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### The Redistricting Amendment Will Strengthen Democracy in Virginia

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# Alex Keena, Michael D. Gilbert and Rebecca Green column: The redistricting amendment will strengthen democracy in Virginia

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 [richmond.com/opinion/columnists/alex-keena-michael-d-gilbert-and-rebecca-green-column-the-redistricting-amendment-will-strengthen-democracy/article\\_a0f8f5e3-542d-5f73-9337-4387984a80c3.html](https://richmond.com/opinion/columnists/alex-keena-michael-d-gilbert-and-rebecca-green-column-the-redistricting-amendment-will-strengthen-democracy/article_a0f8f5e3-542d-5f73-9337-4387984a80c3.html)

By Alex Keena, Michael D. Gilbert and Rebecca  
Green

January 29,  
2020

By Alex Keena, Michael D. Gilbert and Rebecca Green

This year, lawmakers in the General Assembly are considering a proposal to change the way election districts are drawn in Virginia. The proposal would amend the Virginia Constitution to transfer redistricting authority from the General Assembly to a new redistricting commission made up jointly of citizens and legislators.

The public overwhelmingly supports this proposal, but some Democratic lawmakers are wavering now that their party controls state government.

As scholars of elections and redistricting, we believe this amendment represents an unprecedented opportunity to strengthen Virginia's democracy — one that we cannot afford to miss.

When evaluating the merits of redistricting reform, it is important to weigh the options on the table against the status quo, rather than some ideal. The Virginia Constitution currently gives the General Assembly and the governor control over redistricting. This means that politicians get to draw their own district boundaries and can use this power to advance their partisan interests.

This happened in 1991 when Democrats, in the majority then, drew lines to protect their seats. And it happened again in 2011 when Republicans drew the congressional and House of Delegates maps to give themselves a lopsided electoral advantage. Both 2011 maps "packed" African American residents in central and southern Virginia into a small number of "majority-minority" districts. Because African Americans tend to vote Democratic, this had the effect of "wasting" the votes of African Americans and denying Democrats seats.

Federal courts struck down both 2011 plans as unconstitutional racial gerrymanders and implemented new maps that strengthened the voting rights of African Americans. However, the litigation cost the commonwealth millions of dollars, and for the thousands of voters who saw their congressional and state legislative districts change, the process led to disruption and confusion.

Clearly the current method of redistricting has problems, but does the proposed amendment resolve them?

The proposal represents a big improvement. It would force politicians from both parties to work side-by-side with ordinary citizens to draft district plans.

The amendment would establish a commission made up of 16 members to draw state legislative and congressional district maps. Eight of the commissioners would be citizens and the other eight would be members of the General Assembly (four Democrats and four Republicans). To approve a set of districting plans, six of the citizen members and six of the legislative members would have to agree. Then, it would be sent to the General Assembly for final approval.

Critically, the amendment requires that the commission's work be transparent and open to the public, and that citizens have an opportunity to comment on the maps before they are sent to the General Assembly for final approval. This represents a significant improvement over the current process, which allows politicians to draw lines in secret.

Passage of this amendment is by no means a certainty. A few critics in the Democratic Party oppose the proposal because they worry the Supreme Court of Virginia, which is authorized to draw the maps if the commission is deadlocked, will approve pro-Republican gerrymanders. Others worry that the commission might not prioritize racial equity in its decision making, given Virginia's history of disenfranchisement. We think these concerns are overblown, and in any case, some could be addressed with additional legislation.

The proposal is not perfect, but it will improve transparency, accountability and public responsiveness in the redistricting process and prevent politicians from drawing lopsided, aggressive gerrymanders. If the General Assembly approves this amendment and sends it to the voters for final blessing, it will set an exemplary precedent, showing that well-meaning politicians really will sacrifice some power to improve the quality of the election system.

However, if Democrats who control the General Assembly reject redistricting reform, the partisan cycle will continue, and we will all come to regret it.