

**BOARD OF SUPERVISORS  
BUSINESS MEETING  
ACTION ITEM**

**SUBJECT:** 2021 Loudoun County Redistricting Process

**ELECTION DISTRICT:** Countywide

**CRITICAL ACTION DATE:** June 21, 2021<sup>1</sup>

**STAFF CONTACTS:** Charles Yudd, County Administration  
Trent Small, Mapping and Geographic Information  
Kristin Brown, Mapping and Geographic Information

**PURPOSE:** The purpose of this item is to present the Board of Supervisors (Board) with an overview of the process for redistricting, guidelines and legal parameters, precincts and polling places requirements, and the public participation process; confirm the number of single-member election districts; and to seek approval of a resolution governing the process.

**RECOMMENDATION:** Staff recommends that the Board maintain the current number of eight single-member election districts with one chair at-large position, adopt the proposed 2021 redistricting guidelines (Attachment 1) and Board of Supervisors Resolution Governing the 2021 Redistricting Process (Attachment 2), endorse the public participation process, and accept the proposed redistricting timeline with exceptions as noted.

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**BACKGROUND:** On January 19, 2021, staff provided information to the Board consisting of an [initial overview of the 2021 redistricting process](#) and the Board voted (8-0-1: Supervisor Buffington absent) to convene a separate meeting to discuss and adopt 2021 guidelines for redistricting, confirm the number of district-specific supervisors and adopt a resolution governing the process for 2021 redistricting.

This item presents current timing of the receipt of Census redistricting data and population counts (Section 1); updated legal guidance for redistricting, which has been revised since the January 19, 2021 Board Business Meeting Action Item, given action of the General Assembly (Section 2); updated requirements for precincts and polling places (Section 3); guidelines for number of residents per district (Section 4); proposed 2021 redistricting guidelines (Section 5); redistricting

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<sup>1</sup> The critical action for the Board at this time is associated with providing direction to staff related to guidelines, the number of districts for redistricting, a resolution for governing the process. Should the Board need additional time for consideration of these matters, staff will adjust the overall project timeline.

tools for public participation (Section 6); public communication plan (Section 7); and a description of the 2021 redistricting process (Section 8).

### **Section 1. Timing of Census Data and Existing Population and Population Estimates**

The U.S. Census Bureau conducts the decennial census in years ending in zero, on Census Day, which is April 1. The Census 2020 questions aim to provide a snapshot of the nation, not only through obtaining an accurate count of the number of people at each address but also demographic information about those individuals and whether the home is owned or rented. The Loudoun County Board of Supervisors established the local Complete Count Committee to raise awareness about the 2020 census. The Loudoun County self-response rate was relatively high at 82.3 percent when compared to the Virginia self-response rate of 71.5 percent or the National self-response rate of 67.0 percent.

By statute, the Census Bureau was to release apportionment data by the end of December 2020, but the Bureau was not able to meet that deadline and the data was instead released on April 26, 2021. Apportionment data is not the detailed data used for local redistricting, but instead it consists of population counts by state used to determine the allocation of House of Representative seats.

Federal statute also requires the release of P.L. 94-171 redistricting data by April 1, 2021.<sup>2</sup> The Census Bureau has stated that the release schedule of the redistricting data has been affected by both the delays caused by the COVID-19 Pandemic and by changes being made to accelerate the processing of the apportionment counts. The Bureau has indicated that data will be released by August 16, 2021, in a legacy format, and the final redistricting toolkit will be released to all states and the public by September 30, 2021.<sup>3</sup> Should the data not be released by August 16, 2021, the schedule will likely shift to accommodate the delay in data delivery.

Following the release of data by the Census Bureau, the Virginia Division of Legislative Services (DLS) will make an additional adjustment to the redistricting data, to reflect the reallocation of incarcerated populations based on place of residency at the time of incarceration, not the location of the facility that an individual is incarcerated.<sup>4</sup> DLS is required to make the adjusted data available within 30 days of receipt of redistricting data from the Census Bureau. If redistricting data are released by the currently anticipated date of September 30, 2021, then staff assumes Loudoun County should receive adjusted data from DLS by October 30, 2021.

Esri, Loudoun County's GIS vendor, has estimated Loudoun County's population, as of July 1, 2020, to be 424,000.<sup>5</sup> Staff monitors population growth in the County and feels that this estimate is a reasonable approximation of total population. Data from Esri have been used in the table below

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<sup>2</sup> "Public Law (or P.L.) 94-171 data" is another common term for the population data the U.S. Census Bureau provides for the purpose of redistricting. P.L. 94-171, enacted in 1975, directs the Census Bureau to send the governor and legislative leadership in each state the data they need to redraw districts for the U.S. Congress and state legislatures.

<sup>3</sup> This legacy format requires additional handling of the data to extract useable tables.

<sup>4</sup> This is a new requirement adopted during the 2020 Regular Session of the General Assembly (VA. CODE § 24.2-314).

<sup>5</sup> Source: Esri Community Analyst: Esri Demographics, data queried January 11, 2021.

to illustrate how growth in Loudoun County since 2010 may impact the population in the current election districts. At the time of the 2011 redistricting, each district had a population of approximately 39,000. Based on Esri’s estimate, upon completion of the 2021 redistricting process each district could have a population of approximately 53,000. Table 1 is meant for illustrative purposes only and is meant to show trend data rather than precise district populations.

**Table 1. Esri Estimated 2020 Population by District**

| <b>District</b> | <b>Esri Estimated 2020 Population (rounded)</b> |
|-----------------|---|
| Algonkian       | 43,000  |
| Ashburn         | 44,000  |
| Blue Ridge      | 86,000  |
| Broad Run       | 53,000  |
| Catoctin        | 46,000  |
| Dulles          | 66,000  |
| Leesburg        | 45,000  |
| Sterling        | 41,000  |

**Section 2. Legal Guidance for Local Redistricting**

As described in the [Guide to Local Redistricting for 2021](#), Article VII, Section 5 of the Constitution of Virginia requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one (i.e., the year following the decennial census). The requirements for local redistricting are prescribed in greater detail in Virginia Code § 24.2-304.1. The principal requirements are:

- (i) districts shall be composed of contiguous and compact territory;
- (ii) districts shall be so constituted as to give as nearly as practicable, representation in proportion to the population of the district (i.e., districts should have substantially equal population); and
- (iii) local governing bodies should use the most recent decennial population figures from the United States Census Bureau, as adjusted by DLS in accordance with Virginia Code § 24.2-314.

State legislative districts are subject to the same substantially equal population standard as local districts. However, Virginia Code § 24.2-304.04(1) specifies that “[a] deviation of no more than five percent shall be permitted for state legislative districts.” Although the Code does not contain the same explicit directive for local districts, the [Guide to Local Redistricting for 2021](#) recommends that “local election districts should have populations that are substantially equal to one another, with a plus or minus five percent deviation from the ideal district population.” As part of the redistricting process, local governing bodies may increase or diminish the number of districts in order to comply with the “substantially equal” standard, see Virginia Code § 24.2-304.1(B). Generally, members of a local governing body may be elected on an at-large basis, or from single-member or multi-member districts, or any combination thereof, see Virginia Code § 24.2-304.1(A), provided the total number of members is no less than three and no more than

eleven., see Virginia Code § 15.2-1400(B). However, as a result of a 1990 referendum, Loudoun County's governing body consists of a chair at large and supervisors elected to represent single-member districts. Va. Code § 15.2-1213(B). Currently the Board has eight single-member election districts plus a chair-at-large, for a total of nine members. If the Board chose to do so, it could modify the number of single-member districts from the current eight to two to ten while maintaining the chair-at-large position. The Board could not, however, implement multi-member districts without a Code change.

Prior to 2014, localities were subject to a "preclearance" process under Section 5 of the Voting Rights Act, meaning that any change to an election practice or procedure and all redistricting plans had to be submitted for approval by the United States Department of Justice or a federal court. A 2013 federal court ruling ended the requirement for federal preclearance. However, the General Assembly has adopted a bill, HB1890, that implements a state level preclearance process, by adding Section 24.2-129 to the Code of Virginia.

New Section 24.2-129 requires either a period of public comment or a preclearance review by the Attorney General of Virginia before a governing body may implement any "covered practice." The bill defines "covered practice" to include, among other things, changes in election district boundaries (including as part of the decennial redistricting process) and changes in polling places (except in cases of emergency, as permitted by law). The public comment process is outlined in Section 24.2-129(B) & (C) as follows:

- Publish notice of the covered proposed practice and opportunity for public comment on the locality's website. The County must also publicize the notice through press releases and other media. The notice must be made at least 45 days before the last date prescribed in the notice for public comment.
- Accept public comment for no fewer than 30 days. During this period, interested persons must have an opportunity to submit data, views and arguments via mail, fax or email or through an online public comment forum.
- Conduct at least one public hearing during the 30-day period.
- Governing body may make changes to the proposed covered practice in response to public comment. If so, the revised covered practice must be published, and public comment must be received for 15 days.
- After all public comment, publish the final covered practice, including:
  - a plain English description of the practice
  - text of the ordinance giving effect to the practice
  - maps of proposed boundary changes or other relevant materials
  - notice that the covered practice will take effect in 30 days
- During the 30-day wait period, any person affected by or subject to the covered practice may file suit in the Circuit Court to challenge the practice, essentially on grounds of intentional discrimination or disparate impact on the basis of race, color or ethnic group.

In lieu of the public comment process outlined in Section 24.2-129(B) and (C), a governing body may submit the covered practice to the Attorney General of Virginia for issuance of a certificate of no objection, in accordance with Section 24.2-129(D). The covered practice shall not be effective until the Attorney General issues such a certificate. The Attorney General shall have 60 days to issue the certificate. If the Attorney General does not interpose an objection within the 60-day period, the certificate of no objection shall be deemed to have been issued. The issuance of a certificate of no approval, either affirmatively or presumed, will not bar a subsequent legal action to enjoin enforcement of the covered practice.

Staff recommends that the Board seek a “certificate of no objection” from the Attorney General (i.e., preclearance) as outlined in Section 24.2-129(D). Under both the public notice and comment process outlined in subsections (B) and (C) and the preclearance process outlined in subsection (D), the Board must first develop the redistricting plan (and related polling place changes) that it wants to implement. That process will already involve a period of public input (staff proposes 30 days) and at least one public hearing, which will necessarily include public notice and engagement. Once the Board decides upon its proposed redistricting plan, the process outlined in subsections (B) and (C) would require 75 to 90 days of additional notice, comment and waiting periods. By contrast, the Attorney General preclearance process outlined in subsection (D) would be completed within a maximum of 60 days following the Board’s decision on the final redistricting plan. Assuming the Attorney General does not issue an objection, the new redistricting plan and polling place changes would take effect immediately at the end of such 60-day period.

The several months’ delay in receiving Census data has delayed the start of the County’s redistricting process and will extend that process into 2022, when ordinarily the County would expect to complete redistricting in the year ending in one (i.e., 2021). In an effort to avoid any potential impacts to elections occurring in 2022 (particularly as it relates to precinct and polling place changes related to redistricting) staff recommends that the Board follow the shorter Attorney General preclearance process. As explained above, even with the preclearance process there will be an opportunity for public notice, input, and engagement prior to the Board’s adoption of a redistricting plan.

### **Section 3. Requirements for Precincts and Polling Places**

Virginia Code § 24.2-307 directs the governing body of each county to establish by ordinance as many precincts as the governing body deems necessary. County governing bodies are also authorized to increase or decrease the number of precincts and to alter the boundaries of precincts subject to requirements and restrictions in the Code of Virginia. Virginia Code § 24.2-308 directs the establishment of one precinct for each town unless the town council establishes more than one precinct by ordinance.

Virginia Code § 24.2-307 provides that at the time a precinct is established, it cannot have more than 5,000 registered voters and no fewer than 100 registered voters for a county precinct. The Code also requires that if over 4,000 voters appear to vote in a precinct during a presidential election that precinct must be split. Additionally, each county precinct must be wholly contained

within a single federal, state, or local election district. In other words, precincts should not be split among election districts at any level.

The County currently has 98 precincts that range in size from approximately 200 voters to over 5,000 voters. To ensure smooth operations and minimal voter wait times, the Office of Elections currently seeks a target number of voters for a precinct in Loudoun of 3,500 or less. During redistricting, the Office of Elections believes it would be advisable to create more consistently sized precincts to allow for better use of resources and provide equal access for all voters. With the implementation of early voting in 2020, it is possible an anticipated 40 percent or more of voters will vote early going forward. Therefore, the Office of Elections recommended target precinct size of 3,500 could be raised slightly to 4,000 voters during the redistricting process.

Prior to the decennial redistricting, a “precinct freeze” is enacted every 10 years in preparation for redistricting. These frozen precinct boundaries are then used to provide census population counts for use in redistricting for the congressional, state legislative districts and local election districts. While there is no guarantee these lines will be followed, it is advisable the County attempts to use existing lines when possible.

Legislation passed in 2020 now requires local governing bodies to correct any split precincts. Some precinct adjustments may be needed after State redistricting has been completed. A split precinct is one in which not all voters in the precinct have the same candidates for a particular office on their ballot. The county currently has three split precincts that will need to be addressed during redistricting. A step to avoid split precincts going forward and the need to correct them, would be to wait until the state has finished drawing congressional and state legislative district lines before the county completes its redistricting. The expected completion for this state process is late October to early November 2021.

Voters must be notified by mail of changes to their precincts and/or districts at least 15 days before the next primary, special, or general election for which the changes impact. The congressional and state district changes are reflected on the voter card/voter notice sent to each voter along with information regarding their local election district and voting precinct/location. If redistricting of congressional, state and local districts is not completed by the same date, multiple changes to precincts could occur and notices to voters may have to be sent on multiple occasions. All House of Delegates offices will be up for election in November 2021. Since state districts were not adopted by June 15, 2021, then the County can use the existing districts for the November election. Because the delay in census data further requires that state redistricting not occur until after the November 2021 election, there are two possible scenarios:

- The first and most likely scenario is the November 2021 election would be run using the current district lines and those elected would serve the existing district until the new district maps were approved and a special election was called for the new districts. It is anticipated that if this were to happen the special election would be in November 2022 and those elected would take office in the new districts upon certification of the election.

- The second and less likely scenario is that legislators would run in the districts as they currently exist and would serve the normal two-year term, then the November 2023 elections would be run using the new district lines.

Only those voters impacted by boundary changes made to districts in which elections will be held would be required to receive a notice before the next election. Once local redistricting has been completed, the Loudoun County Office of Elections would be required to notify all voters impacted by any boundary changes made to districts that have not already been notified. In some instances, voters may receive multiple notices. The cost to send notices to all registered voters is estimated to be at approximately \$250,000 to \$300,000; the Board recently reserved funding for this purpose through the FY 2020 General Fund balance process.

**Section 4. Guidelines for Number of Residents Per District**

At the time of the 1971 increase to seven districts, each magisterial district contained approximately 5,300 residents, and in 1975 each district included approximately 6,000 residents. As of the 2001 redistricting, each of the eight election districts was home to approximately 21,000 residents. As of the 2011 redistricting, each district was home to approximately 39,000 residents. Staff has compiled an archive of available [historic election district maps](#) for the Board and public’s reference.

For comparative purposes, the following table shows the 2010 population and residents per district for Northern Virginia jurisdictions.

| <b>County</b>  | <b>2010 Population</b> | <b>Residents Per District (rounded)</b> | <b>Total Districts</b> |
|----------------|------------------------|---|------------------------|
| Fairfax        | 1,116,623              | 124,000                                 | 9                      |
| Loudoun        | 312,311                | 39,000                                  | 8                      |
| Prince William | 454,096                | 65,000                                  | 7                      |

Source: U.S. Census Bureau, *Census 2010*.

Although the actual figures from the 2020 census will not be received until the fall, data from the Esri Community Analyst extension can be used to illustrate potential population trends. If the Board maintains eight election districts, each district may represent approximately 53,000 residents, a 36 percent increase over the 2010 Census. For comparative purposes, the following table shows Esri’s 2020 population estimates and the resulting number of residents per district for Northern Virginia jurisdictions

| <b>County</b>  | <b>2020 Population Estimate</b> | <b>Residents Per District (rounded)</b> | <b>Total Districts</b> |
|----------------|---------------------------------|---|------------------------|
| Fairfax        | 1,182,450                       | 131,000                                 | 9                      |
| Loudoun        | 423,774                         | 53,000                                  | 8                      |
| Prince William | 523,924                         | 75,000                                  | 7                      |

Source: Esri Community Analyst: Esri Demographics, data queried January 11, 2021.

Using these estimates, Loudoun County would have the largest increase in residents per district among the four jurisdictions, which is to be expected given how significantly Loudoun’s population increased over the 10-year period compared to others.

Staff is monitoring the redistricting efforts of both Fairfax and Prince William Counties. Fairfax County Board of Supervisors adopted their [2021 Redistricting Process on February 23, 2021](#) (see pages 161-170) and the [2021 Redistricting Process for Prince William County was adopted May 18, 2021](#).

### **Section 5. Proposed 2021 Redistricting Guidelines**

The Chair and Vice-Chair have offered the Proposed 2021 redistricting guidelines (Attachment 1), for consideration and adoption by the Board of Supervisors. These have been established within the parameters of Virginia Code, as described in Section 2, and will be used by staff to develop template scenarios that will be presented to the Board to be used as a proposed starting point for the public participation redistricting tool, as further described in Section 6. The template scenarios will be available during the October timeframe and will represent maps showing possible district configurations based on the guidelines and requirements and further suggestions of the Board of Supervisors.

### **Section 6. Redistricting Tools for Public Participation**

The County has purchased Esri Redistricting, a web-based GIS software solution that will integrate with the County's existing enterprise GIS resources and data. This online tool, also known as the Loudoun County Redistricting Portal, will allow the public and other interested parties and County staff to develop, analyze, complete, and share proposed redistricting plans. This tool will make it easier for staff to evaluate redistricting scenarios and promote citizen engagement in the redistricting process. Staff recommends all redistricting plans be submitted through this technology solution to ensure consistency in submittals and analytical efficiency. Maps submitted through the Loudoun County Redistricting Portal will be analyzed against evaluative criteria for the purposes of assisting the Board in its decision-making process. Prior to acceptance for consideration, all plans submitted through the tool are required to pass an automated validation process that checks a minimum set of integrity rules including contiguity, allowable population deviation limits, the designated number of districts and ensuring that all geographies are assigned to a district. Due to the unknown volume of submittals that will be received, it is not feasible to do a manual review of every submitted plan and its adherence to the Board's adopted guidelines.

The Loudoun County Redistricting Portal can be accessed with a web browser from any internet-enabled computer. Individuals will be able to register online for a public account by providing first and last name as well as a valid email address. Individual public accounts will be automatically generated, allowing the individual to immediately begin plan creation. In addition to individual public accounts, organizations can request and receive a group account from the County. A group account will allow group members to collaborate in a secure environment before submitting a plan to the County.

The tool includes a user guide for how to create and edit a redistricting plan using Census and other relevant data; create a map of the plan or generate a report; and submit it for consideration. County staff will also record a demonstration of the start-to-finish process of developing a plan, running an integrity check tool to validate basic plan requirements (such as the allowed deviation in population per district), saving the results, and submitting it for consideration. Technical

assistance for the online redistricting process will also be available via email or phone. Staff will also advise that for members of the public without access to a computer, public terminals are available for use at the libraries or they may come to the Government Center for assistance.

### **Section 7. Public Communication Plan**

To communicate to the public regarding the redistricting process, a communications and education campaign will be developed by the Public Affairs and Communications (PAC) division. This campaign, to be executed by PAC, will focus on several key messages:

- What is redistricting?
- Why is it important?
- How is the process taking place?
- How can you participate?
- How can you stay informed?

A variety of communication channels and tools (including news releases, social media, website information, videos, story maps, and email updates) can be used to reach key audiences (including individuals and community groups) and provide them with the information they need to take part in this process. This campaign will also educate those who would like to submit draft plans and undertake hands-on modeling utilizing the Loudoun County Redistricting Portal. The campaign may include direct public outreach through in-person or virtual public meetings. PAC will work with the Office of Mapping and Geographic Information (OMAGI) to coordinate web content on the county's redistricting webpage ([www.loudoun.gov/redistricting](http://www.loudoun.gov/redistricting)) with the digital tools developed by OMAGI.

Staff will prepare an informative story map to explain the redistricting process, including information on population changes since the last redistricting in 2011 an explanation of the laws governing the redistricting process and redistricting guidelines that have been developed and adopted by the Board of Supervisors. The Story Map will also allow users to view the plans that have been submitted.

Staff is also developing a Frequently Asked Questions (FAQ) document and will provide an update to the Board on June 21, 2021.

### **Section 8. Redistricting Process**

The following timeline has been developed based on information currently available by the Census Bureau. Staff may need to adjust the timeline depending on the actual date of data delivery. A full discussion of the process is described below.

| <u>Event</u>  | <u>Date</u>                        |
|---|------------------------------------|
| Census Day  | April 1, 2020                      |
| Board directs separate meeting to:<br>1. Discuss and adopt revised 2021 guidelines<br>2. Confirm the number of districts<br>3. Discuss and adopt a resolution governing the process   | January 19, 2021                   |
| Apportionment Data Released   | April 26, 2021                     |
| Board holds Special Meeting to discuss and adopt revised 2021 guidelines for redistricting, and resolution governing the process. Board provides guidance on the development of staff scenario(s).  | June 21, 2021                      |
| Public communication campaign begins  | June 2021                          |
| Redistricting summary data file in legacy format delivered to all states  | By August 16, 2021                 |
| Esri Redistricting solution upgraded and updated with 2020 redistricting data   | September 1, 2021                  |
| Staff begins developing draft template scenarios  | Early September 2021               |
| Redistricting data (Public Law 94-171) delivered to all states.   | By September 30, 2021              |
| <b>Board of Supervisors Business Meeting:</b><br>Presentation on 2020 Census Population Data and Scenario(s) for use as a starting point within the redistricting tool.<br>Board chooses which staff-developed scenario(s) to incorporate into the Loudoun Redistricting Portal | October 19, 2021                   |
| County expected to receive adjusted census data from the Virginia Division of Legislative Services  | By October 30, 2021                |
| Estimated dates for General Assembly adoption of plans redistricting the House of Delegates, the Senate, and Virginia's Congressional seats   | Late October - Early November 2021 |
| Loudoun Redistricting Tool launched: Open Public Submission Period Open   | November 1, 2021                   |
| Open Public Submission Period Closed  | November 30, 2021                  |
| Staff performs preliminary comparison and classification of submitted scenarios   | December 2021                      |
| <b>Board of Supervisors Business Meeting:</b><br>Staff presents summary of Loudoun County Redistricting Portal Submitted Scenarios<br>Board discusses proposed scenarios  | January 18, 2022 <sup>6</sup>      |
| <b>Board of Supervisors Business Meeting:</b><br>Board discusses proposed scenarios   | February 15, 2022                  |
| <b>Board of Supervisors Business Meeting:</b><br>Board discusses and chooses which scenario(s) to send to Public Hearing  | March 15, 2022                     |

<sup>6</sup> Future Board Meeting Dates listed herein are estimated based on the Board's current meeting schedule. The Board's calendar is set annually at its organizational meeting in January.

|   |                           |
|---|---------------------------|
| <b>Staff drafts election district, precinct, and polling place ordinance</b>  | March 16 – March 29, 2022 |
| <b>Final Plan and Ordinance Amendments Advertisement Due</b>  | March 29, 2022            |
| <b>Board of Supervisors Public Hearing</b><br>Board adopts Redistricting Ordinance and ordinance revising precinct boundaries and polling places ( <i>with delayed effective date</i> ) | May 11, 2022*             |
| Redistricting Ordinance and amendment of polling place ordinance submitted to Attorney General of Virginia for preclearance review  | By May 25, 2022           |
| Attorney General of Virginia issues certificate of no objection (i.e. preclearance)   | By July 27, 2022          |
| Official map of updated boundaries provided to the Virginia Secretary of the Commonwealth, the Department of Elections, and the Division of Legislative Services                        | August 2022               |
| Preparation of New Voter Cards  | August 2022               |
| Mail New Voter Cards  | September 2022            |

*Grey rows represent dates out of the County's control (data releases, state processes, etc.) and all other dates have therefore been designed to flow around these dates.*

\* An off-cycle Public Hearing may need to be scheduled to allow for ample time to draft the election district, precinct and polling place ordinances.

Should the Board endorse the above timeline, the public communication campaign regarding the redistricting process will begin with a news release about the resolution governing the process. It is expected that the Census Bureau will deliver a redistricting summary data file (P.L. 94-171 data) in legacy format to all states by August 16, 2021, at which time staff will begin to review and analyze the population data, identifying areas of significant change and how that could impact redistricting.

Staff will develop template scenarios for the October 19, 2021, Board Business Meeting. Using the incoming Census data, the Board adopted guidelines, the number of districts directed, legal parameters, and any other Board guidance, staff will develop up to 8 scenarios to be used as templates in the Loudoun Redistricting Tool. Based on further direction and refinement from discussions with the Board, staff will configure the Loudoun Redistricting Portal to include the Board selected scenarios as templates for the public participation process. The redistricting tool is configured to allow the user to start plan development from a default scenario, called a template. Based on Board direction on October 19, 2021, one or more scenario(s) will be added to the redistricting tool to provide the user with a starting point from which to begin plan customization. This will save the user time over developing a plan from scratch. The tool can open automatically with a template option pre-selected, or the user can choose among multiple templates to pick a preferred starting point. The user is not restricted in the number of changes that can be made to any template scenario. Each scenario will have districts with well-balanced populations and will aim to fulfill the Board's adopted guidelines. A general map and analytical description of the staff

scenarios including population deviations and communities of interest impact will be created for each staff scenario.

Staff will also present a status update of the redistricting process at the October 19, 2021, Board Business Meeting. This will include a general discussion on the overall population of the County, changes at the current Election District level, target populations for new districts, and the acceptable population deviations. The update will include details related to where the population changes have occurred in the County and the impact on the new election districts geographies.

The Loudoun County Redistricting Portal will be made available to the public by November 1, 2021. Board members and the public will have access to submit proposed scenarios for a period of 30 days. Prior to acceptance for consideration, all plans submitted through the tool are required to pass an automated validation process that checks a minimum set of integrity rules including contiguity, allowable population deviation limits, the designated number of districts and ensuring that all geographies are assigned to a district. During the submittal process, users will have the opportunity to not only name the plan, but also to provide details and objectives related to the plan. The user is highly encouraged to provide as much background and detail about their plan as possible, as this will be used by staff to classify and categorize the plans to assist in the Board's review process. All submitted plans will be added to an interactive map available on the Loudoun County GeoHub, accessible through the redistricting website. For each submitted scenario, staff will produce a digital map file (PDF) as well as a report that includes any plan information, name, description, or objectives that was provided by the submitter.<sup>7</sup> This information will be used to further classify and categorize the plans for further review. The report will also include population deviation analysis for each proposed district. Any plan developed through the tool must pass the built-in integrity check in order to be successfully submitted. The GeoHub will serve as the primary platform for the Board Members and public to access and view the proposed scenarios during the open submittal period. The Loudoun County Redistricting Portal will be available until November 30, 2021 and will then be deactivated to allow for ample time for all submitted plans to be reviewed and considered by the Board.

At the January 18, 2022, Board Business meeting, staff will present a summary of the public participation process and the submitted plans to the Board. A digital (PDF) map and brief report will be created for each submitted scenario and will be made available for staff and public review. The accompanying report will include any descriptive information that was provided by the applicant as well as population deviation analysis for each proposed district. Staff will also perform a high-level review of submitted plans, including the use of any information provided by the submitter, to associate each with the staff developed scenario that it is most similar to. This classification process will help the Board in narrowing down preferred scenarios for further staff analysis. Due to the unknown volume of submittals that will be received, it is not feasible to do a manual review of every submitted plan and its adherence to the Board's adopted guidelines. If directed by the Board, additional review and analysis of selected scenarios can be performed. If

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<sup>7</sup> The GeoHub is the County's searchable mapping website that features interactive GIS applications and an open data platform.

this analytical step is necessary, staff will suggest that the Board reduce the number of potential scenarios requested for an additional level of analysis to be performed.

The Board will further discuss the proposed scenarios at the February 15, 2022, Board Business Meeting and at its March 15, 2022, Business Meeting, the Board will determine which scenario to endorse for Public Hearing.<sup>8</sup> The Board will then direct staff to develop all ordinances related to the identified plan(s), to advertise these ordinances for public hearing and to subsequently return the final plan(s) with ordinances to the Board for public hearing action. By May 25, 2022, the Board's approved Redistricting Ordinance will be submitted to the Attorney General of Virginia for preclearance review, and it is expected that a certificate of no objection should be issued by July 27, 2022.<sup>9</sup> Official Maps will be provided to all necessary entities and the process of producing and mailing new voter cards can begin in August 2022 with an expected completion date of September 30, 2022.

## **ISSUES:**

***Number of Districts:*** The number of districts that will exist in the County is one of the most immediate and important decisions for the Board at this point. As indicated in Section 4, Loudoun County had 39,000 residents per district as of the 2010 Census and the current estimate is 53,000 residents per district. Population growth has been uneven, with some districts (Blue Ridge and Dulles), now estimated to have more residents than the 53,000 average, with most others having less.

***Differential Privacy and Data Quality:*** In the past few years, with growing attention over the past few months, the Census Bureau has released information about its approach to ensuring the privacy of respondents of and the demographic data collected through the 2020 Census is protected. The Census Bureau has always had a legal and ethical responsibility for maintaining the privacy of respondents. Without taking steps to prevent disclosure of personal information, it could be possible to infer data about certain households, especially those with characteristics that are different from the other households surrounding them.

The decennial censuses of 1990 through 2010 used a "swapping" technique. Data for certain households were "swapped" between areas, to prevent users from being able to determine personal characteristics.

Given concerns about the ability to maintain confidentiality given increasing powerful computing, for 2020 the Census Bureau is utilizing a methodology called "differential privacy" to protect respondent data as part of the 2020 Census. This methodology introduces a mathematical approach to add statistical "noise" rather than swap households.

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<sup>8</sup> The Plan was developed targeting the May 11, 2022 Public Hearing, but an off-cycle Public Hearing may need to be scheduled to allow for ample time to draft the election district, precinct and polling place ordinances.

<sup>9</sup> There are no local elections for Loudoun in 2022, and it is not possible to have local redistricting efforts completed by the June 8, 2021 Primary or the November 2, 2021 General Election. Loudoun plans to commence the statutorily prescribed process, once the data is available, therefore it is understood that there is not a December 31, 2021 deadline.

Issues with variability may impact the ability to analyze data involving fewer people, such as data at small geographies (such as blocks) or smaller demographic categories. For example, at the County level, April test data from the Census Bureau utilizing 2010 Census data showed a total population difference of 15 people in Loudoun County, with the largest change in any racial or ethnic group being 61 out of a population of 312,211 (0.02 percent of the 2010 population).

The Census Bureau provided opportunities throughout 2019 through 2021 to offer comment on its approach to privacy. Staff understands that in the future, the Census Bureau will provide guidance on fitness for use of its data.

The Northern Virginia Regional Commission has made available a [handout](#) that summarizes differential privacy, outstanding issues related to its implementation for the 2020 Census data products, and its impacts on planning, policy making, and redistricting. Created in collaboration with Arlington and Loudoun County's demographers, this handout is meant to educate legislators, government staff members, and the public about this new technique and its impact on the quality of 2020 Census data.

**FISCAL IMPACT:** There is no additional fiscal impact associated with this action item. Costs related to the redistricting process, including the Esri software, voter card mailing costs, and communication materials, are currently planned within existing FY 2021 and FY 2022 appropriations.

**ALTERNATIVES:**

1. The Board may choose to maintain the existing eight single-member districts and one chair at-large position, adopt revised 2021 guidelines, endorse the proposed timeline; and adopt a resolution governing the 2021 redistricting process.
2. The Board may choose to alter the number of districts, adopt revised 2021 guidelines, and a resolution governing the 2021 redistricting process.
3. The Board may choose alternate direction.

**DRAFT MOTIONS:**

1. I move that the Board of Supervisors affirm that the current number of eight single-member election districts with one chair at-large position be maintained for the 2021 redistricting process and endorse the public participation process and accept the redistricting timeline as proposed in the June 21, 2021, Action Item.

I further move that the Board of Supervisors adopt the Board of Supervisors Resolution Governing the 2021 Redistricting Process, provided as Attachment 1 to the June 21, 2021, Action Item.

OR

2. I move an alternate motion.

**ATTACHMENTS:**

1. Resolution of the Board of Supervisors Governing the 2021 Redistricting Process
2. Proposed 2021 Redistricting Guidelines



## **Loudoun County 2021 Redistricting Guidelines**

**1. All districts shall have equal representation**

Districts should be drawn to provide representation in proportion to the population of the district. The "one person-one vote" approach is of paramount consideration. In the past, Loudoun County has used a deviation of plus or minus five percent from the mathematical average as an acceptable level of representation.

**2. The plan shall comply with the Voting Rights Act**

According to the Voting Rights Act, districts should be drawn in such a way that assures that minority voters have an equal opportunity to participate in the political process and to elect representatives of their choice.

**3. All districts must be compact and contiguous**

Each district should be a single geographic unit, not composed of separated parts

**4. The Census shall be the source of data**

Loudoun County must use adjusted U.S. Census Bureau data supplied by the Virginia Division of Legislative Services.

**5. Preserve communities of interest**

To the maximum extent possible, areas that have readily identifiable communities of interest should not be split. Residential sub-divisions or small villages are examples of communities of interest that should remain intact.

**6. Create Districts with Similar Interest Among Communities**

To the extent possible create districts where the residents have similar issues and concerns as it relates to land use, development, traffic patterns, etc.

**7. Consider voter convenience and effective election administration**

Each precinct must have polling place within or immediately adjacent to it.

**8. Use geographical or physical features, especially arterial roadways, for district and precinct boundaries**

It is essential that the district and precinct boundaries be easily identifiable. Such features as arterial roadways, stream beds, and riverbeds provide distinctive, identifiable boundaries.

**9. Consider all alternative plans presented by interested groups and individuals**

Once announced, individual citizens & interest groups should have a 30-day window to submit their suggestions using interactive mapping technology designated by the County



# Loudoun County

VIRGINIA

**Phyllis J. Randall**  
**Chair At-Large**  
Board of Supervisors  
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for electronic submissions. Individuals or interest groups must live, be an established nonprofit or have a business located in Loudoun County.

**10. When possible do not split incorporated towns.**

Loudoun County's incorporated towns should not be divided within the boundaries of any town. It should be possible to maintain all towns intact, except perhaps the Town of Leesburg due to its larger population.

Koran Saines, Vice-Chair

Loudoun County Board of Supervisors

Phyllis Randall, Chair

Loudoun County Board of Supervisors

At a regular meeting of the Board of Supervisors of Loudoun County, Virginia, held in the Board Room of the Loudoun County Government Center in Leesburg, Virginia, on Monday, June 21, 2021, at which a quorum was present and voting, the following resolution was adopted.

**RESOLUTION OF THE BOARD OF SUPERVISORS  
REGARDING THE 2021 REDISTRICTING OF  
THE COUNTY'S ELECTION DISTRICTS**

Whereas Loudoun County, Virginia, is required to consider reapportionment every ten years; and  
Whereas the U.S. Census Bureau is expected to release the results of the 2020 Census to the appropriate Commonwealth officials by September 2021; and

Whereas the Census data are expected to show that sufficient population changes have taken place within Loudoun County, Virginia, to warrant a reapportionment of the districts from which the Board of Supervisors of the County are elected; and

Whereas the Board of Supervisors has the responsibility to apportion the election districts of the governing body in accordance with federal and state laws; and

Whereas in accordance with Virginia Code § 24.2-304.1(B) (i) districts shall be composed of contiguous and compact territory; (ii) districts shall be so constituted as to give as nearly as practicable, representation in proportion to the population of the district (i.e., districts should have substantially equal population); and (iii) local governing bodies shall use the most recent decennial population figures from the United States Census Bureau, as adjusted by the Division of Legislative Services in accordance with Virginia Code § 24.2-314.

Now, therefore it be, resolved that the Board of Supervisors supports maintaining the current number of eight single-member election districts and one at-large position; and

Be it further resolved that the Board of Supervisors adopts the following Guidelines for the redistricting and reapportionment process:

**Guidelines**

**1. All districts shall have equal representation**

Districts should be drawn to provide representation in proportion to the population of the district. The "one person-one vote" approach is of paramount consideration. In the past, Loudoun County has used a deviation of plus or minus five percent from the mathematical average as an acceptable level of representation.

**2. The plan shall comply with the Voting Rights Act**

According to the Voting Rights Act, districts should be drawn in such a way that assures that minority voters have an equal opportunity to participate in the political process and to elect representatives of their choice.

3. **All districts must be compact and contiguous**

Each district should be a single geographic unit, not composed of separated parts

4. **The Census shall be the source of data**

Loudoun County must use adjusted U.S. Census Bureau data supplied by the Virginia Division of Legislative Services.

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To the maximum extent possible, areas that have readily identifiable communities of interest should not be split. Residential sub-divisions or small villages are examples of communities of interest that should remain intact.

6. **Create Districts with Similar Interest Among Communities**

To the extent possible create districts where the residents have similar issues and concerns as it relates to land use, development, traffic patterns, etc.

7. **Consider voter convenience and effective election administration**

Each precinct must have polling place within or immediately adjacent to it.

8. **Use geographical or physical features, especially arterial roadways, for district and precinct boundaries**

It is essential that the district and precinct boundaries be easily identifiable. Such features as arterial roadways, stream beds, and riverbeds provide distinctive, identifiable boundaries.

9. **Consider all alternative plans presented by interested groups and individuals**

Once announced, individual citizens & interest groups should have a 30-day window to submit their suggestions using interactive mapping technology designated by the County for electronic submissions. Individuals or interest groups must live, be an established nonprofit or have a business located in Loudoun County.

10. **When possible do not split incorporated towns.**

Loudoun County's incorporated towns should not be divided within the boundaries of any town. It should be possible to maintain all towns intact, except perhaps the Town of Leesburg due to its larger population.

GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, 2021.

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DEPUTY CLERK TO THE LOUDOUN COUNTY

BOARD OF SUPERVISORS