

**LEGISLATIVE HISTORY OF  
2011 VIRGINIA GENERAL ASSEMBLY REDISTRICTING PLANS**

This Attachment provides a chronology that identifies the events, legislative actions, and proposals resulting in the enactment of House Bill 5005 as Chapter 1 of the Acts of Assembly (2011 Special Session I), signed by Governor Robert F. McDonnell on April 29, 2011 (hereafter Chapter 1). Chapter 1 contains the redistricting plans for the General Assembly, both the House of Delegates and Senate. Thus this legislative history and chronology describes the events culminating in the enactment of both plans.

The General Assembly began preparing for the decennial congressional and legislative reapportionment (commonly referred to as legislative redistricting) required by the Virginia Constitution, Article II, Section 6, in 2005 with the Commonwealth's participation in Phases I and II of the Census Bureau's redistricting data program. The Division of Legislative Services was designated as the agency to coordinate with the Census Bureau and carry out the program. The Division operates under the general supervision of the Joint Reapportionment Committee. This bi-partisan committee represents the House of Delegates and Senate (Virginia Code §§ 30-263 through 30-265) and oversees preparations for redistricting. Participation in Phases I and II involved the review of census geography and the incorporation of Virginia's voting precincts in the Bureau's census geography and the provision of census redistricting data at the voting precinct level.

The second major step in preparing for redistricting was to build a geographic information system and acquire software to enhance the system used in 2001. A key component of the computer-based redistricting system was the website maintained by the Division of Legislative Services. The Division's redistricting website was begun in 2000

and maintained throughout the decade. This website was expanded for the 2011 redistricting to include more sophisticated mapping options and a mechanism for the public to comment on plans as they were introduced and made public. The website is <http://redistricting.dls.virginia.gov/2010/>. The objective of the expanded website was to provide for the broadest and promptest dissemination of redistricting information, population and election history data, interactive maps, and redistricting proposals as they were made public. Copies of public comments made on the website were routinely distributed to the Privileges and Elections Committees.

Information available through the website to legislators and the public includes data on the current and proposed districts, interactive maps, statistical reports, block, precinct, locality, and district-level population data, and shape and block-assignment files. Notices of redistricting public hearings and transcripts of the hearings and Committee meetings are published on this website. The House and Senate Privileges and Elections Committees Redistricting Criteria resolutions, along with *Drawing the Line*, a Division of Legislative Services publication about redistricting in Virginia, are also found on this website. In addition, there is a webpage that contains 2010 census data, an explanation of file formats, and free data downloads.

The Division's website was updated continuously. The events described in the following chronology were routinely posted on the website. The statistical reports for House Bill 5005 and other legislation considered by the 2011 General Assembly Special Session, were generated using 2010 Census population data and the precinct boundaries that were included in the 2011 census reports.

## **CHRONOLOGY**

### **2005 through 2009**

The Division of Legislative Services, subject to oversight from the Joint Reapportionment Committee, conducted Phases I and II of the Census Bureau's redistricting program and began constructing the new computer redistricting system with funds appropriated in the state's biennial budgets.

### **April 1, 2010**

Census Day.

### **August through December 2010**

Delegate Mark L. Cole of Fredericksburg announced on **August 23, 2010**, that the redistricting subcommittee of the House of Delegates Committee on Privileges and Elections was scheduling a series of six public hearings throughout the Commonwealth in preparation for the 2011 redistricting process and to encourage broad public input into the redistricting process. The six different public hearings took place in September, October, and December in Roanoke, Norfolk, Fairfax, Danville, Stafford, and Richmond. Transcripts of the hearings were made available on the Division's redistricting website and are contained in Attachment 15-House.

In **August** the Division published the first issue of its redistricting newsletter, *Drawing the Line 2011*, with population estimates for the current districts and background information on the redistricting process. The newsletter was mailed to members and posted on the Division's website, and there was email notification and a link to the website provided to all interested parties.

On **September 16, 2010**, Senator Janet Howell, Chair of the Senate Committee on Privileges and Elections announced a schedule of four public hearings in Roanoke, Herndon, Portsmouth, and Richmond in October, November, and December. Transcripts of the hearings were made available on the Division's redistricting website and are contained in Attachment 15-Senate.

In the late fall Christopher Newport University and the Public Mapping Project announced a Virginia Redistricting Competition for Virginia college teams with a **December 15, 2010** deadline to register. The Competition website is: <http://www.varedistrictingcompetition.org/> Twelve colleges participated and 55 plans were submitted by mid-March 2011 for state legislative and congressional districts. <http://www.varedistrictingcompetition.org/results#TOC-Overview>. Two of the competition plans were introduced: HB 5002 by request by Delegate Robert Brink (a University of Richmond plan for the House of Delegates (first place in the Governor's Commission Division)) and SB 5002 by Senator John Miller (a William and Mary Plan for the Senate (first place in the Governor's Commission Division)).

On **December 17, 2010**, the Joint Reapportionment Committee met in Richmond, received an update from the Division of Legislative Services on its work with the Census Bureau and its preparations for the redistricting process. The Committee adopted a resolution directing staff to continue preparations for redistricting in 2011 and authorizing the Division to proceed with necessary steps to enter into contracts for a redistricting software application and the development of a website to provide public access to the process and allow public comments on proposed redistricting plans..

**January and February 2011**

The General Assembly met for the 2011 Regular Session from **January 12 to February 27, 2011**, and adopted House Bill 1507 (Ch. 3, 2011 Acts of Assembly) to move the usual June 14 primary date to August 23, 2011, and allow time for enactment and Section 5 Voting Rights Act review of redistricting plans. The bill passed unanimously and took effect immediately upon passage on February 17, 2011, subject to Department of Justice review that was initiated February 24, 2011. DOJ sent their preclearance notification March 22, 2011.

On **January 10, 2011**, Governor McDonnell issued an Executive Order No. 31 creating the Independent Bipartisan Advisory Commission. The Commission met in January through March in work sessions and public hearings and issued its final report, dated April 1, 2011. See the Commission's website at <http://redistrictingcommission.cnu.edu/>

On **February 3, 2011**, Virginia received the Public Law 94-171 redistricting data from the Census Bureau, and the Division then posted the data on its website along with explanatory information.

The Joint Reapportionment Committee met **February 7 and 23, 2011**, for staff reports on its readiness to draw redistricting plans and provide for public access to and comments on plans.

On **February 25, 2011**, Delegate M.K. Cox introduced House Joint Resolution No. 986 applying to the Governor to call a redistricting special session to begin immediately upon adjournment of the regular 2011 Session. Both houses agreed and the Resolution took effect **February 26, 2011**. The regular 2011 Session adjourned on

Sunday, **February 27, 2011**, and on that day the Governor issued his proclamation calling for the special session. The Special Session convened February 27 and agreed to House Joint Resolution 5002 setting the ground rules for the Special Session. The Special Session then recessed until April 4, 2011, allowing time for public hearings and the drawing of plans.

### **March and April 2011**

The House and Senate Privileges and Elections Committees announced on **March 18, 2011**, that the committees would hold a series of eight joint public hearings around the Commonwealth March 31, April 2, and April 4, 2011. Information on the public hearings and the 2010 populations of the then current House of Delegates, Senate, and congressional plans were posted on the website and covered in the Number 2 issue of *Drawing the Line 2011*. Transcripts for the hearings are available on the website and in Attachment 15-Joint.

On **March 25, 2011**, the House and Senate Committees on Privileges and Elections met separately in Richmond and each adopted a committee resolution setting out the criteria that the committee would follow in reviewing redistricting plans for the House of Delegates and Senate. See Attachments 4-House and 4-Senate. The Senate Committee also adopted a resolution for criteria in reviewing congressional district plans. The one substantive difference among the resolutions concerned the permissible population deviations: House of Delegates -- plus or minus one percent; Senate -- plus or minus two percent; and congressional -- exact equality.

Beginning **March 29, 2011**, members of the General Assembly began releasing redistricting plans on the Division's redistricting website and introducing bills to enact

redistricting plans. Not every plan that was released on the website became a bill, but statistical reports and maps were released on the website for every plan made public on the website and for every bill that was introduced. Here is the chronology for the ten plans made public by April 7. The parenthetical notes show the name of the plan as shown on the Division website.

- March 29 Delegate S.C. Jones -- **HB 5001** (HB 5001 - C.Jones). HB 5001 introduced and referred to the House Committee on Privileges and Elections.
- March 29 Senator Janet Howell released a draft plan on the website (SB# J. Howell).
- March 30 Senator Howell released a revised draft plan on the website (SB# J.Howell (3/30/11)).
- March 30 Senator John Watkins released a draft plan on the website (SB# J. Watkins - [Watkins B]).
- April 3 Senator Howell -- **SB 5001** (SB 5001 - J. Howell (4/3/11)). SB 5001 introduced and referred to the Senate Committee on Privileges and Elections.
- April 4 Delegate Robert Brink by request -- **HB 5002** (HB 5002 - R. Brink (U of R Plan)). [First place for House in Governor's Commission division.]. HB 5002 introduced and referred to the House Committee on Privileges and Elections.
- April 4 Delegate Joe Morrissey -- **HB 5003** (HB 5003 - J. Morrissey). [Based on George Mason University Plan -- first place for House in Redistricting Competition Division.] HB 5003 introduced and referred to

the House Committee on Privileges and Elections.

- April 4 Senator John Watkins released Option 1 Senate plan (Ind. Bipartisan Advisory Comm. on Redistricting - Opt 1).
- April 5 Senator J. Miller -- **SB 5002** (SB 5002 - J. Miller (William & Mary Plan. [First place for Senate in Governor's Commission division.] SB 5002 introduced and referred to the Senate Committee on Privileges and Elections.
- April 7 Senator Watkins Substitute (Watkins Committee Substitute (4/7/11). [Watkins C).

On **April 4, 2011**, the House Committee on Privileges and Elections met, and Delegate Brink presented HB 5002 and introduced the University of Richmond students who had prepared the winning plan for the House in the Governor's Commission division of the student contest. The plan emphasized compactness and utilized a plus and minus 5 % deviation range.

Delegate Jones explained HB 5001 and a proposed substitute for the Bill. He emphasized that (i) the plan hewed to the equal population criterion with deviations no more than plus or minus one percent, (ii) the districts as drawn fully complied with the Voting Rights Act and maintained 12 majority-minority districts, and (iii) the plan was developed with extensive participation by Republican, Democratic, and minority members. There were supporting comments by Democratic and minority committee members -- Delegates Spruill, Dance, and Sickles. The Substitute incorporated a number of changes from the introduced bill made in response to requests from members and localities and affecting 51 districts.

After hearing public comments, the Committee reported out a Committee Substitute for HB 5001 (20-2).

The House agreed (87-10) to the Committee Substitute on **April 5, 2011**, and voted (86-8) for final passage on **April 6, 2011**. Votes in Committee and on the floor demonstrated bipartisan and minority member support for the plan.

On **April 5, 2011**, the Senate Privileges and Elections Committee met to discuss two bills but did not vote on the bills. Senator John Miller sponsored SB 5002 that was to be referred to the Committee later in the day. He introduced the William and Mary students who explained their plan and answered questions. Senator Howell explained her SB 5001 and emphasized its adherence to state and federal constitutional equal population requirements, compliance with equal protection and Voting Rights Act requirements, and adherence to compactness, contiguity, political fairness, and communities of interest considerations.

The House Bill was communicated to the Senate and referred to the Senate Committee on Privileges and Elections on **April 7, 2011**. Delegate Jones presented HB 5001 to the Senate Committee on April 7. The Senate Committee reported a Committee Substitute for HB 5001 that included the Senate district plan as presented in SB 5001 with several revisions designed mainly in response to member and locality requests. The vote to report the Committee Substitute was 9-6 with all Democrats voting aye and all Republicans voting nay. The Committee Substitute was amended on the floor to adjust two City of Richmond precincts and the lines of the 69th, 70th, and 71st House Districts. Senator Watkins offered a floor substitute that was ruled out of order. The vote on

passage of the Committee Substitute as amended was 22 to 18 with all Democrats voting aye and all Republicans voting nay.

On **April 11, 2011**, the General Assembly reconvened the Special Session to take final action on HB 5001. The House rejected the Senate substitute and amendments to put the Bill in Conference and to make further minor adjustments to both the House and Senate district plans. The Conferees recommended a new substitute for HB 5001 to resolve technical issues. Both houses accepted the Conferees' Report by votes of 85-9 in the House and 22-17 in the Senate, votes that reflected the same basic divisions as earlier votes.

Four days later on **April 15, 2011**, Governor McDonnell vetoed House Bill 5001. In his veto message (copy attached), he objected primarily to the Senate plan.

Delegate Jones introduced House Bill 5005 on **April 18, 2011**, and it was referred to the House Committee on Privileges and Elections which reported the Bill 16-0 on that day. The Bill contained the House plan as passed in House Bill 5001 with several adjustments in response to member and locality requests to reduce the number of split precincts. No action was taken on the Governor's veto of HB 5001.

On **April 25, 2011**, the House voted to engross HB 5005 and advanced it to its third reading. On **April 27, 2011**, the House passed HB 5005 by a vote of 80-9.

The Senate Committee on Privileges and Elections met **April 28, 2011**, and reported a Committee Substitute for HB 5005 that incorporated a significantly revised Senate district plan developed by negotiators for the Democratic and Republican Senate caucuses. The Committee voted to report the Substitute 12-3 with three Republican members voting nay. A series of several amendments to the Committee Substitute were

offered on the floor by Senator George Barker and adopted. These amendments were related to the Senate plan and affected Districts 15, 18, 19 and 23 and the lines through Bedford, Brunswick, Franklin, and Roanoke Counties. The final vote on passage was 32-5 with five Republican senators voting nay. Later that evening, the House voted 63-7 to approve the HB 5005 Senate Substitute and amendments.

During the consideration of the house and senate plans, one effect was a reduction in the number of split precincts in both plans. As introduced HB 5001 split 57 localities and 135 precincts; the final House plan as passed in Chapter 1 splits 59 localities and 109 precincts. As introduced SB 5001 split 44 localities and 130 precincts; the final Senate plan as passed in Chapter 1 splits 46 localities and 119 precincts.

As outlined in Attachment 5 -- House, Chapter 1 maintains 12 black majority districts in the House plan despite demographic changes resulting in the loss of population in these districts. Eleven of the 12 black majority districts in the current plan were below the ideal population by a total of 79,310. Only one of those districts was above the ideal by just 143 for a net shortage of 79,167 -- almost 80,010, the ideal population of a house district. All 12 black majority districts were maintained in Chapter 1 with greater than 55% black VAP -- a range of 55.2% to 60.7%. The delegates from the 12 districts voted for final passage of HB 5005 with the exception of Delegates Morrissey (74th), Tyler (75th), and Ward (92nd). The members of the black caucus including in addition delegates from the 11th, 46th, and 52nd Districts voted for final passage of HB 5005 with the exception of Delegates Tyler and Ward.

As outlined in Attachment 5 -- Senate, Chapter 1 maintains five black majority districts in the Senate plan despite demographic changes resulting in the loss of

population in these districts. Four of the five black majority districts in the current plan were below the ideal population by a total of 81,842. Only one of those districts was above the ideal by just 1,968 for a net shortage of 79,874 -- 40% of the ideal population of a senate district. The five black majority districts were maintained in Chapter 1 with greater than 50% black VAP -- a range of 50.8% to 53.6%. The senators from the five districts and members of the black caucus voted for final passage of HB 5005 with the sole exception of Senator Locke who was absent but who had voted for final passage of HB 5001.

Governor McDonnell signed the enrolled HB 5005 on **April 29, 2011**. A copy of his statement on signing Chapter 1 is attached.

DLS/mrs

5/4/11

## Attachment 17

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**For Immediate Release****Contact**

April 28, 2011

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

**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.

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."

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