

Proposed statutory amendment to incorporate more specific districting criteria in Va. Code 24.2-304.04

A new Section 24.2-304.04 shall be enacted as follows:

§ 24.2-304.04. Composition of election districts

Every electoral district shall be constituted so as to adhere to the following criteria, in order of the priority set forth below.

A. Respecting Existing Political Boundaries – Existing political boundaries shall be respected to the maximum extent possible. This includes county boundaries, city boundaries, town boundaries, magisterial and councilmanic districts, and voting precincts. If a departure from existing political boundaries is necessary in order to achieve compliance with other districting criteria, such as equal population or racial fairness, then the district shall be drawn utilizing clearly observable physical boundaries. A "clearly observable boundary" shall include (i) any named road or street, (ii) any road or highway which 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 which 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 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.

B. Equal Population – For state legislative districts, population shall be substantially equal to the population of every other district as practicable. The General Assembly shall be guided by the most recent federal and state judicial decisions defining standards for equal population, including permissible deviations from ideal population if the deviation is necessary in order to achieve some other, legitimate districting criteria. For congressional districts, population shall be as nearly equal as practicable. The General Assembly shall be guided by the most recent federal and state judicial decisions defining standards for equal population for Congressional districts, including permissible deviations from ideal population if the deviation is necessary in order to achieve some other, legitimate districting criteria.

C. Racial and Ethnic Fairness – Districts shall be drawn in accordance with the requirements of state and federal laws, and judicial decisions interpreting those laws, addressing racial and ethnic considerations, including, but not limited to, the Equal Protection Clause and the provisions of the Voting Rights Act of 1965.

D. Contiguity – A district is contiguous if a person can travel from one point in the district to any other point without crossing the district’s boundary. Point contiguity is not permissible.

Districts divided by water will be considered contiguous if a common means of transport, such as a bridge or ferry, connects the two sides of the district, or if the water, river or bay were removed, the land on one side would be wholly contiguous with the land on the other side.

E. Compactness – Compactness refers to the shape of a district. The General Assembly should avoid drawing districts that are oddly shaped or with contorted boundaries, unless justified because the district adheres to political subdivision lines. Fingers or tendrils jutting out from a district core should be avoided, along with thin, elongated districts, or districts with multiple, central cores connected by thin strips of land or water. There are multiple, numerical measures of individual and average district compactness. The General Assembly should employ one or more of these mathematical measures to provide an objective assessment of district plan compactness, statewide, and district by district.

F. Communities of Interest – Consideration may be given to creating districts that do not carve up homogeneous neighborhoods, or that separate groups of people living in an area with similar interests or needs in transportation, jobs or culture.

G. Political Data – The General Assembly shall not include political data or election results as part of its redistricting database, and no district shall be drawn using political data or election results in order to favor a political party or incumbent legislator or member of Congress. This data includes addresses of incumbent legislators or members on Congress, political affiliations of registered voters, or previous election results.