

SUBMISSION UNDER § 5 OF THE VOTING RIGHTS ACT:
2012 VA. ACTS CH. 1
REDISTRICTING VIRGINIA'S U.S. CONGRESSIONAL SEATS

DATE: February 1, 2012

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, 2012 Va. Acts (**Attachment 1**).
- (b) Copy of current Va. Code § 24.2-302.1 (**Attachment 2**).
- (c) Statement of the change. **Attachment 3** provides a detailed explanation of Chapter 1 redistricting Virginia's U.S. Congressional districts.
- (d) E. Duncan Getchell, Jr.
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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 (1971) requires the General Assembly to reapportion the Commonwealth into electoral districts every ten years, beginning in 1971:

“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 adopted Committee Resolution 2, establishing goals and criteria concerning applicable legal requirements and policy objectives for redrawing of Congressional districts. **Attachment 4.**

- (i) Chapter 1, 2012 Va. Acts was adopted by the General Assembly on January 20, 2012, presented to the governor on January 23, 2012, and thereafter signed by the governor.
- (j) Pursuant to Va. Const. art. II § 6 (1971), 2012 Va. Acts ch. 1 became effective, once enrolled, on January 25, 2012.
- (k) Chapter 1 has not yet been enforced or administered.
- (l) Chapter 1 affects all of Virginia’s Congressional 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.**
- (o) Statement identifying past or pending litigation concerning the change or related voting practices. **Attachment 6.**
- (p) Virginia Code § 24.2-302.1, containing Virginia’s current Congressional districts, was last amended on August 17, 2001, and was last precleared on October 16, 2001.

As discussed in item (h) above, 2012 Va. Acts ch. 1, redistricting Virginia’s Congressional 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 § 24.2-302.1 and under Chapter 1 by race are provided in **Attachment 7** which includes demographic reports. Total and voting age population for the statewide alternative plans (referred to as HB 5004, SB 5003, and SB 5004 in the 2011 Special Session) are included in **Attachment 7**.

Total and voting age population for each district under present Va. Code § 24.2-302.1, which includes demographic reports, and total and voting age population for the alternative plans are included in **Attachment 7**.

A "Block assignment" file and a "2010 Precincts" file in two formats are included on CD in **Attachment 7**.

Total and voting age population for current and new Congressional districts and the block assignment file may also be accessed over the Internet on the 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 is a chart identifying names of Minority candidates for Congress 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, and is included in Attachment 7. 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 are contained in **Attachment 10**. This information was provided by the Virginia Division of Legislative Services. Maps showing current and new Congressional districts may also be accessed over the Internet on the Division of Legislative Services website at: <http://redistricting.dls.virginia.gov/>. Maps of alternative plans are included in **Attachment 10**.
- (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 by total and voting age population by precinct are shown in **Attachment 10**. This information was provided by the Virginia Division of Legislative Services.

- (4) Topographical maps of the Commonwealth of Virginia and of the Congressional Districts showing any natural boundaries or geographical features that influenced the selection of boundaries of the prior or new units are shown in **Attachment 10** 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) & (6) Not applicable. Chapter 1 does not change polling places or voter registration sites. Such changes are the responsibility of local government.
- (c) Not applicable
- (d) Election return data relating to Congressional elections for the years 2002-2010 are provided 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.html
- (e) Not applicable.
- (f) Publicity and participation.
- (1) The 2011-12 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 meeting and floor sessions were provided to the General Assembly and to the public through the meeting notice listings on the websites of the General Assembly 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 and *Drawing the Line 2011* 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 Congressional redistricting plans were added to the website is provided in **Attachment 14**.
- (3) Summaries of the extensive public hearings on redistricting for the Virginia Congressional seats are provided in **Attachment 15**. True copies of the full transcripts, together with statements filed at the hearings, are included in **Attachment 15**. 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 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 Congressional plans that were online.

- (5) **Attachments 15 and 16** include comments from the general public.
- (6) **Attachment 17** provides a summary of the legislative history of Chapter 1 along with recorded votes in committee and on the floor. DVD recordings of the floor debates in the Senate of Virginia and House of Delegates on Congressional Redistricting Plans are included, along with summaries of the floor debates.

Included is the legislative history of statewide alternate plans HB 5004, SB 5003, and SB 5004 from the 2011 Special Session, and SB 455 from the 2012 Session.

Also 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 also 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 **Attachment 17** on DVD are available to the public for copying.

(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 and Elections Committees in 2011 and 2012:

The Honorable Kenneth C. Alexander
General Assembly Building, Room 412
Capitol Square
Richmond, Virginia 23219
804-698-1089
email DeIKAlexander@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

The Honorable Rosalyn R. Dance
General Assembly Building, Room 813
Capitol Square
Richmond, Virginia 23219
804-698-1063

email DelRDance@house.virginia.gov

The Honorable Lionell Spruill, Sr.
General Assembly Building, Room 702
Capitol Square
Richmond, Virginia 23219
804-698-1077

email DelLSpruill@house.virginia.gov

Member of the Senate Privileges and Elections Committees in 2011 and 2012:

The Honorable A. Donald McEachin
General Assembly Building, Room 318
Capitol Square
Richmond, Virginia 23219
804-698-7509

email 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.