

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Richmond Division

Jeffrey Thomas, Jr., *et al.*

Plaintiffs,

v.

Susan Beals, *et al.*

Defendants.

Civil No. 3:22-cv-427-DJN

STIPULATION OF FACTS

Plaintiffs Jeffrey Thomas, Jr., Michelle C. Thomas, and Phillip E. Thompson, and Defendants Susan Beals and Robert Brink, in their official capacities, and the Virginia Department of Elections hereby respectfully submit this stipulation of facts pursuant to the Court's June 13, 2022 Order (ECF 10) and June 16, 2022 Order (ECF 16).

I. Plaintiffs Jeffrey Thomas, Jr., Michelle C. Thomas, and Phillip E. Thompson and Defendants Susan Beals and Robert Brink

1. Plaintiff Jeffrey Thomas, Jr. is registered to vote at 301 Virginia St. Unit 1514, Richmond, VA 23219.
2. Until December 28, 2021, the address 301 Virginia St. Unit 1514, Richmond, VA 23219 was located in House of Delegates District 71.
3. As of December 28, 2021, the address 301 Virginia St. Unit 1514, Richmond, VA 23219 is located in House of Delegates District 78.
4. Thomas, Jr. voted in the 2021 general election by casting a ballot on October 15, 2021 in the Richmond City locality, which at the time was located in House of Delegates District 71.

5. Thomas, Jr. is a resident of Virginia.
6. Thomas, Jr. resides at 301 Virginia St. Unit 1514, Richmond, VA 23219.
7. In 2021, Thomas, Jr. was a registered voter in Virginia's House of Delegates District 71.
8. Thomas, Jr. is currently a registered voter at the same address at which he voted in 2021.
9. Plaintiff Michelle C. Thomas is registered to vote at 43720 Red House Dr., Leesburg, VA 20176.
10. Until December 28, 2021, the address 43720 Red House Dr., Leesburg, VA 20176 was located in House of Delegates District 32.
11. As of December 28, 2021, the address 43720 Red House Dr., Leesburg, VA 20176 is located in House of Delegates District 29.
12. Thomas voted in the 2021 general election by casting a ballot on November 2, 2021 in the Belmont Ridge precinct, which at the time was located in House of Delegates District 32.
13. Thomas is a resident of Virginia.
14. Thomas resides at 43720 Red House Dr., Leesburg, VA 20176.
15. In 2021, Thomas was a registered voter in Virginia's House of Delegates District 32.
16. Thomas is currently a registered voter at the same address at which she voted in 2021.
17. Thomas's race and ethnicity are Black/African American.
18. Plaintiff Phillip E. Thompson is registered to vote at 43709 Mahogany Run Ct., Leesburg, VA 20176.
19. Until December 28, 2021, the address 43709 Mahogany Run Ct., Leesburg, VA 20176 was located in House of Delegates District 10.

20. As of December 28, 2021, the address 43709 Mahogany Run Ct., Leesburg, VA 20176 is located in House of Delegates District 29.
21. Thompson voted in the 2021 general election by casting a ballot on October 26, 2021 in the Loudoun County locality, which at the time was located in House of Delegates District 10.
22. Thompson is a resident of Virginia.
23. Thompson resides at 43709 Mahogany Run Ct., Leesburg, VA 20176.
24. In 2021, Thompson was a registered voter in Virginia's House of Delegates District 10.
25. Thompson is currently a registered voter at the same address at which he voted in 2021.
26. Thompson's race and ethnicity are Black/African American.
27. Defendant Susan Beals replaced Christopher Piper as Commissioner of the Virginia Department of Elections in March 2022.
28. Defendant Robert Brink serves as the Chairman of the Virginia State Board of Elections.

II. The 2021 redistricting process

29. By statute, the Secretary of Commerce was to deliver the apportionment reports from the 2020 Census to the President of the United States by December 31, 2020. The Secretary of Commerce did not deliver those reports to the President until April 26, 2021.
30. By statute, the United States Census Bureau was to deliver 2020 Census data to the States for redistricting purposes by April 1, 2021. On February 12, 2021, however, the Census Bureau stated that it would not be able to deliver the data until as late as September 30, 2021, due to delays in census operations caused by the COVID-19 pandemic.
31. On August 12, 2021, the United States Census Bureau released the 2020 Census Legacy Format Summary Files. The Virginia Redistricting Commission (the "Commission") hired

an outside consultant to perform significant reformatting of those files, without which the files were unusable by the Commission's mapping software. The Division of Legislative Services also had to adjust the data to reallocate prisoner populations pursuant to Virginia Code § 24.2-314.

32. On August 16, 2021, the Commission voted to begin the redistricting process on August 26, 2021—the date on which it anticipated that it would receive formatted files from the outside consultant.
33. On August 26, 2021, the Commission obtained reformatted and prisoner-adjusted data from the 2020 Census Legacy Format Summary Files that was required to begin establishing electoral district plans.
34. Between August 17, 2021, and October 20, 2021, the Commission met eighteen times to develop redistricting plans.
35. On October 24, 2021, the responsibility for creating new electoral districts for the House of Delegates transferred from the Commission to the Supreme Court of Virginia according to Article II, § 6-A of the Virginia Constitution, because the Commission had not presented plans for House of Delegates and Senate districts to the General Assembly.
36. The 2021 House of Delegates election was held on November 2, 2021, based on the maps in place at that time, given that the Commission had not completed the redistricting process under Article II, § 6-A of the Virginia Constitution.
37. The Supreme Court of Virginia completed the congressional and state legislative redistricting plans on December 28, 2021.

III. The 2022 general election

38. The 2022 Virginia general election—which will include elections for the United States Congress—will take place on November 8, 2022.
39. Virginia candidates seeking to be elected in November 2022 (“2022 Candidates”) were permitted to begin collecting petition signatures to qualify as candidates after January 1, 2022.
40. 2022 Candidates who intended to compete in primaries were permitted to begin filing their qualification paperwork not later than April 7, 2022.
41. The statewide primary for the two major parties recognized by state law took place on June 21, 2022.
42. The next primary and general election contests for the House of Delegates are scheduled to take place in 2023.

IV. Apportionment of House of Delegates districts

a. Apportionment of the population ascertained by the 2010 census among the House of Delegates districts defined in 2011

43. The total population of Virginia pursuant to the 2010 Census was 8,001,024. The ideal House of Delegates district under the 2010 Census was 80,010.
44. The 100 House of Delegates districts defined by the General Assembly in 2011 and redrawn by the United States District Court for the Eastern District of Virginia in 2019, see *Bethune-Hill v. Virginia State Bd. of Elections*, 368 F. Supp. 3d 872 (E.D. Va. 2019), were apportioned, using population data from the 2010 census, as follows:

District	2010 Census Population
2011 District 1	80,508
2011 District 2	79,491
2011 District 3	80,583

District	2010 Census Population
2011 District 4	80,446
2011 District 5	80,600
2011 District 6	79,608
2011 District 7	80,146
2011 District 8	80,685
2011 District 9	80,574
2011 District 10	80,617
2011 District 11	80,132
2011 District 12	80,492
2011 District 13	80,579
2011 District 14	79,407
2011 District 15	80,630
2011 District 16	79,692
2011 District 17	80,631
2011 District 18	79,450
2011 District 19	80,080
2011 District 20	79,334
2011 District 21	79,608
2011 District 22	79,307
2011 District 23	79,330
2011 District 24	79,678
2011 District 25	80,011
2011 District 26	80,688
2011 District 27	79,381
2011 District 28	79,304
2011 District 29	79,851
2011 District 30	80,583
2011 District 31	79,210
2011 District 32	80,268
2011 District 33	80,550
2011 District 34	80,722
2011 District 35	80,213
2011 District 36	79,746
2011 District 37	80,255
2011 District 38	80,758
2011 District 39	80,710
2011 District 40	80,729
2011 District 41	80,792
2011 District 42	79,964

District	2010 Census Population
2011 District 43	80,750
2011 District 44	80,796
2011 District 45	80,240
2011 District 46	80,333
2011 District 47	80,757
2011 District 48	79,492
2011 District 49	80,609
2011 District 50	80,677
2011 District 51	80,372
2011 District 52	79,290
2011 District 53	80,049
2011 District 54	80,155
2011 District 55	79,578
2011 District 56	79,271
2011 District 57	80,778
2011 District 58	80,767
2011 District 59	79,345
2011 District 60	79,219
2011 District 61	79,792
2011 District 62	79,725
2011 District 63	79,814
2011 District 64	80,082
2011 District 65	79,364
2011 District 66	79,811
2011 District 67	79,633
2011 District 68	79,611
2011 District 69	79,318
2011 District 70	79,924
2011 District 71	79,920
2011 District 72	79,445
2011 District 73	80,135
2011 District 74	79,355
2011 District 75	79,287
2011 District 76	79,795
2011 District 77	79,810
2011 District 78	80,703
2011 District 79	79,895
2011 District 80	79,340
2011 District 81	79,950

District	2010 Census Population
2011 District 82	80,463
2011 District 83	80,805
2011 District 84	80,281
2011 District 85	80,787
2011 District 86	80,747
2011 District 87	79,275
2011 District 88	80,191
2011 District 89	80,481
2011 District 90	79,612
2011 District 91	79,546
2011 District 92	79,479
2011 District 93	79,769
2011 District 94	79,461
2011 District 95	79,374
2011 District 96	79,217
2011 District 97	79,386
2011 District 98	79,251
2011 District 99	80,332
2011 District 100	80,037

b. Apportionment of the population ascertained by the 2020 census among the House of Delegates districts defined in 2011

45. Between 2010 and 2020, the population of Virginia grew by 7.9 percent. The total population of Virginia pursuant to the 2020 Census was 8,631,393. The ideal district under the 2020 Census was 86,314.
46. According to the Commission, the adjusted population of the 2011 House of Delegates District 71 as ascertained by the 2020 Census was 94,095.
47. According to the Commission, the adjusted population of the 2011 House of Delegates District 32 as ascertained by the 2020 Census was 101,629.
48. According to the Commission, the adjusted population of the 2011 House of Delegates District 10 as ascertained by the 2020 Census was 104,692.

49. According to the Commission, the post-*Bethune Hill* demographics of 2011 House of Delegates District 71 are: 59.0% Black; 34.7% white; 4.0% Asian; 2.5% Hispanic; 0.9% multiple races; 0.5% American Indian or Alaska Native; and 0.1% Hawaiian Pacific Islander.
50. According to the Commission, the least populated 2011 House of Delegates District, according to the prison-adjusted population ascertained by the 2020 Census, was 2011 House of Delegates District 75, which has a population of 67,404.
51. According to the Commission, the most populated 2011 House of Delegates District, according to the prison-adjusted population ascertained by the 2020 Census, was House of Delegates District 87, which has a population of 130,192.
52. The “ideal” district based on the population ascertained by the 2010 Census—which census was used to define the 2011 House of Delegates Districts—was 80,010.
53. Prior to the 2021 redistricting, the population of Virginia as ascertained by the 2020 census was distributed among the 2011 House of Delegates districts (as redrawn by the District Court in 2019) as follows:

District	2020 Census Total Population	2020 Prisoner- Adjusted Census Population
2011 District 1	72,160	71,586
2011 District 2	95,943	96,224
2011 District 3	71,122	69,778
2011 District 4	73,740	72,931
2011 District 5	78,048	78,018
2011 District 6	75,907	76,390
2011 District 7	83,147	82,981
2011 District 8	82,624	82,098
2011 District 9	76,561	76,904
2011 District 10	104,752	104,692
2011 District 11	82,567	83,113
2011 District 12	80,929	81,243

District	2020 Census Total Population	2020 Prisoner- Adjusted Census Population
2011 District 13	101,024	101,230
2011 District 14	77,452	78,168
2011 District 15	83,134	83,612
2011 District 16	76,046	75,751
2011 District 17	84,322	84,690
2011 District 18	84,753	84,986
2011 District 19	79,238	79,522
2011 District 20	83,233	83,925
2011 District 21	87,522	87,850
2011 District 22	82,430	82,760
2011 District 23	85,200	85,090
2011 District 24	79,775	79,192
2011 District 25	91,409	91,062
2011 District 26	85,732	86,062
2011 District 27	84,046	84,285
2011 District 28	91,396	90,803
2011 District 29	89,512	89,508
2011 District 30	88,631	88,108
2011 District 31	90,269	90,436
2011 District 32	101,567	101,629
2011 District 33	96,452	96,362
2011 District 34	83,109	83,140
2011 District 35	92,718	92,753
2011 District 36	85,767	85,829
2011 District 37	86,978	86,691
2011 District 38	83,282	83,379
2011 District 39	83,168	83,248
2011 District 40	86,857	86,899
2011 District 41	82,736	82,777
2011 District 42	84,433	84,495
2011 District 43	86,451	86,528
2011 District 44	84,955	85,097
2011 District 45	94,426	94,400
2011 District 46	87,847	87,974
2011 District 47	92,865	92,826
2011 District 48	89,069	89,089
2011 District 49	91,445	91,576
2011 District 50	92,429	92,192
2011 District 51	91,531	91,673

District	2020 Census Total Population	2020 Prisoner- Adjusted Census Population
2011 District 52	96,642	96,930
2011 District 53	90,002	90,071
2011 District 54	92,735	93,176
2011 District 55	88,538	88,547
2011 District 56	94,344	94,455
2011 District 57	90,063	90,112
2011 District 58	86,637	86,113
2011 District 59	80,792	79,656
2011 District 60	74,075	74,068
2011 District 61	76,980	76,144
2011 District 62	87,096	86,642
2011 District 63	86,360	87,170
2011 District 64	90,632	91,032
2011 District 65	99,689	98,655
2011 District 66	87,989	87,951
2011 District 67	85,614	85,661
2011 District 68	85,223	85,344
2011 District 69	84,405	85,416
2011 District 70	86,701	87,631
2011 District 71	93,525	94,095
2011 District 72	87,217	86,401
2011 District 73	85,509	85,730
2011 District 74	83,132	84,083
2011 District 75	73,868	67,404
2011 District 76	90,306	90,446
2011 District 77	85,670	86,467
2011 District 78	92,633	90,250
2011 District 79	73,909	74,282
2011 District 80	81,389	81,488
2011 District 81	85,736	86,242
2011 District 82	82,393	82,669
2011 District 83	86,984	87,414
2011 District 84	81,895	81,188
2011 District 85	86,550	86,895
2011 District 86	88,505	88,618
2011 District 87	130,082	130,192
2011 District 88	102,140	102,556
2011 District 89	81,246	81,785
2011 District 90	80,561	81,452

District	2020 Census Total Population	2020 Prisoner- Adjusted Census Population
2011 District 91	78,950	79,414
2011 District 92	81,511	81,885
2011 District 93	82,347	82,273
2011 District 94	81,279	81,676
2011 District 95	83,170	83,667
2011 District 96	92,322	92,618
2011 District 97	89,621	89,878
2011 District 98	79,664	80,018
2011 District 99	83,356	82,761
2011 District 100	80,697	81,217

c. Apportionment of the population ascertained by the 2020 census among the House of Delegates districts defined in 2021

54. According to the Supreme Court of Virginia, the population of 2021 House of Delegates District 78, as ascertained by the 2020 census, is 87,774.
55. According to the Supreme Court of Virginia, the least populated 2021 House of Delegates District, according to the population ascertained by the 2020 census, is 2021 House of Delegates District 27, which has a population of 84,213.
56. According to the Supreme Court of Virginia, the most populated 2021 House of Delegates District, according to the population ascertained by the 2020 census, is 2021 House of Delegates District 75, which has a population of 88,463.
57. The 100 House of Delegates districts defined by the Supreme Court of Virginia in 2021 were apportioned, using population data from the 2020 census, as follows:

District	2020 Census Population
2021 District 1	85,070
2021 District 2	84,583
2021 District 3	86,111
2021 District 4	88,352
2021 District 5	88,099
2021 District 6	84,634

District	2020 Census Population
2021 District 7	85,669
2021 District 8	87,350
2021 District 9	86,572
2021 District 10	85,775
2021 District 11	88,267
2021 District 12	87,110
2021 District 13	84,507
2021 District 14	85,276
2021 District 15	88,404
2021 District 16	86,719
2021 District 17	84,241
2021 District 18	87,676
2021 District 19	87,408
2021 District 20	85,357
2021 District 21	85,907
2021 District 22	84,821
2021 District 23	86,276
2021 District 24	85,355
2021 District 25	86,403
2021 District 26	85,307
2021 District 27	84,213
2021 District 28	87,454
2021 District 29	87,418
2021 District 30	87,404
2021 District 31	87,248
2021 District 32	85,153
2021 District 33	87,217
2021 District 34	86,651
2021 District 35	87,055
2021 District 36	86,397
2021 District 37	87,329
2021 District 38	87,965
2021 District 39	84,495
2021 District 40	86,918
2021 District 41	87,677
2021 District 42	84,571
2021 District 43	86,222
2021 District 44	87,779
2021 District 45	85,313
2021 District 46	85,468
2021 District 47	85,048
2021 District 48	86,018
2021 District 49	84,673

District	2020 Census Population
2021 District 50	84,359
2021 District 51	85,784
2021 District 52	87,218
2021 District 53	86,080
2021 District 54	88,233
2021 District 55	85,332
2021 District 56	86,824
2021 District 57	87,140
2021 District 58	84,577
2021 District 59	86,095
2021 District 60	85,394
2021 District 61	84,921
2021 District 62	87,359
2021 District 63	84,966
2021 District 64	84,809
2021 District 65	87,139
2021 District 66	85,065
2021 District 67	85,966
2021 District 68	85,450
2021 District 69	87,386
2021 District 70	88,236
2021 District 71	84,328
2021 District 72	88,033
2021 District 73	87,751
2021 District 74	88,305
2021 District 75	88,463
2021 District 76	85,270
2021 District 77	87,759
2021 District 78	87,774
2021 District 79	87,800
2021 District 80	85,693
2021 District 81	84,718
2021 District 82	86,012
2021 District 83	86,459
2021 District 84	87,624
2021 District 85	87,829
2021 District 86	85,949
2021 District 87	87,516
2021 District 88	86,371
2021 District 89	86,704
2021 District 90	87,890
2021 District 91	87,076
2021 District 92	86,158

District	2020 Census Population
2021 District 93	85,906
2021 District 94	84,653
2021 District 95	85,171
2021 District 96	85,578
2021 District 97	86,997
2021 District 98	86,690
2021 District 99	84,766
2021 District 100	84,882

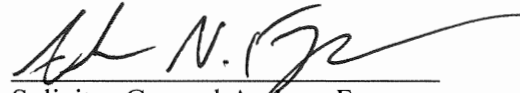
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Pro se Plaintiffs

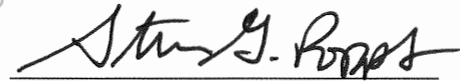
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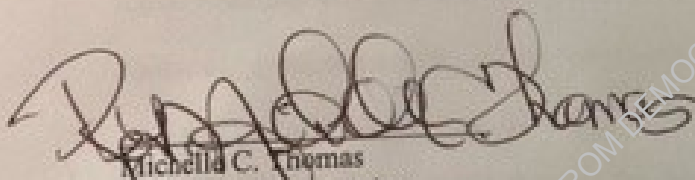
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