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SENATE BILL NO. 975

Offered January 15, 2020

A BILL to amend and reenact §§ 8.01-3, 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 Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-386, relating to redistricting; Virginia Redistricting Commission.

Patron—Hanger

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-3, 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 Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-386, as follows:

§ 8.01-3. Supreme Court may prescribe rules; effective date and availability; indexed, and annotated; effect of subsequent enactments of General Assembly.

A. The Supreme Court, subject to §§ 17.1-503 and 16.1-69.32, may, from time to time, prescribe the forms of writs and make general regulations for the practice in all courts of the Commonwealth; and may prepare a system of rules of practice and a system of pleading and the forms of process and may prepare rules of evidence to be used in all such courts. This section shall be liberally construed so as to eliminate unnecessary delays and expenses.

B. The Supreme Court, subject to § 30-385, may enact rules and procedures as may be necessary for implementing the requirements of Section 6-A of Article II of the Constitution of Virginia, empowering the Supreme Court to establish congressional or state legislative districts as provided for in that section.

C. New rules and amendments to rules shall not become effective until 60 days from adoption by the Supreme Court, and shall be made available to all courts, members of the bar, and the public.

D. The Virginia Code Commission shall publish and cause to be properly indexed and annotated the rules adopted by the Supreme Court, and all amendments thereof by the Supreme Court, and all changes made therein pursuant to subsection D E.

E. The General Assembly may, from time to time, by the enactment of a general law, modify or annul any rules adopted or amended pursuant to this section. In the case of any variance between a rule and an enactment of the General Assembly such variance shall be construed so as to give effect to such enactment.

F. Any amendment or addition to the rules of evidence shall be adopted by the Supreme Court on or before November 15 of any year and shall become effective on July 1 of the following year unless the General Assembly modifies or annuls any such amendment or addition by enactment of a general law. Notwithstanding the foregoing, the Supreme Court, at any time, may amend the rules to conform with any enactment of the General Assembly and correct unmistakable printer's errors, misspellings, unmistakable errors to statutory cross-references, and other unmistakable errors in the rules of evidence.

G. When any rule contained in the rules of evidence is derived from one or more sections of the Code of Virginia, the Supreme Court shall include a citation to such section or sections in the title of the rule.

§ 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

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59 Information System (GIS) map showing the new boundaries of the districts or precincts, to the local
60 electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that
61 does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS
62 map showing the boundaries of the new districts or precincts, and the Department of Elections shall
63 create such a map.

64 **§ 24.2-309.2. Election precincts; prohibiting precinct changes for specified period of time.**

65 No county, city, or town shall create, divide, abolish, or consolidate any precincts, or otherwise
66 change the boundaries of any precinct, effective during the period from February 1, 2019, to May 15,
67 2021, except as (i) provided by law upon a change in the boundaries of the county, city, or town, (ii)
68 the result of a court order, (iii) the result of a change in the form of government, or (iv) the result of an
69 increase or decrease in the number of local election districts other than at-large districts. Any ordinance
70 required to comply with the requirements of § 24.2-307 shall be adopted on or before February 1, 2019.

71 If a change in the boundaries of a precinct is required pursuant to clause (i), (ii), (iii), or (iv), the
72 county, city, or town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and
73 30-264 30-380, and send copies of the ordered or enacted changes to the State Board of Elections and
74 the Division of Legislative Services.

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

78 **§ 30-263. Joint Reapportionment Committee; membership; terms; quorum; compensation and**
79 **expenses.**

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

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

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

93 D. Members shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for
94 all reasonable and necessary expenses incurred in the performance of their duties as provided in
95 §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be
96 provided by the Office of the Clerk of the House of Delegates and the Office of Clerk of the Senate for
97 their respective members.

98 **§ 30-264. Staff to Joint Reapportionment Committee.**

99 A. The Division of Legislative Services (the Division) shall serve as staff to the Joint
100 Reapportionment Committee. The Director of the Division, or his designated representative, shall serve
101 as the state liaison with the United States Bureau of the Census on matters relating to the tabulation of
102 the population for reapportionment purposes pursuant to United States Public Law 94-171. The
103 governing bodies, electoral boards, and registrars of every county and municipality shall cooperate with
104 the Division in the exchange of all statistical and other information pertinent to preparation for the
105 census.

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

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

119 **§ 30-265. Reapportionment of congressional and state legislative districts; United States Census**
120 **population counts.**

121 For the purposes of redrawing the boundaries of the congressional, state Senate, and House of
 122 Delegates districts after the United States Census for the year 2000 2020 and every 10 years thereafter,
 123 the ~~General Assembly~~ *Virginia Redistricting Commission established pursuant to § 30-376* shall use the
 124 population data provided by the United States Bureau of the Census identical to those from the actual
 125 enumeration conducted by the Bureau for the apportionment of the Representatives of the United States
 126 House of Representatives following the United States decennial census, except that the census data used
 127 for this apportionment purpose shall not include any population figure which is not allocated to specific
 128 census blocks within the Commonwealth, even though that population may have been included in the
 129 apportionment population figures of the Commonwealth for the purpose of allocating United States
 130 House of Representatives seats among the states.

131 CHAPTER 60.

132 VIRGINIA REDISTRICTING COMMISSION.

133 **§ 30-376. Virginia Redistricting Commission.**

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

138 B. *As used in this chapter:*

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

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

142 *"Committee" means the Redistricting Commission Selection Committee established pursuant to*
 143 *§ 30-378.*

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

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

152 **§ 30-377. Membership; terms; vacancies; chairman; quorum; compensation and expenses.**

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

165 B. *Legislative commissioners selected to serve as commissioners of the Commission shall be*
 166 *appointed by the respective authorities no later than December 1 of the year ending in zero and shall*
 167 *continue to serve until their successors are appointed. In making its appointments, the appointing*
 168 *authorities shall give consideration to the racial, ethnic, geographic, and gender diversity of the*
 169 *Commonwealth. Appointments to fill vacancies, other than by expiration of a term, shall be for the*
 170 *unexpired terms. Vacancies shall be filled in the same manner as the original appointment, such that the*
 171 *proper partisan balance of the Commission is maintained.*

172 C. *Citizen commissioners selected to serve as commissioners of the Virginia Redistricting*
 173 *Commission shall be selected by the Redistricting Commission Selection Committee as provided in*
 174 *§ 30-379. In making its selections, the Committee shall give consideration to the racial, ethnic,*
 175 *geographic, and gender diversity of the Commonwealth. Citizen commissioners shall be appointed no*
 176 *later than January 15 of the year ending in one and shall continue to serve until their successors are*
 177 *appointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired*
 178 *terms. Vacancies shall be filled by the Commission selecting from the original applicant pool of the*
 179 *same political party affiliation as the commissioner being replaced and shall require an affirmative vote*
 180 *of a majority of the commissioners, including at least one commissioner representing or affiliated with*
 181 *each political party.*

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

187 *E. By February 1 of the year ending in one, the Commission shall hold a public meeting at which it*
188 *shall select a chairman from its membership. The chairman shall be a citizen commissioner and shall be*
189 *responsible for coordinating the work of the Commission. A majority of the commissioners appointed,*
190 *which majority shall include a majority of the legislative commissioners and a majority of the citizen*
191 *commissioners, shall constitute a quorum.*

192 *F. All meetings and records of the Commission shall be subject to the Virginia Freedom of*
193 *Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-379. All records and*
194 *documents of the Commission, or any individual or group performing delegated functions of or advising*
195 *the Commission, related to the Commission's work, including internal communications and*
196 *communications from outside parties, shall be considered public information.*

197 *G. Commissioners, staff of the Commission, and any other advisor or consultant to the Commission*
198 *shall not communicate with any person outside the Commission about matters related to*
199 *reapportionment or redistricting outside of a public meeting or hearing. Written public comments*
200 *submitted to the Commission, staff of the Commission, or any other advisor or consultant to the*
201 *Commission shall not be a violation of this subsection.*

202 *H. In the event the Commission hires a lawyer or law firm, the Commission as an entity shall be*
203 *considered the client of the lawyer or the law firm. No individual commissioner or group of*
204 *commissioners shall be considered to be the client of the lawyer or the law firm.*

205 **§ 30-378. Redistricting Commission Selection Committee; chairman; quorum; compensation and**
206 **expenses.**

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

210 *B. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia*
211 *shall certify to the Speaker of the House of Delegates, the leader in the House of Delegates of the*
212 *political party having the next highest number of members in the House of Delegates, the President pro*
213 *tempore of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having*
214 *the next highest number of members in the Senate of Virginia a list of at least 10 retired judges of the*
215 *circuit courts of Virginia who are willing to serve on the Committee. In compiling this list, the Chief*
216 *Justice shall give consideration to the racial, ethnic, geographic, and gender diversity of the*
217 *Commonwealth. These members shall each select a judge from the list and shall promptly, but not later*
218 *than November 20, communicate their selection to the Chief Justice, who shall immediately notify the*
219 *four judges selected. In making their selections, the members shall give consideration to the racial,*
220 *ethnic, geographic, and gender diversity of the Commonwealth. Within three days of being notified of*
221 *their selection, the four judges shall select, by a majority vote, a judge from the list prescribed herein to*
222 *serve as the fifth member of the Committee, who shall serve as the chairman of the Committee.*

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

225 *The judges of the Committee shall serve until their successors are appointed. If a judge cannot, for*
226 *any reason, complete his term, the remaining judges shall select a replacement from the list prescribed*
227 *herein.*

228 *C. Members of the Committee shall receive compensation for their services and shall be allowed all*
229 *reasonable and necessary expenses incurred in the performance of their duties as provided in*
230 *§§ 2.2-2813 and 2.2-2825. The compensation and expenses of members and all other necessary expenses*
231 *of the Committee shall be provided from existing appropriations to the Commission.*

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

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

239 **§ 30-379. Citizen commissioners; application process; qualifications; selection.**

240 *A. Within three days following the selection of the fifth member of the Committee, the Committee*
241 *shall adopt an application and process by which residents of the Commonwealth may apply to serve on*
242 *the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee*
243 *in the development of the application and process.*

244 The application for service on the Commission shall require applicants to provide personal contact
 245 information and information regarding the applicant's race, ethnicity, gender, age, date of birth,
 246 education, and household income. The application shall require an applicant to disclose, for the period
 247 of three years immediately preceding the application period, the applicant's (i) voter registration status;
 248 (ii) preferred political party affiliation, if any, and any political party primary elections in which he has
 249 voted; (iii) history of any partisan public offices or political party offices held or sought; (iv)
 250 employment history, including any current or prior employment with the Congress of the United States
 251 or one of its members, the General Assembly or one of its members, any political party, or any
 252 campaign for a partisan public office, including a volunteer position; and (v) relevant leadership
 253 experience or involvements with professional, social, political, volunteer, and community organizations
 254 and causes.

255 The application shall require an applicant to disclose information regarding the partisan activities
 256 and employment history of the applicant's parent, spouse, child, sibling, parent-in-law, child-in-law, or
 257 sibling-in-law or any person with whom the applicant is a cohabitating member of a household, for the
 258 period of three years immediately preceding the application period.

259 The Committee may require applicants to submit three letters of recommendation from individuals or
 260 organizations.

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

264 B. To be eligible for service on the Commission, a person shall have been a resident of the
 265 Commonwealth and a registered voter in the Commonwealth for three years immediately preceding the
 266 application period. He shall have voted in at least two of the previous three general elections. No
 267 person shall be eligible for service on the Commission who:

268 1. Holds, has held, or has sought partisan public office or political party office;

269 2. Is employed by or has been employed by a member of the Congress of the United States or of the
 270 General Assembly or is employed directly by or has been employed directly by the United States
 271 Congress or by the General Assembly;

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

273 4. Is employed by or has been employed by any political party or is a member of a political party
 274 central committee;

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

277 6. Is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of a person
 278 described in subdivisions 1 through 5, or is a cohabitating member of a household with such a person.

279 C. The application period shall begin no later than December 1 of the year ending in zero and shall
 280 end four weeks after the beginning date. During this period, interested persons shall submit a completed
 281 application and any required documentation to the Division of Legislative Services. All applications
 282 shall be reviewed by the Division of Legislative Services to ensure an applicant's eligibility for service
 283 pursuant to subsection B, and any applicant who is ineligible for service shall be removed from the
 284 applicant pool.

285 The Division of Legislative Services shall make available the application for persons to use when
 286 submitting a paper application and shall provide electronic access for electronic submission of
 287 applications.

288 D. Within two days of the close of the application period, the Division of Legislative Services shall
 289 provide to the Speaker of the House of Delegates, the leader in the House of Delegates of the political
 290 party having the next highest number of members in the House of Delegates, the President pro tempore
 291 of the Senate of Virginia, and the leader in the Senate of Virginia of the political party having the next
 292 highest number of members in the Senate of Virginia the applications and documentation submitted by
 293 those applicants who are eligible for service on the Commission pursuant to subsection B and submitted
 294 complete applications, including any required documentation.

295 E. By January 1 of the year ending in one, those persons receiving the applications pursuant to
 296 subsection D shall each submit to the Committee a list of at least 16 citizen candidates for service on
 297 the Commission. In selecting citizen candidates, they shall give consideration to the racial, ethnic,
 298 geographic, and gender diversity of the Commonwealth.

299 They shall notify the Division of Legislative Services of the citizen candidates submitted to the
 300 Committee for consideration and the Division of Legislative Services shall promptly provide to the
 301 Committee the applications and documentation for each citizen candidate being considered. Only the
 302 applications and documentation for each citizen candidate shall be maintained as public records.

303 F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to
 304 subsection E, the Committee shall select, by a majority vote in a public meeting, two citizen members

305 from each list submitted. In making its selections, the Committee shall give consideration to the racial,
306 ethnic, geographic, and gender diversity of the Commonwealth. The Committee shall promptly notify
307 those eight citizens of their selection to serve as a citizen commissioner of the Commission.

308 No member of the Committee shall communicate with a member of the General Assembly or the
309 United States Congress, or any person acting on behalf of a member of the General Assembly or the
310 United States Congress, about any matter related to the selection of citizen commissioners after receipt
311 of the lists submitted pursuant to subsection E.

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

317 **§ 30-380. Staff to Virginia Redistricting Commission; census liaison.**

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

325 B. The Division of Legislative Services shall maintain the current election district and precinct
326 boundaries of each county and city as a part of the Commission's computer-assisted mapping and
327 redistricting system. Whenever a county or city governing body adopts an ordinance that changes an
328 election district or precinct boundary, the local governing body shall provide a copy of its ordinance,
329 along with Geographic Information System (GIS) maps and other evidence documenting the boundary,
330 to the Division of Legislative Services.

331 C. The Division of Legislative Services shall prepare and maintain a written description of the
332 boundaries for the congressional, senatorial, and House of Delegates districts set out in Article 2
333 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2. The descriptions shall identify each district boundary,
334 insofar as practicable, by reference to political subdivision boundaries or to physical features such as
335 named roads and streets. The Division of Legislative Services shall furnish to each general registrar the
336 descriptions for the districts dividing his county or city. The provisions of Article 2 of Chapter 3 of Title
337 24.2, including the statistical reports referred to in Article 2 of Chapter 3 of Title 24.2, shall be
338 controlling in any legal determination of a district boundary.

339 **§ 30-381. Public participation in redistricting process.**

340 A. All meetings and hearings held by the Commission shall be adequately advertised and planned to
341 ensure the public is able to attend and participate fully. Meetings and hearings shall be advertised in
342 multiple languages as practicable and appropriate.

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

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

352 D. All data used by the Commission in the drawing of districts shall be available to the public on its
353 website. Such data, including census data, precinct maps, election results, and shapefiles, shall be
354 posted within three days of receipt by the Commission.

355 **§ 30-382. Standards and criteria for congressional and legislative districts.**

356 A. The Commission shall draw congressional and state legislative districts that adhere to the
357 following criteria, in order of priority:

358 1. Districts shall be so constituted as to give, as nearly as is practicable, representation in
359 proportion to the population of the district.

360 2. Districts shall be drawn in accordance with the requirements of the Constitution of the United
361 States and federal law.

362 3. Districts shall be composed of contiguous territory.

363 4. Districts shall be drawn to give racial and language minorities an equal opportunity to participate
364 in the political process and shall not dilute or diminish their ability to elect candidates of choice either
365 alone or in coalition with others.

366 5. Districts shall be drawn to preserve communities of interest. For purposes of this subdivision, a

367 "community of interest" means a homogeneous neighborhood or any geographically defined group of
 368 people living in an area who share similar social, cultural, and economic interests. A "community of
 369 interest" does not include a community based upon political affiliation or relationship with a political
 370 party, elected official, or candidate for office.

371 6. Districts shall be drawn to protect existing political boundaries. Political boundaries shall include
 372 the boundaries of counties, cities, towns, county magisterial districts and election districts, municipal
 373 councilmanic districts, and voting precincts. If a departure from existing political boundaries is
 374 necessary in order to comply with other districting criteria, the district lines shall be drawn utilizing
 375 clearly observable boundaries. A clearly observable boundary shall have the same meaning as set forth
 376 in subsection B of § 24.2-305.

377 7. Districts shall be composed of compact territory.

378 B. No district shall be drawn for the purpose of favoring or disfavoring any political party,
 379 incumbent legislator or member of Congress, or other individual or entity.

380 C. No district shall be drawn with the purpose of or having the effect of denying or abridging the
 381 right to vote on account of race, ethnicity, or color, or to restrict or deny the ability of any racial or
 382 language minority to participate in the political process and to elect a preferred candidate of choice.

383 D. In drawing maps, the Commission shall not consider any election data, political affiliations of
 384 voters, or previous election results, except as may be necessary to ensure that racial or ethnic minority
 385 groups are able to elect a preferred candidate of choice.

386 **§ 30-383. Proposal and submission of plans for districts.**

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

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

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

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

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

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

407 **§ 30-384. Consideration of plans by the General Assembly; timeline.**

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

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

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

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

426 **§ 30-385. Establishment of districts by the Supreme Court of Virginia.**

427 A. In the event the Commission fails to submit a plan for districts by the deadline set forth in

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

431 B. The Court shall, not later than March 1 of a year ending in one, enact rules and procedures as
432 may be necessary for implementing the requirements of Section 6-A of Article II of the Constitution of
433 Virginia, empowering the Court to establish congressional or state legislative districts as provided for in
434 that section. In enacting such rules and procedures, the Court shall give consideration to the provisions
435 of this section.

436 C. Public participation in the Court's redistricting deliberations shall be permitted. Such public
437 participation may be through briefings, written submissions, hearings in open court, or any other means
438 as may be prescribed by the Court.

439 D. The Division of Legislative Services shall make available staff support and technical assistance to
440 the Court to perform those duties as may be requested or assigned to it by the Court.

441 E. Any plan for congressional or state legislative districts established by the Court shall adhere to
442 the standards and criteria for districts set forth in Article II, Section 6 of the Constitution of Virginia
443 and § 30-382.

444 F. The Court shall appoint a special master to assist the Court in the establishment of districts.
445 When appointing a special master, the Court shall select and appoint the special master in accordance
446 with the guidelines and standards prescribed by the Court for such selection and appointment. The
447 Court shall prescribe the duties of the special master. The Court shall be reimbursed by the
448 Commonwealth for all costs, including fees and expenses, related to the appointment or work of the
449 special master from funds appropriated for this purpose.

450 G. The Court may move the date of the primary election in the year ending in one, and adjust
451 various deadlines for filings and election preparations to accommodate the new primary date, as may be
452 necessary to provide sufficient time for the establishment and implementation of congressional or state
453 legislative districts. If the Court determines that moving the date of the primary election is necessary,
454 input on the nature and manner of moving such date and adjusting related deadlines shall be permitted
455 from the public, elections administrators, and other interested persons

456 **§ 30-386. Remedial redistricting plans.**

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

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