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.

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

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

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

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.

<u>Western Virginia</u>

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

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.

<u>Hampton Roads</u>

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.

<u>Interstate 64 Suburban Corridor</u>

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.

<u>Richmond Area</u>

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.

<u>APPLICATION OF TRADITIONAL REDISTRICTING CRITERIA</u>

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).

<u>Population Equality</u>

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*

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*

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

Measure	Current Plan	Chapter 1
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.

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.

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

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

change by two percent or less, while 20 are changed by five percent of 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

	2009 Governor		2008 President	
	Current Plan	Chapter 1	Current Plan	Chapter 1
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

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.
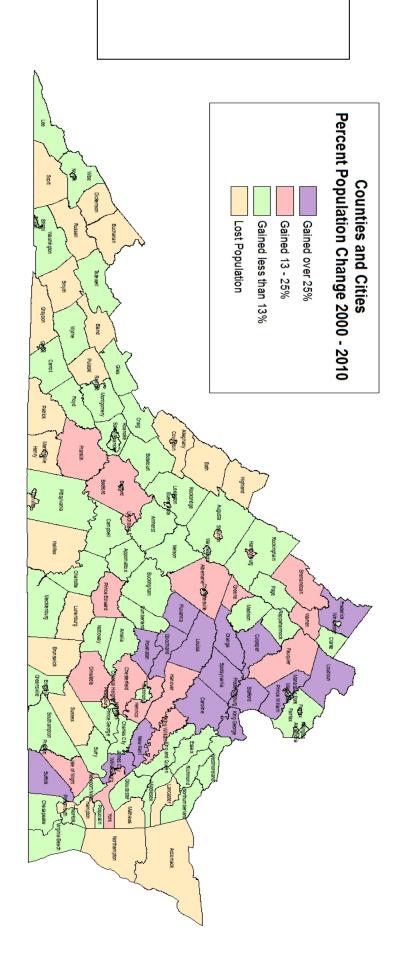
Incumbency Pairs and Open Districts: House of Delegates

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

EXHIBIT A

Commonwealth of Virginia

Counties and Cities
Percent Population Change 2000 - 2010

- Gained over 25%
- Gained 13 - 25%
- Gained less than 13%
- Lost Population