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**SENATE BILL NO. 323**

Offered January 10, 2018

Prefiled January 8, 2018

A *BILL to amend the Code of Virginia by adding in Chapter 3 of Title 24.2 an article numbered 5, consisting of sections numbered 24.2-314 and 24.2-315, relating to Virginia Independent Redistricting Review Commission; split precincts.*

Patron—Peake

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 Chapter 3 of Title 24.2 an article numbered 5, consisting of sections numbered 24.2-314 and 24.2-315, as follows:**

*Article 5.**Virginia Independent Redistricting Review Commission.***§ 24.2-314. Virginia Independent Redistricting Review Commission.**

A. *The Virginia Independent Redistricting Review Commission (the Commission) is hereby established for the purpose of reviewing redistricting plans adopted by the General Assembly to ensure that precincts are wholly contained within election districts at every level.*

B. *The Commission shall consist of seven members. No member of the Commission or member of his immediate family shall be a member or employee of the Congress of the United States or of the Virginia General Assembly, or be currently employed to lobby before either of these legislative bodies. Of the seven members, four shall be identified as members of political parties and three shall be independent public officials whose positions require the exercise of apolitical or nonpartisan judgment and discretion.*

1. *The President pro tempore of the Senate, the leader in the Senate of the political party holding the most seats in the Senate other than the political party of the President pro tempore, the Speaker of the House of Delegates, and 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 shall each appoint a member to represent his political party.*

2. *The three independent public officials shall be the Auditor of Public Accounts, the State Inspector General, and the Executive Director of the State Bar.*

C. *The members of the Commission shall take the oath of office administered by the Chief Justice of the Virginia Supreme Court or his designee. The Commission members shall elect their chairperson by a simple majority vote. If the members are unable to achieve a majority vote, the chairperson shall be designated by the Chief Justice. Approval of redistricting plans shall be by a majority vote of five of the seven members of the Commission, including at least one vote from each of the political parties represented and from among the independent members.*

**§ 24.2-315. Review of redistricting plans.**

A. *Any redistricting plan adopted by the General Assembly shall be promptly submitted to the Commission prior to being presented to the Governor. The Commission shall review such plan to ensure that each precinct is wholly contained within an election district. If any plan contains a precinct split among two or more election districts, the approval of the plan by the Commission shall be required for its enactment. Such review shall be completed by the Commission within seven days of the receipt of the plan.*

B. *When reviewing a plan containing a split precinct, the Commission shall determine (i) whether the precinct was split in an effort to ensure that the population of each district is as nearly equal to the population of every other district as practicable and (ii) whether population equality of the districts can be achieved to the extent necessary without splitting the precinct.*

1. *If the Commission determines that the precinct was split for purposes other than ensuring population equality of the districts, the Commission shall not approve such plan and shall report to the General Assembly its objections. The General Assembly shall modify the plan to meet the Commission's objections or shall adopt a new plan.*

2. *If the Commission determines that the precinct was split in an effort to ensure that the population of each district is as nearly equal to the population of every other district as practicable but that such population equality could be achieved without splitting the precinct, the Commission shall send the plan back to the General Assembly to be amended in the manner set out by the Commission.*

3. *If the Commission determines that the precinct was split in an effort to ensure that the population*

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**59** *of each district is as nearly equal to the population of every other district as practicable and that*  
**60** *population equality of the districts could not be achieved without splitting the precinct in the manner*  
**61** *contained in the plan, the Commission shall approve the plan and the plan shall be sent to the*  
**62** *Governor.*