

## Department of Planning and Budget

### 2020 Fiscal Impact Statement

**1. Bill Number:** HB758

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** VanValkenburg

**3. Committee:** Privileges and Elections

**4. Title:** Redistricting; Virginia Redistricting Commission.

- 5. Summary:** Establishes the Virginia Redistricting Commission (the Commission) pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia. The Commission, tasked with establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly, will consist of eight legislative commissioners and eight citizen commissioners. The legislative commissioners consist of four members of the Senate of Virginia and four members of the House of Delegates, with equal representation given to the political parties having the highest and next highest number of members in their respective houses. The citizen commissioners are chosen by a selection committee consisting of five retired judges of the circuit courts of Virginia, from lists submitted to the selection committee by 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 the political party having the next highest number of members in the Senate. The bill contains eligibility requirements for the citizen commissioners, including restrictions on holding or having held partisan national or state public office. As part of the application process for service on the Commission, the Division of Legislative Services acts as a repository for applications submitted by interested persons and is tasked with screening out applicants who are ineligible or submit incomplete applications. The applications of the citizen candidates selected by political leadership and submitted for consideration to the selection committee are public records.

The bill also directs the Division of Legislative Services to provide staff support to the Commission in the redistricting of congressional and state legislative districts. The Commission is required to submit to the General Assembly plans of districts within certain time periods, and the bill sets out criteria by which the districts are to be drawn, including equal population, contiguity, compactness, racial and ethnic fairness, respect for existing political boundaries, and respect for existing communities of interest. The bill prohibits districts from being drawn for the purpose of favoring or disfavoring any political party, incumbent legislator or member of Congress, or other individual or entity. Provisions to ensure public participation in the redistricting process are included.

If efforts to establish districts fail, the Supreme Court of Virginia is responsible for establishing districts, and the bill directs the Court to enact rules and procedures for doing so. The rules and procedures enacted by the Court are required to allow public participation in the Court's redistricting deliberations, to provide for the Division of Legislative Services to provide staff support and technical assistance to the Court, and to ensure districts established by the Court adhere to constitutional and statutory criteria. The bill directs the Court to appoint a special master to assist in the establishment of districts and authorizes the Court to adjust the date of the primary election and various related deadlines as may be necessary to allow for the establishment of districts.

The bill has a contingent effective date of November 15, 2020, provided that the voters approve the amendments to Article II of the Constitution of Virginia, amending Section 6 and adding Section 6-A, at the November 2020 general election.

- 6. Budget Amendment Necessary:** See item 8.
- 7. Fiscal Impact Estimates:** Preliminary.
- 8. Fiscal Implications:** The bill is subject to a constitutional amendment. Section 30-19.9, Code of Virginia, requires the State Board of Elections to run advertisements in state newspapers and prepare posters and pamphlets providing public notice about proposed constitutional amendments. The Department of Elections estimates one-time costs of \$95,000 related to one constitutional amendment, which is based on the cost of advertising and printing proposed constitutional amendments in 2018 and feedback from the Virginia Press Association. This amount consists of approximately \$55,000 estimated for newspaper advertising costs and \$40,000 for printing of posters and pamphlets.

If the Constitutional amendment is passed, the bill has fiscal impact on three legislative agencies. The House of Delegates and the Senate of Virginia will be responsible for the interim meeting compensation of its members on the Commission. With an expectation of up to ten meetings per year, the House estimates the compensation of its four legislative members to be \$12,000 annually. The Senate, having the same number of members and meetings anticipated, estimates \$18,600 per year to cover interim meeting compensation plus anticipated customary expenses of its members.

The largest impact to legislative agencies will likely be to be the Division of Legislative Services (DLS). DLS indicates that there will be additional costs in the staffing and application-process responsibilities placed on the agency by the bill, however, some of these costs are indeterminate at this time:

Whereas most legislative commissions or councils average four local meeting per year, DLS anticipates the need to coordinate and staff at least 10 meetings and some will not be local. The constitutional amendment called for in the bill provides for at least six public hearings in different parts of the Commonwealth, three prior to the Commission proposing plans for districts and three prior to the Commission voting to submit plans for

districts to the General Assembly. Additionally, the Commission is specifically required to have a public meeting for selection of a chairman. For these Commission meetings, DLS staff would be required to attend and provide legal, technical, and administrative support. Staff will need to have travel expenses reimbursed, including accommodations if overnight travel is required.

The second area of fiscal impact to DLS are the bill's requirements involving an application process by which citizens of the Commonwealth may apply to serve as citizen commissioners on the Commission. DLS anticipates its role in this process would involve the following:

- The agency is required to assist the Selection Committee with the development of the application and process.
- The agency is required to make available a paper application and to provide electronic access for electronic submission of applications.
- The agency is tasked with acting as the repository for completed applications and accompanying documentation.
- The agency is directed to review all applications submitted to ensure an applicant's eligibility and removing ineligible applicants from an applicant pool.
- The agency is directed with providing to legislative leaders the applications and documentation submitted by applicants who are eligible for service on the Commission.
- Additionally, funds may be necessary to establish and maintain a database of applicants and their submitted applications and documentation.

To handle the application processing, DLS estimates the need for one full position at a cost of \$88,040 per year to cover salary and benefits.

It should be noted that \$1,069,500 per year is provided in Item 479 of House Bill 30 to support the needs of a Virginia Redistricting Commission and associated costs.

**9. Specific Agency or Political Subdivisions Affected:** The Joint Reapportionment Committee, the Virginia Redistricting Commission, the Redistricting Commission Selection Committee, the State Board of Elections, the Division of Legislative Services, the House of Delegates, and the Senate of Virginia.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** The bill is similar to Senate Bill 203.