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HOUSE BILL NO. 1055

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend the Code of Virginia by adding in Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-383, relating to the establishment of the Virginia Redistricting Commission.

Patron—Levine

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 Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-383, as follows:

CHAPTER 60.

VIRGINIA REDISTRICTING COMMISSION.

§ 30-376. Virginia Redistricting Commission.

A. The Virginia Redistricting Commission is established in the legislative branch of state government. It shall be convened in the year 2020 and every 10 years thereafter for the purpose of establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly.

B. As used in this chapter:

"Census data" means the population data received from the United States Bureau of the Census pursuant to P.L. 94-171.

"Commission" means the Virginia Redistricting Commission established pursuant to this chapter.

"Committee" means the Redistricting Commission Selection Committee established pursuant to § 30-378.

§ 30-377. Membership; terms; vacancies; chairman; quorum; compensation and expenses.

A. The Virginia Redistricting Commission shall consist of 16 commissioners that include eight legislative commissioners and eight citizen commissioners as follows: two commissioners shall be members of the Senate of Virginia, representing the political party having the highest number of members in the Senate and appointed by the President pro tempore of the Senate; two commissioners shall be members of the Senate, representing the political party having the next highest number of members in the Senate and appointed by the leader of that political party; two commissioners shall be members of the House of Delegates, representing the political party having the highest number of members in the House of Delegates and appointed by the Speaker of the House of Delegates; two commissioners shall be members of the House of Delegates, representing the political party having the next highest number of members in the House of Delegates and appointed by the leader of that political party; and eight citizen commissioners who shall be selected by the Redistricting Commission Selection Committee pursuant to § 30-379.

B. Legislative commissioners selected to serve as commissioners of the Commission shall be appointed by the respective authorities no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed.

C. Citizen commissioners selected to serve as commissioners of the Virginia Redistricting Commission shall be selected by the Redistricting Commission Selection Committee as provided in § 30-379.

D. By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from its membership. The chairman shall be a citizen commissioner and shall be responsible for coordinating the work of the Commission.

E. All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

§ 30-378. Redistricting Commission Selection Committee.

A. There shall be a Redistricting Commission Selection Committee established for the purpose of selecting the citizen commissioners of the Virginia Redistricting Commission. This committee shall consist of five retired judges of the circuit courts of Virginia.

B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the political party having the next highest number of members in the House of Delegates, the President pro

59 *tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having*
60 *the next highest number of members in the Senate a list of all the retired judges of the circuit courts of*
61 *Virginia who are willing to serve on the Committee. The list of all the retired judges willing to serve*
62 *shall be made available to the public on the date of certification by the Chief Justice and may be*
63 *modified by any retired judge of a circuit court who wishes to publicly add or remove his name from*
64 *the list. The members named in this subsection shall each select a judge from the list. The four judges*
65 *selected to serve on the Committee shall select, by a majority vote, a judge from the list prescribed*
66 *herein to serve as the fifth member of the Committee and to serve as the chairman of the Committee.*

67 **§ 30-379. Citizen commissioners; selection.**

68 *By January 1 of the year ending in one, the Speaker of the House of Delegates, the leader in the*
69 *House of Delegates of the political party having the next highest number of members in the House of*
70 *Delegates, the President pro tempore of the Senate of Virginia, and the leader in the Senate of the*
71 *political party having the next highest number of members in the Senate shall each submit to the*
72 *Committee a list of at least 16 citizen candidates for service on the Commission. Such citizen candidates*
73 *shall meet the criteria established by the General Assembly by general law.*

74 *The Committee shall select, by a majority vote, two citizen members from each list submitted. No*
75 *member or employee of the Congress of the United States or of the General Assembly shall be eligible*
76 *to serve as a citizen member*

77 **§ 30-380. Public participation in redistricting process.**

78 *All meetings of the Commission shall be open to the public. Prior to proposing any redistricting*
79 *plans and prior to voting on redistricting plans, the Commission shall hold at least three public*
80 *hearings in different parts of the Commonwealth to receive and consider comments from the public.*

81 **§ 30-381. Standards and criteria for congressional and legislative districts.**

82 *Every electoral district shall be composed of contiguous and compact territory and shall be so*
83 *constituted as to give, as nearly as is practicable, representation in proportion to the population of the*
84 *district. Every electoral district shall be drawn in accordance with the requirements of federal and state*
85 *laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth*
86 *Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as*
87 *amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable,*
88 *opportunities for racial and ethnic communities to elect candidates of their choice.*

89 **§ 30-382. Proposal and submission of plans for districts.**

90 *A. The Commission shall submit to the General Assembly plans for districts for the Senate and the*
91 *House of Delegates of the General Assembly no later than 45 days following the receipt of census data.*

92 *To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive*
93 *affirmative votes of at least six of the eight legislative commissioners, including at least three of the four*
94 *legislative commissioners who are members of the Senate, and at least six of the eight citizen*
95 *commissioners.*

96 *To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall*
97 *receive affirmative votes of at least six of the eight legislative commissioners, including at least three of*
98 *the four legislative commissioners who are members of the House of Delegates, and at least six of the*
99 *eight citizen commissioners.*

100 *B. The Commission shall submit to the General Assembly plans for districts for the United States*
101 *House of Representatives no later than 60 days following the receipt of census data or by the first day*
102 *of July of that year, whichever occurs first.*

103 *To be submitted as a proposed plan for districts for members of the United States House of*
104 *Representatives, a plan shall receive affirmative votes of at least six of the eight legislative*
105 *commissioners and at least six of the eight citizen commissioners.*

106 **§ 30-383. Consideration of plans by the General Assembly; timeline.**

107 *A. All plans for districts for the Senate and the House of Delegates shall be embodied in and voted*
108 *on as a single bill.*

109 *B. Upon receipt of a plan for districts submitted by the Commission, the General Assembly shall*
110 *bring the bill to a vote within seven days, under a procedure or rule permitting no amendments except*
111 *those of a purely corrective nature. Once the bill is approved by the first house in which it is*
112 *considered, it shall be expeditiously brought to a vote in the second house under a similar procedure or*
113 *rule.*

114 *If the bill fails to be approved by a constitutional majority in either the Senate or the House of*
115 *Delegates, the Clerk of the Senate or House of Delegates, as the case may be, shall at once transmit to*
116 *the Commission information that the Senate or House of Delegates may direct regarding the reasons the*
117 *plan was not approved.*

118 *C. If the plan submitted under subsection B fails to be enacted, the Commission shall prepare a bill*
119 *embodying a second plan, which shall take into account the reasons cited by the Senate or the House of*
120 *Delegates for its failure to approve the plan or by the Governor for his veto of the plan insofar as it is*

possible to do so within the requirements of § 30-382.

If a second plan is required under this subsection, the bill embodying it shall be delivered to the Clerks of the Senate and House of Delegates within 14 days after the date of the vote by which the Senate or the House of Delegates failed to approve or the Governor vetoed the bill submitted under subsection B. Such bill shall be brought to a vote not less than seven days after the bill is printed and made available to the members of the General Assembly, in the same manner as prescribed for the bill required under subsection B, including the prohibition against amendments being permitted except those of a purely corrective nature.

If the second bill fails to be approved by a constitutional majority in either the Senate or the House of Delegates, the Clerk of the Senate or House of Delegates, as the case may be, shall at once transmit to the Commission information that the Senate or the House of Delegates may direct regarding the reasons the plan was not approved.

D. If the plan submitted under subsection C fails to be enacted, any member of the General Assembly may introduce for consideration a plan for districts. Such plan shall be limited to the districts in the plan that failed to be enacted. The General Assembly shall promptly bring to a vote any bill introduced pursuant to this subsection, which shall be subject to amendment in the same manner as other bills.