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**SENATE JOINT RESOLUTION NO. 306****AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee on Privileges and Elections)

(Patron Prior to Substitute—Senator Barker)

Senate Amendments in [ ] - January 30, 2019

*Proposing an amendment to Section 6 of Article II of the Constitution of Virginia and proposing an amendment to the Constitution of Virginia by adding in Article II a section numbered 6-A, relating to apportionment; Virginia Redistricting Commission.*

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6 of Article II of the Constitution of Virginia and amend the Constitution of Virginia by adding in Article II a section numbered 6-A as follows:

**ARTICLE II****FRANCHISE AND OFFICERS****Section 6. Apportionment.**

Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established by the General Assembly pursuant to Section 6-A of this Constitution. Every electoral district 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. Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.

The General Assembly shall reapportion the Commonwealth shall be reapportioned into electoral districts in accordance with this section and Section 6-A in the year 2011 2021 and every ten years thereafter.

Any such decennial reapportionment law shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

The districts delineated in the decennial reapportionment law shall be implemented for the November general election for the United States House of Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted. A member in office at the time that a decennial redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.

**Section 6-A. Virginia Redistricting Commission.**

(a) In the year 2020 and every ten years thereafter, the Virginia Redistricting Commission (the Commission) shall be convened for the purpose of establishing districts for the United States House of Representatives and for the Senate and the House of Delegates of the General Assembly pursuant to Article II, Section 6 of this Constitution.

(b) The Commission shall consist of sixteen commissioners who shall be selected in accordance with the provisions of this subsection.

(1) Eight commissioners shall be legislative members, four of whom shall be members of the Senate of Virginia and four of whom shall be members of the House of Delegates. These commissioners shall be appointed no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed.

(A) Two commissioners shall represent the political party having the highest number of members in the Senate of Virginia and shall be appointed by the President pro tempore of the Senate of Virginia.

(B) Two commissioners shall represent the political party having the next highest number of members in the Senate of Virginia and shall be appointed by the leader of that political party.

(C) Two commissioners shall represent the political party having the highest number of members in the House of Delegates and shall be appointed by the Speaker of the House of Delegates.

(D) Two commissioners shall represent the political party having the next highest number of

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60 members in the House of Delegates and shall be appointed by the leader of that political party.

61 (2) Eight commissioners shall be citizen members who shall be selected in accordance with the  
62 provisions of this subdivision and in the manner determined by the General Assembly by general law.

63 (A) There shall be a Redistricting Commission Selection Committee consisting of five retired judges  
64 of the circuit courts of Virginia. By November 15 of the year ending in zero, the Chief Justice of the  
65 Supreme Court of Virginia shall certify to the Speaker of the House of Delegates, the leader in the  
66 House of Delegates of the political party having the next highest number of members in the House of  
67 Delegates, and the leaders in the Senate of the political parties having the highest and next highest  
68 number of members in the Senate a list of retired judges of the circuit courts of Virginia who are  
69 willing to serve on the Committee, and these members shall each select a judge from the list. The four  
70 judges selected to serve on the Committee shall select, by a majority vote, a judge from the list  
71 prescribed herein to serve as the fifth member of the Committee and to serve as the chair of the  
72 Committee.

73 (B) By December 1 of the year ending in zero, the Committee shall adopt a process, not inconsistent  
74 with that which may be prescribed by the General Assembly, by which registered voters of the  
75 Commonwealth may apply to serve on the Commission.

76 (C) The Committee shall select, by majority vote, from the list of submitted applications sixteen  
77 citizen candidates for service on the Commission. The citizen candidates selected shall meet the criteria  
78 established by the General Assembly by general law, including criteria for determining whether a voter  
79 is affiliated with a political party. Four citizen candidates shall be voters who affiliate with the political  
80 party receiving the highest number of votes for governor at the immediately preceding gubernatorial  
81 election and four citizen candidates shall be voters who affiliate with the political party receiving the  
82 next highest number of votes for governor at the immediately preceding gubernatorial election. Eight  
83 citizen candidates shall be voters who are not affiliated with either of those political parties.

84 (D) The Speaker of the House of Delegates, the leader in the House of Delegates of the political  
85 party having the next highest number of members in the House of Delegates, and the leaders in the  
86 Senate of the political parties having the highest and next highest number of members in the Senate  
87 shall each strike from the list of citizen candidates one citizen candidate affiliated with the opposite  
88 political party and one citizen candidate not affiliated with either of the political parties receiving the  
89 highest and next highest number of votes for governor at the immediately preceding gubernatorial  
90 election.

91 (c) By February 1 of the year ending in one, the Commission shall hold a public meeting at which it  
92 shall select a chairman from its membership. The chairman shall be a citizen member and shall be  
93 responsible for coordinating the work of the Commission.

94 (d) The Commission shall submit to the General Assembly plans of districts for the Senate and the  
95 House of Delegates of the General Assembly no later than 45 days following the receipt of census data  
96 and shall submit to the General Assembly plans of districts for the United States House of  
97 Representatives no later than 60 days following the receipt of census data. A plan shall receive an  
98 affirmative vote of at least six of the eight legislative members and six of the eight citizen members in  
99 order to be submitted to the General Assembly.

100 (e) Within fifteen days of receipt of a plan, the General Assembly shall take a vote on the bill  
101 embodying that plan in accordance with the provisions of Article IV, Section 11 of this Constitution,  
102 except that no amendments shall be permitted. A bill embodying a plan adopted by the General  
103 Assembly shall be presented to the Governor, who shall act upon the bill in accordance with the  
104 provisions of Article V, Section 6 of this Constitution, except that no amendments shall be permitted.

105 (f) If the Commission fails to submit a plan of districts by the deadlines set forth in subsection (d),  
106 or the General Assembly fails to adopt a bill embodying a plan submitted by the Commission by the  
107 deadline set forth in subsection (d), or the Governor fails to act on or vetoes a bill embodying a plan  
108 submitted by the Commission and adopted by the General Assembly by the deadline set forth in  
109 subsection (e), the chairman of the Commission shall promptly certify to the Chief Justice of the  
110 Supreme Court of Virginia that such failure has occurred, and the districts shall be decided by judicial  
111 decision.

112 [ (g) All meetings of the Commission shall be open to the public. Prior to proposing any redistricting  
113 plans and prior to voting on redistricting plans, the Commission shall hold at least three public  
114 hearings in different parts of the Commonwealth to receive and consider comments from the public.

115 (h) All records and documents of the Commission, or any individual or group performing delegated  
116 functions of or advising the Commission, related to the Commission's work, including internal  
117 communications and communications from outside parties, shall be considered public information. ]