

2014 SESSION (SB310)

GOVERNOR'S VETO

Pursuant to Article V, Section 6, of the Constitution of Virginia, I veto Senate Bill 310, which proposes to make substantive changes to certain census blocks in Senate Districts 13, 15, 16, 17, 18, 19, 20, 22, 23, and 33.

Proponents of the bill rightly point out that the proposed changes target the issue of “split precincts.” This is a situation in which precinct boundaries do not line up exactly with legislative districts. A “split precinct” complicates the task of Board of Elections volunteers and staff, who have to determine which ballots voters need on a more granular level than if the precinct were wholly contained within one legislative district.

However, the merits of the bill are outweighed by significant legal and policy concerns.

Legally, there is some question of the bill’s constitutionality. According to Article II Section 6 of the Virginia Constitution, “The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.” Proponents of the bill would argue that this language directs the General Assembly to redistrict every ten years, but contains no limitations on the power of the legislature to redistrict in other years. However, in the case of *Little et al v. Virginia State Board of Elections*, the Richmond Circuit Court interpreted this language to “limit the General Assembly’s authority to reapportion Virginia’s electoral districts after the year 2011” (page 15). This finding by the Court raises serious concerns about the bill’s constitutionality and increases the risks of costly and time-consuming litigation.

Furthermore, this bill sets a terrible precedent. Allowing the legislature to make substantive changes to electoral districts more frequently than once a decade injects further partisanship into a process that I regard as already too partisan. Annual legislative arguments over redistricting and gerrymandering distract the Commonwealth from the serious challenges we face, as well as undermine the trust of our citizens in their government.

Accordingly, I veto this bill.