

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, et al.,

Plaintiffs,

v.

Civil Action No. 2:18-cv-0069

City of Virginia Beach, et al.,

Defendants.

**PLAINTIFFS’ MEMORANDUM IN OPPOSITION TO
DEFENDANTS’ MOTION TO DISMISS**

Twenty months after Plaintiffs Latasha Holloway and Georgia Allen filed their amended complaint, Defendants, for the seventh time, have filed a motion seeking to avoid adjudicating the merits of Plaintiffs’ claim under Section 2 of the Voting Rights Act (“Section 2” of the “VRA”). This motion fares no better than the prior six, which all failed. It is deficient in both law and logic. Further, it dresses up factual arguments as *faux* jurisdictional claims, which cannot conceal Defendants’ extreme delay in advancing this latest futile assault.

Defendants wrongly claim that this Court lacks jurisdiction to decide whether Plaintiffs are suffering unlawful vote dilution now, because the 2020 Census will produce new population data sometime next year. This fundamentally misstates the role of population data in this case. The imminent release of new decennial census data can sometimes raise mootness issues in litigation challenging redistricting maps *currently in force*, where a new census typically renders old maps unenforceable. But Plaintiffs here are not simply challenging an existing redistricting plan. Just the opposite: Plaintiffs challenge the longstanding, permanent at-large system of electing Virginia Beach City Council members *without* voting districts. To show that this at-large electoral system

violates Section 2, Plaintiffs must prove certain facts about the population of Virginia Beach by a preponderance of evidence. *See Thornburg v. Gingles*, 478 U.S. 30, 49-51 (1986). The decennial census is just one source of relevant evidence, among others—including other, more detailed annual data and local electoral data—about the local population. No jurisdictional doctrine requires the Court to withhold adjudication of Plaintiffs’ vote-dilution claim until the Census Bureau provides updated population data about Virginia Beach’s population by releasing 2020 Census data. Indeed, “[t]he [Supreme] Court has never hinted that plaintiffs claiming present Voting Rights Act violations should be required to wait until the next census before they can receive any remedy.” *Garza v. County of Los Angeles*, 918 F.2d 763, 772-73 (9th Cir. 1990), *cert. denied*, 498 U.S. 1028 (1991).

Second, Defendants argue that because Plaintiffs are Black, they lack standing to challenge the dilution of political opportunity for a cohesive community of color that includes Hispanic, Black, and Asian (together “HBA”) members. But if the HBA community in Virginia Beach is cohesive, as Plaintiffs claim, then any member of that community—Hispanic, Black, or Asian—can properly assert harm from that dilution. Defendants thus assume the conclusion, that the combined HBA community in Virginia Beach is *not* politically cohesive. This Court has already refused to indulge that dubious assumption. When Plaintiffs prove at trial that the HBA community is cohesive, they will necessarily show that they personally are injured by Virginia Beach’s adherence to a voting scheme that systematically submerges the HBA community’s preferences.

The Court should therefore find that it has subject-matter jurisdiction over this case, and accordingly deny this motion, like the six meritless motions that preceded it.

I. Background

A. Virginia Beach's At-Large System for Electing City Council Members

This case is about the Virginia Beach City Council's electoral system and its dilutive impact on political opportunity for the HBA community. All eleven members of the City Council are elected at-large, although seven of them must live in a specific residency district. Amended Complaint ("Am. Compl."), ECF No. 62 at ¶ 21.¹

Virginia Beach has maintained this at-large voting system for City Council since 1966. ECF No. 118-1 (Initial Report of Dr. Allan J. Lichtman) at 12. Over the decades, members of the HBA community have frequently advocated for a change to a district-based voting system. *See* ECF No. 150-1 (Opinion and Order, *Lincoln v. City of Virginia Beach*, No. 2:97-cv-756 (E.D. Va. 1997)) at 1-3; ECF No. 118-22 (Declaration of Georgia Allen) at ¶ 4. The City considered this proposal in the 1990s but rejected it, even as other Virginia jurisdictions moved away from at-large voting. ECF No. 118-1 at 13; ECF No. 118-7 (John Moss Dep.) at 46:13-49:13, 56:1-57:13, 58:6-59:15.

Virginia Beach's HBA community has grown substantially in recent years. As of the 1990 Census, Hispanic and non-white residents made up 21.2 percent of the City's population. Ex. 1 (Selected Historical Census Bureau Data) at 2. By the 2010 Census, Hispanic, Black alone, and Asian alone residents made up 31.6 percent of the population of Virginia Beach. Ex. 2 (Selected 2010 Census Data). Since then, the HBA community has continued to grow as proportion of the City's population. *See* Ex. 3 (Selected 2016 ACS 5-Year Estimates) (showing that Hispanic, Black

¹ Under the "extremely unusual" current election system for city council in Virginia Beach, ECF No. 118-7 at 152:19-21, it is possible for candidates to lose their own "residency district," yet still win election to the Council, because the city votes at-large for candidates. *See, e.g., id.* at 156:3-21.

alone, and Asian alone residents together made up 32.6 percent of the City's population); Ex. 4 (Selected 2017 ACS 5-Year Estimates) (32.7 percent); Ex. 5 (Selected 2018 ACS 5-Year Estimates) (33 percent).

However, as Plaintiffs will prove at trial, the at-large voting system has prevented the HBA community from achieving political representation commensurate with its population growth. Only six minority candidates have ever been elected to the City Council. No Black candidate has ever been re-elected. Am. Compl. ¶ 4. More broadly, City Council elections follow a clear pattern with few exceptions: the HBA community votes together for particular candidates of choice; the white majority votes as a bloc against those candidates; and the HBA candidates of choice therefore lose. Am. Compl. ¶¶ 7-8. Defendants could end this systematic subordination of the HBA community's political voice by adopting a district-based system where two districts (or at least one) have a majority-HBA electorate. *Id.* ¶ 8; Ex. 6 (Supplemental Report of Anthony Fairfax). They have not done so.

B. Census Bureau Data Products, Redistricting, and Section 2 of the VRA

The U.S. Census Bureau produces numerous types of data about the population in Virginia Beach and throughout the United States. The best-known, but by no means the only survey, is the decennial census, which the Census Bureau conducts as required by the Constitution. U.S. Const. art. I § 2, cl. 3. For the decennial census, the Bureau attempts to collect information about every person living in the U.S. as of April 1 in each year ending in zero. 13 U.S.C. § 141(a). The Bureau uses this information to produce numerous data products. Of particular note, the decennial census provides the raw data for the once-a-decade Public Law 94-171 redistricting data file, which

contains tabulations of population data for geographic units throughout the nation, down to the granular level of census blocks.²

The Census Bureau is currently collecting data for the 2020 Census. The next release of P.L. 94-171 data—reflecting the population as of April 1, 2020—is expected in 2021. Under current law, these decennial census data are due to be published by April 1, 2021. *See* 13 U.S.C. § 141(c). However, the 2020 Census has experienced significant delays due to the COVID-19 pandemic, and the Bureau is now operating under the assumption that Congress will extend the data-delivery deadline to July 31, 2021.³ The Bureau does not even plan to *start* releasing P.L. 94-171 data until at least the week of June 17, 2021.⁴

The surveys the Census Bureau conducts in addition to the decennial census include the American Community Survey (“ACS”), which collects detailed information from a sample of U.S. households on a rolling basis throughout the decade.⁵ The Bureau publishes updated statistics from the ACS every year, including new tabulations for small geographic subunits within cities like Virginia Beach.⁶ Unlike the P.L. 94-171 file, data releases from the ACS include information on the U.S. citizen voting-age population (“CVAP”), broken down by race and Hispanic origin.⁷

² *See* U.S. CENSUS BUREAU, 2010 CENSUS NATIONAL SUMMARY FILE OF REDISTRICTING DATA 1-2 (2011), <https://www2.census.gov/programs-surveys/decennial/2010/technical-documentation/complete-tech-docs/summary-file/nsfrd.pdf>.

³ *See 2020 Census Operational Adjustments Due to COVID-19*, U.S. Census Bureau, <https://2020census.gov/en/news-events/operational-adjustments-covid-19.html> (last visited June 28, 2020).

⁴ Hansi Lo Wang (@hansilowang), TWITTER (July 13, 2020, 11:59 PM), <https://twitter.com/hansilowang/status/1282887389006966789>.

⁵ *See* U.S. CENSUS BUREAU, UNDERSTANDING AND USING AMERICAN COMMUNITY SURVEY DATA: WHAT ALL DATA USERS NEED TO KNOW, 1 (2018), https://www.census.gov/content/dam/Census/library/publications/2018/acs/acs_general_handbook_2018.pdf.

⁶ *See id.* at 6.

⁷ *See Citizen Voting Age Population (CVAP) Special Tabulation From the 2014-2018 5-Year American Community Survey (ACS)*, U.S. CENSUS BUREAU (2020),

One function of Census Bureau data is to measure compliance with the Constitution’s “one-person, one-vote” requirement. This constitutional doctrine requires district-based voting schemes to have approximately equal populations in each district. *Evenwel v. Abbott*, 136 S. Ct. 1120, 1124, 1124 n.1 (2016). When courts are applying the one-person, one-vote doctrine, the decennial census is the dominant measure of district population equality. Each time new decennial census figures are released, existing voting-district maps must be reevaluated and, if necessary, adjusted to ensure that the districts have sufficiently equal population. *Georgia v. Ashcroft*, 539 U.S. 461, 488 n.2 (2003). ACS statistics released between decennial censuses do not trigger this population-equalization requirement. *See id.*

Another legal application for population data is to provide evidence of vote dilution under Section 2 of the VRA. Unlike the “one person, one vote” doctrine, Section 2 does not single out a particular Census Bureau data product as the source of population information. Courts in Section 2 cases routinely consider multiple sources of population evidence, including ACS data as well as decennial figures. *See, e.g., Benavidez v. City of Irving*, 638 F. Supp. 2d 709, 729-30 (N.D. Tex. 2009) (“ACS data *is* Census data” and may properly be used as population evidence to establish Section 2 liability); *Terrebonne Parish Branch NAACP v. Edwards*, 399 F. Supp. 3d 608, 614 (M.D. La. 2017) (“CVAP [from the ACS] is commonly used in remedial redistricting to assess effectiveness.”), *vacated on other grounds, Fusilier v. Landry*, No. 19-30665, 2020 WL 3496856 (5th Cir. June 29, 2020).

C. Procedural History

Ms. Holloway filed the initial complaint in this case *pro se* in November 2017. ECF No. 5. Ms. Holloway and Ms. Allen subsequently retained counsel and filed an Amended Complaint in

https://www2.census.gov/programs-surveys/decennial/rdo/technical-documentation/special-tabulation/CVAP_2014-2018_ACS_documentation.pdf?#.

November 2018. ECF No. 62. As the Amended Complaint alleges, both Plaintiffs are Black voters in Virginia Beach. Am. Compl. ¶¶ 14-15. They seek to replace the at-large electoral scheme with a system in which Black, Hispanic or Latino, and Asian American voters are together able to elect their candidates of choice to the City Council. Am. Compl. ¶ 1.

Defendants chose not to move to dismiss the Amended Complaint, instead filing an answer in January 2019. ECF No. 67; *see also* Fed. R. Civ. P. 12(b) (“A motion asserting any of [the Rule 12(b)] defenses must be made before pleading if a responsive pleading is allowed.”). Since then, however, Defendants have bombarded this Court with motions to avoid or delay a full trial on the merits. Two motions sought to bifurcate the trial into separate phases on the *Gingles* preconditions and the totality of circumstances. ECF Nos. 79, 132. Two more motions tried to postpone any discovery on the totality of circumstances. ECF Nos. 75, 90. In addition, Defendants moved for summary judgment, urging the Court to resolve, without trial, disagreement among the expert witnesses regarding inter-minority political cohesion and white bloc voting. ECF No. 114. After losing on summary judgment, Defendants moved for certification of appealability, to pursue an interlocutory appeal on their twice-rejected argument that the VRA does not protect cohesive, multiracial communities of color. ECF No. 127. The Court denied every one of these motions. ECF Nos. 93, 95, 126, 134, 145. As the Court explained in rejecting an interlocutory appeal in April 2020, “this case has been on the Court’s docket for over two years and involves claims that should be fully litigated given the genuine dispute as to material facts.” ECF No. 134 at 3.

Accordingly, on May 15, the Court scheduled trial to begin on October 6, 2020. ECF No. 142. No party objected to this trial date, although the Court gave all parties an opportunity to do so. *See* ECF No. 129-1 (email from Courtroom Deputy Patrice Thompson to counsel for all parties regarding potential trial dates).

After the Court set the trial date, new counsel also appeared on behalf of Defendants. ECF Nos. 144, 146. Then, on June 30, 2020—over a year and a half after answering the current complaint—Defendants filed the instant Motion to Dismiss. ECF No. 149 (the “Motion”).

II. Legal Standard

A motion to dismiss for lack of subject-matter jurisdiction “must be made before pleading if a responsive pleading is allowed.” Fed. R. Civ. P. 12(b). “An untimely motion under Rule 12(b)(1) may be treated as a suggestion that the court lacks jurisdiction.” *Jones v. United States*, 1989 WL 409417, at *2 (D.S.C. Nov. 16, 1989). However, calling a motion jurisdictional does not make it so. A Rule 12(b)(6) motion by another name still falls under Rule 12(b)(6), and still had to be filed back in 2018. Although Defendants’ arguments in fact do not go to the subject matter jurisdiction of the Court, they are deficient under any rubric. Plaintiffs therefore will treat this motion as if it legitimately fell under Rule 12(b)(1).

Subject-matter jurisdiction in federal courts requires an actual case or controversy. *Campbell-Ewald Co. v. Gomez*, 136 S. Ct. 663, 669 (2016), *as revised* (Feb. 9, 2016). “The Supreme Court has developed a number of constitutional justiciability doctrines” to implement this case-or-controversy requirement, “including the prohibition against advisory opinions, the political question doctrine, and the doctrines of standing, ripeness, and mootness.” *United States v. McClure*, 241 F. App’x 105, 107 (4th Cir. 2007).

In deciding a motion to dismiss for lack of subject-matter jurisdiction, the Court must view all factual allegations “in the light most favorable to” Plaintiffs. *Wilson v. Johnson*, 535 F.3d 262, 264 (4th Cir. 2008).

III. Argument

A. The 2020 Census Does Not Deprive the Court of Jurisdiction.

1. *The Census Does Not Moot Plaintiffs’ Challenge to the At-Large System.*

“A case becomes moot—and therefore no longer a ‘Case’ or ‘Controversy’ for purposes of Article III—when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Already, LLC v. Nike, Inc.*, 568 U.S. 85, 91 (2013) (citation omitted). Defendants claim there is no live dispute because Plaintiffs must wait for updated Census data that will *further* prove their case. This is incorrect. The parties are engaged in a live controversy over whether Virginia Beach’s at-large system dilutes the voting strength of the City’s HBA community, given the current facts about the City’s population. In arguing that the anticipated release of 2020 Census data next year moots this case, Defendants misconceive the nature of Plaintiffs’ claim and the role of population data in this context, and seek to transmute an issue of proof into one of jurisdiction.

The at-large voting scheme for Virginia Beach’s City Council long predates the 2010 Census and will survive the release of 2020 Census data, absent relief from this Court. Plaintiffs contend that this system deprives the City’s HBA population of equal opportunity to elect its candidates of choice, in violation of Section 2. Am. Compl. ¶ 1. As preconditions for liability in this case, Plaintiffs must “(1) ‘demonstrate that [the HBA population] is sufficiently large and compact to constitute a majority in a single member district,’ (2) ‘show that it is politically cohesive,’ and (3) ‘demonstrate that the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.’” *Hall v. Virginia*, 385 F.3d 421, 426 (4th Cir. 2004) (quoting *Gingles*, 478 U.S. at 50-51). Relatedly, Plaintiffs must show that it is possible to draw one or more remedial districts that would likely “perform[]”—that is, “enhance the ability of

minority voters to elect the candidates of their choice.” *Abbott v. Perez*, 138 S. Ct. 2305, 2332 (2018).⁸ Each of these factual propositions must be proven by a preponderance of the evidence. *Mo. State Conf. of the NAACP v. Ferguson-Florissant Sch. Dist.*, 894 F.3d 924, 930 (8th Cir. 2018) (preponderance-of-evidence standard for *Gingles* preconditions); *Rodriguez v. Bexar Cty.*, 385 F.3d 853, 859-60 (5th Cir. 2004) (same); *see also CIGNA Corp. v. Amara*, 563 U.S. 421, 444 (2011) (preponderance-of-evidence standard is “the default rule for civil cases”).

Defendants argue that “the question whether these things can be proven under 2010 census data (or ACS data from the 2010 decade) is moot.” Defs. Mem. in Support of Mot. to Dismiss (“Defs. Mem.”), ECF No. 150 at 8. But Section 2 claims are not brought “under” a set of data. Instead, Section 2 litigants use multiple population datasets—including decennial census data and ACS statistics—as *evidence* to help the Court answer factual questions about the geographic distribution and racial makeup of a real-world community. As with any other factual issue, the Court may consider *any* source of relevant evidence that the law does not specifically exclude. *See Johnson v. DeSoto Cty. Bd. of Comm’rs*, 204 F.3d 1335, 1342 (11th Cir. 2000) (“Like most evidence presented by expert testimony, we think [the] admissibility [of non-census population evidence] has to be determined on a case-by-case basis by the district court.”); Fed. R. Evid. 402. Indeed, courts in Section 2 cases routinely weigh multiple sets of population data from the Census

⁸ Absent unusual circumstances, a showing that all three *Gingles* preconditions are satisfied suffices to demonstrate that a performing remedial district is possible. *See Harding v. County of Dallas*, 948 F.3d 302, 308 (5th Cir. 2020) (“[I]t is hard to see how the *Gingles* factors could be met if the alternative to the districting decision at issue would not enhance the ability of minority voters to elect the candidates of their choice.” (internal quotation marks and citation omitted)). After all, the *Gingles* preconditions exist to ensure that Section 2 liability does not attach if the minority group in question cannot actually benefit from a change to single-member districts. *Gingles*, 478 U.S. at 49-51, 50 n.17. In any event, Plaintiffs here are prepared to prove affirmatively that Virginia Beach could draw single-member districts that would perform for the HBA community by permitting the minority community to elect candidates of their choice.

Bureau and other sources. *See, e.g., Johnson*, 204 F.3d at 1341-42 (approving district court’s consideration of voter-registration data as evidence of population change since the last decennial census, and noting that “statistical evidence derived from a sampling method, using reliable statistical techniques, is admissible on the question of determining the relevant population”); *Garza*, 918 F.2d at 772-73; *Benavidez*, 638 F. Supp. 2d at 729-30; *Terrebonne Parish Branch NAACP*, 399 F. Supp. 3d at 614.

In this case, Plaintiffs’ trial evidence will make clear that their claim is not dependent upon, or brought “under,” any single source of population data. To show that at least one majority-HBA can be created, Plaintiffs plan to offer the reports and live testimony of their expert Anthony Fairfax, who has drawn illustrative district maps and calculated population metrics for those maps using multiple sets of ACS data, including 2014-2018 ACS 5-year estimates, as well as 2010 Census data. *See* Ex. 6 (Supplemental Report of Anthony Fairfax). Notably, in seeking dismissal of this case, Defendants raise no direct objection to Plaintiffs’ long-disclosed intention to offer evidence derived from both the ACS and the decennial census. Nor could they, given the wealth of precedent making clear that courts in Section 2 cases may consider population evidence other than data from the latest decennial census.⁹

Because the decennial census is just one source of admissible population evidence among others,¹⁰ the Court may make findings about Virginia Beach’s population on the record available

⁹ Of course, Plaintiffs also intend to offer evidence at trial regarding electoral data in Virginia Beach that will demonstrate the political cohesiveness of the HBA community.

¹⁰ This is not to minimize the importance of decennial census data as evidence in Section 2 litigation. Courts regard the decennial data as “presumptively accurate until proven otherwise.” *Benavidez*, 638 F. Supp. 2d at 729. But this presumption is rebuttable. *See id.* And the presumption of an accurate decennial census in no way prevents courts from crediting other datasets that complement the decennial figures by providing additional detail, such as CVAP statistics from the ACS.

as of October 2020, without worrying that a subsequent release of new decennial data will somehow render those factual findings legally invalid. The anticipated release of 2020 Census data in 2021 will simply produce more evidence about the City’s population.

Accordingly, past courts have seen no mootness problem with adjudicating challenges to electoral systems late in a decennial census cycle. For example, in 1989, a district court ordered changes to the preexisting electoral system for the Council of Jefferson Parish, Louisiana—a partially at-large scheme which the court had previously found to violate Section 2. *E. Jefferson Coal. for Leadership and Dev. v. Parish of Jefferson*, 706 F. Supp. 470, 471-72, 471 n.1 (E.D. La. 1989). By the time of that order, Jefferson Parish was not scheduled to elect councilmembers again until 1991—*after* the scheduled release of 1990 Census data. *Id.* at 472. The district court “realize[d] that the decennial census of 1990 could have some effect on the district lines” and clarified that the remedial district lines should be adjusted as necessary to account for the 1990 Census. *Id.* After an appeal and remand, but still before the release of 1990 Census data, the district court made a new factual finding that “the minority [group] is sufficiently large & geographically compact to constitute a majority w/in a single-member district.” Minute Entry, *E. Jefferson Coal. for Leadership and Dev. v. Parish of Jefferson*, No. 2:86-cv-03668-PB-RF, ECF No. 140 (E.D. La. May 17, 1990). Then, the district court—still without 1990 Census data—approved a new remedial plan. Minute Entry, *Parish of Jefferson*, No. 2:86-cv-03668-PB-RF, ECF No. 142 (E.D. La. June 5, 1990). The Fifth Circuit affirmed that order. *E. Jefferson Coal. for Leadership and Dev. v. Parish of Jefferson*, 926 F.2d 487, 494 (5th Cir. 1991). If the district court and the Fifth Circuit thought the forthcoming 1990 Census data mooted the case, they would have said so. *See Mine Reclamation Corp. v. FERC*, 30 F.3d 1519, 1522 (D.C. Cir. 1994) (court is “obliged to

address [mootness] sua sponte because mootness goes to the jurisdiction of [the] court”). Instead, they exercised jurisdiction and granted relief.

Similarly, in *Reno v. Bossier Parish Sch. Bd.*, the Supreme Court held that a school board’s claim for preclearance of its 1992 redistricting plan under Section 5 of the VRA was not moot, even though the Board was scheduled to redistrict with 2000 Census data before holding its next election. 528 U.S. 320, 327-28 (2000). The Court explained the 1992 plan would “serve as the baseline against which appellee’s next voting plan will be evaluated for the purposes of preclearance.” *Id.* at 328. Thus, the 1992 plan remained the subject of a live case and controversy—even though it was, by its terms, *less* permanent than Virginia Beach’s at-large electoral scheme.¹¹

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Defendants fail to cite *any* authority directly supporting their mootness-by-forthcoming-census theory. Instead, they rely on inapposite malapportionment case law for the uncontroversial proposition that existing redistricting plans typically must be redrawn after new decennial census data are released. *See* Defs. Mem. 3 (citing *Georgia v. Ashcroft*, 539 U.S. 461 (2003)); *id.* at 8

¹¹ Yet another VRA case demonstrating the continued justiciability of Plaintiffs’ claim is *United States v. Blaine Cty.*, 157 F. Supp. 2d 1145 (D. Mont. 2001). As late as July 2001—*after* the release of 2000 Census data—the parties had submitted only pre-2000 population data. *Id.* at 1147, 1147 n.1. Yet, the district court expressed no doubt as to its jurisdiction in denying the defendant’s motion for summary judgment. *Id.* at 1152. Clearly, the court in *Blaine County* did not regard the case as limited to the issue of whether the minority vote was diluted “under” 1990 Census data, and thus did not think the case became moot once 2000 Census data were available.

¹² Similarly, Virginia Beach’s current residency district plan (developed using 2010 Census data), whether replaced by this litigation or in its original form, will also serve as a baseline for the creation of the City’s new residency district plan (even though the city does not currently need to seek preclearance). For example, Kimball Brace, the consultant hired to draw the City’s residency plan following the 2010 Census, clearly used 2000 Census data as a baseline when drawing the city’s residency districts in 2011. Ex. 7 (Brace Chart). Thus, even the City’s own historical practice shows that 2010 Census data does not become irrelevant to map drawing following the next decennial census.

(same). At most, this principle suggests that litigation challenging a specific redistricting plan may become moot at the end of the decade, *if* the record shows that the plan and its effects will terminate with the release of new census data. *But see Reno*, 528 U.S. at 327-28 (no mootness where the redistricting plan at issue would soon expire but its effects would continue). A challenge to an electoral system that will, unless enjoined, survive the release of census data does not become moot. Virginia Beach’s at-large system is precisely the type of electoral scheme that can live forever, unaffected by decennial census results.

Defendants seek to avoid this conclusion by focusing their mootness argument on the timing of the remedy in this case. According to Defendants, a remedy would necessarily come after the release of 2020 Census data, and therefore the Court’s post-trial findings of fact would amount to an “advisory opinion” on the moot questions of “whether districts created under census data from the 2010 decade would perform” and whether Virginia Beach could have drawn a majority-HBA district for its elections during the 2010 decade. Defs. Mem. 9-10, 13. This argument fails because it is wrong on the mootness doctrine, wrong on the VRA, and wrong on the facts of this case.

First, a case does not become moot simply because information that may affect the remedy is expected to emerge after the adjudication of liability. That is why the district court in *Parish of Jefferson* saw no defect in its jurisdiction, even as it explicitly recognized that 1990 Census data were forthcoming and might require adjustment of the court’s remedy before it was implemented. 706 F. Supp. at 472. Looking outside the VRA context does not help Defendants’ position, either. Indeed, a non-election hypothetical highlights the fallacy of Defendant’s position. Imagine that an employee sues her employer under the Americans with Disabilities Act, seeking an injunction to require the employer to provide reasonable accommodation for her physical disability. *See* 42

U.S.C. § 12112(b)(5)(A). The employee goes to her healthcare provider for an annual physical exam every April; the case goes to trial in March. Under these circumstances, the employee's post-trial physical predictably may reveal new information that would be relevant to the determination of what reasonable accommodation (if any) the employer could make for the employee's disability. But no one, presumably, would call this hypothetical case "moot" on the theory that the plaintiff cannot obtain relief "under" her existing medical records.

Second, Defendants' argument rests on a misunderstanding of the role of illustrative remedial districts in VRA litigation. Plaintiffs' experts in VRA cases generally draw one or more hypothetical districts to demonstrate "*the possibility* of creating more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of its choice," as *Gingles* requires. *Johnson v. De Grandy*, 512 U.S. 997, 1008 (1994) (emphasis added). Defendants suggest the Court's post-trial opinion would be "advisory" because any conclusions the Court reaches about the demographics and performance metrics of the illustrative districts drawn by Plaintiffs' expert would later need to be reevaluated with 2020 Census data before the Court could implement any remedies. Defs. Mem. 9-10, 12-13. But the point of illustrative districts is not to dictate exactly how the court must craft its remedy. The point is, as the Court made clear in *De Grandy*, to show that it is possible to craft *some* redistricting plan that includes one or more performing majority-minority districts. See *Terrebonne Parish Branch NAACP*, 399 F. Supp. at 611 ("The Court found that the 'Illustrative Plan', offered by the Plaintiffs as part of their proof in the liability phase, demonstrated that 'the black population is sufficiently numerous and geographically compact . . . to comprise a majority of the voting age population in one single member district in a five-district plan.'").

Here, Plaintiffs’ trial exhibits and expert testimony, including their numerous illustrative maps and reconstituted election analyses, will provide strong evidence that the current population of Virginia Beach—the very population being measured by the 2020 Census—lends itself easily to drawing two performing majority-HBA districts (or at least one). *See* Ex. 6 (Supplemental Report of Anthony Fairfax); Ex. 8 (Supplemental Report of Dr. Douglas M. Spencer). The Court has jurisdiction to make a factual finding to this effect. And that finding will not later be rendered “advisory” if the Court, after examining 2020 Census data, adopts a remedy that does not precisely track Plaintiffs’ illustrative districts. *See, e.g., Terrebonne Parish Branch NAACP*, 399 F. Supp. 3d at 612, 617 (adopting remedial plan developed by special master, rather than illustrative plan offered by plaintiffs); *Parish of Jefferson*, 926 F.2d at 490-91 (noting that district court adopted remedial plan first offered during post-trial proceedings); *United States v. Euclid City Sch. Bd.*, 632 F. Supp. 2d 740, 745, 771 (N.D. Oh. 2009) (adopting “limited voting” system rather than redistricting as remedy, and relying on ACS data that was not available at the liability stage). Insofar as Defendants assert that it will be impossible to draw valid remedial districts because the 2020 census will expose demographic shifts that will dramatically counter the most recent ACS datasets, *see* Defs. Mem. 13, that assertion is easily dismissible on three grounds: (1) Defendants offer no evidence to support it; (2) even if they did, their argument would go to the weight of Plaintiffs’ evidence, not the Court’s jurisdiction to decide the pertinent fact questions; and (3) it is contrary to uncontested population data showing the continued growth of the minority population in Virginia Beach over the past few decades.

Third, contrary to Defendants’ suggestion, *see* Defs. Mem. 13, Plaintiffs can benefit from a victory in this case sooner than the first City Council election held under a redistricting plan drawn with 2020 Census data. Recently, Virginia Beach has held multiple special elections to fill

unscheduled vacancies on the City Council.¹³ This could easily happen again. If the Court rules for Plaintiffs on liability, and a City Council vacancy subsequently opens before the 2020 Census data arrive, Plaintiffs would benefit from the ability to seek an emergency remedy for the special election without needing to prove liability from scratch. Such a remedy need not even involve redistricting. The Court could order the City to adopt an interim system of electing councilmembers through citywide ranked-choice voting, which would provide increased opportunity for minority political viewpoints. *See Holder v. Hall*, 512 U.S. 874, 910 n.16 (1994) (Thomas, J., concurring).¹⁴

Perhaps more important, a favorable ruling at trial would change the political dynamics of Virginia Beach in ways that would benefit Plaintiffs immediately, regardless of when and how the next election is conducted. By declaring that the current at-large system violates Section 2, *see* Am. Compl. at 16 (requesting declaratory relief), the Court would put councilmembers on notice that the Council will soon include one or more majority-HBA districts. This would create an incentive for responsiveness to the HBA community among politicians who see themselves as possible future candidates for election in a majority-HBA district.

¹³ *See* Alissa Skelton & Stacy Parker, *Guy Tower prevails in Beach District; Michael Berlucchi wins Rose Hall council seat in Virginia Beach*, VIRGINIAN-PILOT (Nov. 5, 2019), <https://www.pilotonline.com/government/elections/vp-nw-elx19-vb-council-1106-20191106-jply66r7hbhnpbuskqxu5azefa-story.html>.

¹⁴ The Court could potentially order an interim ranked-choice-voting remedy that takes effect as soon as the November 2020 election. This remedy could be fashioned without using any census data, as it does not involve drawing districts. While Plaintiffs take no position at this time on whether the Court should order interim relief for the November 2020 election, Plaintiffs note that the Court would have jurisdiction to do so. Even in cases where courts find that it is too close to an election to order relief, they do so in an exercise of discretion, not because the impending election presents a jurisdictional problem. *See Benisek v. Lamone*, 138 S. Ct. 1942, 1944-45 (2018) (interest in avoiding disruption of impending election “supported the District Court’s discretionary decision to deny a preliminary injunction and to stay the proceedings”).

The Court should thus reject Defendants’ meritless argument that the forthcoming publication of 2020 Census data renders this case moot.

2. *The Anticipated Release of Census Data Next Year Does Not Render This Case Unripe.*

“The ripeness doctrine derives from Article III limitations on judicial review, and ensures that judicial intervention in a controversy is timed appropriately.” *NAACP v. Bureau of the Census*, 945 F.3d 183, 192 (4th Cir. 2019). Courts determine whether claims are ripe based on “(1) the fitness of the issues presented for judicial review; and (2) the hardship that the parties would endure by delayed adjudication.” *Id.* (citing *Deal v. Mercer Cty. Bd. of Educ.*, 911 F.3d 183, 191 (4th Cir. 2018)). Both prongs of this test point to the conclusion that Plaintiffs’ claim is ripe for adjudication, contrary to Defendants’ argument that the Court must wait for 2020 Census data.

Plaintiffs’ claim is that the at-large system deprives the HBA community of equal opportunity to elect candidates of choice *right now*. As discussed,¹⁵ this claim is not brought “under” any single dataset. Rather, Plaintiffs draw on multiple sources of evidence to fully support their claim, including evidence that the current population of Virginia Beach lends itself to drawing majority-HBA districts that would perform for the HBA community. *See* Ex. 6 (Fairfax Supp. Report) at 12 (“at least one majority-HBACVAP district can be easily drawn that contains both Plaintiffs’ residences, and in fact all three modified Plans continue to include two majority-HBACVAP districts for the City of Virginia Beach”); Ex. 8 (Spencer Supp. Report) at 2 (“minority candidates of choice are usually *not* likely to be defeated due to white bloc voting in each set of majority-minority districts contained in the plans”). Courts have found vote dilution claims ripe on records far less robust than this, for example, where there was no reliable statistical evidence

¹⁵*Supra* Section III.A.I.

to predict voting behavior, *see Cane v. Worcester Cty.*, 35 F.3d 921, 925-26 (4th Cir. 1994) (“the two statistical methods ... failed to produce reliable statistical evidence because of the lack of available data and a truncated analysis...”), and where any majority-minority district would run contrary to traditional districting principles, *see id.* at 925 (“...the construction of a majority African–American district would necessarily entail the running of commissioner district lines across election districts and through at least two municipalities...”), or create logistical difficulties for election administration, *see United States v. Vill. of Port Chester*, 704 F. Supp. 2d 411, 422 (S.D.N.Y. 2010) (“...the district plans would create a system where the population of certain election precincts would be divided among one or more Trustee districts ... rais[ing] administrative and logistical concerns...”).

Defendants, after trying in vain to convince this Court to discount Plaintiffs’ evidence at the summary judgment stage, now argue that the claim is unfit for review because it rests on “contingent future events that may not occur as anticipated, or indeed may not occur at all”—namely, the Census Bureau’s publication of 2020 Census figures that support Plaintiffs’ factual contentions about Virginia Beach’s population. Defs. Mem. 12-14. That is false. Plaintiffs do not allege that their votes *will be* diluted based on future, unknown circumstances. Rather, they allege their votes are being diluted *now*, based on the population that currently exists and is being counted in the 2020 Census. The mere fact that a future event might (or might not) yield more information and might (or might not) alter the exact remedy in a case, does not make that case unripe. *See, e.g., Colleton Cty. Council v. McConnell*, 201 F. Supp. 2d 618, 627 (D.S.C. 2002), opinion clarified (Apr. 18, 2002) (implementing a remedial districting plan despite the possibility that a new plan would be adopted before the next relevant election two years later).

Courts have flatly rejected the proposition that nearing the end of a decennial census cycle renders Section 2 cases unsuitable for adjudication. In *United States v. Town of Lake Park*, for example, the defendants argued to no avail “that the action should be dismissed or stayed until after the 2010 U.S. Census data is released because the suit [was] based on the 2000 Census data,” which the defendants said were “not as relevant as the 2010 Census data [would] be.” No. 09-80507-CIV, 2009 WL 3667071, at *2 (S.D. Fla. Oct. 23, 2009). As the court recognized, any factual issues about the reliability of the available population evidence should be resolved at trial: “The appropriate method to challenge the rebuttable presumption of the evidentiary validity of the 2000 Census data is through a presentation of competent evidence to the contrary, either at the summary judgment or trial stage of the litigation.” *Id.* at *4 (internal citation omitted); *accord Vill. of Port Chester*, 704 F. Supp. 2d at 424-25 (relying on 2000 Census data to adjudicate Section 2 liability, where Defendants tried unsuccessfully to prove at trial that those data were inaccurate and outdated).

Similarly, in *Parish of Jefferson*, the district court not only ruled that it was possible to design an appropriate remedy, but actually adopted one—even as the 1990 Census data were scheduled to be released before the next affected election. 706 F. Supp. at 472. Neither the district court nor the Fifth Circuit raised any ripeness issue with adjudicating liability and remedies based on the best evidence available at the time. *See Parish of Jefferson*, 926 F.2d at 494 (affirming the district court’s judgment).

Defendants offer no persuasive reason for the Court to depart from these precedents. In fact, absurd results would follow if the Court were to adopt Defendants’ flawed logic and hold this case unripe because additional relevant evidence is expected to emerge in the next year. Given the ACS data release schedule, Virginia Beach, like many subdivisions in the United States, is *never*

more than a year away from receiving new data from the Census Bureau.¹⁶ Thus, it cannot be that a Section 2 claim is unripe simply because more evidence is on the horizon.

Defendants make much of the fact that any redistricting plan drawn to remedy the Section 2 violation in this case may eventually need to be reevaluated, and perhaps adjusted, to make sure the districts have sufficiently equal population as measured by the 2020 Census. *See* Defs. Mem. 12-13. But contrary to Defendants' suggestion, the Court does not need the 2020 Census results to decide by a preponderance of the evidence whether the City's current population lends itself to drawing at least one performing majority-HBA district. Defendants make no showing that waiting for the 2020 Census data would affect the outcome of this case. Nor could they. The record shows that the minority population in Virginia Beach has been growing for decades. While Hispanic and non-white residents made up just 21.2 percent of the City's population in 1990, the minority population climbed substantially by the 2010 Census, when Hispanic, Black alone, and Asian alone residents made up 31.6 percent of the population. Exs. 1, 2. This growth has continued, as shown by the three most recent releases of ACS 5-year estimates. *See* Exs. 3-5. Plaintiffs' un rebutted evidence, using the latest ACS and decennial census data, shows that it is now possible to draw *two* majority-HBA districts. *See, e.g.,* Ex. 6. (Fairfax Supp. Report).

Given the pattern of population growth, the 2020 Census is very likely to show that, if anything, it is now *even easier* to draw one or more performing majority HBA districts. And even if the 2020 Census surprisingly were to show that the HBA population somehow shrank, it is vanishingly unlikely that it could have shrunk so drastically as to make it impossible to draw even

¹⁶ *American Community Survey Information Guide* 12, U.S. Census Bureau, *available at* https://www.census.gov/content/dam/Census/programs-surveys/acs/about/ACS_Information_Guide.pdf (describing how ACS data is released every year for all areas with populations of 20,000+).

one remedial district.¹⁷ Defendants seek to surmount this common sense conclusion by improperly asking this Court to view the facts in the light *least* favorable to Plaintiffs—the inverse of the correct standard on a motion to dismiss. By speculating that Plaintiffs cannot win because the 2020 Census theoretically *could* later contradict their evidence, Defendants are effectively asking for a beyond-a-shadow-of-doubt standard of proof. Absent the unprecedented adoption of such a standard under these circumstances, Defendants cannot prevail. Defendants’ suppositions and speculations roam far afield from subject matter jurisdiction.

To the extent Defendants suggest that the ripeness inquiry generally favors waiting for the 2020 Census data because decennial data are “better” than the ACS, that argument falls flat. “The appropriate method to challenge” Plaintiffs’ population evidence “is through a presentation of competent evidence to the contrary” at trial, not in a motion to dismiss, and certainly not in a motion to dismiss for lack of subject matter jurisdiction. *Town of Lake Park*, 2009 WL 3667071, at *4. In any event, the decennial census does not contain every type of data that is found in ACS tables. For one thing, the ACS—unlike the P.L. 94-171 decennial census data—includes citizen voting age population (CVAP) data. Plaintiffs will use CVAP data at trial for good reason—to help demonstrate how their illustrative districts would perform. *See* Ex. 8 (Spencer Supp. Report) at 6.

Finally, a delay in adjudicating liability would create unacceptable hardship for Plaintiffs. While this case may not be decided in time to impact the November 2020 election, the failure to adjudicate liability now may nonetheless lead to another City Council election in which Plaintiffs have their votes diluted, and in any event, will prolong the disproportionately diminished electoral

¹⁷ Plaintiffs have also provided evidence that it is possible to draw at least *one* district based on Hispanic and African-American residents. *See* ECF No. 115, Exhibit 2 at 10.

effectiveness of the minority community in Virginia Beach political life. The COVID-19 pandemic has disrupted 2020 Census operations and census data will be delayed until June or July 2021. If the Court delays adjudication of this case to await release of the 2020 Census, it is not difficult to envision a scenario in which Defendants seek yet again to delay or avoid a trial. This all would push up against the June 14, 2022 candidate filing deadline for the next scheduled Virginia Beach City Council general election. And that is all assuming that there will be no special election for Council in the interim—not a wise assumption given that Virginia Beach held special elections to fill Council seats in two of the last three years.¹⁸

A delay in adjudication would be especially unfair because Plaintiffs have acted diligently to move this case forward since Plaintiffs filed their current complaint over twenty months ago. Defendants, on the other hand, have now filed seven motions seeking patently unwarranted relief. For Defendants to argue that this case has become unripe in the time it took to rule on their motions, resolve discovery disputes, and schedule depositions of Defendants' witnesses, would validate their strategy of improper delay.

This case is ripe for resolution and should proceed to trial as scheduled.

3. The 2020 Census Does Not Remove Plaintiffs' Standing.

Defendants argue that Plaintiffs have not established the redressability element of standing because Plaintiffs cannot prove that they “could or likely would reside” in remedial districts drawn using 2020 Census data. Defs. Mem. 15-16. This argument fails for the same reasons as Defendants' other census-related contentions. Redressability requires only that it be “likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” *Lujan v.*

¹⁸ Election Information & Results, VBgov.com, <https://www.vbgov.com/government/departments/voter-registrar/elections/Pages/default.aspx>

Defs. of Wildlife, 504 U.S. 555, 561 (1992). Plaintiffs' allegations and evidence easily satisfy this standard.

Plaintiffs have provided multiple illustrative majority-HBA districts based on population data from the 2010 Census and several years' worth of the Census Bureau's ACS statistics. Ex. 6 (Fairfax Supp. Rep.). All of these illustrative districts include Plaintiffs' residences. *Id.* Defendants have no basis for asserting that, simply because additional Census data is forthcoming, Plaintiffs' evidence cannot demonstrate a likelihood of redressability. As previously discussed, Virginia Beach receives updated ACS data annually, so it is hard to see how any plaintiff could ever establish standing under Defendants' theory if Plaintiffs must perpetually wait for new data that is just beyond the horizon.

Defendants also cite *Gill v. Whitford* to support their argument for dismissal. But the plaintiff in *Gill* conceded that remedial districting would not affect his ability to vote for his candidates of choice. 138 S. Ct. 1916, 1924-25 (2018). Plaintiffs here allege the opposite, Am. Compl. ¶ 50, and they have provided expert evidence that they are likely to be included in remedial districts. Courts have repeatedly held that such allegations are sufficient to establish redressability for Section 2 claims. *See Pope v. Cty. of Albany*, No. 1:11-cv-0736 LEK/CFH, 2014 WL 316703, at *5 (N.D.N.Y. Jan. 28, 2014) (“[S]upported allegations that Plaintiffs reside in a reasonably compact area that could support additional MMDs sufficiently proves standing for a Section 2 claim for vote dilution”); *see also Thompson v. Kemp*, 309 F. Supp. 3d 1360, 1365 (N.D. Ga. 2018); *Barnett v. City of Chicago*, No. 92 C 1683, 1996 WL 34432, at *6 (N.D. Ill. Jan. 29, 1996). Thus, Plaintiffs have made more than a sufficient showing of standing to survive a motion to dismiss.

B. Plaintiffs Have Standing to Challenge Dilution of the Cohesive HBA Community's Voting Strength.

Plaintiffs have also sustained an injury in fact that gives them standing to bring this vote dilution claim. The injury-in-fact requirement for standing allows Plaintiffs to sue only for “an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical.” *Lujan*, 504 U.S. at 560 (internal citations omitted). Here, Plaintiffs are personally injured by the dilution of the HBA community's political strength.

At the outset, Defendants deploy their tried and untrue tactic of disputing the merits of Plaintiffs' claims or assuming the contrary position is true, in a procedural setting where such factual arguments and assumptions are improper.¹⁹ This Court must presume, for the purposes of ruling on Defendants' motion to dismiss, the truth of Plaintiffs' allegations. Plaintiffs claim that the HBA community votes cohesively for particular candidates of choice, but these shared political preferences are submerged by the at-large system. Am. Compl. ¶¶ 7-8. Plaintiffs are, as no one disputes, members of the HBA community. The complaint alleges that as members of the HBA community, Plaintiffs have suffered dilution of their votes. That should end the injury-in-fact analysis on a motion to dismiss.

Yet, Defendants argue—without any evidentiary basis—that Plaintiffs do not have a “close” relationship with Asian or Latino/Hispanic voters and question whether Plaintiffs' claims have any merit. Defs. Mem. at 20. Defendants' latest attempt to assume the outcome of this Court's cohesiveness inquiry, this time to assert that Plaintiffs lack standing, places “the merits cart before the standing horse.” *Cooksey v. Futrell*, 721 F.3d 226, 239 (4th Cir. 2013) (quoting *Initiative and Referendum Inst. v. Walker*, 450 F.3d 1082, 1093 (10th Cir. 2006)). Courts have routinely rejected

¹⁹ See, e.g., ECF No. 118 at 20 (Plaintiffs noting that Defendants' “battle-of-the-experts” arguments at the summary judgment stage were inappropriate).

such attempts to assume the outcome of the argument on the merits to decide a standing question. *See Flast v. Cohen*, 392 U.S. 83, 106 (1968) (“While we express no view at all on the merits of appellants' claims in this case, their complaint contains sufficient allegations under the criteria we have outlined to give them standing to invoke a federal court's jurisdiction for an adjudication on the merits.”); *City of Waukesha v. EPA*, 320 F.3d 228, 235 (D.C. Cir. 2003) (“[I]n reviewing the standing question, the court must be careful not to decide the questions on the merits for or against the plaintiff, and must therefore assume that on the merits the plaintiffs would be successful in their claims.”). If Defendants would like to argue that the HBA community is not cohesive, they of course may do so—at trial.

This Court has repeatedly and properly declined Defendants’ inappropriate requests to reach the merits of Plaintiffs’ claims. For example, this Court denied Defendants’ motion for summary judgment because there is a genuine factual dispute, ECF No. 126, including the cohesiveness of the HBA community. The Court then twice denied Defendants’ motions to bifurcate the trial to consider the *Gingles* conditions, in particular cohesiveness, before proceeding to any other issue. The Court rightly refused to “assume the conclusion of the *Gingles* inquiry for purposes of managing trial.” ECF No. 136. This Court should deny Defendants’ newest inappropriate invitation to reach the merits.

Assuming, as the Court must, that the HBA community is cohesive, Plaintiffs have clearly suffered a concrete and particularized injury from Defendants’ continued use of a method of election for city council seats that results in vote dilution in violation of Section 2.

Defendants’ contrary conclusion rests on inapposite cases. In *Perry-Bey v. City of Norfolk*, 678 F. Supp. 2d 348, 363 (E.D. Va. 2009), the plaintiff did not allege that she was a member of a minority group at all, and thus could not suffer a constitutional injury in fact. Here, Plaintiffs are

Black, and are thus members of a minority group that suffers injury in fact from having the votes of the HBA community diluted. In *Clay v. Garth*, No. 1:11-cv-00085, 2012 WL 4470289, at *2 (N.D. Miss. Sept. 27, 2012), the court found that a Black candidate did not have standing to allege that white votes were being diluted because Section 2 claims are limited to “‘aggrieved persons,’ and that category is confined to persons whose voting rights have been denied or impacted.” (quoting *Roberts v. Wamser*, 883 F.2d 617, 621, 624 (8th Cir. 1989)). The court understandably held that the plaintiff was not a member of the class whose votes were being diluted. Here, taking Plaintiffs’ complaint as true, it is beyond dispute that Plaintiffs have alleged they, along with other HBA voters in Virginia Beach as a cohesive group, have been injured. *See, e.g.*, Am. Compl. ¶ 8. In *Greater Birmingham Ministries v. Alabama*, 161 F. Supp. 3d 1104, 1114-15 (N.D. Ala. 2016), the plaintiffs failed to establish standing as organizational plaintiffs who represented affected “constituents.” But that case is inapposite because Plaintiffs here do not allege that they possess organizational standing. Lastly, the plaintiffs in *Fairley v. Patterson*, 493 F.2d 598, 604 (5th Cir. 1974) lacked standing because they did not properly allege residence in one of the districts in which electors were underrepresented.²⁰

Defendants’ reliance on third-party standing doctrine is similarly misguided. Plaintiffs are not alleging third-party standing. Instead, Plaintiffs have standing *in their own right* as members of a cohesive HBA class that continues to have its political strength diluted because of Defendants’ method of election. While the existence of vote dilution must always be analyzed with reference to groups, Section 2 case law makes clear that *individual* members of an injured class are

²⁰ This is even assuming that *Fairley* remains good law. Notably, the Fifth Circuit decided this case in 1974—and relied on standing elements that are no longer in use—long before the Supreme Court decided the seminal Section 2 case, *Thornburg v. Gingles*, 478 U.S. 30 (1986) and the seminal case on standing, *Lujan*, 504 U.S. at 555.

appropriate plaintiffs to bring a vote dilution claim. *See, e.g., Kumar v. Frisco Independent School District*, No. 4:19-CV-00284, 2020 WL 1083770 (E.D. Tex. Mar. 6, 2020) (district court denying motion to dismiss where single Indian plaintiff brought Section 2 claim alleging the votes of HBA residents were being diluted); *see also* Minute Entry, *Kumar*, No. 4:19-CV-00284, ECF No. 107 (E.D. Tex. May 26, 2020) (minute entry indicating that the case proceeded to trial). Section 2(b) defines the class of citizens who can sue as a class in which the “members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” 52 U.S.C. 10301(b). The text therefore demonstrates that the shared disadvantage based on “race or color” defines the protected class, not the racial or ethnic commonality of the group. Thus, Plaintiffs do not need to rely on third-party standing to protect the rights of others in their protected class. Instead, the fact that Plaintiffs are members of a class of voters whose votes Defendants continue to dilute is enough.²¹ It makes no logical difference that the class victimized by Defendants’ electoral scheme here is a multiracial community of color that includes members with different racial identities from Plaintiffs.

Defendants rely heavily on *Kumar*, 2020 WL 1083770, to argue that Plaintiffs’ claims must be dismissed because they lack third-party standing. But this conclusion misreads *Kumar* and ignores its subsequent history. In *Kumar*, a single Indian voter brought a Section 2 claiming that

²¹ Furthermore, Virginia Beach itself has treated the HBA community as cohesive. In 2011, for example, the city touted the City Council’s attempt to create a majority-minority district (albeit one that only dictates the residence of the candidate, not the voters that may cast ballots in that district). ECF No. 118-9 (City Atty. Letter to Andrew Jackson). That district, the Centerville District, is comprised of Hispanic, Black, and Asian voters. ECF No. 118-10 (Virginian-Pilot article); ECF No. 118-11 (Robert Dyer Dep.) at 39:2-16. In fact, the Centerville District is just shy of being a majority-minority district, with 45.91% HBA CVAP. ECF No. 115-1 at 69. But plainly, the city saw those minority groups as a cohesive group such that the creation of a district in which there was an HBA majority would satisfy those communities. *See, e.g.,* ECF No. 118-11 (Robert Dyer Dep.) at 39:2-16.

an at-large election system diluted the votes of the local HBA community. *Id.* In an order *denying* defendant’s motion to dismiss, the court concluded that Kumar had constitutional standing but lacked prudential standing. The court reached this conclusion after wrestling with Kumar’s “muddled” complaint. *Id.* at *7. From the court’s view, it was not

readily apparent, from a plain reading of Kumar’s First Amended Complaint, whom Kumar [was] attempting to represent—i.e., whether Kumar [was] just representing himself or attempting to represent entire minority communities in [the School District]. Thus, the Court must determine whether Kumar [was]: (1) simply trying to put on evidence of a minority coalition under [*Gingles*] to demonstrate how his *personal* legal interests have been injured; or (2) attempting to represent the collective interests of all African Americans, Hispanics, Asians, and other minorities who live in [the School District].

Id. at *8 (emphasis in original). The court ultimately gave Kumar 14 days to amend his complaint. Kumar then filed a second amended complaint where he remained the *sole* plaintiff and continued to allege that the relevant at-large system prevented minority-preferred candidates from being elected. Second Amended Complaint, *Kumar*, No. 4:19-CV-00284, ECF No. 81 (E.D. Tex. Mar. 20, 2020). The case then went on to trial. Minute Entry, *Kumar*, No. 4:19-CV-00284, ECF No. 107 (E.D. Tex. May 26, 2020).

Defendants have read *Kumar* to mean that Plaintiffs’ claims must be dismissed when, in fact, the case *further* supports Plaintiffs’ position: that even *one* member of the aggrieved class can bring a Section 2 claim regardless of the plaintiff’s race or the composition of the rest of the coalition and then take that case to trial. Unlike the initial complaint in *Kumar*, the complaint here makes clear that Plaintiffs are “simply trying to put on evidence of a minority coalition under [*Gingles*] to demonstrate how [their] *personal* legal interests have been injured.” 2020 WL 1083770, at *8. Therefore, Plaintiffs have standing to bring this Section 2 claim.

CONCLUSION

This Court has jurisdiction to rule on Plaintiffs' challenge to the dilution of their political opportunity. The forthcoming release of 2020 Census data does not render Plaintiffs' claims moot or unripe, but will merely provide additional evidence that is likely to further support Plaintiffs' claims. Furthermore, because Plaintiffs are members of the aggrieved class of citizens, they are personally injured and have standing to bring this suit. Plaintiffs therefore respectfully request that this Court deny Defendants' Motion to Dismiss.

Dated: July 14, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the July 14, 2020, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to the following:

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**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

PLAINTIFFS' EXHIBIT 1
Selected Historical Census Bureau Data

Table 47. Virginia - Race and Hispanic Origin for Selected Large Cities and Other Places: Earliest Census to 1990

(See text for sources, definitions, and explanations)

Census year (national rank through 100, state rank through 3) ¹	Total population		Race										Hispanic origin (of any race)		White, not of Hispanic origin	
			White		Black		American Indian, Eskimo, and Aleut		Asian and Pacific Islander		Other race					
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Alexandria ²																
1990 (-, -)	111 183	100.0	76 789	69.1	24 339	21.9	333	0.3	4 632	4.2	5 090	4.6	10 778	9.7	71 486	64.3
Sample.....	111 183	100.0	76 907	69.2	24 557	22.1	247	0.2	4 687	4.2	4 785	4.3	10 440	9.4	71 508	64.3
1980 (-, -)	103 217	100.0	74 726	72.4	23 006	22.3	269	0.3	2 888	2.8	2 328	2.3	4 042	3.9	72 061	69.8
Sample.....	103 217	100.0	74 852	72.5	23 073	22.4	309	0.3	3 381	3.3	1 602	1.6	4 251	4.1	72 160	69.9
1970 (-, -)	110 938	100.0	94 233	84.9	15 644	14.1	168	0.2	517	0.5	376	0.3	3 332	(NA)	(NA)	(NA)
15% sample.....	110 938	100.0	94 514	85.2	15 557	14.0	867 0.8				2 461	2.2	91 510	82.5		
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
1960 (-, -)	91 023	100.0	80 388	88.3	10 353	11.4	21	-	225	0.2	36	-	(NA)	(NA)	(NA)	(NA)
1950 (-, -)	61 787	100.0	54 121	87.6	7 622	12.3	7	-	31	0.1	6	-	(NA)	(NA)	(NA)	(NA)
1940 (-, -)	33 523	100.0	28 219	84.2	5 281	15.8	1	-	22	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1930 (-, -)	24 149	100.0	19 230	79.6	4 912	20.3	-	-	7	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
"Mexican" in Other race	24 149	100.0	19 230	79.6	4 912	20.3	-	-	7	-	-	-	(NA)	(NA)	(NA)	(NA)
1920 (-, -)	18 060	100.0	13 936	77.2	4 112	22.8	-	-	12	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1910 (-, -)	15 329	100.0	11 132	72.6	4 188	27.3	-	-	9	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1900 (-, -)	14 528	100.0	9 986	68.7	4 533	31.2	-	-	9	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1890 (-, -)	14 339	100.0	9 226	64.3	5 113	35.7	-	-	-	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1880 (-, -)	13 659	100.0	8 279	60.6	5 380	39.4	-	-	-	-	Black					
1870 (-, -)	13 570	100.0	8 269	60.9	5 300	39.1	-	-	1	-	Total		Free		Slave	
1860 (74, -)	12 652	100.0	9 851	77.9	2 801	22.1	-	-	-	-	2 801	100.0	1 415	50.5	1 386	49.5
1850 (74, -)	8 734	100.0	6 390	73.2	2 344	26.8	(NA)	(NA)	(NA)	(NA)	2 344	100.0	1 283	54.7	1 061	45.3
1840 (44, (X)) ²	8 459	100.0	5 758	68.1	2 701	31.9	(NA)	(NA)	(NA)	(NA)	2 701	100.0	1 627	60.2	1 074	39.8
1830 (31, (X)) ²	8 241	100.0	5 609	68.1	2 632	31.9	(NA)	(NA)	(NA)	(NA)	2 632	100.0	1 371	52.1	1 261	47.9
1820 (17, (X)) ²	8 218	100.0	5 615	68.3	2 603	31.7	(NA)	(NA)	(NA)	(NA)	2 603	100.0	1 168	44.9	1 435	55.1
1810 (17, (X)) ²	7 227	100.0	4 903	67.8	2 324	32.2	(NA)	(NA)	(NA)	(NA)	2 324	100.0	836	36.0	1 488	64.0
1800 (22, (X)) ²	4 971	100.0	3 727	75.0	1 244	25.0	(NA)	(NA)	(NA)	(NA)	1 244	100.0	369	29.7	875	70.3
1790 (22, -)	2 748	100.0	2 153	78.3	595	21.7	(NA)	(NA)	(NA)	(NA)	595	100.0	52	8.7	543	91.3
Arlington ³																
1990 (100, (X))	170 936	100.0	130 873	76.6	17 940	10.5	537	0.3	11 560	6.8	10 026	5.9	23 089	13.5	118 728	69.5
Sample.....	170 936	100.0	130 745	76.5	17 947	10.5	465	0.3	11 596	6.8	10 183	6.0	22 742	13.3	118 559	69.4
1980 (-, (X))	152 599	100.0	126 121	82.6	14 028	9.2	384	0.3	6 631	4.3	5 435	3.6	8 863	5.8	120 250	78.8
Sample.....	152 599	100.0	127 413	83.5	13 907	9.1	333	0.2	7 684	5.0	3 262	2.1	8 781	5.8	121 409	79.6
1970 (77, (X))	174 284	100.0	161 329	92.6	10 076	5.8	271	0.2	1 387	0.8	1 221	0.7	(NA)	(NA)	(NA)	(NA)
15% sample.....	174 284	100.0	161 822	92.8	10 048	5.8	2 414 1.4				6 315	3.6	156 128	89.6		
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	4 890	2.8	(NA)	(NA)
1960 (77, (X))	163 401	100.0	154 172	94.4	8 590	5.3	52	-	437	0.3	150	0.1	(NA)	(NA)	(NA)	(NA)
1950 (68, (X))	135 449	100.0	128 780	95.1	6 517	4.8	52	-	57	-	43	-	(NA)	(NA)	(NA)	(NA)
1940 (-, (X))	57 040	100.0	51 998	91.2	5 032	8.8	10 -				(X)	(X)	(NA)	(NA)	(NA)	(NA)
1930 ((X), (X))	26 615	100.0	23 269	87.4	3 337	12.5	-	-	9	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
"Mexican" in Other race	26 615	100.0	23 269	87.4	3 337	12.5	-	-	9	-	-	-	(NA)	(NA)	(NA)	(NA)
1920 ((X), (X))	16 040	100.0	13 530	84.4	2 507	15.6	2	-	1	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1910 ((X), (X))	10 231	100.0	7 586	74.1	2 645	25.9	-	-	-	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1900 ((X), (X))	6 430	100.0	3 963	61.6	2 467	38.4	-	-	-	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
Chesapeake																
1990 (-, -)	151 976	100.0	107 399	70.7	41 662	27.4	444	0.3	1 899	1.2	572	0.4	1 913	1.3	106 310	70.0
Sample.....	151 976	100.0	107 395	70.7	41 643	27.4	529	0.3	1 815	1.2	594	0.4	1 575	1.0	106 425	70.0
1980 (-, -)	114 486	100.0	81 351	71.1	31 600	27.6	248	0.2	958	0.8	329	0.3	1 059	0.9	80 809	70.6
Sample.....	114 486	100.0	81 237	71.0	31 557	27.6	316	0.3	1 124	1.0	252	0.2	772	0.7	80 763	70.5
1970 (-, -)	89 580	100.0	68 582	76.6	20 669	23.1	129	0.1	153	0.2	47	0.1	(NA)	(NA)	(NA)	(NA)
15% sample.....	89 580	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	490	0.5	(NA)	(NA)
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	638	0.7	(NA)	(NA)
Hampton																
1990 (-, -)	133 793	100.0	78 149	58.4	51 981	38.9	392	0.3	2 339	1.7	932	0.7	2 636	2.0	76 909	57.5
Sample.....	133 793	100.0	78 167	58.4	52 176	39.0	360	0.3	2 319	1.7	771	0.6	2 506	1.9	76 946	57.5
1980 (-, -)	122 617	100.0	78 338	63.9	42 072	34.3	241	0.2	1 223	1.0	743	0.6	1 703	1.4	77 443	63.2
Sample.....	122 617	100.0	78 638	64.1	42 072	34.3	238	0.2	1 140	0.9	529	0.4	1 563	1.3	77 826	63.5
1970 (-, -)	120 779	100.0	89 376	74.0	30 619	25.4	125	0.1	386	0.3	273	0.2	(NA)	(NA)	(NA)	(NA)
15% sample.....	120 779	100.0	89 333	74.0	30 616	25.3	830 0.7				1 625	1.3	87 868	72.8		
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	1 159	1.0	(NA)	(NA)
1960 (-, -)	89 258	100.0	70 163	78.6	18 851	21.1	47	0.1	144	0.2	53	0.1	(NA)	(NA)	(NA)	(NA)
1950 (-, -)	5 966	100.0	3 744	62.8	2 215	37.1	7 0.1				(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
1940 (-, -)	5 898	100.0	4 146	70.3	1 752	29.7	-	-	-	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1930 (-, -)	6 382	100.0	3 574	56.0	2 804	43.9	-	-	4	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)
"Mexican" in Other race	6 382	100.0	3 574	56.0	2 804	43.9	-	-	4	0.1	-	-	(NA)	(NA)	(NA)	(NA)
1920 (-, -)	6 138	100.0	3 964	64.6	2 169	35.3	5 0.1				(X)	(X)	(NA)	(NA)	(NA)	(NA)
1910 (-, -)	5 505	100.0	3 320	60.3	2 182	39.6	3 0.1				(X)	(X)	(NA)	(NA)	(NA)	(NA)
1900 (-, -)	2 764	100.0	1 507	54.5	1 249	45.2	-	-	8	0.3	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1890 (-, -)	2 513	100.0	1 183	47.1	1 330	52.9	-	-	-	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
Newport News																
1990 (-, -)	170 045	100.0	106 418	62.6	57 077	33.6	579	0.3	3 969	2.3	2 002	1.2	4 710	2.8	104 424	61.4
Sample.....	170 045	100.0	106 558	62.7	56 982	33.5	681	0.4	3 981	2.3	1 843	1.1	4 562	2.7	104 704	61.6
1980 (-, -)	144 903	100.0	95 941	66.2	45 584	31.5	323	0.2	1 906	1.3	1 149	0.8	2 587	1.8	94 633	65.3
Sample.....	144 903	100.0	95 860	66.2	45 704	31.5	454	0.3	1 962	1.4	923	0.6	2 615</			

Norfolk																	
1990 (62, 2)	261 229	100.0	148 228	56.7	102 012	39.1	1 165	0.4	6 815	2.6	3 009	1.2	7 611	2.9	145 136	55.6	
Sample.....	261 229	100.0	148 132	56.7	102 135	39.1	1 397	0.5	6 680	2.6	2 885	1.1	7 240	2.8	145 093	55.5	
1980 (55, 1)	266 979	100.0	162 300	60.8	93 987	35.2	886	0.3	7 149	2.7	2 658	1.0	6 074	2.3	159 900	59.9	
Sample.....	266 979	100.0	163 052	61.1	93 977	35.2	822	0.3	7 075	2.7	2 053	0.8	5 792	2.2	160 748	60.2	
1970 (47, 1)	307 951	100.0	215 069	69.8	87 261	28.3	456	0.1	4 567	1.5	598	0.2	(NA)	(NA)	(NA)	(NA)	
15% sample.....	307 951	100.0	215 339	69.9	87 082	28.3	5 530 1.8						4 852	1.6	210 964	68.5	
5% sample.....	307 951	100.0	214 688	69.7	87 261	28.3	6 002 1.9						3 908	1.3	211 434	68.7	
1960 (41, 1)	305 872	100.0	225 251	73.6	78 806	25.8	236	0.1	1 308	0.4	271	0.1	(NA)	(NA)	(NA)	(NA)	
1950 (48, 2)	213 513	100.0	150 065	70.3	62 826	29.4	61	-	192	0.1	369	0.2	(NA)	(NA)	(NA)	(NA)	
1940 (60, 2)	144 332	100.0	98 248	68.1	45 893	31.8	3	-	188	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1930 (62, 2)	129 710	100.0	85 523	65.9	43 942	33.9	13	-	232	0.2	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
"Mexican" in Other race	129 710	100.0	85 514	65.9	43 942	33.9	13	-	232	0.2	9	-	(NA)	(NA)	(NA)	(NA)	
1920 (59, 2)	115 777	100.0	72 226	62.4	43 392	37.5	3	-	156	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1910 (82, 2)	67 452	100.0	42 353	62.8	25 039	37.1	-	-	60	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1900 (80, 2)	46 624	100.0	26 317	56.4	20 230	43.4	-	-	77	0.2	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1890 (88, 2)	34 871	100.0	18 617	53.4	16 244	46.6	2	-	8	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1880 (83, 2)	21 966	100.0	11 898	54.2	10 068	45.8	-	-	-	-	Black						
1870 (75, 2)	19 229	100.0	10 462	54.4	8 766	45.6	1	-	-	-	Total	Free	Slave				
1860 (61, 3)	14 620	100.0	10 290	70.4	4 330	29.6	-	-	-	-	4 330	100.0	1 046	24.2	3 284	75.8	
1850 (47, 2)	14 326	100.0	9 075	63.3	5 251	36.7	(NA)	(NA)	(NA)	(NA)	5 251	100.0	956	18.2	4 295	81.8	
1840 (36, 3)	10 920	100.0	6 185	56.6	4 735	43.4	(NA)	(NA)	(NA)	(NA)	4 735	100.0	1 026	21.7	3 709	78.3	
1830 (24, 2)	9 814	100.0	5 130	52.3	4 684	47.7	(NA)	(NA)	(NA)	(NA)	4 684	100.0	928	19.8	3 756	80.2	
1820 (16, 2)	8 478	100.0	4 618	54.5	3 860	45.5	(NA)	(NA)	(NA)	(NA)	3 860	100.0	599	15.5	3 261	84.5	
1810 (13, 2)	9 193	100.0	4 776	52.0	4 417	48.0	(NA)	(NA)	(NA)	(NA)	4 417	100.0	592	13.4	3 825	86.6	
1800 (10, 1)	6 926	100.0	3 850	55.6	3 076	44.4	(NA)	(NA)	(NA)	(NA)	3 076	100.0	352	11.4	2 724	88.6	
1790 (20, 2)	2 959	100.0	1 604	54.2	1 355	45.8	(NA)	(NA)	(NA)	(NA)	1 355	100.0	61	4.5	1 294	95.5	
Petersburg																	
1990 (-, -)	38 386	100.0	10 194	26.6	27 688	72.1	83	0.2	289	0.8	132	0.3	472	1.2	10 051	26.2	
Sample.....	38 386	100.0	10 176	26.5	27 680	72.1	103	0.3	310	0.8	117	0.3	373	1.0	10 066	26.2	
1980 (-, -)	41 055	100.0	15 437	37.6	25 080	61.1	45	0.1	309	0.8	184	0.4	462	1.1	15 272	37.2	
Sample.....	41 055	100.0	15 659	38.1	25 068	61.1	13	-	253	0.6	62	0.2	435	1.1	15 394	37.5	
1970 (-, -)	36 103	100.0	16 048	44.5	19 914	55.2	20	0.1	48	0.1	73	0.2	(NA)	(NA)	(NA)	(NA)	
15% sample.....	36 103	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	204	0.6	(NA)	(NA)	
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	112	0.3	(NA)	(NA)	
1960 (-, -)	36 750	100.0	19 372	52.7	17 351	47.2	6	-	14	-	7	-	(NA)	(NA)	(NA)	(NA)	
1950 (-, -)	35 054	100.0	20 252	57.8	14 776	42.2	7	-	11	-	8	-	(NA)	(NA)	(NA)	(NA)	
1940 (-, -)	30 631	100.0	17 137	55.9	13 483	44.0	11 -						(NA)	(NA)	(NA)	(NA)	
1930 (-, -)	28 564	100.0	15 962	55.9	12 600	44.1	-	-	2	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
"Mexican" in Other race	28 564	100.0	15 962	55.9	12 600	44.1	-	-	2	-	-	-	(NA)	(NA)	(NA)	(NA)	
1920 (-, -)	31 012	100.0	17 397	56.1	13 608	43.9	2	-	5	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1910 (-, -)	24 127	100.0	13 112	54.3	11 014	45.7	-	-	1	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1900 (-, 3)	21 810	100.0	11 057	50.7	10 751	49.3	-	-	2	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1890 (-, 3)	22 680	100.0	10 456	46.1	12 221	53.9	-	-	3	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1880 (89, 3)	21 656	100.0	9 950	45.9	11 701	54.0	5	-	-	-	Black						
1870 (77, 3)	18 950	100.0	8 744	46.1	10 185	53.7	21	0.1	-	-	Total	Free	Slave				
1860 (50, 2)	18 266	100.0	9 342	51.1	8 924	48.9	-	-	-	-	8 924	100.0	3 244	36.4	5 680	63.6	
1850 (50, 3)	14 010	100.0	6 665	47.6	7 345	52.4	(NA)	(NA)	(NA)	(NA)	7 345	100.0	2 616	35.6	4 729	64.4	
1840 (34, 2)	11 136	100.0	5 365	48.2	5 771	51.8	(NA)	(NA)	(NA)	(NA)	5 771	100.0	2 134	37.0	3 637	63.0	
1830 (30, 3)	8 322	100.0	3 440	41.3	4 882	58.7	(NA)	(NA)	(NA)	(NA)	4 882	100.0	2 032	41.6	2 850	58.4	
1820 (28, 3)	6 690	100.0	3 097	46.3	3 593	53.7	(NA)	(NA)	(NA)	(NA)	3 593	100.0	2 428	67.6	1 165	32.4	
1810 (25, 3) ⁴	5 666	100.0	2 404	42.4	3 262	57.6	(NA)	(NA)	(NA)	(NA)	3 262	100.0	1 089	33.4	2 173	66.6	
1800 (30, 3)	3 521	100.0	1 606	45.6	1 915	54.4	(NA)	(NA)	(NA)	(NA)	1 915	100.0	428	22.3	1 487	77.7	
1790 (21, 3)	2 828	100.0	1 253	44.3	1 575	55.7	(NA)	(NA)	(NA)	(NA)	1 575	100.0	310	19.7	1 265	80.3	
Portsmouth																	
1990 (-, -)	103 907	100.0	53 212	51.2	49 180	47.3	303	0.3	827	0.8	385	0.4	1 364	1.3	52 579	50.6	
Sample.....	103 907	100.0	53 408	51.4	49 112	47.3	302	0.3	727	0.7	358	0.3	1 427	1.4	52 591	50.6	
1980 (-, -)	104 577	100.0	56 190	53.7	47 185	45.1	173	0.2	718	0.7	311	0.3	1 042	1.0	55 764	53.3	
Sample.....	104 577	100.0	56 239	53.8	47 136	45.1	233	0.2	764	0.7	205	0.2	917	0.9	55 877	53.4	
1970 (-, -)	110 963	100.0	65 997	59.5	44 320	39.9	80	0.1	489	0.4	77	0.1	(NA)	(NA)	(NA)	(NA)	
15% sample.....	110 963	100.0	65 861	59.4	44 509	40.1	593 0.5						758	0.7	65 178	58.7	
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	1 219	1.1	(NA)	(NA)	
1960 (-, 3)	114 773	100.0	75 092	65.4	39 290	34.2	40	-	313	0.3	38	-	(NA)	(NA)	(NA)	(NA)	
1950 (-, -)	80 039	100.0	49 310	61.6	30 494	38.1	9	-	20	-	206	0.3	(NA)	(NA)	(NA)	(NA)	
1940 (-, -)	50 745	100.0	31 268	61.6	19 338	38.1	139 0.3						(X)	(X)	(NA)	(NA)	(NA)
1930 (-, -)	45 704	100.0	26 784	58.6	18 849	41.2	3	-	68	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
"Mexican" in Other race	45 704	100.0	26 781	58.6	18 849	41.2	3	-	68	0.1	3	-	(NA)	(NA)	(NA)	(NA)	
1920 (-, 3)	54 387	100.0	31 099	57.2	23 245	42.7	11	-	32	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1910 (-, -)	33 190	100.0	21 560	65.0	11 617	35.0	2	-	11	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1900 (-, -)	17 427	100.0	11 782	67.6	5 625	32.3	-	-	20	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1890 (-, -)	13 268	100.0	9 231	69.6	4 018	30.3	7	0.1	12	0.1	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1880 (-, -)	11 390	100.0	7 554	66.3	3 829	33.6	7	0.1	-	-	Black						
1870 (-, -)	10 492	100.0	6 874	65.5	3 617	34.5	1	-	-	-	Total	Free	Slave				
1860 (-, -)	9 496	100.0	8 011	84.4	1 477	15.6	8	0.1	-	-	1 477	100.0	543	36.8	934	63.2	
1850 (76, -)	8 626	100.0	6 345	73.6	2 281	26.4	(NA)	(NA)	(NA)	(NA)	2 281	100.0	530	23.2	1 751	76.8	
1840 (62, -)	6 477	100.0	4 164	64.3	2 313	35.7	(NA)	(NA)	(NA)	(NA)	2 313	100.0	423	18.3	1 890	81.7	
Richmond																	
1990 (76, 3)	203 056	100.0	88 028	43.4	112 122	55.2	463	0.2	1 787	0.9	656	0.3	1 898	0.9	87 222	43.0	
Sample.....	203 056	100.0	87 928	43.3	112 406	55.4	441	0.2	1 664	0.8	617	0.3	1 744	0.9	87 048	42.9	
1980 (64, 3)	219 214	100.0	104 743	47.8	112 357	51.3	357	0.2	976	0.4	781	0.4	2 210	1.0	103 904	47.4	
Sample.....	219 214	100.0	104 984	47.9	112 426	51.3	330	0.2	1 110	0.5	364	0.2	2 143	1.0	104 206	47.5	
1970 (57, 2)	249 621	100.0	143 857	57.6	104 766	42.0	337	0.1	445	0.2	216	0.1	(NA)	(NA)	(NA)	(NA)	
15% sample.....	249 621	100.0	143 836	57.6	104 731	42.0	1 054 0.4						1 604	0.6	142 390	57.0	
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	2 728	1.1	(NA)	(NA)	
1960 (52, 2)	219 958	100.0	127 627	58.0	91 972	41.8	93	-	194	0.1	72	-	(NA)	(NA)	(NA)	(NA)	
1950 (46, 1)	230 310	100.0	157 228	68.3	72 996	31.7	22	-	55	-	9	-	(NA)	(NA)	(NA)	(NA)	
1940 (45, 1)	193 042	100.0	131 706	68.2	61 251	31.7	23	-	62	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)	
1930 (44, 1)	182 9292																

1840 (20, 1)	20 153	100.0	10 718	53.2	9 435	46.8	(NA)	(NA)	(NA)	(NA)	9 435	100.0	1 926	20.4	7 509	79.6
1830 (13, 1)	16 060	100.0	7 755	48.3	8 305	51.7	(NA)	(NA)	(NA)	(NA)	8 305	100.0	1 956	23.6	6 349	76.4
1820 (12, 1)	12 067	100.0	6 445	53.4	5 622	46.6	(NA)	(NA)	(NA)	(NA)	5 622	100.0	1 235	22.0	4 387	78.0
1810 (12, 1)	9 735	100.0	4 798	49.3	4 937	50.7	(NA)	(NA)	(NA)	(NA)	4 937	100.0	1 189	24.1	3 748	75.9
1800 (13, 2)	5 737	100.0	2 837	49.5	2 900	50.5	(NA)	(NA)	(NA)	(NA)	2 900	100.0	607	20.9	2 293	79.1
1790 (18, 1)	3 761	100.0	2 017	53.6	1 744	46.4	(NA)	(NA)	(NA)	(NA)	1 744	100.0	265	15.2	1 479	84.8
Roanoke																
1990 (-, -)	96 397	100.0	71 907	74.6	23 395	24.3	165	0.2	717	0.7	213	0.2	665	0.7	71 524	74.2
Sample.....	96 397	100.0	71 982	74.7	23 286	24.2	167	0.2	782	0.8	180	0.2	719	0.7	71 590	74.3
1980 (-, -)	100 220	100.0	77 494	77.3	22 040	22.0	73	0.1	312	0.3	301	0.3	681	0.7	77 081	76.9
Sample.....	100 220	100.0	77 636	77.5	22 030	22.0	78	0.1	329	0.3	147	0.1	582	0.6	77 292	77.1
1970 (-, -)	92 115	100.0	74 167	80.5	17 784	19.3	27	-	62	0.1	75	0.1	(NA)	(NA)	(NA)	(NA)
15% sample.....	92 115	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	354	0.4	(NA)	(NA)
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	277	0.3	(NA)	(NA)
1960 (-, -)	97 110	100.0	80 568	83.0	16 527	17.0	3	-	11	-	1	-	(NA)	(NA)	(NA)	(NA)
1950 (-, 3)	91 921	100.0	77 329	84.1	14 575	15.9	17 -					(NA)	(NA)	(NA)	(NA)	(NA)
1940 (-, 3)	69 287	100.0	56 472	81.5	12 812	18.5	3 -					(X)	(X)	(NA)	(NA)	(NA)
1930 (-, 3)	69 206	100.0	56 834	82.1	12 368	17.9	-	-	4	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
"Mexican" in Other race	69 206	100.0	56 834	82.1	12 368	17.9	-	-	4	-	-	-	(NA)	(NA)	(NA)	(NA)
1920 (-, -)	50 842	100.0	41 499	81.6	9 331	18.4	-	-	12	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1910 (-, 3)	34 874	100.0	26 945	77.3	7 924	22.7	-	-	5	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1900 (-, -)	21 495	100.0	15 654	72.8	5 834	27.1	-	-	7	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
1890 (-, -)	16 159	100.0	11 218	69.4	4 929	30.5	6	-	6	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
Virginia Beach																
1990 (37, 1)	393 069	100.0	316 408	80.5	54 671	13.9	1 384	0.4	17 025	4.3	3 581	0.9	12 137	3.1	309 712	78.8
Sample.....	393 069	100.0	316 290	80.5	54 800	13.9	1 612	0.4	16 947	4.3	3 420	0.9	12 128	3.1	309 570	78.8
1980 (56, 2)	262 199	100.0	226 788	86.5	26 291	10.0	633	0.2	6 570	2.5	1 917	0.7	5 160	2.0	223 860	85.4
Sample.....	262 199	100.0	227 454	86.7	26 266	10.0	630	0.2	6 489	2.5	1 360	0.5	5 269	2.0	224 287	85.5
1970 (79, 3)	172 106	100.0	154 823	90.0	15 693	9.1	186	0.1	1 133	0.7	271	0.2	(NA)	(NA)	(NA)	(NA)
15% sample.....	172 106	100.0	155 019	90.1	15 726	9.1	1 361 0.8					2 292	1.3	152 952	88.9	
5% sample.....	(NA)	100.0	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	2 294	1.3	(NA)	(NA)
1960 (-, -)	8 091	100.0	7 557	93.4	515	6.4	19 0.2					(NA)	(NA)	(NA)	(NA)	(NA)
1950 (-, -)	5 390	100.0	5 147	95.5	241	4.5	2 -					(NA)	(NA)	(NA)	(NA)	(NA)
1940 (-, -)	2 600	100.0	2 240	86.2	356	13.7	4 0.2					(X)	(X)	(NA)	(NA)	(NA)
1930	1 719	100.0	1 338	77.8	381	22.2	-	-	-	-	(X)	(X)	(NA)	(NA)	(NA)	(NA)
"Mexican" in Other race	1 719	100.0	1 338	77.8	381	22.2	-	-	-	-	-	-	(NA)	(NA)	(NA)	(NA)
Wheeling⁵																
1860 (63, X) ^{5, 6}	(NA)	100.0	13 986	(NA)	(NA)	(NA)	-	-	-	-	Total		Black		Slave	
1850 (59, X) ⁵	11 435	100.0	11 179	97.8	256	2.2	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	97	(NA)	(NA)	(NA)
1840 (51, X) ⁵	7 885	100.0	7 512	95.3	373	4.7	(NA)	(NA)	(NA)	(NA)	256	100.0	212	82.8	44	17.2
											373	100.0	266	71.3	107	28.7

- Represents zero or rounds to 0.0 in data cells. In first column, represents greater than 100 for national rank and greater than 3 for state rank. (X) Not applicable. (NA) Not available.

¹ Rank in population among urban places (2,500 or more population). Rank in state excludes unincorporated places. See text.

² Alexandria was in the District of Columbia from 1791 to 1846. See also Alexandria, DC.

³ Data are for Arlington County, which has been defined as an urban unincorporated place since 1940. The name was changed from Alexandria County in 1920. Data are shown for the county since 1900 when Alexandria city was first reported as independent of the county.

⁴ Total population shown as 5,668 in the urban place time series due to typesetting error in 1810 census report. See text.

⁵ Wheeling was in Virginia until 1863. See also Wheeling, WV.

⁶ Data not available for the slave population, which was not published below the county level.

Internet Release Date: July 13, 2005

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

PLAINTIFFS' EXHIBIT 2

Selected 2010 Census Bureau Data



Note: This is a modified view of the original table produced by the U.S. Census Bureau.

Note: This download or printed version may have missing information from the original table.

HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE

Survey/Program:

Decennial Census

Universe:

Total population

Year:

2010

Table ID:

P2

Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties.

Source: U.S. Census Bureau, 2014-2018 American Community Survey 5-Year Estimates

Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables.

For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, Overview of Race and Hispanic Origin: 2010 , issued March 2011. (pdf format)

While the 2014-2018 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.

Explanation of Symbols:

An "**" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution, or the margin of error associated with a median was larger than the median itself.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

An "***" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section.

Virginia Beach city, Virginia

▼ Total:	437,994
Hispanic or Latino	28,987
▼ Not Hispanic or Latino:	409,007
▼ Population of one race:	394,806
White alone	282,470
Black or African American alone	83,210
American Indian and Alaska Native alone	1,349
Asian alone	26,312
Native Hawaiian and Other Pacific Islander alone	602
Some Other Race alone	863
^ Two or More Races:	14,201

**IN THE UNITED STATES DISTRICT COURT FOR
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Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

PLAINTIFFS' EXHIBIT 3

Selected 2016 ACS 5-Year Estimates



Note: This is a modified view of the original table produced by the U.S. Census Bureau.

Note: This download or printed version may have missing information from the original table.

ACS DEMOGRAPHIC AND HOUSING ESTIMATES

Survey/Program:

American Community Survey

Year:

2016

Estimates:

5-Year

Table ID:

DP05

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section. Explanation of Symbols:

An "*" entry in the margin of error column indicates that either no sample observations or too few sample observations were available to compute a standard error and thus the margin of error. A statistical test is not appropriate.

An "-" entry in the estimate column indicates that either no sample observations or too few sample observations were available to compute an estimate, or a ratio of medians cannot be calculated because one or both of the median estimates falls in the lowest interval or upper interval of an open-ended distribution.

An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

An "***" entry in the margin of error column indicates that the median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization. While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities. For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, Overview of Race and Hispanic Origin: 2010, issued March 2011. (pdf format) Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties. Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Virginia Beach city, Virginia

	Estimate	Margin of Error	Percent	Perc
^ SEX AND AGE				
^ RACE				

^ Total population	449,733	*****	449,733	
^ One race	427,649	+/-1,307	95.1%	
^ Two or more races	22,084	+/-1,307	4.9%	
^ Race alone or in combination with one				
▼ HISPANIC OR LATINO AND RACE				
▼ Total population	449,733	*****	449,733	
^ Hispanic or Latino (of any race)	34,388	*****	7.6%	
▼ Not Hispanic or Latino	415,345	*****	92.4%	
White alone	282,741	+/-307	62.9%	
Black or African American alone	83,430	+/-984	18.6%	
American Indian and Alaska Native	893	+/-182	0.2%	
Asian alone	28,692	+/-710	6.4%	
Native Hawaiian and Other Pacific	375	+/-117	0.1%	
Some other race alone	853	+/-310	0.2%	
^ Two or more races	18,361	+/-1,208	4.1%	
Total housing units	182,016	+/-469	(X)	
▼ CITIZEN, VOTING AGE POPULATION				
▼ Citizen, 18 and over population	332,917	+/-988	332,917	
Male	162,024	+/-634	48.7%	
Female	170,893	+/-596	51.3%	

**IN THE UNITED STATES DISTRICT COURT FOR
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Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

PLAINTIFFS' EXHIBIT 4

Selected 2017 ACS 5-Year Estimates



Note: This is a modified view of the original table produced by the U.S. Census Bureau.

Note: This download or printed version may have missing information from the original table.

ACS DEMOGRAPHIC AND HOUSING ESTIMATES

Survey/Program:

American Community Survey

Year:

2017

Estimates:

5-Year

Table ID:

DP05

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section. Explanation of Symbols:

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An "-" following a median estimate means the median falls in the lowest interval of an open-ended distribution.

An "+" following a median estimate means the median falls in the upper interval of an open-ended distribution.

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An "*****" entry in the margin of error column indicates that the estimate is controlled. A statistical test for sampling variability is not appropriate.

An "N" entry in the estimate and margin of error columns indicates that data for this geographic area cannot be displayed because the number of sample cases is too small.

An "(X)" means that the estimate is not applicable or not available.

Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization. While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities. For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, Overview of Race and Hispanic Origin: 2010, issued March 2011. (pdf format) Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties. Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Virginia Beach city, Virginia

	Estimate	Margin of Error	Percent	Perc
^ SEX AND AGE				
^ RACE				

^ Total population	450,057	*****	450,057	
^ Race alone or in combination with one o				
✓ HISPANIC OR LATINO AND RACE				
✓ Total population	450,057	*****	450,057	
^ Hispanic or Latino (of any race)	35,255	*****	7.8%	
✓ Not Hispanic or Latino	414,802	*****	92.2%	
White alone	281,070	+/-191	62.5%	
Black or African American alone	82,987	+/-977	18.4%	
American Indian and Alaska Native	853	+/-198	0.2%	
Asian alone	29,055	+/-656	6.5%	
Native Hawaiian and Other Pacific	395	+/-95	0.1%	
Some other race alone	787	+/-261	0.2%	
✓ Two or more races	19,655	+/-1,265	4.4%	
Two races including Some other	404	+/-194	0.1%	
Two races excluding Some other	19,251	+/-1,242	4.3%	
Total housing units	182,723	+/-402	(X)	
✓ CITIZEN, VOTING AGE POPULATION				
✓ Citizen, 18 and over population	334,514	+/-1,059	334,514	
Male	163,073	+/-711	48.7%	
Female	171,441	+/-594	51.3%	

**IN THE UNITED STATES DISTRICT COURT FOR
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Civil Action No. 2:18-cv-0069

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

PLAINTIFFS' EXHIBIT 5

Selected 2018 ACS 5-Year Estimates



Note: This is a modified view of the original table produced by the U.S. Census Bureau.

Note: This download or printed version may have missing information from the original table.

ACS DEMOGRAPHIC AND HOUSING ESTIMATES

Survey/Program:

American Community Survey

Year:

2018

Estimates:

5-Year

Table ID:

DP05

Supporting documentation on code lists, subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website in the Technical Documentation section.

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Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on Census 2010 data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization. While the 2013-2017 American Community Survey (ACS) data generally reflect the February 2013 Office of Management and Budget (OMB) definitions of metropolitan and micropolitan statistical areas; in certain instances the names, codes, and boundaries of the principal cities shown in ACS tables may differ from the OMB definitions due to differences in the effective dates of the geographic entities. For more information on understanding race and Hispanic origin data, please see the Census 2010 Brief entitled, Overview of Race and Hispanic Origin: 2010, issued March 2011. (pdf format) Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see Accuracy of the Data). The effect of nonsampling error is not represented in these tables. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units for states and counties. Source: U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates

Virginia Beach city, Virginia

	Estimate	Margin of Error	Percent	Perc
^ SEX AND AGE				
^ RACE				

^ Race alone or in combination with one or more races - Table Results				
▼ HISPANIC OR LATINO AND RACE				
▼ Total population	450,135	*****	450,135	
^ Hispanic or Latino (of any race)	36,043	*****	8.0%	
▼ Not Hispanic or Latino	414,092	*****	92.0%	
White alone	279,288	+/-172	62.0%	
Black or African American alone	83,234	+/-1,117	18.5%	
American Indian and Alaska Native alone	908	+/-218	0.2%	
Asian alone	29,330	+/-669	6.5%	
Native Hawaiian and Other Pacific Islander alone	284	+/-111	0.1%	
Some other race alone	784	+/-248	0.2%	
^ Two or more races	20,264	+/-1,414	4.5%	
Total housing units	183,906	+/-455	(X)	
▼ CITIZEN, VOTING AGE POPULATION				
▼ Citizen, 18 and over population	334,657	+/-1,153	334,657	
Male	162,856	+/-818	48.7%	
Female	171,801	+/-647	51.3%	

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants.

Civil Action No. 2:18-cv-00069

**REDACTED VERSION OF EXHIBIT 6 TO PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS (ECF No. 156-6)**

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THE EASTERN DISTRICT OF VIRGINIA
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Latasha Holloway, *et al.*,

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PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

PLAINTIFFS' EXHIBIT 6

Supplemental Report from Plaintiffs' Expert Anthony Fairfax

Supplemental Expert Report
of
Anthony E. Fairfax

Anthony E. Fairfax
16 Castle Haven Road
Hampton, VA 23666
March 16, 2020

I. Introduction

I have been retained by Plaintiffs' counsel in this lawsuit (*Holloway, et al., v. City of Virginia Beach, et al.*) to provide this report as a supplement to my earlier reports and my deposition testimony.

As a follow-up to my deposition testimony, this supplemental report clarifies that (1) none of the hypothetical redistricting plans in my previous report included Plaintiff Georgia Allen's address in a majority Hispanic, Black, and Asian ("HBA") Citizen Voting Age Population ("CVAP") district,¹ but (2) it is feasible to include both Plaintiffs in one or more majority-HBACVAP districts, as demonstrated by the modified Illustrative Plan and modified Alternative Plans provided here.

Additionally, this supplemental report updates my earlier reports by incorporating the latest American Community Survey (ACS) data (2014-2018), which the U.S. Census Bureau released on January 31, 2020. These new data estimates are included in the district statistics tables provided for the plans. I also report the 2013-2017 CVAP estimates in Appendix B.

II. Background

The City of Virginia Beach, VA currently has an eleven-member City Council structure. Three (3) Council members and the Mayor serve "at large" with no district residency requirement. The other seven (7) council members are required to live in the district that they represent. However, all city council members are elected at large and not within the district that they represent.

On July 15, 2019 I submitted an expert report for this case that presented my finding that the minority population in the city of Virginia Beach, Virginia was sufficiently large and geographically compact to constitute two majority Hispanic, Black, and Asian combined districts. On August 12, 2019, Dr. Peter A. Morrison submitted his evaluation of my initial expert report. On August 26, 2019, I submitted my rebuttal report to Dr. Morrison's expert report. On September 24, 2019, I was deposed by Defendants' counsel, who asked me several questions about the location of Plaintiffs in the Illustrative and Alternative Plans. In addition, Plaintiffs' counsel notified me that Plaintiff Latasha Holloway recently obtained a new address.

III. Software, Data, and Technical Process Utilized

My opinions are based upon the same software and technical processes that were utilized in my initial and rebuttal expert reports. Addresses of the Plaintiffs were acquired from counsel and geocoded via ArcGIS World Geocoding Services using ArcGIS ArcMap software.

¹ As in my two prior reports, in this supplemental report I include the HBACVAP percentages for both Hispanic, Black alone, and Asian alone individuals as well as Hispanic, Black and white (mixed race), and Asian alone individuals. The numbers referred to in the text and tables are the Hispanic, Black alone, and Asian alone percentages unless specifically noted otherwise.

IV. Summary of Opinions

A summary of my conclusions and opinions for this report include the following:

- a) Plaintiff Latasha Holloway's old and new addresses are both contained within a majority-HBACVAP district in the Illustrative Plan and all five Alternative Plans from my initial and rebuttal reports in this lawsuit. Unintentionally, Plaintiff Georgia Allen's address was not contained within a majority-HBACVAP district in any of the Plans.
- b) With minor modifications and insignificant district statistical alterations, the current addresses of both Plaintiff Georgia Allen and Plaintiff Latasha Holloway could, at least, be contained within majority-HBACVAP District 2 of the Illustrative Plan as well as District 2 in Alternative Plan 1 and Alternative Plan 2. I did not attempt to modify Alternative Plans 3, 4, or 5 for this supplemental report.

V. Methodology

A. Location of Plaintiffs Addresses with Respect to Illustrative and Alternative Plans

First, I generated maps including the Plaintiffs' addresses to determine whether each Plaintiff is contained within one of the majority-HBACVAP districts for each of the previously developed demonstrative plans. The following addresses of the Plaintiffs were analyzed:

Table 1 – Plaintiff Addresses Analyzed	
Name	Address
Georgia Allen	4649 Merrimac Lane, Virginia Beach, VA 23455
Latasha Holloway's old address	819 Tuition Court, Virginia Beach, VA 23462
Latasha Holloway's new address	[REDACTED]

Georgia Allen's address is depicted in the Plans by a pink star. [REDACTED]

(see Figure 1 and 2 below).²

² [REDACTED]

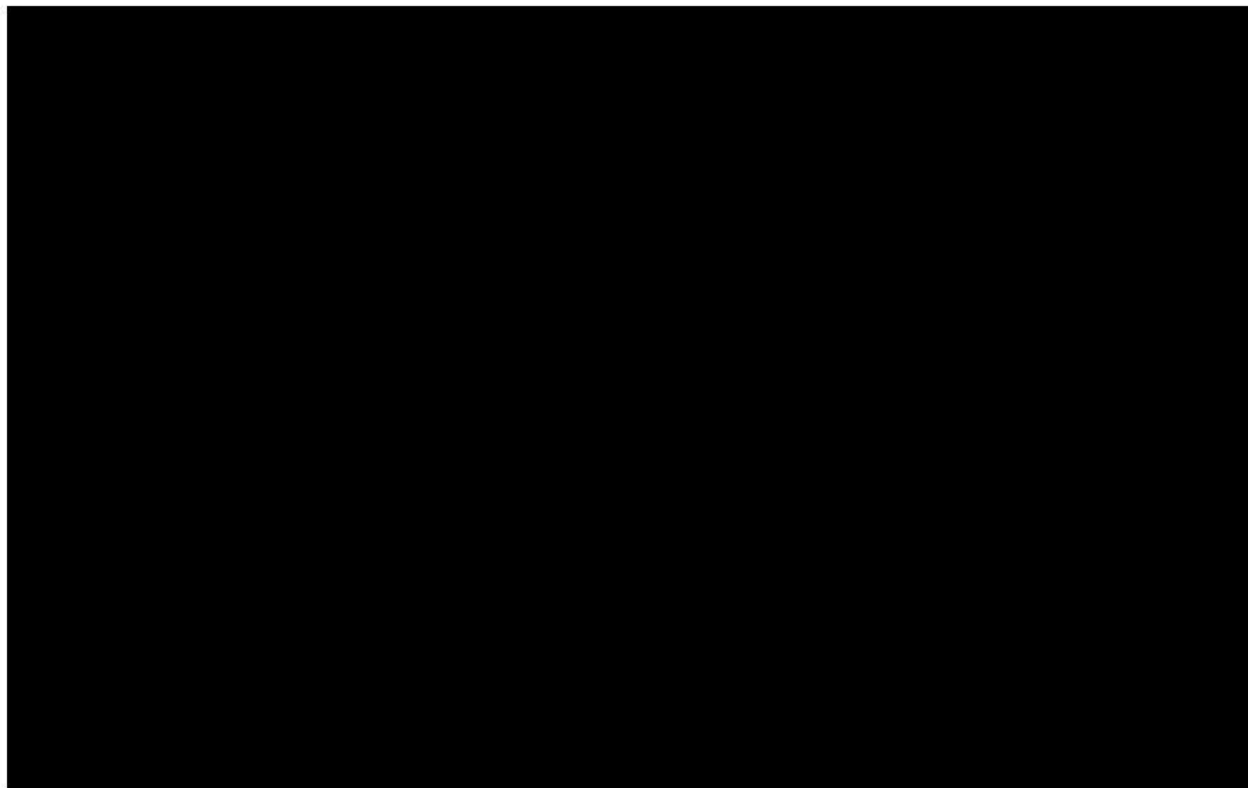


Figure 1 – Zoom of Latasha Holloway's Addresses

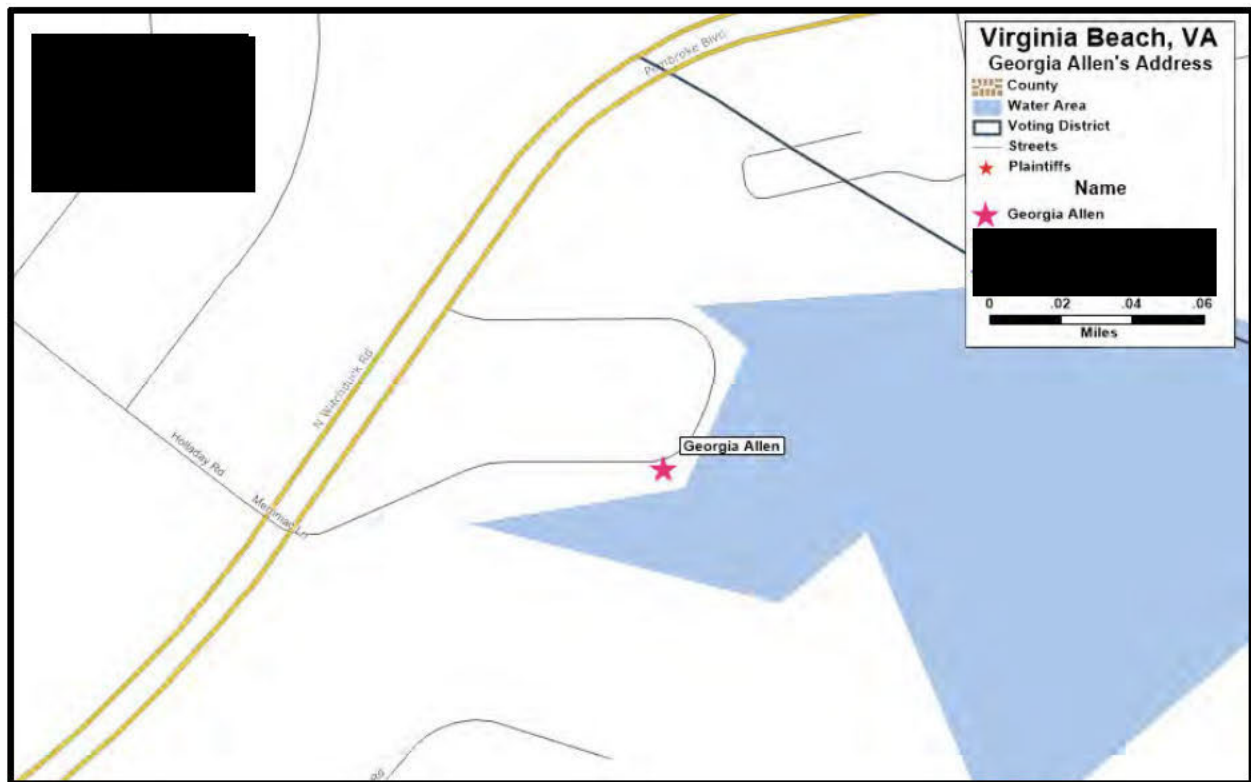


Figure 2 – Zoom of Georgia Allen's Address

B. Review and Modify (Where Necessary) the Illustrative or Alternative Plans to Contain Both Plaintiffs in One of the Majority-HBACVAP Districts

After plotting the Plaintiffs' addresses, I next reviewed the Illustrative Plan and all Alternative Plans to see if both Plaintiffs' addresses were included in one of the majority-HBACVAP districts. Where necessary, I then modified the Illustrative Plan, Alternative Plan 1, and Alternative Plan 2 to contain both Plaintiffs' addresses in either of the majority-HBACVAP districts and generated maps to confirm the results.

VI. Results

A. Location of Plaintiffs' Addresses in the Illustrative Plan and Alternative Plans 1 - 5

Latasha Holloway's old and new addresses have always been contained within a majority-HBACVAP district in the Illustrative Plan as well as all five Alternative Plans. Unintentionally, Georgia Allen's address was not contained within a majority-HBACVAP district in any of the Plans. The maps in Appendix A depict each majority-HBACVAP district in the six plans, along with the location of the Plaintiffs' addresses.

B. Review and Modify (Where Necessary) the Illustrative and Two Alternative Plans to Contain Both Plaintiffs in One of the Majority-HBACVAP Districts

Since Georgia Allen's address was the only residence that was not contained within a majority-HBACVAP district, the plan modifications focused on including her address. The Illustrative Plan, Alternative Plan 1, and Alternative Plan 2³ were easily modified to include Georgia Allen (see Appendixes A and B for maps and statistics).

Ms. Allen's address was in close proximity to majority-HBACVAP District 2 in many of the plans in my initial and rebuttal reports. Thus, the simplest modification centered on including her address within this district. It was not necessary to alter District 1, the other majority-HBACVAP district.

i. Demographic District Statistics

The modifications of District 2 to include Georgia Allen in the Illustrative Plan, Alternative Plan 1, and Alternative Plan 2 did not alter District 2's population deviation and HBACVAP percentages significantly from the previously developed Plans. In all three modified Plans, District 2 is closer to the ideal district size than it was before modification (i.e., District 2's percent deviation decreased slightly).

Reviewing the HBACVAP percentage, there is 0.79% or less difference for any of the three Plans (from original to modified). The HBACVAP percentage increased in District 2 of the Illustrative Plan after the modifications while the Alternative Plans decreased slightly. Table 2 displays the Citizen Voting Age Population results for each modified plan.

Table 2 – District 2 Illustrative, Alt 1, Alt 2 & Mod. Plans - Maj Race/Ethnicity						
District	% Dev	% HCVAP 14-18 ACS	% WCVAP 14-18 ACS	% BCVAP 14-18 ACS	% ACVAP 14-18 ACS	% HBA CVAP 14-18 ACS
Illust Dst 2	-4.77%	7.73%	46.44%	38.58%	4.43%	50.75%
Alt 1 Dst 2	-4.16%	8.15%	45.20%	39.58%	4.47%	52.16%
Alt 2 Dst 2	-4.39%	8.47%	45.14%	39.55%	4.09%	52.11%
Illust Mod Dst 2	0.61%	7.97%	46.22%	38.52%	4.39%	50.93%
Alt 1 Mod Dst 2	0.11%	8.05%	45.81%	38.94%	4.41%	51.37%
Alt 2 Mod Dst 2	1.61%	8.87%	45.91%	38.60%	3.91%	51.38%

Note: 14-18 ACS is 2014-2018 5-Year ACS. Total Hispanic (HCVAP), Black (BCVAP), and Asian (ACVAP) may not sum to HBACVAP% due to summing totals prior to disaggregation

Source: U.S. Census Bureau 2014-2018 5-Yr ACS Block Group data, Maptitude for Redistricting Illustrative Plans

³ Alternative Plan 2 continues to consist of only Block Groups for District 1 and 2 and thus CVAP calculations for these districts do not require disaggregation and aggregation of ACS data.

When Black and White (mixed race) CVAP data is considered, the HBACVAP percentages for the modified District 2 in the Illustrative, Alternative 1, and Alternative 2 Plans are 52.02%, 52.47%, and 52.45% respectively.

Since newly-updated CVAP estimates for 2014-2018 were released in January 2020, I also analyzed District 1 statistics with this data. Reviewing the 2014-2018 5-Year ACS HBACVAP percentage for District 1, HBACVAP percentages for District 1 (which was not modified) for the Illustrative, Alternative 1, and Alternative 2 Plans are 51.77%, 53.07%, and 52.72% respectively. Table 3 displays the Citizen Voting Age Population results for District 1 in both the original and modified Plans.

Table 3 – District 1 Illustrative, Alt 1, Alt 2 & Mod. Plans – Maj Race/Ethnicity						
District	% Dev	% HCVAP 14-18 ACS	% WCVAP 14-18 ACS	% BCVAP 14-18 ACS	% ACVAP 14-18 ACS	% HBACVAP 14-18 ACS
Illust Dst 1 Both	-.36%	7.49%	44.02%	31.57%	12.67%	51.77%
Alt 1 Dst 1 Both	-4.77%	7.67%	42.66%	32.55%	12.89%	53.07%
Alt 2 Dst 1 Both	-4.84%	7.36%	43.10%	32.48%	12.89%	52.72%

Note: 14-18 ACS is 2014-2018 5-Year ACS. Total Hispanic (HCVAP), Black (BCVAP), and Asian (ACVAP) may not sum to HBACVAP% due to summing totals prior to disaggregation

Source: U.S. Census Bureau 2014-2018 5-Yr ACS Block Group data, Maptitude for Redistricting Illustrative Plans

When Black and White (mixed race) CVAP data is included in the HBACVAP percentage, the HBACVAP percentages for the modified District 1 in the Illustrative, Alternative 1, and Alternative 2 Plans are 52.91%, 54.31%, and 52.94%, respectively.

It is also noteworthy that all three modified Plans showed an increase in HBACVAP percentage from the 2013-2017 to 2014-2018 ACS datasets. Finally, all of the modified Plans for Districts 1 and District 2 remain above the 50% threshold whether the 2013-2017 or 2014-2018 ACS data is used. The modified Illustrative, Alternative 1, and Alternative 2 Plan's HBACVAP percentages using the 2013-2017 5-Year ACS for District 1 were 50.03%, 51.50%, and 51.04%, respectively, and 50.24%, 50.87%, and 50.71%, respectively for District 2.

ii. Compactness Measures

Compactness scores for the modified version of District 2, using the Reock, Polsby-Popper, and Convex Hull measures, also did not change significantly when compared to the original Illustrative, Alternative 1, and Alternative 2 Plans (see Table 4).

Table 4 – District 2 Illustrative, Alt 1, Alt 2 & Mod. Plans Compactness Measurements			
District	Reock	Polsby-Popper	Convex Hull
Illust Dst 2	0.24	0.20	0.58
Alt 1 Dst 2	0.20	0.16	0.54
Alt 2 Dst 2	0.20	0.15	0.49
Illust Mod Dst 2	0.21	0.16	0.53
Alt 1 Mod Dst 2	0.21	0.15	0.51
Alt 2 Mod Dst 2	0.20	0.14	0.47

Source: Maptitude for Redistricting Compactness reports for Modified Illustrative, Alt 1, and Alt 2 Plans.

iii. Political Subdivision Splits

Once again, the political subdivision splits of District 2 in the Illustrative, Alternative 1, and Alternative 2 Plans⁴ were also not significantly altered after modifying the Plans (see Table 5). The total political subdivision splits remained less for the modified Illustrative, Alternative 1, and Alternative 2 Plans (at 15, 23, and 23 splits respectively, full reports in Appendix B) than the current residency plan, which contains 28 splits (full report on pages 78-79 in the Appendix to my July 15, 2019 Report).

Table 5 – District 2 Illustrative, Alt 1, Alt 2 & Mod. Plans Split VTDs	
Plan	District 2
Illust Dst 2	5
Alt 1 Dst 2	7
Alt 2 Dst 2	10
Illust Mod Dst 2	7
Alt 1 Mod Dst 2	8
Alt 2 Mod Dst 2	10

Source: Maptitude for Redistricting Political Subdivision Splits report for the Illustrative Plans.

The following figures display the locations of Latasha Holloway's new and old addresses (which have not been changed in any maps) and Georgia Allen's residence in the modified Illustrative and Alternative Plans.

⁴ Political subdivision splits in this context refer to Voting Tabulation Districts (VTDs).

Figures 3 and 4 show the Modified Illustrative Plan's District 2, which contains both Latasha Holloway's new and old addresses and Georgia Allen's residence.



Figure 3 – Virginia Beach Illustrative Plan Modification with Plaintiffs' Addresses

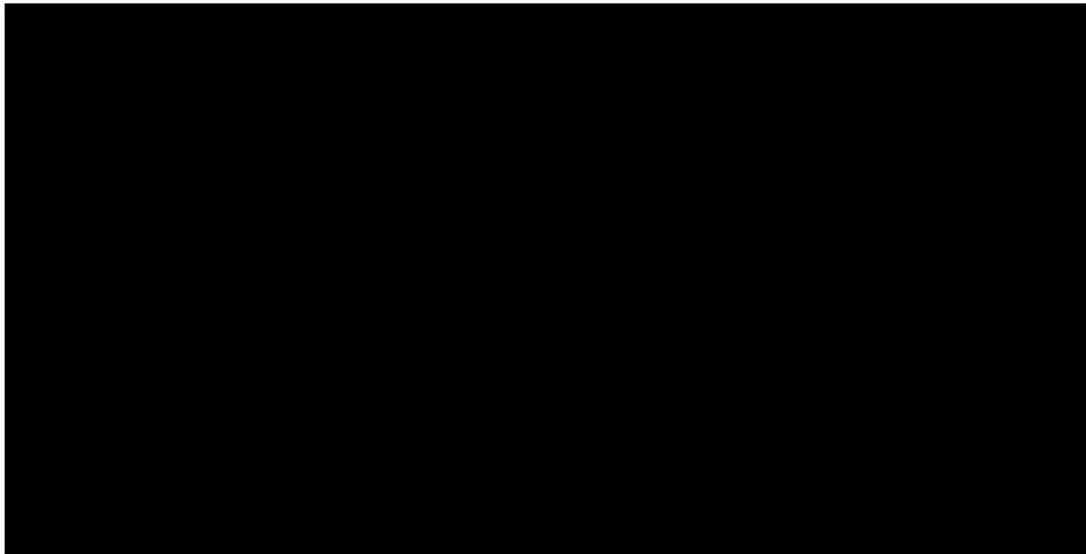


Figure 4 – Virginia Beach Illustrative Plan Modification Zoom with Plaintiffs' Addresses

Figures 5 and 6 show the Modified Alternative 1 Plan's District 2, which contains both Latasha Holloway's new and old addresses and Georgia Allen's residence.

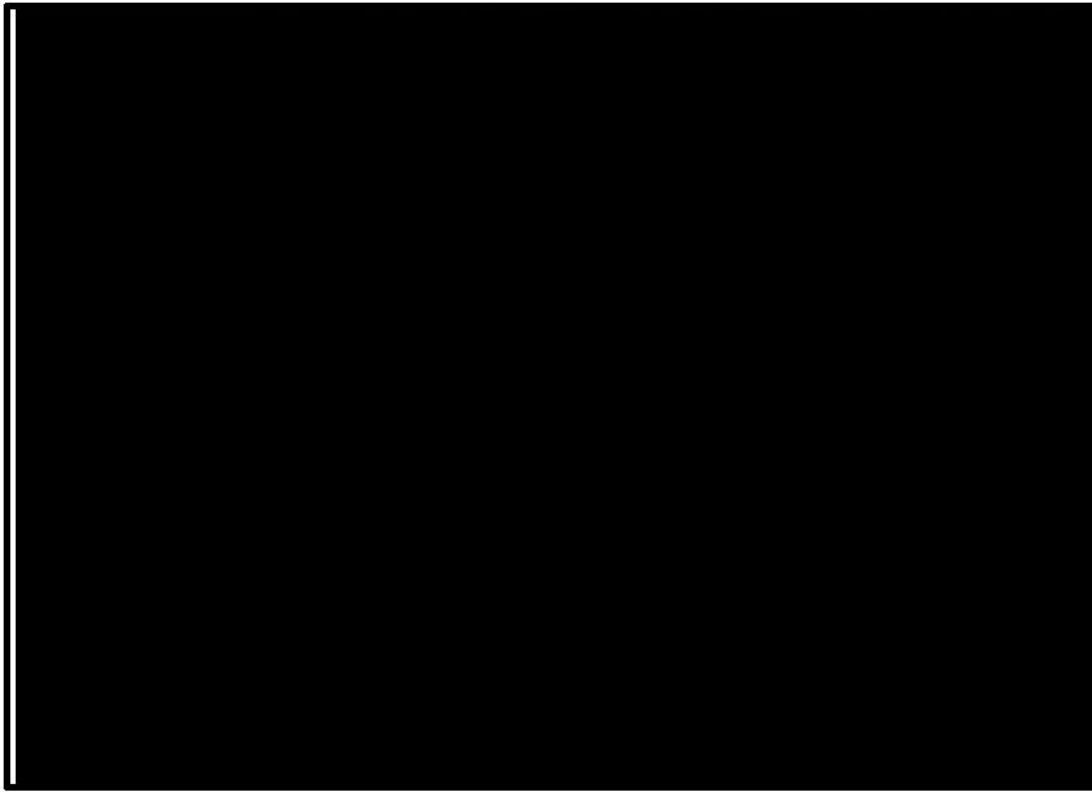


Figure 5 – Virginia Beach Illustrative Alt 1 Plan Modification with Plaintiffs' Addresses

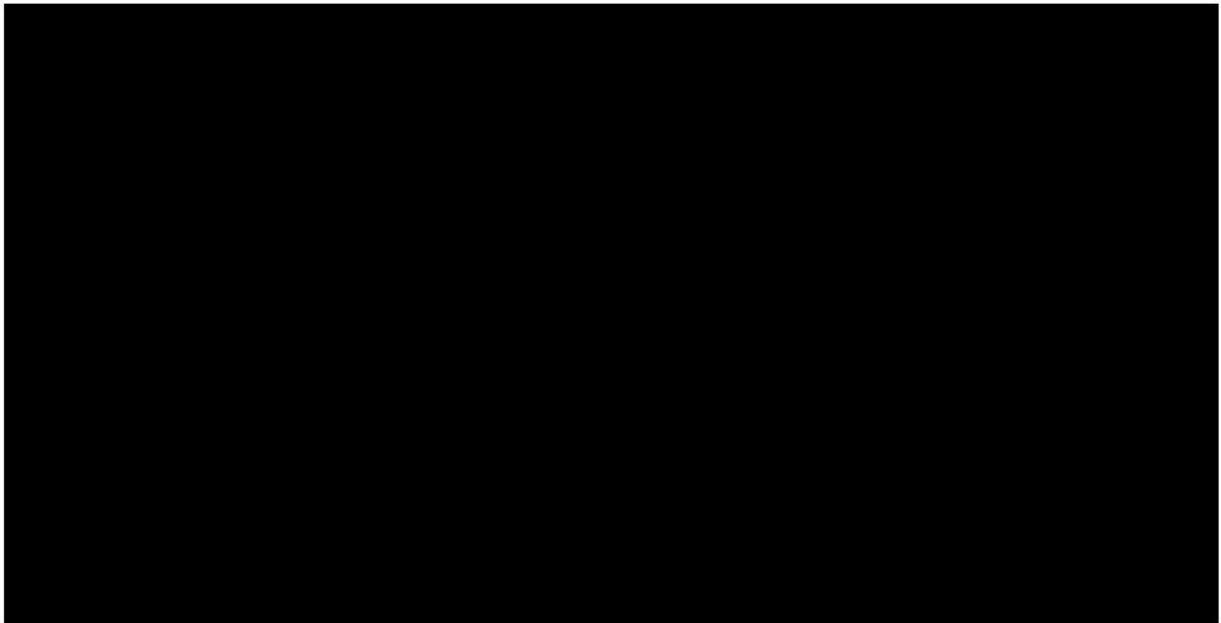


Figure 6 – Virginia Beach Illustrative Alt 1 Plan Modification Zoom with Plaintiffs' Addresses

Figures 7 and 8 show the Modified Alternative 2 Plan's District 2, which contains both Latasha Holloway's new and old addresses and Georgia Allen's residence.

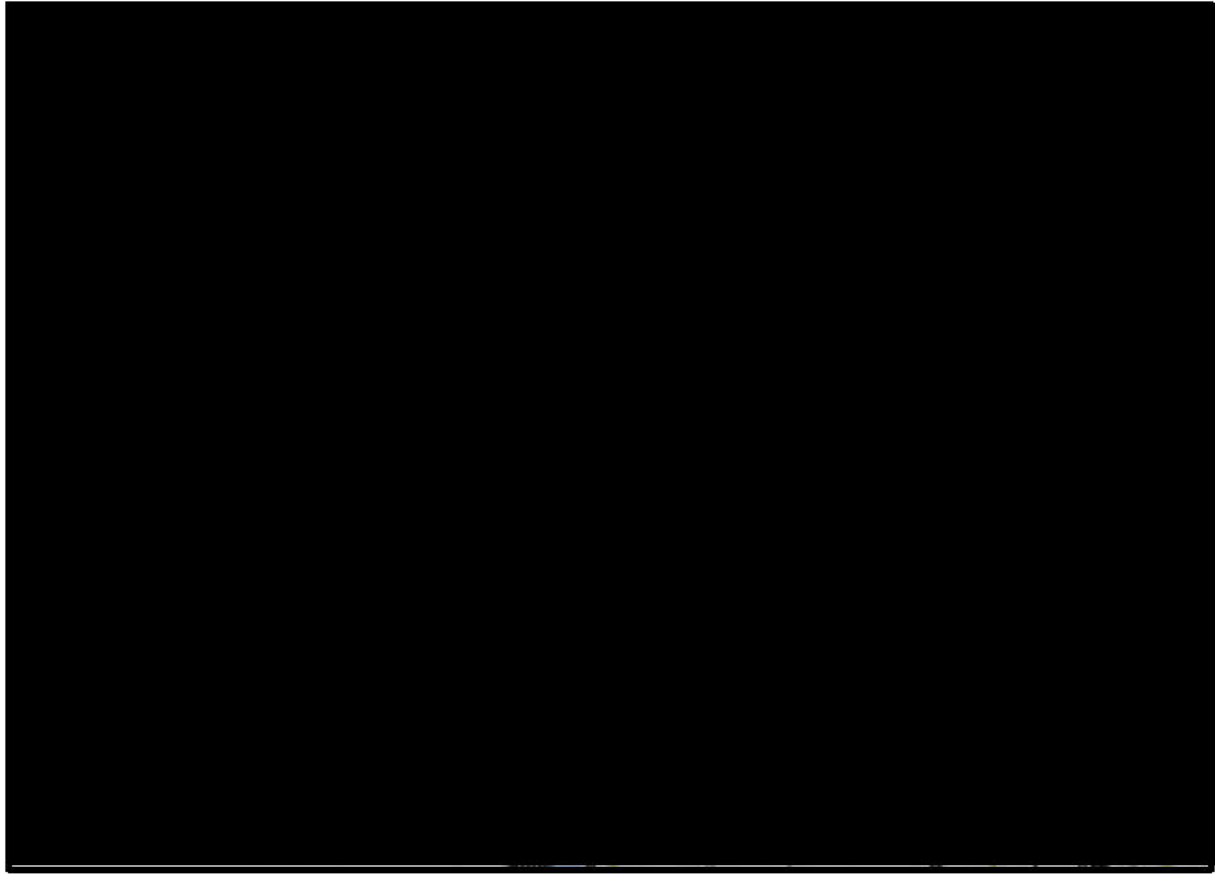


Figure 7 – Virginia Beach Illustrative Alt 2 Plan Modification with Plaintiffs' Addresses

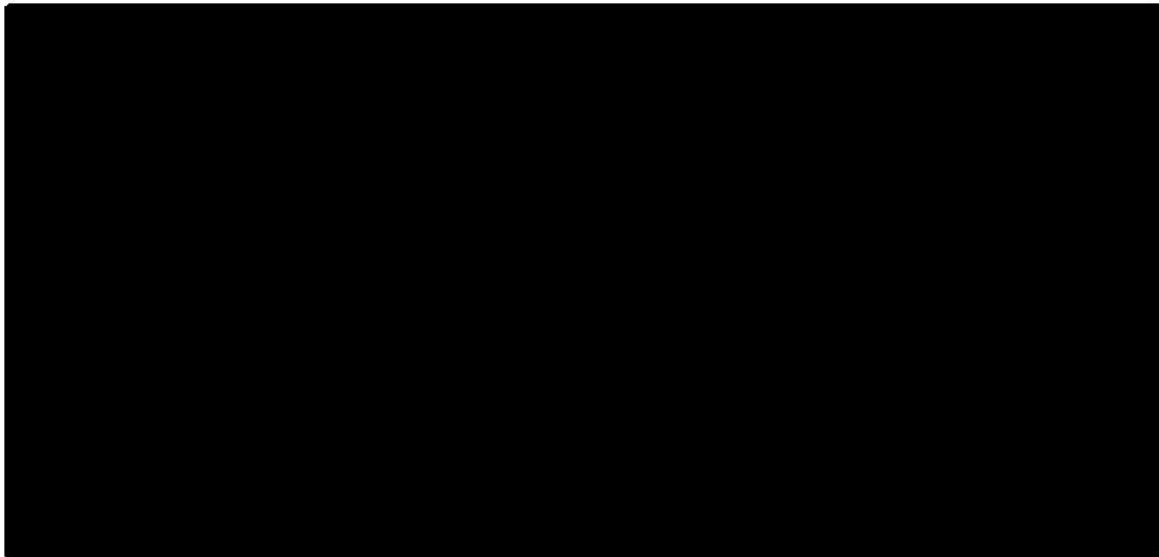


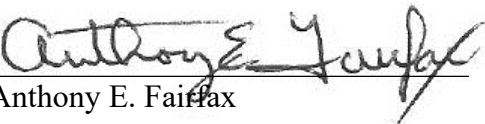
Figure 8 – Virginia Beach Illustrative Alt 2 Plan Modification Zoom with Plaintiffs' Addresses

VII. Conclusions

Plaintiff Latasha Holloway's new and old addresses have always been in one of the majority-HBACVAP districts in the original Illustrative Plan and the five (5) Alternative Plans. Plaintiff Georgia Allen's address was not contained within any of the original demonstrative plans, but at least three of the plans can be easily modified to include both Ms. Allen and Ms. Holloway in majority-HBACVAP District 2, as demonstrated in this report.

After modifying the Illustrative, Alternative 1, and Alternative 2 Plans, it is clear that both Latasha Holloway's new and old addresses, as well as Georgia Allen's address, can be included within District 2 of the analyzed plans. In addition, after the plan modifications, the redistricting criteria of equal population, compactness, and political subdivision splits were reasonable and did not change significantly from the original plans. Finally, the HBACVAP percentages for each modification of District 2 are still above 50% HBACVAP, whether including or excluding Black and White (mixed race) CVAP. Therefore, I conclude that at least one majority-HBACVAP district can be easily drawn that contains both Plaintiffs' residences, and in fact all three modified Plans continue to include two majority-HBACVAP districts for the City of Virginia Beach.

I, Anthony E. Fairfax, am over the age of 18 and fully competent to make this declaration. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

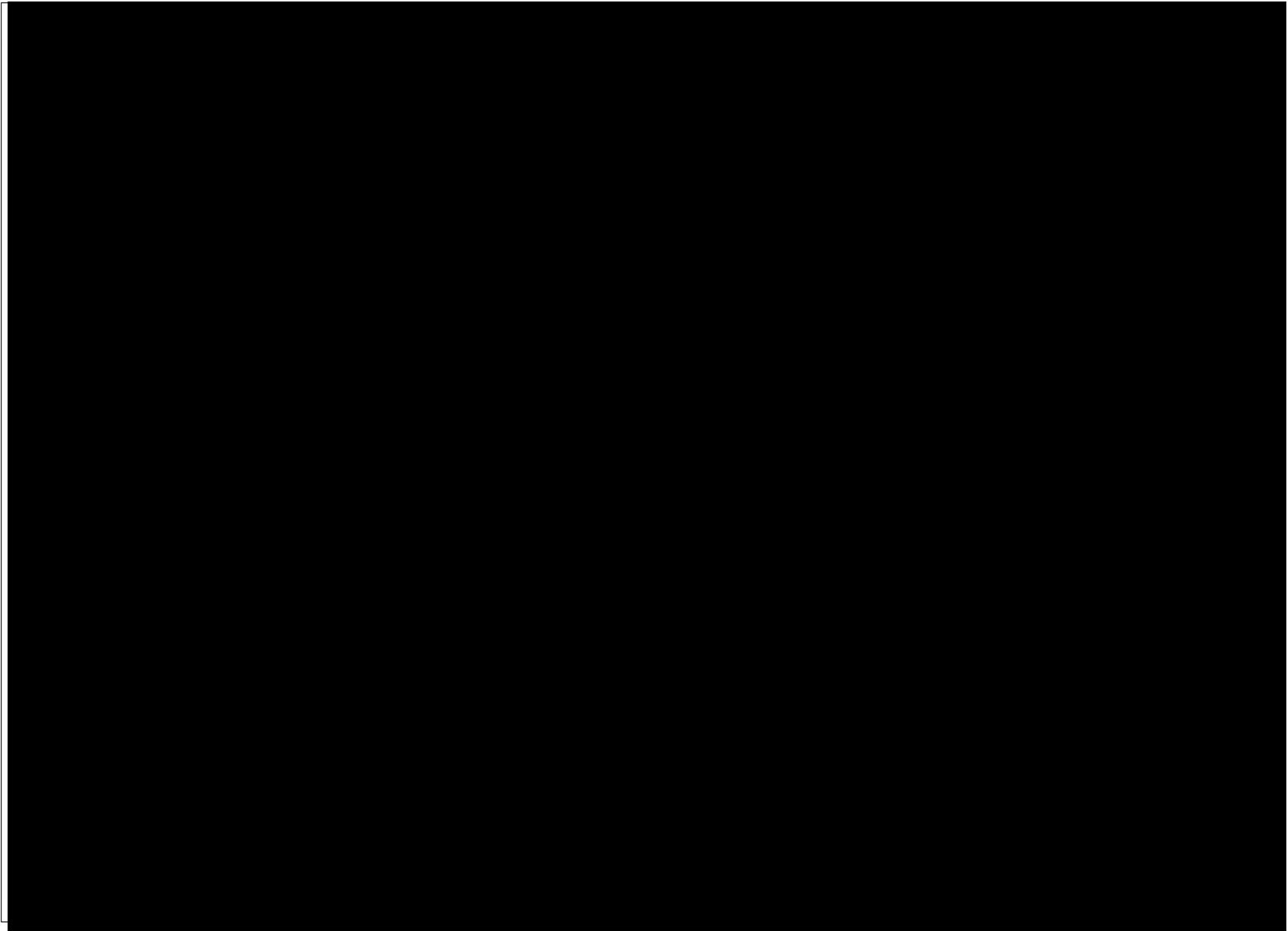

Anthony E. Fairfax

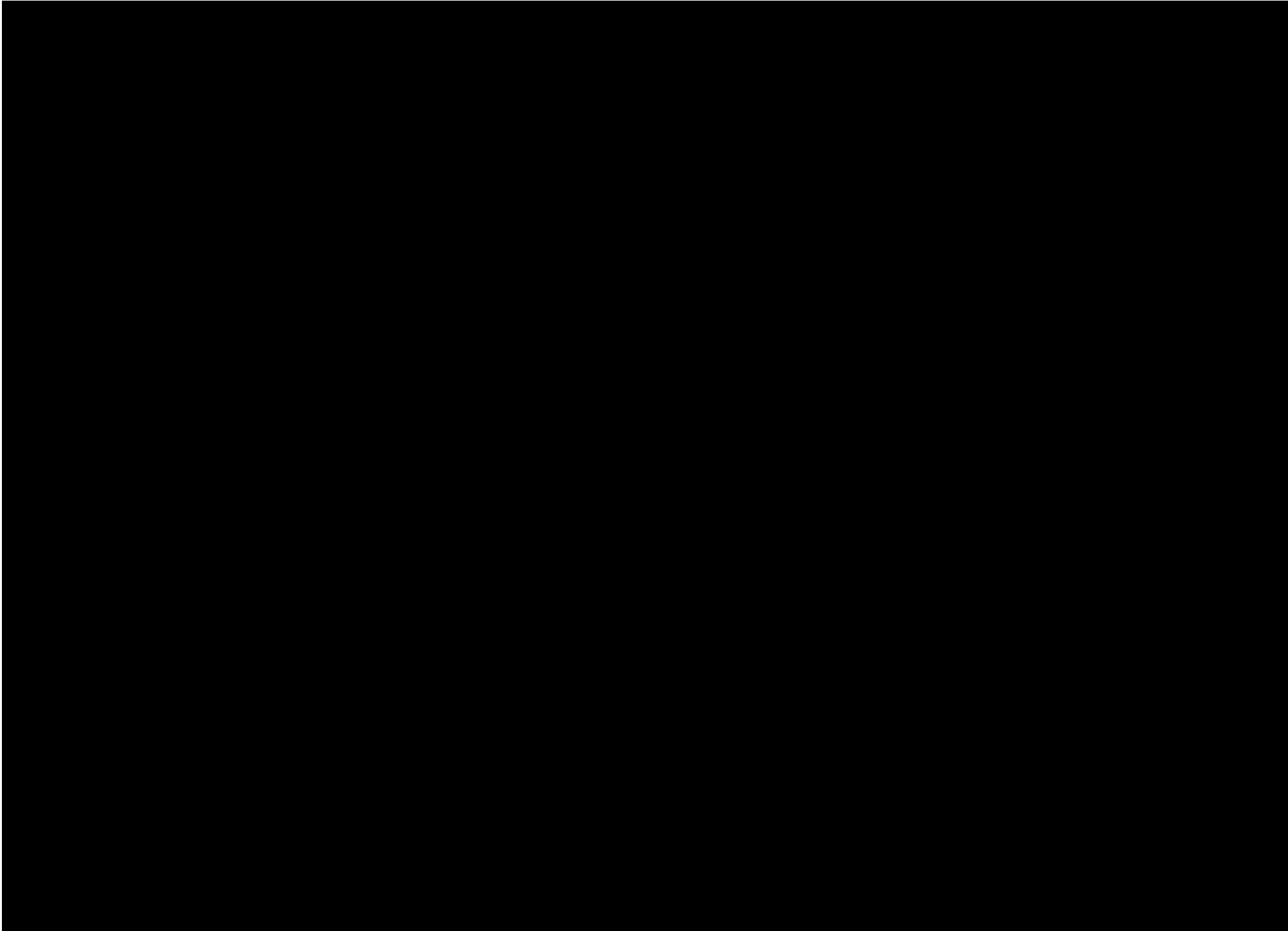
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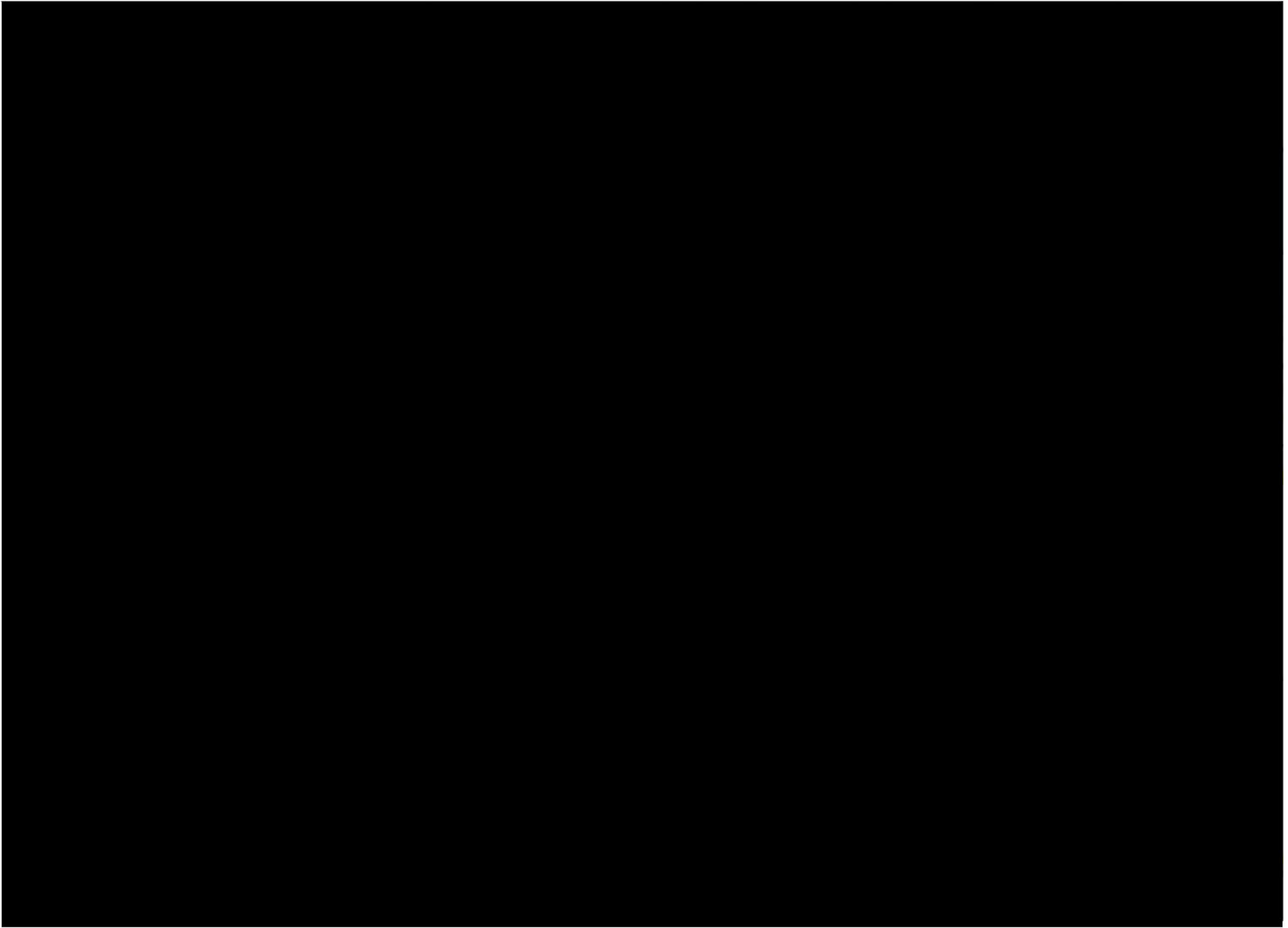
Appendix A

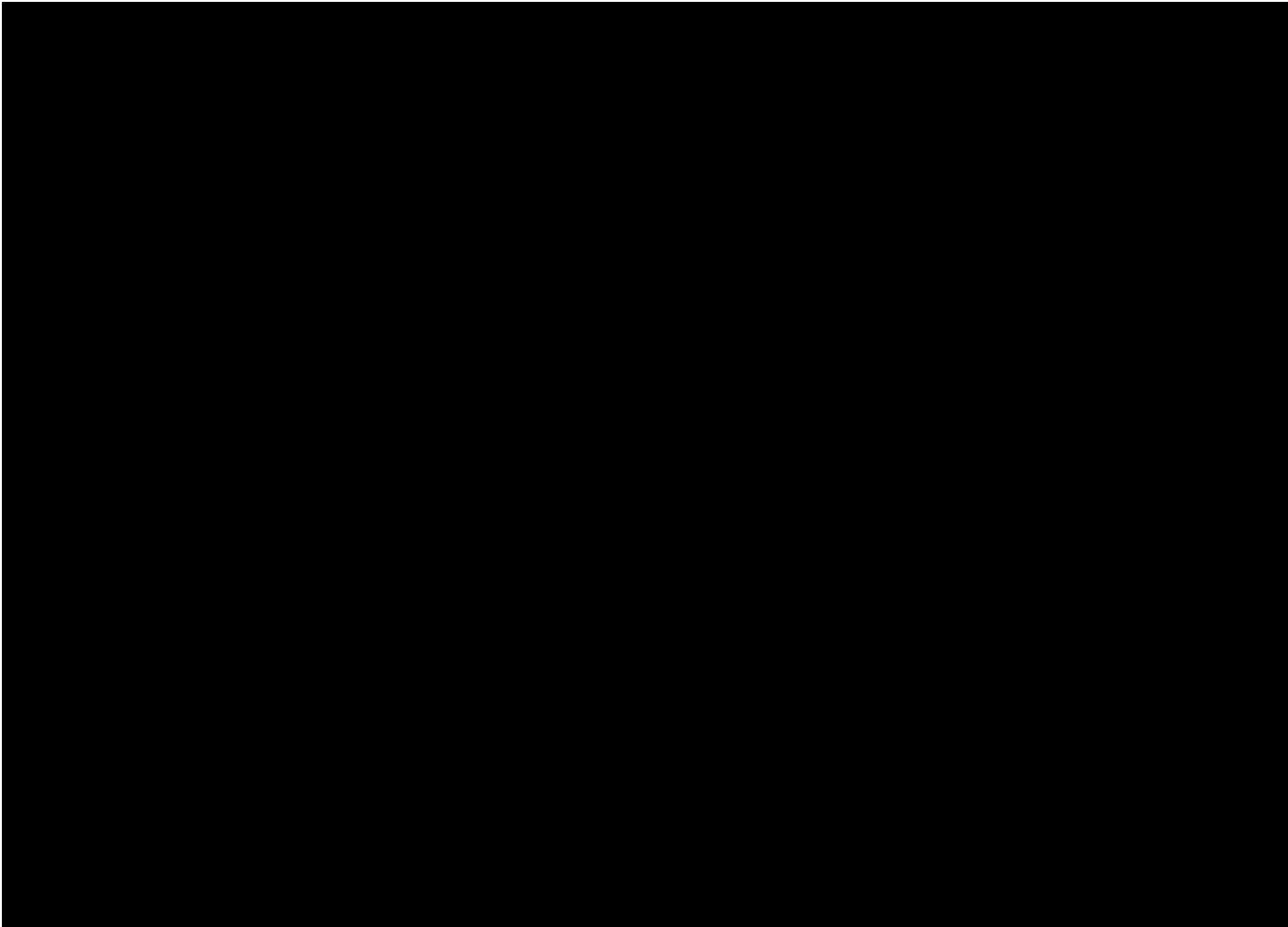
Illustrative and Alternative Plans 1-5 Maps

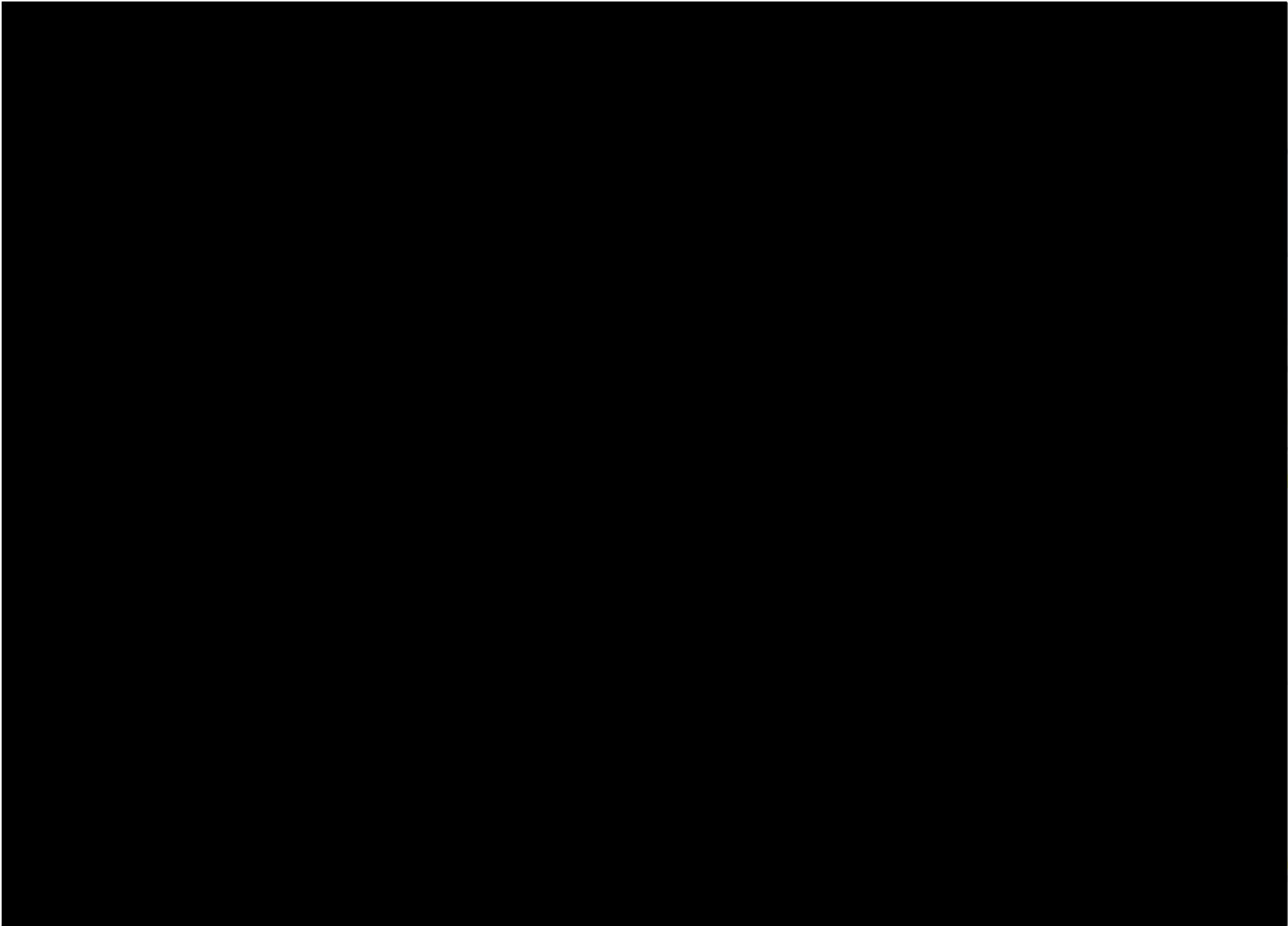
With Plaintiffs Residences

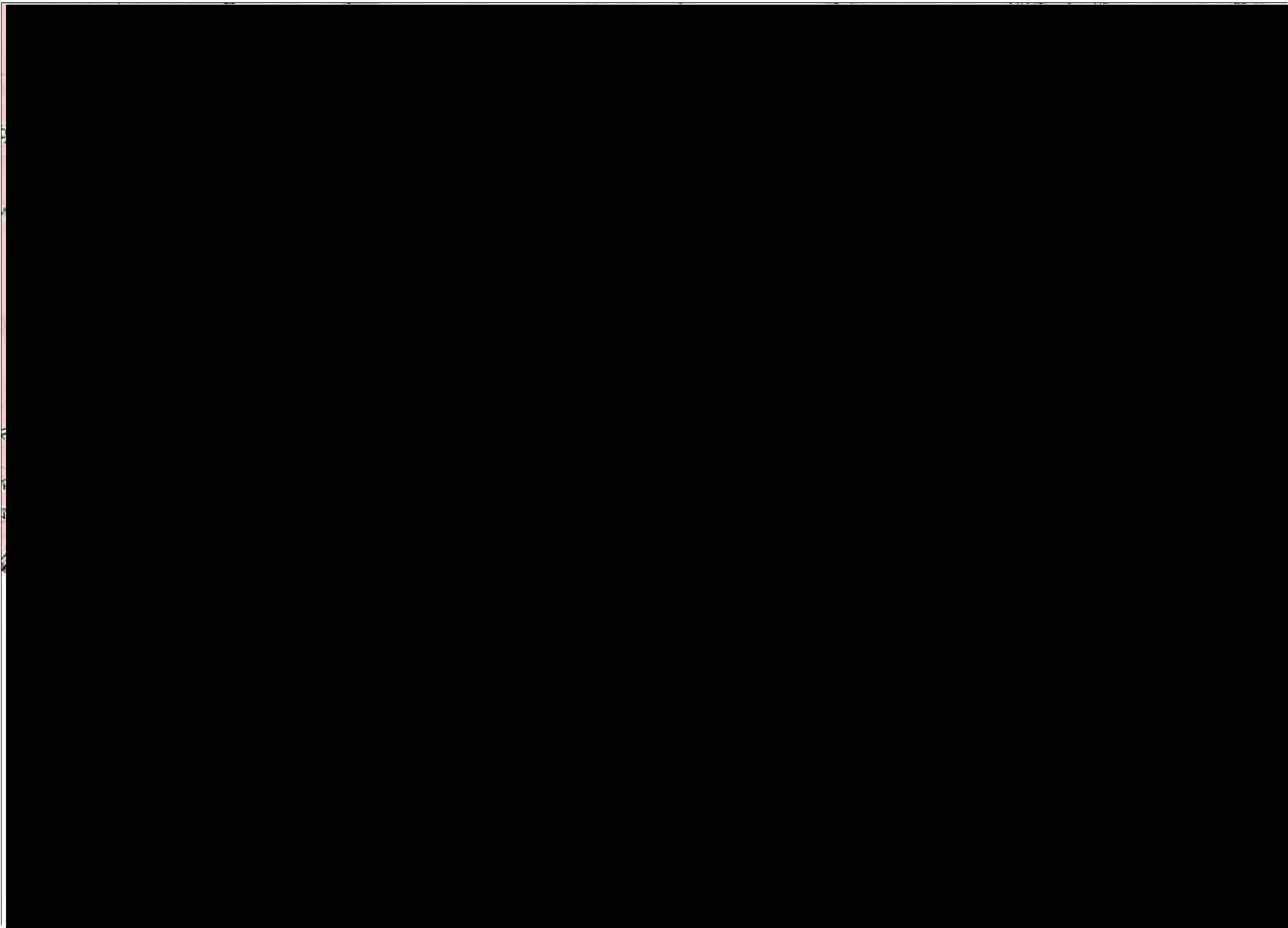




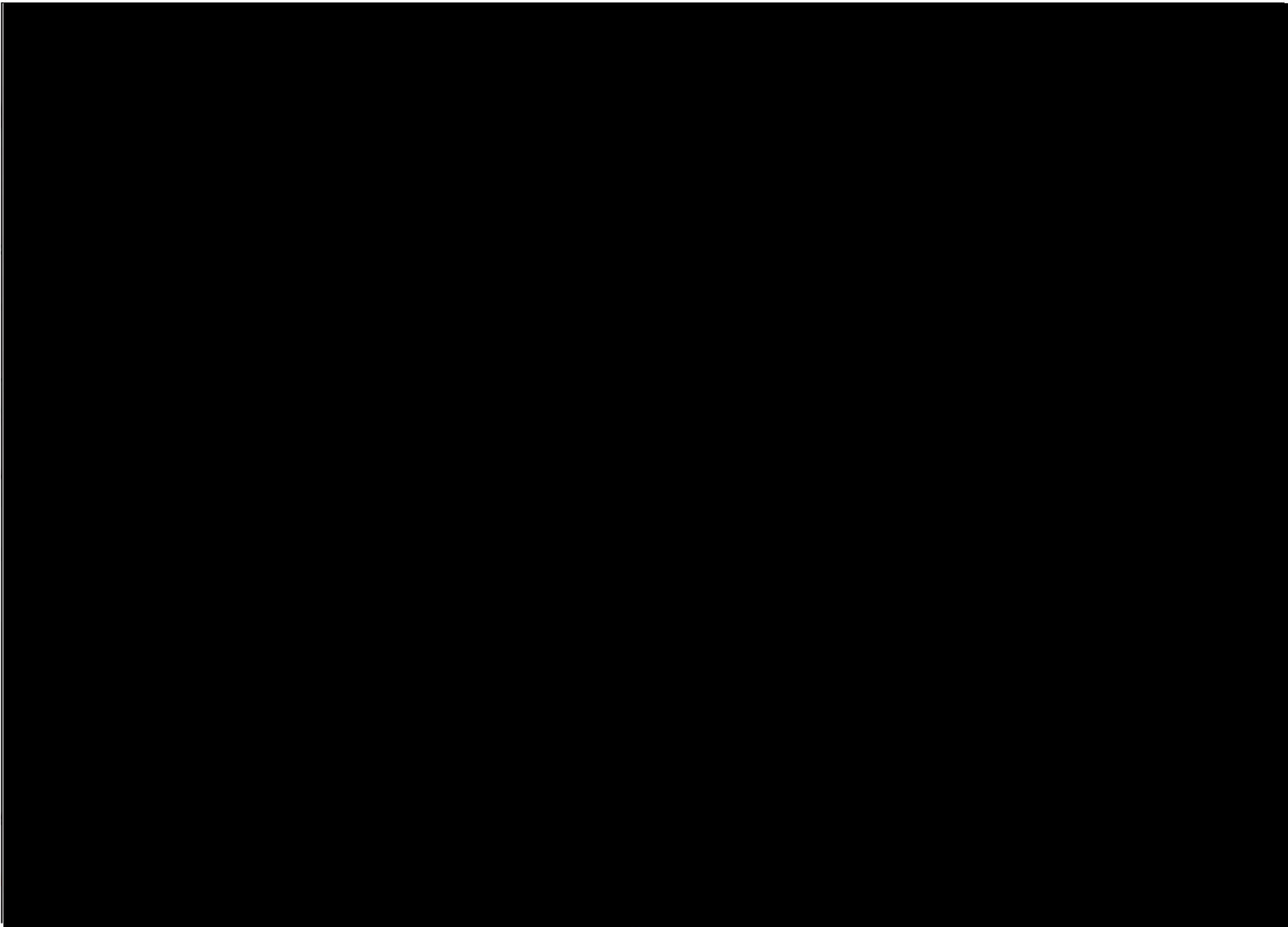


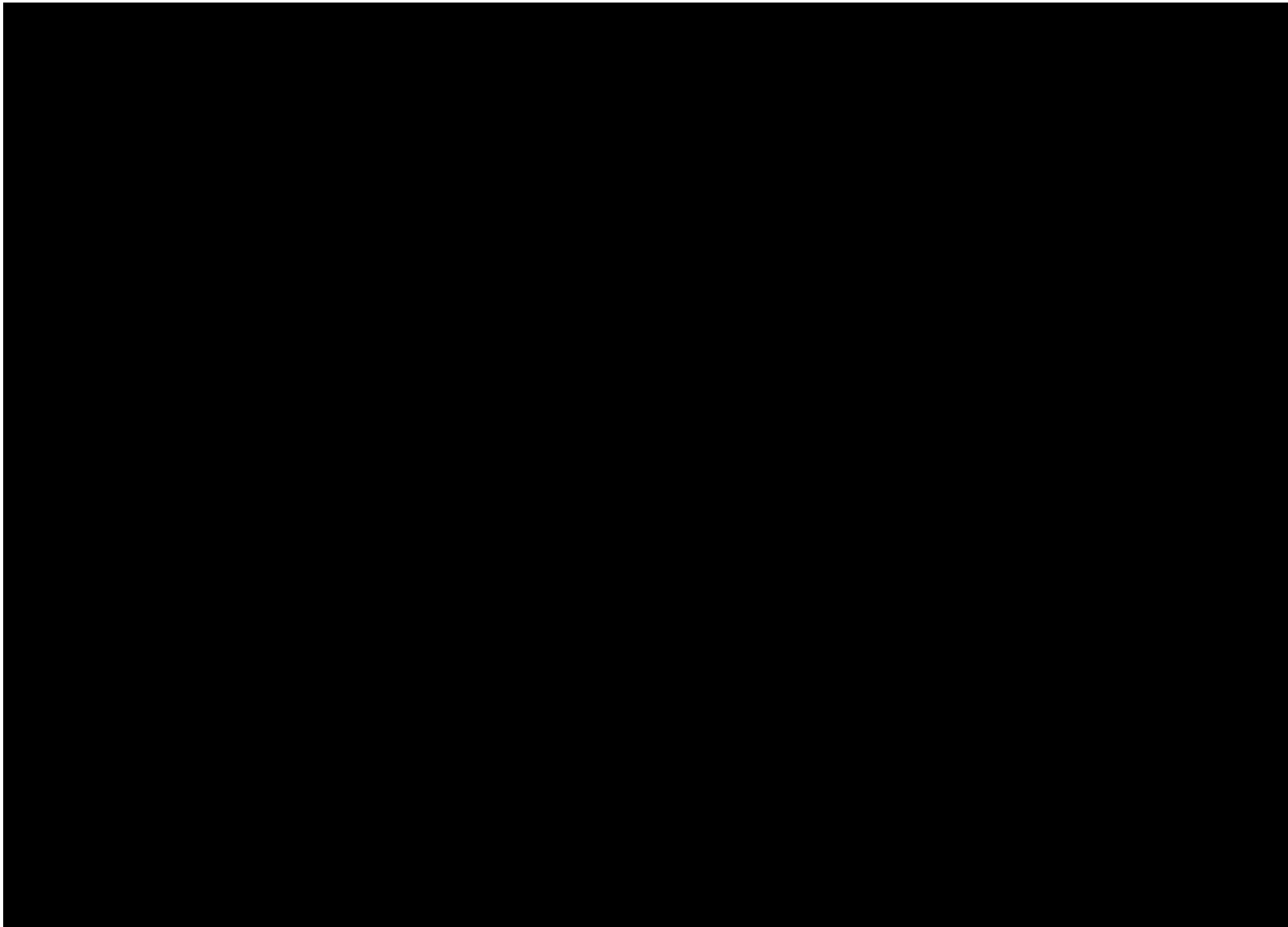


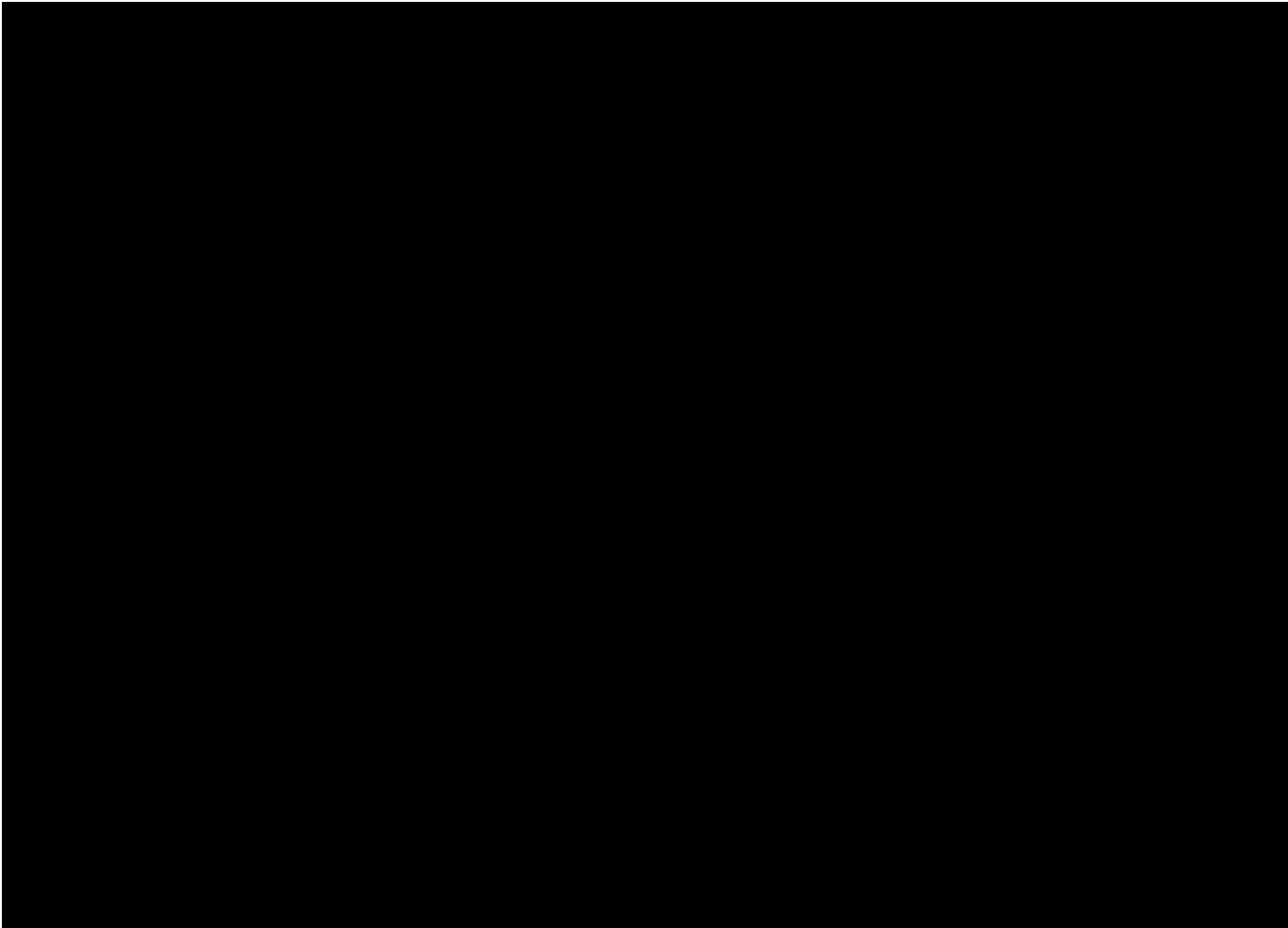


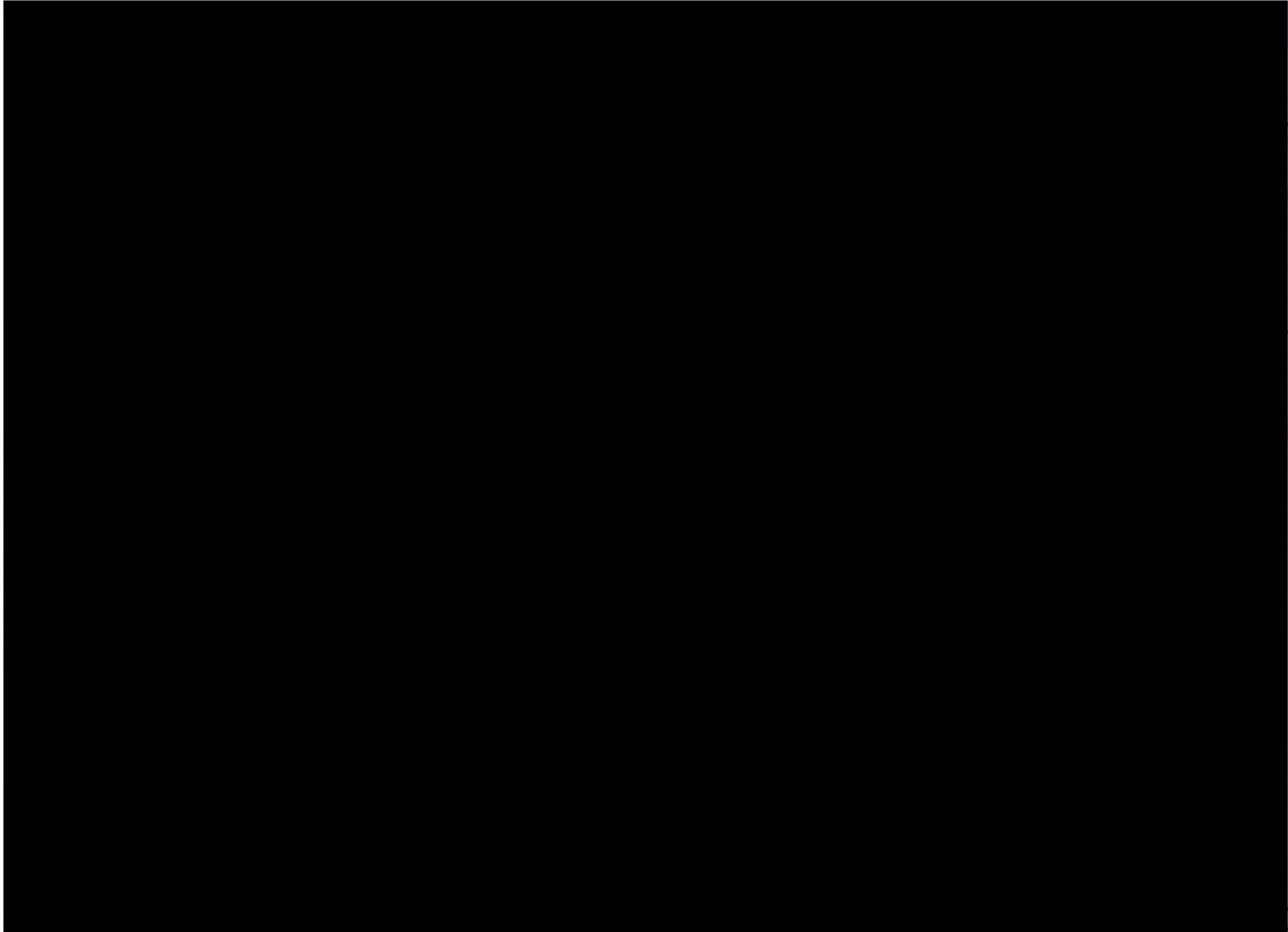


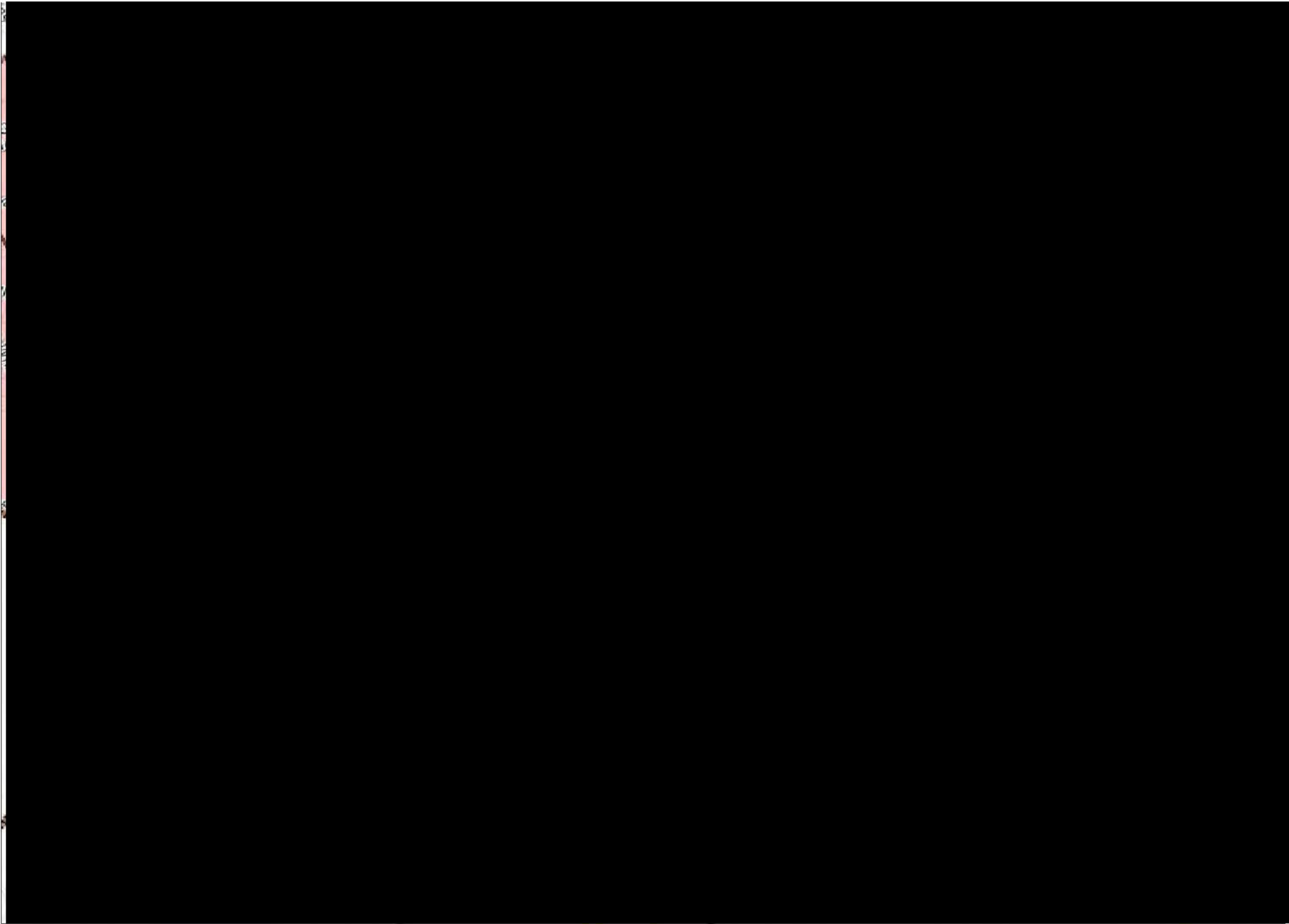








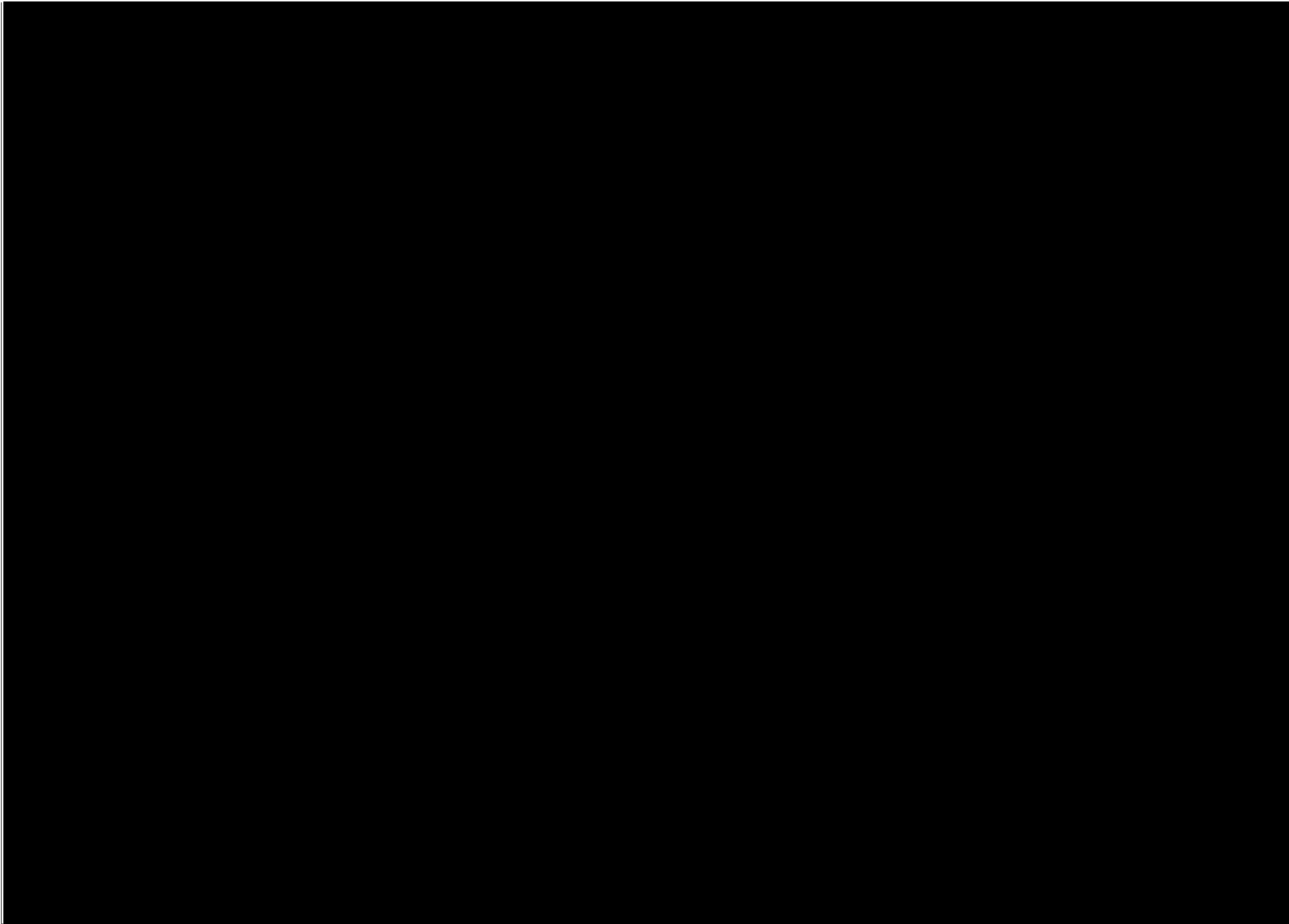




Appendix B

Modified Illustrative and Alternative 1-2 Plan Maps

Modified Illustrative and Alternative 1-2 Plan District Statistics





Virginia Beach, VA

Illustrative Plan -10 Districts Statistics w/ACS18

District	Population	Deviation	% Deviation	Hispanic	% Hispanic	NH_Whit	% NH_Whit	NH_Black	% NH_Black	NH_Asn	% NH_Asn	HBATT1	HBATT%
01	43956	157	0.36%	4125	9.38%	18743	42.64%	13540	30.80%	5378	12.24%	23043	52.42%
02	41709	-2090	-4.77%	2958	7.09%	18166	43.55%	17211	41.26%	1736	4.16%	21905	52.52%
03	43643	-156	-0.36%	2940	6.74%	22948	52.58%	10175	23.31%	5611	12.86%	18726	42.91%
04	44629	830	1.90%	2539	5.69%	28841	64.62%	8129	18.21%	3332	7.47%	14000	31.37%
05	43278	-521	-1.19%	2424	5.60%	32507	75.11%	4901	11.32%	1971	4.55%	9296	21.48%
06	44273	474	1.08%	2551	5.76%	33614	75.92%	5017	11.33%	1632	3.69%	9200	20.78%
07	44872	1073	2.45%	2499	5.57%	36743	81.88%	3429	7.64%	922	2.05%	6850	15.27%
08	43295	-504	-1.15%	3399	7.85%	27381	63.24%	8158	18.84%	2345	5.42%	13902	32.11%
09	43366	-433	-0.99%	3408	7.86%	29275	67.51%	7556	17.42%	1232	2.84%	12196	28.12%
10	44973	1174	2.68%	2144	4.77%	34252	76.16%	5094	11.33%	2153	4.79%	9391	20.88%

District	18+_Pop	Deviation	% Deviation	H18+_Pop	% H18+_Pop	NH18+_Whit	% NH18+_Whit	NH18+_Black	% NH18+_Black	NH18+_Asn	% NH18+_Asn	HBAVAP	HBAVAP%
01	31790	157	0.36%	2639	8.30%	14545	45.75%	9381	29.51%	4202	13.22%	16222	51.03%
02	31433	-2090	-4.77%	1925	6.12%	15081	47.98%	12138	38.62%	1416	4.50%	15479	49.24%
03	32329	-156	-0.36%	1804	5.58%	17682	54.69%	7402	22.90%	4559	14.10%	13765	42.58%
04	34105	830	1.90%	1654	4.85%	23004	67.45%	5864	17.19%	2680	7.86%	10198	29.90%
05	34460	-521	-1.19%	1654	4.80%	26721	77.54%	3717	10.79%	1571	4.56%	6942	20.15%
06	34100	474	1.08%	1726	5.06%	26549	77.86%	3762	11.03%	1288	3.78%	6776	19.87%
07	36351	1073	2.45%	1699	4.67%	30571	84.10%	2562	7.05%	763	2.10%	5024	13.82%
08	31972	-504	-1.15%	2122	6.64%	20991	65.65%	5941	18.58%	1900	5.94%	9963	31.16%
09	32796	-433	-0.99%	2184	6.66%	23354	71.21%	5318	16.22%	992	3.02%	8494	25.90%
10	33409	1174	2.68%	1358	4.06%	25690	76.90%	4127	12.35%	1607	4.81%	7092	21.23%

District	CVAP17	Deviation	% Deviation	HCVAP17	% HCVAP17	WCAP17	% WCAP17	BCVAP17	% BCVAP17	ACVAP17	% ACVAP17	HBACVAP17	% HBACVAP17	HBAWCVP17	% HBAWCVP17
01	29761	157	0.36%	2176	7.31%	13730	46.13%	9135	30.69%	3566	11.98%	14888	50.03%	15210	51.11%
02	32804	-2090	-4.77%	2235	6.81%	15543	47.38%	12810	39.05%	1367	4.17%	16415	50.04%	16755	51.08%
03	31960	-156	-0.36%	2542	7.95%	17346	54.27%	7413	23.19%	3403	10.65%	13365	41.82%	13569	42.46%
04	33802	830	1.90%	1839	5.44%	22251	65.83%	6098	18.04%	2684	7.94%	10612	31.39%	10730	31.74%
05	34689	-521	-1.19%	1911	5.51%	26622	76.74%	4042	11.65%	1182	3.41%	7133	20.56%	7247	20.89%
06	34447	474	1.08%	1899	5.51%	25733	74.70%	4107	11.92%	1431	4.15%	7430	21.57%	7538	21.88%
07	35686	1073	2.45%	1150	3.22%	29635	83.04%	3279	9.19%	799	2.24%	5228	14.65%	5398	15.13%
08	33660	-504	-1.15%	2522	7.49%	22645	67.28%	5319	15.80%	1815	5.39%	9658	28.69%	10079	29.94%
09	32843	-433	-0.99%	2417	7.36%	22753	69.28%	5572	16.97%	878	2.67%	8863	26.99%	9218	28.07%
10	34848	1174	2.68%	1532	4.40%	26347	75.61%	4353	12.49%	1675	4.81%	7559	21.69%	7749	22.24%

District	CVAP18	Deviation	% Deviation	HCVAP18	% HCVAP18	WCAP18	% WCAP18	BCVAP18	% BCVAP18	ACVAP18	% ACVAP18	HBACVAP18	% HBACVAP18	HBAWCVP18	% HBAWCVP18
01	30189	157	0.36%	2261	7.49%	13290	44.02%	9531	31.57%	3824	12.67%	15628	51.77%	15974	52.91%
02	33500	-2090	-4.77%	2588	7.73%	15557	46.44%	12923	38.58%	1485	4.43%	17002	50.75%	17381	51.88%
03	32546	-156	-0.36%	2496	7.67%	17100	52.54%	8104	24.90%	3533	10.86%	14137	43.44%	14416	44.29%
04	33558	830	1.90%	1874	5.58%	22436	66.86%	6139	18.29%	2409	7.18%	10411	31.02%	10456	31.16%
05	33563	-521	-1.19%	1750	5.21%	26252	78.22%	3505	10.44%	1247	3.72%	6500	19.37%	6625	19.74%
06	34422	474	1.08%	2039	5.92%	25613	74.41%	4190	12.17%	1354	3.93%	7577	22.01%	7685	22.33%
07	35416	1073	2.45%	1264	3.57%	29450	83.15%	3153	8.90%	835	2.36%	5252	14.83%	5412	15.28%
08	32727	-504	-1.15%	2497	7.63%	21568	65.90%	5471	16.72%	1798	5.49%	9764	29.83%	10128	30.95%
09	33178	-433	-0.99%	2219	6.69%	23167	69.83%	5753	17.34%	854	2.57%	8822	26.59%	9112	27.46%
10	35581	1174	2.68%	1570	4.41%	27127	76.24%	3961	11.13%	1818	5.11%	7352	20.66%	7575	21.29%

Note: Variables with 17 & 18 suffix denote 2013-2017 & 2014-2018 5-Year ACS; HBAWCVP includes Hispanic, Black, and Asian CVAP plus Black and White CVAP mixed persons

Source: Maptitude for Redistricting District Statistics window using U.S. Census Bureau 2010 Census Data and 2013-2017 & 2014-2018 5-Year ACS Data

Virginia Beach, VA

Illustrative Plan Modification - 10 Districts Statistics w/ACS18

District	Population	Deviation	% Deviation	Hispanic	% Hispanic	NH Wht	% NH Wht	NH Blk	% NH Blk	NH Asn	% NH Asn	HBATTL	HBATTL%
01	43956	157	0.36%	4125	9.38%	18743	42.64%	13540	30.80%	5378	12.24%	23043	52.42%
02	44068	269	0.61%	3149	7.15%	19279	43.75%	18010	40.87%	1888	4.28%	23047	52.30%
03	43643	-156	-0.36%	2940	6.74%	22948	52.58%	10175	23.31%	5611	12.86%	18726	42.91%
04	44911	1112	2.54%	2558	5.70%	29055	64.69%	8159	18.17%	3337	7.43%	14054	31.29%
05	43218	-581	-1.33%	2416	5.59%	32858	76.03%	4537	10.50%	1939	4.49%	8892	20.57%
06	41692	-2107	-4.81%	2349	5.63%	31936	76.60%	4552	10.92%	1507	3.61%	8408	20.17%
07	44872	1073	2.45%	2499	5.57%	36743	81.88%	3429	7.64%	922	2.05%	6850	15.27%
08	43295	-504	-1.15%	3399	7.85%	27381	63.24%	8158	18.84%	2345	5.42%	13902	32.11%
09	43366	-433	-0.99%	3408	7.86%	29275	67.51%	7556	17.42%	1232	2.84%	12196	28.12%
10	44973	1174	2.68%	2144	4.77%	34252	76.16%	5094	11.33%	2153	4.79%	9391	20.88%

District	18+ Pop	Deviation	% Deviation	H18+ Pop	% H18+ Pop	NH18+ Wht	% NH18+ Wht	NH18+ Blk	% NH18+ Blk	NH18+ Asn	% NH18+ Asn	HBAVAP	HBAVAP%
01	31790	157	0.36%	2639	8.30%	14545	45.75%	9381	29.51%	4202	13.22%	16222	51.03%
02	33289	269	0.61%	2071	6.22%	16015	48.11%	12727	38.23%	1541	4.63%	16339	49.08%
03	32329	-156	-0.36%	1804	5.58%	17682	54.69%	7402	22.90%	4559	14.10%	13765	42.58%
04	34329	1112	2.54%	1663	4.84%	23180	67.52%	5889	17.15%	2685	7.82%	10237	29.82%
05	34346	-581	-1.33%	1636	4.76%	26960	78.50%	3436	10.00%	1538	4.48%	6610	19.25%
06	32134	-2107	-4.81%	1589	4.94%	25200	78.42%	3429	10.67%	1191	3.71%	6209	19.32%
07	36351	1073	2.45%	1699	4.67%	30571	84.10%	2562	7.05%	763	2.10%	5024	13.82%
08	31972	-504	-1.15%	2122	6.64%	20991	65.65%	5941	18.58%	1900	5.94%	9963	31.16%
09	32796	-433	-0.99%	2184	6.66%	23354	71.21%	5318	16.22%	992	3.02%	8494	25.90%
10	33409	1174	2.68%	1358	4.06%	25690	76.90%	4127	12.35%	1607	4.81%	7092	21.23%

District	CVAP17	Deviation	% Deviation	HCVAP17	% HCVAP17	WCVP17	% WCVP17	BCVP17	% BCVP17	ACVP17	% ACVP17	HBACVP17	% HBACVP17	HBAWCVP17	% HBAWCVP17
01	29761	157	0.36%	2176	7.31%	13730	46.13%	9135	30.69%	3566	11.98%	14888	50.03%	15210	51.11%
02	34338	269	0.61%	2415	7.03%	16185	47.13%	13451	39.17%	1375	4.00%	17251	50.24%	17592	51.23%
03	31960	-156	-0.36%	2542	7.95%	17346	54.27%	7413	23.19%	3403	10.65%	13365	41.82%	13569	42.46%
04	34013	1112	2.54%	1841	5.41%	22411	65.89%	6137	18.04%	2689	7.91%	10661	31.34%	10779	31.69%
05	35107	-581	-1.33%	1928	5.49%	27132	77.28%	3875	11.04%	1248	3.55%	7039	20.05%	7153	20.37%
06	32284	-2107	-4.81%	1700	5.27%	24421	75.64%	3594	11.13%	1352	4.19%	6639	20.56%	6746	20.90%
07	35686	1073	2.45%	1150	3.22%	29635	83.04%	3279	9.19%	799	2.24%	5228	14.65%	5398	15.13%
08	33660	-504	-1.15%	2522	7.49%	22645	67.28%	5319	15.80%	1815	5.39%	9658	28.69%	10079	29.94%
09	32843	-433	-0.99%	2417	7.36%	22753	69.28%	5572	16.97%	878	2.67%	8863	26.99%	9218	28.07%
10	34848	1174	2.68%	1532	4.40%	26347	75.61%	4353	12.49%	1675	4.81%	7559	21.69%	7749	22.24%

District	CVAP18	Deviation	% Deviation	HCVAP18	% HCVAP18	WCVP18	% WCVP18	BCVP18	% BCVP18	ACVP18	% ACVP18	HBACVP18	% HBACVP18	HBAWCVP18	% HBAWCVP18
01	30189	157	0.36%	2261	7.49%	13290	44.02%	9531	31.57%	3824	12.67%	15628	51.77%	15974	52.91%
02	35194	269	0.61%	2804	7.97%	16265	46.22%	13557	38.52%	1546	4.39%	17925	50.93%	18307	52.02%
03	32546	-156	-0.36%	2496	7.67%	17100	52.54%	8104	24.90%	3533	10.86%	14137	43.44%	14416	44.29%
04	33741	1112	2.54%	1874	5.55%	22591	66.95%	6167	18.28%	2409	7.14%	10439	30.94%	10484	31.07%
05	33918	-581	-1.33%	1749	5.16%	26892	79.29%	3262	9.62%	1226	3.61%	6222	18.34%	6346	18.71%
06	32190	-2107	-4.81%	1824	5.67%	24110	74.90%	3771	11.71%	1314	4.08%	6904	21.45%	7010	21.78%
07	35416	1073	2.45%	1264	3.57%	29450	83.15%	3153	8.90%	835	2.36%	5252	14.83%	5412	15.28%
08	32727	-504	-1.15%	2497	7.63%	21568	65.90%	5471	16.72%	1798	5.49%	9764	29.83%	10128	30.95%
09	33178	-433	-0.99%	2219	6.69%	23167	69.83%	5753	17.34%	854	2.57%	8822	26.59%	9112	27.46%
10	35581	1174	2.68%	1570	4.41%	27127	76.24%	3961	11.13%	1818	5.11%	7352	20.66%	7575	21.29%

Note: Variables with 17 & 18 suffix denote 2013-2017 & 2014-2018 5-Year ACS; HBAWCVP includes Hispanic, Black, and Asian CVAP plus Black and White CVAP mixed persons

Source: Maptitude for Redistricting District Statistics window using U.S. Census Bureau 2010 Census Data and 2013-2017 & 2014-2018 5-Year ACS Data

User:

Plan Name: **VAB Illustr Plan 10 Dist Mod**

Plan Type:

Measures of Compactness Report

Wednesday, December 4, 2019

10:16 AM

Sum	N/A	0.00	N/A	N/A
Min	0.21	N/A	0.16	0.53
Max	0.56	N/A	0.56	0.90
Mean	0.39	N/A	0.37	0.76
Std. Dev.	0.12	N/A	0.13	0.12

District	Reock	Perimeter	Polsby-Popper	MinConvexPoly
01	0.36		0.31	0.67
02	0.21		0.16	0.53
03	0.43		0.46	0.79
04	0.56		0.41	0.82
05	0.38		0.40	0.85
06	0.28		0.30	0.74
07	0.53		0.56	0.86
08	0.24		0.20	0.58
09	0.41		0.40	0.81
10	0.53		0.53	0.90

User:

Plan Name: **VAB Illustr Plan 10 Dist Mod**

Plan Type:

Political Subdivison Splits Between Districts

Wednesday, December 4, 2019

10:18 AM

Total number of subdivisions:

County	0
Voting District	79

Number of subdivisions split into more than one district:

County	1
Voting District	15

Number of splits involving no population:

County	0
Voting District	0

Split Counts

County

Cases where an area is split among 10 Districts: 1

Voting District

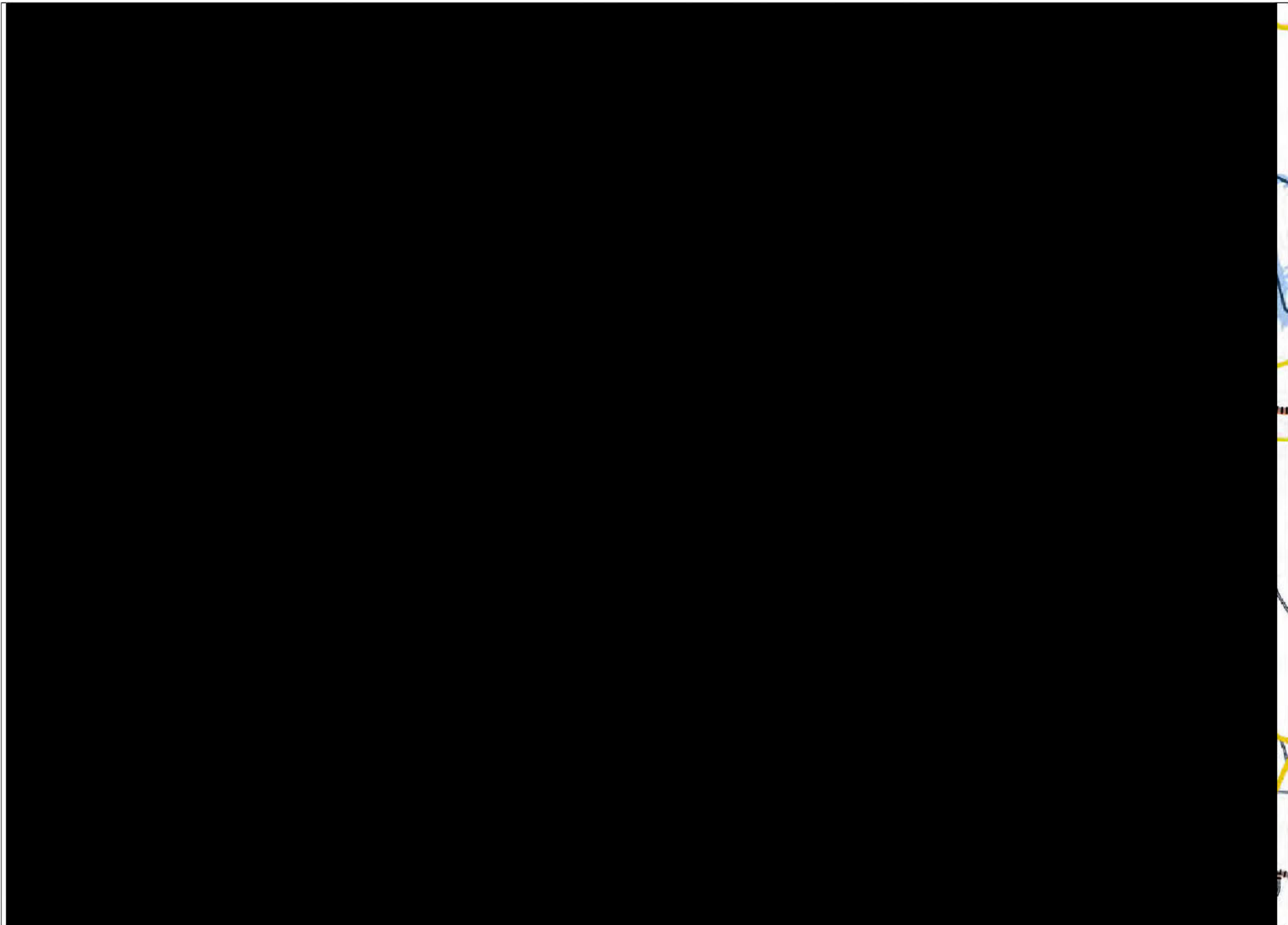
Cases where an area is split among 2 Districts: 15

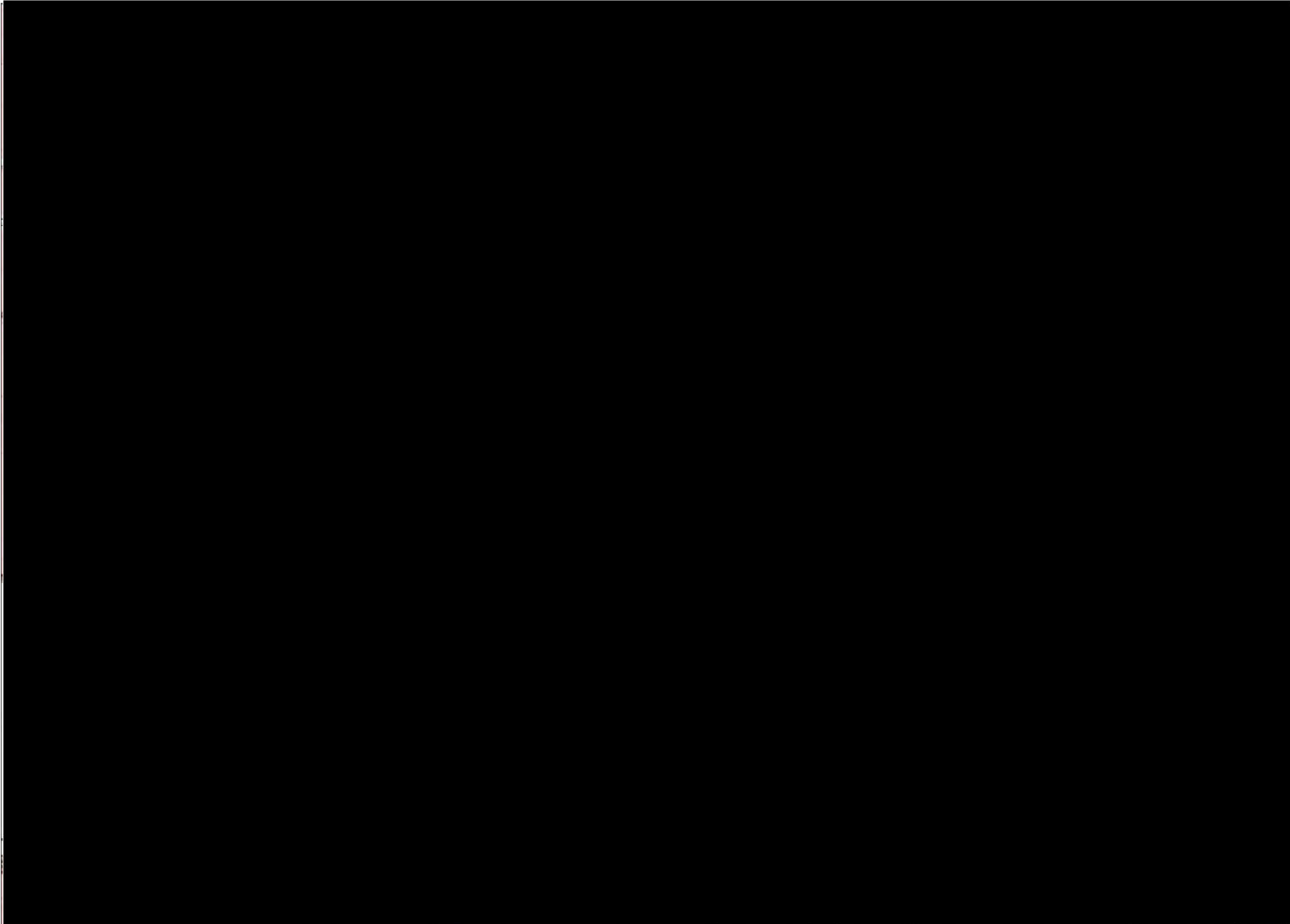
County	Voting District	District	Population
<i>Split Counties:</i>			
Virginia Beach City VA		01	43,956
Virginia Beach City VA		02	44,068
Virginia Beach City VA		03	43,643
Virginia Beach City VA		04	44,911
Virginia Beach City VA		05	43,218
Virginia Beach City VA		06	41,692
Virginia Beach City VA		07	44,872
Virginia Beach City VA		08	43,295
Virginia Beach City VA		09	43,366
Virginia Beach City VA		10	44,973
<i>Split VTDs:</i>			
Virginia Beach City VA	Aragona	02	2,246
Virginia Beach City VA	Aragona	06	5,034
Virginia Beach City VA	Arrowhead	02	2,949
Virginia Beach City VA	Arrowhead	04	1,767
Virginia Beach City VA	Bayside	02	899
Virginia Beach City VA	Bayside	05	1,462
Virginia Beach City VA	Bonney	02	688
Virginia Beach City VA	Bonney	06	2,754
Virginia Beach City VA	Dahlia	01	6,293
Virginia Beach City VA	Dahlia	04	1,417
Virginia Beach City VA	Holland	01	4,420
Virginia Beach City VA	Holland	08	3,400
Virginia Beach City VA	Magic Hollow	01	3,396

Political Subdivision Splits Between Districts

VAB Illustr Plan 10 Dist Mod

County	Voting District	District	Population
Virginia Beach City VA	Magic Hollow	08	3,913
Virginia Beach City VA	Old Donation	02	773
Virginia Beach City VA	Old Donation	05	4,843
Virginia Beach City VA	Pembroke	05	2,179
Virginia Beach City VA	Pembroke	06	3,826
Virginia Beach City VA	Point O' View	02	180
Virginia Beach City VA	Point O' View	04	3,164
Virginia Beach City VA	Rosemont Forest	01	1,770
Virginia Beach City VA	Rosemont Forest	03	3,953
Virginia Beach City VA	Shannon	04	2,877
Virginia Beach City VA	Shannon	08	451
Virginia Beach City VA	Shelton Park	02	1,466
Virginia Beach City VA	Shelton Park	05	2,528
Virginia Beach City VA	Timberlake	01	4,350
Virginia Beach City VA	Timberlake	04	2,184
Virginia Beach City VA	Windsor Oaks	01	1,197
Virginia Beach City VA	Windsor Oaks	08	5,310





Virginia Beach, VA

Illustrative Alternative 1 Plan - 10 Districts Statistics w/ACS18

District	Population	Deviation	% Deviation	Hispanic	% Hispanic	NH Wht	% NH Wht	NH Blk	% NH Blk	NH Asn	% NH Asn	HBATTL	HBATTL%
01	41708	-2091	-4.77%	4047	9.70%	17702	42.44%	12966	31.09%	4924	11.81%	21937	52.60%
02	41977	-1822	-4.16%	3060	7.29%	17939	42.74%	17449	41.57%	1872	4.46%	22381	53.32%
03	43433	-366	-0.84%	2926	6.74%	22810	52.52%	10160	23.39%	5571	12.83%	18657	42.96%
04	45650	1851	4.23%	2559	5.61%	29816	65.31%	8118	17.78%	3343	7.32%	14020	30.71%
05	42745	-1054	-2.41%	2239	5.24%	33115	77.47%	4162	9.74%	1836	4.30%	8237	19.27%
06	43282	-517	-1.18%	2584	5.97%	32170	74.33%	5457	12.61%	1592	3.68%	9633	22.26%
07	44872	1073	2.45%	2499	5.57%	36743	81.88%	3429	7.64%	922	2.05%	6850	15.27%
08	44996	1197	2.73%	3475	7.72%	28877	64.18%	8206	18.24%	2403	5.34%	14084	31.30%
09	44507	708	1.62%	3472	7.80%	30186	67.82%	7645	17.18%	1281	2.88%	12398	27.86%
10	44824	1025	2.34%	2126	4.74%	33112	73.87%	5618	12.53%	2568	5.73%	10312	23.01%

District	18+ Pop	Deviation	% Deviation	H18+ Pop	% H18+ Pop	NH18+ Wht	% NH18+ Wht	NH18+ Blk	% NH18+ Blk	NH18+ Asn	% NH18+ Asn	HBAVAP	HBAVAP%
01	30303	-2091	-4.77%	2602	8.59%	13837	45.66%	9039	29.83%	3834	12.65%	15475	51.07%
02	31775	-1822	-4.16%	2021	6.36%	14958	47.07%	12364	38.91%	1529	4.81%	15914	50.08%
03	32241	-366	-0.84%	1799	5.58%	17630	54.68%	7375	22.87%	4549	14.11%	13723	42.56%
04	34845	1851	4.23%	1657	4.76%	23741	68.13%	5847	16.78%	2690	7.72%	10194	29.26%
05	33983	-1054	-2.41%	1511	4.45%	27109	79.77%	3171	9.33%	1449	4.26%	6131	18.04%
06	33263	-517	-1.18%	1744	5.24%	25442	76.49%	4034	12.13%	1264	3.80%	7042	21.17%
07	36351	1073	2.45%	1699	4.67%	30571	84.10%	2562	7.05%	763	2.10%	5024	13.82%
08	33115	1197	2.73%	2166	6.54%	22018	66.49%	5967	18.02%	1944	5.87%	10077	30.43%
09	33642	708	1.62%	2229	6.63%	24028	71.42%	5394	16.03%	1034	3.07%	8657	25.73%
10	33227	1025	2.34%	1337	4.02%	24854	74.80%	4459	13.42%	1922	5.78%	7718	23.23%

District	CVAP17	Deviation	% Deviation	HCVAP17	% HCVAP17	WCVP17	% WCVP17	BCVP17	% BCVP17	ACVP17	% ACVP17	HBACVP17	% HBACVP17	HBAWCVP17	% HBAWCVP17
01	28300	-2091	-4.77%	2119	7.49%	12609	44.55%	9056	32.00%	3407	12.04%	14575	51.50%	14898	52.64%
02	32634	-1822	-4.16%	2346	7.19%	15004	45.98%	13141	40.27%	1387	4.25%	16851	51.64%	17171	52.62%
03	31770	-366	-0.84%	2629	8.28%	17380	54.71%	7171	22.57%	3380	10.64%	13179	41.48%	13368	42.08%
04	34584	1851	4.23%	1811	5.24%	22925	66.29%	6175	17.86%	2689	7.78%	10696	30.93%	10814	31.27%
05	34580	-1054	-2.41%	1808	5.23%	27115	78.41%	3540	10.24%	1142	3.30%	6511	18.83%	6623	19.15%
06	33756	-517	-1.18%	1873	5.55%	24990	74.03%	4184	12.39%	1418	4.20%	7460	22.10%	7590	22.48%
07	35686	1073	2.45%	1150	3.22%	29635	83.04%	3279	9.19%	799	2.24%	5228	14.65%	5398	15.13%
08	34775	1197	2.73%	2545	7.32%	23660	68.04%	5408	15.55%	1822	5.24%	9765	28.08%	10185	29.29%
09	33676	708	1.62%	2464	7.32%	23435	69.59%	5628	16.71%	922	2.74%	8998	26.72%	9354	27.78%
10	34739	1025	2.34%	1478	4.25%	25852	74.42%	4546	13.09%	1834	5.28%	7888	22.71%	8092	23.29%

District	CVAP18	Deviation	% Deviation	HCVAP18	% HCVAP18	WCVP18	% WCVP18	BCVP18	% BCVP18	ACVP18	% ACVP18	HBACVP18	% HBACVP18	HBAWCVP18	% HBAWCVP18
01	28327	-2091	-4.77%	2174	7.67%	12083	42.66%	9220	32.55%	3650	12.89%	15034	53.07%	15385	54.31%
02	33521	-1822	-4.16%	2733	8.15%	15152	45.20%	13269	39.58%	1500	4.47%	17484	52.16%	17844	53.23%
03	32462	-366	-0.84%	2498	7.70%	17113	52.72%	8033	24.75%	3530	10.87%	14061	43.32%	14330	44.14%
04	34325	1851	4.23%	1844	5.37%	23089	67.27%	6221	18.12%	2419	7.05%	10498	30.58%	10543	30.72%
05	33407	-1054	-2.41%	1605	4.80%	26752	80.08%	3013	9.02%	1205	3.61%	5848	17.51%	5970	17.87%
06	33595	-517	-1.18%	2015	6.00%	24767	73.72%	4237	12.61%	1328	3.95%	7562	22.51%	7692	22.90%
07	35416	1073	2.45%	1264	3.57%	29450	83.15%	3153	8.90%	835	2.36%	5252	14.83%	5412	15.28%
08	33873	1197	2.73%	2524	7.45%	22598	66.71%	5511	16.27%	1816	5.36%	9839	29.05%	10202	30.12%
09	34054	708	1.62%	2272	6.67%	23884	70.14%	5806	17.05%	887	2.60%	8950	26.28%	9240	27.13%
10	35700	1025	2.34%	1629	4.56%	26672	74.71%	4267	11.95%	1987	5.57%	7917	22.18%	8146	22.82%

Note: Variables with 17 & 18 suffix denote 2013-2017 & 2014-2018 5-Year ACS; HBAWCVP includes Hispanic, Black, and Asian CVAP plus Black and White CVAP mixed persons

Source: Maptitude for Redistricting District Statistics window using U.S. Census Bureau 2010 Census Data and 2013-2017 & 2014-2018 5-Year ACS Data

Virginia Beach, VA

Illustrative Plan Alt 1 Modification - 10 Districts Statistics w/ACS18

District	Population	Deviation	% Deviation	ispanic Orig	Hispanic Orig	NH_Wh	% NH_Wh	NH_Bl	% NH_Bl	NH_Asn	% NH_Asn	HBATT	HBATT%
01	41708	-2091	-4.77%	4047	9.70%	17702	42.44%	12966	31.09%	4924	11.81%	21937	52.60%
02	43847	48	0.11%	3192	7.28%	18797	42.87%	18138	41.37%	1980	4.52%	23310	53.16%
03	43433	-366	-0.84%	2926	6.74%	22810	52.52%	10160	23.39%	5571	12.83%	18657	42.96%
04	45742	1943	4.44%	2560	5.60%	29901	65.37%	8123	17.76%	3343	7.31%	14026	30.66%
05	41972	-1827	-4.17%	2190	5.22%	32631	77.74%	4017	9.57%	1771	4.22%	7978	19.01%
06	42093	-1706	-3.90%	2500	5.94%	31711	75.34%	4908	11.66%	1549	3.68%	8957	21.28%
07	44872	1073	2.45%	2499	5.57%	36743	81.88%	3429	7.64%	922	2.05%	6850	15.27%
08	44996	1197	2.73%	3475	7.72%	28877	64.18%	8206	18.24%	2403	5.34%	14084	31.30%
09	44507	708	1.62%	3472	7.80%	30186	67.82%	7645	17.18%	1281	2.88%	12398	27.86%
10	44824	1025	2.34%	2126	4.74%	33112	73.87%	5618	12.53%	2568	5.73%	10312	23.01%

District	18+_Pop	Deviation	% Deviation	H18+_Pop	% H18+_Pop	NH18+_Wh	% NH18+_Wh	NH18+_Bl	% NH18+_Bl	NH18+_Asn	% NH18+_Asn	HBAVAP	HBAVAP%
01	30303	-2091	-4.77%	2602	8.59%	13837	45.66%	9039	29.83%	3834	12.65%	15475	51.07%
02	33114	48	0.11%	2100	6.34%	15644	47.24%	12818	38.71%	1614	4.87%	16532	49.92%
03	32241	-366	-0.84%	1799	5.58%	17630	54.68%	7375	22.87%	4549	14.11%	13723	42.56%
04	34915	1943	4.44%	1658	4.75%	23807	68.19%	5850	16.76%	2690	7.70%	10198	29.21%
05	33389	-1827	-4.17%	1480	4.43%	26722	80.03%	3064	9.18%	1399	4.19%	5943	17.80%
06	32448	-1706	-3.90%	1695	5.22%	25077	77.28%	3684	11.35%	1229	3.79%	6608	20.36%
07	36351	1073	2.45%	1699	4.67%	30571	84.10%	2562	7.05%	763	2.10%	5024	13.82%
08	33115	1197	2.73%	2166	6.54%	22018	66.49%	5967	18.02%	1944	5.87%	10077	30.43%
09	33642	708	1.62%	2229	6.63%	24028	71.42%	5394	16.03%	1034	3.07%	8657	25.73%
10	33227	1025	2.34%	1337	4.02%	24854	74.80%	4459	13.42%	1922	5.78%	7718	23.23%

District	CVAP17	Deviation	% Deviation	HCVAP17	% HCVAP17	WCVP17	% WCVP17	BCVP17	% BCVP17	ACVP17	% ACVP17	HBACVP17	% HBACVP17	HBAWCVP17	% HBAWCVP17
01	28300	-2091	-4.77%	2119	7.49%	12609	44.55%	9056	32.00%	3407	12.04%	14575	51.50%	14898	52.64%
02	34061	48	0.11%	2427	7.13%	15847	46.53%	13522	39.70%	1388	4.08%	17326	50.87%	17669	51.87%
03	31770	-366	-0.84%	2629	8.28%	17380	54.71%	7171	22.57%	3380	10.64%	13179	41.48%	13368	42.08%
04	34654	1943	4.44%	1813	5.23%	22983	66.32%	6181	17.84%	2691	7.77%	10707	30.90%	10825	31.24%
05	34065	-1827	-4.17%	1777	5.22%	26830	78.76%	3372	9.90%	1141	3.35%	6308	18.52%	6420	18.85%
06	32774	-1706	-3.90%	1821	5.56%	24374	74.37%	3965	12.10%	1416	4.32%	7177	21.90%	7284	22.22%
07	35686	1073	2.45%	1150	3.22%	29635	83.04%	3279	9.19%	799	2.24%	5228	14.65%	5398	15.13%
08	34775	1197	2.73%	2545	7.32%	23660	68.04%	5408	15.55%	1822	5.24%	9765	28.08%	10185	29.29%
09	33676	708	1.62%	2464	7.32%	23435	69.59%	5628	16.71%	922	2.74%	8998	26.72%	9354	27.78%
10	34739	1025	2.34%	1478	4.25%	25852	74.42%	4546	13.09%	1834	5.28%	7888	22.71%	8092	23.29%

District	CVAP18	Deviation	% Deviation	HCVAP18	% HCVAP18	WCVP18	% WCVP18	BCVP18	% BCVP18	ACVP18	% ACVP18	HBACVP18	% HBACVP18	HBAWCVP18	% HBAWCVP18
01	28327	-2091	-4.77%	2174	7.67%	12083	42.66%	9220	32.55%	3650	12.89%	15034	53.07%	15385	54.31%
02	34905	48	0.11%	2809	8.05%	15990	45.81%	13592	38.94%	1540	4.41%	17932	51.37%	18316	52.47%
03	32462	-366	-0.84%	2498	7.70%	17113	52.72%	8033	24.75%	3530	10.87%	14061	43.32%	14330	44.14%
04	34398	1943	4.44%	1847	5.37%	23144	67.28%	6228	18.11%	2423	7.04%	10514	30.57%	10559	30.70%
05	32849	-1827	-4.17%	1584	4.82%	26432	80.47%	2869	8.73%	1164	3.54%	5636	17.16%	5758	17.53%
06	32696	-1706	-3.90%	1957	5.99%	24194	74.00%	4051	12.39%	1325	4.05%	7310	22.36%	7416	22.68%
07	35416	1073	2.45%	1264	3.57%	29450	83.15%	3153	8.90%	835	2.36%	5252	14.83%	5412	15.28%
08	33873	1197	2.73%	2524	7.45%	22598	66.71%	5511	16.27%	1816	5.36%	9839	29.05%	10202	30.12%
09	34054	708	1.62%	2272	6.67%	23884	70.14%	5806	17.05%	887	2.60%	8950	26.28%	9240	27.13%
10	35700	1025	2.34%	1629	4.56%	26672	74.71%	4267	11.95%	1987	5.57%	7917	22.18%	8146	22.82%

Note: Variables with 17 & 18 suffix denote 2013-2017 & 2014-2018 5-Year ACS; HBAWCVP includes Hispanic, Black, and Asian CVAP plus Black and White CVAP mixed persons

Source: Maptitude for Redistricting District Statistics window using U.S. Census Bureau 2010 Census Data and 2013-2017 & 2014-2018 5-Year ACS Data

User:

Plan Name: **VAB Illustr Plan 10 Dist Alt 1 Mod**

Plan Type:

Measures of Compactness Report

Wednesday, December 4, 2019

10:28 AM

Sum	N/A	0.00	N/A	N/A
Min	0.21	N/A	0.15	0.51
Max	0.56	N/A	0.56	0.88
Mean	0.38	N/A	0.36	0.75
Std. Dev.	0.12	N/A	0.14	0.13

District	Reock	Perimeter	Polsby-Popper	MinConvexPoly
01	0.31		0.20	0.58
02	0.21		0.15	0.51
03	0.41		0.38	0.76
04	0.56		0.46	0.86
05	0.38		0.40	0.86
06	0.27		0.29	0.72
07	0.53		0.56	0.86
08	0.26		0.23	0.62
09	0.41		0.40	0.81
10	0.50		0.50	0.88

User:

Plan Name: **VAB Illustr Plan 10 Dist Alt 1 Mod**

Plan Type:

Political Subdivison Splits Between Districts

Wednesday, December 4, 2019

10:49 AM

Total number of subdivisions:

County	0
Voting District	71

Number of subdivisions split into more than one district:

County	1
Voting District	23

Number of splits involving no population:

County	0
Voting District	0

Split Counts*County*

Cases where an area is split among 10 Districts: 1

Voting District

Cases where an area is split among 2 Districts: 21

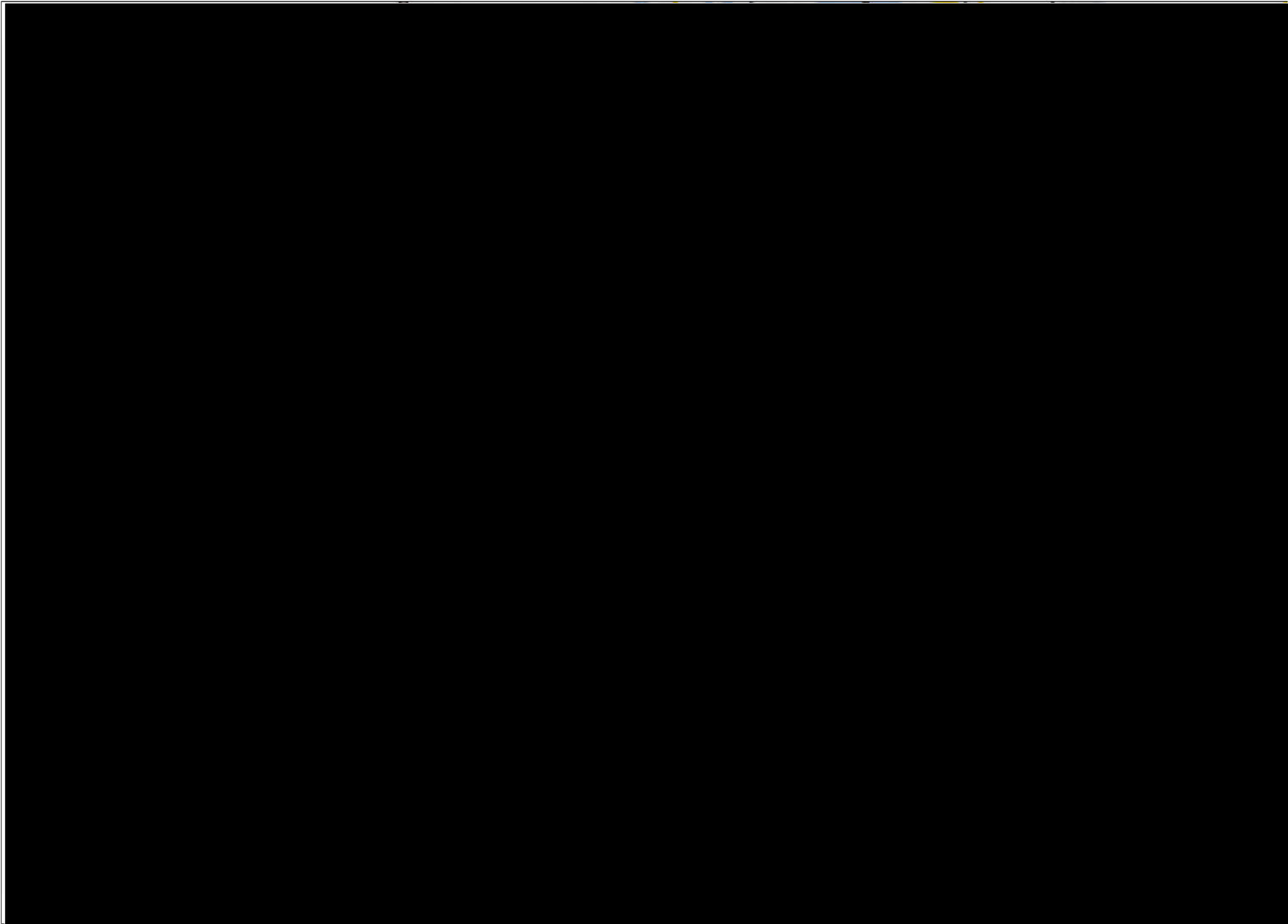
Cases where an area is split among 3 Districts: 2

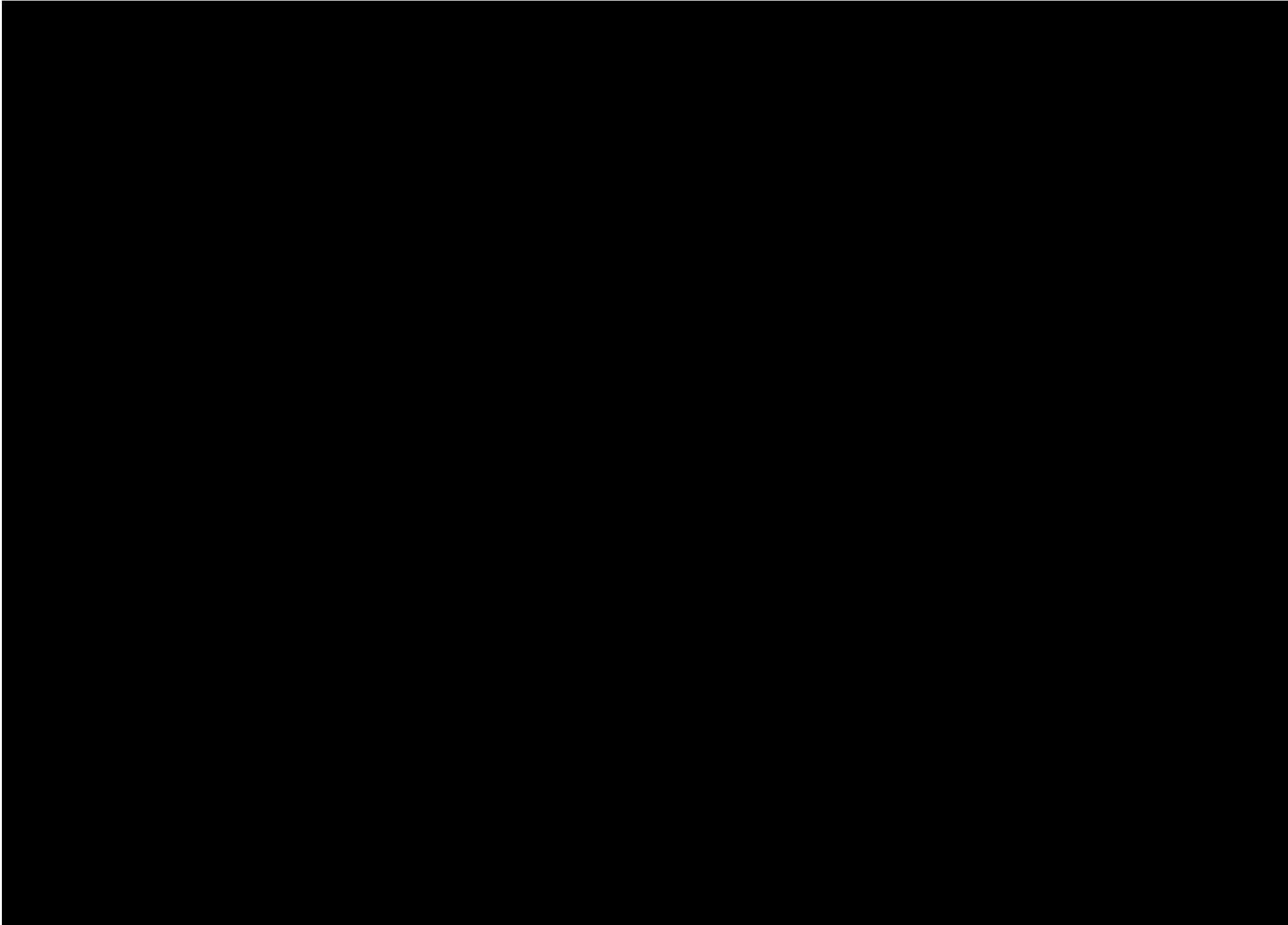
County	Voting District	District	Population
<i>Split Counties:</i>			
Virginia Beach City VA		01	41,708
Virginia Beach City VA		02	43,847
Virginia Beach City VA		03	43,433
Virginia Beach City VA		04	45,742
Virginia Beach City VA		05	41,972
Virginia Beach City VA		06	42,093
Virginia Beach City VA		07	44,872
Virginia Beach City VA		08	44,996
Virginia Beach City VA		09	44,507
Virginia Beach City VA		10	44,824
<i>Split VTDs:</i>			
Virginia Beach City VA	Aragona	02	2,330
Virginia Beach City VA	Aragona	06	4,950
Virginia Beach City VA	Arrowhead	02	2,833
Virginia Beach City VA	Arrowhead	04	1,883
Virginia Beach City VA	Avalon	02	3,637
Virginia Beach City VA	Avalon	04	950
Virginia Beach City VA	Bayside	02	804
Virginia Beach City VA	Bayside	05	1,557
Virginia Beach City VA	Bonney	02	688
Virginia Beach City VA	Bonney	06	2,754
Virginia Beach City VA	Buckner	01	4,515
Virginia Beach City VA	Buckner	03	230

Political Subdivision Splits Between Districts

VAB Illustr Plan 10 Dist Alt 1

County	Voting District	District	Population
Virginia Beach City VA	Cromwell	01	660
Virginia Beach City VA	Cromwell	10	2,561
Virginia Beach City VA	Dahlia	01	6,293
Virginia Beach City VA	Dahlia	04	1,417
Virginia Beach City VA	Glenwood	01	1,203
Virginia Beach City VA	Glenwood	10	3,132
Virginia Beach City VA	Holland	01	4,741
Virginia Beach City VA	Holland	08	3,079
Virginia Beach City VA	Hunt	08	2,022
Virginia Beach City VA	Hunt	10	1,703
Virginia Beach City VA	Kingston	05	1,694
Virginia Beach City VA	Kingston	06	812
Virginia Beach City VA	Magic Hollow	01	3,396
Virginia Beach City VA	Magic Hollow	08	3,913
Virginia Beach City VA	Old Donation	02	773
Virginia Beach City VA	Old Donation	05	4,843
Virginia Beach City VA	Point O' View	02	180
Virginia Beach City VA	Point O' View	04	3,164
Virginia Beach City VA	Rock Lake	01	4,811
Virginia Beach City VA	Rock Lake	03	315
Virginia Beach City VA	Rock Lake	10	542
Virginia Beach City VA	Rosemont Forest	01	1,770
Virginia Beach City VA	Rosemont Forest	03	3,953
Virginia Beach City VA	Round Hill	01	1,318
Virginia Beach City VA	Round Hill	03	5,890
Virginia Beach City VA	Shannon	04	2,877
Virginia Beach City VA	Shannon	08	451
Virginia Beach City VA	Shelton Park	02	2,322
Virginia Beach City VA	Shelton Park	05	1,672
Virginia Beach City VA	Timberlake	01	4,022
Virginia Beach City VA	Timberlake	03	563
Virginia Beach City VA	Timberlake	04	1,949
Virginia Beach City VA	Upton	09	1,141
Virginia Beach City VA	Upton	10	3,955
Virginia Beach City VA	Windsor Oaks	01	1,197
Virginia Beach City VA	Windsor Oaks	08	5,310





Virginia Beach, VA

Illustrative Alternative 2 Plan - 10 Districts Statistics w/ACS18

District	Population	Deviation	% Deviation	Hispanic	% Hispanic	NH Wht	% NH Wht	NH Blk	% NH Blk	NH Asn	% NH Asn	HBATTL	HBATTL%
01	41681	-2118	-4.84%	4024	9.65%	17709	42.49%	12968	31.11%	4921	11.81%	21913	52.57%
02	41875	-1924	-4.39%	3013	7.20%	17868	42.67%	17612	42.06%	1725	4.12%	22350	53.37%
03	44521	722	1.65%	3007	6.75%	23324	52.39%	10429	23.42%	5742	12.90%	19178	43.08%
04	44576	777	1.77%	2542	5.70%	28833	64.68%	8091	18.15%	3318	7.44%	13951	31.30%
05	44624	825	1.88%	2370	5.31%	34307	76.88%	4473	10.02%	2025	4.54%	8868	19.87%
06	42579	-1220	-2.79%	2517	5.91%	32032	75.23%	5010	11.77%	1575	3.70%	9102	21.38%
07	44872	1073	2.45%	2499	5.57%	36743	81.88%	3429	7.64%	922	2.05%	6850	15.27%
08	44996	1197	2.73%	3475	7.72%	28877	64.18%	8206	18.24%	2403	5.34%	14084	31.30%
09	44507	708	1.62%	3472	7.80%	30186	67.82%	7645	17.18%	1281	2.88%	12398	27.86%
10	43763	-36	-0.08%	2068	4.73%	32591	74.47%	5347	12.22%	2400	5.48%	9815	22.43%

District	18+ Pop	Deviation	% Deviation	H18+ Pop	% H18+ Pop	NH18+ Wht	% NH18+ Wht	NH18+ Blk	% NH18+ Blk	NH18+ Asn	% NH18+ Asn	HBAVAP	HBAVAP%
01	30278	-2118	-4.84%	2581	8.52%	13847	45.73%	9021	29.79%	3847	12.71%	15449	51.02%
02	31584	-1924	-4.39%	1981	6.27%	14864	47.06%	12444	39.40%	1408	4.46%	15833	50.13%
03	33023	722	1.65%	1851	5.61%	18004	54.52%	7590	22.98%	4668	14.14%	14109	42.72%
04	33982	777	1.77%	1646	4.84%	22935	67.49%	5832	17.16%	2668	7.85%	10146	29.86%
05	35490	825	1.88%	1600	4.51%	28119	79.23%	3385	9.54%	1607	4.53%	6592	18.57%
06	32810	-1220	-2.79%	1706	5.20%	25332	77.21%	3755	11.44%	1249	3.81%	6710	20.45%
07	36351	1073	2.45%	1699	4.67%	30571	84.10%	2562	7.05%	763	2.10%	5024	13.82%
08	33115	1197	2.73%	2166	6.54%	22018	66.49%	5967	18.02%	1944	5.87%	10077	30.43%
09	33642	708	1.62%	2229	6.63%	24028	71.42%	5394	16.03%	1034	3.07%	8657	25.73%
10	32470	-36	-0.08%	1306	4.02%	24470	75.36%	4262	13.13%	1790	5.51%	7358	22.66%

District	CVAP17	Deviation	% Deviation	HCVAP17	% HCVAP17	WCVP17	% WCVP17	BCVP17	% BCVP17	ACVP17	% ACVP17	HBACVP17	% HBACVP17	HBAWCVP17	% HBAWCVP17
01	28225	-2118	-4.84%	2135	7.56%	12750	45.17%	8865	31.41%	3405	12.06%	14405	51.04%	14719	52.15%
02	32395	-1924	-4.39%	2265	6.99%	15025	46.38%	13080	40.38%	1200	3.70%	16545	51.07%	16885	52.12%
03	32616	722	1.65%	2642	8.10%	17751	54.42%	7494	22.98%	3463	10.62%	13595	41.68%	13799	42.31%
04	33849	777	1.77%	1777	5.25%	22287	65.84%	6150	18.17%	2679	7.91%	10611	31.35%	10729	31.70%
05	36137	825	1.88%	1929	5.34%	28144	77.88%	3732	10.33%	1339	3.71%	7016	19.42%	7130	19.73%
06	33173	-1220	-2.79%	1867	5.63%	24578	74.09%	4078	12.29%	1418	4.27%	7346	22.14%	7454	22.47%
07	35686	1073	2.45%	1150	3.22%	29635	83.04%	3279	9.19%	799	2.24%	5228	14.65%	5398	15.13%
08	34775	1197	2.73%	2545	7.32%	23660	68.04%	5408	15.55%	1822	5.24%	9765	28.08%	10185	29.29%
09	33676	708	1.62%	2464	7.32%	23435	69.59%	5628	16.71%	922	2.74%	8998	26.72%	9354	27.78%
10	33968	-36	-0.08%	1449	4.27%	25340	74.60%	4414	12.99%	1753	5.16%	7642	22.50%	7840	23.08%

District	CVAP18	Deviation	% Deviation	HCVAP18	% HCVAP18	WCVP18	% WCVP18	BCVP18	% BCVP18	ACVP18	% ACVP18	HBACVP18	% HBACVP18	HBAWCVP18	% HBAWCVP18
01	28280	-2118	-4.84%	2080	7.36%	12190	43.10%	9185	32.48%	3645	12.89%	14910	52.72%	15255	53.94%
02	33360	-1924	-4.39%	2825	8.47%	15060	45.14%	13195	39.55%	1365	4.09%	17385	52.11%	17765	53.25%
03	33227	722	1.65%	2617	7.88%	17470	52.58%	8193	24.66%	3617	10.89%	14424	43.41%	14703	44.25%
04	33309	777	1.77%	1602	4.81%	22414	67.29%	6170	18.52%	2395	7.19%	10172	30.54%	10217	30.67%
05	35084	825	1.88%	1764	5.03%	27869	79.44%	3219	9.18%	1364	3.89%	6364	18.14%	6488	18.49%
06	33095	-1220	-2.79%	2006	6.06%	24417	73.78%	4156	12.56%	1328	4.01%	7471	22.57%	7579	22.90%
07	35416	1073	2.45%	1264	3.57%	29450	83.15%	3153	8.90%	835	2.36%	5252	14.83%	5412	15.28%
08	33873	1197	2.73%	2524	7.45%	22598	66.71%	5511	16.27%	1816	5.36%	9839	29.05%	10202	30.12%
09	34054	708	1.62%	2272	6.67%	23884	70.14%	5806	17.05%	887	2.60%	8950	26.28%	9240	27.13%
10	34982	-36	-0.08%	1604	4.59%	26208	74.92%	4142	11.84%	1905	5.45%	7678	21.95%	7903	22.59%

Note: Variables with 17 & 18 suffix denote 2013-2017 & 2014-2018 5-Year ACS; HBAWCVP includes Hispanic, Black, and Asian CVAP plus Black and White CVAP mixed persons

Source: Maptitude for Redistricting District Statistics window using U.S. Census Bureau 2010 Census Data and 2013-2017 & 2014-2018 5-Year ACS Data

Virginia Beach, VA

Illustrative Plan Alt 2 Modification - 10 Districts Statistics /ACS18

District	Population	Deviation	% Deviation	Hispanic	% Hispanic	NH Wht	% NH Wht	NH Blk	% NH Blk	NH Asn	% NH Asn	HBATTL	HBATTL%
01	41681	-2118	-4.84%	4024	9.65%	17709	42.49%	12968	31.11%	4921	11.81%	21913	52.57%
02	44503	704	1.61%	3217	7.23%	19584	44.01%	18107	40.69%	1815	4.08%	23139	51.99%
03	44521	722	1.65%	3007	6.75%	23324	52.39%	10429	23.42%	5742	12.90%	19178	43.08%
04	44576	777	1.77%	2542	5.70%	28833	64.68%	8091	18.15%	3318	7.44%	13951	31.30%
05	43303	-496	-1.13%	2305	5.32%	33297	76.89%	4310	9.95%	1989	4.59%	8604	19.87%
06	41723	-2076	-4.74%	2451	5.87%	31432	75.33%	4905	11.76%	1541	3.69%	8897	21.32%
07	44872	1073	2.45%	2499	5.57%	36743	81.88%	3429	7.64%	922	2.05%	6850	15.27%
08	44545	746	1.70%	3402	7.64%	28771	64.59%	7979	17.91%	2383	5.35%	13764	30.90%
09	43366	-433	-0.99%	3408	7.86%	29275	67.51%	7556	17.42%	1232	2.84%	12196	28.12%
10	44904	1105	2.52%	2132	4.75%	33502	74.61%	5436	12.11%	2449	5.45%	10017	22.31%

District	18+ Pop	Deviation	% Deviation	H18+ Pop	% H18+ Pop	NH18+ Wht	% NH18+ Wht	NH18+ Blk	% NH18+ Blk	NH18+ Asn	% NH18+ Asn	HBAVAP	HBAVAP%
01	30278	-2118	-4.84%	2581	8.52%	13847	45.73%	9021	29.79%	3847	12.71%	15449	51.02%
02	33643	704	1.61%	2118	6.30%	16281	48.39%	12819	38.10%	1481	4.40%	16418	48.80%
03	33023	722	1.65%	1851	5.61%	18004	54.52%	7590	22.98%	4668	14.14%	14109	42.72%
04	33982	777	1.77%	1646	4.84%	22935	67.49%	5832	17.16%	2668	7.85%	10146	29.86%
05	34430	-496	-1.13%	1557	4.52%	27289	79.26%	3252	9.45%	1575	4.57%	6384	18.54%
06	32132	-2076	-4.74%	1660	5.17%	24831	77.28%	3670	11.42%	1228	3.82%	6558	20.41%
07	36351	1073	2.45%	1699	4.67%	30571	84.10%	2562	7.05%	763	2.10%	5024	13.82%
08	32794	746	1.70%	2118	6.46%	21932	66.88%	5810	17.72%	1924	5.87%	9852	30.04%
09	32796	-433	-0.99%	2184	6.66%	23354	71.21%	5318	16.22%	992	3.02%	8494	25.90%
10	33316	1105	2.52%	1351	4.06%	25144	75.47%	4338	13.02%	1832	5.50%	7521	22.57%

District	CVAP17	Deviation	% Deviation	HCVAP17	% HCVAP17	WCVP17	% WCVP17	BCVP17	% BCVP17	ACVP17	% ACVP17	HBACVP17	% HBACVP17	HBAWCVP17	% HBAWCVP17
01	28225	-2118	-4.84%	2135	7.56%	12750	45.17%	8865	31.41%	3405	12.06%	14405	51.04%	14719	52.15%
02	34905	704	1.61%	2645	7.58%	16305	46.71%	13805	39.55%	1250	3.58%	17700	50.71%	18040	51.68%
03	32616	722	1.65%	2642	8.10%	17751	54.42%	7494	22.98%	3463	10.62%	13595	41.68%	13799	42.31%
04	33849	777	1.77%	1777	5.25%	22287	65.84%	6150	18.17%	2679	7.91%	10611	31.35%	10729	31.70%
05	34815	-496	-1.13%	1753	5.04%	27369	78.61%	3460	9.94%	1289	3.70%	6510	18.70%	6624	19.03%
06	32240	-2076	-4.74%	1684	5.22%	24208	75.09%	3691	11.45%	1433	4.44%	6802	21.10%	6910	21.43%
07	35686	1073	2.45%	1150	3.22%	29635	83.04%	3279	9.19%	799	2.24%	5228	14.65%	5398	15.13%
08	34520	746	1.70%	2524	7.31%	23525	68.15%	5342	15.48%	1807	5.23%	9660	27.98%	10080	29.20%
09	32843	-433	-0.99%	2417	7.36%	22753	69.28%	5572	16.97%	878	2.67%	8863	26.99%	9218	28.07%
10	34801	1105	2.52%	1496	4.30%	26022	74.77%	4470	12.84%	1797	5.16%	7777	22.35%	7976	22.92%

District	CVAP18	Deviation	% Deviation	HCVAP18	% HCVAP18	WCVP18	% WCVP18	BCVP18	% BCVP18	ACVP18	% ACVP18	HBACVP18	% HBACVP18	HBAWCVP18	% HBAWCVP18
01	28280	-2118	-4.84%	2080	7.36%	12190	43.10%	9185	32.48%	3645	12.89%	14910	52.72%	15255	53.94%
02	35675	704	1.61%	3165	8.87%	16380	45.91%	13770	38.60%	1395	3.91%	18330	51.38%	18710	52.45%
03	33227	722	1.65%	2617	7.88%	17470	52.58%	8193	24.66%	3617	10.89%	14424	43.41%	14703	44.25%
04	33309	777	1.77%	1602	4.81%	22414	67.29%	6170	18.52%	2395	7.19%	10172	30.54%	10217	30.67%
05	34022	-496	-1.13%	1630	4.79%	27142	79.78%	3065	9.01%	1343	3.95%	6044	17.77%	6168	18.13%
06	32121	-2076	-4.74%	1832	5.70%	23977	74.65%	3801	11.83%	1336	4.16%	6964	21.68%	7076	22.03%
07	35416	1073	2.45%	1264	3.57%	29450	83.15%	3153	8.90%	835	2.36%	5252	14.83%	5412	15.28%
08	33594	746	1.70%	2492	7.42%	22445	66.81%	5445	16.21%	1799	5.36%	9721	28.94%	10080	30.01%
09	33178	-433	-0.99%	2219	6.69%	23167	69.83%	5753	17.34%	854	2.57%	8822	26.59%	9112	27.46%
10	35858	1105	2.52%	1657	4.62%	26925	75.09%	4195	11.70%	1938	5.40%	7806	21.77%	8031	22.40%

Note: Variables with 17 & 18 suffix denote 2013-2017 & 2014-2018 5-Year ACS; HBAWCVP18 includes Hispanic, Black, and Asian CVAP plus Black and White CVAP mixed persons; 18+ represents 2010 Voting Age Population

Source: Maptitude for Redistricting District Statistics window using U.S. Census Bureau 2010 Census Data and 2014-2018 5-Year ACS Data

User:

Plan Name: **VAB Illustr Plan 10 Dist Alt 2 Mod**

Plan Type:

Measures of Compactness Report

Wednesday, December 4, 2019

10:56 AM

Sum	N/A	0.00	N/A	N/A
Min	0.20	N/A	0.14	0.47
Max	0.53	N/A	0.56	0.88
Mean	0.39	N/A	0.37	0.74
Std. Dev.	0.11	N/A	0.14	0.14

District	Reock	Perimeter	Polsby-Popper	MinConvexPoly
01	0.32		0.21	0.61
02	0.20		0.14	0.47
03	0.43		0.43	0.77
04	0.51		0.46	0.84
05	0.38		0.42	0.86
06	0.28		0.30	0.70
07	0.53		0.56	0.86
08	0.29		0.24	0.63
09	0.41		0.40	0.81
10	0.50		0.50	0.88

User:

Plan Name: **VAB Illustr Plan 10 Dist Alt 2 Mod**

Plan Type:

Political Subdivison Splits Between Districts

Wednesday, December 4, 2019

11:04 AM

Total number of subdivisions:

County	0
Voting District	71

Number of subdivisions split into more than one district:

County	1
Voting District	23

Number of splits involving no population:

County	0
Voting District	1

Split Counts*County*

Cases where an area is split among 10 Districts: 1

Voting District

Cases where an area is split among 2 Districts: 20

Cases where an area is split among 3 Districts: 3

County	Voting District	District	Population
<i>Split Counties:</i>			
Virginia Beach City VA		01	41,681
Virginia Beach City VA		02	44,503
Virginia Beach City VA		03	44,521
Virginia Beach City VA		04	44,576
Virginia Beach City VA		05	43,303
Virginia Beach City VA		06	41,723
Virginia Beach City VA		07	44,872
Virginia Beach City VA		08	44,545
Virginia Beach City VA		09	43,366
Virginia Beach City VA		10	44,904
<i>Split VTDs:</i>			
Virginia Beach City VA	Aragona	02	2,125
Virginia Beach City VA	Aragona	06	5,155
Virginia Beach City VA	Arrowhead	02	2,324
Virginia Beach City VA	Arrowhead	04	2,392
Virginia Beach City VA	Avalon	02	4,441
Virginia Beach City VA	Avalon	04	146
Virginia Beach City VA	Bayside	02	595
Virginia Beach City VA	Bayside	05	1,766
Virginia Beach City VA	Bonney	02	688
Virginia Beach City VA	Bonney	06	2,754
Virginia Beach City VA	Cromwell	01	660
Virginia Beach City VA	Cromwell	10	2,561

Political Subdivison Splits Between Districts

VAB Illustr Plan 10 Dist Alt 2

County	Voting District	District	Population
Virginia Beach City VA	Dahlia	01	6,293
Virginia Beach City VA	Dahlia	04	1,417
Virginia Beach City VA	Glenwood	01	2,264
Virginia Beach City VA	Glenwood	10	2,071
Virginia Beach City VA	Holland	01	4,741
Virginia Beach City VA	Holland	08	3,079
Virginia Beach City VA	Hunt	08	2,022
Virginia Beach City VA	Hunt	10	1,703
Virginia Beach City VA	Kingston	05	1,694
Virginia Beach City VA	Kingston	06	812
Virginia Beach City VA	Magic Hollow	01	3,396
Virginia Beach City VA	Magic Hollow	08	3,913
Virginia Beach City VA	Old Donation	02	2,149
Virginia Beach City VA	Old Donation	05	3,467
Virginia Beach City VA	Pembroke	02	644
Virginia Beach City VA	Pembroke	05	382
Virginia Beach City VA	Pembroke	06	4,979
Virginia Beach City VA	Point O' View	02	1,051
Virginia Beach City VA	Point O' View	04	2,293
Virginia Beach City VA	Providence	03	0
Virginia Beach City VA	Providence	04	3,920
Virginia Beach City VA	Rock Lake	01	4,811
Virginia Beach City VA	Rock Lake	03	315
Virginia Beach City VA	Rock Lake	10	542
Virginia Beach City VA	Rosemont Forest	01	1,770
Virginia Beach City VA	Rosemont Forest	03	3,953
Virginia Beach City VA	Shannon	04	2,877
Virginia Beach City VA	Shannon	06	451
Virginia Beach City VA	Shell	02	3,256
Virginia Beach City VA	Shell	05	1,260
Virginia Beach City VA	Shelton Park	02	1,466
Virginia Beach City VA	Shelton Park	05	2,528
Virginia Beach City VA	Timberlake	01	4,022
Virginia Beach City VA	Timberlake	03	563
Virginia Beach City VA	Timberlake	04	1,949
Virginia Beach City VA	Windsor Oaks	01	1,197
Virginia Beach City VA	Windsor Oaks	08	5,310

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

Latasha Holloway, *et al.*,

Plaintiffs,

v.

City of Virginia Beach, *et al.*,

Defendants

Civil Action No. 2:18-cv-0069

PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

PLAINTIFFS' EXHIBIT 7

Chart Prepared by Defendants' Expert Kimball Brace

Election Data Services, Inc. Confidential

DEF02115

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
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Latasha Holloway, *et al.*,

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PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

PLAINTIFFS' EXHIBIT 8

Supplemental Report From Plaintiffs' Expert Dr. Doug Spencer

March 16, 2020

Supplemental Expert Report

Holloway, et al. v. City of Virginia Beach, et al., Civil Action No. 2:18-cv-0069

Douglas M. Spencer

Professor of Law & Public Policy

University of Connecticut

Visiting Professor of Law

Yale Law School

SUMMARY

I provide this supplemental expert report to update my earlier reports in this litigation, and to supplement the answers to certain questions asked at my deposition on October 1, 2019.

As an update to my earlier reports, I analyzed the performance of three modified illustrative plans for Virginia Beach City Council elections produced by Plaintiffs' expert Dr. Anthony Fairfax in his supplemental expert report. Given that these modified illustrative plans were disclosed in Dr. Fairfax's supplemental report (contemporaneous with this report), they were not available when I wrote my earlier reports. I find that the Modified Illustrative Plan, the Modified Alternative Plan 1 and the Modified Alternative Plan 2 "perform," meaning that minority voters would be able to elect their candidates of choice. In other words, minority candidates of choice are usually *not* likely to be defeated due to white bloc voting in each set of majority-minority districts contained in the plans.

As a supplement to my deposition testimony, I also confirm certain findings of my original report by providing additional supporting information which I reserved my right to provide during the deposition. See Spencer Dep. at 95:22-96:21. Specifically, I have confirmed that there is *not* statistically significant evidence that minority voters preferred George Furman over Louis Jones in the 2010 election. This finding supports the opinions I have expressed in my earlier reports regarding which candidates were minority candidates of choice.

ANALYSIS OF MODIFIED PLANS

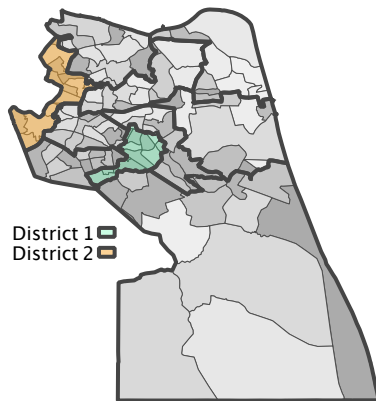
In this section I analyze the potential cohesion in, and ameliorative effect of, three sets of possible majority-minority districts in Virginia Beach. This analysis supplements the performance analysis of Illustrative Districts that I provided in my original and rebuttal reports. A map of the Modified Illustrative Plan, Modified Alternative Plan 1, and Modified Illustrative Plan 2 are presented on the next page. Each plan has ten districts, marked by thick dark gray lines, overlaid on a map of current voting precincts. The two majority-minority districts in each modified illustrative plan are shaded green and orange.

On pp. 3-4 below I analyze the expected election totals in illustrative majority-minority districts for all candidates in races that featured a minority candidate, excluding George Furman.¹ I estimate the predicted vote totals by aggregating the vote totals in the precincts within each district. There is evidence that the majority-minority districts in the Modified Illustrative Plan, Modified Alternative Plan 1, and Modified Alternative Plan 2 perform, meaning most minority candidates of choice that lost their election under the current at-large system would have won had they run in these alternative districts.

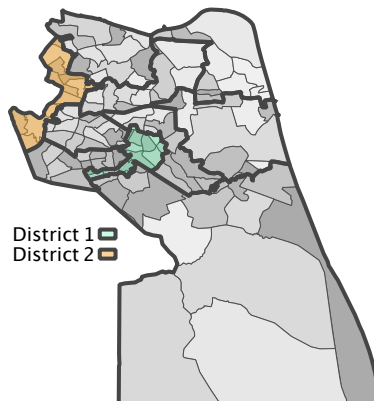
¹ As I explain in my original expert report, rebuttal report, and deposition (see Spencer Dep. at 85-87) I exclude George Furman from my analysis because in three races against seven different candidates, Mr. Furman always came in last and never earned the support of minority voters. Elections featuring Mr. Furman thus do not provide a setting that is probative of the preferences of minority voters in Virginia Beach.

Finally, the minority candidate(s) of choice for each election are shaded. These candidates of choice represent individuals who received the strongest support among all minority voters, which I estimate in my original expert report and rebuttal report.

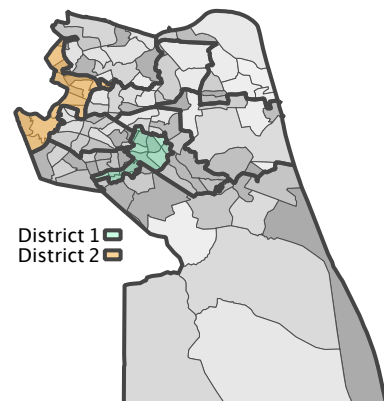
Modified Illustrative Plan

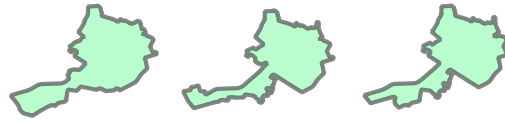


Modified Alternative Plan 1



Modified Alternative Plan 2



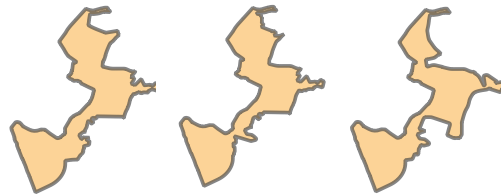
DISTRICT 1

		At-Large	Modified Illustrative Plan	Modified Alternative Plan 1	Modified Alternative Plan 2
2018 AL	Rouse*	54.5	61.1	60.6	61.1
	Moss	45.3	33.5	32.7	33.1
	Oliver	45.2	40.6	39.6	39.9
	White	27.4	35.0	35.8	35.0
	Bright*	17.7	20.5	21.3	21.1
	Hubbard	10.1	10.2	10.0	9.9
2016 KE	Abbott	59.4	54.1	53.3	53.2
	Ross-Hammond*	40.6	45.9	46.7	46.8
2014 RH	Kane	48.3	41.8	40.4	40.5
	Johnston	17.5	14.8	14.3	14.4
	Browder	17.3	18.5	18.2	18.4
	Cabiness*	16.8	25.0	27.1	26.7
2011 AL	Moss	37.0	29.4	28.5	28.8
	Free	33.2	27.9	27.7	27.8
	Sherrod*	25.9	39.1	40.1	39.7
2010 AL	Bellitto	49.4	50.0	49.2	49.6
	DeSteph	44.8	41.6	40.6	41.0
	Moss	30.1	24.1	23.0	23.2
	Erb	22.5	18.0	17.8	18.0
	Redmond	21.4	15.6	15.6	15.4
	Jackson*	20.3	33.5	34.8	33.8
	Cabiness*	11.3	17.4	19.0	19.0
2010 PA	Henley	54.4	42.1	41.8	42.1
	Bullock	45.6	57.9	58.2	57.9
2008 AL	Wilson	44.1	34.5	34.0	34.2
	Allen	34.6	43.2	43.7	43.5

Notes: Actual election returns are reported as “At-large” elections.

Shaded rows indicate minority candidates of choice identified in my original and rebuttal reports.

* indicates minority candidate.

DISTRICT 2

		At-Large	Modified Illustrative Plan	Modified Alternative Plan 1	Modified Alternative Plan 2
2018 AL	Rouse*	54.5	60.1	60.3	60.1
	Moss	45.3	33.2	33.1	33.9
	Oliver	45.2	44.6	43.9	43.7
	White	27.4	32.6	33.0	32.5
	Bright*	17.7	20.0	20.2	20.2
	Hubbard	10.1	9.5	9.6	9.6
2016 KE	Abbott	59.4	47.3	47.1	48.3
	Ross-Hammond*	40.6	52.7	52.9	51.7
2014 RH	Kane	48.3	36.3	36.1	36.9
	Johnston	17.5	15.5	15.4	15.5
	Browder	17.3	17.8	17.8	18.0
	Cabiness*	16.8	30.4	30.8	29.5
2011 AL	Moss	37.0	33.3	33.1	34.0
	Free	33.2	24.1	23.9	24.5
	Sherrod*	25.9	38.9	39.3	37.6
2010 AL	Bellitto	49.4	39.9	39.7	40.0
	DeSteph	44.8	34.0	33.8	34.5
	Moss	30.1	27.2	26.9	27.5
	Erb	22.5	19.6	19.5	20.6
	Redmond	21.4	14.2	14.1	14.6
	Jackson*	20.3	42.5	43.1	41.7
	Cabiness*	11.3	22.6	22.9	21.2
2010 PA	Henley	54.4	46.6	46.4	47.5
	Bullock	45.6	53.4	53.6	52.5
2008 AL	Wilson	44.1	32.9	32.7	33.4
	Allen	34.6	47.5	47.7	46.7

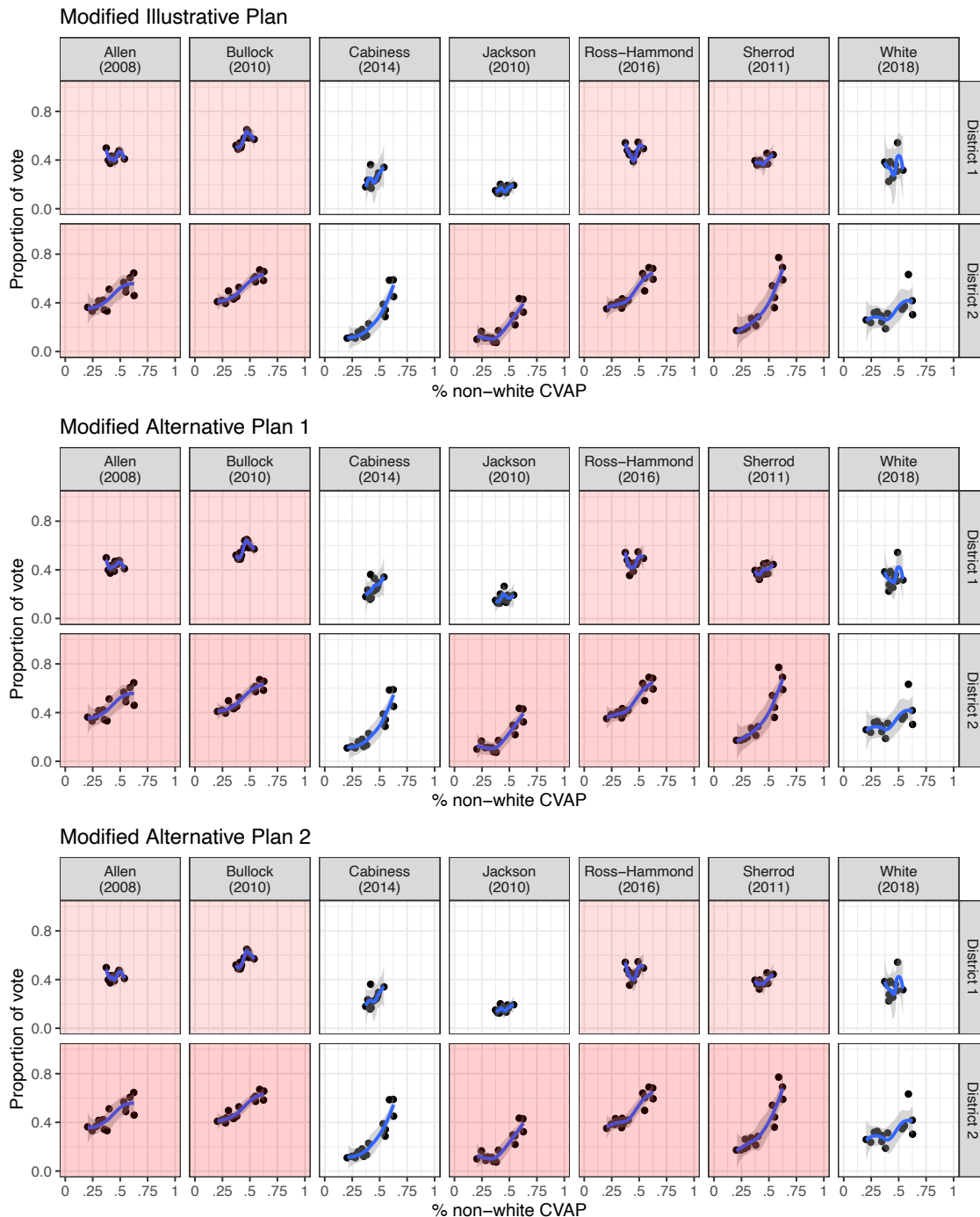
Notes: Actual election returns are reported as “At-large” elections.

Shaded rows indicate minority candidates of choice identified in my original and rebuttal reports.

* indicates minority candidate.

FINDINGS

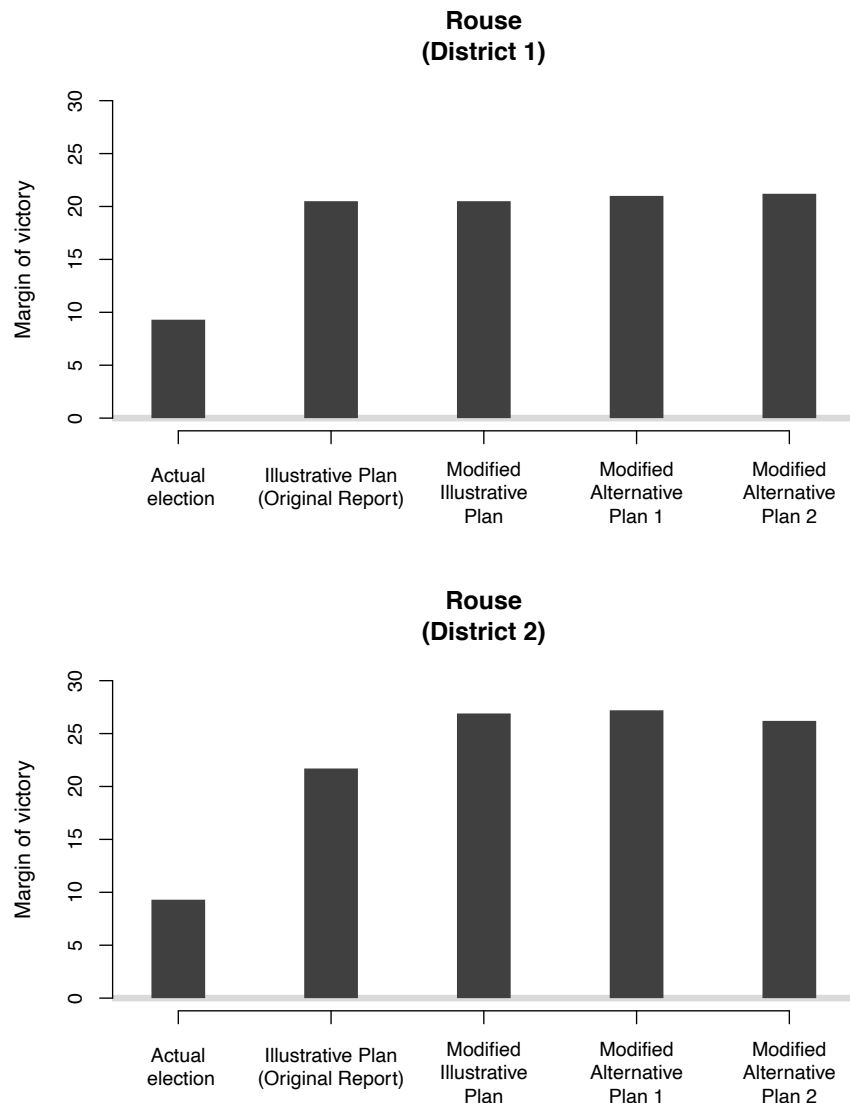
In the panel of figures below, I plot voter support for each of the minority candidates of choice that lost between 2008-2018 against the minority CVAP based on the 2014-2018 American Community Survey (ACS). Because there are so few precincts in these districts, I use a locally weighted smoother “loess” line that is flexible and represents how the data are actually structured. The gray regions are 95% confidence intervals. The plots that are shaded in red signal that the candidate would have won an election in these new districts based on the same voting patterns of their original elections.



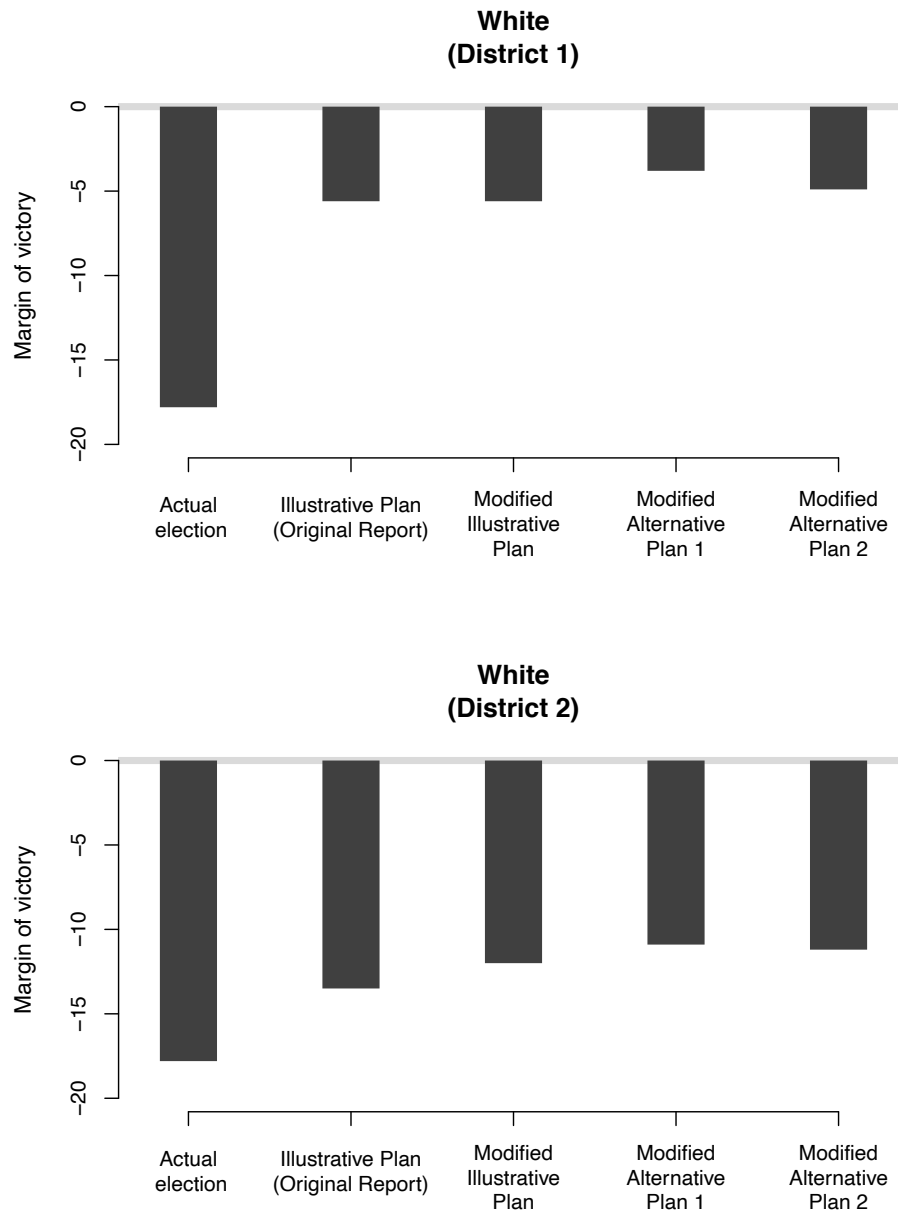
To compare the performance of the majority-minority districts in each of the Illustrative Plan (that I evaluated in my original and rebuttal reports), the Modified Illustrative Plan, and the Modified Alternative Plans 1 and 2, I plot the margin of victory/defeat for each of the candidates of choice identified in my prior reports. With one exception (Bellitto in 2010), every minority candidate of choice performed better under all of the illustrative plans than under the at-large system of their original election, meaning the candidates would either increase their margin of victory, shrink their margin of defeat, or flip the result of their election from defeat to victory.

2018 At-Large Election

Note that two candidates were elected in this race. Under the current at-large system, Aaron Rouse earned the most votes out of six candidates and won the race by 9%. Under the Illustrative Plan, Modified Illustrative Plan, Modified Alternative Plans 1 and 2, Rouse's margin of victory increased to 21% in District 1 and as much as 27% in District 2.

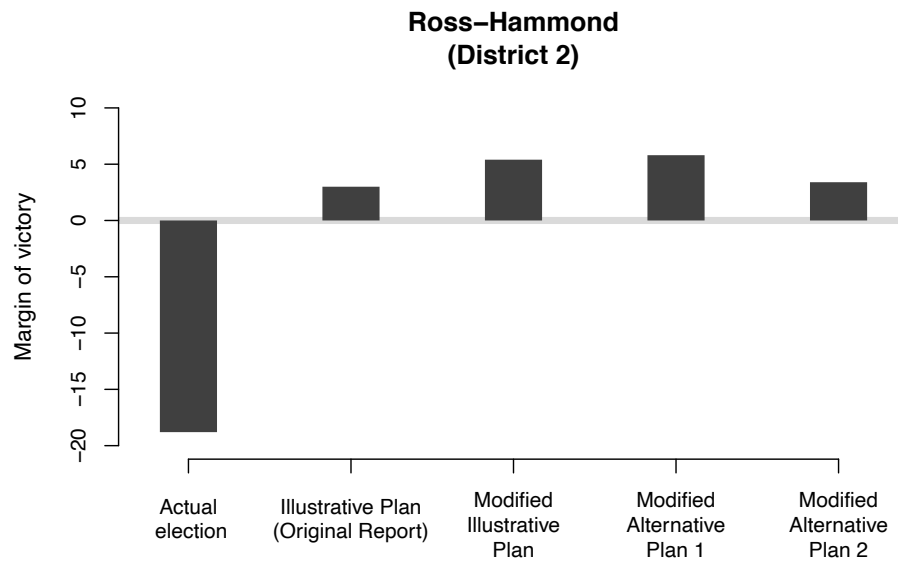
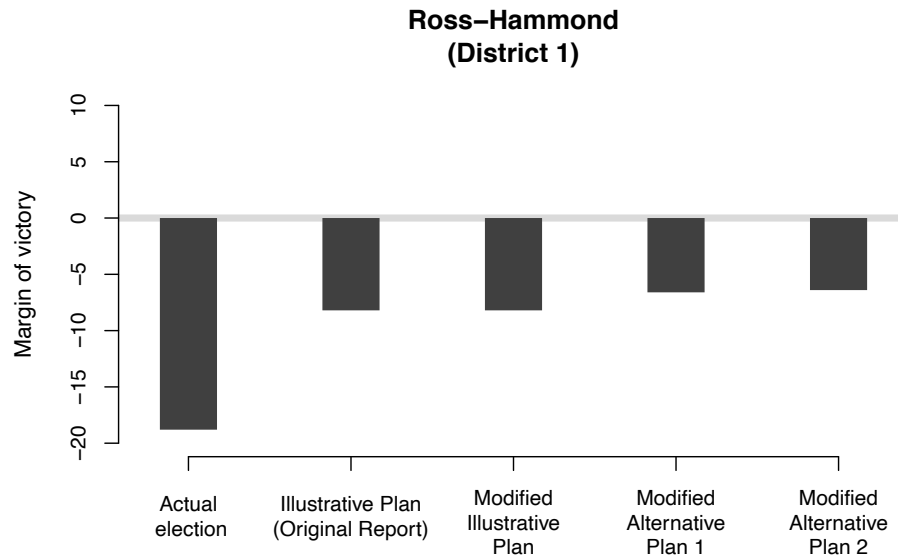


Under the current at-large system, the second minority candidate of choice, Allison White, came in fourth out of six candidates and lost by 18%. Under the Modified Illustrative Plan and the Modified Alternative Plans 1 and 2, White's loss margin shrunk to 4–5 percent in District 1 and 10–12 percent in District 2.



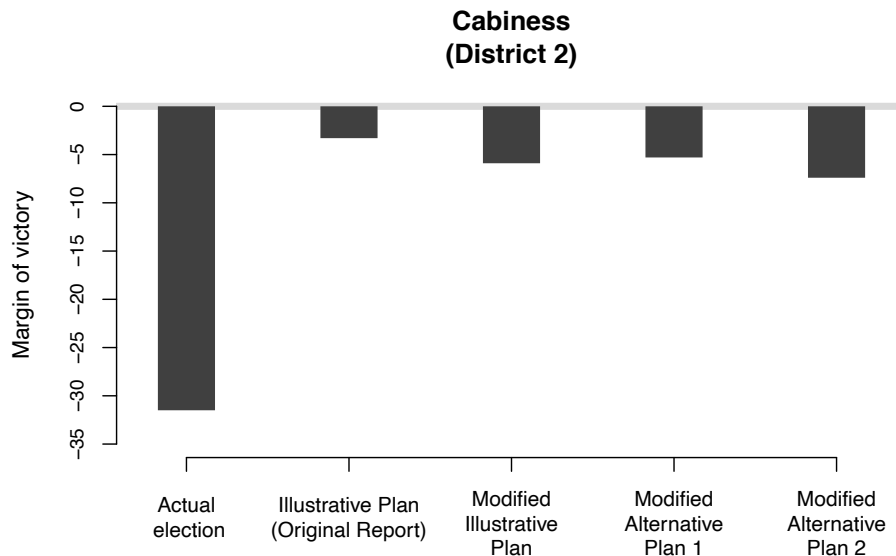
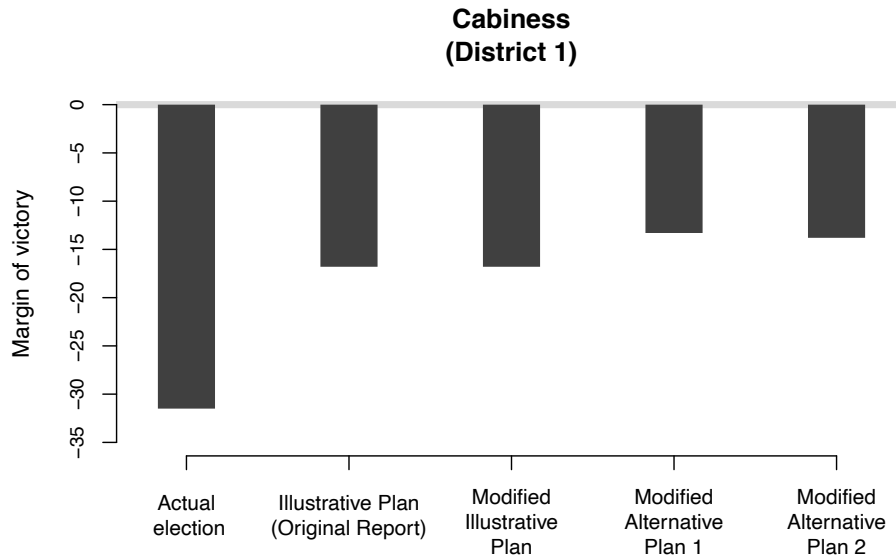
2016 Kempsville District Election

Under the current at-large system, Amelia Ross-Hammond (the minority candidate of choice) was defeated by Jessica Abbott. Under the Modified Illustrative Plan and the Modified Alternative Plans 1 and 2, Abbott would still have defeated Ross-Hammond in District 1, but **Ross-Hammond would have won election in District 2.**



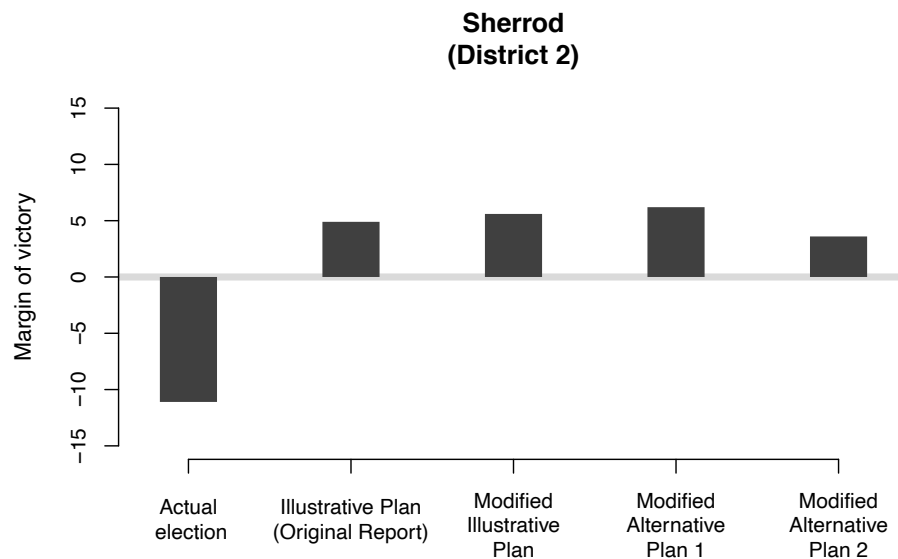
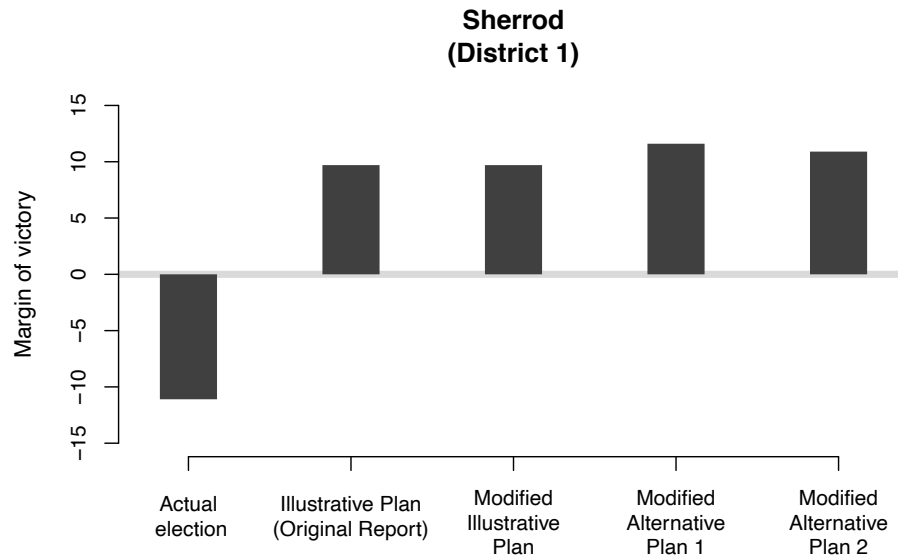
2014 Rose Hall District Election

Under the current at-large system, minority candidate of choice James Cabiness lost by 31.5 percent, earning fewer votes than three other candidates. Under the Modified Illustrative Plan and the Modified Alternative Plans 1 and 2, Cabiness would have come in second (of four candidates) and would lose by 13–17 percent in District 1 and by just 3–7 percent in District 2.



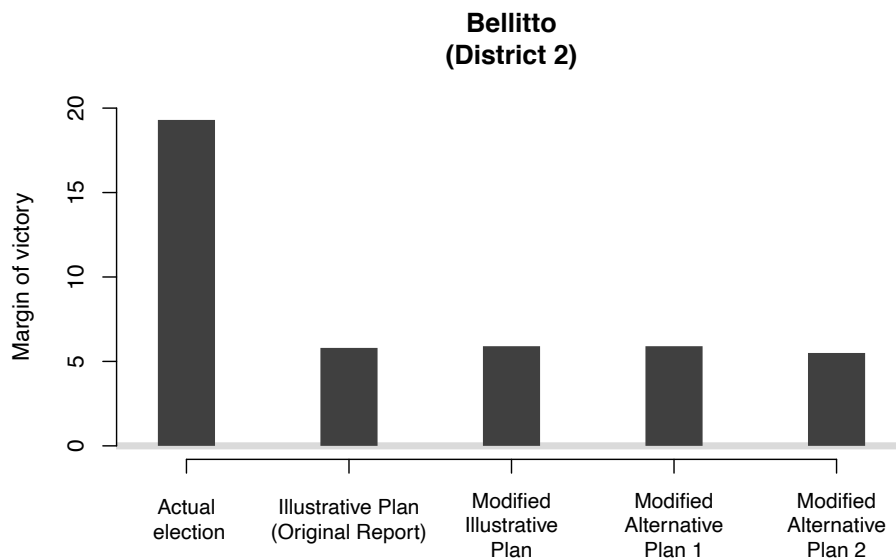
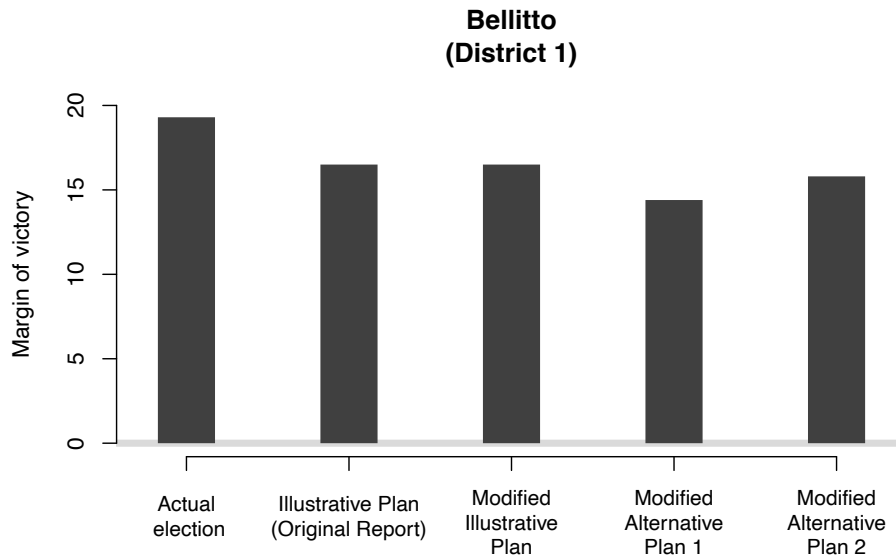
2011 At-Large (Special Election)

Under the current at-large system, minority candidate of choice Prescott Sherrod lost by 11 percent and was defeated by two candidates. However, under the Modified Illustrative Plan and the Modified Alternative Plans 1 and 2, **Sherrod would have won his election in both District 1 and District 2.**

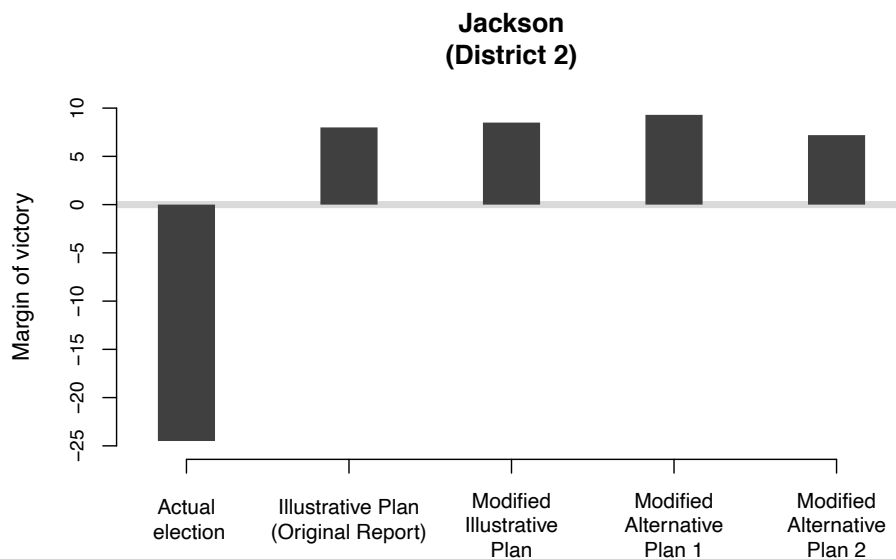
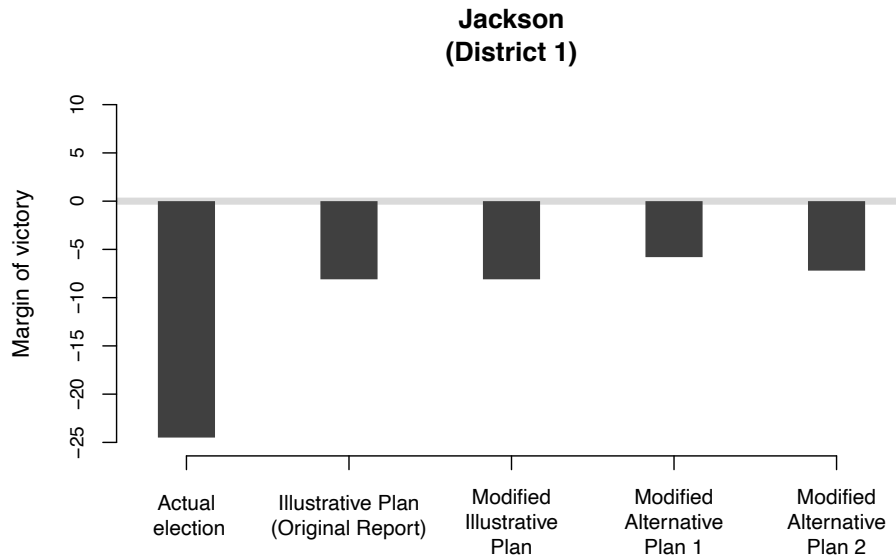


2010 At-Large Election

Note: two candidates were elected in this race. Under the current at-large system, the first minority candidate of choice was Rita Bellitto, a white female, who won the most votes of seven candidates and was elected. Under the Modified Illustrative Plan and the Modified Alternative Plans 1 and 2, **Bellitto would still win a seat in Districts 1 and 2.**

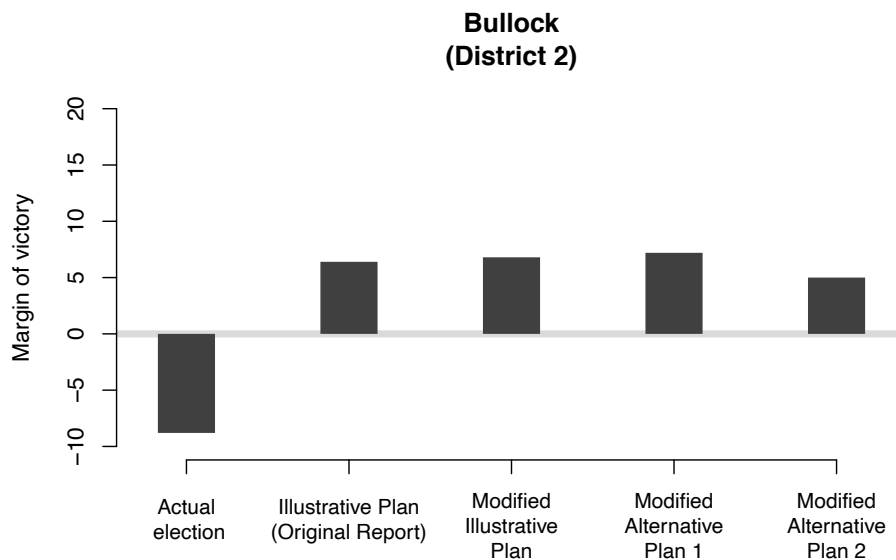
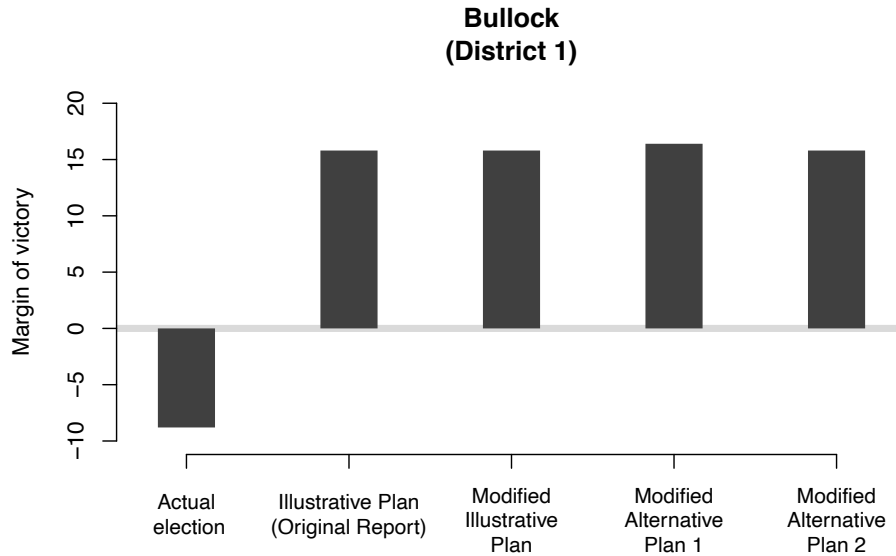


The second minority candidate of choice was Andrew Jackson, a black male, who came in 6th of seven candidates under the current at-large system. However, under the Modified Illustrative Plan and the Modified Alternative Plans 1 and 2, **Jackson would have won the most votes in District 2** (even more than Bellitto) and come in third in District 1, losing by 6–8 percent.



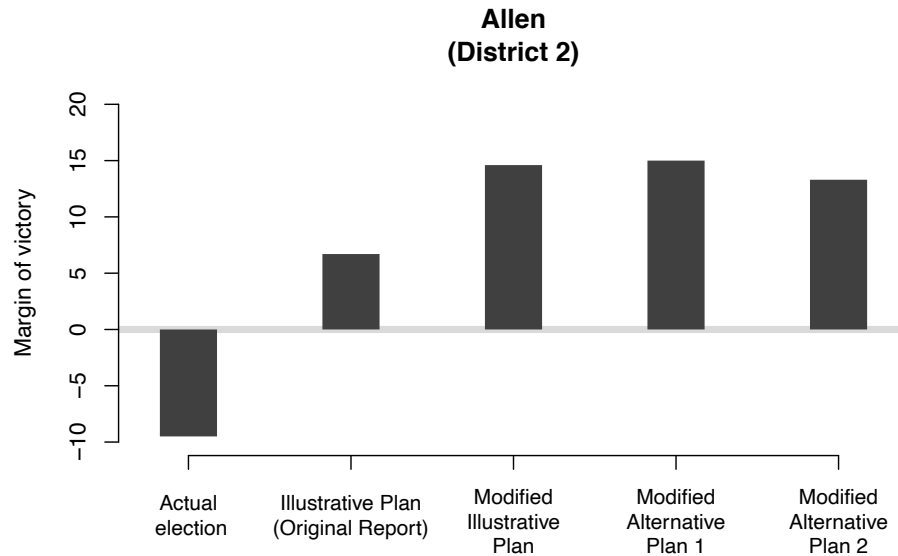
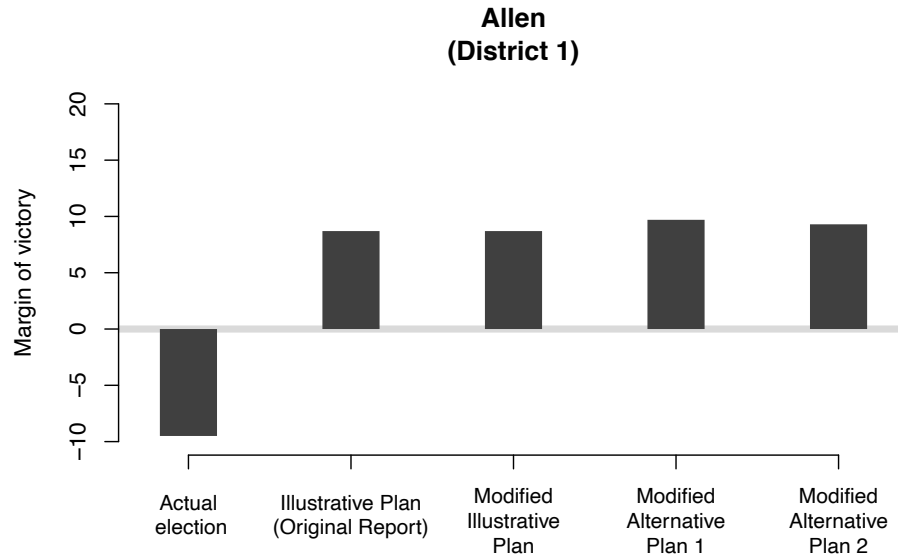
2010 Princess Anne District Election

Under the current at-large system, Barbara Henley defeated Tanya Bullock, who was the minority candidate of choice. However, under the Modified Illustrative Plan and the Modified Alternative Plans 1 and 2, **Bullock would have won her election by 16% in District 1 and by 5–7% in District 2.**



2008 At-Large Election

Under the current at-large system, the minority candidate of choice Georgia Allen was defeated by Wilson. However, under the Modified Illustrative Plan, and the Modified Alternative Plans 1 and 2, **Allen would have won her election by 9–10% in District 1 and 13–15% in District 2.**



DEPOSITION FOLLOW-UP

With regard to the 2010 race between Louis Jones and George Furman, I stated during my deposition that I reserved the right to confirm whether there was a statistically significant difference between the estimated support of minority voters before being able to give a final answer to a question I was asked.

p. 96 lines 6-21:

- Q: If that race was deemed probative, you would agree that Mr. Jones was the minority candidate of choice in your original report?
- A: I have checked that box, and I – but **I would reserve the right to confirm that.** If you'll note that these estimates don't have asterisks next to them, which is my designation that there's a statistically significant difference between vote totals, and **I'd want to confirm that** they're actually different.
- Q: And if they're different, that might suggest that Furman was actually the minority candidate of choice in that race?
- A: No. If they were different, it would suggest Furman definitely wasn't the candidate of choice.

I have confirmed that the estimated support among minority voters for Jones and Furman in 2010 is not statistically significantly different. According to King's Ecological Inference (EI), support for Mr. Jones was $56\% \pm 14\%$ while support for Mr. Furman was $44\% \pm 16\%$. All three methods of evaluation, including homogeneous precinct analysis, ecological regression, and King's EI, show that minority support for Jones was higher than for Furman, although the differences are not statistically significantly different. Thus, while I cannot say with statistical certainty that minority support for Jones is higher than for Furman, the statistical trends suggest that minority candidates preferred Jones over Furman.

I, Douglas M. Spencer, am over the age of 18 and fully competent to make this declaration. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Date: March 16, 2020



Douglas M. Spencer, Ph.D
Professor of Law & Public Policy
University of Connecticut
Visiting Professor of Law
Yale Law School