

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF RICHMOND

RIMA FORD VESILIND, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Case No. CL15003886
)	
VIRGINIA STATE BOARD OF ELECTIONS, <i>et al.</i>)	
)	
Defendants.)	

STIPULATIONS OF FACT

The parties hereby stipulate that the following facts are true and accurate and shall be taken as true for the purposes of the trial in the matter, without the need for further factual proof or evidence:

1. The Plaintiffs are each citizens of the United States and the Commonwealth of Virginia residing at the following addresses which are located in the noted Virginia House of Delegates and/or Senate districts:

Eric E. Amateis
Senate District 21
357 Salem Ave SW, Apt 217
Roanoke, VA 24016

Jessica Ruth Bennett
Senate District 21
913 Toms Creek Road
Blacksburg, VA 24060

Dianne Blais
Senate District 37
5211 Gunpowder Rd.
Fairfax, Va. 22030

Sandra D. Bowen
House District 72
206 Grande Dr.
Henrico, Va. 23229

Patrick M. (Mike) Condray
Senate District 29
14527 Three Dormers Court
Woodbridge VA 22193-3267

H.D. "Dusty" Fiedler
Senate District 19
5313 Cromwell Ct.
Roanoke, Va. 24018

Gregory Harrison
Senate District 28, House District 88
12703 Wilderness Park Dr.
Spotsylvania, Va. 22551

Sean Sullivan Kumar
Senate District 30
3841 Elbert Ave.
Alexandria, Va. 22305

Areli Langhorne
House District 22
2039 Overbrook Rd
Lynchburg, Va. 24501

Sharon Simkin
House District 48
4902 Rock Spring Rd.
Arlington, Va. 22207

Robert S. Ukrop
House District 72
202 Cyril Lane,
Richmond, VA 23229

Vivian Dale Swanson
House District 88
11904 Burgess Ln
Fredericksburg, Va. 22407

Rima Ford Vesilind
House District 13
6020 Blue Bell Ct
Manassas, Va. 20111

Michael Lee Zaner
Senate District 28, House District 88
13003 Pipe Run Dr.
Fredericksburg, Va. 22407

2. The Plaintiffs are each lawfully registered voters in the Commonwealth of Virginia.

3. On February 3, 2011, the United States Census Bureau released decennial census data for the Commonwealth of Virginia. That data showed that, because of population growth and population movement within the Commonwealth, Virginia's House of Delegates and Senate Districts would need to be redistricted by the Virginia General Assembly.

4. At the time of redistricting in 2011, Virginia was a covered jurisdiction under Section 5 of the Voting Rights Act of 1965.

5. On March 25, 2011, both the Senate and House Committees on Privileges and Elections approved their version of Committee Resolution No. 1 containing "District Criteria". Copies of those Resolutions are attached hereto as Exhibit J24 (Senate) and J25 (House).

6. On April 11, 2011, the Virginia General Assembly passed HB 5001, which set forth a redistricting plan for the Virginia House of Delegates and a redistricting plan for the Virginia Senate. A copy of the legislative history of HB 5001 is attached as Exhibit J26.

7. On April 15, 2011, then-Virginia Governor Robert McDonnell vetoed HB 5001. A copy of the veto letter is attached as Exhibit J27.

8. On April 28, 2011, the Virginia General Assembly passed HB 5005, which set forth a redistricting plan for the Virginia House of Delegates and a redistricting plan for the Virginia Senate. On April 29, 2011, then-Virginia Governor Robert McDonnell signed HB 5005 and the redistricting plans were enacted into law (the “Enacted Plans”). A copy of the legislative history of HB 5005 is attached as Exhibit J28. A copy of Governor McDonnell’s letter upon signing the redistricting legislation is attached as Exhibit J29.

9. Copies of the Enacted Plans are attached hereto as Exhibit J30 (House) and J31 (Senate) and can also be found at the following links:

<http://redistricting.dls.virginia.gov/2010/Data/2011HouseMaps/HB5005%20-%20HouStatewide.pdf>

<http://redistricting.dls.virginia.gov/2010/Data/2011SenateMaps/HB5005%20-%20SenStatewide.pdf>

10. On May 10, 2011, the Commonwealth of Virginia submitted the Enacted Plans to the United States Department of Justice (DOJ) for preclearance.

11. The Reock, Polsby-Popper, and Schwartzberg measures of compactness were generated by the Division of Legislative Services and appeared in the submission to the DOJ seeking preclearance. Copies of the “Statement of Change” for both the House and Senate as included in the DOJ submission are attached hereto as Exhibits J32 and J33, respectively.

12. The Department of Justice precleared the Enacted Plans on June 17, 2011.

13. The Majority-Minority Districts in the Enacted Plans are:

Senate: 2, 5, 9, 16, 18

House: 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, 95

14. On September 14, 2015, Plaintiffs filed their Complaint alleging that House of Delegates Districts 13, 22, 48, 72, and 88, and Senate Districts 19, 21, 28, 29, 30, and 37 (the “Challenged Districts”) violate the compactness clause of the Virginia Constitution.

16. The parties have identified Drs. Michael McDonald, Thomas Hofeller, and M.V. (Trey) Hood III as expert witnesses. Each of the identified experts is qualified as an expert in the field of redistricting and the parties stipulate to their treatment as “expert witnesses” within the meaning of Va. Code §8.01-401.3 and Virginia Supreme Court Rule 2:702. Nothing in this stipulation is intended to curtail the ability of any party to present testimony concerning an expert’s credentials or the foundation for their testimony for any proper purpose at trial, including the purposes of establishing, bolstering, or attacking the credibility of any such expert.

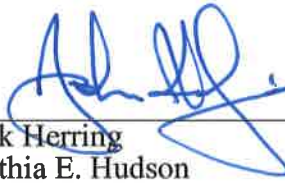
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "W. Durette", with a long horizontal flourish extending to the right.

Wyatt B. Durette, Jr. (VSB No. 04719)
Debbie G. Seidel (VSB No. 23124)
Christine A. Williams (VSB No. 47074)
DURRETTECRUMP PLC
1111 East Main Street, 16th Floor
Richmond, VA 23219
Telephone: (804) 775-6900
Facsimile: (804) 775-6911
wdurette@durettecrump.com
cwilliams@durettecrump.com

Counsel to Plaintiffs

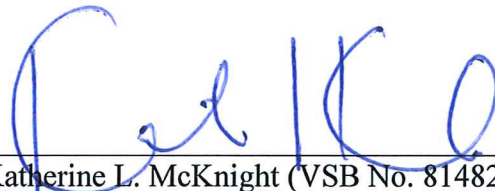
Respectfully submitted,



Mark Herring
Cynthia E. Hudson
John W. Daniel
Heather H. Lockerman (VSB No. 65535)
Joshua D. Heslinga (VSB No. 73036)
Anna T. Birkenheier (VSB No. 86035)
OFFICE OF THE ATTORNEY GENERAL
202 North 9th Street
Richmond, Virginia 23219
Telephone: (804) 786-3847
hlockerman@oag.state.va.us
jheslinga@oag.state.va.us
abirkenheier@oag.state.va.us

Counsel to Defendants

Respectfully submitted,



Katherine L. McKnight (VSB No. 81482)

E. Mark Braden (*pro hac vice*)

Richard B. Raile (VSB No. 84340)

BAKER & HOSTETLER LLP

1050 Connecticut Avenue, N.W.

Suite 1100

Washington, DC 20036

Telephone: (202)861-1500

Facsimile: (202)861-1783

kmcknight@bakerlaw.com

mbraden@bakerlaw.com

rraile@bakerlaw.com

*Counsel to the Virginia House of Delegates and
Virginia House of Delegates Speaker William J.
Howell*

Exhibit J24

Approved 3/25/11**SENATE COMMITTEE ON PRIVILEGES AND ELECTIONS****COMMITTEE RESOLUTION NO. 1 -- Senate District Criteria**

(Proposed by Senator Howell)

RESOLVED, That after consideration of legal requirements and public policy objectives, informed by public comment, the Senate Committee on Privileges and Elections adopts the following criteria for the redrawing of Virginia's Senate districts:

I. Population Equality

The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable. Population deviations in Senate districts should be within plus-or-minus two percent.

II. Voting Rights Act

Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965.

III. Contiguity and Compactness

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous and compact in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the cases of *Jamerson v. Womack*, 244 Va. 506 (1992) and *Wilkins v. West*, 264 Va. 447 (2002).

IV. Single-Member Districts

All districts shall be single-member districts.

V. Communities of Interest

Districts shall be based on legislative consideration of the varied factors that can create or contribute to communities of interest. These factors may include, among others, economic factors, social factors, cultural factors, geographic features, governmental jurisdictions and service delivery areas, political beliefs, voting trends, and incumbency

Attachment 4-Senate

considerations. Public comment has been invited, has been and continues to be received, and will be considered. It is inevitable that some interests will be advanced more than others by the choice of particular district configurations. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people. Local government jurisdiction and precinct lines may reflect communities of interest to be balanced, but they are entitled to no greater weight as a matter of state policy than other identifiable communities of interest.

VI. Priority

All of the foregoing criteria shall be considered in the districting process, but population equality among districts and compliance with federal and state constitutional requirements and the Voting Rights Act of 1965 shall be given priority in the event of conflict among the criteria. Where the application of any of the foregoing criteria may cause a violation of applicable federal or state law, there may be such deviation from the criteria as is necessary, but no more than is necessary, to avoid such violation.

DLS/mrs
3/25/11

Exhibit J25

HOUSE COMMITTEE ON PRIVILEGES AND ELECTIONS

COMMITTEE RESOLUTION NO. 1 -- House of Delegates District Criteria

(Proposed by Delegate S. Chris Jones)

RESOLVED, That after consideration of legal requirements and public policy objectives, informed by public comment, the House Committee on Privileges and Elections adopts the following criteria for the redrawing of Virginia's House of Delegates districts:

I. Population Equality

The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable. Population deviations in House of Delegates districts should be within plus-or-minus one percent.

II. Voting Rights Act

Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965.

III. Contiguity and Compactness

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous and compact in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the cases of *Jamerson v. Womack*, 244 Va. 506 (1992) and *Wilkins v. West*, 264 Va. 447 (2002).

IV. Single-Member Districts

All districts shall be single-member districts.

V. Communities of Interest

Districts shall be based on legislative consideration of the varied factors that can create or contribute to communities of interest. These factors may include, among others, economic factors, social factors, cultural factors, geographic features, governmental

jurisdictions and service delivery areas, political beliefs, voting trends, and incumbency considerations. Public comment has been invited, has been and continues to be received, and will be considered. It is inevitable that some interests will be advanced more than others by the choice of particular district configurations. The discernment, weighing, and balancing of the varied factors that contribute to communities of interest is an intensely political process best carried out by elected representatives of the people. Local government jurisdiction and precinct lines may reflect communities of interest to be balanced, but they are entitled to no greater weight as a matter of state policy than other identifiable communities of interest.

VI. Priority

All of the foregoing criteria shall be considered in the districting process, but population equality among districts and compliance with federal and state constitutional requirements and the Voting Rights Act of 1965 shall be given priority in the event of conflict among the criteria. Where the application of any of the foregoing criteria may cause a violation of applicable federal or state law, there may be such deviation from the criteria as is necessary, but no more than is necessary, to avoid such violation.

DLS/mrs
3/25/11

Exhibit J26

2011 SPECIAL SESSION I**HB 5001 House of Delegates and Senate districts; changes in boundaries.**

Introduced by: [S. Chris Jones](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED HOUSE: (all summaries)

House of Delegates and Senate districts. Redraws the boundaries of the 100 House districts and 40 Senate districts.

FULL TEXT

03/29/11 House: Presented and ordered printed 11200024D pdf

03/31/11 House: Introduced bill reprinted 11200024D pdf

04/04/11 House: Committee substitute printed 11200054D-H1 pdf

04/07/11 Senate: Committee substitute printed 11200095D-S1 pdf

04/07/11 Senate: Floor substitute printed 11200098D-S2 (Watkins) pdf

04/11/11 House: Conference substitute printed 11200112D-H2 pdf

04/12/11 House: Bill text as passed House and Senate (HB5001ER) pdf

AMENDMENTS

Senate amendments

Senate amendments engrossed

Conference amendments

Governor's veto explanation

HISTORY

03/29/11 House: Presented and ordered printed 11200024D

03/29/11 House: Referred to Committee on Privileges and Elections

03/31/11 House: Introduced bill reprinted 11200024D

04/04/11 House: Reported from Privileges and Elections with substitute (20-Y 2-N)

04/04/11 House: Committee substitute printed 11200054D-H1

04/04/11 House: Read first time

04/05/11 House: Read second time

04/05/11 House: Committee substitute agreed to 11200054D-H1

04/05/11 House: Engrossed by House - committee substitute (87-Y 10-N) HB5001H1

04/05/11 House: VOTE: ENGROSSMENT (87-Y 10-N)

04/06/11 House: Read third time and passed House (84-Y 9-N)

04/06/11 House: VOTE: PASSAGE (84-Y 9-N)

04/06/11 House: Reconsideration of passage agreed to by House

04/06/11 House: Passed House (86-Y 8-N)

04/06/11 House: VOTE: PASSAGE #2 (86-Y 8-N)

04/07/11 Senate: Constitutional reading dispensed

04/07/11 Senate: Referred to Committee on Privileges and Elections

04/07/11 Senate: Reported from Privileges and Elections with substitute (9-Y 6-N)

04/07/11 Senate: Committee substitute printed 11200095D-S1

04/07/11 Senate: Floor substitute printed 11200098D-S2 (Watkins)

04/07/11 Senate: Read second time

04/07/11 Senate: Rules suspended

04/07/11 Senate: Constitutional reading dispensed (40-Y 0-N)

04/07/11 Senate: Committee substitute agreed to (22-Y 18-N) 11200095D-S1

04/07/11 Senate: Floor Substitute by Senator Watkins not in order

04/07/11 Senate: Amendments by Senator Howell agreed to

04/07/11 Senate: Engrossed by Senate - committee substitute HB5001S1

04/07/11 Senate: Passed Senate with substitute with amendments (22-Y 18-N)

04/08/11 House: Placed on Calendar

04/11/11 House: Senate substitute with amendments rejected by House (0-Y 93-N)

04/11/11 House: VOTE: ADOPTION (0-Y 93-N)

04/11/11 Senate: Senate insisted on substitute with amendments (32-Y 5-N)

04/11/11 House: House acceded to request

04/11/11 House: Conferees appointed by House

04/11/11 House: Delegates: Jones, Bell, R.B., Dance

04/11/11 Senate: Senate acceded to request

04/11/11 Senate: Conferees appointed by Senate

04/11/11 Senate: Senators: Howell, Blevins, Barker

04/11/11 House: Conference substitute printed 11200112D-H2

04/11/11 Senate: Conference report agreed to by Senate (22-Y 17-N)

04/11/11 House: Conference report agreed to by House (85-Y 9-N)

04/11/11 House: VOTE: ADOPTION (85-Y 9-N)

04/12/11 House: Enrolled

04/12/11 House: Bill text as passed House and Senate (HB5001ER)

04/12/11 House: Signed by Speaker

04/12/11 Senate: Signed by President

04/15/11 Governor: Vetoed by Governor

04/25/11 House: No action taken

Exhibit J27



COMMONWEALTH of VIRGINIA

Office of the Governor

Robert F. McDonnell
Governor

GOVERNOR'S VETO

APRIL 15, 2011

TO THE HOUSE OF DELEGATES:

HOUSE BILL NO. 5001

House Bill 5001 includes decennial redistricting plans for the House of Delegates and Senate of Virginia, as required by Article II, Section 6 of the Constitution of Virginia. Upon reviewing the plans and relevant state and federal law, I have several legal and other concerns with this legislation. Specifically, there are significant issues with the Senate reapportionment plan ("Senate plan") that prevent me from signing the bill in its current form. While I applaud the House for its bipartisan approach, I encourage the House to pursue opportunities that will strengthen its plan.

First, it is apparent that districts proposed in the Senate plan are not compact, as required in the Constitution of Virginia, and do not properly preserve locality lines and communities of interest. These issues were noted in the Independent Bipartisan Advisory Commission on Redistricting ("Bipartisan Commission") report as the most significant concerns of the citizens of Virginia. The Constitution of Virginia requires that electoral districts be composed of "compact territory." This requirement is also contained in the resolution adopted by the Senate Privileges and Elections Committee on March 25, 2011. Using the most commonly recognized tools of compactness scoring, the Reock and Polsby-Popper methods, the plan adopted by the Senate has less compact districts than the existing House or Senate districts or other plans that have been proposed. The Senate Committee resolution also requires that communities of interest be respected, including local jurisdiction lines. While the House plan keeps the number of split localities relatively static, the Senate plan significantly increases the number of times localities are split as compared to either other proposed plans or the current redistricting law (from 190 to 198 in the House plan (4% change), contrasted with an increase of 108 to 135 in the Senate plan (25% change)). A plain visual examination of the districts in the Senate plan also places into serious doubt that the compactness and communities of interest requirements have been met. As Justice Stevens said in the 1983 U.S. Supreme Court case of *Karcher v. Daggett*, "Drastic departures from compactness are a signal that something may be amiss."

Second, I am concerned that the Senate plan may violate the one person-one vote ideal embodied in the United States and Virginia Constitutions. The Fourteenth Amendment of the United States Constitution provides for equal protection of the laws. This has been interpreted to require that state legislative districts have as close to equal representation as practicable, taking into consideration other important and legitimate redistricting factors. Additionally, Article II, Section 6 of the Constitution of Virginia requires that districts be drawn in a manner to “give, as nearly as is practicable, representation in proportion to the population of the district.” The House plan has a deviation of only ± 1 percent. However, in reviewing the districts proposed in the Senate plan, they appear to deviate from the one person-one vote standard without any apparent legitimate justification. While the deviation from the ideal district is smaller than in past decennial redistricting cycles, deviations must be justified with achieving some recognized principle of redistricting such as preserving local jurisdictional lines, creating compact districts, or maintaining communities of interest. Additionally, as the Bipartisan Commission noted, “the tradition in the Commonwealth has been to require a stricter population standard than allowed by the federal courts.” After close review of the Senate plan, I cannot identify any apparent justification for the deviations proposed. In fact, the Senate plan systematically underpopulates districts in slow-growth regions of the state (urban and rural) while overpopulating districts in high-growth areas of the Commonwealth (suburban).

Lastly, I am concerned that the Senate plan is the kind of partisan gerrymandering that Virginians have asked that we leave in the past. The House of Delegates passed its plan on an overwhelming 86-8 vote, with twenty-eight affirmative votes from members of the minority party. Similarly, in 2001, both the House and Senate plans passed with bipartisan support. In stark contrast, the Senate plan failed to garner any votes in the Senate from the minority party. Certainly, the Senate can create a plan that will be supported by a bipartisan majority of Senators, especially with the Senate’s overwhelming support for a bipartisan redistricting process as expressed in previous legislation.

In conclusion, after a careful review of the Senate plan, I have serious concerns that such a plan may violate state and federal law and could potentially subject Virginia to costly and unnecessary litigation. Time is of the essence to ensure that we maintain control over a process that drastically impacts Virginians for years to come. I encourage you to reevaluate this legislation in light of these expressed concerns and begin work immediately to develop a plan that is clearly lawful and can ensure bipartisan support. It is imperative that your work commence and be completed promptly to permit the appropriate preclearance process to occur so that the election can proceed as currently scheduled.

TO THE HOUSE OF DELEGATES

April 15, 2011

Page 3

Accordingly, pursuant to Article V, Section 6, of the Constitution of Virginia, I veto this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert McDonnell". The signature is fluid and cursive, with the first name "Robert" and last name "McDonnell" clearly distinguishable.

Robert F. McDonnell

Exhibit J28

2011 SPECIAL SESSION I**HB 5005 House of Delegates and Senate districts; changes in boundaries.**

Introduced by: [S. Chris Jones](#) | [all patrons](#) ... [notes](#) | [add to my profiles](#)

SUMMARY AS PASSED HOUSE: (all summaries)

House of Delegates and Senate districts. Redraws the boundaries of the 100 House and 40 Senate districts.

FULL TEXT

04/18/11 House: Presented and ordered printed 11200131D [pdf](#)

04/28/11 Senate: Committee substitute printed 11200181D-S1 [pdf](#)

04/29/11 House: Bill text as passed House and Senate (HB5005ER) [pdf](#)

04/29/11 Governor: Acts of Assembly Chapter text (CHAP0001) [pdf](#)

AMENDMENTS**Senate amendments****Senate amendments engrossed****HISTORY**

04/18/11 House: Presented and ordered printed 11200131D

04/18/11 House: Referred to Committee on Privileges and Elections

04/18/11 House: Reported from Privileges and Elections (16-Y 0-N)

04/18/11 House: Read first time

04/25/11 House: Read second time and engrossed

04/27/11 House: Read third time and passed House (80-Y 9-N)

04/27/11 House: VOTE: BLOCK VOTE PASSAGE (80-Y 9-N)

04/27/11 Senate: Constitutional reading dispensed

04/27/11 Senate: Referred to Committee on Privileges and Elections

04/28/11 Senate: Reported from Privileges and Elections with substitute (12-Y 3-N)

04/28/11 Senate: Committee substitute printed 11200181D-S1

04/28/11 Senate: Read second time

04/28/11 Senate: Constitutional reading dispensed (37-Y 0-N)

04/28/11 Senate: Reading of substitute waived

04/28/11 Senate: Committee substitute agreed to 11200181D-S1

04/28/11 Senate: Reading of amendments waived

04/28/11 Senate: Amendments by Senator Barker agreed to

04/28/11 Senate: Engrossed by Senate - committee substitute with amendments HB5005S1

04/28/11 Senate: Passed Senate with substitute with amendments (32-Y 5-N)

04/28/11 House: Placed on Calendar

04/28/11 House: Senate substitute with amendments agreed to by House 11200181D-S1 (63-Y 7-N)

04/28/11 House: VOTE: ADOPTION (63-Y 7-N)

04/29/11 House: Enrolled

04/29/11 House: Bill text as passed House and Senate (HB5005ER)

04/29/11 House: Signed by Speaker

04/29/11 Senate: Signed by President

04/29/11 Governor: Approved by Governor-Chapter 1 (effective 04/29/11)

04/29/11 Governor: Acts of Assembly Chapter text (CHAP0001)

Exhibit J29

From: G. Paul Nardo <GPNardo@house.virginia.gov>
Sent: Thursday, April 28, 2011 8:26 PM
To: Bill Howell (P) <delhowell@aol.com>; Kirk Cox (P) <kirk_cox@msn.com>; Tim Hugo (P) <tim.hugo@capnet.org>; Bill Janis (P) <bill@billjanis.com>; Chris Jones (P) <chris@schrisjones.com>; Rob Bell (P) <robbellgop@aol.com>
Subject: Fw: Fwd: Statement of Governor Bob McDonnell on Passage of Redistricting Legislation

Yeah. Congrats!!!!

From: Jeff Palmore [jeffpalmore@gmail.com]
Sent: 04/28/2011 08:19 PM AST
To: G. Paul Nardo
Subject: Fwd: Statement of Governor Bob McDonnell on Passage of Redistricting Legislation

We're having email issues. This should be coming to you soon.

Begin forwarded message:

From: Jeff Palmore <jeffpalmore@gmail.com>
Date: April 28, 2011 8:13:53 PM EDT
To: "kumaranita@washpost.com" <kumaranita@washpost.com>, "blewis@ap.org" <blewis@ap.org>, "omeola@timesdispatch.com" <omeola@timesdispatch.com>, "twhitley@timesdispatch.com" <twhitley@timesdispatch.com>, "julian.walker@pilotonline.com" <julian.walker@pilotonline.com>, "mike.sluss@roanoke.con" <mike.sluss@roanoke.con>, "dsherfinski@dcexaminer.com" <dsherfinski@dcexaminer.com>
Subject: Fwd: Statement of Governor Bob McDonnell on Passage of Redistricting Legislation

Begin forwarded message:

From: "Martin, Tucker (GOV)" <Tucker.Martin@governor.virginia.gov>
Date: April 28, 2011 8:06:04 PM EDT

EXHIBIT J29

VAHOD0002278

To: "Martin, Tucker (GOV)" <Tucker.Martin@governor.virginia.gov>
Subject: Statement of Governor Bob McDonnell on Passage of Redistricting Legislation



Commonwealth of Virginia
Office of Governor Bob McDonnell

FOR IMMEDIATE RELEASE

April 28, 2011

Contact: Jeff Caldwell

Phone: (804) 225-4260

E-mail: Jeff.Caldwell@Governor.Virginia.Gov

**Statement of Governor Bob McDonnell
on Passage of Redistricting Legislation**

EXHIBIT J29

RICHMOND Governor Bob McDonnell issued the following statement regarding the redistricting legislation passed by the General Assembly this evening:

I thank the General Assembly for passing this new redistricting plan. I will sign this legislation as soon as it reaches my desk. The plan as passed does address most of the criteria I outlined in my veto letter, and ensures that the elected members of the legislative branch fulfill their constitutional obligation to draw our electoral lines every ten years.

In my veto letter, I asked the Senate to send me a plan that was bipartisan and addressed potential legal issues. The plan approved today is in line with those goals. This plan retains more geographic and municipal boundaries, contains districts that are somewhat more compact, and passed the Senate on a strong bipartisan vote. In these aspects it is similar to the House plan. It is a great improvement over the previous plan that I vetoed, and which failed to gain a single vote from the minority party. I applaud the Republican and Democratic members of the Senate who worked well together to craft this compromise plan.

At my request, the Attorney General's office has reviewed the preliminary data regarding the plan. Based on this review, they concluded that the plan meets the relevant legal requirements of the U.S. Constitution, the Virginia Constitution, and the Voting Rights Act. I have asked the Attorney General to ensure that the legislation will be precleared in a timely fashion so that the 2011 election process can get underway.

While additional improvements in measures of compactness and preservation of communities of interest would have been ideal, and no plan is perfect, the Constitution of Virginia tasks the General Assembly with drawing lines, and further delay could have turned that authority over to the courts. With state and federal lawsuits currently pending that request court-drawn lines, prompt action was required to preserve this inherently legislative function, and permit timely preclearance under the Voting Rights Act.

EXHIBIT J29

I also wish to thank the many groups that have been involved throughout the redistricting process, including the Independent Bipartisan Advisory Commission on Redistricting. I am confident that their involvement and detailed report had a significant positive impact on the process by allowing members of the General Assembly to consider further options as they worked together to pass today's plan. I look forward to continuing to work with the members of the General Assembly, and all Virginians, in our crucial ongoing effort to bring new jobs and more opportunities to every region of Virginia.

###

J. Tucker Martin

Director of Communications

Office of Governor Bob McDonnell

O: 804-786-4127

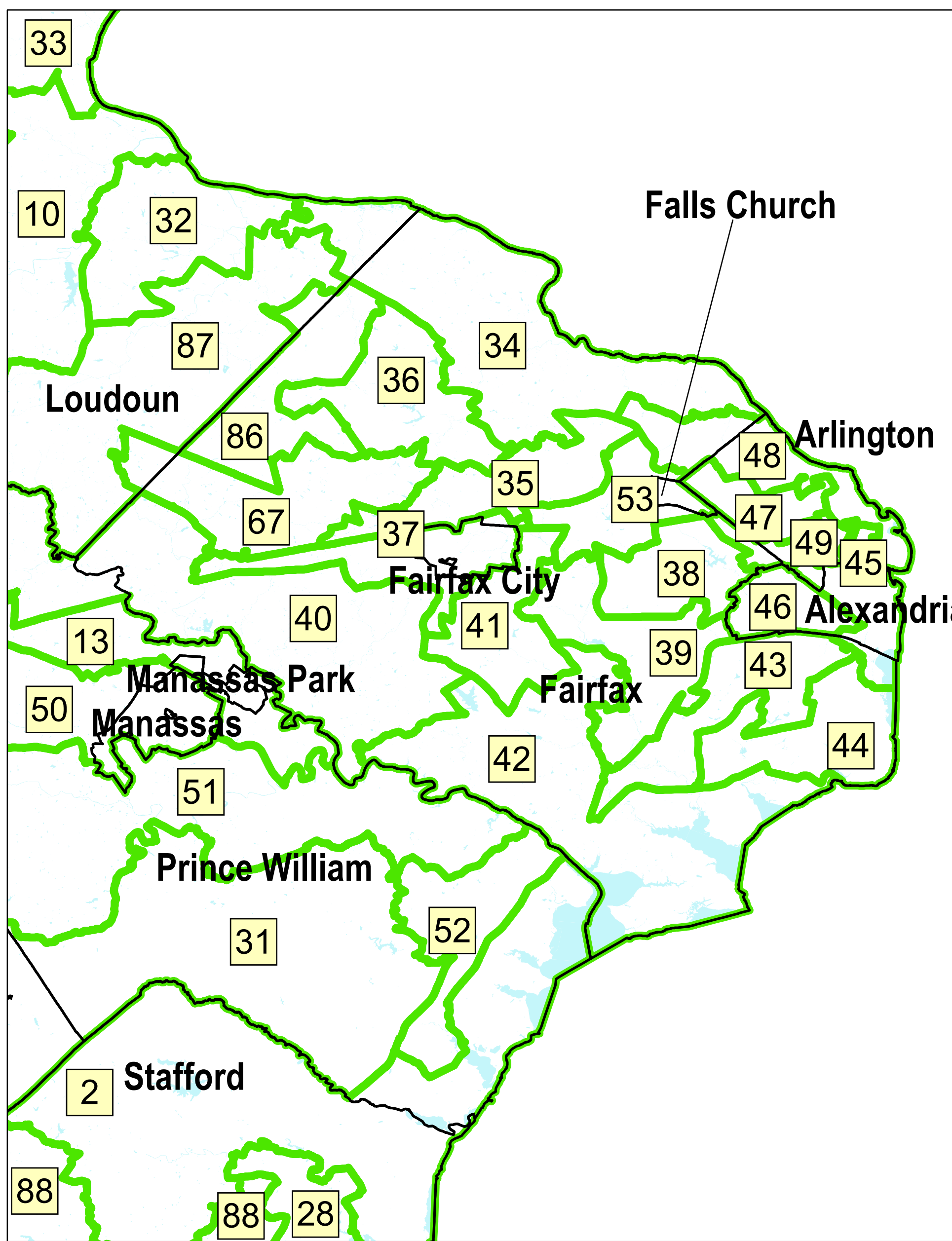
C: 804-387-5917

Email: Tucker.Martin@Governor.Virginia.Gov

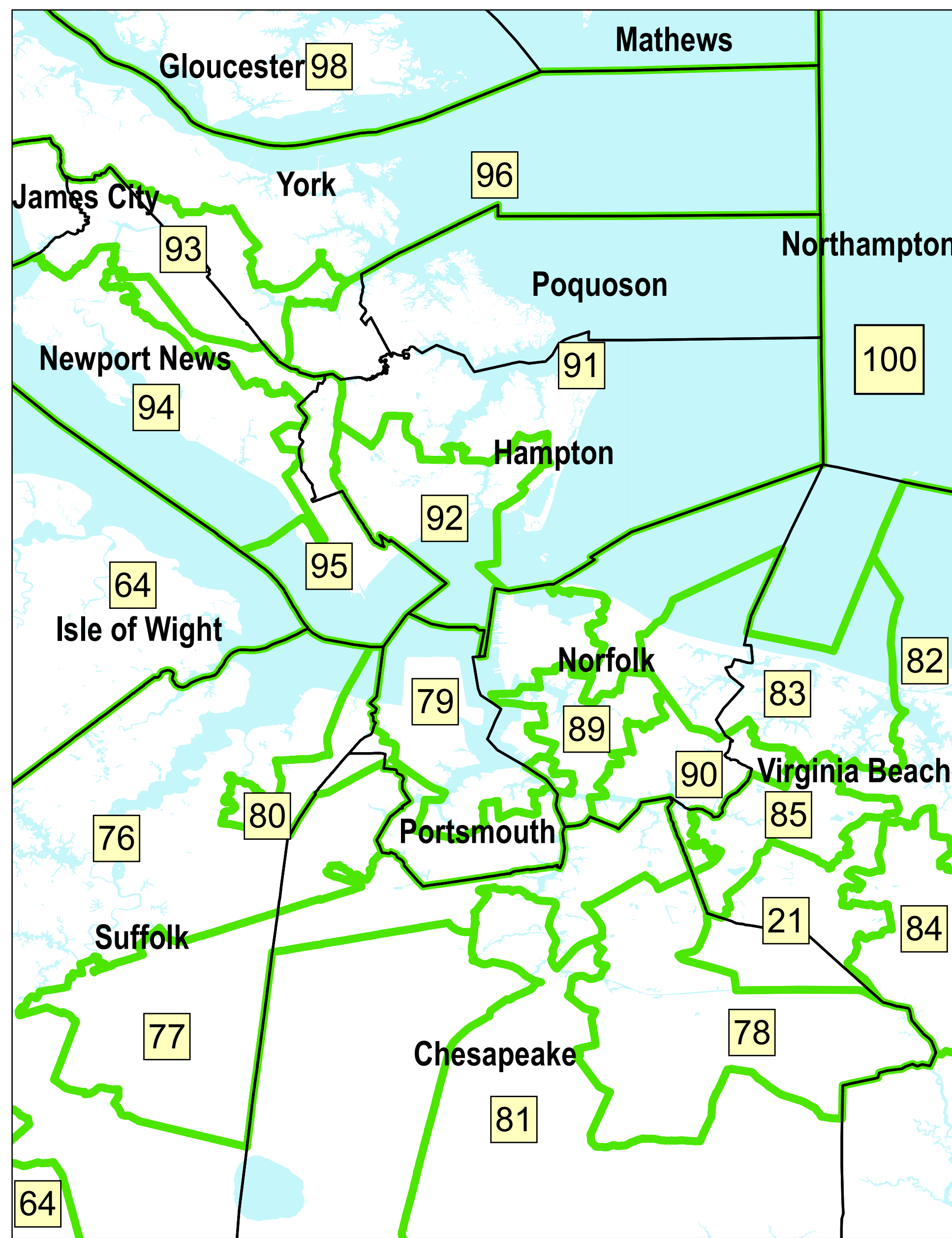


EXHIBIT J29

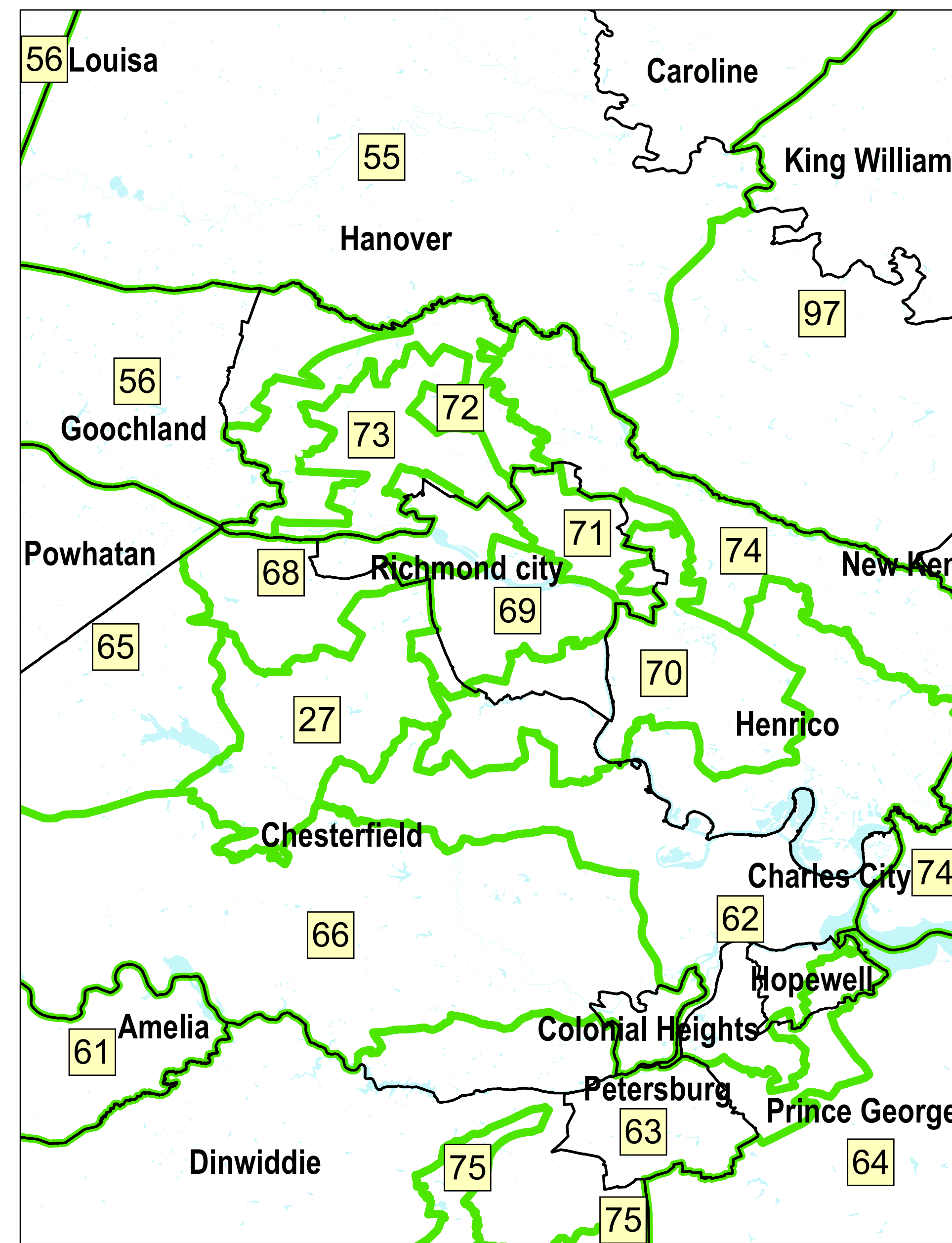
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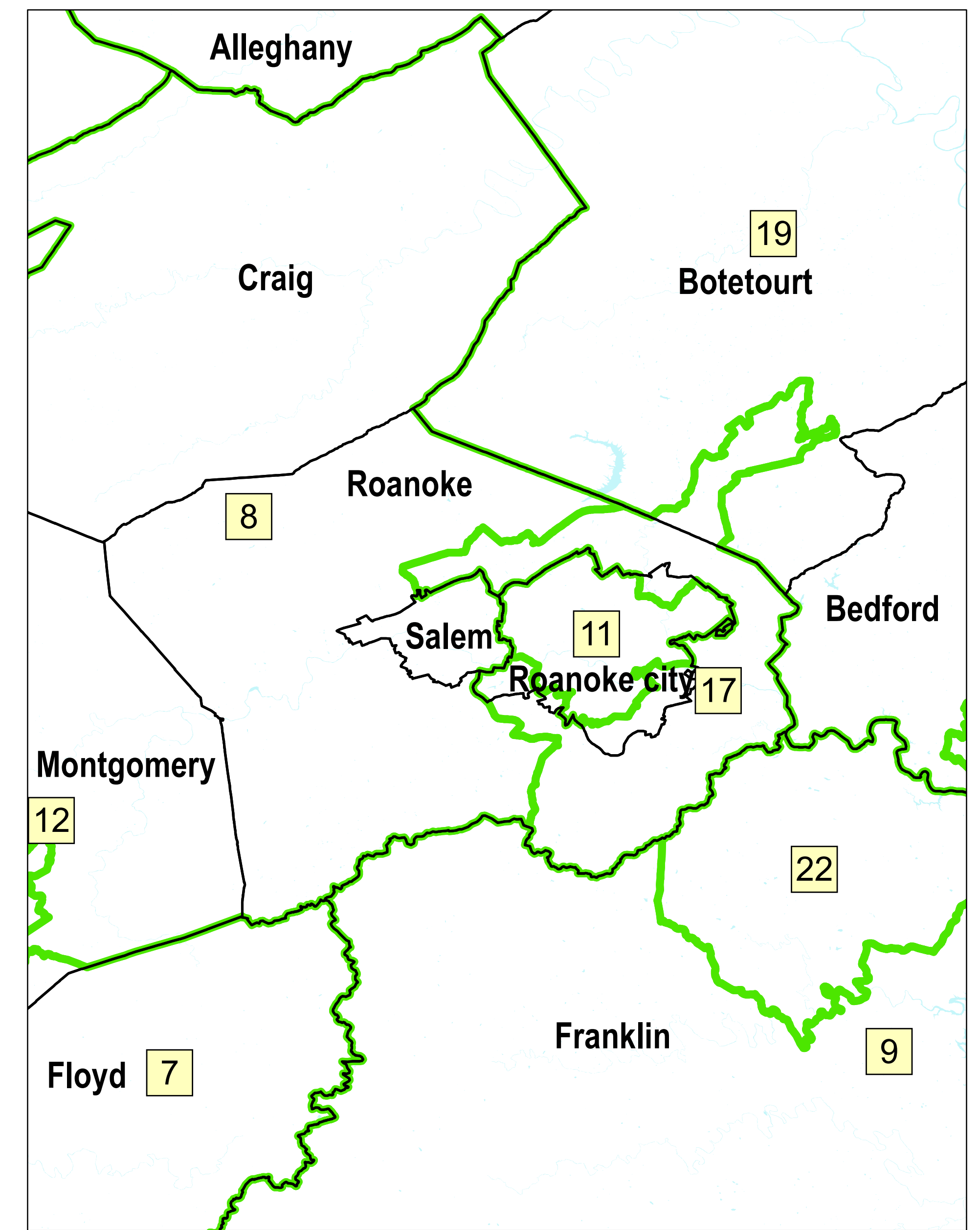
Northern Virginia



Tidewater Area



Central Virginia



Roanoke Area

**House Districts
Ch.1, 2011 Acts of Assembly
(Special Session I)**

Division of Legislative Services
4/28/11

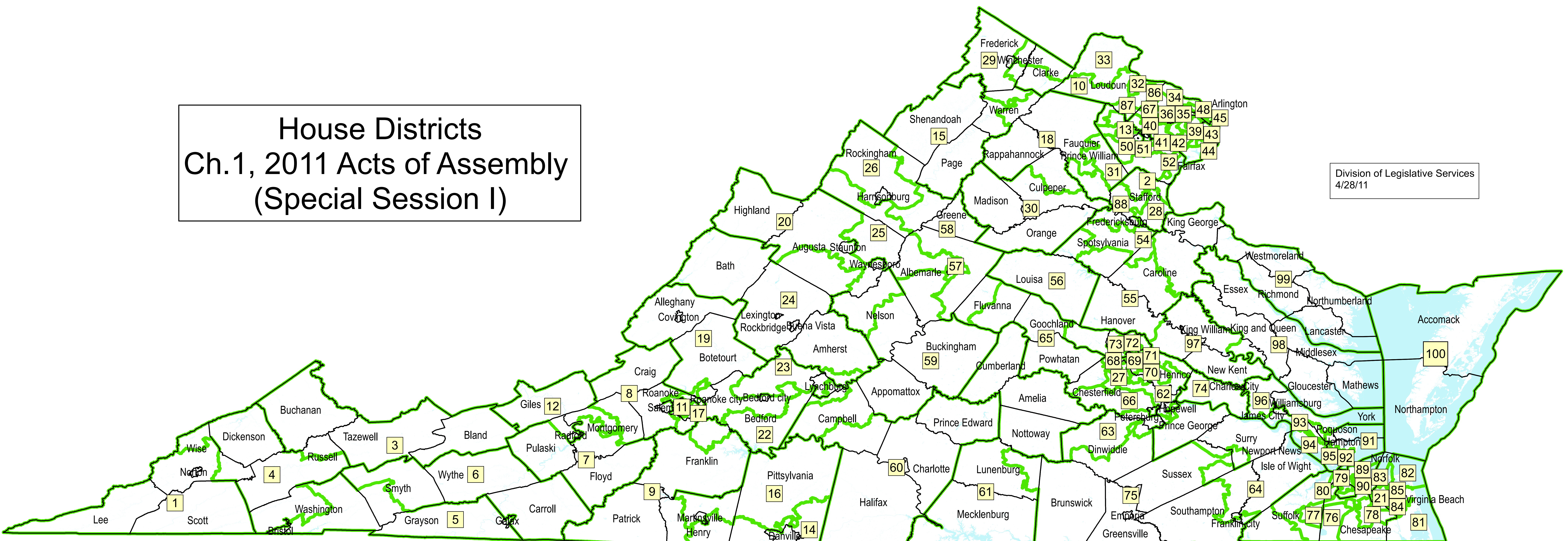
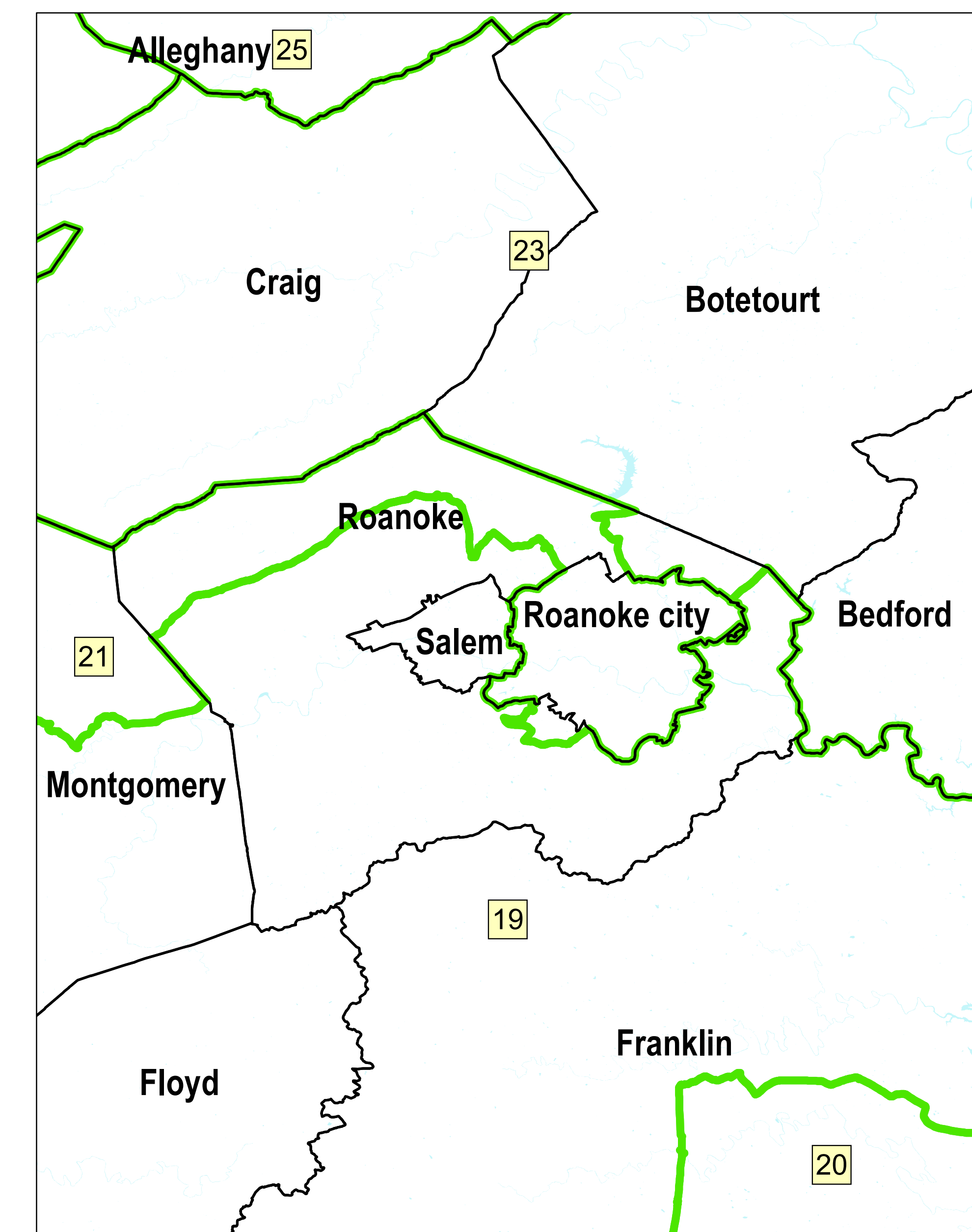
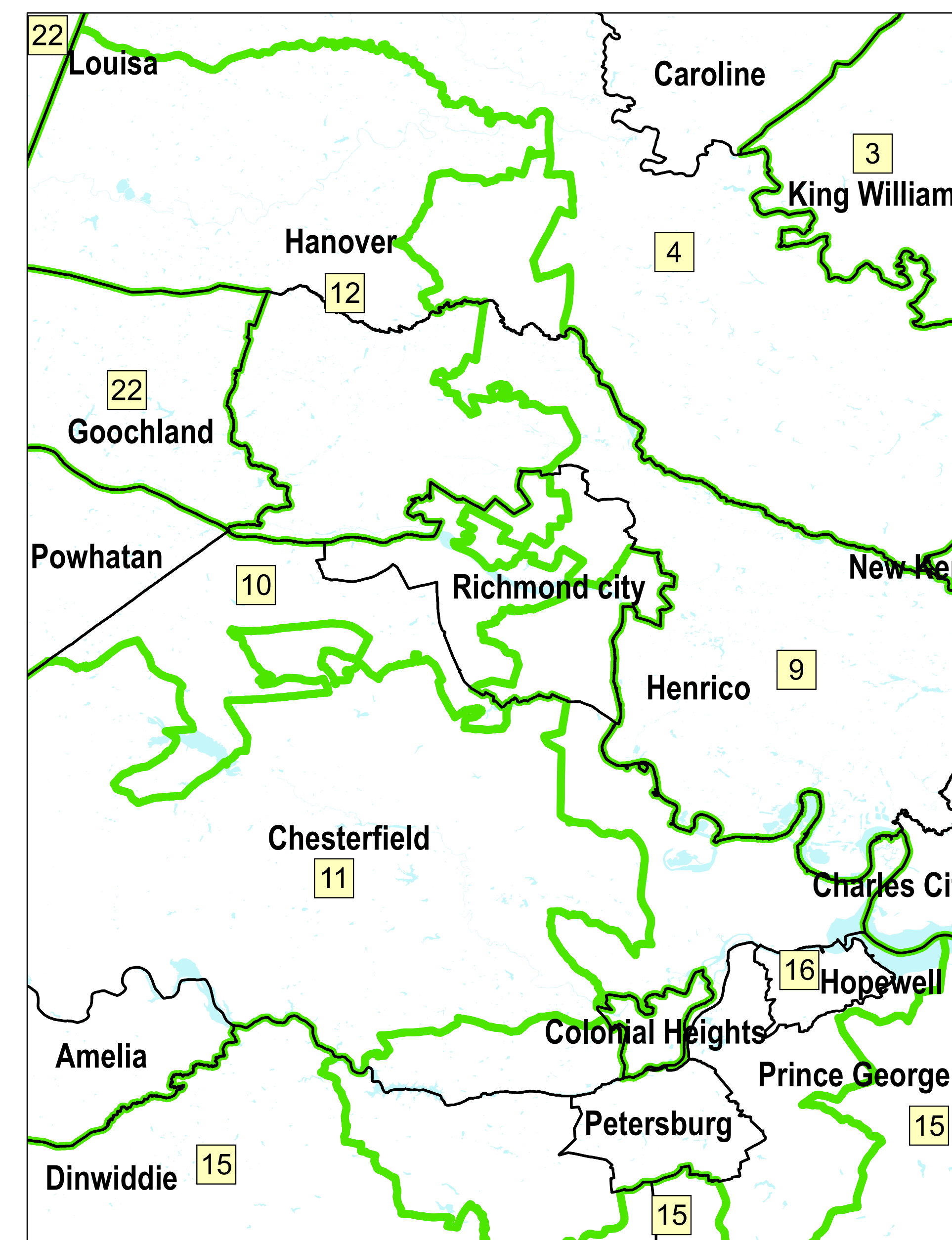
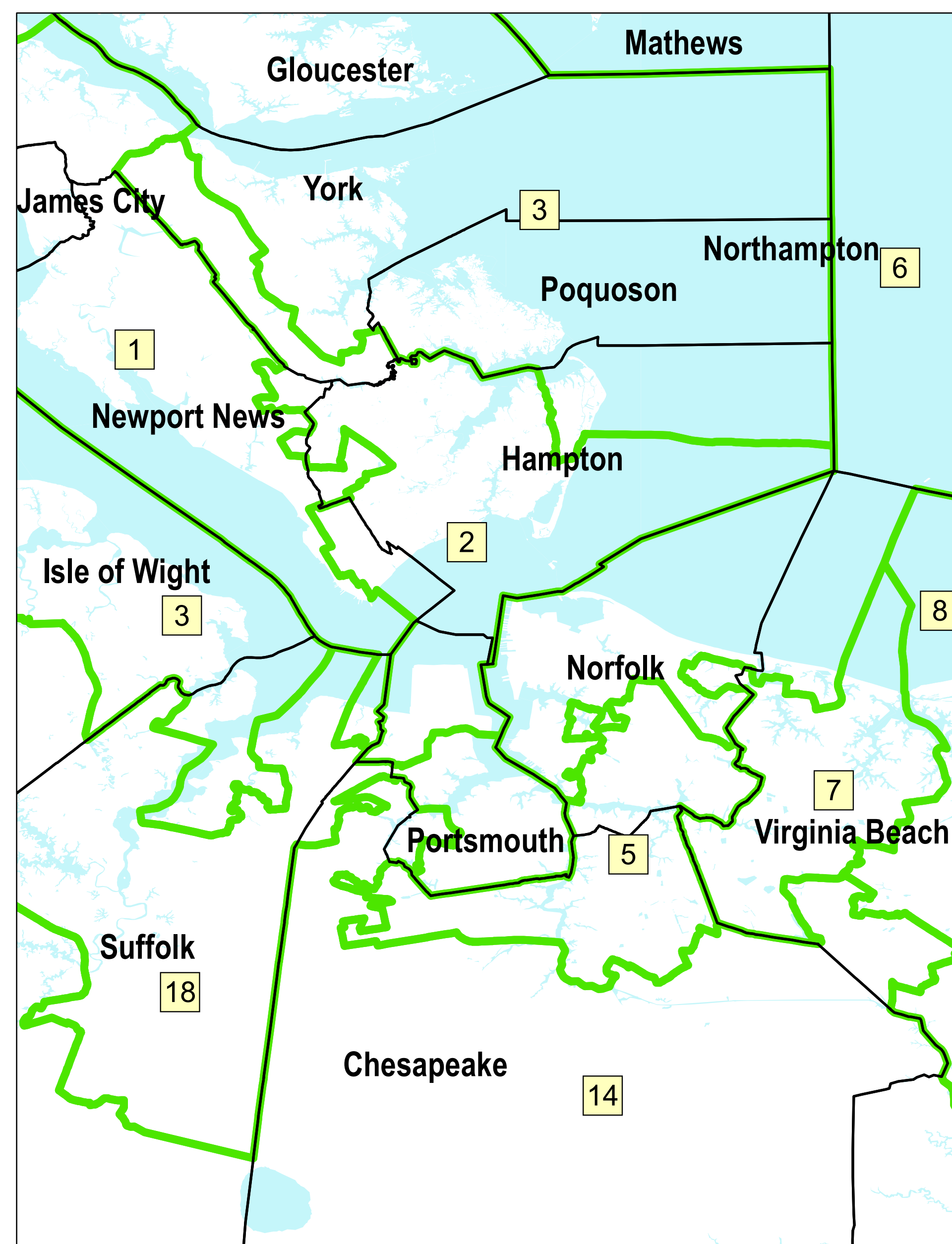
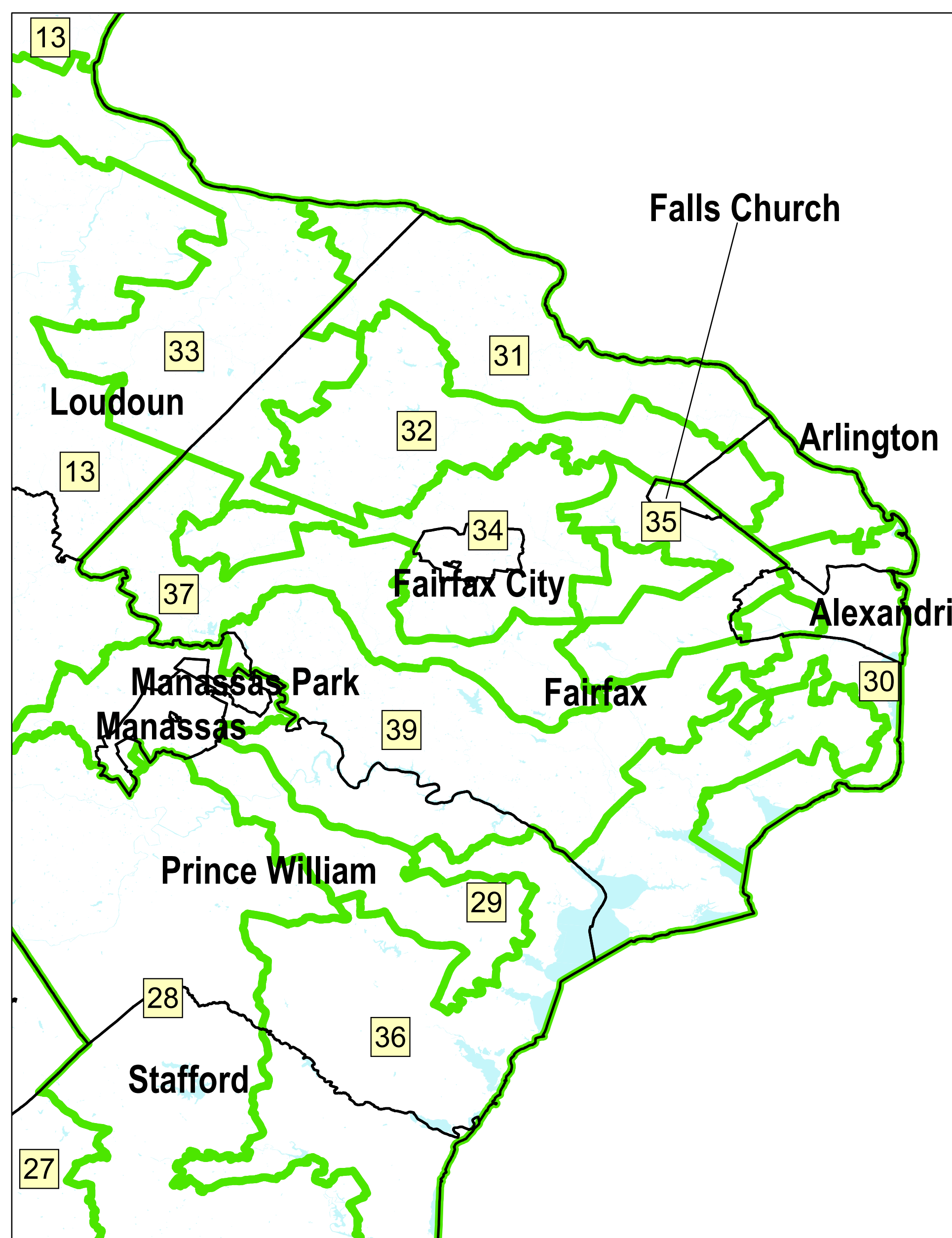


Exhibit J31



Senate Districts
Ch.1, 2011 Acts of Assembly
(Special Session I)

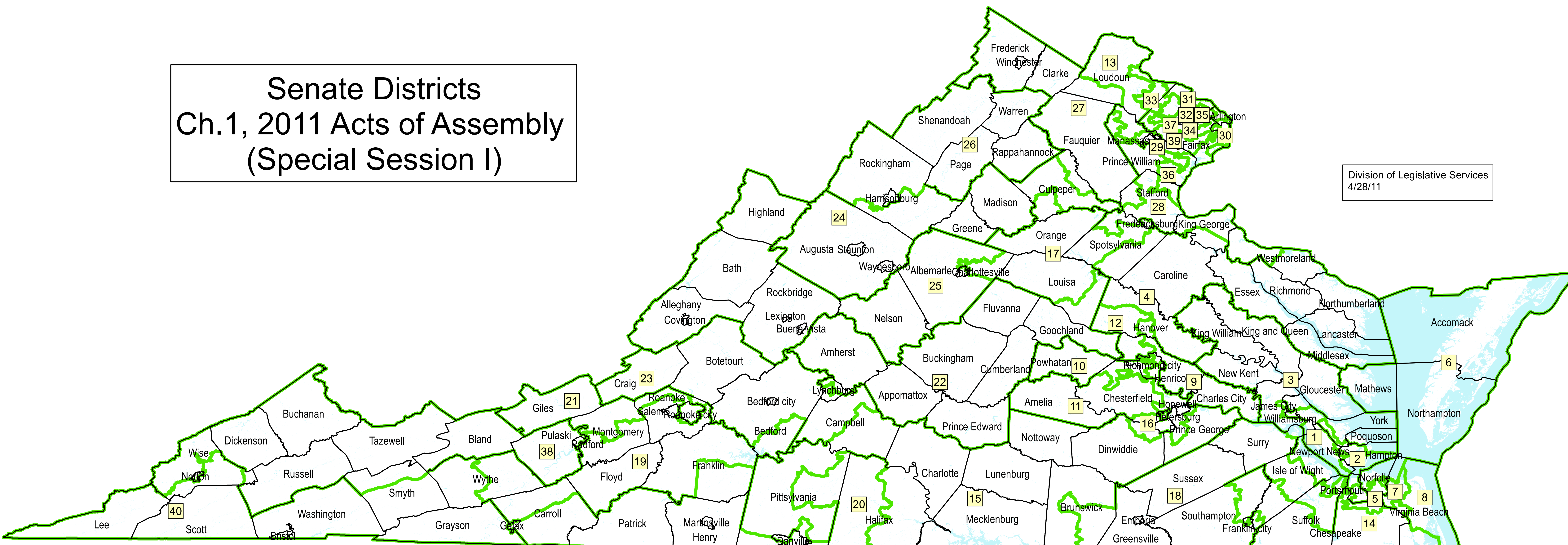


Exhibit J32

Attachment 3-House

STATEMENT OF CHANGE

Chapter 1, 2011 Virginia Acts of Assembly (Spec. Sess. I) (hereafter Chapter 1) revises Virginia's 100 single-member House of Delegates districts. Virginia's population grew at a rate of 13 percent, from 7,079,030 to 8,001,024, between 2000 and 2010. The pattern of growth was uneven across the Commonwealth, as illustrated in the attached map (Exhibit A) showing percent population changes by locality between 2000 and 2010.

Chapter 1 accommodates these population shifts and takes into account the variety of criteria and factors that traditionally shape the legislature's redistricting decisions. Each House district was altered to some extent, either to bring the district itself into conformity with population criteria or to facilitate necessary changes in adjoining districts. Redistribution of seats under Chapter 1 results in the loss of two districts by the rural western part of the state (Districts 2 and 10) and one by the South Hampton Roads City of Norfolk (District 87). All three districts are shifted to the suburban ring of Northern Virginia, two entirely or predominantly located in Loudoun County and one shared by Prince William and Stafford Counties. In addition, while District 93 remains in the North Hampton Roads area, it becomes an open district and the population majority of the district shifts from the older cities to the adjoining suburban localities.

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POPULATION CHANGE BY REGION

Virginia's population increase of 921,994 was concentrated in the outer suburban and exurban rings of Northern Virginia and, secondarily, along the Interstate 64 corridor running from the suburban Hampton Peninsula to the Charlottesville area. These areas account for an increase of 741,158, or 80 percent, of the overall State growth.

The largest increases in population are found in the suburban arc around the older Northern Virginia metropolitan core. Loudoun, Prince William, and Stafford Counties, along with the smaller Cities of Manassas and Manassas Park surrounded by Prince William, experienced an overall 52 percent growth rate. The increase of 307,085 accounts for one-third of the State's total population growth. The older core of the Northern Virginia region (Arlington County, City of Alexandria, and Fairfax County and the small Cities of Fairfax and Falls Church that it surrounds) continued to gain population (144,866), but its rate of growth, 11 percent, lagged slightly behind the State's overall growth rate.

As population continued to push out from the Northern Virginia core, the next adjoining set of "exurban" localities likewise experienced heavy growth. An overall growth rate of almost 30 percent (28.8 percent) increased the State population by 103,401 in, from north to south, Frederick, Clarke, Fauquier, Culpeper, Orange, Spotsylvania, Caroline, and King George Counties and including the Cities of Fredericksburg and Winchester.

The corridor along Interstate 64 from the North Hampton Roads suburbs to Charlottesville, skirting the Richmond metropolitan core, with a 21.1 percent

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overall growth rate, likewise added 84,838 to the State's total growth. This corridor includes, from east to west, are York, James City, New Kent, Hanover, Goochland, Louisa, Fluvanna, and Albemarle Counties and the Cities of Charlottesville and Williamsburg. One additional area of growth to be noted consists of the two large counties encircling the City of Richmond. Chesterfield and Henrico Counties combined added 100,968 population, a growth of 19.3 percent.

In contrast to growth in the Northern Virginia and Richmond metropolitan regions is the case of the major cities of Hampton Roads. Chesapeake, Norfolk, Portsmouth, and Virginia Beach in South Hampton Roads and Hampton and Newport News in the North combined for a growth rate of only 2.3 percent. Portsmouth and Hampton actually lost population over the last decade. Above average growth in the adjoining suburban jurisdictions (James City County, York County, and the City of Williamsburg in the North and the City of Suffolk and Isle of Wight County in the South) could not offset the overall lag for the entire metropolitan region.

As can be seen on the Exhibit A map, most rural localities and smaller metropolitan areas in the rest of the State grew at rates below the State average, or in some instances actually lost population, over the last decade. The populations of most of the State's 39 cities increased between 2000 and 2010, but only seven experienced growth exceeding the State average. In addition to the smaller cities cited above in the high growth areas, Harrisonburg and

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Lynchburg had moderately higher growth and the suburban Hampton Roads City of Suffolk grew at 32.8 percent.

IMPACT OF POPULATION SHIFTS ON CURRENT DISTRICTS

The ideal population for a House of Delegates district based on the 2010 Census is 80,010. The range of deviations from the ideal for the current, pre-Chapter 1 districts was extensive—from a +138.2 percent deviation (District 13) to a -19.9 percent deviation. (District 91) Adjustments to each district were made to eliminate the disparities in populations between the districts. A review of major regions of the Commonwealth illustrates the impact of the 2010 Census population shifts.

Northern Virginia Core

Arlington County, the City of Alexandria, and Fairfax County and the Cities of Fairfax and Falls Church are the oldest, "central" part of the greater Northern Virginia region. Nineteen House of Delegates districts are located entirely or predominantly within this core area in the current plan (Districts 34-49, 53, 67, and 86). The current districts combined are 19,255 below the ideal population for 19 seats. Chapter 1 maintains all 19 districts, although the boundary of each is adjusted to some extent. Population of approximately 26,000 is shifted to the area from Loudoun County to enable all districts to meet the equal population criterion.

Suburban and Exurban Northern Virginia

The components of these two rapidly growing groupings of localities have been listed above (see page 2). Nine current districts are included in the

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suburban arc around the Northern Virginia core (Districts 13, 28, 31-33, 50-52, and 88). These nine districts collectively are 231,067 over the ideal population for the number of seats currently allocated, and Chapter 1 moves three districts to the area: District 2 is shared between Prince William and Stafford Counties, District 10 predominantly is in Loudoun County with a smaller component from neighboring exurban counties, and District 87 is entirely within Loudoun County.

Five current districts are counted as parts of the exurban Northern Virginia arc (Districts 18, 29, 30, 54, and 99). Combined, they are 40,374 above ideal for five districts. Approximately one-half of this excess is included in the new District 10.

Western Virginia

Currently, 28 districts are located in the area of Virginia situated west of a line running from the Brunswick-Mecklenburg boundary on the North Carolina border north to the Charlottesville area and then north to the Shenandoah County - West Virginia border (Districts 1-12, 14-17, 19-20, 22-26, and 57-61). This is a largely rural part of the state, but includes the smaller Bristol, Charlottesville, Danville, Lynchburg, and Roanoke metropolitan areas. Population growth for the localities and metropolitan areas in this region with a few exceptions either lagged behind the state average or, in some instances, actually declined between 2000 and 2010. The districts in the area were a combined 143,753 under the ideal population for 28 districts according to the 2010 census.

Under Chapter 1, the comparable territory loses two seats in the southwestern area and the seats are transferred to high growth areas on the

Attachment 3-House

suburban rim of Northern Virginia. District 2 becomes a shared district between Prince William and Stafford Counties. District 10 will now be centered predominantly in Loudoun County, with smaller components from Clarke and Frederick Counties.

Hampton Roads

This urban southeastern corner of the State, the second largest of its metropolitan regions, for the second straight decade lagged dramatically behind the state's overall growth rate. Twenty-two districts are included in the region for purposes of this analysis, and their combined populations were 129,511 below the ideal for that number of seats. (Districts 64 and 75 are included with the Hampton Roads group primarily for convenience.)

Fifteen of the districts (Districts 21, 76-85, 87, 89-90, and 100) are in the South Hampton Roads Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach or, in the unique case of District 100, linked to the area. These districts were a combined 71,476 below the ideal population for 15 seats. Chapter 1 reduces the number of districts to 14; District 87 is transferred to Loudoun County for the third new seat in the Northern Virginia suburban arc.

Five seats currently are in North Hampton Roads and are comprised completely or predominantly of parts of the Cities of Hampton and Newport News (Districts 91-95). The 2010 census showed that the districts collectively were 52,409 below the ideal for that number of seats. Under Chapter 1, District 93 becomes an open seat and the majority (55 percent) of the district's population comes from James City and York Counties and the City of Williamsburg.

Attachment 3-House

Interstate 64 Suburban Corridor

Four districts (Districts 55, 56, 96, and 97) form a growing suburban corridor along Interstate 64 from the western outskirts of the Hampton-Newport News border to the western border of Louisa County. The four districts have gained 35,000 in population since the 2000 census. The majority of that excess population is transferred to District 93, giving the corridor majority population control of a fifth district.

Richmond Area

Twelve districts (Districts 27, 62-63, 65-66, and 68-74) are located entirely or almost entirely within the City of Richmond and its large adjoining Counties of Chesterfield and Henrico. (District 63 predominantly centers on the Petersburg area but is included in this grouping for convenience.) These current districts collectively are only slightly below (9,221) the ideal combined population for 12 districts, and Chapter 1 retains the 12 seats with some adjustments along the periphery of the area.

APPLICATION OF TRADITIONAL REDISTRICTING CRITERIA

On March 25, 2011, the Privileges and Elections Committee of the House of Delegates adopted criteria to be applied in drawing new House (See Attachment 4-House).

Attachment 3-House

Population Equality

The House Committee on Privileges and Elections (the Committee) emphasized adherence to population equality among House districts. Its first redistricting criterion mirrors the Virginia Constitution's statement on population equality among districts and provides:

I. Population Equality

The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable. Population deviations in House of Delegates districts should be within plus-or-minus one percent. (House Committee on Privileges and Elections, Committee Resolution No. 1. Adopted March 25, 2011.)

Chapter 1 districts have a deviation range of +1.0 percent to -1.0 percent, as compared with a +2.0 percent to -2.0 percent range applied in 2001 when the current districts were drawn. The rationale for a one percent plus or minus deviation standard was stated by Delegate Chris Jones in presenting the resolution to the House Privileges and Elections Committee for consideration at the March 25, 2011, meeting:

The one man one vote principle is certainly something that I think we all can appreciate. It's an item that I believe is in our Code, in our Constitution, and there have been several cases over the decade since we last did this measure or exercise I should say that dealt with that. I think most importantly it was the Larios versus Cox case in Georgia where they had patterns and deviations which were used in a discriminatory manner. There they found 4 patterns, and the 4 were as follows: They overpopulated Republican districts and underpopulated the Democratic districts, underpopulated the rural and inner city districts in Atlanta, and they overpopulated the suburban districts and the surrounding areas. Number 3, the high growth areas were overpopulated and the slow growth areas were underpopulated, and

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then the white areas were overpopulated and it was underpopulation in the African American areas. Any one of these by and of itself in the court's opinion was sufficient to prove a violation of the equal protection clause of the 14th Amendment, and it's my opinion by going to the 1 percent we foreclose the risk of having any type of Larios violation, hence the reason for the plus or minus 1 percent. (Pages 10-11, Transcript of House Privileges and Elections Committee Meeting, March 25, 2011.)

Equal Protection Clause and Voting Rights Act Considerations

The Committee adopted the following criterion on compliance with the United States Constitution and Voting Rights Act:

II. Voting Rights Act

Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965. (House Committee on Privileges and Elections, Committee Resolution No. 1. Adopted March 25, 2011)

The impact of Chapter 1 on racial minority groups is discussed in detail in Attachment 5. There are 12 districts with total and voting age majority Black districts in the current plan and Chapter 1 likewise includes 12 districts.

Contiguity and Compactness

The third criterion adopted by the Committee incorporated Virginia's constitutional requirement for contiguity and compactness with reference to the 1992 and 2002 cases in which the Virginia Supreme Court interpreted these constitutional standards.

III. Contiguity and Compactness

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous and compact in accordance with the Constitution of Virginia

Attachment 3-House

as interpreted by the Virginia Supreme Court in the cases of Jamerson v. Womack, 244 Va. 506 (1992) and Wilkins v. West, 264 Va. 447 (2002). House Committee on Privileges and Elections, Committee Resolution No. 1. Adopted March 25, 2011.

While statistical measures of compactness are not determinative in the Virginia context, it can be noted that compactness scores for Chapter 1 are comparable to those of the current districts.

Average Compactness Scores

<u>Measure</u>	<u>Current Plan</u>	<u>Chapter 1</u>
Roeck	0.26	0.24
Polsby-Popper	0.25	0.23
Schwartzberg	0.71	0.68

Localities, Precincts, and Communities of Interest

Chapter 1 splits the 26 localities that have populations too great to be contained in one House district or, in the case of counties, exceed that population when combined with independent cities they surround. An additional 33 localities across the Commonwealth are also divided to facilitate meeting the criteria adopted by the Committee. As a rule, larger localities are targeted when localities in the latter set are divided. Only 11 of the 68 counties and cities of 25,000 or less population are divided in the plan. Six of the 11 small jurisdictions are components of majority minority districts. The existing House plan splits the 26 localities that have populations greater than the ideal House district population and an additional 30 localities.

Attachment 3-House

As a result of applying a tighter population deviation and balancing other criteria there is an increase in split precincts. Chapter 1 splits 109 precincts across the state to meet the criteria adopted by the Committee. (The number of split precincts does not include splits reported by the redistricting software program for seven precincts where all of the precinct's population is in one district and the adjacent district is shown with "0" precinct population. The zero population component is a water block or other census block used to facilitate district contiguity or district appearance and shape.) The current House plan technically splits 83 precincts, excluding "0" population splits, but the actual number may be as few as 46. The redistricting software used by the General Assembly identified 37 precinct splits where the population was less than 100 in the smaller part of the precinct. These "splits" are not recognized by the State Board of Elections and local election officials. In most if not all cases they can be attributed to minor discrepancies between district and precinct lines that resulted from Phase 2 of the PL94-171 Redistricting Program of the Census Bureau.

The General Assembly heard, considered, and balanced many points of view on communities of interest beyond those reflected in the communities contained in localities and precincts. Testimony and debates point out the wide variety of competing communities of interest, including those defined by geographic features such as mountain ranges and valleys, by economic character, by social and cultural attributes, and by services.

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Partisan and Incumbency Considerations

House Bill 5005, which became Chapter 1, passed the House of Delegates with bipartisan support by a vote of 80 to 9. All 52 Republicans who voted supported House Bill 5005, as did both Independents. Twenty-six of the 39 Democrats in the House voted in favor of the bill, while nine opposed it. Seven Republicans and four Democrats did not vote (10 were granted leaves of absence for the day). Since the Senate added the redistricting plan for State Senate districts to House Bill 5005, subsequent votes were on the combined district plans. The Senate passed this version of House Bill 5005 by a vote of 32 to 5, with three members not voting. Twenty-one Democrats voted for passage of the bill; one Democrat did not vote. Eleven of the 18 Senate Republicans likewise voted in favor of the bill, five were opposed, and two did not vote. The House in turn agreed to the bill as amended in the Senate by a vote of 63 to 7. Voting to accept the version as amended by the Senate were 41 Republicans, one Independent, and 21 Democrats. The seven votes against were cast by Democrats. Eighteen Republicans, 11 Democrats and one Independent did not vote on the measure (15 were granted leaves of absence).

The district election performance projected by the Assembly's redistricting application for the current and new plans, based on the 2009 election results for Governor, suggest that partisan factors were present but muted in establishing new districts. Seventy-two of the Chapter 1 districts would have been carried by the Republican candidate for Governor in 2009, a net decrease of two

Attachment 3-House

Republican districts from the current plan. Chapter 1 would increase the number of districts carried by the Republican ticket from 51 to 53 in the more evenly contested 2008 Presidential election.

Another perspective compares each district's 2009 vote with the 59 percent of the statewide vote garnered by the Republican candidate for Governor. The estimated Republican vote exceeded the statewide vote in 60 of the current districts and will do so in 62 of the Chapter 1 districts. The comparable numbers for the 2008 Presidential election likewise show a minimal shift of districts from the current to the Chapter 1 districts, although in this election the number of districts that exceeded the statewide 46 percent vote for the Republican candidate declines from 44 to 40 under the new plan.

A more nuanced view examines the increase or decrease in the majority party's projected vote in the new Chapter 1 plan. The projected Republican vote increases in 45 districts, decreases in 41, and remains unchanged in 14. The extent of change is marginal in a majority of districts. Sixty-two districts change by two percent or less, with small projected Republican gains in 22, losses in 26, and no change in 14. Only 16 districts change by five percent or more. The Republican percent increases in nine districts (Districts 12, 23, 27, 58, 59, 64, 70, 74, and 97,) range from five to nine percent. Decreases in seven districts (Districts 2, 4, 19, 22, 52, 55, and 71) range from five to 12 percent. The same general effect is present when the 2008 Presidential election is analyzed. The projected Republican percent of the vote increases in 50 Chapter 1 districts, decreases in 49 districts, and is the same in one district. Sixty-two of the districts

Attachment 3-House

change by two percent or less, while 20 are changed by five percent or more. The Republican vote increases between five percent and nine percent in 11 of the Chapter 1 districts (Districts 23, 27, 42, 51, 58, 59, 64, 70, 74, 93, and 97) and decreases between five percent and 15 percent in nine districts (Districts 2, 4, 10, 13, 19, 20, 22, 52, and 53).

The projected Republican vote actually decreases under Chapter 1 in three of the five open districts, and the pattern is similar in the paired districts.

Projected Republican Vote, Open and Paired Districts

	<u>2009</u>	<u>Governor</u>	<u>2008</u>	<u>President</u>
	<u>Current Plan</u>	<u>Chapter 1</u>	<u>Current Plan</u>	<u>Chapter 1</u>
Open District				
2	65%	58%	57%	42%
10	66%	62%	59%	49%
18	68%	67%	56%	56%
87	56%	59%	43%	44%
93	53%	55%	38%	43%
Paired District				
4	73%	68%	65%	60%
16	68%	64%	59%	55%
29	71%	71%	58%	58%
94	60%	62%	48%	49%
100	59%	57%	47%	45%

Incumbency was a consideration in redistricting and one incumbent resides in each of 90 of the 100 districts under Chapter 1. Five districts are open seats as a result of pairing two incumbents in each of five districts. Of the paired incumbents, two districts pair two Democrat incumbents, one pairs two

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Attachment 3-House

Republicans, and two pair a Democrat and a Republican. (The placement of two Republicans in District 29 is a technical pairing, since Delegate Athey announced his retirement before a redistricting plan was introduced. This is listed as a pairing in order to indicate the source of open District 18, Athey's current district.) The accompanying Table summarizes the incumbency pairs and open districts under Chapter 1.

Incumbency Pairs and Open Districts: House of Delegates

Paired District	Incumbency Pairs	Open District
4	Phillips (D), Johnson (D)	2
16	Armstrong (D), Merricks (R)	10
29	Athey (R)*, Sherwood (R)	18
94	Abbott (D), Oder (R)	93
100	Miller, P. J. (D), Lewis (D)	87

*Announced retirement on March 29, 2011

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Commonwealth of Virginia

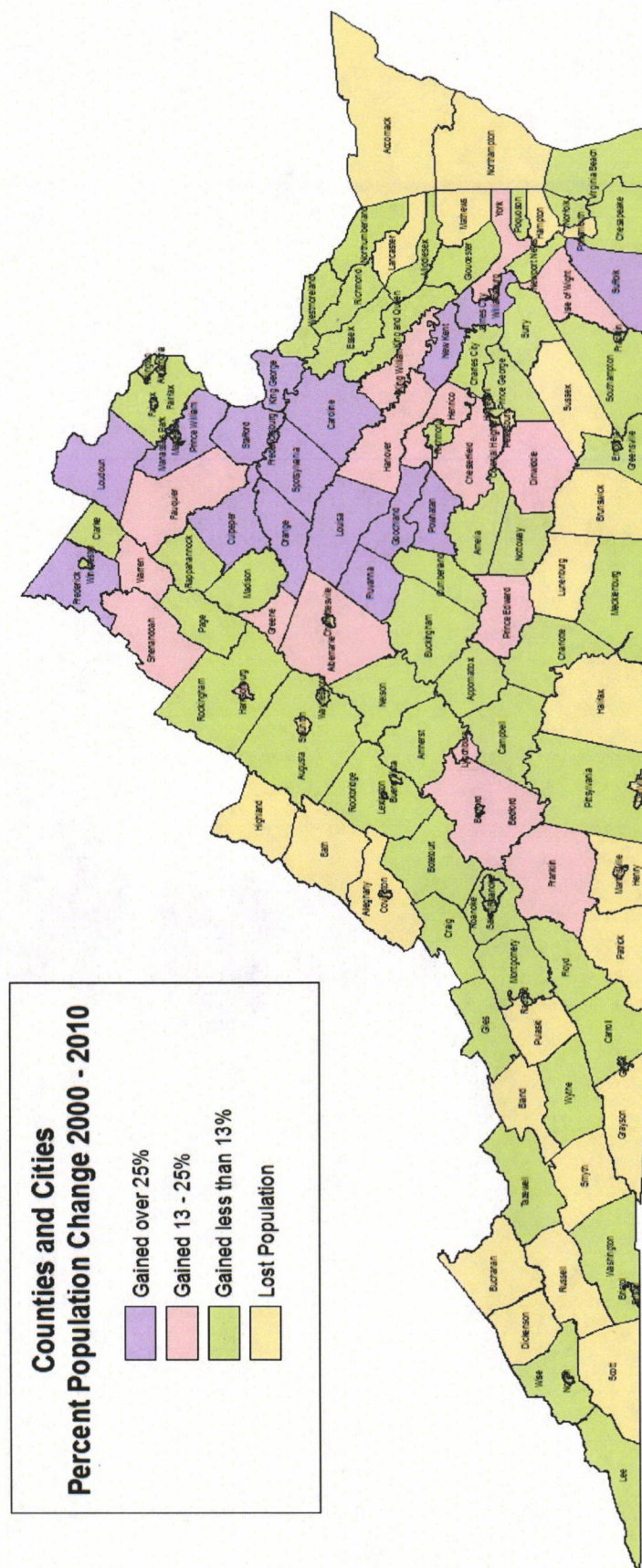


Exhibit J33

Attachment 3-Senate

STATEMENT OF CHANGE

Chapter 1, 2011 Virginia Acts of Assembly (Spec. Sess. I) (hereafter Chapter 1) revises Virginia's 40 single-member State Senate districts. Virginia's population grew at a rate of 13 percent, from 7,079,030 to 8,001,024, between 2000 and 2010. The pattern of growth was uneven across the Commonwealth, as illustrated in the attached map (Exhibit A) showing percent population changes by locality between 2000 and 2010.

Chapter 1 accommodates these population shifts and takes into account the variety of criteria and factors that traditionally shape the legislature's redistricting decisions. Each Senate district was altered to some extent, either to bring the district itself into conformity with population criteria or to facilitate necessary changes in adjoining districts. Redistribution of seats under Chapter 1 results in the transfer of one district (District 13) from South Hampton Roads to Loudoun and western Prince William Counties in the suburban Northern Virginia region. In addition, District 22 in Western Virginia is shifted eastward, becoming an open Central Virginia district running from Lynchburg to the Richmond suburbs.

POPULATION CHANGE BY REGION

Virginia's population increase of 921,994 was concentrated in the outer suburban and exurban rings of Northern Virginia and, secondarily, along the Interstate 64 corridor running from the suburban Hampton Peninsula to the Charlottesville area. These areas account for an increase of 741,158, or 80 percent, of the overall state growth.

EXHIBIT J33

Attachment 3-Senate

The largest increases in population are found in the suburban arc around the older Northern Virginia metropolitan core. Loudoun, Prince William, and Stafford Counties, along with the smaller Cities of Manassas and Manassas Park surrounded by Prince William, experienced an overall 52 percent growth rate. The increase of 307,085 accounts for one-third of the State's total population growth. The older core of the Northern Virginia region (Arlington County, City of Alexandria, and Fairfax County and the small Cities of Fairfax and Falls Church that it surrounds) continued to gain population (144,866), but its rate of growth, 11 percent, lagged slightly behind the state's overall growth rate.

As population continued to push out from the Northern Virginia core, the next adjoining set of "exurban" localities likewise experienced heavy growth. An overall growth rate of almost 30 percent (28.8 percent) increased the State population by 103,401 in, from north to south, Frederick, Clarke, Fauquier, Culpeper, Orange, Spotsylvania, Caroline, and King George Counties and including the Cities of Fredericksburg and Winchester.

The corridor along Interstate 64 from the North Hampton Roads suburbs to Charlottesville, skirting the Richmond metropolitan core, with a 21.1 percent overall growth rate, likewise added 84,838 to the state's total growth. (This corridor includes, from east to west, York, James City, New Kent, Hanover, Goochland, Louisa, Fluvanna, and Albemarle Counties and the Cities of Charlottesville and Williamsburg.) One additional area of growth to be noted consists of the two large counties encircling the City of Richmond. Chesterfield

Attachment 3-Senate

and Henrico Counties combined to add 100,968 in population, a growth of 19.3 percent.

In contrast to growth in the Northern Virginia and Richmond metropolitan regions is the case of the major cities of Hampton Roads. Chesapeake, Norfolk, Portsmouth, and Virginia Beach in South Hampton Roads and Hampton and Newport News in the North combined for a growth rate of only 2.3 percent. Portsmouth and Hampton actually lost population over the last decade. Above average growth in the adjoining suburban jurisdictions (James City County, York County, and the City of Williamsburg in the North and the City of Suffolk and Isle of Wight County in the South) could not offset the overall lag for the entire metropolitan region.

As can be seen on the Exhibit A map, most rural localities and smaller metropolitan areas in the rest of the state grew at rates below the state average, or in some instances actually lost population, over the last decade. The populations of most of the state's 39 cities increased between 2000 and 2010, but only seven experienced growth exceeding the state average. In addition to the smaller cities cited above in the high growth areas, Harrisonburg and Lynchburg had moderately higher growth and the suburban Hampton Roads City of Suffolk grew at 32.8 percent.

IMPACT OF POPULATION SHIFTS ON CURRENT DISTRICTS

The ideal population for a State Senate district based on the 2010 Census is 200,026. The range of deviations from the ideal for the current, pre-Chapter 1 districts was extensive – from a +58.2 percent deviation (District 33) to a -14.9

EXHIBIT J33

Attachment 3-Senate

percent deviation (District 1). Adjustments to each district were made to eliminate the disparities in populations between the districts. A review of major regions of the Commonwealth illustrates the impact of the 2010 Census population shifts.

Northern Virginia Core

Arlington County, the City of Alexandria, and Fairfax County and the Cities of Fairfax and Falls Church are the oldest, "central" part of the greater Northern Virginia region. Seven State Senate districts currently are located entirely or predominantly within this core area in the current plan (Districts 30-32, 34, 35, 37, and 39). The current districts combined are 36,697 below the ideal population for seven seats. Chapter 1 maintains all seven districts, although the boundary of each is adjusted to some extent. Population of approximately 25,000 is shifted from Loudoun County to enable all districts to meet the equal population criterion.

Suburban and Exurban Northern Virginia

The components of this rapidly growing grouping of localities have been listed above (see page 2). Five current districts are included in the suburban arc around the Northern Virginia core (Districts 27-29, 33, and 36). These five districts collectively are 258,397 over the ideal population for the number of seats currently allocated, and Chapter 1 moves District 13 to the area as a result. The district is predominantly in Loudoun County, with a smaller component from western Prince William County accounting for approximately one quarter of the district's population.

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Western Virginia

Currently, 11 districts are located in the area of Virginia situated west of a line running from the Brunswick-Mecklenburg boundary on the North Carolina border north to the Charlottesville area and then north to the Shenandoah County-West Virginia border (Districts 15, 19, 20-26, 38, and 40.). This is a largely rural part of the state, but includes the smaller Bristol, Charlottesville, Danville, Lynchburg, and Roanoke metropolitan areas. Population growth for the localities and metropolitan areas in this region with a few exceptions either lagged behind the state average or, in some instances, actually declined between 2000 and 2010. The districts in the area were a combined 104,284 under the ideal population for 11 districts according to the 2010 Census.

Chapter 1 moves population into this region along its eastern boundary to restore 11 full districts. Components of the westward shift of population come from the Richmond region, the currently overpopulated District 17, and District 18 as that district shifts east to absorb part of the old District 13. However, District 22 is shifted from its current base in Roanoke and Botetourt Counties to the eastern end of this region and becomes an open district centered on Lynchburg and Amherst Counties at the western end and running across Central Virginia to the Richmond suburbs.

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Hampton Roads

This urban southeastern corner of the State, the second largest of its metropolitan regions, for the second straight decade lagged dramatically behind the state's overall growth rate. Nine districts are included in the region for purposes of this analysis, and their combined populations were 175,293 below the ideal for that number of seats.

Seven of the districts (Districts 5-8, 13, 14, and 18) are centered in the South Hampton Roads Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach. Districts 1 and 2 are centered in North Hampton Roads and are comprised predominantly of parts of the Cities of Hampton and Newport News. Chapter 1 transfers District 13 from South Hampton Roads to Loudoun and Prince William Counties in the rapidly growing suburban Northern Virginia region. The population from the current District 13 is used first to bring other Hampton Roads districts up to population equality standards. The remaining population is shifted west and northwest to facilitate the creation of the new District 22 in Central Virginia.

Interstate 64 Suburban Corridor

Three districts (Districts 3, 4, and 17) form a growing suburban corridor along Interstate 64 from the western outskirts of the Hampton-Newport News border to the western border of Louisa County and north along Interstate 95 to Spotsylvania. The three districts have gained 53,715 in population since the 2000 census. The excess is used primarily to facilitate development of the open

Attachment 3-Senate

District 22, either by direct transfer or indirectly by compensating Richmond area districts for population moved from those districts west to District 22.

Richmond Area

Five districts (Districts 9-12, and 16) are centered in the City of Richmond and its large adjoining Counties of Chesterfield and Henrico and including the City of Petersburg and adjoining territory. These current districts collectively are slightly above (4,146) the ideal combined population for five districts. Chapter 1 retains the five districts for this area, although changes are made in all districts in order to meet population requirements and to facilitate the rotation of population west to the new District 22.

APPLICATION OF TRADITIONAL REDISTRICTING CRITERIA

The Privileges and Elections Committee of the Senate (the Committee) adopted criteria to be applied in drawing new State Senate districts on March 25, 2011 (See Attachment 4-Senate).

Population Equality

The Committee emphasized adherence to population equality among Senate districts. Its first redistricting criterion mirrors the Virginia Constitution's statement on population equality among districts and provides:

I. Population Equality

The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable. Population deviations in Senate districts should be within plus-or-minus two percent. (Senate Privileges and Elections Committee, Committee Resolution No. 1. Adopted March 25, 2011).

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Chapter 1 Senate districts have a deviation range of +2.0 percent to -2.0 percent, the same standard applied in 2001 when the current districts were drawn.

Equal Protection Clause and Voting Rights Act Considerations

The Committee adopted the following criterion on compliance with the United States Constitution and Voting Rights Act:

II. Voting Rights Act

Districts shall be drawn in accordance with the laws of the United States and the Commonwealth of Virginia including compliance with protections against the unwarranted retrogression or dilution of racial or ethnic minority voting strength. Nothing in these guidelines shall be construed to require or permit any districting policy or action that is contrary to the United States Constitution or the Voting Rights Act of 1965. (Senate Committee on Privileges and Elections, Committee Resolution No. 1. Adopted March 25, 2011).

The impact of Chapter 1 on racial minority groups is discussed in detail in Attachment 5. There are five districts with Black total and voting age majorities in the current plan and Chapter 1 likewise includes five majority minority districts.

Contiguity and Compactness

The third criterion adopted by the Committee incorporated Virginia's constitutional requirement for contiguity and compactness with reference to the 1992 and 2002 cases in which the Virginia Supreme Court interpreted these constitutional standards.

III. Contiguity and Compactness

Districts shall be comprised of contiguous territory including adjoining insular territory. Contiguity by water is sufficient. Districts shall be contiguous and compact in accordance with the Constitution of Virginia as interpreted by the Virginia Supreme Court in the cases of Jamerson v. Womack, 244 Va. 506 (1992) and Wilkins v. West, 264 Va. 447

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(2002). (*Senate Committee on Privileges and Elections, Committee Resolution No. 1. Adopted March 25, 2011*).

The Court in *Jamerson* gave "proper deference to the wide discretion accorded the General Assembly in its value judgment of the relative degree of compactness required when reconciling the multiple concerns of apportionment." (*Jamerson v. Womack*, 244 Va. 506, 517). Statistical measures of compactness thus are not determinative in the Virginia context, and the balancing of multiple concerns in drawing the Chapter 1 districts resulted in compactness scores that fall somewhat below those of the current set of districts.

Average Compactness Scores

<u>Measure</u>	<u>Current Plan</u>	<u>Chapter 1</u>
Roeck	0.24	0.18
Polsby-Popper	0.23	0.16
Schwartzberg	0.70	0.62

Localities, Precincts, and Communities of Interest

Chapter 1 splits the 11 localities that have populations too great to be contained in one Senate district or, in the case of counties, exceed that population when combined with independent cities they surround. An additional 34 localities across the Commonwealth are also divided to facilitate meeting the criteria adopted by the Committee. As a rule, larger localities are targeted when localities in the latter set are divided. Only five of the 68 counties and cities of 25,000 or less population are divided in the plan. The existing Senate plan splits

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the 11 localities that have populations greater than the ideal Senate district population and an additional 30 localities.

Chapter 1 splits 115 precincts across the state to meet the criteria adopted by the Committee. (The number of split precincts does not include splits reported by the redistricting software program of four precincts where all of the precinct's population is in one district and the adjacent district is shown with "0" precinct population. The zero population component is a water block or other census block used to facilitate district contiguity or district appearance and shape.) The current Senate plan technically splits 41 precincts, excluding "0" population splits, but the actual number may be as few as 20. The redistricting software used by the General Assembly identified 21 precinct splits where the population was less than 100 in the smaller part of the precinct. These "splits" are not recognized by the State Board of Elections and local election officials. In most if not all cases they can be attributed to minor discrepancies between district and precinct lines that resulted from Phase 2 of the PL94-171 Redistricting Program of the Census Bureau.

The General Assembly heard, considered, and balanced many points of view on communities of interest beyond those reflected in the communities contained in localities and precincts. Testimony and debates point out the wide variety of competing communities of interest, including those defined by geographic features such as mountain ranges and valleys, by economic character, by social and cultural attributes, and by services.

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Partisan and Incumbency Considerations

The Senate Committee on Privileges and Elections added the redistricting plan for State Senate districts to House Bill 5005, and subsequent votes were on the combined district plans. The Senate passed this version of House Bill 5005 by a vote of 32 to 5, with three members not voting. Twenty-one Democrats voted for passage of the bill; one Democrat did not vote. Eleven of the 18 Senate Republicans likewise voted in favor of the bill, five were opposed, and two did not vote. The House in turn agreed to the bill as amended in the Senate by a vote of 63 to 7. Voting to accept the version as amended by the Senate were 41 Republicans, one Independent, and 21 Democrats. The seven votes against were cast by Democrats. Eighteen Republicans, 11 Democrats and one Independent did not vote on the measure (15 had been granted leaves of absence).

The election results projected by the Assembly's redistricting application for the 2009 election for Governor under the current and new districts suggest that partisan factors were present but muted in drawing new districts. Eleven of the Chapter 1 districts would have cast a majority vote for the Democratic candidate for Governor in 2009, the same number, and in fact the same districts, as under the current plan. Presidential election returns for 2008 reflect more change. Eighteen of the current districts were carried by the Democratic candidate. The number increases to 21 majority Democratic districts in Chapter 1.

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Another perspective is to compare the vote in each district with the 41 percent of the 2009 statewide vote garnered by the Democratic candidate for Governor. The estimated Democratic percent of the vote matched or exceeded the statewide percent in 16 of the current districts and 20 of the Chapter 1 districts. For the 2008 Presidential contest, The estimated Democratic vote matched or exceeded the statewide Democratic percent of the vote in 18 current districts and 19 Chapter 1 districts.

A more nuanced view examines the increase or decrease in the majority party's projected vote by district in the new Chapter 1 plan. The estimated Democratic vote for the 2009 election increases in 18 districts, decreases in 21 districts, and remains unchanged in one district. The extent of change was marginal in a majority of districts. Twenty-four districts changed by two percent or less. Only 11 districts changed by five percent or more. The Democratic vote increase in five districts (Districts 1, 10, 17, 20, and 29) ranged from six to nine percent, while Republican margins in six districts (Districts 2, 3, 5, 9, 15, and 31) increased between five to nine percent.

Comparison of the 2008 Presidential election for the current and Chapter 1 plans reveals a similar pattern. Sixteen of the districts in Chapter 1 project Democratic increases, 23 districts project decreases, and one remains unchanged. Sixteen districts project changes in the Democratic vote of five percent or more, with increases of between five percent and 10 percent in seven districts (Districts 1, 10, 13, 17, 20, 22, and 29) and decreases between five and nine percent in nine districts (Districts 2, 3, 5, 9, 11, 15, 19, 30, and 31).

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Incumbency was a consideration in redistricting. One incumbent resides in each of 36 of the 40 districts under Chapter 1. Two incumbents are paired in each of two districts, and two districts are open seats. Both sets of paired incumbents are Republicans. The following Table summarizes the incumbency pairs and open districts under Chapter 1.

Incumbency Pairs and Open Districts: State Senate

Paired District	Incumbency Pairs	Open District
14	Blevins (R), Quayle (R)	13
23	Newman (R), Smith (R)	22

Projected Democratic Vote, Open and Paired Districts

	<u>2009</u>	<u>Governor</u>	<u>2008</u>	<u>President</u>
	<u>Current Plan</u>	<u>Chapter 1</u>	<u>Current Plan</u>	<u>Chapter 1</u>
Open District				
13	36%	35%	44%	50%
22	33%	36%	39%	46%
Paired District				
14	34%	31%	43%	39%
23	29%	25%	36%	32%

Commonwealth of Virginia

