

In a statement Wednesday, Cuccinelli said: "Given the impending elections and deadlines associated with the federal Voting Rights Act, my office is seeking immediate intervention by the Supreme Court of Virginia."

"We are filing a writ of prohibition, seeking a ruling that the circuit court's ruling exceeds its jurisdiction. We are also seeking an immediate appeal of the order and a stay of further proceedings in the circuit court until the Virginia Supreme Court has ruled," he said.

Tucker Martin, a spokesman for the governor, confirmed that Gov. Bob McDonnell signed the redistricting bill Tuesday night "after reviewing the legislation and consulting with the attorney general's office."

A similar suit is pending in U.S. District Court. Democrats argue that the plan disenfranchises blacks by placing too many of them into one district.

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Staff writer Wesley P. Hester contributed to this story.

# Judge lets suit on districts proceed

BY FRANK GREEN  
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A Richmond Circuit Court judge has refused to toss out a suit from six voters alleging that the General Assembly's congressional redistricting plan is unconstitutional.

Legislators passed the plan Friday. The plaintiffs contend the state constitution required legislators to draw up the plan in 2011 and, therefore, the General Assembly forfeited its authority and the redistricting responsibility falls to the courts.

The Virginia Attorney General's Office asked Judge Richard D. Taylor Jr. to dismiss the suit. But Taylor ruled Tuesday that it can proceed.

Brian Gottstein, a spokesman for Attorney General Ken Cuccinelli, said that despite the circuit court's opinion — that it has not decided whether the General Assembly is divested of its authority to draw new congressional districts because it did not complete the task in 2011 — the effect of the opinion is that the General Assembly is divested of such authority.

Now that the General Assembly has passed — and the governor has signed — the plan, the court can act only if passing the bill was beyond the legislature's authority, argues Gottstein.

Gottstein said that because the General Assembly clearly has such authority under both the U.S. and Virginia constitutions, the Richmond Circuit Court does not have the jurisdiction to hear the plaintiffs' claims.

In fact, both parties to the suit agreed at the hearing that if the General Assembly still had the power to redistrict, the suit should be dismissed, he said.

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