



# Joint Reapportionment Committee

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## DLS Activities to Prepare for 2021 Redistricting Cycle

### 2020 Census Redistricting Data Program

- Because redistricting done by both the General Assembly and local governments will use population data assigned by geographic unit, it is vitally important that the geography that the Census Bureau uses reflects what the state and each local government understands it to be.
- The 2020 Census Redistricting Data Program was conducted by the Census Bureau over a span of five years in the run up to the decennial redistricting. The purpose of the program is to provide the entities responsible for redistricting the opportunity to identify the geographic areas for which population data will be provided. Division of Legislative Services is the liaison between the Census Bureau and the state.
- The Census Bureau designates specific mapping software for use during this program and an online submission is required to participate.
- Phase 1 is the Block Boundary Suggestion Project, providing states the opportunity to submit suggested legal boundary updates as well as updates to other geographic areas.
  - December 2015 - May 31, 2016: Initial identification
  - December 2016 - May 31, 2017: Verification of updates
- Phase 2 is the Voting District Project, providing states the opportunity to submit voting districts for inclusion on the P.L. 94-171 Redistricting Data, in addition to allowing states to submit suggested legal boundary updates as well as updates to other geographic areas.
  - December 2017 - May 31, 2018: Initial identification
  - December 2018 - May 31, 2019: Verification of updates I
  - December 2019 - March 31, 2020: Verification of updates II
- During the Program, DLS staff worked with the Census Bureau and local government officials to identify, update, and verify the precinct boundaries of Virginia's 2,465 active precincts on census maps. Staff requested shapefiles and GIS maps of every locality's precinct boundaries and worked with officials to review any errors or mismatches identified by the Census Bureau.

### Redistricting Application Software

#### *What is Redistricting Application Software?*

- A specialized computer program that visualizes data stored on an associated database to enable redistricting participants to accurately and efficiently complete and share

redistricting plans that meet state requirements. Widely replaced paper map-drawing after the 2000 Census.

- Data sets can include a wide variety of information. This includes spatial data (e.g. census blocks, precincts, electoral districts) and associated tabular data (e.g. population, race, and political data).
- Data is visualized on a virtual map. Redistricting participants can select geographical units (census blocks, precincts, electoral districts, etc.) to create proposed districts. The proposed districts can then be analyzed to determine their individual and comparative characteristics (total population, registered voter population, racial/ethnic composition, etc.). Completed plans can be shared in various formats (Shapefiles, district reports, etc.).
- Most redistricting application software vendors provide options for a variety of software and data support.

#### *DLS's Procurement Timeline*

- **2019:** DLS reviewed the software procurement processes for previous redistricting cycles and conducted research to determine what requirements there would be for software in 2021. Based on research indicating significant advances in redistricting technology over the past decade, DLS made the decision to begin the procurement process by creating a Request for Information (RFI) to solicit general information about what the current market for redistricting application software could offer. After evaluating the specific needs of DLS and consulting with our partners at DLAS, an RFI was produced and opened to the public in December. Notice was also sent to major vendors to solicit feedback.
- **February 2020:** The RFI period closed with only two responses.
- **March 2020:** In light of the limited number of responses and the significant amount of detail provided in the two responses that were received, and based on its experience with redistricting in the Commonwealth in previous cycles, City Gate GIS was determined to be the most suitable choice for the redistricting application software vendor.
- **April 2020:** DLS requested an exemption from the Virginia Public Procurement Act for the purchase of the redistricting application software.
- **May 2020:** The Speaker of the House of Delegates and the chairwoman of the Senate Committee on Rules approved the exemption request and DLS began contract negotiations with City Gate GIS.
- **July 2020:** The contract with City Gate GIS is finalized and signed by both parties at a total cost of \$220,000. This includes the cost of software development and installation, in addition to pre- and post- Census data release support.

#### *Software Development*

- Primary software development has been completed and DLS is set to begin testing the software using data from the 2011 decennial redistricting.
- In addition to developing the primary application software, City Gate has also been providing ongoing support regarding software and hardware configuration. This includes



preparation of the database that will hold the data that will be used to conduct the 2021 decennial redistricting.

### Equipment and Work Space

- Four Dell Precision Workstation laptops for redistricting staff
- Two Dell Precision Desktop computers with 27" monitors
- Two Ricoh color laser printers for producing standard size maps
- One HP color inkjet 36" plotter printer for large maps
- One Dell PowerEdge server to host redistricting data and a 12 TB back-up device for that server
- Designated office on 9th floor

### Guide to Local Redistricting for 2021

- State and federal electoral districts are not the only ones that need to be redistricted after every census. Local districts must also adhere to the one-person, one-vote standard and all civil rights requirements imposed by federal law.
- Prior to each decennial census, DLS publishes a Guide to Local Redistricting to assist local governing bodies in understanding and preparing for the redistricting process. The Guide provides a primer on the fundamental aspects and foundational principles of redistricting.
- The Guide to Local Redistricting for 2021 is currently being finalized and will be released in early November 2020.

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## Prison Population Reallocation pursuant to § 24.2-314

### What the Law Requires

- The Census Bureau issues detailed guidance for determining where people should be counted, including that persons in federal, state, and local correctional facilities are counted at the facility where they are incarcerated on Census Day.
- The 2020 General Assembly enacted legislation that will adjust the P.L. 94-171 data to reflect the reallocation of the prison populations in the Commonwealth. Pursuant to subdivision 9 of § 24.2-304.04, persons incarcerated in a federal, state, or local correctional facility shall be counted at the locality of their address at the time of incarceration.



- Section 24.2-314 directs the reallocation of the prison population so that persons whose address at the time of incarceration was located within the Commonwealth are deemed to reside at such address, and persons whose address at the time of incarceration was located outside of the Commonwealth or cannot be determined will be deemed to reside at the location of the facility in which they are incarcerated.
- The Division of Legislative Services is responsible for adjusting the P.L. 94-171 data to reflect this reallocation based on residency. The law also requires the cooperation of the Department of Corrections and the State Board of Local and Regional Jails.

## How Reallocation Happens

- DLS receives certain data about each person incarcerated in a correctional facility, including each person's residential address at the time of incarceration. The incarcerated person's address at the time of incarceration is then geocoded, or converted to a geographic point.
- When the census data becomes available, the person incarcerated in a correctional facility is removed from the census block assigned by the Census Bureau and then his geocoded address is assigned to the appropriate census block, in the locality of his address at the time of incarceration.
- DLS has contracted to utilize the services of an experienced redistricting vendor to complete this task.

## DLS Steps Taken

### *Local Correctional Facilities*

- Contacted the attorney for the Board of Corrections to outline new legal requirement and to request necessary data; directed to the Compensation Board
- Contacted the Compensation Board to outline new legal requirement and to request necessary data

### *State Correctional Facilities*

- Contacted the Department of Corrections to outline new legal requirement and to request necessary data

### *Federal Correctional Facilities*

- Contacted the Executive Assistant for the three federal facilities to outline the new legal requirement and to request necessary data; directed to the Office of Legislative Services, Central Office in Washington, DC
- Contacted the Office of Legislative Services



## Data Received Thus Far

- The Compensation Board provided an Excel file of inmates incarcerated at local and regional jails.
- The Department of Corrections provided an Excel file of inmates incarcerated at state facilities.
- The two files contain a total 53,019 inmate records and 43,563 have addresses that can be plotted in the state of Virginia.

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## 2020 Census Data Delivery Delay

### The Census

- The Census has four general steps: soliciting self-response by households; non-response follow-up; data processing; and submission of the two statutorily required reports based on the census data
- The Secretary of Commerce is required by law to tabulate the total population by state for congressional apportionment purposes; this is statutorily required to be completed "within 9 months after the census date."
- The Secretary of Commerce is also required by law to tabulate population data by states for redistricting; this is statutorily required to be completed "as expeditiously as possible" and "shall, in any event, be completed, reported, and transmitted to each respective State within one year after the decennial census date."

### The Delay

- The self-response period had just begun in March 2020 when the Census Bureau had to completely suspend field operations as a result of COVID-19. Operations were put on hold until early May.
- The Census Bureau adopted the COVID-19 Plan on April 13, 2020. The plan extended the total time for the census, to restore the time the operations were on hold, in addition to providing more time for field operations to restart and conclude, to complete the non-response follow-up stage, and to allow for more time for data processing.
- The Census Bureau also requested that Congress extend the statutory deadlines for 120 days, pushing delivery of the apportionment data to April 1, 2021, and the population data to July 31, 2021.



- In the late summer, the Administration requested additional funding to complete the census on time, in lieu of the deadline delay, and on August 3, 2020, the Secretary of Commerce approved a new schedule that would end field operations by September 30, 2020, and the initial data processing stage by December 31, 2020

## Ross v. National Urban League

- On Wednesday, October 7, 2020, the U.S. Court of Appeals for the 9th Circuit denied the government's motion to stay a lower court's injunction of the September 30, 2020, data collection deadline - meaning, Census operations are to continue until October 31, 2020.
  - That court also granted the government's motion to stay pending appeal the lower court's injunction to enjoin the government from meeting the December 31, 2020, statutory deadline.
- The Administration has filed an application for a stay pending an appeal with the Supreme Court.
- Justice Kagan requested a response to the application, due by the morning of October 10, 2020, which the respondents timely filed.
- As of 8:00 a.m. on October 13, 2020: no word yet.

## The Impact on Virginia's Redistricting Timeline

### *Our 2021 Timeline*

#### **November 2, 2021: Election Day**

- 45 days of absentee voting

#### **September 18, 2021: Absentee voting for the general election begins**

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#### **August 24, 2021: Primary elections**

*In 2011, the primary schedule was adjusted so that the primary was held on August 23, the fourth Tuesday of the month. Following that same pattern, the primary in 2021 would be on August 24.*

- 45 days of absentee voting

#### **July 10, 2021: Absentee voting for the primary election begins**

- According to the Department of Elections, it takes ELECT and localities **at least 99 days** to redistrict, from the day ELECT receives the lines until the time voter notices can go out. During those 99 days, ELECT has to communicate the lines to localities, general registrars have to place voters, ELECT has to review those placements, the data loads have to be



scheduled and completed in VERIS, a technical check has to be done to ensure that VERIS is functioning properly, and an audit has to be completed to ensure there are no misplaced voters.

**April 2, 2021: Maps have to be enacted by the Governor**

*In 2011, the Governor signed HB 5005 (House and Senate districts) on April 29.*

