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HOUSE BILL NO. 381

Offered January 8, 2020

Prefiled January 2, 2020

A *BILL to amend and reenact §§ 24.2-304.1, 24.2-304.2, 24.2-304.4, 24.2-306, 24.2-309.2, 30-263, 30-264, and 30-265 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2.1 of Chapter 3 of Title 24.2 a section numbered 24.2-304.7 and by adding in Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-386, relating to redistricting; Virginia Redistricting Commission; local redistricting commissions.*

Patrons—Cole, M.L. and LaRock; Senator: Peake

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-304.1, 24.2-304.2, 24.2-304.4, 24.2-306, 24.2-309.2, 30-263, 30-264, and 30-265 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2.1 of Chapter 3 of Title 24.2 a section numbered 24.2-304.7 and by adding in Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-386, as follows:

§ 24.2-304.1. At-large and district elections; reapportionment and redistricting of districts or wards; limits.

A. Except as otherwise specifically limited by general law or special act, the governing body of each county, city, or town may provide by ordinance for the election of its members on any of the following bases: (i) at large from the county, city, or town; (ii) from single-member or multi-member districts or wards, or any combination thereof; or (iii) from any combination of at-large, single-member, and multi-member districts or wards. A change in the basis for electing the members of the governing body shall not constitute a change in the form of county government.

B. If the members are elected from districts or wards and other than entirely at large from the locality, the districts or wards shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district or ward. In 1971 2021 and every 10 years thereafter, ~~the governing body of each such locality shall reapportion the representation~~ *shall be reapportioned* among the districts or wards, including, if the governing body deems it appropriate, increasing or diminishing the number of such districts or wards, in order to give, as nearly as is practicable, representation on the basis of population.

C. For the purposes of redistricting and reapportioning representation in 2001 and every 10 years thereafter, ~~the governing body of a county, city, or town shall use~~ the most recent decennial population figures for such county, city, or town from the United States Bureau of the Census, which figures are identical to those from the actual enumeration conducted by the United States Bureau of the Census for the apportionment of representatives in the United States House of Representatives, *shall be used*, except that the census data for these redistricting and apportionment purposes will not include any population figure that is not allocated to specific census blocks within the Commonwealth, even though that population may have been included in the apportionment population figures of the Commonwealth for the purpose of allocating United States House of Representatives seats among the states. The governing body of any county, city, or town may elect to exclude the adult inmate population of any federal, state, or regional adult correctional facility located in the locality from the population figures used for the purposes of the decennial reapportionment and redistricting. The adult inmate population so excluded shall be based on information provided by the facility as to the adult inmate population at the facility on the date of the decennial census.

D. Notwithstanding any other provision of general law or special act, ~~the governing body of a county, city, or town shall not reapportion the representation in the governing body of a county, city, or town shall not be reapportioned~~ at any time other than that required following the decennial census, except as (i) provided by law upon a change in the boundaries of the county, city, or town that results in an increase or decrease in the population of the county, city, or town of more than one percent, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of districts or wards other than at-large districts or wards. The foregoing provisions notwithstanding, the governing body subsequent to the decennial redistricting may *direct the local redistricting commission, established pursuant to § 24.2-304.7, to adjust district or ward boundaries in order that the boundaries might coincide with state legislative or congressional district boundaries; however, no adjustment shall affect more than five percent of the population of a ward or district or 250 persons, whichever is lesser. If districts created by a reapportionment enacted subsequent*

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HB381

59 to a decennial reapportionment are invalid under the provisions of this subsection, the immediately
60 preexisting districts shall remain in force and effect until validly reapportioned in accordance with law.

61 **§ 24.2-304.2. Governing body shall expend funds for reapportionment.**

62 The governing body of each county, city, or town is ~~authorized to~~ *shall* expend funds *necessary for*
63 *the establishment and operation of a local redistricting commission pursuant to § 24.2-304.7 and may*
64 *designate staff to support the local redistricting commission, or authorize the local redistricting*
65 *commission to employ persons, as it may deem necessary to carry out the responsibilities relating to*
66 *reapportionment provided by law.*

67 **§ 24.2-304.4. Mandamus action for failure to reapportion districts or wards.**

68 Whenever the governing body of any county, city, or town fails to ~~perform the duty of~~
69 ~~reapportioning~~ *establish a local redistricting commission or appoint commissioners to a local*
70 *redistricting commission pursuant to § 24.2-304.7 or to fund the operation of such commission as*
71 *required by § 24.2-304.2, or otherwise take an action required by law that impedes or prevents the*
72 *reapportionment of the representation on the governing body among the districts or wards of the county,*
73 *city, or town, or fails to change the boundaries of districts or wards, as prescribed by law, mandamus*
74 *shall lie in favor of any citizen of such county, city, or town, to compel the performance of such duty.*

75 Whenever the governing body of any county, city, or town changes the boundaries, or increases or
76 diminishes the number of districts or wards, or reapportions the representation in the governing body as
77 prescribed by law, the action shall not be subject to judicial review, unless it is alleged that the
78 representation is not proportional to the population of the district or ward. If such allegation is made in
79 a bill of complaint filed in the circuit court for the county, city, or town, the court shall determine
80 whether the action of the governing body complies with the constitutional requirements for redistricting
81 and reapportionment. Appeals from the court's decision shall be as in any other suit.

82 **§ 24.2-304.7. Redistricting commissions in certain counties, cities, and towns.**

83 A. The governing body of each county, city, and town in which members of the governing body are
84 elected from districts or wards and other than entirely at large from the locality shall establish in the
85 year ending in one a local redistricting commission for the purpose of proposing electoral districts for
86 members of the governing body.

87 B. Each local redistricting commission shall consist of four commissioners, with equal representation
88 given to the political parties having the highest and next highest number of votes in the Commonwealth
89 for Governor at the last preceding gubernatorial election. Commissioners shall serve until their
90 successors are appointed. Any vacancy shall be filled in the manner of the original appointment.

91 Commissioners shall be appointed by the governing body no later than February 1 of the year
92 ending in one. By January 15 of that year, the political parties entitled to representation on a local
93 redistricting commission shall each submit to the governing body a list of at least eight persons eligible
94 for service on the local redistricting commission. The governing body shall select, by majority vote, two
95 persons from each list submitted for appointment to the local redistricting commission.

96 To be eligible for service on a local redistricting commission, a person shall be a qualified voter of
97 the locality. No person shall be eligible for service on a local redistricting commission who:

- 98 1. Holds or has held partisan public office or political party office;
99 2. Is a relative of or is employed by a member of the governing body or is employed directly by the
100 governing body;
101 3. Is employed by or has been employed by any local, state, or federal campaign; or
102 4. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a
103 lobbyist's principal as defined in § 2.2-419.

104 C. Within 60 days following the receipt of census data, or by July 1 of the year ending in one,
105 whichever is later, the local redistricting commission shall submit to the governing body two or more
106 proposed plans for electoral districts for members of the governing body. One plan shall be designated
107 by the commission as the commission's preferred proposed plan. To be submitted as a proposed plan, a
108 plan shall receive affirmative votes of at least three of the four commissioners.

109 D. Upon receipt of the proposed plans pursuant to subsection C, the governing body shall promptly
110 make available to the general public all proposed plans submitted by the local redistricting commission.
111 Prior to voting on any proposed plan, the governing body shall hold at least one public hearing in
112 order to receive and consider comments from the public.

113 Any proposed plan submitted to the governing body shall be introduced as an ordinance and, if
114 enacted, shall be done so in accordance with law. The governing body shall not make any changes to a
115 plan proposed by the local redistricting commission.

116 The governing body shall approve and adopt a proposed plan within 30 days of the proposed plans
117 being made available to the public. If the governing body fails to adopt one of the proposed plans
118 submitted by the local redistricting commission by the deadline, the plan designated as the commission's
119 preferred proposed plan, and the related ordinance reapportioning representation, shall be deemed
120 adopted and shall go into effect immediately.

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and ~~30-264~~ 30-380, and send copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the districts or precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new districts or precincts, and the Department of Elections shall create such a map.

§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.

No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15, 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii) the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an increase or decrease in the number of local election districts other than at-large districts. Any ordinance required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, 2019.

If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and ~~30-264~~ 30-380, and send copies of the ordered or enacted changes to the State Board of Elections and the Division of Legislative Services.

This section shall not prohibit any county, city, or town from adopting an ordinance revising precinct boundaries after January 1, 2021. However, no revisions in precinct boundaries shall be implemented in the conduct of elections prior to May 15, 2021.

§ 30-263. Joint Reapportionment Committee; membership; terms; quorum; compensation and expenses.

A. The Joint Reapportionment Committee (*the Joint Committee*) is established in the legislative branch of state government. The Committee shall consist of five members of the Committee on Privileges and Elections of the House of Delegates and three members of the Committee on Privileges and Elections of the Senate appointed by the respective chairmen of the two committees. Members shall serve terms coincident with their terms of office.

B. The Joint Committee shall elect a chairman and vice-chairman from among its membership. A majority of the members of the *Joint Committee* shall constitute a quorum. The meetings of the *Joint Committee* shall be held at the call of the chairman or whenever the majority of the members so request.

C. The Joint Committee shall supervise activities required for the tabulation of population for the census and for the timely reception of precinct population data for reapportionment, ~~and perform such other duties and responsibilities and exercise such supervision as may promote the orderly redistricting of congressional, state legislative, and local election districts.~~

D. Members shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Office of the Clerk of the House of Delegates and the Office of Clerk of the Senate for their respective members.

§ 30-264. Staff to Joint Reapportionment Committee.

A. The Division of Legislative Services (*the Division*) shall serve as staff to the Joint Reapportionment Committee. ~~The Director of the Division, or his designated representative, shall serve as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of the population for reapportionment purposes pursuant to United States Public Law 94-171. The governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with~~

182 the Division in the exchange of all statistical and other information pertinent to preparation for the
183 census.

184 B. The Division shall maintain the current election district and precinct boundaries of each county
185 and city as a part of the General Assembly's computer-assisted mapping and redistricting system.
186 Whenever a county or city governing body adopts an ordinance that changes an election district or
187 precinct boundary, the local governing body shall provide a copy of its ordinance, along with
188 Geographic Information System (GIS) maps and other evidence documenting the boundary, to the
189 Division.

190 C. The Division shall prepare and maintain a written description of the boundaries for the
191 congressional, senatorial, and House of Delegates districts set out in Article 2 (§ 24.2-302 et seq.) of
192 Chapter 3 of Title 24.2. The descriptions shall identify each district boundary, insofar as practicable, by
193 reference to political subdivision boundaries or to physical features such as named roads and streets. The
194 Division shall furnish to each general registrar the descriptions for the districts dividing his county or
195 city. The provisions of Article 2, including the statistical reports referred to in Article 2, shall be
196 controlling in any legal determination of a district boundary.

197 **§ 30-265. Reapportionment of congressional and state legislative districts; United States Census**
198 **population counts.**

199 For the purposes of redrawing the boundaries of the congressional, state Senate, and House of
200 Delegates districts after the United States Census for the year 2000 2020 and every 10 years thereafter,
201 the General Assembly Virginia Redistricting Commission shall use the population data provided by the
202 United States Bureau of the Census identical to those from the actual enumeration conducted by the
203 Bureau for the apportionment of the Representatives of the United States House of Representatives
204 following the United States decennial census, except that the census data used for this apportionment
205 purpose shall not include any population figure which is not allocated to specific census blocks within
206 the Commonwealth, even though that population may have been included in the apportionment
207 population figures of the Commonwealth for the purpose of allocating United States House of
208 Representatives seats among the states.

209 **CHAPTER 60.**

210 **VIRGINIA REDISTRICTING COMMISSION.**

211 **§ 30-376. Virginia Redistricting Commission.**

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

216 B. *As used in this chapter:*

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

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

220 *"Committee" means the Redistricting Commission Selection Committee established pursuant to*
221 *§ 30-378.*

222 *"Partisan public office" means (i) an elective or appointive office in the executive or legislative*
223 *branch or in an independent establishment of the federal government; (ii) an elective office in the*
224 *executive or legislative branch of the government of the Commonwealth, or an office that is filled by*
225 *appointment and is exempt from the Virginia Personnel Act (§ 2.2-2900 et seq.); or (iii) an office of a*
226 *county, city, or other political subdivision of the Commonwealth that is filled by an election process*
227 *involving nomination and election of candidates on a partisan basis.*

228 *"Political party office" means an elective office in the national or state organization of a political*
229 *party, as defined in § 24.2-101.*

230 **§ 30-377. Membership; terms; vacancies; chairman; quorum; compensation and expenses.**

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

243 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. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointment, such that the proper partisan balance of the Commission is maintained.

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. They shall be appointed no later than January 15 of the year ending in one and shall continue to serve until their successors are appointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled by the Committee selecting a replacement from the list submitted pursuant to subsection E of § 30-379 from which he was selected.

D. Legislative commissioners shall receive such compensation as provided in § 30-19.12 and citizen commissioners shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. All such compensation and expense payments shall come from existing appropriations to the Commission.

E. 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. A majority of the commissioners appointed, which majority shall include a majority of the legislative commissioners and a majority of the citizen commissioners, shall constitute a quorum.

F. All meetings and records of the Commission shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-379. 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; chairman; quorum; compensation and expenses.

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 tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next highest number of members in the Senate of Virginia a list of retired judges of the circuit courts of Virginia who are willing to serve on the Committee. These members shall each select a judge from the list and promptly, but not later than November 20, communicate their selection to the Chief Justice, who shall immediately notify the four judges selected. Within three days of being notified of their selection, the four judges shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee, who shall serve as the chairman of the Committee.

A majority of the Committee members, which majority shall include the chairman, shall constitute a quorum.

If a member of the Committee cannot, for any reason, complete his term, the Chief Justice shall promptly notify the authority who selected such member for service on the Committee and such authority shall select a replacement from the list of judges prescribed herein.

C. Members of the Committee shall receive compensation for their services and shall be allowed all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. The compensation and expenses of members and all other necessary expenses of the Committee shall be provided from existing appropriations to the Commission.

D. All meetings and records of the Committee shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-379.

E. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required by this section is to be performed on a Saturday, Sunday, or legal holiday or any day or part of a day on which the government office where the act to be performed is closed, the act required shall be performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or day on which the government office is closed.

§ 30-379. Citizen commissioners; application process; qualifications; selection.

A. Within three days following the selection of the fifth member of the Committee, the Committee shall adopt an application and process by which residents of the Commonwealth may apply to serve on the Commission.

305 *The application for service on the Commission shall require applicants to provide personal contact*
306 *information and information regarding the applicant's (i) race, ethnicity, gender, age, date of birth, and*
307 *household income; (ii) voter registration status; (iii) education and employment history, including any*
308 *current or prior employment with the Congress of the United States or one of its members, the General*
309 *Assembly or one of its members, or a campaign for local, state, or federal office; (iv) history of any*
310 *partisan public offices or political party offices held or sought; and (v) relatives who are or have been*
311 *a member of the Congress of the United States or of the General Assembly.*

312 *The Committee may direct applicants to provide information regarding the applicant's qualifications*
313 *to serve on the Commission, or any involvements with, or financial contributions to, professional, social,*
314 *political, volunteer, and community organizations and causes.*

315 *The Committee may require applicants to submit three letters of recommendation from individuals or*
316 *organizations.*

317 *The application process shall provide for both paper and electronic or online applications. The*
318 *Committee shall cause to be advertised throughout the Commonwealth information about the*
319 *Commission and how interested persons may apply.*

320 *B. To be eligible for service on the Commission, a person shall be a qualified voter of the*
321 *Commonwealth. No person shall be eligible for service on the Commission who:*

322 *1. Holds or has held partisan public office or political party office;*

323 *2. Is a relative of or is employed by a member of the Congress of the United States or of the*
324 *General Assembly or is employed directly by the United States Congress or by the General Assembly;*

325 *3. Is employed by or has been employed by any local, state, or federal campaign; or*

326 *4. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a*
327 *lobbyist's principal as defined in § 2.2-419.*

328 *C. The application period shall begin no later than December 1 of the year ending in zero and shall*
329 *end four weeks after the beginning date. During this period, interested persons shall submit a completed*
330 *application and any required documentation to the Division of Legislative Services. The Division of*
331 *Legislative Services shall make available the application for persons to use when submitting a paper*
332 *application and shall provide electronic access for electronic submission of applications.*

333 *D. Within two days of the close of the application period, the Division of Legislative Services shall*
334 *provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political*
335 *party having the next highest number of members in the House of Delegates, the President pro tempore*
336 *of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next*
337 *highest number of members in the Senate of Virginia the applications and documentation submitted by*
338 *those applicants who are eligible for service on the Commission pursuant to subsection B and submitted*
339 *complete applications, including any required documentation.*

340 *E. By January 1 of the year ending in one, those persons receiving the applications pursuant to*
341 *subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on*
342 *the Commission. They shall also notify the Division of Legislative Services of the citizen candidates*
343 *submitted to the Committee for consideration and the Division of Legislative Services shall promptly*
344 *provide to the Committee the applications and documentation for each citizen candidate being*
345 *considered. The applications and documentation for each citizen candidate shall be maintained as public*
346 *records.*

347 *F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to*
348 *subsection E, the Committee shall select, by a majority vote in a public meeting, two citizen members*
349 *from each list submitted. In making its selections, the Committee shall give consideration to the racial,*
350 *ethnic, and geographic diversity of the Commonwealth. The Committee shall promptly notify those eight*
351 *citizens of their selection to serve as a citizen commissioner of the Commission.*

352 *G. Notwithstanding the provisions of § 1-210 regarding the computation of time, if an act required*
353 *by this section is to be performed on a Saturday, Sunday, or legal holiday or any day or part of a day*
354 *on which the government office where the act to be performed is closed, the act required shall be*
355 *performed on the first business day immediately preceding the Saturday, Sunday, or legal holiday, or*
356 *day on which the government office is closed.*

357 **§ 30-380. Staff to Virginia Redistricting Commission; census liaison.**

358 *A. The Division of Legislative Services shall provide staff support to the Commission. Staff shall*
359 *perform those duties assigned to it by the Commission. The Director of the Division of Legislative*
360 *Services, or his designated representative, shall serve as the state liaison with the United States Bureau*
361 *of the Census on matters relating to the tabulation of the population for reapportionment purposes*
362 *pursuant to P.L. 94-171. The governing bodies, electoral boards, and registrars of every county and*
363 *municipality shall cooperate with the Division of Legislative Services in the exchange of all statistical*
364 *and other information pertinent to preparation for the census.*

365 *B. The Division of Legislative Services shall maintain the current election district and precinct*
366 *boundaries of each county and city as a part of the Commission's computer-assisted mapping and*

redistricting system. Whenever a county or city governing body adopts an ordinance that changes an election district or precinct boundary, the local governing body shall provide a copy of its ordinance, along with Geographic Information System (GIS) maps and other evidence documenting the boundary, to the Division of Legislative Services.

C. The Division of Legislative Services shall prepare and maintain a written description of the boundaries for the congressional, senatorial, and House of Delegates districts set out in Article 2 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2. The descriptions shall identify each district boundary, insofar as practicable, by reference to political subdivision boundaries or to physical features such as named roads and streets. The Division of Legislative Services shall furnish to each general registrar the descriptions for the districts dividing his county or city. The provisions of Article 2 of Chapter 3 of Title 24.2, including the statistical reports referred to in Article 2 of Chapter 3 of Title 24.2, shall be controlling in any legal determination of a district boundary.

§ 30-381. Public participation in redistricting process.

A. Prior to proposing any plan for districts for the United States House of Representatives, the Senate, or the House of Delegates and prior to voting to submit such plans to the General Assembly, the Commission shall hold at least three public hearings in different parts of the Commonwealth in order to receive and consider comments from the public.

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

§ 30-382. Standards and criteria for congressional and legislative districts.

The Commission shall draw congressional and state legislative districts that adhere to the following criteria:

1. Congressional and legislative districts shall be established on the basis of population. Senate and House of Delegates districts, respectively, shall each have a population that is as substantially equal to the population of every other such district as practicable. Congressional districts shall have populations that are as nearly equal as practicable. The General Assembly shall be guided by the most recent federal and state judicial decisions defining standards for equal population for the respective districts, including permissible deviations from the ideal population if the deviation is necessary in order to achieve some other legitimate districting criteria.

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

3. Existing political boundaries shall be respected to the maximum extent possible. 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 physical boundary" shall include (i) any named road or street; (ii) any road or highway that is a part of the federal, 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 deemed to be a clearly observable physical boundary unless it is marked by a 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.

4. Each congressional and legislative district shall be composed of 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 district would be contiguous with the land on the other side of the district. Connections by water running downstream or upriver are not permissible.

5. Each congressional and legislative district shall be composed of compact territory. Districts shall not be oddly shaped or have irregular or contorted boundaries, unless justified because the district adheres to political boundary lines. 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.

6. Consideration may be given to communities of interest by creating districts that do not carve up homogeneous neighborhoods or separate groups of people living in an area with similar interests or needs in transportation, employment, or culture.

§ 30-383. Proposal and submission of plans for districts.

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

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

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

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

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

C. If the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B, the Commission shall have 14 days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts to the General Assembly by this date, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-385.

§ 30-384. Consideration of plans by the General Assembly; timeline.

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

B. All bills embodying plans for districts for the United States House of Representatives, the Senate, or the House of Delegates shall be voted on by the General Assembly in accordance with the provisions of Article IV, Section 11 of the Constitution of Virginia, except no amendments shall be permitted. All bills embodying a plan that are approved by both houses shall become law without the signature of the Governor and, pursuant to Article II, Section 6 of the Constitution of Virginia, shall take effect immediately.

C. Within 15 days of receipt of any plan for districts, the General Assembly shall take a vote on a bill embodying such plan. If the General Assembly fails to adopt the bill by this deadline, the Commission shall submit a new plan for districts within 14 days of the General Assembly's failure to adopt the bill. Within seven days of receipt of such plan, the General Assembly shall take a vote on the bill embodying the plan, and if the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-385.

D. If the Commission submits a plan for districts pursuant to subsection C of § 30-383, the General Assembly shall take a vote on such plan within seven days of its receipt. If the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-385.

§ 30-385. Establishment of districts by the Supreme Court of Virginia.

In the event the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B of § 30-383, or the General Assembly fails to adopt a plan for districts by the deadline set forth in subsection C or D of § 30-384, the Supreme Court of Virginia shall be responsible for establishing the districts.

§ 30-386. Remedial redistricting plans.

If any congressional or state legislative district established pursuant to this chapter or the provisions of Article II, Section 6 and Section 6-A of the Constitution of Virginia is declared unlawful or unconstitutional, in whole or in part, by order of any state or federal court, the Commission shall be convened to determine and propose a redistricting plan to remedy the unlawful or unconstitutional district.

2. That the provisions of this act shall become effective on November 15, 2020, contingent upon the passage of an amendment to the Constitution of Virginia on the Tuesday after the first Monday in November 2020, establishing the Virginia Redistricting Commission by amending Section 6 of Article II and adding in Article II a new section numbered 6-A.

3. That the Supreme Court of Virginia shall, not later than March 1, 2021, enact a rule establishing a procedure for implementing the requirement of Section 6-A of Article II of the

490 Constitution of Virginia and the provisions of § 30-385, as created by this act, that requires the
491 Supreme Court of Virginia to establish the congressional or state legislative districts, as applicable,
492 in the event the Virginia Redistricting Commission fails to submit a plan for districts or the
493 General Assembly fails to adopt a plan for districts by the mandated deadline.

INTRODUCED

HB381