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SENATE BILL NO. 204

Offered January 8, 2020

Prefiled December 30, 2019

A BILL to amend and reenact § 8.01-3 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 24.2 an article numbered 5, consisting of a section numbered 24.2-314, relating to redistricting; role of Supreme Court of Virginia.

Patrons—Lucas, Locke, Boysko and Favola; Delegate: Kory

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-3 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 24.2 an article numbered 5, consisting of a section numbered 24.2-314, 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 § 24.2-314, may 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.~~ *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.~~ *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.~~ *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.~~ *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.*

Article 5.

Role of Supreme Court of Virginia.

§ 24.2-314. Procedures of the Supreme Court of Virginia.

A. The Supreme Court of Virginia (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.

B. 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.

C. 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.

D. 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

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59 *and any statute enacted or resolution adopted by the General Assembly interpreting such standards and*
60 *criteria.*

61 *E. The Court shall appoint a special master to assist the Court in the establishment of districts. If*
62 *appointing a special master, the Court shall select and appoint the special master in accordance with*
63 *the guidelines and standards prescribed by the Court for such selection and appointment. The Court*
64 *shall prescribe the duties of the special master. The Court shall be reimbursed by the Commonwealth*
65 *for all costs, including fees and expenses, related to the appointment or work of the special master from*
66 *funds appropriated for this purpose.*

67 *F. The Court may move the date of the primary election in the year ending in one, and adjust*
68 *various deadlines for filings and election preparations to accommodate the new primary date, as may be*
69 *necessary to provide sufficient time for the establishment and implementation of congressional or state*
70 *legislative districts. If the Court determines that moving the date of the primary election is necessary,*
71 *input on the nature and manner of moving such date and adjusting related deadlines shall be permitted*
72 *from the public, elections administrators, and other interested persons.*

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