



*Redistricting 2011 | GIS Workshop*

## REDISTRICTING IN 2011

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## TOPICS

- Census Schedule
- State Redistricting Schedule
- Census Political Geography
- Census Redistricting Data
- 2011 Redistricting Time Crunch Impact on Precincts
- Basis Legal Standards



- Homepage
- Census 2000 Data
- Redistricting Data
- Counties/Cities
- Precincts
- Congressional
- House
- Senate
- News
- Hearings
- Criteria
- Publications
- About the Data
- DOJ Submission
- Redistricting Cases
- District Boundary Descriptions
- District Maps
- Email
- What is GIS?

## Redistricting Virginia



Welcome to the Virginia Division of Legislative Services (DLS) redistricting homepage. This web site uses various [data formats](#) to provide Virginia legislators and the public with information on legislative districts and plans that were proposed during the 2001 redistricting session. Click the following links for current [House](#), [Senate](#), and [Congressional](#) District maps.

[Click here to be added to the redistricting email list](#)

### House Public Hearing Information:

- [Transcript from 9/8/10 Hearing in Roanoke](#)
- [Transcript from 9/22/10 Hearing in Norfolk](#)
- [Transcript from 10/5/10 Hearing at George Mason University](#)
- [Transcript from 10/18/10 Hearing in Danville](#)
- [8/23/10 House P & E News Release](#)
- [Click here if you cannot attend the House Hearing in your area](#)

### General Interest:

- [House of Delegates Redistricting Fact Sheet](#)
- [Senate Redistricting Fact Sheet](#)
- [Drawing the Line 2011: Redistricting in Virginia, Issue 1](#)

### Senate Public Hearing Information:

- [9/16/10 Senate P & E News Release](#)
- [Click here if you cannot attend the Senate Hearing in your area](#)

### Staff Presentations:

- [Local Government Attorneys Association 4/29/10](#)
- [Voter Registrars Association of Virginia 8/2/10](#)
- [Richmond Regional Planning District Commission 9/16/10](#)

# THE 2010 CENSUS SCHEDULE

## ➤ April 1, 2010

- Official Census Day

## ➤ December 2010 - February 2011

- 2010 Census TIGER/Line® Shapefiles Released
- State-based Files to Block Level
- Supports 2010 Census Redistricting Data (P. L. 94-171)
- State by State Flow

## ➤ December 31, 2010

- Census Bureau reports official population of each state to President for apportioning 435 seats in House of Representatives

## THE 2010 CENSUS SCHEDULE, continued

### ➤ January 2011

- States informed of number of congressional seats for next decade - Virginia most likely to stay at 11

### ➤ February 2011

- Expedited release of detailed population data for Virginia

### ➤ April 1, 2011

- Deadline for Census Bureau to report detailed population figures (“PL 94-171 data”) needed to redistrict congressional, state legislative, and local election districts (county boards and municipal councils)

## MAP AND DATA SOURCES

- Fast – Download map and data files from Census Bureau web site
- Not as fast – order CD from Census Bureau
- Possible Alternatives
  - Local Planning District Commission might assist
  - Outside Redistricting Consultant may provide
  - General Assembly Redistricting Web Site
    - County and precinct-level totals
    - No block-level data – link to Census Bureau site
    - No Census maps – link to Census Bureau site

## REDISTRICTING 2011: PARAMETERS

- Redistricting must be completed in 2011 [Constitution of Virginia – Art. II, Sec. 6; Art. VII, Sec. 5 (Local)]
- New districts must be used for the November 2011 general elections
- New districts (with exceptions for a few localities) must be reviewed and “pre-cleared” by the U.S. Department of Justice, after being enacted
- Redistricting plans go through regular legislative procedure – bills must be signed by Governor
- Privileges and Elections Committees are the committees of jurisdiction

# Drawing the Line 2011

## Redistricting in Virginia

Number 1

August 2010

### *Process, Population, and Law*

*Mary Spain, Senior Attorney*

Redistricting in 2011 will be a new experience for more than half of the General Assembly. Only 59 of 140 members took part in the 2001 special redistricting session – two-thirds or 26 members of the present Senate and one-third or 33 members of the present House.<sup>1</sup>

This first issue of *Drawing the Line 2011* offers some background on redistricting in Virginia and covers a number of questions. How does the redistricting process work in Virginia? What is a possible schedule for redistricting? What do we know now about Virginia's population? What legal standards apply to redistricting plans? Later issues will report on any changes in the redistricting timeline and primary schedule, the official 2010 census population numbers for the present Virginia Senate, House of Delegates, and congressional districts, the plans adopted by the General Assembly, and the steps taken to comply with the Voting Rights Act.

### *I. Virginia's Redistricting Process*

#### **A. The Process**

The process begins in Article II, Section 6, of the Virginia Constitution (for complete text, see page 2). That provision makes several key points:

- The General Assembly establishes the congressional, Senate, and House of Delegates districts.
- The districts must be drawn in the year following the census -- in 2011.
- Redistricting laws take effect immediately without the emergency clause or four-fifths vote usually required under Article IV, Section 13 of the Virginia Constitution. The intent is to accomplish redistricting in time for the November 2011 election of the Senate and House of Delegates.
- The districts are to be drawn to meet certain standards governing contiguity, compactness, and equal population.

The legislature in Virginia, as in most states, draws congressional and state legislative district lines.<sup>2</sup> In final form, a redistricting plan is a bill: introduced by a member; considered in committee; passed by both houses; and signed, returned for amendment, or vetoed by the Governor.<sup>3</sup>

A redistricting plan can originate with the Committee on Privileges and Elections, an individual member of the General Assembly, or another interested individual or group. Before any plan can become law, it must be



Virginia Division of Legislative Services

<http://dlsGIS.state.va.us/Ref/2011Draw1.pdf>

## STATE REDISTRICTING SCHEDULE

- Impractical to take up redistricting during regular 2011 “short” session of 46 days
- Detailed population data not available until second half of session in any case
- Special Session will be called to complete redistricting
- Special Session will be extended throughout 2011 until redistricting is completed

## STATE REDISTRICTING SCHEDULE: 2001 AS ROADMAP

- Feb. 24, 2001 Regular 46-Day Session Adjourned  
[Feb. 26, 2011] Adjourn if session is 46 days)
- Feb. 24, 2001 Special Redistricting Session Convened  
and then recessed to April 5
- March 8, 2001 PL94-171 Census Data Received
- Feb.-Apr. 2001 Joint public hearings around state -16 total
- Apr. 4-5, 2001 Reconvened or “Veto” Session
- [Apr. 6, 2011] Assumes 46-day session
- Apr.5, 2001 Redistricting Session Reconvened

## STATE REDISTRICTING SCHEDULE: 2001 AS ROADMAP

- Apr. 18, 2001 General Assembly passed House and Senate redistricting bills
- Apr. 21, 2001 Governor signed both – no amendments
- May 2, 2001 Attorney General submitted House and  
May 11, 2001 Senate plans respectively to DOJ
- June 12, 2001 Primary Date, Primary Delayed
- June 15, 2001 DOJ precleared House plan – 44 days
- July 9, 2001 DOJ precleared Senate plan – 59 days

## STATE REDISTRICTING SCHEDULE: 2001 AS ROADMAP

- July 10, 2001 General Assembly passed Congressional redistricting bill
- July 19, 2001 Governor signed bill – no amendments
- Aug. 17, 2001 Attorney General submitted bill to DOJ
- Aug. 21, 2001 Primary Election Day
- Oct. 16, 2001 DOJ preclears Congressional plan – 60 days
- Nov. 6, 2001 General Election

## STATE REDISTRICTING SCHEDULE: 2001 AS ROADMAP

- Will 2011 Be Any Different?
  - Data may be received up to three or four weeks earlier
  - Uncertain whether that will push schedule forward
  - Governor may take more active role, delaying final enactment
  - Primary date - June 14 - has not been delayed (yet)
    - 1991 moved from June 11 to September 10 (statutory)
    - 2001 moved from June 12 to August 21 (SBE)
    - 2010: SB463 –to allow SBE to set date/amended to set Sept. 13 as date – failed
    - 2011 legislation will require emergency clause

## STATE REDISTRICTING SCHEDULE


- Redistricting Is Already Under Way!
- House Privileges and Elections Redistricting Subcommittee – begun series of six hearings around State between September and December 2010
- Senate Privileges and Elections Chairman began a separate schedule of four hearings in October
- “Listening” Process – public input about criteria and standards to follow; local and regional interests
- Both House and Senate groups will conclude in Richmond December 17 – simultaneously but in separate rooms of the GAB

## LOCAL REDISTRICTING SCHEDULE

- Redistricting ordinance must be enacted 60 days before the next general election for the governing body. Proper notice is required.
- Members in office complete their terms.
- Special provisions may apply to prison populations.
- Precincts must be adjusted so that the precincts are wholly contained in NEW governing body districts.
- There are precinct size and accessibility requirements.
- Precincts frozen until May 15, 2011-new precinct ordinance may be adopted before date but cannot be implemented

A map of Virginia with redistricting boundaries highlighted in blue. The map is overlaid on a light pink background. The text "Guide to Local Redistricting for 2001" is centered on the map.

**Guide to  
Local Redistricting  
for 2001**

A small logo of a classical building with columns, representing the Division of Legislative Services.

Division of Legislative Services

## UNDERSTANDING PL94-171 GEOGRAPHY

- Census geography is the system used to collect and aggregate census data for general purposes
- Census geography and data are used by planners, businesses, etc
- Political geography is the system used to report PL94-171 redistricting data
- Both start with the smallest census unit – the block

## CENSUS GEOGRAPHY

### ➤ Census Block

- Smallest level of census geography for which population reported
- Usually bounded by physical features, although non-visible political geography lines sometimes may be included
- Can range from 0 population to a thousand or more
- About 150,000 census blocks in Virginia for 2000

## CENSUS GEOGRAPHY, continued

### ➤ **Census Block Group**

- Aggregation of a number of census blocks

### ➤ **Census Tract**

- Aggregation of several census block groups
- Average population included has been around 4,000
- Most population, housing, economic and other data and estimates are reported by tract between censuses

### ➤ **County or City**

# POLITICAL GEOGRAPHY

## ➤ Census Block

## ➤ Voting District (VTD)

- Census terminology for voter precinct
- Legislative Services provided VTD boundaries to Census
- All but a few are “true” precincts
- True Precinct = boundary lines match local ordinances, maps, and equivalency files

## ➤ Minor Civil Division (MCD)

- Census terminology for county election or magisterial districts, city districts or wards
- Locality provides MCD lines through Census Bureau’s Boundary and Annexation Survey (BAS)

## POLITICAL GEOGRAPHY

- P1 94-171 Data and TIGER/Line® Shapefiles also include:
  - Current Congressional Districts
  - Current State Senate and House of Delegates Districts
  - **ALERT:** Census version of VTD, Congressional, and state legislative lines are considered official when General Assembly redistricts

## DETAILED POPULATION DATA

### ➤ Total Population

- Includes every individual, not citizens only
- Generally, counted where located on April 1, 2010

### ➤ Total Population 18 and Over

- Often referred to as Voting Age Population (VAP)

## DETAILED POPULATION DATA, continued

- Census Bureau counts an individual by the place of “usual residence”
- “Usual residence” is defined as the place where the individual lives and sleeps “most of the time”
- Individuals in group quarters/institutional settings generally counted as resident of those quarters, e.g., college students, inmates in correctional facilities, residents of nursing homes
- Special rules for military

## DETAILED RACIAL/ETHNIC DATA

### ➤ Race

- Census questionnaire offered six broad categories
  - White
  - Black
  - American Indian-Alaska Native (Tribe can be identified)
  - Asian (several specific choices)
  - Pacific Islander (several specific choices)
  - Other Race
  
- Responder can check any or all of them as applicable

## DETAILED RACIAL/ETHNIC DATA, continued

### ➤ Hispanic or Latino

- Census asked respondents whether they are Hispanic, Latino, or Spanish origin (several options)
- PL 94-171 data will break the non-Hispanic population by the several race categories
- Hispanic by race can then be calculated by user

## DETAILED RACIAL/ETHNIC DATA, continued

### ➤ Result

- 63 race categories or fields in PL 94-171 data
- Produced for total population and for population age 18 and over = 126
- Repeated for non-Hispanic or Latino, total and voting age population = 252

## DETAILED RACIAL/ETHNIC DATA, continued

### ➤ Managing the Data

- Need to collapse categories for redistricting
- Federal OMB issued guidelines in 2000 (OMB Bulletin No. 00-02) that are still in effect
- General Assembly basically followed these guidelines
  - 7 race classifications
  - 4 Hispanic categories
- Anticipate similar or identical arrangement for 2011

## UNDERSTAND PRECINCTS AND REDISTRICTING PROCESS

### ➤ State Level Redistricting

- Census (PL 94-171) precincts – precincts frozen in 2009 – will be the official version
  - References in redistricting bills or Code of Virginia
  - Lines or boundaries of precincts
- Local version of precincts should match the census version – see “True Precincts” earlier
- Check when the time comes – know the actual lines the General Assembly used

## UNDERSTAND PRECINCTS AND REDISTRICTING PROCESS, continued

### ➤ Timing Problems

- General Assembly and localities redistricting at same time
- General Assembly using 2009 frozen precincts, localities changing them at same time
- Redistricting data cannot be changed to reflect local 2011 precinct changes
- Alert your delegation –may be able to take new precincts into account if locality is being split

## UNDERSTAND PRECINCTS AND REDISTRICTING PROCESS, continued

### ➤ Aftermath – Split Precincts

#### ▪ The General Assembly

- Intentionally split one of your precincts
  - Unintentionally split one of your new or revised precincts
- 
- There was a “disconnect” somewhere – e.g., you split a census block – leaving precinct “fragments”

## UNDERSTAND PRECINCTS AND REDISTRICTING PROCESS, conclusion

### ➤ Solutions?

- You likely will have to administer split precinct elections for primary and general election in 2011
- In the past, General Assembly has enacted “technical correction” bills in following sessions to correct as many split precinct problems as it can

## BASIC LEGAL STANDARDS

- Equal Population (“One Person-One Vote”)
  - Based on total population
  - Congressional districts must be exact (-25 to +13 absolute deviation in 2001 plan)
  - State/Local presumption of -5% to +5% tolerance
    - Burden is on challenger – some plans in this range have been overturned
    - Virginia legislative districts were -2% to +2% in 2001

## BASIC LEGAL STANDARDS

- Voting Rights Act
  - Section 5 applies to Virginia and most of its localities
    - Plans must be “precleared” by U.S. Department of Justice before they can be implemented
    - “Non-retrogression” standard – protected class should not lose voting strength in a new plan
  - Section 2 applies to all state and localities
    - Prohibits redistricting that denies or abridges right to vote on account of race, color, or language minority
    - Burden is on plaintiff to file suit and prove claim

## BASIC LEGAL STANDARDS

### ➤ Compactness

- The Virginia Supreme Court in *Jamerson v. Womack*, 244 Va.506 (1992) interpreted the constitutional compactness standard to allow broad discretion to General Assembly.
- The Court recognized that the legislature needed “wide discretion [in making] its value judgement of the relative degree of compactness required when reconciling the multiple concerns of apportionment.”

## BASIC LEGAL STANDARDS

### ➤ Contiguity

- A district should be one block of territory and not two discrete pieces of geography.
- The Virginia courts in the *Jamerson* litigation also addressed the contiguity requirement. The lower court held that the fact that two parts of Senate District 18 were linked solely by water (Buggs Island Lake) did not violate the constitutional contiguity requirement.

## Other Legal Issues or Factors

- Other Legal Issues or Factors
  - Communities of interest. Neighborhoods.
  - Preservation of the core of old districts.
  - Incumbency.
  - Political data.
  - Precinct considerations.
  - Staggered terms.