By U.S.P.S. Express Mail

Chief, Voting Section
Civil Rights Division
United States Department of Justice
Room 7254-NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Submission Under Section 5 of the Voting Rights Act; Expedited Consideration Requested: County of Albemarle, Virginia

I am the chief legal officer for the County of Albemarle, Virginia (the “County”). Please accept the following as the County’s submission under Section 5 of the Voting Rights Act for establishing new boundaries for its magisterial (election) districts and precincts, and establishing the location of polling places.

Pursuant to 28 C.F.R. § 51.34(a), expedited consideration by June 7, 2011 is requested to assure absentee ballots can be sent to absent active duty military and overseas applicants at least 45 days before primary elections scheduled for August 23, 2011 under 2011 Va. Acts Ch. 3. Virginia Code § 24.2-612, implementing the MOVE Act, as well as Virginia’s consent decree in United States v. Cunningham, Case No. 3:08CV709 (December 14, 2010), establish a 45-day standard for sending absentee ballots that cannot be achieved without expedited review. Preclearance on the requested expedited calendar of 30 days, instead of 60 days, will greatly benefit voters, particularly absentee military and overseas citizens, as well as candidates and election officials affected by the redistricting transition.

To facilitate its review, this submission is organized to follow the requirements of 28 C.F.R. §§ 51.27 and 51.28.

28 C.F.R. § 51.27

(a) A copy of the ordinance establishing the new boundaries for the County’s magisterial districts and precincts, and establishing the location of polling places, adopted by the Albemarle County Board of Supervisors (the “Board of Supervisors”) on May 4, 2011 (the “New Plan”), is attached hereto as Attachment 1.

(b) A copy of the ordinance adopted by the Board of Supervisors in effect immediately prior to the Board’s adoption of the New Plan (the “Prior Plan”) is attached hereto as Attachment 2.
(c) The following identifies with specificity the changes affecting voting and explains the differences between the New Plan and the Prior Plan.

**Summary of the Key Changes.** The key changes to the existing magisterial district and precinct boundaries under the New Plan are as follows:

*Rivanna/Rio Magisterial Districts:* The Briarwood and Camelot subdivisions within the Burnley precinct of the Rivanna Magisterial District are moved to the Rio Magisterial District and placed in the Northside precinct. In addition, within the Rivanna Magisterial District, the Burnley precinct is expanded to the south from the North Fork Rivanna River to Powell Creek/Lake Hollymead, and the Hollymead precinct is correspondingly reduced in size. The Burnley precinct is renamed the “Baker-Butler” precinct and its polling place is moved from Northridge Community Church to Baker-Butler Elementary School.

*Scottsville/Samuel Miller Magisterial Districts:* The entire Porter’s precinct of the Scottsville Magisterial District is moved to the Samuel Miller Magisterial District.

*White Hall/Samuel Miller Magisterial Districts:* The entire Yellow Mountain precinct of the White Hall Magisterial District is moved to the Samuel Miller Magisterial District.

**Detailed Explanation of the Key Changes.** Following is a detailed explanation of the key changes to the magisterial district and precinct boundaries under the New Plan. The existing polling places will remain as they are under the New Plan, with the exception of the Burnley precinct in the Rivanna Magisterial District, which was renamed the “Baker-Butler” precinct, and whose polling place is moved from Northridge Community Church to Baker-Butler Elementary School.

1. **Jack Jouett Magisterial District**

   A. **District boundary:** The eastern-most portion of the East Ivy precinct (bounded by U.S. 250 on the north, the U.S. 29 Bypass on the west, and Fontaine Avenue and the City limits on the south) of the Samuel Miller Magisterial District is added to the Jack Jouett Magisterial District (University Hall precinct). This change increased the population of the magisterial district by 2,444 persons.

   B. **Precincts:** The reconfigured University Hall precinct includes the lands from the East Ivy precinct moved from the Samuel Miller Magisterial District. The boundaries of the other precincts remain the same.

   C. **Polling places:** All of the precincts retain their current polling places.

2. **Rio Magisterial District**

   A. **District boundary:** The Briarwood and Camelot subdivisions within the Burnley precinct of the Rivanna Magisterial District are added to the Rio Magisterial District (Northside precinct). This change increases the population of the magisterial district by 1,125 persons.
B. **Precincts**: The reconfigured Northside precinct includes the Briarwood and Camelot subdivisions moved from the Rivanna Magisterial District. The boundaries of the other precincts would remain the same.

C. **Polling places**: All of the precincts retain their current polling places.

3. **Rivanna Magisterial District**

   A. **District boundary**: The Briarwood and Camelot subdivisions in the Burnley precinct are moved to the Rio Magisterial District. This change decreases the population of the magisterial district by 1,125 persons.

   B. **Precincts**: The Burnley precinct is expanded to the south from the North Fork Rivanna River to Powell Creek/Lake Hollymead. This correspondingly reduces the size of the Hollymead precinct. With the Briarwood and Camelot subdivisions being moved to the Rio Magisterial District, the number of voters in the reconfigured Burnley and Hollymead precincts are almost equal to one another. The Burnley precinct is renamed the Baker-Butler precinct. The Hollymead precinct retains its name. The boundaries of the other precincts remain the same.

   C. **Polling places**: The polling place for the renamed Baker-Butler precinct is moved from Northridge Community Church to Baker-Butler Elementary School, which is closer to the population center of that precinct. The polling place for the reconfigured Hollymead precinct remains at Hollymead Elementary School. The polling places of the other precincts remain the same.

4. **Samuel Miller Magisterial District**

   A. **District boundary**: The eastern-most portion of the East Ivy precinct (bounded by U.S. 250 on the north; the U.S. 29 Bypass on the west, and Fontaine Ave. and the City limits on the south) is moved to the Jack Jouett Magisterial District (2,444 persons). The entire Yellow Mountain precinct is added from the White Hall Magisterial District (951 persons). The entire Porter’s precinct is added from the Scottsville Magisterial District (2,396 persons). These changes increase the population of the magisterial district by 903 persons.

   B. **Precincts**: The reconfigured East Ivy precinct retains its name. The boundaries of the Yellow Mountain precinct, added from the White Hall Magisterial District, remain the same. The boundaries of the Porter’s precinct, added from the Scottsville Magisterial District, remain the same. The boundaries of the other precincts also remain the same.

   C. **Polling places**: The polling place for the East Ivy precinct continues to be The Miller Center. The polling place for the Yellow Mountain precinct continues to be Mount Ed Baptist Church. The polling place for the Porter’s precinct continues to be Yancey Elementary School. The polling places of the other precincts also remain the same.

5. **Scottsville Magisterial District**

   A. **District boundary**: The entire Porter’s precinct is moved to the Samuel Miller Magisterial District. This change decreases the population of the magisterial district by 2,396 persons.
B. **Precincts**: The boundaries of the precincts remaining in the district remain the same.

C. **Polling places**: The polling places of the precincts remaining in the district remain the same.

6. **White Hall Magisterial District**

A. **District boundary**: The entire Yellow Mountain precinct is moved to the Samuel Miller Magisterial District. This change decreases the population of the magisterial district by 951 persons.

B. **Precincts**: The boundaries of the precincts remaining in the district remain the same.

C. **Polling places**: The polling places of the precincts remaining in the district remain the same.

County staff also reviewed data and conducted field work as necessary to verify the magisterial district and precinct boundary descriptions for the New Plan. A number of minor technical changes were made in the boundary descriptions, none of which affected magisterial district populations or the numbers of voters in precincts.

See also the maps submitted pursuant to 28 C.F.R. § 51.28(b), which are attached hereto as Attachment 3.

(d) The name, title, address and telephone number of the person making this submission is as follows: Larry W. Davis, County Attorney, County of Albemarle, 401 McIntire Road, Charlottesville, Virginia 22902-4596; telephone: (434) 972-4067; facsimile: (434) 972-4068; email: LDavis@albemarle.org.

(e) The name of the submitting authority is the County of Albemarle, Virginia.

(f) This section is not applicable.

(g) The body responsible for making the change by adopting the New Plan is the Board of Supervisors of Albemarle County, Virginia. The mode of the decision was an ordinance (Attachment 1) adopted by the Board of Supervisors on May 4, 2011, following a publicly advertised public hearing.

(h) The statutory and constitutional authority under which the Board of Supervisors adopted the New Plan are as follows: 42 U.S.C. § 1973(e) (Section 5 of the Voting Rights Act); 42 U.S.C. § 1973ee et seq. (the Voting Accessibility for the Elderly and Handicapped Act); 42 U.S.C. § 12131 et seq. (the Americans with Disabilities Act relating to public services); Article VII, Section 5 of the Virginia Constitution (requirement to reapportion after the decennial census and standards therefor); Virginia Code §§ 15.2-1211 (boundaries of magisterial districts), 15.2-1400 (governing bodies), 22.1-57.3 (school boards), 24.2-304.1 through 304.11 (redistricting procedures; requirements for magisterial districts, precincts and polling places); and Virginia Code § 51.5-1 et seq. (the Virginians with Disabilities Act).
See section (m) below for a discussion of the key statutory and constitutional provisions that required the change to be made.

The procedure the County was required to follow in deciding to undertake the New Plan is set forth in Virginia Code § 15.2-1427, which establishes the procedure for adopting an ordinance, and Section 5 of the Voting Rights Act.

(i) The date of adoption of the New Plan was May 4, 2011.

(j) The date on which the New Plan took effect is May 4, 2011. However, there are no elections scheduled between May 4, 2011 and August 23, 2011, which is the date for a possible primary election.

(k) The New Plan has not yet been enforced or administered.

(l) This section is not applicable.

(m) The New Plan was required in order to change magisterial district and precinct boundaries in order to comply with some or all of the laws identified in section (h) above. In particular, the New Plan was adopted in order to comply with the following requirements under State law:

**Magisterial districts.** Article VII, Section 5, of the Virginia Constitution requires that: (1) the governing bodies of localities be popularly elected; (2) if elections are by district, the locality must redistrict each ten years, beginning in 1971; (3) the districts must be drawn “to give as nearly as is practicable representation in proportion to the population of the district”; and (4) the districts must also “be composed of contiguous and compact territory.” See also, Virginia Code §§ 24.2-304.1(B) and 24.2-305(A). Magisterial districts also must have “clearly defined and clearly observable boundaries.” Virginia Code § 24.2-305(A). Redistricting plans must be adopted by ordinance and include a description of the district boundaries and map, and be included in the minutes of the governing body. Virginia Code § 24.2-304.3.

**Precincts.** Virginia Code § 24.2-307 provides that precincts can be established with no more than 5,000 registered voters and no fewer than 100 registered voters, and that they must be wholly contained in one local election (magisterial) district. Precincts also must be compact and contiguous and have “clearly defined and clearly observable boundaries.” Virginia Code § 24.2-305(A). When a locality redraws its local election district lines, it necessarily must adjust some precinct lines.

**Polling places.** There must be one polling place for each precinct, and each polling place must: (1) be located in the precinct or within one mile of the precinct boundary; (2) meet accessibility requirements under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. § 1973ee et seq.), the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.) and the Virginians with Disabilities Act (Virginia Code § 51.5-1 et seq.) and (3) be located in a public building whenever practicable. Virginia Code §§ 24.2-310 and 24.2-310.1.

(n) There is no anticipated effect of the New Plan on members of racial minority groups, as explained below:
County of Albemarle, Virginia
May 6, 2011
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Justification for the changes. The relative populations of the racial minority groups were considered in not only the New Plan (identified on the maps as "Plan 1A"), but also the plans considered by the Board at its April 6, 2011 work session (Plans 1 and 2). The changes to the magisterial district boundaries were necessary to rebalance the populations within each magisterial district to establish population equality among them as nearly as practicable, with a goal of having a deviation in population not to exceed +/-5% (absolute population equality is the "ideal population").

<table>
<thead>
<tr>
<th>Magisterial District</th>
<th>Current Population (2010 Census)</th>
<th>Ideal Population</th>
<th>Current Difference from Ideal</th>
<th>Current Difference from Ideal (%)</th>
<th>Revised Population</th>
<th>Revised Difference from Ideal (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack Jouett</td>
<td>14,563</td>
<td>16,495</td>
<td>-1932</td>
<td>-11.71%</td>
<td>17,007</td>
<td>+3.10%</td>
</tr>
<tr>
<td>Rio</td>
<td>15,682</td>
<td>16,495</td>
<td>-813</td>
<td>-4.93%</td>
<td>16,807</td>
<td>+1.89%</td>
</tr>
<tr>
<td>Rivanna</td>
<td>17,425</td>
<td>16,495</td>
<td>+930</td>
<td>+5.64%</td>
<td>16,300</td>
<td>-1.18%</td>
</tr>
<tr>
<td>Samuel Miller</td>
<td>15,136</td>
<td>16,495</td>
<td>-1359</td>
<td>-8.24%</td>
<td>16,039</td>
<td>-2.76%</td>
</tr>
<tr>
<td>Scottsville</td>
<td>19,018</td>
<td>16,495</td>
<td>+2530</td>
<td>+15.30%</td>
<td>16,622</td>
<td>+0.77%</td>
</tr>
<tr>
<td>White Hall</td>
<td>17,146</td>
<td>16,495</td>
<td>+651</td>
<td>+3.95%</td>
<td>16,195</td>
<td>-1.82%</td>
</tr>
</tbody>
</table>

As the table shows, the 2010 Census revealed that four of the County’s six magisterial districts under the Prior Plan were not within the permitted +/-5% deviation. The New Plan corrected this problem.

Adherence to objective guidelines and fair and conventional procedures. Proposed redistricting guidelines were first presented to the Board for consideration on December 1, 2010. A set of guidelines was adopted by the Board on March 2, 2011. The adopted guidelines incorporate not only federal and state requirements for establishing magisterial district and precinct boundaries and locating polling places, but also include additional policies that have been approved by the courts.

The Board and the County’s staff followed the adopted guidelines in analyzing the New Plan and the rejected plans. This analysis was included in the materials considered by the Board and publicly available at the Board’s April 6, 2011 work session and its May 4, 2011 public hearing. The County’s analyses under the guidelines are included as Attachment 14.

Affording the public and members of racial minority groups an opportunity to participate. The County has kept the public apprised of the redistricting process since September 2010. At its September 1, 2010 and December 1, 2010 public meetings, County staff briefed the Board on the redistricting process, the legal requirements for redistricting, and the schedule to be followed. Proposed redistricting guidelines were first presented to the Board for consideration on December 1, 2010. All of these meetings were publicly advertised and the staff reports were available to the public.

County staff held a public meeting on January 20, 2011 to discuss the redistricting process, its requirements and the proposed guidelines with the public. That meeting was publicly advertised in The Daily Progress, the local daily newspaper of general circulation in Albemarle County and the City of Charlottesville, and individual notices were sent to a wide range of interested persons and groups by regular mail and by email. Among those included in the mailings was Janette Martin, Vice President, NAACP Charlottesville/Albemarle Chapter. Seventeen members of the public and various members of the media attended the public meeting. Ms. Martin attended the January 20, 2011 public meeting.
On April 6, 2011, the Board held a publicly advertised work session on two redistricting plan options (Plan 1 and Plan 2). The same persons and groups who were notified by email of the January 20, 2011 public meeting, as well as those who attended that public meeting, received an email with relevant information about the April 6, 2011 Board work session. Janette Martin was included in that mailing. The same information was provided to all members of the public who subscribe to the County’s ‘A-mail’ system (emails informing the public of upcoming County meetings, events and activities) and was posted on the County’s website. Prior to the work session, several members of the public, none of whom were members of a racial minority group, objected to the “Plan 2” option because it made what they believed to be unnecessary changes to magisterial district boundaries between the Rivanna and Scottsville Magisterial Districts.

Prior to the May 4, 2011 public hearing, the proposed redistricting ordinance and map were advertised twice in The Daily Progress. In addition, emails to the same persons and groups previously notified were again notified of the public hearing, A-mail was sent to all subscribers, and information about the redistricting plan was posted on the County’s website.

The executive summaries provided to the Board of Supervisors, together with the materials presented at the January 20, 2011 public meeting, are included in Attachment 11.

Consideration of the concerns of racial minority groups. There were no express concerns raised by racial minority groups regarding the effect of the New Plan on racial minority groups. At the May 4, 2011 Board of Supervisors’ public hearing, Cauline Yates asked whether a later public hearing would be held to allow working people to attend to discuss the move of the Porter’s precinct from the Scottsville Magisterial District to the Samuel Miller Magisterial District. It was explained that a later public hearing was not scheduled. Valerie L’Herrou stated that she met with a group from the Porter’s precinct and some concerns (unspecific) were expressed about the precinct’s move, but she said that the move also provided some opportunities. See the account of the May 4, 2011 public hearing in Attachment 10.

Racial minority groups; effect of changes in population; retrogression. The table below shows the population changes of the several racial groups over the past 10 years:

<table>
<thead>
<tr>
<th>Race</th>
<th>2000 Census Percentage of Total Population</th>
<th>2010 Census Percentage of Total Population</th>
<th>Change in Percentage of Total Population from 2000 to 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>84.05%</td>
<td>77.93%</td>
<td>-6.12%</td>
</tr>
<tr>
<td>Black</td>
<td>9.87%</td>
<td>9.59%</td>
<td>-0.28%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>2.60%</td>
<td>5.47%</td>
<td>+2.87%</td>
</tr>
<tr>
<td>Asian</td>
<td>2.90%</td>
<td>4.64%</td>
<td>+1.74%</td>
</tr>
<tr>
<td>Other</td>
<td>1.08%</td>
<td>2.35%</td>
<td>+1.27%</td>
</tr>
</tbody>
</table>

With respect to changes in the proportions of racial minority groups overall between the 2000 and 2010 Censuses, the percentages of the total population for the “White” and “Black” racial categories decreased and the Hispanic, Asian and Other racial minority groups increased. The “Other” population group is composed of American Indian, Native Alaskan, Native Hawaiian, Pacific Islander, persons of other racial groups, and persons of two or more races. Although the populations of the Hispanic, Asian and Other racial minority groups have increased between the 2000 and 2010 Censuses, these populations still remain too small to have a significant impact as a voting bloc. The change in voting strength of all of
the minority populations between the Prior Plan and the New Plan is negligible. (Note that the numbers in the table may not add up to 100% due to rounding off.)

The following table shows the effect of redistricting on racial minority groups considering the 2010 populations under the Prior Plan and the New Plan:

<table>
<thead>
<tr>
<th>Magisterial District</th>
<th>Race</th>
<th>Prior Plan (Percentage of total population)</th>
<th>New Plan (Percentage of total population)</th>
<th>Change Between Prior Plan and New Plan (Percentage of total population)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Percentage of total population</td>
<td>Percentage of total population</td>
<td>Change Between Prior Plan and New Plan Percentage of total population</td>
</tr>
<tr>
<td>Jack Jouett</td>
<td>White</td>
<td>64.88%</td>
<td>64.16%</td>
<td>-0.72%</td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>14.39%</td>
<td>13.59%</td>
<td>-0.80%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>7.60%</td>
<td>7.35%</td>
<td>-0.25%</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>10.17%</td>
<td>11.61%</td>
<td>+1.44%</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2.95%</td>
<td>1.94%</td>
<td>-1.01%</td>
</tr>
<tr>
<td>Rio</td>
<td>White</td>
<td>70.56%</td>
<td>69.77%</td>
<td>-0.79%</td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>12.96%</td>
<td>13.88%</td>
<td>+0.92%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>8.68%</td>
<td>8.59%</td>
<td>-0.09%</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>4.96%</td>
<td>4.81%</td>
<td>-0.15%</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2.85%</td>
<td>3.42%</td>
<td>+0.57%</td>
</tr>
<tr>
<td>Rivanna</td>
<td>White</td>
<td>81.70%</td>
<td>83.29%</td>
<td>+1.59%</td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>8.60%</td>
<td>7.34%</td>
<td>-1.26%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>3.18%</td>
<td>2.89%</td>
<td>-0.29%</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>4.20%</td>
<td>4.29%</td>
<td>+0.09%</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2.32%</td>
<td>2.88%</td>
<td>+0.56%</td>
</tr>
<tr>
<td>Samuel Miller</td>
<td>White</td>
<td>83.06%</td>
<td>84.85%</td>
<td>+1.79%</td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>5.73%</td>
<td>8.20%</td>
<td>+2.47%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>3.61%</td>
<td>3.19%</td>
<td>-0.42%</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>5.45%</td>
<td>2.14%</td>
<td>-3.31%</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2.14%</td>
<td>2.13%</td>
<td>-0.01%</td>
</tr>
<tr>
<td>Scottsville</td>
<td>White</td>
<td>75.79%</td>
<td>77.06%</td>
<td>+1.27%</td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>12.40%</td>
<td>10.28%</td>
<td>-2.12%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>7.32%</td>
<td>7.89%</td>
<td>+0.57%</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>2.37%</td>
<td>2.67%</td>
<td>+0.30%</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>2.11%</td>
<td>1.67%</td>
<td>-0.44%</td>
</tr>
<tr>
<td>White Hall</td>
<td>White</td>
<td>89.78%</td>
<td>89.52%</td>
<td>-0.26%</td>
</tr>
<tr>
<td></td>
<td>Black</td>
<td>3.70%</td>
<td>3.83%</td>
<td>+0.13%</td>
</tr>
<tr>
<td></td>
<td>Hispanic</td>
<td>2.66%</td>
<td>2.66%</td>
<td>+0.00%</td>
</tr>
<tr>
<td></td>
<td>Asian</td>
<td>1.94%</td>
<td>2.01%</td>
<td>+0.07%</td>
</tr>
<tr>
<td></td>
<td>Other</td>
<td>1.94%</td>
<td>2.05%</td>
<td>+0.11%</td>
</tr>
</tbody>
</table>

As noted above, the "Other" population group is composed of American Indian, Native Alaskan, Native Hawaiian, Pacific Islander, persons of other racial groups, and persons of two or more races. (Note that the numbers in the table may not add up to 100% due to rounding off.)

When comparing the populations in the magisterial districts under the Prior Plan and the New Plan, the changes to minority populations as a percentage of the total population range as follows: (1) for the Black population group, the percentage change ranges from a decrease of 0.80% to an increase of 2.47%; (2) for the Hispanic population group, the percentage change ranges from a decrease of 0.42% to an increase of 0.57%; (3) for the Asian population group, the percentage ranges from a decrease of 3.31%
to an increase of 1.44%; and (4) for the Other population group, the percentage change ranges from a decrease of 1.01% to an increase of 0.57%.

*Racial minority group: effect of redistricting.* As shown in the preceding tables and the demographic data in Attachments 5 and 6, most of the changes to the Black population group were reflective of growth patterns within the County rather than as a result of reapportioning the population and redistricting. The greatest change to racial minority groups arose from the shift of the boundary between the Samuel Miller Magisterial District and the Jack Jouett Magisterial District, which reduced the size of the East Ivy precinct in the Samuel Miller Magisterial District and increased the size of the University Hall precinct in the Jack Jouett precinct. The affected area contains high numbers of University of Virginia students, which tend to have a greater percentage of minority residents than the general population. In order to show minority voting influence, the tables in Attachment 7 show the incidence of minority candidates and the voting patterns by *magisterial district* for all local elections for the period 2001 – 2010, and the official election results for the same period show voting by *precinct*.

*Racial minority groups: elected offices.* The following discussion identifies those members of racial minority groups who ran for or held elected offices between 2001 and 2010:

*Charles Martin,* an African-American, was defeated by Rob Bell in the 58th House District race in 2001. Otherwise, no minority candidates ran for seats in the House of Delegates (during this period, Albemarle County was split by the 25th, 57th, 58th and 59th House Districts) or the State Senate (during this period, Albemarle County was split by the 24th and the 25th Senate Districts). At the time of his defeat in the 2001 58th House District race, Mr. Martin was an elected member of the Albemarle County Board of Supervisors, representing the Rivanna Magisterial District. Mr. Martin served until the end of 2003 when his term expired. He did not seek re-election.

*Gerald L. Terrell,* an African-American, was defeated by Pam Mynihan in the 2001 election for the Albemarle County School Board seat representing the Rio Magisterial District.

*Ronnie J. Price,* an African-American, was elected to the Albemarle County School Board in 2007, representing the Rivanna Magisterial District. Mr. Price served from 2008 until early 2011, when he resigned from the Board to relocate to Utah.

*Mary C. Rodriguez,* a Hispanic, was appointed to the Albemarle County School Board in January 2001 to fill the unexpired term of her predecessor, representing the Rio Magisterial District. Ms. Rodriguez served until her term ended in December 2001. She did not run in the 2001 election.

*Language minority groups.* Albemarle County is not designated as having a language minority group within the meaning of 28 C.F.R. Part 55. However, 5,417 residents were identified in the 2010 Census as “Hispanic.” This constitutes 5.47% of Albemarle County’s total population, dispersed over the six magisterial districts. The New Plan will have no effect on the voting strength of this language group. No other significant language minority group has been identified in Albemarle County.

(o) There is no past or pending litigation concerning the change or related voting practices.

(p) The prior practice has been precleared. Following is a list of the preclearances the County has obtained over the past ten years, beginning with the preclearance of the County’s 2001 redistricting plan:
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1. Letter from Joseph D. Rich, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Esq., Albemarle County Attorney, dated July 10, 2001: Letter not interposing an objection to the redistricting plan for the Albemarle County Board of Supervisors and the School Division, including the creation, elimination, renaming and realignment of voting precincts and polling place changes.

2. Letter from Joseph D. Rich, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Esq., Albemarle County Attorney, dated June 27, 2002: Letter not interposing an objection to change in polling place in Northside Precinct from Northside Community Fellowship Church to Buck Mountain Episcopal Church.

3. Letter from Joseph D. Rich, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Esq., Albemarle County Attorney, dated September 5, 2002: Letter not interposing an objection to change in polling place in Burnley Precinct within Rivanna Magisterial District from Bethel Baptist Church to the Northridge Community Church of Nazarene.

4. Letter from Joseph D. Rich, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Christopher R. Nolen, Esq., Special Counsel to the Virginia Attorney General, dated December 6, 2002: Letter not interposing an objection to the change in voter registration hours to correspond to DMV business hours (statewide).

5. Letter from Joseph D. Rich, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Esq., Albemarle County Attorney, dated September 12, 2003: Letter not interposing an objection to the establishment of two new precincts and respective polling places (Jack Jouett Magisterial District – Create Belfield Precinct from Jack Jouett Precinct and establish St. Anne’s Belfield School as polling place; White Hall Magisterial District – Create Yellow Mountain Precinct from Brownsville Precinct and establish Mount Ed Baptist Church as polling place).

6. Letter from Joseph D. Rich, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Esq., Albemarle County Attorney, dated October 1, 2004: Letter not interposing an objection to change in polling place in East Ivy Precinct within Samuel Miller Magisterial District from Kappa Sigma Auditorium to The Miller Center.

7. Letter from John Tanner, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Albemarle County Attorney, dated October 6, 2005: Letter not interposing an objection to replacement/purchase of twelve voting machines with new voting machines.

8. Letter from John Tanner, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Albemarle County Attorney, dated September 11, 2006: Letter not interposing an objection to change in polling place in Northside Precinct within Rio Magisterial District from Buck Mountain Episcopal Church to Earlysville Volunteer Fire Station.

9. Letter from John Tanner, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Albemarle County Attorney, dated August 8, 2007: Letter not interposing an objection to the relocation of the General Registrar’s Office from the DMV Office to its present location at 1600 5th Street, Charlottesville, Virginia.
10. Letter from Christopher Coates, Acting Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Albemarle County Attorney, dated February 11, 2008: Letter not interposing an objection to change in polling place in Keswick Precinct within Rivanna Magisterial District from Union Grove Baptist Church to Zion Hill Baptist Church.

11. Letter from Christopher Coates, Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Albemarle County Attorney, dated September 30, 2008: Letter not interposing an objection to change in location of County’s Central Absentee Voter Precinct from 401 McIntire Road, Charlottesville, Virginia to its present location at 1600 5th Street, Charlottesville, Virginia.

12. Letter from T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, to Larry W. Davis, Albemarle County Attorney, dated November 16, 2010: Letter not interposing an objection to the designation of part-time staffing at the voter registration desk/kiosk at the DMV.

(q) See the discussions in subsections (a) and (b) under the subsection “28 C.F.R. § 51.28” heading below.

(r) See the discussions in subsections (d), (f), (g) and (h) under the “28 C.F.R. § 51.28” heading below.

28 C.F.R. § 51.28

(a) The demographic data are set forth in Attachments 5 and 6. The data show the total and voting age populations of Albemarle County and the number of registered voters in the County’s magisterial districts and precincts under the Prior Plan and the New Plan. Virginia does not keep racial data on registered voters, so no information exists on registered voters by race group.

(b) The maps requested in 28 CFR § 51.28(b)(1), (2), (4), (5) and (6) are set forth in Attachment 3. The maps of Plan 1 and Plan 2 considered by the Board of Supervisors at its April 6, 2011 work session are included in Attachment 4. Plan 1A differs from Plan 1 only at the boundary between the Cale and Monticello precincts in the Scottsville Magisterial District. Plan 1A relocates the boundary to its prior location to avoid a split precinct under the latest House of Delegates redistricting plan. Plan 2 was rejected by the Board. The map described in 28 CFR § 51.28(b)(3) was not created because this information is adequately explained in the analyses under 28 CFR § 51.27(c) beginning on page 1, under 28 CFR § 51.27(n) beginning on page 6, and the demographic data in Attachments 5 and 6.

(c) This section is not applicable.

(d) Although the Board is of the opinion that the New Plan would not affect the electoral influence of any racial minority group, the election return information requested is set forth in Attachment 7. Minority candidates are highlighted in gray.

(e) This section is not applicable.

(f) Although the proposed change was not controversial, newspaper and other articles are set forth in Attachment 8; public notices describing the proposed change and invitations for public comment
or participation are set forth in Attachment 9; an account of the Board of Supervisors’ May 4, 2011 public hearing is Attachment 10; public communications, including the executive summaries for all of the Board of Supervisors’ meetings and the materials prepared for the January 20, 2011 public meeting are included in Attachment 11; and summaries of the comments from the general public at the April 6, 2011 Board of Supervisors’ meeting and the January 20, 2011 public meeting are set forth in Attachment 12.

(g) The “Notice of Availability for Public Inspection: The Submission of the County of Albemarle for Preclearance under Section 5 of the Voting Rights Act of 1965” will be published in The Daily Progress on May 11, 2011. In addition, the Notice will be distributed by May 9, 2011 by email to the same persons and groups previously notified of the January 20, 2011 public meeting, the April 6, 2011 work session and the May 4, 2011 public hearing, by A-mail to all subscribers, by posting the Notice on the County’s website, and by posting the Notice in all County libraries, schools, and the following governmental offices: County Office Buildings at McIntire Road and on Fifth Street Extended, Albemarle County Circuit Court, Albemarle County General District, Albemarle County Juvenile and Domestic Relations District Court, Commonwealth’s Attorney’s Office, Emergency Communications Center, Albemarle County Sheriff’s Department, Albemarle County Department of Social Services, the Albemarle County Service Authority, the Rivanna Water and Sewer Authority, the Rivanna Solid Waste Authority, and the Voter Registration and Elections Office. Finally, the Notice will be mailed by first class mail on May 6, 2001. Copies of the published and posted notices, together with the mailing list, are set forth in Attachment 13.

(h) A minority group contact who is aware of the proposed change and is a registered voter in Albemarle County is Janette Martin, Vice President, NAACP Charlottesville/Albemarle Chapter, 2209 Williamsburg Road, Charlottesville, Virginia 22901; her home telephone number is 434-974-9731; her cellular telephone number is 434-953-8757. Ms. Martin received notice of and attended the January 20, 2011 public meeting and received notice of the Board’s April 6, 2011 work session and the May 4, 2011 public hearing. If the Attorney General determines that any other supplemental information is required, the County will provide it.

For all of the foregoing reasons, we respectfully request your approval of the proposed redistricting and reapportionment of the County of Albemarle, Virginia, pursuant to Section 5 of the Voting Rights Act. If you have any questions or need additional information, please contact me.

Very truly yours,

Larry W. Davis
County Attorney

cc: Albemarle County Electoral Board
     Albemarle County Registrar of Voters
     Virginia State Board of Elections
     Virginia Division of Legislative Services