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SENATE BILL NO. 203

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senators Vogel and Hanger
on February 11, 2020)

(Patron Prior to Substitute—Senator Lucas)

A *BILL to amend and reenact §§ 8.01-3, 24.2-306, 24.2-309.2, 30-263, 30-264, and 30-265, and to amend the Code of Virginia by adding in Title 30 a chapter numbered 60, consisting of sections numbered 30-376 through 30-385, relating to redistricting; Virginia Redistricting Commission; congressional and state legislative districts; standards and criteria; population data.*

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 30-385 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 § 30-384, shall 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.

~~C. D.~~ E. 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.

~~D. E.~~ F. 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.

~~E. F.~~ G. 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.

~~F. G.~~ H. 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 Information System (GIS) map showing the new boundaries of the districts or precincts, to the local

electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new districts or precincts, and the Department of Elections shall create such a map.

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

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

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

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

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

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

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

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

D. Members shall receive such compensation as provided in § 30-19.12 and 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. Funding for the costs of compensation and expenses of the members shall be provided by the Office of the Clerk of the House of Delegates and the Office of Clerk of the Senate for their respective members.

§ 30-264. Staff to Joint Reapportionment Committee.

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

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

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

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

For the purposes of redrawing the boundaries of the congressional, state Senate, and House of

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

CHAPTER 60.

VIRGINIA REDISTRICTING COMMISSION.

§ 30-376. Virginia Redistricting Commission.

A. The Virginia Redistricting Commission is established in the legislative branch of state government. It shall be convened in the year 2020 and every 10 years thereafter 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.

B. As used in this chapter:

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

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

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

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

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

§ 30-377. Membership; terms; 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 § 30-379.

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 give consideration to the racial, ethnic, geographic, and gender diversity of the Commonwealth. 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 § 30-379. In making its selections, the Committee shall give consideration to 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. 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 § 30-379 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

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, and no retired judge who is a
216 parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member
217 of a household with, a member of the Congress of the United States or of the General Assembly shall be
218 included in such list. In compiling this list, the Chief Justice shall give consideration to the racial,
219 ethnic, geographic, and gender diversity of the Commonwealth. These members shall each select a judge
220 from the list and shall promptly, but not later than November 20, communicate their selection to the
221 Chief Justice, who shall immediately notify the four judges selected. In making their selections, the
222 members shall give consideration to the racial, ethnic, geographic, and gender diversity of the
223 Commonwealth. Within three days of being notified of their selection, the four judges shall select, by a
224 majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee,
225 who shall serve as the chairman of the Committee.

226 A majority of the Committee members, which majority shall include the chairman, shall constitute a
227 quorum.

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

231 C. Members of the Committee shall receive compensation for their services and shall be allowed all
232 reasonable and necessary expenses incurred in the performance of their duties as provided in
233 §§ 2.2-2813 and 2.2-2825. The compensation and expenses of members and all other necessary expenses
234 of the Committee shall be provided from existing appropriations to the Commission.

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

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

242 **§ 30-379. Citizen commissioners; application process; qualifications; selection.**

243 A. Within three days following the selection of the fifth member of the Committee, the Committee
244 shall adopt an application and process by which residents of the Commonwealth may apply to serve on

the Commission as citizen commissioners. The Division of Legislative Services shall assist the Committee in the development of the application and process.

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

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

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

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

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

1. Holds, has held, or has sought partisan public office or political party office;
2. Is employed by or has been employed by a member of the Congress of the United States or of the General Assembly or is employed directly by or has been employed directly by the United States Congress or by the General Assembly;

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

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

5. Is a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or a lobbyist's principal as defined in § 2.2-419 or has been such a lobbyist or lobbyist's principal in the previous five years; or

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

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

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

D. Within two days of the close of the application period, the Division of Legislative Services shall provide to 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 Virginia of the political party having the next highest number of members in the Senate of Virginia the applications and documentation submitted by those applicants who are eligible for service on the Commission pursuant to subsection B and submitted complete applications, including any required documentation.

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

They shall notify the Division of Legislative Services of the citizen candidates submitted to the Committee for consideration and the Division of Legislative Services shall promptly provide to the Committee the applications and documentation for each citizen candidate being considered. Only the

306 applications and documentation for each citizen candidate shall be maintained as public records.

307 F. Within two weeks of receipt of the lists of citizen candidates and related materials pursuant to
308 subsection E, the Committee shall select, by a majority vote in a public meeting, two citizen members
309 from each list submitted. In making its selections, the Committee shall give consideration to the racial,
310 ethnic, geographic, and gender diversity of the Commonwealth. The Committee shall promptly notify
311 those eight citizens of their selection to serve as a citizen commissioner of the Commission.

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

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

321 **§ 30-380. Staff to Virginia Redistricting Commission; census liaison.**

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

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

335 C. The Division of Legislative Services shall prepare and maintain a written description of the
336 boundaries for the congressional, senatorial, and House of Delegates districts set out in Article 2
337 (§ 24.2-302 et seq.) of Chapter 3 of Title 24.2. The descriptions shall identify each district boundary,
338 insofar as practicable, by reference to political subdivision boundaries or to physical features such as
339 named roads and streets. The Division of Legislative Services shall furnish to each general registrar the
340 descriptions for the districts dividing his county or city. The provisions of Article 2 of Chapter 3 of Title
341 24.2, including the statistical reports referred to in Article 2 of Chapter 3 of Title 24.2, shall be
342 controlling in any legal determination of a district boundary.

343 **§ 30-381. Public participation in redistricting process.**

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

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

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

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

359 **§ 30-382. Proposal and submission of plans for districts.**

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

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

366 To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall
367 receive affirmative votes of at least six of the eight legislative commissioners, including at least three of

the four legislative commissioners who are members of the House of Delegates, and at least six of the eight citizen commissioners.

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

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

C. If the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B, the Commission shall have 14 days following its initial failure to submit a plan to the General Assembly. If the Commission fails to submit a plan for districts to the General Assembly by this date, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-384.

§ 30-383. Consideration of plans by the General Assembly; timeline.

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

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

C. Within 15 days of receipt of any plan for districts, the General Assembly shall take a vote on a bill embodying such plan. If the General Assembly fails to adopt the bill by this deadline, the Commission shall submit a new plan for districts within 14 days of the General Assembly's failure to adopt the bill. Within seven days of receipt of such plan, the General Assembly shall take a vote on the bill embodying the plan, and if the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-384.

D. If the Commission submits a plan for districts pursuant to subsection C of § 30-382, the General Assembly shall take a vote on such plan within seven days of its receipt. If the General Assembly fails to adopt the plan by this deadline, the districts shall be established by the Supreme Court of Virginia pursuant to § 30-384.

§ 30-384. Establishment of districts by the Supreme Court of Virginia.

A. In the event the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B of § 30-382, or the General Assembly fails to adopt a plan for districts by the deadline set forth in subsection C or D of § 30-383, the Supreme Court of Virginia (the Court) shall be responsible for establishing the districts.

B. The Court shall, not later than March 1 of a year ending in one, 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 Court to establish congressional or state legislative districts as provided for in that section. In enacting such rules and procedures, the Court shall give consideration to the provisions of this section.

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

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

E. Any plan for congressional or state legislative districts established by the Court shall adhere to the standards and criteria for districts set forth in Article II, Section 6 of the Constitution of Virginia and any statute enacted or resolution adopted by the General Assembly interpreting such standards and criteria.

F. The Court shall appoint two special masters to assist the Court in the establishment of districts. Within one week of the Commission's failure to submit plans or the General Assembly's failure to adopt plans, the leaders in the House of Delegates having the highest and next highest number of members in the House of Delegates and the leaders in the Senate of Virginia having the highest and next highest number of members in the Senate of Virginia shall each submit to the Court a list of three or more nominees, along with a brief biography and resume for each nominee, including the nominee's particular expertise or experience relevant to redistricting. The Court shall then select, by a majority vote, one special master from the lists submitted by the legislative leaders of the political party having the highest number of members in their respective chambers and one special master from the lists submitted by the legislative leaders of the political party having the next highest number of members in their respective chambers. The persons appointed to serve as special masters shall have the requisite

429 qualifications and experience to serve as a special master and shall have no conflicts of interest. In
430 making its appointments, the Court shall consider any relevant redistricting experience in the
431 Commonwealth and any practical or academic experience in the field of redistricting. The Court shall
432 be reimbursed by the Commonwealth for all costs, including fees and expenses, related to the
433 appointment or work of the special master from funds appropriated for this purpose.

434 G. Any justice who is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law
435 of, or a cohabitating member of a household with, a member of the Congress of the United States or of
436 the General Assembly shall recuse himself from any decision made pursuant to this section, and no
437 senior justice designated pursuant to § 17.1-302 shall be assigned to the case or matter to serve in his
438 place.

439 **§ 30-385. Remedial redistricting plans.**

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

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

449 3. That the House and Senate Committees on Privileges and Elections shall hold a series of public
450 hearings in different regions of the Commonwealth to gather information and receive public
451 comment on the 2021 decennial redistricting process. These public hearings shall be conducted
452 prior to December 1, 2020, and the information gathered and public comment received shall be
453 provided to the chairman of the Virginia Redistricting Commission. The Commission shall, in
454 drawing district plans to be submitted to the General Assembly, take into consideration the
455 information and public comment gathered by the Committees.