line Files of the United States Bureau of the Census; or (iv) any other natural or constructed or erected permanent physical feature that is shown on an official map issued by the Virginia Department of Transportation, on a United States Geological Survey topographical map, or as a polygon boundary on the TIGER/Line Files of the United States Bureau of the Census. No property line or subdivision boundary shall be

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59 *deemed to be a clearly observable boundary unless it is marked by a permanent physical feature that is*
60 *shown on an official map issued by the Virginia Department of Transportation, on a United States*
61 *Geological Survey topographical map, or as a polygon boundary on the TIGER/Line Files of the United*
62 *States Bureau of the Census.*

63 *6. Existing communities of interest shall be respected to the maximum extent practicable. Districts*
64 *should be drawn in such a way as to avoid dividing communities of interest without violating the*
65 *requirements of the preceding subdivisions. District lines shall not be drawn to divide homogeneous*
66 *neighborhoods or any geographically defined group of people living in an area who share similar*
67 *social, cultural, and economic interests. Other examples of communities of interest are recognized*
68 *minority and ethnic enclaves, residential subdivisions, and recognized but unincorporated areas. A*
69 *community of interest does not include a community based upon political affiliation or relationship with*
70 *a political party, elected official, or candidate for office.*

71 *7. No district shall be drawn for the purpose of favoring or disfavoring any political party,*
72 *incumbent legislator or member of Congress, or potential candidate. Political data, including addresses*
73 *of incumbent legislators or members of Congress, political affiliations of voters, or previous election*
74 *results, shall not be used in the drawing of any legislative or congressional district, except as may be*
75 *necessary to ensure that racial or ethnic minorities are able to elect a preferred candidate of choice in*
76 *a district drawn pursuant to subdivision 2.*