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## SENATE JOINT RESOLUTION NO. 306

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Privileges and Elections  
on February 15, 2019)

(Patron Prior to Substitute—Senator Barker)

*Proposing an amendment to Section 6 of Article II of the Constitution of Virginia and proposing amendments to the Constitution of Virginia by adding in Article II sections numbered 6-A and 6-B, relating to apportionment; state and local independent redistricting commissions; criteria.*

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 sections numbered 6-A and 6-B as follows:

## ARTICLE II

## FRANCHISE AND OFFICERS

## Section 6. Apportionment.

(a) 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. The Commonwealth shall be reapportioned into electoral districts in accordance with this section and Section 6-A in the year 2021 and every ten years thereafter. 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. The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter constituted so as to adhere to the following standards and criteria:

(1) 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 Commission 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 state, 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 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 district shall be composed of compact territory. Districts shall not be oddly shaped or have

60 *irregular or contorted boundaries, unless justified because the district adheres to political boundary*  
61 *lines. Fingers or tendrils extending from a district core shall be avoided, as shall thin and elongated*  
62 *districts and districts with multiple core populations connected by thin strips of land or water. The*  
63 *Commission shall employ one or more standard numerical measures of individual and average district*  
64 *compactness to provide an objective assessment of a districting plan's compactness, both statewide and*  
65 *district by district.*

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

69 *(7) Every effort possible shall be made to preserve the political parity between the two political*  
70 *parties receiving the highest and next highest number of votes in the immediately preceding*  
71 *gubernatorial election.*

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

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

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

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

87 *(b) The Commission shall consist of twelve commissioners who shall be selected in accordance with*  
88 *the provisions of this subsection and in the manner determined by the General Assembly by general law.*  
89 *Commissioners shall be appointed not later than the first day of February of the year following the*  
90 *decennial census. Members and employees of the Congress of the United States or of the General*  
91 *Assembly shall be ineligible to serve as commissioners.*

92 *(1) Four commissioners shall be appointed by the Speaker of the House of Delegates, with equal*  
93 *representation given to the two political parties receiving the highest and next highest number of votes*  
94 *for governor at the immediately preceding gubernatorial election.*

95 *(2) Four commissioners shall be appointed by the Senate Committee on Rules, with equal*  
96 *representation given to the two political parties receiving the highest and next highest number of votes*  
97 *for governor at the immediately preceding gubernatorial election.*

98 *(3) Four commissioners shall be appointed by the Governor, with equal representation given to the*  
99 *two political parties receiving the highest and next highest number of votes for governor at the*  
100 *immediately preceding gubernatorial election.*

101 *(c) The Commission shall submit to the General Assembly one or more proposed plans for districts*  
102 *for members of the United States House of Representatives and the Senate and the House of Delegates*  
103 *of the General Assembly within forty-five days of receipt of the official decennial census data or by the*  
104 *first day of June of that year, whichever occurs later.*

105 *(1) To be submitted as a proposed plan for districts for members of the United States House of*  
106 *Representatives, a plan shall receive affirmative votes of at least eight of the twelve commissioners. Such*  
107 *plan shall be introduced as a bill in each house and the General Assembly shall take a vote on any*  
108 *such bill in accordance with the provisions of Article IV, Section 11 of this Constitution, except that no*  
109 *amendments shall be permitted. The bill shall not be subject to the provisions contained in Article V,*  
110 *Section 6 of this Constitution.*

111 *(2) To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive*  
112 *affirmative votes of at least three of the four commissioners appointed by the Senate Committee on*  
113 *Rules. Such plan shall be introduced as a bill in the Senate and the Senate shall take a vote on any*  
114 *such bill in accordance with the provisions of Article IV, Section 11 of this Constitution, except that no*  
115 *amendments shall be permitted. The concurrence of the House of Delegates shall not be required and*  
116 *the bill shall not be subject to the provisions contained in Article V, Section 6 of this Constitution.*

117 *(3) To be submitted as a proposed plan for districts for members of the House of Delegates, a plan*  
118 *shall receive affirmative votes of at least three of the four commissioners appointed by the Speaker of*  
119 *the House of Delegates. Such plan shall be introduced as a bill in the House of Delegates and the*  
120 *House of Delegates shall take a vote on any such bill in accordance with the provisions of Article IV,*  
121 *Section 11 of this Constitution, except that no amendments shall be permitted. The concurrence of the*

122 *Senate shall not be required and the bill shall not be subject to the provisions contained in Article V,*  
 123 *Section 6 of this Constitution.*

124 *(d) If a plan is rejected by the General Assembly or either house of the General Assembly, the*  
 125 *Commission shall submit a new plan to the General Assembly or respective body within thirty days of*  
 126 *the rejection. If such plan is rejected by the General Assembly or respective body, the districts shall be*  
 127 *established by the Supreme Court of Virginia.*

128 *Section 6-B. Local independent redistricting commissions.*

129 *The governing body of each county, city, and town in which members of the governing body are*  
 130 *elected from districts shall establish in the year following the decennial census a local independent*  
 131 *redistricting commission for the purpose of proposing electoral districts for members of the governing*  
 132 *body.*

133 *Commissioners shall be appointed not later than the first day of February of that year by the*  
 134 *governing body. The governing body shall appoint four commissioners, with equal representation given*  
 135 *to the political parties having the highest and next highest number of votes in the Commonwealth for*  
 136 *governor at the last preceding gubernatorial election. Members and employees of the governing body*  
 137 *shall be ineligible to serve as a commissioner.*

138 *The commission shall submit to the governing body one or more proposed plans for electoral*  
 139 *districts for members of the governing body within sixty days of receipt of the official decennial census*  
 140 *data or by the first day of July of that year, whichever occurs later. To be submitted as a proposed*  
 141 *plan, a plan shall receive affirmative votes of at least three of the four commissioners.*

142 *Any proposed plan submitted to the governing body shall be introduced as an ordinance and, if*  
 143 *enacted, shall be done so in accordance with law.*