

William & Mary Law School

William & Mary Law School Scholarship Repository

Popular Media

Faculty and Deans

1-15-2020

Redistricting Amendment Is Progress for Virginia

Rebecca Green

William & Mary Law School, rgreen@wm.edu

Follow this and additional works at: https://scholarship.law.wm.edu/popular_media



Part of the [Election Law Commons](#)

Repository Citation

Green, Rebecca, "Redistricting Amendment Is Progress for Virginia" (2020). *Popular Media*. 478.
https://scholarship.law.wm.edu/popular_media/478

Copyright c 2020 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.

https://scholarship.law.wm.edu/popular_media

Rebecca Green: Redistricting amendment is progress for Virginia

pilotonline.com/opinion/columns/vp-ed-column-green-0115-20200115-vbkoirr74jgkvlpgsu4w5dehi4-story.html

By Rebecca
Green

Last year the Republican-controlled General Assembly joined with Democrats and voted in favor of the constitutional amendment to delegate decennial redistricting to an independent commission. It passed 85-13 in the House and 39-1 in the Senate. It's now up to the Democratic-controlled General Assembly to follow through this session.

Murmurs and not-so-veiled whispers among Democratic strategists and lawmakers query whether the Democrats should fold a winning hand. Republican and Democratic legislators have traded this power for decades. Isn't now just the Democrats' rightful turn?

Three important shifts counsel caution in continuing this age-old political tango.

First, even in 2011, few members of the general public were aware that the redistricting process even happened, let alone that legislators could manipulate lines for their own gain. No more. The ship of public ignorance has sailed.

The vast majority of Virginians oppose gerrymandering and support redistricting reform. Public polling data suggests overwhelming support for the amendment to the tune of 70% from a recent CNU-Wason Center survey, and 72% support in a Mason-Dixon poll. As is happening around the country, the people of Virginia are educated and motivated to end gerrymandering. Gone are the days that legislators can count on public apathy to take advantage of the upper hand.

Second, litigation takes its toll. As Virginia prepares to draw lines next year, the ink is barely dry on lawsuits over the 2011 lines. Court battles persisted throughout the decade and cost Virginia taxpayers millions. True, the U.S. Supreme Court closed the door on federal partisan gerrymandering suits last year, but plaintiffs can be counted on to come up with plenty of ways to challenge the 2021 lines.

Delegating redistricting decisions to a commission insulates legislators from lawsuits and allows them to turn to the pressing job of representing voters. Will turning over redistricting to a commission end redistricting lawsuits? Likely not. But assuming the commission conducts itself in a transparent, fair and lawful manner, a court is far less likely to undo its work.

And finally, gerrymandering in 2021 won't be as fun. Free and simple-to-use tools will allow members of the public to parse every line. Line drawers can no longer pull the wool over our eyes.

If legislators reject the amendment and draw district lines in 2021, not only will Virginians be armed with sophisticated assessment tools to critique every zig-zag and its impact, but outside groups like the Metric Geometry and Gerrymandering Group at Tufts, the Princeton Gerrymandering Project and the fine people at Planscore (and who knows how many others) will be watching, unmasking every trick in real time.

Yes, technology now enables gerrymanderers to carve up districts to their advantage with surgical precision. But, on the flipside, technology also enables oversight to a degree never before possible. For self-interested lawmakers, it will take the joy out gerrymandering entirely.

The Virginia legislature has an unprecedented opportunity to wash its hands of gerrymandering and enact redistricting reform in Virginia. For Democrats, the temptation to cling to power is understandable. But legislators should be aware that the gig is up; tectonic shifts in the last 10 years fundamentally undercut advantages they might previously have enjoyed. The public's eyes are open, advocates lay in wait to rain down lawsuits, and technology will fully expose partisan shenanigans if legislators draw the lines.

These realities should guide lawmakers to do the right thing. Legislators can and should address shortfalls and missing parts to the proposed amendment through enabling legislation.

But the amendment's framework for an open, transparent, and community-first approach to drawing maps is there. Passing it will be a major step forward for Virginia.

Rebecca Green is co-director of the Election Law Program at the William & Mary Law School in Williamsburg.