

MEMORANDUM

TO: The Virginia Redistricting Commission

FROM: Legal Counsel to the Commission
H. Christopher Bartolomucci
Kareem Crayton
J. Gerald Hebert
Bryan P. Tyson

RE: Directions to Mapdrawers on Political Subdivisions, Political Neutrality,
and Communities of Interest.

DATE: September 14, 2021

All legal counsel have agreed to the attached documents, which provide direction to the mapdrawers regarding (1) political subdivisions, (2) political neutrality, and (3) communities of interest. All counsel recommend that the Commission approve the attached documents.

POLITICAL SUBDIVISIONS

Background:

The Guidelines adopted by this Commission state that “[t]he integrity and priority of existing political subdivisions should be preserved to the extent possible by avoiding unnecessary divisions of those subdivisions.” 2021 Redistricting Guidelines and Criteria ¶ 3(c)(i)(b).

The Commission’s Direction to Mapdrawers:

(1) You may not divide existing political subdivisions unless such division is required to achieve a higher priority objective under the Guidelines.

(2) The term “political subdivisions” means Virginia counties, independent cities, and unincorporated towns. As a general matter, preserving the integrity of counties should receive higher priority than preserving the integrity of independent cities or unincorporated towns; and preserving the integrity of independent cities should receive higher priority than preserving the integrity of unincorporated towns. In deciding whether to depart from this general order of priority, you shall consider, as directed by the Commission, additional information based on public input concerning communities of interest.

(3) Election districts shall not be considered “political subdivisions.”

POLITICAL NEUTRALITY

Background:

The Virginia Code provides that “[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). In addition, this Commission’s Guidelines state: “Maps shall not favor or disfavor any political party.” 2021 Redistricting Guidelines and Criteria ¶ 4(b).

The Guidelines also state: “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.” *Id.* The Commission intends to consider political data after maps have been drafted to ensure that the maps the Commission ultimately adopts achieve political neutrality.

The Commission’s Direction to Mapdrawers:

(1) You may not consider political data, including election results or incumbent addresses, while drawing your maps.

(2) You must clearly disclose on your maps every district where, prior to receiving this direction, you considered any political data in the mapdrawing process.

COMMUNITIES OF INTEREST

Background:

The Virginia Code provides that “Districts shall be drawn to preserve communities of interest. 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.” Va. Code Ann. § 24.2-304.04(5). The Code also provides that 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.” *Id.*

The Commission’s Guidelines address the preservation of communities of interest in mapdrawing. *See* 2021 Redistricting Guidelines and Criteria ¶ 3.

The Commission’s Direction to Mapdrawers:

(1) In striving to preserve communities of interest, you should use the broad definition of “community of interest” in the Virginia Code: “a neighborhood or any geographically defined group of people living in an area who share similar social, cultural, and economic interests.”

(2) You shall consider, as directed by the Commission, additional information based on public input concerning communities of interest.

(3) A community of interest does not include a community based on an affiliation or relationship with a political party, an incumbent elected official, or a candidate for political office.