

CITIZENS REDISTRICTING COMMISSION PROPOSAL

EXECUTIVE SUMMARY

The Constitutional Amendment proposed by the Citizens Constitutional Amendment Drafting Committee blends a principled approach to redistricting with a recognition that from the beginning of our Republic redistricting has been inseparable from politics and legislative authority. The Committee believes there is an important role for the legislature to play but with the ultimate decisions for shaping legislative district boundaries left to an independent commission of qualified citizen volunteers.

To this end we propose a politically balanced method of selecting a commission of ten citizens who would under strict guidelines and complete transparency draw the boundaries of the districts for the state House and Senate and the U.S. House of Representatives. First, a nominating committee of five retired circuit court judges would be chosen – one each chosen by the four Republican and Democratic leaders in both chambers of the General Assembly and the fifth chosen by those four judges. These judges in turn would nominate twenty-two citizens for the ten-member redistricting commission, from an application process open to all Virginia registered voters. The nominees must be five Republicans, five Democrats and twelve independents, with the General Assembly deciding how to define those classifications. The twenty-two nominees would be reduced to ten through a process by which each of the four General Assembly leaders strikes one partisan of the opposite party and two independents.

This independent commission must then follow a set of criteria that prioritizes preserving county, city and town boundaries where possible and when not possible following natural boundaries, residential subdivision lines and communities of interest. U.S. and Virginia Constitutional mandates for equal population, contiguity and compactness must be followed. General Assembly and U.S. congressional districts shall not be drawn to favor or disfavor any political party, incumbent legislator, member of Congress, individual or entity, nor drawn to abridge or deny the ability of substantial racial or ethnic minority communities to elect representatives of their choice.

It is important to emphasize that complete transparency and opportunity for citizen involvement and input is mandated in the Amendment.

The members of the Citizens Committee enthusiastically recommend this Amendment to the people of Virginia, their Governor and their elected representatives in the General Assembly.

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This is a proposal for a Citizens Redistricting Commission recommended by the Citizens Constitutional Amendment Drafting Committee.

If (1) the final draft of this proposal is introduced as legislation in the 2019 Virginia General Assembly, and such legislation is passed by a majority vote of both chambers of the Virginia General Assembly in both the 2019 and 2020 General Assembly sessions (which will be separated by an election of the House of Delegates), and (2) the amendment is approved in referendum occurring at the next succeeding election on November 3, 2020, the following redistricting process would occur:

I. Redistricting Commission Selection Committee

A. There shall be a Redistricting Commission Selection Committee composed of five retired Virginia Circuit Court judges. The judges will be paid the same per diem rate as members of the General Assembly regardless of the judge's residence.

B. Within ten days of the Virginia Department of Election's certification of the passage of the referendum on a constitutional amendment presented on the ballot at the November 3, 2020 election, and by November 15 every ten years thereafter, the Chief Justice of the Supreme Court will submit in writing a list of retired Circuit Court Judges who are willing to serve on the Selection Committee to the Clerks of the House of Delegates and the Senate for dissemination to the following Members of the General Assembly:

1. The Speaker of the House of Delegates;
2. The Minority Leader of the House of Delegates;
3. The Majority Leader of the Senate; and,
4. The Minority Leader of the Senate.

C. Within five days of the receipt of this list, each of these Members will submit the name of a judge from the list to serve on the Selection Committee. Those four judges shall immediately be notified by a joint communication from the Clerks of the House of Delegates and the Senate.

D. The four judges selected will themselves, by majority vote, elect from the list the fifth member of the Selection Committee.

E. Within ten days of the determination of all five judges, the Selection Committee will meet in a public facility to be provided by the Clerk of the House of Delegates. All meetings shall be open to the public, except interviews convened under Section II.B.

F. At its first meeting, the Selection Committee, by majority vote, will elect a Chairperson. As soon as practicable, the Selection Committee shall adopt an application process for registered Virginia voters who wish to apply for service on the Virginia Redistricting Commission. The Selection Committee shall advertise for Commission applicants throughout the Commonwealth of Virginia.

II. Redistricting Commission Nominations

A. From the list of submitted applications, the Selection Committee by majority vote, shall choose twenty-two candidates for service on the Commission.

1. Five candidates who are voters affiliated with the Democratic Party.
2. Five candidates who are voters affiliated with the Republican Party.
3. Twelve candidates who are independent voters.

B. The General Assembly shall set criteria for the two categories of partisan affiliated voters and for independent voters.

C. The Selection Committee shall have sole discretion to meet and interview any of the applicants. The candidates shall be chosen with consideration of Virginia's diversity.

D. On or before March 1, 2021, and on this date each decade thereafter, the Selection Committee shall release to the public and transmit the names, addresses, and occupations of the candidates selected by the Committee to the four Members specified in Section I.B.

III. Redistricting Commission Membership Selection

A. Within five days of the presentation of the list of candidates, each Member, beginning with the Speaker and alternating sequentially by party, shall strike one candidate from the other party and two independent candidates, with due consideration to creating a Commission that reflects Virginia's diversity. Such candidate strikes shall be submitted to the Chairperson of the Selection Committee.

B. The names of the ten Redistricting Commission members selected shall be sent by the Chairperson of the Selection Committee to the Clerks of both Houses of the General Assembly forthwith. The Chairperson shall also notify the candidates of their selection to serve on the Commission.

C. If, for any reason, a commissioner does not complete the term of office, the Selection Committee shall select as a replacement one of the candidates from the same political party or an independent who had been stricken under Section III.A.

IV. Redistricting Commission Procedure

A. The Chairperson of the Selection Committee shall schedule the first meeting of the Commission within ten days of the notification of the commissioners under Section III.B. The Commission shall meet at a public facility to be provided by the Clerk of the House of Delegates.

B. The Division of Legislative Services shall provide logistical support for the Commission, including computer software capable of processing and drawing appropriate legislative and congressional redistricting lines. Commissioners will be paid the same per diem rate as members of the General Assembly regardless of the commissioner's residence.

C. The Commission shall first elect a chairperson, who shall determine the date and time of all subsequent meetings.

D. The Commission shall thereafter draw proposed district boundaries for the Senate, the House of Delegates, and the House of Representatives according to criteria listed in Section VI.

E. To be adopted as an approved redistricting plan, such plan must receive an affirmative vote of seven out of ten members of the Commission, of which one vote must be cast by a commissioner from each political party. Only “aye” (affirmative) and “nay” (negative) votes may be cast. Abstentions shall not be permitted.

F. Any plan adopted by the Commission shall be transmitted to the Governor, the Clerks of both Houses of the General Assembly, and the Department of Elections and released to the public. Thereafter, such redistricting plan shall constitute the official district boundaries of the Senate, the House of Delegates, and the House of Representatives until the next United States Census.

G. Such redistricting plan shall be final and not subject to amendment or veto by the Governor or the General Assembly.

V. Redistricting Commission Transparency

A. All meetings of the Commission shall be open to the public. All commission records and documents, including internal communications and communications from outside parties, shall be considered public information. These requirements of transparency shall also apply to any individual or group performing delegated functions of the Commission or advising the Commission.

B. The Commission shall establish and maintain a website, or other equivalent electronic platform, to disseminate information about the Commission’s activities, including all proposed redistricting plans prior to each being voted on, and to provide for submission of comments and proposals by Virginia residents. The Commission shall publish all submitted comments and proposals on the Commission website

C. Before proposing maps, and again after proposing and prior to voting on proposed maps, the Commission shall provide opportunities for Virginia residents to present testimony in at least three hearings held in different regions of the Commonwealth.

VI. Criteria for Redrawing District Boundaries

The Redistricting Commission shall adhere to the following criteria in establishing legislative and congressional districts:

A. Legislative and congressional districts shall each have a total population as nearly equal as practicable. In implementing this criterion, deviations from equal population may be permitted to achieve other districting criterion specified in this section; however, no congressional district shall have a total population that varies by more than one half of one percent from the ideal district population, and no House of Delegates or Senate district shall have a total population that varies by more than five percent from the ideal district population.

B. Legislative and congressional districts shall not be drawn to abridge or deny the ability of substantial racial or ethnic minority communities to elect representatives of their choice.

C. Legislative and congressional districts shall not be drawn to favor or disfavor any political party, incumbent legislator, member of Congress, or individual or entity.

D. Legislative and congressional districts shall be drawn to respect the political subdivision boundaries of counties, cities and towns. In implementing this criterion, except where the political subdivision is larger than a district, to the extent practicable, each political subdivision shall be contained wholly within a single district. Where a departure from existing political subdivision boundaries is necessary to comply with other districting criteria specified in this section, the district lines should be drawn giving consideration to using natural geographic boundaries such as mountains and rivers and physical boundaries such as major roads and residential subdivisions, and communities of interest.

E. Legislative and congressional districts shall be composed of contiguous and compact territory. In implementing this criterion districts divided by water may be deemed contiguous, but connections by water running upriver or downstream are not permissible. Compact districts shall not have irregular or contorted perimeters, unless justified by districting criteria specified in this section, including adhering to political subdivision boundaries or natural geographic boundaries.