

The Public Interest in Redistricting

**A Report of the
Independent Bipartisan Advisory Commission on Redistricting
Commonwealth of Virginia
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Section 1

The Public Interest and Guiding Principles

More than 300 citizens attended and more than 70 citizens testified during Public Forums conducted by the Independent Bipartisan Advisory Commission on Redistricting in Richmond, Roanoke, Northern Virginia, and Hampton Roads, and many other citizens submitted written testimony. These Virginians included private citizens, representatives of organizations, members of the General Assembly, mayors, and members of city councils and county boards. Besides the obvious conclusion that a large cross-section of citizens has a keen interest in redistricting, four other vital conclusions stand out from their testimony.

1. **Reform.** A common current in their testimony focused on changing the existing approach to redistricting, which on the whole leaves citizens out of the process. As it is, elected representatives enjoy a reelection insurance policy, which enables them to choose their own constituencies in the drawing of district boundaries. Time and again citizens testified that voters should choose their elected representatives, but that elected representatives should not choose their voters. They frequently said that allowing elected representatives to draw district boundaries favorable to their own political interests undermines two vital ingredients of a democracy: vigorous competition and healthy debate.
2. **Transparency.** Many citizens testified that the current redistricting process lacks transparency, openness, and ease of understanding. They find themselves far removed from a process that they do not understand. But several other factors further complicate the basic process of drawing district boundaries, namely Virginia's economic, political and social diversity, its size, and its history that places the Commonwealth under Section 5 of the Voting Rights Act. Despite these complexities, however, a transparently open redistricting process would at a minimum enable citizens to understand available alternatives.
3. **Compact Size, Contiguous Boundaries, Communities of Interest.** Almost every witness before the Commission provided examples of gerrymandering that egregiously violate three generally recognized tenets of appropriate district composition: compact size, contiguous boundaries, and communities of interest. Because so many districts throughout the Commonwealth violate these fundamentally and historically accepted tenets, citizens often do not know either who their representatives are or how they may contact them. Likewise, some elected representatives testified that they find it difficult to effectively represent far-flung districts which lack compact size, contiguous boundaries, and communities of interest.
4. **Fairness.** Witnesses before the Commission frequently invoked the word *fairness*. Now is the time, they contend, to apply fundamental standards of fairness to the redistricting process that (1) enable constituents and their elected representatives to have easier access to one another, and (2) cause individual communities throughout the Commonwealth to have confidence that their interests receive proper representation.

Being fully cognizant of widespread citizen interest in redistricting and the preponderant views exhibited in their testimony, the Independent Bipartisan Advisory Commission on Redistricting chose to observe the following seven guidelines and principles in the conduct of its work and in the making of its recommendations.

First, the Commission’s work should comply with the “one person, one vote requirements” of the U.S. Constitution as interpreted by the U.S. Supreme Court. Regarding the U.S. House of Representatives, the Court has ruled that states “must make a good faith effort to achieve precise mathematical equality” in population. However, at the state legislative level, the Court has allowed some deviations from the standard of “precise mathematical equality” if those deviations conform to considerations of the Voting Rights Act and appropriately respect political boundaries and communities of interest.

Second, the Commission’s work should comply with the Voting Rights Act, especially Sections Two and Five, which contain significant requirements for the Commonwealth of Virginia. First, Section Two requires that wherever possible Virginia draw majority-minority districts without violating other essential redistricting criteria. Second, Section Five requires that Virginia’s redistricting plan not regress from the number of majority-minority districts found in the redistricting done pursuant to the 2000 census. In that redistricting at the Congressional and state legislative levels, respectively, Virginia had one (1) majority-minority district in the U.S. House of Representatives, five (5) majority-minority districts in the State Senate, and twelve (12) majority-minority districts in the State House of Delegates.

Third, the Commission’s work, while recognizing the fundamental requirements of the Voting Rights Act, should ensure compliance with Article Two, Section Six of the Virginia Constitution, which directs that each district consist of contiguous and compact territory.

Fourth, the Commission’s work should, to the maximum extent possible, maintain municipal and county boundaries and respect communities of interest, including economic communities of interest.

Fifth, the Commission’s work should, to the maximum extent possible, respect Virginia’s increasingly apparent regional identities in the 21st Century, such as Northern Virginia, Hampton Roads, Central Virginia, and Southwestern Virginia.

Sixth, the Commission recognizes that any redistricting plan inevitably includes tradeoffs. Some of these, such as in Congressional redistricting may require significant “stretching” of districts to meet population requirements. Others may require judgments that balance voting rights considerations with the maintenance of municipal and county boundary lines.

Fairness in redistricting, the Commission contends, need not cause appropriate trade-offs to unduly interfere with redistricting plans that comply with population and voting rights requirements, reflect compact size and contiguous boundaries, maintain municipal and county boundaries, and respect communities of interest.

Seventh, the Commission’s work should comply with the expressed desires of citizens across the Commonwealth (1) that ordinary citizens have the opportunity to understand both the process

and the results of redistricting, and (2) that the composition of districts facilitate rather than inhibit political interest and engagement in the democratic process.

Section 2

History of the Commission

The work of the Independent Bipartisan Advisory Commission on Redistricting stands out as a landmark in the movement toward an open, impartial redistricting process that actively engages the people in pursuit of the public interest. For the first time in Virginia's history, the Governor and the Virginia General Assembly have for their consideration alternative redistricting plans that meet constitutional and legal standards developed in a manner that puts the public interest above partisan, parochial interests. But how did it all begin?

First, a cross-section of business and civic leaders identified two related problems: the lack of competition in state legislative and Congressional elections and hyper-partisanship in the legislative process. These leaders saw that the combination of these problems (1) fostered partisan gridlock in the legislative process and inhibited the achievement of practical solutions to problems, (2) eroded the accountability of elected representatives' to their constituents, and (3) undermined citizens' interest in voting or otherwise participating in their government.

Second, in 2007 these concerned citizens formed the Virginia Redistricting Coalition to advocate redistricting reform, which soon expanded to include other like-minded business and civic leaders and organizations throughout the state, including the Virginia Chamber of Commerce, the League of Women Voters of Virginia, the Virginia Interfaith Center for Public Policy, AARP Virginia, the Virginia Business Council, Virginia 21, the Future of Hampton Roads Inc., Richmond First Club, and others. Prominent elected officials, including Governors Mark Warner and George Allen, also supported this endeavor.

Third, the Coalition proposed a "Virginia Model for Redistricting Reform," which focused on eliminating incumbency protection, controlling gerrymandering, providing for ample public comment and review, and adhering to the legal requirements of compactness, contiguity, equal population, and protection of minority voter rights.

Fourth, for several years the Coalition supported in the General Assembly a bill that would create an official bipartisan commission with the authority to devise redistricting plans subject to an up-or-down vote by the General Assembly.

Fifth, during the 2009 gubernatorial election, both the Democratic candidate, Senator Creigh Deeds, and the Republican candidate, now Governor Bob McDonnell, endorsed the creation of a bipartisan redistricting commission.

Sixth, on January 10, 2011, by Executive Order No. 31, Governor McDonnell created the Independent Bipartisan Advisory Commission on Redistricting, with instructions that it:

- Solicit broad public input;

- Function openly and independently of the executive and legislative branches; and
- Present its report and recommendations directly to the President Pro Tem of the Senate, the Speaker of the House, the chairs of the Senate and House Privileges and Elections Committees, and the Governor for consideration in advance of the reconvened session of the General Assembly.

Further, the Governor's Executive Order began with this preamble: "Legislative districts must be drawn in a way that maximizes voter participation and awareness and lines should reflect commonsense geographic boundaries and strong communities of interests." Accordingly the Governor charged the Commission to follow these guidelines:

- Districts shall be compact and contiguous and as equal in population as practicable, according to the 2010 Census.
- Districts shall comply with the legal requirements of the Virginia and U.S. Constitutions and state and federal law, including the Voting Rights Act, and case law.
- Districts shall respect the boundaries of existing political subdivisions and as few counties and cities as practicable should be divided into multiple districts.
- Districts shall preserve communities of interest to the extent possible.

The guidelines in the Executive Order excluded political criteria, such as partisan political advantage and electoral competition. When delivering his charge orally to the Commission at its first meeting, the Governor emphatically reinforced these guidelines.

To read the text of the Governor's Executive Order, please see:

<http://www.governor.virginia.gov/issues/executiveorders/2011/EO-31.cfm> .

Section 3

Public Forums

To respect the Governor's charge that the Commission seek public input about the redistricting process, the Commission conducted Public Forums in four regions of Virginia:

- Richmond on March 11th at the Capitol;
- Roanoke on March 14th at Western Virginia Community College;
- Fairfax on March 15th at George Mason University; and
- Norfolk on March 21st at Norfolk State University.

Following a similar format at each venue,

1. The Commission Chair made opening remarks about the purpose and aims of the Commission;
2. The Commission's Legal Counsel presented the constitutional and legal principles undergirding redistricting in the United States and how these principles apply to Virginia;
3. The Commission then heard testimony from private citizens, elected officials, and representatives of organizations;
4. Students from local colleges and universities presented their redistricting maps and described how and why they had constructed them; and
5. Commission members offered concluding remarks that expressed appreciation for the input they had received.

Critics of bipartisan redistricting contended that citizens have little interest in redistricting, but the facts belie the charge.

- More than 300 citizens attended the four Forums;
- More than 70 citizens, including 15 legislators, testified;
- Besides legislators, those testifying included representatives of organized political parties, interest groups and non-partisan associations, and elected officials at the local level;
- Others submitted written testimony; and
- During approximately two hours at each forum/hearing, hardly anyone left.

As these citizens testified eloquently and from the heart about the state of democracy in Virginia, their testimony developed several common themes of compelling interest to the Commission. One overarching conclusion, however, tied each of these themes together.

- **The redistricting process urgently needs to be reformed.**

First, many ordinary citizens neither understand the redistricting process nor do they know who represents them in the General Assembly. While technological advancements continue to make so many activities easier to understand and undertake, politics for many remains inexcusably

opaque. Indeed, several members of the General Assembly testified (1) that their far-flung districts make it difficult for them to provide proper constituent service and representation, and (2) that constituents frequently do not know who represents them.

Second, Congressional and state legislative districts separate communities of interest for reasons that citizens find invalid. Time and again, citizens told the Commission that their districts divide rather than unite communities of interest. Bewildered by oddly drawn and befuddling district boundary lines, they could find no other reason for them than the advantage these bizarre districts give to incumbents running for office. That is, these districts are reelection insurance policies for incumbents. Many of these same citizens as well as others testified that emerging regional and economic similarities find their expression in the drawing of district lines.

Third, the splitting of municipal and county jurisdictions drew the ire of citizens, who gave numerous examples of how several delegates and more than one senator represented one, sometimes small, locality. Understandably some might argue that localities may gain more effective representation by having more than one legislator look after their interests, but that was not the position of most, if not all, citizens who testified on this point. Instead, they pointed out the difficulties that citizens have in knowing who to contact, who to hold accountable, and who among several legislators should coordinate or lead the representation of local municipal and county interests in the General Assembly. That is, municipalities and counties receive more effective representation from unity rather than diversity or multiplicity of representation.

Illustrative of the testimony received by the Commission:

Frank Jones, the Mayor of Manassas Park, sent the Commission a unanimous recommendation from the Town Council that the jurisdiction be represented by only one delegate district and one senatorial district.

Michael Amyx, Executive Director of the Virginia Municipal League, highlighted the importance of having local governments work easily with their state delegations, which current districts discourage. He stated that “Slicing up cities, counties and towns in order to protect political interests can leave communities disconnected.” As examples, he cited the following illustrations:

- Four state senators and seven delegates represent portions of the City of Chesapeake;
- Five state senators and seven delegates represent portions of the City of Virginia Beach, which has twice the population of Chesapeake; and
- Two senators and two delegates represent portions of the 8,000 residents of the small City of Franklin.

Amyx then asked: “What are we trying to accomplish here? How are the communities of interest for Franklin and Chesapeake maintained by diluting that representation to such an extent that the

community is either overwhelmed by its neighbors or too chopped-up to voice a coherent message? Common sense would seem to dictate that legislative district lines should help foster a closer relationship between local governments and state legislators. Ensuring that state elected officials and local governments share common communities of interest will better enable us to address our most pressing problems. A more effective working relationship would benefit all citizens in the Commonwealth.”

Paul Fraim, the Mayor of Norfolk, reinforced this perspective, noting that three of Norfolk’s six House districts have only a small minority of Norfolk residents in them, thus “severely reducing the ability of their voices to be heard in Richmond on issues of concern to them as Norfolk residents.” He pointed out that in at least one instance a small number of Norfolk residents find themselves in a rural district with no recognizable interests.

In addition, Fraim mentioned that the present legislative redistricting in the City of Norfolk splits precincts so that in some instances people voting at the same polling place find themselves standing next to other people voting for different candidates in a different election. To illustrate, Mayor Fraim testified that:

When Norfolk residents in precinct 106 (Zion Grace) go to the polls to vote for a member of the House of Delegates, one person in line may be handed a ballot for District 100 while the person behind may be given one for District 79. So part of the residents of that Norfolk precinct vote for someone who primarily represents Accomac and the rest get to vote for someone who primarily represents Portsmouth, even though all live in the same precinct in Norfolk. Living in the same neighborhood and even going to the same polling booth, they don’t even get to vote for the same slate much less for someone who clearly represents Norfolk’s interests.

Besides the common themes expressed at the Commission’s Forums, other matters received heightened attention at particular venues.

- In the Norfolk Forum, private citizens and members of the Legislative Black Caucus urged the creation of a second majority-minority Congressional district, and the exploration of options that would create more majority-minority state legislative districts.
- In the Northern Virginia Forum, various witnesses advocated consideration of common transportation lines, dense housing patterns, zip codes, experience of immigration and/or economic disadvantage in determining communities of interest.
- In Roanoke, citizens expressed concern about whether their Congressional district should include territory in Southwestern Virginia or territory in other directions.

The Forums not only provided helpful guidance to the Commission in learning about matters of general concern regarding redistricting, but also helpful guidance regarding matters of unique concern to individual regions.

And occasionally citizens focused on matters important to redistricting, but outside the Governor's charge to the Commission.

- Perhaps the most prominent issue arose when the League of Women Voters, the Future of Hampton Roads Inc. and several private citizens advocated that the Commission propose competitive districts. To implement competitiveness as a criterion might involve trade-offs between competitiveness on one hand and the maintenance of municipal and county boundaries and/or communities of interest on the other.
- In some instances citizens addressed issues of local interest, such as how redistricting might affect the location of a jail or a local magisterial district.

These two points, though worthy, fall outside the Commission's jurisdiction. But they did not detract from the indispensable benefit of the Forums in helping the Commission develop its guiding principles and specific recommendations.

Section 4

The Virginia College and University Redistricting Competition

The Virginia College and University Redistricting Competition, organized by Professors Michael McDonald (George Mason University) and Quentin Kidd (Christopher Newport University), had two goals: (1) to teach students how to participate in redistricting; and (2) to demonstrate that interested citizens can also participate. The competition included two divisions.

- Division 1 maps addressed the criteria of contiguity, equipopulation, the federal Voting Rights Act, communities of interest that respect existing political subdivisions, and compactness, but in keeping with the Governor's Executive Order they could not address electoral competition and representational fairness.
- Division 2 maps addressed the criteria of contiguity, equipopulation, the federal Voting Rights Act, and communities of interest that respect existing political subdivisions, compactness, electoral competition, and representational fairness.

Some 150 students on 16 teams from 13 colleges and universities submitted 55 plans for the U.S. House of Representatives, State Senate, and House of Delegates. Two judges, Thomas Mann (Brookings Institution) and Norman Ornstein (American Enterprise Institute), chose the winning maps.

All 55 maps appear on the following website, <http://www.varedistrictingcompetition.org/>.

The student competition provided invaluable assistance to the Commission in dealing with three important challenges:

1. How to address communities of interest;
2. How to adhere to the Voting Rights Act; and
3. How to implement the equal population requirement.

The 55 maps demonstrated the importance of (1) keeping communities of interest together, including ethnic and racial communities, (2) respecting traditional political boundaries, such as cities and counties, (3) considering significant changes in Virginia's population, and (4) being cognizant of Virginia's existing and emerging regions. And in doing so to comply with the Voting Rights Act and the equal population requirement.

Communities of Interest. Teams viewed communities of interest on several levels. First, they saw Virginia as a grouping of regions and organized their redistricting plans around these identities. Second, they saw within those regions more specific communities of interest, normally centered around an urban area or large community, and some looked for communities of interest within larger urban areas.

1. One approach considered the socio-economic landscape, such as in "the western half of Richmond, half of Henrico, and other counties that are closely tied with the economic and social landscape of the Richmond metro area. Many of these areas have significant portions of their populations who either live in or commute to Richmond often and have relatively similar socio-economic statuses."
2. Another approach, as in the case of Hampton Roads, sought to maintain the regional identity of its military, shipbuilding, and tourism interests.
3. Then in western Virginia the student maps respected its historic rural and agricultural interests.
4. Finally, while all teams attempted to minimize the divisions of cities and counties, they recognized the impossibility of uniformly accomplishing this objective, because it constrained efforts to achieve other objectives, such as the equal population criterion. Often, of course, they found that communities of interest overlapped these traditional political boundaries.

Voting Rights Act Requirements. Because an increasingly mobile African-American population means that they do not always reside in distinct communities, drawing compact majority-minority districts while maintaining communities of interest became the greatest challenge facing the student teams. So, given the requirements of the Voting Rights Act, student teams sometimes sacrificed compactness in order to achieve the appropriate number of majority-minority districts.

Equal Population Requirements. Believing that a compact district and an intact community of interest provides for better representation, the student maps placed a premium on district compactness and community of interest over the achievement of equal population. Despite this

bias, however, in almost all instances their maps stayed within the plus-minus range of 5 percent. In some instances, however, their maps came much closer to 5 percent, especially for the State Senate and House.

Commission members were extremely impressed by the student efforts throughout the competition. The dedication of the student groups was exemplary. The thoughtfulness and creativity of the teams helped to inform the dialogue and decisions that the Commission itself reached. And one of the teams, the students from the Law School at the College of William and Mary, actually assisted the Commission in its final weeks. The competition was ultimately a testimony to the extraordinary potential that is being developed at Virginia's colleges and universities.

Moreover, the Commission believes that the winning maps in the division of the competition that utilized the criteria that the Governor provided to the Commission should be granted serious consideration during the redistricting process. We commend these maps, which can be found at the following website: <http://www.varedistrictingcompetition.org/results/>

Section 5

Constitutional and Legal Issues

In considering the legal principles applicable to redistricting, recognition must be given first and foremost to the constitutional provisions in the Virginia Constitution and the Constitution of the United States. Second, adherence must be given to the provisions of the Voting Rights Act, both Section 2 and Section 5 (the latter being applicable to Virginia as a "covered" state). Lastly consideration must also be given to additional redistricting principles not contained in the constitutions or statutes but allowed and approved by case law.

I. CONSTITUTIONAL PRINCIPLES

Virginia Constitution

"Every electoral district shall be composed of *contiguous and compact* territory and shall be so constituted as to give, as nearly as is *practicable*, representation in proportion to the population of the district."

Article II, § 6 (emphasis added).

Contiguity

"[A] district that contained two sections completely severed by *another land mass* would not meet this constitutional requirement [for contiguity].... [L]and masses separated by *water* may nevertheless satisfy the contiguity requirement in *certain circumstances*."

Wilkins v. West, 264 Va. 447, 463-64 (2002) (emphasis added)

Wilkins rejected a trial court’s requirement that there must be a bridge, road or ferry allowing full internal access to all parts of the district. As requested by the Governor, however, if districts have land masses separated by water, then to the extent feasible such land masses should be connected by bridges.

Compactness

In the *Wilkins* case, experts on both sides used two objective measures of compactness:

- Reoch/Geographic Dispersion Method: “measures the level of compactness by determining the ratio of the area of the district to the smallest circle that can be superimposed over the district.” *Id.* at 464, n.6.
- Polsby/Popper/Perimeter Compactness Method: “computes a ratio based on the area of the district compared to a circle that equals the length of the perimeter of the district.” *Id.*

Other quantifiable measures of compactness may also exist; however, no rules have been adopted favoring one method over another or adopting any bright lines for when a district is not sufficiently compact to pass constitutional muster.

U.S. Constitution

“One man, one vote” is required

Article I, § 2

(pertains to Congressional Districts)

There is “no excuse for the failure to meet the objective of equal representation for equal numbers of people in congressional districting other than the practical impossibility of drawing equal districts with mathematical precision.”

Mahan v. Howell, 410 U.S. 315, 322 (1973).

14th Amendment – Equal Protection Clause

(pertains to House of Delegates and State Senate Districts)

“[B]roader latitude has been afforded the States under the Equal Protection Clause in state legislative redistricting....”

Mahan, 410 U.S. at 322.

Complete numerical equality of districts is not required for House of Delegates and State Senate Districts. *See Daly v. Hunt*, 93 F.3d 1212, 1218 (4th Cir. 1996) (“If the maximum deviation is less than 10%, the population differential will be considered *de minimis* and will not, by itself, support a claim of vote dilution.”).

In 2001, General Assembly used plus or minus 2% (a total deviation of 4%) for House of Delegates and State Senate Districts. *See Wilkins*, 264 Va. at 468, n.7. Given the charge of the Executive Order, and the request of the Governor to attempt to preserve political boundaries, the Commission may wish to suggest that the General Assembly articulate that a state policy exists for the preservation of political subdivision boundaries. In conjunction with such a policy, the General Assembly should state that, even though there may be a preference for staying within the plus or minus 2% range, if respect for political boundaries does not allow that range to be achieved, then deviations above such range are allowed to the extent necessary (though deviations above a plus or minus 5% (a total deviation of 10%) should not be implemented).

Racial gerrymandering is prohibited.

“A party asserting that a legislative redistricting plan has improperly used race as a criterion must show that the legislature subordinated traditional redistricting principles to racial considerations and that race was not merely *a* factor in the design of the district, but was *the* predominant factor. The challenger must show that a facially neutral law is explainable on no other grounds but race.”

Wilkins, 264 Va. at 467 (emphasis in original) (citing *Hunt v. Cromartie*, 532 U.S. 234, 241-42 (2001)).

II. VOTING RIGHTS ACT, 42 U.S.C. § 1983(c)

The application of the Voting Rights Act (“the Act”) to redistricting contains two major provisions – Section 2 and Section 5 – these provisions work independently of each other.

Section 2 of the Voting Rights Act

Section 2 is applicable nationwide and prohibits any State from imposing a “voting ... standard, practice or procedure ... in a manner which results in the denial or abridgment of the right to vote on account of race or color.” 42 U.S.C. § 1973(a). There is a violation of Section 2 if, given the “totality of circumstances,” members of a minority group “have less opportunity than other members of the electorate to elect representatives of their choice.” 42 U.S.C. § 1973(b). **This is the source of the “no dilution” principle. “Dilution” of minority vote is prohibited.**

“When the voting potential of a minority group that is large enough to form a majority in a district has been thwarted by the manipulation of district lines, minorities may justly claim that their “ability to elect” candidates has been diluted in violation of Section 2 [of the Voting Rights Act.]”

Hall v. Virginia, 385 F.3d 421, 429 (4th Cir. 2004)

The U.S. Supreme Court however, has ruled that “[f]ailure to maximize cannot be the measure of Section 2 [of the Voting Rights Act].” *Johnson v. DeGrandy*, 512 U.S. 997, 1017 (1994). In other words, failure to maximize does not constitute dilution of minority voting.

The Supreme Court has also discussed two types of districts that seem pertinent here. First, there are “minority influence” districts in which the minority can influence the outcome of an election even if its preferred candidate cannot be elected. Second, there are “crossover” or “consolidated” districts, where a large bloc of minority voters aided by sympathetic majority voters “crossing” over in sufficiently large numbers will elect the minorities’ preferred candidate.

Neither “minority influence” nor “crossover” districts are required by Section 2 of the Voting Rights Act. *See Bartlett v. Strickland*, 129 S. Ct. 1231 (2009); *LULAC v. Perry*, 548 U.S. 399 (2006). In other words, failure to create such a district does not constitute dilution of minority voting in violation of Section 2.

Illegal vote dilution based on race can occur through “cracking” or “packing”.

Cracking: “the splitting of a group or party among several districts to deny that group or party a majority in any of those districts.” *Id.* at n. 12 (quoting *Thornburg v. Gingles* 478 U.S. 30, 50, n. 17).

Packing: “concentration of blacks into districts where they constitute an excessive majority.” *Id.*

“On the other hand, when minority voters, as a group, are too small or loosely distributed to form a majority in a single-member district, they... cannot claim that their voting strength... has been diluted in violation of Section 2.”

Hall, 385 F.3d at 429.

Section 5 of the Voting Rights Act

Section 5 is the preclearance provision and is applicable only to certain States and jurisdictions, including Virginia. Changes in voting law and procedures – including redistricting – cannot go into effect until they are cleared by the Department of Justice (“DOJ”) or by the federal district court in the District of Columbia.¹

Regardless of where preclearance is sought, the Commonwealth must show that the change in the law “neither has the purpose or effect of denying or abridging the right to vote on account of race...” 42 U.S.C. § 1973(c). This standard is met if there is **no retrogression** when comparing minority voting strength under the new plan with minority voting strength under the old plan.

“Retrogression” is prohibited.

“The plan must contain no fewer majority-minority districts than the prior plan.”

Wilkins, 264 Va. at 468.

¹ Although Virginia has typically sought pre-clearance from DOJ, there may be advantages to applying instead to the federal district court and seeking expedited review. Among those advantages are transparency of the process and greater assurance that applicable legal principles will be fairly and neutrally applied.

For purposes of applying the non-retrogression principle, the baseline could be determined, hypothetically, either by (a) the number of majority-minority districts existing when the last redistricting occurred in 2001 and/or (b) the number of majority-minority districts existing at the time of the 2011 census (thus, reducing or increasing the original number based on population changes). The U.S. Supreme Court has suggested that both the current and prior census should be reviewed in determining a “baseline” for measuring retrogression, *Georgia v. Ashcroft*, 539, U.S. 461 (2003), at least when the population changes lead to an increase in the number of majority-minority districts. However, the Department of Justice, under its current guidelines, seems to suggest that it will use only the most current population data to measure both the benchmark plan and the proposed redistricting plan in determining issues of retrogression of minority-majority districts. See Federal Register, Vol. 76, No.27, at 7472, Feb. 9, 2011

III. TRADITIONAL REDISTRICTING PRINCIPLES

Traditional redistricting principles are basically outlined by case law. These basic principles are fully acceptable for implementation by a legislative body so long as constitutional principles – one man-one vote, compactness and contiguity are met. Recognizing and applying these principles – and declaring them to be important state interests – allows leeway from mathematical exactness in House of Delegate and State Senate redistricting plans (but not Congressional redistricting plans). However, if the legislature does not declare certain principles to be of importance – especially the recognition and preservation of political subdivision boundaries² – then less leeway is allowed and more exactness regarding allowed percentage deviations becomes required.

The main criteria allowed by the courts are set out by the *Wilkins* and *Mahan* cases, excerpts of which are as follows:

“[T]he General Assembly must balance a number of competing constitutional and statutory factors when designing electoral districts. In addition, traditional redistricting elements not contained in the statute, such as **preservation of existing districts, incumbency, voting behavior, and communities of interest**, are also legitimate legislative considerations.”

Wilkins v. West, 264 Va. 447, 463-64 (2002) (emphasis added).

Population deviations may also be justified by adherence to “...advance the rational state policy of respecting the boundaries of political subdivisions” provided that disparities of the plan do not “...exceed constitutional limits.”

Mahan v. Howell, 410 U.S. 315, 328 (1973).

² In Virginia’s redistricting following the 1970 census, the General Assembly articulated that respect for political subdivision boundaries – at least for the House of Delegates – was an important and traditional state policy. In redistricting following the 2000 census, the General Assembly declared, by statute, certain criteria to be of importance; however, respect for political subdivision boundaries was not set out as an important criterion. See Va. Code § 24.2-305.

“[W]here majority-minority districts are at issue and where racial identification correlates highly with political affiliation, the party attacking the legislatively drawn boundaries must show at the least that the legislature could have achieved its legitimate political objectives in alternative ways that are comparably consistent with traditional districting principles. That party must also show that those districting alternatives would have brought about significantly greater racial balance.”

Wilkins, 264 Va. at 467 (quoting *Cromartie*, 532 U.S. at 258).

IV. CONCLUSION

Although some clear constitutional and statutory rules apply to redistricting, there are a number of factors that a legislature – or a commission – may lawfully apply in its discretion, based on its own policy choices. Moreover, even where there is agreement about which factors should be considered, placing more emphasis on one factor may inevitably require less emphasis on another. In short, while some plans may deviate so far from accepted principles as to be readily subject to legal attack, there is no single legally correct answer to how redistricting lines should be drawn.

Section 6

The 2010 Census: Demographic Shifts

Steady growth marked Virginia’s population growth during the past 60 years. An increase of more than 900,000 during the decade just past continues a growth-rate trend of approximately one million per decade. Today’s population, some eight million, entitles Virginia to retain 11 seats in the U.S. House of Representatives.

This steady growth translates into increasing the populations of Congressional and state legislative districts. By dividing Virginia’s total population by the number of districts, members of Virginia’s Congressional delegation must now represent 727,366 people, an increase of nearly 100,000 from one decade ago. And for the House of Delegates, each district must now contain about 80,000 people, and each Senate district, some 200,000.

But unevenness marks Virginia’s growth rate. Three major metropolitan areas account for 82 percent of the growth: Northern Virginia, 55 percent; Metropolitan Richmond, 17 percent; and Hampton Roads, 10 percent. While most localities experienced population gains, 30 lost, including Southside, Southwest, the Shenandoah Valley, the Northern Neck, and the Eastern Shore. Also Accomack, Buchanan counties and Danville and Martinsville cities lost more than 10 percent each. In Hampton Roads both Portsmouth and Hampton lost population.

Ethnically, Virginia’s Hispanics, with an 8 percent increase in population, doubled in size between 2000 and 2010. By location 62 percent live in Northern Virginia with Manassas Park City having the highest percentage, 33 percent, followed by Manassas City and Prince William

County. Outside of Northern Virginia only Harrisonburg City and Galax City make the “Top Ten” list of localities having the largest percentages of Hispanics.

Racially, Asians continue to grow in population, from 4 percent in 2000 to 6 percent in 2010. At 19 percent, Virginia’s African-American population remains much the same as 10 years ago, both in size and in geographic location. People who classify themselves as of mixed racial background demonstrate some population growth.

Section 7

Metrics, Choices, and Maps

The Commission identified two fundamental problems in map making: a lack of transparency and understandable standards for determining the impact of alternative redistricting plans. Clarity generally exists with regard to equal population standards and the number of majority-minority voting districts, but not with regard to compactness and the splitting of municipal and county boundaries. To overcome this problem the Commission utilized four measures that helped to frame its choices and guide its recommendations.

Metrics

1. Voting Rights Act Considerations. Voting rights experts typically use two standard metrics for analyzing a redistricting plan’s consistency with voting rights considerations: the number of minority opportunity districts and the level of minority voting-age population within them to provide a minority community the opportunity to elect a candidate of their choice.

The first metric focuses on the number of proposed majority-minority districts. In evaluating this metric, the Commission determined whether proposed plans established majority-minority voting districts in all places where required to do so in a manner that is consistent with the other essential redistricting criteria.

Section 5 of the Voting Rights Act requires that Virginia statewide redistricting plans must not reduce, or retrogress, the overall number of effective majority-minority districts. Redistricting plans are submitted to the Department of Justice or District Court for the District of Columbia for evaluation and can be rejected if they are found to retrogress minority representation. The baseline Section 5 requirement is the number of districts with a majority of a minority voting-age population using the most recent census.

The second metric focuses on the percentage of minority population of voting age within a district. Typically, voting rights experts through careful analyses of racial voting patterns within a community determine these percentages. This percentage cannot be too low, so as to not provide a community with a chance to elect a candidate of their choice, but it cannot be too large, as to inefficiently waste minority votes in an overwhelming minority district. Without the resources to conduct such racial voting analyses, the Commission determined that an effective minority district is one with a percentage of minority voting-age population equal to the minimum accepted by the Department of Justice in 2001.

2. Equal Population. The Commission recognized that equal population standards can be different for Congressional and state-level redistricting. The Commission adopted an equal population standard for Congressional redistricting consistent with recent federal court decisions that favor absolute population equality. That is, if it is possible to divide the Commonwealth's population evenly by the number of Congressional districts, all districts must have exactly the same population. If not, the districts cannot vary by more than one person.

The Commission recognized that the federal standard for state-level redistricting has generally been more flexible, allowing variations of as great as 10% to meet other essential redistricting goals. However, tradition in the Commonwealth has been to require a stricter population standard than allowed by the federal courts. The Commission adopted a plus or minus 2% permissible variation in population for the Senate and House plans, and further explored how relaxing this requirement further intersected with respecting county and independent city boundaries.

3. Compactness. Redistricting scholars have developed metrics that enable comparisons between different plans regarding the level of compactness of their districts. The Commission used one such metric, known as the Schwartzberg measure, to assess how the plans it recommended compared to the plans that were adopted in 2001.³

4. Splitting of Counties and Independent Cities. The Commission was consistently asked by members of the public to recommend plans that kept municipal and county boundaries intact as much as possible. The Commission developed a simple metric that counted the number of times one or more districts split a county or independent city in the plans it recommended and compared this to the number of such splits in the plans adopted in 2001.⁴

Choices

Redistricting is a balancing act. Each criterion that the Commission was directed to employ is, by itself, an expression of a value that is widely supported in the Commonwealth. Most citizens surely care about equal representation, supporting the Voting Rights Act, maintaining district lines that respect communities of interest and municipal and county boundaries, and having political districts that are compact and contiguous.

Yet striving to implement each of these criteria inevitably involves balancing a set of choices and tradeoffs. When a Congressional district requires 727,366 Virginians to be included in a single district, small rural jurisdictions may be put together with geographically distant areas where a community of interest may not have previously been perceived. As districts for the House and the Senate are drawn to approach mathematically equal populations, it becomes increasingly difficult not to split municipal and county lines in the composition of the districts. It is possible

³ The Schwartzberg measure is the ratio of the perimeter of a circle with the same area as a district to the perimeter of the district. The best scoring district would have a Schwartzberg measure equal to 100% and the least would have a measure equal to 0%. This measure gives a higher score to districts that have shorter perimeters, or in other words, have fewer oddly shaped extensions from the district.

⁴ For example, if a county has only one district, the number of splits is zero. If a county has two districts, it is split twice; if it has three districts, it is split three times; and so on. Some larger counties and independent cities must be split because they cannot support a single district with the ideal population within their boundaries.

that creating majority-minority districts to give historically underrepresented populations the capacity to elect a candidate of their choice can result in a tradeoff regarding compactness and keeping municipal and county boundaries together.

Redistricting is also an evolving process. Legislatures may modify the criteria that they employ on a decennial basis, instituting small tweaks that have major effects. Definition of a community of interest may change over time and different regions of the state may define this notion in varying ways. Voting rights considerations may not be entirely static as well. The Commission heard from African-American elected officials at both the state and local levels who observed that they felt it was possible to reduce the majority percentage in existing majority-minority districts and still retain full compliance with the Voting Rights Act.

The Commission continuously grappled with the choices and tradeoffs that are inevitably present in striving to apply the criteria under which it operated. These tradeoffs were especially apparent in the Commission's discussion of reducing district splits and creating an additional majority-minority district in the Senate.

While the Commission identified these tradeoffs, the Commission recognized that redistricting is an extremely complicated process and that other plans may exist that improve upon one or all of the criteria the Commission used to guide its drawing of districts.

Voting Rights Act Considerations. The baseline Section 5 requirement is the number of districts with a majority of a minority voting-age population using the most recent census. Using this metric, Section 5 of the Voting Rights Act requires the following number of majority-minority districts in Virginia: 1 Congressional district, 5 Senate districts, and 11 House of Delegates districts. However, the Commission noted that Department of Justice approved a House of Delegates plan in 2001 that had 12 majority-minority districts using the 2000 census. In the decade between 2000 and 2010, the minority voting-age population of one district had dipped below 50 percent.

The Commission discovered in the course of its deliberations that it is possible to draw only one majority-minority Congressional district. However, the Commission discovered there is more than one way to draw this district. The Commission decided to propose two configurations, as they represent different approaches to tying together minority communities and alter the way by which adjoining districts may be drawn.

The Commission discovered in the course of its deliberations that it is possible to draw as many as 6 Senate and 13 House of Delegates majority-minority districts. The effectiveness of these districts to elect a candidate of choice is dependent on a second Voting Rights metric employed by the Commission.

The Commission found that the minority voting-age population within the 6 majority-minority Senate districts *would not* be effective at electing a candidate of their choice using the 2001 baseline approved by the Department of Justice. The Commission decided not to recommend this

option, but has noted it in case further exploratory mapping by others reveals a way to draw 6 effective majority-minority Senate districts.⁵

The Commission found that the minority voting-age population within the 12 and 13 majority-minority House districts alternatives *would* be effective at electing a candidate of choice using the 2001 baseline approved by the Department of Justice. The Commission decided to recommend both options, recognizing that 12 majority-minority districts would be consistent with the circumstances in 2001 and that additional provisions found in Section 2 of the Voting Rights Act may require recognizing 13 districts.

Population Equality. The Commonwealth's population growth over the last decade has primarily been located in the exurban areas of Northern Virginia, particularly in Loudoun and Prince William counties. Districts must have equal population to ensure equal representation for all Virginia residents across the state. As a consequence, district boundaries must follow this population growth.

Virginia did not gain or lose a Congressional seat to apportionment. Congressional district boundaries must thus shift northward to equalize district populations. The state legislature also continues to have the same number of districts, but because the 40 Senate and 100 House of Delegates districts are significantly smaller in size than the 11 Congressional districts, whole districts must be collapsed within the slower-growing areas found in the southeast and southwest corners of the Commonwealth and new districts – essentially one Senate and three House of Delegates districts – must be created in the Northern Virginia exurban areas.

Reducing the Number of Districts Where County and Independent City Boundaries Are Split. The Commission recognized in the course of its deliberations that there is a trade-off between balancing districts' populations and respecting county and independent city boundaries within the state legislative districts. At the Congressional level, there is no tradeoff between equal representation and maintaining municipal and county lines because Congressional lines must be drawn with absolute population equality.

Little public attention has been paid to this possible tradeoff in previous redistricting processes in the Commonwealth, but it became apparent during the Public Forums held by the Commission and in the Commission's review of maps in the Virginia College and University Redistricting Competition, that the choice of what population variation to permit is an important decision point.

The Commission recommended one set of maps for the House and Senate that essentially utilized the plus or minus 2% variation that was employed by the General Assembly during the 2001 redistricting process. At this level, the Commission maps are able to make considerable

⁵ The Commission discussed a map proposal that presented a sixth majority-minority Senate District, which involved three specific tradeoffs. First, it reduced the overall compactness of the map and required splitting additional counties and independent cities. Second, it required reducing the overall minority populations in most of the other existing majority-minority districts from 55% to 52%. Third, the introduction of a sixth majority-minority Senate District necessitated districts that jumped predominant water boundaries in the Norfolk and Hampton area. In sum, it may be possible to create a sixth majority-minority district. But the tradeoff entails reducing compactness, increasing district splits, jumping water boundaries and lowering the level of minority population to slightly above 52% in many of the existing majority-minority districts.

improvement on the existing district lines in terms of the number of county and independent city splits in both the House and the Senate. In the House, city and county splits are reduced from the existing number of 194 to 153. In the Senate, the number of splits is reduced from 110 to 72.

The Commission further explored a plan with a plus or minus 3% or greater variation for the Senate (including two districts more than 3% but less than 5%) that is able to reduce the number of city and county splits even more dramatically. The existing Senate map has 110 splits. The Commission's "2% map" has 72 splits. The Commission's "3% map" reduces the number of city and county splits to 40. In the House, such trade-offs are less severe, as the Commission identified only a single district that split a county boundary in order to stay within a 2% population variation.

In summary, it is certainly possible to make a substantial reduction in the number of city and county splits using the equal population criteria applied in 2001. This can be accomplished without any tradeoff with Voting Rights Act criteria. But it is likely that even more dramatic reductions in the number of municipal and county lines that are crossed by districts would require movement toward a plus or minus 3% variation or more in the equal population standard.

Maps

After consideration, the Commission decided to propose a set of its own "model maps" that would represent its thinking about how the criteria under which it operated could be applied. The Commission members certainly do not believe that these are the only possible maps that could be drawn in a manner consistent with these criteria. Nor do Commission members believe that these are necessarily the "best" maps.

The Commission has recommended earlier in the report that the winning maps in the student competition that utilized the Governor's criteria be considered during the redistricting process. And we believe that others could certainly use the available software to produce different yet entirely credible ways of accomplishing the tasks with which the Commission was charged.

In addition, Commission members fully recognized that they serve in an advisory capacity during the 2011 redistricting process. Political considerations such as electoral competitiveness, the promotion of partisan advantage, and the protection of specific incumbents were not part of the charge presented to the Commission. As the Governor noted in his remarks, these are matters that are the purview of the General Assembly during the 2011 process. The Commission recognizes that the Assembly would adjust any maps that it might examine to reflect these considerations.

The Congress

The Commission grappled with the “stretching” of rural districts and other areas where population growth was either negative or had not occurred at the same level as in the fast-growing regions of the state. Ultimately, the Commission concluded that there is no “perfect choice” or sometimes even a “desirable choice” in a number of these circumstances, and that localities had to be grouped with other jurisdictions that were geographically quite separate and where many residents might not initially see a natural community of interest. In almost every imaginable configuration, a Commission member could point to an apparently incongruous matching. The Commission ultimately made recommendations that members felt made sense, such as creating an “extended valley district” and not linking Roanoke to the Far Southwest. However, the Commission recognizes that these choices could legitimately be made in different ways.

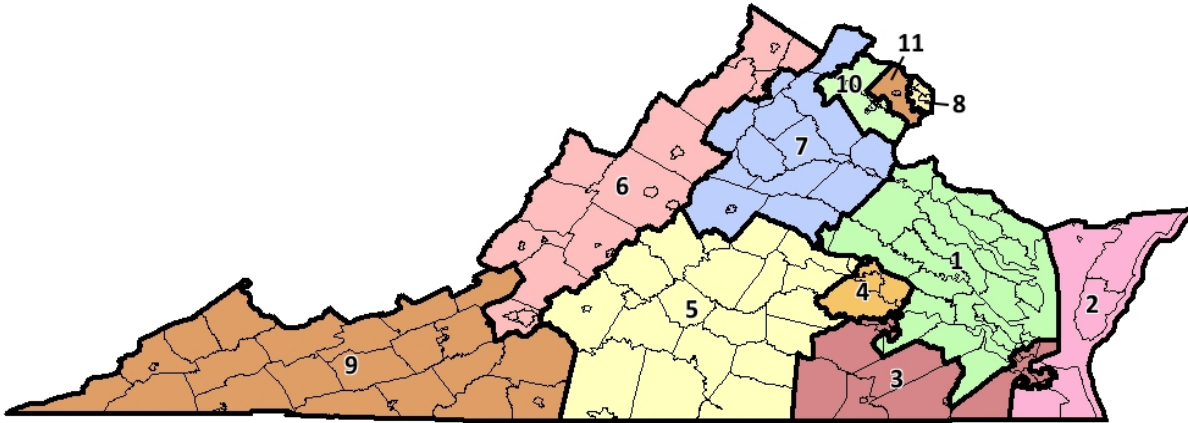
The Commission focused on the task of drawing three Northern Virginia Congressional Districts to reflect the increased growth in certain sections of Northern Virginia. Members ultimately felt that the best way to reflect communities of interest, existing county and independent city boundaries, and compactness was to draw these three Congressional districts as concentric semi-circles moving away from Washington, DC, recognizing that communities closer to Washington, DC, have more in common with each other than with communities farther from it.

Finally, Commission members wrestled with the best means of drawing the Commonwealth’s single majority-minority Congressional District. Under any circumstance, the existing district must be modified because its rate of population growth was lower than the Commonwealth’s average over the previous decade.

The Commission explored a number of alternatives, from suggestions that came from the Commission staff and from maps submitted in the Virginia College and University Redistricting Competition. One proposed alternative involved a significant relocation of the majority-minority Congressional District in Virginia in a manner that excluded most of the population areas around the city of Richmond, expanded the district’s scope in Hampton Roads and extended its boundaries considerably farther south and west toward Brunswick County and Dinwiddie County.

The Commission proposed two model maps, each focusing on aspects of the issues discussed above.

Congressional Model Map Option #1.

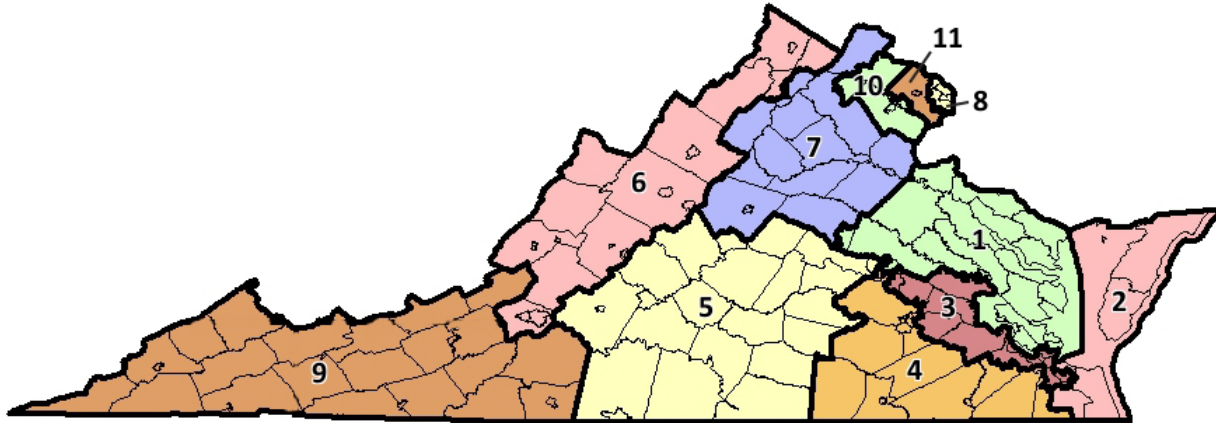


This map makes a number of significant changes to the current set of districts. First, it respects the city of Richmond and the surrounding counties as a community of interest by keeping them together in a single “Capital area” District. It also creates the “extended valley district” and the three Northern Virginia concentric semi-circle districts mentioned above. Finally, and perhaps most uniquely, it moves the majority-minority district to the south. By doing this, it creates a more compact majority-minority district in which the population is closer in geography and the other interests that bind a community.

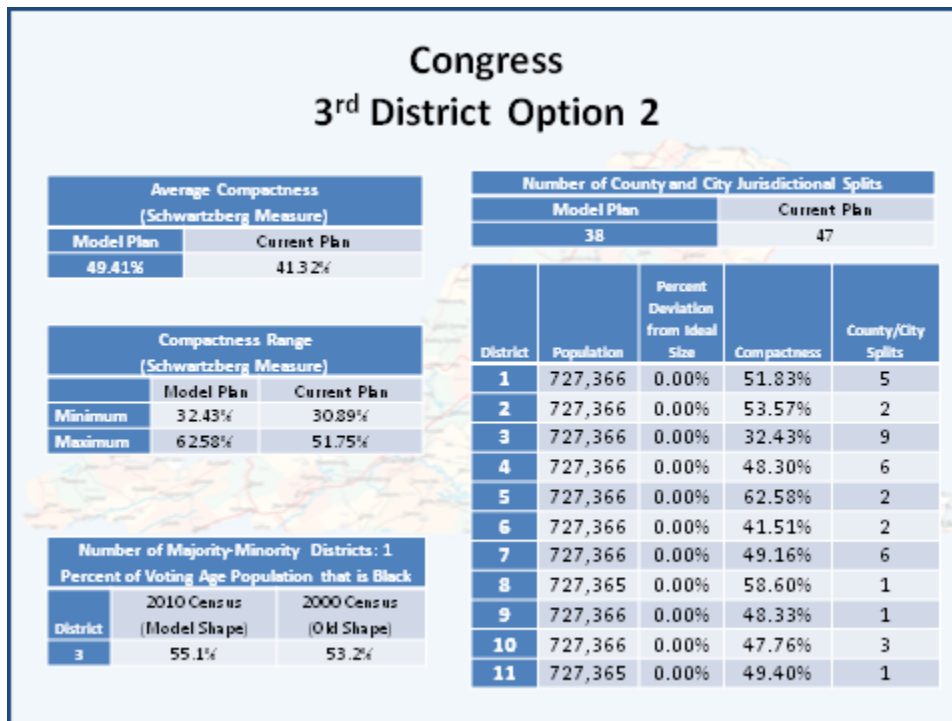
| Congress 3 rd District Option 1 | | | | | |
|--|---------------------------|-------------------------|---|--------------|-----------------------------------|
| Average Compactness (Schwartzberg Measure) | | | Number of County and City Jurisdictional Splits | | |
| Model Plan | Current Plan | | Model Plan | Current Plan | |
| 53.29% | 41.32% | | 41 | 47 | |
| Compactness Range (Schwartzberg Measure) | | | District | Population | Percent Deviation from Ideal Size |
| Minimum | Model Plan | Current Plan | | | Compactness |
| | 35.68% | 30.89% | 1 | 727,366 | 0.00% |
| Maximum | 62.58% | 51.75% | 2 | 727,366 | 0.00% |
| Number of Majority-Minority Districts: 1 | | | 3 | 727,366 | 0.00% |
| Percent of Voting Age Population that is Black | | | 4 | 727,366 | 0.00% |
| District | 2010 Census (Model Shape) | 2000 Census (Old Shape) | 5 | 727,366 | 0.00% |
| 3 | 53.6% | 53.2% | 6 | 727,366 | 0.00% |
| | | | 7 | 727,366 | 0.00% |
| | | | 8 | 727,365 | 0.00% |
| | | | 9 | 727,366 | 0.00% |
| | | | 10 | 727,366 | 0.00% |
| | | | 11 | 727,365 | 0.00% |
| | | | | | County/City Splits |
| | | | | | 7 |
| | | | | | 4 |
| | | | | | 11 |
| | | | | | 3 |
| | | | | | 2 |
| | | | | | 2 |
| | | | | | 6 |
| | | | | | 1 |
| | | | | | 1 |
| | | | | | 3 |
| | | | | | 1 |

This map improves upon the current (2001) plan in several significant ways. First, this map increases compactness by 22.46% over the current plan (from 41.32% for the current plan to 53.29% for the model map). The least compact district is 35.68% while the most compact district is 62.58%. Second, this map retains the black voting-age population of the majority-minority district at 53.6% (from its current 53.2%). Third, this map reduces the number of split jurisdictions by almost 13%, reducing the number of split jurisdictions from 47 in the current plan to 41 in this model map.

Congressional Model Map Option #2



This map makes many of the same changes as Option 1, creating an “extended valley district” and reorganizing the Northern Virginia districts into more compact geographical areas. On the other hand, it creates a majority-minority district similar to the one in the 2001 map. This design would allow most voters in the current majority-minority district to remain in such a district. This map also improves upon the current (2001) plan in several significant ways. First, this map increases compactness by 16.38% (from 41.32% for the current plan to 49.41% for the model map). The least compact district is 32.43% while the most compact district is 62.58%. Second, this map increases the black voting-age population of the majority-minority district from 53.2% to 55.1%. Third, this map reduces the number of split jurisdictions by 19%, from 47 in the current plan to 38 in this model map.



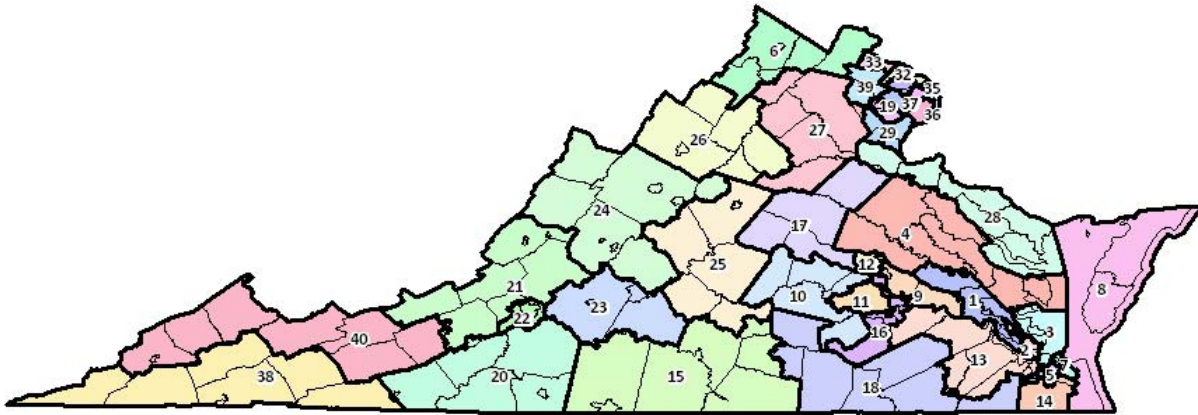
The Senate

The Commission recognized that drawing the Virginia Senate maps, like the Congressional maps, involved balancing predominant demographic trends with the requirements of the Voting Rights Act and the equal population standard. Unlike the Congressional maps, however, greater latitude in the percentage deviation in population for each district was allowed in order to better meet the Commission's other goals of compactness and reducing the number of split jurisdictions.

The Commission recognized that drawing 5 majority-minority districts to maintain the number of districts with a majority of African-Americans of voting-age population must be balanced against the other criteria. The shape and location of these majority-minority districts have distinct effects on the shape of the surrounding districts and the overall look of the entire Senate map.

The Commission presented two model maps, one with most districts under 2% population deviation and another with most districts under 3% population deviation, to illustrate the trade-offs between population equality and respecting county and independent city boundaries.

Virginia Senate Model Map Option #1: 2% Population Deviation



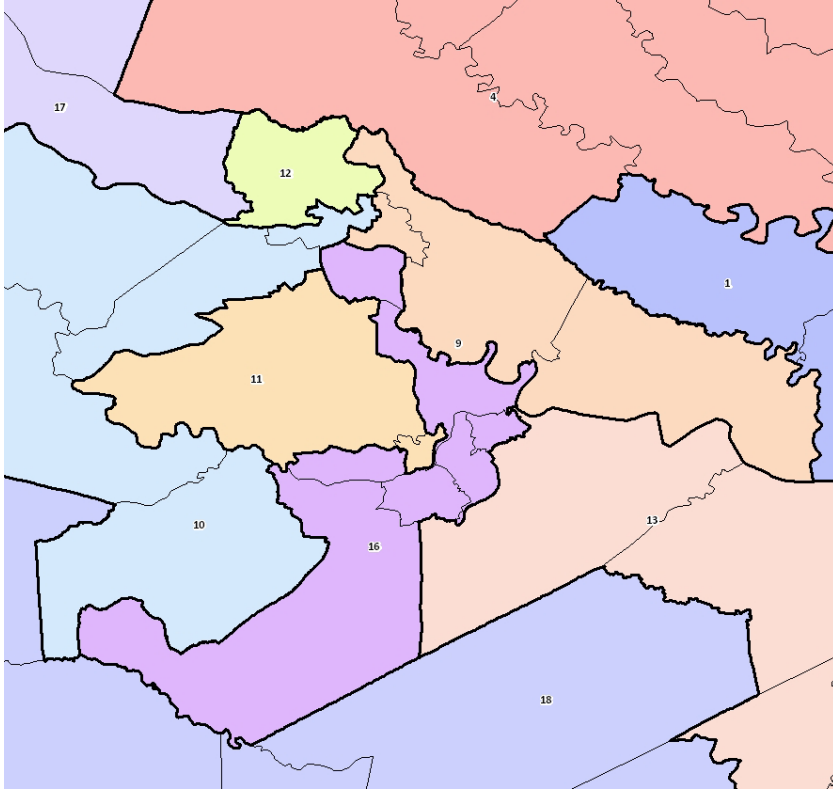
The plus or minus 2% alternative offered by the Commission presents 5 majority-minority districts that maintain majority African-American voting-age populations. Two of these districts are located around the Richmond metropolitan area with one, District 9, that stretches from the eastern part of the city to the boundaries of Charles City County, and another, District 16, that starts south of the James River in Richmond, encompasses the cities of Hopewell and Petersburg, and stretches to the southern border of Dinwiddie County. District 18, the third majority-minority district, is located along much of Virginia's southern border and extends northward around Nottoway County and eastward around a portion of the city of Portsmouth. The remaining two majority-minority districts, Districts 2 and 5, are located in the Hampton-Newport News and Norfolk areas. District 2 starts along the southern border of Newport News and Hampton and moves north along Interstate 64. District 5 encompasses many of the African-American communities in the eastern portion of the city of Norfolk.

The 5 majority-minority districts are the least compact of the model Senate Districts in this plan and cut across the most jurisdictional boundaries due to the combined requirements of the equal population standard and the Voting Rights Act. Surrounding districts must accommodate the sometime awkward boundaries of these districts. Even so, the shapes of these model districts are often dramatic improvements upon their current shapes in terms of compactness and jurisdictional splits.

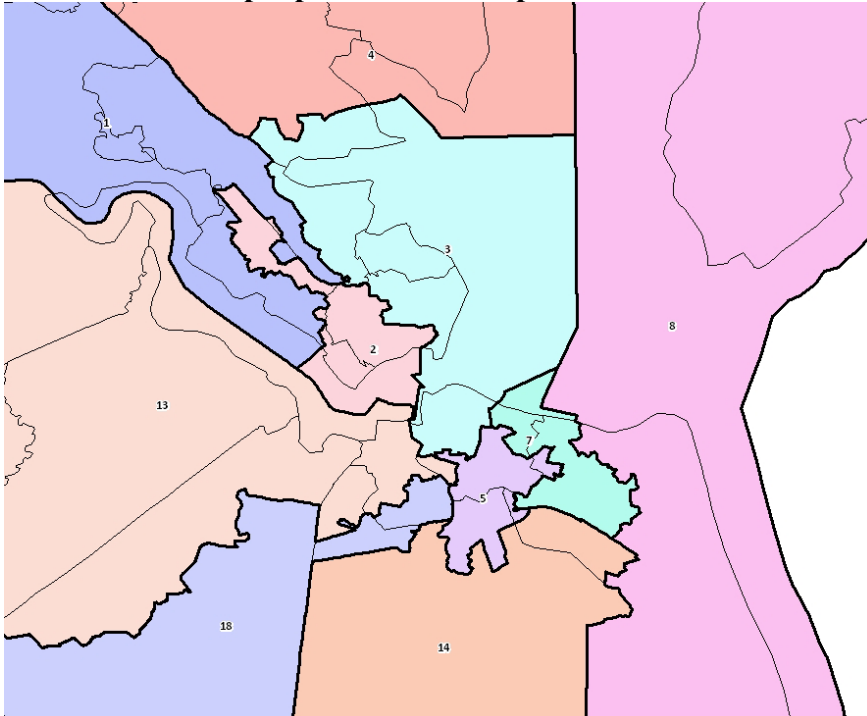
The rest of the map attempts to adhere to the criteria of achieving compactness and minimizing jurisdictional splits while also grouping communities of interest. The Southwest region of Virginia is almost entirely covered by two model Senate Districts, 40 and 38, which perfectly conform to county boundaries. Surrounding districts in Southside Virginia and the Valley are far more compact than their current shapes and attempt to conform to county and city boundaries as much as is feasible while still keeping within a 2% population deviation. For instance, the cities of Salem and Roanoke are grouped together in District 22, but must cut Roanoke County in order to maintain population equity.

Central Virginia is primarily covered by Senate Districts 25, 17, 26 and 27. Every attempt was made to reduce the number of county boundaries that are split for these districts. However, the 2% population deviation requirement for this map necessitated significant splits in Albemarle, Prince Edward and Warren Counties.

Richmond detail
Senate Model Map Option #1: 2% Population Deviation



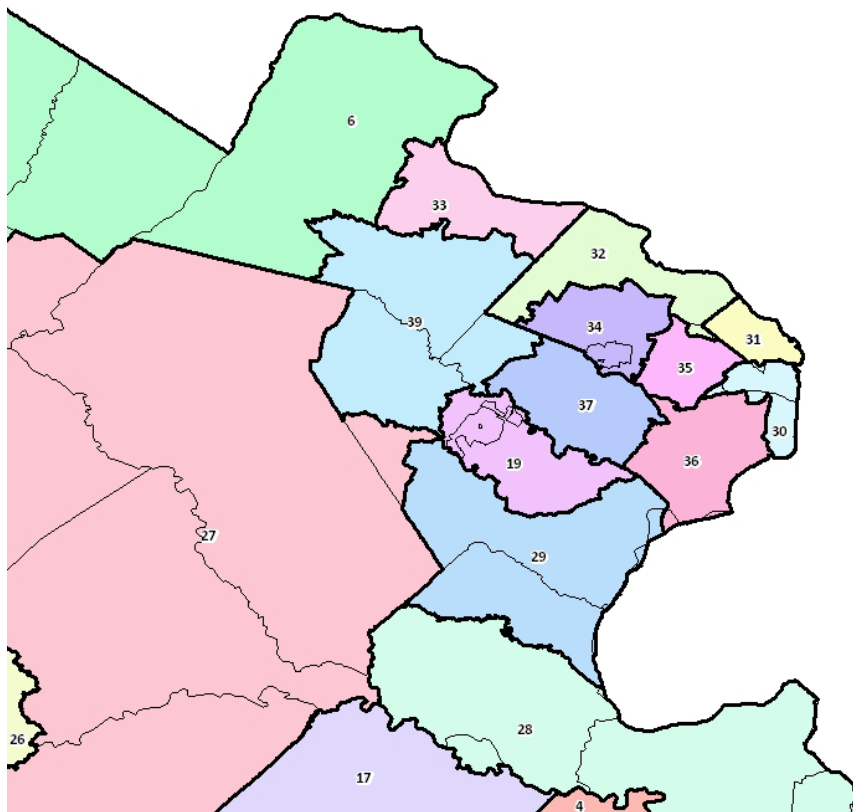
Hampton Roads detail
Senate Model Map Option #1: 2% Population Deviation



In the Northern Neck, Middle Peninsula and Eastern Shore, Districts 28, 4, and 8 were able to be drawn almost entirely along county boundaries, with splits necessary in Stafford, Gloucester, and Virginia Beach.

In Northern Virginia, the primary goal was to minimize districts that cut county and independent city boundaries. Arlington County must be split as it has too much population to fall within a 2% deviation. However, the cities of Falls Church, Alexandria, Fairfax, Manassas and Manassas Park are entirely contained within a single Senate District. The districts also attempt to group communities of interests that may exist along common highways or in towns or ethnic enclaves.

Northern Virginia detail Senate Model Map Option #1: 2% Population Deviation



This map includes 26 districts under 1% deviation and 14 districts under 2% deviation. This deviation approach allows for an improvement in the compactness of districts by 9.53% (from 48.21% in the current plan to 53.29% in the proposed map). The least compact district in this map is 35.68% while the most compact district is 70.00%. This map includes 5 majority-minority districts ranging from 57.8% black voting-age population (District 5) to 53.5% black voting-age population (District 16). Finally, this map reduces the number of city and county splits by 34.53%, from 110 splits in the current plan to 72 splits in the model map.

Senate Option 1 2% Population Deviation

| | Districts Under 1% Deviation | Districts Under 2% Deviation |
|----------------|---------------------------------|---------------------------------|
| Number | 26 | 40 |
| Percent | 65% | 100% |

| Average Compactness (Schwartzberg Measure) | |
|---|--------------|
| Model Plan | Current Plan |
| 53.29% | 48.21% |

| Compactness Range (Schwartzberg Measure) | | |
|---|------------|--------------|
| | Model Plan | Current Plan |
| Minimum | 35.68% | 35.75% |
| Maximum | 72.00% | 64.09% |

Number of Majority-Minority Districts: 5
Percent of Voting Age Population that is Black

| District | 2010 Census (Model Shape) | 2000 Census (Old Shape) |
|-----------|------------------------------|----------------------------|
| 2 | 56.5% | 55.8% |
| 5 | 57.8% | 55.9% |
| 9 | 57.5% | 55.0% |
| 16 | 53.5% | 55.9% |
| 18 | 57.4% | 58.5% |

Senate Option 1 2% Population Deviation

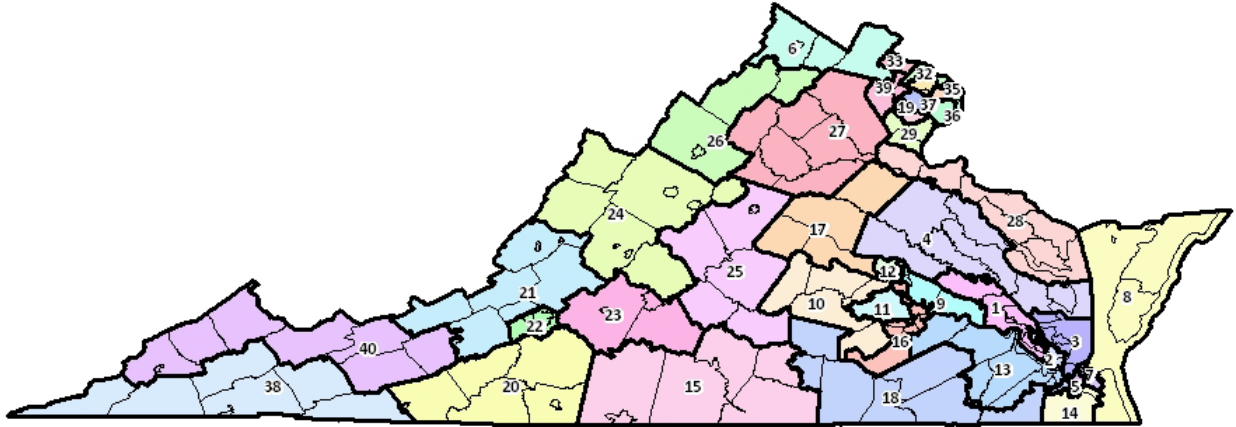
| Number of Counties and Cities spread across 40 districts | |
|--|--------------|
| Model Plan | Current Plan |
| 178 | 196 |

| Number of County and City Jurisdictional Splits | |
|---|--------------|
| Model Plan | Current Plan |
| 72 | 110 |

| District | Population | Percent Deviation from Ideal Size | Compactness | County/City Splits |
|-----------|------------|-----------------------------------|-------------|--------------------|
| 1 | 200,699 | 0.34 | 37.27% | 2 |
| 2 | 200,274 | 0.12 | 41.83% | 2 |
| 3 | 198,898 | -0.56 | 63.57% | 4 |
| 4 | 197,941 | -1.04 | 50.05% | 1 |
| 5 | 199,320 | -0.35 | 44.52% | 3 |
| 6 | 197,092 | -1.47 | 48.04% | 3 |
| 7 | 198,077 | -0.97 | 44.63% | 2 |
| 8 | 203,869 | 1.92 | 56.27% | 1 |
| 9 | 202,682 | 1.33 | 41.42% | 2 |
| 10 | 200,177 | 0.08 | 45.60% | 3 |
| 11 | 196,346 | -1.84 | 56.84% | 1 |
| 12 | 198,644 | -0.69 | 56.44% | 1 |
| 13 | 197,891 | -1.07 | 46.37% | 6 |
| 14 | 199,238 | -0.39 | 65.57% | 2 |
| 15 | 201,984 | 0.98 | 58.56% | 3 |
| 16 | 200,731 | 0.35 | 35.68% | 4 |
| 17 | 202,958 | 1.47 | 57.64% | 0 |
| 18 | 197,473 | -1.28 | 41.00% | 5 |
| 19 | 200,811 | 0.39 | 57.17% | 1 |

| District | Population | Percent Deviation from Ideal Size | Compactness | County/City Splits |
|-----------|------------|-----------------------------------|-------------|--------------------|
| 20 | 196,546 | -1.74 | 66.84% | 1 |
| 21 | 200,497 | 0.24 | 45.91% | 2 |
| 22 | 200,786 | 0.38 | 62.00% | 1 |
| 23 | 201,856 | 0.91 | 56.12% | 1 |
| 24 | 201,475 | 0.72 | 52.18% | 1 |
| 25 | 202,450 | 1.21 | 50.09% | 2 |
| 26 | 198,622 | -0.70 | 63.89% | 1 |
| 27 | 199,368 | -0.33 | 58.62% | 2 |
| 28 | 199,215 | -0.41 | 46.13% | 1 |
| 29 | 202,040 | 1.01 | 55.40% | 2 |
| 30 | 202,260 | 1.12 | 53.52% | 2 |
| 31 | 200,796 | 0.38 | 72.00% | 1 |
| 32 | 202,734 | 1.35 | 49.95% | 1 |
| 33 | 197,631 | -1.20 | 54.42% | 1 |
| 34 | 199,088 | -0.47 | 63.73% | 1 |
| 35 | 201,159 | 0.57 | 67.56% | 1 |
| 36 | 200,335 | 0.15 | 63.47% | 1 |
| 37 | 201,234 | 0.60 | 60.48% | 1 |
| 38 | 198,113 | -0.96 | 45.37% | 0 |
| 39 | 198,294 | -0.87 | 53.99% | 3 |
| 40 | 201,420 | 0.70 | 41.36% | 0 |

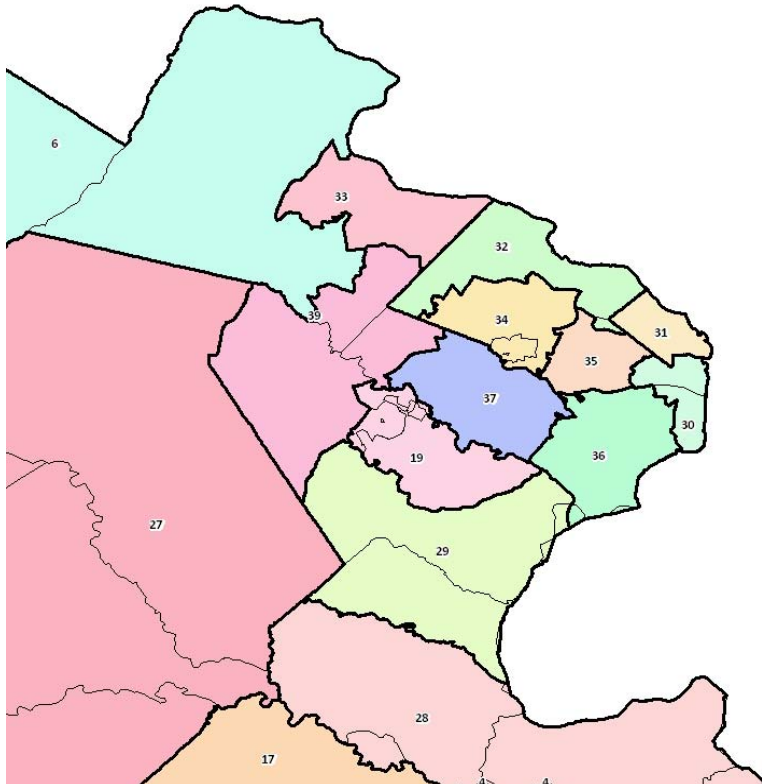
Virginia Senate Model Map Option #2: 3%-plus Population Deviation



The 3%-plus Senate alternative presents the same basic shape for all of the districts in the 2% alternative, but with fewer jurisdiction splits and more compact district boundaries. Most of the previous county splits in Southside and Southwest Virginia have been removed and the boundaries for District 22 were made to conform to the path of Interstate 81 around Salem and Roanoke cities.

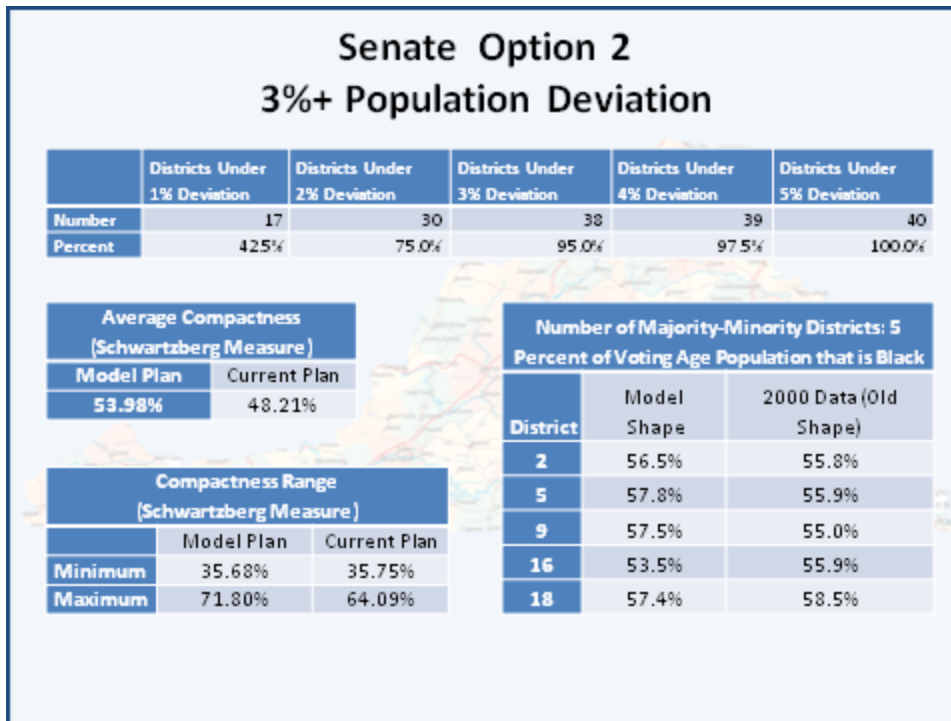
Perhaps the most dramatic changes in the 3%-plus alternative are the new configurations of Districts 26 and 27, which are now entirely within county boundaries and more compact. Splits in Shenandoah, Warren and Prince William counties were removed.

Northern Virginia detail Senate Model Map Option #2: 3%-plus Population Deviation



District 31 around Arlington County was modified to fit entirely within the Arlington County boundaries and the surrounding districts were adjusted to accommodate this change.

This map includes 17 districts under 1% deviation, 13 districts under 2% deviation, 8 districts under 3% deviation, and 1 district each under 4% and 5% deviation. This deviation approach allows for an improvement in the compactness of districts by 10.69% (from 48.21% in the current plan to 53.98% in the model map). The least compact district in this map is 35.68% while the most compact district is 71.80%. This map includes 5 majority-minority districts ranging from 57.8% black voting-age population (District 5) to 53.5% black voting-age population (District 16). Finally, this map reduces the number of city and county splits by 63.64%, from 110 splits in the current plan to 40 splits in the model map.



Senate Option 2 3%+ Population Deviation

| Number of County and City Jurisdictional Splits | |
|---|--------------|
| Model Plan | Current Plan |
| 40 | 110 |

| District | Population | Percent Deviation from Ideal Size | Compactness | County/City Splits | District | Population | Percent Deviation from Ideal Size | Compactness | County/ City Splits |
|----------|------------|-----------------------------------|-------------|--------------------|----------|------------|-----------------------------------|-------------|---------------------|
| 1 | 200,699 | 0.34 | 37.27% | 2 | 20 | 194,984 | -2.52 | 68.87% | 0 |
| 2 | 200,274 | 0.12 | 41.83% | 2 | 21 | 197,914 | -1.06 | 47.85% | 1 |
| 3 | 201,634 | 0.80 | 62.74% | 4 | 22 | 204,931 | 2.45 | 70.64% | 1 |
| 4 | 195,205 | -2.41 | 50.16% | 1 | 23 | 205,308 | 2.64 | 56.27% | 0 |
| 5 | 199,320 | -0.35 | 44.52% | 3 | 24 | 204,796 | 2.38 | 52.30% | 0 |
| 6 | 194,413 | -2.81 | 47.32% | 1 | 27 | 208,499 | 4.24 | 71.80% | 0 |
| 7 | 200,733 | 0.35 | 44.06% | 2 | 28 | 196,763 | -1.63 | 46.53% | 1 |
| 8 | 201,213 | 0.59 | 55.91% | 1 | 29 | 195,857 | -2.08 | 59.29% | 2 |
| 9 | 202,682 | 1.33 | 41.42% | 2 | 30 | 195,038 | -2.49 | 57.27% | 1 |
| 10 | 200,177 | 0.08 | 45.60% | 3 | 31 | 207,627 | 3.80 | 71.08% | 0 |
| 11 | 196,346 | -1.84 | 56.84% | 1 | 32 | 202,734 | 1.35 | 49.95% | 1 |
| 12 | 198,644 | -0.69 | 56.44% | 1 | 33 | 197,325 | -1.35 | 59.87% | 1 |
| 13 | 197,892 | -1.07 | 46.44% | 6 | 34 | 199,088 | -0.47 | 63.73% | 1 |
| 14 | 199,238 | -0.39 | 65.57% | 2 | 35 | 201,292 | 0.63 | 60.29% | 1 |
| 15 | 195,599 | -2.21 | 62.03% | 1 | 36 | 200,593 | 0.28 | 64.08% | 1 |
| 16 | 200,731 | 0.35 | 35.68% | 4 | 37 | 201,234 | 0.60 | 60.48% | 1 |
| 17 | 202,958 | 1.47 | 57.64% | 0 | 38 | 198,113 | -0.96 | 45.37% | 0 |
| 18 | 197,472 | -1.28 | 41.04% | 5 | 39 | 197,815 | -1.11 | 56.42% | 3 |
| 19 | 197,605 | -1.21 | 58.27% | 1 | 40 | 201,420 | 0.70 | 41.36% | 0 |

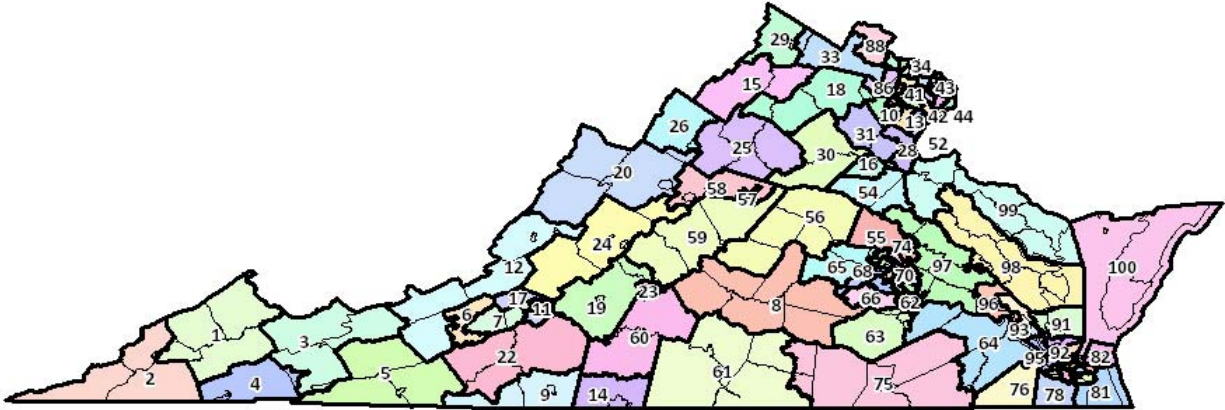
The House of Delegates

The Commission was confronted with similar trade-offs between the redistricting criteria in the House of Delegates, but discovered the population requirements are less in conflict with respecting county and independent city boundaries, perhaps because the districts are of a smaller – and fortuitous – size that facilitates respecting these boundaries. The Commission identified only one case, a district straddling Smyth and Grayson counties, where relaxing a 2% population deviation from the ideal of 80,010 would reduce the number of county splits.

The Commission proposed two model maps, one with 12 majority-minority districts and another with 13 majority-minority districts. These plans were exactly similar except for four districts that must be altered to create a 13th majority-minority district.

Additionally, the Commission unsuccessfully explored the possibility of drawing a Hispanic-majority district. The Commission decided to maintain the current 49th district – which was significantly under-populated with a population of 68,637 – in a configuration that limited a reduction of its Hispanic population from a current 35.1% to 34.9% while bringing its population into balance.

House of Delegates Model Map Option #1: 12 Majority-Minority Districts



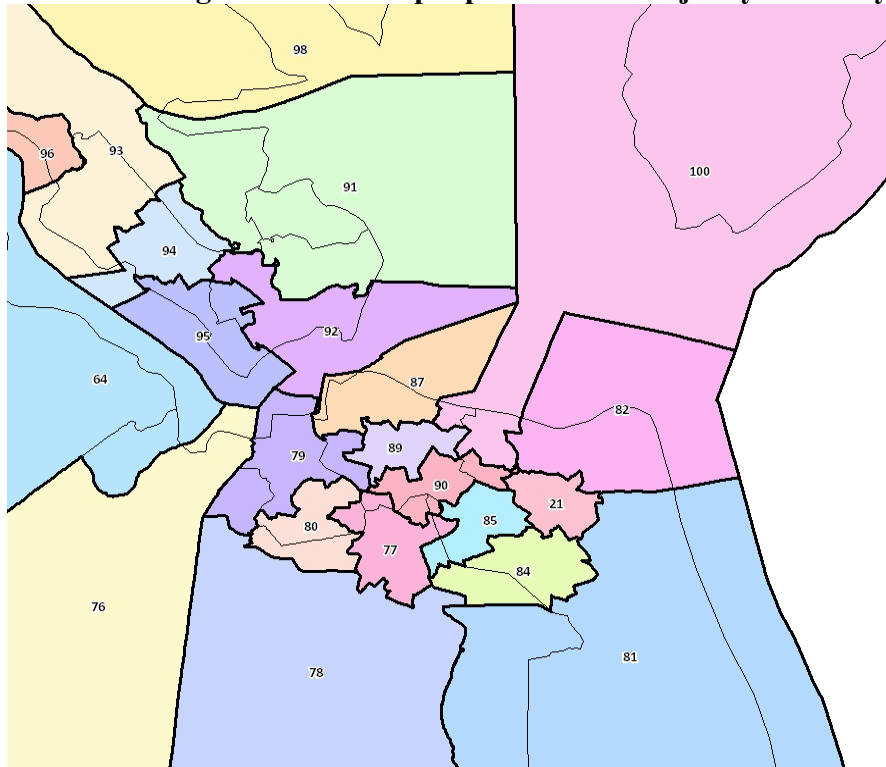
The first consideration was to create majority-minority districts to be in compliance with the Voting Rights Act. In 2001, the Commonwealth created 12 House of Delegates districts where African-Americans constituted a majority of the 2000 census voting-age population. According to the 2010 census, one of these districts, District 71, had fallen below 50% to 47.0% African-American voting-age population. The Commission decided to boost the population of this district to create a 12 majority-minority district option (Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95). All 12 districts are drawn within a 2% population deviation. All are more compact than in their counterparts in the current map while crossing an aggregate fewer county and independent city lines.

These districts have a profound effect on their neighbors. In the Norfolk area, the remaining districts generally revolve around the four majority-minority districts, following the shoreline, while respecting existing county and independent city boundaries and maintaining a compact shape. It is impossible to draw an Eastern Shore district within the permitted population deviation, so a district must extend across the Chesapeake Bay Bridge.

Two majority-minority districts are located in Newport News and Hampton, and the adjacent districts follow the peninsula northward through Williamsburg and beyond. Two districts to the north also generally follow peninsulas.

Hampton Roads detail

House of Delegates Model Map Option #1: 12 Majority-Minority Districts

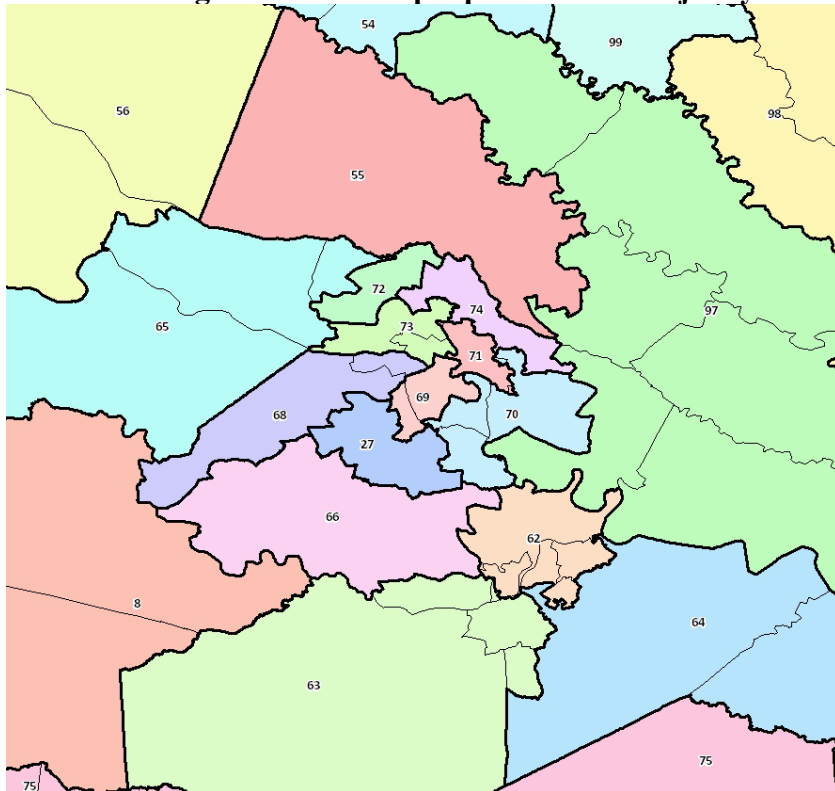


Two majority-minority districts are located to the south of Richmond, encompassing African-American communities in Petersburg and Emporia, respectively. These districts must cross county and independent city boundaries to maintain the African-American voting-age populations.

Four majority-minority districts are located in the Richmond area. Of particular note is District 74, which the Commission reconfigured to be more compact and located entirely within Henrico County, whereas the current district extends into Charles City County. Elsewhere in the region, districts generally respect county and independent city lines where possible in a compact manner. However, the presence of the majority-minority district requires some boundaries to be crossed, both of the majority-minority districts and their neighbors.

Richmond detail

House of Delegates Model Map Option #1: 12 Majority-Minority Districts



The Commission's next step following the drawing of majority-minority districts and their neighbors was to draw the remainder of the Commonwealth. Generally, if a district within the 2% population deviation could be drawn to be composed of whole counties or independent cities, such a district was created. If a county had to be split in order to achieve the proper population deviation in a district, lines were drawn to minimize the splits among adjacent counties and independent cities and to keep districts as compact as possible. Where choices were available, districts were drawn to respect communities of interest, such as by following transportation corridors or other natural features such as water or mountains. None of the districts were drawn with the intent of crossing a body of water without a bridge.

It was not possible to balance all the competing goals in all circumstances. Some jurisdictions must be split. In Northern Virginia, Arlington County has too much population for two districts.

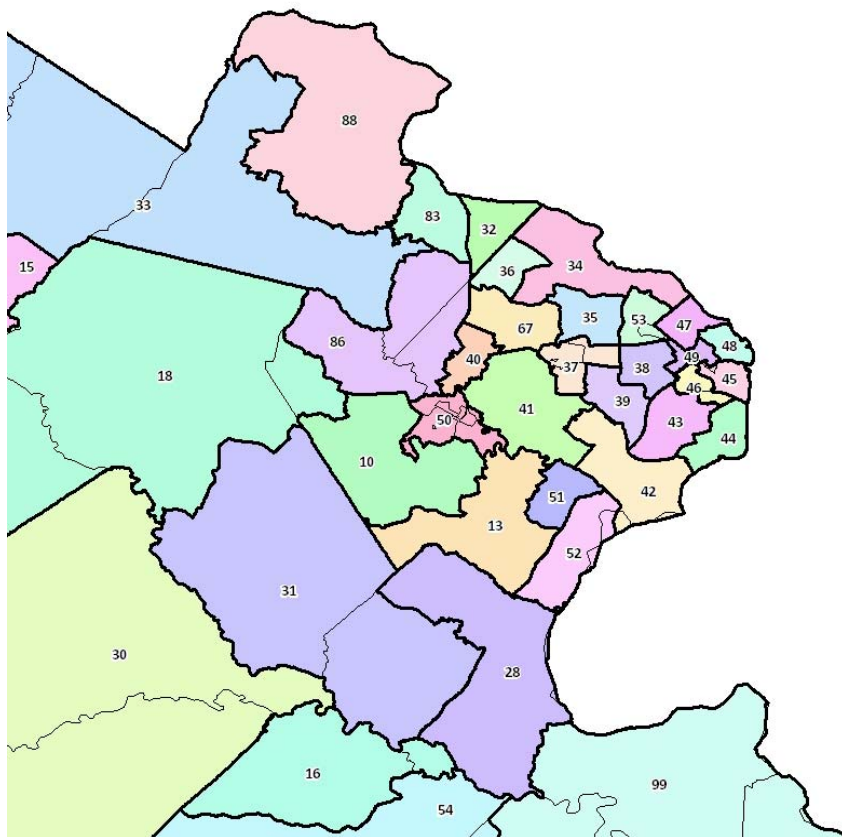
The Commission decided to cross the Arlington County and Fairfax County lines where the current District 49 is located in order to tie together Hispanic communities in that area. To keep these communities together, another split with District 45 was formed in the southern tip of Arlington across to Alexandria. The two Arlington County districts evenly divide the county as best as possible.

The Fairfax County line must be crossed because there is not the right amount of population from the county line to Washington, DC, to draw districts entirely contained within Fairfax County. Within the Fairfax County region, the independent cities of Fairfax City and Fall Church were kept together with their immediate environs. A second Alexandria split is required to achieve population balance, and was done with a district extending to the south of the city. Elsewhere, districts were drawn to respect communities of interest in Centreville, Clifton, Herndon, Vienna, Fair Lakes, Lorton and Springfield, among others.

In the exurbs, the Commission drew a Manassas/Manassas City district, districts extending along the Route 7 corridor to and beyond Leesburg, a predominantly Woodbridge district, and districts generally following the Prince William Parkway.

Northern Virginia detail

House of Delegates Model Map Option #1: 12 Majority-Minority Districts



Districts in the western part of the state generally followed the natural valleys in a way that respects county and independent city boundaries in a compact manner. Some political boundary

splits must happen, such as in the areas of Harrisonburg, Roanoke and Winchester. The Roanoke area presented a puzzle in minimizing county and independent city splits that was best solved by combining Salem and Christiansburg in a single district extending along I-81. Another district combines Radford and Blacksburg. Roanoke itself has too much population, so it must be split once.

In the Piedmont region, Charlottesville has too little population for its own district, so it must extend into Albemarle County. Two other splits of Albemarle County are necessary to reduce splits in surrounding counties. The Commission drew one district consolidating the area to the south of Charlottesville and a second district extending to the west. Culpeper and Orange counties together form a district of the ideal population size, which the Commission decided to draw. However, this configuration then requires county splits in adjoining counties.

Further to the South, Lynchburg is too small for its own district, so the Commission decided to cross the Amherst County line to the north. Similarly, Danville must be fortified with population from Pittsylvania County. Here, the remainder of the county can be rounded with Campbell County without creating another county split, which is why the Lynchburg configuration is desirable. Elsewhere, counties and independent cities in the Southwest were generally respected because they are smaller in population size. However, some splits, such as those of Patrick and Wise counties were required to bring districts into population balance.

This map includes 68 districts under 1% deviation and 32 districts under 2% deviation. This deviation approach allows for an improvement in the compactness of districts by 15.08% (from 49.78% in the current plan to 58.57% in the model map). The least compact district in this map is 35.78% while the most compact district is 82.54%. This map includes 12 minority-majority districts ranging from 58.0% black voting-age population (District 92) to 53.5% black voting-age population (District 90). Finally, this map reduces the number of city and county splits by 21.13%, from 194 splits in the current plan to 153 splits in the model map.

| House Option 1 | | | |
|---|-------------------------------------|-------------------------------------|--|
| 12 Majority-Minority Districts | | | |
| | Districts Under 1% Deviation | Districts Under 2% Deviation | |
| Number | 68 | 100 | |
| Percent | 68% | 100% | |
| Average Compactness (Schwartzberg Measure) | | | |
| | Model Plan | Current Plan | |
| | 58.57% | 49.78% | |
| Compactness Range (Schwartzberg Measure) | | | |
| | Model Plan | Current Plan | |
| Minimum | 35.75% | 30.87% | |
| Maximum | 82.54% | 76.31% | |
| Number of Majority-Minority Districts: 12 | | | |
| Percent of Voting Age Population that is Black | | | |
| | 2010 Census (Model Shape) | 2000 Census (Old Shape) | |
| District | | | |
| 63 | 56.1% | 57.8% | |
| 69 | 55.2% | 57.6% | |
| 70 | 54.4% | 57.2% | |
| 71 | 54.0% | 55.5% | |
| 74 | 56.8% | 59.7% | |
| 75 | 54.7% | 56.2% | |
| 77 | 54.6% | 55.9% | |
| 80 | 54.9% | 55.3% | |
| 89 | 54.2% | 53.4% | |
| 90 | 53.5% | 54.0% | |
| 92 | 58.0% | 59.3% | |
| 95 | 55.3% | 58.1% | |

House Option 1 12 Majority-Minority Districts

| District | Population | Percent Deviation from Ideal Size | Compactness | County/City Splits |
|----------|------------|-----------------------------------|-------------|--------------------|
| 1 | 81,469 | 1.82% | 61.33% | 1 |
| 2 | 81,603 | 1.99% | 51.92% | 1 |
| 3 | 78,703 | -1.63% | 54.60% | 2 |
| 4 | 78,412 | -2.00% | 68.47% | 1 |
| 5 | 81,558 | 1.93% | 63.19% | 1 |
| 6 | 80,272 | 0.33% | 40.90% | 1 |
| 7 | 81,561 | 1.94% | 52.82% | 3 |
| 8 | 81,277 | 1.58% | 52.58% | 1 |
| 9 | 79,357 | -0.82% | 54.58% | 1 |
| 10 | 78,746 | -1.58% | 59.07% | 1 |
| 11 | 81,594 | 1.98% | 50.55% | 1 |
| 12 | 79,559 | -0.56% | 42.31% | 0 |
| 13 | 81,589 | 1.97% | 50.56% | 1 |
| 14 | 81,060 | 1.31% | 71.48% | 1 |
| 15 | 79,568 | -0.55% | 58.71% | 0 |
| 16 | 80,601 | 0.74% | 60.91% | 1 |
| 17 | 81,583 | 1.97% | 38.68% | 1 |
| 18 | 78,465 | -1.93% | 56.41% | 3 |
| 19 | 78,496 | -1.89% | 56.79% | 1 |
| 20 | 78,413 | -2.00% | 57.49% | 2 |
| 21 | 80,017 | 0.01% | 67.23% | 1 |
| 22 | 78,543 | -1.83% | 58.28% | 1 |
| 23 | 79,492 | -0.65% | 58.46% | 1 |
| 24 | 78,944 | -1.33% | 51.37% | 1 |
| 25 | 79,174 | -1.04% | 64.58% | 2 |



| District | Population | Percent Deviation from Ideal Size | Compactness | County/City Splits |
|----------|------------|-----------------------------------|-------------|--------------------|
| 26 | 78,709 | -1.63% | 69.10% | 1 |
| 27 | 81,315 | 1.63% | 55.70% | 1 |
| 28 | 79,347 | -0.83% | 53.40% | 1 |
| 29 | 79,690 | -0.40% | 56.53% | 1 |
| 30 | 80,170 | 0.20% | 54.03% | 0 |
| 31 | 78,477 | -1.92% | 63.62% | 2 |
| 32 | 79,590 | -0.52% | 69.94% | 1 |
| 33 | 78,768 | -1.55% | 48.73% | 2 |
| 34 | 80,951 | 1.18% | 54.09% | 1 |
| 35 | 81,034 | 1.28% | 71.09% | 1 |
| 36 | 80,910 | 1.12% | 74.73% | 1 |
| 37 | 80,903 | 1.12% | 64.18% | 1 |
| 38 | 80,164 | 0.19% | 76.73% | 1 |
| 39 | 80,533 | 0.65% | 65.14% | 1 |
| 40 | 79,361 | -0.81% | 55.09% | 1 |
| 41 | 79,878 | -0.16% | 57.57% | 1 |
| 42 | 78,558 | -1.81% | 61.07% | 1 |
| 43 | 81,610 | 2.00% | 73.77% | 1 |
| 44 | 81,110 | 1.37% | 71.16% | 1 |
| 45 | 81,478 | 1.83% | 67.25% | 2 |
| 46 | 80,884 | 1.09% | 57.04% | 2 |
| 47 | 79,831 | -0.22% | 70.98% | 1 |
| 48 | 78,864 | -1.43% | 70.26% | 1 |
| 49 | 79,508 | -0.63% | 50.07% | 3 |

House Option 1, continued 12 Majority-Minority Districts

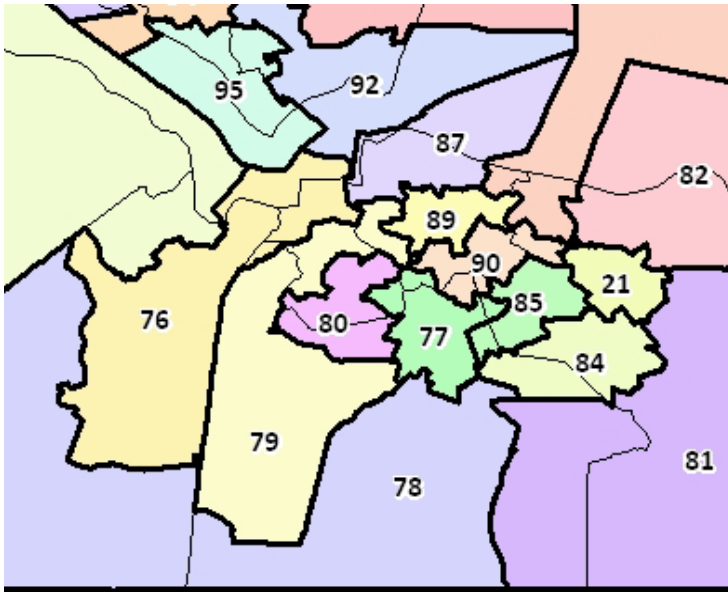
| District | Population | Percent Deviation from Ideal Size | Compactness | County/City Splits |
|----------|------------|-----------------------------------|-------------|--------------------|
| 50 | 81,102 | 1.36% | 47.00% | 1 |
| 51 | 78,516 | -1.87% | 73.86% | 1 |
| 52 | 80,560 | 0.69% | 68.39% | 1 |
| 53 | 79,605 | -0.51% | 74.50% | 1 |
| 54 | 80,576 | 0.71% | 56.51% | 2 |
| 55 | 81,482 | 1.84% | 50.42% | 1 |
| 56 | 80,195 | 0.23% | 63.20% | 2 |
| 57 | 79,430 | -0.72% | 48.89% | 1 |
| 58 | 78,552 | -1.82% | 43.36% | 2 |
| 59 | 78,440 | -1.96% | 51.29% | 2 |
| 60 | 80,343 | 0.42% | 60.53% | 1 |
| 61 | 80,181 | 0.21% | 65.12% | 2 |
| 62 | 80,728 | 0.90% | 46.98% | 3 |
| 63 | 78,461 | -1.94% | 69.50% | 3 |
| 64 | 80,517 | 0.63% | 49.22% | 4 |
| 65 | 79,296 | -0.89% | 57.50% | 2 |
| 66 | 78,557 | -1.82% | 55.24% | 1 |
| 67 | 78,964 | -1.31% | 70.64% | 1 |
| 68 | 79,272 | -0.92% | 53.55% | 2 |
| 69 | 81,299 | 1.61% | 56.84% | 2 |
| 70 | 79,162 | -1.06% | 43.66% | 3 |
| 71 | 81,076 | 1.33% | 50.43% | 2 |
| 72 | 81,502 | 1.86% | 56.03% | 1 |
| 73 | 80,431 | 0.53% | 52.44% | 2 |
| 74 | 81,579 | 1.96% | 41.41% | 2 |
| 75 | 79,061 | -1.19% | 56.73% | 4 |



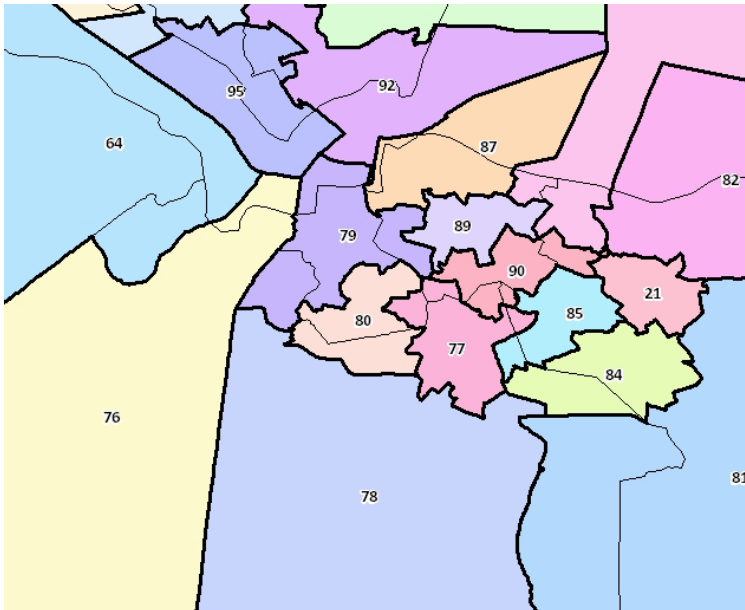
| District | Population | Percent Deviation from Ideal Size | Compactness | County/City Splits |
|----------|------------|-----------------------------------|-------------|--------------------|
| 76 | 81,568 | 1.95% | 71.27% | 1 |
| 77 | 79,445 | -0.71% | 56.36% | 4 |
| 78 | 79,370 | -0.80% | 72.05% | 1 |
| 79 | 78,841 | -1.46% | 54.69% | 3 |
| 80 | 79,382 | -0.78% | 59.36% | 2 |
| 81 | 81,280 | 1.59% | 75.47% | 2 |
| 82 | 81,475 | 1.83% | 82.54% | 1 |
| 83 | 79,106 | -1.13% | 57.88% | 1 |
| 84 | 80,866 | 1.07% | 65.91% | 2 |
| 85 | 79,890 | -0.15% | 59.78% | 2 |
| 86 | 79,619 | -0.49% | 60.31% | 3 |
| 87 | 81,205 | 1.49% | 64.14% | 1 |
| 88 | 79,297 | -0.89% | 57.74% | 1 |
| 89 | 80,634 | 0.78% | 52.04% | 1 |
| 90 | 80,671 | 0.83% | 50.69% | 3 |
| 91 | 78,684 | -1.66% | 74.67% | 2 |
| 92 | 78,809 | -1.50% | 48.01% | 1 |
| 93 | 78,946 | -1.33% | 52.88% | 2 |
| 94 | 78,628 | -1.73% | 53.18% | 2 |
| 95 | 80,702 | 0.86% | 63.25% | 2 |
| 96 | 81,077 | 1.33% | 49.31% | 0 |
| 97 | 79,673 | -0.42% | 35.75% | 4 |
| 98 | 79,108 | -1.13% | 51.42% | 1 |
| 99 | 81,144 | 1.42% | 46.84% | 1 |
| 100 | 81,018 | 1.26% | 63.35% | 2 |

House of Delegates Model Map Option #2: 13 Majority-Minority Districts

In the course of devising a redistricting plan with 12 majority-minority districts, it became apparent that the current District 77, which joins minority communities in Chesapeake and Suffolk, could be reconfigured to create two districts that may provide African Americans an opportunity to elect candidates of their choice. As the comparison below shows, the only changes to the 12 majority-minority map are in Hampton Roads, where Districts 64, 76, 78 and 79 are reconfigured. The reconfigured districts split fewer jurisdictional boundaries and are more compact than the current configuration.



Hampton Roads, 7 majority-minority House districts (76, 77, 80, 89, 90, 92, 95)

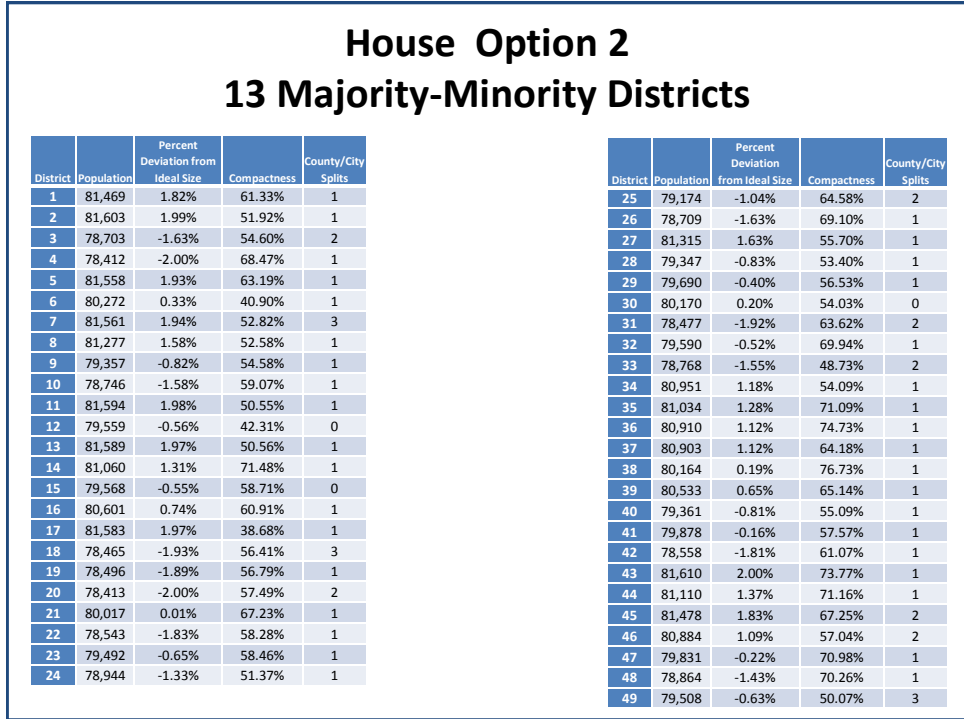
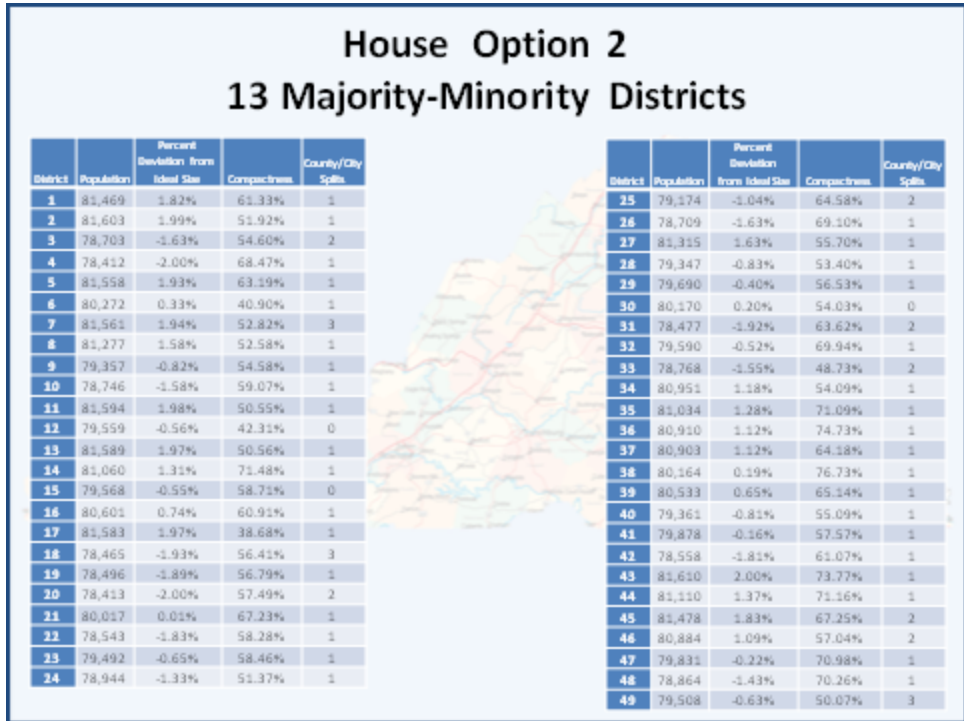


Hampton Roads, 6 majority-minority House districts (77, 80, 89, 90, 92, 95)

Although the non-retrogression standard of Section 5 of the Voting Rights Act does not bind the Commonwealth to create a thirteenth African-American majority district, the Commission determined that it would be informative to demonstrate how to create such a district.

Statewide, the 13 majority-minority map **includes 67 districts under 1% deviation and 33 districts under 2% deviation.** This deviation approach allows for an improvement in the compactness of districts by 14.32% (from 49.78% in the current plan to 58.10% in the model map). The least compact district in this map is 35.75% while the most compact district is 82.54%. This map includes 13 majority-minority districts, ranging from 58.0% black voting-age population (District 92) to 53.5% black voting-age population (District 90). Finally, this map reduces the

number of city and county splits by 19.5%, from 194 splits in the current plan to 156 splits in the model map.



House Option 2, continued 13 Majority-Minority Districts

| District | Population | Percent Deviation from Ideal Size | Coreprecincts | County/City Splits | District | Population | Percent Deviation from Ideal Size | Coreprecincts | County/City Splits |
|----------|------------|-----------------------------------|---------------|--------------------|----------|------------|-----------------------------------|---------------|--------------------|
| 50 | 81,102 | 1.36% | 47.00% | 1 | 75 | 79,061 | -1.19% | 56.73% | 4 |
| 51 | 78,516 | -1.87% | 73.86% | 1 | 76 | 78,999 | -1.26% | 52.11% | 3 |
| 52 | 80,560 | 0.69% | 68.39% | 1 | 77 | 79,445 | -0.71% | 56.36% | 4 |
| 53 | 79,605 | -0.51% | 74.50% | 1 | 78 | 81,023 | 1.27% | 50.32% | 2 |
| 54 | 80,576 | 0.71% | 56.51% | 2 | 79 | 78,709 | -1.63% | 49.73% | 3 |
| 55 | 81,482 | 1.84% | 50.42% | 1 | 80 | 79,382 | -0.78% | 59.36% | 2 |
| 56 | 80,195 | 0.23% | 63.20% | 2 | 81 | 81,280 | 1.59% | 75.47% | 2 |
| 57 | 79,430 | -0.72% | 48.89% | 1 | 82 | 81,475 | 1.83% | 82.54% | 1 |
| 58 | 78,552 | -1.82% | 43.36% | 2 | 83 | 79,106 | -1.13% | 57.88% | 1 |
| 59 | 78,440 | -1.96% | 51.29% | 2 | 84 | 80,866 | 1.07% | 65.91% | 2 |
| 60 | 80,343 | 0.42% | 60.53% | 1 | 85 | 79,890 | -0.15% | 59.78% | 2 |
| 61 | 80,181 | 0.21% | 65.12% | 2 | 86 | 79,619 | -0.49% | 60.31% | 3 |
| 62 | 80,728 | 0.90% | 46.98% | 3 | 87 | 81,205 | 1.49% | 64.14% | 1 |
| 63 | 78,461 | -1.94% | 69.50% | 3 | 88 | 79,297 | -0.89% | 57.74% | 1 |
| 64 | 81,565 | 1.94% | 48.41% | 4 | 89 | 80,634 | 0.78% | 52.04% | 1 |
| 65 | 79,296 | -0.89% | 57.50% | 2 | 90 | 80,671 | 0.83% | 50.69% | 3 |
| 66 | 78,557 | -1.82% | 55.24% | 1 | 91 | 78,684 | -1.66% | 74.67% | 2 |
| 67 | 78,964 | -1.31% | 70.64% | 1 | 92 | 78,809 | -1.50% | 48.01% | 1 |
| 68 | 79,272 | -0.92% | 53.55% | 2 | 93 | 78,946 | -1.33% | 52.88% | 2 |
| 69 | 81,299 | 1.61% | 56.84% | 2 | 94 | 78,628 | -1.73% | 53.18% | 2 |
| 70 | 79,162 | -1.06% | 43.66% | 3 | 95 | 80,702 | 0.86% | 63.25% | 2 |
| 71 | 81,076 | 1.33% | 50.43% | 2 | 96 | 81,077 | 1.33% | 49.31% | 0 |
| 72 | 81,502 | 1.86% | 56.03% | 1 | 97 | 79,673 | -0.42% | 35.75% | 4 |
| 73 | 80,431 | 0.53% | 52.44% | 2 | 98 | 79,108 | -1.13% | 51.42% | 1 |
| 74 | 81,579 | 1.96% | 41.41% | 2 | 99 | 81,144 | 1.42% | 46.84% | 1 |
| | | | | | 100 | 81,018 | 1.26% | 63.35% | 2 |

Section 8

Conclusions and Recommendations

(Please send ideas for recommendations to qkidd@cnu.edu, cwdunn@regent.edu, and smjones2@gmail.com.)