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HANDOUTS

2:30 – 3:30 p.m. Breakout Session 3: Redistricting...Now to 2021

Speakers: Rebecca Green

1. Virginia Acts of Assembly, Senate Joint Resolution No. 306
2. Virginia's Redistricting Commission Proposal

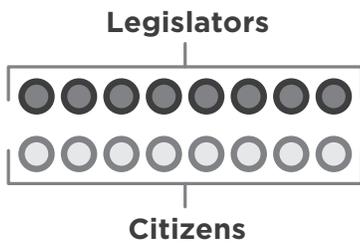
VIRGINIA'S REDISTRICTING COMMISSION PROPOSAL

In 2019, the Virginia General Assembly overwhelmingly passed a bipartisan constitutional amendment proposal that could create Virginia's first redistricting commission. If it's passed again in 2020, this will be the most comprehensive redistricting reform to ever pass a state legislature.

This was the first crucial step toward truly reforming the way Virginia draws its legislative districts by including citizens in the redistricting process and correcting the hyper-partisan status quo process.

And although this bipartisan plan does not reflect every provision we urged in our original proposal, make no mistake: **This will end partisan gerrymandering in Virginia.**

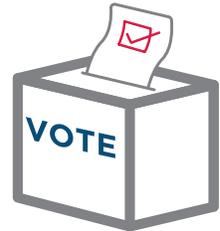
HOW THE COMMISSION WILL LOOK



Districts will be drawn by a commission comprised of 8 citizens and 8 legislators, with one of the citizens serving as chair.



The citizen selection process will be politically balanced and the final determination of who serves will be made by a panel of five retired circuit court judges. This process is similar to selecting an impartial jury.



Prohibits citizen members from being an elected member of Congress or the Virginia General Assembly or a member of their staffs.

CHECKS AND BALANCES



The amendment was created by a legislative conference committee, which combined provisions from several pieces of redistricting legislation being considered in 2019 - including the checks and balances outlined in the bipartisan proposal drafted with the help of OneVirginia2021's Citizens Constitutional Amendment Committee.



The make-up of the commission protects us from partisan gerrymandering by requiring a supermajority of citizens and legislators for approval of district maps.



The General Assembly must approve or reject the commission's map, but they are prohibited from amending it. Additionally, the Governor is excluded from the approval process, because it would throw off the partisan balance created by the existing framework

THE BENEFITS



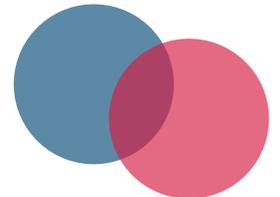
This measure would amend Virginia's Constitution, thereby enshrining reform for generations to come.



This would be the first time in Virginia's history that citizens would have a voice in the redistricting process.



Virginia would effectively eliminate gerrymandering dominated by one party, moving ahead of states like Maryland and North Carolina.



All meetings, minutes and data will be completely open to the public. This will serve as an important check on the commission's work and allow us all to be watchdogs on our government.

For more detailed insights on this plan, check out ONEVIRGINIA2021.ORG/AMENDMENT

HOW CAN WE FURTHER IMPROVE REDISTRICTING IN VIRGINIA?

Even though this will be the most comprehensive redistricting legislation that has ever passed through a state legislature, the ultimate constitutional amendment proposal doesn't completely match the plan OneVirginia2021 initially recommended. With that, there are specific ways to statutorily improve the redistricting process before districts are redrawn in 2021.

Clear Criteria

When drawing districts, the commission should have strong criteria to follow that focuses on keeping our communities together. These rules should prohibit all forms of gerrymandering and use existing local and municipal boundaries for districts where possible. This would minimize split precincts and keep our neighborhoods together. Legislators should change the Virginia Code to ensure this type of redistricting criteria is included.

Citizen Applications and Representation

As it is currently written, the commission will have eight citizens chosen by the selection committee of retired circuit court judges. The legislative leaders in both chambers will each recommend at least 16 candidates for this, but there are no requirements in the amendment for how they should choose citizens to be involved. Virginia should have an open application process that seeks a pool of potential citizen members that reflects the diversity of our Commonwealth. Legislators should add this open process to the Virginia Code to ensure the best possible representation on the commission.

Additional Transparency

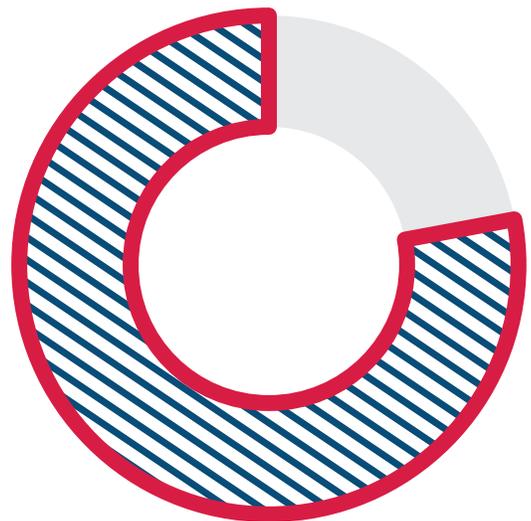
The amendment already has strong transparency provisions, but there are more areas on which we could build. While there will be open meetings and open data, there could also be requirements for a user-friendly website updated in real time, webcasting committee meetings, an email portal for Virginians who cannot come to meetings to use, and many other ways that address the nuts and bolts of broad-based community engagement that could be added to this process.

WHAT'S NEXT?

The bipartisan support of substantive reform during the 2019 legislative session marked a giant leap forward to significantly improve the way districts are drawn in Virginia. But we still have a long way to go.

Looking ahead, we will continue working to ensure this resolution is passed again by the 2020 General Assembly and then wins Virginia voters' approval in a statewide referendum in November 2020.

This momentum makes our organization more determined than ever to end gerrymandering in Virginia once and for all.



78% of Virginia voters support changing the way redistricting is done.

(Dec. 2018, Wason Center/CNU Poll)

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

SENATE JOINT RESOLUTION NO. 306

Proposing an amendment to Section 6 of Article II of the Constitution of Virginia and proposing an amendment to the Constitution of Virginia by adding in Article II a section numbered 6-A, relating to apportionment; Virginia Redistricting Commission.

Agreed to by the Senate, February 23, 2019

Agreed to by the House of Delegates, February 23, 2019

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 a section numbered 6-A as follows:

ARTICLE II
FRANCHISE AND OFFICERS

Section 6. Apportionment.

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. 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. *Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.*

The General Assembly shall reapportion the Commonwealth shall be reapportioned into electoral districts in accordance with this section and Section 6-A in the year ~~2011~~ 2021 and every ten years thereafter.

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

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

Section 6-A. Virginia Redistricting Commission.

(a) In the year 2020 and every ten years thereafter, the Virginia Redistricting Commission (the Commission) shall be convened 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 pursuant to Article II, Section 6 of this Constitution.

(b) The Commission shall consist of sixteen commissioners who shall be selected in accordance with the provisions of this subsection.

(1) Eight commissioners shall be legislative members, four of whom shall be members of the Senate of Virginia and four of whom shall be members of the House of Delegates. These commissioners shall be appointed no later than December 1 of the year ending in zero and shall continue to serve until their successors are appointed.

(A) Two commissioners shall represent the political party having the highest number of members in the Senate of Virginia and shall be appointed by the President pro tempore of the Senate of Virginia.

(B) Two commissioners shall represent the political party having the next highest number of members in the Senate of Virginia and shall be appointed by the leader of that political party.

(C) Two commissioners shall represent the political party having the highest number of members in

the House of Delegates and shall be appointed by the Speaker of the House of Delegates.

(D) Two commissioners shall represent the political party having the next highest number of members in the House of Delegates and shall be appointed by the leader of that political party.

(2) Eight commissioners shall be citizen members who shall be selected in accordance with the provisions of this subdivision and in the manner determined by the General Assembly by general law.

(A) There shall be a Redistricting Commission Selection Committee (the Committee) consisting of five retired judges of the circuit courts of Virginia. By November 15 of the year ending in zero, the Chief Justice of the Supreme Court of Virginia shall certify 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 a list of retired judges of the circuit courts of Virginia who are willing to serve on the Committee, and these members shall each select a judge from the list. The four judges selected to serve on the Committee shall select, by a majority vote, a judge from the list prescribed herein to serve as the fifth member of the Committee and to serve as the chairman of the Committee.

(B) By January 1 of the year ending in one, 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 the political party having the next highest number of members in the Senate shall each submit to the Committee a list of at least sixteen citizen candidates for service on the Commission. Such citizen candidates shall meet the criteria established by the General Assembly by general law.

The Committee shall select, by a majority vote, two citizen members from each list submitted. No member or employee of the Congress of the United States or of the General Assembly shall be eligible to serve as a citizen member.

(c) By February 1 of the year ending in one, the Commission shall hold a public meeting at which it shall select a chairman from its membership. The chairman shall be a citizen member and shall be responsible for coordinating the work of the Commission.

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

(1) 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 members and six of the eight citizen members.

(2) To be submitted as a proposed plan for districts for members of the Senate, a plan shall receive affirmative votes of at least six of the eight legislative members, including at least three of the four legislative members who are members of the Senate, and at least six of the eight citizen members.

(3) To be submitted as a proposed plan for districts for members of the House of Delegates, a plan shall receive affirmative votes of at least six of the eight legislative members, including at least three of the four legislative members who are members of the House of Delegates, and at least six of the eight citizen members.

(e) Plans for districts for the Senate and the House of Delegates shall be embodied in and voted on as a single bill. The vote on any bill embodying a plan for districts shall be taken in accordance with the provisions of Article IV, Section 11 of this Constitution, except that no amendments shall be permitted. Such bills shall not be subject to the provisions contained in Article V, Section 6 of this Constitution.

(f) Within fifteen days of receipt of a plan for districts, the General Assembly shall take a vote on the bill embodying that plan in accordance with the provisions of subsection (e). If the General Assembly fails to adopt such bill by this deadline, the Commission shall submit a new plan for districts to the General Assembly within fourteen days of the General Assembly's failure to adopt the bill. The General Assembly shall take a vote on the bill embodying such plan within seven days of receipt of the plan. If the General Assembly fails to adopt such bill by this deadline, the districts shall be established by the Supreme Court of Virginia.

(g) If the Commission fails to submit a plan for districts by the deadline set forth in subsection (d), the Commission shall have fourteen 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 deadline, the districts shall be established by the Supreme Court of Virginia.

If the Commission submits a plan for districts within fourteen days following its initial failure to submit a plan, the General Assembly shall take a vote on the bill embodying such plan within seven days of its receipt. If the General Assembly fails to adopt such bill by this deadline, the districts shall be

established by the Supreme Court of Virginia.

(h) All meetings of the Commission shall be open to the public. Prior to proposing any redistricting plans and prior to voting on redistricting plans, the Commission shall hold at least three public hearings in different parts of the Commonwealth to receive and consider comments from the public.

(i) All records and documents of the Commission, or any individual or group performing delegated functions of or advising the Commission, related to the Commission's work, including internal communications and communications from outside parties, shall be considered public information.

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