No. 18-281

In the
Supreme Court of the United States

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VIRGINIA HOUSE OF DELEGATES, M. KIRKLAND COX,

Appellants,

v.

GOLDEN BETHUNE-HILL, et al.,

Appellees.

———————

**On Appeal from the United States District
Court for the Eastern District of Virginia**

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**JOINT APPENDIX
Volume VII of IX**

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The following opinions, decisions, judgments, and orders have been omitted in printing this joint appendix because they appear on the following page in the appendix to the Petition for Certiorari:

Virginia Senate Committee on Privileges and
Elections
Transcript of General Assembly Hearing
In Re: Senate Resolution No. 5001,
Senate Resolution No. 502 (Mar. 25, 2011)

(Defendants' Exhibit 117)

[3] NOTE: The hearing proceeded at 2:21 p.m. Roll was taken and the following was had:

MADAM CHAIRMAN: We have three pieces of business to do today. The first is, we have some appointments from the governor that I would hope that we would approve.

We also have criteria for our senate redistricting. This will be a P & E resolution. There are two that have been submitted so far.

And thirdly, we have criteria for congressional redistricting. And I have introduced a proposal for that.

So if we might begin first with the governor's appointment.

SENATOR WHIPPLE: Madam chair, I move that we confirm 5,001, these are appointments to the Chesapeake Bay Bridge and Tunnel Commission, two appointments. Aubrey L. Layne, Jr. and J. W. Salm: And an appointment to the State Lottery Board, Albert H. Poole.

Is there a second?

SENATOR MARTIN: Second.

MADAM CHAIRMAN: These appointments [4] recommended confirmed.

I just wanted to check with staff that indeed the required paperwork has been submitted.

MS. SPAIN: Yes, it has: And the paperwork was nominations and confirmations subcommittee, so the resolution is ready to report.

MADAM CHAIRMAN: Okay: Are there any questions or comments on this?

All in favor of reporting the appointments say aye.

NOTE: Various members of the panel said aye.

Anyone opposed? No response.

MADAM CHAIRMAN: Okay: That passes.

The next item of business will be criteria for state senate redistricting: As I said, we have two proposals: This will be a privileges and elections committee resolution as it's been in the past: Once it passes us today, hopefully, it will be the criteria against which the various plans which they need to [5] conform to.

We have Senator Watkins here he introduced one.

And Senator, if you would like to speak to your proposal.

SENATOR WATKINS: Thank you, Madam chair, members of the committee.

I introduce senate resolution number 502. This resolution is not very dissimilar to resolutions that were introduced and accepted some ten years ago when we looked at redistricting before: There are a couple of noteworthy points of deviations of difference. One of them being with regard to the amount of deviation: This resolution draws down the deviation to one half of 1 percent: That is doable in this day and time.

I think that if you look at the criteria that we utilized the congressional plan as I understand it that's coming to us from our friends north of the tunnel is actually down to individual numbers of people which are much much less than even one half of 1 percent.

I think it's worthy to note as well that the lesser number of districts that you have [6] the easier it is to draw down that percentage of deviation: I'm not certain, I did not attend the meeting up the hall, but I think that the house adopted a 1 percent deviation up there this afternoon for the district lines with the house plans: I would hope that we can do better than that being one and a half or times smaller we should actually be able to draw it down to lower.

SENATOR McEACHIN: Madam chair.

MADAM CHAIRMAN: Senator McEachin.

SENATOR McEACHIN: Senator Watkins, since I didn't have the privilege of being in this spot ten years ago, could you educate me as to whether or not this was adopted ten years ago; and if not, was it proposed; and if not, why not?

SENATOR WATKINS: This resolution?

SENATOR McEACHIN: With your population deviation?

SENATOR WATKINS: No: That was not the deviation at that time.

SENATOR McEACHIN: Was it proposed?

SENATOR WATKINS: I do not believe that it was. [7]

SENATOR McEACHIN: Can you tell me why it wasn't proposed?

SENATOR WATKINS: I have no idea why it was not proposed I was not on the P & E Committee at that time.

SENATOR McEACHIN: Different series of questions, Madam Chair.

MADAM CHAIRMAN: Senator McEachin.

SENATOR McEACHIN: Senator Watkins, since this would be a change in how we draw our districts would it not have to go through DOJ for preclearance?

SENATOR WATKINS: I think this entire proceeding here goes to DOJ.

SENATOR McEACHIN: But I'm talking about if we were to adopt this particular resolution as versus doing what we have done in the past, would that not require preclearance?

SENATOR WATKINS: I think that this would be a part of the submission to DOJ.

SENATOR McEACHIN: So it's your opinion that this resolution in and of itself would not have to go to DOJ?

SENATOR WATKINS: I do not think so.

SENATOR McEACHIN: I differ on that. [8] Thank you, madam chair.

SENATOR PUCKETT: Madam chair.

MADAM CHAIRMAN: Senator Puckett.

SENATOR PUCKETT: Senator Watkins, do you have any idea what this might do to the rural areas of the Commonwealth? It seems to me -- and I wasn't a part of what happened in 2001 either, but it was extremely difficult at that time to try to meet the 2

percent deviation without splitting communities wide open.

In the southwest, for example, I have a town that's split three ways in the voting block, whatever those are called: I'm sure that's not the right word: Census block.

Thank you.

It seems to me that the tighter you make these deviation the more problem we are going to have in the southwest of splitting up counties: And some people drive a long ways, I can sympathize with people in the cities or, but in the rural areas if you start splitting these things up a lot it seems to me it's going to be very difficult for people who are going to vote.

At one time we were 5 percent then we went [9] to 2, which created some problems for us particularly in the rural area: I wondered if you looked at that.

SENATOR WATKINS: Senator Puckett, I did.

And the one difference that exists today that did not exist ten years ago, and this -- I will say this is the fourth redistricting that I have been to: And when I first got elected in the House of Delegates we had done redistricting that was a plan prepared by the then majority of the House of the Senate in a house that had multiple other districts: As you can well imagine that didn't pass scrutiny. The deviation if I remember correctly was something like 5 or 7 percent, somewhere in that nature.

So we had to run for reelection three years in a row because of the court battle. And the party in power at that time didn't want to do away with multi-member districts: As a matter of fact they left them in Norfolk

and it got ruled invalid: So we had to go back and do it all over again: And then the governor at that time had just been elected into office was Governor Dalton and he attempted to try to get [10] the same amount of districts.

But all of that said, I worked with that and was involved with that at that time. Subsequently, I was in the House and I was on House P & E when we did the next redistricting in '90: I also was involved in redistricting ten years ago: If you remember ten years ago in the Senate of Virginia we didn't have computers: We weren't even allowed to use them because the email was thought to be something that was, had to fall under the Freedom of Information Act: So we did not have the technology at that time that we have today to do this redistricting.

MADAM CHAIRMAN: I'm wondering if perhaps you misspoke or if you didn't.

SENATOR DEEDS: 2001 we had computers. You guys had the computers.

SENATOR WATKINS: We didn't have very good ones did we.

SENATOR DEEDS: But they did, you had the computers.

SENATOR WATKINS: They did not, the computers I'm talking about we didn't have them available to us at each of our desks and [11] frequent use: We had computers: They were not very good: And there is a little irony to this because it seems like every time that a party is in charge of redistricting they suffer from it: And we have been there too.

NOTE: Senator Northam has just arrived.

MADAM CHAIRMAN: Excuse me: I'm sorry.

SENATOR PUCKETT: Let John finish then I have another question.

SENATOR WATKINS: I just wanted to assure Senator Puckett that in attempting to look at what we need to do here and even with the half percent deviation I am certain that it can be done and that in deed we will split fewer jurisdictions than are currently split around Virginia: And the primary beneficiary of that is going to be the rural parts of the state.

SENATOR PUCKETT: Madam chair.

MADAM CHAIRMAN: Senator Puckett.

SENATOR PUCKETT: I'd certainly like to see that: Because I don't share that belief.

It seems to me the tighter you ratchet [12] this thing down the more difficult it is to keep jurisdictions together: Because you've got to go pick from one or another to make everything work a half of a percent: Obviously the best way to do that is increase it then you have an opportunity to keep communities together: If you ratchet this thing down to half of a percent there is going to be, I believe, more: I may be way off, but I believe there is a whole lot more precincts that are going to be split than you would if you had 2 percent or 5 percent: But I would certainly like to see those figures, if that's the case.

I may be wrong.

SENATOR DEEDS: Madam chair.

MADAM CHAIRMAN: Senator Deeds.

SENATOR DEEDS: I was struck, Senator Watkins, by a statement you made a minute ago about the party that's in the minority suffers every time.

SENATOR WATKINS: In the majority suffers.

SENATOR DEEDS: If we stick with the criteria that the majority ten years ago adopted of 2 percent deviation, which was down from 5 percent in '91, if we stick with [13] 2 percent what's the big deal: If it was good for you in 2001, why isn't it good now?

SENATOR WATKINS: If the capability is there to take it to a lower deviation that emphatically underlines the need and the purpose of one man, one vote: The tighter we get it the more important the equal representation becomes.

SENATOR McWATERS: Madam chair.

MADAM CHAIRMAN: Yes: Senator McWaters.

SENATOR McWATERS: I wanted to stay on that discussion for a second just to make sure I understand the math: We are talking about a 2 percent deviation which could mean some districts are 4,000 up and some are 4,000 down that are right next to each other right. Versus this, now the House of Representatives is at zero percent; is that correct, 11 positions?

MADAM CHAIRMAN: That's true.

SENATOR McWATERS: We are trying to now down the hall they are shooting for 1 percent as well: Those are the facts, right?

Maybe, Senator McEachin, I think you can help me with this history: This issue is going back [14] have we seen a continued movement that we've seen from 5 percent to 2 percent: I don't know historically the

house numbers perhaps you or others that have been here longer know how the house numbers have migrated; do we know that?

SENATOR McEACHIN: I don't know the answer to that question: I do know that ten years ago the Senate of Virginia adopted a 2 percent deviation: I think the technology was there to do better than that should the Senate chosen to do better than that if you consider less to be better: I am of the firm belief that should we adopt something different than we did in 2001 it will have to go to DOJ for preclearance: If it does not go to DOJ for preclearance I think we open ourselves up to a lawsuit and perhaps even having the matter thrown back to us for the simple fact we didn't preclear the percentages that we are using.

SENATOR McWATERS: I think our first objective of the committee is to look at the good government I suppose: Our objective is not to pre-think what the DOJ is going to do or presuppose what they are going to do. [15] It's our objective for this committee is to come up with the best redistricting maps we can for the voters in Virginia: So one person, one vote representation.

To have these 8,000 swings seems to me in today's technology if the United States House of Representatives can accomplish a zero variance if the House of Delegates can accomplish a 1 percent variance, why can't we be somewhere in the middle of the those two when we have forty districts compared to 100 districts: And look at the math and in progression of the math it seems reasonable that for a good governance this half percent makes sense today with the technology that we have.

MADAM CHAIRMAN: Senator McEachin.

SENATOR McEACHIN: In terms of technology we had the technology ten years ago to do 1 percent or half of a percent: I think certainly the computers might have been slower and used different wires and gismos, but certainly they had the ability to do that.

Furthermore, I would suggest to you that it is part of our concern to look at what DOJ [16] will do: That is part of our good governance. It is my opinion that, one, if it was good enough ten years ago it's certainly good enough now in terms of the deviation.

And two, I think we need to move on with putting together a plan that's good for Virginia, good for the voters of Virginia and serve our common interest of the good governance and not slow things down by having to submit something like this to the Department of Justice.

SENATOR McWATERS: Madam chair, if I could continue on that.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: I'm just trying to understand why is good governance better if there is an 8,000 shift versus if we now can, using technology: I understand that ten years ago things were done different in a lot of ways 20 years ago more different: But we are here today here to help for a next ten years we are solving the problem for the future not to rectify the future trying to figure out how to get a best governance going forward: We have the technology that 8,000 shifts in these [17] districts which may create lines that are not good government lines that

we should do our best with the technology we have to adopt this particular resolution.

I'm sorry, madam chair.

SENATOR VOGEL: Madam chair.

MADAM CHAIRMAN: Senator Vogel.

SENATOR VOGEL: This is not in the form of a question to the patron but more in terms of a comment: And I think in response to what the Senator from Henrico had said: That was what was the major difference between redistricting ten years ago and redistricting today.

And I think that there is one important issue and that is having consulted with the patron when we were working to come up with the resolution criteria: It wasn't anything weird or strange about going from a 2 percent or half percent: It was merely an effort to accommodate, but states have struggled to accommodate in the last ten years in the last redistricting: And subsequent court cases the Larios case being one of those: The Larios case they had an issue of the much bigger deviation than what we are talking about now. [18]

What the court continued to say about their deviation is that they are looking for a small deviation as you can possibly accomplish. And so I just wanted to address that: And that really is the rational behind bringing that deviation lower.

Your comment about going to DOJ really had not occurred to me that might ever be a barrier: My sense would be that the Department of Justice would say that is more reflective of a fair division of districts the

closer that they are to a proportion that is consistent of one person one vote the better that would be.

In my view I consider that to be a good thing.

I think genuinely my motive in working with this I hope this is a process that works through amicably and we are successful: But at the end of the day putting something forward that is more fair and that has a better shot at making its way through: One of the few states were we have elections this year I think it is helpful to be mindful of those considerations and certainly to be mindful about what the courts have said.

I just wanted to address that as being one [19] of the significant difference between where states were last time when they drew their lines and where states find themselves now.

And they are struggling to make those adjustments from prior redistricting to include criteria that substantially lower that deviation.

SENATOR McEACHIN: Madam chair.

MADAM CHAIRMAN: Senator McEachin and then Senator Martin.

SENATOR McEACHIN: I'd ask Senator Vogel, in the Larios Case, aren't we talking about a deviation higher than 2 percent?

SENATOR VOGEL: I believe that is accurate: That deviation was, I believe, 5 percent: What the Court said then and that's been upheld in subsequent cases where they said, now you do have new technology where you have the abilities to draw deviations smaller. And they listed a number of

criteria that really are not justification communities of interest certainly isn't justification for deviation.

I would make one observation: In particular with rural districts: I represent a [20] largely rural district and one of my concerns is with every redistricting rural districts suffer from because they, by definition, populations grow in urban areas around the state: My sense would be if you have a community of interest issue, where you are trying to protect a community if, in fact, you have enough of a population difference that community would warrant representation by two members versus one member I don't see any scenario that would have negative impact or disproportionately negative impact on the rural communities: I wanted to follow-up and make that comment.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: The question of counsel either Jack Austin or Mary Spain best suited to answer this trying to get the facts on the table here: I know you are best suited to answer this.

In an effort to over the last forty years there has been especially a growing effort to try to make sure we get down as best we can one man, one vote rule: That's what the one man, one vote and to provide equalization among the [21] districts: Gradually we have migrated in those numbers.

When I first came here several redistrictings back trying to get far down under 5 percent and then it shrunk from there.

What is the history: What have we moved in the last four redistrictings since '81.

MS. SPAIN: Since '81, '82 the series of three elections in a row the deviation in that house I think was 23.7 percent: The Mayland case upheld at 16 percent on rational of the Virginia held all of its whole country and City didn't split anything then the 5 percent predominated after we went to single member districts and it was plus or minus 5 percent.

Last go round in 2001 house and senate committee criteria took 2 percent on, I think the rational that that protected them against challenges from people with lesser deviation plans it honored one man, one vote: And so we were at the 2 percent, up 2 percent down in the committee resolutions from 2001.

SENATOR MARTIN: Just a follow-up.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: So we are actually to try [22] to assure one man, one vote to make sure that we have equity in voting strength: We really sought to get as close to zero as possible as close to practical is that what we are trying to do.

MS. SPAIN: In 2001 we went to zero population on congressional: I think it was 19 people down 23 people up among the congressional always a zero deviation figure showed on the reports in congressional.

Technology was there to go to zero ten years ago.

MADAM CHAIRMAN: Is it not true though that the Supreme Court has had different standards for congressional and state: My understanding is congressional must be exactly even but the states it seems to be they are permitting a variation a deviation of 5 percent of 5 percent down.

MS. SPAIN: There is Supreme Court language indicating the plus or minus 5 percent is not a safe harbor but a prima facie valid deviation: When you get into court and challenged by plans with lower deviation that plus or minus 5 percent may not hold us as in [23] the Larios case.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: Continuing with the question, Mary, you are doing fine: In that case, again, it's a trying to make it as equalized as possible, knowing full well it becomes less equal: You wouldn't see that the justice department would be concerned about us doing better than 2 percent would they.

MS. SPAIN: I don't think that the Justice Department is concerned with a deviation: They approved the 16 percent plan, they approved the 27 percent plan: I think justice looks at their sections or section five non-retrogression and minority voting and strengths issues rather than deviations.

SENATOR MARTIN: So in that case it's not going to be an issue of deviation its that question of the minority make-up of those matters just raised not the deviation itself.

MS. SPAIN: That's rights: I think deviation at the Justice Departments review is not the primary focus at all.

SENATOR MARTIN: This is final: It's an observation I would not expect at the Justice [24] Departments would have a concern that we've done better than 2 percent: The question is what we've done with that whether the criteria we had to resolve that.

I would note that the difference between a half percent lets go with the mathematical equivalence: The house is able to do one percent: The mathematical equivalent for the Senate would be point four, being two and a half percent larger: I would call your attention to the fact that the difference here is between 8,000/ 4,000 higher in one district 4,000 lower with the swing of 8,000 from one district to another as opposed to 1/4th of that under the Senator's criteria, Senator Watkins 1/4th of that a which would be the possibility of a 2,000 swing: 1,000 high/1,000 low: I recognize the concern: And I will stop here. I recognize the concern in rural areas but the truth is I believe that you will find that and I know it can be done, you have quite the division that you think you would have: And also in those larger jurisdictions, for example, Virginia Beach and other such jurisdiction around the state. [25]

If you stick with the tighter representation in fact if the jurisdiction is large enough to have that great of an impact where its 8,000 people that are having to be divided its significant enough probably to benefit from having two centers instead of one.

MADAM CHAIRMAN: Senator Watkins, we started asking questions and I'm not even sure you were finished with your presentation: Did you have anything more you wanted to say?

SENATOR WATKINS: Madam Chair, I think most of the rest is pretty much self explanatory.

SENATOR DEEDS: Can I ask a question?

Except for that 2 percent half percent deviation, are their differences in this criteria from the 2001 criteria.

SENATOR WATKINS: I think that perhaps the only terminology on line, beginning on line 34 Voting Rights Act Preclearance is a little more specific to section five of the Voting Rights Act nuance, if you would.

MADAM CHAIRMAN: Are there any further questions for Senator Watkins?

I think what we will do is then we will [26] look at the proposal I have put forward and then we will ask if the public has any questions -- excuse me, comments on what we are talking about, and then we will have some votes.

SENATOR WATKINS: Thank you, Madam Chair.

MADAM CHAIRMAN: Thank you Senator.

What I have put forward is identical to P & E resolution of ten years ago with one difference and that is we have added under the court cases, the Wilkins versus West case that happened in 2002: So it was subsequent to those redistricting criteria, otherwise it is identical as having been assumed during this discussion: It has the two percent deviation plus or minus two percent: It does highlight the importance of following the Voting Rights Act, makes it a very high priority: Talks about a continuity and compactness it does allow continuity by water as it did ten years ago: It requires single member districts: And it outlines the variety of the community ease of interest: I believe that language is identical to Senator Watkins's language.

And it says when the criteria have a need [27] to be prioritized the Voting Rights Act state a constitutional requirements are given priority and

that is basically what it is: It is similar to some of us who were here ten years ago.

Are their questions on that?

Not hearing anything: Is there anybody, anyone in the public who would like to comment on either of these or in the criteria in general?

AUDIENCE MEMBER: Good afternoon, members of the committee: I'm Lisa Guthrey: I'm the executive direct of the Virginia League of Conservative Voters: I'm here to talk about our interests in fair redistricting: Our organization has been a member of the redistricting coalition in Virginia for three years: Our coalition brought together faith business conservation and civic organization to promote reform of the Virginia redistricting process.

Our coalition made it possible for the student line drawing competition: You may have heard about some of that earlier in the week. They did an outstanding job: Our coalition [28] also ethicated legislation to institute a bipartisan commission: When that legislation failed in the House of Delegates we asked Governor McDonald to advance the commission we are pleased he did and we appreciate the efforts the commission made to hear citizen comments around the state.

Why did we advocate for a different approach for 2011: We believe Virginia deserves the following: Number one, fairly drawn districts to create more competitive elections which have a 51 percent higher voted turnout: Virginia needs competitive elections to remain at the forefront of the nation.

Number two, districts should reflect our communities: District boundaries should be compact keeping our communities together.

Number three, allow transparency and citizen input to instill a greater sense of fairness and accountability in the process.

Number four, incumbent protection should not be a ruling factor: Citizens should have a choice to select their elected officials.

In addition to these four overall objectives we have some other questions and [29] considerations that I bring to your attention.

One, the public, even though this is very much at the forefront of your deliberations the public still for the most part is not aware of this redistricting process, and if they are aware of it and wish to participate that may not understand that the criteria that the government provided for the commission may be different than the criteria at the privileges and elections committee may adopt.

In other states citizens have access to the legislative computers and line drawing software themselves: Our citizens may be unaware of the very abbreviated public comment hearing leading up to the special session on April 4th.

The governor indicated that he wants districts to be nearly equal to the population there of every other district as practicable.

The means the district should have a very small population deviation as you have been discussing.

The house plan that they voted on has an overall deviation of 1 percent stricter than the two percent

they adopted ten years ago. [30] And the governor indicated that he wants all districts to respect the boundary lines of existing political subdivision where counties and cities divided among multiple districts to be minimal.

Some of these criteria and goals seem to contradict one another: We know it's difficult to draw districts that have minimum population deviation and not divide counties and city and also preserve communities of interests.

Finally, the governors criteria states that all districts shall be composed of contiguous and compact territory: The state constitution also required that districts be contiguous: 20 years ago the definition required districts crossing water bodies to have at least a tunnel, a road, a bridge or a ferry to connect separate land masses: That requirement was eliminated ten years ago: And we think it makes sense for districts to be connected in a way that residence will be able to travel from one point to another without having to go through an intersecting district or at least be able to get to that other district conveniently.

[31] Again, I thank you for your hard work, your deliberation on this: We are under a tight timeline, I recognize, because we have elections this year and many other states do not: But I wish the public had more of an opportunity to participate in this very important aspect for our democracy.

Thank you, madam chair.

MADAM CHAIRMAN: Thank you, Ms. Guthrey.

SENATOR McWATERS: Madam chair, if I could ask Ms. Guthrey some questions.

MADAM CHAIRMAN: Are you willing to answer questions?

MS. GUTHREY: Certainly.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: Thank you for your presentation: Well done: The student competition it was a competition I guess you called it, right?

MS. GUTHREY: Yes.

SENATOR McWATERS: Was that done ten years ago?

MS. GUTHREY: This was the first time this has been attempted: We had 16 teams from various colleges and universities participate.

[32] SENATOR McWATERS: I read about it in the paper and I noticed winning partis UVA, William & Mary and other colleges: It looks like a neat process: So I assume that this computer line drawing technology then wasn't used ten years ago, if the students didn't have the test: My question is if they had the test that Senator Watkins issue of the line drawing technology that can even be done yourself: I tried to draw them but it didn't work to well for me.

I have a question and I don't know the answer so it's not a leading question: What was the deviation for the winning student; do you recall?

MS. GUTHREY: Keep in mind the students did not keep any of the current districts in mind: They started from scratch many of them and did not consider incumbency at all: With that elimination they were freer to select deviation: And some of them had deviation some of them had zero deviation.

SENATOR McWATERS: How about the winners?

MS. GUTHREY: I think the winner of the overall congressional had no deviation: I [33] don't remember what the UVA team.

SENATOR McWATERS: What about the senate?

MS. GUTHREY: I do not recall what their deviation was.

SENATOR McWATERS: Thank you.

SENATOR WHIPPLE: Madam chair.

MADAM CHAIRMAN: Senator Whipple.

SENATOR WHIPPLE: First observation and then question: Something I have been proud of over the last several years that the senate has adopted a bill that would require a bipartisan redistricting commission: That's always failed to make it into law: Even people who said that they would support it didn't end up doing that.

I'm assuming that and I think I'm correct on this that your group had supported that bill for a bipartisan redistricting commission.

MS. GUTHREY: That's correct: We were thrilled to have Lieutenant Governor Bowling,

Senator Deeds, Attorney General Cuccinelli, a number of supporters in the senate. Unfortunately we were not able to be successful on the house side and that's why we appealed it to Governor McDonald to create the commission.

SENATOR WHIPPLE: The advisory group.

[34] MS. GUTHREY: Advisory: And hopefully in another ten years we will continue to work on it.

SENATOR WHIPPLE: Thank you.

SENATOR McEACHIN: Madam chair.

MADAM CHAIRMAN: Senator McEachin.

SENATOR McEACHIN: Do you have an opinion or does your group have an opinion as you weigh the options between a deviation as under 2 percent and as you compare that to need to keep communities of the interest and subdivisions together? Have you had an opportunity to prioritize whether it's more important to keep the communities together or to lower the deviation.

MS. GUTHREY: Our group, the Virginia Redistricting Coalition has not taken a position on that: So obviously we have focused on communities of interest and compact and contiguous more-so than whether we have the magic number of 2 percent, 5 percent, 1 percent: We do think that you can't ignore the other just looking at the deviation.

You've got to have the other factors taken into consideration.

[35] SENATOR McWATERS: Madam chair.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: In your question imply that keeping communities of interest together and in tact somehow required a higher deviation: I'm not sure I would agree with that.

SENATOR McEACHIN: Senator, that wasn't implied in my question at all: My question was simply what their groups position was: Had they had an opportunity to prioritize it or not.

SENATOR McWATERS: Okay: I just wanted to --

SENATOR McEACHIN: -- there was nothing implied in the question.

SENATOR McWATERS: Okay: Thank you.

MADAM CHAIRMAN: Through the Chair, please.

SENATOR MARTIN: Madam chair.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: Since it wasn't implied there I suggest that would be a false choice as to having to choose between those two things. That you may not have to choose between a lower [36] deviation and keeping the communities together.

MADAM CHAIRMAN: Okay: Yes.

A CITIZEN: Madam chairman, members of the Committee: Claire Guthrey on behalf of myself as private citizen today: I wanted to put a couple of things on the record looking backward at history is sometimes not a good thing to do is sometimes it is: I think looking back on '91 is differentiating it for 2001 I would hope this committee would look at and think about in a positive way for a number of reasons.

One, I just wanted to, A, point out to the process in '91 was different in that the criteria were available to the public May, before the general assembly session: In other words a year before the time that it was taken place now: In 2001 that time period was truncated as it has been this year to the point where a criteria available to the public less than a week before their decisions are going to be made.

In addition on the substantive side of the criteria in addition to changing the standard of equal representation to plus or minus five to plus or minus

two: There were several major [37] changes made in 2001 not all of which, I personally believe were not positive in there affect on the citizens of the Commonwealth.

The first is that we change the standard for contiguity by water, Ms. Lisa Guthrey pointed out: In '91 the criteria stated the districts shall be composed of contiguous territory which language is in the resolution that you are looking at: But it went on to say that contiguity by water was defined as, quote acceptable to link territory within a district in order to meet the other criteria stated herein: In other words communities provided reasonable opportunity for travel within the district: That limitation of the contiguity by water was abandoned in 2001.

I think personally the standard it's now the standard that it is sufficient period without limitation: And I think that's related to unfortunate line drawing as Senator McEachin may remember from his house district particularly.

In addition the 2001 criteria abandoned the long standing policy of the Commonwealth against splitting political subdivisions: The [38] '91 criteria and criteria before '91 stated explicitly plans should be drawn to avoid splitting counties, cities and towns to the extent practicable and precincts should serve as a basic building blocks for districts when it is necessary to split any county or city.

The 2001 criteria included the language that's reflected in this resolution that says that local government jurisdiction may reflect communities of interest that are not entitled to greater rate than any other identifiable community of interest: I think that

was something that -- was not something that moved us forward in a positive direction.

And then the 2001 criteria changed the standard self for preserving communities of interest: In '91 previously criteria stated that quote consideration shall be given to preserving communities of interest: The 2001 criteria had the language reflected here that says inevitable that some interests advanced more than others by choice of particular configurations and discernment way balances should be left to the elected representative.

And, finally, the 2001 criteria eliminated [39] explicit requirements for input from the group.

The '91 criteria and criteria before then stated explicitly quote, the committee seeks the participation of minority group members and redistricting process: A minority group member shall be afforded a full and fair opportunity to participate in the process leading to the adoption of a plan: In 2001 that explicit criteria for participation was eliminated to the detriment of the citizens of Virginia.

Sometimes when we move forward it isn't always in my view a positive move forward: I hope you think a little bit about what was on the table in '91 and previous years: Maybe there are some traditions that are worth preserving as we move forward in 2011.

Thank you.

MADAM CHAIRMAN: Yes.

A CITIZEN: Madam chair, committee members, my name is Carol Noggle and I am representing the League of Woman Voters of Virginia today: And I really appreciate the opportunity to speak to you about

this: I'm not going to speak to the population deviation issue, but I am very concerned about public [40] awareness and public input: So I do appreciate the hearing that will be taking place throughout the state starting next week I believe.

But I really believe that had we not had the governors bipartisan commission there would be far less interest from the public: I think awareness has heightened but not enough.

One of our goals would be to have more of the public have access to the maps, not only the maps themselves, but the rational for the boundary lines because that explanation, I think, would help a great deal: So when the maps are available if that can be part of it to include a narrative of the rational for the boundaries for all of the senate, house and the congressional districts.

And would it be possible that there will be more than one map so there will be comparison, possible, and to provide that opportunity: So I appreciate that and would certainly urge for that's to happen.

MADAM CHAIRMAN: Thank you: On your web site, the Division of Legislative Services various proposed maps will be posted: So the [41] public will be able to review those.

SENATOR OBENSHAIN: Madam chair.

MADAM CHAIRMAN: Senator Obenshain.

SENATOR OBENSHAIN: Does the chair wish to let us know when those maps will be posted.

MADAM CHAIRMAN: We have been -- we are not sure is the bottom line: We are not sure.

We are still working on proposals and any proposal that are introduced will be posted.

SENATOR OBENSHAIN: Madam chairman, I appreciate what the lady from the League of Woman Voters said: And I concur in her concern about public awareness: I know we are scheduled to convene in April 4 for purposes of starting and concluding this process: Does the chair expect us to see a map next week?

MADAM CHAIRMAN: We are definitely working on it: I have been reflecting back on ten years ago when no one saw the map: No one read proposed criteria until the day we came back into session for the redistricting session: We are working diligently to try and get things prepared before that.

And of course now we are doing the criteria ten days earlier.

[42] SENATOR OBENSHAIN: So at least the day before?

MADAM CHAIRMAN: We are working on it.

SENATOR WHIPPLE: Madam chair.

MADAM CHAIRMAN: Senator Whipple.

SENATOR WHIPPLE: May I just make an observation about the public hearing and congratulate the League of Women Voters for coming to the hearing held last fall: They were quite poorly attended: It is difficult when you do things in advance to get people to focus: So I really congratulate the league who was represented at all of the hearings last fall.

MADAM CHAIRMAN: If I may also say we have available a list of public hearings: Staff has made them

available: I believe there are eight throughout the state that we will be doing: We are trying to be as convenient as possible to the public under this extraordinarily tight timeframe.

SENATOR OBENSHAIN: Madam chair.

MADAM CHAIRMAN: Senator Obenshain.

SENATOR OBENSHAIN: Madam chairman, do you expect that maps will be available before the [43] public hearing?

MADAM CHAIRMAN: We are working on it, as I said before.

SENATOR OBENSHAIN: Thank you.

MADAM CHAIRMAN: Okay: Now is there anyone else who wished to speak: Okay: We have two -- I'm sorry.

A CITIZEN: Madam chair and members, I am Anne Sterling, also of the League of Women Voters of Virginia am very proud to have a colleague lobbing with me: My associate has proved very good at this: I just wanted to add that those of you interested in taking a look at the student maps, they will be available starting sometime today, perhapes by the time you go back to your cars: At the library of Virginia, they agreed to display them for the next week.

And we are hoping that a week from today we can display them in the General Assembly Building itself: There are 13 posters that display the winning maps from four different schools: And it turns out we need permission of the house and senate clerks and they in turn must get notes from the presidents of UVA and [44] William & Mary: So it's complicated to get them

over here to this building: But we are doing our best: We hope that you will take a look at the student maps.

MADAM CHAIRMAN: I'm delighted they are going to be on the web: So regardless of where they are posted they will conveniently be available on your computers.

SENATOR EDWARDS: I have a question.

MADAM CHAIRMAN: Senator Edwards.

SENATOR EDWARDS: Ms. Sterling, could you appear for a question? We heard about the contest and the winners: And I'm curious as to the criteria for determining the winners and who did the judging?

A CITIZEN: Well, first of all we distinguished judges from the American Enterprise Institute and the Trucking Institution, Thomas Mann and Norman Hornstein who, I believe, live outside of the Commonwealth, so they were neutral judges: And they came down to deliver their area opinions.

SENATOR EDWARDS: And just those two people, do they have to agree?

A CITIZEN: They did and apparently they [45] had no trouble agreeing: There were very outstanding maps submitted and the rationals were included as well.

It was very interesting in the contest the students were asked to draw two sets of maps. And most of the teams did comply with this. One that would produce competitive districts and the other that would not take competitiveness into consideration at all: And so that's why we have two sets of winners: One competitive and one just done to satisfied the other criteria.

Otherwise the criteria were quite close to criteria given by the governor to his bipartisan redistricting commission.

SENATOR EDWARDS: Madam chairman.

MADAM CHAIRMAN: Senator Edwards.

SENATOR EDWARDS: How does the governor's criteria differ from the two proposals we have before us.

A CITIZEN: I believe that the most important thing was that he asked that political boundaries be respected entirely. And so it was please do not start from scratch. And the students did in some cases and did not [46] in others.

But the requirement that each district must be connected by tunnel or bridge if water is involved was one of the governor's criteria.

SENATOR EDWARDS: What about deviation?

A CITIZEN: I believe the governor -- I will check, but I'm pretty sure he did not mention deviation: And there -- I will just tell you that in the work sessions of the governor's commission they had very interesting discussions about this: And one former secretary of the State Board of Education suggested that deviation may go up as high as 10 percent.

She gave the eastern shore of Virgina as an example: She said in many cases they may be happier having more of them share a state senator in order to have someone that represents all of them.

And I thought that was the kind of the thing that is interesting to contemplate that people themselves may be happy to have more of them in a district if it

gives them one person to refer to and feel they belong to.

SENATOR EDWARDS: Thank you.

[47] MADAM CHAIRMAN: Thank you: Anyone else?

Okay: We have then the two proposed sets of criteria: I'm looking forward to a motion.

SENATOR VOGEL: Can I make a comment before we take the motion?

MADAM CHAIRMAN: Yes.

SENATOR VOGEL: I don't want this deviation discussion to necessarily detract from what is our larger mission which is a good, clean, fair map that keeps and honors the boundaries of district counties and cities and towns: With that said, I did want to make that observation: I think it helps us when we go out into the public and we talk about the effort to draw fair maps.

I think all of us here were advocates of the bipartisan commission: We are all clearly generally the same bent there: I think it is a good thing to be able to tell the public we are mindful of that deviation.

And I know that Senator Watkins and I had a discussion prior to the conclusion of session about the resolution we would put forward.

Looking at the resolution being done last time and understanding that there would probably be [48] one resolution we were not aware of what the alternative proposal might be: But we looked at the 5 percent given what the case law has been and what we believe would generally be a pretty aggressive effort to

challenge us on our criteria and challenge us in the map that we draw.

And I think that at the end of the day we all benefit by trying to keep the criteria keeping it at a high standard.

Thank you, madam chair.

MADAM CHAIRMAN: Thank you.

Is there a motion?

SENATOR OBENSHAIN: Madam chair, I guess I move to recommend reporting Senate resolution number 502.

SENATOR VOGEL: Second.

SENATOR DEEDS: Madam chair, I make a substitute motion that we adopt the resolution proposed by the Chair: Unnumbered committee resolution.

MS. SPAIN: It would be Committee Resolution 1: It's a committee resolution that would take effect immediately as opposed to the senate resolution not effective until it goes [49] to the senate.

MADAM CHAIRMAN: So there is a substitute motion: Is there a second?

SENATOR McEACHIN: Second.

MADAM CHAIRMAN: Substitute motion has been moved and seconded.

SENATOR MARTIN: Madam chair.

MADAM CHAIRMAN: Senator Martin.

SENATOR MARTIN: Could I offer an amendment to this: I would like to make an amendment to the

proposal: But I'm aware, since we don't have line numbers: I would like to offer an amendment.

SENATOR DEEDS: Madam chair.

SENATOR MARTIN: The unnumbered --

SENATOR DEEDS: Point of order, madam chair: Can there be an amendment to a substitute motion?

MADAM CHAIRMAN: No.

SENATOR MARTIN: I would like for the committee, since I was unaware that we were going to go at it this way. I expected to have something in front of me with a line item: I offer an amendment so I paused for to many seconds: I apologize: If you would [50] accommodate me I think we should have an amendment offered to the resolution that you can reject.

SENATOR WHIPPLE: Everyone would have to withdraw the motion.

MADAM CHAIRMAN: If everyone withdraws their motions we can do that.

SENATOR OBENSHAIN: I gladly withdraw my motion.

SENATOR DEEDS: I withdraw mine.

Madam chair, I move we adopt the resolution, committee resolution one.

MADAM CHAIRMAN: Is there a second to adopting the committee resolution one.

SENATOR WHIPPLE: Second.

MADAM CHAIRMAN: The move is seconded.

Now, the amendment.

SENATOR MARTIN: I would like to offer an amendment to that, if you could draw my attention to the language that sets up to deviation.

SENATOR McEACHIN: Section one.

SENATOR MARTIN: In that case, lines 21 and 22 of Senate resolution number five, I would like to have inserted as a new deviation [51] paragraph on committee number one.

MADAM CHAIRMAN: Just so I understand and staff understands, you want to actually insert the language or do you just want to change it to plus or minus 1/2 percent?

SENATOR MARTIN: That's the problem: Just change that to 1/2 percent.

MADAM CHAIRMAN: All right: So we have a motion for an amendment to change it to plus or minus 1/2 percent; is there a second?

SENATOR VOGEL: Second.

MADAM CHAIRMAN: It's been moved and seconded: Is there discretion on this.

SENATOR MARTIN: Speaking to it there is a significant difference there: We are technologically we are much more prepared to get this closer to a one man one more vote.

SENATOR WHIPPLE: Let's work on one person one vote.

SENATOR MARTIN: Sorry about that I was not trying to be sexist: We are technologically much more prepared to do it.

Our desire to be there we have a desire and we have the ability to do that: I think it would be wrong

to deviation if the house can do [52] 1 percent we certainly can do a half of percent.

And I would encourage you to support.

SENATOR PUCKETT: Madam chair.

MADAM CHAIRMAN: Senator Puckett.

SENATOR PUCKETT: Speaking to the substitute, there have been a lot of talk about what we can do with technology and everything. No one has produced anything that said this won't split communities, towns, cities, counties: Until I see something that convinces me that it won't split people more than it's already splitted or split: I'm sorry: I'm not going to support it: That's just my position.

SENATOR McWATERS: Madam chair.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: In response to that, I think that Virginia Beach is the largest most populated city in the Commonwealth: We have five senators that represent that region.

Only three of those, two of those senators actually live in Virginia Beach and are elected, madam chair, by people mostly who live outside of Virginia Beach.

And so I live in a district recently [53] elected in a district in a city that is split. So I think this issue of splitting is of concern across rural areas as well as the largest city in the state.

So I think that there can be an opportunity to do as the senator has suggested, Madam chair, to put these various maps together under each of the two scenarios: I think it should be our job to look at half percent versus 2 percent. Perhapses we shouldn't vote

on this today: Perhaps we should put this vote off until there is an opportunity to do as the senator has suggested to lay these maps down and see if we can have a better government map in this process.

SENATOR WHIPPLE: Madam chair.

MADAM CHAIRMAN: Senator Whipple.

SENATOR WHIPPLE: I oppose the amendment. I think that the one person one vote is a very important one: And I think it's one we believe in: And as we know probably already it's out of date because the census was taken last year. And as you know, now we've got a situation senate hearing comes to mind representing a district that had two hundred thousand people [54] and has I think 350 thousand people in it now.

So it's a lot objecting: We know right now but by the end of this decade it's not going to be within a half percent or 2 percent or any other probably percentage because people move to places and things change.

Senator Puckett is exactly right: Every time you squeeze the population deviation you make it much more likely you are going to have division: So when you have a slightly higher number it gives you more flexibility to observe some of the other criteria that are also very important.

And in addition to that, what it does is establish outside boundary: It doesn't say there might not be something less than that.

So I think that it would be, in my view, wrong to constrain ourselves so much on population deviation that it limits our opportunity to observe some of the other criteria.

MADAM CHAIRMAN: Thank you.

SENATOR SMITH: Madam chair.

MADAM CHAIRMAN: Senator Smith.

SENATOR SMITH: Speaking to the amendment [55] there is something here that for any of us who have worked with this mapping, and I don't profess to be very computer literate but I found that I could free mapping, a program that was online that in deed someone of my caliber and ability with computer use could draw a line and could draw it: And we are talking about the 2 percent, half of a percent, could draw it within a 1/10th of a percent.

And to say otherwise, it strikes a little bit: Professional wrestling when we are watching it on TV and the camera saw the guy pounding him on his head, but no one else: The referee didn't see it.

Any way, anyone who has worked with this program knows full well that we can do it and we can do it just as the congressional districts are done: We are kidding everyone to say it can't be done and we just as well admit why we can't do it.

Thank you.

SENATOR McEACHIN: Madam chair.

MADAM CHAIRMAN: Yes: Senator McEachin.

SENATOR McEACHIN: I find the discussion interesting: I find the discussion about [56] technology interesting: But the one thing that has not been answered by the members of the other side of the isle is why didn't you do it ten years ago, why do you want to do it today. All of those questions remain unanswered.

It's not a matter of trying to say we didn't have the technology, because we did: It may not have been available to college students, it may not have been available to others, but we had that technology then. You-all didn't want to do it then.

And it seems less than genuine to suggest that you want to do it now for some other reason.

SENATOR McWATERS: Madam chair.

MADAM CHAIRMAN: Senator McWaters.

SENATOR McWATERS: He said, you-all didn't want to do it then: Well, we-all weren't here. We can't answer that question: It's a good question: And I understand we went from five to two: Am I correct about that, Mary?

MS. SPAIN: 5 percent in '91.

SENATOR DEEDS: So we went from five 20 years ago to two, so that's a reduction: All we are suggesting is follow that line follow [57] that same curve it get's you about the same number: It's not rocket science it's just better government.

SENATOR MARTIN: Madam chair.

MADAM CHAIRMAN: Yes: I wanted to however to comment, better government also means keeping communities of interest together and that does not follow a deviation line.

SENATOR McWATERS: Well, Madam chair, I'm not sure I would agree with that: I think both can be accomplished I think that's been part of our argument here and I raised it earlier with Senator McEachin: I don't think you can say those are contradictory.

MADAM CHAIRMAN: I was trying to imply that they are sometimes and can be.

Senator Martin.

SENATOR MARTIN: On both issues the issues of whether or not speaking to again speaking to both matters speaking to both one is the issue of we didn't want to do it ten years ago: Ten years ago we cut it from five to two. Technologically we thought that was a huge jump: We thought we were tightening down the criteria to where we got it much closer to one [58] person one vote: To suggest that we weren't wanting to do something back then is false, because we thought we were making tremendous strides in doing that.

We now know we know it so well we can do a half percent we know it so well that down the hall we down the hall we've got 1 percent which the mathematical equivalent is point four person: And yet you are going to turn around and tell us you don't think it can you be: I happen to know it can be done: And over the next week or so we will see that it can be done: And you will have that opportunity to see that: On this -- so I guess that's sufficient on that.

But the fact is that it absolutely can be done: And to suggest that you are having to make a choice between having either split communities or a tighter criteria is false: So on both issues the fact that you have to choose between those two are false: And the fact that we refused to do it ten years ago is also false: Because we, in fact, made a significant improvement by going from five to two percent.

SENATOR DEEDS: Madam chair.

[59] MADAM CHAIRMAN: Senator Deeds.

SENATOR DEEDS: Senator Martin, ten years ago the congressional districts were drawn with no deviation: So you had the ability to draw these districts with no deviation and you chose not to; isn't that correct?

SENATOR MARTIN: The last part of your question was what?

SENATOR DEEDS: Isn't that correct.

SENATOR MARTIN: You are asking me whether or not there was a proposal?

SENATOR DEEDS: Senator Martin, what I said was a fact: Ten years ago you drew the districts, your side of the aisle drew the congressional district to zero deviation, you had the ability to draw the senate district to zero deviation and you chose not to; isn't that correct?

SENATOR MARTIN: Obviously, that is correct.

SENATOR DEEDS: No further questions, Your Honor.

SENATOR MARTIN: But I'm not finished answering.

MADAM CHAIRMAN: Okay: Let's go through [60] the chair.

SENATOR MARTIN: No, Madam chairman, I am responding to that question.

MADAM CHAIRMAN: I'm not shutting you off, I'm asking you to please go through the chair.

SENATOR MARTIN: Okay: Madam chair, absolutely: That's absolutely correct: We were instructed that we had to be at zero with the congressional and the population is much larger and

much easier to attain: The smaller the population the more challenging it is to attain that: That's the reason it's harder for the house to get down to a half percent: We are two and a half times larger.

So once again, there was a tremendous stride ten years ago: And yes, we probably could have gotten it tighter but we had gotten be tell like we had gotten it quite a bit tighter than it had ever been before.

MADAM CHAIRMAN: Okay: We have a vote in front of us and it's on the amendment to senate committee resolution, P & E Committee Resolution Number 1, to change the percent from plus or minus 2 percent to plus or minus 1/2 of 1 percent: All in favor of that please say, [61] aye.

(Various committee members respond in the affirmative.)

MADAM CHAIRMAN: Opposed?

(Various committee members respond in the negative.)

MADAM CHAIRMAN: Yes, please call the roll.

THE CLERK: Senator Martin.

SENATOR MARTIN: Aye.

THE CLERK: Senator Deeds.

SENATOR DEEDS: No.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: No.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: To the amendment, aye.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: No.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: No.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Aye.

[62] THE CLERK: Senator McEachin.

SENATOR McEACHIN: No.

THE CLERK: Senator Petersen.

Senator Smith.

SENATOR SMITH: Aye.

THE CLERK: Senator Barker.

SENATOR BARKER: No.

THE CLERK: Senator Northam.

SENATOR NORTHAM: No.

THE CLERK: Senator Vogel.

SENATOR VOGEL: Aye.

THE CLERK: Senator McWaters.

SENATOR McWATERS: Aye.

THE CLERK: Senator Howell.

SENATOR HOWELL: No.

THE CLERK: Six ayes, eight nays.

MADAM CHAIRMAN: The amendment fails on the vote of six ayes, eight nos.

So now we are back to the original motion, which is to approve P & E Committee Resolution Number 1.

SENATOR EDWARDS: Move.

MADAM CHAIRMAN: It's been moved and seconded.

SENATOR OBENSHAIN: Substitute motion to [63] approve Senate Joint Resolution 502.

SENATOR MARTIN: Second.

MADAM CHAIRMAN: There a substitute motion, if the clerk will call the roll on the substitute motion.

THE CLERK: Senator Martin.

SENATOR MARTIN: Aye.

THE CLERK: Senator Deeds.

SENATOR DEEDS: No.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: No.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: Aye.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: No.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: No.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Aye.

THE CLERK: Senator McEachin.

SENATOR McEACHIN: No.

THE CLERK: Senator Petersen: Senator Smith.

SENATOR SMITH: Aye.

THE CLERK: Senator Barker.

[64] SENATOR BARKER: No.

THE CLERK: Senator Northam.

SENATOR NORTHAM: No.

THE CLERK: Senator Vogel.

SENATOR VOGEL: Aye.

THE CLERK: Senator McWaters.

SENATOR McWATERS: Aye.

THE CLERK: Senator Howell.

SENATOR HOWELL: No.

THE CLERK: Six ayes, eight nays.

MADAM CHAIRMAN: The motion fails.

We are now at the primary motion, which is to adopt Privileges and Elections Resolution Number 1.

Clerk, call the roll.

THE CLERK: Senator Martin.

SENATOR MARTIN: No.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Yes.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Aye.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: No.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Aye.

[65] THE CLERK: Senator Edwards.

SENATOR EDWARDS: Aye.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: No.

THE CLERK: Senator McEachin.

SENATOR McEACHIN: Aye.

THE CLERK: Senator Petersen.

Senator Smith.

SENATOR SMITH: No.

THE CLERK: Senator Barker.

SENATOR BARKER: Aye.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Aye.

THE CLERK: Senator Vogel.

SENATOR VOGEL: No.

THE CLERK: Senator McWaters.

SENATOR McWATERS: No.

THE CLERK: Senator Howell.

SENATOR HOWELL: Aye.

THE CLERK: Eight ayes, six nays.

MADAM CHAIRMAN: The resolution passes eight to six.

On our agenda we have one remaining item and that is the criteria for the congressional redistricting: And as has been indicated it is [66] identical wording to ten years ago with the update of the one court case that was intervening.

Is there any discussion on this?

SENATOR McEACHIN: Move to adopt the resolution.

SENATOR WHIPPLE: Second.

MADAM CHAIRMAN: It's been moved and seconded.

SENATOR DEEDS: Madam chair.

MADAM CHAIRMAN: Senator Deeds.

SENATOR DEEDS: Claire Guthrey are you still out there?

MS. GUTHREY: Yes.

SENATOR DEEDS: With respect to the congressional criteria would your critique still hold?

MS. GUTHREY: Yes.

SENATOR DEEDS: These changes were made between '91 and '01.

MS. GUTHREY: Yes, sir.

SENATOR DEEDS: Just a matter of record.

MADAM CHAIRMAN: Is there any discussion on this: All in favor?

SENATOR McEACHIN: Madam chair, I don't [67] know that you actually asked the public for comment, for the record.

MADAM CHAIRMAN: Thank you very much: Is there anyone in the public who would like to speak to congressional criteria?

I don't see anyone: Thank you, Senator McEachin: I really would have remembered in the middle of the night and felt terrible.

All in favor of -- Senator Obenshain.

SENATOR OBENSHAIN: Madam chair, I would make a motion that we amend this to change the deviation to half a percent.

MADAM CHAIRMAN: This is the congressional, which is actually zero: We are not allowed to have any deviation.

SENATOR OBENSHAIN: Am I looking at the wrong one?

SENATOR WHIPPLE: The law prescribes it has to be zero.

SENATOR OBENSHAIN: I was looking at the wrong one: My apologies.

MADAM CHAIRMAN: All in favor of the resolution say aye.

(All respond in the [68] affirmative.)

MADAM CHAIRMAN: Any opposed?

(No response.)

MADAM CHAIRMAN: Okay: Now, before we leave I would like to remind everyone about the eight public hearings coming up starting next Thursday: And then there will be more on Saturday and a final one here in Richmond on the 4th, Monday.

We definitely want to hear from people and urge you to come out and tell us your views. With that, if there is no more business, the committee will rise.

NOTE: The hearing concluded at 3:37 p.m.

Committee on Privileges and Elections
Transcript of Public Meeting (Apr. 11, 2011)

(Defendants' Exhibit 118)

[2] DELEGATE JONES: Just some housekeeping real quickly. I want to point out to all the members that you have in your package a comment report distributed to all the members and it includes up until a few days ago all the comments concerning redistricting that have been submitted to the website for you all's review. And I know some of you at least have been reviewing the comments online and so I just wanted to make sure that that was available to everyone. Okay, the purpose of today's meeting is to take up, consider bills dealing with Congressional redistricting and we do have at least one plan that's been submitted that's on the docket today. And that's I believe it's House Bill 5004 and the patron is Delegate Janis. And I'll ask Delegate Janis if you would please present yourself.

DELEGATE JANIS: Thank you, Mr. Jones. House Bill 5004 is a bill to redraw the boundary lines for each of the eleven Virginia Congressional Districts, the ones that are ten-year constitutionally mandated reapportionment. The boundary lines reflected in House Bill 5004, the legislation here in front of you were drawn based on several criteria. First, the districts were drawn to conform with all mandates from the United States Constitution and the Constitution of Virginia and specifically to comply with the requirement that there be one person, one vote. This was a significant challenge given the dramatic and non-uniform shifts in population across the Commonwealth over the past ten years, most

specifically the dramatic population growth in parts of Northern Virginia with corresponding population loss of parts of Southside, Southwest and even parts of the state that might grow but don't grow at the same rate. The second criteria were districts were drawn to conform with all mandates from [3] all applicable federal law, most notably the Urban Rights Act mandate that there be no retrogression in minority voters in the Third Congressional District and also the Zero Variance Rule that mandates that each of these eleven Congressional Districts must be drawn so that they encompass a population no fewer than 727,365 residents but no more than 727,366. So the Zero Variance means down to a one person difference in each of these eleven districts and each have more than 700,000 residents. Third, the districts are drawn with respect to the greatest degree possible the will of the Virginia electorate as it was expressed in the November 2010 Congressional elections. They're based on the core of the existing Congressional Districts with a minimal amount of change or disruption necessary consistent with the need to either expand or contract the territory of the districts based on whether they've lost population, gained population or gained population at a rate that was less than they needed in order to meet the 727,365 benchmark. The plan respects the will of the electorate by not cutting currently elected Congressmen out of the districts nor do we presume to throw currently elected Congressmen together in the districts. We try to respect the fact that November 2010, the voters spoke in each of these districts, they elected the current representatives and what we tried to do was to be respectful of where they lived and not

try to lump them together or cut them out of the
districts. You'll also note that the plan attempts where
possible to keep jurisdictional localities intact and to
reunite where possible localities and jurisdictions
which are currently fractured or splintered because of
previous redistricting plans. In fact, if you look at this
plan, it's [unintelligible] jurisdictions of the current
Congressional District lines, three counties, the [4]
County of Allegheny, the County of Brunswick and the
County of Caroline are reunited in a single
Congressional District under this plan. One city,
Covington, has been reunited. And I believe
Martinsville and Salem are now intact as well.
Wherever possible, this plan also preserves, seeks to
preserve existing local communities of interest.
They're smaller than a jurisdiction but are considered
to be a sort of a community of interest and to reunite
such communities that may have been fractured in the
course of redistrict [unintelligible]. One example that
comes to mind is Reston up in Northern Virginia.
District boundary lines were drawn based in part on
specific and detailed recommendations provided by
each of the eleven currently elected Congressmen,
both the Republican members and the Democrat
members. And they each gave significant, specific and
detailed recommendations about how they could draw
the lines or the boundaries or what would make sense
for their particular district in order to preserve the
local communities of interest and the need to either
expand or contract their district to meet the 727,365
person benchmark. I personally spoke with each
member of the Virginia Congressional Delegation,
both the Republican members and the Democrat
members and they have each confirmed with me that

the lines for their district as they are reflected in House Bill 5004 conform to the recommendations that were provided and the information that was provided by them. And each member of the delegation, both Republican and Democrat, has confirmed for me that they support the way the lines for their specific district are drawn in House Bill 5004. And so, that's basically the legislation, I'm going to answer questions. There is one, for taking questions of the Committee, I have to make one technical [5] amendment. And if you look at page four of the bill, in the Tenth Congressional District if you look at line 206, there is a precinct in Fairfax called Lee's Corner, number 920, and you'll see right next to it is Lee's Corner West, which is 927. There seems to be some discrepancy between State Board of Elections and the local registrar but I do have something here from the Fairfax County, Virginia Electoral Board and General Register's website. They identified precinct 920 in Fairfax on their website as Lee's Corner East and then there's a 927, which is Lee's Corner West. We have identified 920 in this legislation as Lee's Corner and I think probably out of an abundance of caution that is a technical amendment that I probably would like to move at this time.

UNIDENTIFIED MALE: Second.

CHAIRMAN: Okay, there's a motion. There's a motion and a second for a technical amendment renaming or correcting the name of one of the precincts of Fairfax. Any discussion on this amendment? All those in favor of adopting the amendment say "Aye." (Ayes.) Opposed? (no response) All right, the amendment now is in force.

DELEGATE JANIS: And with that, Mr. Chairman, I stand ready to answer any questions anyone might have of me.

CHAIRMAN: Are there any questions of Delegate Janis?

UNIDENTIFIED FEMALE: Delegate Janis, you referenced that you had talked with all eleven Congressional members and they all complied or were all saying the lines, they were in agreement of these lines as drawn?

[6] DELEGATE JANIS: I want to be very precise what each member said. I spoke with each member of the delegation, Republican and Democrat. Each member said to me that the lines for their district, as their district appears in this plan, conform to their recommendations that they provided and the information they provided and that they support the lines for their district and the lines for their district as drawn in this plan.

UNIDENTIFIED FEMALE: I just wanted to make sure because I currently physically live in the Fourth Congressional. This plan puts me in, physically in the Third Congressional and I talked with Congressman Scott and he had some variations in plans. So, I just want to feel comfortable. So you have talked with Congressman Scott and he agrees with what you have here?

DELEGATE JANIS: I think to characterize, I don't want to overstate what he said and I don't want to understate what he said. I asked him does this line reflect the input you provided to me.

UNIDENTIFIED FEMALE: Okay, thank you.

DELEGATE JANIS: I said do you support this line as it's drawn. Given the political realities of a Democrat-controlled Senate, a Republican House, dividing government given what the law requires, he believes that this line is [unintelligible]. He supports the line for the Third District as drawn in 5004.

UNIDENTIFIED FEMALE: Thank you.

DELEGATE JANIS: We'd like different lines; we'd like better lines. Are there ways to improve the lines? I didn't even get into any of that. And I didn't get into any of that with any of the other members as to [7] whether they thought they could improve these lines. Just that they support the lines for their district as the lines for their district are drawn in this plan.

CHAIRMAN: Delegate Spruill?

DELEGATE SPRUILL: Yes, my question, unless there's something [unintelligible] –

UNIDENTIFIED MALE: Use your microphone.

DELEGATE SPRUILL: [unintelligible]. So, my district, they ask me, they say Spruill, did Bobby Scott approve of this new jurisdiction the way it is now. I'm going to say according to Bill Janis, [unintelligible] according to Bill Janis, Bobby Scott approved this.

DELEGATE JANIS: That's what he told me when I [unintelligible] through.

DELEGATE SPRUILL: Thank you very much.

CHAIRMAN: Delegate Scott?

DELEGATE SCOTT: Just a question about individual jurisdictions. Do you have any idea about how many splits there are for towns and cities? Are we pretty limited, or what?

DELEGATE JANIS: There's fewer split, there's fewer localities, that is counties, cities or towns split under this proposal than there are under the current Congressional lines. The ones I've read, I believe the difference is seventeen, there's 21, I believe, counties, cities or towns that were split under the current plan. This gets us down to, I believe, it's seventeen. I don't have the total but I can get that for you. But I can tell you the ones that are reunited that are currently split are Allegheny, Brunswick and Caroline Counties and then Covington, the City of [8] Covington is reunited. Martinsville, I believe, is reunited as well and the City of Salem is reunited. So there are fewer split counties, cities or towns under this proposal than there are under the existing plan.

CHAIRMAN: Further questions [unintelligible].

UNIDENTIFIED MALE: There have been some rumors around about the consideration of a minority influence district. Can you give me any feedback on that? What's the status and can you give some consideration to that?

DELEGATE JANIS: I'm not an election lawyer. I had not heard, what we, what one of the criteria applied was today we've got Congressman Scott in the Third Congressional District. That is the only minority majority district in the delegation. Under the current Congressional lines, the Third Congressional District has a total African American population of about a 55.33%. Under these proposed lines, there's a 3.17% change. There's a 58.50% African American total population. If you want to get voting age population, there is about a 4.3% change. It goes from being 52.62% voting age to 57% voting

age. So mindful that the voting rights act requires us not to retrogress that district, what these lines reflect is under the new proposed lines, we can have no less than percentages that we have under the existing lines with the existing census data from 2011, the updated census data. So we drew the majority minority district, the Third in accordance with the Voting Rights Act. And that was basically what we did. I didn't look at drawing the other districts because one of the other criteria which I used was try not to disrupt the lines of the current districts any more than you have to given population shifts, et [9] cetera. If you actually look at the map and then you did an overlay, I can get a graphic that would work very well. I've got one here, it's not a very good graphic and I can send some up to you but the brown line is going to be the delta or change, if you look at this, the district boundaries don't change very much under this plan and that was deliberate. So, I've heard there's some proposals about other ways you could have drawn the line. I can't speak to why it wasn't drawn that way. I can only speak to why it was drawn this way.

CHAIRMAN: All right, Delegate Spruill.

DELEGATE SPRUILL: I had talked with Congressman Scott and he has always indicated to me that he could live with a less number of [unintelligible] and I was talking about, took Petersburg, which is majority black, and put them into the Third, and made Bobby's precinct even more black than what it is. So my first question is what is the percentage of minority in Petersburg now and what is proposed?

DELEGATE JANIS: I didn't get down on a jurisdiction by jurisdiction basis. What I have are the

numbers for the total African American population in the Third District under the current lines and the total African American percentage under the proposed lines.

DELEGATE SPRUILL: That's what I want to know about, give me the Fourth first.

DELEGATE JANIS: The total African American population of the Fourth or the Third?

DELEGATE SPRUILL: The Fourth, please sir.

DELEGATE JANIS: The Fourth District. Today in the [10] Fourth Congressional District, the total African American population is 33.66%.

DELEGATE SPRUILL: All right.

DELEGATE JANIS: Under the proposed lines, the total African American population would be 31.60%.

DELEGATE SPRUILL: Thirty one point?

DELEGATE JANIS: 31.6. So it's just about, it's 2.06% change.

DELEGATE SPRUILL: Can you give me the Third now please?

DELEGATE JANIS: The Third District goes from

55.33% under the current lines to 58.50% under the proposed line. That's 3.17%.

DELEGATE SPRUILL: The next question then, why would you increase, why would you increase the number of the Third Congressional District to more approximately 55 to 58, when already [unintelligible] tradition it will be hard for a black not to win it unless there's a lot of candidates [unintelligible] couldn't win

it. Why would you increase it from 55 to 58 and drop to 30 and drop the Fourth down?

DELEGATE JANIS: If you take the numbers I just told you, those are the total African American population.

DELEGATE SPRUILL: Yes, sir.

DELEGATE JANIS: And I've looked at the voting age African American population. There's a significant difference in the Third over the Fourth. So, for example, in the Third Congressional District, the [11] voting age African American population under the current lines is 52.62%. Under the proposed, it becomes 57%, okay? Now, if you look at the Fourth Congressional District, the Fourth Congressional District, the current voting age African American population is 32.00% but the voting age proposed is 31.7. So, when you look at all those numbers together, there's a significant difference between, there's a much greater difference between total African American population versus the voting age African American population in the Third District compared to the Fourth District. The Fourth District numbers, the total African American population tracks very closely with voting age there. There's a bigger delta in the Third. Given all the information I received from Congressman Scott, Congressman Forbes and every other one, those are the two that gave recommendations on those lines. The way those two lines come up against each other are based on the recommendations that they provided to us.

DELEGATE SPRUILL: So you do think that's the problem to prove that though. I'm just looking at, that's why I was harping on the question to you about

talking to Congressman Scott, who said that he doesn't need going from 55 to 58. He doesn't need that. He said it would be more feasible if it would stay, I'm trying to figure out why you would take Petersburg out of the Fourth. Moving from Third from 33.66 to 31.6, I'm saying how what [unintelligible] taking a group of blacks out of one area put them into another block that really don't need them. We already had [unintelligible] in the Third already. And because Petersburg is south [unintelligible] votes and a lot of people trying to put tax money by moving them over a black district that is already heavy black.

[12] DELEGATE JANIS: What I'm saying also is this is not the only criteria that we had to apply using the Third District or the Fourth District. After you did this, you also had to make sure or before and after this you had to make sure the final number in both districts was no less than 727,365 no more than 727,366. So this isn't the only criteria that we had to apply. The other criteria that had to be applied was every one of the districts has to be in that Zero Variance whether it was a minority majority district or whether it was not. So, that's why looking at that criteria which is paramount to count one person one vote Zero Variance, those are, one person one vote is a Constitutional requirement, Zero Variance is under federal law and the other main legislation from the federal government and the Voting Rights Act. Given the three, this was the way we drew the lines. I can't speak to, I'm sure there are other ways the line could be drawn. All I can speak to is that we drew it this way because we had a recommendation from both Congressmen, we had the data from the census, we had the requirement under the Constitution that it

has to be one person one vote and we had the requirement under federal law that they had to be drawn with Zero Variance.

DELEGATE SPRUILL: So you're saying to me that this was not drawn to take Petersburg out just to take blacks out of the district that were now [unintelligible] it will be hard for a black person to run in the Fourth now because you're taking a group of strength voters out, it'll be hard for a black to even run in the Fourth now.

DELEGATE JANIS: I would say, I don't want to offer an opinion on whether or not an African American candidate could be [13] successful in the Fourth or not. All I can tell you is that the numbers before and after the change in the voting age African American population in the Fourth Congressional district was 1.3%.

DELEGATE SPRUILL: Thank you, Chairman.

CHAIRMAN: And just to kind of follow up on that, the current, this is currently drawn, this is your Third District under population or over population?

DELEGATE JANIS: Well, as the Third District is currently drawn, the ideal Congressional District being 727,365, the Third Congressional District needed to gain 63,975 residents in order to meet the 727,365 number. So, it was one of the districts that needed to grow by about sixty thousand in order to meet the Zero Variance requirement. That's why I said, you know, and one criteria applied was that we don't retrogress African American [unintelligible] in the Third. But we're also under the requirement that each one has to meet the 727,365. The Third District started out short 63,975 residents under the current

census. So it narrowed it, with our variance being 1% on some of our plans and 2% on the others, we've got a significant amount of flexibility here. You have to basically be within one person. So, the error range of options that were available to us.

CHAIRMAN: All right, Delegate Alexander.

DELEGATE ALEXANDER: Good afternoon, Mr. Chairman. I have a question for Delegate Janis. Could you tell me whether or not the Taylor precinct in the City of Norfolk is currently split?

DELEGATE JANIS: Old one or new one?

DELEGATE ALEXANDER: This one here.

[14] DELEGATE JANIS: Not without looking it up in here. What's it look like on your, you're asking the question for a reason, it's legislation.

DELEGATE ALEXANDER: Mr. Chairman, under your proposed bill, Taylor Elementary School is split. And it's split in a way that I just don't follow the logic. It has 73 voters that are placed in the Second Congressional District and over 4,000 voters in the Third.

DELEGATE JANIS: I don't know why that was done.

DELEGATE ALEXANDER: Mr. Chairman, according to my register, to split it recent possibly about thirty five to forty thousand dollars to gear up to outfit a precinct that is split. For 73 voters to be placed in the Second Congressional District in Taylor Elementary School precinct and over four thousand voters that will be voting in the Fourth, I just don't –

DELEGATE JANIS: I can't tell you specifically that but I will tell you because of this variance, Zero Variance rule, what we found in each of the Congressional Districts, you reach the point where you've got sort of rough boundaries of where the line's going to go but you've got to have no less than 727,365 and no more than 737,366. What that meant was, I didn't sit there and actually draw the map but once you get the broad guidelines of what we're trying to do, you literally had somebody who had to by trial and error flip to the census block one way or the other until you got the number right sometimes you had to flip, well, and so each of these Congressional Districts has at least one split precinct in them precisely because you had to get to a Zero Variance, 727,365 or 727,366. So there was no way to do that because the lowest, the smallest unit you had to work [15] from was a census form. So I'm assuming the reason that this was done was because when we were trying to actually balance the final number within the broad guidelines and parameters and recommendations of generally where the lines should go. It was impossible not to split at least one precinct or more in each of these districts in order to find or get to the number with one person difference in each Congressional District.

DELEGATE ALEXANDER: I understand that about the precincts but as I look through the bill, I can only find one other precinct that has less than 73 voters per precinct, only one other precinct that has less than 73 voters. I understand that you gave them Zero Variance [unintelligible] and not to regress, but it's hard for me to understand sixty voters, 73 voters, to split a precinct when the split is not even a portion of 4,150 and 73 voters in a precinct, just the map,

justify the cost of splitting the precinct there should have been more voters because of when you split precincts.

DELEGATE JANIS: [unintelligible].

CHAIRMAN: All right, just to kind of follow up on that, in order to make that precinct whole, you would have to since there's Zero Variance in these plans, you would have to find 73 voters to move to the other district then, then you may end up with the same problem, just in a different precinct.

DELEGATE JANIS: Well, you're [unintelligible] based on the precincts, you're flipping it based on census blocks. The census block was the smallest unit you could work on. But I believe given the parameters of the guidelines and the recommendations we received from the [16] affected Congressmen, that's the way it was done. I'm sure there are other ways it could have been done but I can't speak to why it was done and why it wasn't done some other way. I can only say the reason it was done this way was I believe so that you could get the right number for the Zero Variance on both sides of the line. And it requires you invariably to split at least one precinct, at least one precinct in every single Congressional District because not surprisingly you don't have 727,000 people in each district, initially.

CHAIRMAN: Any other questions, comments? All right, we're going to open it up to public comment. Is there any member of the public that wishes to speak to this bill? If so, please step forward and identify yourself. Hearing no one wishes to speak, there's a motion to record House Bill 5004 as amended. Is there a second? (Second.) Any other discussion? All those

in favor of recording House Bill 5004 as amended will vote yes. Has everyone voted? The clerk will close the roll. The bill is recorded. If there is no other business to come before this committee, the committee will arise.

PROCEEDINGS CONCLUDED

In The Matter Of The Joint Conference Committee

Transcript of Discussion of Senate Bill No. 5001
(Apr. 11, 2011)

(Defendants' Exhibit 119)

[2] DELEGATE JONES: Madam Chair, if you want to sign the report. I want to thank you last week for the amendments that were made to the bill that were done on your committee. And then we had a couple of technical commitments that were necessary. That's the reason why we rejected some. I think you had, like, four changes that you need to make.

MADAM CHAIR: We have over the weekend discovered three technical changes. The first is we are going to move Mt. Vernon precinct in Roanoke County to District 21, and we are going to give District 19 all of the two split precincts in Montgomery County. So we are eliminating some precincts.

We are going to move Roanoke precinct from the twelfth into the eighth district, and move Springfield precinct from the eighth into the twelfth.

And then one little, I mean really technical, which is to take a census block which is under an interstate and reunite it with the county where it should be one.

DELEGATE JONES: Then I had just a couple [3] of changes. We are going to unsplit the Birkdale precinct which is now in 20, split in 27, all into the 66th District. I'm going to then unsplit Quantico Precinct which has a part of 52 into the House District 2.

And then we are going to revert the original configuration of House District 19 and 22. We are

going to undo what was done in the senate substitute before your committee on Thursday of last week.

And then while we had made the change for east Alvey (phonetic) in the committee, we undid the split we had in the 59th, I believe, and we took the population from the 58th, which is 460 people from the Free Bridge precinct to be able to equalize the population to plus or minus 50 percent. That's the sum and substance of our technical changes that we have. And that will constitute, I think, all of the acts before the conference committee.

MADAM CHAIR: I'm glad we were able to find these little technical changes in time. Okay.

DELEGATE JONES: Any comments from the committee?

I think we have the three copies for the senate. The three cover pages, and we will have our [4] copies as well. With that we shall rise. Thank you very much.

(Whereupon, the proceedings at 4:35 p.m. were concluded.)

Joint Conference Committee
Transcript of Discussion of Senate Bill No. 5004
(Apr. 12, 2011)

(Defendants' Exhibit 120)

[3] PROCEEDINGS

MADAM CHAIR: The Committee for Privileges and Elections will come to order.The clerk will call the role.

THE CLERK: Senator Martin.

SENATOR MARTIN: Here.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Here.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Here.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: Here.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Here.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: Here.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Here.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Here.

THE CLERK: Senator Petersen.

SENATOR PETERSEN: Here.

THE CLERK: Senator Smith.

SENATOR SMITH: Here.

[4] THE CLERK: Senator Barker.

SENATOR BARKER: Here.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Here.

THE CLERK: Senator Vogel.

Senator McWaters.

SENATOR MCWATERS: Here.

THE CLERK: Senator Howell.

SENATOR HOWELL: Here.

THE CLERK: Madam Chair, you have the floor.

MADAM CHAIR: The House has communicated House Bill 5004 dealing with congressional redistricting and Delegate Janis is here Delegate, would you like to present your bill?

DELEGATE JANIS: Yes, Ma'am. Thank you.

Thank you, Madam Chair, members of the committee.

House Bill 5004 is the legislation that will effectuate the constitutionally mandated reapportionment of districts for the congressional delegation for all of the eleven Virginia congressional districts currently in law.

The boundary lines in House Bill 5004 were [5] drawn based on several criteria. The first criteria that we applied was that the districts must be drawn to conform with the mandates of the United States Constitution and the Virginia Constitution, and specifically to comply to the one person one vote rule that's contained in both places.

This is a significant challenge given the dramatic population shifts that we have seen over the last ten years which were non-uniform, and specifically to the dramatic population increase in Northern Virginia at a corresponding time when you had corresponding losses in the population on the south side and southwest.

Secondly, the districts are drawn to conform with all mandates of all applicable federal law and all Supreme Court precedent that's on point.

So, specifically, the Voting Rights Act mandates that there be no retrogression in minority voter influence in the third congressional district and is the only minority/majority district currently in existence under the current lines.

So that was one of the criteria that was mandatory and then we also drew it to comply with the federal mandate which would be a zero variance in these districts.

[6] And what the zero variance means is that each of the eleven congressional districts must be drawn so as to encompass no fewer than 727,365 residents, but no more than 727,366 residents. One person variance.

Third, the districts are drawn to respect to the greatest degree possible the will of the Virginia electorate as it was expressed in the November 2010 congressional elections. So the territory of the districts are based on the core of the existing congressional districts.

What I attempted to do was with the minimum amount of change or disruption try to keep the core of the districts consistent with the existing corners. So

you will see the lines don't change very much. They have to change obviously because of the population shifts, but we tried to make those changes as with the least amount of disruption to continuity or representation as possible.

The plan does not cut currently elected congressman out of their current districts. Nor does it presume to lump current congressmen together in single districts so that they would have to compete against each other.

What this plan simply does is it tries to [7] respect the results of the last election cycle.

You'll also note that the plan attempts wherever possible to stay consistent with the constitutional mandates and federal law mandates to keep counties, cities, and towns intact.

And not only to keep jurisdictions in the localities intact, but reunite wherever possible existing split jurisdictions, counties, cities, or towns. You will note there are three counties: Allegheny runs within Caroline, and one city, the city of Covington, reunited in a single congressional district under this plan.

In fact, House Bill 5004 splits fewer jurisdictions in the current congressional district lines.

We also tried to wherever possible consistent with the population shifts and the constitutional and federal law mandates, try to keep intact local communities of interest, and to reunite wherever possible communities of interest that have been split in previous redistricting plans. Reston and Northern Virginia would be the primary examples of a

community of interest if you are looking at what that sort of means.

It's not a county, city, or town, but most [8] folks in that region would think that they have some sort of a commonality of interest.

We reunite Reston under this plan. We try to do the same thing, not only hold harmless existing local communities of interest, but reunite some that have been split in previous plans.

Finally, the district boundary lines were drawn based in part on specific and detailed recommendations I received from each of the eleven members currently elected to congress, both Republican and Democrat.

We tried to get input from them as to how best to draw the boundaries in order to preserve the local communities of interest within their district. And so each congressman provided specific, detailed, and significant recommendation as to how the lines of their district should be drawn.

And so that we could meet the 727,365 benchmark with the least amount of disruption and continuity of representation of constituent service.

I've spoken with each member of the Virginia Congressional Delegation, Republican and Democrat, last Thursday, shown them House Bill 5004 and left them a copy, showed them a map of the lines as reflected in 5004. [9] And each member of the congressional delegation both republican and democrat has told me that the lines in 5004 conform to the recommendations that they have provided me, and they support the lines for how their district is drawn.

I didn't get an opinion from any of them as to the entire plan in its totality, but rather, asked each specific member whether or not the lines for their district conform generally with the recommendations they had provided. And they each said that they could support the lines in this plan as they are currently drawn vis-a-vis their district.

Without any further delay, I'm going to be happy to answer any questions that you may have.

MADAM CHAIR: Are there any questions for Delegate Janis? Senator Obenshain.

SENATOR OBENSHAIN: Delegate, to the extent you have not already itemized the matters in which you believe this to be or not to be a bipartisan plan, would you elaborate on that?

Perhaps I have not checked to see the extent to which it had any bipartisan support in the House, but could you comment on that, the nature of the -- bipartisan nature of this plan.

[10] DELEGATE JANIS: I could tell you we just passed the bill out of the House. We have a rule that we are not supposed to talk about what we do down the hall in the senate. I am not sure if you have a rule about that. It passed with 71 yes votes in the House.

SENATOR OBENSHAIN: Madam Chair?

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: This is a plan in which you consulted republicans and democrats drawing it?

DELEGATE JANIS: Yes.

SENATOR OBENSHAIN: Consulted all republican and democratic representatives in congress?

DELEGATE JANIS: I met with each congressmen, both the republicans and the democrats, all eleven of them, and each member of congress, Republican and Democrat on Thursday when I showed them the total map and a section of this drawing before you with two technical exceptions that -- two technical amendments that we made subsequently.

And each member of the congressional delegation, republican and democrat, said that they support the lines for their district as they are drawn in this.

[11] SENATOR OBENSHAIN: Can you --

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: Thank you, Madam Chairman.

Can you also comment on the length of time that this map has been available for public inspection or a version of it?

DELEGATE JANIS: Well, I introduced the legislation last Wednesday, so Legislative Services turned the map around pretty quickly. So my understanding was it was not online Wednesday, but by Thursday this map was available for public review online as of last Thursday.

SENATOR OBENSHAIN: Have you received public comment upon the map?

DELEGATE JANIS: I would say we had hearings both last year and this year where we gave the public notice, an opportunity to be heard, and what we were

particularly keen on was in these public hearings, the public -- these public hearings were advertised as being for comment on the Virginia Senate Plan, the Virginia House of Delegates Plan, and the Congressional District Plan.

We hadn't had a hearing subsequent, but we did have a hearing for the Virginia Elections [12] Committee and the House of Delegates where the public was given notice and an opportunity to be heard, and that meeting was scheduled I think last Wednesday. So the meeting was held yesterday, so we gave the required notice and opportunity to be heard to the public.

On this specific plan we also took public comment in previous meetings both last year and this spring.

MADAM CHAIR: This morning when we were meeting, I handed out a report of all of the public comments on the various plans so that would be in that report.

Senator Deeds.

SENATOR DEEDS: I'm curious. I'm looking at districts two, three, and four, and am I correct that this District 2 kind of wraps around the point there, Hampton Roads, and comes down the Elizabeth River and picks up portions, looks like the cities of Norfolk, and maybe it picks up part of the city of Norfolk on both sides, or at least on that side of the Elizabeth River. It kind of wraps around that point?

DELEGATE JANIS: That's correct.

SENATOR DEEDS: Senator --

[13] MADAM CHAIR: Yes, Senator Deeds.

SENATOR DEEDS: -- several weeks ago I read a report in Politico that indicated that the congress people, the eleven had come to an agreement, and then the Cook Report published a map that was eerily close to this. So is that, is this -- would you agree that this map is pretty close to the one that the reports indicated the congress people had agreed to several weeks ago?

DELEGATE JANIS: I can tell you, I didn't read the Cook Report. I didn't read any of the blogs on it. So I wouldn't want to offer an opinion. If you want to characterize it as being similar, I'm not competent to give an answer on that. All I know is where the lines are. I didn't read any of the blog commentary.

SENATOR DEEDS: Okay. Thanks.

MADAM CHAIR: Senator Petersen.

SENATOR PETERSEN: Delegate Janis, you said you spoke with the eleven congressional representatives, and they approve of this plan, at least to their own districts.

DELEGATE JANIS: I want to be very precise, vis-a-vis the lines of their specific district. They approved the line of their specific district. [14] I didn't ask as to whether or not if any of them supported the plan in its totality.

SENATOR DEEDS: Did you speak with anyone who plans to run against those incumbents as to what their position was as to this plan?

DELEGATE JANIS: No, I didn't.

SENATOR DEEDS: Do you have any knowledge as to how this plan improves the partisan performance of those incumbents in their own district?

DELEGATE JANIS: I haven't looked at the partisan performance. It was not one of the factors that I considered in the drawing of the district.

MADAM CHAIR: Senator Petersen.

SENATOR PETERSEN: Further question. The plan we have before us, was that plan presented to you or is this something that you put together yourself?

DELEGATE JANIS: The plan is my piece of legislation.

MADAM CHAIR: Senator Petersen.

SENATOR PETERSEN: That's not quite my question, delegate. Did someone else present this plan to you?

DELEGATE JANIS: I had assistance in [15] drawing it up, because..., I didn't sit at the computer and actually draw the lines. I'm not competent to do maptitude, but I had staff assistance to do it.

SENATOR PETERSEN: That's all I have.

MADAM CHAIR: Are there any further questions?

Would anyone in the audience like to speak to House Bill 5004? I see no one coming forward.

There is an amendment in the nature of substitute that Legislative Services has.

SENATOR DEEDS: I have -- I move to adopt the amendment nature of the substitute.

UNIDENTIFIED SPEAKER: Second.

MADAM CHAIR: It's been moved and seconded that the amendment in the nature of a substitute be adopted. All in favor please say, yea.

(Yea responses heard.)

MADAM CHAIR: Any opposed?

SENATOR OBENSHAIN: Where is it?

MADAM CHAIR: It's coming.

SENATOR OBENSHAIN: Well, can we wait until it comes around?

MADAM CHAIR: Yes, we can wait. Just by way of explanation, the amendment in the nature of a [16] substitute is now the Locke plan that we discussed this morning. It is my understanding it's identical to the Locke plan that we discussed this morning.

SENATOR OBENSHAIN: That was the question I was going to ask. What were we voting on?

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: Madam Chairman, in light of some of the questions asked of Delegate Janis, may I ask Senator Locke a couple of follow-up questions?

MADAM CHAIR: Yes, but I believe we should adopt the substitute first.

SENATOR DEEDS: We have a motion.

MADAM CHAIR: We have a motion on the floor to adopt the substitute, and then you can ask questions.

SENATOR OBENSHAIN: Well, I mean, are we -- well, I mean, my questions relate to whether I want to adopt the substitute.

MADAM CHAIR: Could you withdraw your motion?

SENATOR DEEDS: I withdraw the motion, sure.

MADAM CHAIR: And the substitute. Okay.

SENATOR MARTIN: Observe parliamentary, [17] real quick.

MADAM CHAIR: Senator Martin.

SENATOR MARTIN: Is it not appropriate when a motion is made that questions can go to that motion. I don't think he has to --

MADAM CHAIR: At this point there is no motion, so he can. There might have been, but there is none.

SENATOR MARTIN: Okay.

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: If I may, Senator Locke, your map for your plan, was that released last week?

SENATOR LOCKE: It was released after I introduced the bill which was yesterday.

SENATOR OBENSHAIN: Was the map released yesterday or the map released today?

Do you know when the map was made available for the public to see?

SENATOR LOCKE: After I introduced the bill.

SENATOR OBENSHAIN: Did you consult with all eleven members of the congressional delegation of republicans and democrats in crafting your bill?

SENATOR LOCKE: No. I did not, no.

[18] SENATOR OBENSHAIN: Did you consult with members of the minority, the republicans and the senate in an effort to make your bill bipartisan?

SENATOR LOCKE: No, I did not.

SENATOR OBENSHAIN: Is there anything --
MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: -- is there anything about your bill that you can reference or any efforts that you can point us to that you made to make your bill reflective of a bipartisan effort at all?

SENATOR LOCKE: My efforts, senator, as you are well aware, was to increase or to have a second minority district. That was my purpose as had been indicated by the Virginia Legislative Black Caucus several weeks ago, and we indicated then that we would be looking at the third and the fourth as the districts where we would be making said changes.

So it wasn't done in secret. You know, there was nothing done to remove any legislator from his district. So it wasn't as though we were doing this on the sly.

SENATOR OBENSHAIN: Madam Chairman?

MADAM CHAIR: Are you finished, Senator Locke?

[19] SENATOR LOCKE: Yes.

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: Madam Chairman, when you indicate that it was done not in secret, were there any meetings of your group or your working group that were advertised or notice given to any member of the committee for the general public so we could participate and make comments in the process?

SENATOR LOCKE: No, there was not.

SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Senator McEachin.

SENATOR MCEACHIN: Just a comment, especially as to Senator Obenshain's last question.

I would submit that the same amount of publicity and public comment has been afforded this plan as every other plan that has been put forward in this year's redistricting process.

And indeed having been a veteran of prior redistricting, particularly '01, I would submit to you there has been more public input in this congressional redistricting plan both of Delegate Janis's as well as Senator Locke's than there was in 2001.

SENATOR OBENSHAIN: Madam Chair?

MADAM CHAIR: Senator Obenshain and then [20] Senator Martin.

SENATOR OBENSHAIN: I don't want to engage anyone in debate.

MADAM CHAIR: No, we won't.

SENATOR OBENSHAIN: I would simply say that with the previous plans and with the Janis plan at least I had a day, or two days, or three days to actually look at it, analyze it, and figure out what they were proposing.

This plan, I didn't see the map until today, and I know the bill was introduced yesterday, but you know, it just has not provided a meaningful opportunity for me as a legislator to be able to digest and to analyze what really is the full scope of the proposal. I mean, so those are the purposes of my comments.

MADAM CHAIR: Senator Martin.

SENATOR MARTIN: I would just observe, Madam Chairman, that the assertion has as much visibility and ability for public comment as any other proposal and is not possible in light of the fact that it

has just been released yesterday afternoon at the earliest, if it was then, and where others have had some days and in some instances a week plus to review. So thank you, Madam Chairman.

[21] MADAM CHAIR: Thank you. Senator Edwards.

SENATOR EDWARDS: I have a question for Senator Locke. I think this was raised either when we were dealing with your plan in the senate, your senate bill, as opposed to the substitute, but what is the percentage of African Americans in Virginia in the population?

SENATOR LOCKE: 20 percent.

SENATOR EDWARDS: How much?

SENATOR LOCKE: About 20 percent.

SENATOR EDWARDS: About 20 percent. On a pro rata basis how many districts should be African American majority or influence --

MADAM CHAIR: Can you speak a little louder, please?

SENATOR EDWARDS: Yes. How many districts should be African American influenced than on a pro rata basis would that call for?

SENATOR LOCKE: Two plus.

SENATOR EDWARDS: Two plus. And your district provides for how many?

SENATOR LOCKE: Two.

SENATOR EDWARDS: Two. Okay. Thank you.

MADAM CHAIR: All right. I don't see any [22] further hands.

SENATOR DEEDS: I move we adopt the amendment nature of the substitute.

UNIDENTIFIED SPEAKER: Second.

MADAM CHAIR: It's been moved and seconded that the amendment in the nature of a substitute be adopted.

Any further comments? All in favor please say, yea.

(Yea responses are heard.)

MADAM CHAIR: Opposed?

(Nay responses are heard.)

SENATOR DEEDS: I move we support the bill.

MADAM CHAIR: Let's call the role, please.

THE CLERK: Senator Martin.

SENATOR MARTIN: No.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Yes.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Yes.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: No.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Yes.

THE CLERK: Senator Edwards.

[23] SENATOR EDWARDS: Aye.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: No.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Aye.

THE CLERK: Senator Petersen.

SENATOR PETERSEN: Aye.

THE CLERK: Senator Smith.

SENATOR SMITH: No.

THE CLERK: Senator Barker.

SENATOR BARKER: Yes.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Yes.

THE CLERK: Senator Vogel.

SENATOR VOGEL: No, by proxy.

THE CLERK: Senator McWaters.

SENATOR MCWATERS: No.

THE CLERK: Senator Howell.

SENATOR HOWELL: Yes.

THE CLERK: Nine yeas, six nays.

MADAM CHAIR: The motion passes to adopt on nine yeas, six nays.

SENATOR DEEDS: Madam Chair?

MADAM CHAIR: Senator Deeds.

SENATOR DEEDS: I now move that we support [24] the bill as amended.

UNIDENTIFIED SPEAKER: Second.

MADAM CHAIR: It's been moved and seconded that the bill be reported -- the bill as amended be reported. Is there anyone --

UNIDENTIFIED SPEAKER: Second.

MADAM CHAIR: I thought it was seconded.

UNIDENTIFIED SPEAKER: Second, right here. I'm sorry.

MADAM CHAIR: Okay. It has been seconded.

All right. Is there anyone in the audience who would like to speak to this motion?

Seeing no one, does anyone on the committee wish to make a comment?

Hearing no one, let's have the vote to report the committee amendment in the nature of a substitute.

Clerk, call the role.

THE CLERK: Senator Martin.

SENATOR MARTIN: No.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Yes.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Yes.

THE CLERK: Senator Obenshain.

[24] SENATOR OBENSHAIN: No.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Yes.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: Aye.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: No.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Aye.

THE CLERK: Senator Petersen.

SENATOR PETERSEN: Aye.

THE CLERK: Senator Smith.

SENATOR SMITH: No.

THE CLERK: Senator Barker.

SENATOR BARKER: Yes.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Yes.

THE CLERK: Senator Vogel.

SENATOR VOGEL: No.

THE CLERK: Senator McWaters.

SENATOR MCWATERS: No.

THE CLERK: Senator Howell.

SENATOR HOWELL: Yes.

THE CLERK: Nine yeas, six nays.

MADAM CHAIR: The bill is reported nine [26] yes, six no.

DELEGATE JANIS: Thank you, chairman.

MADAM CHAIR: Thank you, delegate.

There being no more business, the committee will rise.

(Whereupon, the proceedings at 12:40 p.m. were concluded.)

Senate Privileges and Elections Committee
Transcript of Public Meeting for the Discussion on
Senate Bill 5003 and Senate Bill 5004 (Apr. 12, 2011)

(Defendants' Exhibit 121)

[3] PROCEEDINGS

MADAM CHAIR: Call the roll.

THE CLERK: Senator Martin.

SENATOR MARTIN: Here.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Here.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Here.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: Here.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Here.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: Here.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Here.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Here.

THE CLERK: Senator Petersen.

SENATOR PETERSEN: Here.

THE CLERK: Senator Smith.

SENATOR SMITH: Here.

THE CLERK: Senator Barker.

SENATOR BARKER: Here.

[4] THE CLERK: Senator Northam.

SENATOR NORTHAM: Here.

THE CLERK: Senator Vogel.

SENATOR VOGEL: Here.

THE CLERK: Senator McWaters.

SENATOR MCWATERS: Here.

THE CLERK: Senator Howell.

SENATOR HOWELL: Here.

THE CLERK: Madam Chair, your floor.

MADAM CHAIR: Thank you. In front of you you have a comment report on the legislative services received on all of the various proposals that have come in front of us. We do not yet have the court reporter, but we have two recording systems that hopefully are working, and then when the court reporter comes, we will have a third backup.

We have -- the plan for today is we have two senate bills dealing with congressional redistricting. We will hear the patrons present each of those bills.

We will not vote this morning, because the House is currently in the process of passing the House bill. When that is communicated to the senate, hopefully by noon, we will recess and then [5] we will meet again to hear the House plan and then we will have votes.

Anybody else have questions about that?

The first bill we have is Senator Miller's bill, Senate Bill 5000. Good morning, senator.

SENATOR MILLER: Good morning, Madam Chair, members of the committee. As you know,

colleges across the Commonwealth recently held a competition to draw house, senate, and congressional districts.

And as you consider these congressional lines, I wanted you to have the benefit of thinking of the leading college plan that was drawn by law students from the College of William and Mary.

There may be a concept or an idea in their plan that would benefit your final product. Their districts are certainly more compact than the current, and they may also have some other advantages as well.

With us today are two of the students who drew those plans, Meredith McCoy and Nick Mueller.

They will explain the plan and answer any questions you may have.

MR. MCCOY: Good, morning. I'm Meredith McCoy. I just want to thank Mr. Miller and the committee for giving us the opportunity to present [6] our maps to you.

Just to give you an overview of how we started, we started with a blank slate. We really considered for a while as to how do we start with the existing map and those lines or just start from a blank slate and really start from scratch.

We thought the best way to achieve the most objective map possible was really to start from a blank slate and work with the criteria from there.

Nick, I think, will speak to the specifics of the bill, but generally, we started with Northern Virginia and Richmond and our majority/minority district and worked from there.

MR. MUELLER: When we looked at the map, we looked at trying to keep communities of interest together as the primary goal of redistricting. The idea that representation should be about representing a group that has common interests.

To do that, we said that the first areas that are most uniquely common interest are, one, that Richmond as a city has a unique interest as opposed to the current map which splits Richmond as well as Henrico and Chesterfield counties up into three or four districts should all be one.

The map before you has all of Richmond, all [7] of Chester, almost all of Chesterfield. I believe all of Chesterfield and almost all of Henrico County all together.

You also see up in Northern Virginia as opposed to our current maps and some of the other proposed maps which kind of weave in and out of each other, we have created concentric semi-circles. The theory being that the closer you are to D.C., the more in common you have with those kinds of folks.

The people who are in Alexandria and Arlington probably have more in common with each other than they do with someone who is out in Manassas.

So we want to be -- the closer you are to D.C. the more D.C. like you are, and the further out you are, the more western Virginian that you are.

We all know that many of the people who are close to D.C. affiliate themselves almost as much with D.C. as they do with the state, so they should be able to have their common interests together.

We also try to correct what we thought were some regularities in the majority/minority district. It currently breaks up many, many communities. It stretches all the way from Richmond down into Newport News and Hamilton, and those aren't necessarily communities that share everything in [8] common. And the folks in Richmond just because they happen to be of the same race don't necessarily have the same interest that people who are on the shore do and may be interested in the military bases, may be interested in the commerce that comes from ports.

And so we tried to create a district that keeps those communities not just based on race, but based on the other things that bind communities as well.

If you have any questions --

MADAM CHAIR: Are there any? Are there any questions?

SENATOR EDWARDS: Madam Chair?

MADAM CHAIR: Senator Edwards.

SENATOR EDWARDS: What you have here is very thoughtful. You had the Roanoke Valley and the eighth district. I guess you re-numbered them, but tell me why that should be in that area of interest as opposed to sharing a common interest which you have nearer to the valley which is the number in that area and through the communities of interest in the primary counties? There are people in Montgomery, Roanoke Valley, and on a regular basis.

MR. MUELLER: Yes, that was one of those tough decisions that we had to make. When you look [9] at bouncing population and trying to keep communities of interest together. We chose instead to keep Roanoke

and Salem with the surrounding county as opposed to breaking it up as I believe the other maps that you see today does. Assuming that Roanoke city and county have some common interest as well.

SENATOR EDWARDS: Madam Chair?

MADAM CHAIR: Senator Edwards.

MR. MUELLER: I believe the other bill, Senate Bill 5004 that you will see today, the other map right there has the southern part of Roanoke county set out to a separate district.

SENATOR PUCKETT: Madam Chair?

MADAM CHAIR: Yes, Senator Puckett.

SENATOR PUCKETT: Could you tell me if it's -- it's hard to tell by looking at your map. That the present ninth district congress actually live in the ninth congressional district from your map?

MS. MCCOY: Actually, when we drew our map we were completely blind as to the residences of all of the congressmen just because we wanted to remain as objective as we possibly could and keep politics out of it. As I understand it, the law doesn't [10] actually require congressmen to live in their district. Take that for what that's worth.

UNIDENTIFIED SPEAKER: Well, that's the case so far.

SENATOR PUCKETT: Madam Chair?

MADAM CHAIR: Senator Puckett.

SENATOR PUCKETT: He was elected by that current situation. My question, does he live in it now?

MS. MCCOY: No.

MR. MUELLER: No.

SENATOR PUCKETT: Okay. So he still doesn't live in the ninth district?

MR. MUELLER: According to the way this is drawn.

SENATOR PUCKETT: Thank you, Madam Chair.

MADAM CHAIR: If I might ask, how many of the incumbent congressmen do not live in the district as you have drawn it?

MS. MCCOY: I'm not positive. It's not something we were really aware of, but I think all but two.

MR. MUELLER: Two or three.

SENATOR DEEDS: Madam Chair?

MADAM CHAIR: Senator Deeds.

[11] SENATOR DEEDS: I would suggest they all live somewhere in Virginia. They all have a district.

SENATOR PETERSEN: Madam Chair?

MADAM CHAIR: Senator Petersen.

SENATOR PETERSEN: I just wanted to follow up on Northern Virginia. It looks to me like you basically made a distinction between inside the beltway and outside the beltway. Is that roughly correct?

MR. MUELLER: That was the attempt as nearest could happen on population restraints.

MADAM CHAIR: Are there any further questions? Okay. I'd like to thank you both very much for presenting your plan. I think we have all been inspired by the efforts that so many students have made, and I think you have some good suggestions, and I hope you also realize how difficult this job is.

MS. MCCOY: That's one thing we were walking away from this process with is a great appreciation for your job. So thank you for having us.

MADAM CHAIR: Thank you very much.

SENATOR SMITH: Madam Chair?

[12] MADAM CHAIR: Yes, Senator Smith.

SENATOR SMITH: Senator Miller, do you believe this is the best plan of the plans submitted?

SENATOR MILLER: I think this is one of many plans. If we gave everybody a pen in the senate, we would get 40 different plans. It wouldn't be a plan I would draw, but I think it's a very good plan.

SENATOR SMITH: Madam Chair?

MADAM CHAIR: Yes, Senator Smith.

SENATOR SMITH: You are offering this plan?

SENATOR MILLER: Yes, sir.

SENATOR SMITH: If you are offering a bill, would you not offer the very best bill you could offer?

SENATOR MILLER: I'm offering the winning plans from the students' competition, and it is the best student plan that's offered.

MADAM CHAIR: Senator Smith.

SENATOR SMITH: I'm confused. Why would somebody bring a bill forward if it was not in their personal opinion that it would be the best for the Commonwealth to use that plan?

SENATOR MILLER: This was done by request. [13] I wanted to have the opportunity for you to look at their plan and incorporate the good ideas.

SENATOR SMITH: Madam Chair?

MADAM CHAIR: Senator Smith.

SENATOR SMITH: I don't think I'm different from -- throughout the year we get many ideas for bills forwarded to our office, and obviously, all of them do not present to us individually as a good idea. So we answer yes.

It's our job to listen but would it not be our responsibility to bring the best plan forward before we presented the bill to sign off on?

SENATOR DEEDS: Madam Chair, the point is clear.

MADAM CHAIR: Senator Deeds.

SENATOR DEEDS: Madam Chair, the questions I think are calling the senator's motives in question. And I don't know that we have ever as a matter of custom and tradition in the senate allowed questioning that called a senator's, an individual senator's motives into question. I just don't think the question is warranted.

SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Senator McEachin.

SENATOR MCEACHIN: Madam Chair, I agree [14] with the senator. In addition, Senator Miller says he has done this by request. Of course Senator Smith is a new member of the senate and perhaps he doesn't understand what by request means. But oftentimes we bring legislation by request from constituents from interest groups so they have an opportunity to be heard, and I think that's what Senator Miller just said.

SENATOR MARTIN: Madam Chair?

MADAM CHAIR: Senator Martin and then Senator Smith.

SENATOR MARTIN: If Senator Smith wants to talk, that's fine.

MADAM CHAIR: Senator Smith.

SENATOR SMITH: Madam Chair, for the information, generally, I believe I'm correct, that I arrived at the Virginia Senate the same day Senator McEachin arrived and that wasn't yesterday. I understand where we are going. If you refuse to answer, you refuse to acknowledge. I understand I'm outnumbered also, but I wish you would answer the question.

MADAM CHAIR: Senator Smith, I do believe Senator Miller answered the question.

Senator Martin.

[15] SENATOR MARTIN: Madam Chair, there is no question we should not challenge people as to their motives, though I have seen it on the open floor and on the committee before, but we should not. I would just ask this. You have the vote by request and I know what that means and we get those from time to time, would you recommend to us that we adopt this?

SENATOR MILLER: I recommend that you study it carefully to see what ideas that they have and incorporate them into your final product.

SENATOR MARTIN: Thank you.

MADAM CHAIR: Is there anyone in the audience who would like to comment on Senate Bill 5003? I don't see anyone.

SENATOR OBENSHAIN: Madam Chair?

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: If I could ask Senator Miller a question just prompted by his last comment. You recommend, senator, that we incorporate this into our final plan. How would you recommend that and was it incorporated into the plan that is offered by the majority?

SENATOR MILLER: I think what you have to do as a committee is to look at the plans that are before you and incorporate the best of the plans in [16] your final product.

SENATOR OBENSHAIN: So you are asking that we reject the plan that has been offered by Senator Locke so we can modify it to make changes that were corrected in your plan?

SENATOR MILLER: I'm suggesting if you see something in this plan that is a good idea and you can incorporate it into any other plan, you do that.

SENATOR OBENSHAIN: Do you have specific recommendations as to how Senator Locke's plan should be modified in light of the recommendations that you brought forward?

SENATOR MILLER: No, I think the committee can decide for itself as to which direction to head.

SENATOR OBENSHAIN: You don't have a single one?

MADAM CHAIR: Let's not have running debate.

SENATOR MILLER: Sorry. I think you ought to look at the compactness of this plan, so.

MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: Thank you. So you don't believe that Senator Locke's plan is essentially compact?

SENATOR MILLER: I never said that.

[17] SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Senator McEachin.

SENATOR MCEACHIN: Senator Miller, when you speak in terms of compactness, are you comparing the William and Mary plan to the current map as was adopted in 2001?

SENATOR MILLER: Yes, it's much more compact.

SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Senator McEachin.

SENATOR MCEACHIN: Isn't that one of the attractive features of the William and Mary plan that's also reflected in Senator Lucas's plan which is the impacting of the African American districts not less in the African American majority district? Is that not something that's attracted in the William and Mary plan that is also included in Senator Lucas's plan?

SENATOR MILLER: It's very impacted.

SENATOR MCEACHIN: Excuse me. Senator Locke's plan. I said Senator Lucas instead of Senator Locke.

Thank you, Madam Chair.

MADAM CHAIR: Next we have Senate Bill 5004.

Senator Locke.

[18] SENATOR LOCKE: Thank you, Madam Chair, members of the committee, for giving me this

opportunity to present now my plan that was previously discussed without having been heard.

Senate Bill 5004 attempts to create an opportunity for greater minority participation and voting and elective candidates of choice. The Voting Rights Act protects African American voters in the wake of historic voter discrimination in certain states and counties.

Its purpose is not to have these voters packed into selected districts. Minority rights are not always served by districts that are overly packed.

Minority influence is diluted in districts surrounding the packed majority/minority districts because individuals selected may not feel compelled to address minority concerns as part of their agenda. Thus, support from minority legislation is limited.

African Americans and other minorities do not necessarily need overly packed districts to get elected. Minority candidates have chances of being elected from districts with less than 50 percent minority voters. I offer to you three examples. [19] The current mayor of Newport News and McKinley Price was elected city wide and Newport News is not a minority -- majority/minority district or city.

Bill Ward in Chesapeake was elected as mayor in a city that was not a majority/minority city. Mayor Locke was elected mayor of Hamilton in a city that was not majority/minority.

Virginia has 20 percent African American population, yet only one member of the 11 member congressional delegation is an African American. I ask you if this is fair representation.

This congressional plan being presented represents an alternative to the Incumbent Protection Plan. This option, i.e., the Incumbent Protection Plan, offers no change and gives voters what they already had, an already packed third district with no opportunity to African Americans to select candidates of choice except in the 8th and the 11th.

Senate Bill 5004 provides some slight shifts in changes that would create a new minority/majority district in the fourth and an opportunity district in the third currently held by Congressman Bobby Scott. Thus, minority voters are [20] provided an opportunity to influence the outcome of an election by having a greater voice in electing the candidates of their choice.

Thank you.

MADAM CHAIR: Thank you, senator.

Are there questions for Senator Locke?

SENATOR BLEVINS: Madam Chair?

MADAM CHAIR: Senator Blevins.

SENATOR BLEVINS: Senator Locke, the drawing -- I'm looking at the fourth district now, and maybe it's a question for all of you, is the current congressman out in the area that is drawn, he is in now?

SENATOR LOCKE: Yes, he currently lives there.

MADAM CHAIR: Are there further questions?

SENATOR SMITH: Madam Chair?

MADAM CHAIR: Senator Smith.

SENATOR SMITH: Question, Senator Locke. I was thinking it was only fair to ask of you do you

believe this is in the best interest of the Commonwealth?

SENATOR LOCKE: Yes, it is.

MADAM CHAIR: Senator Smith.

SENATOR SMITH: It is the better plan that [21] you have seen and reviewed the others?

SENATOR LOCKE: Yes, this is the best.

SENATOR SMITH: Thank you.

MADAM CHAIR: Are there further questions?

Would anyone in the audience like to comment on Senate Bill 5004? I see no one. And there being no --

SENATOR PETERSEN: Madam Chair?

MADAM CHAIR: Yes, Senator Petersen.

SENATOR PETERSEN: I'd like to make a couple of comments if I can. I want to thank Senator Locke for bringing this forward. I know a lot of work went in this plan. I'm more familiar with Fairfax County than I am with the rest of the state. And I respect the fact that African Americans have a new history amongst minorities. I have a number of minorities in my household who are not African Americans, yet they still like to be head of household.

But the point I'm making is looking at this map it's tough to get it right. I do notice that you are holding the 66th quarter together in Fairfax County which is important. I think, I look at this map as, frankly, giving better balance. The current congressional map in Northern Virginia, frankly, put [22] all the Democrats in the eighth congressional district. And I want to congratulate you. I know that sometimes in Northern Virginia the shapes may look odd from the

top down, but if you note highways and byways, it actually makes more sense on the ground.

So, again, speaking of someone that lives in a minority/majority household I fully am supporting this map for other reasons than what you articulated.

SENATOR LOCKE: I'm just glad Senator Petersen realizes the majority.

MADAM CHAIR: Senator Barker.

SENATOR BARKER: Madam Chair, I just have some comments as well. I too appreciate the plan offered by Senator Locke. I think it's a very good plan. I think it puts us in the right direction. African Americans are between 19 and 20 percent of Virginia population. Multiply that by eleven congressional seats, and it adds up to more than two seats.

What we have had is a situation for many years where we have had one African American. We did have Senator Lucas who came close in another district a few years ago, but we have not had a [23] second African American congressman. Even though, if you look at the African American population clearly, it equates to more than two congressional seats.

I think it's important also from the perspective of what Senator Locke was discussing of providing opportunities for African Americans and other minorities to be in positions to significantly influence the outcomes of elections, not necessarily or necessarily are we going to have an African American in every situation, but be able to have influence in terms of who gets elected and having elected and helping elect people who are going to be representative of their interest.

I think we sometimes have fallen short in that respect, and I think if you look around just within the senate right now what we have is we have five African American senators all on majority/minority districts. We do not have a single other African American who has been elected.

Actually, now Congressman Scott was initially elected in a district that was not majority African American, but that's been the exception in Virginia, and I think it's time we move in that direction. As Senator Locke has noted there [24] has been a substantial demonstration in Virginia.

She cited three examples in the Hampton Roads area where African Americans have been elected in city elections where they are less than 50 percent of the voting age population within those cities.

When we had considered our senate plan a couple of weeks ago, I had talked about a lot of situations we have had in Northern Virginia where we have had African Americans elected in jurisdictions oftentimes on a city-wide basis, but sometimes on a district basis where they are in many cases less than ten percent and a lot of cases less than 20 percent.

What we need to do is make sure we are including everybody in the process, giving opportunity for minorities to have significant influence in election and for candidates from those groups to have good chances of being successful.

That's when we get representations from all Virginians, and I think this is a good step in the right direction, and I thank Senator Locke for this plan.

MADAM CHAIR: Were there further comments? Questions?

Okay. Senator Obenshain.

[25] SENATOR OBENSHAIN: Senator, do you know whether Congressman Goodman is within the sixth district?

SENATOR LOCKE: All of the congressman are representatives within their districts.

SENATOR OBENSHAIN: So -- MADAM CHAIR: Senator Obenshain.

SENATOR OBENSHAIN: So, what, Congressman Griffith is in the ninth and Goodman is in the sixth?

SENATOR LOCKE: That's correct.

SENATOR OBENSHAIN: Thank you.

MADAM CHAIR: Is there anyone further? All right. I don't see anymore hands. So as soon as we get -- the House bill comes over we will recess from the floor. Then we will probably be in the old senate chamber. Hopefully, the court reporter will be there. And there being no further questions or comments, the committee will rise.

(Whereupon, the proceedings at or about 10:45 a.m. were concluded.)

Virginia House of Delegates

House Committee Operations

Transcript of House Privileges and Elections
Committee Meeting

(Apr. 18, 2011)

(Defendants' Exhibit 122)

[4] PROCEEDINGS

CHAIRMAN COLE: We have one piece of legislation on the docket today. It's House Bill 5005. I'll ask the patron, Delegate Jones, if you would present your legislation.

DELEGATE JONES: Mr. Chairman and Members of the Committee, House Bill 5005 that is before you today differs in just a few way -- a few instances from House Bill 5001, which passed the House and he conference report. I think it was last week. There are seven -- nine precincts that have been unsplit and there are two that were split. What is before you today was -- after meeting with several members, some local governments that contacted me say the major changes are in Richmond City area and they are in the 64th, the 27th, and the 65th, the 68th, the 69th, the 70th and 71st. It sounds like a lot, but we unsplit nine precincts, which affected the ones on the outlining areas of 65, 27 and 62. Not 64. In essence, the precincts that were unsplit would be EENS, Sullivan and Medford in the 70th and in Mr. Ingram's District, Five Forks, Berg and I believe Watkins and in the 27th, Manchester. Also in the City [5] of Richmond, Precinct 208 was previously split between the 69th and the 71st. That has now been unsplit and totally resides in the 71st. There is a zero

population block split if you look at the report, I'm not sure what page it's on, it would be in District 69, and the reson that zero population split is there, the Registrar in the City of Richmond will move the polling place to that location and that is the War Memorial. So, it appears to be we split a couple more precincts but one was a request of the Registrar to be able to accommodate a polling place for Precinct number 505. After listening to some feedback since we had to put a new bill in, I went ahead and made those changes and then there was a concern that Delegate Howell had down in Norfolk. There was a split precinct called Bolling Park. That was between the 90th and the 89th. That has been unsplit and additional population was taken out of the 90th and put back into the 89th and a precinct that is currently split between them. I think that was Brambleton.

I'll be glad to answer any questions that you might have, but that is the sub and substance of the [6] bill that is before this body. It is essentially what we passed last week in the form of a conference report.

CHAIRMAN COLE: Thank you. Are there any questions or comments from the committee?

DELEGATE SPRUILL: Assume.

CHAIRMAN COLE: Delegate Spruill.

DELEGATE SPRUILL: The precinct that was split in Bolling Park (inaudible), who endorsed the other?

DELEGATE JONES: That goes to the 90th Adage in full and they were -- that was just something that happened when they were working between the 100th, the 89th and the 79th. Somehow that precinct was

split unintentionally between the 90th and the 89th. So, I sat down with all parties involved and everyone was fine with that move.

CHAIRMAN COLE: Any other questions or comment?

I call any members of the public that may wish to comment on this bill. Is there any public comment?

Seeing none. There's a motion to report. Is [7] there a second?

DELEGATE JOANNOU: Second.

CHAIRMAN COLE: Any discussion? All those in favor of reporting will vote yes.

If everyone voted, the clerk will close the role. The bill is recorded.

Any other business to come before the committee?

Is anybody here from the Administration? Nobody here from the administration.

Committee will rise.

(Off the record.)

Transcript Of The Senate Committee On Privileges
and Elections Meeting
(Apr. 11, 2011)

(Defendants' Exhibit 123)

[4] THE CLERK: Madam Chair, you have the floor.

MADAM CHAIR: Thank you. We have three items on our docket today. The first is the congressional redistricting plan. That will not be brought up today. We're going to save that for another day. We also have the Governor's appointments. We will be dealing with that next, and that's followed by the General Assembly redistricting bill.

First, on the Governor's appointments, they are at your desk. They've been vetted through our paperwork group and are ready for a motion.

SENATOR WHIPPLE: Madam Chairman, I would move that we adopt Senate Joint Resolution No. 5017, confirming appointments by the Governor.

SENATOR VOGEL: Second.

MADAM CHAIR: It has been moved and seconded. Is there any discussion?

[6] (Pause.)

MADAM CHAIR: Seeing no hands, all in favor please say "Aye."

MULTIPLE SPEAKERS: Aye.

MADAM CHAIR: Okay. Is anyone opposed.

(No responses.)

MADAM CHAIR: It passes unanimously.

Next, we have our General Assembly redistricting bill. You have now an amendment in the nature of a substitute. That amendment contains on the House side what was passed by the House of Delegates, as well as a few technical changes that they have requested.

SENATOR DEEDS: Madam Chair?

MADAM CHAIR: Yes.

SENATOR DEEDS: I move that we adopt the substitute.

SENATOR WHIPPLE: Seconded.

SENATOR VOGEL: (Simultaneous to Senator Whipple) Second -- seconded.

MADAM CHAIR: It has been moved and seconded that we adopt the substitute. All in favor please say "Aye."

MULTIPLE SPEAKERS: Aye.

MADAM CHAIR: All opposed.

(No audible response.)

MADAM CHAIR: Okay. This substitute . . . this substitute, as I said, contains the House plan as it [7] passed the House of Delegates, plus some technical changes they have requested. And for the Senate, it contains the agreement that was reached by the negotiators for the Republican Caucus and the Democratic Caucus.

I'd like to say just a few words about this plan. The negotiators on both sides worked extremely hard for three days, and we did reach an agreement. This agreement is part of this bill. It meets all legal and constitutional requirements, and particularly close

attention was paid to the Voting Rights Act, and we are in compliance with the Voting Rights Act in this proposal.

It respects to the extent possible the current selection by voters for their current representatives in the senate. It respects the current parity between the parties. One man one vote is also respected.

We are creating two new districts and we are reducing two districts based on population shifts. This plan responds to the concerns put forward by the governor in his veto message, and it responds to concerns put forward by the republican negotiators. It responds further to areas of public concern.

There are now in this proposal two districts in Virginia Beach. It reduces by one the number of districts having part of Prince William County, and we have un-split numerous precincts and localities that were previously [8] split. So, we have a net reduction in the numbers of split localities and precincts.

We continue to support competitive districts, and we expect throughout the state many spirited election campaigns to take place.

We democrats negotiated in good faith. We worked with our republican colleagues, as I said, for three long days. We agreed on a plan, this plan, and we are keeping the good faith that we've entered the negotiations with and are putting forward and plan to support the negotiated plan.

Are there any questions . . . or comments?

SENATOR MCEACHIN: Madam Chair?

MADAM CHAIR: Yes ...

SENATOR MCEACHIN: I move - -

MADAM CHAIR: . . . Senator McEachin.

SENATOR MCEACHIN: I move that we report the bill.

MADAM CHAIR: It has been moved that the bill be reported. Is there a second?

SENATOR WHIPPLE: Second.

MADAM CHAIR: It has been moved and seconded. Are there comments?

(Pause.)

MADAM CHAIR: Seeing none, is there anyone in the public who would like to comment?

[9] UNIDENTIFIED SPEAKER: (Inaudible.)

MADAM CHAIR: Again, seeing no one, all in favor of these amendments in the nature of a substitute please say "Aye."

MULTIPLE SPEAKERS: Aye.

MADAM CHAIR: Opposed.

MULTIPLE SPEAKERS: No.

MADAM CHAIR: Alright. Call the roll.

THE CLERK: Senator Martin.

SENATOR MARTIN: No.

THE CLERK: Senator Deeds.

SENATOR DEEDS: Yes.

THE CLERK: Senator Whipple.

SENATOR WHIPPLE: Aye.

THE CLERK: Senator Obenshain.

SENATOR OBENSHAIN: No.

THE CLERK: Senator Puckett.

SENATOR PUCKETT: Aye.

THE CLERK: Senator Edwards.

SENATOR EDWARDS: Aye.

THE CLERK: Senator Blevins.

SENATOR BLEVINS: Aye.

THE CLERK: Senator McEachin.

SENATOR MCEACHIN: Aye.

THE CLERK: Senator Petersen.

[10] SENATOR PETERSEN: Aye.

THE CLERK: Senator Smith.

SENATOR SMITH: No.

THE CLERK: Senator Barker.

SENATOR BARKER: Aye.

THE CLERK: Senator Northam.

SENATOR NORTHAM: Aye.

THE CLERK: Senator Vogel.

SENATOR VOGEL: Aye.

THE CLERK: Senator McWaters.

SENATOR MCWALTERS: Aye.

THE CLERK: Senator Howell.

SENATOR HOWELL: Aye.

THE CLERK: Not (inaudible). Twelve yeas, three nays.

MADAM CHAIR: Twelve ayes, three nays. The bill is reported.

Is there further business to come before us?

(No audible response.)

MADAM CHAIR: Okay. There being none, the committee will rest.

UNIDENTIFIED SPEAKER: Straight into chamber, folks.

NOTE: END OF AUDIO.

House of Delegates
Privileges and Elections Committee

Transcript of Public Hearing In Re: Redistricting
(Jan. 11, 2012)

(Defendants' Exhibit 124)

[3] DELEGATE COLE: I'll call the committee to order. There's two purposes for this meeting. One is consider redistricting legislation for the congressional seats, and also since this is our first meeting of the session, just to get some inputs regarding committee, subcommittee assignments. I was planning on meeting on Friday for that purpose but since we are meeting now there will not be a committee meeting on Friday morning.

First just a couple of administrative items: One, I anticipate having the same subcommittees as last year, so if you have any preferences regarding subcommittee assignments, please send me an e-mail letting me know what subcommittees you want to be assigned to. I can't make promises, but I will do my best to satisfy any concerns. The election subcommittee normally has the heaviest workload so I reserve the right to send elections type bills to other subcommittees if I think the election subcommittee is overloaded. But other than that, please let me know.

Also I'd like to point out to the members of the committee House Bill 259. I encourage everybody to take a look at House Bill 259. I'm patroning that bill. That bill is making technical adjustments to the [4] House of Delegates districts. It's based on input from general registrars. I sent a letter out to all the general registrars throughout the state a couple months ago asking if they had any recommended changes to the

districts to try to do away with split precincts and things like that, so that House Bill 259 is, incorporates their inputs, does not incorporate any inputs from the members, so I'd encourage you to take a look at that.

Delegate Albo.

DELEGATE ALBO: I looked the bill up, and it's basically a recitation of the census blocks, so the only way a person can understand it is if it had been reduced to some kind of map or something.

DELEGATE COLE: Okay. We can get a summary out.

MR. AUSTIN: Now that the bill is introduced we can go ahead and make that public on the General Assembly's redistricting web site.

DELEGATE COLE: Okay.

MR. AUSTIN: If you have individual questions we can help you look at your district or of the districts.

DELEGATE ALBO: I memorized all my census blocks, but I was wondering if you guys might not have [5] done that.

DELEGATE BELL: Mr. Chair?

DELEGATE COLE: Yes?

DELEGATE BELL: My local registrar asked about this issue, asked if there would be limits to the 1 percent deviation, whether that is no longer a limiting factor.

DELEGATE COLE: Yes, that is a factor. As you are aware of, last year the committee adopted guidelines for the redistricting, and one of them was no more than 1 percent plus or minus deviation from the standard population. That still applies to any

adjustments to the districts. And some, I will comment in case you hear from your registrar that some of their inputs were not included in the bill. Some of the inputs that we did get from the registrars exceeded the 1 percent deviation and those were not included in the legislation.

All right, now on to business. We have one bill before us today and Delegate Bell is the patron of that bill. What's the bill number?

DELEGATE BELL: Mr. Chairman, it's House Bill 251.

DELEGATE COLE: Okay. Delegate Bell, would you like to present your bill?

[6] DELEGATE BELL: Mr. Chairman, with your permission I'll present it from my seat.

This is not a new bill. For the new members I'll walk through what it is and what it does. As everyone knows, there's a decennial census in the entire United States, and once the decennial census is done, we are required to redraw the congressional maps to reflect the new numbers. Some districts are too big, some districts are too small.

Last year my predecessor, Delegate Janis, worked with Congress in Washington to construct a map which is before you. This is the identical map to what was passed as the engrossed bill last year, so the members from last year, there are no changes to it, and I would pass out to this committee there were 2 dissenting votes and they changed their votes after the amendments on the floor, so all the members currently sitting on this committee voted on this bill before.

For the new members when you look at the map, it does several things. It preserves the core of the existing congressional districts, it complies with the rule of one man one vote. Let us emphasize that the federal elections that there's no 1 percent or 2 percent or 5 percent deviation, it has to literally be one person one vote, so it does comply with the one [7] person one vote, it complies with other federal statutes, most importantly the Voting Rights Act, and it has been individual members who were consulted with and approved their individual districts. Now they were not shown the entire map at the time as I understand it but at the time they approved their individual districts.

So with that, Mr. Chairman, I present the bill for your approval. Thank you.

DELEGATE COLE: House Bill 251 is before us and every member should have a copy of it in front of them. Are there any questions of the patron from committee members?

Delegate Sickles.

DELEGATE SICKLES: Mr. Chairman, could you tell me the percentage of minority vote in the before existing in the third congressional district and then what it was before and what the 2 make it?

DELEGATE COLE: Talking about the third district?

DELEGATE SICKLES: Third district.

DELEGATE COLE: Delegate Bell?

DELEGATE BELL: Make sure I understand the gentleman. The current third lines using the 2010 census is 53.1 percent voting age population which is

[8] the metric that they use, it's not the total population, it's voting age population, and the lines as drawn on the redrawn third with the 2010 census numbers is 56.3.

DELEGATE COLE: Delegate Alexander?

DELEGATE ALEXANDER: Delegate Bell, this bill is identical to what we passed in 2011, is that correct?

DELEGATE BELL: Yes. If you recall it was one minor amendment on the floor which I actually think was suggested by the gentleman and his neighbor, Mr. Howell, but with that, this is identical to as it passed the floor, yes, sir.

DELEGATE ALEXANDER: This bill was also cleared by the U.S. Justice Department, is that correct? Has to go to the Justice Department?

DELEGATE BELL: Will have to go. The preclearance, they don't do anything until we give them something to work on, but we have not yet. As you know last year ended without us reaching a bill that passed the House and Senate so we have not sent anything to them yet.

DELEGATE COLE: Are there any other questions? Delegate Miller.

DELEGATE MILLER: I'm probably not [9] reading this correctly, may be left off by staff, on the sheet, pages given for absolute numbers in each district, for district 10 on page 16 going to page 17, we start each district with the cities and the counties. Am I just reading this wrong? I don't find Fairfax in there. We have Clarke, Frederick, Loudoun, Manassas, Manassas Park, and Winchester.

DELEGATE ALEXANDER: It's not an accident.

DELEGATE BELL: Those are not full counties, then you see right below that, it's been broken up, Fairfax is only part of Fairfax and so forth.

DELEGATE MILLER: So break out, okay, I understand.

DELEGATE BELL: Partial but it has the full counties for the first 2, 3 --

DELEGATE MILLER: I got it. All right, I knew there'd be an explanation.

DELEGATE COLE: Any other questions? Delegate Dance?

DELEGATE DANCE: And Petersburg is in one district?

DELEGATE BELL: I believe Petersburg is in, to answer the gentle lady, Petersburg is in the [10] third district and the entire is kept all in one place so it is listed at the very first beginning of the third district which is on page 3.

DELEGATE COLE: Any questions of committee members?

NOTE: Motion made to report and seconded.

DELEGATE COLE: There is a motion and second to report. Before I hold a vote on it I want to invite any members of the public if they wish to speak on the legislation. Are there any members of the public who wish to speak on the legislation? Seeing none, all right, we have a motion duly made and seconded before us to report House Bill 251. Is there any discussion?

Delegate Sickles.

DELEGATE SICKLES: I honestly do not remember voting for this. The last time I'm pretty sure I voted against it on the floor, and I was surprised to hear Delegate Bell say that everyone voted for it because there was an alternative that I think is much better the Senate passed and --

DELEGATE BELL: Mr. Chair, may I correct, I see that in fact Delegate Sickles did not vote, I apologize. I looked at the nays and I did not see your [11] name. Hugo, Gilbert, and Sickles did not vote in committee the last time it came through so I stand corrected.

DELEGATE SICKLES: That was not on purpose, Mr. Chairman. I must not have been there. I would have voted no.

DELEGATE COLE: All right, any other discussion? All right, no more discussion. The clerk will call the role.

THE CLERK: Putney (aye), Ingram (aye), Jones (aye), Albo (aye), Cosgrove (not present), O'Bannon (aye), Bell (aye), Miller (aye), Landes (aye) Hugo (aye), Cox (not present), Ramadan (aye) Ransone (aye), O'Quinn (aye), Scott (not present), Alexander (aye), Joannou (not present), Sickles (no), Howell (aye), Dance (aye), Spruill (no), Cole (aye).

DELEGATE COLE: The bill is reported 16 to 2.

All right, again I'd like to remind members I will be making some committee assignments and we'll be referring bills to subcommittee either by e-mail -- we won't be meeting on Friday. If you have preferences on subcommittee assignments, please let me know.

The committee is adjourned.

Transcript of Conference Call Before The Honorable Robert E. Payne, *Bethune-Hill v. Va. State Board of Elections*, No. 14-cv-852 (E.D. Va.)

(June 4, 2015)

(Plaintiffs' Exhibit 68)

[3] PROCEEDINGS

JUDGE PAYNE: Hello. Do we have, to begin with, Judge Lee and Judge Keenan?

JUDGE LEE: Yes.

JUDGE KEENAN: Yes, Judge Payne.

JUDGE PAYNE: And then we have for the parties, would you please identify yourself and who you represent, and then each time that you speak, give your name, for we have a court reporter here for these processes. The court reporter does not need the name of Judge Lee and Judge Keenan spoken every time, but for the lawyers who are unfamiliar to us, we need that.

MR. HAMILTON: For the plaintiffs, Your Honor, this is Kevin Hamilton from Perkins Coie, and with me on the phone is Bruce Spiva and Aria Branch.

MR. TROY: Your Honor, this is Tony Troy for the defendants State Board of Elections and Department of Elections, and I believe I also have on the phone with me Dan Glass and Godfrey Pinn. Dan, anybody else?

MR. GLASS: That's it.

MR. BRADEN: Your Honors, it's Mark Braden at Baker and Hostetler. I have Jennifer Walrath with me, and we are here for the defendant intervenors the Speaker of the House and the House of Delegates.

[4] JUDGE PAYNE: I'm sorry, your name is what?

MR. BRADEN: Mark Braden.

JUDGE PAYNE: And her name is what?

MR. BRADEN: Jennifer Walrath.

JUDGE PAYNE: Who just joined the meeting?

MR. PINN: Godfrey Pinn joined.

JUDGE PAYNE: All right, that's everybody. You have the order that was issued on the -- docket 58 to set the agenda. The process we'll follow is to ask you to comment on each of the topics, and then any time one of the judges wants to ask questions, they'll ask the question that they want to ask, and if anybody thinks of anything that needs to be dealt with, whether it's on the agenda or not, it can be raised.

The best process, given the need for a record, is if we speak, make sure we don't trample on each other's lines when we talk.

So I will say that I have gotten the 60 privileged documents that were submitted in the notebook, and I haven't had a chance to look at them yet. I will look at them, and then we'll be talking among the judges about that, and you'll hear from us just as promptly as we can.

I gather you've seen the order extending the time for the filing of motions *in limine*. All right, for the [5] plaintiffs, how many witnesses do you expect?

MR. HAMILTON: Your Honor, we anticipate calling four witnesses; three members of the House of Delegates plus Steve Ansolabehere. He's a professor from Harvard University, and he'll be serving as our expert in this case.

JUDGE PAYNE: Who are the House members you're calling?

MR. HAMILTON: They'll be Delegate McClellan, Delegate Dance, and Delegate Armstrong, although we may, depending on how things progress, whether we call all three of them or just two of them, we're not certain, but those are the three.

JUDGE PAYNE: Delegates McClellan, Dance, and Armstrong, and then you have an expert, and who is that?

MR. HAMILTON: His name is Dr. Stephen Ansolabehere, and for the court reporter, it's spelled A-n-s-o-l-a-b-e-h-e-r-e.

JUDGE PAYNE: How long do you expect the testimony -- let's assume for the moment that you call all of the listed delegates. How long is the testimony of each expected to be, just approximately for planning purposes?

MR. HAMILTON: Sure. Thank you, Your Honor. Well, we anticipate the delegates to be relatively focused [6] and straightforward, so I would anticipate somewhere between 30 and 60 minutes total including likely cross-examination, but I would say 30 to 60 minutes for planning purposes ought to be plenty.

JUDGE PAYNE: You mean all of them or each of them 30 to 60 minutes?

MR. HAMILTON: Sorry, each of them.

JUDGE PAYNE: You're mindful of Rule 611, aren't you, about duplicative testimony?

MR. HAMILTON: Absolutely, Your Honor. We have no intention of duplicating testimony. They will

not be testifying as to the -- they're going to be testifying generally to similar topics, but they'll be -- they each have separate and distinct factual knowledge that we think will be helpful to the Court.

To the extent that it's duplicative, we will try and streamline that so we don't waste the Courts' time. I remember the Court's admonition in the *Page* case to move things along, and I haven't forgotten.

JUDGE PAYNE: The expert, how long do you expect the expert will be?

MR. HAMILTON: Well, the parties are -- I know this is a later topic on the subject, or on the agenda, but the parties are discussing a stipulation to allow the admission of virtually all the documents. We're going to [7] certainly avoid calling any foundational witnesses from the state for the purpose simply of identifying or authenticating or laying a foundation for documents.

Instead, the approach -- counsel, speak up if I misrepresent here, but I think all counsel have agreed that it would be far better to simply stipulate to the authenticity and foundational requirements for all of the documents and probably the admissibility for all the documents, but we haven't gotten quite that far yet.

As to the -- and the only reason I bring this up is as to the expert report, so long as we get the expert report in evidence through a stipulation, then I think we can streamline Dr. Ansolabehere's testimony because we won't have to go through everything, and instead, what I would intend to do is focus on his primary conclusions, his methodology for reaching

that and explaining it, answering any questions any member of the Court might have, and then moving on.

So I think we ought to be able to present -- for my planning purposes, I've put down three to four hours ought to be plenty, and I'm guessing we can do it more efficiently than that.

JUDGE PAYNE: That, however, assumes that there's an agreement that the report comes in; is that what you are saying?

[8] MR. HAMILTON: Yes, Your Honor.

JUDGE PAYNE: Because the report is hearsay and doesn't ordinarily come in, and in the Page case, everybody agreed to it so they came in.

MR. HAMILTON: That's right. And the parties have agreed so far that we would follow the same approach here.

JUDGE PAYNE: All right. All right, Mr. Troy, for the state defendants, the Board of Elections clients that you have, how many witnesses do you anticipate?

MR. TROY: Your Honor, we will be relying upon the witnesses presented by the defendant intervenors and so anticipate not putting on any witnesses. One witness we have would be the head of the Department of Elections only if there's a technical question, and I cannot anticipate that. So the answer is, we will not be presenting evidence other than relying upon the witnesses of the defendant intervenors.

JUDGE PAYNE: Well, if you do that, will you be questioning them yourself as well?

MR. TROY: I do not anticipate that, Your Honor, no.

JUDGE PAYNE: All right, the intervenor defendant, how many witnesses do you have, and at this juncture, who do you think they'll be?

[9] MR. BRADEN: Mark Braden. Your Honors, we anticipate either four or five witnesses. The witnesses would be Delegate Jones, who is the sponsor of the bill; John Morgan, who is the technician who worked with him in crafting the bill at his direction; and the three expert witnesses, Dr. Hofeller, Dr. Hood, and Dr. Katz.

So we don't know whether it will be necessary to call both Morgan and Jones or whether we would simply call Delegate Jones. And to walk through the time --

JUDGE PAYNE: Excuse me just a minute. Is that John Morgan, is he the expert who worked with him?

MR. BRADEN: Well, he's -- he will not be an expert witness in this case. He is an expert -- he was a consultant who worked with Delegate Jones in the crafting of the plan. It's the same John Morgan who testified in the other case, but in this case, he actually was involved in the crafting of the plan at the direction of Delegate Jones.

JUDGE PAYNE: All right, and what's Hofeller -- what are Hofeller, Hood, and Katz, basically what are they going to address respectively?

MR. BRADEN: Dr. Hofeller is an expert on drawing plans and compactness in comparison to other plans. So he'll be talking about the construction of the plan and their compactness in comparison to other plans either in [10] Virginia or other locations or in other litigation. So talking about compactness, contiguous, sort of standard issues like that.

Dr. Hood will be talking about the construction of plans. He's been an expert witness in many cases in this area. He will be talking about the political nature of the plan, the underlying communities of interest, traditional communities of interest, and other sort of traditional criteria for the line-drawing process, and Dr. Katz is a political science and statistician from Cal Tech, and he will principally be testifying disputing the expert witness testimony of the plaintiffs.

He has serious questions about their analysis on both compactness, but most importantly on the statistical analysis of VTD, vote tabulation districts, and the notion of racial block voting. He has questions about the methods used by the other professor, and he's a well-known statistician from Cal Tech. That's what he's testifying to.

JUDGE PAYNE: How long do you anticipate the testimony of these witnesses to be?

MR. BRADEN: I would anticipate Delegate Jones' testimony to be four to five hours at least. It's a hundred districts. He doesn't have to talk about every district, but to be candid with you, to describe the plan [11] and the underlying reasons will be quite lengthy testimony, so I would expect four to five hours. I would expect Mr. Morgan, if he testifies, to probably take approximately an hour. The expert witnesses I would expect to be two to three hours each.

JUDGE PAYNE: All right. Judge Keenan and Judge Lee, do you have any questions on those topics at this point?

JUDGE KEENAN: No.

JUDGE LEE: I don't have any questions. Thank you.

JUDGE PAYNE: As to the number of exhibits and the objections, are you all -- when are you going to know whether you stipulate the admissibility of all exhibits and/or whether there needs to be a ruling on any objections? What is your timetable for doing that?

MR. HAMILTON: Your Honor, this is Kevin Hamilton for the plaintiffs. The exhibit list is due, I believe, on June 19th.

JUDGE PAYNE: Yes.

MR. HAMILTON: And so I, speaking for the plaintiffs, I anticipate we'll be using all that time to identify and compile our exhibits, and it will be the week after June 19th that we'll be reviewing the intervenor's exhibits, they'll be reviewing ours, and we'll come to a [12] stipulation.

We are already -- I've already forwarded to the other parties in the case a partial list to start the dialogue going, and Mr. Braden has expressed an interest in, you know, providing similar early lists to plaintiff. So the idea would be that we would be -- as we build our witness list toward the filing on June 19th, we'd be exchanging exhibit lists back and forth and hopefully reaching as much agreement as we can.

So I would anticipate, in answer to the Court's question, the week after June 19th that we'd be able to identify to the Court whether we've successfully navigated that issue or whether there are any areas remaining in dispute.

And, Your Honor, before we move on, I did want to say, I do anticipate a rebuttal case, responding to the three different experts that defendants are calling.

JUDGE PAYNE: So what kind of rebuttal case do you think you're going to have?

MR. HAMILTON: I anticipate that it would be simply calling Dr. Ansolabehere to respond to the expert testimony.

JUDGE PAYNE: For approximately how long do you think?

MR. HAMILTON: You know, if I heard Mr. Braden [13] right, he's going to be presenting six to nine hours of expert testimony between the three of them, so, you know, maybe a couple hours to respond to that, at most.

I honestly think there's an awful lot of duplicative testimony between the three, so we should be able to respond to it fairly, fairly promptly. By that time, I'm quite certain that the Court will be ready to have us moving it along, and I'll do the best I can, but it's difficult, not having heard what they're going to say for nine hours or eight hours or six to nine hours, I don't know in advance how long it will take to rebut that.

JUDGE PAYNE: All right. So you're going to check back with us after the 19th about whether you've agreed on things; is that correct?

MR. HAMILTON: That's correct, Your Honor, and I guess I would propose maybe perhaps that -- the 19th is a Friday -- perhaps by the 26th, I guess I could propose that we could file something with the Court to let the Court know the status of those discussions.

JUDGE PAYNE: Well, I'd like to hear before then so that we can build in time to rule on any objections if we need to. I guess that can all be done on the 26th; is that what you are thinking?

MR. HAMILTON: I was thinking on the -- just the proposal would be that on the 26th, the parties would [14] submit hopefully a joint document that simply says, you know, the parties have met and conferred and stipulate to the admission, to the authenticity, and admissibility of all of the documents under respective exhibit lists with the exception of, if there is any, Exhibits 12, 17, 39, and 84.

JUDGE PAYNE: I was just looking at my book here, and I can't find -- I probably wrote it down somewhere else. Is there a final pretrial conference set here for our case, and if so, when?

MR. HAMILTON: Your Honor, again, it's Kevin Hamilton for the plaintiff. I am looking at the Court's order -- the pretrial scheduling order of March 3rd. Paragraph 12c has a deadline of June 25th, "Any objections to exhibits shall be filed with the clerk no later than June 25th." That's a Thursday.

So I guess the Court has already set a deadline for indicating whether there's objections with the Court, and I guess we propose we adhere to that deadline.

JUDGE PAYNE: I don't have that order in front of me. Is there a pretrial conference date in that order?

MR. HAMILTON: I don't believe so.

MR. BRADEN: This is Mark Braden. We don't see a date for that, no.

JUDGE PAYNE: And is there a date in that order [15] for the hearing of motions *in limine*?

MR. HAMILTON: I don't believe so, Your Honor. This is Mr. Hamilton. I don't believe so, Your Honor.

JUDGE PAYNE: We probably need to set that date, so we'll see how we proceed. All right, it might be helpful to discuss item five, the theories of the case for each side, to kind of help get us oriented and thinking in the right direction, and we may end up, each of us, of the judges may have questions as you go along, so anybody, just feel free to interject at such time as you want to. So start with the plaintiff.

MR. HAMILTON: All right. Thank you. Your Honor, from the plaintiff's perspective, this is a really straightforward case, and our case theory is fairly simple. The equal protection clause of the 14th Amendment forbids race-based redistricting absent a compelling state interest, and even then, even if the state does identify a compelling state interest, it can use race only when it's narrowly tailored to meet the state interest. That's the law.

Our theory of the case is that in 2011, the Virginia General Assembly used race as the predominate factor in drawing the 12 house districts that are at issue in this case; B, had no compelling state interest for doing so; and C, in any event, failed to narrowly tailor [16] those districts to meet whatever state interest defendants or intervenors might identify.

The case, we think, is substantially easier and clearer than the recent Page decision which involved the Third Congressional District in Virginia last year before this Court, and that's for two reasons. First, to the extent that there was any doubt about the controlling legal standards for such a claim, they have been emphatically laid to rest by this Court's decision

in the Page case last year and by the Supreme Court's decision in the recently decided case of *Alabama Legislative Black Caucus v. Alabama.*

There, the Supreme Court made it clear that a legislature may not utilize, and I quote, mechanical racial targets, close quote, in a misguided effort to comply with the Voting Rights Act non-retrogression standard. That alines precisely with this Court's ruling in Page to the same effect.

So that's the first reason, the law is substantially --

JUDGE PAYNE: Is it your view that there was some mechanical formula or figure used? Is that what you are going to seek to prove?

MR. HAMILTON: Exactly, Your Honor, and that's the second reason why this is an easier and clearer case [17] than Page. The record before the Court, the delegates, Delegate McClellan, Delegate Dance, and Delegate Armstrong will testify that they were aware and they were told of a 55 percent black voting age population threshold or floor that was used in drawing all of the 12 majority/minority districts, and you'll hear during the course of the trial that black voting age population figure repeated over and over again in testimony and in the documents, 55 percent BVAP, B-V-A-P, is how, as you know, Your Honor, is how it's referred to.

In addition, the chief map drawer, Delegate Jones, who the intervenors intend to call, himself repeatedly and emphatically articulated that 55 percent BVAP floor in the floor debates before the House of Delegates and in email communications that have been produced during the course of discovery.

There are transcripts of several floor debates and a committee hearing that we'll be presenting and putting into evidence in which the delegate, Delegate Jones, is responding to questions on the floor of the House about how it was drawn. The evidence will show that when requests were made to fix a precinct split or a voting tabulation district split, it was rejected. Even though the black voting age population resulting from fixing that split would have been 54.8 percent, it was [18] rejected, and the reason given was because it didn't meet the 55 percent target, and that's a quote from the document, and we'll be presenting that in evidence.

Two-tenths of a percent was too much, and that demonstrates how the black voting population threshold or floor was used to trump all other considerations.

So we think the case is pretty straightforward. The legal standards have been reiterated and clarified, and the record is even clearer and stronger than the record that was before the Court last year in Page.

JUDGE PAYNE: All right. Judge Lee or Judge Keenan, do you all have any questions for the plaintiff on that topic?

JUDGE LEE: I don't have any questions.

JUDGE KEENAN: I only had one question with regard to the absence of a compelling state interest and in any event no narrow tailoring. Does the plaintiff intend to present evidence in its case in chief, or is that going to be saved for rebuttal?

MR. HAMILTON: The expert witness -- I mean the answer is, Your Honor, I believe we'll be presenting evidence on that with respect to -- in our case in chief, and this is how it works, or this is how it will be presented, I think.

In these cases, often the explanation is -- I [19] think the explanation of the state here for using the 55 percent black voting age population is we needed to prevent retrogression, meaning we needed to prevent any retrogression in the ability of the minority community to elect a candidate of their choice, to have opportunity to elect the candidate of their choice, and typically, the way that a state would do that in order to comply with the Voting Rights Act is to conduct a racial block voting analysis in order to determine what level of BVAP, of black voting age population, do we need to have in this district to ensure that the minority population has the opportunity to elect its candidate of choice.

And the problem here is that the State did not do a racial block voting analysis, and, of course, that's obvious because they used a single number for 12 districts across the board, and even the defendants -- I'm sorry, the intervenor's own expert will say that he'd be shocked, he'd be surprised if the level of white crossover voting would be the same in all 12 districts such that black BVAP were -- exactly the same for all 12 would have been required.

So that's part of our case in chief of identifying -- sort of blowing up -- you can't -- the State cannot point to compliance with Section 5 of the Voting Rights Act as their defense using race.

[20] And the other -- the only other explanation they'll come forward with is it was all about politics, and that is not a defense to using race in violation of the 14th Amendment. That is not a legitimate -- that may be a legitimate purpose in the course of redistricting, but it's not a compelling state interest, and the problem here is that the map drawers used race, not politics.

It's a 55 percent black voting age population floor that was used. They didn't use, you know, some measure of democratic or republican political performance. If they did, that would have been permissible. That's legal to do, but the 55 percent rule is not 55 percent democratic performance or republican performance. It's 55 percent black voting age population.

It's sorting people by the color of their skin. It's forbidden by the 14th Amendment absent a compelling state interest, and part of our case in chief through Dr. Dr. Ansolabehere will be to explain that there was no racially polarized voting analysis done here, and this was not done in an effort to comply with the Voting Rights Act.

JUDGE PAYNE: Does that answer your question, Judge Keenan?

JUDGE KEENAN: Yes, thank you.

JUDGE PAYNE: Do you propose to present, Mr. [21] Hamilton, as a part of your case, an alternative map to show what it would have -- or should have looked like if the proper procedures had been followed?

MR. HAMILTON: Your Honor, it's Mr. Hamilton for the plaintiffs. We have not -- we have not prepared

our own map for use -- or maps from all 12 legislative districts. We do intend to offer maps that were before the House of Delegates at the time.

JUDGE PAYNE: The things that they had available to them to consider.

MR. HAMILTON: Correct.

JUDGE PAYNE: But you're not offering your own map to show what properly should have been done.

MR. HAMILTON: Correct, Your Honor, we're not.

JUDGE PAYNE: As I understand what you said in discussing your case, you do not intend to take on each district individually, because what you are doing is striking at the one basic point, and that is the application of the 55 percent BVAP figure as a floor, and that permeated and controlled all of the drawing -- the drawing of all the districts that are at issue, and you're not really going to be attacking them district by district; is that correct?

MR. HAMILTON: Not really, Your Honor. We will be attacking them individually through the use of Dr. [22] Ansolabehere who goes through each individual one. I think the Court in *Alabama* made it clear, and perhaps that's the genesis of the Court's question, made it clear that you do -- it is a district-specific analysis that's required, and that is exactly what Dr. Ansolabehere will be doing.

You are absolutely correct, Your Honor, that the same 55 percent rule is applied to all 12, and that, of course, is a fact that's relevant to each of the 12 districts, but in addition, Dr. Ansolabehere is looking at compactness of each of the 12 districts, and he's doing an analysis of the VTD which is the -- or

precincts that were moved into and out of each one of the 12 districts in order to analyze both race and politics to answer the question, what's the more powerful explanation for which precincts were included and which precincts were excluded -- is it race or is it politics -- and the conclusion that he comes to is that, by far, race is a far more powerful explanation or predictor for explaining -- in other words, you can have similarly situated politically performing districts, and if one is more heavily black than the other, then the black district is more likely included rather than excluded.

JUDGE PAYNE: That's really a rebuttal point, though. Once they raise the issue of political reasons, [23] if they do that, then you put on your testimony about that's not correct; isn't that how you go about it?

MR. HAMILTON: I think it's an inherent part of our case in chief, Your Honor, that we have to demonstrate that race was the predominant factor in drawing these districts, and one of the pieces of evidence that goes to that point is how those precincts were selected. I mean, they were selected because of race. I mean, I think it's necessarily race, not politics --

JUDGE PAYNE: But as to each of the 12 districts, you are saying that the 55 percent is the controlling factor, and the other factors that you are going to discuss through the doctor, whose name has slipped my mind now --

MR. HAMILTON: Ansolabehere.

JUDGE PAYNE: -- is really for the purpose of explaining why race is the predominant question, issue.

MR. HAMILTON: That's right. That's exactly right.

JUDGE PAYNE: Okay. How about the defendants?

MR. TROY: Your Honor, Tony Troy. We believe that the plan is defensible. I was going to emphasize, but the discussion just verified that each and every district has to be looked at and analyzed, and the defendant intervenors are, I know, going to be presenting [24] evidence on each of those instances.

JUDGE PAYNE: All right. Mr. Braden.

MR. BRADEN: Your Honor, this case, from our point of view, is very much simply a replay of *Wilkins v. West* from ten years ago. The same attacks were made on the Virginia redistricting plan following the last census.

This plan is, in many ways, like that plan except the plan that was adopted following the last census is a plan that is -- the House delegate is more compact. It doesn't have the contiguousness issues that were present in the other plan, and it had much broader political support.

The *Shaw* claim that's being made by the plaintiffs in this case requires that they show that race predominates over all other traditional race-neutral principles for redistricting, that the plan itself is unexplainable other than based upon race.

We're going to show the Court the various districts that had been rejected in prior Shaw-style litigation, and you'll see that they all involve plans which have districts that, frankly, don't look like

districts. They don't bear any resemblance to any notion of geography .

Our intention is to go through district by district and explain why the districts look the way they [25] are. They are more compact, and, in fact, they are compact as defined under the Virginia constitution. The Virginia constitution, unlike most states, has a very specific provision about districts being compact and contiguous.

The plan adopted by the legislature here clearly meets those requirements as articulated in *Wilkins v. West*. It's a more compact plan, and the contiguous issues that were raised in that litigation, frankly, were solved in this plan.

So this is a plan under Virginia law that is compact. That's the basic principle we're talking about here, that in all the *Shaw* cases is the beginning of the process of an indication of this plan is not explainable under traditional redistricting criteria. So it's our intention simply to go district by district and explain why the lines are drawn the way they are. The long and short of it is, yeah, is race considered? Absolutely race is considered, but race does not get you to strict scrutiny unless you have ignored the other traditional redistricting criteria and race is predominant.

If race alone, if the consideration of race alone resulted in strict scrutiny, then every single legislative plan in the United States, with the exception of Vermont [26] and Maine, would be subject to strict scrutiny.

If you look at *Cromartie*, you look at the whole line of *Shaw* cases which control here, the first step is the

plaintiffs have to show that race predominated over all other, all other criteria. It cannot prove that. We will walk through -- and that's the reason why we have the architect of the plan.

The process of drawing a legislative plan is complex, complex both legally and politically. So, you know, it's going to be -- we're talking about Delegate Jones being on the stand for a lengthy period of time so you can walk through the process of the line-drawing process, why the districts look the way they do.

I hear that they're going to call Delegate Armstrong, the minority leader, and one of the reasons why the plan was drawn the way it was is now Delegate Jones is no longer a member of the legislature. He lost his seat because of the way the lines were drawn. He was a minority leader.

So what we're talking about here is a process of walking through for the Court why this plan is faithful to a series of criteria which were adopted by the legislature, very specific criteria adopted by the legislature and very traditional. So we just simply are going to walk through the process and explain to the Court [27] the plans that are being attacked here look nothing like the plans which had been rejected by the Supreme Court in prior litigation. We don't look anything like those.

This is a plan where race was most certainly considered, but that doesn't get you strict scrutiny. So if you've got the strict scrutiny, we certainly believe we could survive that, too, because it must be a compelling state interest to comply with one-person-one-vote but also to comply with the Voting Rights Act,

and in this case, we're not simply talking about compliance for purposes of preclearance under Section 5, but we're also talking about compliance under Section 2.

Thornburg v. Gingles requires the creation of districts where you have racial block voting present which the history of Virginia certainly is an indication of that. We have a substantial legislative record where we've gone around the state and gotten testimony. There's plenty of history of Section 2 litigation in the state of Virginia where they found racial block voting.

So there's -- the *Thornburg v. Gingles* series of cases most certainly means that we have to look at discrete minority communities. If we can draw a reasonable district around them that's reasonably compact and we have racial block voting and polarized voting, we have to create those under Section 2.

[28] So we're not only talking here about a compelling interest under section -- to get the plan pre-cleared. We're also talking about the needs of Section 2 to get the plan so we're not in a piece of litigation where the same plaintiffs lawyers we have right now are suing us because we didn't create these districts.

JUDGE PAYNE: Are you going to offer evidence that all that was taken into account in constructing the plan?

MR. BRADEN: Absolutely. No question about that whatsoever. We had a series of hearings around the state. The 55 percent number doesn't come from thin air. It comes from testimony before the House of Delegates. That's to find numbers needed to be able to create functioning minority districts.

You know, this litigation -- we should all be very candid. This litigation is not about representation of the minority community. The problem the plaintiffs have with the plan is the fact that after the plan was drawn, it had the political effect that people intended it to have. The vast majority of the incumbents got reelected except for a few democratic white members lost.

That's the predominant underlying purpose of the plan. We shouldn't pretend anything else. This Court should be well-aware of that. That's what's going on [29] here. This plan was drawn for political purposes. The effect of the plan in the actual following election was just what was predicted was going to happen.

So the notion that race predominated simply flies in the face of reality, both the way the plan looks, the way the plan was constructed, the evidence underlying it, and the effect of the plan. The effect of the plan was some white democratic members of the legislature lost. Has nothing to do with race. It had a lot do with politics.

JUDGE PAYNE: Are you saying that you're going to offer evidence that the predominate purpose was to knock out some democrats? Is that what you are saying?

MR. BRADEN: Absolutely. That was one of the predominate -- the magic word here, a predominate purpose, the predominate purpose of the plan was to maintain the status quo. That is, in fact -- the recognized purpose of the plan was to maintain the status quo. Because of population changes, certain districts had to be moved around the state.

When you move districts around, there is losers. Republicans were in charge. The losers were white democratic members, absolutely. No one should -- we don't need any political scientist from Harvard to tell us the reality of what happened here. The notion that somehow or [30] another there's some standard use of racial polarized voting, I see no history -- the State of Virginia has submitted a number of plans to the Department of Justice for preclearance. I can find no record of the State of Virginia hiring a political science professor to do a racial block voting before doing this submission.

The record, I believe even in the *Page* case, the *Page* Court recognized that a racial block voting analysis by political scientists was not necessarily better than the elected members from those districts.

The 55 percent number comes from members elected from those districts and people who live in those districts as to what was necessary for the minority community to elect their candidate of choice. It's not a number picked from thin air.

JUDGE PAYNE: All right. Now, Judge Lee, Judge Keenan, do either one of you have any questions at this point?

JUDGE LEE: I'm ready to hear the evidence in support of oral argument. I think we've already heard some closing arguments now. Thank you.

JUDGE PAYNE: We have, haven't we? I have this question: What is the significance in the law of saying that the political result, the objective was to knock democrats out of seats? Does that present a [31] quintessential political gerrymander case that we're dealing with here? If so, what does that do to the legal

construct of the case if we accept that view? I'm sure --

MR. HAMILTON: Your Honor, this is Mr. Hamilton for the plaintiff. It's no different than the argument that was advanced in the *Page* case and that's always advanced in the *Shaw* line of cases that it's politics, not race, and that's exactly why courts look to the evidence, and what the Court, the Supreme Court has held in these cases is if you're going to use race, and your explanation for using race is that you need to do it in order to prevent retrogression under the Voting Rights Act, then you have to have a strong basis in evidence for that belief, and the strong basis of evidence typically is a racial block voting analysis, and the absence of doing that makes it awfully difficult for the State to say that we had to do this in order to prevent retrogression in a minority -- to allow -- to prevent retrogression from a minority community's ability or opportunity to elect candidates of their choice.

This isn't something that's been made up. It's in the Department of Justice regulations that were in evidence last year before this Court and will be in evidence again this year in this case.

JUDGE PAYNE: But, Mr. Hamilton, no Court has [32] ever held that a block voting analysis case is the only way to prove what they're proving; is that right?

MR. HAMILTON: Fair enough, but it's certainly not the case that it's the opposite. It's not the case that a court has ever said, oh, well, we've had some black delegates say I need a higher number of -- again using race -- black voters in my district in order to get reelected. The constitutional analysis is no different

than if you flip that around and you have white delegates saying --

JUDGE PAYNE: I understand. I just was asking the question if there's a case that I'm unaware of about that, but the question -- I don't recall in *Page* that there was any evidence or that it was the same as what Mr. Braden just said.

In *Page*, it was a combination of the political desire plus the traditional voting -- traditional redistricting criteria that the defendants rode as their defense.

Here, we seem to be talking about achievement of a particular political result as the predominate purpose, and to my knowledge, the Supreme Court has never upheld political gerrymandering absent some purpose such as to maintain a balance, fair balance or to achieve fairness.

That's why I was asking Mr. Braden the question, [33] whether or not that's what he was doing. So neither one of you see this construct -- this is raising a different issue than is raised in *Page* which is fundamentally what was the predominate purpose, and that's as far as you are going, Mr. Hamilton, and that's as far as you are going; is that correct, Mr. Braden and Mr. Hamilton?

MR. BRADEN: It's our belief that you do not get to strict scrutiny until the plaintiffs prove that the predominant purpose was race.

JUDGE PAYNE: Okay.

MR. BRADEN: Until such time, the Court does not need to consider the issue of strict scrutiny. It's the wrong construct at that stage.

JUDGE PAYNE: All right, Mr. Hamilton, you're of the same view, that you are trying this in the same mold as *Page*, and your theory is race was the predominant purpose, and there's no part of your complaint that's any different than that; is that right?

MR. HAMILTON: That's correct, Your Honor, and it's very clear from the application of the uniform 55 percent --

JUDGE PAYNE: You don't need to make the argument again. I think, as Judge Lee said, we heard it. How about these motions *in limine*, have you gotten any notion yet as to whether you're going to have motions *in limine*, [34] how many they're going to be, et cetera? Mr. Hamilton, how about for the plaintiff?

MR. HAMILTON: Your Honor, we have not finalized a decision on that yet. I think it's fair to say we are disinclined to be filing any motions *in limine* at this point, but we haven't made a final decision on that.

JUDGE PAYNE: How about you, Mr. Braden, do you see anything yet?

MR. BRADEN: No, we do not.

JUDGE PAYNE: All right. If you all agree on the exhibits and there aren't any motions *in limine*, we may not need a final pretrial conference or -- we certainly don't need any arguments on motions *in limine*, but maybe we ought to look to setting a date to do that, and we can do that later in just a few minutes.

I've done some quick math, and that's not my strongest suit, but I hear, assuming we start at 10:00 and quit at 1:00 and have a break in the middle, and 2:00 to 5:00 or thereabouts and have a break in the

middle, we're looking at six hours or so, five, six hours of trial time a day.

That would mean, under your time estimates, three full days at the low end. Is that how you people see your case, this case shaping up? Mr. Hamilton?

MR. HAMILTON: Your Honor, Mr. Hamilton for the [35] plaintiff. I think that the three days that the Court has scheduled ought to be fine. I guess the one - - there's a question that's hanging here, and that is, does the Court anticipate either opening statements or closing arguments?

JUDGE PAYNE: I don't know about the rest of the judges, but I don't think any closing arguments are necessary after a three-day trial when you're going to have post-trial briefs keyed to the record on an expedited basis.

MR. HAMILTON: Again, Mr. Hamilton for the plaintiff. Assuming that there's no closing arguments and that opening statements, which, at least from the plaintiff's perspective, we think would be useful, you know, a 15-minute orientation to the record from each of the parties I think would be useful at the start of the case, but assuming that, I think the three days ought to be plenty of time to try this case.

JUDGE PAYNE: I think in order to achieve that on the schedule we're talking about, which is starting at 10:00 and going to 1:00 -- Judge Lee has a docket up there that he's got to take care of, and he's got to do some early work and has to do some evening work in order to get ready for the next morning, et cetera, et cetera, so he's proposed starting at 10:00, and if we go to 1:00 with, say, a 15-, 20-minute break in the middle, that's two and [36] a half hours, and then you do the

same thing, take an hour for lunch because it takes awhile to get something to eat up there in Alexandria, another two and a half hours, you're looking at five hours maybe if we go over a little bit or something happens, and it's an appropriate thing to go over, you're looking at maybe five hours and a half or six.

You all are going to have to do some real tailoring through your questioning in order to get it in in three days. I think it is set for three days on the docket; is it not?

MR. BRADEN: I believe that to be the case, that it's set for three days. From our perspective, Your Honor, I think you correctly perceived three days will be extremely difficult. I hate to be the person suggesting lengthening it, but I have serious doubts as to whether we can do it in three days.

The Supreme Court did require us to look at each district, and from our perspective, looking at each district frankly involves looking at the districts that are surrounding it, too, to really understand why they were drawn. It's a long narrative for this plan, and it has a lot of --

JUDGE PAYNE: Well, it is, but I also note that you have two experts talking about the same topic, and [37] that's drawing plans, and I don't understand -- ordinarily in this district it's one expert per topic.

So why is there any overlap there with Mr. Hofeller and Mr. Hood? Maybe I just didn't understand exactly what the scope of their testimony was, but we don't need to hear from two experts on the same topic, I don't think.

MR. BRADEN: Your Honor, Mark Braden. I believe they are actually talking about slightly different topics. We can most certainly -- there is some overlap in their reports, and we can most certainly limit the experts to only talk about the parts of their report that are separate in analysis, Your Honor, but I do think that Jones's testimony is likely to -- given the fact that he's going to have to go through in some very substantial detail the key here is we are -- he is going to have to talk about 12 districts and then the districts that surround them, and we have an expert report on the other side saying, well, these statistics tell us X.

Unfortunately, from our viewpoint, to make our case, Delegate Jones is going to say, no, really the reason why we did this particular VTD is because the incumbent member from the other district lives there. The problem we have with the plaintiff's expert report is the plaintiff's expert, in fact, knows nothing other than the [38] numbers about the state.

JUDGE PAYNE: You don't need -- I understand that. The point is -- Judge Lee and Judge Keenan can weigh in about whether they think we need any duplicate testimony by experts on the same topics. I know both of them are pretty -- pay attention to the record pretty well when they're trying cases. Do you share my apprehension about overdoing the experts on the same topics?

JUDGE LEE: I'm not sure -- I'm sure that we will all be very hypersensitive to duplicative testimony, but I think the way it's been described, some of it may be necessary from the standpoint of particular districts and the expert's opinion, but I think we can

monitor that, and the three of us will be able to be -- and the lawyers will be able to focus that aspect of it.

I do have a concern that's been raised, and that is whether or not three days is really enough to do all the things you are talking about given the number of experts, and one of the questions I had is whether you would limit the examination of the witnesses by each side. That's probably not possible in a case like this. That is my observation.

JUDGE PAYNE: You think it's not possible? Is that what you said?

JUDGE LEE: I don't think it is possible to tell [39] in advance how much time each plaintiff gets or defendant gets on cross or direct, because you don't know what they need to prove. I don't know.

JUDGE PAYNE: Let's assume it's necessary to go over. You have a full docket, Judge Lee, on the 10th of July. That would mean going to the next week, or you'd have to change your docket.

JUDGE LEE: Well, I didn't want to do this on the phone with you. I'm open to doing what you need to do, and that is if that's carry over to the 13th, if I know now, I can make some arrangements for that.

JUDGE PAYNE: Well, that's what I'm doing, saying I don't know -- I think maybe if we really think that it's going to take an extra day, we ought to reserve that day now so we are all on each other's dance card, and I don't know what anybody's schedule is at this juncture, but, Judge Keenan, if we had an extra day, would your preference be Friday, the 10th, or Monday, the 13th?

JUDGE KEENAN: It would be Friday, the 10th, but I'm available either day, so I would leave it to you, Judge Payne and Judge Lee, regarding your trial schedules.

JUDGE LEE: If it's not terribly inconvenient, the Friday docket that we have, I have to move. I've been out for several weeks, so if I could have my Friday docket -- I could work Friday afternoon and work from 2:00 [40] until 6:00 if you need that on Friday, if you needed to do that, and then Monday, but I want to have from 8:00 to 1:00 to do my civil and criminal docket if possible.

JUDGE KEENAN: I think we're asking too much of you, Judge Lee. It seems to me that you don't need to pile on top of that on Friday afternoon.

JUDGE PAYNE: I agree with that, and I think in addition to that, what may happen is we may not even be finished. I think it's better to let you all regroup and sort yourselves out so you can definitely be finished. I'll have to make some changes for July 13th, but I can do it. Can you do it, Judge Keenan?

JUDGE KEENAN: Absolutely.

JUDGE PAYNE: Then that will be the flow-over day, but I think if you are careful, Mr. Braden, in avoiding duplication of testimony with your experts -- the way you sounded when you were describing them, there seems to be some fair overlap, but each of them is addressing some component of the traditional redistricting plan or criteria, so maybe you could confine them to discrete areas and not have them overlap and talk about the same things that the other one has talked about.

MR. BRADEN: Absolutely, Your Honor. We'll take your direction on that and most certainly attempt to tailor their direct testimony in that way.

[41] MR. TROY: Your Honor, this is Tony Troy. Would it -- if we adjourned at 6:00 on the three days rather than 5:00, would that, do you think, accommodate everyone?

JUDGE PAYNE: Well, I think this is -- to tell you the truth, before *Page*, I would have said yes. This is pretty dense stuff, frankly, and I think it's a little hard to take it all in and deal with it if you sit too long during the day, and I think Judge Lee has dockets at nine o'clock every morning, don't you, Judge Lee?

JUDGE LEE: I do, and a docket on Friday to prepare for, so I have other things to do.

JUDGE PAYNE: So between 5:00 and 6:00, he's not going out and having a drink, in other words.

JUDGE LEE: Right.

MR. TROY: That was Mark Braden who made that suggestion, not Tony Troy.

JUDGE PAYNE: Oh, okay.

JUDGE LEE: Thank you for that.

JUDGE PAYNE: Opening statements, you started that. How long -- you will have pretrial briefs, won't you?

MR. HAMILTON: We will, Your Honor.

JUDGE PAYNE: So how long an opening statement do you think you need?

MR. HAMILTON: Ten to 15 minutes, Your Honor, to [42] orient the Court.

JUDGE PAYNE: Mr. Braden?

MR. TROY: Your Honor, we probably would take five minutes to articulate our position, no more.

MR. BRADEN: And, Your Honor, it's our view that ten to 15 would be sufficient given the briefing.

JUDGE LEE: I'll remind you that brevity is the hallmark of great advocacy. JUDGE PAYNE: Do we need a separate order on that?

MR. HAMILTON: If I can make one other suggestion with respect to the length of the trial, and I brought this up with Mr. Braden before and I do not think we have agreement on it, but in other trials where we're pressed for time, I've seen courts utilize a chess clock where you take the available time that is available to both the parties, split it evenly, and charge the party who is on their feet talking with the time. So I would be charged for direct examination of my own witnesses, Mr. Braden or whoever would be charged for the cross-examination of my witnesses, and then the reverse would be true during his case, and that would be a fair way to allocate whatever limited time we've got and force the parties to concentrate on presenting their case efficiently.

JUDGE PAYNE: I have used that before, but I [43] think Judge Lee said he thought this may be a difficult case in which to operate in that fashion. Did I mishear that?

JUDGE LEE: That's what I said, but I guess my question would be to plaintiff's counsel, if you knew starting on Tuesday that you had to be done by Wednesday at lunch, could you do that?

MR. HAMILTON: Well, I certainly could. The problem is the length of the cross, but, you know, a day and a half is easy from my perspective as long as we have pretrial briefs which we do, we have stipulation on the evidence and we're not chewing up a lot of trial time arguing about admissibility of materials which I don't think I'll have that problem, but putting on our direct evidence, I think, especially in light of this discussion, we will do the best we can to be succinct, organized, and as direct as we can, but, yeah, a day and a half.

That's the reason why I said, I think, three days ought to be plenty, and I don't think that the cross-examinations, honestly, should -- in other words, the direct of the plaintiff and cross-examination of the plaintiff ought to be able to happen in a day and a half, and I think the reverse is true as well as during the defense and intervenor's case.

JUDGE LEE: The defense is going to be charged [44] with their time on cross, because their cross is really going to be substantive evidence anyway as well as whatever witnesses they call, so I think if we make that a target with the idea that unless there's some really good reason beyond that by lunchtime on the 8th, plaintiff ought to be done.

MR. HAMILTON: And there is an additional reason here that I feel compelled to say, and that is my co-counsel, Mr. Spiva, who is on the phone here, is in trial, has a trial starting in North Carolina on that Monday, the 13th.

JUDGE PAYNE: Mr. Braden, that would mean, if it's three days, you get a day and a half.

MR. BRADEN: Yes, Your Honor, and, again, I hate to be the one putting the fly into the soup or whatever here, but I do believe our case is likely to take longer than their case. Delegate Jones is going to be a very lengthy testimony before we get to direct.

We will have to walk through each district, and each district will entail a discussion of most of its boundaries, because they are alleging -- the only way we can respond to it is to explain to the Court exactly why this piece went that way and that piece went that way, and that's an involved process, because it's not -- it is -- this is legislation, and we're going to have to go down [45] and look at which pieces go in which places to explain to the Court that this was a political process, not this sort of simple, you know, black people go here, white people go there. That was not the process. It was much more complex. That is a more lengthy discussion than simply an expert witness telling you what the numbers are.

So I think a day and a half, although we will do whatever the Court directs, I think it is likely going to be difficult for us to get our witnesses on in that time frame.

JUDGE PAYNE: Maybe the judges ought to talk about this after having heard from both of you and decide which way to go. I gather from what you are saying you do not -- and from what Mr. Hamilton said, that you do not favor a clock approach.

MR. BRADEN: I do not, because I think our case involves a longer period of time.

JUDGE LEE: Counsel, do you think it is going to take you two and a half days?

MR. BRADEN: I think it will take us two days. I think it could be done in two days, but I don't think it can be done in a day and a half.

JUDGE LEE: I had that impression. Sounds like you need two, two and a half. That's fine. We can have a conversation offline, Judge Payne.

[46] JUDGE PAYNE: All right. We'll let you know right away. Are you going to be, either one of you, using deposition testimony? Mr. Hamilton?

MR. HAMILTON: Your Honor, we don't anticipate putting in deposition testimony directly except we may be using it, of course, for impeachment in cross-examination, but otherwise, if we do, we would propose submitting it in written form. We have no intention of reading deposition testimony to the Court.

JUDGE PAYNE: I understand, but also that raises the question about whether there are objections to it and how to accomplish that. So you need to fish or cut bait fairly quickly about whether you're going to use deposition testimony. If you are, we need to make sure we have the objections to it straightened out and a way to rule on what comes in.

How about you, Mr. Braden, are you contemplating the use of any -- or Mr. Troy, the use of any deposition testimony in your case other than --

MR. BRADEN: This is Braden, and the answer is no.

MR. TROY: This is Tony Troy, and the answer is no.

JUDGE PAYNE: So that doesn't look like it's an issue. Of course, in impeachment, you're welcome to use [47] whatever you need.

Intended use of the court's evidence presentation system, do either one of you want to do that? If you do, we need to make sure you know how to use it.

Judge Lee, I don't know how you do it, but we have them come a day beforehand and make sure they know how to use it working with our IT people. Is that what you do up there?

JUDGE LEE: Yes. The person they need to call is Lance Bachman. He is our courtroom IT coordinator. He will set up training and schedule your training. If you have IT professionals who will be presenting your electronic evidence, have that person come up, and make sure you have duplicate systems. That is to say if you have one laptop and it goes down, we will keep going, so you need to have a duplicate of whatever you present.

If you all have any PowerPoints or slides or things like that, make sure you have three color copies for each of the judges in addition to what you present visually.

JUDGE PAYNE: On the topic of exhibits --

JUDGE LEE: I'm sorry. They should have -- wait a minute. You should have at least six copies of whatever it is you present for the law clerk and the judge.

JUDGE PAYNE: All right. And on the exhibits, we [48] need exhibit notebooks. Do you have any idea at this juncture what the volume of exhibits are, Mr. Hamilton -- I'm hoping you can consolidate them and

make them a unified set for the most part. What are you looking at right now?

MR. HAMILTON: We anticipate -- I apologize for the large range, but somewhere in the 100 to 150 exhibits, but one of the exhibits, for example, is the Virginia submission to the Department of Justice for preclearance of these plans, and that's a really lengthy document.

So what we're intending to do is actually break it up into multiple smaller exhibits so that it's easier to use in trial, and it's easier for the Court to understand which part of this massive document is relevant to the issues before the Court.

JUDGE LEE: Let me jump in one second. The same is true for exhibits. You have to have a set for the judges and the law clerks to look at.

JUDGE PAYNE: And, of course, the witness. The other thing that you need to think about and work with, perhaps you work with Judge Lee's courtroom deputy, but getting that volume of documents into the courtroom and available to the judges is something you need to focus on so that it can be -- we won't spend a lot of time passing documents around.

[49] Typically, you'll need to make sure there's some bookcases up there, small bookcases for the judges on the bench so that we can handle the number of documents that we have to handle. If you have a large volume of exhibits, and right now it's a little premature to ask that, to ask you to give any answers to that with any accuracy, but as you get closer to trial, you're going to have to focus on how to get that accomplished, because you're going to have three sets of exhibits up on the bench, then three law clerks who

will have desks, and then you've got one for your witness and whatever you've got for the other side and yourself.

That's a lot of documentation, so you need to work with Judge Lee's -- is that how you do it, Judge Lee, is have your courtroom --

JUDGE LEE: Yes, you can contact chambers. My law clerk's name is Avier Gaitan. Avier will be able to coordinate with you, because my courtroom deputy will be able get you in the courtroom and you all can set things up, and hopefully we can -- if you're using electronic evidence, that will make things go faster from the standpoint of some of this.

I'm sure some of the judges will prefer to see the documents themselves, but if you can put some of this electronically, it may go faster, too.

[50] JUDGE PAYNE: It's one thing to read it in the courtroom. It's another thing to mark it up and take it back home with you, because we're not going to have all of what the courtroom has.

Let's go ahead and try to get a date for a hearing on motions *in limine*. What's the order say about when those things are due now? What did we do on that order?

MR. HAMILTON: File by June 9th, Your Honor. This is Mr. Hamilton.

JUDGE PAYNE: All right. So why don't we -- maybe the judges can talk. The way we did it in *Page* is one of the judges -- in that case I happened to be the designee -- dealt with the motion *in limine* unless we thought it was something that all three of us, after

having had a chance to read it, needed to sit on. Would you all like to follow the same procedure?

JUDGE KEENAN: As to the judges, Judge Payne?

JUDGE PAYNE: Yes.

JUDGE KEENAN: That's fine.

JUDGE LEE: Judge Payne, I'm fine with that, too.

JUDGE PAYNE: I'll put it on my calendar, and then I'll be responsible for communicating with the other judges once you file these things if there is anything, and you're going to have them filed by the 19th, so I [51] would say the 24th or the -- I would say maybe the 24th in the afternoon at 2:30. Any reason you can't do that?

MR. HAMILTON: No objection to that date, Your Honor.

MR. BRADEN: No objection.

MR. TROY: Your Honor, Tony Troy. We're not filing any, so obviously no objection.

JUDGE PAYNE: That will be the date for the motion *in limine* if we need it. And then your trial starts the day after the -- two days after the holiday, so final pretrial conference if we need one, I don't know -- it turned out in *Page* we really didn't need anything.

I'm not sure exactly what we're going to be doing in the final pretrial conference, but I suppose it could be objections to exhibits is about all I know.

JUDGE LEE: I think we can go forward without a final pretrial. Objections to exhibits, I think we can probably handle them in due course if we need to

without having to elongate it. I don't need another pretrial after this one.

JUDGE PAYNE: All right, Judge Keenan?

JUDGE KEENAN: That's fine.

JUDGE PAYNE: Okay. If there are any objections, we'll resolve them at trial or tell you before the trial, because they'll all be in writing anyway. So we won't [52] need any other conference. Is there anything else that anybody needs to take up?

MR. BRADEN: Your Honor, I'm assuming that the trial, the pretrial brief will be limited to 30 pages?

JUDGE LEE: 30 pages, that's right, and that's plenty.

JUDGE PAYNE: I don't know that we need any more than that.

MR. BRADEN: I'm not suggesting that. I just wanted to confirm it. So thank you, Your Honors.

JUDGE PAYNE: Anything else that Judge Keenan or Judge Lee need to take up?

JUDGE KEENAN: No, thank you.

JUDGE LEE: No, thank you.

JUDGE PAYNE: We need to -- the judges need to focus on the trial date, or are we satisfied that we will carry to the 10th if we need or whatever that day, the 13th?

JUDGE LEE: I'll make arrangements to carry to the 13th.

JUDGE PAYNE: All right. Is that all right with you, Judge Keenan?

JUDGE KEENAN: Yes, it is.

JUDGE PAYNE: Why don't we plan this, folks, and then we won't have to have any more calls. If there's a [53] need for a carryover day, it will be the 13th. Counsel, do you have anything? Nobody.

MR. HAMILTON: No, Your Honor.

JUDGE PAYNE: Thank you very much. We look forward to working with you.

JUDGE KEENAN: Thank you, Judge Payne.

JUDGE LEE: Thank you all, counsel.

(End of proceedings.)

August 2, 2017

(Amended on August 30, 2017)

Report of Jonathan Rodden, PhD, *Bethune-Hill v. Virginia State Board of Elections* (August 2, 2017, amended August 30, 2017)

(Plaintiffs' Exhibit 69)

I.   Introduction and Summary

I have been engaged by counsel for the plaintiffs in the matter of *Bethune-Hill v. Virginia State Board of Elections* to assess whether race was the predominant factor in drawing twelve of the current districts for the Virginia House of Delegates. These districts were enacted in 2011 as HB 5005. My approach is to use all of the available geo-spatial data to provide an analysis of the construction of the HB 5005 electoral districts. For each of the regions containing the 12 districts at issue in this case, I examine whether it is plausible that the final shape of the districts could have emerged without race being used as the dominant consideration.

Some of my analysis is guided by previous testimony of Delegate Jones, who was responsible for the final design of HB 5005, and the Court's October 22, 2015 Memorandum Opinion. From these, it is my understanding that the Virginia Legislature set out to draw each of the challenged districts (including five districts in the Richmond and Tri-City metropolitan areas, one additional district in the rural area to the immediate South, and six districts in the Tidewater region of the Southeastern part of the state) with a voting-age population that was at least 55 percent African American.

Delegate Jones testified that his approach in areas with substantial African- American populations was to start with the existing "benchmark" districts and attempt to move their boundaries around in such a way as to achieve population equality while also achieving the 55 percent racial target. In contrast to the rest of Virginia—where Delegate Jones sometimes paired Democratic incumbents—he testified that he wished to obtain the support of African American incumbent delegates by keeping them in their old districts and preventing them from running against one another.

I conclude that, within each region, these goals simply cannot be achieved without paying extremely careful attention to the race of each voting tabulation district ("VTD") and census block under consideration. In each region, the task of achieving population equality while also achieving the racial target was difficult, and required considerable creativity. The basic problem is that the urban core districts had become severely under-populated, while the surrounding white suburbs were substantially over-populated. Simple applications of traditional redistricting principles would have led the urban districts to expand into the inner suburbs, and consequently fall short of the 55 percent racial target.

As a result, in many cases the Legislature had to do considerable violence to traditional redistricting principles in order to achieve its goals. In order to increase population counts in urban districts but continue to produce 55 percent African- American voting-age majorities, the legislature was forced to move African Americans from surrounding districts,

even if those districts were not overpopulated. They then had to find ways to make up for the population losses of those "donor" districts, while avoiding adding too many whites and thus jeopardizing the racial target in those districts. In each region, there were simply not enough African Americans—and they did not have the correct geographic distribution—for the Legislature to achieve its goals without carefully considering the race of every single VTD, sometimes even breaking up VTDs according to the racial composition of individual blocks, and moving Virginians from one district to another according to their race.

This race-based maneuvering left a number of telltale signs that are best comprehended via visual inspection of maps. In the analysis that follows, I demonstrate that the lines between districts are very often residential roads that separate white neighborhoods from African-American neighborhoods. In many instances neighborhoods and towns were bisected so as to segregate black and white residents. In some cases, VTDs were split so as to segregate black Census blocks on one side of a street and white Census blocks on the other. In most of these cases, it is simply not possible to devise a credible post-hoc explanation for these decisions that is not based on race.

Sometimes county or municipal boundaries correspond to small segments of the district boundaries in the 12 challenged districts, but these are usually cases where county or municipal boundaries facilitated the attainment of the 55 percent racial target. When respect for county or municipal boundaries would have undermined the

ability to reach the racial target, they were ignored. Something similar happens with VTD boundaries. It was often possible to separate African Americans and whites without breaking up VTDs, and indeed, the Legislature generally chose VTDs as the dividing line between African-American and white neighborhoods. But on some occasions, the Legislature found it necessary to divide VTDs according to race in order to achieve its goals.

This report explains the nuts and bolts of how the Legislature achieved the 55 percent racial target in each of the challenged districts, and how this race-focused redistricting process accounts for the districting plan in place today.

II. Qualifications

I am currently a tenured Professor of Political Science at Stanford University and the founder and director of the Stanford Spatial Social Science Lab ("the Lab")— a center for research and teaching with a focus on the analysis of geo-spatial data in the social sciences. Students and faculty members affiliated with the Lab are engaged in a variety of research projects involving large, fine-grained geo-spatial data sets including individual records of registered voters, Census data, survey responses, and election results at the level of polling places. Prior to my employment at Stanford, I was the Ford Professor of Political Science at the Massachusetts Institute of Technology. I received my Ph.D. from Yale University and my B.A. from the University of Michigan, Ann Arbor, both in political science. A copy of my current C.V. is included as Appendix A.

In my current academic work, I conduct research on the relationship between the geographic location of demographic and partisan groups, the drawing of electoral districts, and patterns of political representation. I have published papers using statistical methods to assess political geography and representation in a variety of academic journals including *Proceedings of the National Academy of Science*, *American Economic Review Papers and Proceedings*, the *Journal of Economic Perspectives*, the *Virginia Law Review*, the *American Journal of Political Science*, the *British Journal of Political Science*, the *Annual Review of Political Science*, and the *Journal of Politics*. One of these papers was recently selected by the American Political Science Association as the winner of the Michael Wallerstein Award for the best paper on political economy published in the last year.

I have recently written a series of papers, along with my co-author, Jowei Chen, using automated redistricting algorithms to assess partisan gerrymandering. This work has been published in the *Quarterly Journal of Political Science* and *Election Law Journal*, and featured in more popular publications like the *Wall Street Journal*, the *New York Times*, and *Boston Review*. I am currently writing a book, to be published by *Basic Books* in 2018, on the relationship between political districts, the residential geography of social groups, and their political representation in the United States and other countries that use winner-take-all electoral districts.

I have expertise in the use of large data sets and geographic information systems (GIS), and do

research and teaching in the area of applied statistics. My PhD students frequently take academic and private sector jobs as statisticians and data scientists. I frequently work with geo-coded voter files and other large administrative data sets, including in a recent paper published in the *Annals of Internal Medicine.* I have developed a national data set of geo-coded precinct-level election results that has been used extensively in policy-oriented research related to redistricting and representation,[1] as well as with Census data from the United States and other countries.

I have been accepted and testified as an expert witness in three recent election law cases: *Romo v. Detzner,* No. 2012-CA-000412 (Fla. Cir. Ct. 2012); *Mo. State Conference of the NAACP* v. *Ferguson-Florissant Sch. Dist.,* No. 4:2014-CV-02077 (E.D. Mo. 2014); and *Lee v. Va. State Bd. of Elections,* No. 3:15-CV-00357 (E.D. Va. 2015). I am currently serving as an expert witness in *Arizona Democratic Party, et al. v. Michelle Regan, et al.* No. 16-1065-PHX-DLR, and working with a coalition of academics to file an Amicus Brief in *Gill v. Whitford.* I am being compensated at the rate of $500/hour for my work in this case.

III. Data Sources

I drew on a number of sources to create the maps presented below. First, I obtained data on voting-age population by race in the census blocks of Virginia

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[1] The dataset can be downloaded at http://projects.iq.harvard.edu/eda/home. The data can be visualized in an interactive web map, available at http://atlas.esri.com/Atlas/VoterAtlas.html.

from the 2010 Decennial Census, along with corresponding geo-spatial boundary files. I obtained these files from the National Historical Geographic Information System (NHGIS), at https://www.nhgis.org. Next, I obtained Virginia administrative boundaries from the Virginia Administrative Boundary Dataset, accessed at http://vgin.maps.arcgis.com. Next, from https://redistricting.dls.virginia.gov, I obtained geo-spatial boundary files for vote tabulation districts as well as the 2001 (benchmark) state legislative districts and 2011 (HB 5005) districts. These files also contained attribute tables containing population and voting-age population estimates by race. All VTD-level estimates of race discussed in the text of this report come from those files.

I also received information from counsel about the addresses of incumbent legislators, and these are also displayed in the maps below. I also examined VTDlevel and district-level performance of specific incumbents in past elections. Those election results were obtained from the Historical Elections Database assembled by the Virginia Department of Elections: http://historical.elections.virginia.gov/. I have also consulted maps of school zone boundaries from the Richmond Public Schools: https://www.rvaschools.net. I have also examined Richmond City Council ward boundaries at: http://www.richmondgov.com/CityCouncil/documents/RichmondVoterDistrictsMap5.22.2014.pdf.

In this report, I occasionally discuss the location of boundaries relative to features of urban geography, including streets, single-family houses, and

apartment complexes. These discussions are informed by block-level information on housing tenure from the Decennial Census as well as satellite imagery available through ESRI ArcGIS mapping software as well as Google Earth.

In each of the maps below, I use block-level census data to represent the geographic distribution of voting-age whites and African Americans. To represent the spatial arrangement of groups, I use what are known as dot density maps. Within each census block, I represent the number of voting-age whites and voting-age African Americans with dots that are randomly placed within each census block. Census blocks are very small, usually containing fewer than 100 people. When zooming out to represent an entire region, such as the Richmond or Tidewater regions, each dot represents 10 people. When I zoom in to a given district, I am able to achieve a greater resolution, and each dot represents five individuals. When I zoom in on smaller districts or neighborhoods within districts, the dots represent two and in some cases just one individual. In each case, the number of voting-age individuals represented by these dots is indicated in the map legend.

IV. ichmond And The Tri-City Area

Let us begin with the area that includes metropolitan Richmond and the independent cities of Petersburg, Colonial Heights, and Hopewell. This region covers five of the districts at issue: 71, 69, 70, 74, and 63. The residential geography of race in this area is depicted in Figure 1, which is a dot density map of voting-age population. Using data from the 2010 decennial census, each white dot represents 10 voting-

age whites, and each black dot represents 10 voting-age African Americans.[2]

It is easy to see that there are three clusters with substantial African American populations. One is on the North side of Richmond, another is in Richmond on the South side of the river, and a third is in and around Petersburg. There is also a smaller African-American community on the South side of Hopewell.

Already from Figure 1, one can appreciate why it is difficult to draw five districts that meet the 55 percent racial target, as one must take care to make sure that virtually every VTD with a substantial black population finds its way into a majority-black district—sometimes even splitting VTDs when necessary.

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[2] These dots do not correspond to actual residential addresses. Rather, they are randomly placed within census blocks according to the census race counts for each block. Please see the discussion in section III above.

Figure 1: The Geographic Distribution of African
American and White Population in Richmond and the
Tri-City Region
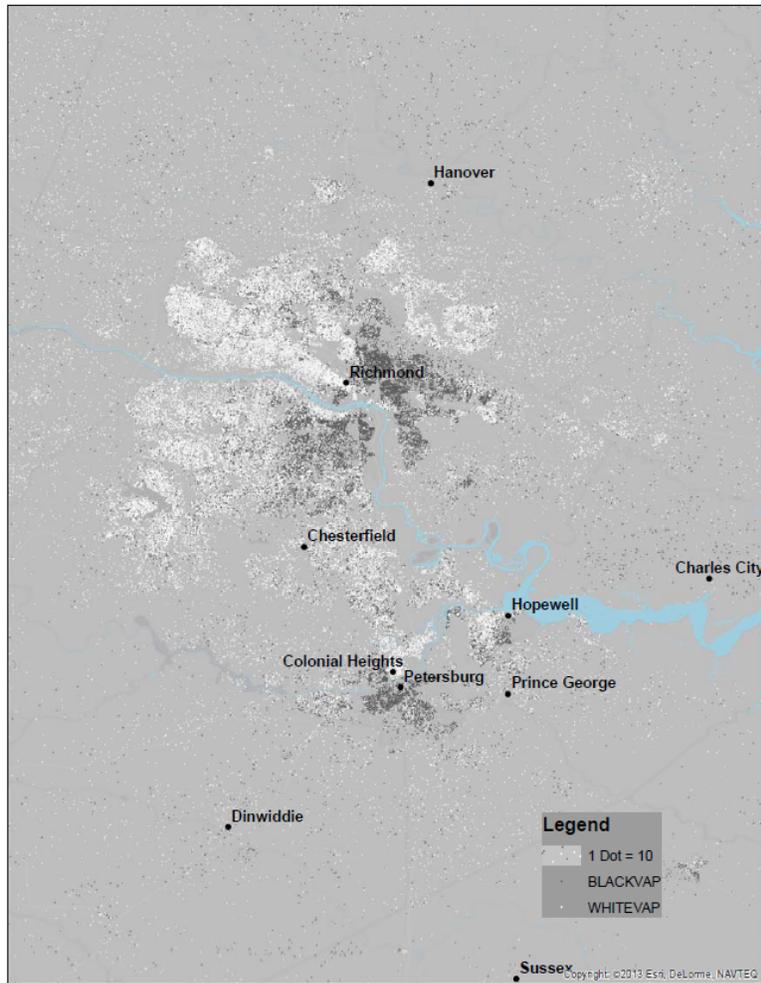
However, on the North side of Richmond in particular, the racial target necessitates splitting African-American neighborhoods to avoid drawing a district where the black voting-age population ("BVAP") is *too* high, since those African Americans are needed to bolster the black voting-age populations in *other* districts that unavoidably contain too many urban whites.

It is not possible to draw five districts that meet the 55 percent target without including the African-American section of Hopewell. It must be linked in either a non-compact district that reaches all the way to Richmond, or it must be linked with Petersburg.

The 2001 "benchmark" plan already reflected an attempt to draw African- American voters in majority-black districts. The benchmark plan contained a convoluted majority-black District 74 by taking the strip of African Americans in Henrico County just outside of the Richmond border, and connect them via a long, narrow corridor to Charles City County, and then reaching down all the way to Hopewell, extracting the African- American neighborhoods and leaving out the white neighborhoods. The remaining urban Richmond districts—69, 70, and 71—were drawn so as to spread African Americans rather evenly across the three. District 63 was drawn to pull in all of the African-American neighborhoods in Petersburg, reaching up into Chesterfield County in order to extract those African American neighborhoods and combine them with Dinwiddie County.

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Figure 2: The Geography of Race and the 2001
"Benchmark" Boundaries of the Challenged Districts
in Richmond and the Tri-City Region
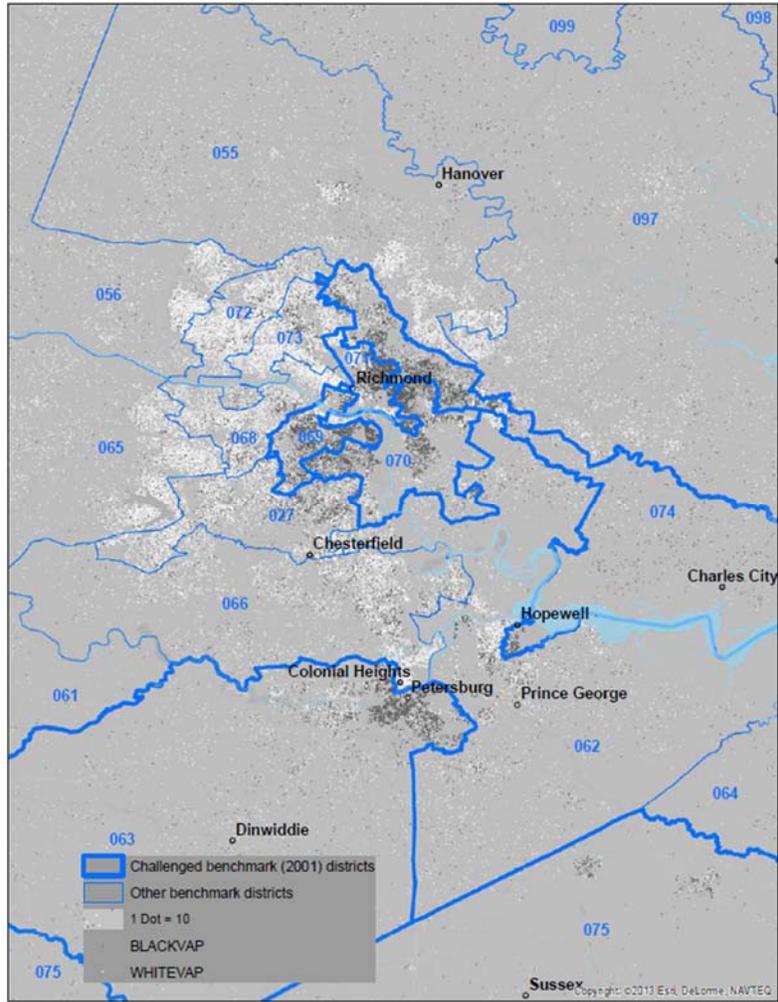
In short, by deciding to turn each of the baseline districts depicted in Figure 2 into a district with at least 55% BVAP in the 2010 Census, Delegate Jones was forced to engage in extensive race-based maneuvering. The basic problem was the continued suburbanization of Richmond, especially among African Americans. The two most urban districts—71 and 69—had lost relative population since 2000, and both were well short of the population threshold. District 71 also experienced a reduction in its BVAP share since 2000. The more suburban African American districts—74 and 70—were comfortably within the allowable population range in 2010, and due in part to black suburbanization, had very large BVAPs (63 and 62 percent). Meanwhile, some of the suburban and exurban white districts (e.g. District 27, 55, 97, and especially 56) had become over-populated, and thus needed to become smaller.

Thus the effort to create five districts that meet the 55 percent racial target faced some difficult challenges. Districts 69 and 71 needed to grow, but the most rational ways for them to do so—by paying attention to traditional redistricting criteria— would have involved adding whites, thus making achievement of the 55 percent racial target impossible. There was another problem: District 63 to the South was also quite under-populated (by over 6,000) and surrounded by whites, so any effort to expand it that was consistent with traditional redistricting principles would have undermined the goal of achieving the 55 percent racial target there as well.

Figure 3: The Geography of Race and the HB 5005
Boundaries of the Challenged Districts in Richmond
and the Tri-City Region
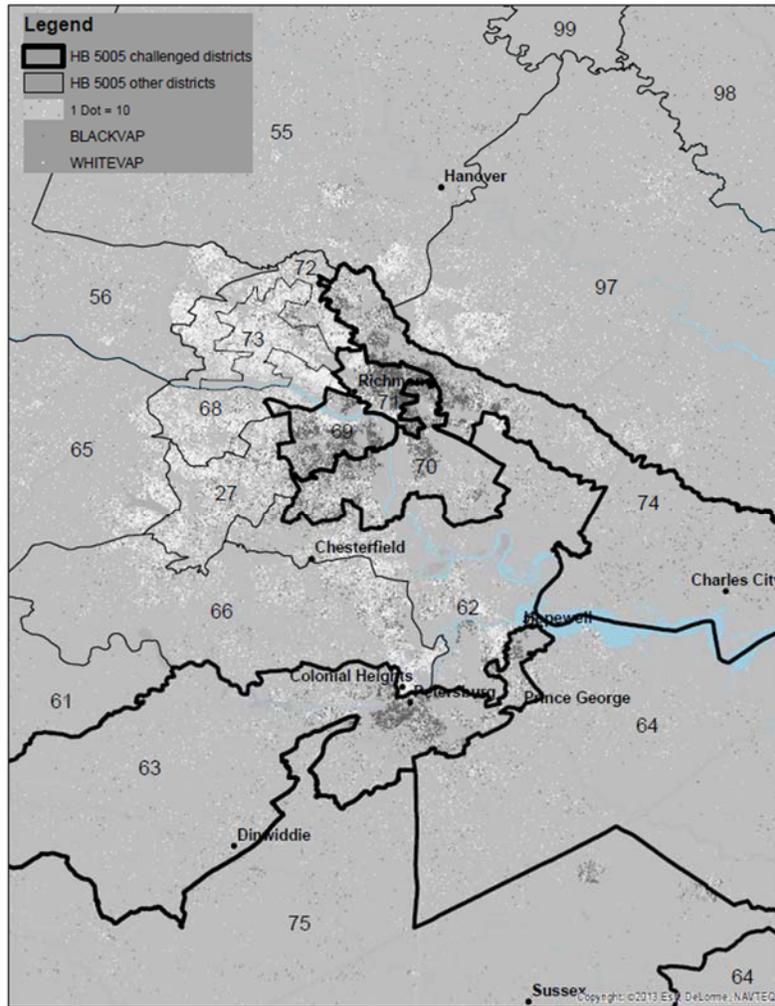
There was only one plausible solution: find ways of removing African Americans from districts 70 and 74, even though they were not over-populated, and move them into districts 71, 63, and to a lesser extent, 69. It was impossible to make all of the necessary exchanges without violating traditional redistricting principles. Some of the efforts to shed whites and pick up African Americans in District 71 were quite overt, and perhaps the most important move was the Eastward extension of District 63's tentacle, slicing through the middle of Fort Lee, reaching out to pick up only the African-American neighborhoods in Hopewell, dodging along the way to avoid clusters of whites. In other words, Delegate Jones found it necessary to switch from a strategy in which Hopewell was awkwardly joined with Richmond, to one in which it was awkwardly joined with Petersburg and points West.

The end result of this process is displayed in Figure 3. In order to understand how this was achieved, let us examine each district individually.

District 71

District 71 was a racially heterogeneous district that had previously been drawn to include much of downtown Richmond and the Northside neighborhood. Relative population loss led the district to be quite under-populated in 2010, falling 5,806 short of the target population. While the overall population was almost 51 percent African-American, a large share of the African-American population was under the age of 18 in 2010, so the district had a voting-age population that was around 46 percent African-American and 46 percent white, with the remainder of the voting-age

population falling into one of the other Census categories.[3]

The African-American incumbent, Jennifer McClellan, was routinely reelected with very large majorities. According to data published by the Commonwealth, she only once faced a primary challenger, in 2005, when she first entered the House of Delegates, and she won with 65 percent of the vote.[4] Since then, she has never been challenged in a primary, and has not faced a significant general election challenge. She ran unopposed in 2005, 2007, and 2011, and in 2009, she received 82 percent of the vote in the general election. In the contested primary of 2005 and the contested general election of 2009, she received large majorities in the majority-white VTDs. Nevertheless, Delegate Jones dramatically increased the African-American share of the district's population.

Delegate Jones needed to add approximately 5,806 people to District 71, and wanted to bring the BVAP share up to 55 percent. This means he needed to do much more than add African Americans to the district; he also needed to remove a substantial number of whites. To see why this is true, let us imagine a hypothetical (albeit impossible) scenario in which Delegate Jones could have added completely

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[3] The sources for these and all district-level race estimates in baseline and HB 5005 plans are the redistricting shapefiles and associated attribute tables made available by the Commonwealth. Please see Section III above.

[4] District-level and precinct-level historical results were obtained from http://historical.elections.virginia.gov. All subsequent discussions of precinct-level election results draw on this source.

homogeneous black VTDs to District 71, such that the entire population gain was made up of African Americans. Within the benchmark District 71, 77 percent of African Americans were of voting age, so let us assume, then, that the new district would have gained 4,473 voting-age African Americans (77 percent of 5,806) in this hypothetical scenario. This would bring the total BVAP up to 33,462, and the total VAP up to 67,122. Thus, African Americans would *still* not even make up 50 percent of the voting-age population. Delegate Jones was seeking to increase the BVAP share all the way to 55 percent. This means he would need to import far *more* African Americans, and in order to avoid over-population, would need to remove thousands of whites.

These constraints gave him very few options, since the district was surrounded by predominantly white VTDs to the North, West, and South. From a perspective of municipal contiguity and communities of interest, it would have made far more sense to have expanded the district to the West, thereby uniting the Fan Neighborhood and the Museum District, rather than continuing to maroon the latter in the largely suburban District 68. All of these precincts in the urban core of Richmond gave around 75 to 80 percent of their vote to President Obama in 2008, so it is unlikely they would have provided a threat to Delegate McClellan.

However, given the 55 percent BVAP target, none of these options—which would have been consistent with traditional districting principles—was a possibility. These precincts were far too white. Delegate Jones needed to *remove* whites rather than

add them. Thus he split the Fan neighborhood down
the middle in order to shed whites from the district,
removing VTD 207 (BVAP 3%).

Figure 4: The Geography of Race in House District 71
and Surroundings
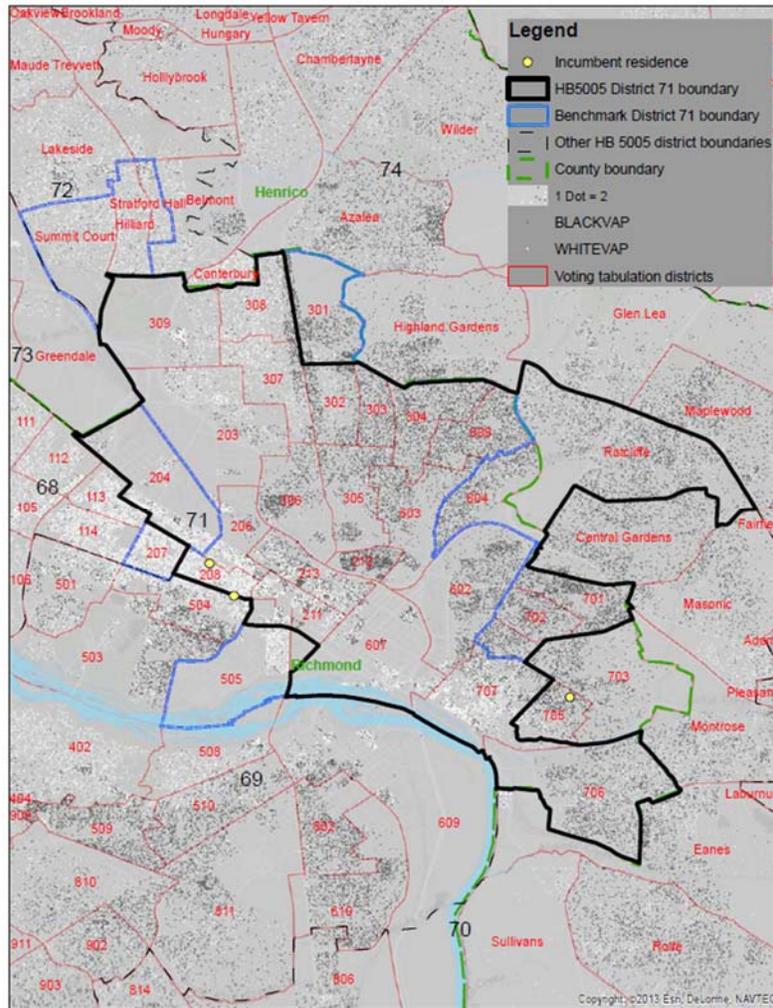
It is difficult to understand other explanations for the removal of VTD 207 from district 71 and placing it in District 68. One might claim that this move enhanced compactness by a very small amount, but it necessitated the addition of VTDs elsewhere that ended up reducing the district's compactness. Moreover, the removal of VTD 207 from District 71 created an orphan fragment of the Fan neighborhood that is now separated from its city council ward, elementary school zone, and middle school zone.

It is also difficult to imagine a political explanation. Much of the Northern part of District 68 corresponds to the boundary of Richmond City Council Ward 1, which was represented by a Republican, Mr. G.M. Loupassi, from 2000 to 2006. At the time of the 2011 redistricting, Mr. Loupassi had moved from city politics to the state legislature, and was the incumbent Delegate in District 68. The boundary of Ward 1 was the boundary separating Districts 68 and 71 in the old benchmark plan. The HB 5005 plan crossed the old boundary— North Boulevard— and added new territory to Mr. Loupassi's district that was outside his old Ward 1 bailiwick.

It would be curious if Mr. Loupassi, a Republican, wished to undermine traditional redistricting principles by reaching into the heavily-Democratic city of Richmond from his largely Republican suburban district and pluck out a VTD that (a) he never represented previously as a Delegate; (b) exceeded the boundaries of the city council ward he had represented five years earlier; and (c) typically votes for Democrats at a rate of 75 to 80 percent, and where Delegate McClellan had received 73 percent of

the vote in 2009. Precinct-level election results were readily available, and Delegate McClellan's dominance in this precinct was likely well known to both Delegates Loupassi and Jones.

Indeed, since Delegate Loupassi picked it up, precinct 207 has been one of his worst precincts. It was one of only 3 precincts (out of 27) that he lost in 2013, when he received 40 percent of the vote in precinct 207. In 2015, he received only 37 percent of the vote in precinct 207. In short, it is simply not plausible that splitting up the Fan neighborhood would advance Mr. Loupassi's political career.

In fact, it would have been quite advantageous to Mr. Loupassi if Delegate Jones would have pursued the most obvious strategy for adding voters to District 71: adding VTD 113 and VTD 114. These precincts alone would have achieved population equality, connected downtown Richmond neighborhoods, and enhanced the compactness of District 71 and especially District 68, which has a long appendage reaching from the suburbs into the urban core. Most of all, from Mr. Loupassi's perspective, it would have rid him of the two precincts in his district where he was (by far) the most unpopular. In 2015, he received only 28 percent of the vote in VTD 113, and 33 percent in VTD 114. Surely Mr. Loupassi would have known that these VTDs were troublesome for him at the time of the 2011 redistricting. When he first entered the House of Delegates in 2007 in a closely contested election, he received only 26% of the vote in VTD 113, and 31% in VTD 114. He also lost these VTDS again in 2009. Moving these VTDs to District 71 would have also been advantageous to Delegate McClellan, who

had overwhelming support in all of the surrounding precincts. These VTDs gave over 70% of the vote to President Obama in 2008. This win-win scenario was unacceptable, however, because of the voters' race.

Delegate Jones testified at trial: "[H]ad [Delegate McQuinn] not lived [in Richmond], I could have actually had all of the 71st District in the city of Richmond because I could have taken these couple of precincts and there wouldn't have been any going into the Radcliffe precinct in Henrico County for 71." Trial Tr. 311:3-17 (Jones). Presumably Delegate Jones was referring to VTDs 703 and 705, and his inability to include them in District 71 because of his desire to protect incumbent Delegate McQuinn by preserving the corridor that connected her with District 70. However, if it was a priority for Delegate Jones to create a District 71 that was completely within Richmond, this could have easily been achieved—enhancing compactness along the way—by keeping 207 and adding 113 and 114.

Delegate Jones' testimony reveals that he apparently viewed Eastward expansion into African-American neighborhoods as the only option, even though these neighborhoods were previously represented by Delegate McQuinn and were only a few blocks away from her house, and even though this move required a VTD split and a reduction in compactness. Expansion of District 71 to the West within Richmond—while allowing for greater compactness, respect for neighborhoods, and providing clear advantages for incumbents—was evidently off the table. There is no plausible explanation other than race.

Whites were also removed from district 71 by dropping VTDs to the North in Henrico County. See Hilliard (BVAP of 6%), Stratford Hall (BVAP of 19%), and Summit Court (BVAP of 8%), on Figure 4 above. These VTDs had provided strong support to Delegate McClellan (87% in the 2005 Democratic Primary and 62% in the 2009 General Election).

Figure 5: The Geography of Race in VTD 505 (House District 71) and Surroundings
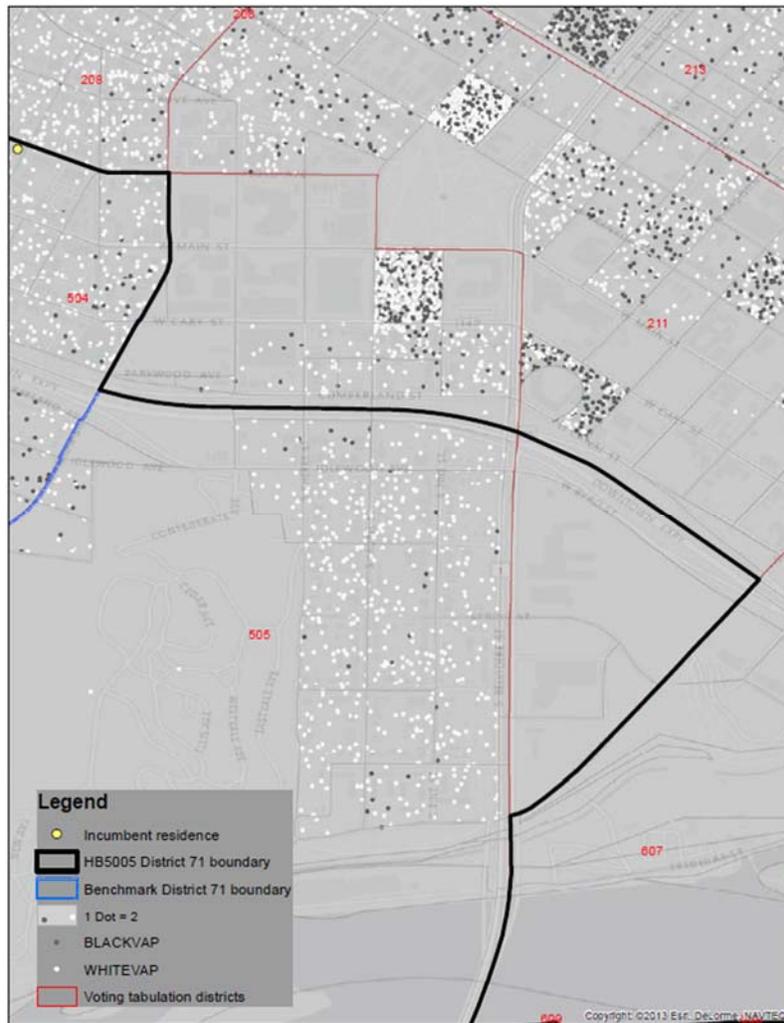
A substantial number of whites were also removed via the split of VTD 505, pictured above in Figure 5, such that the white section was drawn out of District 71, and marooned from the rest of its new district (District 69) by a water crossing, while retaining an apartment complex with a substantial African-American population in District 71. Without taking a close look, one might imagine that the split of VTD 505 was a compactness-enhancing maneuver, meant to shave off an appendage that was jutting out toward the river. However, the maps in Figures 4 and 5 reveal that this is not the case. The entire section of VTD 505 that juts out from the rest of the district is occupied by cemeteries (Mt. Calvary, Riverview, and Hollywood). The only populated section of VTD 505 is a narrow neighborhood called Oregon Hills—a strip covering three blocks between South Cherry and South Belvidere Streets.

If the Legislature meant to shave off the appendage and enhance the compactness of District 71, it would have kept the Oregon Hills neighborhood in District 71 by splitting the precinct using South Cherry Street, thereby eliminating the appendage by removing only the unpopulated cemeteries. This would have removed the jagged outward appendage to the West that would have occurred if the VTD had been kept whole, and would have prevented the jagged cut to the East associated with the current arrangement, resulting in a relatively straight line in that portion of the boundary, and more importantly, preventing the creation of an orphan neighborhood. Instead, the Legislature split the VTD using the Downtown Expressway to cut off Oregon Hills and turn it into an isolated island across the water from

the rest of District 69. The clearest explanation for this maneuver was the imperative to remove whites from District 71.

The only way to *add* sufficient African American population was to expand the district to the East. The Legislature achieved this by taking African Americans from Districts 70 and 74, violating traditional redistricting principles along the way. This was achieved by adding some very populous, overwhelmingly African- American VTDs to the East (701, which had with a BVAP of 97%) and 702, which had a BVAP of 94%), and splitting VTD 703 (BVAP 90%). It also became necessary to add VTD 604 (BVAP 91%) and then cross the Henrico County line and reduce the compactness of the district by pulling in Ratcliffe VTD (BVAP 83%). Ratcliffe alone brought in an additional 3,257 African Americans. While it would have been possible to create a relatively compact Richmond-centric district, the Legislature instead swapped out some Henrico County whites to the West in exchange for Henrico County African Americans to the East.

In short, population equality could have been achieved in District 71 in a variety of ways without causing incumbents to run against one another, and indeed most of these alternatives would have led to a more compact district that kept Richmond neighborhoods together. However, the desire to achieve the 55 percent BVAP target in District 71 provided the Legislature with very few options, and the final shape of the district—and the specific Virginians who were swapped in and out—were driven by that rather binding constraint.

District 69

Figure 6: The Geography of Race in House District 69
and Surroundings
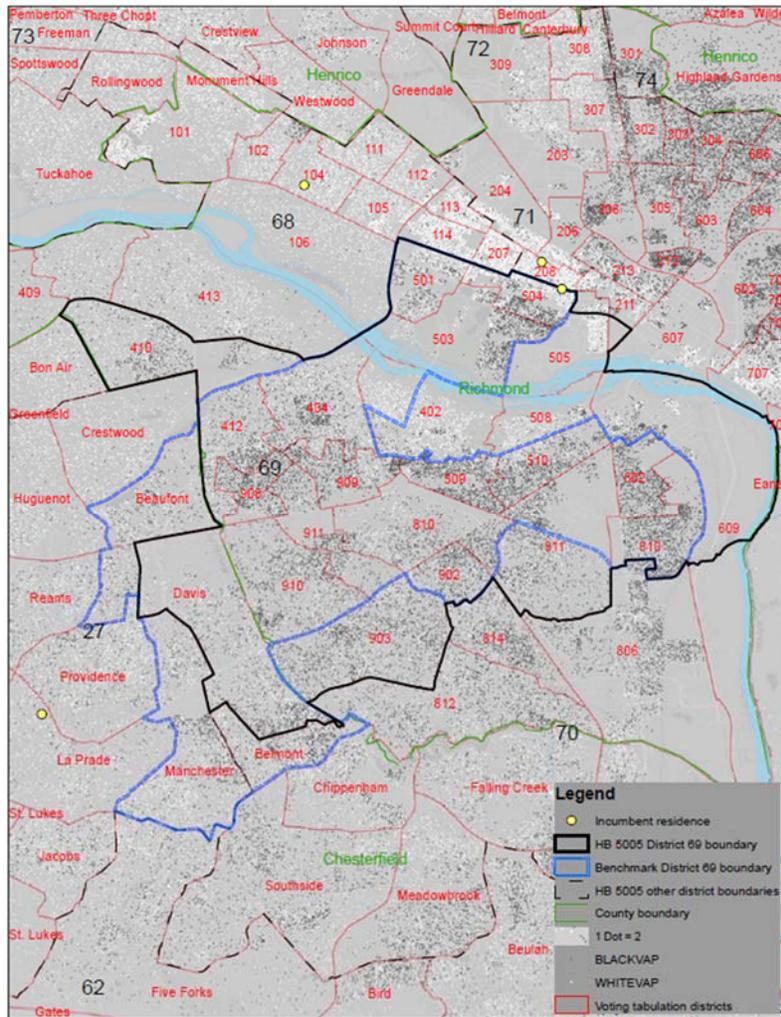
District 69 was even more dramatically under-populated, needing 8,701 additional people to reach the population target. The old benchmark district already had a BVAP of 56.3 percent. Thus in order to meet the Legislature's 55 percent BVAP target, it was necessary only that about half of the new voters brought into the district be African Americans. But, as described above, District 71 to the North could not stand to lose African Americans, and the benchmark District 69 was surrounded by whites to the West and to the immediate East. District 27 on the Western boundary was almost 8,000 over the population target, and would have been the obvious place to pick up population. The Western edge of District 69 already contained some majority white precincts in Chesterfield County, and a few more could have been added. But instead of expanding Westward, the district actually *shed* some of its white Western precincts.

In order to gain population and maintain District 69's BVAP, VTDs 903 (BVAP 64%) and 811 (BVAP 76%) were moved over from District 70 to the South, even though that district was already at the population target. African-American voters were also added in VTD 410 to the North. In fact, this VTD was split, such that part of the VTD with more African Americans was kept in District 69, and the remaining white voters remained in District 68, presumably in order to preserve the white corridor connecting the suburban and urban parts of District 68. The VTD called Davis in Chesterfield County was also split as part of the process.

District 69 straddles the James River in a way that crosses city council ward boundaries as well as the boundaries of elementary, middle, and high school zones. It extends North of the river to pick up largely African-American neighborhoods, and stops abruptly at the dividing line between African-American and white neighborhoods. As discussed above, District 68 extends awkwardly into urban Richmond so as to keep whites out of either District 71 or 69.

In some of his testimony about District 71, Delegate Jones expressed an interest in keeping Richmond house districts in Richmond. If respect for country boundaries was a priority, this could have been achieved in District 69 by avoiding Chesterfield County and adding Richmond VTDs. The Richmond VTDs to the North were white and populous, however, and would have thus undermined the racial target. And the Richmond VTDs to the South were needed to preserve the racial target in District 70.

District 70

Figure 7: The Geography of Race in House District 70
and Surroundings
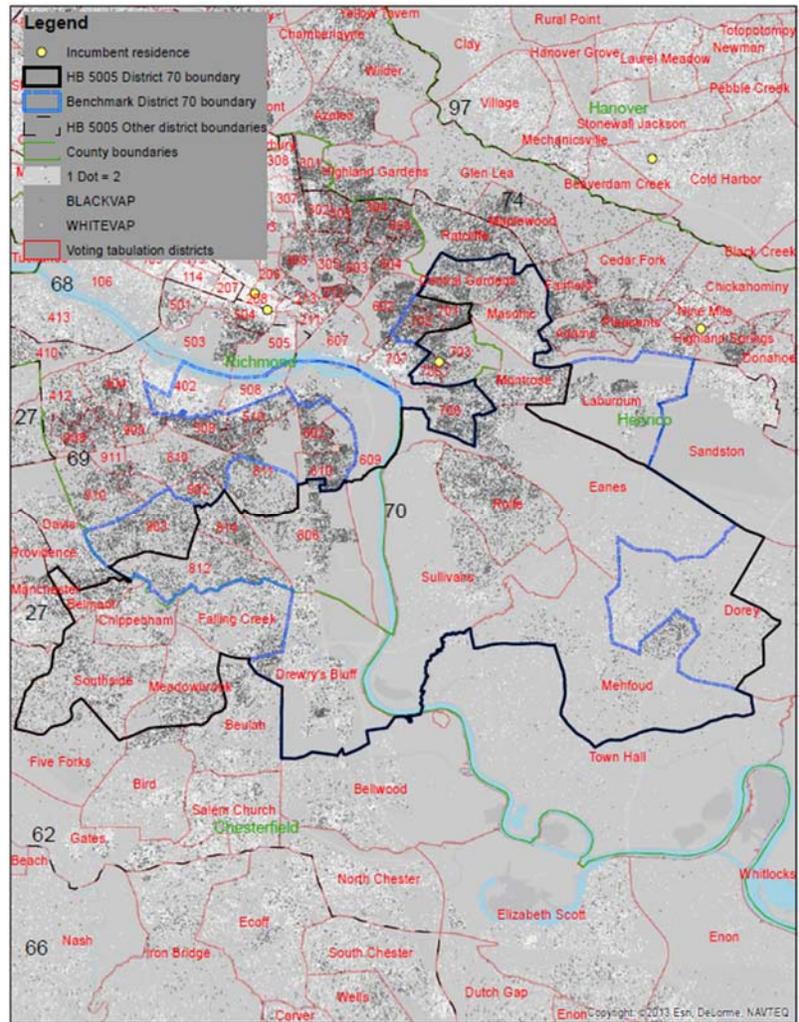
By 2010, District 70 had developed a large African-American voting age population (62 percent BVAP share), and its population number was almost exactly on target. Given the aspiration to achieve five 55 percent BVAP districts in the Richmond area, its main role in achieving the racial targets in the 2011 redistricting was as a donor of African Americans to other districts. VTDs 701, 702, and part of 703 were donated to district 71 (all had BVAP over 90 percent); 811 (BVAP 76%) and 903 (64%) were donated to District 69.

After making these donations, it was then necessary to add some VTDs in order to gain population. District 70 pulled in several nearby suburban VTDs that had grown to develop black majorities, and had not yet been pulled into a majorityblack district: Meadowbrook, Southside, and Chippenham. In fact, these were the last majority-black VTDs in the region that had not yet been pulled into a majorityblack district. As the suburban black population pushed outward into the white exurbs, District 70 expanded to pull them back in. In short, the district boundaries moved so as to demarcate the shifting dividing line between black and white neighborhoods.

District 70 is an odd amalgam that pays little attention to county boundaries or communities of interest. It takes three VTDs from Richmond's Southside City Council Ward (806, 812, and 814), hives them off from the rest of that ward and the rest of the city of Richmond, joins them together with exurban sections of Chesterfield County, then crosses

over the James River into an exurban section of Henrico County, and then crosses back into Richmond to pick up a VTD (705), and a fragment of a split VTD (703) in the Richmond East End. Thus the district brings together two disjointed, non-contiguous neighborhoods of Richmond via a swath of suburban Henrico County. District 70 is a heterogeneous mix of urban, suburban, and exurban communities. As described above, the Legislature could have turned District 69 into a more Richmond-centric district, thus avoiding the orphaning of VTDs 806, 812, and 814. However, this would not have preserved enough African Americans for District 70.

District 70 is quite non-compact, in part because of the efforts to pull in African Americans and exclude whites as it reaches out to the West, but also in large part because of the Northern turret that reaches up into Richmond and beyond, into a majority African-American sliver of Henrico County. Delegate Jones testified that the reason for the existence of this Northern "turret" is the residence of the incumbent, Delegate McQuinn at the bottom of the turret. But Delegate McQuinn's residential location does not explain the continuation of the turret further to the North into Henrico County, where it extracts two additional VTDs, Central Gardens (BVAP 94%) and Masonic (72%), thereby causing the most glaring contravention of compactness in the district.

District 74

Figure 8: The Geography of Race in House District 74 and Surroundings
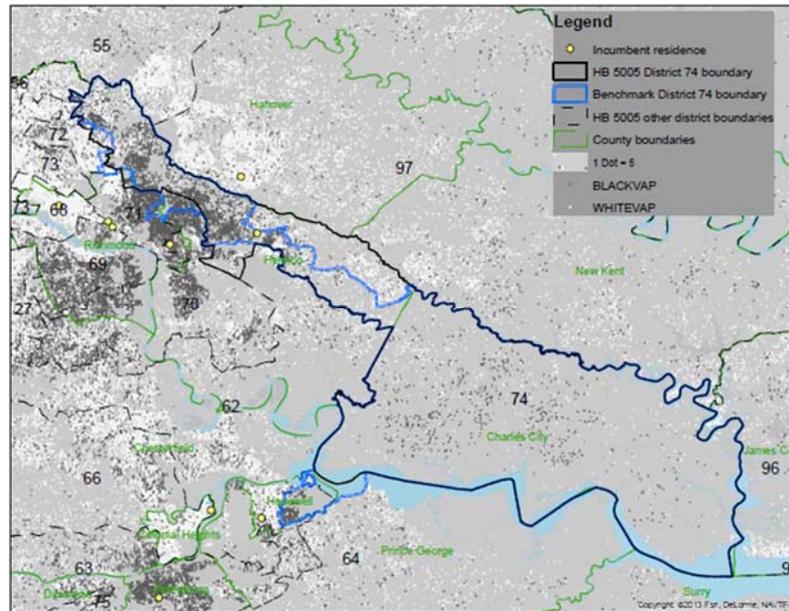
As seen by the blue lines in Figure 8, benchmark district 74 extracted a narrow, African-American sliver of Henrico County, and joined it with a narrow corridor that minimized the inclusion of whites in Southern Henrico County, in order to reach rural African Americans in Charles City County, before reaching down to capture the African American neighborhoods from Hopewell, resulting in a benchmark district with a BVAP of 63 percent. HB 5005 preserved this basic arrangement, but as described above, it was necessary to donate some African Americans to bolster the flagging black populations of other districts. As described above, the

largely African-American VTD of Ratcliffe was transferred to District 71. And as discussed in greater detail below, Hopewell's black neighborhood was transferred to District 63, most likely because District 63 needed to donate African Americans to District 75 to the South, where the 55 percent BVAP target was most in danger.

Figure 9 portrays the thin strip that constitutes the Northwest of District 74. It was drawn quite explicitly around Henrico's African American population. On the Northern border of the strip, the county boundary between Henrico and Hanover is a rather effective dividing line between African Americans and whites. However, on the Southern side of this strip of African Americans in Henrico County, there were no obvious municipal lines, and sometimes even the VTD boundaries did not fall along racial lines.

As a close examination of Figure 9 reveals, Randolph and Yellow Tavern VTDs were selected, thereby including African Americans and excluding whites from District 74. But as can be seen in Figure 9, the Legislature had to slice apart VTDs including Brookland and Belmont in order to draw African Americans into District 74 and whites into District 72. The racial incidence of the Belmont VTD split is especially obvious. Using the VTD boundary, as in the benchmark plan, would have allowed a large number of whites into District 74. This VTD split could not have been based on partisanship, because data on partisanship were not available to Delegate Jones at the census block level.

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Figure 9: The Geography of Race in the Northern
corridor of House District 74 and Surroundings
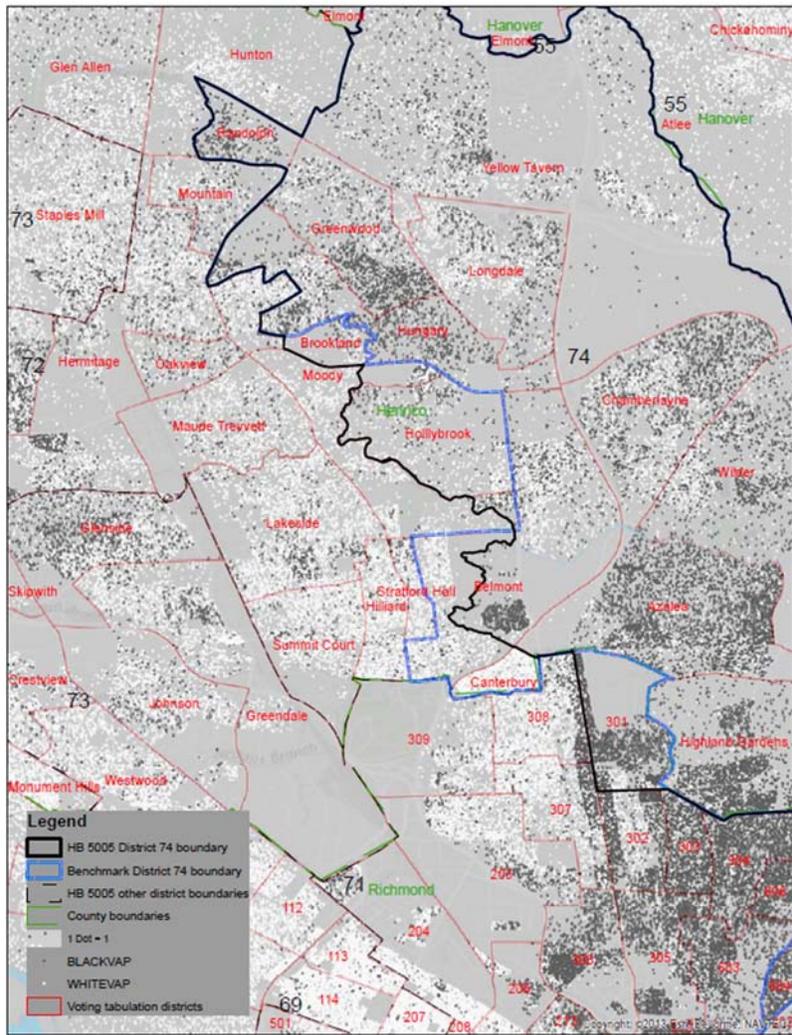
It is difficult to think of alternative explanations for District 74's shape, and for the specific VTDs that were included and excluded. The narrow strip described above directly contributed to making District 74, which remains one of the least compact of the challenged districts.

District 63

Figure 10: The Geography of Race in House District 63 and Surroundings
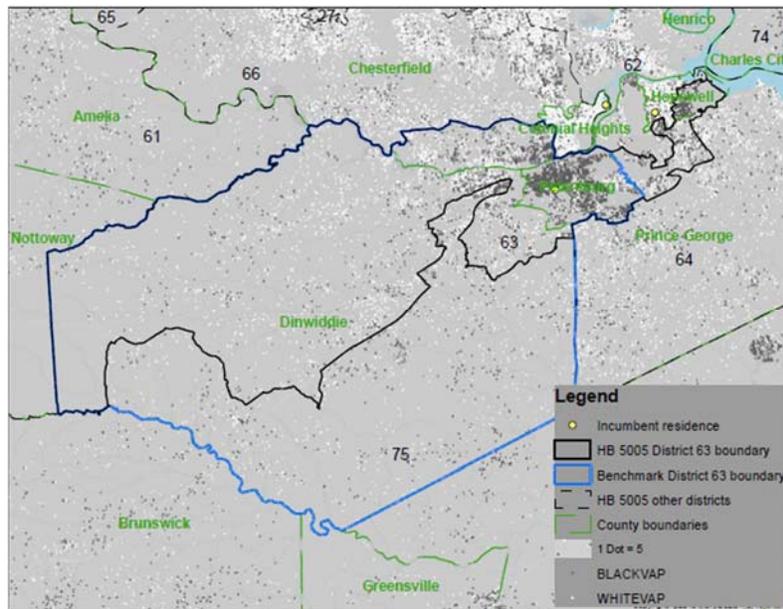
The benchmark District 63 was composed of sparsely populated Dinwiddie County, all of Petersburg, which is densely populated and 80 percent African American, and an African-American slice of Chesterfield County on the outskirts of Colonial

Heights. This generated a black voting-age population of 58 percent.

But as in District 71, there was a problem. The district was under-populated by 6,000 people, and surrounded by whites. There were rural African Americans to the South, but this only introduced a further problem: the Southern neighbor, District 75, was also a rural African-American district, but was under-populated by over 9,000, and the benchmark plan was already right at 55 percent BVAP. How would it be possible to add 9,000 people to District 75 without significantly reducing the African-American share? Virtually all of the rural African American VTDs in the area were already drawn into District 75.

The solution required that traditional districting principles, and the VTD as a building block for districts, be abandoned. District 75 was redrawn so as to reach up into District 63, using a racially heterogeneous section of Southern Dinwiddie County in order to reach all the way up to suburban Petersburg and extract African Americans, with no regard for VTD boundaries (let alone the Dinwiddie County boundary). This maneuver then left District 63, already under-populated, with even fewer people, and still surrounded by whites.

The solution for District 63 was to design a new tentacle, such that a corridor would reach over to Hopewell and extract its African-American neighborhood. This corridor required the legislature to cut Fort Lee in half, and slice through neighborhoods and even VTDs, as demonstrated in the more detailed map in Figure 11 below.

Figure 11: The Geography of Race in the Eastern
Tentacle of House District 63, Tri-City Area (Colonial
Heights, Petersburg, Hopewell)
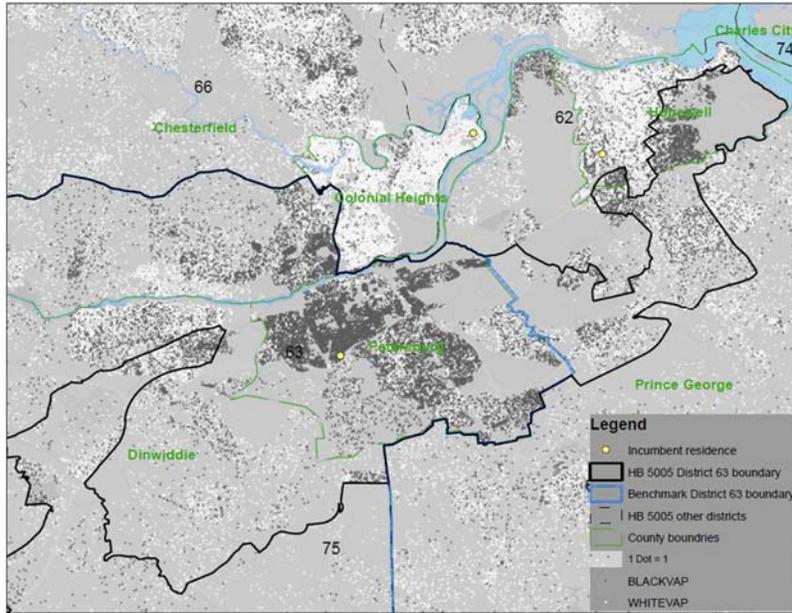
Note that the section of District 63 portrayed in
the Northwestern portion of Figure 11 crosses the
Appomattox River and a county boundary so as to
reach up into Chesterfield County and pull in the
African-American neighborhood around Virginia
State University. The district boundary is then drawn,
West to East, across the middle of Chesterfield County
right at the point where the African American
population falls off. Figure 11 shows how the tentacle
reaching up from District 75—referred to at trial as
the "New Hope Hook"— facilitated the addition of
African Americans to that district. The application of
traditional redistricting principles would have placed
Colonial Heights, Virginia State University, and

Petersburg in the same relatively compact district, and would not have segregated Hopewell.

VTD boundaries were frequently ignored in the creation of District 63. The entirety of the "hook" surrounding New Hope, reaching up to draw the neighborhoods of Dinwiddie Gardens and West Petersburg into District 75, required VTD splits, including Rohoic, New Hope, Rives, and Dinwiddie. Delegate Jones offered that part of the reason for these unusual splits was the desire to pull a potential challenger of Delegate Dance into a different district while keeping the New Hope precinct in District 63. His claim was that Delegate Dance had strong support in the New Hope VTD. It is not clear why VTD splits along the shaft of the "hook" were required to achieve either of these goals.

The name and residential location of the potential challenger were not identified, and I understand that this information is also unknown to defense counsel. It is worth noting that between the 2005 election, when Delegate Dance entered the legislature for the first time, and the time of the 2011 redistricting, Delegate Dance never faced either a Democratic Primary or General Election challenger. In the only competitive election she had faced by that time—the 2005 general election—New Hope was among her worst precincts (ranked number 19 out of 22 precincts comprising District 63 in 2005). Furthermore, if the convoluted shape of the newly constructed District 63 was meant as a way of warding off primary challengers for Delegate Dance, it can only be seen as a failure. She drew a strong challenger immediately after redistricting, in 2013.

Figure 12: The Geography of Race in HD 63,
Hopewell Ward 7
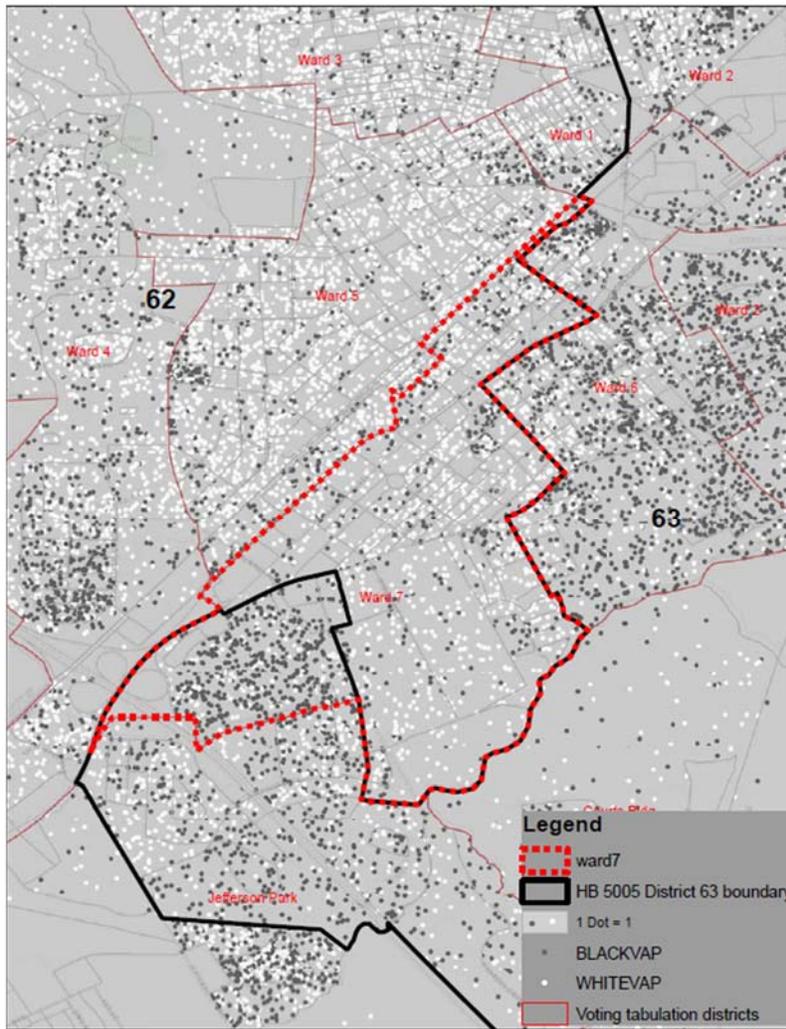
It is also evident that in order to achieve its racial targets in the Tri-City area challenged districts, the legislature found it necessary to split a number of VTDs. Examples include Jefferson Park, Courts Building, and Hopewell Ward 7. As in other examples of VTD splits discussed above, this was usually done so as to split white and black census blocks. Consider, for example, Ward 7 in Hopewell, which is depicted in Figure 12 above.

Throughout most of Hopewell, the ward boundary corresponds with the line dividing the white side of Hopewell from the African American side. In the Northern part of Hopewell, the District 63 boundary split African Americans and whites by simply following the boundaries between wards. The same was true, for the most part, of the jagged Eastern boundary of Ward 7—a predominantly white ward that was mostly excluded from District 63. However, Ward 7 contained a cluster of African American census blocks in its Southwestern corner. As can be seen in the map, these were carved out from the rest of the VTD and placed in District 63. There appears to be no plausible explanation for this VTD split other than race, as Delegate Jones did not have access to data on partisanship below the level of the VTD.

Finally, Delegate Jones testified that his decision to move the African- American section of Hopewell from District 74 to 63 was because of a desire to remove a crossing of the James River. It should be noted, however, that virtually every other Richmond district that comes near the James River contains neighborhoods on both sides, including Districts 62, 70, 69, and 68. It is not clear why this particular water

crossing was viewed as a problem, but the others were not. Moreover, it is odd that Delegate Jones was only concerned with crossings of the James River, but not the Appomattox. His design for the border between Districts 62 and 63 leaves Hopewell's white neighborhood completely isolated from the rest of district 62 on the South side of the Appomattox. An application of traditional redistricting criteria would have solved the James River crossing problem by also solving the Appomattox crossing problem, thus keeping the city of Hopewell together. Moreover, Delegate Jones did not try to fix the Appomattox River (and county boundary) crossing that was used to draw African Americans from Chesterfield County into District 63.

Additionally, removing the James River water crossing does not explain the split of Hopewell along racial lines. The coincidence of sharp discontinuities in race with the district boundary, even within VTDs, is striking.

Conclusions

Zooming out from the individual districts and evaluating Richmond and the Tri-City region as a whole, there can be little doubt that race was the dominant factor in the overall design of the challenged districts. The creation of five districts with a 55 percent BVAP, and an additional such district in the rural area to the South, required considerable attention to the racial composition of each VTD. This goal could only be achieved if African Americans were very carefully allocated across the challenged districts, and whites were carefully moved or circumvented. This process required a variety of

affronts to traditional redistricting criteria. Counties, cities, neighborhoods, and even VTDs were often split in service of this goal. Tentacles and corridors were created in order to link geographically disparate African Americans, and they snaked around to avoid whites. Dividing lines between black and white neighborhoods were used as district boundaries, even when this required chopping cities, neighborhoods, and VTDs in half.

These affronts to traditional districting criteria were necessary because there was so little margin for error in the Legislature's plan to create five 55 percent BVAP districts in the region. It was necessary to move as many African Americans as possible into one of the challenged districts. In the entire region covering Richmond and the Tri-City area, there is *not a single VTD with a black voting-age majority that is left out of one of the challenged districts*. This could not have occurred in the absence of a redistricting process that elevated race over all other considerations.

V. The Tidewater Region

The Tidewater region encompasses six of the districts at issue: Districts 92 and 95 on the Virginia Peninsula and Districts 80, 89, 90, and 77 in South Hampton Roads. In the benchmark plan several of the majority-African-American districts were highly non-compact, and had external boundaries that, for the most part, fell along racial lines. In the previous round of redistricting, it had been possible to create six majority-black districts, only two of which were below the target 55 percent BVAP threshold at the time of

the 2010 Census. District 89 had a BVAP of 52.5 percent, and District 80 had a BVAP of 54.4 percent.

Figure 13: The Geography of Race and the 2001 "Benchmark" Boundaries of the Challenged Districts in the Tidewater Region
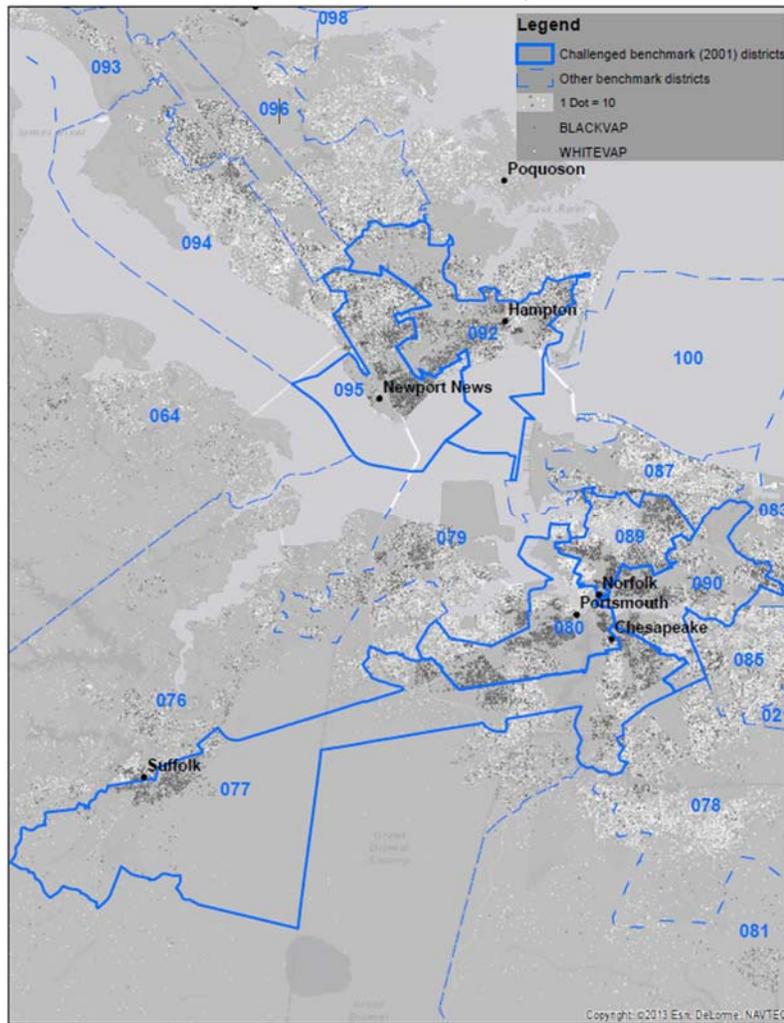
Figure 14: The Geography of Race and the HB 5005
Boundaries of the Challenged Districts in the
Tidewater Region
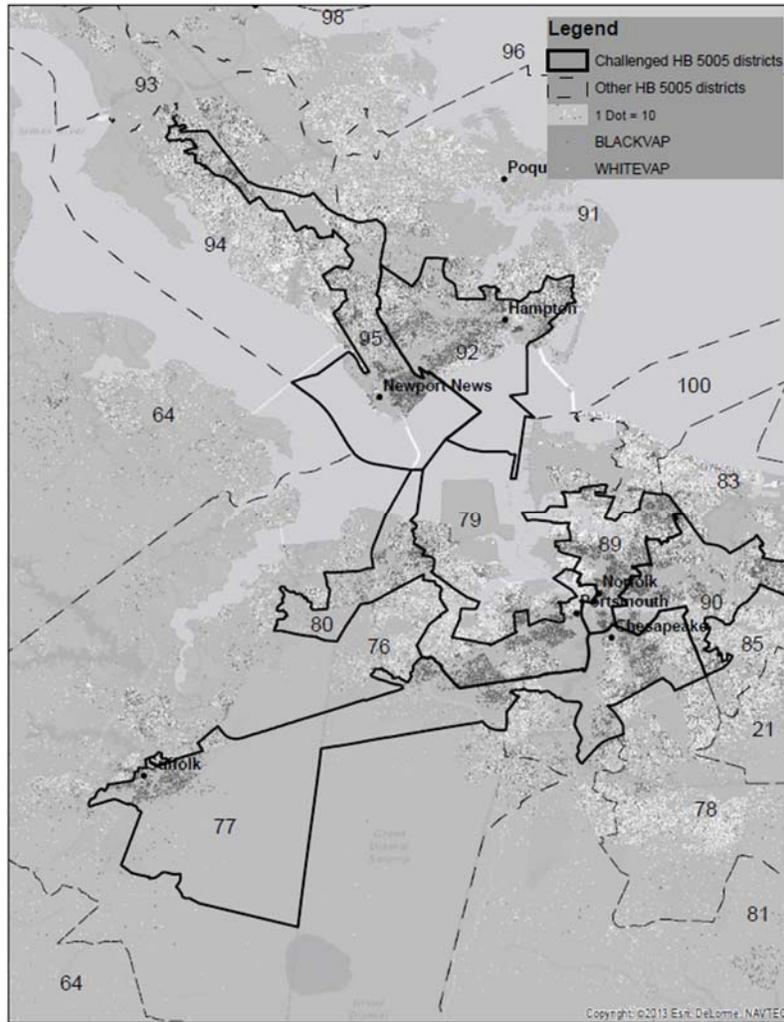
These urban areas were losing relative population, however, and all of the challenged districts were under-populated, some quite severely so. The most under-populated district was District 95, which was around 12,000 people short of the population target, and the closest to the target was the relatively suburban district 77, which was short by only 3,000 people.

Given the expressed goals of the legislature, the challenge, then, was to increase the population of these districts while preserving and expanding the preexisting majority-black districts. As in the Richmond area, however, this was not easy, since as depicted in Figure 13, the majority-minority districts were surrounded on all sides by whites.

Once again, this job necessitated a disregard for traditional redistricting principles, county and municipal boundaries, and the boundaries of VTDs. It also required white corridors that reached out to pull in distant African-American communities in order to facilitate achievement of the racial target. Perhaps the most obvious maneuver involving race was to reach up the peninsula to the North from Newport News, ignoring county, municipal, and VTD boundaries, so as to pull in the long, narrow African-American neighborhood sandwiched between Highway 69 and Warwick Boulevard, taking care to pull majority-black apartment complexes into District 95. A second rather obvious racial maneuver was to find a way to bring the African-American neighborhood near the Southern terminus of the Monitor Merrimac Bridge into district 80. District 80 was redrawn to expand to the Northwest via a narrow corridor of whites in order to

reach this isolated pocket of African Americans. African Americans were also brought into these districts through a variety of subtler expansions, as discussed below. Finally, it was necessary to exchange a number of African Americans between districts in order to spread them most efficiently across districts and bolster the BVAPs in districts where they were flagging.

The Virginia Peninsula: Districts 92 and 95

Figure 15: The Geography of Race in House Districts 92 and 95 and Surroundings, Virginia Peninsula
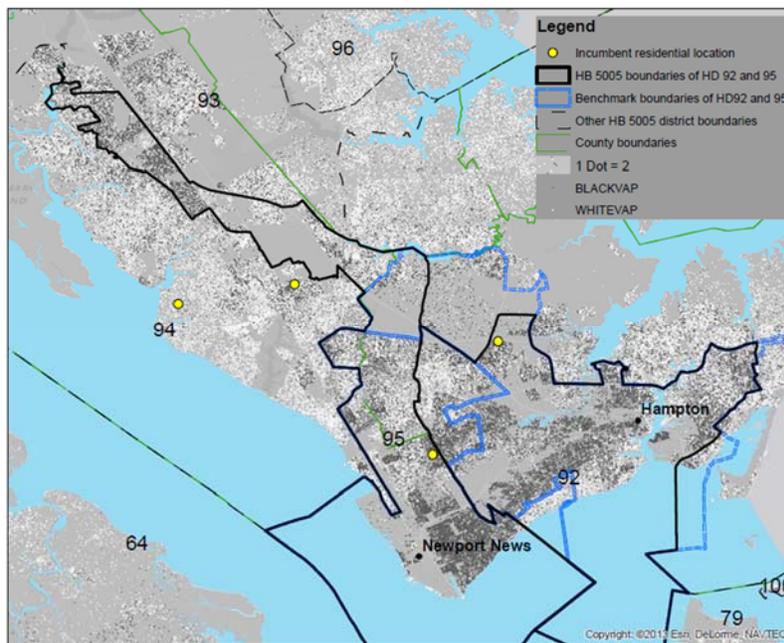
Let us begin with Newport News and Hampton. Figure 15 above shows that the benchmark versions of Districts 92 and 95 had been drawn to exclude white populations, concentrating African Americans in the two districts. The dividing line between the districts divided African Americans quite evenly between the two. The 2010 BVAP for both districts was 62%. Both were quite under-populated, though, especially District 95, which needed to add 12,000 people. District 92 needed to add almost 9,000. As can be seen in the maps above, as well as the zoomed-in maps below, any approach that was even remotely based on traditional redistricting principles would have ended up adding a very substantial number of whites. Given the large numbers of voters that needed to be added in order to achieve population equality, the addition of too many whites would have imperiled the 55 percent BVAP target.

The solution was to redraw District 95 by making a narrow corridor through white neighborhoods in order to reach a corridor of African Americans between Highway 69 and Warwick Boulevard. As can be seen in Figure 15 above and Figure 16 below, African Americans and whites were separated with remarkable precision. As in the Hopewell area, the Legislature achieved its racial goals by dispensing with the principle of keeping VTDs together. The Legislature decided to split almost every single VTD along the Northern corridor of District 95. This can be seen very clearly in Figure 16 below.

Figure 16: The Geography of Race in the Northern Corridor of House District 95 and Surroundings, Virginia Peninsula
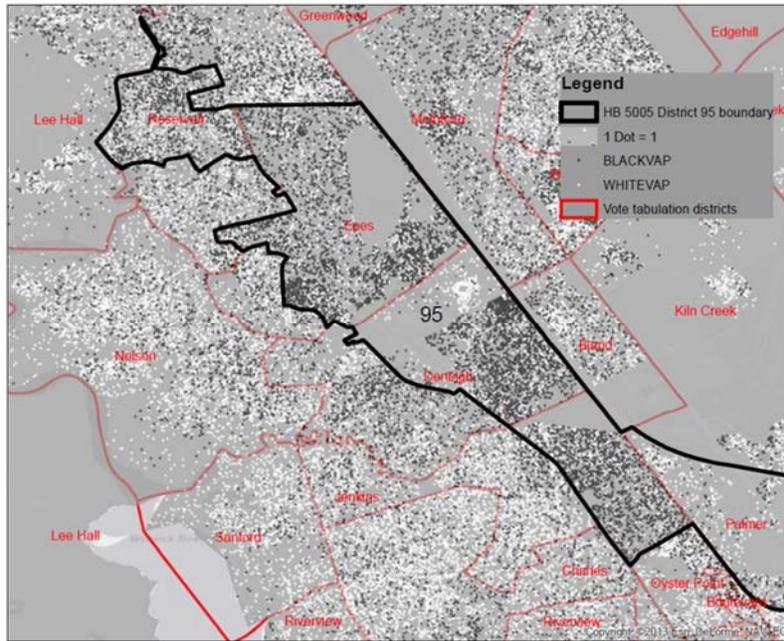
Figure 16 shows that the VTDs of Jenkins, Denbigh, Epes, and Reservoir were sliced precisely at the point where black neighborhoods transitioned to white neighborhoods. The northern-most VTDs, Epes and Reservoir, are especially noteworthy. In the Southern section of this corridor, the East side of Warwick is African American, and the West side is white. Thus Warwick forms the district boundary. But in Epes, the dividing line becomes a series of small residential streets. This is because in Epes VTD, there are several dense apartment buildings occupied by a large number of African Americans on the West Side of Warwick. The district boundary carefully follows a

tangle of small residential streets, behind these apartment complexes, that form the black-white dividing line. The residential geography in this area evidently has a good deal to do with zoning and the location of multi-family housing and apartment complexes, and the district boundary meanders through residential neighborhoods so as to separate multi-family housing occupied by blacks (e.g. Autumn Lakes Apartment Complex and Waypoint and Uptown) on one side of the street from single-family houses owned by whites on the other.[5]

The Western boundary of the Reservoir VTD is the Warwick River. District 95 hives off the Southwestern fragment of this VTD and combines it with District 94 on the other side of the river. The East-West dividing line upon which the Reservoir VTD was split corresponds to a dividing line that separates whites on one side from African Americans on the other. It is difficult to fathom any explanation for the boundaries depicted in Figures 15 and 16 other than race.

This new tentacle pulled in a substantial number of African Americans to District 95. This was important, because District 95 was then able to donate African Americans to District 92, which needed to add around 9,000 people without adding too many whites. As can be seen in the maps above, there were simply no other concentrations of African Americans in the vicinity. By moving three densely populated VTDs— Mallory, Forrest, and Kraft—which contained

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[5] The locations of multi-family housing are clearly visible on satellite imagery such as that provided by Google Earth.

apartment complexes occupied by African Americans (e.g. Sweetbriar and Westhampton Apartments), the Legislature was able to move over 8,000 African Americans from District 95 to District 92.[6]

District 92, then, could avoid what would have been the obvious move had the districts been drawn according to traditional redistricting criteria. Anyone attempting to add population to District 92, if not focusing on race, would have pulled in the odd coastal sliver to the East, and evened out the awkward tentacles to the North. See Figure 15 above. Instead, the Eastern part of District 91 snakes all the way around the Eastern appendage of District 92 and is separated by water from the rest of District 91 to the West.

Figure 17 provides a closer look at the Eastern Appendage of District 92 and its surrounding fragment of District 91—and provides a strong indication of why the Legislature wanted to avoid this application of traditional redistricting principles. These unusual boundaries largely followed racial lines, as the Legislature evidently sought to avoid adding whites to the district. Without the new tentacle added to District 95, District 92 would have been forced to bring in these whites, or others to the North.

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[6] The names of these precincts are not indicated in Figure 15 above. They comprise the African-American neighborhoods immediately to the East of the HB5005 boundary separating Districts 92 and 95 in Figure 15. Note that the blue lines on the map indicate the Benchmark boundaries, allowing one to see which areas switched districts.

Figure 17: The Geography of Race in the Eastern
Appendage of District 92 and Surroundings,
Hampton
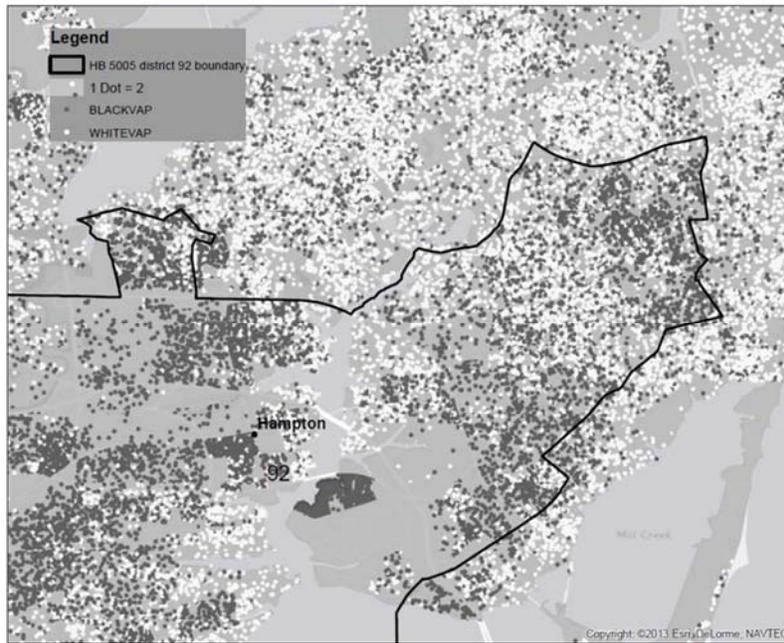
In its Memorandum Opinion, the Court states: "If race was the principal factor, why did the legislature pass by all these areas which have more black voters and go up there to the Northern tip of the district?" (p. 154). In Figures 13 through 17 above, it is difficult to discern which African-American voters were "passed by." In the entire Virginia Peninsula, HB 5005 has already pulled the vast majority of VTDs with African American majorities into District 92 or 95. There are no remaining majority African-American VTDs to the West of District 95, and as can be seen in the maps, only a small number of African Americans remain

outside the boundaries of District 92 in its immediate vicinity.

Introduction to South Hampton Roads

Referring back to Figures 13 and 14 above, one can see that in the South Hampton Roads area, African Americans were quite scattered at the time of the 2010 census. African-American neighborhoods include a swath of urban Norfolk, a suburban part of Norfolk called Norview along the Hampton Roads Beltway to the Northeast of Norfolk, an area called Berkley across the river from Norfolk, and in South Norfolk, the South side of Portsmouth, the Southern and Eastern parts of Chesapeake, and a suburban area at the Southern terminus of the Monitor Merrimac Bridge. Finally, about 20 miles to the West, there is an isolated African American neighborhood on the South side of Suffolk. The 2001 benchmark plan created four districts with comfortable African American majorities out of this geography. In order to achieve this, the Legislature had to break up neighborhoods and introduce unnecessary water-crossings in the largest African American communities in the Norfolk area. A dense African-American neighborhood in downtown Norfolk called Tidewater Gardens was split between three legislative districts, such that a short, straight walk for less than half a mile down a few blocks of Tidewater Drive would have taken one from District 89, to 90, back to 89 one block later, and then into District 80, and finally back to 90. Only a half-mile further to the South, one would have ended up in District 77.

The most unusual aspect of the benchmark districts in South Hampton Roads was district 77,

which reached over 30 miles from an area East of Chesapeake, through the Great Dismal Swamp, all the way to a rural area West of Suffolk in an effort to create a fourth majority-minority district.

The status quo could not be maintained in 2011, however, because of population loss in each of the majority-minority districts. Furthermore, African Americans had become more geographically dispersed since the last census. Districts 80 and 89 had fallen below the 55 percent BVAP target. Thus it was necessary to expand these districts to follow the dividing lines between African Americans and whites, pulling in isolated pockets of African Americans, and removing whites when possible, while also swapping urban African Americans from one district to another.

District 80

Perhaps the largest change from the benchmark, and in some respects the lynchpin to the redesign of the districts in South Hampton Roads, was the redrawing of District 80. It started out very close to the 55 percent BVAP target, but it needed to expand by around 9,000 people. It was surrounded mostly by whites along the water and to the West, and elsewhere, by African Americans who were already contributing crucial BVAP to districts 89, 90, and 77. Taking African Americans from District 89 was not an option, since that district was below the target BVAP threshold and quite under-populated. In order to meet its objective, the Legislature would need to *add*, not remove, African Americans from District 89. In fact, district 89 was hemmed in, and had nowhere else to go to add African Americans, so it was necessary to

transfer a rather large number of African Americans in Norfolk and Berkley from District 80 to 89.

Figure 18: The Geography of Race in District 80 and Surroundings, South Hampton Roads
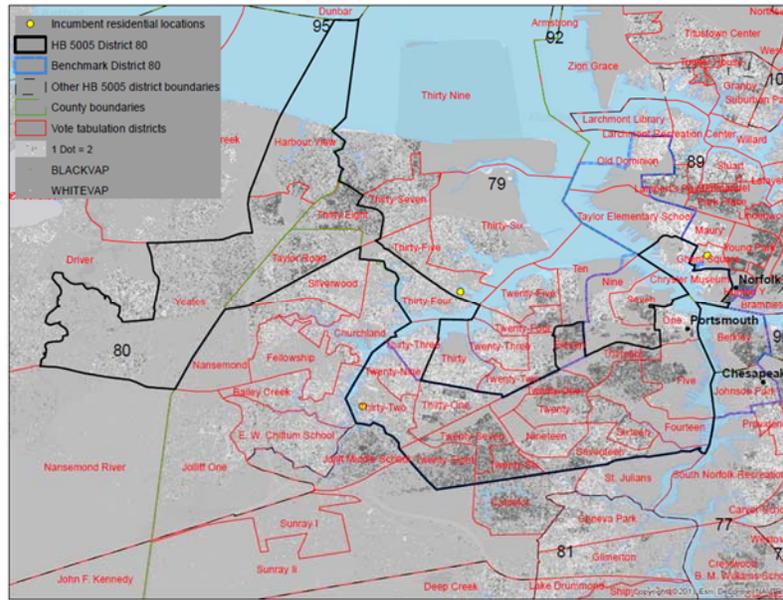
Thus the only way District 80 could pick up the requisite number of African Americans to achieve its racial target was by expanding outward to capture additional African Americans who had not yet been pulled into a majority-black district. The best way to achieve this was for District 80 to reach out to the North and use VTD 34 as a bridge to the African American precincts of 38, Taylor Road, and Yeates. This bridge reached the African American neighborhood by bringing in the smallest possible number of whites.

At trial, Intervenors raised the possibility that this very oddly shaped corridor, which corresponds

directly to race, was constructed as an incumbent protection maneuver. But it is difficult to see how this could possibly be the case. This maneuver was potentially quite harmful to incumbent Delegate Jouannou, a Democrat representing District 79. He was forced to give up four of his most Democratic precincts, and he could not have been pleased. Surely the argument cannot be that this was an incumbent protection maneuver for Delegate Jones. His district boundary in this area was left unchanged, and in any case, Delegate Jones was in no electoral danger as to require this unusual maneuver. Delegate Jones has not faced a general election challenger since 2005, when he won with 78 percent of the vote, and he has not faced a primary election challenger since the 1990s.

Perhaps one might imagine that the districts were reconfigured in order to shore up the incumbent in District 80: Matthew James. But this jusitifcation can be rejected out of hand. HB 5005 took away a number of his best precincts, including one vote-rich precinct, Berkley, where, in his last contested election in 2009, Mr. James received 96 percent of the vote. It is doubtful that a Democratic politician would voluntarily give up core urban precincts where had had repeatedly won large majorities in order to pick up some new suburban precincts.

The strange appendage to District 80 also cannot be explained with reference to the residential locations of the incumbents. These locations, indicated with yellow dots in Figure 18 above, did not introduce any difficult constraints. District 80 could have been far more compact had it simply expanded Westward

without the odd appendage. There were no incumbents standing in the way. This would have left a number of plausible configurations for Delegate Joannou's District 79, including keeping some or all of the majority-African-American VTDs in his precinct, which would have been a win-win for all incumbents involved. The only problem, of course, was that this would have introduced too many whites into District 80.

District 89

With a BVAP of 52.5 percent, District 89 was the district in the entire Tidewater area that was most in need of additional African Americans to reach the 55 percent target. It also needed to add over 5,000 people. In order to achieve this, African Americans were taken away from Districts 80 and 90. On the Southern section of the map, this maneuver involved moving Berkley, Hunton, and Union Chapel, and required the splitting of Brambleton VTD. In the case of Berkley, this added yet another crossing of the Elizabeth River.

Figure 19: The Geography of Race in District 89 and Surroundings, South Hampton Roads
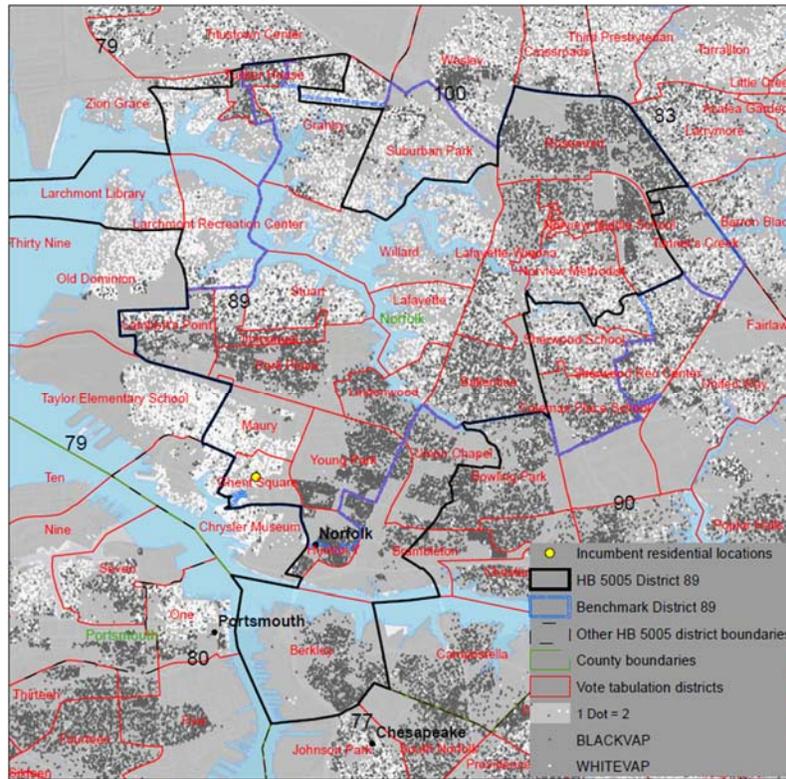
As in other urban areas examined thus far, the outer boundary of the district shifts around to follow the dividing line between white and African-American parts of the suburbs. Note how the district bows outward in the far Northeast, jogging to the other side of the Hampton Roads Beltway in order to include Rosemont, which is populated overwhelmingly with African Americans. The boundary then takes a dramatic turn to the South in order to exclude Suburban Park, which is almost completely white. It

then turns back to the North again, in order to pick up the Talbot Park apartment complex and some surrounding African Americans.

Let us zoom in on the strangely shaped "pipe" at the top of District 89, where HB 5005 abandons the VTD as the unit of districting, slicing VTDs by the block. This area is shown in Figure 20 below. As the district heads North from the Willard VTD, it follows Granby Avenue, until it reaches the Talbot Park Apartments, which are populated largely by African Americans. It then takes an abrupt left turn at North Shore Road, and continues West in order to edit out a strip of largely white single-family homes. It then cuts to the North once again, then quickly back over to the East, in order to bring in the Sewells Park and Arbor Pointe apartment complexes and their immediate surroundings. It then continues West in order to bring in the Beechwood Terrace and Colony Point apartment complexes. Taken together, these maneuvers bring a large number of African Americans to District 89, and separate them from their white neighbors.

Delegate Jones offered testimony that this Northern appendage was added to District 89 in order to include a funeral home owned by Delegate Alexander. Delegate Jones was mistaken. The location of the funeral home is indicated on Figure 20 below. It is not located in the Northern pipe extension. In fact, if the address is correct, it is not even located in District 89 at all. Delegate Alexander's funeral home

was drawn into District 100, which is based many miles away, across the water on the Eastern Shore.[7]

Figure 20: The Geography of Race in the "Pipe" Jutting out of the Northern Boundary of District 89, Norfolk

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[7] The address of the funeral home is 7246 Granby Street, Norfolk, VA 23550. Metropolitan Funeral Service also has two other locations: one is on Berkley Avenue in Norfolk, and the other is on Portsmouth Boulevard in Portsmouth.

District 90

Figure 21: The Geography of Race in District 90 and
Surroundings, South Hampton Roads
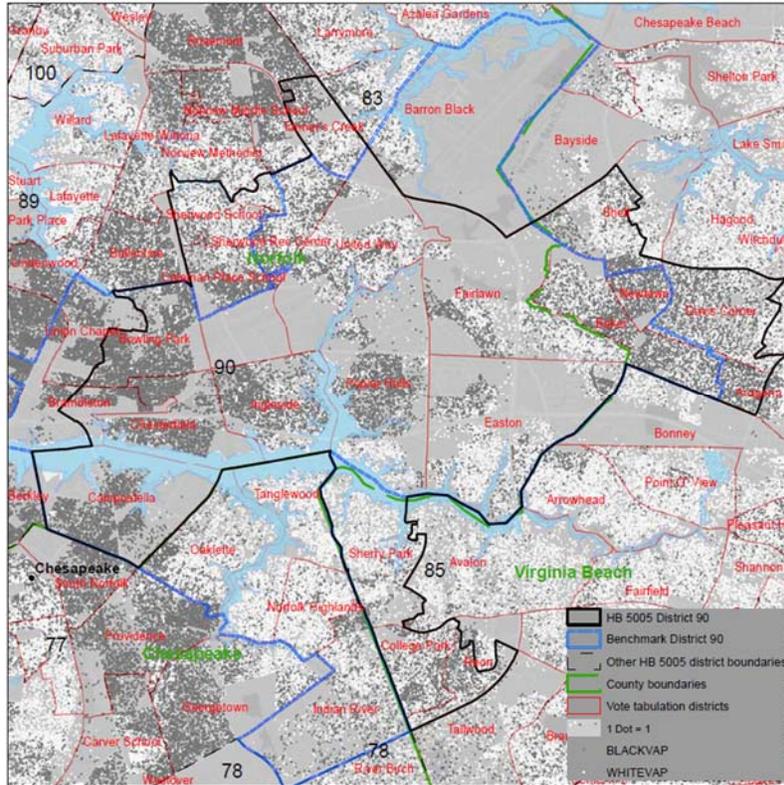
The benchmark version of District 90 had a BVAP
of 57 percent, but it was under-populated by almost
9,000. As described above, it was necessary for District
90 to donate a substantial number of African
Americans in Norfolk over to District 89, which was
well under the 55 percent threshold, and had no other
good way of achieving it. This left District 90 in a
familiar scenario: it needed to add people, but could
not add too many whites. Its Eastern border had been

drawn in the benchmark plan according to VTD
boundaries, but as in other metro areas, African
American suburbanization pushed the dividing line
out further.

Figure 22: The Geography of Race in the
Northeastern Appendage of District 90, South
Hampton Roads
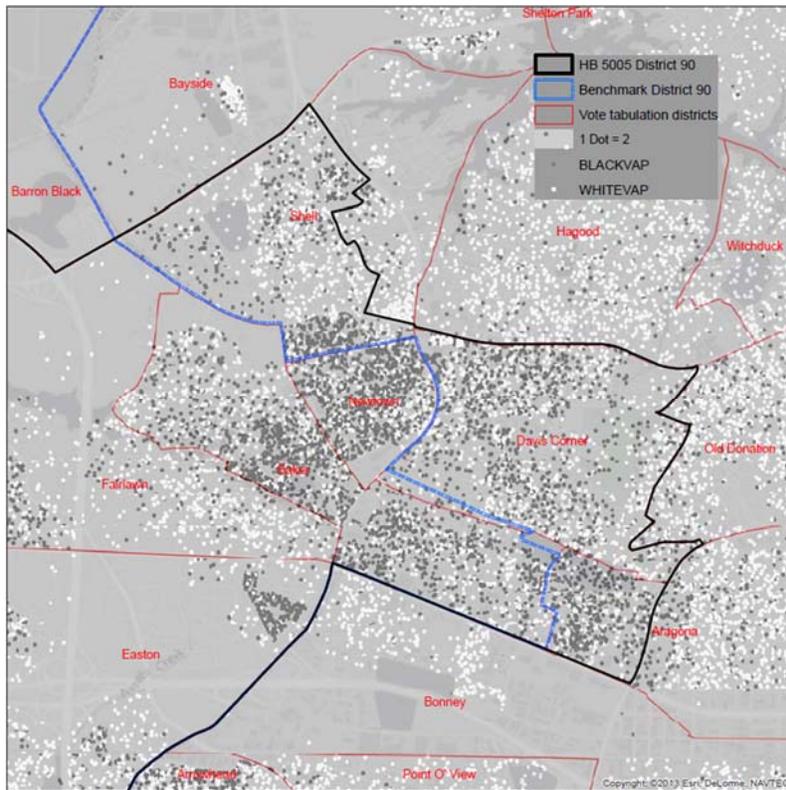
Figure 22 zooms in on the Eastern appendage of
District 90. Aragona VTD had an African-American
section to the West, and a white section to the East.
The Legislature split the district as close to the
dividing line as possible in order to keep African

Americans in HD90, and whites out. The same thing happened in Shell VTD, where the district boundary carves through the district so as to remove whites.

Figure 23: The Geography of Race in the Southern Appendage of District 90, South Hampton Roads
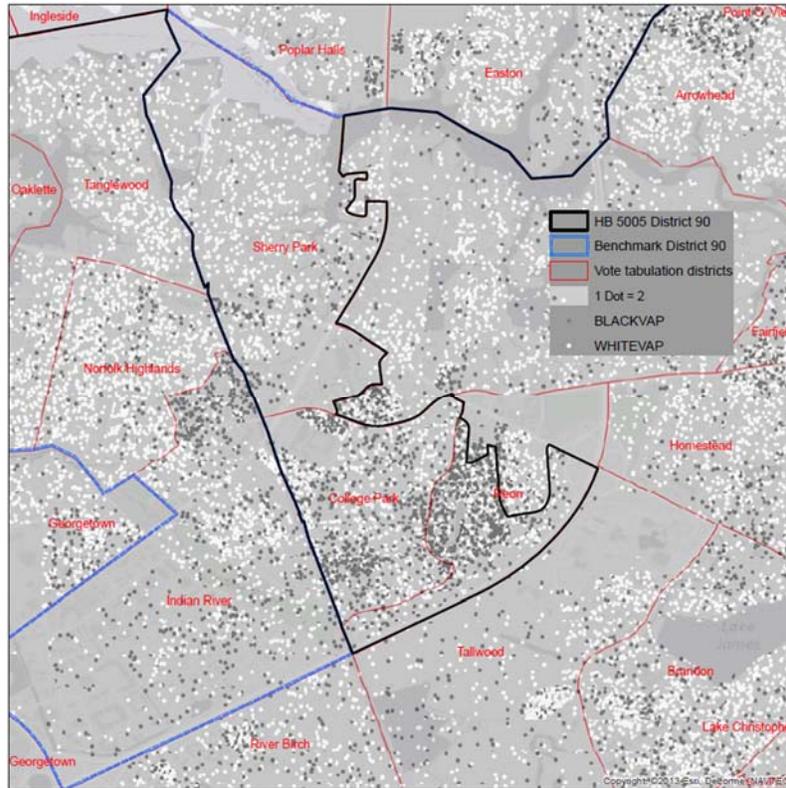
District 90's oddly shaped Southern appendage is displayed in greater detail in Figure 23 above. This appendage crosses both the county line and the river, creating a small fragment that is isolated from the rest

of the rest of the district.[8] It appears that the purpose for this was to add African Americans to District 90. Again, the block-level census data make clear that the selected VTDs already pulled African- American neighborhoods into the district. The exception was Reon, in the far Southern tip of the district (Figure 23 above). Here, the Legislature carved out a group of whites from District 90—evidently occupants of the College Square Townhomes and surrounding single-family houses—placing them in District 85.

District 77

The benchmark version of District 77 was closer to the population threshold than the other Hampton Roads districts, and already had a BVAP of 57.6 percent. It was also already drawn to slice up Chesapeake and pull out African Americans, divide African Americans in suburban Portsmouth into two segments so as to share them between Districts 77 and 80, and stretch all the way to Suffolk, where African Americans on one side of town were separated from whites on the other.

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[8] The county line is not indicated in Figure 23, but it corresponds to the old benchmark boundary indicated in blue at the North end of the map in Figure 23.

Figure 24: The Geography of Race in District 77 and
Surroundings, South Hampton Roads
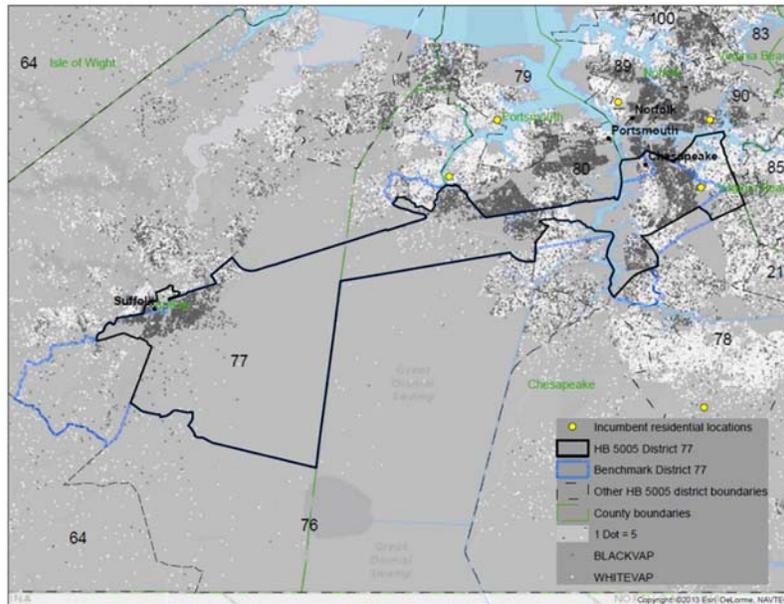
This basic arrangement was retained in HB 5005, but with a few flourishes. The shape of the Eastern side of District 77 was already odd, and it already featured strange water crossings and paid little attention to municipal boundaries. If anything, the shape only became a bit more convoluted in 2011. It was necessary for District 90 to shed some whites, which was achieved by moving a set of four precincts into District 77: Oaklette, Tanglewood, Norfolk Highlands, and Indian River. These VTDs contained a combined voting-age population of 11,231, of whom only 3,169 were African Americans. These VTDs can be seen most clearly in the map below, which zooms in on the East side of District 77 (Figure 25).

Figure 25: The Geography of Race in the Eastern
Sliver of District 77 and Surroundings, South
Hampton Roads
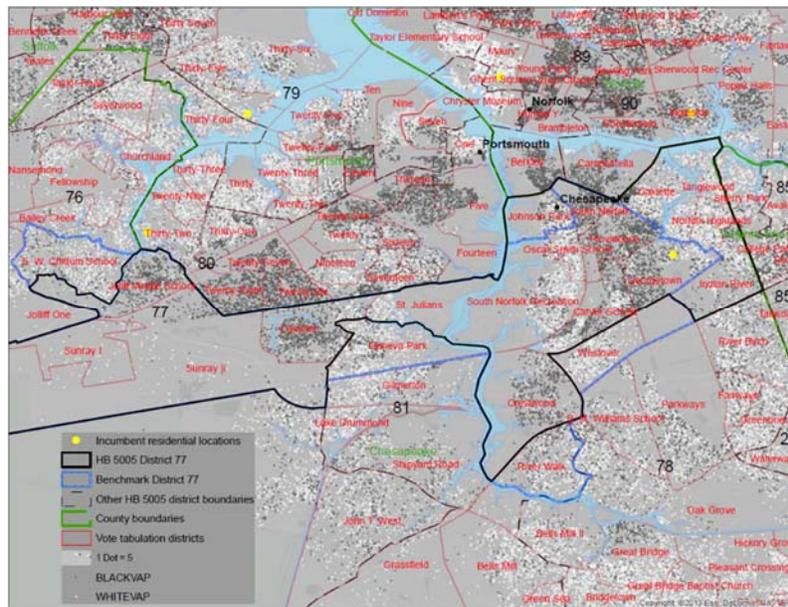
In its Memorandum Opinion, the Court notes that
some of these changes "reunited" the "Old City of
South Norfolk" (p. 141). Evidently this is a reference
to the fact that Johnson Park VTD (BVAP 41.5%) was
moved into District 77. The Northern part of the
municipal boundary of South Norfolk is the Northern
boundary of Johnson Park VTD. However, a bit to the
South, the predominantly white Westover VTD (11.5%
BVAP) is also part of the city of South Norfolk, and it
was *removed* from District 77. Thus the changes in the
boundaries to District 77 did not in fact reunite the
city of South Norfolk. Moreover, the expansion of the
district to the East, crossing a tributary of the

Elizabeth River into the Norfolk Highlands area, caused it to lose its focus on South Norfolk.

As described above, it was necessary to remove these whites from District 90 in order to reach the 55 percent BVAP target there. After gaining this substantial number of whites, it was then necessary to shed an offsetting number from District 77 in places where it did not abut another majority-minority district. This was achieved by dropping the extraneous white VTDs of Johnson Park, Westover, River Walk, Geneva Park, and E.W. Chittum School along the East-West corridor linking Chesapeake and Suffolk. As described above, the City of South Norfolk was broken apart by shedding Westover.

Obviously, traditional redistricting criteria were not involved in the design of District 77. The Eastern part of the district is completely cut off from the Western part by the Elizabeth River, with no bridges in the district. It is necessary to leave the district and drive some distance outside the district in order to return again. Delegate Jones could have easily solved this water crossing problem in a variety of ways—at least by including a bridge in the district— but all of them would have involved bringing too many whites into the district in order to achieve the BVAP target, or would have taken too many African Americans from District 89, thus threatening its ability to meet the target.

Rather than attempting to solve this contiguity problem, HB 5005 made it far worse. In the old configuration of the district, it was at least possible to skirt the Southern edge of the district by crossing the Bridge over the Elizabeth River on Route 460. After

the removal of the Geneva Park VTD, however, this became impossible. Even worse, the corridor linking the Western and Eastern parts of District 77 shrunk to half a mile with the removal of Geneva Park. There are no East-West roads of any kind traversing this half-mile strip. Thus it is necessary to drive well outside the district in order to get from its Eastern segment to its Western segment. In this case, traditional redistricting criteria were clearly subordinated.

This strange non-contiguity is exceptionally difficult to explain without understanding the racial motivation of the design if District 77. Without reaching over to Suffolk, District 77 could not possibly have reached the 55 percent target. The only other options for reaching the target would have involved taking far too many African Americans from Districts 80 or 89, undermining their ability to reach the target. It was crucial to draw a corridor over to Suffolk. Leaving aside the VTDs in Suffolk that were split along racial lines, the Suffolk VTDs of Southside, Hollywood, and White Marsh alone accounted for 7,334 voting-age African Americans. Without them, District 77 would not have even reached 50 percent BVAP.[9]

In order to extend all the way to Suffolk to reach its African American communities and stay above the 55 percent target, it was necessary for the Legislature to keep the East-West corridor exceptionally narrow.

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[9] District 77 in HB 5005 has a BVAP of 33,997, with a total VAP of 57,841. Removing 7,334 voting-age African Americans and replacing them with members of other racial groups would bring the BVAP down to 26,663 (46 percent).

Any effort to solve the water crossing problem or pay regard to traditional redistricting principles would have undermined the goal corridor's goal of achieving a racial target. For instance, imagine that the Legislature attempted to simply keep the old design of the Southern boundary of the corridor, keeping Westover VTD (and hence reuniting South Norfolk), and also keeping River Walk and Geneva Park VTDs. This would at least bring back the old situation in which voters could cross the bridge and drive along the edge of the district. These VTDs have relatively few African Americans, however (combined BVAP of 26 percent). If the Legislature had simply added these VTDs without regard for the fact that the district would become over-populated, the BVAP would fall to 54 percent.[10] But this over-populated district would then have to lose precincts elsewhere. How could this be achieved? If the Eastern VTDs were given back to District 90, HD 90 would fall short of the 55 percent BVAP threshold. Giving away any other VTDs would involve giving up African Americans, thus causing District 77 to fall even further short of the 55 percent target. Thus the Legislature's hand was forced by its adherence to the 55 percent BVAP target. It was necessary to keep the East-West corridor exceptionally narrow and inconsistent with traditional redistricting principles.

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[10] The district has a VAP of 57,841. These three VTDs would add additional VAP of 9,177, for a total of 67,018. The district has a BVAP of 33,997, and these three VTDs would add additional BVAP of 2,355, for a total of 36,352. The new BVAP of this (overpopulated) district would be 54 percent.

As with other narrow corridors explored above, the alterations to the East- West strip of District 77 helped generate the starkest possible segregation of blacks and whites. The only exception, or course, was the boundary with District 80 to the North, where it was necessary to divide African Americans across two districts in order to make two districts with a 55 percent BVAP in an area where any effort to follow traditional redistricting principles would not have.

Figure 26: The Geography of Race in the Western Sliver of District 77 and Surroundings, Suffolk
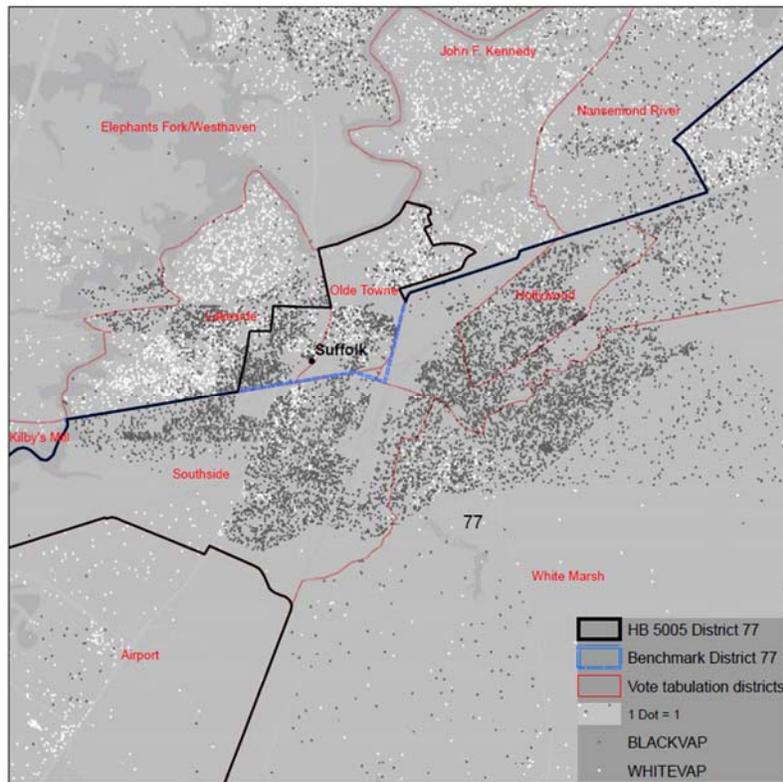
Finally, the benchmark district follows Route 58, traverses the Great Dismal Swamp, and continues West to Suffolk, which is depicted in Figure 26 below. The old Benchmark boundary followed VTDs. HB 5005, however, splits the John F. Kennedy VTD precisely at the dividing line between African Americans to the South and whites to the North. The same split was introduced in the Lakeside VTD, so as to separate African Americans on the East side from whites on the West side of the VTD. Again, it is difficult to fathom a non-racial reason for these splits, just as it is difficult to fathom a non-racial explanation for the overall design of District 77.

VI. Conclusions

I conclude that race was the predominant consideration in the design of the HB 5005 districts for the House of Delegates in Virginia in the Richmond, Tri-City, and Tidewater regions. It is simply not possible to design 12 districts with population around 80,000 and African-American voting-age majorities of 55 percent without considerable attention to race. This goal required a careful, region-wide strategy for the distribution of African Americans across districts, as well as a laser-sharp focus on race in the selection of each VTD and census block.

Where African-American populations live in dense clusters, as in the North Side of Richmond or in Norfolk, neighborhoods had to be broken up so as to disperse African Americans as efficiently as possible across districts. When African Americans are in smaller clusters, such as in Hopewell or Suffolk, they had to be carefully carved off from surrounding white neighborhoods and connected with distant African

Americans in other towns via narrow corridors that minimize the inclusion of whites.

The 2010 Decennial Census made clear that the urban core districts were severely under-populated relative to the surrounding white suburbs, as African Americans, like whites, had continued to move to suburbs. In many cases, this meant that the dividing line between African Americans and whites had shifted outward. Thus the district boundaries of the benchmark majority-African-American districts had to shift outward in order to achieve the 55 percent target. In cities that were under-populated, it was necessary to carefully move African Americans around from one district to another, and to remove whites, often with little regard for water boundaries, neighborhood boundaries, and other traditional redistricting criteria.

In a few cases, the achievement of the racial target in HB 5005 required rather dramatic alterations. For example, District 95 in Newport News reached out far to the North in order to draw in a narrow corridor of suburban African Americans and then donate African-American neighborhoods to District 92. District 80 had to develop a new corridor and tentacle to the Northwest in order to bring in a suburban African-American enclave that had previously not been part of a majority-minority district. And District 63 had to develop a new, narrow corridor over to Hopewell, slice through Fort Lee, and extract the African-American wards from the South Side of Hopewell.

One of the clearest fingerprints of this race-based redistricting process is the extent to which the exterior

boundaries of the challenged districts correspond to dividing lines between white and African-American residential areas. Sometimes the dividing lines between these neighborhoods correspond to municipal or county boundaries, which are often points of racial segregation. In those spots (e.g. the dividing line between Colonial Heights and Petersburg), traditional redistricting criteria and the achievement of racial targets can work together. But in many areas, the goal of either including African Americans or excluding whites required the Legislature to cross rivers, bisect county boundaries, and split VTDs in order to achieve its racial targets.

In many of the challenged districts, the Legislature had very little room to maneuver in attempting to reach its racial targets while also achieving population equality. For the most part, VTD boundaries correspond rather well to the streets or other geographic features that divide majority-African-American neighborhoods from majority-white neighborhoods. But on some occasions—especially when apartment complexes populated with large numbers of African Americans were built in suburban settings characterized mostly by single-family homes occupied by whites—the Legislature found it necessary to carve up VTDs based on race in order to achieve its racial targets.

Reply Report of Jonathan Rodden, PhD, Bethune-Hill
v. Va. State Board of Elections
(Aug. 29, 2017)

(Plaintiffs' Exhibit 70)

I.   Introduction and Summary

On August 2, 2017, I provided an expert report on behalf of Plaintiffs concluding that race was the predominant factor in drawing twelve of the current districts for the Virginia House of Delegates. Dr. Thomas Brooks Hofeller and Dr. Jonathan Katz provided supplemental declarations that discussed my initial report, and I have been asked to provide a response.

These supplemental declarations provide very few specific critiques of my analysis, and do little to challenge either its specific claims or broad conclusions. Rather, Dr. Hofeller and Dr. Katz express vague dissatisfaction with my analytical approach. As I discuss below, my approach was crafted in response to the explicit guidance provided by the Supreme Court in this case. In sum, the critiques of Dr. Hofeller and Dr. Katz are not convincing, and do not alter my conclusions.

II. Responses To Dr. Hofeller

On the first page of his supplemental declaration, Dr. Hofeller argues that my report is "incomplete," but does not explain the reason for this characterization. Later in the report, it becomes clear that Dr. Hofeller's main critique is that he believes I should have provided a complete alternative statewide districting plan. On page 7, he states that my report "does not allow added substantial value to a discussion of the

issues involved in this case" unless it provides "a completely new statewide sample plan, accompanied by a block assignment file."

This betrays a basic misunderstanding of the purpose of my report and its value to the Court. My report was crafted as a direct response to the instructions of the Supreme Court when it remanded this case to the District Court. Quoting from *Miller v. Johnson*, 515 U.S. 900, at 916, the Court reminds us that the Plaintiffs in this case bear the burden "to show, either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature's [districting] decisions." Thus it is necessary to show "that the legislature subordinated traditional race-neutral districting principles ... to racial considerations." *Miller, supra,* at 916.

The Court goes further and provides clear guidance on the type of evidence that is required. The Court is very clear that racial gerrymandering claims must proceed "district-by-district." The Court clarifies that "any explanation for a particular portion of the lines must take account of the districtwide context. A holistic analysis is necessary to give the proper weight to districtwide evidence, such as stark splits in the racial composition of populations moved into and out of a district, or the use of a racial target" (Slip Op. p. 12). My report took a district-by-district approach, and provided precisely the type of holistic, districtwide evidence called for by the Court. Drawing on my expertise in mapping and geo-spatial analysis, I examined the demographic composition of the

populations included and excluded in each district, the geographic contours of each district, and the geospatial relationship between the two.

The Court clarifies that it can be useful to look at the broader regional and statewide context as well: "Districts share borders, after all, and a legislature may pursue a common redistricting policy toward multiple districts." *Id.* at 12. Indeed, a crucial aspect of my report was a description of the geography of racial groups in each region, and the difficulty of producing twelve districts with 55 percent BVAP without using targeted, race-based strategies like, for example, linking disparate African-American populations via narrow corridors.

A court may also "consider evidence regarding certain portions of a district's lines, including portions that conflict with traditional redistricting principles," as long as this "take[s] account of the districtwide context." *Id.* at 12. Drawing on my research and practical experience related to redistricting, my report focused on a good number of specific districting decisions, pointing out situations in which the evidence is quite clear that racial considerations predominated over traditional redistricting criteria, while also explaining why such decisions were important components of an overall districtwide and regional strategy to achieve the 55 percent BVAP target in the challenged districts.

In situations where it is quite clear that the legislature's plan deviated from traditional redistricting criteria—such as compactness and maintenance of municipal and county boundaries— and that these had obvious racial effects, the

Defendant-Intervenors provided various non-racial post-hoc explanations for these deviations. To provide the Court with more information about these claims, my district-by-district approach focused on the areas in question, and my geo-spatial analysis revealed that in many cases, these claims were tenuous at best.

In short, I provided the type of holistic analysis called for by the Court. It is difficult to see why this analysis would have been enhanced by the creation of an alternative map, and the Supreme Court does not appear to call upon plaintiffs to create such a map.

My report draws on the analysis of a series of dot density maps of demographics and existing boundaries displayed at different geographic scales. Dr. Hofeller's critique is curious: "the maps are difficult for many line-drafters to understand and to grasp the information required for actual line drawing" (page 2). It was not my intention to inform future line-drawers or draw my own districts, but rather to provide the Court with helpful visual displays that place individual voters in their residential locations, showing where these voters are in relation to boundaries of old and new districts as well as county and municipal boundaries and other geographic features of interest.

Dr. Hofeller expresses a preference for "actual numbers" and "thematic coloring" to explain the assignment of geographic areas such as VTDs. Fortunately for Dr. Hofeller, both Dr. Ansolabehere and Dr. Palmer have provided analyses using these tools. My analysis complements these "actual numbers" and "thematic coloring" maps and supplements them by providing information about the

number of individuals and their geographic location within a VTD, while conveying valuable information about population density. Maps that display VTDs and census blocks according to their BVAP are useful, but they do not always tell the full story. A sprawling, mostly unpopulated VTD that contains cemeteries or industrial facilities and only 10 individuals, 9 of whom are African Americans, will show up as 90 percent African-American—the same as a compact, densely-populated VTD with 1,000 people, 900 of whom are African Americans. For the analysis in my report, in order to understand movements of voters in and out of electoral districts, the number of individuals of different races—and their geographic location within VTDs—are the quantities of interest. My analysis also zooms in on crucial regions and discusses a level of local detail—including information about the role of features like apartment complexes, streets, VTD shapes, incumbent residential addresses, and water crossings—that are difficult to deal with in a quantitative analysis. The best way for the Court to understand the role of race in HB 5005 is to consider both quantitative and qualitative analysis.

Dr. Hofeller acknowledges and does not dispute the evidence in my report that VTDs were split rather precisely so as to divide white and African-American neighborhoods. In paragraph 6, he seems to imply that these VTD splits occurred where they did because of the "use of geographic regions" when drawing districts, and the necessity of correcting population deficiencies in the challenged districts and other surrounding districts. Yet he does not explain how these constraints led to the precise location of VTD splits on the streets that divided white and African-

American neighborhoods. My report contained a number of detailed examples. It would have been helpful for Dr. Hofeller to have engaged with at least one of them and explain, for instance, why the difficulty of achieving population equality across districts required those splits to be made where they were. Dr. Hofeller's failure to do so is telling.

On pages 4 and 5, Dr. Hofeller misrepresents my (very brief) mentions of school district, city council, and ward boundaries. My intention was not to criticize the plan drafters for not formally including school attendance zones in their analysis. Rather, discussions of traditional redistricting criteria often draw on concepts such as "neighborhoods" and "communities of interest" that are difficult to conceptualize or define. One way to bring clarity to a question about whether a district boundary has split a meaningful "neighborhood," in the absence of formal neighborhood boundaries or a survey asking respondents about their self-perceived neighborhoods or communities of interest, is to examine schools and city governments.

In this case, it is especially noteworthy if, as part of an effort to reach the 55 percent BVAP target, a legislative district boundary was drawn so as to bisect a distinct neighborhood that had been consistently held together by those drawing boundaries of city council districts and school attendance zones. As I described in my report, this was the case for the Fan Neighborhood in Richmond. Dr. Hofeller cites media reports indicating that the Richmond School Board has, at various times, considered redrawing its school boundaries in order to make necessary changes due to

budgetary considerations and population shifts—and
each time faced stiff resistance from neighborhood
residents who do not wish to alter school attendance
zones. The articles provided by Dr. Hofeller make
precisely the opposite point than the one he wishes to
make: school boundaries are quite stable, and indeed
reflect neighborhoods and communities of interest.
Unlike legislative districts, they are not subject to the
constraint of population equality, and are thus far
more stable and reflective of communities of interest
(as understood by the actual residents) than
legislative boundaries. In any case, according to the
media reports cited by Dr. Hofeller, the school
boundaries cited in my report have been stable for
decades, and have still not changed in spite of the
apparent need for reform.

On page 6, Dr. Hofeller misconstrues my
discussion of compactness as follows: "Dr. Rodden
further asserts that his proposed districts are more
compact." It was not my intention to propose an
alternative plan featuring a set of districts that was
more compact than those of HB 5005. Again, my
intention was to provide the analysis called for by the
Supreme Court: "In general, legislatures that engage
in impermissible race-based redistricting will find it
necessary to depart from traditional principles in
order to do so" (Slip Op. p. 10). I made no claims about
the overall compactness of the districts in HB 5005,
and how they compare to any other alternative
districts. Rather, as part of the holistic district-by-by-
district analysis called for by the Court, I provided an
analysis of situations in which there was a tension
between the goal of achieving greater compactness
and the goal of achieving a racial target set out by the

legislature—and demonstrated that the tension was resolved in favor of the latter.

In some cases, this analysis involved a very small area: for example the departure from compactness in the creation of a small appendage that pulled African-American apartment complexes into one of the challenged districts while circumventing surrounding whites so as to leave them out. (See, e.g., Rodden Report p. 57 (District 89)). In other cases the departure from compactness involved the architecture of an entire district, such as when the legislature's racial goals required long corridors that linked geographically dispersed African-American communities. (See, e.g., Rodden Report p. 63 (District 77)).

Dr. Hofeller provides no response whatsoever to these or any other districtspecific analyses contained in my original report. Dr. Hofeller's apparent preference for an alternative redistricting plan or a different type of analysis does not refute—and in no way alters—my conclusion that race predominated in the drawing of the challenged districts.

III. Responses To Dr. Katz

Dr. Katz includes a rather vague general critique as well as two very specific critiques of my characterizations of geographic compactness in Districts 70 and 71. First, he characterizes my report as "unusual" because it "provides no statistical foundation for its arguments" and "focuses almost exclusively on narratives" (Katz Supplemental Report p. 12). Indeed, as I have described above, the Supreme Court calls for holistic district-by-district analysis, which is best achieved by a combination of qualitative

and quantitative analysis. In this case, quantitative analyses were provided by Dr. Ansolabehere and Dr. Palmer. Their reports demonstrate that the inclusion and exclusion of VTDs in the challenged districts was driven primarily by race. Moreover, they demonstrate that when VTDs were split, these splits were based very clearly on race.

My report sets out to illuminate and contextualize these facts, providing a complement to the quantitative studies. It is often difficult to appreciate the meaning of quantitative results from examining a regression table.[1] On such occasions, it is often useful

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[1] Furthermore, there are often occasions in the courts where opposing expert witnesses will attempt to obfuscate even the most solid statistical facts with jargon and dubious alternative statistical specifications. This case is no exception. Dr. Katz has endorsed a highly unusual approach to spatial statistics in his supplemental report. (See Katz Supplemental Report p. 8) In the estimation of a model that predicts whether a VTD is included in one of the challenged districts, Dr. Katz endorses the inclusion of a matrix of 12 highly correlated control variables capturing distance from the centroid of each of the challenged districts to each individual VTD. In all of my years of doing research and teaching in the field of spatial statistics, I have never encountered such a model, and I can think of no justification for it. It is never advisable to introduce a raft of highly correlated control variables to a statistical model without strong theoretical justification, above all because this practice produces coefficients that are unstable and unreliable. Furthermore, in Table 4 of his supplemental report, Dr. Katz endorses some very unusual approaches to the weighting of observations. For instance, he weights by inverse population, such that the smallest VTDs receive the highest weights, and explores models in which VTDs are weighted by race. I can think of no justification for such unusual estimation strategies. The approaches taken by Dr. Ansolabehere and Dr. Palmer, by contrast, are far more in keeping with standard statistical practice.

to supplement statistical analysis with visualization and description of the data. This was the approach taken in my report. In this case, I assembled data from a wide variety of sources and used my experience with cartography and geo-spatial analysis to provide the Court with the qualitative analysis, population density maps, and summary statistics needed to contextualize the statistical data in its assessment of racial predominance. The coefficients for race in Dr. Palmer's models of VTD selection should be very useful to the Court, but it is also useful to go further, providing context by layering on additional geo-spatial data that both illuminate and supplement the interpretation of coefficients of regression models. For example, my report shows that at least part of every majority-black VTD in the Richmond area is included in one of the challenged districts. It is difficult to fully comprehend just how this was achieved without detailed maps and careful geo-spatial analysis.

Moreover, the state has made a number of idiosyncratic, context-specific claims about non-racial motives for what appear to be racial districting decisions. These claims were often quite specific—for instance relating to incentives of incumbents and challengers and the role of geographic features like residential and business locations—and hence do not fit easily into the general statistical models presented by Dr. Ansolabehere and Dr. Palmer. My report supplemented these statistical models by subjecting these claims to fine-grained geo-spatial analysis. I demonstrate that the striking racial patterns discovered in the quantitative studies are not statistical artifacts, and cannot be explained away by post hoc stories or coincidences.

Finally, like Dr. Hofeller, Dr. Katz's discussion of compactness seems to misunderstand or mischaracterize the purpose of my report. It was not my intention to compare the compactness of individual challenged districts with other challenged districts, or to contrast the compactness scores of HB 5005 with those of the benchmark plan. Rather, my intention was to discuss specific districting decisions where the goal of achieving a 55 percent BVAP majority and the goal of observing traditional redistricting criteria came into conflict. My mention of compactness in District 70 was in response to the Court's discussion of what was recognized to be a non-compact feature of District 70: the "turret" at the top of the district (Mem. Op. p. 128). Likewise, in District 71, my intention was not to make a claim about the district's overall compactness, but to point out that specific choices were made that were demonstrably contrary to traditional redistricting principles.

My intention was to leave discussions of overall compactness to other reports. As my report clarifies, the overall regional districting strategy that was required to produce twelve districts with BVAP over 55 percent did not require the state to produce twelve highly non-compact districts. This 55 percent BVAP goal did, however, require the legislature to draw some districts—specifically, those that were needed to connect far-flung African-American communities—in ways that can easily be characterized as highly non-compact by most measures. (E.g., Districts 63, 74, 80, 77, and 95). And even for those districts that are not objectively "noncompact" on each quantitative scale, the choice about which populations to add or exclude often sacrificed the achievement of greater

compactness in favor of achievement of the 55 percent BVAP floor in that district or in another challenged district (E.g., Districts 69, 70, 71, 89, 90, and 92). Many of the indentations, turrets, pipes, and appendages of these districts can be clearly traced to this racial goal. For these reasons, context-free comparisons of compactness scores, such as those produced by Dr. Katz, do not provide the holistic analysis called for by the Supreme Court.

IV. Conclusion

Drawing on my experience working with geo-spatial data in the context of redistricting, my report provided a holistic district-by-district analysis of the role of race, along with other competing factors, in the construction of the boundaries of the challenged districts in HB 5005. I demonstrated that race was the predominant factor in the construction of these districts. The supplemental reports provided by Dr. Hofeller and Dr. Katz do nothing to dispute or undermine this conclusion.

Expert Report of Maxwell Palmer, *Bethune-Hill v. Virginia State Board of Elections* (Aug. 2, 2017)

(Plaintiffs' Exhibit 71)

I.   Statement of Inquiry

1. I have been asked to examine the composition of twelve House of Delegates districts under the map enacted by the Virginia General Assembly in HB 5005 (the "Enacted Map"). I was asked to examine racial predominance in the drawing of the district lines and racially polarized voting in these districts. In addition to my own analysis, I was asked to evaluate the opinions expressed by the other experts prepared for the 2015 trial before this court.

2. The twelve districts I was asked to examine are Districts 63, 69, 70, 71, 74, 75, 77, 80, 89, 90, 92, and 95 (the "challenged districts"). I restricted my analysis to these districts and, when necessary, those that border these districts or that exchanged population with these districts from the map used from 2001 to 2010 (the Benchmark Map).

II.   Summary of Analysis and Findings

3. There is substantial evidence that race predominated in the ways that VTDs, cities, towns, and census places were divided between challenged and non-challenged districts. With few exceptions, these areas were divided such that the portions allocated to challenged districts had a higher BVAP percentage than the portions allocated to non-challenged districts.

4. In the case of split VTDs, the divisions by race are especially strong evidence of racial predominance, as there was no party or electoral information

available to the mapmakers when dividing these areas.

5. The movement of populations between districts highlights how HB 5005 selected Black voters in drawings the challenged districts. Black voters were moved out of non-challenged districts and into challenged districts at a higher rate than White voters or than Democratic voters. At the same time, White voters and Democratic voters were moved out of the challenged districts and into the non-challenged districts at a higher rate than Black voters.

6. Race had a much larger effect than party on the assignment of VTDs to challenged districts. Using a properly specified version of Dr. Katz's statistical model of VTD assignment, I find that there is a large and significant relationship between BVAP and VTD assignment, but no such relationship between Democratic vote share and VTD assignment.

7. A 55% BVAP threshold was not necessary for the challenged districts to continue electing African-American candidates of choice. I find that the challenged districts would have continued electing the African-American candidates of choice by significant margins if BVAP were reduced to lower levels.

III. Qualifications

8. I am currently an Assistant Professor of Political Science at Boston University. I joined the faculty at Boston University in 2014, after completing my Ph.D. in Political Science at Harvard University. I teach and conduct research on American politics and political methodology.

9. I have published academic work in leading peer-reviewed academic journals, including *The American Political Science Review* and *The Journal of Politics*. I have published work on compactness in redistricting in *The Ohio State University Law Review* and on traditional redistricting principles in *The Journal of Politics*. My curriculum vitae is attached to this report. My published research uses a variety of analytical approaches, including statistics, geographic analysis, and simulations.

10. I have served as a litigation consultant on numerous cases involving the Voting Rights Act, including redistricting, voter identification, and early voting. I assisted Dr. Ansolabehere in the research and analysis on multiple cases concerning congressional and state legislative districting, including: *Perez v. Perry*, in the U.S. District Court in the Western District of Texas (No. 5:11-cv-00360); *LULAC v. Edwards Aquifer Authority* in the U.S. District Court for the Western District of Texas, San Antonio Division (No. 5:12cv620-OLG,); *Harris v. McCrory* in the U. S. District Court for the Middle District of North Carolina (No. 1:2013cv00949); *Guy v. Miller* in the U.S. District Court for Nevada (No. 11-OC-00042-1B); *In re Senate Joint Resolution of Legislative Apportionment* in the Florida Supreme Court (Nos. 2012- CA-412, 2012-CA-490); and *Romo v. Detzner* in the Circuit Court of the Second Judicial Circuit in Florida (No. 2012 CA 412).

11. I am being compensated at a rate of $300/hour for my work in this case.

IV. Data

12. I relied on the following primary data sources for this report.

1. 2010 United States Census data, provided by the Commonwealth of Virginia Division of Legislative Services (http://redistricting.dls.virginia.gov/ 2010/Census2010.aspx) and the U.S. Census Bureau.

2. Cartographic shape files, provided by the Division of Legislative Services (districts, VTDs) and the U.S. Census Bureau (census blocks, census places).

3. Precinct-level election results for elections held in Virginia from 2008 to 2014, collected from the Virginia Department of Elections (https://apps.elections. virginia.gov/SBE_CSV/ELECTIONS/ELECTIO NRESULTS/).

4. Data files and code provided by Dr. Katz from his expert report in the preceding trial.

V. Split Geographies

13. Respecting existing political boundaries is a core traditional redistricting principle. Here, I examine violations of this principle by identifying splits at the VTD and municipal levels.

14. 31 of the 32 VTDs split between challenged and non-challenged districts are divided such that the portion assigned to the challenged district has a higher BVAP than the portion assigned to the non-challenged district. On average, BVAP is 24% higher in the parts of each split VTD assigned to a challenged

district. Because there is no party or electoral information below the VTD level, party, as defined by past electoral performance, cannot be a factor in these splits.

15. In the seven VTDs split *between* challenged districts, BVAP was allocated to meet the 55% BVAP threshold in each challenged district.

16. In addition, ten cities, four incorporated places, one military base, and ten unincorporated places are split between challenged and non-challenged districts. In all 25 places, the areas assigned to the challenged districts have a higher BVAP than the areas assigned to the non-challenged districts.

V.A Split VTDs

17. The Ansolabehere Report and the Hood Report both examine voting tabulation district (VTD) splits. The number of split VTDs increased from the benchmark map to HB 5005, and split VTDs are more common in the challenged districts than the remainder of Virginia (Ansolabehere, ¶60–65; Hood p.5).

18. I extend the VTD split analysis in the Ansolabehere Report by examining the differences in populations in each piece of a split VTD. Each VTD is made up of a number of census blocks.[1] The 2010 U.S. Census provides detailed population data at the census block level. I used GIS shape files of census blocks and VTDs to determine the VTD of every census block, and to calculate the composition of each piece of

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[1] No census block is split across multiple VTDs or districts.

a split VTD. Figure 1 provides an example of one such VTD split in the Enacted Map, and how census block data can be used to consider race in splitting the VTD.

19. Election data is not available at the census block level. The lowest level of reported elections results are at the VTD level. Consequently, individual census blocks cannot be assigned to districts on the basis of voting data.[2] The only data available when splitting VTDs by census block is census data, which does not include any partisan or electoral data. The public redistricting data provided by the Commonwealth of Virginia did not include any partisan or electoral data below the VTD level.

20. To the best of my knowledge, the data below the VTD level that was available to the legislature when drawing the Enacted Map was limited to U.S. Census data. The census block data available from the Division of Legislative Services includes only counts of total population and voting age population (VAP) by race and ethnicity. The standard census form sent to every household collects data only on each individual's race, ethnicity, age, and sex (https://www.census.gov/history/pdf/2010questionnaire.pdf).

21. There are 39 VTDs split such that part of the VTD is in a challenged district and where both parts

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[2] Election results can be disaggregated to blocks on the basis of total population or VAP. This does not provide any variation in party preferences across the VTD. Another approach would be to use a model based on demographics in the census block, but such models are restricted to census data, which excludes electoral data.

of the VTD are populated.[3] There are split VTDs in 11 of the 12 challenged districts; only District 92 avoids split VTDs. Table 1 lists the number of VTDs split by district. Ten challenged districts have VTDs that are split with a non-challenged district. Seven districts have VTDs that are split with another challenged district.

VTDs Split Between Challenged and Non-Challenged Districts

22. In this section I analyze the VTDs split between challenged and non-challenged districts in two ways. First, I identify every VTD split and show that 31 of the 32 VTDs split in this way are divided such that the higher BVAP portion of the VTD is assigned to a challenged district and the lower BVAP portion of the VTD is assigned to a non-challenged district. Second, I use a logistic regression model to estimate the probability that a census block within a split VTD will be assigned to a challenged district.[4] I show that there is a strong positive relationship between the BVAP of a census block in a split VTD and its assignment to a challenged district.

23. There are 32 VTDs split between a challenged and a non-challenged district where both parts of the

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[3] This analysis excludes six VTDs that are split but where all of the population in the VTD resides in only one district.

[4] A logistic regression is a type of regression where the outcome (dependent variable) is binary rather than continuous. In this case, the outcome for each census block is either *assigned to challenged district* = 1 or *assigned to a non-challenged district* = 0.

VTD are populated.[5] Of these 32 split VTDs, 31 VTDs have a higher BVAP in the portion of the VTD assigned to a challenged district than the portion of the VTD assigned to a non-challenged district.

24. The average BVAP of the parts of a split VTD assigned to challenged districts is 24% higher than the average BVAP of the parts of the split VTDs assigned to non-challenged districts.

25. When a VTD is split, census blocks are assigned individually to districts.[6]

26. Among the VTDs that are split between a challenged district and a nonchallenged district, a census block is significantly more likely to be assigned to a challenged district when its BVAP is higher. Figure 2 shows the positive relationship between BVAP and assignment to a challenged district. As the BVAP of a census block increases, the probability that it is assigned to a challenged district increases. 27. A second way to demonstrate the relationship between BVAP and assignment to a challenged district is through a logistic regression. This model estimates the probability that a census block will be assigned to

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[5] Three VTDs are split three ways, between one challenged district and two non-challenged districts: Courts Bldg and Rives in Prince George and Reservoir in Newport News.

[6] Census tracts or census block groups could also be assigned. However, it is common for the next level of geography after VTDs to be census blocks. For example, in the map viewer available from the Virginia Department of Legislative Services (at http://redistricting.dls.virginia.gov/ 2010/RedistrictingPlans.aspx#map), the only level of geography smaller than VTDs is census blocks. Similarly, the Department of Legislative Services provides census data at the VTD and block levels, but not at the block group or tract levels.

a challenged district versus a nonchallenged district, while recognizing that this probability must be bounded between zero and 100%. Table 2 presents the results of this analysis.[7] I first estimate this relationship for all of the challenged districts together (the top section of Table 2), and then separately for each district.

28. In Table 2, the *BVAP Coef.* column identifies the estimate of the relationship between census block BVAP and assignment to a challenged district. The larger the coefficient, the stronger the relationship. The five columns on the right-hand side of the table use this model to estimate the probability that a census block with a given BVAP will be assigned to a challenged district. For example, using the model with all districts together (the top row), a census block with a 25% BVAP has a 31% chance of being assigned to a challenged district, while a census block with a 75% BVAP has a 78% chance of being assigned to a challenged district. In other words, a block with 75% BVAP is 2.5 times more likely to be assigned to a challenged district than a block with 25% BVAP. A block with 100% BVAP is 6.6 times more likely to be assigned to a challenged district than a block with 0% BVAP (91% vs. 14%).

29. From Table 2, I conclude that there is a positive and statistically significant relationship between assignment to a challenged district and

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[7] The sample for this regression is every populated census block located in a precinct that is split between a challenged district and a non-challenged district and where both parts of the split VTD are populated (see Tables 3–6). N=2,146 census blocks. Observations are weighted by total population.

BVAP for all of the districts together and for models estimating block assignment in each challenged district individually. In short, this model indicates that VTDs that were split between challenged and non-challenged districts were divided by race.

30. The analysis below walks through the split VTDs in each region at issue in this case, and demonstrates that VTDs split between challenged and non-challenged districts are consistently divided by race: Black voters are placed in challenged districts while White voters are placed in adjacent non-challenged districts. The analysis further shows that, with respect to each challenged district, the higher the BVAP of a given census block, the more likely it is to be included in the district.

VTDs Split in the Dinwiddie-Greenville Area (Districts 63 and 75)

31. There are 12 VTDs split between a challenged district and a non-challenged district in the Dinwiddie-Greenville area. Table 3 lists these split VTDs and the populations and BVAP percentage for each part of the VTD.

32. There are four populated VTDs split between District 63 and a non-challenged district. In all four cases, the portion of the VTD assigned to District 63 has a higher BVAP than the portion assigned to the other districts. The difference is especially stark in Hopewell Ward 7. The VTD is split such that District 63 gets 29% of the population, but 51% of the BVAP. Figure 3 illustrates how Ward 7 was divided by race.

33. Using logistic regression, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to

District 63 relative to the census blocks assigned to Districts 62 and 64. A census block with 75% BVAP is 1.3 times more likely to be assigned to District 63 than a census block with 25% BVAP (see Table 2).

34. District 75 displays a similar pattern — among the eight populated VTDs split between District 75 and a non-challenged district, all of them reflect a higher BVAP in the portion of the VTD assigned to District 75 than the portion assigned to the other districts. The differences are especially large in Camp's Mill and Precinct 2-1 (see Table 3). In Camps Mill, the VTD is split such that District 75 gets 67% of the population, but 93% of the BVAP. In Precinct 2-1, the VTD is split such that District 75 gets 47% of the population, but 69% of the BVAP. Figure 3 illustrates how these two VTDs were divided by race.

35. Using logistic regression, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 75 relative to the census blocks assigned to Districts 61 and 64. A census block with 75% BVAP is 1.8 times more likely to be assigned to District 75 than a census block with 25% BVAP (see Table 2).

VTDs Split in the Richmond Area

36. There are six VTDs split between a challenged district and a non-challenged district in the Richmond area. Table 4 lists these split VTDs and the populations and BVAP percentage for each part of the VTD.

37. There are two populated VTDs split between District 69 and a non-challenged district. In both cases, the portion of the VTD assigned to District 69 has a higher BVAP than the portion assigned to the

other districts. For instance, Precinct 410 is split such that District 69 gets 77% of the population, but 93% of the BVAP. Figure 4 illustrates how this VTD was divided by race.

38. There is also a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 69 relative to the census blocks assigned to Districts 27 and 68. A census block with 75% BVAP is 1.4 times more likely to be assigned to District 69 than a census block with 25% BVAP (see Table 2).

39. There is one populated VTD split between District 70 and a non-challenged district, Dorey VTD in Henrico County. The BVAP of the part of the VTD is District 70 is nearly double the BVAP of the part of the VTD in District 62 (see Table 4).

40. Table 2 further indicates a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 70 relative to the census blocks assigned to District 62. A census block with 75% BVAP is 1.3 times more likely to be assigned to District 70 than a census block with 25% BVAP.

41. There are three populated VTDs split between District 74 and a non-challenged district. In all three cases, the portion of the VTD assigned to District 74 has a higher BVAP than the portion assigned to the other districts. For instance, the Moody VTD is split such that District 74 gets 38% of the population, but 85% of the BVAP. Figure 4 illustrates how this VTD was divided by race.

42. Once again, there is a strong positive and statistically significant relationship between BVAP

and the census blocks assigned to District 74 relative to the census blocks assigned to District 72. A census block with 75% BVAP is 1.3 times more likely to be assigned to District 74 than a census block with 25% BVAP (see Table 2).

VTDs Split in South Hampton Roads

43. There are nine VTDs split between a challenged district and a non-challenged district in South Hampton Roads. Table 5 lists these split VTDs and the populations and BVAP percentage for each part of the VTD.

44. There are two populated VTDs split between District 77 and a non-challenged district. In both cases, the portion of the VTD assigned to District 77 has a higher BVAP than the portion assigned to the other districts. For instance, the John F. Kennedy VTD is split such that District 77 gets 75% of the population, but 96% of the BVAP. Figure 5 illustrates how this VTD was divided to capture almost all of the VTD's African-American population in District 77.

45. Table 2 reveals a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 77 relative to the census blocks assigned to Districts 76 and 78. A census block with 75% BVAP is 2.5 times more likely to be assigned to District 77 than a census block with 25% BVAP.

46. There is one populated VTD split between District 80 and a non-challenged district. Consistent with the other split VTDs, the portion of the VTD assigned to District 80 has a higher BVAP than the portion assigned to District 79.

47. There is also a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 80 and the census blocks assigned to District 79 (see Table 2). The 10 census blocks assigned to District 80 in the split VTD average 98% BVAP, and range from 93% to 100% BVAP. The 86 blocks assigned to District 79 in the split VTD average 57% BVAP.[8]

48. In District 90, the Aragona, Shell, and Reon VTDs (all in Virginia Beach) are split with Districts 83 or 85. In all three cases, the portion of the VTD assigned to District 63 has a higher BVAP than the portion assigned to the other districts. The Aragona VTD is split such that District 90 gets 25% of the population, but 50% of the BVAP. Figure 5 illustrates how this VTD was divided by race.

49. Once again, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 90 relative to the census blocks assigned to Districts 83 and 85. A census block with 75% BVAP is 3.1 times more likely to be assigned to District 90 than a census block with 25% BVAP (see Table 2).

50. There are three populated VTDs split between District 89 and a non-challenged district. Granby and Titustown Center fit the pattern seen with almost every other VTD split between challenged and non-challenged districts: the portion of the VTD assigned

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[8] It is impossible to calculate the relative probability the a census block with 75% BVAP will be assigned to District 80 relative to the probability that a census block with 25% BVAP will be assigned, as the probability of the latter event is 0.

to District 89 has a higher BVAP than the portion assigned to the other districts.

51. The Zion Grace VTD is the lone exception to the rule. There, the portion of the VTD assigned to District 89 has a lower BVAP than the portion assigned to District 79. Notably, the portion of Zion Grace assigned to district 89 is very small, and includes only 6% of the population of the VTD.

52. Even with the Zion Grace outlier, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 89 relative to the census blocks assigned to Districts 79 and 100. A census block with 75% BVAP is 2.9 times more likely to be assigned to District 89 than a census block with 25% BVAP (see Table 2).

VTDs Split in North Hampton Roads

53. Where there are no split VTDs in District 92, its neighboring District 95 contains five (see Table 6).

54. In all five cases, the portion of the VTD assigned to District 95 has a higher BVAP than the portion assigned to the other districts. For instance, the Jenkins VTD is split such that District 95 gets 50% of the population, but 70% of the BVAP. Figure 6 illustrates how this VTD was divided by race.

55. Using logistic regression, there is a strong positive and statistically significant relationship between BVAP and the census blocks assigned to District 95 relative to the census blocks assigned to Districts 93 and 94. A census block with 75% BVAP is 3.0 times more likely to be assigned to District 95 than a census block with 25% BVAP (see Table 2).

56. Figure 7 maps the five split VTDs in District 95, with each census block shaded by BVAP. This figure depicts a pattern seen across the challenged districts: VTDs are consistently split along racial lines such that high BVAP areas are concentrated in the challenged districts and lower BVAP areas are allocated to adjacent non-challenged districts.

57. The data and figures make clear not only that race predominated over the principle of maintaining the integrity of VTDs in the challenged districts, but also that, with one exception, race explains every single VTD split between a challenged and non-challenged district.

VTDs Split Between Challenged Districts

58. There are seven VTDs split between two challenged districts, where both parts of the VTD are populated (see Table 7). In this section I analyze these seven VTDs and show that split VTDs were used to increase BVAP in the challenged districts that required additional BVAP to meet the 55% BVAP threshold.

59. Four of these VTDs are split between District 63 and District 75. None of these VTDs were plit in the Benchmark Map, and all were fully allocated to District 63.

60. These splits served to increase the BVAP of District 75 above 55%. Other configurations of these four VTDs that avoid such splits maintain equal population but drop BVAP in District 75 just below the threshold. For instance, If New Hope and Dinwiddie VTDs were fully allocated to District 63, and Rohoic and Edgehill were fully allocated to District 75, both districts would have near population equality (79,688

in District 63 and 79,209 in District 75). However, in District 75, the BVAP wold drop to 54.7%.

61. There are two VTDs split between challenged districts in the City of Richmond (see Table 7). VTD 505 is split between Districts 69 and 71, and VTD 703 is split between District 70 and 71. District 69 is 55.2% BVAP, District 70 is 56.4% BVAP, and District 71 is 55.3% BVAP.

62. VTD 505 is 15% BVAP. Under the Benchmark Map it was entirely in District 71. Under the Enacted Map, splitting this VTD was necessary to achieve the BVAP threshold in both Districts 69 and 71. Holding all else constant, if all of VTD 505 were allocated to District 69, BVAP in District 69 would drop to 54.4%. Likewise, if all of VTD 505 were allocated to District 71, BVAP in District 71 would drop to 54.5%. In short, including all of the VTD in either district would have added too many white voters to satisfy the 55% BVAP threshold.

63. VTD 703 is 89.9% BVAP. Under the Benchmark Map it was entirely in District 70. Under the Enacted Map, it is divided between Districts 70 and 71. Splitting this VTD was necessary to achieve the BVAP threshold in District 71. Holding all else constant, if all of Precinct 703 were returned to District 70, then BVAP in District 71 would drop to 54.9%.

64. There is one VTD split between challenged districts in the City of Norfolk (see Table 7). The Brambleton VTD is split between District 89 (which has a BVAP of 55.5%) and District 90 (which has a BVAP of 56.6%). Under the Benchmark Map, this VTD was entirely in District 90. The Brambleton VTD is

96% BVAP, and contains 4,071 people. Splitting this precinct was necessary to achieve the BVAP threshold in District 89. Holding all else constant, if all of Brambleton VTD were returned to District 90, then BVAP in District 89 would drop to 54.7%. 65. Based on my analysis, split VTDs between any two challenged districts served to distribute black and white voters across both districts so that both of them could satisfy the 55% BVAP threshold.

V.B Splits of Municipality and Census Designated Places

66. Respecting municipal boundaries is a traditional redistricting principal.

67. In an analysis that was unchallenged by any other expert, Dr. Ansolabehere examined the divisions of counties and independent cities between the Benchmark and Enacted Maps (Ansolabehere ¶52, Table 3).

68. In this section I extend Dr. Ansolabehere's analysis to examine the division of census places in the challenged districts under the Enacted Map and how these places were divided by race.

69. Census places are a range of entities that include incorporated places (such as cites or towns) and census designated places, which are places that are identifiable by name.[9] There are four types of census places that are relevant to this case:[10]

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[9] https://www.census.gov/geo/reference/gtc/gtc_place.html

[10] Definitions below from the U.S. Census Bureau, https://www.census.gov/geo/reference/ class.html. There are many other types of census places, but they are either not present in Virginia or not split in the challenged districts.

1. C1: Incorporated Towns. "An active incorporated place that does not serve as a county subdivision equivalent." Example: Town of Kenbridge in Lunenberg County.

2. C7: Incorporated Cities. "An incorporated place that is independent of any county." Example: City of Richmond.

3. M2: Military Bases. "A military or other defense installation entirely within a place." Example: Fort Lee.

4. U1: Unincorporated Places. "A census designated place with an official federally recognized name." Example: Lakeside in Henrico County.

70. To analyze the division of smaller census places (towns, unincorporated places, and military bases), I used GIS analysis to match census blocks to census places.[11] To analyze splits of cities, I used the locality defined in the Virginia redistricting data[12] Below, I examine all of the census places that are split with at least one challenged district.[13]

71. There are 25 census places (ten cities, four towns, one military base, and ten unincorporated

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[11] A small number of census blocks (6 in the split geographies discussed below, totaling 58 people) are split across two census places; I exclude these blocks from the analysis.

[12] For example, all of the census blocks assigned to the city of Richmond are given the locality "Richmond" in the data provided by the state. This information is not provided for smaller census places, however, necessitating the GIS matching.

[13] I ignore any census place splits where part of the split has zero population.

places) that are divided between challenged and non-challenged districts.

72. The larger cities in the challenged districts are divided across multiple districts. Most of these cities, such as Virginia Beach, Norfolk, or Richmond, must necessarily be split across districts because their populations are too large to fit into a single district. While these splits are necessary, there are many different ways that they can be divided. Across the four regions, there are 10 cities split between one or more challenged districts and one or more non-challenged districts. In all ten cities, every area of a city assigned to a challenged district has a higher BVAP than every area of that city assigned to a non-challenged district. There is not a single case of a city split where a non-challenged district gets a higher BVAP area of a city than a challenged district.

73. The same pattern is seen in splits of unincorporated places: across all ten places, the areas allocated to challenged districts have significantly higher BVAP than the areas in non-challenged districts.[14]

Place Splits in the Dinwiddie-Greenville Area

74. Table 8 lists the incorporated places (Class C1) split between challenged and non-challenged districts. All four of these splits divide towns between District 75 and Districts 61 or 64. In all four cases, the towns are split such that the areas with higher BVAP are assigned to District 75, and the areas with lower BVAP are assigned to Districts 61 or 64. Figure 8

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[14] The only exception to this pattern is the seven people in Sandston CDP allocated to district 70.

maps these towns and illustrates how they are divided by race.

75. There are two split cities in the Dinwiddie-Greenville area, Franklin and Hopewell (Table 9). Franklin is split between districts 75 and 64. The area of the city assigned to district 75 has a BVAP that is more than four times higher than the area assigned to district 64. Hopewell is split between districts 63 and 62. The area assigned to district 63 has a BVAP that is more than three times higher than the area in district 62. Franklin has a total population of 8,582, and Hopewell a total population of 22,591. Given that the target of a House district is 80,010, it was not necessary to split either city for the purposes of achieving equal population. Figure 9 maps the division of these cities.

76. There is one split military base, Fort Lee in Prince George County, which is split between districts 63 and 62, such that the portion of the base in District 63 has a BVAP that is 1.3 times higher than the portion of the base assigned to District 62 (Table 10). Figure 10 maps the division of Fort Lee by race.

77. There are three unincorporated places that are split between challenged and nonchallenged districts in the Dinwiddie-Greenville area (Table 11). In all three places, the areas allocated to challenged districts have significantly higher BVAP than the areas in non-challenged districts. Figure 11 maps these divisions by race.

Place Splits in the Richmond Area

78. The City of Richmond is divided between challenged districts 69, 70, 71, and 74, and non-challenged District 68 (Table 12). Overall, the portions

of Richmond in the challenged districts have a collective BVAP of 56.2% compared to a BVAP of 6.8% in the portion assigned to the non-challenged districts. Figure 12 maps the division of the City of Richmond.

79. There are seven unincorporated places that are split between challenged and non-challenged districts in the Richmond area (Table 13). In all seven places, the areas allocated to challenged districts have significantly higher BVAP than the areas in non-challenged districts.[15]

Place Splits in South Hampton Roads

80. There are five cities in South Hampton Roads split between challenged and non-challenged districts (Table 14). All five cities are split such that the portions in challenged districts universally have substantially higher BVAP than the portions in non-challenged districts. Overall, the areas of these five cities in challenged districts have BVAP of 56.8% compared to BVAP of 20.0% in the portions of the five cities assigned to the non-challenged districts.

Place Splits in North Hampton Roads

81. There are two cities in North Hampton Roads split between challenged and non-challenged districts (Table 15). Both cities are split such that the portions in challenged districts universally have substantially higher BVAP than the portions in non-challenged districts. Overall, the areas of these two cities in challenged districts have BVAP of 60.4% compared to BVAP of 26.1% in the portions of the five cities assigned to the non-challenged districts. The division

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[15] The only exception to this pattern is the seven people in Sandston CDP allocated to district 70.

of the City of Hampton is especially noteworthy; 82% of the BVAP is allocated to Districts 92 and 95. Figure 13 maps the division of the City of Hampton

82. The tables and figures in this section make clear that race predominated over the principle of keeping political subdivisions whole. Cities, towns, unincorporated places, and even a military base were all divided according to race.

VI. Population Shifts

83. Dr. Ansolabehere analyzed population flows between districts and concluded that there were racial differences in the areas moved into and out of the challenged districts. In this section, I extend Dr. Ansolabehere's analysis by illustrating the population flows between districts and analyzing the aggregate racial effects of these population movements.

84. Table 16 lists the districts that transferred population to a challenged district under the HB 5005. With the exception of District 100, discussed below, the 15 other non-challenged districts that transferred population to challenged districts all transferred portions of the district that had a higher BVAP than the district as a whole.

85. Table 17 lists the challenged districts that transferred population to a nonchallenged district under HB 5005, and the population and BVAP of the areas moved out of the district and into non-challenged districts. All nine challenged districts that transferred population to a non-challenged district transferred portions of the district that had a lower BVAP than the district as a whole.

Population Shifts in the Dinwiddie-Greensville Area

86. As depicted in Figure 14, five non-challenged districts transferred population to challenged districts in the Dinwiddie-Greensville area. In all five cases, the areas sent to the challenged districts had higher BVAP than the areas that were not moved.

Population Shifts in the Richmond Area

87. The population shifts in the Richmond area are complex. Each challenged district exchanged populations with five to seven other districts. Figure 15 shows all of the population flows for the full area.

88. Three non-challenged districts transferred population to challenged districts in the Richmond area. In all three cases, the areas sent to the challenged districts had higher BVAP than than the areas that were not moved.

89. Three challenged districts transferred population to non-challenged districts in the Richmond area. In all three cases, the areas sent to the non-challenged districts had lower BVAP than the areas that were not moved.

90. Under the Benchmark Map, District 70 has a population of 79,380 and a BVAP of 61.8%. It did not require any changes to its composition to be sufficiently close to population equality or reach the targeted BVAP of 55%. Despite this, District 70 was substantially reconfigured.

91. The population transfer between District 68 and District 71 is particularly noteworthy: roughly equal-sized populations were moved from 68 to 71 and from 71 to 68, but with a 10% difference in BVAP

between the two groups. This change was not necessary for population equality, but was necessary to increase the BVAP of District 71 above 55%. Without this change, District 71 would have had a BVAP of 54.8%. After this change, District 71 had a BVAP of 55.3%.

Population Shifts in South Hampton Roads

92. As in the Richmond area, the population shifts in South Hampton Roads are complex. Figure 16 shows all of the population flows for the full area.

93. Six non-challenged districts transferred population to challenged districts in the South Hampton Roads. In five of the six cases, the areas sent to the challenged districts had higher BVAP than the areas that were not moved. The only exception to this pattern is District 100, which transferred 628 people with 10.1% BVAP to District 89, and received 3,593 people with 22.9% BVAP from District 89. District 100 was uniquely limited in its possible population swaps to achieve population equality due to its position in the Eastern Shore.

94. Four challenged districts transferred population to non-challenged districts in South Hampton Roads. In all four cases, the areas sent to the non-challenged districts had lower BVAP than the areas that were not moved.

Population Shifts in North Hampton Roads

95. Three non-challenged districts transferred population to challenged districts in North Hampton Roads. In all three cases, the areas sent to the challenged districts had a higher BVAP than the areas that were not moved.

96. One challenged district transferred population to a non-challenged district in North Hampton Roads. The area sent to the non-challenged district had a lower BVAP than the area that were not moved.

VI.A Net Effects of Population Shifts

97. The preceding sections illustrated population shifts across challenged and nonchallenged districts and between challenged districts. Here, I examine the aggregate effects of all of these shifts at the district level.

98. For every district involved in a population shift with a challenged district, I calculate four quantities. Comparisons of these quantities can help us identify racial patterns in moving populations.

1. The percentage of the total population moved out the district.

2. The percentage of the Black Voting Age Population moved out of the district (BVAP).

3. The percentage of the White Voting Age Population moved out of the district (WVAP).

4. The percentage of Democratic voters moved out of the district.[16]

99. 16 non-challenged districts sent population to challenged districts under the Enacted Map. Table 18 lists these districts and the rates of population

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[16] Democratic vote share is calculated as the average of the Democratic share of the two-party vote in the 2008 presidential and the 2009 gubernatorial elections.

movement from each district to any challenged district.

100. Across 15 of the 16 districts (all except District 100), the rate at which the Black voting age population was moved out of the districts and into challenged districts exceeded the rate at which the population of the district as a whole was moved. Similarly, Black voters were moved out of the districts and into challenged districts at higher rates than White voters. Finally, Black voters were moved out of the districts and into challenged districts at a higher rate than Democratic voters.

101. For example, consider Benchmark District 94. District 94 moved 10.7% of its total population into District 95. District 94 moved 24.5% of its BVAP into District 95, more than double the rate of the general population, but only 3.6% of its WVAP. Thus, Blacks were nearly seven times more likely to be moved into District 95 than Whites. Finally, District 94 moved 12.2% of its Democratic voters into District 95. In other words, Blacks were twice as likely to be moved into District 95 than were Democrats.

102. The only exception to this pattern is in District 100, where 0.9% of the total population (628 people) under the Benchmark Map was moved to District 89. Unlike the other districts discussed above, Benchmark District 100 was uniquely constrained in how it could transfer population because it was located in the Eastern Shore.

103. The shifts from challenged to non-challenged districts, meanwhile, reflect a starkly different pattern. Table 19 shows the same quantities as above for the 11 challenged districts that transferred

population to non-challenged districts. (District 95 did not transfer any population to a non-challenged district.)

104. Across all eleven districts, the rates at which Blacks are transferred out of the challenged districts are lower than the rates at which population as whole are transferred out. Whites are much more likely to be transferred out than Blacks. Similarly, Democrats are more likely to be transferred out of the challenged districts to nonchallenged districts than Blacks. The effects of these transfers is that Blacks are retained in the challenged districts at higher rates than either Whites or Democrats.

105. For example, consider Benchmark District 80. District 80 sent 14,057 people to District 79. 19.9% of the total population was moved out of District 80 to District 79, but only 11.5% of the Black VAP was moved out. 33.2% of Whites were moved out of the district, roughly three times the rate of Blacks. 17.2% of Democrats were moved out of the district, 1.5 times the rate of Blacks.

106. Figure 18 illustrates these patterns. The left two graphs plot the percentage of BVAP moved out of non-challenged districts to challenged districts, against WVAP moved out (top) and Democrats moved out (bottom). Each point represents one district. With the exception of the bottom leftmost point, District 100, all of the points fall above the blue line representing an equal relationship between the two variables. This illustrates that Blacks are moved out of these districts at higher rates than Whites (top) or Democrats (bottom). The right two graphs plot the same measures, but for populations moved out of

challenged districts into non-challenged districts. Here, all the points fall below the blue line, showing that Whites and Democrats are moved out of challenged districts at higher rates than Blacks.

VII. Race vs. Party Analysis

107. Dr. Ansolabehere (at ¶79–94, ¶104–129, Tables 6, 7, 8, 9, 10, 11 and 12) presented seven different analyses demonstrating that race, not party, was the predominant factor in the drawing of the boundaries of the challenged districts. Only one such analysis, using multiple regression, was disputed by Dr. Katz (Katz 4.3). All other analyses of race vs. party predominance in Dr. Ansolabehere's report were undisputed.

108. In this section I use statistical models to measure and compare the effects of race and party on the assignment of VTDs to challenged districts. I show that Dr. Katz's multiple regression analysis is flawed and that, upon correcting the error, produces the same conclusions as Dr. Ansolabehere's analysis.

109. Dr. Ansolabehere (¶115–122; Tables 11–12) and Dr. Katz (pp.19–20; Table 1) both use multiple regression analysis to measure the effects of race and party on VTD assignments using a statewide analysis that includes every VTD in Virginia. Both experts estimate the probability that a VTD is assigned to a challenged district as a function of the VTD's BVAP and Democratic vote share, using a statewide model that includes every VTD in the state.

110. Both Dr. Ansolabehere and Dr. Katz estimate a linear probability model (ordinary least squares).[17]

111. Dr. Ansolabehere and Dr. Katz measure Democratic vote share slightly differently. Dr. Ansolabehere estimates his models with three different measures of Democratic vote share: the average Democratic vote share across the 2008 presidential, 2012 presidential, and 2012 U.S. Senate elections; the 2008 presidential election alone; and the 2013 gubernatorial election alone. All three variables produce similar results. Dr. Katz estimates his models using the average of the Democratic vote share in the 2008 presidential and 2009 gubernatorial elections.[18]

112. Both experts include a variable indicating whether the VTD was in a challenged district under the Benchmark Plan.

113. Dr. Ansolabehere weights each observation by the VTD's population. Dr. Katz does not weight observations in his analysis.

114. Dr. Katz claims that the Ansolabehere model is "fundamentally misspecified" for neglecting to control for the distance between the VTD and the challenged district. Since VTDs that are farther away from a benchmark challenged district are less likely to be included in the enacted challenged district, Dr.

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[17] Dr. Katz criticized the use of ordinary least squares in his analysis of racial polarization because such a model could produce probability estimates that were below zero or above one. The model used here by both Dr. Ansolabehere and Dr. Katz has the same feature, but here Dr. Katz does not raise this objection.

[18] Dr. Katz criticized use of statewide or federal elections in his analysis of racial polarization. In this part of his report, however, he uses statewide elections without comment.

Katz measures the distance from the centroid (geographical center) of each VTD to the centroid of each benchmark challenged district. He adds twelve variables to his models, measuring the distance from each VTD to each challenged district.

115. Dr. Ansolabehere finds that race had a much larger effect on the assignment to a challenged district than Democratic vote. Dr. Katz, with the addition of distance variables, finds that the effects are both small and nearly equal.

116. For simplicity in comparing results across models, I use Dr. Katz's data for the following analysis, including his measurement of distance between VTDs and challenged districts and his measure of average Democratic vote. All differences between Dr. Katz's model and the other models I discuss below are due to differences in the models, not discrepancies in data or measurement of variables.

117. I begin by replicating the Ansolabehere model using the Katz data (Table 20, Model 1). The results are slightly different than those reported by Dr. Ansolabehere (Ansolabehere Table 12, column 2), due to differences in the sample and the measurement of average Democratic vote share. However, the coefficients are very similar and the interpretation is the same: Race, not party, is the predominant factor in the assignment of VTDs to challenged districts.

118. The second column of Table 20 replicates Dr. Katz's model (Table 1, Specification 1) exactly.

119. While the variables (with the exception of controls for distance) are exactly the same in both models, there is a critical difference between Dr. Ansolabehere's model and Dr. Katz's model: the

weighting of observations. Dr. Ansolabehere weights each VTD by its total population, while Dr. Katz neglects to do so. This is an important difference. VTDs in the sample range in population from 3 to 23,502 people with a median of 2,996 people. In the Ansolabehere model, a VTD with a population of 5,000 people is 100 times more important to the estimate of the result than a VTD with 50 people. In the Katz model these two VTDs are equally important. When drawing district lines, the assignment of a VTD with 5,000 people is more consequential than the assignment of a VTD with 50 people. Weighting each VTD by its population recognizes this important fact. Without weights, Dr. Katz's model is missing an inportant component.

120. When population weights are added to Dr. Katz's model, the results are drastically different. Model 3 in Table 20 presents the results. The coefficients are very similar to those in the Ansolabehere model (Model 1), and the interpretation of both models is the same. When observations are properly weighted, Dr. Katz's twelve distance control variables do not have a meaningful effect on the model results. The coefficient on BVAP is twice as large as in the unweighted model, and substantially similar to Dr. Ansolabehere's estimate. The coefficient on Democratic vote share is less than half the size as in the unweighted model, and not statistically significant. The difference between the effect of BVAP and the effect of Democratic vote share on assignment to a challenged district is large and statistically significant. The conclusion from this model is that race, not party, is the predominant factor in the assignment of VTDs to challenged districts.

121. A second problem with Dr. Katz's model is that he simultaneously controls for the distance of each VTD to all twelve challenged districts. This produces illogical estimates for the effect of distance in the results. Table 21 includes the coefficients from each of the twelve distance measures that Dr. Katz includes in his benchmark model.[19] We should expect that the relationship between assignment to a challenged district and distance from that district to be negative; the farther away a VTD is from a district, the less likely it should be that it is assigned to it (Katz p.19). In the results from Dr. Katz's baseline model, some of the coefficients on distance are strongly negative, as expected, but others, such as the coefficients on distance from districts 63, 69, 90, 77, 92, 71, and 74, are positive and statistically significant. The model predicts that holding BVAP and Democratic vote share constant, VTDs that are far away from these districts are more likely to be assigned to a challenged district than VTDs that are close to them. This confusing result stems from the inclusion of all twelve distance measures in the model.

122. To address this problem, I use an alternate measure of distance: the distance from each VTD to the nearest challenged district.[20] Model 4 in Table 20 presents the results (unweighted). The results are significantly closer to the Ansolabehere model than to Dr. Katz's benchmark model, and the difference

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[19] Dr. Katz omits the coefficients on the distance from each district variables in his report (Table 1). I include these coefficients here by exactly replicating Dr. Katz's analysis.

[20] This is simply the minimum of Dr. Katz's twelve distance measures.

between the effect of BVAP and Democratic vote share is large and statistically significant. Additionally, the coefficient on "Distance to Closest Challenged District" is negative and statistically significant. Holding everything else equal, the farther away a VTD is from its closest challenged district, the less likely it is to be assigned to a challenged district. This is the logical result we should expect from a variable measuring distance.[21]

123. Model 5 in Table 20 addresses both the weighting problem and the distance measurement problem by using the "Distance to Closest Challenged District" measure and weighting each VTD by its total population. The results of this model are extremely close to the Ansolabehere model. The results show that the effect of race is much larger than that of party in the assignment of VTDs to challenged districts. While the effect of race is large and statistically significant, there is no substantive effect of Democratic vote share on the assignment of a VTD to a challenged district.

124. In short, the difference between Dr. Katz's results and Dr. Ansolabehere's results is due to errors in Dr. Katz's model. When these errors are corrected,

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[21] I also considered other alternative measures of distance, such as the the inverse of the distance to the closest challenged district. The results of these models are similar to the results in Models 5 (unweighted) and 6 (weighted). Another alternative approach to this problem is to drop some of the distance variables for districts that are very close together. If for example, we only control for distance from District 63, 70, 80, and 92 (one for each cluster of challenged districts), the effect of race is positive, statistically significant, and significantly larger than the effect of party in both weighted and unweighted models.

Dr. Katz's results, including measures of the distance between VTDs and challenged districts, are similar to the Ansolabehere model.

125. When the Dr. Katz's model is corrected, the results and conclusions match those of Dr. Ansolabehere. BVAP has a much larger effect on assignment to a challenged district than Democratic vote share. Race predominates over party in the assignment of VTDs to challenged districts.

VIII.   Evaluating the 55% BVAP Threshold

126. Under HB 5005, every challenged district has a BVAP of 55% or greater. In this section, I analyze the necessity of such a threshold for the creation of districts where African-American voters are able to elect their candidates of choice.

127. Table 22 lists the populations, BVAP, and Democratic vote share of each challenged district, under the Benchmark Map and under HB 5005. With the exception of District 74, which was overpopulated by 143 people, and District 70, which was underpopulated by 630 people, all of the districts required additional population under the new map.

128. Under the Benchmark Map, every district except for Districts 71, 80, and 89 was at least 55% BVAP.

129. Every challenged district was majority Democratic in recent elections at the time of the redistricting.[22] The most competitive district was

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[22] Democratic vote share is calculated as the average of the Democratic share of the two-party vote in the 2008 presidential and the 2009 gubernatorial elections.

District 75, which averaged 56% Democratic vote under the Benchmark Map. In all other Districts, Democrats won with at least 62% of the two-party vote.

130. I use ecological inference on statewide election results in each challenged district to determine the candidates of choice of African-American and White voters, and the level of support for candidates of each party of each racial group.

131. Dr. Ansolabehere uses the Ecological Regression (ER) method to estimate racial voting patterns. Dr. Katz uses the Ecological Inference (EI) method. Both methods seek to answer the same question: given that we only observe election results in aggregate, at the precinct level, and that we do not observe individual vote choice, how do we estimate differences in vote choices across race? If we could observe the actual votes and race of each voter, such a problem would be trivial. Without such data, these methods seek to identify a relationship between the racial makeup of precincts and election results in those precincts.

132. Both ecological regression and ecological inference are common methodological techniques used in redistricting cases to estimate racial voting patterns. The Court expressed a preference for ecological inference over ecological regression in its memorandum opinion. Accordingly, I use ecological inference here.

133. Statewide elections allow for analysis across all of the challenged districts. Dr. Katz restricts his ecological inference analysis to the seven challenged districts that had contested races for House of

Delegates between 2007 and 2013. Such a restriction makes it impossible to evaluate racial voting patterns in the other districts and excludes the majority of information we have about voting behavior in the challenged districts. While we are ultimately interested in voting patterns in House of Delegates elections, statewide elections serve as a useful proxy.

134. Statewide elections are highly correlated with House of Delegates elections. Figure 19 illustrates the relationship between the average Democratic vote share in the 2008 presidential and 2009 gubernatorial elections and the average Democratic vote share in House of Delegates elections, for the seven districts with contested House of Delegates elections between 2007 and 2013. Each district is graphed separately. On each graph, each dot represents a precinct in the enacted version of the district. The strong positive correlation between average statewide elections vote and average House of Delegates elections vote is illustrated by the pattern of the dots and the red line: a precinct's Democratic vote share in statewide elections increases with that precinct's Democratic vote share in House of Delegates elections.

135. I estimate ecological inference models for each of the challenged districts under the Enacted Map using results from the 2008 presidential election, the 2009 gubernatorial elections, and the average results of these two elections. For each election, I calculate the two-party vote share for each party, and estimate support for each party by Blacks, Whites, and all other groups combined using the HB 5005

district boundaries. Figures 20, 21, and 22 and Table 23 presents the results of this analysis.

136. Across all twelve districts, African-Americans vote cohesively for the Democratic candidate. The average level of African-American support for the Democratic candidate across the twelve districts is 95%, based on the model estimated using the average of the two elections. From these analysis, it is clear that Democratic candidates are the African-American candidates of choice.

137. The ecological inference models show significantly different levels of support for Democratic candidates from White voters. White support for Democrats ranges from 16% in District 75 to 70% in District 71, and averages 40% using the average of the two elections. District 71, had the lowest BVAP of the challenged districts under the Benchmark Map at 46.3% (and was the only challenged district without a majority BVAP), but had a large Democratic majority that included high levels of Democratic support among White voters.

138. Overall, Table 22 shows that the African-American preferred candidates were winning by large margins in all of the challenged districts *except* District 75. Adding additional African-American population to these districts was not necessary to preserve safe electoral margins for African-American preferred candidates. If all of the population needed in each underpopulated district were made up with White voters who unanimously voted against the African-American preferred candidates, the African-American preferred candidates would still win by

large margins in every district except District 75 (see Table 24).

139. A second way to examine the necessity of the 55% BVAP threshold in the challenged districts is to use the ecological inference results to estimate the Democratic vote share (the vote share of the African-American preferred candidate) at different levels of BVAP. I calculate this using the ecological inference estimates from the average of the 2008 presidential and 2009 gubernatorial elections. Holding the Other voting age population (OVAP) constant, I calculate the White voting age population (WVAP) as a function of different levels of BVAP. I multiply each population share by the group's coefficient from the ecological inference model to find the vote shares for each party.

140. For example, consider the Democratic vote share in District 89, which was 52.5% BVAP under the Benchmark Map and increased to 55.5% BVAP under HB 5005. The average of the EI estimates is that 94.6% of African American voters supported the Democratic candidate, 53.7% of White voters supported the Democratic candidate, and 59.1% of voters of other races supported the Democratic candidate. District 89 is 6% OVAP. Holding OVAP constant, if District 89 were 50% BVAP, it would be 44% WVAP. Multiplying the size of each racial group by their respective Democratic vote shares, we would expect Democratic candidates to win around 74% of the vote. If District 89 were 45% BVAP, 6% OVAP, and 49% WVAP, we would expect Democratic candidates to win around 72% of the vote.

141. Table 25 presents the results of this analysis for all of the challenged districts. All challenged

districts would elect the African-American candidate of choice at 55% or 50% BVAP. At 45% BVAP, all challenged districts would elect the African-American candidate of choice with the exception of District 75, where the lower average vote share at 45% BVAP is estimated at 50.4%, but the lower bound of the confidence interval is below 50%.[23]

142. These analyses show that, given the cohesiveness of African-Americans as a voting block and the lack of consistent polarization among White voters, 55% BVAP is not necessary for the African-American candidates of choice to win elections.

IX. Conclusions

143. Four different analyses demonstrate that race predominated in the drawing of the challenged districts. The results from examining (1) the division of VTDs, (2) the division of cities, towns, and places, (3) population flows between districts, and (4) the assignment of VTDs all provide substantial evidence of racial predominance.

144. VTDs were split in service of increasing BVAP in challenged districts relative to nonchallenged districts and served to satisfy the 55% BVAP threshold in all challenged districts. 31 of the 32 VTDs that are divided between challenged and nonchallenged districts are split such that the area

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[23] This analysis is not intended to suggest that the BVAP of the challenged districts should have been 50% or 45%, nor is intended to establish the minimum BVAP required to allow African Americans the ability to elect their candidates of choice. It simply demonstrates that an individualized analysis of each of the challenged districts indicates that a 55% BVAP threshold is unwarranted in at least 11 of them.

assigned to the challenged district has a higher BVAP than the area assigned to the non-challenged district. VTDs cannot be divided on the basis of party or election results because such information is not available below the VTD level.

145. Splits of cities, towns, and other places reveal the same pattern: deviations from the traditional redistricting principle of preserving political communities were in service of concentrating Black voters in challenged districts.

146. Black voters were moved from non-challenged to challenged districts at a higher rate than White voters or Democratic voters. Conversely, Black voters were moved out of challenged districts to non-challenged districts at a lower rate than White voters or Democratic voters. These shifts in both directions demonstrate that race was the predominant factor in moving populations between districts.

147. Statistical models of the assignment of VTDs to challenged and non-challenged districts show that VTDs with higher BVAP were more likely to be assigned to challenged districts, and that political party does not have a significant effect. Differences in this analysis between Dr. Ansolabehere and Dr. Katz are due to problems with Dr. Katz's model. When these issues are corrected, all of the models show that race, not party, was a large and significant factor in VTD assignment.

148. The 55% BVAP threshold was not necessary to enable African-Americans to elect their candidates of choice. Two individualized analyses, which examine electoral performance of each district, both show that

even if the BVAP threshold made sense in District 75,
it was not required in the remaining 11 districts.
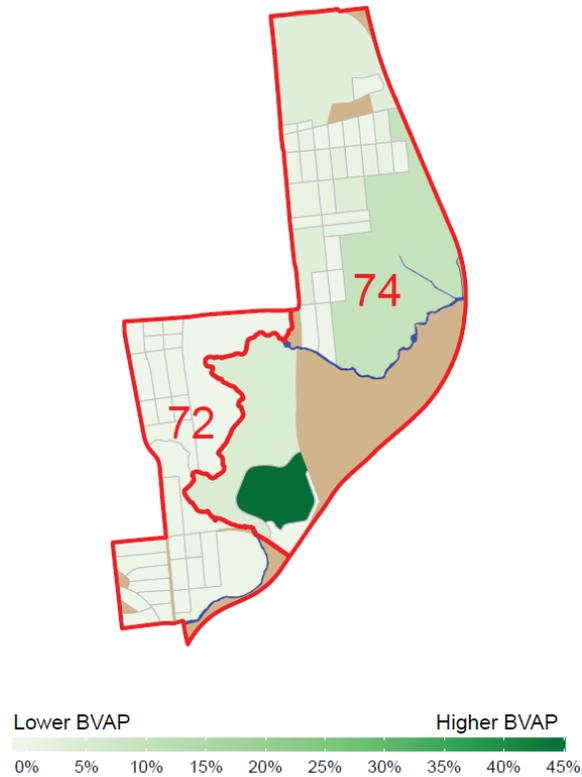
Figure 1: Map of Belmont VTD in Henrico County, Split Between Districts 74 and 72

This figure maps the Belmont VTD in Henrico County, which is split between District 74 (57.2% BVAP) and District 72 (13.4% BVAP). Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in the block. The division of the VTD is identified with the red line. The left part of the VTD, assigned to District 72, contains 1,239 people and is 6.1% BVAP. The right part of the VTD, assigned to District 74, contains 2,190 people and is 46.0%

BVAP. Unpopulated areas shaded in tan (land) or blue (water).
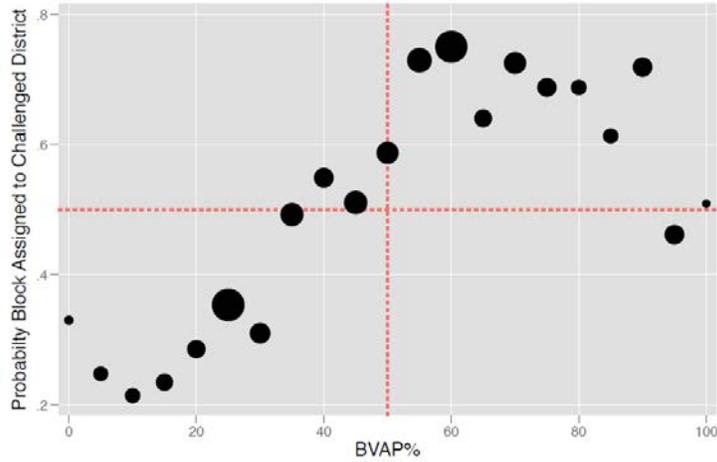
Figure 2: Probability that a Census Block in a Split VTD Is Assigned to a Challenged District, by BVAP

Each observation is a census block in a VTD split between a challenged and a nonchallenged district. Each circle represents a set of census blocks, grouped in 5% increments by BVAP. Circle size is proportional to the average population of the blocks in each group.
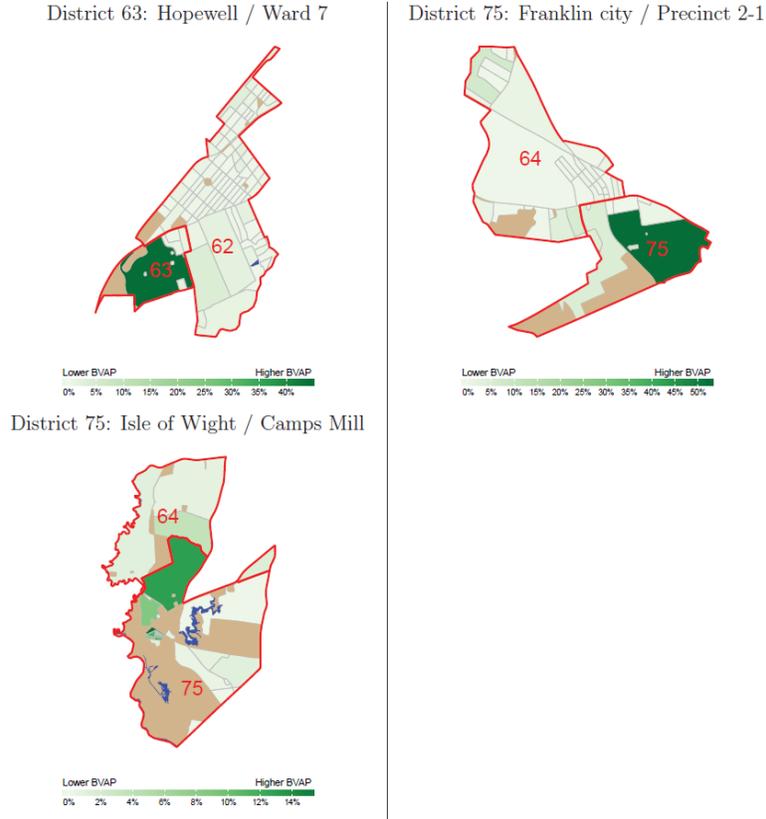
Figure 3: Maps of Split VTDs in the Dinwiddie-Greenville Area

Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in the block. Unpopulated areas shaded in tan (land) or blue (water).
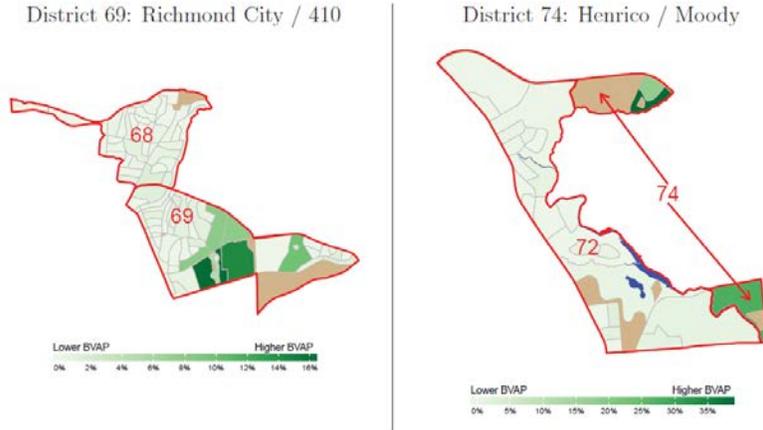
Figure 4: Maps of Split VTDs in the Richmond Area

Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in the block. Unpopulated areas shaded in tan (land) or blue (water).
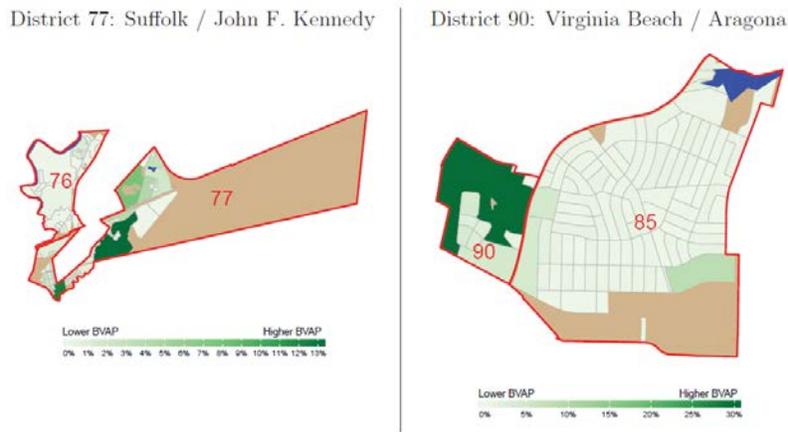
Figure 5: Maps of Split VTDs in South Hampton Roads

Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in

the block. Unpopulated areas shaded in tan (land) or blue (water).

District 95: Newport News / Jenkins
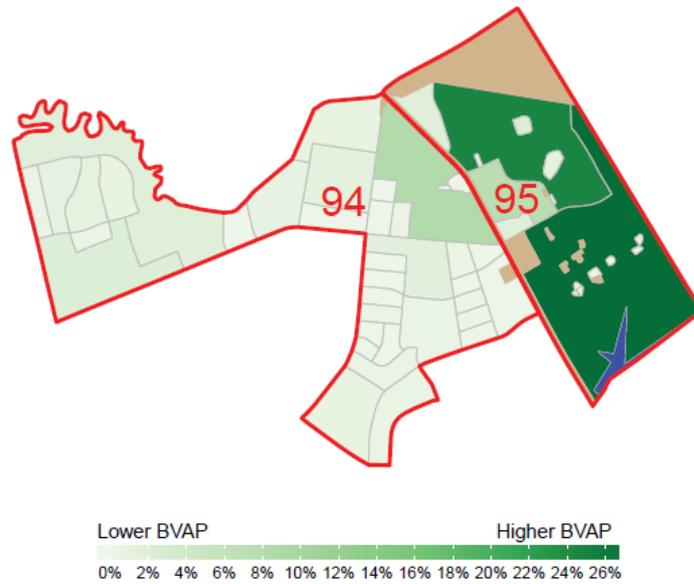
Figure 6: Map of Jenkins VTD in North Hampton Roads

Each census block is shaded based on the share of the Black Voting Age Population of the VTD residing in the block. Unpopulated areas shaded in tan (land) or blue (water).
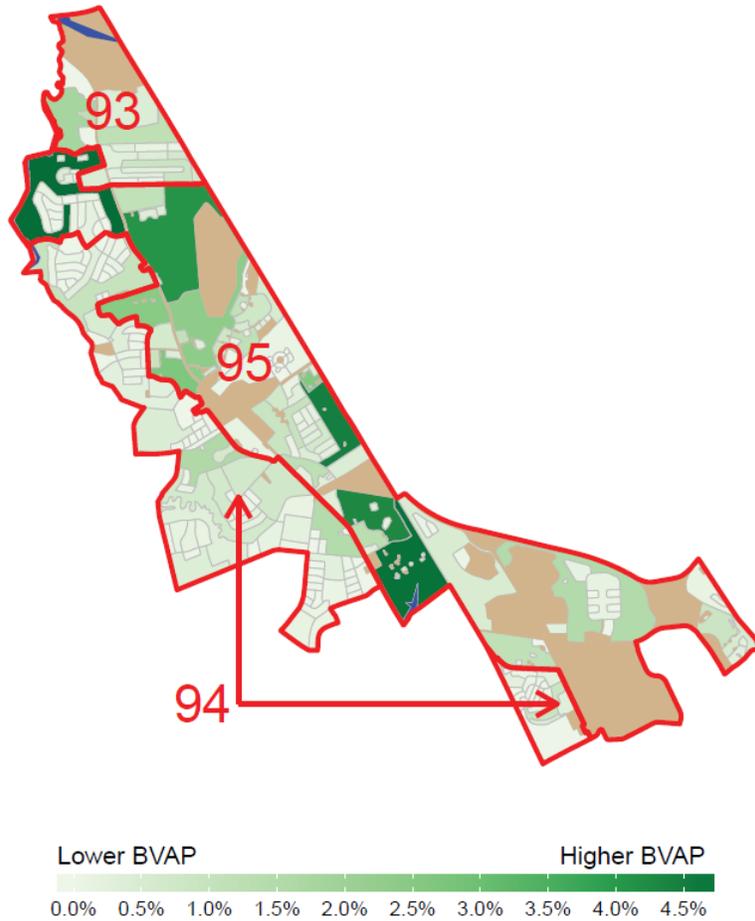
Figure 7: Split VTDs in District 95, Shaded by BVAP

Each census block is shaded based on the share of the Black Voting Age Population of the area residing in the block. Unpopulated areas shaded in tan (land) or blue (water).
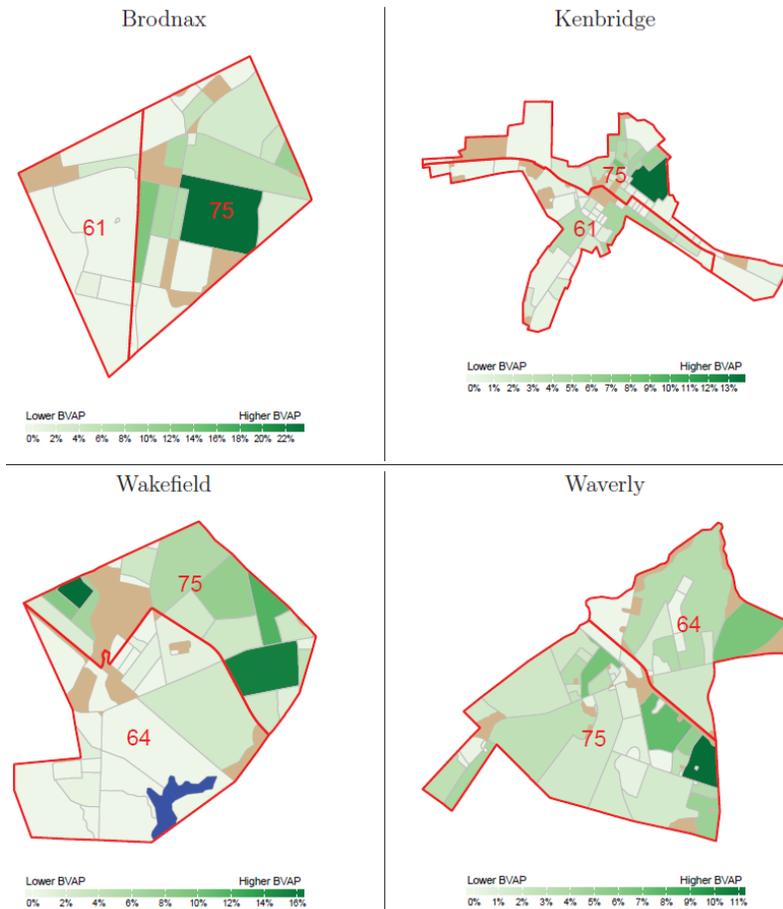
Figure 8: Divisions of Towns by BVAP in the Dinwiddie-Greenville Area

Each census block is shaded by the percentage of the town-wide BVAP residing in the block. Unpopulated areas shaded in tan (land) or blue (water).
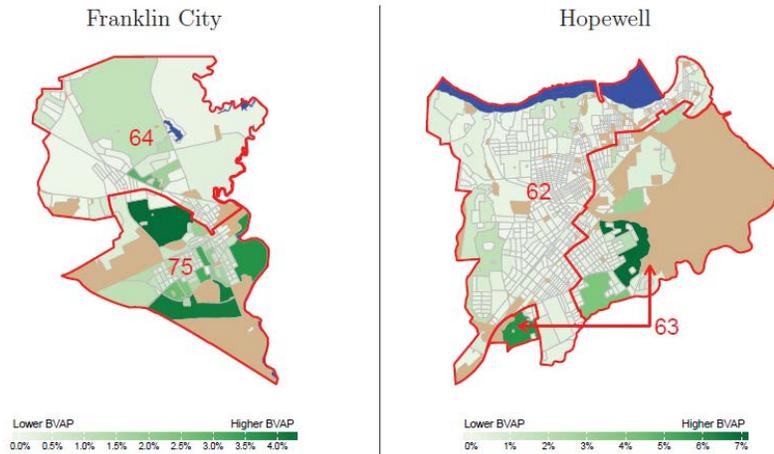
Figure 9: Divisions of Cities by BVAP in the Dinwiddie-Greenville Area

Each census block is shaded by the percentage of the city-wide BVAP residing in the block. Unpopulated areas shaded in tan (land) or blue (water).

JA 2778
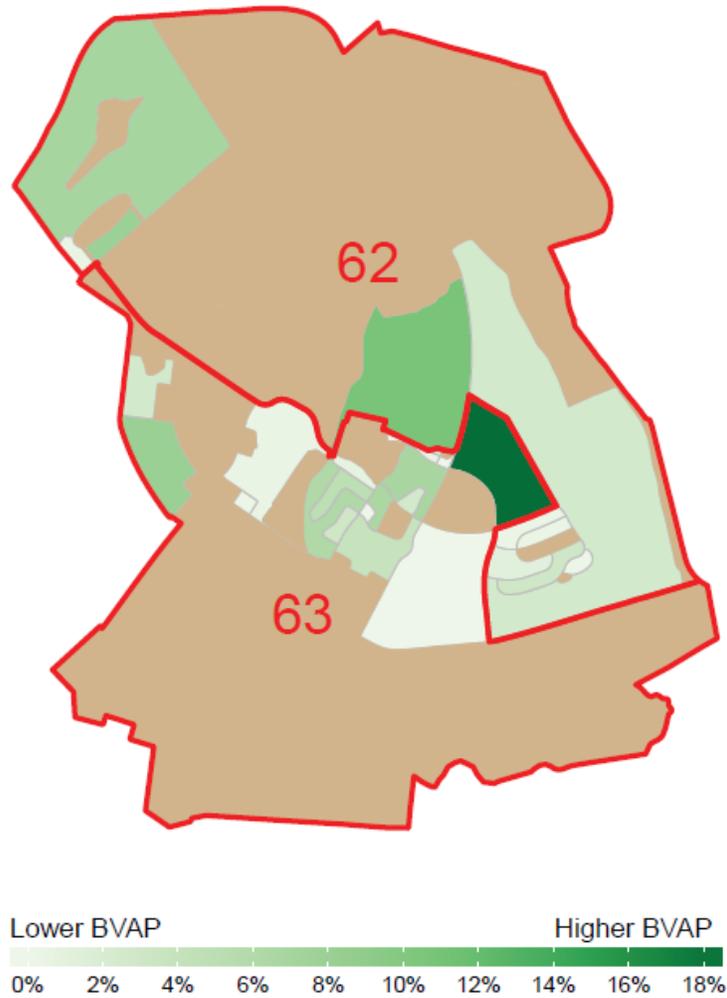
Figure 10: Division of Fort Lee by BVAP

Each census block is shaded by the percentage of the
town-wide BVAP residing in the block. Unpopulated
areas shaded in tan (land) or blue (water).
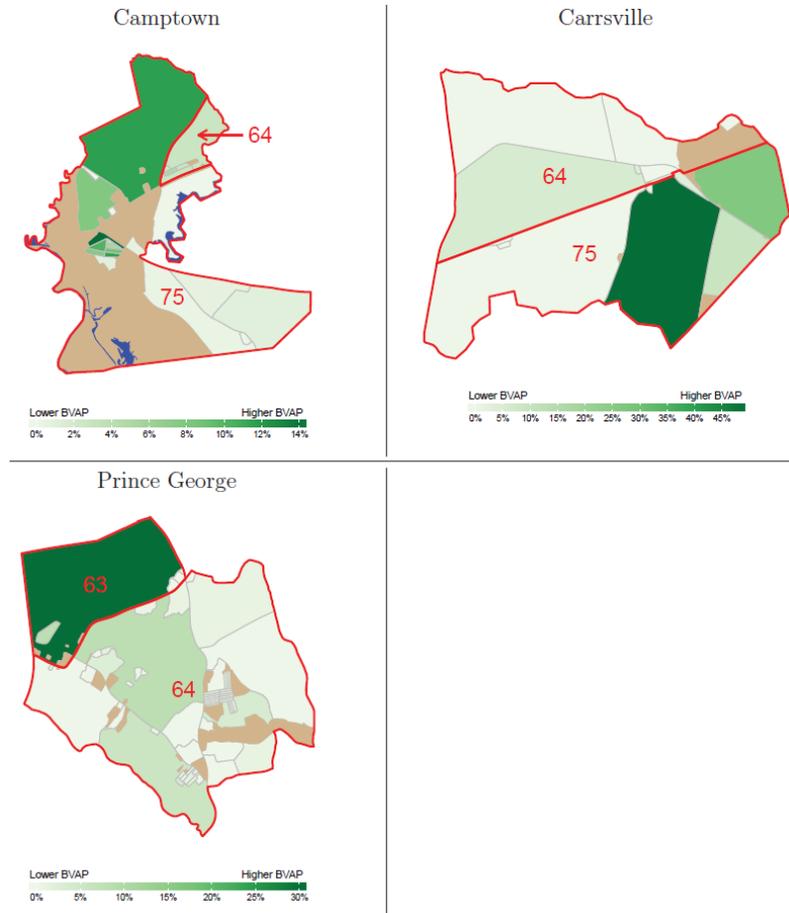
Figure 11: Divisions of Unincorporated Places by BVAP in the Dinwiddie-Greenville Area

Each census block is shaded by the percentage of the place-wide BVAP residing in the block. Unpopulated areas shaded in tan (land) or blue (water).
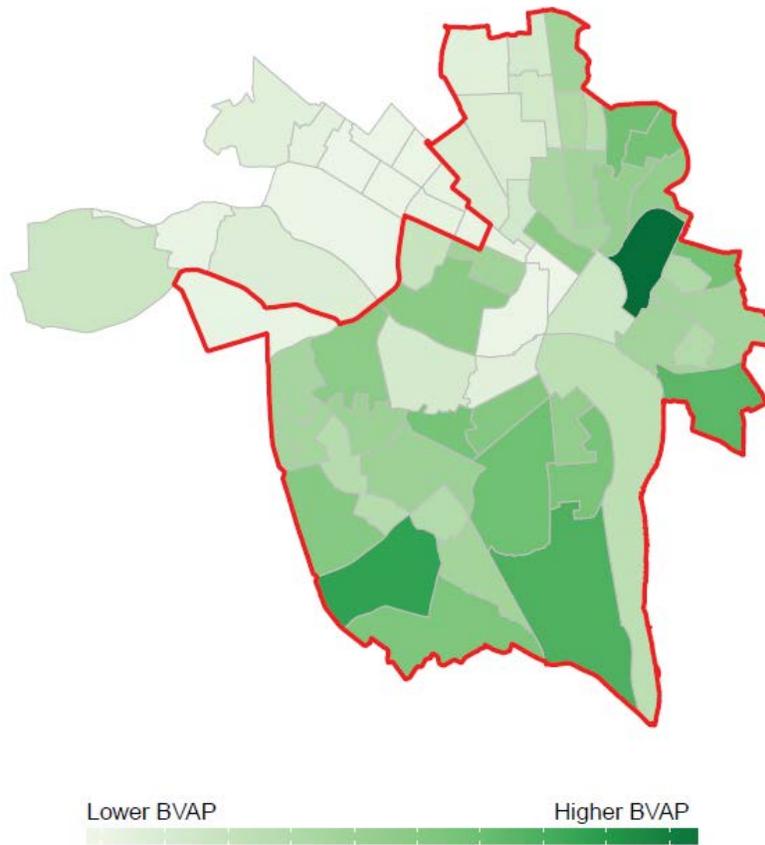
Figure 12: Division of Richmond City by BVAP

The red boundary encloses the portion of the city allocated to the challenged districts. The remaining portion is allocated to non-challenged districts. Each VTD is shaded by the percentage of the city-wide BVAP residing in the VTD.
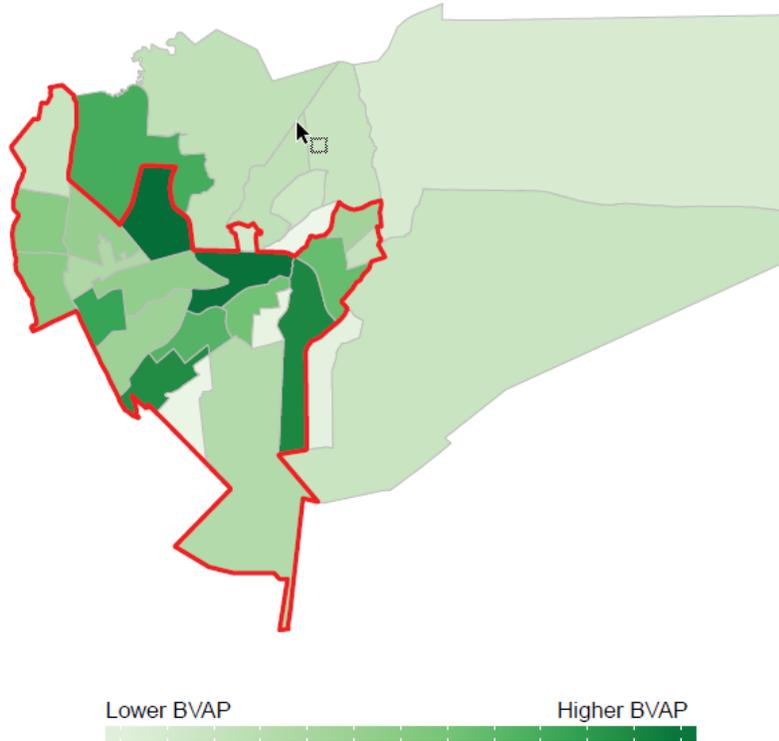
Figure 13: Division of Hampton City by BVAP.

The red boundary encloses the portion of the city allocated to the challenged districts. The remaining portion is allocated to non-challenged districts. Each VTD is shaded by the percentage of the city-wide BVAP residing in the VTD.
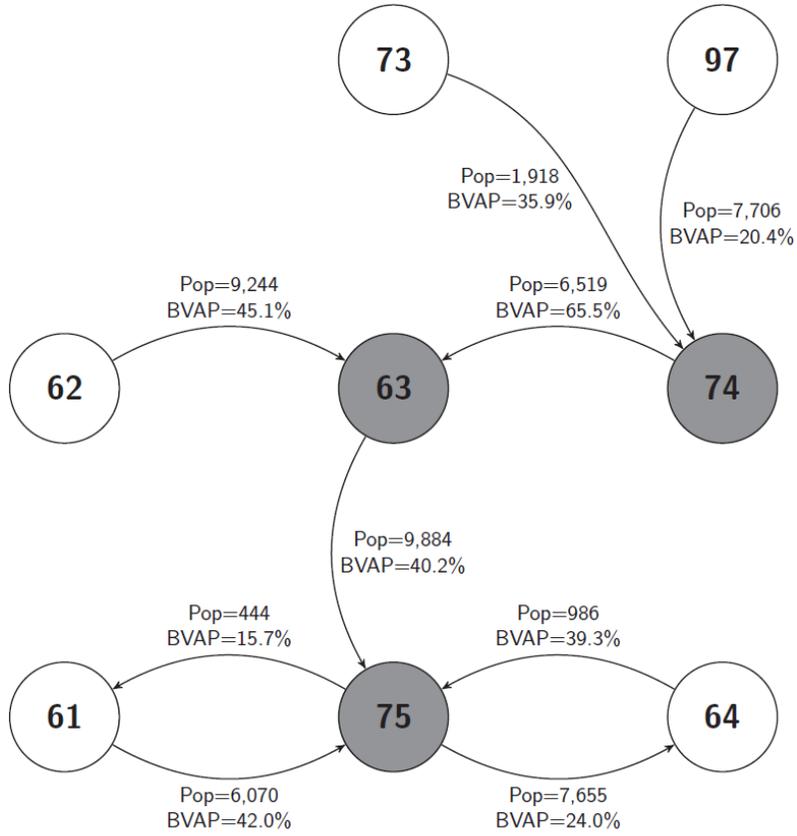
Figure 14: Dinwiddie-Greensville Area Population and BVAP Shifts

Shifts between non-challenged districts are omitted. A shift of 67 people from District to 74 to District 62 is also omitted.
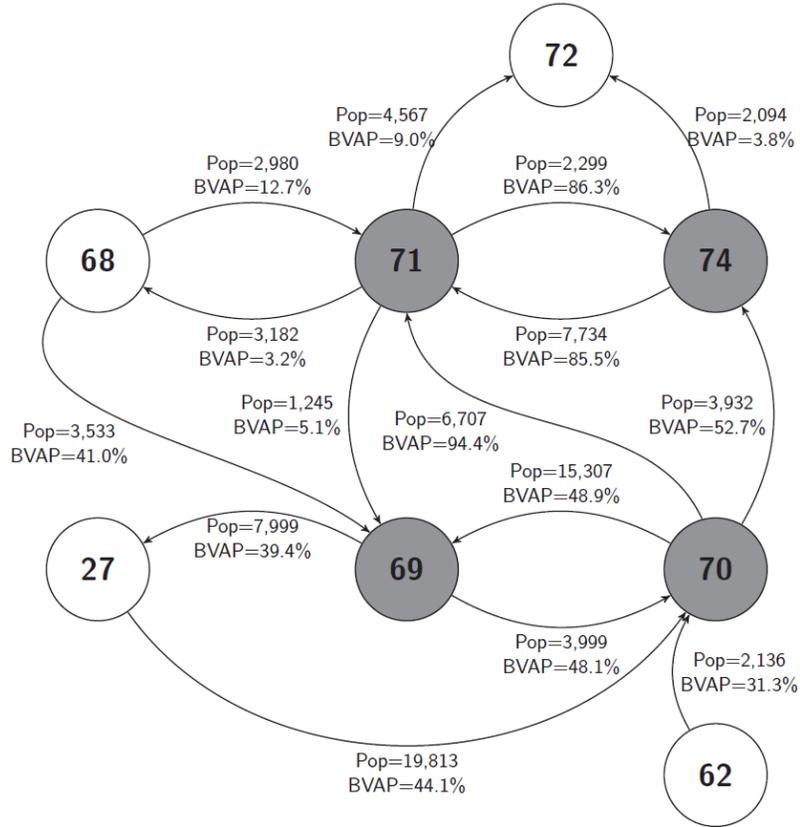
Figure 15: Richmond Area Population and BVAP Shifts

Shifts between non-challenged districts are omitted. Two populations transfers to District 74 are omitted (shown in Figure 14).
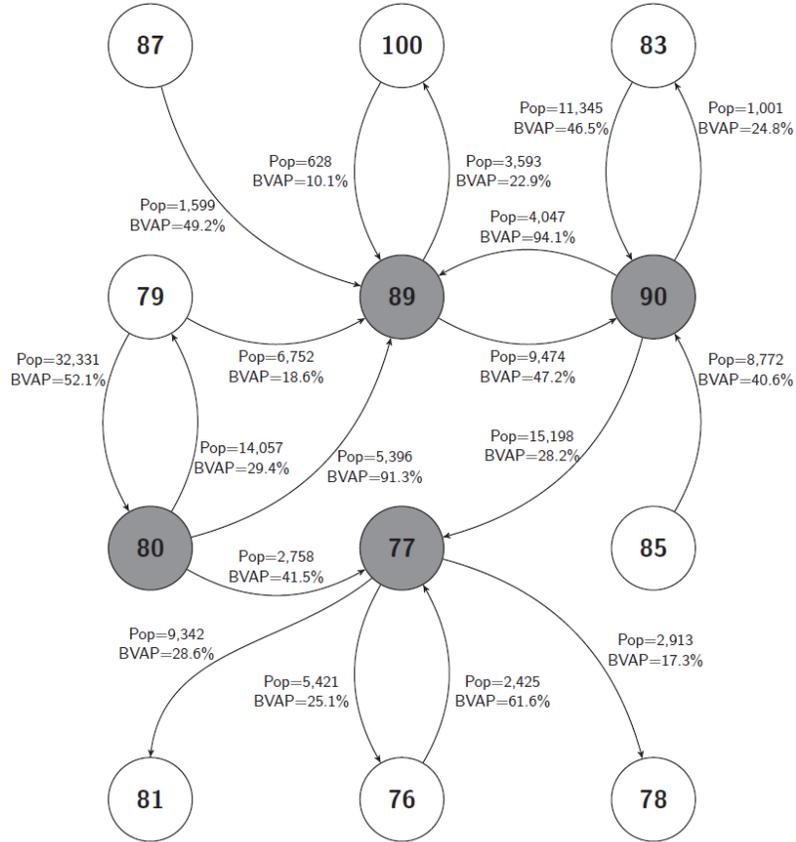
Figure 16: South Hampton Roads Population and BVAP Shifts

Shifts between non-challenged districts are omitted. District 87 omitted. A shift of 5 people from District 77 to District 64 is omitted.
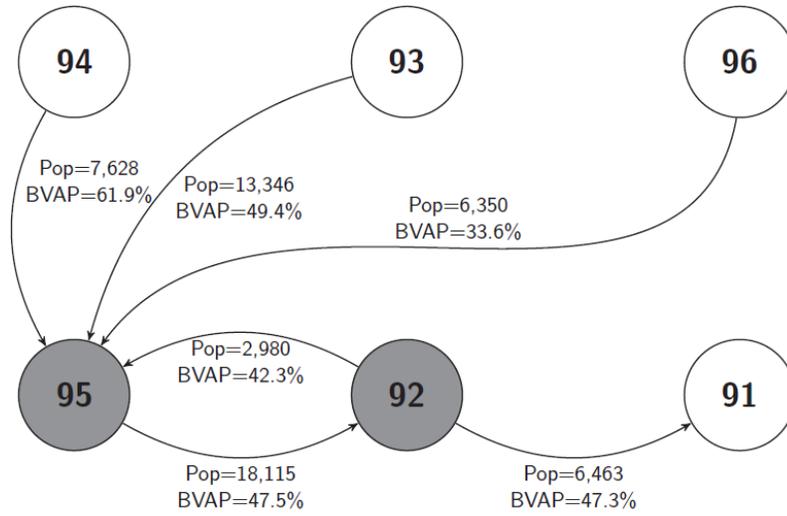
Figure 17: North Hampton Roads Population and BVAP Shifts

Shifts between non-challenged districts are omitted
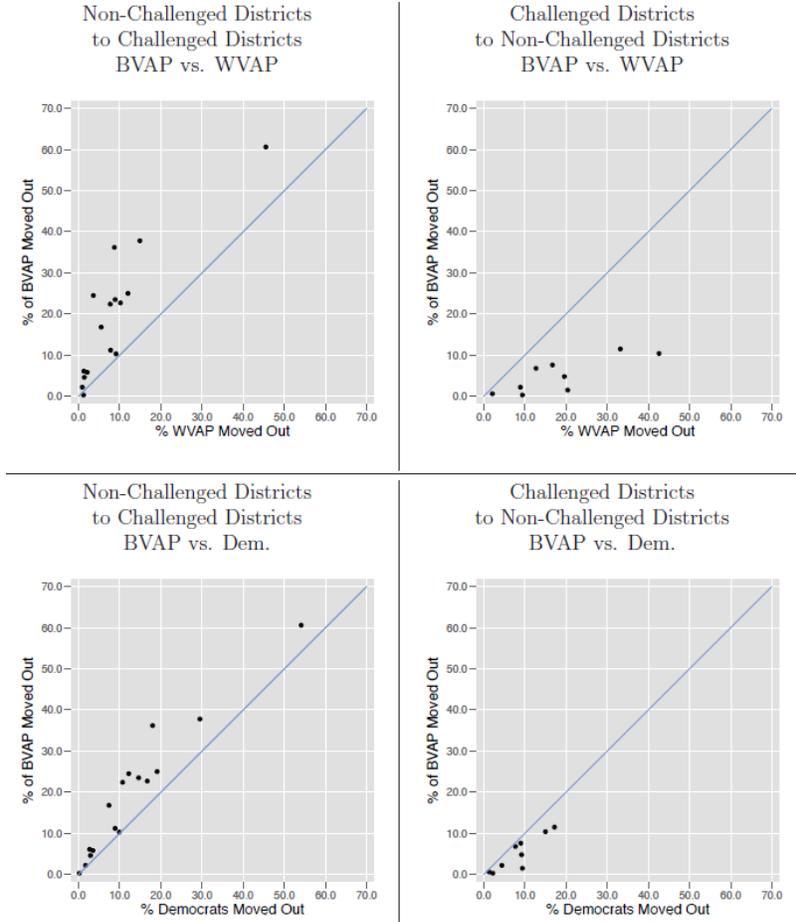
Figure 18: Net Population Shifts
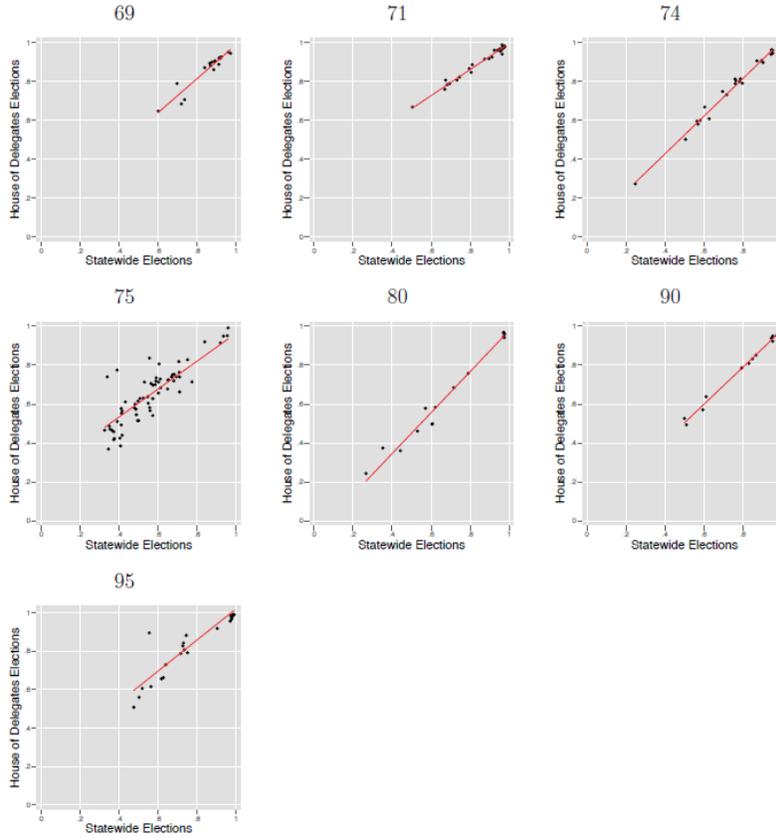
Figure 19: Correlations Between Average Democratic Vote Share in Statewide Elections and Average Democratic Vote Share in State Legislative Elections in Challenged Districts with Contested House of Delegates Elections
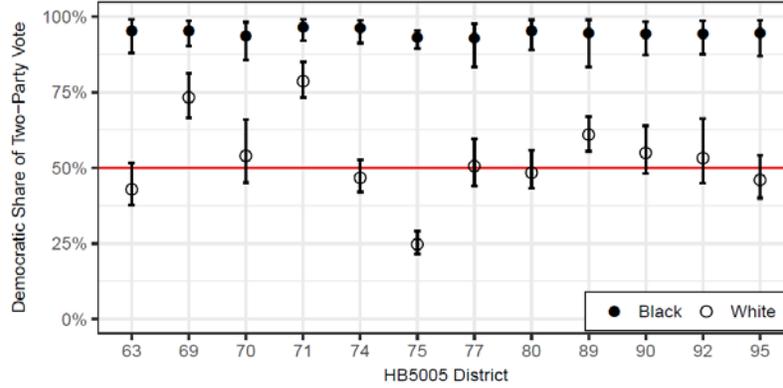
Figure 20: Ecological Inference Using the 2008 Presidential Election
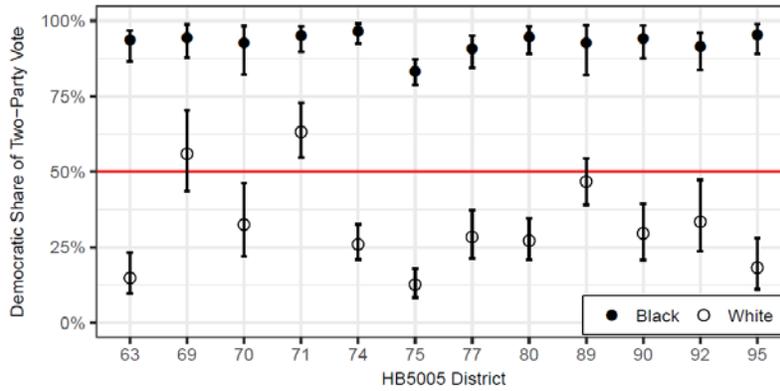
Figure 21: Ecological Inference Using the 2009 Gubernatorial Election
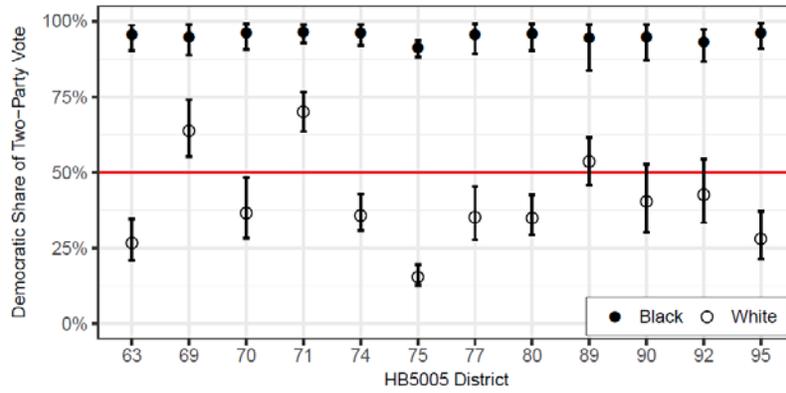
Figure 22: Ecological Inference Using the Average of the 2008 Presidential and 2009 Gubernatorial Elections

Table 1: Split VTDs in the Challenged Districts

District	Split VTDs	VTDs Split With Non-Challenged Districts	VTDs Split With Challenged Districts
63	8	4	4
69	3	2	1
70	2	1	1
71	2	—	2
74	3	3	—
75	12	8	4
77	2	2	—
80	1	1	—
89	4	3	1
90	4	3	1
92	—	—	—
95	5	5	—
Total	39	32	7

Table 2: Logistic Regression of Census Block Assignment to Challenged Districts as a Function of BVAP Within Split VTDs

| Model | Logit Results | | Predicted probability census block assigned to challenged district with BVAP= | | | | |
	BVAP Coef	N	0%	25%	50%	75%	100%
All	4.125	2,146	0.138	0.310	0.557	0.779	0.908
	(0.027)		(0.001)	(0.001)	(0.002)	(0.002)	(0.001)
District 63	0.995	265	0.366	0.426	0.488	0.550	0.610
	(0.080)		(0.009)	(0.005)	(0.004)	(0.007)	(0.011)
District 69	4.856	149	0.419	0.708	0.891	0.965	0.989
	(0.129)		(0.012)	(0.006)	(0.004)	(0.002)	(0.001)
District 70	3.615	35	0.530	0.735	0.873	0.944	0.977
	(0.241)		(0.016)	(0.009)	(0.009)	(0.007)	(0.004)
District 74	20.453	111	0.017	0.745	0.998	1.000	1.000
	(0.551)		(0.002)	(0.012)	(0.000)	(0.000)	(0.000)
District 75	2.602	569	0.234	0.369	0.528	0.682	0.804
	(0.073)		(0.006)	(0.005)	(0.006)	(0.008)	(0.008)
District 77	3.750	205	0.133	0.282	0.501	0.719	0.867
	(0.075)		(0.005)	(0.006)	(0.006)	(0.006)	(0.005)
District 80	10.494	96	0.000	0.000	0.002	0.025	0.259
	(1.199)		(0.000)	(0.000)	(0.001)	(0.007)	(0.012)
District 89	2.932	253	0.080	0.153	0.273	0.439	0.620
	(0.084)		(0.002)	(0.002)	(0.004)	(0.010)	(0.014)
District 90	7.932	184	0.059	0.314	0.769	0.960	0.994
	(0.117)		(0.003)	(0.005)	(0.005)	(0.002)	(0.000)
District 95	6.698	279	0.078	0.312	0.708	0.928	0.986
	(0.073)		(0.002)	(0.004)	(0.003)	(0.002)	(0.001)

Standard errors below coefficients. Sample is all populated census blocks within VTDs that are split between one challenged and one or more non-challenged districts where both parts of the split VTD are populated. "All" model includes all challenged districts with split VTDs. Observations are weighted by total population.

Table 3: VTDs Split Between Challenged and Non-Challenged Districts, Dinwiddie- Greenville Area

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
Isle of Wight	Camps Mill	75	523	281	69.6%
		64	259	20	10.1%
Isle of Wight	Carrsville	75	302	72	31.7%
		64	915	150	21.5%
Lunenburg	Brown's Store	75	265	68	33.5%
		61	1,040	178	22.2%
Lunenburg	Rosebud	75	747	206	34.3%
		61	557	76	16.9%
Lunenburg	Peoples Community Center	75	207	107	64.1%
		61	725	346	59.6%
Lunenburg	Victoria Public Library	75	1,336	761	58.6%
		61	1,086	207	24.8%
Prince George	Rives	63	2,839	801	41.2%
		62	565	116	38.4%
		64	386	88	29.4%
Prince George	Courts Bldg	63	3,421	959	38.0%
		64	389	70	24.7%
Prince George	Jefferson Park	63	2,127	737	52.7%
		62	6,837	3,136	52.2%
Southampton	Forks-Of-The-River	75	394	115	35.7%
		64	463	97	26.9%
Franklin city	Precinct 2-1	75	791	202	37.1%
		64	894	92	13.2%
Hopewell	Ward 7	63	857	398	71.6%
		62	2,085	390	25.5%

Table 4: VTDs Split Between Challenged and Non-Challenged Districts, Richmond Area

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
Chesterfield	Davis	69	4,994	1,836	50.4%
		27	941	306	42.2%
Henrico	Belmont	74	2,190	760	46.0%
		72	1,239	62	6.1%
Henrico	Brookland	74	205	70	41.9%
		72	839	88	13.3%
Henrico	Moody	74	594	191	41.7%
		72	950	34	4.3%
Henrico	Dorey	70	2,136	532	31.3%
		62	791	109	16.9%
Richmond city	410	69	3,533	1,170	41.0%
		68	1,060	90	10.0%

Table 5: VTDs Split Between Challenged and Non-Challenged Districts, South Hampton Roads

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
Norfolk	Granby	89	5,126	1,466	35.7%
		100	1,493	303	24.8%
Norfolk	Titustown Center	89	574	344	80.2%
		79	6,954	1,305	28.6%
Norfolk	Zion Grace	89	1,524	128	10.2%
		79	25,856	6,692	26.9%
Portsmouth	Nine	80	402	265	98.1%
		79	2,752	1,371	65.2%
Suffolk	John F. Kennedy	77	3,653	1,763	69.9%
		76	1,242	81	8.2%
Suffolk	Lakeside	77	1,063	603	79.4%
		76	3,313	911	36.1%
Virginia Beach	Aragona	90	1,844	788	61.6%
		85	5,436	792	19.0%
Virginia Beach	Shell	90	3,468	1,151	44.5%
		83	1,048	99	11.3%
Virginia Beach	Reon	90	2,758	1,082	55.5%
		85	964	284	41.3%

Table 6: VTDs Split Between Challenged and Non-Challenged Districts, North Hampton Roads

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
Newport News	Denbigh	95	4,334	1,948	62.2%
		94	2,626	797	39.5%
Newport News	Epes	95	6,877	2,948	64.2%
		94	994	221	29.4%
Newport News	Jenkins	95	3,294	1,368	61.5%
		94	3,322	585	22.4%
Newport News	Reservoir	95	2,508	887	49.8%
		93	3,479	996	39.1%
		94	1,649	375	29.0%
Newport News	Palmer	95	3,961	798	26.6%
		94	2,252	292	17.6%

Table 7: VTDs Split Between Challenged Districts

Locality	VTD Name	District	Pop.	BVAP (#)	BVAP (%)
Dinwiddie	Rohoic	63	1,007	226	27.4%
		75	950	230	34.1%
Dinwiddie	Edgehill	63	1,531	404	33.8%
		75	479	150	44.9%
Dinwiddie	New Hope	63	3,482	1,088	38.0%
		75	1,467	600	54.9%
Dinwiddie	Dinwiddie	63	1,436	342	31.1%
		75	1,157	483	52.6%
Norfolk	Brambleton	89	1,777	1,085	97.0%
		90	2,294	2,173	95.1%
Richmond city	505	69	1,245	60	5.1%
		71	1,548	348	22.6%
Richmond city	703	70	2,084	1,454	91.1%
		71	1,231	806	87.9%

Table 8: Splits of Incorporated Places Between Challenged and Non-Challenged Districts, Dinwiddie-Greenville Area

Place	District	Pop.	BVAP (#)	BVAP(%)
Brodnax town	75	253	93	47.0%
	61	45	5	13.9%
Kenbridge town	75	604	269	57.4%
	61	653	89	17.9%
Wakefield town	75	661	331	65.4%
	64	266	24	10.7%
Waverly town	75	1,511	869	74.7%
	64	638	203	38.4%

Table 9: Splits of Cities Between Challenged and Non-Challenged Districts, Dinwiddie-Greenville Area

Place	District	Pop.	BVAP (#)	BVAP(%)
Franklin city	75	4,951	2,973	82.2%
	64	3,631	583	20.0%
Hopewell	63	7,376	3,395	66.1%
	62	15,215	2,389	20.3%

Table 10: Split of Fort Lee Between Districts 63 and 62

Place	District	Pop.	BVAP (#)	BVAP(%)
Fort Lee CDP	63	2,019	506	45.6%
	62	1,374	255	35.9%

Table 11: Splits of Unincorporated Places Between Challenged and Non-Challenged Districts, Dinwiddie-Greenville Area

Place	District	Pop.	BVAP (#)	BVAP(%)
Camptown CDP	75	482	281	75.9%
	64	284	50	25.0%
Carrsville CDP	75	199	47	30.5%
	64	160	6	5.1%
Prince George CDP	63	456	125	37.7%
	64	1,610	196	16.1%

Table 12: Splits of Cities Between Challenged and Non-Challenged Districts, Richmond Area

Place	District	Pop.	BVAP (#)	BVAP(%)
Richmond city	69	74,392	32,678	55.5%
	70	17,486	8,928	68.0%
	71	75,101	33,401	53.6%
	74	2,299	1,509	86.3%
	68	34,936	2,045	6.8%

Table 13: Splits of Unincorporated Places Between Challenged and Non-Challenged Districts, Richmond Area

Place	District	Pop.	BVAP (#)	BVAP(%)
Bellwood CDP	70	2,612	694	37.1%
	62	3,740	489	17.6%
Glen Allen CDP	74	7,643	1,954	34.3%
	72	3,194	274	11.4%
	73	3,937	500	15.8%
Lakeside CDP	74	1,267	490	55.7%
	72	10,582	934	10.9%
Laurel CDP	74	1,209	353	37.9%
	72	15,504	3,531	28.9%
Manchester CDP	69	1,774	448	35.1%
	27	9,030	2,015	29.0%
Meadowbrook CDP	70	11,588	3,623	42.2%
	62	6,724	1,964	38.4%
Sandston CDP	70	7	0	0.0%
	74	4,329	1,476	46.9%
	62	3,235	207	8.5%

Table 14: Splits of Cities Between Challenged and Non-Challenged Districts, South Hampton Roads

Place	District	Pop.	BVAP (#)	BVAP(%)
Chesapeake	77	62,684	24,318	52.9%
	80	6,590	2,308	48.8%
	21	5,030	715	18.6%
	76	33,222	5,014	20.8%
	78	80,475	10,355	17.1%
	81	34,208	5,847	22.8%
Norfolk	80	3,682	372	10.7%
	89	79,614	33,869	55.5%
	90	50,313	23,018	61.0%
	79	41,702	9,094	24.4%
	83	33,008	5,507	21.3%
	100	34,484	6,696	25.0%
Portsmouth	80	56,994	26,653	61.6%
	79	38,541	10,583	35.8%
Suffolk	77	16,943	9,679	81.3%
	80	13,439	4,935	52.8%
	64	7,112	1,272	22.8%
	76	47,091	10,009	28.1%
Virginia Beach	90	30,112	11,051	49.2%
	21	74,578	13,282	24.2%
	81	45,230	5,283	15.4%
	82	80,463	5,786	9.1%
	83	46,530	3,993	10.8%
	84	80,281	12,012	20.4%
	85	80,800	11,770	18.9%

Table 15: Splits of Cities Between Challenged and Non-Challenged Districts, North Hampton Roads

Place	District	Pop.	BVAP (#)	BVAP(%)
Hampton	92	79,689	37,224	60.7%
	95	14,584	5,089	44.8%
	91	43,163	9,346	27.9%
Newport News	95	65,487	30,305	63.6%
	93	35,803	9,653	36.1%
	94	79,429	13,120	21.0%

Table 16: Populations Moved from Non-Challenged Districts to Challenged Districts

District	Pop. of Benchmark	Pop. Moved Out	% BVAP of Benchmark	% BVAP of Area Moved Out
27	87,915	19,813	26.5	44.1
61	71,425	6,070	33.4	42.0
62	76,461	11,380	25.6	42.2
64	83,940	986	20.8	39.3
68	73,167	6,513	11.6	26.9
73	74,500	1,918	16.5	35.9
76	92,939	2,425	26.2	61.6
79	73,068	39,083	39.4	45.6
83	73,171	11,345	18.9	46.5
85	74,035	8,772	20.3	40.6
87	71,505	1,599	24.2	49.2
93	73,204	13,346	33.5	49.4
94	71,464	7,628	24.4	61.9
96	90,800	6,350	14.7	33.6
97	87,705	7,706	18.3	20.4
100	71,374	628	28.1	10.1

The second and third columns list total population in the district under the Benchmark Map and the portion of the district moved into challenged districts under HB 5005, respectively. The fourth and fifth columns give the BVAP percentage for the district under the Benchmark Map and the portion of the district moved into challenged districts under HB 5005, respectively.

Table 17: Populations Moved from Challenged Districts to Non-Challenged Districts

District	Pop. of Benchmark	Pop. Moved Out	% BVAP of Benchmark	% BVAP of Area Moved Out
69	71,299	7,999	56.3	39.4
71	74,194	7,749	46.3	6.5
74	80,153	2,161	62.7	5.0
75	70,454	8,099	55.3	23.6
77	76,927	17,681	57.6	25.5
80	70,585	14,057	54.4	29.4
89	74,259	3,593	52.5	22.9
90	71,080	1,001	56.9	24.8
92	71,017	6,463	62.1	47.3

The second and third columns list total population in the district under the Benchmark Map and the portion of the district moved into non-challenged districts under HB 5005, respectively. The fourth and fifth columns give the BVAP percentage for the district under the Benchmark Map and the portion of the district moved into non-challenged districts under HB 5005, respectively.

Table 18: Populations Moved from Non-Challenged Districts to Challenged Districts, As a Percentage of Benchmark District Populations

District	% of Pop. Moved Out	% of BVAP Moved Out	% of WVAP Moved Out	% of Dem. Votes Moved Out
27	22.5	37.8	14.9	29.5
61	8.5	11.2	7.8	8.9
62	14.9	22.7	10.2	16.7
64	1.2	2.2	0.9	1.7
68	8.9	22.4	7.7	10.7
73	2.6	5.8	2.1	3.5
76	2.6	6.1	1.3	2.7
79	53.5	60.6	45.5	54.1
83	15.5	36.2	8.7	18.0
85	11.8	23.5	8.9	14.6
87	2.2	4.6	1.4	2.9
93	18.2	25.0	12.0	19.1
94	10.7	24.5	3.6	12.2
96	7.0	16.8	5.5	7.4
97	8.8	10.3	9.1	9.9
100	0.9	0.3	1.2	0.2

Table 19: Populations Moved from Challenged Districts to Non-Challenged Districts, As a Percentage of Benchmark District Populations

District	% of Pop. Moved Out	% of BVAP Moved Out	% of WVAP Moved Out	% of Dem. Votes Moved Out
69	11.2	7.6	16.7	9.0
71	10.4	1.5	20.4	9.4
74	2.7	0.3	9.4	2.2
75	11.5	4.8	19.6	9.2
77	23.0	10.4	42.6	15.0
80	19.9	11.5	33.2	17.2
89	4.8	2.2	8.9	4.4
90	1.4	0.6	2.1	1.3
92	9.1	6.8	12.7	7.7

Table 20: Effect of BVAP and Party on Assignment of
VTDs to Challenged Districts

	(1) Ansolabehere	(2) Katz Baseline	(3) Katz Weighted	(4) Closest	(5) Closest Weighted
BVAP	0.388**	0.157**	0.315**	0.269**	0.377**
	(0.026)	(0.033)	(0.032)	(0.028)	(0.027)
Avg. Dem. Vote	0.005	0.136**	0.060	0.045	0.009
	(0.027)	(0.035)	(0.033)	(0.029)	(0.027)
Distance to Closest Challenged District				-0.009**	-0.005
				(0.003)	(0.004)
VTD in Challenged District in Benchmark	0.708**		0.661**	0.750**	0.706**
	(0.014)		(0.015)	(0.014)	(0.014)
Observations	2,338	2,338	2,338	2,338	2,338
R-squared	0.768	0.778	0.781	0.764	0.769

Standard errors in parentheses
** p<0.01, * p<0.05

Table 21: Complete Regression Results for Katz Baseline Model

VARIABLES	(1) Katz Baseline
BVAP	0.157**
	(0.033)
Avg. Dem. Vote	0.136**
	(0.035)
Dist. from 63	0.331*
	(0.130)
Dist. from 69	1.262**
	(0.310)
Dist. from 90	1.042**
	(0.390)
Dist. from 77	0.947**
	(0.215)
Dist. from 80	-0.738
	(0.414)
Dist. from 95	-2.131**
	(0.524)
Dist. from 92	2.129**
	(0.520)
Dist. from 71	0.633**
	(0.225)
Dist. from 74	0.781**
	(0.125)
Dist. from 70	-2.663**
	(0.306)
Dist. from 75	-0.359**
	(0.112)
Dist. from 89	-1.239*
	(0.625)
VTD in Challenged District in Benchmark	0.675**
	(0.015)
Observations	2,338
R-squared	0.778

Standard errors in parentheses
** p<0.01, * p<0.05

Table 22: BVAP and Democratic Vote Share by District

District	Benchmark Pop.	Pop. Needed	HB 5005 Pop.	Benchmark BVAP	HB 5005 BVAP	Benchmark % Dem.	HB 5005 % Dem.
63	73,723	6,287	79,602	58.1	59.5	62.9	65.2
69	71,299	8,711	79,386	56.3	55.2	80.5	80.9
70	79,380	630	79,382	61.8	56.4	80.1	73.4
71	74,194	5,816	80,322	46.3	55.3	79.2	84.0
74	80,153	-143	79,594	62.7	57.2	75.7	70.0
75	70,454	9,556	79,295	55.3	55.4	56.3	56.5
77	76,927	3,083	79,627	57.6	58.8	69.3	70.3
80	70,585	9,425	80,705	54.4	56.3	72.3	69.4
89	74,259	5,751	79,614	52.5	55.5	75.0	76.7
90	71,080	8,930	80,425	56.9	56.6	69.1	70.9
92	71,017	8,993	79,689	62.1	60.7	75.6	73.3
95	67,882	12,128	80,071	61.6	60.0	72.0	71.0

Table 23: Ecological Inference Results

District	Race	2008 President Est.	95% CI	2009 Governor Est.	95% CI	Avg. of Pres. & Gov. Est.	95% CI
63	Black	0.954	(0.880, 0.990)	0.936	(0.865, 0.968)	0.957	(0.904, 0.987)
	White	0.429	(0.378, 0.516)	0.148	(0.096, 0.231)	0.269	(0.210, 0.345)
	Other	0.730	(0.486, 0.921)	0.572	(0.263, 0.837)	0.676	(0.387, 0.903)
69	Black	0.954	(0.903, 0.986)	0.943	(0.878, 0.988)	0.950	(0.888, 0.988)
	White	0.734	(0.665, 0.812)	0.560	(0.435, 0.704)	0.640	(0.552, 0.740)
	Other	0.781	(0.559, 0.932)	0.664	(0.403, 0.899)	0.729	(0.482, 0.909)
70	Black	0.935	(0.857, 0.982)	0.928	(0.822, 0.983)	0.962	(0.906, 0.992)
	White	0.541	(0.451, 0.659)	0.325	(0.219, 0.461)	0.366	(0.283, 0.483)
	Other	0.761	(0.548, 0.920)	0.641	(0.421, 0.849)	0.758	(0.486, 0.930)
71	Black	0.965	(0.922, 0.991)	0.951	(0.898, 0.983)	0.966	(0.929, 0.989)
	White	0.786	(0.733, 0.852)	0.632	(0.547, 0.728)	0.701	(0.636, 0.767)
	Other	0.759	(0.517, 0.929)	0.555	(0.220, 0.856)	0.560	(0.266, 0.816)
74	Black	0.962	(0.912, 0.989)	0.966	(0.924, 0.990)	0.963	(0.919, 0.989)
	White	0.467	(0.419, 0.527)	0.260	(0.209, 0.326)	0.359	(0.308, 0.428)
	Other	0.761	(0.510, 0.927)	0.717	(0.472, 0.893)	0.761	(0.499, 0.928)
75	Black	0.931	(0.895, 0.954)	0.834	(0.787, 0.873)	0.913	(0.882, 0.936)
	White	0.247	(0.215, 0.289)	0.127	(0.083, 0.178)	0.156	(0.127, 0.195)
	Other	0.681	(0.389, 0.911)	0.493	(0.147, 0.827)	0.477	(0.213, 0.744)
77	Black	0.930	(0.835, 0.976)	0.907	(0.845, 0.950)	0.967	(0.892, 0.991)
	White	0.506	(0.439, 0.596)	0.284	(0.214, 0.373)	0.354	(0.279, 0.453)
	Other	0.643	(0.297, 0.906)	0.635	(0.320, 0.902)	0.551	(0.212, 0.873)
80	Black	0.954	(0.889, 0.990)	0.947	(0.890, 0.982)	0.961	(0.905, 0.990)
	White	0.485	(0.432, 0.558)	0.272	(0.209, 0.346)	0.350	(0.294, 0.426)
	Other	0.854	(0.696, 0.957)	0.603	(0.351, 0.846)	0.726	(0.504, 0.912)
89	Black	0.945	(0.833, 0.990)	0.926	(0.820, 0.986)	0.946	(0.836, 0.989)
	White	0.611	(0.554, 0.670)	0.468	(0.391, 0.544)	0.537	(0.460, 0.615)
	Other	0.801	(0.576, 0.958)	0.545	(0.254, 0.858)	0.591	(0.289, 0.884)
90	Black	0.943	(0.872, 0.983)	0.942	(0.875, 0.984)	0.947	(0.870, 0.988)
	White	0.548	(0.480, 0.639)	0.295	(0.207, 0.394)	0.405	(0.303, 0.528)
	Other	0.745	(0.521, 0.911)	0.427	(0.145, 0.786)	0.555	(0.200, 0.851)
92	Black	0.944	(0.876, 0.986)	0.914	(0.837, 0.960)	0.933	(0.866, 0.973)
	White	0.533	(0.450, 0.663)	0.334	(0.238, 0.473)	0.428	(0.334, 0.544)
	Other	0.640	(0.304, 0.894)	0.565	(0.243, 0.851)	0.588	(0.259, 0.875)
95	Black	0.946	(0.871, 0.989)	0.954	(0.890, 0.989)	0.961	(0.909, 0.993)
	White	0.461	(0.400, 0.541)	0.182	(0.110, 0.280)	0.281	(0.215, 0.372)
	Other	0.855	(0.694, 0.958)	0.602	(0.335, 0.852)	0.800	(0.562, 0.945)

Table 24: Estimated Democratic Vote Share if Population Shortfall Made Up Entirely with Republican Voters

District	Avg. Dem. Votes	Avg. Rep. Votes	New Rep. Votes	New Dem. Share (%)
63	36,491	21,522	4,947	58.0
69	44,473	10,743	6,746	71.8
70	47,284	11,776	469	79.4
71	49,623	13,026	4,911	73.4
74	45,670	14,655	0	75.7
75	31,748	24,619	7,645	49.6
77	38,921	17,213	2,250	66.7
80	40,225	15,420	7,430	63.8
89	42,690	14,232	4,408	69.6
90	36,443	16,309	6,627	61.4
92	41,154	13,318	6,898	67.1
95	36,715	14,293	9,113	61.1

This result is calcualted as follows. Calculate the number of Democratic and Republican votes in the Benchmark disrict as $Avg\_Dem\_Votes = VAP * benchmark\_dem\_share$ and $Avg\_Rep\_Votes = VAP * (1 - benchmark\_dem\_share)$. Assume VAP is added to the district in the same proportion as exists in the district, and all of these voters are Republican: $New\_Rep\_Votes = \frac{VAP}{POP} * pop\_needed$. Then calculate

$$New\_Dem\_Share = \frac{Avg\_Dem\_Votes}{(Avg\_Dem\_Votes + Avg\_Rep\_Votes + New\_Rep\_Votes)}.$$

Table 25: Estimated Democratic Vote Share At Different Levels of BVAP Using Ecological Inference Estimates

District	Dem Vote: 45% BVAP		Dem Vote: 50% BVAP		Dem Vote: 55% BVAP	
	Est.	95% CI	Est.	95% CI	Est.	95% CI
63	59.4	(57.6, 61.4)	62.8	(61.3, 64.5)	66.3	(64.8, 67.8)
69	78.8	(76.9, 80.9)	80.4	(78.7, 82.0)	81.9	(80.2, 83.4)
70	67.7	(66.1, 70.0)	70.7	(69.2, 72.4)	73.7	(72.1, 75.0)
71	81.0	(79.1, 83.2)	82.4	(80.5, 84.3)	83.7	(81.8, 85.4)
74	65.4	(63.9, 67.2)	68.5	(67.0, 70.0)	71.5	(69.9, 72.9)
75	50.4	(49.5, 51.3)	54.1	(53.4, 54.9)	57.9	(57.2, 58.6)
77	63.5	(61.5, 66.0)	66.5	(64.6, 68.5)	69.5	(67.6, 71.3)
80	64.2	(62.3, 66.4)	67.3	(65.5, 69.1)	70.3	(68.6, 71.9)
89	72.4	(69.3, 74.8)	74.5	(70.8, 76.7)	76.5	(72.1, 78.7)
90	66.2	(64.1, 68.3)	68.9	(67.0, 70.7)	71.6	(69.5, 73.3)
92	66.4	(64.0, 69.4)	68.9	(66.9, 71.2)	71.5	(69.6, 73.2)
95	62.3	(60.7, 64.4)	65.7	(64.3, 67.4)	69.1	(67.6, 70.5)

Estimates calculated using ecological inference estimates for the Enacted Districts using the average of the two-party votes shares from the 2008 presidential and 2009 gubernatorial elections. Confidence intervals calculated using EI with 100,000 samples and estimating Dem. vote share from each draw.

Reply Brief of Maxwell Palmer, *Bethune-Hill v. Va. State Board of Elections*
(Aug. 29, 2017)

(Plaintiffs' Exhibit 72)

I. Summary

1. My original report in this matter examined the use of race in the drawing of the twelve challenged districts. I found that race predominated in the ways that VTDs, cities, towns, and census places were divided between challenged and non-challenged districts. 31 of the 32 VTDs split between challenged and non-challenged districts were divided such that the portions in the challenged districts had a higher BVAP than the portions in the non-challenged districts. Furthermore, these VTDs could not have been divided on the basis of party because there was not any electoral data available to the map makers that could be used to divide VTDs.

2. My report further found that Black voters were moved into challenged districts at a higher rate than either White voters or Democratic voters, while both White voters and Democratic voters were moved out of the challenged districts at a higher rate than Black voters.

3. Additionally, I corrected errors in Dr. Katz's model of the effects of race vs. party, and found that race predominated over party in the assignment of VTDs to the challenged districts.

4. Finally, my original report found that a 55% BVAP threshold was not necessary to enable Black voters in the challenged districts to elect their candidates of choice.

5. The Defendant-Intervenors provided rebuttal reports from three experts: Dr. Hofeller, Dr. Hood, and Dr. Katz. Dr. Hofeller did not comment on my analysis.[1]

6. Dr. Hood presents a very narrow critique of my analysis. Without disputing my analysis of split geographies, population flows, VTD assignments, or race vs. party in the assignment of VTDs, he contends only that my analysis of the BVAP threshold may be flawed for a variety of speculative reasons, but does not present any relevant evidence supporting his assertions.

7. Dr. Katz similarly does not dispute my accounting of split geographies or my analysis of population flows. He also does not dispute my analysis of the 55% BVAP threshold. Dr. Katz objects to my conclusion that VTDs were divided by race and not party because, he argues, race can be used as a proxy for party. This only confirms my original conclusion.

8. My original report demonstrated that race predominated over party in the assignment of VTDs to challenged districts by correcting errors in Dr. Katz's model from his original report. While Dr. Katz objects to these changes in his supplemental report, his discussion of VTD weighting and various measures of distance reflect an attempt to muddy the waters in a manner that has no valid statistical basis. In any

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[1] In response to Dr. Rodden's dot density maps, Dr. Hofeller states that "it is much more useful" to display geographic units using "thematic coloring." (Hofeller Supplemental Report, ¶4). My expert report includes 22 thematically colored maps of census blocks and VTDs that illustrate how different geographic units were divided by race.

event, the models he offers all support my conclusion that race predominated in VTD assignment.

9. Nothing in these reports alters my conclusions regarding racial predominance in the drawing of the 12 challenged districts. Indeed, Dr. Hood's and Katz's various, unsubstantiated attacks only confirm racial predominance.

II. Split VTDs

10. In my analysis of split geographies, I found that VTDs were split on the basis of race, and that they could not have been split on the basis of political party or election results because such data is not available at the census block level.

11. Neither Dr. Hood nor Dr. Katz dispute my findings that 31 of the 32 VTDs split between challenged and non-challenged are divided such that higher BVAP areas are assigned to challenged districts. Indeed, Dr. Hood does not address—let alone dispute—my findings that VTDs were split by race.

12. Dr. Katz does not dispute that my tables and maps, which simply compare populations across split VTDs, show that VTDs were split by race. Dr. Katz objects only to my use of a statistical model of census block assignment in this analysis. He notes that "as with the VTDs, one can not independently assign a Census block to a district since districts must be contiguous," and objects that my analysis "assumes this independence." Apparently, Dr. Katz's criticism is that my statistical model does not account for the distance between each census block and the challenged districts. But a measure of distance is not necessary here because the model only includes VTDs that are split, which, by construction, are on the

borders of two or three districts and therefore contain census blocks that could be assigned only to those districts. Furthermore, Dr. Katz provides no evidence to support his suggestion that my model may be incorrect.

13. Dr. Katz further disputes the unavailability of political data at the census block level. Dr. Katz claims that political information *is* available at the census block level, because, "[i]n the U.S., and especially in Virginia, race data is very highly correlated with party identification" (Katz Supplemental Report, p.10). Here, Dr. Katz argues that because race is correlated with party, one can use race to estimate partisanship in each census block, and then assign census blocks to districts on the basis of party. This argument is absurd: if the only data the map maker has to predict partisanship is race, then by using partisanship derived from race, the map maker is implicitly dividing VTDs by race alone. Dr. Katz's defense that race is an appropriate proxy for party only confirms my conclusion that VTDs were split by race.

14. To support his argument, Dr. Katz offers a graph showing the correlation between Democratic Vote Share and Black population (Katz Supplemental Report, Figure 1). This graph says nothing about the division of VTDs. It does, however, illustrate my point about the unavailability of party data below the VTD level: the best evidence on party available to Dr. Katz for his report is at the VTD level. Dr. Katz is not able to present any evidence on party at the census block level because such data does not exist in Virginia.

15. Thus, nothing in the rebuttal report offered by Dr. Katz refutes my conclusion that VTD splits involving the challenged districts were based on race.

III. Race vs. Party Analysis

16. Dr. Hood provides no rebuttal to my findings that race predominated over party in the assignment of VTDs to the challenged districts.

17. Dr. Katz objects to the use of population weights in the race vs. party models in my original report. Apparently, Dr. Katz believes that the assignment of VTDs to districts is the crux of the analysis, not the assignment of the people within the VTDs. Using Dr. Katz's preferred unweighted model, a VTD with 500 people is equally important as a VTD with 5,000 people.

18. But the ultimate purpose of this analysis is to study the assignment of *people* to challenged districts, not VTDs. The VTD is our unit of observation here because it is the unit that has the necessary information (race and party) about actual people being assigned to each district. Weighting VTDs by population reflects the fact that more people are affected by the assignment of a heavily populated VTD than by the assignment of a sparsely populated one.[2]

19. Dr. Katz proposes six alternate weights, and shows that different weights produce somewhat different results. Dr. Katz incorrectly asserts that all of these weights are "plausible." While weighting by VAP rather than population may be appropriate (and

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[2] While Dr. Katz objects to my use of weights here, he does not object to my weighting census blocks by population in my split VTDs analysis.

does not produce meaningfully different results than weighting by population), the remaining weights are not plausible and should not be used. For example, Dr. Katz weights by inverse population, because "we might worry that the impact of smaller VTDs is actually underrepresented in the data" (Katz Supplemental Report, p.6). Dr. Katz provides no reasoning to support why this might be a concern. I know of no study analyzing people that weights units by inverse population. Similarly, Dr. Katz's weights of Black VAP, White VAP, Black Pop., and White Pop. are also offered without justification. Unlike Dr. Katz's proposed weights, my use of population weights are fully justified: I am estimating the effects of race and party on the assignment of people to districts, and therefore weight by the number of people in each VTD.

20. Dr. Katz claims that "weighting by any other population measure in the data recovers results that are significantly closer to my original results than to Dr. Ansolabehere's" (Katz Supplemental Report, p.6). This is both misleading and disingenuous. While Dr. Katz is correct that these unjustified weights produce results that are closer to his original results, three of his six proposed weights (VAP, White VAP, and White Pop.) produce the same conclusion as the population-weighted model: race had a larger effect than party on VTD assignment, and the difference between the effect of race and the effect of party is statistically significant (see Katz Supplemental Report, Table 4).

21. Dr. Katz's six unjustified weights are a smokescreen designed to obfuscate the legitimate use of population weights in this analysis. Katz argues that the use of population weights is not "stable," and

therefore we should prefer his unweighted model. This lack of stability is an artifact of Katz's analysis rather than a problem with the analysis in my Expert Report. Dr. Katz has provided no evidence that the use of population weights is not stable when approached in a reasoned, logical manner—i.e., using population weights on the basis of actual population. By deliberately selecting conflicting population weights (Pop. and Inverse Pop.; Black and White VAP; Black and White Pop.), Dr. Katz is ensuring that he finds inconsistent and conflicting results. This is not evidence that populations weights are inappropriate, but evidence that poor statistical modeling decisions produce poor results.

22. Dr. Katz also objects to the measure of distance in my model assessing the predictive value of race vs. party in the assignment of VTDs to districts. In his previous report, Dr. Katz added twelve variables measuring the distance from every VTD to every challenged district to Dr. Ansolabehere's race vs. party regression analysis. I objected to Dr. Katz's simultaneous use of these twelve measures because they produce illogical estimates of the effect of distance on VTD assignment (see Palmer Report, ¶121). I proposed an alternative measure, the distance to the closest challenged district under the Benchmark Map. Using this measure, I found that race predominated over party in the assignment of VTDs to challenged districts.

23. Dr. Katz objects to my use of the closest challenged district variable instead of using all twelve distance measures simultaneously, arguing that all twelve measures are needed to capture "two important

pieces of information: proximity and size" (Katz Supplemental Report, p.8). But Dr. Katz provides no evidence establishing that my distance measure is incorrect; he only speculates that this may be so. For instance, while Dr. Katz offers a hypothetical example about how the size of a VTD might affect district assignment due to its hypothetical effect on compactness, he does not provide any evidence that the map makers were facing a tradeoff between proximity and compactness, nor does he include VTD size, which he apparently believes is important, in his own statistical analysis. Similarly, Dr. Katz's claim that VTD size may be important because of its relationship to population density is unsupported by any actual evidence showing as much. Finally, Dr. Katz speculates that these factors could lead to logical negative coefficients on the distance measures for some districts, but not others. Once again, Dr. Katz provides no evidence that this is the case for any of the challenged districts. Overall, despite having available all of the necessary data, Dr. Katz makes no effort to defend or verify any of his claims, and simply offers unjustified speculation to muddy the analysis.

24. Dr. Katz also objects to the closest district measure of distance as missing information about the effect of "the specific location of a VTD . . . on its likelihood of incorporation into a challenged district" (Katz Supplemental Report, p.8). While Dr. Katz is correct that many VTDs are close to multiple challenged districts, this fact does not discredit the closest district measure. Seventy percent of the VTDs assigned to a challenged district are assigned to the closest district. Furthermore, the Adjusted R^2, a measure of how well the model explains the variation

in the data, is essentially the same in Dr. Katz's model with twelve distance variables and my model with only the distance to the closest challenged district variable.[3] This indicates that Dr. Katz's twelve measures of distance are not explaining meaningfully more variation than my one measure. Given that Dr. Katz's model produces illogical estimates for the effect of distance, while my model does not, there is no basis to use Dr. Katz's twelve measures of distance.

25. In his supplemental report, Dr. Katz abandons his twelve measures of distance and proposes four new alternative measures in Table 6 (Katz Supplemental Report, p.10). All of his models are unweighted. While Dr. Katz is correct that in all four models "the average Democratic vote share remains a significant predictor of a VTD's inclusion in a challenged district," this is not evidence of party predominance (Katz Supplemental Report, p.9). In my closest district specification, as well as all four of Dr. Katz's measures of distance, race is a significant predictor of VTD assignment, and the coefficient on race is much larger than the coefficient on party. Furthermore, the differences between the coefficient on race and on party are themselves statistically significant.[4] This is strong evidence that race predominated over party in the assignment of VTDs to challenged districts.

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[3] Adjusted R^2 = .78 in Katz's model and Adjusted R^2 = .77 in my model when observations in both models are weighted by population.

[4] In his original report, Dr. Katz performs a statistical test on the difference between the coefficients on race and on party, and reports the results (Katz Report, p.19). He neglects to do so here, where such a test confirms my findings.

Figure 1 presents these results visually and illustrates that the effect of race is much larger and statistically greater than the effect of party. Furthermore, when the observations are correctly weighted by VTD population, the effects are the same as in my Expert Report (see Figure 2). The coefficients on BVAP are large and statistically significant, while Democratic vote share does not have a significant effect on VTD assignment.

26. Dr. Katz concludes this section of his report by dismissing all of these analyses (both his and my own) as a "crude approximation," a position he took in his trial testimony but not in his original report. Here, Dr. Katz is further backing away from his own analyses, presumably because, when the models are corrected, they simply do not support his desired conclusions. On the contrary, both his preferred models and mine indicate that race predominated over party in the assignment of VTDs.

27. In sum, Dr. Katz disputes my use of population weights and the measure of distance between each VTD and its closest district. But even Dr. Katz's preferred models, which lack weights and use measures of distance of Dr. Katz's own creation, confirm my conclusion that race predominated over party.
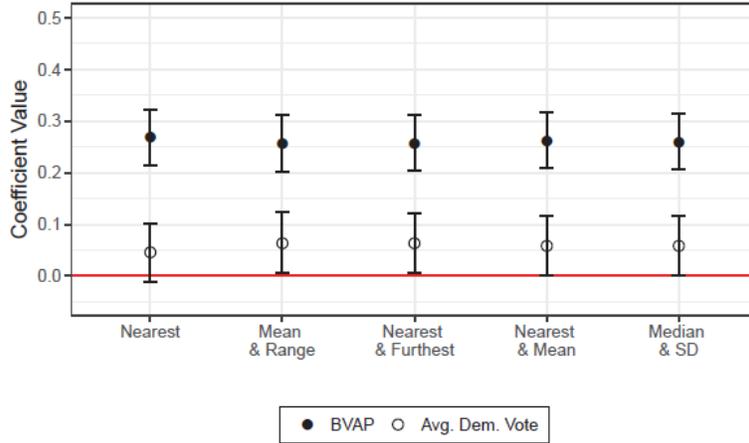
Figure 1: Coefficient Plot Using Dr. Katz's Alternative Distance Measures
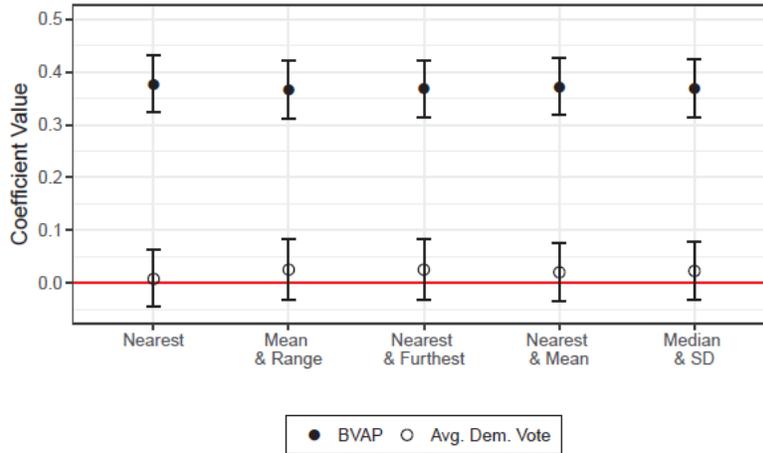
Figure 2: Coefficient Plot Using Dr. Katz's Alternative Distance Measures and Population Weights (see Table A5 for full results)

IV. Racial Polarization

28. Both Dr. Hood and Dr. Katz analyze racially polarized voting in Districts 69, 70, 71, and 89 (the districts contained in the Richmond area), and the surrounding areas using 2013 statewide elections. The goal of these analyses is presumably to show that Black and White voters support different candidates, and therefore that large majorities of Black voters are required to create districts where Black voters can elect their candidates of choice. But the results presented by Dr. Hood and Dr. Katz do not support this conclusion.

29. First, Dr. Katz misrepresents my finding on racial polarization when he writes that my original report concludes that "that there is no racially polarized voting in statewide races" (Katz Supplemental Report, p.2). My original Expert Report found that some of the challenged districts do not have racially polarized elections because a majority of White voters are voting for the same candidates as as majority of Black voters, but I do not claim that this is true for all of the challenged districts or the surrounding areas. Rather, I explain that Blacks consistently vote for Democratic candidates, but that there is significant variation in vote choice by Whites across the twelve districts (Palmer ¶136-37). Dr. Katz does not dispute my ecological inference results for the elections included in my Expert Report, which indicate that in several challenged districts, Black and White voters are supporting the same candidates.

30. Both Dr. Hood and Dr. Katz present ecological inference results using the 2013 general elections for Governor and Attorney General, and the 2013

Democratic primary election for Attorney General. The choice of these elections by both experts is curious. As an initial matter, Dr. Katz objected in his prior report and testimony that statewide elections were not appropriate for estimating polarization in the challenged districts. This time around, however, Dr. Katz embraces statewide elections. Additionally, both experts use the 2013 Democratic primary for attorney general to, in Dr. Katz's words, "find a statewide race with [an] African-American candidate." But both experts ignore at least three other relevant statewide races with an African- American candidate: Barack Obama's two elections for U.S. President in 2008 and 2012, and the 2013 general election for lieutenant governor, where E.W. Jackson, an African-American Republican, faced Ralph Northam, a White Democrat.

31. Dr. Hood and Dr. Katz present ecological inference results for various regions and counties in the vicinity of the challenged districts. But a district-based analysis is more useful here, as polarization varies across regions, and we are primarily interested in polarization in the challenged districts. For example, in Table 1 of his supplemental report, Dr. Katz shows that the percentage of Whites voting for Democrats varies across the Richmond region. Overall, Dr. Katz estimates that 46% of Whites in the Richmond area vote for Democrats, but this varies substantially from Chesterfield County (35%) to the City of Richmond (69%).[5]

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[5] Both Dr. Hood's and Dr. Katz's use of standard errors render their ecological inference results dubious at best and meaningless at worst. Remarkably, Dr. Hood fails to report standard errors or confidence intervals on any of his estimates, and instead

32. Dr. Katz presents ecological inference results for Districts 69, 70, 71, and 89 (neither Dr. Hood nor Dr. Katz provides any analysis on racial polarization for the remaining challenged districts). Dr. Katz does not find any evidence of racial polarization in these four districts using the 2013 general elections for governor and attorney general. (See Katz Supplemental Report, Tables 1 and 2). In Figure 3, I present ecological inference results and confidence intervals for all twelve contested districts using the 2013 governor, attorney general, and lieutenant governor elections and the 2012 presidential election. With the exception of District 75, there is no evidence of consistent racial polarization across the challenged districts. And in Districts 69, 71, and 89, White voters consistently prefer the Black-preferred candidate by significant margins.

33. Dr. Hood and Dr. Katz use the 2013 Democratic primary to examine a case where a Black candidate faced a White candidate in a primary election. In Figure 4, I use ecological inference to measure racial polarization in all twelve districts

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interprets the coefficients as exact vote shares. Dr. Katz, without explanation, uses a different EI method than he used in his original report, and calculates his confidence intervals differently. Using this method, several regions have confidence intervals that fall in Dr. Katz's so-called "Impossible Region," (Katz Report, p.9) where the estimates are below zero or greater than one. Dr. Katz modifies these intervals manually to fall between 0 and 1, a practice that he strenuously objects to in his report and testimony on the Ansolabehere report. Furthermore, in some cases his confidence intervals range from zero to one (see, for example, the Richmond Area estimates in Table 3 of Dr. Katz's Supplemental Report), which provides no information on racial polarization.

using this election, as well as the 2008 Democratic presidential primary where Barack Obama faced Hillary Clinton. With the exception of the 2013 Attorney General primary in Districts 80 and 89, there is no evidence of consistent racial polarization across the challenged districts. This indicates that Black-preferred candidates are able to win Democratic primaries in the challenged districts.
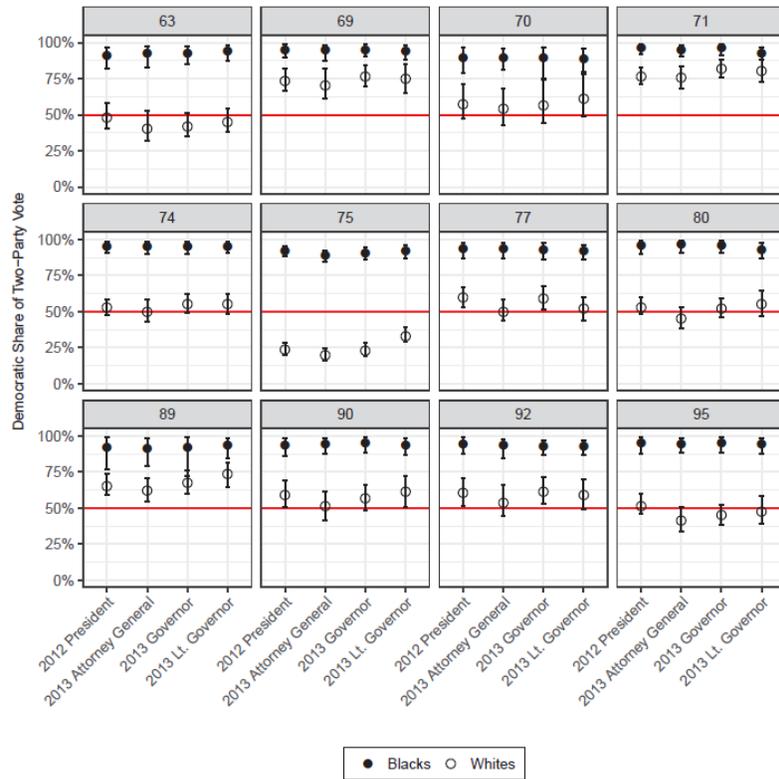
Figure 3: Ecological Inference Results Using General Elections (see Tables A1 and A2 for the full results)
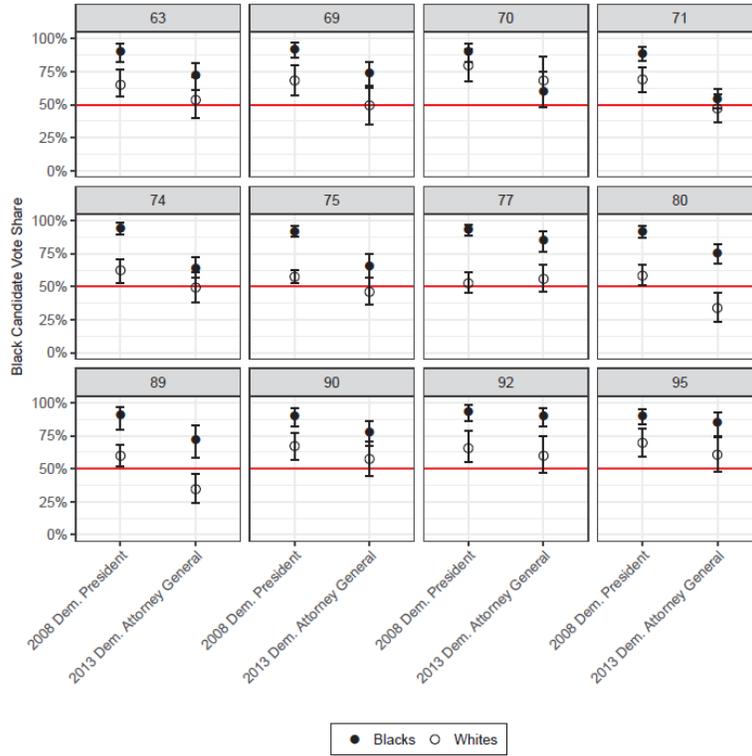
Figure 4: Ecological Inference Results Using Democratic Primaries for President in 2008 and Attorney General in 2013 (see Table A3 for the full results)

Table 1: Vote Shares for Primary Elections in the Challenged Districts

District	2008 President		2013 Attorney General	
	Obama (B)	Clinton (W)	Fairfax (B)	Herring (W)
63	81.03	18.97	68.30	31.70
69	81.69	18.31	61.27	38.73
70	85.13	14.87	64.96	35.04
71	80.98	19.02	50.81	49.19
74	82.16	17.84	59.35	40.65
75	76.87	23.13	61.69	38.31
77	81.34	18.66	77.23	22.77
80	80.98	19.02	59.78	40.22
89	77.43	22.57	52.23	47.77
90	79.53	20.47	68.01	31.99
92	83.17	16.83	78.30	21.70
95	81.51	18.49	78.71	21.29

34. Additionally, in both of these primary elections, the Black candidate won the majority of the vote in every challenged district. Table 1, above, shows the share of the vote won by each candidate. Barack Obama won the 2008 presidential primary with at least 75% of the vote in every challenged district. While Justin Fairfax, the Black candidate, lost the statewide primary for Attorney General in 2013, he won every challenged district.[6]

35. In sum, neither Dr. Hood nor Dr. Katz dispute my racially polarized voting analysis based on the

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[6] Fairfax won by a substantial margin in ten of the twelve districts. The vote was close in District 71, where the ecological regression results show that both Blacks and Whites supported both candidates equally, and District 89, where there is some evidence of polarization in this primary, but not in the 2008 presidential primary.

elections included in my original report. While they both introduce a select set of new elections, neither analysis undermines my original conclusion that racial voting patterns vary across the challenged districts and that these voting patterns do not necessitate that each challenged district contain at least 55% BVAP in order to elect Black-preferred candidates.

V.   Evaluating the 55% BVAP Threshold

36. Racial polarization alone is insufficient for establishing the necessity of the 55% BVAP threshold. Even if there is some level of racially polarized voting in a district, the question is whether the degree of racially polarized voting necessitates that Blacks comprise 55% of VAP in order to elect their candidates of choice.

37. In my original report I used ecological inference to show that Black voters in the challenged districts overwhelmingly supported Democratic candidates in general elections (see Palmer Report, ¶136). Figure 5 shows the relationship between the share of the White vote won by Democrats (on the x-axis), and the percentage of the electorate that must be Black for the Black-preferred candidate to win (on the y-axis). When the electorate is 50% or more Black, then the Democratic candidate is likely to win. Similarly, if 50% or more of Whites vote for Democrats, then the Democratic candidate is likely to win. However, there is also a significant area within these lines where the Democratic candidate will win. For example, if Blacks are 40% of the electorate, but 30% of Whites votes for Democrats (a significant level of polarization), then the Democratic candidate is still

likely to win by a comfortable margin. The dots on the plot represent the actual values for the twelve districts, based on the ecological inference results from my previous report. In all twelve districts, these points are far away from the boundary.[7] In other words, there is significant room for error—both in the estimate of the share of Whites voting for Democrats and in the size of the Black population—to still ensure comfortable electoral victories for Black-preferred candidates. The Black population in these districts could also be reduced significantly and still remain far from the boundary.

38. Dr. Hood raises several unsubstantiated objections to my analysis of the necessity of the 55% BVAP threshold. Dr. Hood does not dispute either that such a threshold was employed by the map makers or the methods I use to reach my conclusions. Nor does Dr. Hood dispute my conclusion that the electoral margins for Black-preferred candidates are so large that if all of the population needed in each underpopulated district were made up of White voters who unanimously voted against the Black preferred candidates, the Black preferred candidates would still win (see Palmer Report, ¶138 and Table 24). Dr. Hood only objects to a single analysis (Palmer Report, Table 25), where I estimate Democratic vote shares for each district at different levels of BVAP. Then, too, Dr. Hood presents no evidence to support any of his objections to analysis.

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[7] The leftmost point, which is closest to the boundary, is District 75.
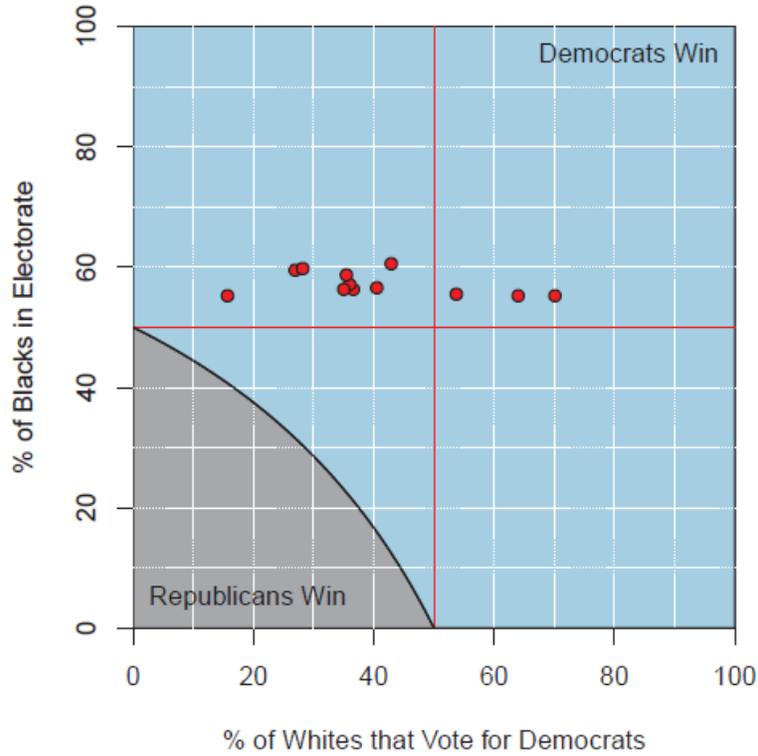
Figure 5: BVAP Threshold for African-American Preferred Candidates to Win

39. First, Dr. Hood points out that statistical models produce estimates with "a degree or range of uncertainty," and that such uncertainty should be taken into account. Dr. Hood fails to note that my analyses expressly include such measures of uncertainty—each estimate in Table 25 is accompanied by a 95% confidence interval.[8] Remarkably, despite emphasizing the importance of

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[8] I explicitly use these confidence intervals in my discussion of the results. See Palmer Report, ¶141.

measures of uncertainty, Dr. Hood fails to include confidence intervals or standard errors in *any* of his analyses in his supplemental report. Further compounding this error, Dr. Hood interprets his ecological inference results as precise measures of voter support, and does not acknowledge the lack of precision in his own analysis.

40. Second, Dr. Hood suggests that my use of VAP as a proxy for turnout may be incorrect, because turnout may vary by race. He presents no relevant evidence of turnout differences by race in the challenged districts to support his point.

41. One common way to estimate turnout by race is to use ecological inference on the total votes cast in an election.[9] Figure 6 plots the turnout gap (the difference between the estimated Black turnout rate and the estimated White turnout rate) with 95% confidence intervals using the 2012 presidential and 2013 gubernatorial elections (see Table A4). While the point estimates vary across elections and districts, in some cases showing that Black turnout is higher and in some cases showing that White turnout is higher, none of the differences between Black and White turnout rates are statistically significant in any challenged district.

42. Third, Dr. Hood suggests that map drawers may want to make sure that BVAP is well in-excess of 50%, in case it drops in the future. Dr. Hood, however, does not provide any analysis of BVAP changes over

[9] Dr. Katz conducted such an analysis for his original (2015) report, but did not report the results. I use a similar approach to estimate turnout using EI here.

time, let alone suggest that the map makers performed such an analysis. Additionally, Figure 5 shows that there is room for BVAP to drop substantially in the challenged districts without impacting Black voters' ability to elect Black preferred candidates.

43. Fourth, Dr. Hood cites the 2001 report of Dr. Loewen on the necessary BVAP population required for Blacks to elect their candidates of choice. Dr. Loewen's analysis relies on data from 1991 to 2001 (Loewen, pp.24-26). Given the demographic and political changes in Virginia over the past 16 years, this analysis is out of date. Dr. Hood, despite having the necessary data to do so, elects not to update this analysis using recent elections. Given the lack of contemporaneous evidence, Dr. Loewen's conclusions are not relevant here.
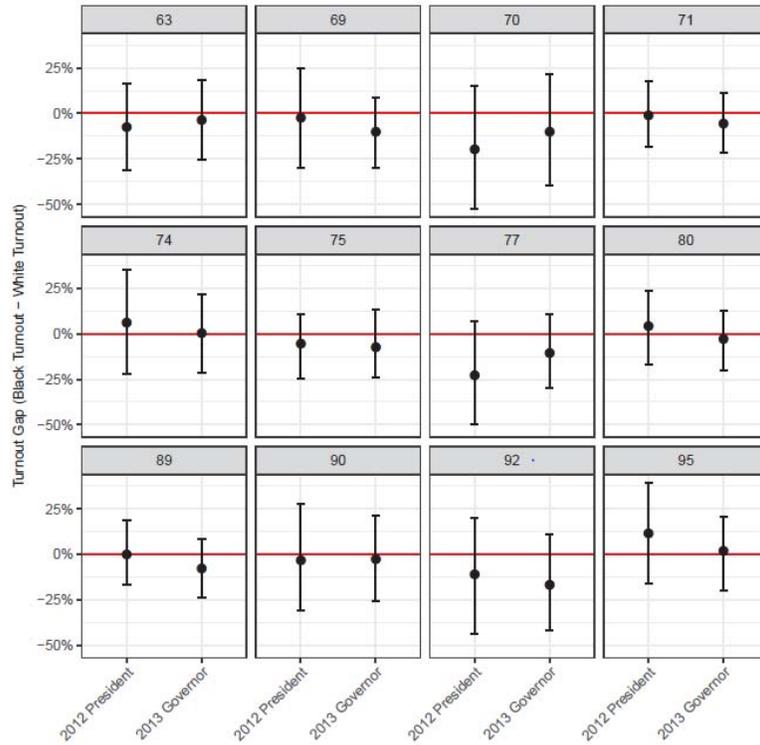
Figure 6: Black-White Turnout Gap in the Challenged Districts Using Ecological Inference (see Table A4 for the full results)

VI. District Demographic Comparisons

44. Dr. Hood provides a demographic comparison of the challenged districts with the non-challenged districts using demographic data from the American Community Survey, and concludes that there are substantive socio-demographic differences between the challenged and non-challenged districts. But Dr. Hood fails to note the extent to which these differences are substantially attributable to the racial differences

between the challenged and non-challenged districts. Table 2, below, replicates Dr. Hood's analysis, and adds a control for the Black population of the district. After controlling for Black population, the differences between the challenged and non-challenged districts are significantly smaller, and in some cases are reversed. For example, without controlling for the size of the Black population, per capita income is $13,552 lower in the challenged districts, and this difference is statistically significant. After controlling for Black population, the difference is reversed and Per Capita Income is $7,159 higher in the challenged districts, but this difference is not statistically significant. The differences on only two variables, the percent below the poverty level and the percent unemployed, remain statistically significant, but are substantially smaller. Controlling for race shows that the socio-economic differences between these districts are themselves due to race.

Table 2: District Demographic Comparisons

	Challenged Districts	All Others	Difference	Difference with Control for Black Pop.
Per Capita Income	22,009.0	35,552.0	-13,543**	7,159
Median Household Income	41,589.0	75,254.0	-33,665**	7,362
% With College Degree	21.2	37.9	-16.7**	11.1
% Below Poverty Level	21.9	10.3	11.6**	7.3*
% on Food Stamps	19.9	8.2	11.7**	5.0
% Unemployed	89.1	94.1	-5.0**	-2.4**
Median Home Value	164,342.0	293,250.0	-128,908**	113,923
% Renters	49.6	31.1	18.5**	6.8

* statistically significant at $p < .05$.

** statistically significant at $p < .01$.

Source: 2015 American Community Survey.

VII. Conclusion

45. The undisputed data and my original analysis demonstrate that VTDs (and other geographical units) were consistently divided by race; that African Americans were moved into challenged districts at a higher rate than either Whites or Democrats; that race better predicts the assignment of VTDs to challenged districts than party; and that a 55% BVAP floor was simply not necessary to enable Black voters to elect their candidates of choice in at least 11 of the 12 challenged districts. Neither Dr. Hood's nor Dr. Katz's supplemental reports alter any of my conclusions or my overall conclusion that race predominated in the drawing of the challenged districts.

Table A1: Ecologicl Inference Results - General Elections

District	Race	2012 President		2013 Governor	
		Est.	95% CI	Est.	95% CI
63	Black	0.916	(0.819, 0.970)	0.929	(0.855, 0.974)
	White	0.484	(0.408, 0.580)	0.422	(0.349, 0.514)
	Other	0.618	(0.271, 0.891)	0.663	(0.353, 0.923)
69	Black	0.954	(0.898, 0.987)	0.954	(0.906, 0.988)
	White	0.738	(0.669, 0.820)	0.766	(0.696, 0.846)
	Other	0.794	(0.583, 0.928)	0.775	(0.554, 0.920)
70	Black	0.900	(0.792, 0.965)	0.898	(0.755, 0.969)
	White	0.577	(0.471, 0.714)	0.570	(0.441, 0.743)
	Other	0.773	(0.550, 0.939)	0.716	(0.481, 0.907)
71	Black	0.966	(0.922, 0.992)	0.964	(0.915, 0.989)
	White	0.769	(0.715, 0.828)	0.823	(0.762, 0.883)
	Other	0.694	(0.462, 0.901)	0.533	(0.277, 0.768)
74	Black	0.955	(0.906, 0.984)	0.952	(0.896, 0.984)
	White	0.528	(0.477, 0.587)	0.548	(0.492, 0.624)
	Other	0.738	(0.481, 0.915)	0.697	(0.413, 0.894)
75	Black	0.924	(0.882, 0.955)	0.904	(0.861, 0.941)
	White	0.234	(0.199, 0.282)	0.232	(0.193, 0.281)
	Other	0.674	(0.442, 0.864)	0.557	(0.259, 0.833)
77	Black	0.936	(0.871, 0.974)	0.927	(0.863, 0.972)
	White	0.595	(0.530, 0.669)	0.592	(0.515, 0.675)
	Other	0.621	(0.297, 0.866)	0.642	(0.354, 0.901)
80	Black	0.958	(0.898, 0.990)	0.960	(0.908, 0.991)
	White	0.532	(0.482, 0.599)	0.520	(0.462, 0.592)
	Other	0.842	(0.678, 0.956)	0.806	(0.612, 0.946)
89	Black	0.920	(0.765, 0.991)	0.920	(0.721, 0.991)
	White	0.651	(0.590, 0.737)	0.675	(0.601, 0.762)
	Other	0.771	(0.528, 0.937)	0.690	(0.414, 0.903)
90	Black	0.940	(0.858, 0.986)	0.949	(0.886, 0.988)
	White	0.588	(0.508, 0.692)	0.566	(0.483, 0.659)
	Other	0.764	(0.534, 0.941)	0.659	(0.387, 0.875)
92	Black	0.948	(0.878, 0.990)	0.930	(0.869, 0.971)
	White	0.604	(0.515, 0.709)	0.616	(0.532, 0.712)
	Other	0.620	(0.254, 0.913)	0.600	(0.254, 0.875)
95	Black	0.951	(0.876, 0.991)	0.952	(0.883, 0.989)
	White	0.516	(0.459, 0.601)	0.450	(0.387, 0.525)
	Other	0.860	(0.692, 0.967)	0.802	(0.579, 0.943)

Table A2: Ecological Inference Results - General Elections (2)

District	Race	2013 Lt. Governor Est.	95% CI	2013 Attorney Gen. Est.	95% CI
63	Black	0.943	(0.873, 0.983)	0.932	(0.830, 0.978)
	White	0.451	(0.383, 0.541)	0.403	(0.320, 0.528)
	Other	0.540	(0.191, 0.816)	0.469	(0.156, 0.792)
69	Black	0.947	(0.882, 0.986)	0.948	(0.875, 0.986)
	White	0.747	(0.653, 0.855)	0.708	(0.614, 0.819)
	Other	0.726	(0.526, 0.892)	0.722	(0.525, 0.927)
70	Black	0.892	(0.797, 0.958)	0.897	(0.811, 0.959)
	White	0.611	(0.488, 0.784)	0.545	(0.426, 0.679)
	Other	0.674	(0.390, 0.896)	0.652	(0.372, 0.897)
71	Black	0.932	(0.879, 0.968)	0.951	(0.905, 0.981)
	White	0.807	(0.725, 0.884)	0.756	(0.681, 0.836)
	Other	0.518	(0.241, 0.816)	0.526	(0.214, 0.810)
74	Black	0.954	(0.906, 0.984)	0.952	(0.902, 0.984)
	White	0.549	(0.483, 0.625)	0.498	(0.426, 0.580)
	Other	0.554	(0.256, 0.823)	0.620	(0.321, 0.882)
75	Black	0.924	(0.871, 0.958)	0.890	(0.846, 0.925)
	White	0.332	(0.291, 0.388)	0.198	(0.157, 0.246)
	Other	0.521	(0.221, 0.753)	0.590	(0.312, 0.836)
77	Black	0.924	(0.857, 0.964)	0.934	(0.871, 0.972)
	White	0.517	(0.439, 0.602)	0.501	(0.434, 0.579)
	Other	0.544	(0.234, 0.856)	0.626	(0.348, 0.886)
80	Black	0.932	(0.864, 0.972)	0.964	(0.910, 0.993)
	White	0.549	(0.466, 0.645)	0.451	(0.387, 0.529)
	Other	0.545	(0.263, 0.814)	0.587	(0.315, 0.844)
89	Black	0.939	(0.846, 0.987)	0.915	(0.789, 0.987)
	White	0.735	(0.647, 0.815)	0.623	(0.546, 0.706)
	Other	0.507	(0.219, 0.811)	0.495	(0.247, 0.780)
90	Black	0.940	(0.866, 0.981)	0.948	(0.878, 0.987)
	White	0.611	(0.506, 0.724)	0.513	(0.417, 0.613)
	Other	0.448	(0.138, 0.780)	0.521	(0.187, 0.837)
92	Black	0.929	(0.865, 0.971)	0.933	(0.849, 0.975)
	White	0.591	(0.493, 0.698)	0.537	(0.444, 0.657)
	Other	0.542	(0.195, 0.836)	0.590	(0.263, 0.883)
95	Black	0.948	(0.879, 0.984)	0.948	(0.884, 0.985)
	White	0.478	(0.388, 0.584)	0.416	(0.339, 0.507)
	Other	0.382	(0.101, 0.722)	0.579	(0.261, 0.858)

Table A3: Ecological Inference Results - Democratic
Primary Elections

District	Race	2008 President Est.	95% CI	2013 Attorney Gen. Est.	95% CI
63	Black	0.904	(0.821, 0.961)	0.727	(0.611, 0.811)
	White	0.651	(0.559, 0.768)	0.538	(0.399, 0.710)
	Other	0.496	(0.166, 0.830)	0.527	(0.205, 0.841)
69	Black	0.918	(0.858, 0.969)	0.742	(0.646, 0.826)
	White	0.680	(0.571, 0.800)	0.493	(0.348, 0.623)
	Other	0.697	(0.465, 0.896)	0.563	(0.282, 0.820)
70	Black	0.903	(0.825, 0.964)	0.599	(0.481, 0.749)
	White	0.798	(0.676, 0.921)	0.686	(0.477, 0.867)
	Other	0.543	(0.251, 0.794)	0.611	(0.295, 0.853)
71	Black	0.887	(0.829, 0.935)	0.547	(0.470, 0.620)
	White	0.691	(0.595, 0.783)	0.469	(0.367, 0.580)
	Other	0.560	(0.268, 0.877)	0.537	(0.232, 0.853)
74	Black	0.946	(0.894, 0.981)	0.642	(0.565, 0.723)
	White	0.623	(0.531, 0.711)	0.492	(0.380, 0.608)
	Other	0.545	(0.272, 0.859)	0.442	(0.143, 0.765)
75	Black	0.923	(0.881, 0.957)	0.661	(0.572, 0.748)
	White	0.576	(0.530, 0.628)	0.463	(0.366, 0.564)
	Other	0.503	(0.228, 0.812)	0.513	(0.210, 0.830)
77	Black	0.937	(0.889, 0.971)	0.855	(0.768, 0.917)
	White	0.524	(0.453, 0.606)	0.558	(0.466, 0.665)
	Other	0.545	(0.235, 0.839)	0.566	(0.236, 0.840)
80	Black	0.921	(0.870, 0.959)	0.756	(0.674, 0.823)
	White	0.585	(0.510, 0.669)	0.336	(0.234, 0.455)
	Other	0.623	(0.329, 0.871)	0.496	(0.181, 0.823)
89	Black	0.912	(0.796, 0.968)	0.718	(0.584, 0.832)
	White	0.602	(0.518, 0.685)	0.347	(0.238, 0.459)
	Other	0.500	(0.188, 0.823)	0.475	(0.163, 0.826)
90	Black	0.898	(0.822, 0.960)	0.777	(0.671, 0.863)
	White	0.672	(0.569, 0.774)	0.575	(0.447, 0.702)
	Other	0.520	(0.183, 0.832)	0.565	(0.278, 0.837)
92	Black	0.938	(0.860, 0.979)	0.897	(0.821, 0.957)
	White	0.659	(0.551, 0.790)	0.596	(0.471, 0.750)
	Other	0.452	(0.144, 0.799)	0.544	(0.237, 0.879)
95	Black	0.902	(0.836, 0.952)	0.850	(0.746, 0.922)
	White	0.698	(0.595, 0.802)	0.608	(0.475, 0.742)
	Other	0.489	(0.175, 0.846)	0.532	(0.184, 0.839)

Table A4: Ecological Inference Results - Turnout Gap
(Black Turnout - White Turnout)

District	2012 President		2013 Governor	
	Est.	95% CI	Est.	95% CI
63	-0.080	(-0.312, 0.163)	-0.039	(-0.255, 0.183)
69	-0.023	(-0.299, 0.247)	-0.101	(-0.297, 0.090)
70	-0.202	(-0.524, 0.149)	-0.102	(-0.395, 0.214)
71	-0.010	(-0.181, 0.177)	-0.056	(-0.214, 0.111)
74	0.059	(-0.219, 0.350)	0.005	(-0.212, 0.218)
75	-0.058	(-0.245, 0.108)	-0.076	(-0.238, 0.137)
77	-0.232	(-0.496, 0.071)	-0.109	(-0.300, 0.106)
80	0.041	(-0.171, 0.239)	-0.031	(-0.204, 0.126)
89	-0.004	(-0.164, 0.186)	-0.077	(-0.236, 0.087)
90	-0.032	(-0.312, 0.274)	-0.030	(-0.255, 0.213)
92	-0.112	(-0.438, 0.203)	-0.172	(-0.418, 0.110)
95	0.111	(-0.164, 0.393)	0.018	(-0.199, 0.208)

Table A5: Effect of BVAP and Party on Assignment of VTDs to Challenged Districts, Multiple Distance Measures, Weighted by Population

	Nearest	Mean & Range	Nearest & Furthest	Nearest & Mean	Median & SD
	(1)	(2)	(3)	(4)	(5)
BVAP	0.377***	0.367***	0.368***	0.372***	0.369***
	(0.027)	(0.028)	(0.028)	(0.028)	(0.028)
Avg. Dem. Vote	0.009	0.026	0.026	0.020	0.023
	(0.027)	(0.029)	(0.029)	(0.028)	(0.029)
Closest	−0.005		−0.032*	−0.051	
	(0.004)		(0.018)	(0.034)	
Mean		−0.006*		0.044	
		(0.004)		(0.032)	
Range		0.029*			
		(0.017)			
Furthest			0.026		
			(0.016)		
Median					−0.006*
					(0.003)
Standard Deviation					0.054
					(0.034)
Previously in Challenged	0.706***	0.702***	0.702***	0.703***	0.702***
	(0.014)	(0.014)	(0.014)	(0.014)	(0.014)
Constant	−0.031***	−0.067***	−0.067***	−0.062**	−0.057**
	(0.012)	(0.025)	(0.025)	(0.026)	(0.023)

JA 2841

Plaintiffs' Exhibit 73

JA 2842

District: 1   Total Population: 80,508   Ideal: 80,010   Deviation: 0.62%

Counties and Cities	Population
105 Lee	25,587
720 Norton	3,958
169 Scott	23,177
Precincts	**Population**
195 Wise (Part)	26,618
Appalachia (101)	2,825
Big Stone Gap (301)	6,027
Clinch Valley (401)	4,280
Dorchester (102)	1,629
East Stone Gap (302)	4,377
Guest River (103)	1,596
Wise (202)	5,884
Split precincts	**Population**
195 Wise (partial precincts)	1,168
East Pound (203)	1,168

District: 2   Total Population: 79,491   Ideal: 80,010   Deviation: -0.65%

Precincts	Population
153 Prince William (Part)	45,961
Belmont (701)	6,179
Featherstone (704)	8,682
Potomac View (705)	4,314
Quantico (304)	5,963
Rippon (706)	9,034
River Oaks (708)	6,681
Swans Creek (311)	5,108
179 Stafford (Part)	31,993
Rock Hill (201)	4,749
Roseville (202)	5,843
Ruby (203)	3,808
Stefaniga (204)	4,950
Widewater (302)	8,659
Woodlands (701)	3,984
Split precincts	**Population**
179 Stafford (partial precincts)	1,537
Whitson (702)	1,537

District: 3   Total Population: 80,583   Ideal: 80,010   Deviation: 0.72%

Counties and Cities	Population
021 Bland	6,824
027 Buchanan	24,098
185 Tazewell	45,078
Precincts	**Population**
167 Russell (Part)	3,120
Drill (401)	327
Swords Creek (402)	2,793
Split precincts	**Population**
167 Russell (partial precincts)	1,463
Honaker (303)	1,463

District: 4   Total Population: 80,446   Ideal: 80,010   Deviation: 0.54%

Counties and Cities	Population
051 Dickenson	15,903
Precincts	**Population**

JA 2843

District: 4   Total Population: 80,446   Ideal: 80,010   Deviation: 0.54%

Precincts	Population
167 Russell (Part)	21,723
Cleveland (203)	1,552
Cooks Mill (301)	683
Copper Creek (102)	1,830
Dante (202)	1,013
Daughterty (302)	219
East Lebanon (501)	2,926
Elk Garden (403)	2,424
Moccasin (101)	2,349
North Castlewood (201)	2,957
South Castlewood (103)	2,166
West Lebanon (502)	3,604
191 Washington (Part)	26,563
Burson Place (601)	3,566
East Abingdon (101)	5,620
Greendale (202)	4,694
Mendota (602)	764
South Abingdon (302)	4,242
Valley Institute (603)	2,903
Wallace (702)	1,663
West Abingdon (102)	3,111
195 Wise (Part)	12,250
North Coeburn (201)	2,459
South Coeburn (402)	5,000
St. Paul (403)	1,416
West Pound (104)	3,375

Split precincts	Population
167 Russell (partial precincts)	2,591
Honaker (303)	2,591
195 Wise (partial precincts)	1,416
East Pound (203)	1,416

District: 5   Total Population: 80,600   Ideal: 80,010   Deviation: 0.74%

Counties and Cities	Population
520 Bristol	17,835
640 Galax	7,042
077 Grayson	15,533

Precincts	Population
173 Smyth (Part)	11,877
Adwolfe (701)	2,787
Chilhowie (301)	3,887
Konnarock (703)	234
Royal Oak West (602)	1,259
Seven Mile Ford (201)	2,786
St. Clair (302)	924
191 Washington (Part)	28,313
Clinchburg (201)	1,767
Damascus (502)	2,508
Glade Spring (401)	3,261
Green Cove (504)	439
Hayter's Gap (203)	1,123
High Point (701)	2,599
John Battle (703)	3,501
Meadowview (402)	4,568
Rhea Valley (501)	4,556
Watauga (301)	3,991

JA 2844

District: 6   Total Population: 79,608   Ideal: 80,010   Deviation: -0.50%

Counties and Cities	Population
035 Carroll	30,042
197 Wythe	29,235
Precincts	**Population**
173 Smyth (Part)	20,331
Atkins (501)	2,973
East Park (401)	2,600
Rich Valley (202)	1,607
Royal Oak East (601)	3,396
Saltville (101)	4,314
Sugar Grove (702)	1,733
Wassona (502)	1,865
West Park (402)	1,843

District: 7   Total Population: 80,146   Ideal: 80,010   Deviation: 0.17%

Counties and Cities	Population
063 Floyd	15,279
Precincts	**Population**
121 Montgomery (Part)	24,286
B-3 (203)	3,281
B-4 (204)	4,297
C-2 (302)	3,165
D-1 (401)	2,082
D-2 (402)	2,927
D-3 Part 1 (403)	3,590
D-4 (404)	1,562
D-5 (405)	3,382
155 Pulaski (Part)	29,841
Draper (201)	2,116
Dublin (301)	4,520
Hiwassee (302)	836
Massie (401)	5,633
Newbern (203)	3,486
Robinson (501)	6,602
Snowville (304)	1,865
South Pulaski (202)	1,337
Walker (402)	1,375
West Cloyd (103)	2,071
Split precincts	**Population**
121 Montgomery (partial precincts)	10,740
E-1 (501)	10,740

District: 8   Total Population: 80,685   Ideal: 80,010   Deviation: 0.84%

Counties and Cities	Population
045 Craig	5,190
775 Salem	24,802
Precincts	**Population**
121 Montgomery (Part)	17,599
A-1 (101)	2,437
B-2 (202)	5,483
C-1 (301)	4,523
C-3 (303)	1,400
C-4 (304)	3,756
161 Roanoke (Part)	31,183
Bennett Springs (107)	1,442
Bent Mountain (301)	840
Castle Rock (305)	4,573

JA 2845

District: 8   Total Population: 80,685   Ideal: 80,010   Deviation: 0.84%

Precincts	Population
Catawba (101)	1,108
Cave Spring (503)	2,385
Cotton Hill (501)	2,231
Glenvar (103)	2,430
Green Hill (106)	5,151
Mason Valley (102)	1,088
Oak Grove (304)	3,962
Poages Mill (302)	3,806
Wildwood (108)	2,167

Split precincts	Population
161 Roanoke (partial precincts)	1,911
Penn Forest (502)	1,911

District: 9   Total Population: 80,574   Ideal: 80,010   Deviation: 0.70%

Counties and Cities	Population
141 Patrick	18,490

Precincts	Population
067 Franklin (Part)	46,650
Boones Mill (601)	3,080
Bowmans (503)	1,381
Callaway (502)	2,569
Dickinson (304)	1,162
Dudley (204)	1,451
Endicott (403)	1,664
Ferrum (402)	3,211
Fork Mountain (302)	1,948
Glade Hill (201)	3,645
Gogginsville (504)	1,934
Henry (401)	2,699
Hodgesville (203)	1,189
Penhook (202)	1,969
Rocky Mount East (701)	3,156
Rocky Mount South (703)	1,901
Rocky Mount West (702)	2,493
Scruggs (103)	4,688
Snow Creek (301)	1,837
Sontag (303)	2,890
Waidsboro (501)	1,783
089 Henry (Part)	15,434
Bassett No. 1 (501)	1,563
Bassett No. 2 (101)	1,566
Gunville (102)	2,914
Horsepasture #1 (202)	2,567
Scott's Tanyard (103)	4,277
Spencer (204)	2,547

District: 10   Total Population: 80,617   Ideal: 80,010   Deviation: 0.76%

Precincts	Population
043 Clarke (Part)	2,616
White Post (401)	2,616
069 Frederick (Part)	6,707
Carpers Valley (401)	4,131
Shenandoah (402)	2,576
107 Loudoun (Part)	55,824
Aldie (309)	1,232
Brandon Park (506)	3,113
Briar Woods (111)	5,381

JA 2846

District:	10	Total Population: 80,617	Ideal: 80,010	Deviation: 0.76%
Precincts				**Population**
	Cool Spring (505)			4,251
	Dry Mill (503)			1,949
	East Leesburg (502)			8,171
	Evergreen (408)			6,818
	Harper Park (407)			6,320
	Middleburg (307)			1,685
	Smart's Mill (504)			4,153
	St. Louis (308)			1,863
	Tolbert (410)			6,992
	West Leesburg (501)			3,896
Split precincts				**Population**
	043 Clarke (partial precincts)			1,693
	Millwood (301)			1,693
	069 Frederick (partial precincts)			6,942
	Parkins Mill (403)			6,942
	107 Loudoun (partial precincts)			6,835
	Belmont Ridge (815)			3,034
	Philomont (305)			1,402
	Pinebrook (115)			2,399

District:	11	Total Population: 80,132	Ideal: 80,010	Deviation: 0.15%
Precincts				**Population**
	770 Roanoke city (Part)			80,132
	Eureka Park (020)			2,481
	Fishburn Park (031)			1,968
	Highland No. 1 (001)			3,245
	Highland No. 2 (002)			3,095
	Jefferson No. 1 (005)			6,112
	Jefferson No. 2 (008)			1,982
	Lincoln Terrace (016)			2,272
	Melrose (019)			2,788
	Peters Creek (018)			6,011
	Raleigh Court No. 2 (026)			2,494
	Raleigh Court No. 3 (027)			1,969
	Raleigh Court No. 4 (028)			1,472
	Raleigh Court No. 5 (029)			1,255
	Raleight Court No. 1 (024)			2,970
	South Roanoke No. 1 (033)			1,802
	South Roanoke No. 2 (034)			2,676
	Tinker (009)			5,736
	Villa Heights (021)			4,950
	Wasena (030)			1,687
	Washington Heights (022)			6,580
	Westside (023)			2,415
	Williamson Road No. 1 (010)			2,703
	Williamson Road No. 2 (011)			1,520
	Williamson Road No. 3 (012)			2,650
	Williamson Road No. 4 (013)			2,014
	Williamson Road No. 5 (014)			3,124
	Williamson Road No. 6 (015)			2,161

District:	12	Total Population: 80,492	Ideal: 80,010	Deviation: 0.60%
Counties and Cities				**Population**
	071 Giles			17,286
	750 Radford			16,408
Precincts				**Population**

JA 2847

District: 12   Total Population: 80,492   Ideal: 80,010   Deviation: 0.60%

Precincts	Population
121 Montgomery (Part)	41,113
A-2 (102)	5,948
A-3 (103)	4,609
B-1 (201)	2,440
D-3 Part 2 (4032)	3
E-2 (502)	1,347
F-1 (601)	7,824
F-2 (602)	5,588
G-1 (701)	5,222
G-2 (702)	8,132
155 Pulaski (Part)	5,031
Belspring (101)	1,313
New River (102)	3,718
Split precincts	**Population**
121 Montgomery (partial precincts)	654
E-1 (501)	654

District: 13   Total Population: 80,579   Ideal: 80,010   Deviation: 0.71%

Counties and Cities	Population
685 Manassas Park	14,273
Precincts	**Population**
153 Prince William (Part)	60,754
Buckland Mills (110)	7,048
Bull Run (403)	3,460
Glenkirk (408)	3,652
Limestone (113)	4,496
Mullen (411)	8,173
Pace West (412)	7,934
Parkside (105)	9,005
Signal Hill (114)	4,172
Sinclair (404)	6,718
Sudley North (409)	6,096
Split precincts	**Population**
153 Prince William (partial precincts)	5,552
Battlefield (402)	80
Stonewall (405)	5,472

District: 14   Total Population: 79,407   Ideal: 80,010   Deviation: -0.75%

Counties and Cities	Population
590 Danville	43,055
Precincts	**Population**
089 Henry (Part)	15,015
Fontaine (601)	2,250
Hillcrest (602)	1,729
Irisburg (303)	2,862
Mount Olivet (304)	2,907
Ridgeway #1 (603)	3,242
Ridgeway #2 (604)	2,025
143 Pittsylvania (Part)	20,984
Bachelors Hall (702)	2,222
Brosville (606)	2,019
Ferry Road (703)	614
Keeling (402)	2,083
Kentuck (404)	3,478
Mt. Hermon (704)	4,136
Ringgold (405)	3,933

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District:	**14**	Total Population: 79,407	Ideal: 80,010	**Deviation: -0.75%**
Precincts				**Population**
	Stony Mill (603)			2,499
Split precincts				**Population**
	089 Henry (partial precincts)			353
	Axton (302)			353

District:	**15**	Total Population: 80,630	Ideal: 80,010	**Deviation: 0.77%**
Counties and Cities				**Population**
	139 Page			24,042
	171 Shenandoah			41,993
Precincts				**Population**
	165 Rockingham (Part)			3,302
	Lacey Spring (105)			1,644
	Tenth Legion (106)			1,658
	187 Warren (Part)			9,629
	Bentonville (502)			1,379
	Browntown (504)			1,057
	Fork Town (101)			2,909
	Otterburn (102)			2,264
	Waterlick (103)			2,020
Split precincts				**Population**
	165 Rockingham (partial precincts)			1,664
	Plains (107)			1,664

District:	**16**	Total Population: 79,692	Ideal: 80,010	**Deviation: -0.40%**
Counties and Cities				**Population**
	690 Martinsville			13,821
Precincts				**Population**
	089 Henry (Part)			21,567
	Collinsville Number 1 (401)			1,899
	Collinsville Number 2 (404)			3,119
	Daniel's Creek (402)			2,641
	Dyers Store (505)			1,056
	Fieldale (201)			1,573
	Figsboro (502)			2,002
	Horsepasture #2 (203)			1,820
	Mountain Valley (305)			1,645
	Mountain View (405)			1,694
	Oak Level (504)			1,079
	Stanleytown (503)			3,039
	143 Pittsylvania (Part)			42,522
	Bearskin (602)			514
	Callands (201)			1,860
	Central (301)			2,290
	Chatham (105)			1,963
	Climax (206)			1,456
	Dry Fork (607)			948
	East Blairs (307)			2,137
	East Gretna (309)			1,400
	Gretna (207)			3,796
	Hurt (501)			3,435
	Motley Sycamore (502)			3,669
	Mt. Airy (308)			862
	Mt. Cross (705)			2,051
	Renan (503)			1,759
	Riceville (305)			1,609
	Sandy Level (204)			1,402

JA 2849

District: 16	Total Population: 79,692	Ideal: 80,010	Deviation: -0.40%
Precincts			**Population**
Swansonville (604)			2,210
Tunstall (106)			1,955
Twin Springs (103)			4,175
West Blairs (108)			1,132
Whitmell (605)			1,899
Split precincts			**Population**
089 Henry (partial precincts)			1,782
Axton (302)			1,782

District: 17	Total Population: 80,631	Ideal: 80,010	Deviation: 0.78%
Precincts			**Population**
023 Botetourt (Part)			4,449
Cloverdale (502)			4,449
161 Roanoke (Part)			58,865
Bonsack (402)			898
Botetourt Springs (204)			2,952
Burlington (202)			2,301
Clearbrook (505)			2,163
Garst Mill (306)			2,667
Hollins (206)			2,198
Hunting Hills (507)			3,223
Lindenwood (405)			4,679
Mount Pleasant (406)			3,856
Mount Vernon (506)			2,151
Mountain View (203)			3,866
North Vinton (403)			3,933
Northside (104)			2,041
Ogden (504)			3,133
Orchards (205)			4,587
Peters Creek (105)			3,972
Plantation (201)			3,435
South Vinton (404)			4,452
Windsor Hills (303)			2,358
770 Roanoke city (Part)			16,900
Garden City (037)			3,758
Grandin Court (032)			1,689
Jefferson-Riverdale (007)			4,228
Lee-Hi (035)			3,468
Monterey (017)			3,757
Split precincts			**Population**
161 Roanoke (partial precincts)			417
Penn Forest (502)			417

District: 18	Total Population: 79,450	Ideal: 80,010	Deviation: -0.70%
Counties and Cities			**Population**
157 Rappahannock			7,373
Precincts			**Population**
047 Culpeper (Part)			12,895
Brandy Station (702)			3,685
Eggbornsville (302)			2,763
Jeffersonton (501)			4,978
Rixeyville (502)			1,469
061 Fauquier (Part)			40,915
Airlie (202)			2,226
Baldwin Ridge (203)			4,319
Bealeton (303)			5,737

JA 2850

District:	18	Total Population:	79,450	Ideal: 80,010	Deviation: -0.70%
Precincts					**Population**
Broad Run (503)					2,510
Courthouse (201)					4,532
Leeds (402)					3,138
Marshall (401)					3,865
Opal (105)					2,076
The Plains (501)					3,234
Warrenton (204)					3,987
Waterloo (403)					5,291
187 Warren (Part)					18,267
East Shenandoah (401)					5,598
Happy Creek (201)					4,874
Linden (202)					3,447
South River (501)					4,348

District:	19	Total Population:	80,080	Ideal: 80,010	Deviation: 0.09%
Counties and Cities					**Population**
005 Alleghany					16,250
515 Bedford city					6,222
580 Covington					5,961
Precincts					**Population**
019 Bedford (Part)					21,345
Bedford Christian Church (703)					2,719
Bedford County Psa (302)					2,384
Goode Rescue Squad (701)					2,626
Goodview Elem School (101)					6,191
Hardy Fire & Rescue Bldg (102)					1,396
Montvale Elem School (601)					2,537
Saunders Grove Brethren Church (604)					506
Shady Grove Baptist Church (602)					2,986
023 Botetourt (Part)					28,699
Amsterdam (101)					2,353
Asbury (102)					3,851
Blue Ridge (201)					3,329
Buchanan (301)					2,571
Courthouse (402)					2,658
Coyner Springs (501)					1,867
Eagle Rock (403)					1,291
Glen Wilton (404)					1,001
Mill Creek (302)					1,592
Oriskany (405)					94
Rainbow Forest (202)					2,848
Roaring Run (303)					742
Springwood (304)					1,401
Town Hall (406)					1,707
Troutville (104)					1,394
Split precincts					**Population**
019 Bedford (partial precincts)					1,603
Liberty High School (702)					838
Thaxton Elem School (603)					765

District:	20	Total Population:	79,334	Ideal: 80,010	Deviation: -0.84%
Counties and Cities					**Population**
091 Highland					2,321
790 Staunton					23,746
820 Waynesboro					21,006
Precincts					**Population**

JA 2851

District: 20   Total Population: 79,334   Ideal: 80,010   Deviation: **-0.84**%

Precincts	Population
015 Augusta (Part)	22,621
Buffalo Gap (401)	1,987
Cedar Green (405)	2,134
Churchville Fire Station (304)	1,556
Churchville School (402)	1,962
Deerfield (404)	644
Expo (102)	3,178
Jolivue (101)	2,463
Lyndhurst (603)	2,495
Mount Solon (303)	2,110
North River (302)	1,559
Sherando (601)	2,533
125 Nelson (Part)	7,776
Montebello (402)	244
Nellysford (502)	2,010
Rockfish (101)	2,962
Roseland (401)	2,560

Split precincts	Population
015 Augusta (partial precincts)	1,864
Fishersville (802)	707
White Hill (504)	1,157

District: 21   Total Population: 79,608   Ideal: 80,010   Deviation: **-0.50**%

Precincts	Population
550 Chesapeake (Part)	5,030
Waterway (049)	5,030
810 Virginia Beach (Part)	74,578
Bellamy (043)	5,233
Centerville (044)	4,777
Colonial (065)	4,354
Cromwell (054)	3,221
Dahlia (073)	7,710
Glenwood (058)	4,335
Hillcrest (087)	3,447
Indian Lakes (078)	3,963
Lake Christopher (089)	3,873
Manor (068)	3,714
Rosemont Forest (064)	5,723
Round Hill (071)	7,208
Stratford Chase (051)	3,979
Timberlake (045)	6,534
Windsor Oaks (036)	6,507

District: 22   Total Population: 79,307   Ideal: 80,010   Deviation: **-0.88**%

Precincts	Population
019 Bedford (Part)	28,780
Bethesda Methodist Church (303)	1,252
Body Camp Elem School (204)	756
Chamblissburg First Aid Bldg (103)	1,470
Forest Youth Athletic Assoc. (304)	1,401
Huddleston Elem School (305)	1,391
Knights Of Columbus Bldg (403)	3,371
Moneta Elem School (203)	4,830
New London Academy (301)	4,460
Pleasant View (507)	431
Saunders Vol Fire Dept (205)	2,222
Staunton River High School (202)	2,575

JA 2852

District: 22   Total Population: 79,307   Ideal: 80,010   Deviation: -0.88%

Precincts	Population
Thomas Jefferson Elem School (402)	4,621
031 Campbell (Part)	17,154
Airport (601)	2,376
Brookville (101)	3,857
Kings (602)	2,066
New London (102)	3,577
Walker (201)	5,278
067 Franklin (Part)	9,509
Bonbrook (602)	2,739
Burnt Chimney (102)	4,794
Cooper's Cove (603)	1,976
680 Lynchburg (Part)	23,864
Second Ward First Precinct (201)	7,596
Second Ward Second Precinct (202)	5,142
Second Ward Third Precinct (203)	2,429
Third Ward First Precinct (301)	3,686
Third Ward Second Precinct (302)	2,024
Third Ward Third Precinct (303)	2,987

District: 23   Total Population: 79,330   Ideal: 80,010   Deviation: -0.85%

Precincts	Population
009 Amherst (Part)	8,507
Madison (501)	6,234
Wright Shop (101)	2,273
019 Bedford (Part)	12,953
Big Island Elem School (502)	1,104
Boonsboro Elem School (505)	2,762
Boonsboro Ruritan Club (506)	2,880
Forest Elem School (401)	3,455
Odd Fellows Hall (504)	514
Sedalia Center (503)	1,356
Suck Springs (704)	882
680 Lynchburg (Part)	51,704
First Ward Fifth Precinct (105)	2,100
First Ward First Precinct (101)	7,491
First Ward Fourth Precinct (104)	2,133
First Ward Second Precinct (102)	3,815
First Ward Third Precinct (103)	2,942
Fourth Ward First Precinct (401)	6,017
Fourth Ward Fourth Precinct (404)	4,671
Fourth Ward Second Precinct (402)	2,379
Fourth Ward Third Precinct (403)	6,724
Third Ward Fifth Precinct (305)	4,325
Third Ward Fourth Precinct (304)	9,107

Split precincts	Population
009 Amherst (partial precincts)	2,171
Amelon (401)	1,337
Elon (302)	834
019 Bedford (partial precincts)	3,995
Liberty High School (702)	2,152
Thaxton Elem School (603)	1,843

District: 24   Total Population: 79,678   Ideal: 80,010   Deviation: -0.41%

Counties and Cities	Population
017 Bath	4,731
530 Buena Vista	6,650

JA 2853

District: 24	Total Population: 79,678	Ideal: 80,010	Deviation: -0.41%

Counties and Cities	**Population**
678 Lexington	7,042
163 Rockbridge	22,307

Precincts	**Population**
009 Amherst (Part)	15,453
Coolwell (103)	1,192
Courthouse (201)	4,730
Lonco (402)	1,865
Monroe (301)	1,973
New Glasgow (102)	2,938
Pleasant View (303)	1,020
Temperance (202)	1,735
015 Augusta (Part)	14,942
Craigsville (403)	3,071
Greenville (501)	3,090
Middlebrook (502)	1,569
Spottswood (503)	1,760
Stuarts Draft (602)	5,452

Split precincts	**Population**
009 Amherst (partial precincts)	6,222
Amelon (401)	3,458
Elon (302)	2,764
015 Augusta (partial precincts)	2,331
White Hill (504)	2,331

District: 25	Total Population: 80,011	Ideal: 80,010	Deviation: 0.00%

Precincts	**Population**
003 Albemarle (Part)	20,275
Belfield (204)	1,370
Brownsville (604)	4,642
Crozet (601)	5,505
Ivy (301)	4,625
Jack Jouett (201)	3,182
Yellow Mountain (605)	951
015 Augusta (Part)	27,888
Crimora (201)	4,839
Dooms (801)	2,944
Fort Defiance (301)	3,976
New Hope (202)	2,623
Verona (103)	5,353
Weyers Cave (203)	3,848
Wilson (803)	4,305
165 Rockingham (Part)	26,599
Bridgewater (401)	5,644
Grottoes (304)	2,660
Massanetta Springs (305)	7,130
Montezuma (402)	2,612
Mt. Crawford (403)	417
North River (303)	1,788
Ottobine (207)	3,936
Port Republic (302)	2,412

Split precincts	**Population**
003 Albemarle (partial precincts)	1,145
East Ivy (304)	1,145
015 Augusta (partial precincts)	4,104
Fishersville (802)	4,104

JA 2854

District: 26   Total Population: 80,688   Ideal: 80,010   Deviation: 0.85%

Counties and Cities	Population
660 Harrisonburg	48,914
Precincts	**Population**
165 Rockingham (Part)	29,776
Bergton (104)	798
Broadway (101)	3,587
Dayton (404)	1,530
Edom (202)	1,956
Fulks Run (103)	2,608
Keezletown (301)	1,783
Melrose (203)	3,655
Mt. Clinton (204)	2,010
Silver Lake (405)	4,962
Singers Glen (201)	2,015
Stony Run (505)	2,950
Timberville (102)	1,922
Split precincts	**Population**
165 Rockingham (partial precincts)	1,998
Plains (107)	1,998

District: 27   Total Population: 79,381   Ideal: 80,010   Deviation: -0.79%

Precincts	Population
041 Chesterfield (Part)	69,568
Beaufont (513)	2,240
Crenshaw (414)	5,171
Crestwood (502)	2,006
Deer Run (302)	1,978
Genito (402)	7,899
Harbour Pointe (401)	2,485
Huguenot (501)	3,698
Jacobs (204)	2,953
La Prade (405)	3,925
Manchester (409)	4,818
Monacan (407)	2,176
Providence (404)	4,229
Reams (408)	6,138
S. Manchester (308)	4,514
Spring Run (316)	4,960
St. Lukes (212)	2,790
Wagstaff (410)	2,611
Watkins (514)	4,977
Split precincts	**Population**
041 Chesterfield (partial precincts)	9,813
Bailey Bridge (315)	4,353
Davis (515)	941
Evergreen (312)	4,519

District: 28   Total Population: 79,304   Ideal: 80,010   Deviation: -0.88%

Precincts	Population
630 Fredericksburg (Part)	8,252
District 2 (201)	5,085
District 4-Precinct 2 (402)	3,167
179 Stafford (Part)	66,110
Aquia (401)	7,172
Brooke (403)	7,268
Chatham (602)	5,497
Courthouse (402)	7,425
Drew (503)	3,051

JA 2855

District: 28 Total Population: 79,304 Ideal: 80,010 Deviation: -0.88%

Precincts	Population
Falmouth (502)	5,667
Ferry Farm (601)	4,192
Gayle (504)	6,755
Grafton (501)	4,759
Griffis (301)	4,711
Harbor (303)	4,193
White Oak (603)	5,420

Split precincts	Population
630 Fredericksburg (partial precincts)	698
District 4 (401)	698
179 Stafford (partial precincts)	4,244
Hampton (703)	4,244

District: 29 Total Population: 79,851 Ideal: 80,010 Deviation: -0.20%

Counties and Cities	Population
840 Winchester	26,203

Precincts	Population
069 Frederick (Part)	42,706
Albin (202)	4,829
Canterburg (503)	4,640
Cedar Creek (104)	2,496
Gainesborough (201)	2,252
Gore (102)	4,501
Kernstown (103)	2,707
Newtown (502)	4,645
Redland (203)	4,679
Russells (101)	3,277
Stephens City (501)	3,457
White Hall (303)	5,223
187 Warren (Part)	9,679
North River (301)	3,175
Reliance (303)	863
Riverton (302)	3,076
West Shenandoah (402)	2,565

Split precincts	Population
069 Frederick (partial precincts)	1,263
Parkins Mill (403)	1,263

District: 30 Total Population: 80,583 Ideal: 80,010 Deviation: 0.72%

Counties and Cities	Population
113 Madison	13,308
137 Orange	33,481

Precincts	Population
047 Culpeper (Part)	33,794
Brown's Store (402)	3,981
Cardova (303)	2,931
East Fairfax (201)	7,112
Eldorado (401)	2,366
Lignum (703)	1,728
Mitchells (601)	2,065
Pearl Sample (602)	3,470
Richardsville (704)	874
West Fairfax (101)	9,267

District: 31 Total Population: 79,210 Ideal: 80,010 Deviation: -1.00%

Precincts	Population

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District: 31	Total Population: 79,210	Ideal: 80,010	Deviation: -1.00%
Precincts			**Population**
061 Fauquier (Part)			15,101
Casanova (103)			1,769
Catlett (102)			4,299
Kettle Run (101)			2,563
New Baltimore (502)			6,470
153 Prince William (Part)			53,295
Ashland (309)			3,000
Beville (205)			4,499
Enterprise (608)			6,206
Forest Park (310)			3,702
King (206)			5,308
Lodge (207)			6,036
Montclair (308)			5,312
Park (109)			2,687
Pattie (305)			4,158
Powell (211)			1,363
Saunders (201)			7,424
Washington-Reid (306)			3,600
Split precincts			**Population**
153 Prince William (partial precincts)			10,814
Benton (203)			2,848
Godwin (603)			3,710
Henderson (307)			3,800
Minnieville (605)			456

District: 32	Total Population: 80,268	Ideal: 80,010	Deviation: 0.32%
Precincts			**Population**
107 Loudoun (Part)			71,540
Algonkian (208)			5,128
Ashburn Farm (102)			6,436
Cedar Lane (810)			4,273
Dominion (811)			4,997
Eagle Ridge (106)			6,191
Farmwell Station (812)			5,376
Hillside (105)			5,746
Newton-Lee (814)			8,269
Russell Branch (809)			4,397
Sanders Corner (101)			4,018
Selden's Landing (813)			7,254
Stone Bridge (808)			4,980
Weller (816)			4,475
Split precincts			**Population**
107 Loudoun (partial precincts)			8,728
Belmont Ridge (815)			4,058
Countryside (213)			948
Mill Run (113)			3,722

District: 33	Total Population: 80,550	Ideal: 80,010	Deviation: 0.67%
Precincts			**Population**
043 Clarke (Part)			9,647
Berryville (201)			3,396
Blue Ridge (502)			719
Buckmarsh (501)			2,135
Pine Grove (302)			835
Russell (101)			2,562
069 Frederick (Part)			20,687

JA 2857

District: 33   Total Population: 80,550   Ideal: 80,010   Deviation: 0.67%

Precincts	Population
Ash Hollow (602)	4,167
Clear Brook (301)	2,486
Greenwood (603)	5,453
Millbrook (601)	3,189
Neffs Town (302)	5,392
107 Loudoun (Part)	49,033
Balls Bluff (406)	4,671
Between The Hills (306)	515
Clarkes Gap (409)	2,369
East Lovettsville (411)	2,820
Greenway (405)	2,173
Hamilton (304)	5,215
Heritage (412)	2,899
Hillsboro (303)	2,994
Lucketts (403)	3,439
Purcellville One (301)	4,172
Purcellville Two (310)	4,721
Round Hill (302)	2,952
Waterford (402)	3,266
West Lovettsville (401)	3,694
Woodgrove (311)	3,133

Split precincts	Population
043 Clarke (partial precincts)	78
Millwood (301)	78
107 Loudoun (partial precincts)	1,105
Philomont (305)	1,105

District: 34   Total Population: 80,722   Ideal: 80,010   Deviation: 0.89%

Precincts	Population
059 Fairfax (Part)	52,065
Chain Bridge (301)	4,726
Churchill (303)	2,178
Colvin (330)	3,240
Cooper (304)	2,993
Forestville (322)	4,234
Great Falls (306)	2,525
Hickory (328)	4,221
Kenmore (309)	4,966
Langley (311)	2,736
Seneca (329)	4,447
Shouse (323)	3,059
Spring Hill (331)	3,012
Westbriar (219)	5,268
Wolftrap (226)	4,460
107 Loudoun (Part)	27,421
Lowes Island (607)	3,503
Potomac Falls (209)	3,782
River Bend (207)	2,378
Seneca (606)	3,676
South Bank (609)	4,246
Sugarland North (604)	4,750
Sugarland South (605)	5,086

Split precincts	Population
059 Fairfax (partial precincts)	1,236
Salona (316)	1,236

JA 2858

District: 35   Total Population: 80,213   Ideal: 80,010   Deviation: 0.25%

Precincts	Population
059 Fairfax (Part)	75,272
Blake (701)	8,118
Centerpointe (844)	7,062
Freedom Hill (704)	3,338
Kilmer (733)	5,969
Magarity (726)	7,185
Nottoway (729)	5,459
Oak Marr (732)	5,086
Oakton (727)	3,361
Penderbrook (730)	5,316
Stenwood (719)	1,567
Thoreau (720)	2,282
Tysons (731)	5,025
Vienna #1 (213)	5,496
Vienna #2 (214)	4,158
Vienna #4 (216)	2,997
Vienna #6 (218)	2,853
Split precincts	**Population**
059 Fairfax (partial precincts)	4,941
Flint Hill (202)	2,035
Mosby (709)	2,906

District: 36   Total Population: 79,746   Ideal: 80,010   Deviation: -0.33%

Precincts	Population
059 Fairfax (Part)	74,942
Aldrin (234)	6,352
Cameron Glen (238)	4,836
Dogwood (220)	7,658
Frying Pan (235)	5,436
Glade (223)	5,132
Hunters Woods (221)	3,302
McNair (237)	7,557
North Point (233)	6,986
Reston #1 (208)	4,738
Reston #2 (209)	4,703
Reston #3 (222)	3,240
South Lakes (224)	5,684
Sunrise Valley (227)	2,378
Terraset (225)	6,940
Split precincts	**Population**
059 Fairfax (partial precincts)	4,804
Flint Hill (202)	3,897
Vale (914)	907

District: 37   Total Population: 80,255   Ideal: 80,010   Deviation: 0.31%

Counties and Cities	Population
600 Fairfax city	22,565
Precincts	**Population**
059 Fairfax (Part)	35,408
Eagle View (853)	6,005
Fair Oaks (848)	2,957
Fairfax A (0700)	1,252
London Towne East (910)	2,744
Monument (852)	6,552
Powell (926)	8,564
Sideburn (120)	4,130
Villa (121)	3,204

JA 2859

District: 37   Total Population: 80,255   Ideal: 80,010   Deviation: 0.31%

Split precincts	Population
059 Fairfax (partial precincts)	22,282
London Towne West (924)	4,019
Mosby (709)	6,928
Stone (917)	3,052
Willow Springs (851)	3,327
Woodson (117)	4,956

District: 38   Total Population: 80,758   Ideal: 80,010   Deviation: 0.93%

Precincts	Population
059 Fairfax (Part)	71,560
Barcroft (502)	4,040
Belvedere (503)	2,307
Bristow (102)	5,503
Brook Hill (521)	3,774
Columbia (518)	6,502
Heritage (106)	9,805
Holmes #1 (506)	5,521
Holmes #2 (530)	3,400
Hummer (519)	2,779
Lincolnia (507)	6,215
Masonville (508)	3,049
Parklawn (510)	3,395
Poe (523)	4,239
Ravenwood (511)	2,326
Saint Albans (513)	3,711
Sleepy Hollow (512)	1,978
Westlawn (515)	3,016

Split precincts	Population
059 Fairfax (partial precincts)	9,198
Baileys (501)	4,068
Weyanoke (516)	5,130

District: 39   Total Population: 80,710   Ideal: 80,010   Deviation: 0.87%

Precincts	Population
059 Fairfax (Part)	74,612
Alban (623)	2,247
Bren Mar (526)	6,116
Chapel (104)	3,156
Crestwood (415)	4,910
Edsall (527)	2,851
Garfield (417)	6,213
Greenspring (426)	2,010
Kings Park (108)	4,333
Leewood (531)	1,483
Long Branch (122)	2,198
Lynbrook (418)	4,867
North Springfield # 1 (110)	3,674
North Springfield # 2 (111)	3,626
Oak Hill (113)	3,019
Pioneer (409)	9,105
Ravensworth (115)	2,466
Ridgelea (528)	1,627
Saratoga (626)	7,745
Wakefield (116)	2,966

Split precincts	Population
059 Fairfax (partial precincts)	6,098

JA 2860

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District: 39   Total Population: 80,710   Ideal: 80,010   **Deviation: 0.87%**

Split precincts	Population
Camelot (522)	1,381
Lake Braddock (118)	388
Lane (419)	3,307
Weyanoke (516)	1,022

District: 40   Total Population: 80,729   Ideal: 80,010   **Deviation: 0.90%**

Precincts	Population
059 Fairfax (Part)	59,336
Bull Run (923)	2,801
Centre Ridge (901)	6,950
Centreville (918)	8,175
Clifton (803)	5,430
Deer Park (921)	4,876
Fairfax Station (805)	4,213
Green Trails (919)	8,076
Newgate North (849)	2,384
Newgate South (854)	4,095
Old Mill (925)	4,280
Popes Head (841)	4,378
Virginia Run (915)	3,678
153 Prince William (Part)	6,860
Mountain View (410)	6,860
Split precincts	**Population**
059 Fairfax (partial precincts)	6,690
London Towne West (924)	1,825
Willow Springs (851)	3,764
Woodyard (815)	1,101
153 Prince William (partial precincts)	7,843
Alvey (406)	2,244
Battlefield (402)	5,599

District: 41   Total Population: 80,792   Ideal: 80,010   **Deviation: 0.98%**

Precincts	Population
059 Fairfax (Part)	68,714
Bonnie Brae (126)	3,378
Burke (801)	7,602
Burke Centre (127)	7,071
Cherry Run (825)	3,837
Fairview (105)	6,948
Laurel (119)	5,611
Mantua (707)	3,021
Olde Creek (109)	3,262
Olley (124)	2,651
Parkway (842)	3,144
Price (711)	3,407
Robinson (123)	6,304
Signal Hill (125)	4,257
Terra Centre (130)	3,307
White Oaks (833)	4,914
Split precincts	**Population**
059 Fairfax (partial precincts)	12,078
Lake Braddock (118)	6,417
Pohick (811)	3,303
Woodson (117)	2,358

JA 2861

District: 42	Total Population: 79,964	Ideal: 80,010	Deviation: -0.06%
Precincts			**Population**
059 Fairfax (Part)			75,829
Cardinal (128)			3,794
Fountainhead (845)			4,864
Gunston (616)			9,033
Hunt (624)			5,415
Irving (827)			3,356
Keene Mill (129)			2,648
Laurel Hill (628)			6,903
Newington (618)			7,713
Orange (824)			5,598
Sangster (838)			3,001
Silverbrook (839)			4,746
South County (629)			4,090
South Run (850)			2,047
Valley (812)			4,283
West Springfield (840)			4,176
Westgate (613)			4,162
Split precincts			**Population**
059 Fairfax (partial precincts)			4,135
Lorton (617)			0
Pohick (811)			2,489
Woodyard (815)			1,646

District: 43	Total Population: 80,750	Ideal: 80,010	Deviation: 0.92%
Precincts			**Population**
059 Fairfax (Part)			65,093
Bush Hill (401)			4,703
Cameron (402)			1,650
Clermont (423)			3,829
Franconia (404)			5,616
Huntley (424)			3,677
Island Creek (427)			3,893
Kingstowne (421)			5,771
Lorton Center (625)			3,439
Lorton Station (622)			6,674
Mount Eagle (408)			2,327
Rose Hill (410)			6,812
Van Dorn (422)			5,613
Villages (420)			5,421
Virginia Hills (411)			2,270
Wilton (425)			3,398
Split precincts			**Population**
059 Fairfax (partial precincts)			15,657
Belvoir (619)			3,167
Hayfield (406)			658
Huntington (607)			5,464
Lane (419)			2,015
Lorton (617)			4,353

District: 44	Total Population: 80,796	Ideal: 80,010	Deviation: 0.98%
Precincts			**Population**
059 Fairfax (Part)			72,170
Bucknell (604)			7,242
Fairfield (413)			12,582
Fort Hunt (605)			2,822
Groveton (405)			14,159

JA 2862

District: 44	Total Population: 80,796	Ideal: 80,010	**Deviation: 0.98%**
Precincts			**Population**
Hollin Hall (606)			2,414
Kirkside (608)			2,705
Marlan (609)			2,939
Sherwood (610)			4,412
Stratford (611)			4,505
Waynewood (612)			1,914
Whitman (614)			2,795
Woodlawn (627)			8,222
Woodley (615)			5,459
Split precincts			**Population**
059 Fairfax (partial precincts)			8,626
Belle Haven (601)			3,232
Belvoir (619)			2,216
Hayfield (406)			3,178

District: 45	Total Population: 80,240	Ideal: 80,010	**Deviation: 0.29%**
Precincts			**Population**
510 Alexandria (Part)			59,633
Agudas Achim Synagogue (203)			3,652
Blessed Sacrament Church (204)			3,402
City Hall (102)			3,021
Cora Kelley Center (106)			8,727
Durant Center (104)			4,501
Fire Department Headquarters (109)			5,094
George Mason School (202)			3,546
George Washington Middle School (108)			3,959
Ladley Senior Building (101)			2,733
Lee Center (105)			6,840
Lyles Crouch School (103)			3,040
Maury School (201)			3,602
Mt. Vernon Recreation Center (107)			7,516
013 Arlington (Part)			12,683
Abingdon (022)			3,738
Aurora Hills (003)			2,391
Fairlington (012)			3,093
Shirlington (042)			3,461
059 Fairfax (Part)			5,720
Belleview (602)			2,762
Grosvenor (621)			2,958
Split precincts			**Population**
013 Arlington (partial precincts)			1,705
Oakridge (032)			1,705
059 Fairfax (partial precincts)			499
Belle Haven (601)			179
Huntington (607)			320

District: 46	Total Population: 80,333	Ideal: 80,010	**Deviation: 0.40%**
Precincts			**Population**
510 Alexandria (Part)			80,333
Cameron Station Community Center (308)			4,832
Charles E. Beatley Library (303)			5,689
Chinquapin Park Recreation Center (206)			4,550
Douglas Macarthur School (205)			5,136
James K. Polk School (209)			7,182
John Adams School (305)			9,763
Nova Arts Center (208)			6,471

JA 2863

	HB 5005 Passed 4/28/11, House Plan	
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District: 46   Total Population: 80,333   Ideal: 80,010   Deviation: 0.40%

Precincts — Population

Precinct	Population
Patrick Henry Rec Center (302)	5,072
Samuel Tucker School (304)	8,854
South Port (307)	5,351
St. James Church (210)	2,844
Temple Beth El Synagogue (207)	5,405
William Ramsey School (306)	9,184

District: 47   Total Population: 80,757   Ideal: 80,010   Deviation: 0.93%

Precincts — Population

013 Arlington (Part) — 79,347

Precinct	Population
Arlington Forest (025)	3,420
Ashlawn (039)	2,605
Ashton Heights (002)	4,190
Ballston (004)	2,557
Barcroft (005)	3,942
Buckingham (045)	6,426
Central (046)	4,939
Clarendon (014)	2,801
Courtlands (048)	3,033
Dominion Hills (029)	3,565
East Falls Church (011)	2,549
Glen Carlyn (013)	2,751
Lexington (031)	3,667
Lyon Park (015)	3,796
Monroe (049)	2,387
Nottingham (037)	3,321
Overlee Knolls (017)	3,765
Park Lane (018)	6,538
Taylor (051)	905
Virginia Square (040)	4,168
Westover (023)	2,947
Woodbury (041)	5,075

Split precincts — Population

013 Arlington (partial precincts) — 1,410

Precinct	Population
Jefferson (027)	1,410

District: 48   Total Population: 79,492   Ideal: 80,010   Deviation: -0.65%

Precincts — Population

013 Arlington (Part) — 55,008

Precinct	Population
Cherrydale (007)	3,889
Crystal City (006)	3,860
Crystal Plaza (050)	4,609
Dawson (044)	3,065
Lyon Village (016)	3,705
Madison (035)	3,890
Marshall (036)	4,661
Rock Spring (033)	3,733
Rosslyn (019)	5,564
Thrifton (020)	3,502
Wilson (010)	5,927
Woodlawn (024)	5,228
Yorktown (034)	3,375

059 Fairfax (Part) — 22,097

Precinct	Population
Chesterbrook (302)	3,258
El Nido (305)	3,154
Haycock (307)	3,369
Kirby (310)	3,043

JA 2864

District: 48	Total Population: 79,492	Ideal: 80,010	Deviation: -0.65%
Precincts			**Population**
Longfellow (312)			3,861
McLean (314)			3,382
Westmoreland (318)			2,030
Split precincts			**Population**
059 Fairfax (partial precincts)			2,387
Salona (316)			2,387

District: 49	Total Population: 80,609	Ideal: 80,010	Deviation: 0.75%
Precincts			**Population**
013 Arlington (Part)			50,944
Arlington (001)			5,790
Arlington Mill (043)			6,651
Arlington View (038)			4,740
Claremont (028)			5,801
Columbia (009)			4,590
Fillmore (026)			5,109
Four Mile Run (047)			2,843
Glebe (030)			4,929
Hume (008)			5,432
Virginia Highlands (021)			5,059
059 Fairfax (Part)			20,131
Glen Forest #2 (529)			3,439
Glen Forest (505)			3,981
Skyline (520)			6,588
Willston (517)			6,123
Split precincts			**Population**
013 Arlington (partial precincts)			6,530
Jefferson (027)			3,019
Oakridge (032)			3,511
059 Fairfax (partial precincts)			3,004
Baileys (501)			3,004

District: 50	Total Population: 80,677	Ideal: 80,010	Deviation: 0.83%
Counties and Cities			**Population**
683 Manassas			37,821
Precincts			**Population**
153 Prince William (Part)			41,715
Bristow Run (111)			6,195
Cedar Point (112)			6,545
Ellis (106)			3,279
Marsteller (107)			6,443
Pr. William A (000)			848
Victory (108)			11,097
Westgate (407)			7,308
Split precincts			**Population**
153 Prince William (partial precincts)			1,141
Stonewall (405)			1,141

District: 51	Total Population: 80,372	Ideal: 80,010	Deviation: 0.45%
Precincts			**Population**
153 Prince William (Part)			78,567
Bennett (102)			7,036
Bethel (506)			6,169
Brentsville (101)			2,637
Buckhall (103)			3,569
Chinn (507)			4,037

JA 2865

District: 51	Total Population: 80,372	Ideal: 80,010	Deviation: 0.45%

Precincts	**Population**
Kerrydale (607)	5,995
Lake Ridge (501)	5,623
Marshall (202)	4,581
McCoart (204)	5,256
Mohican (505)	4,170
Nokesville (104)	4,484
Old Bridge (503)	4,212
Penn (210)	3,143
Rockledge (504)	4,987
Springwoods (508)	3,161
Westridge (208)	6,366
Woodbine (209)	3,141

Split precincts	**Population**
153 Prince William (partial precincts)	1,805
Benton (203)	1,805

District: 52	Total Population: 79,290	Ideal: 80,010	Deviation: -0.90%

Precincts	**Population**
153 Prince William (Part)	67,322
Bel Air (606)	4,854
Civic Center (604)	5,022
Dale (601)	5,177
Dumfries (301)	4,961
Freedom (609)	4,335
Graham Park (303)	7,157
Kilby (707)	4,682
Library (702)	8,073
Lynn (703)	6,630
Neabsco (602)	4,074
Occoquan (502)	7,882
Potomac (302)	4,475

Split precincts	**Population**
153 Prince William (partial precincts)	11,968
Godwin (603)	4,449
Henderson (307)	2,700
Minnieville (605)	4,819

District: 53	Total Population: 80,049	Ideal: 80,010	Deviation: 0.05%

Counties and Cities	**Population**
610 Falls Church	12,332

Precincts	**Population**
059 Fairfax (Part)	67,310
Fort Buffalo (703)	3,551
Graham (705)	3,591
Greenway (706)	3,059
Marshall (708)	9,082
Merrifield (721)	7,173
Pimmit (315)	5,254
Pine Ridge (718)	4,160
Pine Spring (710)	4,655
Shreve (712)	1,927
Timber Lane (713)	5,808
Walker (714)	5,681
Walnut Hill # 1 (525)	1,464
Walnut Hill # 2 (728)	1,162
Westhampton (317)	3,095

JA 2866

HB 5005 Passed 4/28/11, House Plan				
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District: 53 Total Population: 80,049 Ideal: 80,010 **Deviation: 0.05%**

Precincts	Population
Whittier (524)	4,390
Woodburn (717)	3,258
Split precincts	**Population**
059 Fairfax (partial precincts)	407
Camelot (522)	407

District: 54 Total Population: 80,155 Ideal: 80,010 **Deviation: 0.18%**

Precincts	Population
033 Caroline (Part)	2,484
Woodford (303)	2,484
177 Spotsylvania (Part)	76,141
Battlefield (701)	4,252
Brock (505)	4,080
Chancellor (204)	5,154
Courthouse (504)	3,337
Fairview (703)	8,879
Frazers Gate (402)	5,337
Lee Hill (403)	5,782
Massaponax (104)	4,519
Piedmont (603)	4,817
Salem (601)	4,025
Smith Station (602)	10,258
Summit (401)	9,766
Todd's Tavern (503)	1,988
Travelers Rest (103)	3,947
Split precincts	**Population**
177 Spotsylvania (partial precincts)	1,530
Brokenburg (502)	1,530

District: 55 Total Population: 79,578 Ideal: 80,010 **Deviation: -0.54%**

Precincts	Population
033 Caroline (Part)	19,742
Chilesburg (302)	763
Madison (201)	8,285
Mattaponi (501)	5,668
Penola (402)	363
Reedy Church (401)	4,663
085 Hanover (Part)	50,481
Ashcake (103)	2,919
Ashland (101)	7,225
Atlee (304)	4,483
Beaverdam (201)	4,145
Blunts (202)	1,713
Chickahominy (302)	2,535
Cool Spring (305)	3,264
Courthouse (206)	1,730
Elmont (704)	2,876
Farrington (701)	2,993
Goddin's Hill (204)	1,405
Montpelier (702)	5,409
Rockville (703)	2,786
Sliding Hill (104)	3,107
Stony Run (207)	673
Wilmington Parish (203)	3,218
177 Spotsylvania (Part)	7,971
Blaydes Corner (102)	4,247

JA 2867

District: 55   Total Population: 79,578   Ideal: 80,010   **Deviation: -0.54%**

	Population
Precincts	
Partlow (101)	3,724
Split precincts	**Population**
177 Spotsylvania (partial precincts)	1,384
Brokenburg (502)	1,384

District: 56   Total Population: 79,271   Ideal: 80,010   **Deviation: -0.92%**

	Population
Counties and Cities	
109 Louisa	33,153
Precincts	**Population**
075 Goochland (Part)	9,001
Centerville (402)	3,757
Crozier (401)	503
Manakin (501)	4,741
087 Henrico (Part)	29,812
Causeway (301)	2,929
Nuckols Farm (307)	4,507
Rivers Edge (317)	3,741
Sadler (310)	4,613
Shady Grove (311)	4,811
Short Pump (318)	5,739
West End (416)	3,472
177 Spotsylvania (Part)	3,218
Belmont (501)	3,218
Split precincts	**Population**
075 Goochland (partial precincts)	2,525
Goochland Court House (301)	2,525
177 Spotsylvania (partial precincts)	1,562
Brokenburg (502)	1,562

District: 57   Total Population: 80,778   Ideal: 80,010   **Deviation: 0.96%**

	Population
Counties and Cities	
540 Charlottesville	43,475
Precincts	**Population**
003 Albemarle (Part)	30,764
Agnor-Hurt (104)	4,134
Branchlands (103)	2,221
Cale (405)	8,105
Dunlora (105)	2,697
Georgetown (203)	4,751
University Hall (202)	5,260
Woodbrook (101)	3,596
Split precincts	**Population**
003 Albemarle (partial precincts)	6,539
East Ivy (304)	2,444
Free Bridge (504)	4,095

District: 58   Total Population: 80,767   Ideal: 80,010   **Deviation: 0.95%**

	Population
Counties and Cities	
079 Greene	18,403
Precincts	**Population**
003 Albemarle (Part)	30,469
Burnley (505)	2,118
Earlysville (603)	3,984
Free Union (602)	2,064
Hollymead (503)	6,682

JA 2868

District: 58	Total Population: 80,767	Ideal: 80,010	Deviation: 0.95%
Precincts			**Population**
Keswick (501)			1,962
Monticello (402)			2,469
Northside (106)			3,034
Scottsville (401)			2,432
Stone Robinson (406)			3,616
Stony Point (502)			2,108
065 Fluvanna (Part)			18,460
Cunningham (401)			4,526
Palmyra (101)			4,394
Rivanna (501)			5,337
Rivanna 2 (502)			4,203
165 Rockingham (Part)			12,975
Cross Keys (306)			1,574
Elkton (501)			2,711
McGaheysville (503)			2,708
South Fork (504)			1,678
Swift Run (502)			4,304
Split precincts			**Population**
003 Albemarle (partial precincts)			460
Free Bridge (504)			460

District: 59	Total Population: 79,345	Ideal: 80,010	Deviation: -0.83%
Counties and Cities			**Population**
011 Appomattox			14,973
029 Buckingham			17,146
Precincts			**Population**
003 Albemarle (Part)			9,318
Country Green (305)			2,912
Porter's (403)			2,396
Red Hill (302)			4,010
031 Campbell (Part)			30,664
Altavista (303)			3,452
Bedford Springs (202)			3,184
Concord (603)			4,040
Court House (402)			4,789
Evington (301)			1,728
Lynch Station (302)			2,444
Spring Hill (501)			4,015
Three Forks (401)			3,391
Yellow Branch (502)			3,621
125 Nelson (Part)			7,244
Faber (501)			1,141
Gladstone (302)			489
Lovingston (201)			1,458
Schuyler (202)			1,361
Shipman (301)			2,795

District: 60	Total Population: 79,219	Ideal: 80,010	Deviation: -0.99%
Counties and Cities			**Population**
037 Charlotte			12,586
083 Halifax			36,241
147 Prince Edward			23,368
Precincts			**Population**
031 Campbell (Part)			7,024
Brookneal (701)			2,824
Gladys (702)			3,138

JA 2869

District: 60	Total Population: 79,219	Ideal: 80,010	Deviation: -0.99%
Precincts			**Population**
Morris Church (703)			1,062

District: 61	Total Population: 79,792	Ideal: 80,010	Deviation: -0.27%
Counties and Cities			**Population**
007 Amelia			12,690
049 Cumberland			10,052
117 Mecklenburg			32,727
135 Nottoway			15,853
Precincts			**Population**
111 Lunenburg (Part)			5,062
Arrowhead Gun Club (401)			520
Flat Rock (302)			536
Meherrin Fire Dept (701)			743
Pleasant Grove (402)			1,300
Plymouth (101)			1,151
Reedy Creek (501)			812
Split precincts			**Population**
111 Lunenburg (partial precincts)			3,408
Brown's Store (201)			1,040
Peoples Community Center (502)			725
Rosebud (301)			557
Victoria Public Library (702)			1,086

District: 62	Total Population: 79,677	Ideal: 80,010	Deviation: -0.42%
Precincts			**Population**
041 Chesterfield (Part)			49,193
Bellwood (101)			3,809
Beulah (202)			5,050
Bird (203)			4,028
Dutch Gap (110)			2,849
Elizabeth Scott (109)			7,077
Enon (103)			4,893
Five Forks (210)			5,571
Gates (201)			5,053
North Chester (104)			4,875
Salem Church (209)			5,988
087 Henrico (Part)			7,086
Sandston (515)			3,393
Town Hall (517)			1,181
Whitlocks (518)			2,512
670 Hopewell (Part)			13,130
Ward 1 (101)			3,226
Ward 3 (301)			3,047
Ward 4 (401)			3,604
Ward 5 (501)			3,253
Split precincts			**Population**
087 Henrico (partial precincts)			791
Dorey (505)			791
670 Hopewell (partial precincts)			2,085
Ward 7 (701)			2,085
149 Prince George (partial precincts)			7,392
Courts Bldg (204)			0
Jefferson Park (205)			6,837
Rives (104)			555

JA 2870

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District: 63 Total Population: 79,602 Ideal: 80,010 Deviation: -0.51%

Counties and Cities	Population
730 Petersburg	32,420
Precincts	**Population**
041 Chesterfield (Part)	13,302
Ettrick (301)	7,537
Matoaca (303)	5,765
053 Dinwiddie (Part)	10,661
Chesdin (202)	3,975
Church Road (103)	2,187
Courthouse (501)	1,814
Rocky Run (503)	1,508
White Oak (102)	1,177
670 Hopewell (Part)	6,519
Ward 2 (201)	3,590
Ward 6 (601)	2,929
Split precincts	**Population**
053 Dinwiddie (partial precincts)	7,456
Dinwiddie (401)	1,436
Edgehill (201)	1,531
New Hope (302)	3,482
Rohoic (101)	1,007
670 Hopewell (partial precincts)	857
Ward 7 (701)	857
149 Prince George (partial precincts)	8,387
Courts Bldg (204)	3,421
Jefferson Park (205)	2,127
Rives (104)	2,839

District: 64 Total Population: 79,262 Ideal: 80,010 Deviation: -0.93%

Precincts	Population
620 Franklin city (Part)	1,326
Precinct 1-1 (101)	1,326
093 Isle of Wight (Part)	33,271
Bartlett (201)	4,412
Carrollton (202)	3,872
Courthouse (401)	2,283
Orbit (403)	1,078
Pons (302)	3,564
Raynor (505)	519
Rushmere (301)	2,914
Smithfield (101)	7,753
Walters (501)	1,539
Windsor (402)	3,299
Zuni (504)	2,038
149 Prince George (Part)	19,171
Blackwater (202)	3,137
Bland (201)	4,544
Brandon (203)	1,103
Harrison (105)	1,095
Richard Bland (101)	1,658
Templeton (102)	4,623
Union Branch (103)	3,011
175 Southampton (Part)	5,647
Berlin (101)	1,394
Hunterdale (501)	1,909
Ivor (102)	1,590

JA 2871

District: 64   Total Population: 79,262   Ideal: 80,010   Deviation: -0.93%

Precincts	Population
Sedley (602)	754
800 Suffolk (Part)	7,112
Holland (502)	2,399
Holy Neck (503)	1,987
Whaleyville (402)	2,726
181 Surry (Part)	6,374
Bacon's Castle (201)	1,443
Carsley (401)	1,375
Claremont (501)	922
Spring Grove (502)	525
Surry (101)	1,430
Wall's Bridge (302)	679
183 Sussex (Part)	1,644
Blackwater (601)	1,019
Wakefield (302)	625

Split precincts	Population
620 Franklin city (partial precincts)	2,305
Precinct 2-1 (201)	894
Precinct 6-1 (601)	1,411
093 Isle of Wight (partial precincts)	1,174
Camps Mill (502)	259
Carrsville (503)	915
149 Prince George (partial precincts)	775
Courts Bldg (204)	389
Rives (104)	386
175 Southampton (partial precincts)	463
Forks-Of-The-River (502)	463

District: 65   Total Population: 79,364   Ideal: 80,010   Deviation: -0.81%

Counties and Cities	Population
145 Powhatan	28,046

Precincts	Population
041 Chesterfield (Part)	24,228
Brandermill (403)	4,876
Skinquarter (309)	6,195
Swift Creek (411)	3,951
Tomahawk (310)	4,246
Woolridge (313)	4,960
065 Fluvanna (Part)	7,231
Columbia (201)	3,865
Fork Union (301)	3,366
075 Goochland (Part)	8,546
Fife (101)	1,752
Hadensville (102)	2,336
Sandy Hook (202)	3,644
Three Square (201)	814

Split precincts	Population
041 Chesterfield (partial precincts)	9,668
Evergreen (312)	2,713
Midlothian (503)	6,955
075 Goochland (partial precincts)	1,645
Goochland Court House (301)	1,645

District: 66   Total Population: 79,397   Ideal: 80,010   Deviation: -0.77%

HB 5005 Passed 4/28/11, House Plan		
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District: 66	Total Population: 79,397	Ideal: 80,010	**Deviation: -0.77%**
Counties and Cities			**Population**
570 Colonial Heights			17,411
Precincts			**Population**
041 Chesterfield (Part)			60,429
Beach (305)			1,679
Birkdale (317)			4,140
Carver (112)			3,860
Cosby (307)			5,841
Ecoff (108)			5,975
Harrowgate (106)			7,023
Iron Bridge (111)			6,131
Nash (211)			4,966
South Chester (102)			5,788
Wells (107)			4,847
Winfrees Store (304)			5,452
Winterpock (306)			4,727
Split precincts			**Population**
041 Chesterfield (partial precincts)			1,557
Bailey Bridge (315)			1,557

District: 67	Total Population: 79,633	Ideal: 80,010	**Deviation: -0.47%**
Precincts			**Population**
059 Fairfax (Part)			57,049
Brookfield (902)			8,055
Cub Run (903)			5,625
Dulles (904)			3,090
Fairlakes (843)			5,210
Greenbriar East (846)			6,222
Greenbriar West (847)			4,069
Lees Corner (920)			4,299
Navy (911)			5,054
Poplar Tree (928)			3,982
Rocky Run (913)			5,892
Waples Mill (916)			5,551
107 Loudoun (Part)			2,668
Little River (107)			2,668
Split precincts			**Population**
059 Fairfax (partial precincts)			13,587
Franklin (905)			1,228
Kinross (908)			3,186
Lees Corner West (927)			3,177
Stone (917)			2,902
Vale (914)			3,094
107 Loudoun (partial precincts)			6,329
Dulles South (114)			6,329

District: 68	Total Population: 79,611	Ideal: 80,010	**Deviation: -0.50%**
Precincts			**Population**
041 Chesterfield (Part)			38,695
Belgrade (508)			3,361
Black Heath (511)			2,590
Bon Air (505)			3,804
Cranbeck (509)			2,732
Greenfield (506)			4,446
Robious (504)			5,278
Salisbury (507)			5,003

JA 2873

District: 68   Total Population: 79,611   Ideal: 80,010   Deviation: -0.50%

Precincts	**Population**
Shenandoah (413)	4,206
Smoketree (406)	3,061
Sycamore (510)	4,214
087 Henrico (Part)	3,621
Monument Hills (306)	1,312
Rollingwood (413)	2,309
760 Richmond city (Part)	33,876
101 (101)	5,226
102 (102)	1,536
104 (104)	2,352
105 (105)	2,216
106 (106)	2,378
111 (111)	2,014
112 (112)	1,594
113 (113)	2,631
114 (114)	3,388
207 (207)	3,182
409 (409)	4,051
413 (413)	3,308
Split precincts	**Population**
041 Chesterfield (partial precincts)	1,508
Midlothian (503)	1,508
087 Henrico (partial precincts)	851
Freeman (403)	851
760 Richmond city (partial precincts)	1,060
410 (410)	1,060

District: 69   Total Population: 79,386   Ideal: 80,010   Deviation: -0.78%

Precincts	**Population**
760 Richmond city (Part)	67,474
402 (402)	4,048
404 (404)	4,700
412 (412)	3,104
501 (501)	2,561
503 (503)	3,518
504 (504)	5,086
508 (508)	1,541
509 (509)	3,692
510 (510)	3,456
610 (610)	3,633
802 (802)	2,692
810 (810)	3,659
811 (811)	3,985
902 (902)	3,662
903 (903)	6,486
908 (908)	2,592
909 (909)	3,085
910 (910)	4,184
911 (911)	1,790
Split precincts	**Population**
041 Chesterfield (partial precincts)	4,994
Davis (515)	4,994
760 Richmond city (partial precincts)	6,918
211 (211)	0
410 (410)	3,533

JA 2874

District: 69	Total Population: 79,386	Ideal: 80,010	Deviation: -0.78%
Split precincts			**Population**
505 (505)			1,245
609 (609)			2,140

District: 70	Total Population: 79,382	Ideal: 80,010	Deviation: -0.78%
Precincts			**Population**
041 Chesterfield (Part)			33,281
Belmont (206)			3,999
Chippenham (207)			2,731
Drewry's Bluff (105)			9,469
Falling Creek (205)			5,531
Meadowbrook (208)			5,053
Southside (213)			6,498
087 Henrico (Part)			26,479
Central Gardens (206)			3,728
Eanes (506)			3,713
Masonic (510)			2,711
Mehfoud (511)			2,843
Montrose (512)			4,277
Rolfe (519)			6,733
Sullivans (516)			2,474
760 Richmond city (Part)			15,402
705 (705)			2,011
806 (806)			5,989
812 (812)			4,629
814 (814)			2,773
Split precincts			**Population**
087 Henrico (partial precincts)			2,136
Dorey (505)			2,136
760 Richmond city (partial precincts)			2,084
609 (609)			0
703 (703)			2,084

District: 71	Total Population: 80,322	Ideal: 80,010	Deviation: 0.39%
Precincts			**Population**
087 Henrico (Part)			5,221
Ratcliffe (220)			5,221
760 Richmond city (Part)			67,027
203 (203)			2,002
204 (204)			2,980
206 (206)			2,797
208 (208)			3,252
212 (212)			2,700
213 (213)			4,345
302 (302)			2,087
303 (303)			1,505
304 (304)			3,062
305 (305)			2,270
306 (306)			1,813
307 (307)			2,161
308 (308)			2,245
309 (309)			1,788
602 (602)			6,046
603 (603)			2,408
604 (604)			2,501
606 (606)			3,177
607 (607)			2,176

JA 2875

District:	71	Total Population:	80,322	Ideal: 80,010	Deviation: 0.39%
Precincts					**Population**
	701 (701)				3,872
	702 (702)				1,604
	706 (706)				4,574
	707 (707)				5,662
Split precincts					**Population**
760 Richmond city (partial precincts)					8,074
	211 (211)				5,295
	505 (505)				1,548
	703 (703)				1,231

District:	72	Total Population:	80,764	Ideal: 80,010	Deviation: 0.94%
Precincts					**Population**
087 Henrico (Part)					77,221
	Canterbury (205)				855
	Coalpit (101)				5,611
	Dumbarton (102)				6,652
	Gayton (404)				4,026
	Glen Allen (103)				4,866
	Godwin (405)				2,863
	Hermitage (106)				5,874
	Hilliard (107)				1,743
	Hunton (108)				1,390
	Innsbrook (304)				3,886
	Lakeside (110)				4,207
	Lakewood (406)				3,072
	Lauderdale (407)				4,284
	Maude Trevvett (112)				1,725
	Maybeury (408)				3,164
	Mooreland (409)				1,955
	Mountain (217)				879
	Oakview (218)				426
	Pocahontas (308)				3,541
	Ridgefield (412)				4,122
	Stoney Run (314)				6,131
	Stratford Hall (221)				748
	Summit Court (114)				2,076
	Wellborne (417)				3,125
Split precincts					**Population**
087 Henrico (partial precincts)					3,543
	Belmont (203)				1,239
	Brookland (204)				839
	Derbyshire (402)				515
	Moody (216)				950

District:	73	Total Population:	80,135	Ideal: 80,010	Deviation: 0.16%
Precincts					**Population**
087 Henrico (Part)					77,026
	Byrd (401)				3,576
	Cedarfield (302)				3,041
	Crestview (303)				4,236
	Glenside (104)				4,720
	Greendale (105)				3,126
	Hungary Creek (116)				5,065
	Jackson Davis (305)				2,714
	Johnson (109)				2,154
	Longan (111)				4,791

JA 2876

District: 73	Total Population: 80,135	Ideal: 80,010	Deviation: 0.16%
Precincts			**Population**
Pemberton (410)			4,683
Pinchbeck (411)			4,896
Ridge (309)			2,319
Skipwith (312)			4,136
Spottswood (414)			1,385
Springfield (313)			3,520
Staples Mill (113)			5,025
Three Chopt (315)			2,988
Tuckahoe (415)			4,324
Tucker (316)			7,871
Westwood (115)			2,456
Split precincts			**Population**
087 Henrico (partial precincts)			3,109
Derbyshire (402)			1,663
Freeman (403)			1,446

District: 74	Total Population: 79,594	Ideal: 80,010	Deviation: -0.52%
Counties and Cities			**Population**
036 Charles City			7,256
Precincts			**Population**
087 Henrico (Part)			67,050
Adams (201)			1,655
Antioch (501)			2,395
Azalea (202)			5,761
Cedar Fork (502)			1,864
Chamberlayne (207)			3,055
Chickahominy (503)			3,205
Donahoe (504)			2,969
Elko (507)			974
Fairfield (208)			4,307
Glen Lea (209)			2,293
Greenwood (210)			2,167
Highland Gardens (211)			4,091
Highland Springs (508)			3,851
Holllybrook (212)			1,119
Hungary (213)			2,362
Laburnum (509)			3,932
Longdale (214)			2,432
Maplewood (215)			3,554
Nine Mile (513)			2,106
Pleasants (514)			5,289
Randolph (219)			397
Wilder (222)			2,405
Yellow Tavern (223)			4,867
760 Richmond city (Part)			2,299
301 (301)			2,299
Split precincts			**Population**
087 Henrico (partial precincts)			2,989
Belmont (203)			2,190
Brookland (204)			205
Moody (216)			594

District: 75	Total Population: 79,295	Ideal: 80,010	Deviation: -0.89%
Counties and Cities			**Population**
025 Brunswick			17,434
595 Emporia			5,927

JA 2877

District: 75	Total Population: 79,295	Ideal: 80,010	Deviation: -0.89%
Counties and Cities			**Population**
081 Greensville			12,243
Precincts			**Population**
053 Dinwiddie (Part)			5,831
Cherry Hill (403)			735
Little Zion (402)			1,862
McKenney (502)			2,195
Reams (301)			1,039
620 Franklin city (Part)			4,160
Precinct 3-1 (301)			1,308
Precinct 4-1 (401)			1,518
Precinct 5-1 (501)			1,334
111 Lunenburg (Part)			1,889
Hounds Creek (601)			1,889
175 Southampton (Part)			12,066
Blackwater River (701)			1,261
Boykins (201)			1,576
Branchville (202)			471
Capron (301)			1,721
Courtland (601)			2,068
Drewryville (401)			2,321
Meherrin (203)			327
Newsoms (702)			1,338
Sebrell (302)			983
181 Surry (Part)			684
Dendron (301)			684
183 Sussex (Part)			10,443
Courthouse (301)			1,193
Henry (501)			1,019
Little Mill (202)			378
Mars Hill (401)			1,219
Newville (602)			3,176
Stony Creek (201)			1,229
Waverly (101)			1,562
West Wakefield (402)			196
Yale (502)			471
Split precincts			**Population**
053 Dinwiddie (partial precincts)			4,053
Dinwiddie (401)			1,157
Edgehill (201)			479
New Hope (302)			1,467
Rohoic (101)			950
620 Franklin city (partial precincts)			791
Precinct 2-1 (201)			791
Precinct 6-1 (601)			0
093 Isle of Wight (partial precincts)			825
Camps Mill (502)			523
Carrsville (503)			302
111 Lunenburg (partial precincts)			2,555
Brown's Store (201)			265
Peoples Community Center (502)			207
Rosebud (301)			747
Victoria Public Library (702)			1,336
175 Southampton (partial precincts)			394

JA 2878

District: 75 Total Population: 79,295 Ideal: 80,010	Deviation: -0.89%
Split precincts	**Population**
Forks-Of-The-River (502)	394

District: 76 Total Population: 80,313 Ideal: 80,010	Deviation: 0.38%
Precincts	**Population**
550 Chesapeake (Part)	33,222
Bailey Creek (038)	2,167
Churchland (004)	3,403
Deep Creek (006)	6,138
E. W. Chittum School (020)	3,759
Fellowship (021)	3,090
John T. West (041)	5,912
Jolliff One (019)	2,057
Nansemond (044)	2,322
Silverwood (027)	4,374
800 Suffolk (Part)	42,536
Airport (401)	1,668
Bennetts Creek (104)	3,812
Chuckatuck (202)	2,475
Cypress Chapel (303)	757
Driver (102)	8,339
Ebenezer (201)	2,239
Elephants Fork/Westhaven (603)	3,324
Kilby's Mill (501)	4,423
King's Fork (203)	8,502
Lake Cohoon (504)	1,674
Nansemond River (703)	5,323
Split precincts	**Population**
800 Suffolk (partial precincts)	4,555
John F. Kennedy (302)	1,242
Lakeside (601)	3,313

District: 77 Total Population: 79,627 Ideal: 80,010	Deviation: -0.48%
Precincts	**Population**
550 Chesapeake (Part)	57,239
Camelot (003)	6,479
Carver School (031)	5,901
Crestwood (005)	4,095
Indian River (018)	4,165
Johnson Park (026)	2,758
Joliff Middle School (048)	4,862
Norfolk Highlands (022)	3,001
Oaklette (024)	4,834
Oscar Smith School (010)	2,449
Providence (032)	5,727
South Norfolk (030)	2,116
South Norfolk Recreation (008)	4,943
St. Julians (025)	970
Sunray I (028)	418
Sunray Ii (045)	1,323
Tanglewood (029)	3,198
800 Suffolk (Part)	12,227
Hollywood (701)	1,813
Olde Towne (602)	1,360
Southside (403)	4,829
White Marsh (301)	4,225
Split precincts	**Population**

JA 2879

District: 77	Total Population: 79,627	Ideal: 80,010	Deviation: -0.48%

Split precincts	**Population**
550 Chesapeake (partial precincts)	5,445
Georgetown (012)	5,445
800 Suffolk (partial precincts)	4,716
John F. Kennedy (302)	3,653
Lakeside (601)	1,063

District: 78	Total Population: 80,475	Ideal: 80,010	Deviation: 0.58%

Precincts	**Population**
550 Chesapeake (Part)	78,945
B. M. Williams School (015)	3,576
Bells Mill Ii (046)	3,306
Bridgetown (037)	6,061
Coopers Way (051)	4,242
Fairways (053)	2,856
Great Bridge (001)	5,006
Great Bridge Baptist Church (036)	7,079
Greenbrier (007)	4,018
Hickory Grove (016)	5,536
Hickory Middle School (034)	6,625
Oak Grove (023)	7,400
Parkways (042)	7,124
Pleasant Crossing (043)	6,364
River Birch (040)	6,839
Westover (033)	2,913

Split precincts	**Population**
550 Chesapeake (partial precincts)	1,530
Georgetown (012)	0
Green Sea (047)	1,530

District: 79	Total Population: 80,243	Ideal: 80,010	Deviation: 0.29%

Precincts	**Population**
710 Norfolk (Part)	8,892
Old Dominion (201)	4,669
Taylor Elementary School (213)	4,223
740 Portsmouth (Part)	35,789
Seven (007)	2,413
Ten (010)	2,021
Thirty (030)	2,858
Thirty Nine (039)	4,983
Thirty Seven (037)	4,632
Thirty-Five (035)	2,914
Thirty-Six (036)	4,933
Twenty-Five (025)	2,603
Twenty-Four (024)	2,527
Twenty-Three (023)	2,802
Twenty-Two (022)	3,103

Split precincts	**Population**
710 Norfolk (partial precincts)	32,810
Titustown Center (104)	6,954
Zion Grace (106)	25,856
740 Portsmouth (partial precincts)	2,752
Nine (009)	2,752

District: 80	Total Population: 80,705	Ideal: 80,010	Deviation: 0.87%
Precincts			**Population**

JA 2880

District: 80	Total Population: 80,705	Ideal: 80,010	Deviation: 0.87%

Precincts	Population
550 Chesapeake (Part)	6,590
Taylor Road (035)	6,590
710 Norfolk (Part)	3,682
Chrysler Museum (211)	3,682
740 Portsmouth (Part)	56,592
Eleven (011)	2,254
Five (005)	2,830
Fourteen (014)	3,125
Nineteen (019)	1,839
One (001)	3,573
Seventeen (017)	4,627
Sixteen (016)	3,669
Thirteen (013)	2,802
Thirty Eight (038)	6,158
Thirty-Four (034)	2,119
Thirty-One (031)	4,616
Thirty-Three (033)	1,771
Thirty-Two (032)	1,830
Twenty (020)	2,270
Twenty-Eight (028)	3,042
Twenty-Nine (029)	1,698
Twenty-One (021)	1,904
Twenty-Seven (027)	3,921
Twenty-Six (026)	2,544
800 Suffolk (Part)	13,439
Harbour View (103)	4,402
Yeates (705)	9,037
Split precincts	**Population**
740 Portsmouth (partial precincts)	402
Nine (009)	402

District: 81	Total Population: 79,438	Ideal: 80,010	Deviation: -0.71%

Precincts	Population
550 Chesapeake (Part)	32,108
Bells Mill (009)	5,425
Bethel (002)	4,068
Geneva Park (011)	5,490
Gilmerton (013)	3,544
Grassfield (014)	978
Indian Creek (017)	3,780
Lake Drummond (039)	1,427
River Walk (050)	3,852
Shipyard Road (052)	3,544
810 Virginia Beach (Part)	45,230
Blackwater (034)	1,219
Capps Shop (033)	2,014
Corporate Landing (070)	6,611
Creeds (032)	1,765
Culver (063)	6,948
Oceana (050)	4,204
Redwing (030)	7,580
Rudee (072)	3,956
Seatack (005)	5,987
Sigma (031)	4,946
Split precincts	**Population**
550 Chesapeake (partial precincts)	2,100

JA 2881

District: 81   Total Population: 79,438   Ideal: 80,010   Deviation: -0.71%
Split precincts   **Population**
            Green Sea (047)   2,100

District: 82   Total Population: 80,463   Ideal: 80,010   Deviation: 0.57%
Precincts   **Population**
        810 Virginia Beach (Part)   80,463
            Alanton (006)   4,300
            Cape Henry (011)   4,913
            Colony (075)   4,240
            Eastern Shore (067)   7,856
            Edinburgh (056)   1,998
            Great Neck (010)   4,311
            Kings Grant (047)   4,435
            Linkhorn (004)   4,914
            London Bridge (008)   5,566
            Lynnhaven (049)   3,791
            Malibu (014)   4,747
            North Beach (001)   4,391
            Pinewood (094)   2,488
            Plaza (012)   5,585
            South Beach (002)   5,516
            Thalia (028)   2,885
            Trantwood (009)   3,576
            Wolfsnare (048)   4,951

District: 83   Total Population: 79,538   Ideal: 80,010   Deviation: -0.59%
Precincts   **Population**
        710 Norfolk (Part)   33,008
            Azalea Gardens (512)   2,671
            Barron Black (406)   3,031
            Bayview School (501)   5,515
            East Ocean View (503)   5,271
            Larrymore (504)   3,935
            Little Creek (505)   3,090
            Tarrallton (509)   4,609
            Third Presbyterian (510)   4,886
        810 Virginia Beach (Part)   32,757
            Bayside (020)   2,361
            Hagood (086)   3,952
            Kingston (007)   2,506
            Lake Joyce (090)   2,752
            Lake Smith (019)   2,297
            Little Neck (092)   2,656
            Ocean Park (017)   3,036
            Shelton Park (059)   3,994
            Thoroughgood (018)   4,626
            Witchduck (038)   4,577
Split precincts   **Population**
        810 Virginia Beach (partial precincts)   13,773
            Chesapeake Beach (037)   8,310
            Old Donation (015)   4,415
            Shell (069)   1,048

District: 84   Total Population: 80,281   Ideal: 80,010   Deviation: 0.34%
Precincts   **Population**
        810 Virginia Beach (Part)   80,281
            Brookwood (077)   4,811
            Buckner (074)   4,745

JA 2882

District: 84   Total Population: 80,281   Ideal: 80,010   Deviation: 0.34%

Precincts	Population
Courthouse (035)	3,833
Foxfire (060)	3,869
Green Run (046)	7,782
Holland (029)	7,820
Hunt (066)	3,725
Landstown (062)	4,972
Magic Hollow (055)	7,309
North Landing (088)	4,890
Ocean Lakes (003)	6,974
Rock Lake (081)	5,668
Shelbourne (082)	3,656
Strawbridge (083)	5,131
Upton (085)	5,096

District: 85   Total Population: 80,800   Ideal: 80,010   Deviation: 0.99%

Precincts	Population
810 Virginia Beach (Part)	73,199
Arrowhead (023)	4,716
Avalon (025)	4,587
Bonney (040)	3,442
Brandon (042)	4,823
Fairfield (026)	3,299
Homestead (052)	5,727
Larkspur (024)	3,232
Lexington (091)	5,257
Mt.Trashmore (013)	6,066
Pembroke (039)	6,005
Pleasant Hill (079)	4,374
Point O' View (022)	3,344
Providence (027)	3,920
Shannon (053)	3,328
Tallwood (084)	5,459
Village (076)	5,620
Split precincts	**Population**
810 Virginia Beach (partial precincts)	7,601
Aragona (016)	5,436
Old Donation (015)	1,201
Reon (080)	964

District: 86   Total Population: 80,747   Ideal: 80,010   Deviation: 0.92%

Precincts	Population
059 Fairfax (Part)	59,668
Clearview (321)	5,784
Coppermine (239)	7,394
Floris (203)	5,204
Fox Mill (229)	6,062
Herndon #1 (319)	6,684
Herndon #2 (320)	8,600
Herndon #3 (324)	8,008
Hutchison (325)	5,843
Stuart (236)	1,828
Sugarland (327)	4,261
107 Loudoun (Part)	9,622
Forest Grove (705)	4,817
Sully (701)	4,805
Split precincts	**Population**

JA 2883

District: 86	Total Population: 80,747	Ideal: 80,010	Deviation: 0.92%
Split precincts			**Population**
059 Fairfax (partial precincts)			9,121
Franklin (905)			3,530
Kinross (908)			3,128
Lees Corner West (927)			2,463
107 Loudoun (partial precincts)			2,336
Park View (702)			2,336

District: 87	Total Population: 79,275	Ideal: 80,010	Deviation: -0.92%
Precincts			**Population**
107 Loudoun (Part)			62,660
Buchanan (211)			2,086
Carter (117)			5,771
Cascades (210)			4,911
Claude Moore Park (212)			6,510
Freedom (112)			9,089
Guilford (704)			4,004
Hutchison (109)			6,833
Legacy (116)			4,312
Mercer (108)			7,214
Mirror Ridge (608)			5,028
Oak Grove (110)			1,784
Rolling Ridge (703)			5,118
153 Prince William (Part)			3,492
Evergreen (401)			3,492
Split precincts			**Population**
107 Loudoun (partial precincts)			8,210
Countryside (213)			1,928
Dulles South (114)			11
Mill Run (113)			1,180
Park View (702)			2,766
Pinebrook (115)			2,325
153 Prince William (partial precincts)			4,913
Alvey (406)			4,913

District: 88	Total Population: 80,191	Ideal: 80,010	Deviation: 0.23%
Precincts			**Population**
061 Fauquier (Part)			9,187
Lois (104)			1,610
Morrisville (301)			2,979
Remington (302)			4,598
630 Fredericksburg (Part)			13,813
District 1 (101)			8,319
District 3 (301)			5,494
177 Spotsylvania (Part)			30,591
Brent's Mill (702)			4,095
Elys Ford (201)			2,824
Grange Hall (303)			3,429
Hazel Run (302)			6,041
Ni River (203)			5,625
Plank Road (301)			5,481
Wilderness (202)			3,096
179 Stafford (Part)			20,397
Hartwood (101)			6,185
Ramoth (104)			4,723
Rocky Run (102)			6,732

JA 2884

District: 88 Total Population: 80,191 Ideal: 80,010 Deviation: 0.23%

Precincts	Population
Simpson (103)	2,757
Split precincts	**Population**
630 Fredericksburg (partial precincts)	1,523
District 4 (401)	1,523
179 Stafford (partial precincts)	4,680
Hampton (703)	1,168
Whitson (702)	3,512

District: 89 Total Population: 79,614 Ideal: 80,010 Deviation: -0.49%

Precincts	Population
710 Norfolk (Part)	70,613
Ballentine (301)	4,798
Berkley (402)	3,271
Ghent Square (203)	1,678
Hunton Y (411)	3,273
Immanuel (204)	2,583
Lafayette (205)	1,806
Lafayette-Winona (305)	3,365
Lambert's Point (207)	3,557
Larchmont Library (208)	1,266
Larchmont Recreation Center (209)	4,016
Lindenwood (306)	2,761
Maury (210)	3,366
Norview Methodist (308)	3,347
Norview Middle School (309)	4,650
Park Place (212)	4,141
Rosemont (310)	7,097
Stuart (214)	4,013
Tucker House (105)	1,133
Union Chapel (313)	2,209
Willard (218)	2,841
Young Park (414)	5,442
Split precincts	**Population**
710 Norfolk (partial precincts)	9,001
Brambleton (403)	1,777
Granby (101)	5,126
Titustown Center (104)	574
Zion Grace (106)	1,524

District: 90 Total Population: 80,425 Ideal: 80,010 Deviation: 0.52%

Precincts	Population
710 Norfolk (Part)	48,019
Bowling Park (303)	5,155
Campostella (404)	4,522
Chesterfield (405)	3,567
Coleman Place School (304)	2,914
Easton (408)	4,638
Fairlawn (409)	3,427
Ingleside (412)	3,277
Poplar Halls (413)	5,114
Sherwood Rec Center (311)	4,984
Sherwood School (312)	2,820
Tanner's Creek (302)	3,209
United Way (415)	4,392
810 Virginia Beach (Part)	22,042
Baker (061)	6,559

JA 2885

District: 90   Total Population: 80,425   Ideal: 80,010   **Deviation: 0.52%**

Precincts	Population
College Park (041)	3,515
Davis Corner (021)	6,128
Newtown (093)	3,341
Sherry Park (057)	2,499
Split precincts	**Population**
710 Norfolk (partial precincts)	2,294
Brambleton (403)	2,294
810 Virginia Beach (partial precincts)	8,070
Aragona (016)	1,844
Reon (080)	2,758
Shell (069)	3,468

District: 91   Total Population: 79,229   Ideal: 80,010   **Deviation: -0.98%**

Counties and Cities	Population
735 Poquoson	12,150
Precincts	**Population**
650 Hampton (Part)	43,163
Asbury (205)	5,988
Booker (201)	5,030
Bryan (202)	5,385
Burbank (203)	5,161
Langley (209)	4,760
Machen (210)	7,507
Phillips (213)	5,876
Phoebus (110)	1,430
Syms (113)	2,026
199 York (Part)	21,814
Bethel (502)	9,439
Coventry (203)	8,802
Tabb (501)	3,573
Split precincts	**Population**
199 York (partial precincts)	2,102
Harwoods Mill (401)	2,102

District: 92   Total Population: 79,689   Ideal: 80,010   **Deviation: -0.40%**

Precincts	Population
650 Hampton (Part)	79,689
Aberdeen (101)	3,526
Armstrong (106)	4,219
Bassette (102)	4,164
City Hall (103)	4,423
Cooper (104)	7,609
East Hampton (105)	5,066
Forrest (204)	4,095
Hampton Library (111)	1,518
Jones (116)	2,680
Kecoughtan (117)	4,781
Kraft (208)	6,678
Lindsay (107)	3,291
Mallory (118)	4,998
Phenix (109)	5,254
Smith (112)	6,337
Thomas (108)	6,956
Tyler (215)	1,764
Wythe (115)	2,330

JA 2886

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District: 93   Total Population: 79,211   Ideal: 80,010   Deviation: -1.00%

Counties and Cities	Population
830 Williamsburg	14,068
Precincts	**Population**
095 James City (Part)	20,694
Berkeley A Part 2 (1012)	0
Jamestown A (201)	4,821
Jamestown B (202)	5,512
Roberts A Part 1 (5011)	1,768
Roberts A Part 2 (5012)	3,671
Roberts B (502)	2,762
Roberts C Part 1 (5031)	790
Roberts C Part 2 (5032)	1,370
700 Newport News (Part)	29,301
Bland (201)	1,396
Greenwood (110)	7,090
Kiln Creek (218)	6,622
McIntosh (104)	4,657
Richneck (107)	5,992
Windsor (109)	3,544
199 York (Part)	3,291
Kiln Creek (204)	3,291
Split precincts	**Population**
700 Newport News (partial precincts)	6,502
Lee Hall (108)	3,023
Reservoir (106)	3,479
199 York (partial precincts)	5,355
Edgehill (303)	2,346
Harwoods Mill (401)	3,009

District: 94   Total Population: 79,429   Ideal: 80,010   Deviation: -0.73%

Precincts	Population
700 Newport News (Part)	53,767
Boulevard (202)	5,234
Charles (203)	5,778
Deep Creek (205)	3,767
Hidenwood (208)	2,068
Hilton (209)	3,165
Nelson (210)	5,795
Oyster Point (105)	1,277
River (314)	2,342
Riverside (212)	1,892
Riverview (217)	3,221
Sanford (213)	1,500
Sedgefield (315)	3,019
Warwick (215)	2,678
Watkins (320)	5,581
Wellesley (204)	4,224
Yates (216)	2,226
Split precincts	**Population**
700 Newport News (partial precincts)	25,662
Deer Park (219)	8,030
Denbigh (101)	2,626
Epes (102)	994
Jenkins (103)	3,322
Lee Hall (108)	6,789
Palmer (211)	2,252

JA 2887

District: 94	Total Population: 79,429	Ideal: 80,010	**Deviation: -0.73%**
Split precincts			**Population**
Reservoir (106)			1,649

District: 95	Total Population: 80,071	Ideal: 80,010	**Deviation: 0.08%**
Precincts			**Population**
650 Hampton (Part)			14,584
Bethel (212)			5,348
Sandy Bottom (216)			2,980
Tucker Capps (214)			6,256
700 Newport News (Part)			44,513
Briarfield (302)			4,287
Carver (303)			3,307
Chestnut (304)			1,807
Downtown (305)			2,178
Dunbar (306)			2,159
Huntington (307)			1,756
Jefferson (308)			2,000
Magruder (309)			1,690
Marshall (310)			2,508
Newmarket (311)			4,312
Newsome Park (312)			1,328
Reed (313)			3,315
Saunders (319)			6,350
South Morrison (316)			4,473
Washington (317)			1,152
Wilson (318)			1,891
Split precincts			**Population**
700 Newport News (partial precincts)			20,974
Deer Park (219)			0
Denbigh (101)			4,334
Epes (102)			6,877
Jenkins (103)			3,294
Palmer (211)			3,961
Reservoir (106)			2,508

District: 96	Total Population: 79,217	Ideal: 80,010	**Deviation: -0.99%**
Precincts			**Population**
095 James City (Part)			46,315
Berkeley A Part 1 (101)			4,749
Berkeley B Part 1 (1021)			1,420
Berkeley B Part 2 (1022)			3,315
Berkeley C (103)			4,798
Powhatan A (301)			4,420
Powhatan B (302)			1,923
Powhatan C (303)			5,604
Powhatan D (304)			5,172
Stonehouse A (401)			5,372
Stonehouse B (402)			5,915
Stonehouse C (403)			3,627
199 York (Part)			29,913
Dare (402)			6,953
Harris Grove (302)			4,550
Magruder (104)			6,083
Queens Lake (101)			3,061
Seaford (301)			3,669
Waller Mill (103)			3,610
Yorktown (102)			1,987

JA 2888

District: 96   Total Population: 79,217   Ideal: 80,010   Deviation: -0.99%

Split precincts	Population
199 York (partial precincts)	2,989
Edgehill (303)	2,989

District: 97   Total Population: 79,386   Ideal: 80,010   Deviation: -0.78%

Counties and Cities	Population
127 New Kent	18,429
Precincts	**Population**
085 Hanover (Part)	49,382
Battlefield (401)	2,274
Beaverdam Creek (406)	934
Black Creek (404)	2,024
Clay (301)	3,000
Cold Harbor (403)	5,455
Georgetown (506)	2,996
Hanover Grove (604)	2,408
Laurel Meadow (507)	3,261
Mechanicsville (603)	3,554
Newman (503)	3,056
Old Church (402)	2,235
Pebble Creek (405)	2,285
Rural Point (502)	2,973
Shady Grove (303)	1,779
Stonewall Jackson (602)	3,809
Studley (504)	1,793
Totopotomoy (505)	795
Village (601)	4,751
101 King William (Part)	9,446
Aylett (301)	3,394
Mangohick (501)	3,058
Manquin (401)	2,994
Split precincts	**Population**
101 King William (partial precincts)	2,129
Courthouse (202)	2,129

District: 98   Total Population: 79,251   Ideal: 80,010   Deviation: -0.95%

Counties and Cities	Population
057 Essex	11,151
073 Gloucester	36,858
097 King and Queen	6,945
115 Mathews	8,978
119 Middlesex	10,959
Precincts	**Population**
101 King William (Part)	4,217
Sweet Hall (201)	1,090
West Point (101)	3,127
Split precincts	**Population**
101 King William (partial precincts)	143
Courthouse (202)	143

District: 99   Total Population: 80,332   Ideal: 80,010   Deviation: 0.40%

Counties and Cities	Population
099 King George	23,584
103 Lancaster	11,391
133 Northumberland	12,330
159 Richmond	9,254

JA 2889

District: 99	Total Population: 80,332	Ideal: 80,010	Deviation: 0.40%
Counties and Cities			**Population**
193 Westmoreland			17,454
Precincts			**Population**
033 Caroline (Part)			6,319
Bowling Green (101)			4,738
Port Royal (301)			1,581

District: 100	Total Population: 80,037	Ideal: 80,010	Deviation: 0.03%
Counties and Cities			**Population**
001 Accomack			33,164
131 Northampton			12,389
Precincts			**Population**
710 Norfolk (Part)			32,991
Crossroads (511)			5,142
Northside (103)			3,854
Ocean View Center (506)			4,703
Ocean View School (102)			7,480
Oceanair (508)			3,465
Suburban Park (215)			3,379
Wesley (217)			4,968
Split precincts			**Population**
710 Norfolk (partial precincts)			1,493
Granby (101)			1,493
810 Virginia Beach (partial precincts)			0
Chesapeake Beach (037)			0

JA 2890

Plaintiffs' Exhibit 74

JA 2891

Current House	
Plan last edited: 4/12/2011 9:50:07 AM	Printed: 4/12/2011 11:09 am

District: 1 Total Population: 72,324 Ideal: 80,010 Deviation: **-9.61**%

Counties and Cities	Population
105 Lee	25,587
169 Scott	23,177
Precincts	**Population**
520 Bristol (Part)	0
Ward 4 Part 2 (0041)	0
191 Washington (Part)	7,233
Burson Place (601)	3,566
Mendota (602)	764
Valley Institute (603)	2,903
195 Wise (Part)	10,404
Big Stone Gap (301)	6,027
East Stone Gap (302)	4,377
Split precincts	**Population**
191 Washington (partial precincts)	1,658
Greendale (202)	980
Wallace (702)	678
195 Wise (partial precincts)	4,265
Clinch Valley (401)	4,263
Wise (202)	2

District: 2 Total Population: 69,063 Ideal: 80,010 Deviation: **-13.68**%

Counties and Cities	Population
051 Dickenson	15,903
720 Norton	3,958
Precincts	**Population**
167 Russell (Part)	21,040
Cleveland (203)	1,552
Copper Creek (102)	1,830
Dante (202)	1,013
Daughterty (302)	219
East Lebanon (501)	2,926
Elk Garden (403)	2,424
Moccasin (101)	2,349
North Castlewood (201)	2,957
South Castlewood (103)	2,166
West Lebanon (502)	3,604
195 Wise (Part)	20,884
Appalachia (101)	2,825
Dorchester (102)	1,629
East Pound (203)	2,584
Guest River (103)	1,596
North Coeburn (201)	2,459
South Coeburn (402)	5,000
St. Paul (403)	1,416
West Pound (104)	3,375
Split precincts	**Population**
167 Russell (partial precincts)	1,379
Cooks Mill (301)	653
Honaker (303)	726
195 Wise (partial precincts)	5,899
Clinch Valley (401)	17
Wise (202)	5,882

JA 2892

District: 3 Total Population: 66,212   Ideal: 80,010   Deviation: -17.25%

Counties and Cities	Population
027 Buchanan	24,098
Precincts	**Population**
167 Russell (Part)	3,120
Drill (401)	327
Swords Creek (402)	2,793
185 Tazewell (Part)	33,902
Abbs Valley (101)	881
Adria (110)	1,334
Amonate (107)	372
Bandy (112)	619
Baptist Valley (302)	1,019
Bishop (109)	583
Boissevain (103)	634
Burkes Garden (203)	290
Cedar Bluff (301)	4,752
Clear Fork (204)	1,182
Freestone (207)	398
Gap Store (111)	1,036
Jeffersonville (209)	6,091
Jewell Ridge (402)	580
Pocahontas (106)	1,650
Pounding Mill (305)	1,268
Raven (404)	2,427
Richlands (401)	5,868
Thompson Valley (214)	1,162
Wardell (303)	1,756
Split precincts	**Population**
167 Russell (partial precincts)	3,358
Cooks Mill (301)	30
Honaker (303)	3,328
185 Tazewell (partial precincts)	1,734
Falls Mills (104)	869
Tip Top (102)	865

District: 4 Total Population: 73,375   Ideal: 80,010   Deviation: -8.29%

Precincts	Population
520 Bristol (Part)	17,835
Ward 1 (001)	3,853
Ward 2 (002)	4,276
Ward 3 (003)	4,226
Ward 4 Part 1 (004)	5,480
173 Smyth (Part)	5,045
Chilhowie (301)	3,887
Konnarock (703)	234
St. Clair (302)	924
191 Washington (Part)	41,286
Clinchburg (201)	1,767
Damascus (502)	2,508
East Abingdon (101)	5,620
Glade Spring (401)	3,261
Green Cove (504)	439
Hayter's Gap (203)	1,123
High Point (701)	2,599
John Battle (703)	3,501
Meadowview (402)	4,568
Rhea Valley (501)	4,556

JA 2893

District: 4   Total Population: 73,375   Ideal: 80,010   Deviation: -8.29%

Precincts	Population
South Abingdon (302)	4,242
Watauga (301)	3,991
West Abingdon (102)	3,111
Split precincts	**Population**
173 Smyth (partial precincts)	4,510
Adwolfe (701)	7
Rich Valley (202)	190
Saltville (101)	3,981
Seven Mile Ford (201)	332
191 Washington (partial precincts)	4,699
Greendale (202)	3,714
Wallace (702)	985

District: 5   Total Population: 69,572   Ideal: 80,010   Deviation: -13.05%

Counties and Cities	Population
077 Grayson	15,533
Precincts	**Population**
035 Carroll (Part)	8,686
Hillsville C (301)	3,581
Laurel (504)	1,417
Sylvatus (302)	1,338
Vaughn (501)	1,046
Woodlawn E (503)	1,304
640 Galax (Part)	3,279
North (002)	1,625
South (003)	1,654
173 Smyth (Part)	15,669
Atkins (501)	2,973
East Park (401)	2,600
Royal Oak East (601)	3,396
Royal Oak West (602)	1,259
Sugar Grove (702)	1,733
Wassona (502)	1,865
West Park (402)	1,843
197 Wythe (Part)	15,656
Evergreen (603)	1,565
Fort Chiswell (401)	2,245
Huddle (601)	1,130
Jackson Memorial (501)	2,047
Rural Retreat (102)	3,719
Sheffey (502)	2,970
Zion (602)	1,980
Split precincts	**Population**
640 Galax (partial precincts)	3,762
East (001)	3,762
173 Smyth (partial precincts)	6,984
Adwolfe (701)	2,780
Rich Valley (202)	1,417
Saltville (101)	333
Seven Mile Ford (201)	2,454
197 Wythe (partial precincts)	3
West Wytheville (203)	3

District: 6   Total Population: 73,250   Ideal: 80,010   Deviation: -8.45%

JA 2894

District: 6   Total Population: 73,250   Ideal: 80,010   Deviation: -8.45%

Counties and Cities	Population
021 Bland	6,824
Precincts	**Population**
071 Giles (Part)	15,757
Eggleston (301)	1,297
Glen Lyn (101)	295
Narrows (103)	3,606
Pearisburg (201)	4,560
Pembroke (302)	3,215
Rich Creek (102)	1,427
Staffordsville (202)	768
White Gate (203)	589
155 Pulaski (Part)	27,651
Belspring (101)	1,313
Draper (201)	2,116
Massie (401)	5,633
New River (102)	3,718
Newbern (203)	3,486
Robinson (501)	6,602
South Pulaski (202)	1,337
Walker (402)	1,375
West Cloyd (103)	2,071
185 Tazewell (Part)	8,972
Graham (502)	6,210
Springville (501)	2,762
197 Wythe (Part)	8,939
East Wytheville (303)	5,130
Max Meadows (402)	2,550
Royal Oak (101)	1,259
Split precincts	**Population**
185 Tazewell (partial precincts)	470
Falls Mills (104)	388
Tip Top (102)	82
197 Wythe (partial precincts)	4,637
West Wytheville (203)	4,637

District: 7   Total Population: 75,999   Ideal: 80,010   Deviation: -5.01%

Counties and Cities	Population
750 Radford	16,408
Precincts	**Population**
121 Montgomery (Part)	52,192
B-2 (202)	5,483
B-3 (203)	3,281
B-4 (204)	4,297
C-1 (301)	4,523
C-2 (302)	3,165
C-3 (303)	1,400
C-4 (304)	3,756
D-1 (401)	2,082
D-2 (402)	2,927
D-3 Part 1 (403)	3,590
D-3 Part 2 (4032)	3
D-4 (404)	1,562
D-5 (405)	3,382
E-1 (501)	11,394
E-2 (502)	1,347

JA 2895

District: 7	Total Population: 75,999	Ideal: 80,010	Deviation: -5.01%
Precincts			**Population**
155 Pulaski (Part)			7,221
Dublin (301)			4,520
Hiwassee (302)			836
Snowville (304)			1,865
Split precincts			**Population**
121 Montgomery (partial precincts)			178
F-1 (601)			178

District: 8	Total Population: 74,460	Ideal: 80,010	Deviation: -6.94%
Counties and Cities			**Population**
775 Salem			24,802
Precincts			**Population**
161 Roanoke (Part)			46,700
Bennett Springs (107)			1,442
Bent Mountain (301)			840
Castle Rock (305)			4,573
Catawba (101)			1,108
Cave Spring (503)			2,385
Cotton Hill (501)			2,231
Garst Mill (306)			2,667
Glenvar (103)			2,430
Green Hill (106)			5,151
Mason Valley (102)			1,088
Mount Vernon (506)			2,151
Northside (104)			2,041
Oak Grove (304)			3,962
Penn Forest (502)			2,328
Peters Creek (105)			3,972
Poages Mill (302)			3,806
Wildwood (108)			2,167
Windsor Hills (303)			2,358
Split precincts			**Population**
161 Roanoke (partial precincts)			2,958
Botetourt Springs (204)			2,920
Hollins (206)			38

District: 9	Total Population: 82,064	Ideal: 80,010	Deviation: 2.57%
Counties and Cities			**Population**
063 Floyd			15,279
067 Franklin			56,159
Precincts			**Population**
143 Pittsylvania (Part)			3,776
Bearskin (602)			514
Callands (201)			1,860
Sandy Level (204)			1,402
Split precincts			**Population**
143 Pittsylvania (partial precincts)			6,850
Central (301)			775
Climax (206)			1,345
Dry Fork (607)			141
East Gretna (309)			641
Gretna (207)			3,099
Motley Sycamore (502)			815
Swansonville (604)			34

JA 2896

	Current House	
Plan last edited: 4/12/2011 9:50:07 AM		Printed: 4/12/2011 11:09 am

District: 10	**Total Population:** 68,822	**Ideal:** 80,010	**Deviation: -13.98%**
Counties and Cities			**Population**
141 Patrick			18,490
Precincts			**Population**
035 Carroll (Part)			21,356
Dugspur (303)			723
Fancy Gap (404)			886
Gladesboro (203)			1,676
Gladeville (502)			2,244
Hillsville B (201)			2,941
Hillsville D (401)			841
Lambsburg (103)			1,055
Laurel Fork (202)			1,143
Mount Bethel (101)			1,689
Oakland A (104)			1,394
Oakland D (403)			1,661
St Paul (102)			2,096
Woodlawn D (402)			3,007
089 Henry (Part)			23,025
Bassett No. 1 (501)			1,563
Bassett No. 2 (101)			1,566
Collinsville Number 2 (404)			3,119
Fieldale (201)			1,573
Gunville (102)			2,914
Horsepasture #1 (202)			2,567
Horsepasture #2 (203)			1,820
Oak Level (504)			1,079
Scott's Tanyard (103)			4,277
Spencer (204)			2,547
690 Martinsville (Part)			1,917
Precinct 1 (001)			1,168
Precinct 6 (006)			749
Split precincts			**Population**
640 Galax (partial precincts)			1
East (001)			1
089 Henry (partial precincts)			4,033
Daniel's Creek (402)			2,593
Hillcrest (602)			1,433
Stanleytown (503)			7

District: 11	**Total Population:** 73,038	**Ideal:** 80,010	**Deviation: -8.71%**
Precincts			**Population**
161 Roanoke (Part)			8,385
North Vinton (403)			3,933
South Vinton (404)			4,452
770 Roanoke city (Part)			57,696
Eureka Park (020)			2,481
Highland No. 1 (001)			3,245
Highland No. 2 (002)			3,095
Jefferson No. 1 (005)			6,112
Lincoln Terrace (016)			2,272
Melrose (019)			2,788
Peters Creek (018)			6,011
Tinker (009)			5,736
Villa Heights (021)			4,950
Washington Heights (022)			6,580
Westside (023)			2,415
Williamson Road No. 1 (010)			2,703

JA 2897

District: 11   Total Population: 73,038   Ideal: 80,010   **Deviation: -8.71%**

Precincts	Population
Williamson Road No. 2 (011)	1,520
Williamson Road No. 3 (012)	2,650
Williamson Road No. 4 (013)	2,014
Williamson Road No. 5 (014)	3,124

Split precincts	Population
770 Roanoke city (partial precincts)	6,957
Jefferson No. 2 (008)	1,931
Raleight Court No. 1 (024)	2,755
South Roanoke No. 1 (033)	600
South Roanoke No. 2 (034)	30
Wasena (030)	1,641

District: 12   Total Population: 75,683   Ideal: 80,010   **Deviation: -5.41%**

Counties and Cities	Population
005 Alleghany	16,250
017 Bath	4,731
580 Covington	5,961
045 Craig	5,190

Precincts	Population
071 Giles (Part)	1,529
Newport (303)	1,529
121 Montgomery (Part)	34,376
A-1 (101)	2,437
A-2 (102)	5,948
A-3 (103)	4,609
B-1 (201)	2,440
F-2 (602)	5,588
G-1 (701)	5,222
G-2 (702)	8,132

Split precincts	Population
121 Montgomery (partial precincts)	7,646
F-1 (601)	7,646

District: 13   Total Population: 190,620   Ideal: 80,010   **Deviation: 138.25%**

Precincts	Population
107 Loudoun (Part)	63,844
Aldie (309)	1,232
Briar Woods (111)	5,381
Carter (117)	5,771
Claude Moore Park (212)	6,510
Eagle Ridge (106)	6,191
Freedom (112)	9,089
Hutchison (109)	6,833
Legacy (116)	4,312
Mercer (108)	7,214
Middleburg (307)	1,685
Mill Run (113)	4,902
Pinebrook (115)	4,724
153 Prince William (Part)	124,085
Alvey (406)	7,157
Battlefield (402)	5,679
Bennett (102)	7,036
Brentsville (101)	2,637
Bristow Run (111)	6,195
Buckhall (103)	3,569

JA 2898

District: 13   Total Population: 190,620   Ideal: 80,010   Deviation: **138.25**%

Precincts	Population
Buckland Mills (110)	7,048
Bull Run (403)	3,460
Cedar Point (112)	6,545
Ellis (106)	3,279
Evergreen (401)	3,492
Glenkirk (408)	3,652
Limestone (113)	4,496
Marshall (202)	4,581
Marsteller (107)	6,443
Mountain View (410)	6,860
Mullen (411)	8,173
Nokesville (104)	4,484
Pace West (412)	7,934
Signal Hill (114)	4,172
Sudley North (409)	6,096
Victory (108)	11,097
Split precincts	**Population**
153 Prince William (partial precincts)	2,691
Woodbine (209)	2,691

District: 14   Total Population: 64,712   Ideal: 80,010   Deviation: **-19.12**%

Counties and Cities	Population
590 Danville	43,055
Precincts	**Population**
089 Henry (Part)	13,286
Fontaine (601)	2,250
Irisburg (303)	2,862
Mount Olivet (304)	2,907
Ridgeway #1 (603)	3,242
Ridgeway #2 (604)	2,025
143 Pittsylvania (Part)	2,633
Brosville (606)	2,019
Ferry Road (703)	614
Split precincts	**Population**
089 Henry (partial precincts)	296
Hillcrest (602)	296
143 Pittsylvania (partial precincts)	5,442
Bachelors Hall (702)	1,504
Kentuck (404)	6
Ringgold (405)	3,932

District: 15   Total Population: 78,102   Ideal: 80,010   Deviation: **-2.38**%

Counties and Cities	Population
139 Page	24,042
157 Rappahannock	7,373
171 Shenandoah	41,993
Precincts	**Population**
165 Rockingham (Part)	4,304
Swift Run (502)	4,304
Split precincts	**Population**
165 Rockingham (partial precincts)	390
Elkton (501)	390

District: 16   Total Population: 70,220   Ideal: 80,010   Deviation: **-12.24**%

Precincts	Population

JA 2899

District: 16 Total Population: 70,220 Ideal: 80,010 Deviation: -12.24%

Precincts	Population
089 Henry (Part)	10,431
Axton (302)	2,135
Collinsville Number 1 (401)	1,899
Dyers Store (505)	1,056
Figsboro (502)	2,002
Mountain Valley (305)	1,645
Mountain View (405)	1,694
690 Martinsville (Part)	11,904
Precinct 2 (002)	3,130
Precinct 3 (003)	2,623
Precinct 4 (004)	3,579
Precinct 5 (005)	2,572
143 Pittsylvania (Part)	31,695
Chatham (105)	1,963
East Blairs (307)	2,137
Hurt (501)	3,435
Keeling (402)	2,083
Mt. Airy (308)	862
Mt. Cross (705)	2,051
Mt. Hermon (704)	4,136
Renan (503)	1,759
Riceville (305)	1,609
Stony Mill (603)	2,499
Tunstall (106)	1,955
Twin Springs (103)	4,175
West Blairs (108)	1,132
Whitmell (605)	1,899

Split precincts	Population
089 Henry (partial precincts)	3,080
Daniel's Creek (402)	48
Stanleytown (503)	3,032
143 Pittsylvania (partial precincts)	13,110
Bachelors Hall (702)	718
Central (301)	1,515
Climax (206)	111
Dry Fork (607)	807
East Gretna (309)	759
Gretna (207)	697
Kentuck (404)	3,472
Motley Sycamore (502)	2,854
Ringgold (405)	1
Swansonville (604)	2,176

District: 17 Total Population: 73,149 Ideal: 80,010 Deviation: -8.58%

Precincts	Population
023 Botetourt (Part)	6,316
Cloverdale (502)	4,449
Coyner Springs (501)	1,867
161 Roanoke (Part)	32,141
Bonsack (402)	898
Burlington (202)	2,301
Clearbrook (505)	2,163
Hunting Hills (507)	3,223
Lindenwood (405)	4,679

JA 2900

District: 17 Total Population: 73,149 Ideal: 80,010 Deviation: -8.58%

Precincts	Population
Mount Pleasant (406)	3,856
Mountain View (203)	3,866
Ogden (504)	3,133
Orchards (205)	4,587
Plantation (201)	3,435
770 Roanoke city (Part)	28,219
Fishburn Park (031)	1,968
Garden City (037)	3,758
Grandin Court (032)	1,689
Jefferson-Riverdale (007)	4,228
Lee-Hi (035)	3,468
Monterey (017)	3,757
Raleigh Court No. 2 (026)	2,494
Raleigh Court No. 3 (027)	1,969
Raleigh Court No. 4 (028)	1,472
Raleigh Court No. 5 (029)	1,255
Williamson Road No. 6 (015)	2,161

Split precincts	Population
023 Botetourt (partial precincts)	121
Rainbow Forest (202)	121
161 Roanoke (partial precincts)	2,192
Botetourt Springs (204)	32
Hollins (206)	2,160
770 Roanoke city (partial precincts)	4,160
Jefferson No. 2 (008)	51
Raleight Court No. 1 (024)	215
South Roanoke No. 1 (033)	1,202
South Roanoke No. 2 (034)	2,646
Wasena (030)	46

District: 18 Total Population: 82,817 Ideal: 80,010 Deviation: 3.51%

Counties and Cities	Population
187 Warren	37,575

Precincts	Population
061 Fauquier (Part)	28,783
Airlie (202)	2,226
Broad Run (503)	2,510
Courthouse (201)	4,532
Leeds (402)	3,138
Marshall (401)	3,865
The Plains (501)	3,234
Warrenton (204)	3,987
Waterloo (403)	5,291
069 Frederick (Part)	10,593
Canterburg (503)	4,640
Cedar Creek (104)	2,496
Stephens City (501)	3,457

Split precincts	Population
069 Frederick (partial precincts)	5,866
Newtown (502)	4,540
Parkins Mill (403)	1,326

District: 19 Total Population: 78,345 Ideal: 80,010 Deviation: -2.08%

Counties and Cities	Population
515 Bedford city	6,222

JA 2901

District: 19 Total Population: 78,345 Ideal: 80,010 Deviation: -2.08%

Precincts	Population
019 Bedford (Part)	45,412
Bedford Christian Church (703)	2,719
Bedford County Psa (302)	2,384
Big Island Elem School (502)	1,104
Boonsboro Elem School (505)	2,762
Boonsboro Ruritan Club (506)	2,880
Forest Elem School (401)	3,455
Forest Youth Athletic Assoc. (304)	1,401
Goode Rescue Squad (701)	2,626
Goodview Elem School (101)	6,191
Hardy Fire & Rescue Bldg (102)	1,396
Liberty High School (702)	2,990
Montvale Elem School (601)	2,537
Odd Fellows Hall (504)	514
Sedalia Center (503)	1,356
Shady Grove Baptist Church (602)	2,986
Suck Springs (704)	882
Thaxton Elem School (603)	2,608
Thomas Jefferson Elem School (402)	4,621
023 Botetourt (Part)	23,984
Amsterdam (101)	2,353
Asbury (102)	3,851
Blue Ridge (201)	3,329
Buchanan (301)	2,571
Courthouse (402)	2,658
Eagle Rock (403)	1,291
Glen Wilton (404)	1,001
Mill Creek (302)	1,592
Oriskany (405)	94
Roaring Run (303)	742
Springwood (304)	1,401
Town Hall (406)	1,707
Troutville (104)	1,394

Split precincts	Population
023 Botetourt (partial precincts)	2,727
Rainbow Forest (202)	2,727

District: 20 Total Population: 76,800 Ideal: 80,010 Deviation: -4.01%

Counties and Cities	Population
091 Highland	2,321
790 Staunton	23,746

Precincts	Population
015 Augusta (Part)	29,206
Buffalo Gap (401)	1,987
Cedar Green (405)	2,134
Churchville Fire Station (304)	1,556
Churchville School (402)	1,962
Craigsville (403)	3,071
Deerfield (404)	644
Expo (102)	3,178
Greenville (501)	3,090
Jolivue (101)	2,463
Mount Solon (303)	2,110
North River (302)	1,559
Stuarts Draft (602)	5,452
165 Rockingham (Part)	21,527

JA 2902

District: 20   Total Population: 76,800   Ideal: 80,010   Deviation: -4.01%

Precincts	Population
Bridgewater (401)	5,644
Massanetta Springs (305)	7,130
Montezuma (402)	2,612
Mt. Crawford (403)	417
North River (303)	1,788
Ottobine (207)	3,936

District: 21   Total Population: 76,066   Ideal: 80,010   Deviation: -4.93%

Precincts	Population
810 Virginia Beach (Part)	71,976
Bellamy (043)	5,233
Dahlia (073)	7,710
Edinburgh (056)	1,998
Glenwood (058)	4,335
Hillcrest (087)	3,447
Indian Lakes (078)	3,963
Malibu (014)	4,747
Mt. Trashmore (013)	6,066
Rosemont Forest (064)	5,723
Round Hill (071)	7,208
Thalia (028)	2,885
Timberlake (045)	6,534
Village (076)	5,620
Windsor Oaks (036)	6,507

Split precincts	Population
810 Virginia Beach (partial precincts)	4,090
Colonial (065)	4,090

District: 22   Total Population: 78,106   Ideal: 80,010   Deviation: -2.38%

Counties and Cities	Population
031 Campbell	54,842

Precincts	Population
019 Bedford (Part)	23,264
Bethesda Methodist Church (303)	1,252
Body Camp Elem School (204)	756
Chamblissburg First Aid Bldg (103)	1,470
Huddleston Elem School (305)	1,391
Knights Of Columbus Bldg (403)	3,371
Moneta Elem School (203)	4,830
New London Academy (301)	4,460
Pleasant View (507)	431
Saunders Grove Brethren Church (604)	506
Saunders Vol Fire Dept (205)	2,222
Staunton River High School (202)	2,575

District: 23   Total Population: 80,898   Ideal: 80,010   Deviation: 1.11%

Counties and Cities	Population
680 Lynchburg	75,568

Precincts	Population
009 Amherst (Part)	5,330
Coolwell (103)	1,192
Lonco (402)	1,865
Wright Shop (101)	2,273

District: 24   Total Population: 72,372   Ideal: 80,010   Deviation: -9.55%

Counties and Cities	Population
530 Buena Vista	6,650

JA 2903

District: 24	Total Population: 72,372	Ideal: 80,010	Deviation: -9.55%
Counties and Cities			**Population**
678 Lexington			7,042
163 Rockbridge			22,307
Precincts			**Population**
009 Amherst (Part)			27,023
Amelon (401)			4,795
Courthouse (201)			4,730
Elon (302)			3,598
Madison (501)			6,234
Monroe (301)			1,973
New Glasgow (102)			2,938
Pleasant View (303)			1,020
Temperance (202)			1,735
015 Augusta (Part)			9,350
Middlebrook (502)			1,569
Sherando (601)			2,533
Spottswood (503)			1,760
White Hill (504)			3,488

District: 25	Total Population: 83,601	Ideal: 80,010	Deviation: 4.49%
Counties and Cities			**Population**
820 Waynesboro			21,006
Precincts			**Population**
003 Albemarle (Part)			11,098
Brownsville (604)			4,642
Crozet (601)			5,505
Yellow Mountain (605)			951
015 Augusta (Part)			35,194
Crimora (201)			4,839
Dooms (801)			2,944
Fishersville (802)			4,811
Fort Defiance (301)			3,976
Lyndhurst (603)			2,495
New Hope (202)			2,623
Verona (103)			5,353
Weyers Cave (203)			3,848
Wilson (803)			4,305
165 Rockingham (Part)			13,982
Cross Keys (306)			1,574
Grottoes (304)			2,660
McGaheysville (503)			2,708
Port Republic (302)			2,412
South Fork (504)			1,678
Stony Run (505)			2,950
Split precincts			**Population**
165 Rockingham (partial precincts)			2,321
Elkton (501)			2,321

District: 26	Total Population: 82,704	Ideal: 80,010	Deviation: 3.37%
Counties and Cities			**Population**
660 Harrisonburg			48,914
Precincts			**Population**
165 Rockingham (Part)			33,790
Bergton (104)			798
Broadway (101)			3,587
Dayton (404)			1,530
Edom (202)			1,956

JA 2904

District: 26 Total Population: 82,704 Ideal: 80,010 Deviation: 3.37%

Precincts	Population
Fulks Run (103)	2,608
Keezletown (301)	1,783
Lacey Spring (105)	1,644
Melrose (203)	3,655
Mt. Clinton (204)	2,010
Plains (107)	3,662
Silver Lake (405)	4,962
Singers Glen (201)	2,015
Tenth Legion (106)	1,658
Timberville (102)	1,922

District: 27 Total Population: 87,915 Ideal: 80,010 Deviation: 9.88%

Precincts	Population
041 Chesterfield (Part)	87,915
Beulah (202)	5,050
Bird (203)	4,028
Birkdale (317)	4,140
Chippenham (207)	2,731
Cosby (307)	5,841
Crenshaw (414)	5,171
Deer Run (302)	1,978
Falling Creek (205)	5,531
Five Forks (210)	5,571
Gates (201)	5,053
Genito (402)	7,899
Jacobs (204)	2,953
La Prade (405)	3,925
Meadowbrook (208)	5,053
Providence (404)	4,229
S. Manchester (308)	4,514
Southside (213)	6,498
Spring Run (316)	4,960
St. Lukes (212)	2,790

District: 28 Total Population: 94,896 Ideal: 80,010 Deviation: 18.61%

Counties and Cities	Population
630 Fredericksburg	24,286

Precincts	Population
179 Stafford (Part)	62,934
Brooke (403)	7,268
Chatham (602)	5,497
Courthouse (402)	7,425
Drew (503)	3,051
Falmouth (502)	5,667
Ferry Farm (601)	4,192
Gayle (504)	6,755
Grafton (501)	4,759
Harbor (303)	4,193
Ramoth (104)	4,723
White Oak (603)	5,420
Woodlands (701)	3,984

Split precincts	Population
179 Stafford (partial precincts)	7,676
Aquia (401)	3,533
Whitson (702)	1,537
Widewater (302)	2,606

JA 2905

District: 29	Total Population: 88,049	Ideal: 80,010	Deviation: 10.05%
Counties and Cities			**Population**
840 Winchester			26,203
Precincts			**Population**
069 Frederick (Part)			54,862
Albin (202)			4,829
Ash Hollow (602)			4,167
Carpers Valley (401)			4,131
Clear Brook (301)			2,486
Gainesborough (201)			2,252
Gore (102)			4,501
Greenwood (603)			5,453
Kernstown (103)			2,707
Millbrook (601)			3,189
Neffs Town (302)			5,392
Redland (203)			4,679
Russells (101)			3,277
Shenandoah (402)			2,576
White Hall (303)			5,223
Split precincts			**Population**
069 Frederick (partial precincts)			6,984
Newtown (502)			105
Parkins Mill (403)			6,879

District: 30	Total Population: 90,008	Ideal: 80,010	Deviation: 12.50%
Counties and Cities			**Population**
047 Culpeper			46,689
113 Madison			13,308
Precincts			**Population**
137 Orange (Part)			29,870
Five North (501)			2,883
Five South (502)			4,556
Four East (402)			6,088
Four West (401)			3,294
One East (102)			1,496
Three (301)			6,100
Two East (202)			2,730
Two West (201)			2,723
Split precincts			**Population**
137 Orange (partial precincts)			141
One West (101)			141

District: 31	Total Population: 88,587	Ideal: 80,010	Deviation: 10.72%
Precincts			**Population**
061 Fauquier (Part)			19,420
Baldwin Ridge (203)			4,319
Casanova (103)			1,769
Catlett (102)			4,299
Kettle Run (101)			2,563
New Baltimore (502)			6,470
153 Prince William (Part)			68,687
Bel Air (606)			4,854
Benton (203)			4,653
Beville (205)			4,499
Dale (601)			5,177
Enterprise (608)			6,206
Freedom (609)			4,335
Godwin (603)			8,159

JA 2906

District: 31 Total Population: 88,587 Ideal: 80,010 Deviation: 10.72%

Precincts	Population
King (206)	5,308
Lodge (207)	6,036
Minnieville (605)	5,275
Neabsco (602)	4,074
Park (109)	2,687
Saunders (201)	7,424

Split precincts	Population
153 Prince William (partial precincts)	480
Forest Park (310)	28
Penn (210)	2
Woodbine (209)	450

District: 32 Total Population: 112,677 Ideal: 80,010 Deviation: 40.83%

Precincts	Population
107 Loudoun (Part)	112,677
Algonkian (208)	5,128
Ashburn Farm (102)	6,436
Belmont Ridge (815)	7,092
Cascades (210)	4,911
Cedar Lane (810)	4,273
Countryside (213)	2,876
Dominion (811)	4,997
Farmwell Station (812)	5,376
Hillside (105)	5,746
Lowes Island (607)	3,503
Mirror Ridge (608)	5,028
Newton-Lee (814)	8,269
Potomac Falls (209)	3,782
River Bend (207)	2,378
Russell Branch (809)	4,397
Sanders Corner (101)	4,018
Selden's Landing (813)	7,254
Seneca (606)	3,676
South Bank (609)	4,246
Stone Bridge (808)	4,980
Sugarland North (604)	4,750
Sugarland South (605)	5,086
Weller (816)	4,475

District: 33 Total Population: 113,100 Ideal: 80,010 Deviation: 41.36%

Counties and Cities	Population
043 Clarke	14,034

Precincts	Population
107 Loudoun (Part)	99,066
Balls Bluff (406)	4,671
Between The Hills (306)	515
Brandon Park (506)	3,113
Clarkes Gap (409)	2,369
Cool Spring (505)	4,251
Dry Mill (503)	1,949
East Leesburg (502)	8,171
East Lovettsville (411)	2,820
Evergreen (408)	6,818
Greenway (405)	2,173
Hamilton (304)	5,215
Harper Park (407)	6,320

JA 2907

District: 33   Total Population: 113,100   Ideal: 80,010   Deviation: 41.36%

Precincts	Population
Heritage (412)	2,899
Hillsboro (303)	2,994
Lucketts (403)	3,439
Philomont (305)	2,507
Purcellville One (301)	4,172
Purcellville Two (310)	4,721
Round Hill (302)	2,952
Smart's Mill (504)	4,153
St. Louis (308)	1,863
Tolbert (410)	6,992
Waterford (402)	3,266
West Leesburg (501)	3,896
West Lovettsville (401)	3,694
Woodgrove (311)	3,133

District: 34   Total Population: 74,627   Ideal: 80,010   Deviation: -6.73%

Precincts	Population
059 Fairfax (Part)	74,627
Chain Bridge (301)	4,726
Chesterbrook (302)	3,258
Churchill (303)	2,178
Clearview (321)	5,784
Colvin (330)	3,240
Cooper (304)	2,993
El Nido (305)	3,154
Forestville (322)	4,234
Great Falls (306)	2,525
Hickory (328)	4,221
Kenmore (309)	4,966
Langley (311)	2,736
Magarity (726)	7,185
Salona (316)	3,623
Seneca (329)	4,447
Shouse (323)	3,059
Spring Hill (331)	3,012
Sugarland (327)	4,261
Tysons (731)	5,025

District: 35   Total Population: 87,326   Ideal: 80,010   Deviation: 9.14%

Precincts	Population
059 Fairfax (Part)	87,326
Blake (701)	8,118
Eagle View (853)	6,005
Fair Oaks (848)	2,957
Flint Hill (202)	5,932
Freedom Hill (704)	3,338
Kilmer (733)	5,969
Monument (852)	6,552
Nottoway (729)	5,459
Oak Marr (732)	5,086
Oakton (727)	3,361
Penderbrook (730)	5,316
Vale (914)	4,001
Vienna #1 (213)	5,496
Vienna #2 (214)	4,158
Vienna #4 (216)	2,997
Vienna #6 (218)	2,853

JA 2908

District: 35 Total Population: 87,326 Ideal: 80,010 **Deviation: 9.14%**

Precincts **Population**
Westbriar (219)	5,268
Wolftrap (226)	4,460

District: 36 Total Population: 74,325 Ideal: 80,010 **Deviation: -7.11%**

Precincts **Population**
059 Fairfax (Part)	74,325
Aldrin (234)	6,352
Cameron Glen (238)	4,836
Dogwood (220)	7,658
Fox Mill (229)	6,062
Glade (223)	5,132
Hunters Woods (221)	3,302
Kinross (908)	6,314
North Point (233)	6,986
Reston #1 (208)	4,738
Reston #2 (209)	4,703
Reston #3 (222)	3,240
South Lakes (224)	5,684
Sunrise Valley (227)	2,378
Terraset (225)	6,940

District: 37 Total Population: 75,246 Ideal: 80,010 **Deviation: -5.95%**

Counties and Cities **Population**
600 Fairfax city	22,565

Precincts **Population**
059 Fairfax (Part)	52,681
Bonnie Brae (126)	3,378
Camelot (522)	1,788
Fairfax A (0700)	1,252
Mantua (707)	3,021
Mosby (709)	9,834
Olde Creek (109)	3,262
Pine Ridge (718)	4,160
Price (711)	3,407
Ridgelea (528)	1,627
Robinson (123)	6,304
Sideburn (120)	4,130
Villa (121)	3,204
Woodson (117)	7,314

District: 38 Total Population: 76,948 Ideal: 80,010 **Deviation: -3.83%**

Precincts **Population**
059 Fairfax (Part)	76,948
Barcroft (502)	4,040
Belvedere (503)	2,307
Bren Mar (526)	6,116
Edsall (527)	2,851
Fort Buffalo (703)	3,551
Glen Forest #2 (529)	3,439
Graham (705)	3,591
Greenway (706)	3,059
Holmes #2 (530)	3,400
Lincolnia (507)	6,215
Masonville (508)	3,049
Parklawn (510)	3,395
Poe (523)	4,239
Ravenwood (511)	2,326

JA 2909

District: 38   Total Population: 76,948   Ideal: 80,010   Deviation: -3.83%

Precincts	Population
Saint Albans (513)	3,711
Sleepy Hollow (512)	1,978
Westlawn (515)	3,016
Weyanoke (516)	6,152
Whittier (524)	4,390
Willston (517)	6,123

District: 39   Total Population: 78,182   Ideal: 80,010   Deviation: -2.28%

Precincts	Population
059 Fairfax (Part)	78,182
Alban (623)	2,247
Bristow (102)	5,503
Brook Hill (521)	3,774
Chapel (104)	3,156
Columbia (518)	6,502
Crestwood (415)	4,910
Garfield (417)	6,213
Greenspring (426)	2,010
Heritage (106)	9,805
Hummer (519)	2,779
Kings Park (108)	4,333
Leewood (531)	1,483
Long Branch (122)	2,198
Lynbrook (418)	4,867
North Springfield # 1 (110)	3,674
North Springfield # 2 (111)	3,626
Oak Hill (113)	3,019
Olley (124)	2,651
Ravensworth (115)	2,466
Wakefield (116)	2,966

District: 40   Total Population: 80,835   Ideal: 80,010   Deviation: 1.03%

Precincts	Population
059 Fairfax (Part)	80,835
Bull Run (923)	2,801
Centre Ridge (901)	6,950
Centreville (918)	8,175
Clifton (803)	5,430
Deer Park (921)	4,876
Fairfax Station (805)	4,213
Green Trails (919)	8,076
London Towne West (924)	5,844
Newgate North (849)	2,384
Newgate South (854)	4,095
Old Mill (925)	4,280
Popes Head (841)	4,378
Powell (926)	8,564
Virginia Run (915)	3,678
Willow Springs (851)	7,091

District: 41   Total Population: 70,634   Ideal: 80,010   Deviation: -11.72%

Precincts	Population
059 Fairfax (Part)	70,634
Burke (801)	7,602
Burke Centre (127)	7,071
Cherry Run (825)	3,837
Fairview (105)	6,948

JA 2910

District: 41   Total Population: 70,634   Ideal: 80,010   Deviation: -11.72%

Precincts   **Population**

Precinct	Population
Lake Braddock (118)	6,805
Laurel (119)	5,611
Orange (824)	5,598
Parkway (842)	3,144
Pohick (811)	5,792
Sangster (838)	3,001
Signal Hill (125)	4,257
Terra Centre (130)	3,307
White Oaks (833)	4,914
Woodyard (815)	2,747

District: 42   Total Population: 81,840   Ideal: 80,010   Deviation: 2.29%

Precincts   **Population**

Precinct	Population
059 Fairfax (Part)	81,840
Cardinal (128)	3,794
Fountainhead (845)	4,864
Gunston (616)	9,033
Hunt (624)	5,415
Irving (827)	3,356
Keene Mill (129)	2,648
Laurel Hill (628)	6,903
Lorton (617)	4,353
Lorton Station (622)	6,674
Newington (618)	7,713
Saratoga (626)	7,745
Silverbrook (839)	4,746
South County (629)	4,090
South Run (850)	2,047
Valley (812)	4,283
West Springfield (840)	4,176

District: 43   Total Population: 78,088   Ideal: 80,010   Deviation: -2.40%

Precincts   **Population**

Precinct	Population
059 Fairfax (Part)	78,088
Belvoir (619)	5,383
Bush Hill (401)	4,703
Clermont (423)	3,829
Franconia (404)	5,616
Hayfield (406)	3,836
Huntley (424)	3,677
Island Creek (427)	3,893
Kingstowne (421)	5,771
Lane (419)	5,322
Lorton Center (625)	3,439
Pioneer (409)	9,105
Rose Hill (410)	6,812
Van Dorn (422)	5,613
Villages (420)	5,421
Virginia Hills (411)	2,270
Wilton (425)	3,398

District: 44   Total Population: 79,883   Ideal: 80,010   Deviation: -0.16%

Precincts   **Population**

Precinct	Population
059 Fairfax (Part)	79,883
Belle Haven (601)	3,411
Bucknell (604)	7,242
Fairfield (413)	12,582

JA 2911

District: 44 Total Population: 79,883 Ideal: 80,010 Deviation: -0.16%

Precincts	Population
Fort Hunt (605)	2,822
Groveton (405)	14,159
Hollin Hall (606)	2,414
Huntington (607)	5,784
Sherwood (610)	4,412
Stratford (611)	4,505
Waynewood (612)	1,914
Westgate (613)	4,162
Whitman (614)	2,795
Woodlawn (627)	8,222
Woodley (615)	5,459

District: 45 Total Population: 78,709 Ideal: 80,010 Deviation: -1.63%

Precincts	Population
510 Alexandria (Part)	53,076
Agudas Achim Synagogue (203)	3,652
Blessed Sacrament Church (204)	3,402
Chinquapin Park Recreation Center (206)	4,550
City Hall (102)	3,021
Douglas Macarthur School (205)	5,136
Durant Center (104)	4,501
Fire Department Headquarters (109)	5,094
George Mason School (202)	3,546
George Washington Middle School (108)	3,959
Ladley Senior Building (101)	2,733
Lee Center (105)	6,840
Lyles Crouch School (103)	3,040
Maury School (201)	3,602
013 Arlington (Part)	10,292
Abingdon (022)	3,738
Fairlington (012)	3,093
Shirlington (042)	3,461
059 Fairfax (Part)	15,341
Belleview (602)	2,762
Cameron (402)	1,650
Grosvenor (621)	2,958
Kirkside (608)	2,705
Marlan (609)	2,939
Mount Eagle (408)	2,327

District: 46 Total Population: 77,235 Ideal: 80,010 Deviation: -3.47%

Precincts	Population
510 Alexandria (Part)	70,647
Cameron Station Community Center (308)	4,832
Charles E. Beatley Library (303)	5,689
James K. Polk School (209)	7,182
John Adams School (305)	9,763
Nova Arts Center (208)	6,471
Patrick Henry Rec Center (302)	5,072
Samuel Tucker School (304)	8,854
South Port (307)	5,351
St. James Church (210)	2,844
Temple Beth El Synagogue (207)	5,405
William Ramsey School (306)	9,184
059 Fairfax (Part)	6,588
Skyline (520)	6,588

JA 2912

District: 47 Total Population: 78,184 Ideal: 80,010 Deviation: -2.28%

Precincts	Population
013 Arlington (Part)	78,184
Arlington Forest (025)	3,420
Arlington View (038)	4,740
Ashlawn (039)	2,605
Ashton Heights (002)	4,190
Ballston (004)	2,557
Barcroft (005)	3,942
Buckingham (045)	6,426
Central (046)	4,939
Clarendon (014)	2,801
Dominion Hills (029)	3,565
Fillmore (026)	5,109
Glen Carlyn (013)	2,751
Jefferson (027)	4,429
Lexington (031)	3,667
Lyon Park (015)	3,796
Monroe (049)	2,387
Overlee Knolls (017)	3,765
Taylor (051)	905
Virginia Square (040)	4,168
Westover (023)	2,947
Woodbury (041)	5,075

District: 48 Total Population: 83,331 Ideal: 80,010 Deviation: 4.15%

Precincts	Population
013 Arlington (Part)	83,331
Aurora Hills (003)	2,391
Cherrydale (007)	3,889
Courtlands (048)	3,033
Crystal City (006)	3,860
Crystal Plaza (050)	4,609
Dawson (044)	3,065
East Falls Church (011)	2,549
Hume (008)	5,432
Lyon Village (016)	3,705
Madison (035)	3,890
Marshall (036)	4,661
Nottingham (037)	3,321
Park Lane (018)	6,538
Rock Spring (033)	3,733
Rosslyn (019)	5,564
Thrifton (020)	3,502
Virginia Highlands (021)	5,059
Wilson (010)	5,927
Woodlawn (024)	5,228
Yorktown (034)	3,375

District: 49 Total Population: 68,637 Ideal: 80,010 Deviation: -14.21%

Precincts	Population
510 Alexandria (Part)	16,243
Cora Kelley Center (106)	8,727
Mt. Vernon Recreation Center (107)	7,516
013 Arlington (Part)	35,820
Arlington (001)	5,790
Arlington Mill (043)	6,651
Claremont (028)	5,801
Columbia (009)	4,590

JA 2913

District: 49	Total Population: 68,637	Ideal: 80,010	Deviation: -14.21%
Precincts			**Population**
Four Mile Run (047)			2,843
Glebe (030)			4,929
Oakridge (032)			5,216
059 Fairfax (Part)			16,574
Baileys (501)			7,072
Glen Forest (505)			3,981
Holmes #1 (506)			5,521

District: 50	Total Population: 82,586	Ideal: 80,010	Deviation: 3.22%
Counties and Cities			**Population**
683 Manassas			37,821
685 Manassas Park			14,273
Precincts			**Population**
153 Prince William (Part)			30,492
Parkside (105)			9,005
Pr. William A (000)			848
Sinclair (404)			6,718
Stonewall (405)			6,613
Westgate (407)			7,308

District: 51	Total Population: 77,333	Ideal: 80,010	Deviation: -3.35%
Precincts			**Population**
153 Prince William (Part)			74,192
Bethel (506)			6,169
Chinn (507)			4,037
Civic Center (604)			5,022
Kerrydale (607)			5,995
Kilby (707)			4,682
Lake Ridge (501)			5,623
Lynn (703)			6,630
McCoart (204)			5,256
Mohican (505)			4,170
Occoquan (502)			7,882
Old Bridge (503)			4,212
Rockledge (504)			4,987
Springwoods (508)			3,161
Westridge (208)			6,366
Split precincts			**Population**
153 Prince William (partial precincts)			3,141
Penn (210)			3,141

District: 52	Total Population: 98,234	Ideal: 80,010	Deviation: 22.78%
Precincts			**Population**
153 Prince William (Part)			94,560
Ashland (309)			3,000
Belmont (701)			6,179
Dumfries (301)			4,961
Featherstone (704)			8,682
Graham Park (303)			7,157
Henderson (307)			6,500
Library (702)			8,073
Montclair (308)			5,312
Pattie (305)			4,158
Potomac (302)			4,475
Potomac View (705)			4,314
Powell (211)			1,363
Quantico (304)			5,963

JA 2914

District: 52   Total Population: 98,234   Ideal: 80,010   Deviation: 22.78%

Precincts	Population
Rippon (706)	9,034
River Oaks (708)	6,681
Swans Creek (311)	5,108
Washington-Reid (306)	3,600
Split precincts	**Population**
153 Prince William (partial precincts)	3,674
Forest Park (310)	3,674

District: 53   Total Population: 80,425   Ideal: 80,010   Deviation: 0.52%

Counties and Cities	Population
610 Falls Church	12,332
Precincts	**Population**
059 Fairfax (Part)	68,093
Haycock (307)	3,369
Kirby (310)	3,043
Longfellow (312)	3,861
Marshall (708)	9,082
McLean (314)	3,382
Merrifield (721)	7,173
Pimmit (315)	5,254
Pine Spring (710)	4,655
Shreve (712)	1,927
Stenwood (719)	1,567
Thoreau (720)	2,282
Timber Lane (713)	5,808
Walker (714)	5,681
Walnut Hill # 1 (525)	1,464
Walnut Hill # 2 (728)	1,162
Westhampton (317)	3,095
Westmoreland (318)	2,030
Woodburn (717)	3,258

District: 54   Total Population: 99,135   Ideal: 80,010   Deviation: 23.90%

Precincts	Population
033 Caroline (Part)	2,484
Woodford (303)	2,484
177 Spotsylvania (Part)	96,651
Battlefield (701)	4,252
Belmont (501)	3,218
Brent's Mill (702)	4,095
Brock (505)	4,080
Brokenburg (502)	4,476
Chancellor (204)	5,154
Courthouse (504)	3,337
Fairview (703)	8,879
Frazers Gate (402)	5,337
Lee Hill (403)	5,782
Massaponax (104)	4,519
Ni River (203)	5,625
Piedmont (603)	4,817
Salem (601)	4,025
Smith Station (602)	10,258
Summit (401)	9,766
Todd's Tavern (503)	1,988
Travelers Rest (103)	3,947
Wilderness (202)	3,096

JA 2915

District: 55   Total Population: 81,482   Ideal: 80,010   Deviation: 1.84%

Precincts	Population
085 Hanover (Part)	81,478
Ashcake (103)	2,919
Ashland (101)	7,225
Atlee (304)	4,483
Beaverdam (201)	4,145
Beaverdam Creek (406)	934
Blunts (202)	1,713
Chickahominy (302)	2,535
Clay (301)	3,000
Cool Spring (305)	3,264
Courthouse (206)	1,730
Elmont (704)	2,876
Farrington (701)	2,993
Georgetown (506)	2,996
Goddin's Hill (204)	1,405
Hanover Grove (604)	2,408
Laurel Meadow (507)	3,261
Mechanicsville (603)	3,554
Montpelier (702)	5,409
Newman (503)	3,056
Pebble Creek (405)	2,285
Rockville (703)	2,786
Rural Point (502)	2,973
Shady Grove (303)	1,779
Sliding Hill (104)	3,107
Stony Run (207)	673
Village (601)	4,751
Wilmington Parish (203)	3,218

Split precincts	Population
085 Hanover (partial precincts)	4
Stonewall Jackson (602)	4

District: 56   Total Population: 95,097   Ideal: 80,010   Deviation: 18.86%

Counties and Cities	Population
075 Goochland	21,717
109 Louisa	33,153

Precincts	Population
087 Henrico (Part)	40,227
Causeway (301)	2,929
Lauderdale (407)	4,284
Nuckols Farm (307)	4,507
Rivers Edge (317)	3,741
Sadler (310)	4,613
Shady Grove (311)	4,811
Short Pump (318)	5,739
Stoney Run (314)	6,131
West End (416)	3,472

District: 57   Total Population: 74,900   Ideal: 80,010   Deviation: -6.39%

Counties and Cities	Population
540 Charlottesville	43,475

Precincts	Population
003 Albemarle (Part)	31,425
Agnor-Hurt (104)	4,134
Branchlands (103)	2,221
Dunlora (105)	2,697
Free Bridge (504)	4,555

JA 2916

District: 57   Total Population: 74,900   Ideal: 80,010   Deviation: -6.39%

Precincts	Population
Georgetown (203)	4,751
Ivy (301)	4,625
Jack Jouett (201)	3,182
University Hall (202)	5,260

District: 58   Total Population: 87,462   Ideal: 80,010   Deviation: 9.31%

Counties and Cities	Population
079 Greene	18,403

Precincts	Population
003 Albemarle (Part)	47,129
Belfield (204)	1,370
Burnley (505)	2,118
Cale (405)	8,105
Earlysville (603)	3,984
East Ivy (304)	3,589
Free Union (602)	2,064
Hollymead (503)	6,682
Keswick (501)	1,962
Monticello (402)	2,469
Northside (106)	3,034
Scottsville (401)	2,432
Stone Robinson (406)	3,616
Stony Point (502)	2,108
Woodbrook (101)	3,596
065 Fluvanna (Part)	18,460
Cunningham (401)	4,526
Palmyra (101)	4,394
Rivanna (501)	5,337
Rivanna 2 (502)	4,203

Split precincts	Population
137 Orange (partial precincts)	3,470
One West (101)	3,470

District: 59   Total Population: 77,730   Ideal: 80,010   Deviation: -2.85%

Counties and Cities	Population
011 Appomattox	14,973
029 Buckingham	17,146
049 Cumberland	10,052
125 Nelson	15,020

Precincts	Population
003 Albemarle (Part)	9,318
Country Green (305)	2,912
Porter's (403)	2,396
Red Hill (302)	4,010
065 Fluvanna (Part)	7,231
Columbia (201)	3,865
Fork Union (301)	3,366
147 Prince Edward (Part)	3,990
Buffalo Heights (502)	1,317
Prospect (601)	2,673

District: 60   Total Population: 72,146   Ideal: 80,010   Deviation: -9.83%

Counties and Cities	Population
037 Charlotte	12,586
083 Halifax	36,241

Precincts	Population

JA 2917

District: 60   Total Population: 72,146   Ideal: 80,010   Deviation: -9.83%

Precincts	Population
135 Nottoway (Part)	2,983
Precinct 1-1 (101)	2,983
147 Prince Edward (Part)	19,378
Center (801)	1,622
Darlington Heights (501)	1,405
Farmville (101)	4,502
Hampden (401)	3,031
Leigh (301)	1,899
Lockett (201)	2,748
Mt. Pleasant (302)	1,034
West End (701)	3,137
Split precincts	**Population**
135 Nottoway (partial precincts)	958
Precinct 2-1 (201)	18
Precinct 3-1 (301)	940

District: 61   Total Population: 71,425   Ideal: 80,010   Deviation: -10.73%

Counties and Cities	Population
007 Amelia	12,690
117 Mecklenburg	32,727
Precincts	**Population**
025 Brunswick (Part)	1,670
Dromgoole (201)	523
Tillman (103)	1,147
111 Lunenburg (Part)	9,721
Arrowhead Gun Club (401)	520
Brown's Store (201)	1,305
Flat Rock (302)	536
Meherrin Fire Dept (701)	743
Peoples Community Center (502)	932
Pleasant Grove (402)	1,300
Plymouth (101)	1,151
Reedy Creek (501)	812
Victoria Public Library (702)	2,422
135 Nottoway (Part)	8,789
Precinct 1-2 (102)	1,112
Precinct 2-2 (202)	814
Precinct 3-2 (302)	775
Precinct 4-1 (401)	1,660
Precinct 4-2 (402)	1,329
Precinct 5-1 (501)	3,099
Split precincts	**Population**
025 Brunswick (partial precincts)	2,013
Brodnax (101)	792
Rock Store (102)	1,221
111 Lunenburg (partial precincts)	692
Hounds Creek (601)	404
Rosebud (301)	288
135 Nottoway (partial precincts)	3,123
Precinct 2-1 (201)	2,446
Precinct 3-1 (301)	677

District: 62   Total Population: 76,461   Ideal: 80,010   Deviation: -4.44%

Precincts	Population
041 Chesterfield (Part)	14,690

JA 2918

District: 62 Total Population: 76,461 Ideal: 80,010 Deviation: -4.44%

Precincts	Population
Bellwood (101)	3,809
Enon (103)	4,893
Salem Church (209)	5,988
087 Henrico (Part)	10,013
Dorey (505)	2,927
Sandston (515)	3,393
Town Hall (517)	1,181
Whitlocks (518)	2,512
670 Hopewell (Part)	12,846
Ward 3 (301)	3,047
Ward 4 (401)	3,604
Ward 5 (501)	3,253
Ward 7 (701)	2,942
149 Prince George (Part)	31,915
Blackwater (202)	3,137
Bland (201)	4,544
Brandon (203)	1,103
Harrison (105)	1,095
Jefferson Park (205)	8,964
Richard Bland (101)	1,658
Rives (104)	3,780
Templeton (102)	4,623
Union Branch (103)	3,011

Split precincts	Population
041 Chesterfield (partial precincts)	28
Dutch Gap (110)	28
670 Hopewell (partial precincts)	3,159
Ward 1 (101)	3,159
149 Prince George (partial precincts)	3,810
Courts Bldg (204)	3,810

District: 63 Total Population: 73,723 Ideal: 80,010 Deviation: -7.86%

Counties and Cities	Population
053 Dinwiddie	28,001
730 Petersburg	32,420

Precincts	Population
041 Chesterfield (Part)	13,302
Ettrick (301)	7,537
Matoaca (303)	5,765

District: 64 Total Population: 83,940 Ideal: 80,010 Deviation: 4.91%

Counties and Cities	Population
181 Surry	7,058
830 Williamsburg	14,068

Precincts	Population
620 Franklin city (Part)	1,326
Precinct 1-1 (101)	1,326
093 Isle of Wight (Part)	34,488
Bartlett (201)	4,412
Carrollton (202)	3,872
Carrsville (503)	1,217
Courthouse (401)	2,283
Orbit (403)	1,078
Pons (302)	3,564
Raynor (505)	519

JA 2919

District:	64	Total Population:	83,940	Ideal: 80,010	Deviation: 4.91%
Precincts					**Population**
Rushmere (301)					2,914
Smithfield (101)					7,753
Walters (501)					1,539
Windsor (402)					3,299
Zuni (504)					2,038
095 James City (Part)					24,337
Berkeley A Part 1 (101)					4,749
Berkeley A Part 2 (1012)					0
Jamestown A (201)					4,821
Jamestown B (202)					5,512
Powhatan B (302)					1,923
Powhatan D (304)					5,172
Roberts C Part 1 (5031)					790
Roberts C Part 2 (5032)					1,370
175 Southampton (Part)					2,663
Hunterdale (501)					1,909
Sedley (602)					754

District:	65	Total Population:	89,790	Ideal: 80,010	Deviation: 12.22%
Counties and Cities					**Population**
145 Powhatan					28,046
Precincts					**Population**
041 Chesterfield (Part)					59,663
Brandermill (403)					4,876
Evergreen (312)					7,232
Harbour Pointe (401)					2,485
Midlothian (503)					8,463
Salisbury (507)					5,003
Skinquarter (309)					6,195
Smoketree (406)					3,061
Swift Creek (411)					3,951
Sycamore (510)					4,214
Tomahawk (310)					4,246
Watkins (514)					4,977
Woolridge (313)					4,960
Split precincts					**Population**
041 Chesterfield (partial precincts)					2,081
Monacan (407)					2,081

District:	66	Total Population:	88,542	Ideal: 80,010	Deviation: 10.66%
Counties and Cities					**Population**
570 Colonial Heights					17,411
Precincts					**Population**
041 Chesterfield (Part)					68,310
Bailey Bridge (315)					5,910
Beach (305)					1,679
Carver (112)					3,860
Ecoff (108)					5,975
Elizabeth Scott (109)					7,077
Harrowgate (106)					7,023
Iron Bridge (111)					6,131
Nash (211)					4,966
North Chester (104)					4,875
South Chester (102)					5,788
Wells (107)					4,847
Winfrees Store (304)					5,452

JA 2920

District: 66   Total Population: 88,542   Ideal: 80,010   Deviation: 10.66%

Precincts	Population
Winterpock (306)	4,727
Split precincts	**Population**
041 Chesterfield (partial precincts)	2,821
Dutch Gap (110)	2,821

District: 67   Total Population: 87,457   Ideal: 80,010   Deviation: 9.31%

Precincts	Population
059 Fairfax (Part)	78,449
Brookfield (902)	8,055
Centerpointe (844)	7,062
Cub Run (903)	5,625
Dulles (904)	3,090
Fairlakes (843)	5,210
Greenbriar East (846)	6,222
Greenbriar West (847)	4,069
Lees Corner (920)	4,299
Lees Corner West (927)	5,640
London Towne East (910)	2,744
Navy (911)	5,054
Poplar Tree (928)	3,982
Rocky Run (913)	5,892
Stone (917)	5,954
Waples Mill (916)	5,551
107 Loudoun (Part)	9,008
Dulles South (114)	6,340
Little River (107)	2,668

District: 68   Total Population: 73,167   Ideal: 80,010   Deviation: -8.55%

Precincts	Population
041 Chesterfield (Part)	40,870
Belgrade (508)	3,361
Black Heath (511)	2,590
Bon Air (505)	3,804
Cranbeck (509)	2,732
Crestwood (502)	2,006
Greenfield (506)	4,446
Huguenot (501)	3,698
Reams (408)	6,138
Robious (504)	5,278
Shenandoah (413)	4,206
Wagstaff (410)	2,611
760 Richmond city (Part)	32,202
101 (101)	5,226
102 (102)	1,536
104 (104)	2,352
105 (105)	2,216
106 (106)	2,378
112 (112)	1,594
113 (113)	2,631
114 (114)	3,388
204 (204)	2,980
410 (410)	4,593
413 (413)	3,308
Split precincts	**Population**
041 Chesterfield (partial precincts)	95
Monacan (407)	95

JA 2921

District: 69   Total Population: 71,299   Ideal: 80,010   Deviation: -10.89%

Precincts	Population
041 Chesterfield (Part)	16,992
Beaufont (513)	2,240
Belmont (206)	3,999
Davis (515)	5,935
Manchester (409)	4,818
760 Richmond city (Part)	51,414
404 (404)	4,700
412 (412)	3,104
501 (501)	2,561
503 (503)	3,518
504 (504)	5,086
509 (509)	3,692
510 (510)	3,456
610 (610)	3,633
802 (802)	2,692
810 (810)	3,659
902 (902)	3,662
908 (908)	2,592
909 (909)	3,085
910 (910)	4,184
911 (911)	1,790

Split precincts	Population
760 Richmond city (partial precincts)	2,893
402 (402)	1,141
811 (811)	1,752

District: 70   Total Population: 79,380   Ideal: 80,010   Deviation: -0.79%

Precincts	Population
041 Chesterfield (Part)	9,469
Drewry's Bluff (105)	9,469
087 Henrico (Part)	30,411
Central Gardens (206)	3,728
Eanes (506)	3,713
Laburnum (509)	3,932
Masonic (510)	2,711
Mehfoud (511)	2,843
Montrose (512)	4,277
Rolfe (519)	6,733
Sullivans (516)	2,474
760 Richmond city (Part)	34,360
508 (508)	1,541
609 (609)	2,140
701 (701)	3,872
702 (702)	1,604
703 (703)	3,315
705 (705)	2,011
806 (806)	5,989
812 (812)	4,629
814 (814)	2,773
903 (903)	6,486

Split precincts	Population
760 Richmond city (partial precincts)	5,140
402 (402)	2,907
811 (811)	2,233

District: 71   Total Population: 74,194   Ideal: 80,010   Deviation: -7.27%

JA 2922

District: 71 Total Population: 74,194 Ideal: 80,010 Deviation: -7.27%

Precincts	Population
087 Henrico (Part)	4,567
Hilliard (107)	1,743
Stratford Hall (221)	748
Summit Court (114)	2,076
760 Richmond city (Part)	67,851
203 (203)	2,002
206 (206)	2,797
207 (207)	3,182
208 (208)	3,252
211 (211)	5,295
212 (212)	2,700
213 (213)	4,345
301 (301)	2,299
302 (302)	2,087
303 (303)	1,505
304 (304)	3,062
305 (305)	2,270
306 (306)	1,813
307 (307)	2,161
308 (308)	2,245
505 (505)	2,793
602 (602)	6,046
603 (603)	2,408
606 (606)	3,177
607 (607)	2,176
706 (706)	4,574
707 (707)	5,662

Split precincts	Population
760 Richmond city (partial precincts)	1,776
309 (309)	1,776

District: 72 Total Population: 81,778 Ideal: 80,010 Deviation: 2.21%

Precincts	Population
087 Henrico (Part)	81,778
Byrd (401)	3,576
Cedarfield (302)	3,041
Coalpit (101)	5,611
Gayton (404)	4,026
Glen Allen (103)	4,866
Godwin (405)	2,863
Hungary Creek (116)	5,065
Hunton (108)	1,390
Innsbrook (304)	3,886
Jackson Davis (305)	2,714
Lakewood (406)	3,072
Longan (111)	4,791
Maybeury (408)	3,164
Mooreland (409)	1,955
Pemberton (410)	4,683
Pinchbeck (411)	4,896
Pocahontas (308)	3,541
Ridgefield (412)	4,122
Springfield (313)	3,520
Tucker (316)	7,871
Wellborne (417)	3,125

District: 73 Total Population: 74,500 Ideal: 80,010 Deviation: -6.89%

JA 2923

District: 73   Total Population: 74,500   Ideal: 80,010   Deviation: -6.89%

Precincts	Population
087 Henrico (Part)	68,435
Brookland (204)	1,044
Crestview (303)	4,236
Derbyshire (402)	2,178
Dumbarton (102)	6,652
Freeman (403)	2,297
Glenside (104)	4,720
Greendale (105)	3,126
Hermitage (106)	5,874
Holllybrook (212)	1,119
Johnson (109)	2,154
Lakeside (110)	4,207
Maude Trevvett (112)	1,725
Monument Hills (306)	1,312
Moody (216)	1,544
Mountain (217)	879
Oakview (218)	426
Ridge (309)	2,319
Rollingwood (413)	2,309
Skipwith (312)	4,136
Spottswood (414)	1,385
Staples Mill (113)	5,025
Three Chopt (315)	2,988
Tuckahoe (415)	4,324
Westwood (115)	2,456
760 Richmond city (Part)	6,065
111 (111)	2,014
409 (409)	4,051

District: 74   Total Population: 80,153   Ideal: 80,010   Deviation: 0.18%

Counties and Cities	Population
036 Charles City	7,256

Precincts	Population
087 Henrico (Part)	63,798
Adams (201)	1,655
Azalea (202)	5,761
Belmont (203)	3,429
Canterbury (205)	855
Cedar Fork (502)	1,864
Chamberlayne (207)	3,055
Donahoe (504)	2,969
Elko (507)	974
Fairfield (208)	4,307
Glen Lea (209)	2,293
Greenwood (210)	2,167
Highland Gardens (211)	4,091
Highland Springs (508)	3,851
Hungary (213)	2,362
Longdale (214)	2,432
Maplewood (215)	3,554
Pleasants (514)	5,289
Randolph (219)	397
Ratcliffe (220)	5,221
Wilder (222)	2,405
Yellow Tavern (223)	4,867
670 Hopewell (Part)	6,519

JA 2924

District: 74 Total Population: 80,153 Ideal: 80,010 **Deviation: 0.18%**

Precincts	Population
Ward 2 (201)	3,590
Ward 6 (601)	2,929
760 Richmond city (Part)	2,501
604 (604)	2,501

Split precincts	Population
670 Hopewell (partial precincts)	67
Ward 1 (101)	67
149 Prince George (partial precincts)	0
Courts Bldg (204)	0
760 Richmond city (partial precincts)	12
309 (309)	12

District: 75 Total Population: 70,454 Ideal: 80,010 **Deviation: -11.94%**

Counties and Cities	Population
595 Emporia	5,927
081 Greensville	12,243
183 Sussex	12,087

Precincts	Population
025 Brunswick (Part)	13,617
Alberta (301)	298
Danieltown (302)	1,480
Edgerton (202)	1,546
Elmore (303)	653
Fitzhugh (203)	1,064
King's Store (402)	675
Lawrenceville (501)	3,129
Seymour (304)	649
Sturgeon (401)	4,123
620 Franklin city (Part)	7,256
Precinct 2-1 (201)	1,685
Precinct 3-1 (301)	1,308
Precinct 4-1 (401)	1,518
Precinct 5-1 (501)	1,334
Precinct 6-1 (601)	1,411
093 Isle of Wight (Part)	782
Camps Mill (502)	782
175 Southampton (Part)	15,907
Berlin (101)	1,394
Blackwater River (701)	1,261
Boykins (201)	1,576
Branchville (202)	471
Capron (301)	1,721
Courtland (601)	2,068
Drewryville (401)	2,321
Forks-Of-The-River (502)	857
Ivor (102)	1,590
Meherrin (203)	327
Newsoms (702)	1,338
Sebrell (302)	983

Split precincts	Population
025 Brunswick (partial precincts)	134
Brodnax (101)	52
Rock Store (102)	82
111 Lunenburg (partial precincts)	2,501

JA 2925

District: 75   Total Population: 70,454   Ideal: 80,010   Deviation: -11.94%

Split precincts	Population
Hounds Creek (601)	1,485
Rosebud (301)	1,016

District: 76   Total Population: 92,939   Ideal: 80,010   Deviation: 16.16%

Precincts	Population
550 Chesapeake (Part)	37,978
Bailey Creek (038)	2,167
Churchland (004)	3,403
Deep Creek (006)	6,138
Fellowship (021)	3,090
Gilmerton (013)	3,544
John T. West (041)	5,912
Jolliff One (019)	2,057
Lake Drummond (039)	1,427
Nansemond (044)	2,322
Shipyard Road (052)	3,544
Silverwood (027)	4,374
800 Suffolk (Part)	50,990
Bennetts Creek (104)	3,812
Chuckatuck (202)	2,475
Cypress Chapel (303)	757
Driver (102)	8,339
Ebenezer (201)	2,239
Elephants Fork/Westhaven (603)	3,324
Holland (502)	2,399
Holy Neck (503)	1,987
Kilby's Mill (501)	4,423
King's Fork (203)	8,502
Lake Cohoon (504)	1,674
Lakeside (601)	4,376
Nansemond River (703)	5,323
Olde Towne (602)	1,360

Split precincts	Population
550 Chesapeake (partial precincts)	6
E. W. Chittum School (020)	6
800 Suffolk (partial precincts)	3,965
John F. Kennedy (302)	1,242
Southside (403)	2
Whaleyville (402)	2,721

District: 77   Total Population: 76,927   Ideal: 80,010   Deviation: -3.85%

Precincts	Population
550 Chesapeake (Part)	56,983
Camelot (003)	6,479
Carver School (031)	5,901
Crestwood (005)	4,095
Geneva Park (011)	5,490
Georgetown (012)	5,445
Joliff Middle School (048)	4,862
Oscar Smith School (010)	2,449
Providence (032)	5,727
River Walk (050)	3,852
South Norfolk (030)	2,116
South Norfolk Recreation (008)	4,943
St. Julians (025)	970
Sunray I (028)	418

JA 2926

District: 77   Total Population: 76,927   Ideal: 80,010   Deviation: -3.85%

Precincts	Population
Sunray Ii (045)	1,323
Westover (033)	2,913
800 Suffolk (Part)	7,706
Airport (401)	1,668
Hollywood (701)	1,813
White Marsh (301)	4,225

Split precincts	Population
550 Chesapeake (partial precincts)	3,753
E. W. Chittum School (020)	3,753
800 Suffolk (partial precincts)	8,485
John F. Kennedy (302)	3,653
Southside (403)	4,827
Whaleyville (402)	5

District: 78   Total Population: 81,062   Ideal: 80,010   Deviation: 1.31%

Precincts	Population
550 Chesapeake (Part)	81,062
B. M. Williams School (015)	3,576
Bells Mill Ii (046)	3,306
Bridgetown (037)	6,061
Coopers Way (051)	4,242
Fairways (053)	2,856
Great Bridge (001)	5,006
Great Bridge Baptist Church (036)	7,079
Greenbrier (007)	4,018
Hickory Grove (016)	5,536
Hickory Middle School (034)	6,625
Oak Grove (023)	7,400
Parkways (042)	7,124
Pleasant Crossing (043)	6,364
River Birch (040)	6,839
Waterway (049)	5,030

District: 79   Total Population: 73,068   Ideal: 80,010   Deviation: -8.68%

Precincts	Population
550 Chesapeake (Part)	6,590
Taylor Road (035)	6,590
710 Norfolk (Part)	5,282
Larchmont Library (208)	1,266
Larchmont Recreation Center (209)	4,016
740 Portsmouth (Part)	45,678
Eleven (011)	2,254
Ten (010)	2,021
Thirty (030)	2,858
Thirty Eight (038)	6,158
Thirty Nine (039)	4,983
Thirty Seven (037)	4,632
Thirty-Five (035)	2,914
Thirty-Four (034)	2,119
Thirty-Six (036)	4,933
Thirty-Three (033)	1,771
Twenty-Five (025)	2,603
Twenty-Four (024)	2,527
Twenty-Three (023)	2,802
Twenty-Two (022)	3,103
800 Suffolk (Part)	13,439

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District: 79	Total Population: 73,068	Ideal: 80,010	Deviation: -8.68%
Precincts			**Population**
Harbour View (103)			4,402
Yeates (705)			9,037
Split precincts			**Population**
710 Norfolk (partial precincts)			2,079
Old Dominion (201)			0
Titustown Center (104)			574
Zion Grace (106)			1,505

District: 80	Total Population: 70,585	Ideal: 80,010	Deviation: -11.78%
Precincts			**Population**
550 Chesapeake (Part)			2,758
Johnson Park (026)			2,758
710 Norfolk (Part)			11,176
Berkley (402)			3,271
Chrysler Museum (211)			3,682
Taylor Elementary School (213)			4,223
740 Portsmouth (Part)			49,857
Five (005)			2,830
Fourteen (014)			3,125
Nine (009)			3,154
Nineteen (019)			1,839
One (001)			3,573
Seven (007)			2,413
Seventeen (017)			4,627
Sixteen (016)			3,669
Thirteen (013)			2,802
Thirty-One (031)			4,616
Thirty-Two (032)			1,830
Twenty (020)			2,270
Twenty-Eight (028)			3,042
Twenty-Nine (029)			1,698
Twenty-One (021)			1,904
Twenty-Seven (027)			3,921
Twenty-Six (026)			2,544
Split precincts			**Population**
710 Norfolk (partial precincts)			6,794
Hunton Y (411)			2,125
Old Dominion (201)			4,669

District: 81	Total Population: 74,455	Ideal: 80,010	Deviation: -6.94%
Precincts			**Population**
550 Chesapeake (Part)			17,881
Bells Mill (009)			5,425
Bethel (002)			4,068
Grassfield (014)			978
Green Sea (047)			3,630
Indian Creek (017)			3,780
810 Virginia Beach (Part)			56,449
Blackwater (034)			1,219
Capps Shop (033)			2,014
Corporate Landing (070)			6,611
Creeds (032)			1,765
Culver (063)			6,948
Magic Hollow (055)			7,309
Ocean Lakes (003)			6,974
Redwing (030)			7,580

JA 2928

	Current House	
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District: 81 Total Population: 74,455 Ideal: 80,010 Deviation: -6.94%

Precincts	Population
Seatack (005)	5,987
Sigma (031)	4,946
Upton (085)	5,096
Split precincts	**Population**
810 Virginia Beach (partial precincts)	125
Brookwood (077)	26
Rudee (072)	99

District: 82 Total Population: 70,417 Ideal: 80,010 Deviation: -11.99%

Precincts	Population
810 Virginia Beach (Part)	66,560
Alanton (006)	4,300
Cape Henry (011)	4,913
Colony (075)	4,240
Eastern Shore (067)	7,856
Great Neck (010)	4,311
Kings Grant (047)	4,435
Kingston (007)	2,506
Linkhorn (004)	4,914
Little Neck (092)	2,656
Lynnhaven (049)	3,791
North Beach (001)	4,391
Oceana (050)	4,204
South Beach (002)	5,516
Trantwood (009)	3,576
Wolfsnare (048)	4,951
Split precincts	**Population**
810 Virginia Beach (partial precincts)	3,857
Rudee (072)	3,857

District: 83 Total Population: 73,171 Ideal: 80,010 Deviation: -8.55%

Precincts	Population
810 Virginia Beach (Part)	67,138
Aragona (016)	7,280
Bayside (020)	2,361
Bonney (040)	3,442
Chesapeake Beach (037)	8,310
Hagood (086)	3,952
Lake Joyce (090)	2,752
Lake Smith (019)	2,297
Ocean Park (017)	3,036
Old Donation (015)	5,616
Pembroke (039)	6,005
Pleasant Hill (079)	4,374
Shell (069)	4,516
Shelton Park (059)	3,994
Thoroughgood (018)	4,626
Witchduck (038)	4,577
Split precincts	**Population**
810 Virginia Beach (partial precincts)	6,033
Davis Corner (021)	6,033

District: 84 Total Population: 77,736 Ideal: 80,010 Deviation: -2.84%

Precincts	Population
810 Virginia Beach (Part)	72,951
Buckner (074)	4,745

JA 2929

District: 84   Total Population: 77,736   Ideal: 80,010   Deviation: -2.84%

Precincts	Population
Courthouse (035)	3,833
Cromwell (054)	3,221
Foxfire (060)	3,869
Green Run (046)	7,782
Holland (029)	7,820
Hunt (066)	3,725
Landstown (062)	4,972
London Bridge (008)	5,566
North Landing (088)	4,890
Pinewood (094)	2,488
Plaza (012)	5,585
Rock Lake (081)	5,668
Shelbourne (082)	3,656
Strawbridge (083)	5,131
Split precincts	**Population**
810 Virginia Beach (partial precincts)	4,785
Brookwood (077)	4,785

District: 85   Total Population: 74,035   Ideal: 80,010   Deviation: -7.47%

Precincts	Population
810 Virginia Beach (Part)	73,771
Arrowhead (023)	4,716
Avalon (025)	4,587
Brandon (042)	4,823
Centerville (044)	4,777
College Park (041)	3,515
Fairfield (026)	3,299
Homestead (052)	5,727
Lake Christopher (089)	3,873
Larkspur (024)	3,232
Lexington (091)	5,257
Manor (068)	3,714
Point O' View (022)	3,344
Providence (027)	3,920
Reon (080)	3,722
Shannon (053)	3,328
Sherry Park (057)	2,499
Stratford Chase (051)	3,979
Tallwood (084)	5,459
Split precincts	**Population**
810 Virginia Beach (partial precincts)	264
Colonial (065)	264

District: 86   Total Population: 89,028   Ideal: 80,010   Deviation: 11.27%

Precincts	Population
059 Fairfax (Part)	61,312
Coppermine (239)	7,394
Floris (203)	5,204
Franklin (905)	4,758
Frying Pan (235)	5,436
Herndon #1 (319)	6,684
Herndon #2 (320)	8,600
Herndon #3 (324)	8,008
Hutchison (325)	5,843
McNair (237)	7,557
Stuart (236)	1,828

JA 2930

District: 86   Total Population: 89,028   Ideal: 80,010   Deviation: 11.27%

Precincts	Population
107 Loudoun (Part)	27,716
Buchanan (211)	2,086
Forest Grove (705)	4,817
Guilford (704)	4,004
Oak Grove (110)	1,784
Park View (702)	5,102
Rolling Ridge (703)	5,118
Sully (701)	4,805

District: 87   Total Population: 71,505   Ideal: 80,010   Deviation: -10.63%

Precincts	Population
710 Norfolk (Part)	59,589
Azalea Gardens (512)	2,671
Bayview School (501)	5,515
Crossroads (511)	5,142
East Ocean View (503)	5,271
Larrymore (504)	3,935
Little Creek (505)	3,090
Northside (103)	3,854
Ocean View Center (506)	4,703
Ocean View School (102)	7,480
Oceanair (508)	3,465
Tarrallton (509)	4,609
Third Presbyterian (510)	4,886
Wesley (217)	4,968
Split precincts	**Population**
710 Norfolk (partial precincts)	11,916
Barron Black (406)	2,030
Granby (101)	2,860
Titustown Center (104)	6,954
Tucker House (105)	18
Zion Grace (106)	54

District: 88   Total Population: 93,126   Ideal: 80,010   Deviation: 16.39%

Precincts	Population
061 Fauquier (Part)	17,000
Bealeton (303)	5,737
Lois (104)	1,610
Morrisville (301)	2,979
Opal (105)	2,076
Remington (302)	4,598
177 Spotsylvania (Part)	17,775
Elys Ford (201)	2,824
Grange Hall (303)	3,429
Hazel Run (302)	6,041
Plank Road (301)	5,481
179 Stafford (Part)	45,147
Griffis (301)	4,711
Hampton (703)	5,412
Hartwood (101)	6,185
Rock Hill (201)	4,749
Rocky Run (102)	6,732
Roseville (202)	5,843
Ruby (203)	3,808
Simpson (103)	2,757
Stefaniga (204)	4,950

JA 2931

District: 88   Total Population: 93,126   Ideal: 80,010   **Deviation: 16.39%**

Split precincts	Population
179 Stafford (partial precincts)	13,204
Aquia (401)	3,639
Whitson (702)	3,512
Widewater (302)	6,053

District: 89   Total Population: 74,259   Ideal: 80,010   **Deviation: -7.19%**

Precincts	Population
710 Norfolk (Part)	67,767
Ballentine (301)	4,798
Coleman Place School (304)	2,914
Ghent Square (203)	1,678
Immanuel (204)	2,583
Lafayette (205)	1,806
Lafayette-Winona (305)	3,365
Lambert's Point (207)	3,557
Lindenwood (306)	2,761
Maury (210)	3,366
Norview Methodist (308)	3,347
Norview Middle School (309)	4,650
Park Place (212)	4,141
Rosemont (310)	7,097
Sherwood School (312)	2,820
Stuart (214)	4,013
Suburban Park (215)	3,379
Tanner's Creek (302)	3,209
Willard (218)	2,841
Young Park (414)	5,442
Split precincts	**Population**
710 Norfolk (partial precincts)	6,492
Granby (101)	3,759
Hunton Y (411)	1,087
Sherwood Rec Center (311)	531
Tucker House (105)	1,115

District: 90   Total Population: 71,080   Ideal: 80,010   **Deviation: -11.16%**

Precincts	Population
550 Chesapeake (Part)	15,198
Indian River (018)	4,165
Norfolk Highlands (022)	3,001
Oaklette (024)	4,834
Tanglewood (029)	3,198
710 Norfolk (Part)	40,372
Bowling Park (303)	5,155
Brambleton (403)	4,071
Campostella (404)	4,522
Chesterfield (405)	3,567
Easton (408)	4,638
Fairlawn (409)	3,427
Ingleside (412)	3,277
Poplar Halls (413)	5,114
Union Chapel (313)	2,209
United Way (415)	4,392
810 Virginia Beach (Part)	9,900
Baker (061)	6,559
Newtown (093)	3,341

Current House		
Plan last edited: 4/12/2011 9:50:07 AM		Printed: 4/12/2011 11:09 am

District: 90   Total Population: 71,080   Ideal: 80,010   **Deviation: -11.16%**

	Population
Split precincts	**Population**
710 Norfolk (partial precincts)	5,515
Barron Black (406)	1,001
Hunton Y (411)	61
Sherwood Rec Center (311)	4,453
810 Virginia Beach (partial precincts)	95
Davis Corner (021)	95

District: 91   Total Population: 64,074   Ideal: 80,010   **Deviation: -19.92%**

	Population
Counties and Cities	**Population**
735 Poquoson	12,150
Precincts	**Population**
650 Hampton (Part)	22,853
Booker (201)	5,030
Burbank (203)	5,161
Langley (209)	4,760
Phillips (213)	5,876
Syms (113)	2,026
199 York (Part)	15,172
Dare (402)	6,953
Harris Grove (302)	4,550
Seaford (301)	3,669
Split precincts	**Population**
650 Hampton (partial precincts)	13,847
Asbury (205)	5,634
Bryan (202)	5,385
Machen (210)	2,828
199 York (partial precincts)	52
Harwoods Mill (401)	52

District: 92   Total Population: 71,017   Ideal: 80,010   **Deviation: -11.24%**

	Population
Precincts	**Population**
650 Hampton (Part)	61,779
Aberdeen (101)	3,526
Bassette (102)	4,164
City Hall (103)	4,423
Cooper (104)	7,609
East Hampton (105)	5,066
Hampton Library (111)	1,518
Jones (116)	2,680
Kecoughtan (117)	4,781
Lindsay (107)	3,291
Phenix (109)	5,254
Phoebus (110)	1,430
Sandy Bottom (216)	2,980
Smith (112)	6,337
Thomas (108)	6,956
Tyler (215)	1,764
Split precincts	**Population**
650 Hampton (partial precincts)	9,238
Armstrong (106)	4,205
Asbury (205)	354
Machen (210)	4,679

District: 93   Total Population: 73,204   Ideal: 80,010   **Deviation: -8.51%**

	Population
Precincts	**Population**

JA 2933

District: 93 Total Population: 73,204 Ideal: 80,010 Deviation: -8.51%

Precincts	Population
095 James City (Part)	8,201
Roberts A Part 1 (5011)	1,768
Roberts A Part 2 (5012)	3,671
Roberts B (502)	2,762
700 Newport News (Part)	56,146
Deer Park (219)	8,030
Epes (102)	7,871
Kiln Creek (218)	6,622
McIntosh (104)	4,657
Palmer (211)	6,213
Reservoir (106)	7,636
Richneck (107)	5,992
Watkins (320)	5,581
Windsor (109)	3,544
Split precincts	**Population**
700 Newport News (partial precincts)	8,594
Greenwood (110)	7,088
Lee Hall (108)	1,506
199 York (partial precincts)	263
Magruder (104)	263

District: 94 Total Population: 71,464 Ideal: 80,010 Deviation: -10.68%

Precincts	Population
700 Newport News (Part)	63,158
Bland (201)	1,396
Boulevard (202)	5,234
Charles (203)	5,778
Deep Creek (205)	3,767
Denbigh (101)	6,960
Hidenwood (208)	2,068
Hilton (209)	3,165
Jenkins (103)	6,616
Nelson (210)	5,795
Oyster Point (105)	1,277
River (314)	2,342
Riverside (212)	1,892
Riverview (217)	3,221
Sanford (213)	1,500
Sedgefield (315)	3,019
Warwick (215)	2,678
Wellesley (204)	4,224
Yates (216)	2,226
Split precincts	**Population**
700 Newport News (partial precincts)	8,306
Lee Hall (108)	8,306

District: 95 Total Population: 67,882 Ideal: 80,010 Deviation: -15.16%

Precincts	Population
650 Hampton (Part)	29,705
Bethel (212)	5,348
Forrest (204)	4,095
Kraft (208)	6,678
Mallory (118)	4,998
Tucker Capps (214)	6,256
Wythe (115)	2,330
700 Newport News (Part)	38,163

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JA 2934

District: 95   Total Population: 67,882   Ideal: 80,010   Deviation: **-15.16**%

Precincts	Population
Briarfield (302)	4,287
Carver (303)	3,307
Chestnut (304)	1,807
Downtown (305)	2,178
Dunbar (306)	2,159
Huntington (307)	1,756
Jefferson (308)	2,000
Magruder (309)	1,690
Marshall (310)	2,508
Newmarket (311)	4,312
Newsome Park (312)	1,328
Reed (313)	3,315
South Morrison (316)	4,473
Washington (317)	1,152
Wilson (318)	1,891
Split precincts	**Population**
650 Hampton (partial precincts)	14
Armstrong (106)	14

District: 96   Total Population: 90,800   Ideal: 80,010   Deviation: **13.49**%

Precincts	Population
095 James City (Part)	34,471
Berkeley B Part 1 (1021)	1,420
Berkeley B Part 2 (1022)	3,315
Berkeley C (103)	4,798
Powhatan A (301)	4,420
Powhatan C (303)	5,604
Stonehouse A (401)	5,372
Stonehouse B (402)	5,915
Stonehouse C (403)	3,627
700 Newport News (Part)	6,350
Saunders (319)	6,350
199 York (Part)	39,098
Bethel (502)	9,439
Coventry (203)	8,802
Edgehill (303)	5,335
Kiln Creek (204)	3,291
Queens Lake (101)	3,061
Tabb (501)	3,573
Waller Mill (103)	3,610
Yorktown (102)	1,987
Split precincts	**Population**
700 Newport News (partial precincts)	2
Greenwood (110)	2
199 York (partial precincts)	10,879
Harwoods Mill (401)	5,059
Magruder (104)	5,820

District: 97   Total Population: 87,705   Ideal: 80,010   Deviation: **9.62**%

Counties and Cities	Population
127 New Kent	18,429
Precincts	**Population**
033 Caroline (Part)	14,074
Chilesburg (302)	763
Madison (201)	8,285
Penola (402)	363

JA 2935

District: 97	Total Population: 87,705	Ideal: 80,010	Deviation: 9.62%
Precincts			**Population**
Reedy Church (401)			4,663
085 Hanover (Part)			14,576
Battlefield (401)			2,274
Black Creek (404)			2,024
Cold Harbor (403)			5,455
Old Church (402)			2,235
Studley (504)			1,793
Totopotomoy (505)			795
087 Henrico (Part)			7,706
Antioch (501)			2,395
Chickahominy (503)			3,205
Nine Mile (513)			2,106
097 King and Queen (Part)			2,931
Clark's (201)			1,458
Owenton (101)			1,473
101 King William (Part)			11,718
Aylett (301)			3,394
Courthouse (202)			2,272
Mangohick (501)			3,058
Manquin (401)			2,994
177 Spotsylvania (Part)			7,971
Blaydes Corner (102)			4,247
Partlow (101)			3,724
Split precincts			**Population**
033 Caroline (partial precincts)			5,584
Mattaponi (501)			5,584
085 Hanover (partial precincts)			3,805
Stonewall Jackson (602)			3,805
101 King William (partial precincts)			911
Sweet Hall (201)			911

District: 98	Total Population: 75,266	Ideal: 80,010	Deviation: -5.93%
Counties and Cities			**Population**
057 Essex			11,151
073 Gloucester			36,858
115 Mathews			8,978
119 Middlesex			10,959
Precincts			**Population**
097 King and Queen (Part)			4,014
Courthouse (401)			1,272
Old Mill (501)			1,467
Shackleford's (301)			1,275
101 King William (Part)			3,127
West Point (101)			3,127
Split precincts			**Population**
101 King William (partial precincts)			179
Sweet Hall (201)			179

District: 99	Total Population: 80,416	Ideal: 80,010	Deviation: 0.51%
Counties and Cities			**Population**
099 King George			23,584
103 Lancaster			11,391
133 Northumberland			12,330
159 Richmond			9,254

JA 2936

District: 99	Total Population: 80,416	Ideal: 80,010	Deviation: 0.51%

	Population
Counties and Cities	**Population**
193 Westmoreland	17,454
Precincts	**Population**
033 Caroline (Part)	6,319
Bowling Green (101)	4,738
Port Royal (301)	1,581
Split precincts	**Population**
033 Caroline (partial precincts)	84
Mattaponi (501)	84

District: 100	Total Population: 71,374	Ideal: 80,010	Deviation: -10.79%

	Population
Counties and Cities	**Population**
001 Accomack	33,164
131 Northampton	12,389
Split precincts	**Population**
650 Hampton (partial precincts)	0
Bryan (202)	0
710 Norfolk (partial precincts)	25,821
Zion Grace (106)	25,821

JA 2937

Plaintiffs' Exhibit 87

HD 63
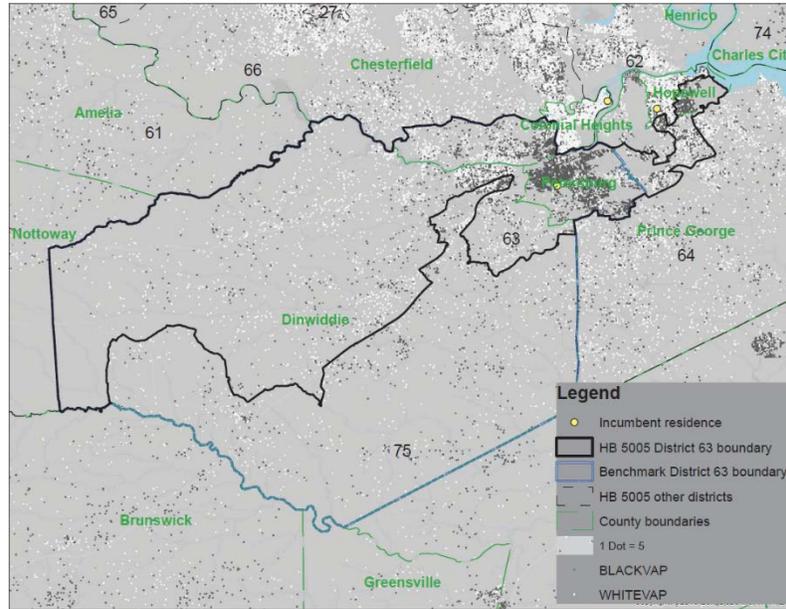
Rodden Amended Expert Report p. 34, Figure 10
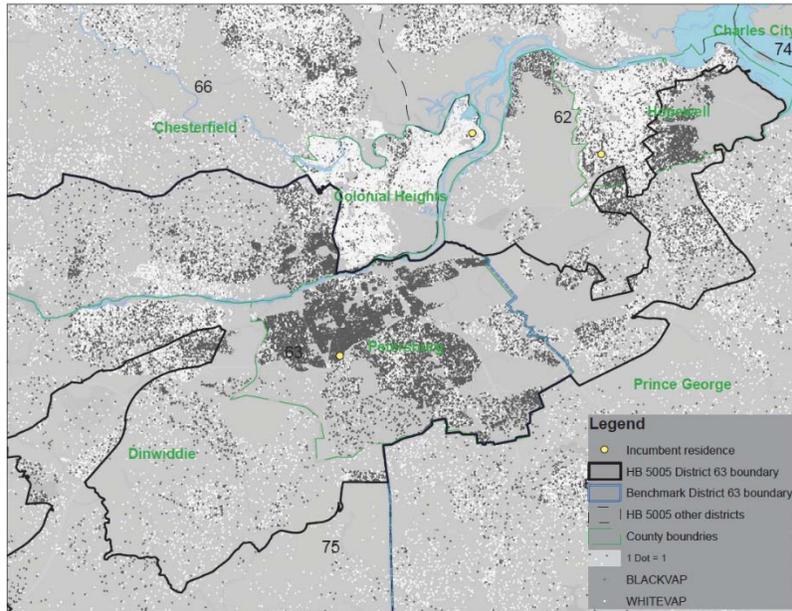
HD 63

Rodden Amended Expert Report p. 36, Figure 11

HD 63
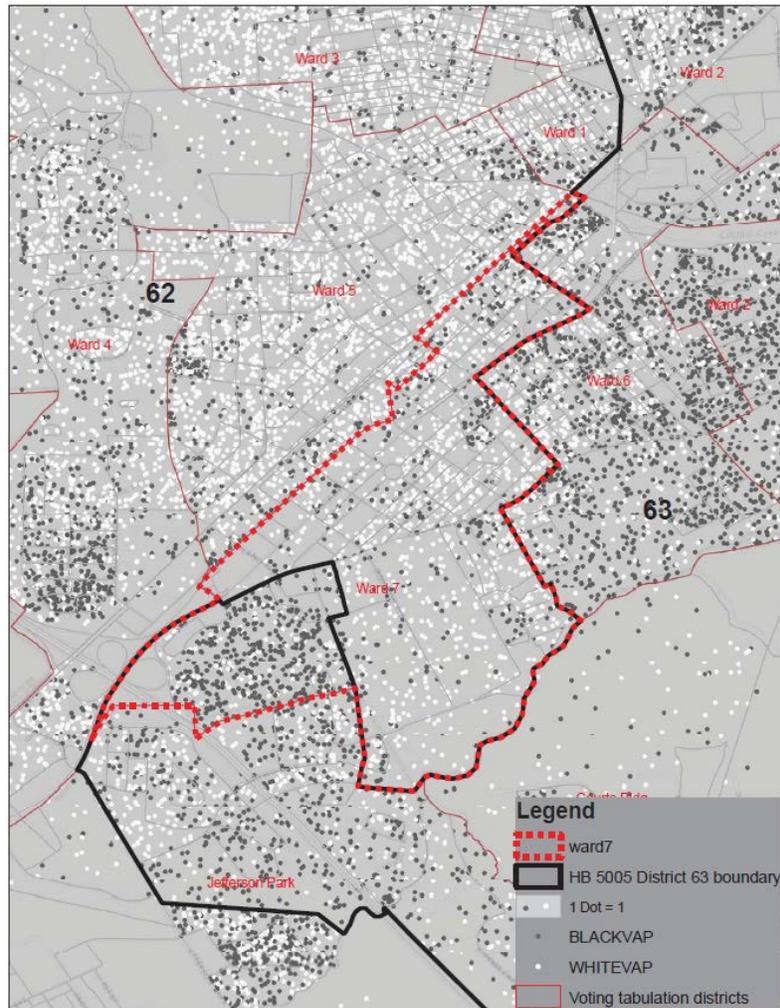
Rodden Amended Expert Report p. 38, Figure 12

JA 2940

HD 69
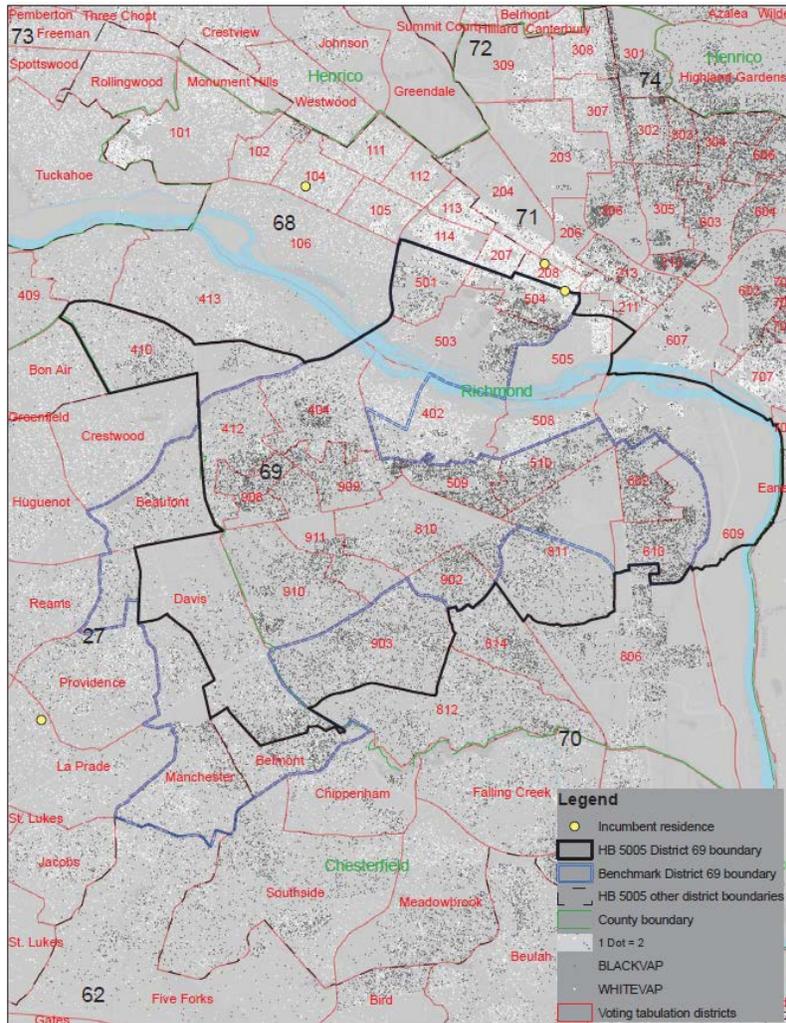
Rodden Amended Expert Report p. 25, Figure 6

JA 2941

HD 70

Rodden Amended Expert Report p. 28, Figure 7
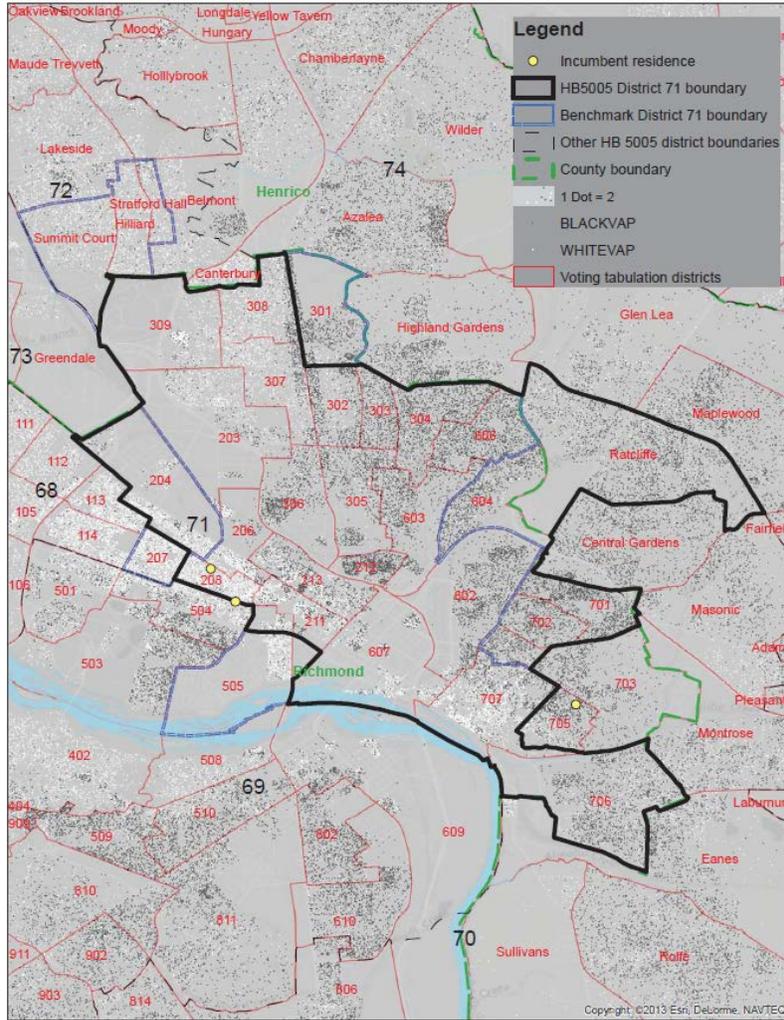
JA 2942

HD 71

Rodden Amended Expert Report p. 18, Figure 4

HD 71
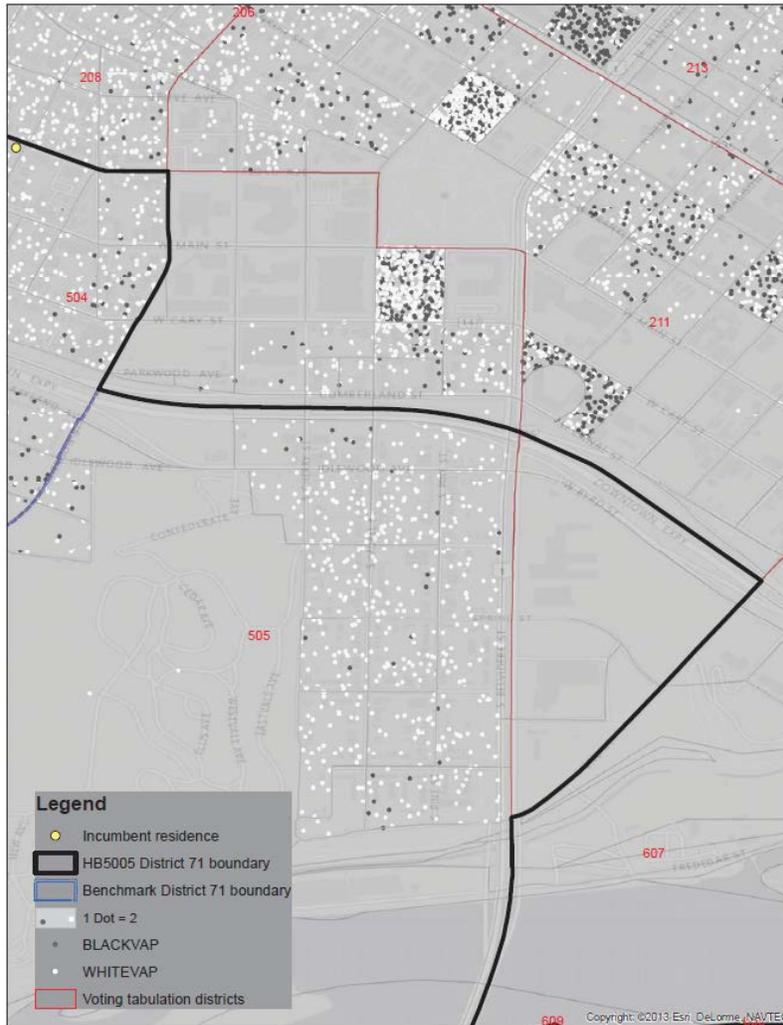
Rodden Amended Expert Report p. 22, Figure 5

JA 2944

HD 74
(see insert on next page)
PDF p.8

HD 74
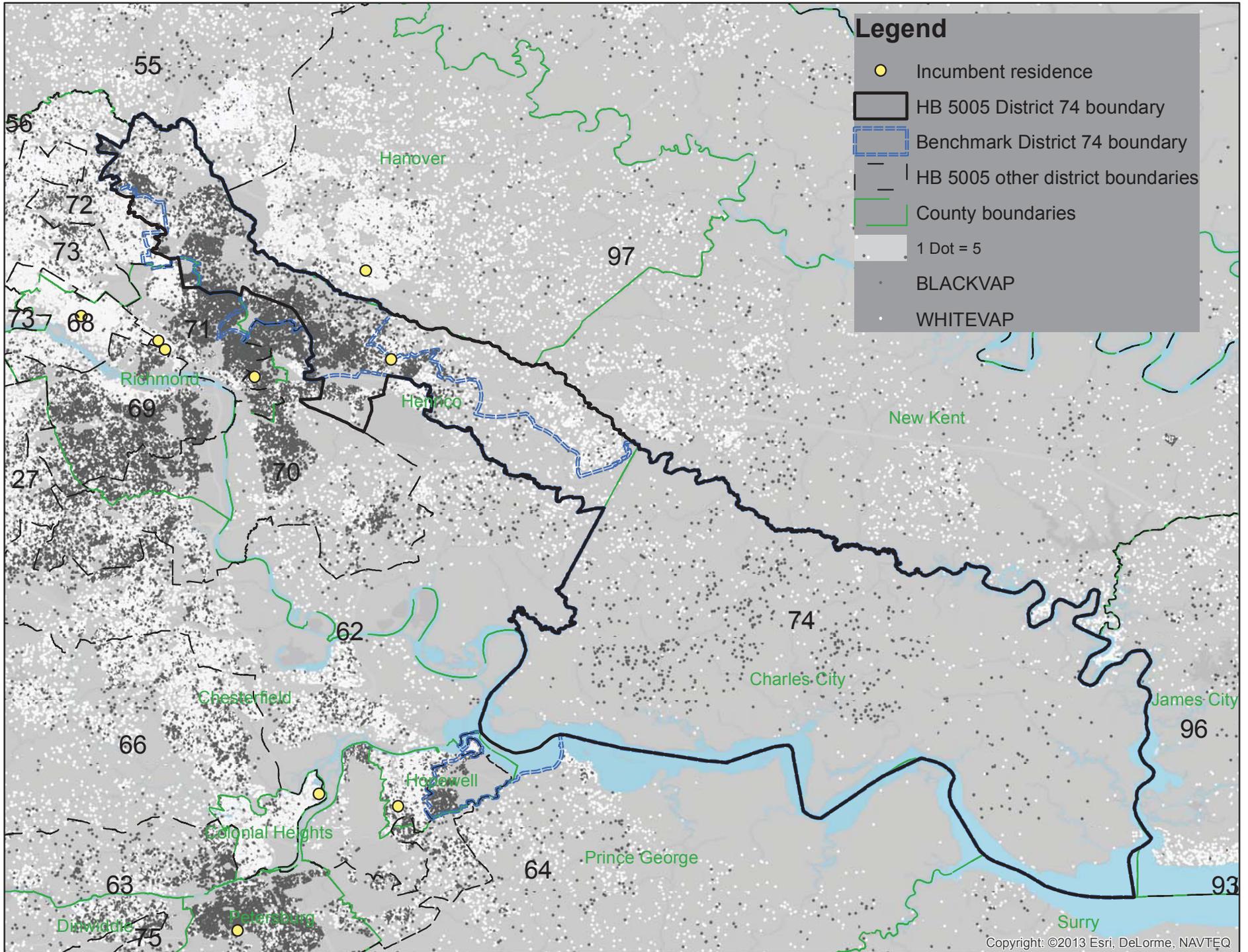
Rodden Amended Expert Report p. 31, Figure 8

HD 74

Rodden Amended Expert Report p. 33, Figure 9

JA 2946

HD 77
(see insert on next page)
PDF p.10

HD 77
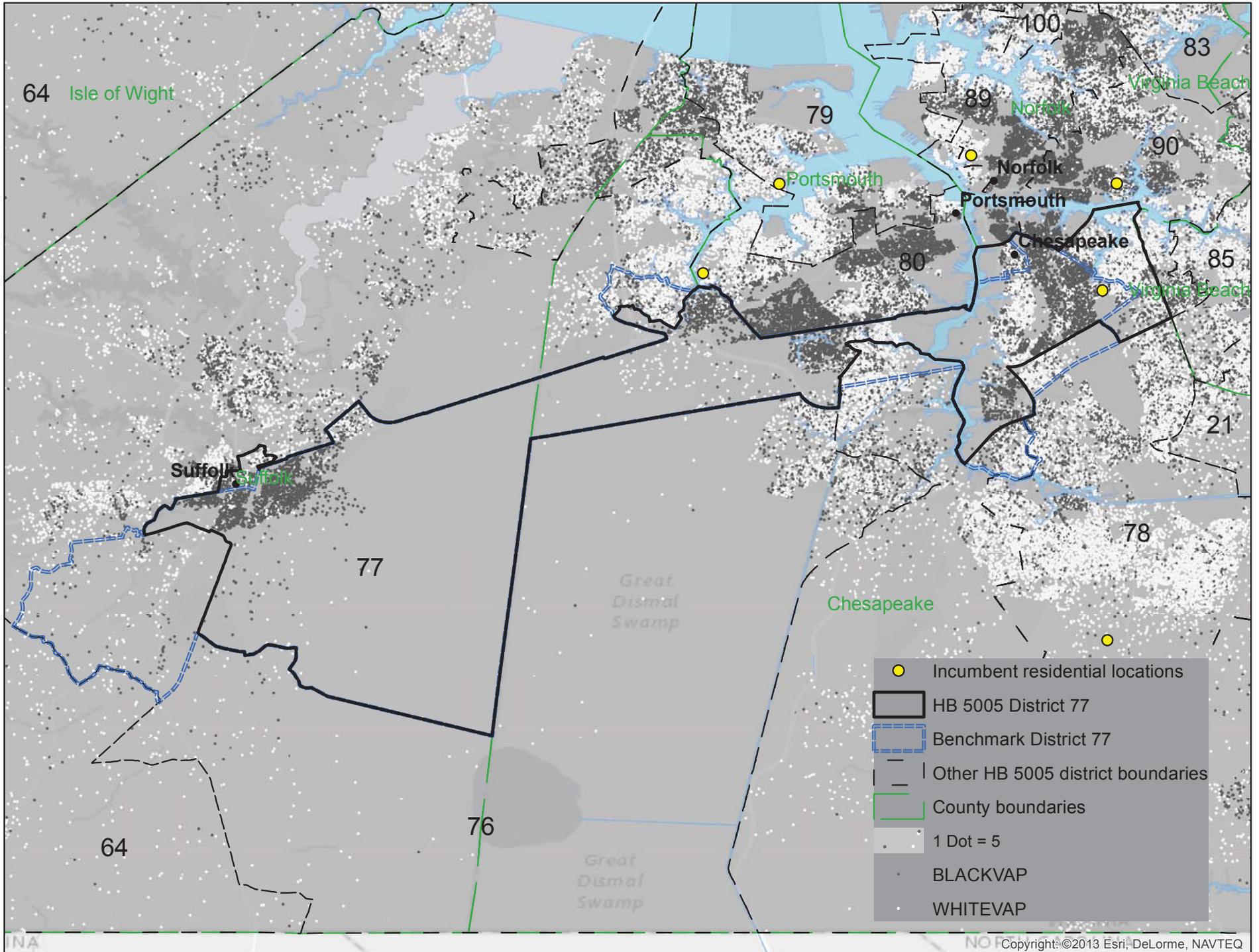
Rodden Amended Expert Report p. 63, Figure 24

JA 2947

HD77
(see insert on next page)
PDF p.11

HD 77
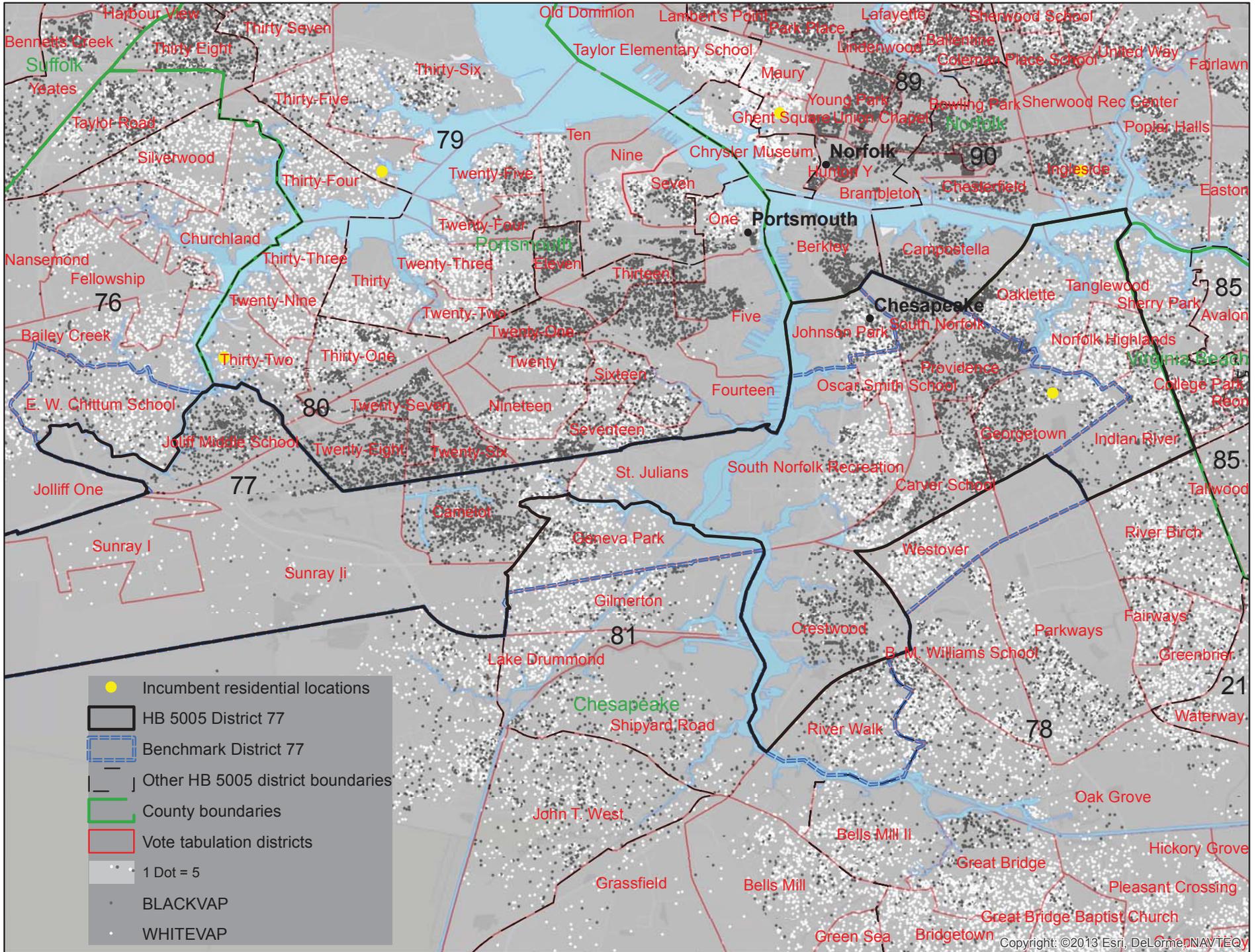
Rodden Amended Expert Report p. 64, Figure 25

HD 77
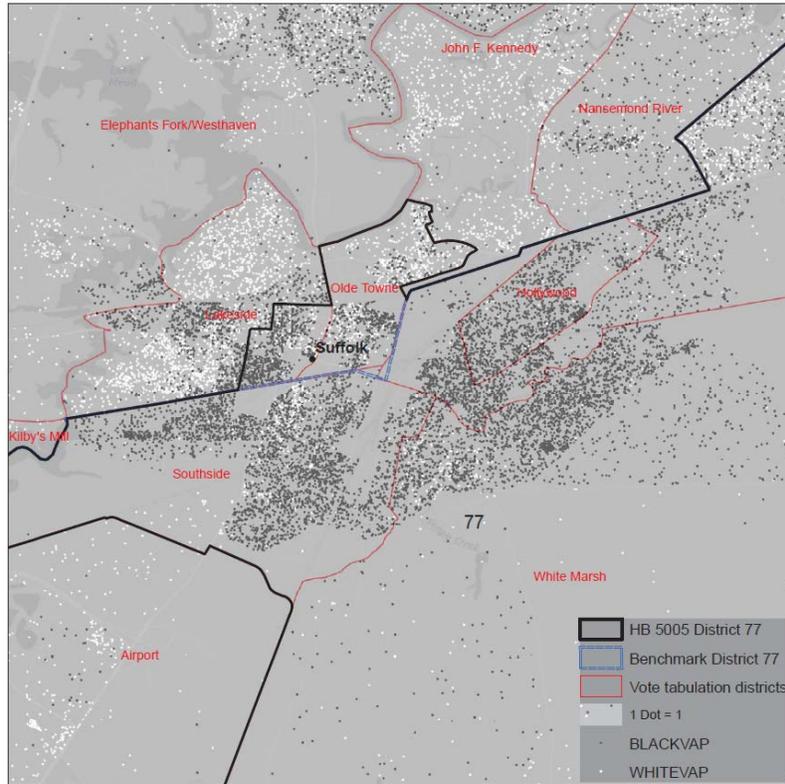
Rodden Amended Expert Report p. 68, Figure 26

JA 2949

HD 80
(see insert on next page)
PDF p.13

HD 80
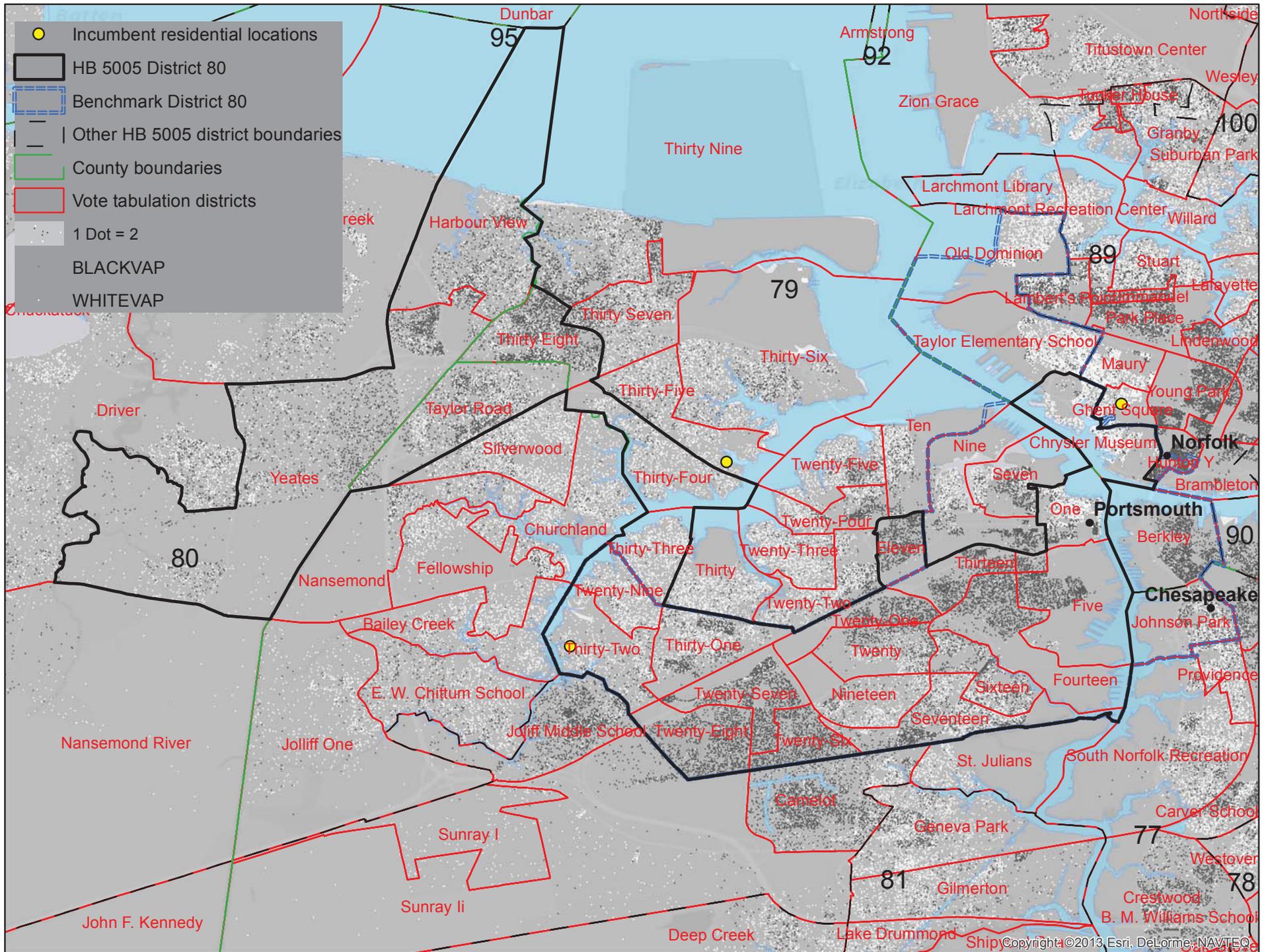
Rodden Amended Expert Report p. 53, Figure 18

JA 2950

HD 89
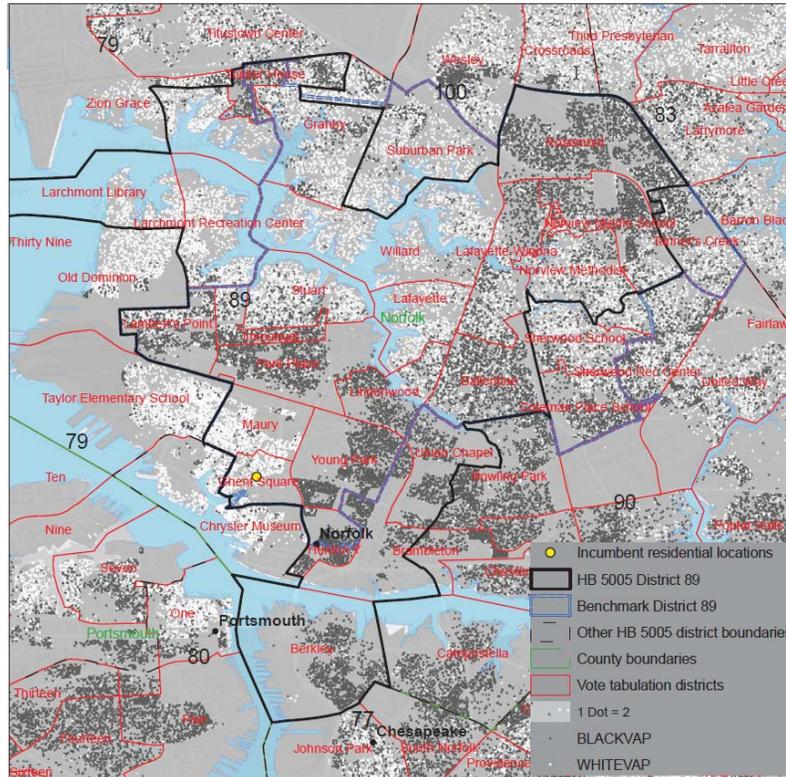
Rodden Amended Expert Report p. 56, Figure 19

JA 2951

HD 89

Rodden Amended Expert Report p. 58, Figure 20
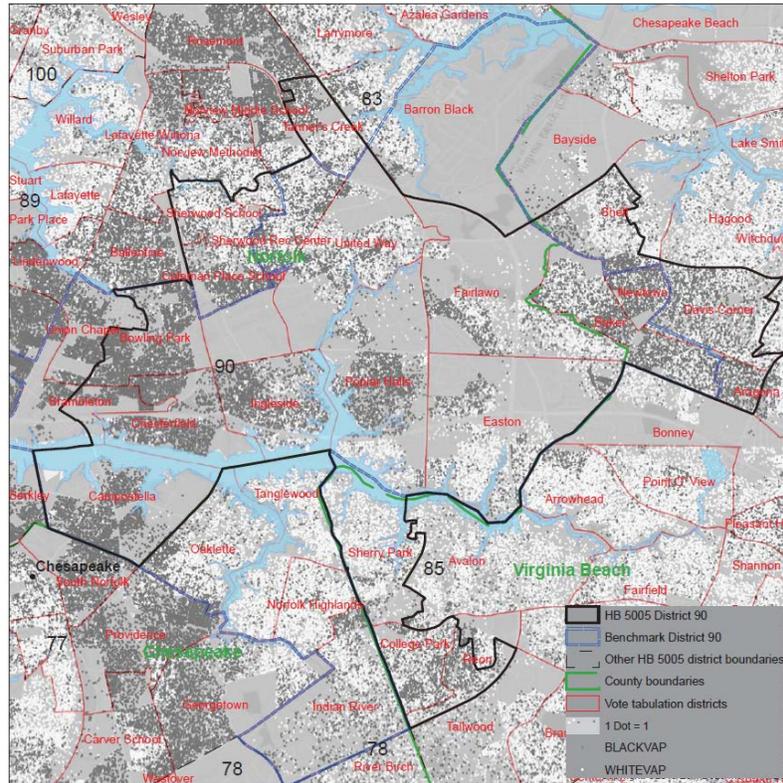
HD 90

Rodden Amended Expert Report p. 59, Figure 21
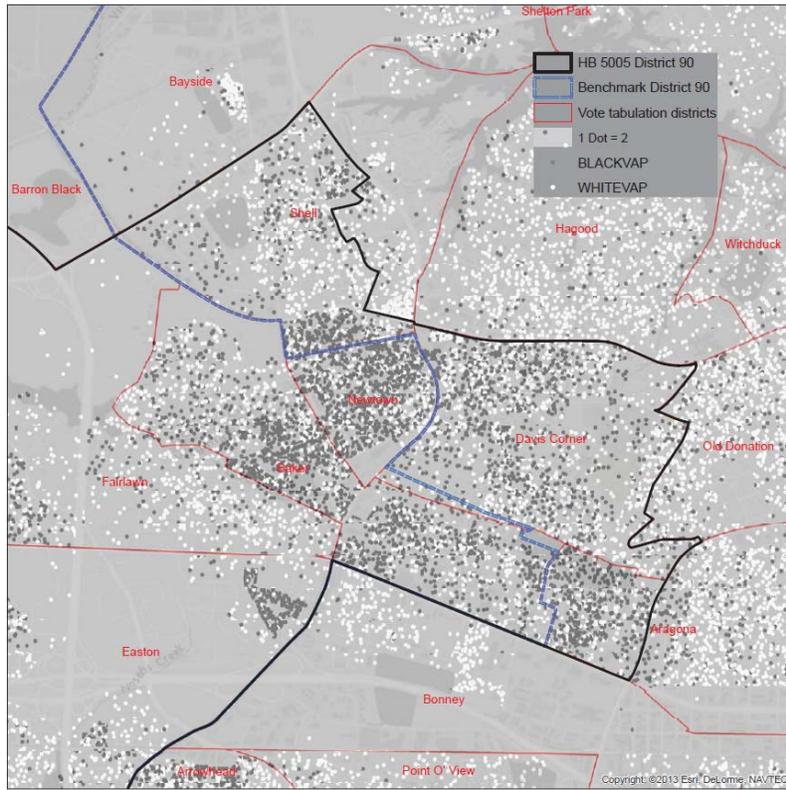
HD 90

Rodden Amended Expert Report p. 60, Figure 22

HD 90
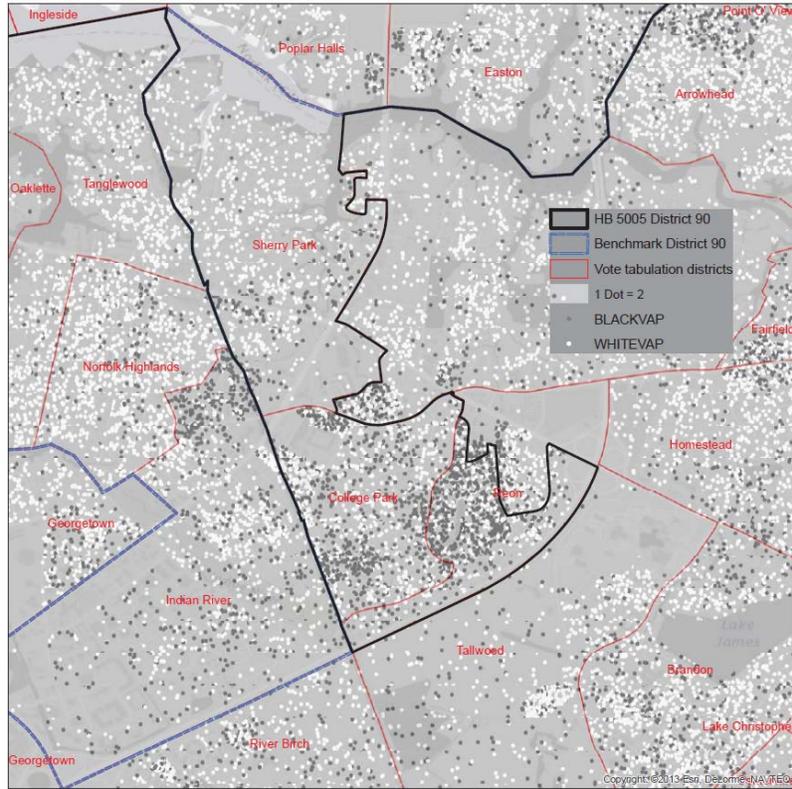
Rodden Amended Expert Report p. 61, Figure 23

HD 92

Legend
HB 5005 district 92 boundary,
1 Dot = 2
BLACKVAP
WHITEVAP

Hampton

92

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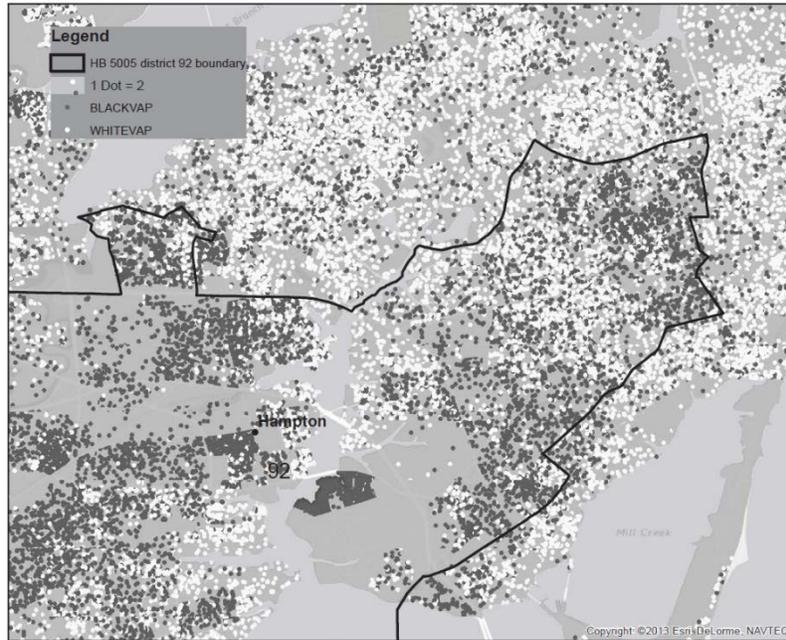
Rodden Amended Expert Report p. 50, Figure 17

HD 92 and 95
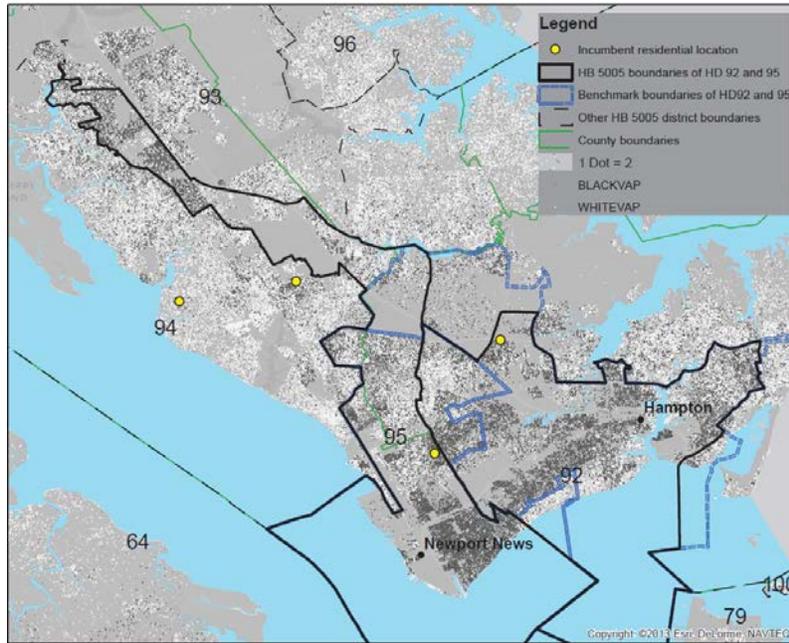
Rodden Amended Expert Report p. 45, figure 15

JA 2957

HD 95

Rodden Amended Expert Report p. 47, Figure 16

The Geography of Race and the 2001 "Benchmark"
Boundaries of the Challenged Districts in Richmond
and the Tri-City Region
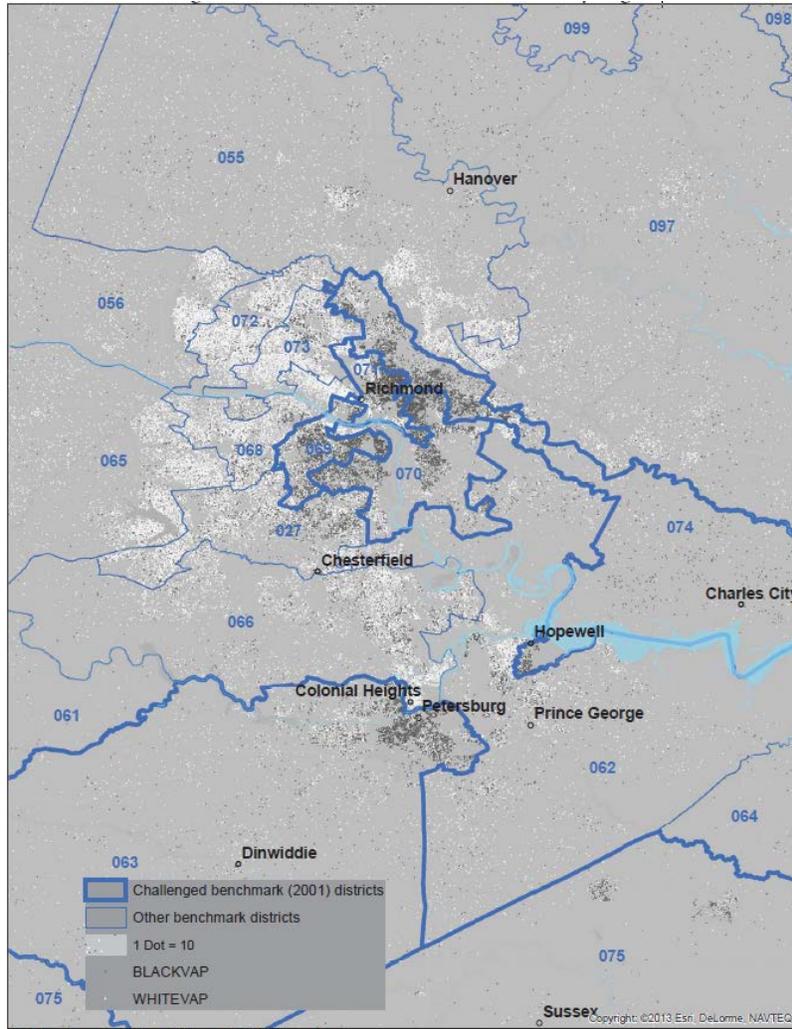
Rodden Amended Expert Report p. 12, Figure 2

The Geography of Race and the HB 5005 Boundaries
of the Challenged Districts in Richmond and the
Tri-City
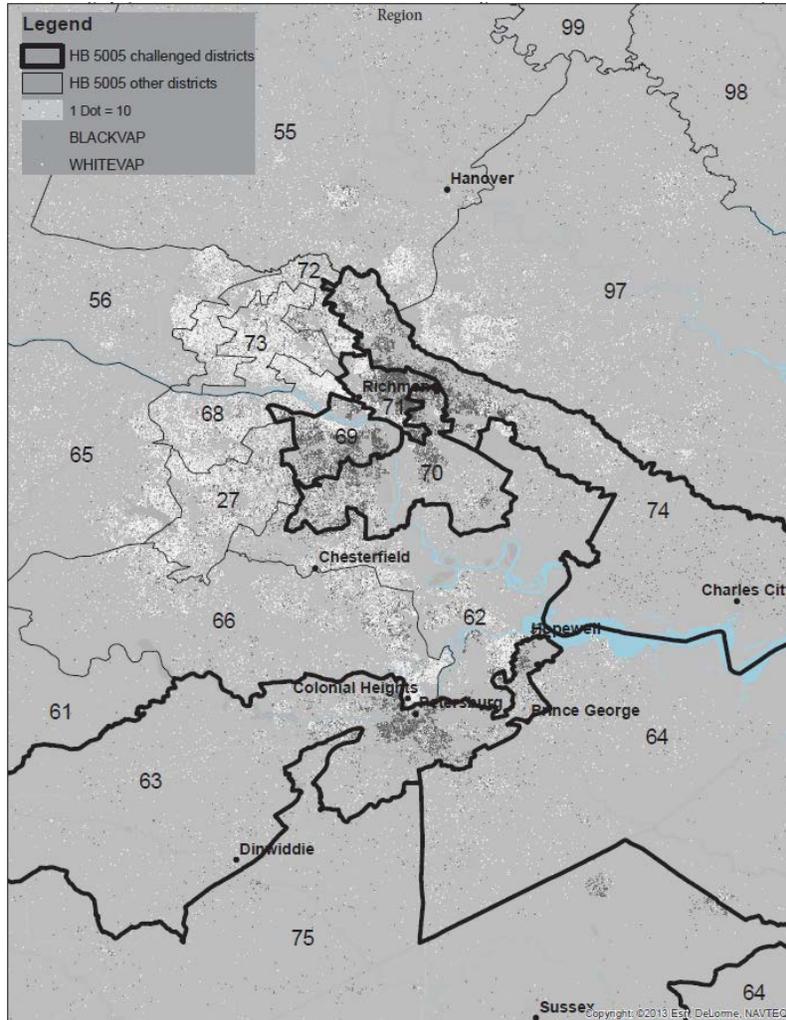
Rodden Amended Expert Report p. 14, Figure 3

JA 2960

The Geographic Distribution of African American and White Population in Richmond and the Tri-City Region
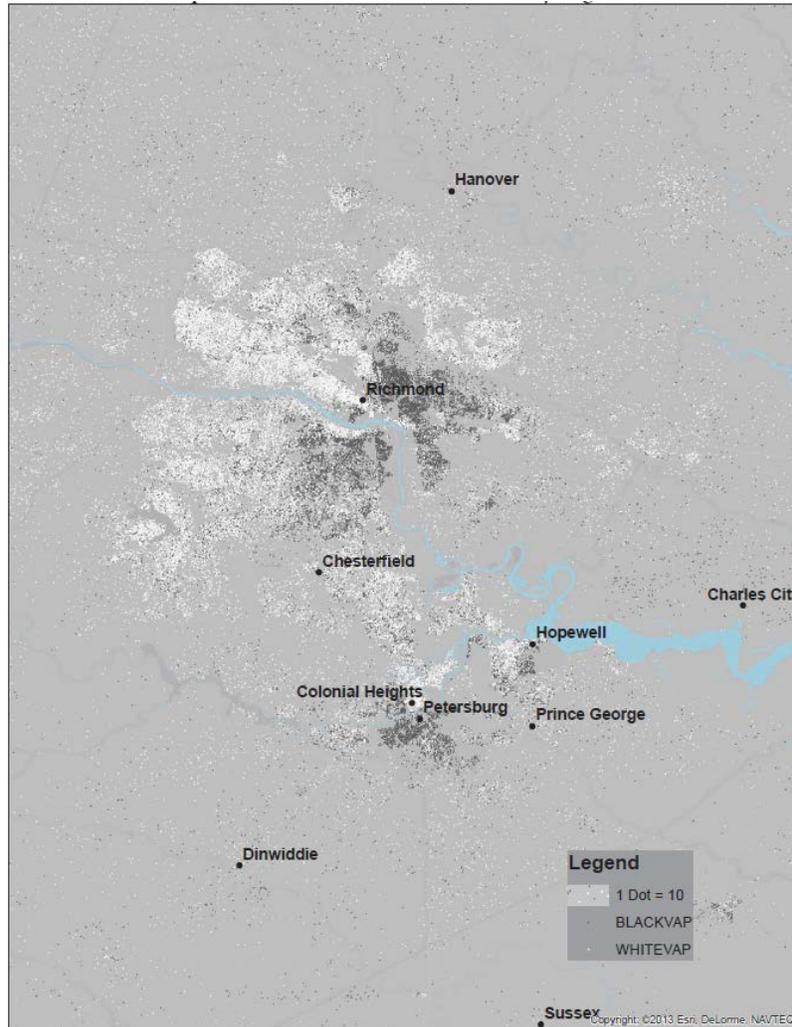
Rodden Amended Expert Report p. 10, Figure 1

The Geography of Race and the 2001 "Benchmark"
Boundaries of the Challenged Districts in the
Tidewater Region
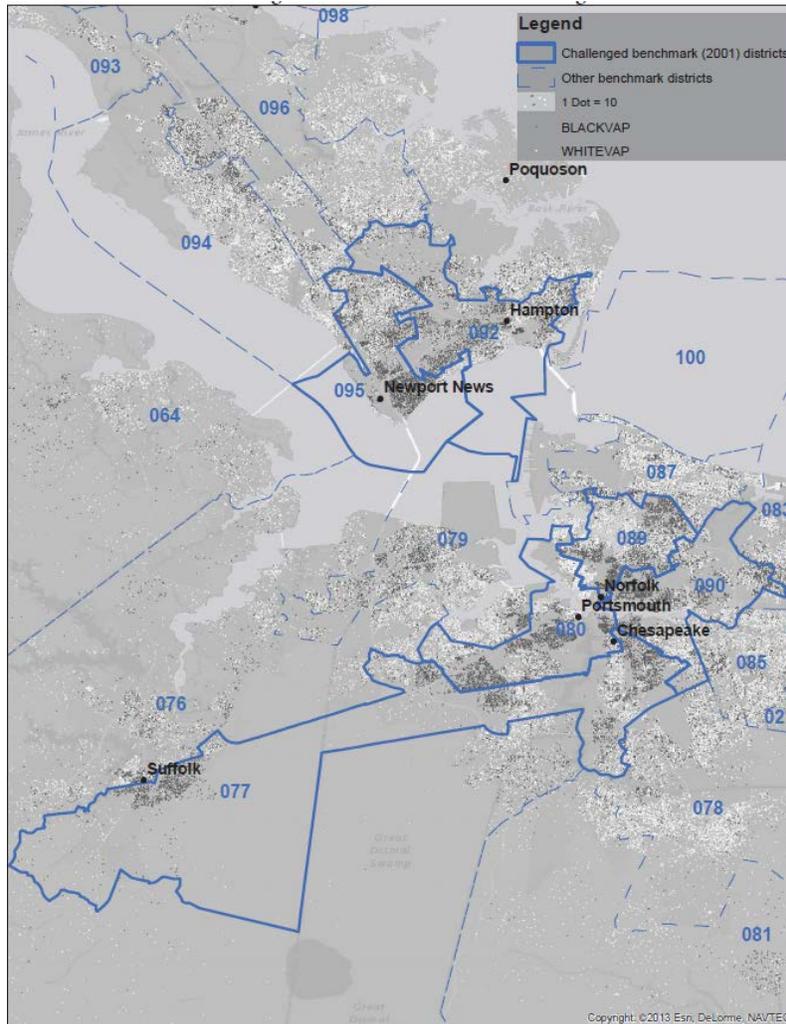
Rodden Amended Expert Report p. 42, Figure 13

The Geography of Race and the HB 5005 Boundaries
of the Challenged Districts in the Tidewater Region
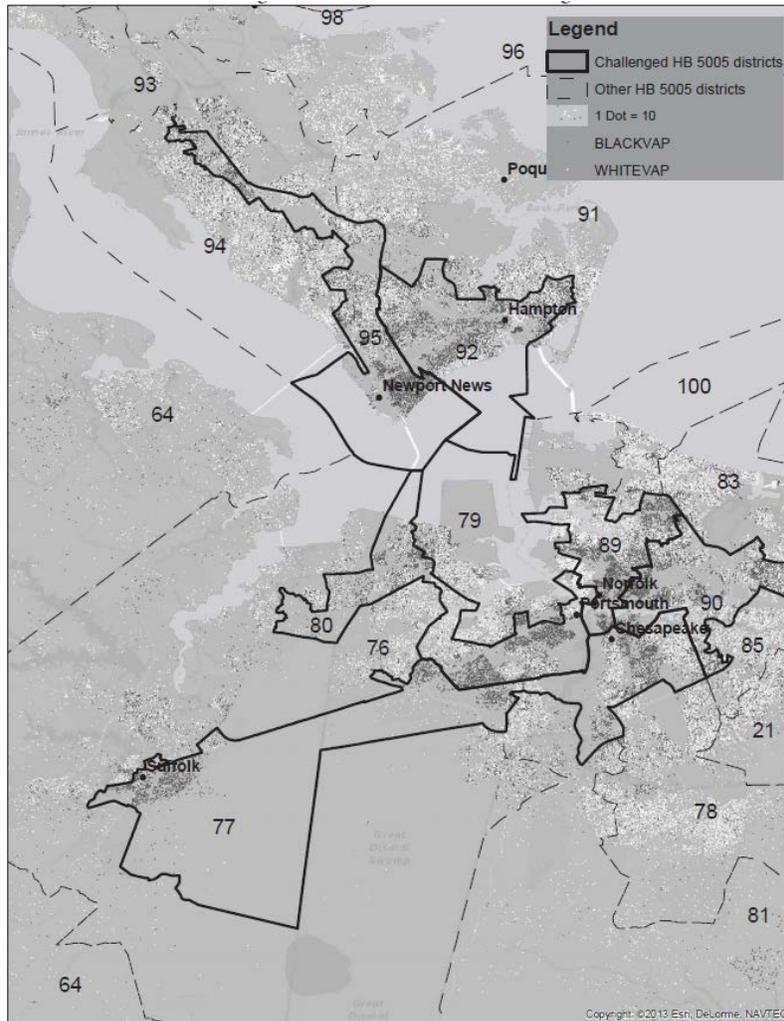
Rodden Amended Expert Report p. 43, Figure 14

Memorandum of Points and Authorities in Support of Motion of the Virginia House of Delegates and Virginia House of Delegates Speaker William J. Howell to Intervene (ECF 13)

On December 22, 2014, Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda David, Alfreda Gorden, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, and Sheppard Roland Winston (collectively, the "Plaintiffs") filed a complaint seeking declaratory and injunctive relief prohibiting the members of the Virginia Board of Elections and the Commissioner of the Virginia Department of Elections (collectively, the "Defendants") from implementing or conducting further elections on certain legislative districts of the plan enacted by the Virginia General Assembly in 2011 on the grounds that the challenged districts of the Commonwealth of Virginia are unconstitutional. The matter is pending before a three-judge panel.

The Virginia House of Delegates and Virginia House of Delegates Speaker William J. Howell ("Speaker Howell") (collectively, the "Applicants"), file their motion seeking leave of this Court to intervene in this matter (the "Motion") based on established Supreme Court precedent and because none of the current parties adequately represents Applicants' interests in this proceeding. Applicants include parties that drew and enacted the redistricting plan at issue. As such, Applicants have a substantial interest in any redrawing of Virginia's legislative districts to remedy the alleged constitutional violation at issue here. The only way to protect the fairness of this

litigation, ensure presentation of all proper evidence and legal arguments, and lend credibility and finality to the Court's adjudication of this matter is to grant Applicants' Motion. Thus, Applicants respectfully request that this honorable Court allow Applicants to intervene as defendants in order to protect their interest in the subject matter of this litigation.

I. APPLICANTS ARE ENTITLED TO INTERVENE AS A MATTER OF RIGHT

Under Rule 24(a)(2) of the Federal Rules of Civil Procedure, intervention as a matter of right is appropriate when, upon a "timely motion," a party:

> claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Fed. R. Civ. P. 24(a)(2). The United States Court of Appeals for the Fourth Circuit has interpreted the rule to require that an applicant timely "demonstrate: (1) that they have an interest in the subject matter of the action; (2) that the protection of this interest would be impaired because of the action; and (3) that the applicant's interest is not adequately represented by existing parties to the litigation." *Teague v. Bakker*, 931 F.2d 259, 260-61 (4th Cir. 1991). As outlined below, Applicants meet all of these requirements.

A. Applicants' Intervention is Timely

Applicants' motion to intervene in the above-captioned proceeding is timely. "Where a case has not

progressed beyond the initial pleading stage, a motion to intervene is timely." *United States v. Commonwealth of Virginia*, 282 F.R.D. 403, 405 (E.D. Va. 2012). Such is the case here. Defendants have not yet responded to the complaint on file, no hearings have been held or scheduled, and no adjudication on the merits has taken place.

Furthermore, Applicants' intervention is made without any delay and causes no prejudice to the existing parties. Should this court allow Applicants to intervene at this early stage, they will have an opportunity to assert their defenses and protect their interests without disrupting, delaying, or protracting the litigation. Additionally, as the party that drew the redistricting plan at issue, the Virginia House of Delegates is likely to be in possession of documents and information essential to presentation of all proper evidence and legal arguments. While the existing parties could seek to obtain such evidence through third-party discovery, allowing Applicants to intervene would streamline the discovery process and increase judicial efficiency. Therefore, this Motion is timely and will not cause delay or prejudice any of the existing parties.

B. Applicants Have an Interest in the Litigation That Is Not Adequately Represented by the Existing Parties

Applicants have a vital interest in the subject matter of this litigation, and the existing parties do not represent Applicants' interests. This proceeding concerns a redistricting plan enacted by the Virginia General Assembly in 2011, which plan allegedly discriminates against minority voters in violation of

the United States Constitution. (Compl. ¶¶ 1-2, 26, 104-107.) The Virginia House of Delegates is the legislative body that actually drew the redistricting plan at issue. (Compl. ¶¶ 31-33.) The Supreme Court of the United States has recognized that a state legislative body – whether the state legislature as a whole or one of the bodies of a state legislature – has "the right to intervene" because the legislative body would be "directly affected by [a] District Court's orders." *Sixty-Seventh Minn. State Senate v. Beens*, 406 U.S. 187, 194 (1972).

Here, the Court could task the Virginia House of Delegates with redrawing Virginia's legislative districts. The Virginia House of Delegates, led by Speaker Howell, would be directly affected by any order of this Court affording such relief and, in fact, affording such relief necessarily requires that the Virginia House of Delegates and Speaker Howell are parties to this proceeding. *See* Fed. R. Civ. P. 19(a)(1)(A). None of the current parties to the proceeding has the ability or authority to redraw the challenged legislative districts. The Virginia General Assembly – which includes the Virginia House of Delegates – is constitutionally obligated to prepare and enact a redistricting plan setting forth electoral districts for the state legislature. Va. Const. Art. II, § 6. The Virginia House of Delegates also has an obligation to preserve continuity of representation and ensure that any redrawing of the state legislative districts of the Commonwealth of Virginia does not unnecessarily disrupt constituent representation.

Furthermore, given the Applicants' direct and substantial role in creating the redistricting plan at

issue, the existing parties to the proceeding do not adequately represent Applicants' interests. Ordinarily, "the burden on the applicant of demonstrating a lack of adequate representation 'should be treated as minimal.'" *Teague*, 931 F.2d at 262 (citing *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)). This standard is easily met here.

As to the existing Plaintiffs, their interests and the interests of Applicants are directly and substantially adverse. Plaintiffs are challenging legislative districts drawn by Applicants. As to the existing Defendants, none adequately represents Applicants' interest in defending the challenged redistricting plan. While the Virginia State Board of Elections and the Virginia Department of Elections are responsible for implementing the plan, they had no involvement in the enactment of the challenged plan, and neither has any particular interest in defending the validity of the plan. Applicants, however, because they actually drew and enacted the challenged redistricting plan, have a substantial interest in defending the plan and could suffer severe prejudice if this Court were to prevent them from intervening to make sure that their voices are heard. Applicants have timely identified a substantial and distinct interest in the subject matter of this litigation, which interest is not adequately represented by the existing parties, and the failure of this Court to grant Applicants leave to intervene would preclude Applicants from protecting their interest. Therefore, Applicants should be granted leave to intervene as a matter of right.

II. IN THE ALTERNATIVE, APPLICANTS ARE ENTITLED TO PERMISSIVE INTERVENTION

Alternatively, this Court should permit Applicants to intervene pursuant to Rule 24(b) of the Federal Rules of Civil Procedure. Rule 24(b) provides for permissive intervention where a party timely files a motion and "has a claim or defense that shares with the main action a common question of law or fact." Fed. R. Civ. P. 24(b)(1)(B). "In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P. 24(b)(3).

The arguments set forth in Part I, infra, establish the criteria for permissive intervention. The significance of this matter to Applicants is without question. The existing Defendants, who did not take part in drawing the redistricting plan, will not adequately represent Applicants' interest in defending the plan. Similarly, the existing Plaintiffs, who challenge the plan, are directly adverse to Applicants. Allowing the case to go forward without intervention likely would damage Applicants' interests and, if Plaintiffs were to prevail, make it impossible for the Court to afford the relief sought by Plaintiffs. The only way to protect the fairness of this litigation, ensure presentation of all proper evidence and legal arguments, and lend credibility and finality to the Court's adjudication of this matter is to grant Applicants' Motion. Furthermore, neither this Court nor the remaining parties will be prejudiced by Applicants' intervention. This application is timely and has been filed without delay.

III. CONCLUSION

For the reasons set forth above, Applicants respectfully request that their Motion be granted, and that this honorable Court allow Applicants to intervene as defendants in order to protect their interest in the subject matter of this litigation.

* * *

Defendants' Statement of Position on Motion to
Intervene (ECF 21)

COME NOW, the Virginia State Board of
Elections, Charlie Judd, Kimberly Bowers, James B.
Alcorn, the Virginia Department of Elections, and
Edgardo Cortes (collectively, "Defendants"), by
counsel, and per the Court's directive of February 2,
2015, state they do not take a position with respect to
the pending Motion to Intervene by the Virginia
House of Delegates and William J. Howell. (Dkt. # 12).

Respectfully submitted,

s/Jeffrey P. Brundage
Jeffrey P. Brundage

* * *

February 2, 2015

Plaintiffs' Response to Motion to Intervene (Feb. 2, 2015) (ECF 22)

Plaintiffs Golden Bethune-Hill, Christa Brooks, Chauncey Brown, Atoy Carrington, Davinda Davis, Alfreda Gordon, Cherrelle Hurt, Terrell Kingwood, Tavarris Spinks, Mattie Mae Urquhart, Vivian Williamson, Sheppard Roland Winston (collectively, "Plaintiffs"), by counsel, and in accordance with the Court's instruction on February 2, 2015, state that they have no objection to the Motion to Intervene filed by the Virginia House of Delegates and Virginia House of Delegates Speaker William J. Howell (Dkt. #12).

* * *

Order (February 3, 2015)

(ECF 26)

Having considered the MOTION OF THE VIRGINIA HOUSE OF DELEGATES AND VIRGINIA HOUSE OF DELEGATES SPEAKER WILLIAM J. HOWELL TO INTERVENE (Docket No. 12), PLAINTIFFS' RESPONSE TO MOTION TO INTERVENE (Docket No. 22), and DEFENDANTS' STATEMENT OF POSITION ON MOTION TO INTERVENE (Docket No. 21), and for good cause shown, the MOTION OF THE VIRGINIA HOUSE OF DELEGATES AND VIRGINIA HOUSE OF DELEGATES SPEAKER WILLIAM J. HOWELL TO INTERVENE is hereby GRANTED. The Defendant-Intervenors are directed forthwith to file and serve their Answer.

It is so ORDERED.

David J. Novak

[handwritten signature]

United States Magistrate Judge

Letter from S. Raphael to D. McNearney
(Oct. 12, 2016)

Dear Ms. McNerney:

I write to notify the Court that Defendants-Appellees-the Virginia State Board of Elections, Chairman James B. Alcorn, Vice-Chair Clara Belle Wheeler, Secretary Singleton B. McAllister, the Virginia Department of Elections, and Commissioner Edgardo Cortes-will not be filing a brief in this appeal.

The district court noted that, because these parties merely "implement elections but do not draw the districts, the Defendants allowed the [Intervenors-Appellees, the Virginia House of Delegates and Speaker William J. Howell] to carry the burden of litigation but joined the Intervenors' arguments at the close of the case." J.S. App. 5a (citations and quotations omitted). As in the district court, Defendants-Appellees are monitoring the case closely, but to avoid unnecessary duplication of expense to Virginia taxpayers, Intervenors-Appellees will take the lead in this appeal in defending the redistricting legislation that they enacted.

Respectfully yours,

[handwritten signature]

Stuart A. Raphael

Solicitor General of Virginia

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