

Virginia's 11 U.S. House of Representatives Districts

Our plan for Virginia's 11 U.S. House Districts reflects our good faith efforts to construct district boundaries that will be understandable to most Virginia residents, while also strictly adhering to the constitutional and statutory requirements mandated by the U.S. Supreme Court and the Voting Rights Act. Without satisfying the former, our efforts would be no better than the present and largely incoherent system of redistricting that leaves many confused about the redistricting process or, worse yet, cynical about how redistricting has devolved into a process whereby incumbents of both parties use their public authority for personal security or partisan gain. Without strictly adhering to a minimum set of federal legal criteria, our plan (and others) invariably would be challenged in federal court in accord with a long train of precedents that have

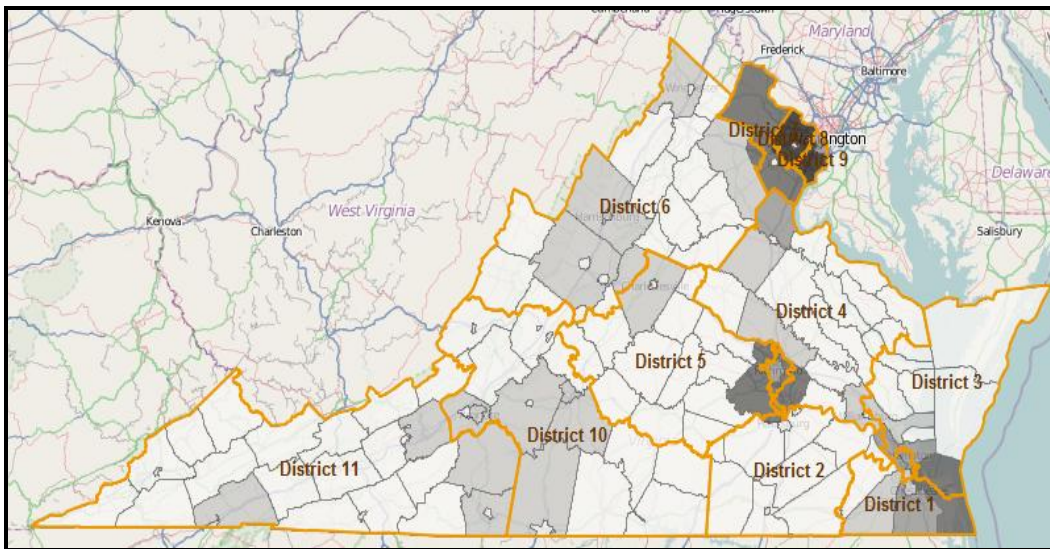


Figure 1: 2011 U.S. House Districts

followed the U.S. Supreme Court's decision in *Baker v. Carr*, 369 U.S. 186 (1962). It seems especially fitting here to recall that the Court in *Baker* determined that the decennial process of reapportionment and redistricting are not, in fact, political questions to be decided only by the existing set of political insiders; rather, the Court decided that even the core elements of our electoral system's structure are justiciable. *Baker*, thus, initiated a long term democratic reform effort to make the redistricting process more transparent, more

deliberative, and more directed toward achieving outcomes that can be publicly justified as aimed at the common good. This effort was reinforced in the Court's various one person-one vote decisions, the 1965 Voting Rights Act and its subsequent amendments, and it continues today with our own attempts to create a fair, non-partisan and coherent redistricting plan for Virginia's 11 U.S. House of Representatives districts.

With these general goals in mind, we used a blank template to create our redistricting plan, thereby avoiding the various biases embedded in the existing plan while also allowing ourselves greater flexibility to achieve all of the competition's specified criteria, including the promotion of electoral competition and representational fairness. All of our districts, for example, meet the minimum requirements of being both contiguous and compact. The greatest strength of our plan, however, is the extent to which it maintains locally coherent boundaries while also satisfying the constitutional requirement of equal population. Our team adhered closely to the U.S. Supreme Court's "one person, one vote" standard as defined in *Karcher v. Daggett*, 462 U.S. 725 (1983). In *Karcher*, the Court stipulated that Congressional districts must be virtually equal in population. Our plan's total deviation from the ideal is 0.00%. The overall population range for this plan is 23 people – 15 fewer than the 2000 Congressional plan which deviated by only 38 people.¹ Following the Court in *Karcher*, we believe that the equal population criterion is not simply one of several traditional redistricting criteria, but that it is a unqualifiable and hierarchical baseline criteria that determines the viability of every congressional district plan. On this point, the U.S. Supreme Court has been clear: for a properly and efficiently functioning representative democracy to flourish, it is necessary that every person's vote to count as much as another person's vote regardless of which U.S. House District one resides in within a state.

Our plan also accords with the requirements of both Sections 2 and 5 of the federal Voting Rights Act (VRA). In accordance with Section 2, we explored the possibility of creating majority-minority districts wherever possible. Given that the 2010 Census reports that 19.4% of Virginians self identify themselves as African-

¹National Conference of State Legislatures, "Redistricting 2000 Population Deviation Table," NSCL, 4 Mar. 2011. <<http://www.ncsl.org/default.aspx?tabid=16636>>.

Americans, we were especially interested to examine whether it might be possible to draw two majority-minority congressional districts.

Despite our initial interest and our exploratory examination of the data, we have concluded that Virginia's demographic conditions will not support the creation of more than one majority-minority district in 2011. Our plan's District 2 is a majority minority district, and thus we satisfy the non-retrogression requirement stipulated in Section 5 of the Voting Rights Act. Although we were not able to create an additional majority-minority district, we believe that our plan will pass DOJ review.

Our plan's average compactness measure is 47.28%, which is robust given the territorial extent that must be covered by Virginia's congressional districts. Our compactness score also was affected by our necessary efforts to maintain population equality and at least one majority-minority district. Nonetheless, our compactness measure represents a clear improvement over the 2001 plan, which had an average of 41.32% compactness score. Furthermore, our U.S. House Districts #7, 8 and 9 in Northern Virginia are especially compact and coherent, allowing us to succeed in maintaining much of the coherency of Virginia's fast growing Hispanic community--a community that grew by 91.7% since the 2000 Census and now represents 7.9% of the state's total population.

Figure 2: 2010 Census: Hispanic Population, Dot Density=50 persons

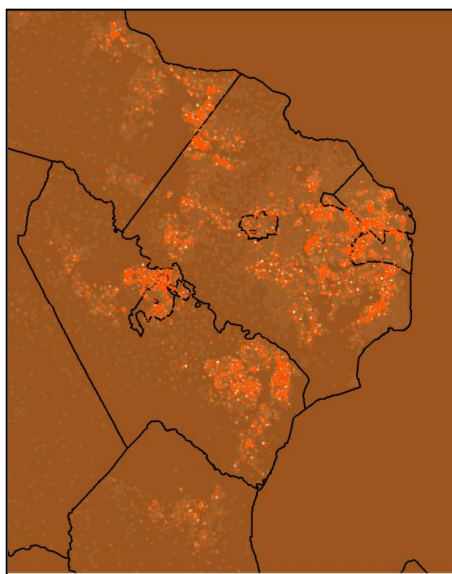
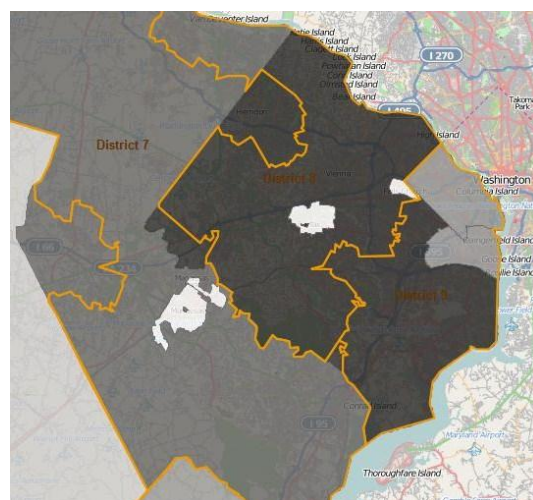


Figure 3: Northern Virginia 2011 Plan



Another aspect of our plan that merits mention is the extent to which maintained the integrity of political subdivisions (i.e. counties and vote tabulation districts) and communities of interest. Given the software limitations, it was difficult to determine the precise location of these communities but we did our best to recognize large areas of geographic significance. For example, our plan succeeded in including all of Richmond within one single congressional district. This is a great improvement over the 2001 plan which divided up the City--an obvious community of interest--into two districts.

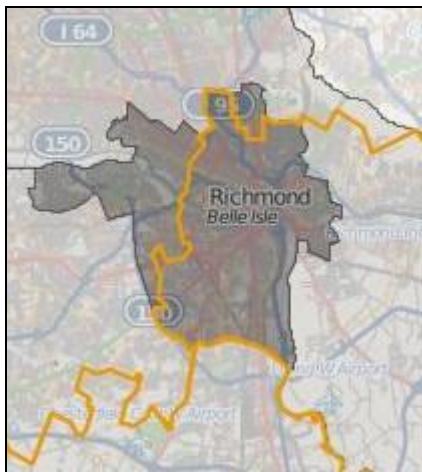


Figure 4: Richmond, 2001 Redistricting



Figure 5: Richmond, 2011 Plan

Furthermore, when compared to the 2001 plan, our 2011 plan is better at maintaining the integrity of the smaller precinct-level Voter Tabulated Districts (VTDs). Although the 2001 plan maintained the integrity of more counties, our plan maintains more VTDs (973 versus 896). We believe that this is the more crucial political unit to respect because of the resources that are required when local polling places are divided into different electoral districts, thereby requiring localities to fund separate ballots and polling machines in every divided precinct.

Finally, our plan promotes the additional goals of making Virginia's congressional districts more competitive and representative of the state's partisan divisions. To achieve these goals, we recognize that our plan accepted a slightly lower compactness score. However, it was well worth the sacrifice, as we were able to create six districts that are competitive. Three of our 11 Districts are generally competitive (with partisan

differentials greater than 5% but less than 10%), and three other Districts are highly competitive (less than a 5% differential). This is a significant improvement from the 2001 plan, which created no competitive congressional districts and, in 2002, an average Republican winning percentage of 82.6 and an average Democrat winning percentage of 73.9. In fact, the smallest winning percentage in a congressional election in Virginia in 2002 was 59.8%, or a margin of 22.5%!

Our plan also recognizes the benefits of producing an accurate representation of the preferences of Virginia's voters within the U.S. House of Representatives. On average over the past two statewide elections in 2008 and 2009, the state's electorate is divided 52% Republican voters and 48% Democratic voters. With this in mind, we created five districts with Democratic majorities and six districts with a majority of Republicans voters. This approximate partisan parity represents a marked improvement in the votes-seats ratio supported by the 2001 plan, which created three safe Democratic majority districts and eight safe Republican districts.

Overall, our plan offers numerous and significant improvements over the 2001 Congressional plan, thereby demonstrating that it is not only possible but preferable to draw U.S. House Districts in a fair and non-partisan manner.