

01-024

CONSTITUTION OF VIRGINIA: LEGISLATURE (LEGISLATIVE SESSIONS) — FRANCHISE AND OFFICERS (APPORTIONMENT).

Constitution does not prohibit General Assembly from convening special session following adjournment sine die of 2001 Regular Session to conduct decennial reapportionment, recessing special session to convene reconvened session, and resuming special session upon adjournment sine die of reconvened session.

The Honorable H. Morgan Griffith
Member, House of Delegates
February 23, 2001

You ask whether the General Assembly may convene a special session after adjournment sine die of the 2001 Regular Session to conduct the constitutionally required decennial reapportionment,¹ recess from the special session to convene a reconvened session, and resume the special session upon adjournment sine die of the reconvened session.

You advise that the 1991 General Assembly convened in special session on April 1, 1991, for the purpose of conducting decennial reapportionment. You advise further that the General Assembly adjourned the special session on April 2, 1991, to meet on April 3, 1991, following adjournment sine die of a reconvened session.²

Article IV, § 6 of the Constitution of Virginia governs sessions of the General Assembly. Article IV, § 6 requires the General Assembly to "reconvene on the sixth Wednesday after adjournment" sine die of its regular session for the purpose of considering legislation returned by the Governor with recommendations for amendment. The General Assembly may also consider at such reconvened session legislation and items of the appropriation bill that have been vetoed by the Governor.³ No other legislative business may be considered at a reconvened session.⁴ A special session of the General Assembly may be convened in one of only two ways: (1) the Governor may convene a special session "when, in his opinion, the interest of the Commonwealth may require"; or (2) the Governor shall convene a special session "upon the application of two-thirds of the members elected to each house."⁵

The powers of the General Assembly generally are plenary, and the Constitution acts to limit those powers.⁶ Nothing in the Constitution

prohibits the General Assembly from convening a special session following adjournment sine die of the 2001 Regular Session to conduct the decennial reapportionment, recessing the special session to convene a reconvened session, and resuming the special session upon adjournment sine die of the reconvened session. Consequently, I must conclude that such a course of action is permitted.

¹"The General Assembly shall reapportion the Commonwealth into electoral districts ... in the year 1971 and every ten years thereafter." Va. Const. art. II, § 6.

²See H. Jour. 14 (Sp. Sess. 1991); S. Jour. 11 (Sp. Sess. 1991).

³Va. Const. art. IV, § 6.

⁴See *id.*

⁵*Id.*

⁶See *Strawberry, etc. v. Starbuck*, 124 Va. 71, 97 S.E. 362 (1918); 1 A.E. Dick Howard, *Commentaries on the Constitution of Virginia* 450 (1974).

[Back to February 20001 Index](#)