

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 [S 1579]

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. Congressional and legislative 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 the ideal population if the deviation is necessary in order to*
19 *achieve some other legitimate districting criteria.*

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 Constitution of the United States and the provisions of the federal Voting*
23 *Rights Act 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 physical boundary" shall*
29 *include (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 physical boundary unless it is*
36 *marked by a permanent physical feature that is shown on an official map issued by the Virginia*
37 *Department of Transportation, on a United States Geological Survey topographical map, or as a*
38 *polygon boundary on the TIGER/Line Files of the United States Bureau of the Census.*

39 *E. Each congressional and legislative 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 congressional and legislative 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 boundary 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.**