

# Redistricting in Virginia: What's at Stake

League of Women Voters  
Of the Fairfax Area  
General Meeting  
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# Redistricting as a Political Issue

- Redistricting Reform is the sole legislative priority of the LWV-VA for this GA session
- Redistricting Reform in Virginia is supported by a broad coalition
  - League of Women Voters of VA
  - Virginia Chamber of Commerce
  - AARP
  - League of Conservation Voters
  - Future of Hampton Roads
  - Virginia Interfaith Center for Public Policy

So With Supporters Like That,  
It's a Done Deal, Right?

# What Do Virginians Think?

- More than half say they know nothing about redistricting
- 39% say they know “a little”
- When process was described, one-third said they were dissatisfied with the process

--September 2008 poll commissioned by the  
Virginia Redistricting Coalition ([www.fixthelines.org](http://www.fixthelines.org))

# How Redistricting Works in Virginia

- Done every 10 years, following U.S. Census
- Virginia Constitution stipulates that General Assembly has authority to redistrict for both legislative and Congressional seats in the following year (2011)
- General Assembly passes bill to guide process

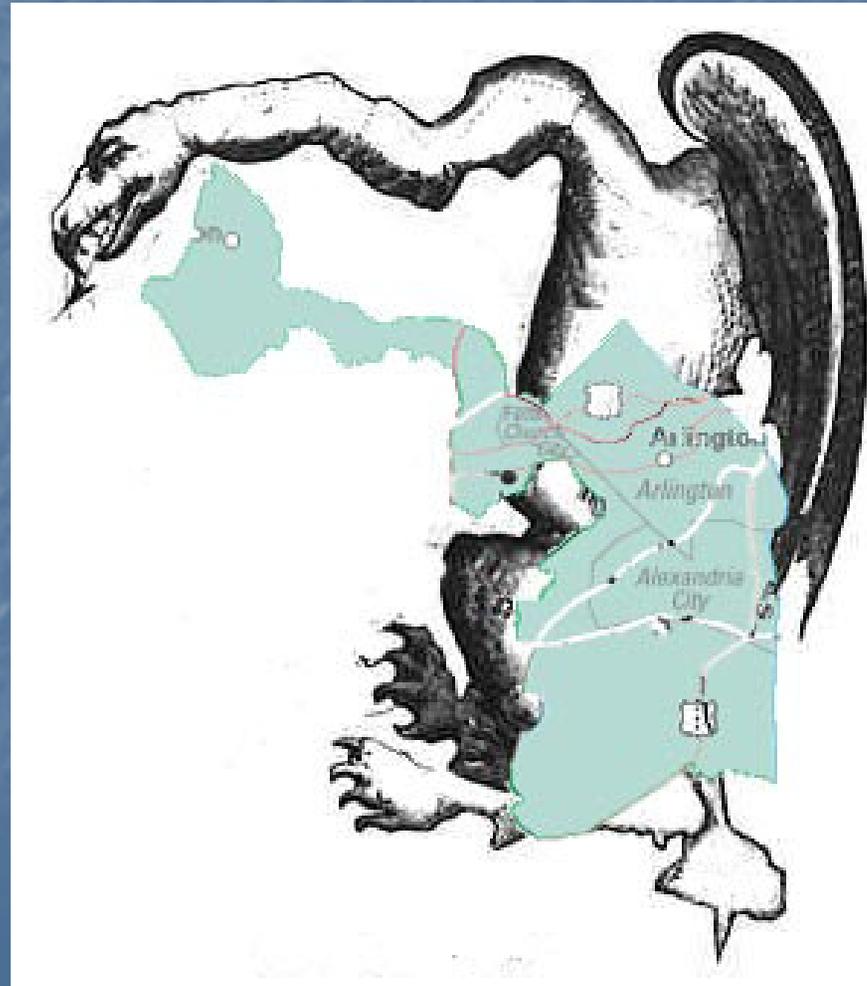
# What's the Result?

- Party in power controls the process
- Politicians decide which voters they will represent instead of voters choosing politicians
- Gerrymandering inevitably occurs
  - Increased polarization
  - A lack of competitiveness
  - Less impetus for representatives to work to achieve consensus
  - Gridlock on important issues

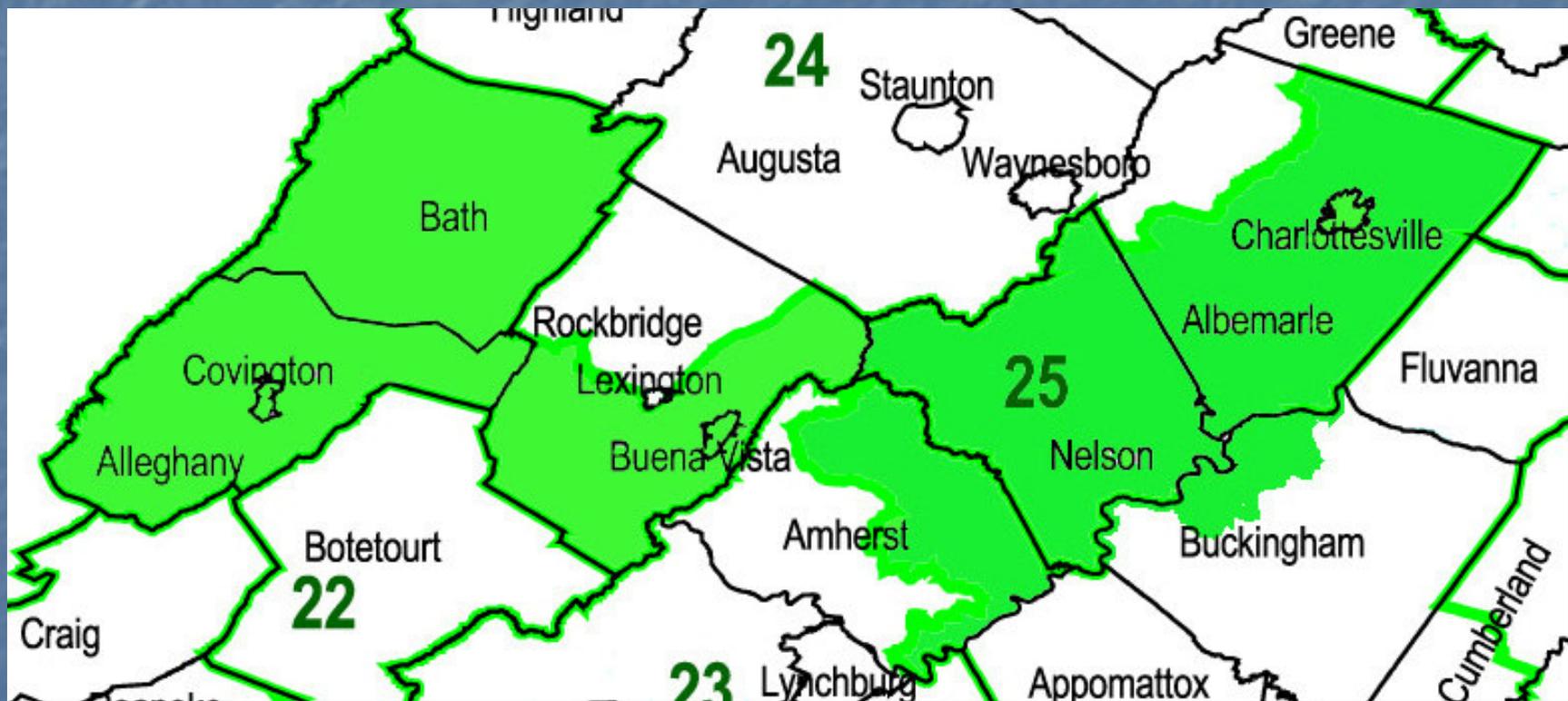
# The Original Gerrymander



# A "Ginny-Mander"?



# A Ginny-Mandered Legislative District?



# How Does This Play Out?

- 2007 General Assembly races
  - 40 Senate races
    - 17 incumbents had NO opposition
    - Only 9 races were “competitive”—margin of 10 percentage points or less
  - 100 House of Delegates races
    - 57 incumbents had NO opposition
    - Only 12 races were “competitive”
- Trends have persisted since 2003

# How Does This Play Out?

- 2008 U.S. House Races in Virginia
  - 11 House races
  - 2 candidates had NO opposition
  - Only 3 races decided by a margin of less than 10 percentage points
    - In 2006, only one race was competitive
  - 2008 U.S. House Races Nationwide
    - 87% of races were not competitive
    - 7% of Members had NO general election opposition

# Impact on Turnout

- Lack of competitiveness contributes to voter apathy
  - 2008 presidential election
    - 76.39 % of “active” voters turned out last November
    - Lowest Congressional District (68%) had no opposition
  - 2007 31<sup>st</sup> Senate District Race (Mary Margaret Whipple)
    - Incumbent faced only third-party opposition
    - 24.65% Turnout
    - Down from 31.17% in 2003 (no hotly contested statewide race)
  - 2007 53<sup>rd</sup> House of Delegates District Race (Jim Scott)
    - Faced no opposition
    - 23.74% Turnout
    - Down from 26.88% in 2003
- This trend cannot be good news for promoting good government, civic engagement and a healthy democracy
- Survey respondents were not convinced that more competition would improve voter participation

# A Caveat

- Gerrymandering is not the sole cause of lack of competitiveness
- Power of incumbency
- Demands of fund-raising
- Competing redistricting requirements may still lead to “safe” districts
  - Preserving jurisdictional boundaries
  - Voting Rights Act requirements

# Why Redistricting Reform Coalition Has Grown Beyond Traditional Supporters

- The creation of “safe” districts can result in the election of candidates who are at the extremes of their party and unwilling to compromise on legislation
- Has made it more challenging to approve the state’s budget each year
- Has made it more challenging to deal with transportation and other important issues

# Why Virginia Businesses Care

- “Every budget year since the last redistricting, the Legislature hasn't been able to agree on a budget. Education, health care, transportation, public safety--you have a group that is determined not to raise the revenues to pay for them. I've seen the Legislature get more and more partisan. The word compromise is foreign to them. The business community in Virginia is used to compromise. We don't understand why the Legislature cannot negotiate in good faith.”

--John T. Stone, head of government relations for  
Bon Secours Medical Center,  
Future of Hampton Roads Board Member

# Why the Time May Be Ripe for Redistricting Reform

- General Assembly divided between Democratic and Republican control
- Who will control in 2011? No one knows
- Redistricting reform tends to be supported by the party out of power
  - Democrats in charge of redistricting in 1991
  - By 2001, the Republicans had regained control of the General Assembly
  - 47 Democratic House of Delegate seats reduced to 35 after state was redistricted
  - Democrats now generally more supportive of reform
- Redistricting should not be an opportunity for political parties to “get even”

# What the League Supports

- Passage of a law to create a politically balanced and independent Reapportionment commission to prepare a plan for submission to the General Assembly, as provided in the Constitution
- Commission should be bi-partisan and composed of individuals who are not elected officials
- Members should reflect the geographical distribution and demographic diversity of the state and consist of an uneven number of members
- Staff support should be provided by the Virginia Department of Legislative Services

# What the League Supports

- In addition to the Virginia constitutional requirement of equal population, contiguous and compact districts and the Voting Rights Act requirements for protecting the voting strength of minority groups, the League supports the following considerations in redistricting:
  - Natural geographic boundaries;
  - Jurisdictional boundaries;
  - Communities of interest; and
  - Competitiveness
- Position updated in 2007, as a result of a multi-year study of the issue and consensus meetings of local leagues

# What Virginians Support

- When given a choice between the current process, a bipartisan redistricting commission or a constitutional amendment to mandate a commission, 4 out of 10 supported creating a bipartisan commission

**--September 2008 poll commissioned by the  
Virginia Redistricting Coalition ([www.fixthelines.org](http://www.fixthelines.org))**

# Growth of Redistricting Commissions

- One-fourth of states have adopted redistricting commissions
- 12 states give “first and final authority” for drawing legislative districts to a group other than the legislature
- 6 states give the authority for congressional redistricting to commissions
- But a commission alone does not guarantee non-partisan results or competitiveness

# “The Iowa Way”

- Considered to be the current model least influenced by partisan politics
- Lines drawn by a Legislative Service Bureau, following strict guidelines
- 5-member bi-partisan Redistricting Advisory Commission, made up of non-officeholders, provides advice and serves as liaison with public
- Iowa General Assembly then has three chances to approve submitted plans with only corrective amendments permitted
- After 3<sup>rd</sup> unsuccessful try, Iowa Supreme Court takes over the process

# California's New Citizens' Redistricting Commission

- Approved by state initiative in November 2008
- 14 registered voters
- Applicants screened by three independent auditors for qualifications and conflicts of interest
- Applicant (or family member) cannot have been
  - Political candidate for state or federal office
  - A lobbyist
  - Contributed \$2,000 or more in any year to a candidate
- Applicant cannot have changed party affiliation in past 5 years
- Applicant must have voted in at least 2 of last 3 general elections

# California's Citizen's Redistricting Commission

- "Survivor, Redistricting Style?"
- Panel selects 60 persons from applicants
  - Based on analytic skill, impartiality and appreciation of state's diversity
- Majority and minority leaders can strike up to 24 applicants
- State auditor randomly draws 8 names
- These 8 pick the remaining 6 members
- Must include 5 registered members of each party, plus 4 members who are not members of either party

# California Redistricting Process

- Criteria include specification that to the extent possible, each Senate district will encompass two adjacent Assembly districts
- Approved plan has to have at least nine affirmative votes, with 3 from each “party” group
- Plan can be challenged by statewide referendum
- Legislature retains responsibility for drawing Congressional districts

# What Happened in Last General Assembly Session?

- In 2008, support coalesced around SB 38
- Would have created a seven-member commission
  - Appointments divided between parties
  - Members appoint 7<sup>th</sup> member and chairman
- Commission prepares plans for legislative approval
- Specified standards to be used, limits on use of political data and opportunities for public comment

# What Happened in Last Session?

- SB 38 passed Senate, 33-5
- Killed without a hearing on a 3-2 party-line vote of a subcommittee of the House Privileges and Elections Committee

# What Has Happened This Year?

- House Privileges and Elections Subcommittee killed reform bill (HB 1685) at 7 a.m. on Monday holiday on party-line vote
  - Sponsored by Shannon Valentine (D)
  - Similar to last year's measure
  - Took similar action on other redistricting bills
- Senate will likely approve a bill
  - Deeds bill (similar) is S 926
  - Deeds' bill (SJ 281) would establish Virginia Redistricting Commission through Constitutional Amendment

# Other Developments

- Challenge to Voting Rights Act
  - U.S. Supreme Court has agreed to hear case related to VRA's preclearance requirements for Virginia and other states (*Northwest Austin Municipal Utility District Number One v. Mukasey*)
  - Are 1965-vintage protections still necessary in a country that can elect a Barack Obama?

# Further Resources

- League of Women Voters of Virginia
  - <http://www.lwv-va.org/redistrict.html>
- Redistricting Coalition
  - [www.fixthelines.org](http://www.fixthelines.org)
- Brennan Center for Justice
  - "A Citizen's Guide to Redistricting"
    - [http://www.brennancenter.org/content/resource/a\\_citizens\\_guide\\_to\\_redistricting/](http://www.brennancenter.org/content/resource/a_citizens_guide_to_redistricting/)
- USC Annenberg Center
  - <http://www.redistrictinggame.org/>