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Rules and Procedures for Implementing the Requirements of Article II, Section 6-A of the Constitution of Virginia

Note: These rules and procedures implementing the requirements of Article II, Section 6-A of the Constitution of Virginia, as provided by § 30-399(B) of the Code of Virginia, are adopted and promulgated by Order entered on this 23rd day of February, 2021, and effective immediately.

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Rule 1. Scope.

These rules and procedures govern the Court's processes for establishing proposed plans creating (i) districts for members of the House of Representatives of the United States, and (ii) districts for members of the Senate and the House of Delegates of the General Assembly. The Supreme Court of Virginia shall be governed by the Constitution of Virginia.

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Rule 2. Special Masters.

(a) *Lists of nominees* — Within seven (7) calendar days of the Commission's failure to submit plans or the General Assembly's failure to adopt plans, the leaders in the House of Delegates and the leaders in the Senate of Virginia, as set forth in Code § 30-399, will each submit to the Clerk of the Supreme Court of Virginia a list of three or more nominees, along with a brief biography and resume for each nominee, including the nominee's particular expertise or experience relevant to redistricting.

(b) *Selection* — The Court will select, by a majority vote, two special masters – one special master from each of the lists submitted by the legislative leaders as set forth in subsection F of Code § 30-399. The persons appointed to serve as special masters should have the requisite qualifications and experience to serve as a special master and should have no conflicts of interest. In making its appointments, the Court should consider any relevant redistricting experience in the Commonwealth and any practical or academic experience in the field of redistricting.

(c) *Duties* — The special masters will assist the Court in the establishment of districts. The two special masters will work together to develop plans to be submitted to the Court for its consideration.

(d) *Filing deadline* — Unless a different period of time is specified by the Court in its order appointing the special masters, the special masters will file their proposed plans with the Clerk of the Supreme Court no later than thirty (30) calendar days after entry of such order by the Court.

(e) *Fees and expenses* — The Court will be reimbursed by the Commonwealth for all costs, including fees and expenses, related to the appointment or work of the special masters from funds appropriated for this purpose.

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Rule 3. Records to be Submitted.

The Clerk of the Supreme Court of Virginia, or one or both special masters appointed by the Court, may issue a written request for records to the Virginia Redistricting Commission, the General Assembly of Virginia, and the Division of Legislative Services, or all three. Upon receipt of such written request, the named entity will produce to the Clerk and to both of the special masters any requested documents and materials, including proposals, maps and transcripts, in the form and within the time period specified in the written notice which should not be less than five (5) work days.

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Rule 4. Public Participation.

(a) *Comments* – The public may participate in the Court's redistricting deliberations through the submission of written comments. Any such comments must be provided in the form of a letter addressed to the Clerk of the Supreme Court of Virginia and referencing these rules and procedures.

(b) *Hearings* — Upon written request submitted by one or both of the special masters to the Clerk of the Supreme Court of Virginia, with a copy provided to the Virginia Redistricting Commission and to the Director of the Division of Legislative Services, the Court, in its sole discretion, may hold public hearings. Any such hearings will be recorded and posted on the Court's public website.

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Rule 5. Conflicts of Interest; Recusal.

Recusal — Any justice who is a parent, spouse, child, sibling, parent-in-law, child-in-law, or sibling-in-law of, or a cohabitating member of a household with, a member of the Congress of the United States or of the General Assembly, must recuse himself or herself from any decision made pursuant to Code § 30-399, and no senior justice designated pursuant to Code § 17.1-302 will be assigned to the case or matter to serve in his or her place.