

## ENDING GERRYMANDERING

Action by the 2019 General Assembly was **crucial**. To ensure the drawing in Spring 2021 of more representational districts for the next decade, we needed to agree on language for a constitutional amendment this Session that would be passed with exactly the same wording by the 2020 Session. This is the only way to get the amendment on the ballot in November 2020 and, if approved by the voters, **to change the way districts are drawn in 2021 for the next decade**.

The legislation passed by this year's General Assembly will establish a **Redistricting Commission to draw new districts for the House and the Senate (and later, in a parallel process, for Congressional seats) that must be passed by the General Assembly without any changes**. If the first redistricting plan is not passed within 15 days, the Commission must submit a second plan in the next 15 days and the General Assembly will have 7 days to adopt that plan. If the Assembly does not, the Virginia Supreme Court will establish the districts.

The Commission will be composed of 8 members of the General Assembly and 8 citizens. The Commission will be **independent, in that**

- The Commission is not an advisory commission. Its plan cannot be amended by the General Assembly;
- Six of the 8 citizen members on the Commission must approve any plan submitted to the General Assembly;
- The 8 citizen members will be selected by a committee of 5 retired judges;
- The Commission will be chaired by a citizen member;
- All meetings must be open to the public and all records and documents, including internal communications and communications from outside parties, will be considered public information.

However, the Commission will **not be independent of the legislature, in that**

- Half of its members will be sitting members of the General Assembly;
- In addition to 6 of 8 citizen members who must approve it, a House or Senate redistricting plan also must be approved by 6 of the 8 GA members including 3 of the 4 members who serve in the chamber being redistricted in that plan;
- Four of the 5 retired judges who select the 8 citizen members will be the respective choice of each of the 4 GA leaders (the House Speaker, the House minority leader, the Senate president *pro tempore*, and the Senate minority leader.) The 5<sup>th</sup> judge will be selected by those 4 judges.
- The 8 citizens that the judges select must come from a list of names drawn from each of the 4 GA leaders. Each will submit at least 16 recommendations for a total of at least 64 names.

The Commission is bi-partisan, in that

- The 8 General Assembly members are not selected by the majority party of the House or Senate. Instead, each majority and minority party in each chamber selects its own two members.
- The 4 GA leaders are on equal footing, even if in future years the majority control is in far greater numbers than it is currently.

However, the Commission is partisan or is not representative of Virginia as a whole, in that

- The Governor no longer has any role in redistricting. This removes the only voice elected by voters in a statewide race and, therefore, not influenced by gerrymandering.
- Should there be an impasse and the districts are drawn by the Virginia Supreme Court, the current justices were chosen by a majority vote of the House and Senate while Republicans had the House majority and, except for 4 years, the Senate as well.
- For more than the last decade, the Supreme Court has had no member from the 20% of Virginia's population who live in Fairfax, Arlington, and Alexandria.

I hope you were able to follow my walk-through of the pros and cons of what passed. Despite significant concerns, the over-riding consideration was: Is this better than the current system? I believe it is. In my experience, majority party legislative control has resulted in packing minority party voters into as few districts as possible. This has created safe districts for both parties and driven down competition and voter turnout in general elections. Meanwhile, party primaries have become increasingly controlled by single-issue voters. Such polarization undercuts effective governing for the common good.

Every year, since 2002, over 90 bills have been introduced to reform the redistricting process – most by Democrats who've been in the minority. None got out of the House Privileges and Elections Committee. I believe that the difference this Session was the unprecedented voter turnout in 2017 and in 2018. In 2017, the voters reduced the House Republican majority from 66 to being almost even at 51 to 49. The voters' passion to be heard continued into the 2018 congressional races. I believe that this voter passion is driving the majority party's willingness to finally reduce its control of redistricting should they be in the minority in 2021 when the drawing of districts for the next decade will occur. It is a moment in history when all sides can appreciate the benefit of competitive, representative districts.

Next Session, we will refine and focus redistricting criteria for equitable racial representation, not splitting communities, clear district lines with accurate assignment of every vote and minimal use of split precincts, ending political "packing and stacking," as well as, the basic criteria of one-man-one vote and of compact and contiguous districts.