“Tool Kit for Redistricting Reform: What it is, Why it is needed, and How you can help.”

League of Women Voters Of Virginia
May, 2015
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Introduction

The articles in this collection were designed to accompany a panel on redistricting reform, the central theme of the 2015 Biennial Convention of the League of Women Voters of Virginia. The emphasis is on the need for concerned citizens to concentrate even more on advocating in their home districts. One panelist pointed out that legislators are much more likely to listen to people they know.

Of interest is the presence of articles by two of the people who were involved in a competition several years ago among Virginia college student teams to see who could draw the fairest voting districts. These two people continued their fascination with the subject and are both working on reform to this day. Something of this sort could be organized in other states.

Although this collection includes a lot of Virginia concerns, most of the material holds true nationally.
Who We Are

OneVirginia2021: Virginians for Fair Redistricting is a group of dedicated Virginians from across the political spectrum that believe that Congressional and state legislative districts belong to the citizens of our Commonwealth, and not to any legislator, special interest, or political party. We advocate for a fair process, not a particular political outcome.

The Problem

Politicians manipulate elections by carving up our neighborhoods, communities, and precincts to ensure their own reelection. It is a conflict of interest when legislators draw their own district maps and pick their own voters. Virginia can do better.

Independent Commission + Non-Partisan Criteria

We can do better with an independent commission, using objective, nonpartisan criteria that invites public participation and is fully transparent. It is time for voters to pick their politicians not the other way around.

What Can I Do?

The most important thing you can do is keep the conversation going. Don’t let this be just a once-a-decade horrible vote your legislator makes that people forget! Remind them that you know about this and won’t stand for it. Take action AND tell a friend.

✓ Sign our petition at OneVirginia2021.org, which automatically emails your legislators so they know you want a fair redistricting process.
✓ Help us on social media – it gets the message out better than anything else. Facebook and Twitter are our platforms.
✓ Tell a friend about OneVirginia2021 to keep the conversation going.
✓ Have your local government or civic organization adopt a redistricting reform resolution.
✓ Donate to the cause at OneVirginia2021.org

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Redistricting: Background and Resources

Review of "On Democracy's Doorstep: The Inside Story of How the Supreme Court brought "One Person, One Vote" to the United States, " by J. Douglas Smith

By Carol Noggle, Legislative Coordinator, LWV-VA

This book reads like a suspense novel. It is the "inside story" because it describes the SCOTUS proceedings and "behind the doors" discussions mostly for cases in the 60's. It includes quite a few stories of what the League was doing but especially about the Tennessee League. In 1959 they placed red signs on every lawmaker's desk just prior to the opening of the '59 session saying, "STOP, BEFORE you take your oath of office as a member of the General Assembly of Tennessee, and SWEAR TO UPHOLD our State Constitution, read article ..." By 1959 Tennessee's legislature had ignored its constitutional obligation to redistrict since 1901! So, the massive change of the population from rural areas to urban ones meant that the rural districts were over-represented and the rural lawmakers wanted it to stay that way so that they could vote for more money for their districts. One rural lawmaker stated what still holds somewhat today, "I believe in collecting the taxes where the money is -- in the cities -- and spending it where it's needed -- in the country."

The book also describes a Virginia reapportionment lawsuit in 1963 and describes the positions of the commonwealth and the appellants as well as the personalities of the attorneys for each. With the tremendous shift of the population to urban areas (Fairfax and Hampton Roads) by 1960 the disparities in the population of districts were amazing. The range in House districts was from 20,000 to as many as 142,597 residents; in the Senate districts from 51,000 to over 285,000.

Interestingly, in 1960 Gov. Almond appointed a commission (Hoover Commission) of legislators and nonelected officials to consider reapportionment. It worked with the Bureau of Public Administration at UVA and drafted proposals that reduced the disparities but, guess what, the GA "buried" them. That prompted the filing of a suit on behalf of the underrepresented voters in northern Virginia. The rest of the story starts on page 142.

With just a limited reading, and even more limited understanding, of the SCOTUS BLOG regarding the arguments heard yesterday on the current "malapportionment" case from Alabama that addresses the presence of racial gerrymandering and/or partisan gerrymandering and whether or not partisan gerrymandering is/was allowed by Section 5 I think I am better able to follow it because of the book described above. Alabama has retained a system of delegates representing counties and a courtesy policy that they do not vote on legislation that would affect that county without following a long-standing custom of consulting the county first. This seems to be part of the dissatisfaction that happened when redistricting moved people to a district just outside their county so that they could not vote to select the legislator who would represent their county.

Do I recommend the book in preparation for Virginia's redistricting process? Obviously, yes.
**Redistricting: Virginia and the Courts**

**Summary of Relevant Cases on Virginia Redistricting**
by Rebecca Green, Professor of Practice, Co-Director, Election Law Program
William & Mary Law School

• *Page v. Virginia State Board of Elections* (Eastern District of VA, 2014)
  This case involved a challenge to an alleged racial gerrymander without adequate justification under the Voting Rights Act. Virginia’s congressional District 3 was struck down on October 7, 2014, as an unconstitutional gerrymander. The court held: Although compliance with the Voting Rights Act is a compelling state interest, the legislature’s use of broad demographic target percentages, without accounting for political reality on the ground, left its plan insufficiently tailored to Voting Rights Act compliance. Decision has been appealed directly to the U.S. Supreme Court.

  Congressional redistricting plan was not narrowly tailored to achieve nonretrogression in compliance with the Voting Rights Act, so the plan violated the Equal Protection Clause where district’s congressman had been safely re-elected for over 20 years prior to redistricting plan. The state went beyond what was reasonably necessary to avoid retrogression. Strict scrutiny was applied, because race predominated when the state legislature created the district. District had an odd shape was composed of a disparate chain of predominantly African-American communities, was not contiguous by land, and split more local political boundaries than any other district in Virginia.

• *Bethune-Hill v. State Board of Elections* (Eastern District of VA, not yet decided)
  This case involved a challenge to the alleged racial gerrymandering of state legislative districts without adequate justification under the Voting Rights Act. Complaint filed in December 2014.

• *Hall v. Commonwealth of Virginia* (Eastern District of VA, 2003)
  Voters residing in old congressional district, and not in new redrawn congressional district, lack standing to bring voter dilution suit under the Voting Rights Act. Failure of black voters claiming voter dilution to propose an alternative district that would be majority black without destroying black majority in adjacent district, precluded Voting Rights Act claim.

• *Republican Party of Virginia v. Wilder* (Western District of VA, 1991)
  Republicans asked for preliminary injunction, contending that Governor and State Board of Elections acted unconstitutionally by pairing 14 Republican House of Delegates incumbents against each other and another Republican incumbent against an Independent incumbent. Redistricting plan should not be upset in face of uncertain cause of action with only possible irreparable harm to 8 members of the General Assembly.

  To establish equal protection violation in partisan gerrymandering case, complainants must prove both intention discrimination against identifiable political group and actual discriminatory effect on that group.

• *Moon v. Meadows* (Eastern District of VA, 1997)
  Residents of newly created congressional district had standing to challenge only that district as a violation of the Equal Protection Clause.

  Race predominated drawing of new congressional district as shown by legislative intent to create safe black voting district with certain percentages of black and black voting populations, district’s bizarre shape, and disregard of race-neutral criteria such as keeping regions and localities intact and keeping them compact. There was a state interest in precluding exposure to liability under the Voting Rights Act, but the state failed to use narrowly tailored methods to achieve that goal. Further, evidence did not establish that racially drawn district was necessary to avoid Voting Rights Act liability.
Redistricting: Virginia and the Courts

Court Tosses Virginia Congressional Map
By Bridget Bowman, Posted at 4:48 p.m. on Oct. 7, 2014, Roll Call, Politics Blog

A federal court has ruled Virginia’s congressional map violated the 14th Amendment and instructed the legislature to redraw the state’s congressional boundaries by April 1, 2015. On Tuesday, three federal judges sided with the plaintiffs, who argued the Republican-led legislature drew Virginia’s 3rd District to pack blacks into the district, thus diminishing their influence in neighboring districts and violating the Equal Protection Clause of the 14th Amendment.

The current map will still be in effect for the 2014 elections. The court instructed the legislature to redraw the entire congressional map by April, and there will likely be more legal action before then.

“This is going to get appealed to the Supreme Court,” a redistricting expert involved with the case told CQ Roll Call in a phone interview.

The expert pointed out the issues in the Virginia case are similar to a redistricting case in Alabama, which the Supreme Court agreed to consider.

A redraw has the potential to drastically change the state’s partisan makeup in the congressional delegation. Virginia is a battleground statewide, but Republicans currently hold eight of the state’s 11 House seats.

In the Virginia case, the defendants argued race was not the primary factor behind the 3rd District’s configuration, and instead the district was drawn to protect the incumbent, Democratic Rep. Robert C. Scott. Although, the legislators also acknowledged they attempted to draw lines to comply with the Voting Rights Act and ensure African-Americans could elect a candidate of choice.

But as experts for the plaintiffs and defendants acknowledged, the district required a lower black voting age population to elect a candidate of choice than was ultimately drawn.

The court eventually sided with the plaintiffs, who argued race was the primary motivator behind the district lines.

Following the ruling, Scott issued a statement clarifying that he was not directly involved in the lawsuit.

“However, during the last round of redistricting in 2011, I was a strong proponent of the redistricting plan sponsored by State Sen. Mamie Locke, which made all congressional districts in the Commonwealth more compact and contiguous,” said Scott. “I hope and expect the General Assembly will more equitably and appropriately balance the influence of all Virginia’s voters, as mandated by this decision, when they redraw the third congressional district and adjacent congressional districts next session.”

Democratic Gov. Terry McAuliffe also issued a statement after the ruling.

“Today’s ruling demonstrates the need to get partisan politics out of how Virginia draws its legislative boundaries,” McAuliffe said. “I hope my friends in the General Assembly will join me in taking this opportunity to draw districts that are more compact, contiguous, and reflective of the shared interests that unite many of our communities.”
The point is that so long as politicians draw the lines, redistricting for political purposes will be an irresistible temptation. And, so long as partisan voting splits strongly along racial lines, politicians will not be averse to unconstitutionally dividing us up by race to meet their political ends.

Fortunately, a different outcome is possible. In 2011, I had the honor of being part of the winning team in the Virginia College and University Redistricting Competition. At the William and Mary Law School, we created a map that started and ended with the goals of respecting the varied communities of interest across the commonwealth and — as the Virginia Constitution demands — drawing districts that are contiguous, compact and as equal in population as is practicable. When we drew our map we never asked where incumbents lived or if our map would pit two of them against each other. Until we settled on a final map, we did not even know how many districts would favor each political party.

Unlike the legislature, we had no incentive to insert politics into the process. We were a bipartisan group with a nonpartisan goal, not to serve the interest of parties or politicians but to ensure equal representation for all Virginians.

If we, as Virginians, want our districts to grant equal voting power regardless of race or political affiliation, we must learn the lessons of this competition and change who is drawing the lines.

Moreover, because the legislature is unlikely to just hand over the redistricting reins, we have to make redistricting an issue in campaigns to come. Legislators may prefer to talk about lower taxes and more jobs, but we have to tell them that partisan districting is an issue we care about too. We have to ask them where they stand, and what they have done to ensure each voter has an equal say in our elections. And, from time to time, we may need to disregard our own partisan nature and vote for the candidate who is willing to support nonpartisan reform, even if that candidate sits on the other side of the political aisle.

Nicholas H. Mueller, an attorney in northern Virginia, has been deeply involved in redistricting issues ever since drawing the winning map for the William and Mary Law School team in the 2011 Virginia College and University Redistricting Competition. Contact him at nicholashmueller@gmail.com or follow him on Twitter
Redistricting: Why We Need Reform

We must end political gerrymandering

Congressional Redistricting Stats
Number of Districts: 11
Democratic Majority Districts: 4
Competitive Districts: 2
County Splits: 41
Average Compactness: 50.1 percent
African-American Majority Districts: 1

Posted: Sunday, November 2, 2014 10:30 pm

BY NICHOLAS MUELLER

The two most important rights underlying our democracy are (1) the right to speak and be heard, and (2) the right to vote and have that vote count. The Supreme Court has long held that we have the right to vote and have that vote counted, but simply being part of the tally of votes is not enough. Under the Equal Protection Clause of the 14th Amendment, our votes must count on equal ground with every other vote.

This ideal is embodied in the Supreme Court’s 1964 opinion in Reynolds v. Sims, stating that one person, one vote, is the Constitution’s demand. It is one of the court’s most famous pronouncements in the arena of voting rights, but in fact all this opinion really guarantees is that districts must consist of nearly the same population. That was an important pronouncement in 1964, when one Alabama district had 41 times as many people as another district yet received equal representation.

Today, fortunately, that kind of equality in districting can almost be taken for granted as courts have continued to more and more strictly enforce this mandate over the years. On the other hand, the same cannot be said regarding the equal treatment of racial and political groups in the redistricting process.

Political gerrymandering in Virginia began more than 20 years before the term gerrymandering was first used. Gerrymandering in Virginia dates back to Patrick Henry’s efforts to prevent his political rival James Madison from obtaining a seat in the newly formed U.S. House of Representatives.

As the Supreme Court has genuinely struggled with how to evaluate such claims of political gerrymandering, racial gerrymandering has instigated most of the successful litigation in Virginia redistricting in recent decades. This month’s ruling that the current congressional district map is unconstitutional is the second time in just the past 20 years that a federal court has found that Virginia’s 3rd District constitutes an unconstitutional racial gerrymander.

This outcome should not surprise us — not merely because the lingering effects of racism still fester in Virginia and throughout the country, but because the ultimate motive behind this unconstitutional treatment of African-Americans is the desire for political gain. I point this out not to shame Republicans who created and passed this plan. After all, in 1997 Democrats used a lame-duck legislative session to pass a plan that was later deemed an unconstitutional racial gerrymander.
Panel Adopts Ideas for Redistricting Process
By Jenna Portnoy

RICHMOND — The government integrity panel created by Gov. Terry McAuliffe adopted recommendations on Monday for an overhaul of Virginia’s redistricting process, embracing an approach the Republican-dominated House of Delegates has consistently rejected. The panel wants to amend the Virginia Constitution to create an independent commission to redraw lawmakers’ districts, and pass a law prohibiting that commission from considering election results when setting district boundaries.

Both suggestions would have to be approved by the legislature — an especially unlikely outcome in the House, where similar bills have died in committee. One proposal also would have to be approved by voters. The panel also recommended that McAuliffe (D) and the General Assembly work together to redraw congressional districts, in response to a recent ruling declaring that the commonwealth’s congressional map is unconstitutional.

Former lieutenant governor Bill Bolling (R), who co-chairs the panel with former congressman Rick Boucher (D), said the biggest obstacle to approving the changes will be garnering support among lawmakers who face little threat of a primary opponent under the current configuration. “For the members of the legislature, this is a question of sheer political power,” Bolling said. “The challenge is going to be trying to get the legislators to be willing to put the people’s interest ahead of political interest or their own political interest.”

Through a spokesman, House Speaker William J. Howell (R-Stafford) denounced the idea of a commission and said he would resist changes to the process. “Redistricting was established by the framers as a part of the political process,” said his spokesman, Matt Moran. “The speaker respects this process and has serious reservations about changes. . . . Independent commissions are only as independent as those who serve on them.”

Sen. Creigh Deeds (D-Bath), who has pushed for a redistricting commission for years, said such a change would make government more responsive and increase voter participation in elections. “Frankly, this redistricting reform effort would make government work again,” he said.

According to the National Conference of State Legislatures, 13 states — including New Jersey, Pennsylvania and Ohio — use commissions to redraw legislative boundaries. A legal challenge to a voter-created redistricting commission in Arizona is pending before the Supreme Court.

McAuliffe established the government integrity panel in September, shortly after former governor Robert F. McDonnell (R) and his wife, Maureen, were convicted in a corruption case. He declined to comment on specific recommendations, but said through a spokesman that “getting partisan politics out of the redistricting process is an essential element of making Virginia government more transparent and accountable.”

The panel last month said lawmakers should be banned from accepting gifts worth more than $100, a limit that echoes rules McAuliffe adopted for the executive branch early in his term.
On redistricting, the panel recommended the creation of a five-member independent commission. The leaders of each party in the House and Senate would each appoint one member. Those four members would then choose the fifth.

For this provision to be added to the constitution of the commonwealth, a majority of lawmakers would have to vote in two consecutive years, separated by an election, to put it on the ballot. Then voters would have their say.

The panel also wants the legislature to adopt a law minimizing the impact of politics on the redistricting process. Districts would have to respect municipal and voting precinct boundaries, be as compact and contiguous as possible and address “racial and ethnic fairness.” The commission could not use political data or election results to favor either party in redistricting.

The panel said McAuliffe and the General Assembly should come to an agreement on redrawing congressional districts. If they can’t within 10 days of the upcoming legislative session, the panel wants McAuliffe to appoint another commission to tackle that challenge.

Greg Lucyk, a board member of One Virginia 2021, a group calling for non-political redistricting, said gerrymandered districts force lawmakers to appeal to the extremes of their base.

“If we had objective neutral criteria and an independent commission that wasn’t acting on the basis of partisan interests, we could draw districts that would be fair, competitive and would allow the discourse [that we need] to occur,” he said. “That’s not happening here in Virginia.” Jenna Portnoy covers Virginia politics for The Washington Post.
Redistricting-related bills that have died in the General Assembly this year addressed the issue in various ways: establishing a state redistricting commission via constitutional amendment; setting a procedure for how population would be used in the process; establishing an advisory panel to set and maintain mapping standards; calling for a statewide referendum on whether the General Assembly should propose a constitutional amendment to set up a bipartisan redistricting commission; and, finally, establishing the criteria under which the redistricting process would be carried out.

Several such measures emerged from the Republican-controlled Senate with a unanimous vote. One of those was the widely supported criteria bill (Republican Sen. John Watkins’ SB840), which would have largely prohibited the use of political data in the process. It was summarily set aside by Del. Cole and his subcommittee.

“I don’t care what criteria you use; it’s going to be impossible to draw a competitive district,” Cole said. He also pointed to federal guidelines that are already in place anyway. The fact is that redistricting remains the General Assembly’s job, which means it must come up with an equitable and legal way to do it. Cole doesn’t believe that’s possible, and he’s in a position to kill any legislation that suggests otherwise.

What’s the solution? He needs to get out of the way of redistricting reform. If he doesn’t, it falls upon the Speaker of the House or, of course, the voters, to get him out of the way.

"VIRGINIA VOTERS have given up on state legislative elections, and for good reason. Cynical lawmakers in Richmond seem determined to keep democracy nothing but an aspiration in the commonwealth. Turnout in legislative-only contests for the General Assembly has fallen dizzyingly, to less than 29 percent in 2011 from 49 percent in 1991. Virginians stay away from the elections for an excellent reason: They are shams, engineered by insiders as festivals of incumbent protection.

Of the 200 races for the state House of Delegates in 2011 and 2013 combined, just 17 were competitive, meaning a victory margin of less than 10 percentage points. In 129 of those 200 races, the winning Republican or Democrat faced no opposition from the other major party. And in the 71 contests where a Democrat and Republican did square off, most were blowouts, with an average victory margin of 20 percentage points. The last state Senate race, in 2011, wasn’t much better.

Those lopsided results are no accident in a system where elected representatives get to handpick their voters through computer-assisted cartographical sleight of hand. Why should voters go to the polls when gerrymandering has become so scientifically precise that the results of legislative elections are preordained?" report.
Redistricting: Legislative Targets

Editorial: Redistricting reform efforts stop dead at committee chaired by Spotsylvania delegate

AP Photo/Steve Helber

Del. Mark Cole, R–Spotsylvania (left), talks with House Speaker William Howell, R–Stafford. Cole says it is ‘impossible to draw a competitive district’ through redistricting.

Posted: Thursday, February 26, 2015 12:00 am

BY THE EDITORIAL BOARD OF THE Fredericksburg FREE LANCE-STAR

The House of Delegates Privileges and Elections Committee is where redistricting reform bills go to die. It is not selective. It kills bills the Senate already passed, and bills introduced in its own chamber. It kills bills introduced by Republicans and bills introduced by Democrats. At least it doesn’t discriminate.

Del. Mark Cole, a Spotsylvania County Republican, chairs the committee and sits on the subcommittee that routinely sticks a fork in redistricting-related measures. He is the rare Virginian who apparently doesn’t see a need to fix the procedure under which congressional and legislative boundaries are redrawn every 10 years.
Given the dozen or so bills and joint resolutions introduced by members of both chambers and both parties this year alone, Cole’s view is not widely shared.
Clearly the U.S. District Court for the Eastern District of Virginia doesn’t like the 2011 version of the commonwealth’s congressional map because it took black residents from the 1st and 4th Districts, reducing their influence in those, and put them in the 3rd District, which was already the state’s only majority black district. The court ruled last fall that the districts would have to be redrawn, and the new map was due in April, but a federal court has pushed that deadline back to September.

Gerrymandering has always been an equal-opportunity pursuit in Virginia for the party that happens to be wielding the most clout for the decennial redrawing. Gerrymandered districts favor incumbents, so the party in power is more likely to stay in power. In 2013, for example, candidates for 56 of the 100 House of Delegates races were unopposed. In at least another 16, the winner claimed 60 percent or more of the vote.
Redistricting: Reform Around the Country
Update on Redistricting Issues in U.S.

from Douglass Wood, Brennan Center for Justice, April 13, 2015 (excerpts)

New legislative sessions have brought a flurry of redistricting bills from both Democrats and Republicans around the country in 2015 — no fewer than 87 as of April 7, according to a new Brennan Center analysis.

Although reforming redistricting by legislation historically has been hard, these bills show a robust bipartisan debate over ways to improve democratic processes and a dissatisfaction with current redistricting practices.

Proposals introduced this year include 20 bills that would create redistricting commissions, 7 that would change how and where prisoners are counted for redistricting purposes, and 23 measures that try to minimize gerrymandering by putting other constraints on how maps are drawn.

Supreme Court Rules in Racial Gerrymandering Case

On March 23, the U.S. Supreme Court asked a three-judge federal panel to take a second look at claims that white Alabama lawmakers had unconstitutionally “packed” (or concentrated) African-American voters into legislative districts in order to dilute their electoral power.

The case was the high court’s first racial gerrymandering decision since 2001, and the first time the Court has ruled on racial gerrymandering claims brought by minority, rather than white, voters.

Although the decision merely sends the case back to the lower court for additional review and could take years to resolve, observers generally regard the ruling as a win for minority groups, who have argued that white Republicans throughout the South tried to use the guise of compliance with the Voting Rights Act this redistricting cycle to lock in gains their party made in the 2010 election wave.

The decision is already having an impact on other cases. A week after ruling in the Alabama case, the Court also sent a similar challenge to Virginia’s congressional map back to the district court for review. The three-judge district panel currently hearing claims about Texas’s legislative and congressional maps has also asked for briefing about the impact of the Alabama decision.

Debate about the case is just starting, however. Some commentators predict the impact of the Alabama decision could be fairly limited, since it is based on a part of the Voting Rights Act that is no longer operative after the U.S. Supreme Court’s decision in Shelby County v. Holder.

Others, though, suggested that “while the case was no blockbuster, there may be more to it than meets the eye.” And at least one commentator wondered why, with conservative members’ emphasis on color-blindness in other opinions, conservatives didn’t join with the majority in the Alabama case to strike down a “rigid racial quota.”
His advice to advocates is to emphasize the conflict of interest, the splitting of neighborhoods, and vote manipulation that is part of our current system. Avoid emphasizing competitiveness as this is too difficult to bring about. We cannot rely on the courts to fix this as they have made it clear, in spite of some recent cases in Alabama and Virginia in which gerrymandered districts were sent back to be revised, that this is a political issue. Our democracy needs to be fixed. We all need to contact those who have power over the reform process.

Cannon became Executive Director of One Virginia2021 in January of this year. He brings over a decade of experience in nonprofit leadership, community building, fundraising, and bipartisan advocacy for state policy issues. Previously, he worked as a consultant with startups and high-growth companies.
Redistricting: Arguments for the Need for Reform

Conflict of Interest and Voter Manipulation: Compelling Reasons for Redistricting Reform
by Lois Page, LWVFA Secretary

April 2015

Brian Cannon, the keynote speaker at LWVFA’s Annual Meeting last month and the Executive Director of One Virginia2021, got into redistricting reform because of what he remembered about being on one of the winning teams on a redistricting map-drawing competition in 2011. Cannon was in law school and studying election law when he took part in the competition, open to colleges and law schools throughout the state, which the Virginia State League helped to host.

Noting that the League of Women Voters has been advocating for redistricting reform since before he was born, Cannon thinks reformers have a chance of succeeding this time around because 1) computer programs now make it easy to redistrict fairly and easily, 2) people on both the far right and left of the political spectrum are starting to become uneasy with incumbent protection and conflict of interest in the present system and 3) the statewide push for reform, which has enlisted a number of organizations, has started early and is going all over the state to build up regional boards.

“Fair has been hijacked,” he said. Even with voter protection laws being fixed, the situation would not be improved without redistricting reform. If we can fix this, a lot of other improvements will fall into place. He said out neighborhoods are being carved up to ensure elections. It is hurting our democracy and getting worse because of the computer programs in the hands of those seeking reelection. Only 19 incumbents have lost a race since the 2003 house races.

He illustrated the results of our present system by talking about how far his present congressman is from his own residence and hence his community of interest. Many in the audience could relate. He showed a map of our local state senatorial district 37 which graphically showed how carved up we are locally.

He sees reform as a bi-partisan issue. Although Republican Delegate Cole and Speaker Howell control the subcommittees where reform bills die, because of grass roots outrage, for the first time in the recent General Assembly session, one member changed his vote. In the Senate, Democratic Senators Barker and Saslaw voted against the redistricting coalition-backed bill. Cannon said the ability to choose ones own voters can be an overwhelming temptation. However, supporters of both parties respond to the fact that the current system is a conflict of interest and a manipulation of the vote.

One Virginia 2021’s solution: an independent commission plus non-partisan criteria. The board itself would not be non-partisan because that is too hard, but it can be independent. Their proposal is a seven-member board, one appointed by each party in the House and the Senate plus 3 state office holders. Five votes would be needed to pass a proposal, and the no votes could not come from the party representatives. The crucial criteria would be that no political data could be used to draw the maps. He agreed that this latter point would be hard to ensure but right now it is not against the law to do it. Being illegal would be helpful. And changing the criteria right away would require only a change in the code.
behavior by the representatives from those districts. The study found that the degree of racially polarized voting was a significant predictor of roll call votes on civil rights issues.

- In another piece, McDonald and Micah Altman of M.I.T. compared Ohio’s 2010 congressional plan with 66 alternative plans drawn by legislators and the public, looking at things like compactness, competition, and respect for minority representation. Their conclusion: The proposed maps show Ohio could have achieved districts that both preserved minority voting power and better met objectives of redistricting reformers.

- In a forthcoming article in the Alabama Law Review, Rick Hasen traced the origin and history of the Supreme Court’s racial gerrymandering jurisprudence and calls its recent resurrection in the Alabama redistricting case “questionable.”

- According to a new report from the Chicago Lawyers’ Committee for Civil Rights, MALDEF, and AAAJ-Chicago, representation within local governing bodies has remained overwhelmingly white and male, despite increasing diversity in Chicago’s suburban areas.

- The San Antonio Express-News editorial board discussed the ongoing redistricting issues in Texas in light of the Arizona redistricting case at the Supreme Court. In both instances, the board said, “small-“d” democracy” should be the guide because “voters deserve a fair redistricting process.”
Alabama Redistricting Case Continues to Make Waves, May 2015

The U.S. Supreme Court’s ruling that Alabama’s legislative maps could be an unconstitutional racial gerrymander continues to make waves. In Alabama, the three-judge panel in the case has scheduled a May 18 status conference where it will weigh how to proceed in light of the high court’s ruling. African-American groups are already pushing for a quick ruling that would direct the Alabama legislature to draw replacement state House and Senate maps by August.

Meanwhile, the U.S. Supreme Court has asked North Carolina’s Supreme Court to re-examine claims that the state’s 2011 legislative and congressional maps packed minority voters into districts similar to what is alleged to have happened in Alabama. The court has set an expedited hearing in the case for August, leaving minority groups hopeful that the maps could be improved in time for the 2016 election.

And in Texas, the federal court that is hearing disputes about the state’s legislative and congressional maps has also received a briefing, which it requested, about the impact of the Alabama decision. At least one commentator seems to feel the Alabama decision could also portend the striking down of a portion of Texas’s maps.

Redistricting Reform in Congress

In the coming weeks, the U.S. Supreme Court will decide whether Arizona voters had the power to create an independent redistricting commission to draw congressional maps. Regardless of how the Court rules, the pending decision hasn’t stopped members of Congress from both sides of the aisle from wading into the debate about the future of redistricting. Already in the new Congress, members have filed two bills to mandate redistricting commissions nationwide, and a companion bill that aims to improve the transparency of the redistricting process.

“Reforming a process that lies as close to the heart of political power as redistricting is never easy, and the current political polarization of American politics may make the new bills seem especially quixotic,” wrote Eric Petry. “But with the Supreme Court potentially wading into the debate on commissions for the first time, the future of reform efforts may be about to dramatically shift, for better or worse, to Congress.”

Other News and Analysis

- The U.S Supreme Court could decide soon whether to hear another redistricting case, this time a dispute out of Maryland over when a three-judge panel must be convened, reported The National Law Journal.
- If the Supreme Court rules against the Arizona Redistricting Commission this summer, several states could be forced to redraw congressional districts. In preparation for difficult re-election battles due to newly drawn districts, some U.S. House members from potentially affected states have already raised more money than they spent in the entire 2014 cycle.
- Litigation over Florida’s maps continues with more than 60 people having been subpoenaed in connection with claims about the state’s Senate map.
- In a new study, the University of Florida’s Michael McDonald and Brian Amos looked at the relationship between racially polarized voting in congressional districts and roll call voting.
Tips for Effective Lobbying

- **Remember that lawmakers are human beings.** Begin your meeting with a compliment, if possible. Be friendly, polite, and dress respectfully. The Golden Rule applies to lobbying, too.

- **Never be late.** It’s a sign of disrespect that will be remembered when the lawmaker considers your viewpoint. You’re also likely to find that the member has left for another appointment.

- **Put it in writing.** Always provide a fact sheet on your issue to lawmakers and their staff. If it’s not on paper, it won’t be remembered. Plus, staffers need information to write memos and floor statements for their bosses. Do the work for them.

- **Do your homework.** Know if the lawmaker has taken a stance on the issue before or if she/he has particular areas of interest or concern.

- **All politics is local.** Come armed with information about how the issue will affect the lawmaker’s district and local reasons for why the lawmaker should take the stance you advocate.

- **Never lie or make up information.** A lobbyist’s greatest strengthen is her/his credibility—lose that and you’re through. If you don’t know the answer to a question, tell the lawmaker you will try to find out and then provide the information promptly in a letter, e-mail or call to their staff.

- **There is strength in numbers and strange bedfellows.** Build coalitions that are as broad and deep as you can make them. Mention how many members you have in the member’s district (if it’s sizeable) and the number of groups in your coalition.

- **Be a good listener.** It will help endear you to the lawmaker and give you valuable information about the lawmaker’s views and concerns. Don’t do all the talking; have a conversation.

- **Press for a commitment.** Ask the lawmaker directly if she/he will take the particular stance you support or undertake the task you’ve requested. Polite nods tell you nothing.

- **Build a relationship.** Try to get to know lawmakers and their staff. Look for common interests, backgrounds, etc. Members and staff are more likely to meet with you again and listen to your views if they know who you are and have a friendly feeling toward you.

- **Say thank you.** Always thank lawmakers for taking the time to meet with you and for any good stances they take on your issues. Everyone likes positive feedback.

- **Don’t forget staff.** They are the eyes and ears—and the doorkeepers—for their bosses.

- **Be strategic.** Focus your efforts on the persuadable “swing” votes. Don’t waste your time on avowed opponents of the issue or on your known allies (except to say thank you.)

- **Don’t burn bridges unnecessarily.** Use confrontation as a tool, not a way of life. Lawmakers won’t always do what you want, but they might sometimes if you keep a cordial relationship.

- **The squeaky wheel gets the grease.** Don’t expect miracles. However, polite persistence pays off. And remember, the power of the ballot box is yours!
Checklist

Pre-Meeting

1. Do you know what your “ask” is?
2. Did you pack your fact-sheet (with your contact information on it) and any backup (i.e., newspaper article, report, photos, etc.)?
3. Are you ready to refute opposition arguments?
4. Are you ready to “Start where they are, not where you are”?
5. Do you have a personal anecdote to share?
6. Do you have a couple of questions that you want to ask?
7. Did you bring along a “thank you” or a compliment to share?
8. Is there a field trip or event upcoming to which you can invite the lawmaker?

Post-Meeting

1. Did you make the “ask”?
2. What did the lawmaker say/promise/question/dispute/request?
3. Why does the lawmaker support/oppose/have no position on your “ask”?
4. Make a note of:
   - The date, time, and location of the meeting
   - The lawmaker’s staff who attended the meeting
   - What teammates joined you for the meeting
   - What information you shared with the lawmaker
   - What strongly held beliefs, personal experience, trusted sources, etc., that the lawmaker cited to back up their position/actions/votes
   - Mementoes, awards, photos, etc., displayed in the lawmaker’s office
5. Do you owe the lawmaker any additional information?
6. Did you send a follow-up letter, e-mail, or note?