

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

Golden Bethune-Hill, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 3:14-cv-00852-REP-AWA-BMK
	)	
Virginia State Board of Elections, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**Defendants’ Response to the Special Master’s Remedial Plan**

For the reasons given in our previous filing, see ECF No. 302, this Court should apply the same remedial framework used in *Personhuballah v. Alcorn*, 155 F. Supp. 3d 552, 561 (E.D. Va. 2016). Having reviewed the Special Master’s report, see ECF No. 323, our view is that all of the modules included in the proposed remedial plan comply with the framework used in *Personhuballah* and thus would provide an appropriate remedy for the unconstitutional racial gerrymander identified in this Court’s previous opinion.

Specifically, the Special Master drew the proposed districting plans using “[t]raditional districting principles in Virginia” in a way that maintained “equal population districts.” *Personhuballah*, 155 F. Supp. 3d at 561; accord ECF No. 323 at 10. Moreover, the Special Master only considered race “after traditional districting criteria ha[d] been satisfied” and then “only for [the] purposes of seeking to assure that there is no violation of the 14<sup>th</sup> Amendment’s Equal Protection provision vis-à-vis changes in the racial composition of the unconstitutional districts that might have inadvertently created racial vote dilution.” ECF No. 323 at 11. That limited consideration of race is likewise consistent with *Personhuballah*. See 155 F. Supp. 3d at



(804) 786-7773 – Telephone  
(804) 371-0200 – Facsimile  
mmcguire@oag.state.va.us

Mark R. Herring  
Attorney General

Toby J. Heytens, VSB # 90788  
Solicitor General  
theytens@oag.state.va.us

Stephen A. Cobb  
Deputy Attorney General

**CERTIFICATE OF SERVICE**

I hereby certify that on December 14, 2018, a true and accurate copy of this paper was filed electronically with the Court's CM/ECF system, which will then send a notification of such filing to the counsel of record in this case.

By: /s/  
Matthew R. McGuire