

Does Your Vote Really Count?

A Presentation by the
League of Women
Voters of Virginia
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Questions to Consider

- Does a candidate in any Virginia congressional or state legislative district have an unfair advantage because of the way districts are drawn?
- Do district boundaries treat some voters unfairly?
- Is there a better way to accomplish redistricting in Virginia?

What's Been Happening in Congress?

- Only 27 of 435 U.S. House races were “competitive” in 2004—decided within a margin of 55 to 45 percent
 - Only 1 of the 11 races for the U.S. House in the state of Virginia was “competitive”
- Only 7 U.S. House incumbents lost to challengers in 2004
- In 2002, 18% of U.S. House incumbents had NO opposition

What's Been Happening in Virginia?

- 60% of 2005 Virginia House of Delegates candidates had no significant opposition
- Only 12 of 100 Virginia House races were “competitive” in 2005
- Only 4 of 40 Virginia Senate races were “competitive” in 2003
- Only 9 of 100 Virginia House races were “competitive” in 2003

What Difference Does This Make?

- May contribute to decline in voter turnout as voters perceive that their vote won't make a difference
 - In 1997, 49.5 percent of Virginia voters turned out
 - In 2005, that dropped to 45 percent turnout
 - In 2003—without a close statewide race—turnout was only 31 percent
- May contribute to polarization as incumbents cater to party supporters and donors, rather than the political center
- Partisan redistricting plans are considered to be one factor that may contribute to this lack of competitiveness
 - Power of incumbency and a polarized political climate are others

Reapportionment vs. Redistricting

- The Virginia Constitution stipulates that the General Assembly has the power to redistrict for both Congressional and legislative districts
- Virginia is divided into 100 State House districts and 40 Senate districts
- Virginia is divided into 11 Congressional Districts
- Reapportionment determines the population of each political district
- Redistricting determines the boundaries of each district
- Virginia Constitution specifies that each district be “contiguous and compact” and provide representation “in proportion to the population” of the district
- Virginia Constitution specifies that the state will be reapportioned according to these criteria in the year 2011 and every 10 years thereafter

Who Controls Redistricting Now?

- In 2001, the General Assembly created a Joint Reapportionment Committee
 - Five members were appointed by chair of the House Committee on Privileges and Elections
 - Three members were appointed by chair of the Senate Committee on Privileges and Elections
 - Plan submitted for approval by legislature
- Redistricting is thus controlled by the majority party in the legislature

Role of U.S. Supreme Court

- 1962 ruled that federal courts could review redistricting plans created by state legislatures
- 1964— landmark “one man, one vote” decisions
 - Congressional districts should be roughly equal in population size
 - Later, same principle affirmed for districts for the state legislatures
- Later decisions adopted tougher standards on relative size for congressional districts, compared with state legislative districts

Texas Redistricting Cases

- U.S. Supreme Court now considering challenges to the redistricting plan approved in 2003 by the Texas Legislature
- Oral arguments heard on March 1, 2006
- Issues raised:
 - Can a redistricting plan be changed between decennial censuses if another party assumes power?
 - Did the plan negatively impact voting rights?
 - How much partisanship is too much partisanship in a redistricting plan?
- Decision expected before Court adjourns in July

Development of 'Traditional Districting Principles'

- Over time, courts have recognized that some limited population disparities might be justified to meet other criteria, including:
 - Compactness
 - Contiguity
 - Avoiding splits of political subdivisions, precincts
 - Preserving communities of interest
 - Preserving the basic shape of existing districts
 - Protecting incumbents and avoiding the pairing of incumbents
 - Political fairness or competitiveness
 - Voter convenience
 - Effective administration of elections

Impact of Voting Rights Act of 1965

- Permanently bars states from imposing qualifications that result in the denial or abridgment of the right to vote, based on race, color or language minority group
- Section 5 requires some states (including Virginia) to get clearance from the U.S. Justice Department before they implement changes in their voting regulations, including redistricting plans
- Local jurisdictions can be approved for exemption by demonstrating a record of compliance over time
- Section 5 of the law is scheduled to expire in 2007 if Congress does not vote to extend it

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
- Commission alone does not guarantee non-partisan results

“The Iowa Way”

- Considered to be the current model least influenced by partisan politics
- Lines drawn by a Legislative Service Bureau, following strict guidelines
 - Guidelines prohibit drawing lines that favor any political party, an incumbent legislator or member of Congress, or any other person or group, or to augment or dilute the voting strength of language or racial minority group
- 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 3rd unsuccessful try, Iowa Supreme Court takes over the process

Recent Developments Around the U.S.

- In November 2005, voters in California and Ohio rejected initiatives to overhaul their redistricting systems
- Why?
 - Election analysts said voters perceived the proposals were driven too much by partisan and/or special interests
 - Analysts also pointed to a lack of voter interest and understanding of the issues

Recent Developments in Virginia

- At least 11 bills on redistricting were introduced in 2006 legislative session—all failed
- SJ84 was the only bill subjected to a vote by at least one chamber
- SJ84 would have created a joint subcommittee to:
 - Study current redistricting process
 - Review alternative criteria used by other states
 - Examine the impact of federal legislation such as the VRA
 - Consider both constitutional and statutory changes in the process
 - Study the criteria that should be followed in developing plans
- Senate approved the bill, 40-0
- Subcommittee of House Rules Committee killed the bill without permitting testimony by the public

What's Next for the League of Women Voters of Virginia?

- Undertaking Phase II of a study of redistricting in the state
- Current League policy supports creation of bi-partisan Reapportionment Commission to prepare redistricting plan after each census
- Working to raise the awareness of opinion leaders and voters about the issue
- Considering action at the national level with other state leagues

For More Information

- League of Women Voters of Virginia redistricting study
 - <http://virginia.va.lwvnet.org/studies.html>
- League of Women Voters of the U.S. resources
 - <http://www.lwv.org/AM/Template.cfm?Section=Redistricting>
- Council for Excellence in Government
 - <http://www.excelgov.org/>
- Campaign Legal Center
 - <http://www.campaignlegalcenter.org/>