

PRIVILEGES AND ELECTIONS

REDISTRICTING

SENATE HEARING

BEFORE: SENATOR JANET HOWELL, CHAIRWOMAN

PLACE: COMMONWEALTH OF VIRGINIA
GENERAL ASSEMBLY BUILDING
RICHMOND, VIRGINIA 23218

DATE: APRIL 7, 2011

TIME: 2:00 p.m.

Crane-Snead & Associates
4914 Fitzhugh Avenue, Ste 203
Henrico, Virginia 23230
804-355-4335

1 MADAM CHAIR: The Committee on Privileges and
2 Elections will come to order. The Clerk will call the
3 role.

4 CLERK: Senator Martin.

5 SENATOR MARTIN: Here.

6 CLERK: Senator Deeds.

7 SENATOR DEEDS: Here.

8 CLERK: Senator Whipple.

9 SENATOR WHIPPLE: Here.

10 CLERK: Senator Obenshain.

11 SENATOR OBENSHAIN: Here.

12 CLERK: Senator Puckett.

13 SENATOR PUCKETT: Here.

14 CLERK: Senator Edwards.

15 SENATOR EDWARDS: Here.

16 CLERK: Senator Blevins.

17 SENATOR BLEVINS: Here.

18 CLERK: Senator McEachin.

19 SENATOR MCEACHIN: Here.

20 CLERK: Senator Smith.

21 SENATOR SMITH: Here.

22 CLERK: Senator Barker.

23 SENATOR BARKER: Here.

24 CLERK: Senator Northam.

25 SENATOR NORTHAM: Here.

1 CLERK: Senator Vogel.

2 SENATOR VOGEL: Here.

3 CLERK: Senator McWaters.

4 SENATOR MCWATERS: Here.

5 CLERK: Senator Howell.

6 MADAM CHAIR: Here.

7 CLERK: Madam Chair, you have the floor.

8 MADAM CHAIR: Thank you. We now do have our
9 amendment in the nature of a substitute. I would ask, is
10 there a motion?

11 SENATOR DEEDS: I'll move to adopt the amendment
12 in the nature of a substitute.

13 SENATOR MCEACHIN: Second.

14 SENATOR HOWELL: It has been moved that we adopt
15 the House Bill 5001. All in favor, please say aye.

16 Opposed? The ayes have it. The amendment in the
17 nature of a substitute has been the House Plan that was
18 adopted last night, and some changes they requested. In
19 addition, the substitute has our plan, which has undergone
20 numerous changes since it was introduced. These changes
21 are in response to public comment. The changes are also
22 in response to requests from both republican and
23 democratic senators. We have unsplit some precincts and
24 reunited some towns. The amendment in the nature of a
25 substitute incorporates all of these changes.

1 Delegate Jones is here. He is going to address
2 the House part of this amendment.

3 DELEGATE JONES: Madam Chair and Committee
4 Members, I apologize to you for the delay in getting the
5 bill to you. I was of the impression we had until 2:00,
6 and then we had a few members that had an interest in a
7 few last-minute changes. I'm sure you all can relate to
8 that.

9 The substitute that is before you, from what was
10 passed last night, I will give you just briefly the
11 changes so you understand. There was a request to make
12 some swaps between some precincts, to unsplit some
13 precincts, and to reunite a town and a city. So what is
14 before you, northern Virginia between the 53rd and the
15 38th, we unsplit a precinct, Westlawn. Between the 49th
16 and the 38th, we unsplit a precinct, closed one. We also
17 had a couple of zero blocks that were assigned to the
18 wrong districts in the 26th and the 25th.

19 And then we had the 54th, which was Delegate
20 Orrock, and Delegate Cole's District 88. 54, population
21 shift, unsplit a precinct. And then, we reunited the
22 entire Town of Abington, and that caused a shift to put
23 Russel County from the 5th to the 4th District.

24 We had to have an amendment to the bill, because
25 I didn't get the latest memo. Then I have a request to

1 amend the substitute for that switch, and also down in
2 Hampton. Delegate Ward came to me this morning. There
3 was a note on my door at about 11:00 and said I think if
4 you make, if you can, whole, you can do something in the
5 93rd and 94th, or 95th, I should say. I was able to do
6 that, so we unsplit that precinct, which will make the
7 registrar, I'm sure, happy in Hampton, and she was very
8 fine with that.

9 Also included in here would be a shift of several
10 precincts between the 64th and 75th, which is Delegate
11 Barlow and Delegate Tyler. I have done my best to listen
12 to my colleagues and try to make many changes that do not
13 violate the principles of the One Man/One Vote and the
14 tenants of the Voting Rights Act. I think that is before
15 you, and I will be glad to answer any questions that you
16 have.

17 I would add that there might be one other
18 amendment that might be needed by the staff. We got a
19 very interesting request by UVA. They said that the
20 census block went in between and split three dorms. I
21 don't know how you do that, but that is what they say has
22 occurred. So that is between Delegate Landes and Delegate
23 Toscano to try to fix that.

24 They gave us a recommendation to do something in
25 the Cale precinct -- I believe that is correct -- and we

1 went to the wrong part of it, so they have to fix that,
2 and I would hope that we would be able to allow that to
3 occur. It was a request that came from the jurisdiction,
4 and I thought it was a very reasonable one. It will make
5 my job easier in a year from now, so why not fix it when
6 we have the opportunity.

7 So that is part of the reason for the delay, and
8 I do hope you would accept my apology for holding up the
9 train, as they like to say, to try to get out of here.
10 We've all been here for a week. I know we are all tired.

11 MADAM CHAIR: It's no problem at all. Thank you,
12 Delegate.

13 Are there questions for the Delegate?

14 SENATOR WHIPPLE: Delegate Jones, have you given
15 to the staff the amendments that need to be made to the
16 substitute that is before us?

17 DELEGATE JONES: Yes, ma'am, I have.

18 SENATOR WHIPPLE: Then I would move those
19 amendments.

20 MADAM CHAIR: In a block?

21 SENATOR WHIPPLE: In a block.

22 MADAM CHAIR: Is there any discussion on the
23 motion to move those amendments in a block?

24 SENATOR DEEDS: Madam Chair?

25 MADAM CHAIR: Yes, Senator Deeds.

1 SENATOR DEEDS: Does that the include Albemarle
2 County changes?

3 DELEGATE JONES: Yes, sir, it does. I got a text
4 coming down here. Technology can be a good thing and a
5 bad thing, when they say, oh, by the way, you might need
6 to redo this. Good thing you got me now, and not after
7 they had already had the meeting. So, yes, sir, it will
8 do that. And I lean to their advice to figure that cut in
9 Cale, because I think that they told me they could kind of
10 fix that when they redo the precincts for, I guess, the
11 County.

12 MADAM CHAIR: Okay. There being no further
13 discussion on the amendments in the block, all in favor,
14 please say aye. Any opposed?

15 They're approved.

16 Thank you, Delegate. I know you have to go and
17 do the pro forma the sessions.

18 DELEGATE JONES: Thank you very much.

19 MADAM CHAIR: Thank you.

20 We have before us now the Senate plan. I
21 described it last meeting, so I won't have you listen, yet
22 again, to that description. Is there any discussion on
23 this plan?

24 SENATOR MARTIN: Madam Chairman.

25 MADAM CHAIR: Senator Martin.

1 SENATOR MARTIN: I would offer an amendment and
2 make a substitute to this bill in the form that has
3 already been presented before us here. It is John
4 Watkins' draft, and I would like to offer that and ask for
5 a second.

6 SENATOR VOGEL: Second.

7 MADAM CHAIR: Okay. It's been moved and seconded
8 that there be an amendment to the amendment, in this
9 nature of the substitute with Senator Watkins' plan, and I
10 would certainly like Senator Watkins to describe his plan.

11 SENATOR WATKINS: Thank you, Madam Chairman, and
12 I believe that the report for the plan is available. I
13 think it's listed as Watkins' Plan C.

14 SENATOR HOWELL: I believe it has been handed
15 out. Has it been? No?

16 SENATOR WATKINS: This would be a listing of all
17 of the precincts in each respective district. The reports
18 that I think were handed out before were the spreadsheets,
19 and the spreadsheets consist of the populations of each
20 district, the deviations in each district, the racial
21 breakdown in each district, and the political breakdown,
22 looking at past elections in each district.

23 What was just handed out, I believe, was the
24 report of jurisdictions and precincts in those
25 jurisdictions for each Senate District.

1 MADAM CHAIR: Does everyone all have that?

2 SENATOR WATKINS: Madam Chairman and Members of
3 the Committee, I worked in cooperation with Senator Vogel,
4 and we spent a significant amount of time trying to put
5 this plan together. I think that this plan actually
6 confirms and is the most compliant plan that is yet to be
7 brought forward, with regard to One Person/One Vote.

8 We, indeed, Senator Puckett did bring it to a
9 half percent or less deviation for all forty districts.
10 This plan, in fact ,splits less counties than anything but
11 the Governor's Commission Plan. It splits the same number
12 of cities as your plan, Senator Howell, and it splits
13 fewer towns.

14 I would note that the two towns that are split
15 are split because they lie across a border in two
16 counties. So, rather than split the counties, we split
17 the towns. And that comes to a total of 38 split
18 localities in this plan. I think the governor's
19 bipartisan plan was 35. I'm not sure what your amended
20 plan splits.

21 MADAM CHAIR: Senator Watkins, there is a
22 question. Would you like to do your complete presentation
23 and then have questions, or would you like to be
24 interrupted?

25 SENATOR WATKINS: I can be interrupted.

1 MADAM CHAIR: Senator Deeds.

2 SENATOR DEEDS: One of the towns you split was
3 Iron Gate; is that right?

4 SENATOR WATKINS: I think that is correct.

5 SENATOR DEEDS: Okay. There are about 200 people
6 who live there. You split about 190 and 10.

7 SENATOR WATKINS: Excuse me. The two that were
8 split were Broadnax and Scottsville.

9 SENATOR DEEDS: Okay. But they're part of Iron
10 Gate that straddles the Botetourt/Alleghany line. You
11 have Botetourt in the 35th and Alleghany in 34th.

12 SENATOR WATKINS: I think that's correct.

13 SENATOR MCWATERS: Madam Chair.

14 MADAM CHAIR: Senator McWaters.

15 SENATOR MCWATERS: I have a question of
16 clarification for Senator Watkins and the Chair. Senator,
17 you said that this plan has a half percent deviation; is
18 that right, Madam Chair?

19 SENATOR WATKINS: Yes.

20 MADAM CHAIR: That's what he said, yes.

21 SENATOR MCWATERS: And the Howell Plan has two
22 percent, Madam Chair; is that correct?

23 MADAM CHAIR: Yes, consistent with the criteria.

24 SENATOR MCWATERS: Okay. And the number of split
25 communities, you said, was how many?

1 SENATOR WATKINS: The total of split communities
2 is 38 in this plan.

3 SENATOR MCWATERS: And, Madam Chair, with the
4 Howell Plan, how many split communities are there? The
5 new plan, because I haven't had a chance to review it yet.
6 Or the old plan, whichever is available.

7 MADAM CHAIR: We worked not to split communities
8 of interest, so I don't know what you mean by
9 "communities."

10 SENATOR MCWATERS: Senator Watkins, would you
11 explain what you mean by split communities?

12 SENATOR WATKINS: It's localities. I'm talking
13 about counties, cities or towns.

14 SENATOR MCWATERS: So counties, cities or towns,
15 Madam Chair, is what we mean.

16 MADAM CHAIR: I don't have an answer for that.
17 Does someone have it?

18 SENATOR WATKINS: Originally, I just took a
19 cursory look at the Senate democratic plan. The original
20 plan had 62. I think there was an effort in the
21 amendments to reduce that. I feel certain they probably
22 got it down at least ten. I can't say for sure.

23 SENATOR MCWATERS: So, Madam Chair, we're saying
24 the old plan, you believe, Senator Watkins, was 62?

25 SENATOR WATKINS: The original plan was 62.

1 SENATOR MCWATERS: Madam Chair, do you all have
2 the new numbers, compared to 62?

3 MADAM CHAIR: I do.

4 SENATOR MCEACHIN: Madam Chair.

5 MADAM CHAIR: Senator McEachin.

6 SENATOR MCEACHIN: I believe the appropriate
7 thing at this junction is to ask Senator Watkins
8 questions. I don't believe we need to have a running
9 debate about this amongst ourselves.

10 SENATOR MCWATERS: Madam chair.

11 MADAM CHAIR: Senator McWaters.

12 SENATOR MCWATERS: Okay. Just at some point,
13 perhaps, so we can have a way of comparing -- because I
14 think it was Senator Puckett that asked this question, so
15 I think it is important to understand. I think his
16 question was how can we, with a half percent variance,
17 have fewer splits. He said he would like to see that. I
18 just wondered if we were able to answer that question. I
19 didn't mean to be disruptive. Thank you, Madam Chair.

20 SENATOR MARTIN: Madam Chair.

21 MADAM CHAIR: Senator Martin.

22 SENATOR MARTIN: On the point raised by Senator
23 McEachin, I think it's important not to have a running
24 debate, but I think it's okay for us to be asking those
25 factual-based questions. I do know that in two drafts

1 back we had, I believe we had 19 split towns and 30-some
2 split precincts. I don't know otherwise, and I don't know
3 what it is right now. I think a lot of that has been
4 trimmed down a lot. As a matter of fact, I saw 18 the
5 other day, 18 towns. But if we could see those numbers,
6 that would be helpful, so we know in comparing.

7 Thank you.

8 SENATOR WATKINS: I think it would be of
9 assistance to the Committee, there. I think also
10 distributed for both plans, if I remember correctly, is a
11 report. The report lists each jurisdiction in each Senate
12 district. And then, at the bottom of the report in that
13 Senate district, there is a list of split precincts in
14 that district. So that will give you a good estimation of
15 split precincts. It doesn't break all -- yes, it does.
16 I'm sorry. It breaks down the precincts and the
17 jurisdictions that they are in, so I think that that would
18 be helpful.

19 SENATOR MCWATERS: Madam Chair, what are those
20 numbers, Senator Watkins, if you have them?

21 SENATOR WATKINS: They're on this report.

22 SENATOR MCWATERS: Is there a summary?

23 SENATOR WATKINS: There is not a summary on
24 there.

25 SENATOR MCWATERS: Okay. Thank you, Madam Chair.

1 SENATOR WATKINS: If I could continue.

2 MADAM CHAIR: Yes, yes, please, continue.

3 SENATOR WATKINS: We feel that it was extremely
4 important, because of the fact that we are having to
5 comply with the Voting Rights Act, that we pay particular
6 attention to the deviation and to tighten it down as far
7 as we could. If you look at the progression over the past
8 four decades, we have managed to tighten that down every
9 decade. I think that the appropriate number of a half a
10 percent can be done, and should be done, in order to
11 accommodate that One Person/One Vote.

12 I think it also goes without saying that we went
13 out of our way to make sure that we maintained and did not
14 have a specific retrogression with regards to the Voting
15 Rights Act in the minority districts. If you will look at
16 the different separate minority districts, you will find
17 that the retrogressions, even in the percentages, were
18 extremely low on ours. We had only three where there was
19 any; one was a half a percent, the other was two-thirds of
20 a percent, and the 7th district, I believe, was, 3.66
21 percent, which was significantly below what the original
22 plan was that you all had put forward. I do not know the
23 comparison.

24 SENATOR MCEACHIN: Madam Chair.

25 MADAM CHAIR: Senator McEachin.

1 SENATOR MCEACHIN: Senator Watkins.

2 SENATOR WATKINS: Yes?

3 SENATOR MCEACHIN: I guess I'm concerned with the
4 comment that you just made, relative to the Voting Rights
5 Act of minority populations. I would suggest to you that
6 currently, the current map -- not the one that says "The
7 Howell Plan," the current map that we're operating under
8 that was drawn ten years ago -- is packed with more
9 African American voters than are necessary for African
10 American voters to elect a candidate of their choice. In
11 my view, the current map wastes minority votes.

12 Our map retains the majority African American
13 Senate districts as effective-opportunity districts for
14 African American voters. Our plan not only does not waste
15 African American voting strength, it enables African
16 American voters to have their voice in other districts.

17 When I look at your plan, you have put districts
18 of 57.7 percent African American, 55.4 percent African
19 American, 55.2 percent African American, 56.1 percent
20 African American, and actually two that are at 56.1
21 percent African American.

22 Once again, I would suggest that your plan does
23 exactly what the Voting Rights Act warns us not to do, and
24 that is that it packs African Americans in such a fashion
25 as they are not able to fully express their voting

1 preferences.

2 In fact, Senator, ten years ago, in my judgement,
3 the plan that was passed put us all on five individual
4 plantations, and I would just as soon move off of those
5 plantations.

6 SENATOR WATKINS: Well, my response, Madam Chair,
7 would be if I felt, if I thought that the Justice
8 Department would approve minority-majority districts at
9 less than fifty percent, we probably would have gone
10 there. I think it's important that the voting-age
11 population be there in order to assure that the
12 representation for the minority-majority districts is
13 given an opportunity to elect one of their own.

14 SENATOR MCEACHIN: Madam Chair.

15 MADAM CHAIR: Senator McEachin.

16 SENATOR MCEACHIN: I know nothing in the Voting
17 Rights Act that says the African American voting-age
18 population has to be north of 50.1 percent. Are you able
19 to show me case law --

20 SENATOR WATKINS: No, sir.

21 SENATOR MCEACHIN: -- or anything to suggest
22 anything to the contrary?

23 SENATOR WATKINS: You are much more the legal
24 scholar than I, sir.

25 SENATOR MCEACHIN: One further question, Madam

1 Chair.

2 MADAM CHAIR: Senator McEachin.

3 SENATOR MCEACHIN: That being the case, why would
4 you then want to pack African American districts so that
5 African American voters aren't able to have influence in
6 other districts?

7 SENATOR WATKINS: I would take exception to the
8 fact that we wanted to pack. We tried to reduce the
9 number, the voting-age population numbers, from the 2000
10 redistricting, the 2000 census. We tried to make sure
11 that as many districts as possible would come down, so
12 that, in fact, the numbers could be more properly
13 utilized, as you have spoken, as you have enumerated.

14 At the same time, it's a delicate balance, as I
15 can well imagine you realize, to make certain that there
16 are adequate numbers to elect minority members to those
17 seats. There was no intention at any time on any part of
18 myself or Senator Vogel to do any packing of minority
19 members.

20 SENATOR MCEACHIN: Thank you, Madam Chair.

21 SENATOR VOGEL: Madam Chair.

22 MADAM CHAIR: Yes, Senator Vogel.

23 SENATOR VOGEL: I would like to just not -- I
24 don't need to ask Senator Watkins a question, but I would
25 like to speak to that, if I might, on the issue of Section

1 5.

2 MADAM CHAIR: Sure.

3 SENATOR VOGEL: When Senator Watkins and I
4 undertook to do a map, we were basically going through the
5 same exercises that anybody would go through, and that was
6 to come up with a map that we felt was as clean as
7 possible, was as considerate of the parameters set forth
8 in the law, and trying, really, as a test, to see, could
9 we get, for example, half a percent deviation districts
10 that we believed were -- that met those criteria.

11 So when it came to Section 5 -- I just want to be
12 very clear about this -- that we believed that that was
13 not really a question that was subject to any debate. The
14 lowest amount of African Americans in any district that
15 has ever been precleared by the Department of Justice is
16 55.0. And I think there is a legitimate reason for that,
17 and that reason is if you want to afford minority
18 districts the opportunity to elect a minority to the House
19 or to the Senate. If you go back and you look over time
20 in cases where legislators have argued that you can go
21 below that percentage, the outcomes have been, in fact,
22 pretty stark. And in these cases, African Americans have
23 not been elected.

24 And I have -- if you'll just bear with me for a
25 moment, I'm going to provide you with a couple of

1 examples. Senator Lucas in 2001 had a special election
2 in the 4th Congressional District, where the district was
3 over forty percent African American, but not over fifty
4 percent, that failed to elect Senator Lucas. And while
5 that's a much lower number than we're talking about,
6 that's relevant.

7 In 1991, where her district was 56 percent black
8 voting-age population, she was --

9 MADAM CHAIR: Excuse me. Was that
10 congressional?

11 SENATOR VOGEL: Yes, that was congressional.

12 MADAM CHAIR: Thank you.

13 SENATOR VOGEL: In 1991 Senator Lucas had an
14 election where her district was 56 percent black voting-
15 age population, or BVAP, and she won that race. But, bear
16 in mind, she only won that with 51.8 percent of the vote.
17 So that's 56 percent.

18 In Georgia in 2002 -- and I think this is the one
19 that's most instructive, and this is the one that we
20 considered carefully in trying to determine, you know, are
21 we going to break any new ground here at 55 percent, or
22 should we not be consistent with the law and consistent
23 with what the Department of Justice has said. That is, in
24 Georgia, in 2002, the Senate majority plan dropped the
25 black voting-age population of the Black Senate majority

1 leader's district to 51 percent BVAP, that's black voting-
2 age population, and dropped the black voter registration
3 percentage to about 49.5 percent.

4 Here is what's critical there. The Senate
5 majority leader lost his election after he testified that
6 his district would, in fact, elect an African American. I
7 think that's very relevant here. There was no magic in us
8 trying to break any new ground here. We were just simply
9 following what, I believe, is not subject to any question;
10 that is, as of today, the lowest percentage that the
11 Department of Justice has ever approved is 55.0.

12 Thank you very much.

13 SENATOR MCEACHIN: Madam Chair.

14 MADAM CHAIR: Senator McEachin.

15 SENATOR MCEACHIN: In response to that -- and
16 I'll be happy to share with you this information once I
17 get my hands on it -- but first of all, I take issue with
18 the fact that the lowest number that has ever been
19 approved by the DOJ is 55.5. That's number one.

20 Number two, Madam Chair, what I would suggest to
21 the Committee is that the comments that my good friend has
22 just made about the Voting Rights Act has sort of turned
23 the matter on its head. The purpose of the Voting Rights
24 Act is not -- and I repeat not -- to elect African
25 Americans. The purpose of the Voting Rights Act is to

1 give African Americans the opportunity to elect a
2 candidate of their choice. The fact that the Senator from
3 Georgia that you referenced lost the election simply means
4 that that was not the candidate of their choice. That
5 does not mean that the number 50.1 percent, or whatever
6 the number was that you cited, was too low.

7 I would also suggest that you look at recent
8 Virginia history and understand. Congressman Scott, when
9 he was first elected to the General Assembly, was elected
10 from a majority white district. I would also submit to
11 you that, as I understand it -- if I'm wrong, someone
12 please correct me -- that an African American mayor was
13 elected in Portsmouth, elected in Newport News, and
14 elected in Hampton, none of which have majority African
15 American populations, and yet all were successfully
16 elected mayor of their cities.

17 So what I would suggest to you is that the magic
18 number that you're throwing out -- or that you're
19 suggesting, pardon me -- is, in fact, not what is
20 required. What is required is that districts allow
21 African Americans to select a candidate of their choice.

22 SENATOR VOGEL: Madam chair.

23 MADAM CHAIR: Senator Vogel.

24 SENATOR VOGEL: I would just like to respond, if
25 I may, in addressing that question. I don't disagree with

1 my colleague's comments about what the underlying mission
2 is of Section 5. There is no question. It is to ensure
3 that that population, the minority population, has the
4 ability to elect a candidate of their choice. That is
5 absolutely true.

6 But it has been the position of the Department of
7 Justice, and I will speak to this very confidently, that
8 55.0 is the percentage that they believe is what is
9 qualified, and that has been, at least in the past to
10 date, their position regarding what it would take to be
11 able to elect a candidate of your choice, whomever that
12 might be.

13 Thank you, Madam Chair.

14 MADAM CHAIR: Thank you.

15 Senator Watkins, did you have more in your
16 presentation?

17 SENATOR WATKINS: Yes, I did.

18 MADAM CHAIR: All right. Go ahead.

19 SENATOR WATKINS: I think that it's important.
20 You know, this is an important statement of what we are
21 trying to do here. There's no question about that. We
22 have to comply with the law. But, also, this is
23 Virginia. These are our citizens that we're dealing with,
24 in terms of their representation. And it's all of the
25 citizens. It's not one community or another.

1 If I could, I'll just discuss briefly the
2 different regions of the state, and what we did, and the
3 rationale behind it.

4 Hampton roads. This plan recognizes that
5 Virginia Beach is Virginia's largest city. The population
6 exceeds two full Senate districts. Accordingly, there is
7 one district, District 2 -- and I will point out, if you
8 notice, we renumbered all of the districts. We tried to
9 use some rationale with starting in the east with one,
10 moving through Virginia and mostly the twenties and
11 thirties, and moving over into the southwest with the
12 thirties and up to the forties. They are different
13 numbers. So nobody gets wed to any number.

14 So District 2 is entirely within Virginia Beach,
15 and in District 1, 75 percent of the population is from
16 Virginia Beach. And this should allow Virginia Beach to
17 have two Senators whose primary, if not exclusive, focus
18 is on that city.

19 Planned districts, based primarily in Chesapeake,
20 District 3; Norfolk, District 5; Portsmouth, District 4,
21 allowing those cities to elect senators who represent
22 them. The peninsula contains one entire Section 5,
23 District 7, and the bulk of District 9. The 6th District
24 runs between Norfolk and the peninsula, with the
25 population between the localities relatively evenly split,

1 which should provide a healthy competition and a Senator
2 who will give both parts of Hampton Roads their strong
3 attention.

4 The slow population growth in Hampton Roads
5 necessitates a district being lost from this region.
6 Because slow population growth has impacted both the
7 peninsula and South Hampton Roads, it makes sense that
8 half of the loss should come from each side of the water.

9 All river, all water crossings in this area are
10 over bridges. They're not merely water connections.
11 District 1 uses the Chesapeake Bay Bridge Tunnel to
12 connect with Virginia Beach in North Hampton County.
13 District 6, using the Hampton Roads Bridge Tunnel,
14 connects between Norfolk and Hampton. And the 8th
15 District, using the James River Bridge, connects with
16 between the Isle of Wight and Newport News. In the 9th
17 District we use the Coleman Bridge to connect between York
18 and Gloucester Counties.

19 The Metro Richmond population growth over the
20 last decade has been comparable to that of the rest of the
21 state. Accordingly, Metro Richmond is entitled to
22 maintain the same representation that it currently has.
23 That is achieved in this plan. It keeps two Section 5
24 Districts in 10 and 11. It keeps a compact district in
25 Western Henrico, 15; and a compact District in

1 Chesterfield and Colonial Heights, 12.

2 The 16th and the 14th Districts are also
3 representing parts of Metro Richmond. In Northern
4 Virginia, the districts in Northern Virginia are drawn to
5 respect jurisdictional boundaries and communities of
6 interest. I understand Oakton and Senator Peterson don't
7 particularly jive. One district, 24, is entirely within
8 Arlington County, while Alexandria is kept whole in a
9 neighboring district, 23.

10 Whenever possible, within the half-percent
11 deviation, main thoroughfares are used to divide
12 districts, such as I95, the Capital Beltway, the Dulles
13 Toll Road, et cetera. Fairfax City, Falls Church,
14 Arlington and Alexandria have a population of 1.46
15 million, enough to justify 7.32 seats in the Senate of
16 Virginia.

17 There are seven districts that stay entirely
18 within these localities, and only one district that comes
19 into Fairfax from the south or west, 29. To pick up the
20 remaining population, expanding out into Loudoun, Prince
21 William, Manassas, Manassas Park, the localities of the
22 Northern Virginia planning district had the population of
23 2.23 million people, enough to justify 11.15 Senate
24 seats.

25 There are 11 districts entirely within this

1 region, with the 18th District coming into South Prince
2 William to pick up some of the remaining population.
3 Western and southwestern Virginia is drawn to keep
4 counties intact. The 40th district has no split
5 localities, while the neighboring 39th has only one split,
6 and that's in Pulaski County, to keep within the half-
7 percent deviation.

8 Currently, there are three rather large districts
9 in Western Virginia; the 21, 22, and the 25, and this map
10 makes two more important districts, the 35th, based around
11 Roanoke, and the 33rd, based around Charlottesville. Much
12 of the remaining population goes into the 34th District,
13 which is the more rural district on the outskirts of
14 Roanoke and Charlottesville. It was determined that two
15 compact and one larger district would be preferable.

16 I would point out that what we wind up with, when
17 all is said and done, is there are two pairings where
18 incumbents wind up in the same district. In both of those
19 pairings, it's a democrat and a republican, both of them.
20 There are no pairings of two republicans or two
21 democrats. It's a republican and a democrat, and there
22 are two open seats that are available.

23 And, Madam Chairman, that is the synopsis, if you
24 would. I apologize for it taking so long, but I think
25 that it clearly gives us a good opportunity to -- a good

1 plan.

2 MADAM CHAIR: This is a very important subject,
3 so thank you for giving us that explanation.

4 Senator Deeds.

5 SENATOR DEEDS: Madam chair.

6 Senator Watkins, the district that I represent,
7 Bob Gibson, who is now at the Sorensen Institute, once
8 called it a bat out of West Virginia. That was the
9 district you all drew, the 25th, ten years ago. It looks
10 like now the 34th district, which would be the one that
11 I'm in, would be a boomerang district; wouldn't you agree?

12 SENATOR WATKINS: I'm not very good at art.

13 SENATOR DEEDS: Yes, I can tell. Ink spots.

14 SENATOR WATKINS: But I think you're in there on
15 your own, and I think it's a democratic district.

16 SENATOR BARKER: Madam Chair.

17 MADAM CHAIR: Senator Barker.

18 SENATOR BARKER: Madam Chair, just a couple of
19 comments, because I think the discussion on the Voting
20 Rights Act is very significant.

21 My understanding is that there have been a number
22 of districts approved with less than 55 percent African
23 American, and, in fact, many of the districts we're
24 looking at right now are less than 55 percent African
25 American population, voting-age population, at this

1 particular time.

2 I think it's also important to point out that we
3 do have a number of individuals, African Americans, who
4 have been elected in districts that are far lower than
5 fifty percent, than 55 percent African American voting-age
6 population. Just in Northern Virginia alone I can think
7 of many, many officials in districts that are less than 25
8 percent, and many incidents of less than ten percent who
9 have been elected, including the Mayor of the City of
10 Alexandria, two members of the House of Delegates, former
11 County Board Chair, the Sheriff of Prince William County,
12 School Board members at large, within Fairfax County
13 School Board members, members from individual districts.

14 So I think it's important to ensure that African
15 Americans have a chance to have influence in districts
16 beyond just the Voting Rights Act Districts, and I think
17 they certainly are exercising that to a substantial degree
18 now.

19 I think it is important that we not pack African
20 American voters into a very, very limited number of
21 districts, or into a majority in any way that to some
22 extent disenfranchises their opportunity to have influence
23 in other districts.

24 SENATOR VOGEL: Madam Chair.

25 MADAM CHAIR: Yes, Senator Vogel.

1 SENATOR VOGEL: I wonder if you would indulge me
2 for a moment just to speak more broadly to Senator
3 Watkins' proposal.

4 MADAM CHAIR: Of course.

5 SENATOR VOGEL: I would just like to say that, in
6 speaking broadly as an exercise in comparison, I would
7 like to say that, in deference to the fact that Senator
8 Watkins has done this four times, he brings a perspective
9 to this that some of us don't have.

10 But I will say that he undertook this exercise --
11 and I was happy to participate in that process -- to,
12 again, hearkening back to my earlier comments, really test
13 to see how good a map can you draw, how low can you keep
14 those deviations respecting One Person/One Vote. I would
15 be remiss if I didn't just take a moment to talk about the
16 deviation issue.

17 The deviation issue, as evaluated, is less
18 about -- and I know we had this discussion, and I know
19 Senator Puckett talked about this, and he was right to be
20 very concerned about this notion of not breaking up towns,
21 not splitting local jurisdictions. And, certainly I'm
22 hearing a lot from some of my local jurisdictions about
23 this. At the end of the day, the notion is that that is
24 our underlying mission, is to try to keep those
25 communities of interest, respecting local boundaries,

1 together.

2 And that deviation discussion -- is five percent
3 appropriate, is two percent, does that have any bearing on
4 that? One of the things we attempted to do was to see how
5 low we could do it. We got it to half a percent, which I
6 thought was fairly extraordinary, keeping more of these
7 communities together. That, I thought, was pretty
8 important.

9 But more than the percentage deviation, is there
10 a pattern to that deviation, because when someone wants to
11 come in and challenge you, they're not challenging you on
12 your percentage nearly as much as they're challenging you
13 on is there a pattern.

14 As we tried to do this around the state and keep
15 that deviation at half a percent, we were very mindful,
16 again, looking at the legal parameters. If we're trying
17 to get through a plan that has the greatest likelihood of
18 being precleared -- because I think all of us sitting
19 here, no matter where we are in this process, would have
20 to say that the underlying goal of this process is to pass
21 out a map that will preclear, that will pass legal muster,
22 whether it's with the Department of Justice, or, if it's
23 in litigation, a Court will say is okay, legally okay,
24 indefensible. Because all of us would like to have that
25 certainty come November, what district we may or may not

1 be running in.

2 So, that said, this going back to the deviation
3 issue, we were careful to be considerate of that and not
4 create any situation where there's a pattern. By
5 contrast, in the map that has been introduced, I do
6 believe that there's a serious issue. And I know that
7 Senator Watkins spoke to that briefly. That notion that
8 there is a pattern to deviation, to the extent that those
9 communities that are growing more slowly are
10 underpopulated within that deviation, and the communities
11 that are growing more quickly are overpopulated somewhat.

12 I think that that does pose a concern, somewhat.
13 Again, getting to the place where we think we can preclear
14 this plan, I think it's useful to be mindful of that
15 consideration and mindful of that future objection,
16 because if you are looking at this in the context of One
17 Person/One Vote, that is something that's, after all, the
18 whole mission of redistricting.

19 The notion that you have poor Mark Herring
20 sitting in the 33rd District on two full Senate seats.
21 That is both an undue burden on him as a legislator, and,
22 two, an issue for the people he represents.

23 So where we don't want to be is in a position
24 where we're starting right out of the box, and districts
25 like this that Senator Herring represents, with those

1 deviations that already start with them being
2 overpopulated. So I thought that was important to
3 mention, just in terms of contrast and what your plan
4 did.

5 I would like to go back and just one more time
6 mention this whole notion of retrogression. I did not
7 mean to get us off track there in the discussion of
8 Section 5. I only mention that because I think it was
9 raised, and because it is, again, key. I think it goes to
10 the very core of what we're trying to do when we get out
11 of the legislative session. I don't think any of us want
12 to come back here in June and July and August, and then
13 potentially run again next year, because we weren't
14 careful enough about some minor tweaking to put forward a
15 plan that we believe will pass legal muster.

16 And Senator Barker -- the Senator from Prince
17 William, I apologize. I'm supposed to address you that
18 way -- was correct in commenting about the elections that
19 you referenced. That is absolutely true. People have
20 been elected, even though they didn't have a majority in
21 their district. But that isn't -- and I think I perhaps
22 was not as clear as I should have been -- that isn't the
23 underlying goal of what Section 5 preclearance, addressing
24 retrogression, goes to.

25 The notion is that you're looking not to

1 retrogress the benchmark. That is where we are. And that
2 is why I believe, and I have not discussed this with my
3 colleagues in the House, this whole notion of what
4 benchmark they used. But they clearly believed that was
5 the law, because if you look at the House Plan, they were
6 careful not to retrogress below 55 percent, which is the
7 benchmark in the Commonwealth of Virginia.

8 And I think that is, under Section 5, it
9 prohibits -- and let me just be clear about what Section 5
10 does -- it prohibits retrogression. It's not out there
11 talking about any sort of arbitrary standards. But, more
12 importantly, it is talking about retrogressing minority
13 districts that change the voting practice or procedure
14 that would leave minorities in a position worse off in the
15 new plan than they were under the old benchmark plan.

16 That's nearly all that was about, keeping that 55
17 percent. And I assume my colleagues in the House
18 undertook it for the exact same reason; it is a benchmark
19 question. And in the Commonwealth of Virginia right now
20 in the Senate, 55 percent is the benchmark.

21 I will tell you that the most recent Virginia
22 redistricting rejection from DOJ was in 2002 -- and I went
23 back and looked at this just for this issue -- where
24 Cumberland County dropped the black total population, or
25 BVAP, Voting-Age Population of the district from 55.9

1 percent to 55.3 to percent. Now, clearly, that's above
2 55. And they also dropped -- sorry, 55.9 to 55.3.

3 DOJ noted that, because the alternatives could be
4 drawn in a way that didn't drop it, that would have, in
5 fact, increased it, that the drop demonstrated an intent
6 to retrogress, and it didn't preclear that proposal.
7 That's pretty stark.

8 So I just thought I would mentioned this as an
9 intent to be clear about this as an issue of benchmarking,
10 and that was the whole notion of the 55 percent.

11 Thank you.

12 MADAM CHAIR: Yes, thank you, Senator Vogel. I
13 couldn't agree with you more that we are all very eager to
14 have our plan precleared, and I want to assure you that we
15 meet all the legal requirements of both Federal and State
16 law, as well as the Constitutions.

17 SENATOR WATKINS: Madam Chair, that's my plan.

18 MADAM CHAIR: Okay. Were there any other
19 questions from members? Okay. Would anyone in the public
20 like to address this amendment in the nature of a
21 substitute or Senator Watkins?

22 Okay. Well, then we have on the floor a motion
23 to adopt Senator Watkins' amendment in the nature of a
24 substitute.

25 SENATOR MCEACHIN: Madam Chair.

1 MADAM CHAIR: Yes.

2 SENATOR MCEACHIN: Substitute motion -- I
3 withdraw it. I've learned your look.

4 MADAM CHAIR: So have my sons. Okay. We have
5 the motion is to adopt Senator Watkins' plan in his
6 amendment in the nature of a substitute. All in favor,
7 please say "aye."

8 RESPONSE: Aye.

9 MADAM CHAIR: Opposed?

10 RESPONSE: No.

11 MADAM CHAIR: No. The Clerk will call the roll.

12 CLERK: Senator Martin.

13 SENATOR MARTIN: Aye.

14 CLERK: Senator Deeds.

15 SENATOR DEEDS: Hmm, let me think. No.

16 CLERK: Senator Whipple.

17 SENATOR WHIPPLE: No.

18 CLERK: Senator Obenshain.

19 SENATOR OBENSHAIN: Aye.

20 CLERK: Senator Puckett.

21 SENATOR PUCKETT: No.

22 CLERK: Senator Edwards.

23 SENATOR EDWARDS: Nay.

24 CLERK: Senator Blevins

25 SENATOR BLEVINS: Aye.

1 CLERK: Senator McEachin.

2 SENATOR MCEACHIN: No.

3 CLERK: Senator Peterson.

4 SENATOR PETERSON: No.

5 CLERK: Senator Smith.

6 SENATOR SMITH: Aye.

7 CLERK: Senator Barker.

8 SENATOR BARKER: No.

9 CLERK: Senator Northam

10 SENATOR NORTHAM: No.

11 CLERK: Senator Vogel.

12 SENATOR VOGEL: Aye.

13 CLERK: Senator McWaters.

14 SENATOR MCWATERS: Aye.

15 CLERK: Senator Howell.

16 MADAM CHAIR: No.

17 CLERK: Six ayes, nine nays.

18 MADAM CHAIR: The motion fails, on a vote of six
19 aye, nine nay. We now have before us the primary motion
20 of Adoption of the amendment in the nature of a substitute
21 that I had introduced. All right.

22 SENATOR MARTIN: Madam Chair, speaking to the
23 motion.

24 MADAM CHAIR: Yes, Senator Martin.

25 SENATOR MARTIN: I understand the testimony here

1 from the Chairman just moments ago, and comments as to it
2 passing the constitutional muster. I believe, I
3 personally believe, that it does not. I believe there is
4 entirely too much splitting of communities of interest,
5 splitting of towns. There's a substantial lacking of
6 contiguity, crossing rivers without roads and such; not
7 even able to get from one jurisdiction in the district to
8 another jurisdiction in the district without having to go
9 outside of the district. That is the case for every
10 single -- for example, in the 11th district, every single
11 jurisdictional district.

12 So I believe it has significant challenges across
13 the entirety of the state. For that reason, I would
14 intend, Madam Chair, I intend --

15 SENATOR DEEDS: Madam Chair.

16 MADAM CHAIR: Yes, Senator Deeds.

17 SENATOR DEEDS: Could I ask Senator Martin a
18 question? The 25th District that you guys drew ten years
19 ago, have you ever driven from one end of that to the
20 other, staying in the district?

21 SENATOR MARTIN: Absolutely. I love driving in
22 your territory. It's just beautiful.

23 SENATOR DEEDS: Tell me what road goes from one
24 end to the other.

25 SENATOR MARTIN: It's my understanding that there

1 wasn't going to be running debates. I was just speaking
2 to the issue, and despite the fact that there may be those
3 cases, I think we're simply talking about the whole of the
4 state in my comments, and across the entirety of the
5 Commonwealth.

6 MADAM CHAIR: Thank you.

7 SENATOR WHIPPLE: Madam Chair

8 MADAM CHAIR: Senator Whipple.

9 SENATOR WHIPPLE: Just a comment before we're
10 ready to vote, and to emphasize the point that you just
11 made about meeting all Federal and State legal
12 requirements. This Senate Democratic plan gives priority
13 to compliance with the constitutional requirements of One
14 Person/One Vote, and to the requirements of Federal law in
15 particular, the Voting Rights Act.

16 Obviously, there are numerous criteria that a
17 redistricting plan has to meet, and sometimes those are in
18 competition with one another. In the end, I think we have
19 made, or will be making, a legislative decision that fully
20 meets all the requirements of Federal and State law, and
21 that will serve the citizens of the Commonwealth.

22 MADAM CHAIR: Thank you, Senator Whipple.

23 Senator Obenshain.

24 SENATOR OBENSHAIN: Madam Chairman, as a
25 legislator representing a rural district, let me just

1 express one concern that I have, and that is the deviation
2 patterns that exist in the Chair's plan. The United
3 States Supreme Court in the Larios case looked at
4 deviations. They looked, not so much at the permissible
5 amount of deviation, but they looked at patterns of
6 deviation. In the Larios case, the problem there was that
7 Georgia was systematically underpopulating rural districts
8 in the state, and overpopulating inner-city Atlanta and
9 other suburban areas in Georgia. The Supreme Court
10 rejected that on that basis.

11 Frankly, in going through and looking at this
12 plan, first of all, the plan has a two percent deviation,
13 which permits essentially an eight thousand vote swing
14 from one district to another district. We've got negative
15 deviations in this plan within the Beltway; negative
16 deviations -- and this is in slower-growing areas within
17 the Beltway -- negative deviation in Hampton Roads;
18 negative deviation in the southwest; and positive
19 deviations in the rapidly growing portions of the state,
20 Stafford, Loudoun, Spotsylvania, Hanover, and other areas
21 of the state where it's growing more rapidly than others.

22 So, with that in mind, those are the areas I
23 think we're going to continue to see growth. And the
24 problem under this is just going to get worse real
25 quickly, and as a consequence, I would be remiss and if I

1 didn't express my serious concerns about not just the
2 amount of deviation, but the patterns of deviation that
3 exist in this map.

4 So, with that, that is one of the reasons that I
5 won't be able to vote for this map.

6 MADAM CHAIR: Thank you.

7 Prior to the vote I wanted to ask if anyone in
8 the public would like to speak to this amendment in the
9 nature of a substitute. Okay. Seeing no one, I -- oh,
10 I'm sorry. I didn't see you, Senator Blevins.

11 SENATOR BLEVINS: Thank you, Madam Chair. I do
12 want to, I feel like I have to speak, because I've heard
13 from the City Council in Virginia Beach and Chesapeake
14 both, letters that were sent to all members in the room.
15 I represent the 14th District currently. I live in
16 Chesapeake and represent Chesapeake and part of Virginia
17 Beach.

18 SB 5001 puts me in a position in Chesapeake of
19 having a total number of people in Virginia Beach at
20 almost 150 thousand people in that part of District 14.
21 Chesapeake will have 139 thousand people, total. As a
22 result of that, we end up with -- I'm sorry, Chesapeake
23 had 47 thousand in the plan you presented.

24 And that means Chesapeake -- the City Council is
25 upset, and we've received a lot of letters about the fact

1 that right now there is no way for Chesapeake to elect in
2 the 14th District someone who lives in Chesapeake, when
3 you're opposing Virginia Beach, which is angry because
4 they don't have two state senators. It's the largest city
5 in the Commonwealth. Chesapeake has a quarter of a
6 million people in Chesapeake. They lose their State
7 Senator.

8 It's not me. I'm speaking for the citizens and
9 the council members of Virginia Beach. This is not about
10 me getting reelected or anything like that. This puts
11 Chesapeake in the position that it can't, because Virginia
12 Beach is in a situation where they are angry about the
13 fact that they're losing a senator. They want at least
14 two for the largest city in this Commonwealth. They want
15 two senators, which they have now. With the plan we have
16 before us, that won't happen. It can't happen. And
17 there's no way Chesapeake can elect someone that lives in
18 Chesapeake that doesn't know 100 thousand more voters in
19 Virginia Beach than we currently have.

20 For that reason, I think -- and I have not spoken
21 to Senator Watkins about his plan. I have not had any
22 input to Senator Vogel about the plan that we just
23 considered. But I will tell you that, if you look at that
24 plan, and I haven't looked at it like each you have on the
25 current situation.

1 But in the 14th District as Senator Watkins is
2 calling it, the 3rd District, it has rectified the problem
3 for a large portion of our Commonwealth. And I haven't
4 heard anyone talk about the Watkins' plan, as being
5 negative about how they have been harmed by the Watkins'
6 plan. And that bothers me very much. And I don't know
7 the way out of this, because we operate with a majority
8 and we're not in the majority.

9 But I did want to say that something's wrong here
10 with the plan that we have before us now, and I would hope
11 that we would reject it. I think we can do better than
12 that.

13 Thank you, Madam Chair.

14 MADAM CHAIR: Thank you.

15 SENATOR SMITH: Madam Chair

16 MADAM CHAIR: Senator Smith.

17 SENATOR SMITH: Senator Deeds was concerned about
18 splitting Iron Gate. I've had the honor of serving the
19 Botetourt side of Iron Gate for these past few years. I,
20 on occasion, called, and there was a waterline and an
21 arrangement of a water tower, and they got me involved in
22 it. I came to find out it's on the other side,
23 represented by Alleghany County. I believe that's Senator
24 Deeds' District.

25 I respect your concern that there's a county line

1 right through this small town. Great community, and I
2 appreciate the Senator's concern about splitting that.
3 How about splitting, say, Roanoke County three ways?
4 Christiansburg, two ways. The town of Benton, two ways.
5 Lynchburg. It's been intact for a long time. Now it's
6 split in two. Are they a factor? Are they less important
7 than, say, Iron Gate?

8 SENATOR MCWATERS: Madam chair.

9 MADAM CHAIR: Senator McWaters.

10 SENATOR MCWATERS: Thank you, Madam Chair.

11 You know, it's interesting that, at least on this
12 side, we have people in P&E that are representing cities,
13 towns, regions and communities that are going to really
14 suffer under this plan, as has been described. I don't
15 know if there is just an unbalanced representation on P&E,
16 or if across the entire Senate there is these same kinds
17 of splits.

18 Which is why I spent time a week ago, and spent
19 time again here today, on this issue of the variations.
20 I'm so intrigued with the fact that Senator Watkins, who
21 uses a half-percent variation, can accomplish what appears
22 to be fewer splits, and certainly, in the area that I
23 spent twenty years in, far fewer splits. Yet, your plan
24 has a much larger deviation, which you would think might
25 give you more flexibility in creating and keeping

1 consistency among communities and areas of interest and
2 historic boundaries and highways and bridges and county
3 lines and those kinds of things.

4 I represent Virginia Beach, as you know, part of
5 the eastern part of Virginia Beach, the 8th Senatorial
6 District. And, like Senator Blevins is describing, this
7 is not about reelections. This is about keeping the
8 communities and towns of interest, their voices heard here
9 in Richmond. In that area there are about 1.5 million
10 people, the second largest region in the Commonwealth.

11 Even though we would like to think and talk and
12 work hard on regionalization and regionalism, there are
13 seven separately incorporated cities in those areas. And
14 your plan, in essence, to use a technical term, mashes
15 them all together in ways that make no sense, and, in
16 fact, then eliminates a full Senator from that area, but
17 specifically from the largest city from the Commonwealth
18 of Virginia Beach.

19 I know you know the map, and you're probably
20 tired of hearing about it because there has been good and
21 strong testimony. And I appreciate the fact that so many
22 have gone to these public hearings; seven across the state
23 just in the last couple of weeks. But I don't think we're
24 listening, because, in the feedback I've gotten from at
25 least two of the hearings focused on our area, there was a

1 enormous amount of dissatisfaction across all these
2 cities. These cities have different interests, different
3 economies, different conditions, as many cities across the
4 Commonwealth do. I don't think that has been considered.

5 We've eliminated a seat. We've taken one, the
6 remaining Senate seat is in Virginia Beach, and 65 percent
7 of the voters from Virginia Beach will be represented by
8 that seat, and, yet, 35 percent from Chesapeake, a city of
9 250 thousand.

10 So I'm not going to try to ramble on and on here,
11 just to say that I do think also we have to work, and we
12 must try to work, particularly given this two-percent
13 variance, which we just committee-approved. I didn't vote
14 for it, but to do a better job of putting cities and towns
15 of interest and the people that are represented -- this is
16 about people who are represented -- into a much more
17 orderly, systematic way and make improvements.

18 I agree with the Senator from Bath County, that
19 if we made mistakes ten years ago, we ought to try to
20 improve upon them. I will guarantee we will be back here
21 ten years from now -- maybe not us, but someone will be
22 back here ten years from now, saying what were they
23 thinking.

24 Thank you.

25 MADAM CHAIR: Thank you. Did anyone wish to

1 speak? If not, before us now is a motion to report an
2 amendment in the nature of a substitute for House Bill
3 5001, as amended.

4 The Clerk will call the role.

5 CLERK: Senator Martin.

6 SENATOR MARTIN: No.

7 CLERK: Senator Deeds.

8 SENATOR DEEDS: Yes.

9 CLERK: Senator Whipple.

10 SENATOR WHIPPLE: Yes.

11 CLERK: Senator Obenshain.

12 SENATOR OBENSHAIN: No.

13 CLERK: Senator Puckett.

14 SENATOR PUCKETT: Yes.

15 CLERK: Senator Edwards.

16 SENATOR EDWARDS: Aye.

17 CLERK: Senator Blevins.

18 SENATOR BLEVINS: No.

19 CLERK: Senator McEachin.

20 SENATOR MCEACHIN: Aye.

21 CLERK: Senator Peterson.

22 SENATOR PETERSON: Aye.

23 CLERK: Senator Smith.

24 SENATOR SMITH: No.

25 CLERK: Senator Barker.

1 SENATOR BARKER: Yes.

2 CLERK: Senator Northam.

3 SENATOR NORTHAM: Yes.

4 CLERK: Senator Vogel.

5 SENATOR VOGEL: No.

6 CLERK: Senator McWaters.

7 SENATOR MCWATERS: No.

8 CLERK: Senator Howell.

9 MADAM CHAIR: Yes.

10 CLERK: Nine ayes, six nays.

11 MADAM CHAIR: The bill is reported, nine ayes,
12 six nays. There being no more business to come before the
13 Committee, the Committee will rise.

14

15 NOTE: At this time the hearing was adjourned.

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CERTIFICATE OF COURT REPORTER

I, Kellie Milner, hereby certify that I was the court reporter in the Privileges and Elections Hearing for the Senate on the 7th day of April, 2011, at the time of the hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the incidents of the hearing herein, to the best of my ability.

Given under my hand this 8th day of May, 2011.

Kellie Milner, Court Reporter