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HOUSE BILL NO. 2324

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on January 27, 2021)

(Patron Prior to Substitute—Delegate Watts)

A *BILL to amend and reenact § 30-392 of the Code of Virginia, relating to Virginia Redistricting Commission; removal of commissioners; emergency.*

Be it enacted by the General Assembly of Virginia:

1. That § 30-392 of the Code of Virginia is amended and reenacted as follows:

§ 30-392. Membership; terms; removal; vacancies; chairman; quorum; compensation and expenses.

A. The Virginia Redistricting Commission shall consist of 16 commissioners that include eight legislative commissioners and eight citizen commissioners as follows: two commissioners shall be members of the Senate of Virginia, representing the political party having the highest number of members in the Senate and appointed by the President pro tempore of the Senate; two commissioners shall be members of the Senate, representing the political party having the next highest number of members in the Senate and appointed by the leader of that political party; two commissioners shall be members of the House of Delegates, representing the political party having the highest number of members in the House of Delegates and appointed by the Speaker of the House of Delegates; two commissioners shall be members of the House of Delegates, representing the political party having the next highest number of members in the House of Delegates and appointed by the leader of that political party; and eight citizen commissioners who shall be selected by the Redistricting Commission Selection Committee pursuant to § 30-394. No appointing authority shall appoint himself to serve as a legislative commissioner or a citizen commissioner.

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. In making its appointments, the appointing authorities shall endeavor to have their appointees reflect the racial, ethnic, geographic, and gender diversity of the Commonwealth. *A legislative commissioner may be removed for neglect of duty or gross misconduct by the other commissioners in a public meeting. Such removal shall require affirmative votes of at least six of the eight legislative commissioners and at least six of the eight citizen commissioners and shall be a recorded vote.*

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 § 30-394. In making its selections, the Committee shall ensure the citizen commissioners are, as a whole, representative of the racial, ethnic, geographic, and gender diversity of the Commonwealth. Citizen commissioners shall be appointed no later than January 15 of the year ending in one and shall continue to serve until their successors are appointed. *A citizen commissioner may be removed for neglect of duty or gross misconduct by the other commissioners in a public meeting. Such removal shall require affirmative votes of at least six of the eight legislative commissioners and at least six of the eight citizen commissioners and shall be a recorded vote.*

Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled by the Commission selecting a replacement from the list submitted pursuant to subsection E of § 30-394 from which the commissioner being replaced was selected and shall require an affirmative vote of a majority of the commissioners, including at least one commissioner representing or affiliated with each political party.

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.

60 F. All meetings and records of the Commission shall be subject to the Virginia Freedom of
61 Information Act (§ 2.2-3700 et seq.), except as provided in subsection E of § 30-394. All records and
62 documents of the Commission, or any individual or group performing delegated functions of or advising
63 the Commission, related to the Commission's work, including internal communications and
64 communications from outside parties, shall be considered public information.

65 G. Commissioners, staff of the Commission, and any other advisor or consultant to the Commission
66 shall not communicate with any person outside the Commission about matters related to reapportionment
67 or redistricting outside of a public meeting or hearing. Written public comments submitted to the
68 Commission, staff of the Commission, or any other advisor or consultant to the Commission shall not be
69 a violation of this subsection.

70 H. In the event the Commission hires a lawyer or law firm, the Commission as an entity shall be
71 considered the client of the lawyer or the law firm. No individual commissioner or group of
72 commissioners shall be considered to be the client of the lawyer or the law firm.

73 **2. That an emergency exists and this act is in force from its passage.**