

2021 REDISTRICTING GUIDELINES AND CRITERIA

Plans drawn for the Commission must comply with the following guidelines and criteria in order of the priority listed below.

1. Population Equality

- a. U.S. Constitution: “The House of Representatives shall be composed of Members chosen every second Year by the People of the several States” U.S. Const. art. I, § 2, cl. 1; *see also Reynolds v. Sims*, 377 U.S. 533 (1964).
- b. Virginia Constitution: “Every electoral district shall be ... constituted as to give, as nearly as is practicable, representation in proportion to the population of the district.” Va. Const. art. II, § 6.
- c. Virginia Code: “Districts shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district. A deviation of no more than five percent shall be permitted for state legislative districts.” Va. Code Ann. § 24.2-304.04(1).
- d. Commission guidance:
 - i. Each legislative district should be drawn to be as equal as practicable, with total population variances minimized, with a target of no more than plus or minus 2%, while considering the other principles listed below.
 - ii. Each congressional district shall be drawn with a total population of plus or minus one person from the ideal district size.

2. Voting Rights and Political Participation

- a. U.S. Constitution: “No State shall ... deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1.
- b. Virginia Constitution: “Every electoral district shall be drawn in accordance with the requirements of federal and state laws that address racial and ethnic fairness, including the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and

provisions of the Voting Rights Act of 1965, as amended, and judicial decisions interpreting such laws. Districts shall provide, where practicable, opportunities for racial and ethnic communities to elect candidates of their choice.” Va. Const. art. II, § 6.

- c. Voting Rights Act, § 2: “No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color” 52 U.S.C. § 10301(a).

- d. Virginia Code:
 - i. “Districts shall be drawn in accordance with the requirements of the Constitution of the United States, including the Equal Protection Clause of the Fourteenth Amendment, and the Constitution of Virginia; federal and state laws, including the federal Voting Rights Act of 1965, as amended; and relevant judicial decisions relating to racial and ethnic fairness.” Va. Code Ann. § 24.2-304.04(2).

 - ii. “No district shall be drawn that results in a denial or abridgement of the right of any citizen to vote on account of race or color or membership in a language minority group. No district shall be drawn that results in a denial or abridgement of the rights of any racial or language minority group to participate in the political process and to elect representatives of their choice.” Va. Code Ann. § 24.2-304.04(3).¹

¹ “A violation of this subdivision is established if, on the basis of the totality of the circumstances, it is shown that districts were drawn in such a way that members of a racial or language minority group are dispersed into districts in which they constitute an ineffective minority of voters or are concentrated into districts where they constitute an excessive majority. The extent to which members of a racial or language minority group have been elected to office in the state or the political subdivision is one circumstance that may be considered. Nothing in this subdivision shall establish a right to have members of a racial or language minority group elected in numbers equal to their proportion in the population” Va. Code Ann. § 24.2-304.04(3).

- iii. “Districts shall be drawn to give racial and language minorities an equal opportunity to participate in the political process and shall not dilute or diminish their ability to elect candidates of choice either alone or in coalition with others.” Va. Code Ann. § 24.2-304.04(4).
- e. Commission Guidance:
 - i. All plans proposed by the Commission will comply with federal law, including the Voting Rights Act of 1965, as amended; the Virginia Constitution; and other Commonwealth law on minority voting rights. This includes consideration of the racially polarized voting analysis conducted on behalf of the Commission and reconstituted election returns.

3. Communities of Interest

- a. Virginia Constitution: “Every electoral district shall be composed of contiguous and compact territory” Va. Const. art. II, § 6.
- b. Virginia Code:
 - i. “Districts shall be drawn to preserve communities of interest.” Va. Code Ann. § 24.2-304.04(5).²
 - ii. “Districts shall be composed of contiguous territory, with no district contiguous only by connections by water running downstream or upriver, and political boundaries may be considered.” Va. Code Ann. § 24.2-304.04(6).
 - iii. “Districts shall be composed of compact territory and shall be drawn employing one or more standard numerical measures of individual and average district compactness, both statewide and district by district.” Va. Code Ann. § 24.2-304.04(7).

² “For purposes of this subdivision, a ‘community of interest’ means a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests. A ‘community of interest’ does not include a community based upon political affiliation or relationship with a political party, elected official, or candidate for office.” Va. Code Ann. § 24.2-304.04(5).

c. Commission Guidance:

- i. To maintain the communities of interest in the Commonwealth as required by Virginia law, the Commission shall consider the following requirements, in order of priority:
- (a) Every electoral district shall be composed of contiguous and compact territory and shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district.
 - (b) The integrity and priority of existing political subdivisions should be preserved to the extent possible by avoiding unnecessary divisions of those subdivisions.
 - (c) Districts shall have clearly defined and clearly discernable boundaries.
 - (d) Districts shall be reasonably compact as compared with existing political subdivisions.
 - (e) Neighborhoods or any geographically defined group of people living in an area who share similar social, cultural, and economic interests shall be maintained to the extent possible.

4. Political Neutrality

- a. Virginia Code: “A map of districts shall not, when considered on a statewide basis, unduly favor or disfavor any political party.” Va. Code Ann. § 24.2-304.04(8).
- b. Commission Guidance: Maps shall not favor or disfavor any political party. The Commission may review political data to ensure compliance with this political neutrality provision and may consider incumbent addresses as part of the drafting process.

5. Other Principles and Factors

The enumeration of the foregoing guidelines and criteria is not intended to limit the Commission’s consideration of any other appropriate principles or factors.

Note on Communities of Interest: Communities of interest are extremely important to the Commission, and the interest in preserving these communities is reflected in these guidelines.

Note on Legal Compliance: The Commission must always comply with federal law, including the U.S. Constitution. The Commission must comply with the Virginia Constitution unless doing so would violate federal law, and must comply with the Virginia Code unless doing so would violate federal law or the Virginia Constitution.