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# A Chance to End Gerrymandering in Virginia

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# A.E. Dick Howard and Rebecca Green: A chance to end gerrymandering in Virginia

By A.E. Dick Howard and Rebecca Green  
For The Virginian-Pilot  
Dec 9, 2018



Rebecca Green, William and Mary Law School



A.E. Dick Howard



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THE GREATER THE POWER, so the saying goes, the greater the abuse. The power to design election districts is undeniably great. Its abuse — gerrymandering boundaries to favor one party or hurt the other — undermines democracy itself. Losing faith in fair elections erodes people’s trust in government.

In the upcoming 2019 General Assembly session, the people of Virginia have an opportunity to reclaim fair elections and to renew that trust.

A bipartisan citizens committee has proposed an amendment to the Constitution of Virginia that would transfer the power to draw legislative districts from the legislators themselves to an independent commission. Enshrining fair redistricting in the state constitution would elevate it to a right that can’t be taken away.

The two of us were among those who drafted the amendment. Our colleagues included former General Assembly members from both parties, former congressional staff members, a former state attorney general and others who have seen the redistricting process up close. Convened in August by the nonpartisan group OneVirginia2021, our committee came to its task with diverse viewpoints but worked collaboratively to keep the interests of citizens always above the interests of political parties.

The resulting amendment is balanced. It combines the practical, the political and the principled.

As a practical matter, our committee understands that the legislature traditionally has a role in redistricting. Preserving some of that influence is an important part of the compromise in this constitutional amendment. The General Assembly would have a role in selecting the commission, but no hand in drawing the lines. That task is assigned to the citizens commission.

Recognizing that politics is inherent in the process, the commission would be made up of three Republicans, three Democrats, and four independent voters. To get that result, a committee of retired judges would first select five Republicans, five Democrats, and 12 independents from applications open to any registered Virginia voter. Then the leadership of both parties in the General Assembly would reduce those 22 nominees to the final 10-member commission, using a strike process similar to jury selection.

As a matter of principle, the resulting commission would be required to draw election districts based on fair criteria, free of the taint of partisan gerrymandering. The criteria in the amendment include that no district should favor or disfavor any party or candidate; that districts should follow city and county lines as much as possible; and that no district should be drawn to diminish minority voting choice.

Adhering to the principle that transparency generates trust and integrity, the commission would conduct public hearings around the state before and after maps are drawn. Its meetings would be open. Data and maps would be posted on a dedicated website, which would also provide a path for public comment.

Republican and Democratic members of the Virginia Senate have already agreed to sponsor the amendment in the General Assembly session that opens on Jan. 9. The next few months are critical if the amendment is to be in force when all 140 General Assembly districts and all 11 Virginia districts in the U.S. House of Representatives are to be redrawn after the 2020 Census. To put citizen interests at the heart of redistricting, this amendment must pass in the upcoming session, pass again a year later, and then win the approval of Virginia voters in a referendum.

Virginia’s Bill of Rights, dating to 1776, declares that “no free government, nor the blessings of liberty, can be preserved to any people” but by “frequent recurrence to fundamental principles.” No tenet of free government is more fundamental than fairness in voting and representation. The proposed constitutional amendment would enable Virginia’s citizens to ensure that enduring principle.

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**A.E. Dick Howard** was the chief architect of the present Constitution of Virginia. **Rebecca Green** teaches election law at William and Mary Law School.

  
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