

Overview: Virginia Redistricting Reform Amendment (HJ615/SJ306)

HJ615/SJ306 would amend the Virginia constitution to create a sixteen-member advisory commission and establish redistricting criteria for congressional and state legislative districts.

Status: On February 23, 2019, the proposed amendment passed the Virginia House of Delegates by a vote of 83-15 and the Virginia Senate by a vote of 40-0. To become part of the Virginia constitution, the amendment must be passed again by both houses in 2020 and then must be approved by voters in the November 2020 general election.

Overview of Key Features

Type of Commission

Advisory

What Maps the Commission Draws

Congressional and state legislature

Commission Size

Sixteen members

How Commissioners are Selected

Four commissioners (2 Democrats and 2 Republicans) are state senators appointed by majority and minority senate leadership.

Four commissioners (2 Democrats and 2 Republicans) are state delegates appointed by majority and minority house of delegates leadership.

The remaining eight commissioners are citizen commissioners selected through the following process:

- The Chief Justice of the Virginia Supreme Court submits a list of retired circuit court judges to the four state legislative leaders. Each leader selects a judge on the list to sit on the Redistricting Commission Selection Committee. The four appointed judges choose a fifth member from the list by majority vote.

- The four state legislative leaders each submit a list of 16 nominees to the Selection Committee.
- The committee selects two candidates from each list by majority vote to serve on the commission. There are no requirements as to the party affiliation of the persons selected to serve on the commission.

Who is Eligible to Be a Commissioner

Commissioners must be citizens of Virginia and meet any additional criteria adopted by the Virginia General Assembly.

No member of Congress or the Virginia General Assembly or an employee of a member of Congress or the Virginia General Assembly may be a citizen commissioner.

How a Map Gets Approved

Step 1: Approval of Maps by the Commission

A plan must receive bipartisan support in order to be recommended to the legislature, including votes from:

- at least six of the eight legislative commissioners, and
- at least six of the eight citizen commissioners.

In addition, to be approved, a plan for the house of delegates must receive the vote at least three of four of the members of the house of delegates who serve on the commission, and a plan for the senate must receive the vote of three of four of the members of senate who serve on the commission.

Step 2: Approval of Maps by the Legislature

The general assembly then votes on the plans, with no amendments permitted. Votes on plans must take place within 15 days of the date on which the commission submitted the plan to the assembly. Plans are not subject to gubernatorial veto.

If the general assembly rejects a plan, the commission then has 14 days to approve and submit a new plan, which the general assembly must vote on within seven days of the time it receives it.

If the commission fails to submit a map by the deadline or the general assembly fails to approve a map, the Virginia Supreme Court will adopt a plan.

The Rules That Must Be Followed in Drawing a Map

Unranked or ranked criteria: unranked

Criteria	Yes	No
Protections for communities of color	✓	

Preservation of communities of interest	×
Ban on partisan gerrymandering	×
Respect political subdivisions	×
Compactness requirement	✓*
Contiguity requirement	✓*

*These criteria carry over from redistricting standards currently in effect.

Public Input and Transparency

The commission must hold at least three public hearings in different parts of the state before proposing or voting on a plan.

All commission meetings are open to the public, and all commission communications and documents are public record.

Timing

Selection Process:

- By November 15 of a decennial census year (2020, etc.): The Chief Justice of the Virginia Supreme Court presents a list of retired judges to state legislative leaders.
- By December 1: The legislative commissioners are appointed.
- By January 1: The state legislative leaders submit their citizen candidate lists to the Selection Committee.
- By February 1: The commission holds a public meeting and selects a citizen member as chairperson.

Plan Approval:

- By March 20*: The commission must submit its initial state legislative plans to the general assembly.
- By April 4*: The general assembly must vote on initial state legislative plans.
- By April 18*: The commission must submit backup state legislative plans to the general assembly.
- By April 25*: The general assembly must vote on backup state legislative plans.
- By July 1*: The commission must submit its initial congressional plan to the general assembly.
- By July 16*: The general assembly must vote on the initial congressional plan.
- By July 30*: The commission must submit its backup congressional plan to the general assembly.

- By August 6*: The general assembly must vote on the backup congressional plan.

*Date calculated assuming Virginia will receive census data on February 3, 2021, as it did in 2011.

This proposal overview is informational and does not imply endorsement by the Brennan Center for Justice.

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