

The 2020 Virginia Democratic Convention Rejects the Virginia Redistricting Commission Constitutional Amendment

Whereas, Political gerrymandering is a substantial problem harming representational democracy throughout the United States; and within the Commonwealth of Virginia, lines for General Assembly and congressional seats have frequently been drawn to steeply favor the political party in power and to protect its incumbents—to the detriment of voters.

The Democratic National Committee has long opposed in its party platform the act of gerrymandering and partisan redistricting as a result of its impact in skewing the country's political landscape.

Gerrymandering has often been used to disadvantage and harm people of color by minimizing (or negating) their political strength which obstruct efforts to address community issues of interest.

Gerrymandering results in expensive legal challenges to minimize its harmful effects; for example, Virginia taxpayers recently spent millions of dollars defending the rights of vulnerable communities against what federal courts determined was racial gerrymandering.

Virginia has a long history with partisan redistricting, the Democratic Party of Virginia strongly opposes gerrymandering and strongly supports legislation—and a proper constitutional amendment—that would restrict gerrymandering to the maximum extent possible (if not eliminate the practice entirely).

For many years, numerous Virginia Democratic General Assembly members have led the fight against gerrymandering by, among other things, introducing anti-gerrymandering legislation, including bills to create an independent commission to perform redistricting every 10 years, and by working to build support for such reform efforts (which have been consistently opposed by members of the Republican party).

On February 23, 2019, the Virginia General Assembly passed a proposed constitutional amendment, Senate Joint Resolution No. 306, that would create a “Redistricting Commission” empowered to perform the decennial reapportionment of voters; under Article XII of the Virginia Constitution, the General Assembly must again consider and pass the same amendment language during the 2020 legislative session before that proposed amendment can be submitted to the voters during the November 2020 general election. For the 2020 session, the amendment is numbered “SJ18” (the constitutional amendment).

The constitutional amendment does not include any anti-gerrymandering restrictions and, instead, creates a permanent (constitutional) commission to redistrict the Commonwealth pursuant to “enabling” or “criteria” legislation that passed—but may be changed in the future— by the General Assembly.

The constitutional amendment (SJ18) rejects the nonpartisan or independent approaches to redistricting pursued in previous Democratic legislative efforts and as supported by most anti-gerrymandering reformers and, instead, proposes a bi-partisan commission comprised of eight

currently serving politicians (members of the General Assembly) and eight citizens put forward by legislators, to draw and agree on legislative maps.

The proposed amendment's super-majority requirements would give two Republican legislator-members an absolute right to reject (or veto) the commission's maps for Virginia's House of Delegates or Senate, and the amendment would allow any three Republican legislator-Members to veto commission maps for Virginia's seats in the U.S. House of Representatives.

If members of the proposed commission fail to agree on maps (including as a result of a veto, as discussed above), SJ18 removes popularly elected representatives from any further involvement in the redistricting process and states that "the districts shall be established by the Supreme Court of Virginia."

Members of the Virginia Supreme Court have no institutional expertise in performing the redistricting function (e.g., drawing and approving political legislative district maps); in addition, a majority of the current members of that Court were appointed by General Assemblies controlled by Republicans elected based on maps that the federal courts have held were unconstitutionally gerrymandered to disempower communities of color and minimize Democratic Representation.

There are concerns that under the commission structure created by the constitutional amendment (SJ18), Republican commission members could veto maps, the Virginia Supreme Court could then "establish" legislative maps favoring Republican candidates, and future Republican office holders could appoint Republicans to the Supreme Court, resulting in the loss of the Democratic the majority in the House of Delegates as early as 2021 and the Senate by 2023—and potentially resulting in Democrats being unable to retake the majority in either body despite representing a substantial and growing majority of Virginia's population.

Therefore, be it resolved, the Convention:

1. Strongly supports non- partisan or independent anti-gerrymandering reforms and urges all Virginians to oppose the constitutional amendment that will appear on the November 2020 general election ballot and would permanently cement a partisan commission in the constitution;
2. To ensure broad awareness among voters of the dilution of Democratic voting power that will occur as a result of the constitutional amendment, will encourage all local democratic committees to include opposition to the constitutional amendment on its general election sample ballot; and
3. Urges all Virginians to vote NO on the constitutional amendment and commits to support and continue work towards genuine nonpartisan or an independent redistricting process that prohibits gerrymandering and will be implemented for the 2021 redistricting process.