

20105324D

HOUSE BILL NO. 1645

Offered January 16, 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 Citizens 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 CITIZENS REDISTRICTING COMMISSION.

§ 30-376. Virginia Citizens Redistricting Commission.

A. The Virginia Citizens 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 proposing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, to be submitted to and approved by the General Assembly. Districts established pursuant to this chapter shall constitute the official legislative and congressional districts until the next decennial reapportionment, or as may be required by a court.

B. As used in this chapter:

"Commission" means the Virginia Citizens 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 Citizens Redistricting Commission shall consist of 10 members, three who are affiliated with the political party receiving the highest number of votes for governor at the immediately preceding gubernatorial election, three who are affiliated with the political party receiving the next highest number of votes for governor at the immediately preceding gubernatorial election, and four who are not affiliated with either of those political parties.

B. The Commission members shall be selected by the Redistricting Commission Selection Committee as provided in § 30-379. The term of office for each Commission member shall expire upon the selection of the members of the succeeding Commission. If any Commission member cannot, for any reason, complete his term, the Committee shall select as a replacement one of the candidates who had been stricken pursuant to subsection D of § 30-379. The replacement shall be affiliated with the same political party if the Commission member whose seat he is filling was affiliated with a political party or shall not be affiliated with any political party if the Commission member whose seat he is filling was not affiliated with either of the political parties receiving the highest and next highest number of votes for governor at the immediately preceding gubernatorial election.

C. By April 1 of the year ending in one, the Commission shall hold a public meeting. At this meeting, the Commission shall select, by a majority vote, one of the Commission members who is not affiliated with either of the political parties receiving the highest and next highest number of votes for governor at the immediately preceding gubernatorial election to serve as the chairman.

D. 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 commissioners of the Virginia Citizens Redistricting Commission. The 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 submit in writing to the Clerks of the House of Delegates and the Senate a list of retired judges of the circuit courts of Virginia who are willing to serve on the Committee. The list of all retired judges willing to serve shall be made available to the public on the date of certification by the Chief Justice and may be modified by any retired judge of a circuit court who wishes to publicly add or remove his name from the list. This list shall be disseminated by the Clerks to the Speaker of the House of

59 *Delegates, the leader in the House of Delegates of the political party having the next highest number of*
60 *members in the House of Delegates, and the leaders in the Senate of the political parties having the*
61 *highest and next highest number of members in the Senate.*

62 *C. Within five days of the receipt of this list, the members receiving the list pursuant to subsection B*
63 *shall each select a name of a judge from the list and notify the Clerk of the House of Delegates or the*
64 *Senate, as appropriate, of their selections. The four judges selected to serve on the Committee shall be*
65 *immediately notified by the Clerks of the House of Delegates and the Senate, communicating jointly. The*
66 *four judges selected shall select, by a majority vote, a judge from the list prescribed by subsection B to*
67 *serve as the fifth member of the Committee and to serve as the chairman of the Committee.*

68 *D. Except as provided in subsection B of § 30-379, all meetings of the Committee shall be open to*
69 *the public.*

70 **§ 30-379. Commissioners; selection.**

71 *A. By December 1 of the year ending in zero, the Committee shall hold a public meeting. At this*
72 *meeting, the Committee shall adopt a process by which registered voters of the Commonwealth may*
73 *apply to serve on the Virginia Citizens Redistricting Commission. The Committee shall cause to be*
74 *advertised throughout the Commonwealth information on the Commission and how interested persons*
75 *may apply. The application period shall be open for a reasonable amount of time.*

76 *B. By March 1 of the year ending in one, the Committee shall select, by majority vote, from the list*
77 *of submitted applications 22 candidates for service on the Commission. Five Commission candidates*
78 *shall be voters who affiliate with the political party receiving the highest number of votes for governor*
79 *at the immediately preceding gubernatorial election, and five Commission candidates shall be voters*
80 *who affiliate with the political party receiving the next highest number of votes for governor at the*
81 *immediately preceding gubernatorial election. Twelve Commission candidates shall be voters who are*
82 *not affiliated with either of those political parties.*

83 *In selecting candidates, the Committee shall give consideration to the diversity of the Commonwealth.*
84 *The Committee may interview any applicant prior to selection and such interviews shall not be open to*
85 *the public.*

86 *C. Upon selection of the Commission candidates, the Committee shall promptly transmit the name,*
87 *address, and occupation of each Commission candidate to the Speaker of the House of Delegates, the*
88 *leader in the House of Delegates of the political party having the next highest number of members in*
89 *the House of Delegates, and the leaders in the Senate of the political parties having the highest and*
90 *next highest number of members in the Senate. The Committee shall also release the names of the*
91 *Commission candidates to the public.*

92 *D. Within five days of receipt of the list of 22 Commission candidates, the members of the General*
93 *Assembly receiving the list pursuant to subsection C, beginning with the Speaker of the House of*
94 *Delegates and alternating sequentially by party, shall each strike one Commission candidate affiliated*
95 *with the opposite political party and two Commission candidates not affiliated with either of the*
96 *political parties receiving the highest and next highest number of votes for governor at the immediately*
97 *preceding gubernatorial election. The strikes shall be made with due consideration to creating a*
98 *Commission that reflects the diversity of the Commonwealth. All strikes shall be submitted to the*
99 *Committee chairman.*

100 *E. Upon receipt of the strikes made pursuant to subsection D, the Committee chairman shall finalize*
101 *the Commission membership. He shall promptly notify the Clerks of the House of Delegates and the*
102 *Senate of the 10 members of the Commission and shall also notify the Commission members so selected.*

103 **§ 30-380. Staff to Virginia Citizens Redistricting Commission.**

104 *The Division of Legislative Services shall provide logistical and technical support to the Commission,*
105 *including providing access to computer software capable of processing and drawing legislative and*
106 *congressional districts. The General Assembly shall provide funds sufficient for the operation of the*
107 *Commission.*

108 **§ 30-381. Public participation in redistricting process.**

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

112 *B. The Commission shall establish and maintain a website or other equivalent electronic platform.*
113 *The website shall be available to the general public and shall be used to disseminate information about*
114 *the Commission's activities. The website shall be capable of receiving comments and proposals by*
115 *citizens of the Commonwealth. Prior to voting on any proposed redistricting plan, the Commission shall*
116 *publish the Commission's proposed plans and submitted comments and citizen proposals on the*
117 *Commission's website.*

118 **§ 30-382. Proposal and submission of plans for districts.**

119 *A. By June 1 of the year ending in one, the Commission shall submit plans for districts for the*
120 *Senate and the House of Delegates to the General Assembly.*

121 By July 1 of the year ending in one, the Commission shall submit plans for districts for the United
122 States House of Representatives to the General Assembly.

123 B. To be submitted as plan for districts, a plan shall receive an affirmative vote of seven of the 10
124 Commission members, including at least one vote from each of the political parties receiving the highest
125 and next highest number of votes for governor at the immediately preceding gubernatorial election.
126 Abstentions shall not be permitted on a vote for a redistricting plan.

127 C. The Commission shall promptly transmit the district plans to the Governor and the Clerks of the
128 House of Delegates and the Senate. The Commission shall also post the district plans on its website
129 maintained pursuant to subsection B of § 30-381.

130 **§ 30-383. Consideration of plans by the General Assembly; timeline.**

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

133 B. Within 14 days of receipt of a plan for districts, the General Assembly shall take a vote on the
134 bill embodying such plan under a procedure or rule permitting no amendments except those of a purely
135 corrective nature. If the General Assembly fails to adopt such bill by this deadline, the Commission
136 shall submit a new plan for districts to the General Assembly within 14 days of the General Assembly's
137 failure to adopt such bill. The General Assembly shall take a vote on the bill embodying such plan
138 within seven days of receipt of the plan, which shall be subject to amendment in the same manner as
139 other bills.