



## **William & Mary Law School 2011 Virginia Redistricting Competition**

### **U.S. Congressional – Governor’s Commission Category**

#### **General Themes**

Our team created this map with the goal of improving the way communities of interest are divided in Virginia’s U.S. Congressional districts while also complying with the legal mandates and general principles guiding the redistricting process.

One of the most obvious flaws we identified in the current map is that Richmond, and the two counties that surround the city, are divided among three congressional districts. While Richmond certainly has a diverse population and distinct segments with different interests, we believe that as a metropolitan area there are stronger common ties that bind them together. Many people commute across the county boundaries each day for work, the area schools compete against each other in sports, and everyone watches the same local news stations and reads the same newspapers. The Richmond metropolitan area is the definition of a compact, contiguous, community of interest. This plan keeps these areas almost entirely together while complying with the strict equipopulation requirements articulated by the Supreme Court in cases like *Karcher v. Daggett*.<sup>1</sup>

The second major overhaul is the relocation of Virginia’s majority-minority district. The current majority-minority district, District 3, includes parts of Richmond, Newport News, Hampton, Portsmouth and Norfolk. That district was drawn in a way that is not compact, does not represent one distinct community of interest, and stretches understandings of contiguity to new lengths. It meets the state’s requirements under the Voting Rights Act (VRA), but at the expense of every other redistricting principle. A better majority-minority district can be drawn.

In our plan, Virginia’s majority-minority district does not stretch from Norfolk to Richmond; it instead encompasses the counties to the west of Norfolk and Portsmouth and

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<sup>1</sup> 462 U.S. 725 (1983).

circles in the southern border of the state and includes Petersburg and Hopewell. This new district is more compact and is clearly contiguous, only relying on water contiguity in one area that includes bridge and tunnel crossings. At the same time, this new district also ensures that the overall plan is not retrogressive as it maintains its status as a majority African American voting age population district (50.74%). This district much more neatly meets Congress's goal in the creation of the Voting Rights Act. It is a district that does not simply have a majority-minority population, but one in which the population is close enough geographically so that the other interests that bind a community are presented and the a true community of voters can elect "the candidate of their choice."

The final major revamping of the Congressional map occurs in Northern Virginia. In the current map, the three Northern Virginia districts weave in and out of each other with little coherence or logical reason other than political considerations. Our map draws these districts in concentric semi-circles moving away from Washington D.C. in recognition that Arlington and Alexandria are more similar to each other than they are to Manassas. This plan puts those voters who are most metropolitan and closest to Washington, D.C. together; it then moves out creating two semi-circle rings around the district closest to Washington, D.C. We believe that in Northern Virginia that voters who live closest to Washington are a community with shared interests and that those who live farther from Washington are a separate and distinct community of interest. This rationale is different from districts in other parts of the Commonwealth, which rely more heavily on county boundaries to identify their communities.

### **Redistricting Criteria**

#### **Contiguity**

Our map is fully contiguous. In no case does it rely on point-contiguity and the two districts that rely on water contiguity incorporate bridges, tunnels, and ferries that connect the different parts of the commonwealth. One of the districts crosses water between Hampton, Newport News and Norfolk, which collectively self-identify as "Hampton Roads." The other district includes the Eastern Shore and Tangier Island, which are not point continuous with any other part of Virginia. We connect these areas along existing bridges, tunnels and ferry routes in order to incorporate the existing communities of interest.

## Population Equality

In the 1960s, the U.S. Supreme Court decided a series of cases holding that districts of different populations violate the letter and the spirit of the Constitution.<sup>2</sup> The Court pronounced from that point forward, the guiding standard would be “one person, one vote.” For U.S. Congressional districts, the Court interpreted its standard strictly, requiring districts be balanced as perfectly as mathematically possible.<sup>3</sup>

Compliant with this strict requirement, our map has nine districts of 727,366 persons and two districts of 727,365 persons, thus meeting this standard for perfect distribution. Any Congressional district that does not meet this standard of perfect population distribution is likely to be successfully challenged in court.

## Voting Rights Act Compliance

The Supreme Court has interpreted the Voting Rights Act to require nonretrogression for covered jurisdictions such as Virginia. The current map has one district, the 3rd district, where minorities (African-Americans) make up a majority of the voting age population. Thus, to avoid retrogression, any new plan must have no less than one majority-minority district, as our map does.

The history of Virginia’s majority-minority district has not been without controversy. In 1997, the U.S. Supreme Court affirmed a lower court decision declaring the Virginia 3rd Congressional District an unconstitutional racial gerrymander.<sup>4</sup> To comply with this decision, the state legislature redrew the 3rd Congressional District in 1998 reducing the minority voting age population from 61.60% to 50.47%.

Our map meets all of these standards and avoids retrogression by creating our 3rd district, which is also a minority-majority district. Similar to the 1998 district, this district has a black voting age population of 50.74%. Additionally, unlike the current majority-minority district, this new district does not subvert all other redistricting principles such as compactness, contiguity, and communities of interest in its creation.

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<sup>2</sup> See *Baker v. Carr*, 369 U.S. 186 (1962) and *Reynolds v. Sims*, 377 U.S. 533 (1964).

<sup>3</sup> *Karcher v. Daggett*, 462 U.S. 725 (1983).

<sup>4</sup> *Moon v. Meadows*, 952 F. Supp. 1141 (E.D. Va. 1997) (3rd congressional district is unconstitutional racial gerrymander), affirmed sub nom. *Harris v. Moon*, 521 U.S. 1113 (1997).

## **Communities of Interest**

Our map also makes vast improvements from the current map by respecting communities of interest to a much greater degree. Our map respects county lines throughout the more rural areas of the state, only breaking up counties in *de minimus* fashion to comply with strict equipopulation requirements.

Changes to the western Virginia districts from the current map also keep the Jefferson and Washington National Forests in the same district. This respects an important community of interest, as those who live near the forest may have very different environmental, property, and land management interests than those in other communities. Keeping them together allows them to elect a representative who can look out for these interests.

As mentioned above, our plan also keeps Richmond, a natural community of interest, almost entirely in the bounds of one district. Additionally, it finally acknowledges the realities of Northern Virginian communities based on proximity to Washington, D.C. Our map keeps coastal and port communities in two naturally divided districts and aims to keep military communities together by incorporating such changes as not dividing Davidson Army Airfield in Northern Virginia.

## **Compactness**

Our map also makes significant improvements on the compactness of Virginia's congressional districts. When compared to the current map of Virginia's districts, our map shows an average improvement of 8.77% per district. Importantly, this significant improvement does not occur at the expense of other criteria but indeed to their advantage.

## Compactness Comparison

District	New Plan Compactness Percentage	Approximation of Current Plan Compactness Percentage*	Difference
1	58.60%	39.83%	18.77%
2	41.78%	51.75%	-9.97%
3	45.89%	30.89%	15.00%
4	48.93%	45.00%	3.93%
5	62.19%	46.56%	15.63%
6	45.11%	37.46%	7.65%
7	52.93%	40.90%	12.03%
8	50.07%	40.20%	9.87%
9	48.33%	41.91%	6.42%
10	49.40%	40.70%	8.70%
11	47.76%	39.30%	8.46%
Average	50.09%	41.32%	8.77%

\* Based on default map of U.S. Congressional districts provided by software administrators recreating current district map

### Conclusion

The William & Mary Law School team's map incorporates many improvements on the current map without sacrificing any redistricting factors to get there. It creates three districts in Northern Virginia that make sense, creates a district to represent Richmond and the surrounding counties, and creates a majority-minority district that accurately encompass a true community of voters. Altogether, it is a substantial improvement to the plan currently in place.