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HOUSE BILL NO. 2082

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Privileges and Elections
on February 3, 2021)

(Patron Prior to Substitute—Delegate Levine)

A BILL to amend and reenact §§ 30-396 and 30-399 of the Code of Virginia, relating to Virginia Redistricting Commission; transparency in the redistricting process.

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-396 and 30-399 of the Code of Virginia are amended and reenacted as follows:

§ 30-396. Public participation in redistricting process.

A. All meetings and hearings held by the Commission shall be ~~adequately advertised~~ open to the public and planned to ensure that the public is able to attend and participate fully, including being held at convenient times and places. Meetings and hearings shall be ~~adequately advertised~~, including in newspapers of general circulation in localities throughout the Commonwealth, and shall be in multiple languages as practicable and appropriate.

B. All meetings and hearings required to be held by the Commission pursuant to this section may be held virtually. Meetings and hearings that are held in person shall be conducted in different regions of the Commonwealth, including the Northern Virginia region, the Central Virginia region, the Hampton Roads region, the Southside region, and the Southwest region of Virginia. All meetings and hearings, whether held virtually or in person, shall be livestreamed and allow for public comment.

C. Prior to proposing any plan for districts for the United States House of Representatives, the Senate, or the House of Delegates and prior to voting to submit such plans to the General Assembly, the Commission shall hold at least three public hearings in order to receive and consider comments from the public. ~~Public hearings may be held virtually and any public hearings that are held in person shall be conducted in different parts of the Commonwealth.~~

D. Prior to voting to submit any plan for districts for the United States House of Representatives, the Senate, or the House of Delegates, the Commission shall publish the proposed plan or plans on its website and shall hold at least three public hearings in order to receive and consider comments from the public. A proposed plan may be adjusted in response to public comment received. If adjustments are so made, the Commission shall publish the adjusted proposed plan on its website.

E. In the event that the Commission is required to submit a new plan for districts following the General Assembly's failure to adopt the initial plan submitted, the Commission shall publish the new proposed plan on its website and shall hold at least one public hearing in order to receive comments from the public.

~~C.~~ F. The Commission shall establish and maintain a website or other equivalent electronic platform. The website shall be available to the general public and shall be used to disseminate information about the Commission's activities, including information about upcoming meetings in multiple languages as practicable and appropriate, but at a minimum, in the language of any minority group identified pursuant to § 24.2-124. All meetings of the Commission shall be video recorded and transcribed, and archived videos and transcripts of all meetings shall be available on the Commission's website. The website shall be capable of receiving comments and proposals by citizens of the Commonwealth. ~~Prior to voting on any proposed plan, the Commission shall publish the proposed plans on the website. All comments submitted to the Commission through its website or other means shall be made available on its website along with the identity of the person submitting the comment.~~

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

§ 30-399. Establishment of districts by the Supreme Court of Virginia.

A. In the event that the Commission fails to submit a plan for districts by the deadline set forth in subsection A or B of § 30-397, or the General Assembly fails to adopt a plan for districts by the deadline set forth in subsection C or D of § 30-398, 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 Article II, Section 6-A 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 follow 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. All meetings and hearings of the Court regarding the establishment

60 *of districts shall be open to the public.*

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

63 E. Any plan for congressional or state legislative districts established by the Court shall *be developed*
64 *and submitted to it by the special masters pursuant to subsection F and shall* adhere to the standards
65 and criteria for districts set forth in Article II, Section 6 of the Constitution of Virginia and
66 § 24.2-304.04.

67 F. The Court shall appoint two special masters to assist the Court in the establishment of districts.
68 ~~The two~~ These special masters shall work together to develop ~~any~~ a redistricting plan to be submitted to
69 the Court for its consideration and adoption. Any plan submitted to the Court shall be affirmed by both
70 special masters to be a product of their cooperation and their collaboration, and only a plan so
71 affirmed may be adopted by the Court.

72 G. Within one week of the Commission's failure to submit plans or the General Assembly's failure to
73 adopt plans, the leaders in the House of Delegates having the highest and next highest number of
74 members in the House of Delegates and the leaders in the Senate of Virginia having the highest and
75 next highest number of members in the Senate of Virginia shall each submit to the Court a list of three
76 or more nominees, along with a brief biography and resume for each nominee, including the nominee's
77 particular expertise or experience relevant to redistricting. The Court shall then select, by a majority
78 vote, one special master from the lists submitted by the legislative leaders of the political party having
79 the highest number of members in their respective chambers and one special master from the lists
80 submitted by the legislative leaders of the political party having the next highest number of members in
81 their respective chambers. The persons appointed to serve as special masters shall have the requisite
82 qualifications and experience to serve as a special master and shall have no conflicts of interest. In
83 making its appointments, the Court shall consider any relevant redistricting experience in the
84 Commonwealth and any practical or academic experience in the field of redistricting. The Court shall be
85 reimbursed by the Commonwealth for all costs, including fees and expenses, related to the appointment
86 or work of the special master from funds appropriated for this purpose.

87 H. *The Court, the special masters, any Division of Legislative Services staff requested or assigned to*
88 *assist the Court or the special masters in the establishment of districts pursuant to this section, and any*
89 *other advisor or consultant shall not communicate with any other person about matters related to the*
90 *establishment of districts pursuant to this section outside of a public meeting or hearing.*

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