

Resolution to Support a Constitutional Amendment for Redistricting

WHEREAS, the Equal Protection Clause, the Voting Rights Act, and the Virginia State Constitution collectively mandate that districts be proportionate to population, reflect America's racial and ethnic diversity, and be compact and contiguous. The Virginia State Constitution also prescribes that redistricting is the responsibility of the legislature.

WHEREAS, around the country and within Virginia, legislative and congressional districts have historically been drawn to the benefit of political parties and to protect incumbency, to the detriment of voters.

WHEREAS, unfair redistricting, or gerrymandering, has become increasingly more technologically sophisticated and presents a major threat to the health and prosperity of our democracy.

WHEREAS, Virginia taxpayers have underwritten over \$6 million in litigation over the discriminatory effects and bizarre shapes of district boundaries since the last redistricting in 2011.

WHEREAS, per a federal court ruling, eleven House of Delegates districts now must be redrawn due to racial gerrymandering. It appears likely that the court will have to appoint a "special master" to redraw these districts because the legislature is gridlocked and at risk of not completing the new maps in advance of the court's October 30th deadline.

WHEREAS, federal and Virginia state courts have thus far insisted that, aside from preventing racial discrimination, redistricting processes and criteria are political questions that legislators must decide.

WHEREAS, legislation to amend the state constitution must be passed by both houses in the 2019 General Assembly in order to go before voters for a referendum in 2020, ahead of the decennial redistricting process in 2021.

WHEREAS, the Alexandria Democratic Committee passed a resolution in support of redistricting reform in 2014.

THEREFORE, BE IT RESOLVED that the ALEXANDRIA DEMOCRATS maintain that legislators have an inherent conflict of interest when it comes to drawing the boundaries of their districts and only a commission independent of the legislature can do that job fairly and ensure that voters are able to choose their representatives, rather than their representatives choosing them, we hereby support a constitutional amendment that would create an independent commission to conduct redistricting.

IT IS FURTHER RESOLVED that ALEXANDRIA DEMOCRATS support an amendment that mandates a transparent redistricting process, bound by criteria that explicitly prohibit gerrymandering and keep communities together.

PASSED and APPROVED this RESOLUTION on this _____ day of _____ 2018.

Background

Components of the Constitutional Amendment

Voting districts belong to Virginians, not politicians or parties. Virginia's redistricting process should:

- *Create an independent commission to draw the districts, which are currently drawn by legislators*
- *Explicitly prohibit gerrymandering and keep communities together*
- *Be transparent to all*

The Details:

- The first known instance of gerrymandering occurred in Virginia in 1788 – Patrick Henry gerrymandered VA-5 to disadvantage his political foe James Madison in favor of James Monroe.¹
- Redistricting is bound at the Federal level by the Equal Protection Clause, which mandates “one person, one vote”² and the provisions of the Voting Rights Act of 1965³.
- State constitutions additionally direct redistricting processes for the state legislature and federal congressional districts within those states. The Virginia State Constitution provides that the legislature is responsible for redistricting and that districts should be contiguous and compact⁴. In spring 2018, the Virginia State Supreme Court ruled that the definition of “compact,” as it is written, has no explicit meaning and therefore means whatever the state legislature says it means.⁵
- Redistricting takes place every ten years, the year following the US Census. The next round of redistricting will take place in 2021.⁶
- Legislation to amend the state constitution must be passed by both houses in the 2019 and 2020 General Assemblies in order to go before voters for a referendum in 2020, ahead of the decennial redistricting process⁷
- According to one study, Virginia is the fifth most gerrymandered state in the union, and is an example of “incumbency protection,” in addition to racial and political gerrymandering.⁸
- Virginia taxpayers have underwritten over \$6mm in litigation over district boundaries in the last ten years alone⁹.
- Today, 11 House of Delegates districts are currently in the process of being redrawn due to a federal court’s finding of racial gerrymandering. It appears likely the court will have to appoint a “special master” to redraw these districts because the legislature gridlocked and at risk of not completing the new maps in advance of the court’s October 30th deadline.¹⁰
- After the Supreme Court in *Gill v. Whitford* and *Benisek v. Lamone* failed to resolve the question whether political gerrymandering can be addressed under the U.S. Constitution¹¹ and the Virginia Supreme Court declined to resolve the definition of “compactness” under the state constitution¹², only the political process can define the criteria by which fair districts should be drawn and redesign the process by which these districts are drawn.

¹ <https://www.theatlantic.com/politics/archive/2012/09/the-twisted-history-of-gerrymandering-in-american-politics/262369/>

² https://www.law.cornell.edu/wex/one-person_one-vote_rule

³ <https://www.vox.com/policy-and-politics/2017/5/22/15676250/supreme-court-racial-gerrymandering-north-carolina>

⁴ <https://law.lis.virginia.gov/constitution/article2/section6/>

⁵ *Vesilind v. Virginia State Bd. of Elections*, Record No. 170697 (May 31, 2018), <https://caselaw.findlaw.com/va-supreme-court/1897073.html>.

⁶ https://ballotpedia.org/Redistricting_in_Virginia

⁷ <https://www.onevirginia2021.org/about/timeline-pass-constitutional-amendment/>

⁸ “Redrawing the Map on Redistricting, An Azavea White Paper, 2012”

⁹ https://pilotonline.com/news/government/virginia/article_f68db3ec-89e4-11e8-819b-83fde07e9204.html

¹⁰ https://www.richmond.com/news/virginia/government-politics/court-won-t-immediately-take-over-va-redistricting-but-sets/article_bf67b7d4-a68e-524a-8b43-956e7ef3447b.html

¹¹ https://www.washingtonpost.com/politics/courts_law/supreme-court-sidesteps-decision-on-partisan-gerrymandering/2018/06/18/c909bf26-7303-11e8-805c-4b67019fcfe4_story.html?utm_term=.81e15bab57d0

¹² <https://law.justia.com/cases/virginia/supreme-court/2018/170697.html>