

## **STATEMENT OF CHANGE**

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

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

### **POPULATION CHANGE BY REGION**

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

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

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

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

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

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

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

#### IMPACT OF POPULATION SHIFTS ON CURRENT DISTRICTS

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

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

#### Northern Virginia Core

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

#### Suburban and Exurban Northern Virginia

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

### Western Virginia

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

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

### Hampton Roads

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

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

### Interstate 64 Suburban Corridor

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

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

### Richmond Area

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

### APPLICATION OF TRADITIONAL REDISTRICTING CRITERIA

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

### Population Equality

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

#### ***I. Population Equality***

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

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

### Equal Protection Clause and Voting Rights Act Considerations

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

#### ***II. Voting Rights Act***

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

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

### Contiguity and Compactness

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

#### ***III. Contiguity and Compactness***

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

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

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

**Average Compactness Scores**

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

Localities, Precincts, and Communities of Interest

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

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

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

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

Partisan and Incumbency Considerations

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

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

### Attachment 3-Senate

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

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

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

Attachment 3-Senate

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

**Incumbency Pairs and Open Districts: State Senate**

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

**Projected Democratic Vote, Open and Paired Districts**

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

