



County of Prince Edward
Board of Supervisors
Agenda Summary

Meeting Date: February 8, 2011
Item No.: 10
Department: County Administration
Staff Contact: W.W. Bartlett/Sarah Elam Puckett
Issue: Redistricting

Summary: As each of you is aware, the Board is responsible for implementing the 2011 redistricting of the election districts of the Board of Supervisors, based on the 2010 Census. Attached for your review and approval are: (1) a general guidance document which outlines the process the County will follow; (2) a redistricting schedule; (3) a resolution that provides a general statement of the goal, criteria and policies that will be followed; and (4) a proposed composition of an advisory citizen committee.

Additionally, a Special Board Work Session has been scheduled for Tuesday, February 15, 2011 at 5:30 p.m., at which the Board will meet with the Advisory Citizen Committee and review maps showing the impact of the 2010 Census on the current election districts.

Also, for your information, a copy of "Guide to Local Redistricting for 2011", provided by the Virginia Division of Legislative Services, is enclosed in your Board pack. This is a comprehensive review of the legal requirements of redistricting.

Attachments: "2011 Redistricting of Election Districts of the Board of Supervisors" -- DRAFT
"Guide to Local Redistricting for 2011" (ATTACHMENT)

Recommendation:

1. Adopt and approve the general process and composition of an advisory citizen committee.
2. Adopt the resolution that provides the statement of goals, criteria and policies.
3. Approve the redistricting schedule.

Motion _____
Second _____

Campbell _____
Jones _____
Wilck _____

Fore _____
McKay _____
Wiley _____

Gantt _____
Simpson _____



County of Prince Edward, Virginia

2011 Redistricting of the Election Districts of the Board of Supervisors

I. ISSUE:

Board action is needed to schedule and implement the 2011 redistricting of the election districts of the Board of Supervisors, based on the population from the 2010 Census.

II. RECOMMENDATIONS:

Staff recommends that the Board:

- (1) adopt and approve the general process and composition of an advisory citizen committee described below for the 2011 redistricting of the election districts of the Board;
- (2) adopt the enclosed resolution that will provide a general statement of the goal, the criteria, and the policies that will be followed in the 2011 redistricting of the election districts of the Board; and
- (3) approve the enclosed redistricting schedule.

III. TIMING:

The Virginia Constitution requires the Virginia General Assembly and those local governing bodies elected by district to consider redistricting in calendar year 2011. Because of the anticipated uneven populations among the current County election districts, the Board will need to reapportion the current election districts. This will require the County and/or the Registrar to: (1) consider changes to the County election districts and precincts, if applicable; (2) adopt a plan to revise the present election districts; (3) secure federal preclearance of all changes affecting voting pursuant to Section 5 of the *Voting Rights Act of 1965*; (4) notify each County voter of any changes to that voter's election district; (5) be prepared to send out absentee ballots, upon request, forty- five days before the primary and general elections; and (6) conduct the primary and general elections based on the new election districts.

The data from the U.S. Census Bureau is expected to be available to the County the second week of February 2011. It is also anticipated that the primary elections will be deferred until August 23, 2011. This means that the County will need to consider the new population information and adopt a suitable plan for submission to the U.S. Attorney General for federal preclearance by the end of April 2011. In order to meet that deadline and to provide appropriate public input, staff recommends that the Board: (1) appoint an advisory citizen committee and task that committee with preparing redistricting alternatives for Board consideration, (2) conduct a public hearing on proposed redistricting plans, and finally, (3) adopt a redistricting plan on April 12, 2011. Further scheduling information is presented below.

IV. BACKGROUND:

In April 2010, the U.S. Census Bureau conducted the national decennial census in accordance with federal law. The Census Bureau is expected to release detailed population data relating to Virginia in February 2011. That information will be used for a wide range of purposes in future years, but, first and foremost, the 2010 Census data will be used to reapportion representation in the United States House of Representatives, state legislatures, and local elected governing bodies. *Virginia Code* § 24.2-304.1 (2006) requires those local governing bodies elected by district to consider redistricting every ten years using the

population data from the U.S. Census, and even though the new Census data are not yet available, there can be no doubt that population changes in the County since 2001 will require redistricting of the election districts of the Board.

Redistricting will require significant efforts by the Board, County staff, and interested County residents. In many ways, those efforts will be similar to previous redistricting, inasmuch as populations will be considered and election districts redrawn. Nevertheless, there have been changes in federal and state laws that must be considered, and the widespread availability of computers and data can be expected to create more opportunities for public input than ever before possible.

Legal Constraints

The Board has the legal responsibility to reapportion the election districts of the governing body. There are three principal requirements that any redistricting effort must satisfy. First, local representation must meet federal and state "one person, one vote" requirements. Those requirements are met by allowing only small population differences among election districts. In 1977, the United States Supreme Court indicated that a population deviation of less than ten percent among state and local election districts would be presumed constitutional, but even in instances where the deviation is less than ten percent, a good-faith effort to equalize populations using traditional redistricting principles must be shown. Courts have recognized these factors as traditional principles: (1) compactness; (2) contiguity; (3) preservation of political boundaries, e.g., town boundaries; (4) preservation of communities of interest; (5) preservation of cores of prior districts; and (6) protection of incumbents.

Virginia law also requires election districts to follow clearly defined and observable boundaries. Clearly observable boundaries include any named road, any river, stream, or drainage feature more than forty feet in width, and any natural or constructed feature that appears on the official map of the County issued by the Virginia Department of Transportation or on a United States Geological Survey topographical map.

In addition, local redistricting must comply with the federal Voting Rights Act of 1965, as amended (Act), and that law has two major components. Section 2 of that Act prohibits any voting practices that have the effect of discriminating against voting rights on the basis of racial minority or language minority, and Section 5 requires federal preclearance of any change affecting voting made by certain state and local governments. The County is required to comply with the federal Section 5 preclearance procedure. That federal review generally takes sixty-one days, so that time must be considered in planning the County's efforts.

Planning for Changes

Planning for the redistricting effort is essential if the County's activities are to meet the substantive legal standards and the required time schedule. At this point, staff planning has focused on three areas: (1) public input; (2) staff support; and (3) scheduling requirements.

First, federal and state laws provide for public access to the redistricting process. The federal regulations on preclearance provide for public input, and those regulations encourage the localities that submit changes for preclearance to provide an account of local public input. In addition, Virginia law requires the Board to adopt the plan by ordinance in public session, and Virginia law provides citizens and news media representatives with access to public records pursuant to the *Virginia Freedom of Information Act*.

In order to obtain input from the public, the Board has historically established an advisory citizen committee. In 1991 and 2001, the redistricting committee comprised representatives from the County

Democratic Party, the County Republic Party and the NAACP. In a series of meetings, the committee met with staff and prepared a number of alternatives that were later considered by the Board. Meetings of advisory citizen committees are open, and observers and all interested persons may attend and contribute to the success of those committees. This same procedure is recommended for 2011.

More specifically, staff recommends that the Board appoint an advisory committee to consider possible redistricting plans and to recommend redistricting options to the Board. The members of that advisory committee could be appointed by the Board on February 8, 2011 and the Board will meet with them on February 15, 2011.

Staff expects that the advisory committee will need to begin meeting immediately following the Board Work Session on February 15, 2011 and those meetings will continue well into March.

The time requirements for committee members will be intensive. Committee members should expect to meet once or twice a week with County support staff to develop the redistricting plans that the committee will present to the Board for consideration. The committee will submit its report and recommendations to the Board by March 8, 2011. After considering the advisory committee's report and such other information as the Board desires, the Board would then be in a position to advertise those plans for a Public Hearing on March 29, 2011, and for possible adoption by the Board on April 12, 2011.

Second, the Office of the County Administrator, the Office of the County Attorney, and the Registrar will provide primary staff support to the local redistricting effort, together with computer software, demographics and mapping support from the Commonwealth Regional Council (CRC). The Office of the County Administrator will coordinate the overall effort, but because of the extensive legal requirements on redistricting, the Office of the County Attorney will be significantly involved. All data processing and mapping will be done by CRC, at the direction of the committee and staff. Similar staffing arrangements were used successfully in the County's 1991 and 2001 redistricting.

Third, in regard to scheduling, when the Board redistricted in 2001, the elections for the Board were held later that same calendar year, as will happen in 2011. The schedule described below is similar to the redistricting schedule used in 2001.

Redistricting Schedule

The General Assembly has rescheduled the 2011 state primary elections, now scheduled for June 14, until August 23, 2011. It is anticipated that the State Board of Elections will set local primary election for this date. Also, the General Assembly has not yet scheduled its own redistricting activities, so given those uncertainties; staff cannot propose a firm schedule of events at this time. Nevertheless, for present planning purposes, staff has prepared the following proposed schedule for county redistricting. Please note that this schedule is based on an expectation that the local June primary elections will be moved to August 23, 2011.

2011 Redistricting Schedule

<u>TASK</u>	<u>DATE</u>
Census data given to Virginia	Early February 2011
Board adopts general redistricting process, approves schedule , appoints committee members, and adopts redistricting resolution	February 8, 2011
Board meets with advisory citizen committee	February 15, 2011
Advisory Citizen Committee begins to meet with County staff	Mid- February 2011
Advisory Citizen Committee prepares plan(s) and recommendations	February/early-March, 2011
Advisory Citizen Committee presents report with alternative plans to the Board	March 8, 2011
Public Hearing on draft redistricting option(s)	March 29, 2011
Board adopts redistricting plan	April 12, 2011
Board adopted plan submitted to the U.S. Attorney General for federal preclearance, pursuant to Section 5 asking for expedited consideration	April 29, 2011
Federal preclearance anticipated and the Board plan becomes effective	Late June 2011
Voters notified of election changes by County Electoral Board staff	June and July 2011
Absentee ballots mailed out to voters	Early July
Primary elections for the Board and certain state and local offices	August or 23, 2011 (expected new date)
General elections for the Board and certain state and local offices	November 8, 2011
Board takes office using the new districts	January 1, 2012

– RESOLUTION OF THE BOARD OF SUPERVISORS –

At a regular meeting of the Board of Supervisors of the County of Prince Edward, Virginia, held in the Board Room of the Prince Edward County Courthouse, 111 South Street, Farmville, Virginia, on Tuesday, February 8, 2011, at which a quorum was present and voting, the following resolution was adopted in public session.

WHEREAS, Prince Edward County, Virginia, is required to consider reapportionment every ten years; and

WHEREAS, the U.S. Census Bureau is expected to soon release the 2010 Census that will indicate that there have been sufficient population changes within Prince Edward County, Virginia, to warrant a reapportionment of the Board of Supervisors of the County; and

WHEREAS, the Board of Supervisors has the power to apportion the election districts of the governing body in accordance with federal and state laws;

NOW THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Prince Edward, Virginia supports and adopts the following;

GOAL

The goal for the Prince Edward County Board of Supervisors is to reapportion the governing body of the County during calendar year 2011. As part of that process, the Board will consider the existing election districts for the members of the Board and proposed revisions to those districts. That process will be completed and approved in accordance with federal and state law.

CRITERIA

1. The governing body of the County must be composed of a fixed number of members who are elected from single- member districts.
2. The Board will adopt election districts composed of contiguous and compact territory, and which shall be so constituted as to give, as nearly as is practicable, representation in proportion to the population of the district.
3. The Board will adopt election districts with clearly observable boundaries, as Virginia law defines that term.
4. The Board will comply with the Voting Rights Act of 1965, as amended.

POLICIES

1. The Board will consider plans that maintain eight election districts as well as any other plans that propose a lawful number of election districts.

2. The Board will not consider election district proposals which would result in a maximum population deviation between election districts that is ten percent or greater.
3. The Board will consider existing geographical and political boundaries, which shall include, but not be limited to, the utilization of incorporated town boundaries.
4. The Board will consider established communities of interest that shall include, but not be limited to, geographic areas with similar characteristics such as ethnic, social, and cultural interests. Present and planned use of land and public facilities are relevant to defining communities of interest.
5. The Board will consider existing districts and incumbent representation on local public bodies that may be affected by reapportionment.
6. The Board encourages plans that are based on existing voting precinct boundaries, and where changes are necessary, precincts shall be divided along Census block boundaries.
7. The Board encourages interested persons to submit reapportionment plans to the County. Proponents of any plan shall submit appropriate maps of proposed election districts and statistical summaries and analyses. The statistical analyses shall show the population deviation between election districts and any retrogressive effect on racial or language minority groups.
8. The Board encourages interested persons to submit proposals for amending or revising any reapportionment plan that has been submitted to the County. Proponents of any such amendment or revision shall submit appropriate maps showing the proposed changes and statistical summaries and analyses. The statistical analyses shall show the population deviation between election districts and any retrogressive effect on racial or language minority groups.
9. Notwithstanding Policies 7 and 8 above, the Board encourages public comments or recommendations from interested persons on any plan or change to any plan that has been submitted.
10. All of the foregoing criteria shall be considered in the reapportionment process, but population equality among districts and compliance with federal and state constitutional requirements and the federal Voting Rights Act of 1965, as amended, shall be given priority in the event of conflict among the criteria.

Certification

I hereby certify that the foregoing resolution was duly considered by the Board of Supervisors of the County of Prince Edward, Virginia at a regular board meeting in Prince Edward County, Virginia, at which a quorum was present and that same was passed this 8th-day of February 2011.

William G. Fore, Jr., Chairman

ATTEST:

W. W. Bartlett, County Administrator

Advisory Citizen Reapportionment Committee

Representative of the Democratic Party of Prince Edward County

Representative of the Republican Party of Prince Edward County

Representative of the NAACP of Prince Edward County