

SUBMISSION UNDER § 5 OF THE VOTING RIGHTS ACT:  
2011 VA. ACTS CH. 1 (SPECIAL SESSION)  
REDISTRICTING VIRGINIA'S HOUSE OF DELEGATES AND SENATE

DATE: May 10, 2011

SUMMARY: This summary outlines the information provided in this submission pursuant to 28 C.F.R. §§ 51.27 and 51.28. The summary either provides the information requested or references the appropriate attachment.

- Section 51.27 (a) Attested copy of Ch. 1, 2011 Va. Acts (Special Session I) (**Attachment 1**).
- (b) Copy of current Va. Code §§ 24.2-303.1, 24.2-303.2 (**Attachment 2-Senate**), 24.2-304.01 and 24.2-304.02 (**Attachment 2-House**).
- (c) Statement of the change. **Attachment 3-Senate** and **Attachment 3-House** provide a detailed explanation of Chapter 1 redistricting Virginia's Senate and House of Delegate seats.
- (d) E. Duncan Getchell, Jr.  
Solicitor General  
Office of the Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
804-786-7140
- (e) Commonwealth of Virginia
- (f) Not applicable
- (g) Act of the Virginia General Assembly
- (h) Va. Const. Art. II § 6 requires the General Assembly to reapportion the Commonwealth into electoral districts every ten years:

“Section 6. Apportionment.

“Members of the House of Representatives of the United States and members of the Senate and of the House of Delegates of the General Assembly shall be elected from electoral districts established by the General Assembly. Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. The General Assembly shall reapportion the Commonwealth into electoral districts in accordance with this section in the year 2011 and every ten years thereafter.

“Any such decennial reapportionment law shall take effect immediately and not be subject to the limitations contained in Article IV, Section 13, of this Constitution.

“The districts delineated in the decennial reapportionment law shall be implemented for the November general election for the United States House of

Representatives, Senate, or House of Delegates, respectively, that is held immediately prior to the expiration of the term being served in the year that the reapportionment law is required to be enacted. A member in office at the time that a decennial redistricting law is enacted shall complete his term of office and shall continue to represent the district from which he was elected for the duration of such term of office so long as he does not move his residence from the district from which he was elected. Any vacancy occurring during such term shall be filled from the same district that elected the member whose vacancy is being filled.”

Pursuant to Va. Const. Art. IV § 11 and Art. V § 6, redistricting is accomplished by a general law adopted by a majority vote of the Virginia House of Delegates and Senate of Virginia and approved by the governor.

To guide the legislative deliberations, on March 25, 2011, the Senate Committee on Privileges and Elections adopted Committee Resolution 1, establishing goals and criteria concerning applicable legal requirements and policy objectives for redrawing of Senate districts. **Attachment 4-Senate**. Also included in Attachment 4-Senate is a copy of Senate Resolution 502, adopting criteria for redrawing Virginia’s Senate Districts, which failed in the Senate Privileges & Elections Committee.

On March 25, 2011, the House Committee on Privileges and Elections adopted Committee Resolution 1, establishing goals and criteria concerning applicable legal requirements and policy objectives for redrawing House of Delegates districts. **Attachment 4-House**.

- (i) Chapter 1, 2011 Va. Acts (Special Session I), was adopted by the General Assembly on April 28, 2011, presented to the governor on April 29, 2011, and signed by the governor on April 29, 2011.
- (j) Pursuant to Va. Const. Art. II § 6 (1971), 2011 Va. Acts Ch. 1 became effective immediately on April 29, 2011.
- (k) Chapter 1 has not yet been enforced or administered.
- (l) Chapter 1 affects all of Virginia’s Senate and House of Delegates districts.
- (m) A statement of the reasons for the change is included in Attachment 3. *See also* item (h) above.
- (n) A detailed statement of anticipated effect on members of racial minority groups is provided in **Attachment 5-Senate** and **Attachment 5-House**.
- (o) Statement identifying past or pending litigation concerning the change or related voting practices. **Attachment 6**.
- (p) Virginia Code §§ 24.2-303.1 and 24.2-303.2, containing Virginia’s current Senate districts, were last amended and precleared: § 24.2-303.1 was submitted on May 11, 2001, and precleared on July 9, 2001; § 24.2-303.2 was submitted on May 2, 2007, and was precleared on June 27, 2007.

Virginia Code §§ 24.2-304.01 and 24.4.02, containing Virginia's current House of Delegates districts, was last amended: § 24.2-304.01 was submitted on August 24, 2001, and was precleared on October 23, 2001; § 24.2-304.02 was submitted on May 2, 2007 and was precleared on June 27, 2007.

As discussed in item (h) above, 2011 Va. Acts Ch. 1 redistricting Virginia's House of Delegates and Senate districts was adopted pursuant to the procedure provided in Va. Const. Art. II § 6, Art. IV § 11, and Art. V § 6. Article II § 6 was precleared on July 6, 2004. Article IV § 11 was precleared on July 11, 1980. Article V § 6 was precleared on August 23, 1994.

- (q) See items referenced under § 51.28
- (r) See items referenced under § 51.28

Section 51.28 (a) Demographic information

- (1) Total and voting age population for each district under present Va. Code §§ 24.2-303.1 and 24.2-303.2 (Senate Districts) and under Chapter 1 by race are provided in **Attachment 7-Senate** which includes demographic reports. Total and voting age population for the statewide alternative plans is included in **Attachment 7-Senate**. In addition, this information is available on the Virginia Division of Legislative Services website at <http://redistricting.dls.virginia.gov/>.

Total and voting age population for each district under present Va. Code §§ 24.2-304.01 and 24.2-304.02 (House of Delegates Districts) and under Chapter 1 by race are provided in **Attachment 7-House** which includes demographic reports. Total and voting age population for the statewide alternative plans are included in **Attachment 7-House**. In addition, this information is available on the Virginia Division of Legislative Services website at <http://redistricting.dls.virginia.gov/>.

- (2) Information on the number of registered voters by race or language group is not available in Virginia. The number of registered voters by precinct as of November 2010 is provided in Attachment 7.

**Attachment 8-Senate** includes a chart identifying names of Minority candidates for Virginia Senate for the years 2001-2010. This chart is anecdotal information collected by the Office of the Attorney General.

**Attachment 8-House** includes a chart identifying names of Minority candidates for House of Delegates for the years 2001-2010. This chart is anecdotal information collected by the Office of the Attorney General.

- (3) Official 2010 population information, including precinct and block data and racial and language population data, was received from the U.S. Bureau of Census on February 3, 2011. The official U.S. Census data immediately became part of the public records available to individuals and groups participating in the redistricting process. This information

was the sole information used in connection with the adoption of the change. **Attachment 9** is the Census 2010 Population Count Explanation.

(b) Maps

- (1) Maps showing current and new district boundaries for the Senate of Virginia are contained in **Attachment 10-Senate**. This information was provided by the Virginia Division of Legislative Services. Maps showing current Senate districts may also be accessed over the Internet on the Division of Legislative Services website at: <http://redistricting.dls.virginia.gov/>

Maps showing current and new district boundaries for the House of Delegates are contained in **Attachment 10-House**. This information was provided by the Virginia Division of Legislative Services. Maps showing current House of Delegates districts may also be accessed over the Internet on the Division of Legislative Services website at: <http://redistricting.dls.virginia.gov/>.

- (2) Not applicable. Chapter 1 does not change voting precincts. Changes in voting precincts are the responsibility of local governments.
- (3) The locations of concentrations of the racial minority groups are shown, by precinct, in **Attachment 10**. This information was provided by the Virginia Division of Legislative Services.
- (4) Topographical maps of the Commonwealth of Virginia showing any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units are shown in **Attachment 10**, on DVD, and were provided by the Division of Legislative Services. The 2010-2012 Official State Transportation Map provided by the Virginia Department of Transportation is in Attachment 10.
- (5) Not applicable. Chapter 1 does not change polling places or voter & (6) registration sites. Such changes are the responsibility of local government.

(c) Not applicable

- (d) Election return data relating to statewide elections for the years 2001-2010 are provided on DVD in **Attachment 11**. Election return data may also be accessed over the Internet on the State Board of Elections website at:

[http://www.sbe.virginia.gov/cms/Election\\_Information/Election\\_Results/Index.htm](http://www.sbe.virginia.gov/cms/Election_Information/Election_Results/Index.htm)

(e) Not applicable.

(f) Publicity and participation.

- (1) The 2011 Virginia legislative redistricting process received extensive statewide media coverage. **Attachment 12** provides a sampling of representative newspaper articles beginning September 7, 2010.

- (2) Notices of Public Hearings were mailed to the media through the Commonwealth. Notices of Committee meetings and floor sessions were provided to the General Assembly and to the public through the meeting notice listings on the General Assembly's website and Legislative Information Systems, and through the official calendars of the House of Delegates and Senate of Virginia. A publication of the Virginia Division of Legislative Services, *Drawing the Line 2011, Redistricting in Virginia*, was mailed to the members of the General Assembly and public. Copies of the notices are provided in **Attachment 13**.

Information regarding redistricting was also provided on the Virginia Division of Legislative Services website at <http://redistricting.dls.virginia.gov/>. A summary of the dates upon which proposed redistricting plans were added to the website is provided in **Attachment 14**.

- (3) Summaries of the extensive public hearings on redistricting for the Virginia Senate seats are provided in **Attachment 15-Senate**. Copies of the full transcripts, together with statements filed at the hearings, are included in **Attachment 15-Senate**. The transcripts are also accessible on the Virginia Division of Legislative Services website at <http://redistricting.dls.virginia.gov/>.

Summaries of the extensive public hearings on redistricting for the Virginia House of Delegates seats are provided in **Attachment 15-House**. Copies of the full transcripts, together with statements filed at the hearings, are included in **Attachment 15-House**. The transcripts are also accessible on the Virginia Division of Legislative Services website at <http://redistricting.dls.virginia.gov/>.

Summaries of the extensive joint public hearings on redistricting for the Virginia Senate and House of Delegates seats are provided in **Attachment 15-Joint**. Copies of the full transcripts, together with statements filed at the hearings, are included in **Attachment 15-Joint**. The transcripts are also accessible on the Virginia Division of Legislative Services website at <http://redistricting.dls.virginia.gov/>.

- (4) Statements, speeches and other public communications, including alternative proposals not introduced as legislation, submitted in connection with the adoption of Chapter 1 are provided in **Attachment 16**. Included are reports of comments made by the public to the online plans for House and Senate districts.

- (5) **Attachments 15 and 16** include comments from the general public.

- (6) **Attachment 17** provides a summary of the legislative history of Chapter 1, together with committee and floor amendments, and recorded votes in committee and on the floor. DVD recordings of the floor debates in the Virginia Senate and House of Delegates on Redistricting Plans are included, along with summaries of the floor debates. Included are

transcripts of the Senate Privileges and Elections Committee meetings, House Privileges and Elections Committee meetings, and summaries of the meetings. The transcripts are accessible on the Virginia Division of Legislative Services website at <http://redistricting.dls.virginia.gov/>.

- (g) Availability of the submission
- (1) **Attachment 18** provides a copy of the press release announcing the submission to the United States Attorney General, informing the public of the availability of a complete duplicate copy of the submission for public inspection, and inviting comments for the consideration of the Attorney General. Notice was sent to all news media and should appear in major newspapers statewide.
  - (2) The portions of **Attachments 10** and **11** on DVD are available to the public for copying; however, most of the information is available on the Virginia Division of Legislative Services website at <http://redistricting.dls.virginia.gov/>.
- (h) Minority group contacts. The following individuals are familiar with the proposed change and were active in the political process:

Members of the House of Delegates Privileges & Elections Committee:

The Honorable Kenneth C. Alexander  
General Assembly Building, Room 412  
Capitol Square  
Richmond, Virginia 23219  
804-698-1089  
email [DelKAlexander@house.virginia.gov](mailto:DelKAlexander@house.virginia.gov)

The Honorable Algie T. Howell, Jr.  
General Assembly Building, Room 512  
Capitol Square  
Richmond, Virginia 23219  
804-698-1090  
email [DelAHowell@house.virginia.gov](mailto:DelAHowell@house.virginia.gov)

The Honorable Rosalyn R. Dance  
General Assembly Building, Room 813  
Capitol Square  
Richmond, Virginia 23219  
804-698-1063  
email [DelRDance@house.virginia.gov](mailto:DelRDance@house.virginia.gov)

The Honorable Lionell Spruill, Sr.  
General Assembly Building, Room 702  
Capitol Square  
Richmond, Virginia 23219  
804-698-1077  
email [DeLSpruill@house.virginia.gov](mailto:DeLSpruill@house.virginia.gov)

Member of the Senate Privileges & Elections Committee:

The Honorable A. Donald McEachin  
General Assembly Building, Room 318  
Capitol Square  
Richmond, Virginia 23219  
804-698-7509  
email [district09@senate.virginia.gov](mailto:district09@senate.virginia.gov)

The Commonwealth maintains a list of all who request notice of meetings related to redistricting. However, that list does not include racial identification information. More the less, a number of individuals representing groups or themselves spoke at the public hearings noted in Attachments 15 and 17.

- Section 51.24: (a) The Commonwealth of Virginia requests expedited review of Chapter 1. The Commonwealth finds it necessary to implement a change within 60 days of the date of this submission in order to comply with the timetables for the candidate nomination process. Elections for the members of the House of Delegates and Senate of Virginia are scheduled to take place on November 8, 2011. The current deadline for filing of declarations and petitions of candidacy for the House of Delegates and Senate of Virginia, established by the State Board of Elections pursuant to 2011 Va. Acts ch. 3, is not later than June 15, 2011, and the primaries for the 2011 election of the members of the House of Delegates and Senate of Virginia are scheduled on August 23, 2011. Under the circumstances, a determination of whether Chapter 1 complies with § 5 of the voting Rights Act, 42 U.S.C. § 1973c, is required as soon as possible so as to give potential candidates a sufficient amount of time, following the Department of Justice's preclearance of Chapter 1, to complete their declarations and petitions of candidacy and to campaign for the primaries.
- (b) The General Assembly did plan, in advance, for enacting the changes required by Virginia Constitution and articulated in Chapter 1. The General Assembly also completed the legislative process necessary to enact the new districts of the House of Delegates and Senate of Virginia as soon as possible following the release of the 2011 redistricting data by the United States Bureau of the Census on February 3, 2011, and receipt and consideration of public comment. Moreover, the Commonwealth of Virginia does not routinely request expedited reviews of its preclearance submission. However, in this instance, good cause exists for the expedited consideration of Chapter 1.