

SJ18'S PUBLIC INPUT & TRANSPARENCY

Summary

Key protections that will strengthen the amendment (SJ18) were in the enabling legislation (SB203/HB758), which died in Conference Committee. However, the Governor can amend the criteria bill that passed (SB717/HB1255) to add key missing pieces from the enabling legislation (e.g. a public-facing website, publication of redistricting data, etc.) to the criteria bill. That amended version of the criteria bill, with the enabling provisions added in, would then go to veto session of the General Assembly for an up-or-down vote.

What are the public input and transparency requirements in the amendment?

The amendment would create a more open and transparent redistricting process than has been seen in years past. The Commission's meetings and hearings would be open to the public, including at least three hearings around Virginia for the Commission to accept public comment. SJ18 would also require that all records and documents of the Commission be considered public information, including those of any outside individuals or groups.

How would the enabling legislation have increased the amendment's public input and transparency requirements?

The enabling legislation would have helped build a more transparent process with heightened public involvement. First, the retired judge panel's meeting for selecting the eight citizen-commissioners would have been expressly made public. Additionally, all the meetings and records of both the Selection Committee and the Redistricting Commission would have been explicitly subject to Virginia's Freedom of Information Act. The enabling legislation also would have required public participation in the Supreme Court of Virginia's process were it to draw maps in the event of Commission or legislative failure to approve plans.

Further, the enabling legislation would have required the multilingual advertising of meetings to ensure broad public participation, the creation of a commission website, and the publication of redistricting data within three days of receipt. The commission's website would have served as a place to disseminate information, receive public comment and map submissions, and publish proposed plans prior to voting on them. The website also would have acted as a repository for the commission's data, "including census data, precinct maps, election results, and shapefiles."

Are there any other public input or transparency measures that would be beneficial?

The enabling legislation took large strides but **could be improved further**. For example, the data publication requirement could require regular, even daily, publication of draft maps. Such consistent release of draft maps would allow the public to keep an eye on the process to ensure that it is fair. It would also be useful to mandate that the data be published in a digitally-readable file like a shapefile or a comma-separated values file. Lastly, the published maps could be accompanied by a report about how they complied with criteria and used public comment.

Ideally, the publication of data would happen in advance of the Commission's work, as in New Jersey's **Voting Precinct Transparency Act**. This law requires the publication of precinct boundary shapefiles and precinct-level election results within 90 days of certification. Either the Department of Elections or Division of Legislative Services could fulfill this role, acting as a central repository for this data. This proactive release would ensure election data transparency throughout the whole decade, not only during the Commission's work.

Lastly, the commission website could host live-streams of meetings and hearings as well as post video archives and transcripts. In doing so, the commission should ensure that all commissioners, staff, and members of the public are fully audible on the live-stream and archive. The commission should also strive to make it so that members of the public can participate in the live-streams through real-time, electronic means. This type of remote capability is increasingly important as social distancing becomes commonplace in response to the current public health crisis.

