

IN THE MATTER OF
THE SENATE COMMITTEE ON PRIVILEGES AND ELECTIONS
MEETING

BEFORE: JANET D. HOWELL, CHAIRPERSON
PLACE: COMMONWEALTH OF VIRGINIA
VIRGINIA STATE CAPITOL
CAPITOL SQUARE
EAST GRACE STREET
RICHMOND, VIRGINIA 23219
DATE: APRIL 28, 2011
TRANSCRIBER: LAURA M. FEATHERSTON
PANEL: JANET D. HOWELL, 32nd Senate District
STEPHEN MARTIN, 11th Senate District
R. CREIGH DEEDS, 25th Senate District
MARY MARGARET WHIPPLE, 31st Senate District
PHILLIP P. PUCKET, 38th Senate District
JOHN S. EDWARDS, 21st Senate District
DONALD A. MCEACHIN, 9th Senate District
CHAP PETERSEN, 34th Senate District
GEORGE BARKER, 39th Senate District
RALPH S. NORTHAM, 6th Senate District

PANEL MEMBERS CONTINUED

CRANE-SNEAD & ASSOCIATES, INC.
4914 Fitzhugh Avenue, Suite 203
Henrico, Virginia 23230
Tel. No. 804-355-4335
Fax 804-355-7922

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

JEFFREY L. MCWATHERS, 8th Senate District
JULL HOLTZMAN VOGEL, 27th Senate District
RALPH SMITH, 22nd Senate District
HARRY B. BLEVINS, 14th Senate District
MARK D. OBENSHAIN, 26th Senate District

PRESENT:

D. HOBIE LEHMAN, Assistant Coordinator of
Committee Operations/Sergeant-At-Arms
DAVID COTTER, Division of Legislative
Services
MARY SPAIN, Division of Legislative Services
JACK AUSTIN, Division of Legislative
Services
NICK GALVIN, Senate Committee Operations

P R O C E E D I N G S

1

2

3

APRIL 28, 2011.

4

5

NOTE: This transcript is created from electronically recorded material, specifically, a single audio cassette tape marked, "Senate P&E 4-28-11."

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MADAM CHAIR: ... nobody to my left, and that's because the Republicans have asked for us to recess for an hour. They're still in discussions. So we'll come back at two.

UNIDENTIFIED SPEAKER: I don't know (inaudible). Call the roll.

MULTIPLE SPEAKERS: (Laughter and inaudible comments.)

MADAM CHAIR: I am now going to recess P & E until two o'clock.

NOTE: Clicks in the audio record indicate the recording instrument was turned off and then on again at a later time.

MADAM CHAIR: The committee will come to order. The

1 clerk will call the role.

2 THE CLERK: Senator Martin.

3 SENATOR MARTIN: Here.

4 THE CLERK: Senator Deeds.

5 SENATOR DEEDS: Here.

6 THE CLERK: Senator Whipple.

7 SENATOR WHIPPLE: Here.

8 THE CLERK: Senator Obenshain.

9 (No response.)

10 THE CLERK: Senator Puckett.

11 SENATOR PUCKETT: Here.

12 THE CLERK: Senator Edwards.

13 SENATOR EDWARDS: Here.

14 THE CLERK: Senator Blevins.

15 SENATOR BLEVINS: Here.

16 THE CLERK: Senator McEachin.

17 SENATOR MCEACHIN: Here.

18 THE CLERK: Senator Petersen.

19 SENATOR PETERSEN: Here.

20 THE CLERK: Senator Smith.

21 SENATOR SMITH: Here.

22 THE CLERK: Senator Barker.

23 SENATOR BARKER: Here.

24 THE CLERK: Senator Northam.

25 SENATOR NORTHAM: Here.

1 THE CLERK: Senator Vogel.

2 SENATOR VOGEL: Here.

3 THE CLERK: Senator McWaters.

4 SENATOR MCWALTERS: Here.

5 THE CLERK: Senator Howell.

6 SENATOR HOWELL: Here.

7 THE CLERK: Senator Obenshain.

8 SENATOR OBENSHAIN: Here.

9 THE CLERK: Madam Chair, you have the floor.

10 MADAM CHAIR: Thank you. We have three items on our
11 docket today. The first is the congressional redistricting
12 plan. That will not be brought up today. We're going to
13 save that for another day. We also have the Governor's
14 appointments. We will be dealing with that next, and
15 that's followed by the General Assembly redistricting
16 bill.

17 First, on the Governor's appointments, they are at
18 your desk. They've been vetted through our paperwork group
19 and are ready for a motion.

20 SENATOR WHIPPLE: Madam Chairman, I would move that
21 we adopt Senate Joint Resolution No. 5017, confirming
22 appointments by the Governor.

23 SENATOR VOGEL: Second.

24 MADAM CHAIR: It has been moved and seconded. Is
25 there any discussion?

1 (Pause.)

2 MADAM CHAIR: Seeing no hands, all in favor please
3 say "Aye."

4 MULTIPLE SPEAKERS: Aye.

5 MADAM CHAIR: Okay. Is anyone opposed.

6 (No responses.)

7 MADAM CHAIR: It passes unanimously.

8 Next, we have our General Assembly redistricting
9 bill. You have now an amendment in the nature of a
10 substitute. That amendment contains on the House side what
11 was passed by the House of Delegates, as well as a few
12 technical changes that they have requested.

13 SENATOR DEEDS: Madam Chair?

14 MADAM CHAIR: Yes.

15 SENATOR DEEDS: I move that we adopt the substitute.

16 SENATOR WHIPPLE: Seconded.

17 SENATOR VOGEL: (Simultaneous to Senator Whipple)
18 Second — seconded.

19 MADAM CHAIR: It has been moved and seconded that we
20 adopt the substitute. All in favor please say "Aye."

21 MULTIPLE SPEAKERS: Aye.

22 MADAM CHAIR: All opposed.

23 (No audible response.)

24 MADAM CHAIR: Okay. This substitute ... this
25 substitute, as I said, contains the House plan as it

1 passed the House of Delegates, plus some technical changes
2 they have requested. And for the Senate, it contains the
3 agreement that was reached by the negotiators for the
4 Republican Caucus and the Democratic Caucus.

5 I'd like to say just a few words about this plan. The
6 negotiators on both sides worked extremely hard for three
7 days, and we did reach an agreement. This agreement is
8 part of this bill. It meets all legal and constitutional
9 requirements, and particularly close attention was paid to
10 the Voting Rights Act, and we are in compliance with the
11 Voting Rights Act in this proposal.

12 It respects to the extent possible the current
13 selection by voters for their current representatives in
14 the senate. It respects the current parity between the
15 parties. One man one vote is also respected.

16 We are creating two new districts and we are reducing
17 two districts based on population shifts. This plan
18 responds to the concerns put forward by the governor in
19 his veto message, and it responds to concerns put forward
20 by the republican negotiators. It responds further to
21 areas of public concern.

22 There are now in this proposal two districts in
23 Virginia Beach. It reduces by one the number of districts
24 having part of Prince William County, and we have un-split
25 numerous precincts and localities that were previously

1 split. So, we have a net reduction in the numbers of split
2 localities and precincts.

3 We continue to support competitive districts, and we
4 expect throughout the state many spirited election
5 campaigns to take place.

6 We democrats negotiated in good faith. We worked with
7 our republican colleagues, as I said, for three long days.
8 We agreed on a plan, this plan, and we are keeping the
9 good faith that we've entered the negotiations with and
10 are putting forward and plan to support the negotiated
11 plan.

12 Are there any questions ... or comments?

13 SENATOR MCEACHIN: Madam Chair?

14 MADAM CHAIR: Yes ...

15 SENATOR MCEACHIN: I move - -

16 MADAM CHAIR: ... Senator McEachin.

17 SENATOR MCEACHIN: I move that we report the bill.

18 MADAM CHAIR: It has been moved that the bill be
19 reported. Is there a second?

20 SENATOR WHIPPLE: Second.

21 MADAM CHAIR: It has been moved and seconded. Are
22 there comments?

23 (Pause.)

24 MADAM CHAIR: Seeing none, is there anyone in the
25 public who would like to comment?

1 UNIDENTIFIED SPEAKER: (Inaudible.)

2 MADAM CHAIR: Again, seeing no one, all in favor of
3 these amendments in the nature of a substitute please say
4 "Aye."

5 MULTIPLE SPEAKERS: Aye.

6 MADAM CHAIR: Opposed.

7 MULTIPLE SPEAKERS: No.

8 MADAM CHAIR: Alright. Call the roll.

9 THE CLERK: Senator Martin.

10 SENATOR MARTIN: No.

11 THE CLERK: Senator Deeds.

12 SENATOR DEEDS: Yes.

13 THE CLERK: Senator Whipple.

14 SENATOR WHIPPLE: Aye.

15 THE CLERK: Senator Obenshain.

16 SENATOR OBENSHAIN: No.

17 THE CLERK: Senator Puckett.

18 SENATOR PUCKETT: Aye.

19 THE CLERK: Senator Edwards.

20 SENATOR EDWARDS: Aye.

21 THE CLERK: Senator Blevins.

22 SENATOR BLEVINS: Aye.

23 THE CLERK: Senator McEachin.

24 SENATOR MCEACHIN: Aye.

25 THE CLERK: Senator Petersen.

1 SENATOR PETERSEN: Aye.

2 THE CLERK: Senator Smith.

3 SENATOR SMITH: No.

4 THE CLERK: Senator Barker.

5 SENATOR BARKER: Aye.

6 THE CLERK: Senator Northam.

7 SENATOR NORTHAM: Aye.

8 THE CLERK: Senator Vogel.

9 SENATOR VOGEL: Aye.

10 THE CLERK: Senator McWaters.

11 SENATOR MCWALTERS: Aye.

12 THE CLERK: Senator Howell.

13 SENATOR HOWELL: Aye.

14 THE CLERK: Not (inaudible). Twelve yeas, three nays.

15 MADAM CHAIR: Twelve ayes, three nays. The bill is
16 reported.

17 Is there further business to come before us?

18 (No audible response.)

19 MADAM CHAIR: Okay. There being none, the committee
20 will rest.

21 UNIDENTIFIED SPEAKER: Straight into chamber, folks.

22

23

24

NOTE: END OF AUDIO.

25

CERTIFICATE OF TRANSCRIBER

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Laura M. Featherston, do hereby certify that I transcribed the tape-recorded proceedings of the Senate Committee on Privileges and Elections meeting conducted on April 28, 2011. To the best of my ability, the foregoing transcript, pages one through eleven (including this certificate) is a true and accurate record of that proceeding as recorded on an audio-cassette tape delivered to Crane-Snead & Associates, Inc., by D. Hobie Lehman, Assistant Coordinator of Committee Operations, Sergeant-At-Arms of the Senate of Virginia.

Given under my hand this 6th day of May, 2011

Laura M. Featherston