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SENATE BILL NO. 717

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Suetterlein
on February 10, 2020)

(Patron Prior to Substitute—Senator McClellan)

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-304.04, relating to standards and criteria for congressional and state legislative districts.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 3 of Title 24.2 a section numbered 24.2-304.04 as follows:

§ 24.2-304.04. Standards and criteria for congressional and state legislative districts.

Every congressional and state legislative district shall be constituted so as to adhere to the following criteria:

1. Congressional and legislative 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. A deviation of no more than two percent shall be permitted for state legislative districts.

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, 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 congressional and legislative 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 congressional and legislative district shall be composed of compact territory. Districts shall not be oddly shaped or have irregular or contorted boundaries, unless justified because the district adheres to political boundary lines. Fingers or tendrils extending from a district core shall be avoided, as shall thin and elongated districts and districts with multiple core populations connected by thin strips of land or water. The General Assembly shall employ one or more standard numerical measures of individual and average district compactness to provide an objective assessment of a districting plan's compactness, both statewide and district by district.

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