

Arlington Democrats urge voters to VOTE NO on Amendment 1

Q. What does Amendment 1 do?

- A. Amendment 1 places responsibility for initially drafting new maps in the hands of a Redistricting Commission. However, the Commission is neither independent nor non-partisan. It is made up of 16 members—half are General Assembly members, split evenly between the two parties, and half are nominated by General Assembly leaders and chosen by retired state Judges who were General Assembly appointees. Should either the Commission or the General Assembly fail to agree on districts, the Amendment designates the Supreme Court of Virginia as the body with ultimate powers to draw districts, an unprecedented task for a judicial body.

Q. Is the result “non-partisan redistricting”?

- A. No. Non-partisan redistricting is not dominated or controlled by current or former elected officials, requires that proposed boundaries prioritize cohesive districts with common interests, and strives to ensure that all segments of the voting public are fairly represented. Approving Amendment 1 is likely to result in the General Assembly continuing to select their voters rather than voters selecting their General Assembly members.

Q. If this passes, who will control the redistricting process?

- A. The General Assembly will have the greatest amount of control. Their leaders will appoint the eight Redistricting Commission members—4 from the House and 4 from the Senate split equally between the parties. Those leaders will also nominate “eight citizen members” who must be approved by a panel of retired judges, all of whom were appointed to the bench by the General Assembly. Should the drafting process result in gridlock—something a mere 2 of 8 General Assembly Commission members can cause—the district maps are required to be drawn by the Virginia Supreme Court who are all General Assembly appointees.

Q. Will passing this amendment end the possibility of gerrymandered districts?

- A. No, it actually **increases** the possibility that districts will be gerrymandered due to the heavy General Assembly party leaders’ involvement in the Commission. In the likely scenario that the process is sent to the Virginia Supreme Court, the Amendment does not outlaw gerrymandered districts.

Q. Could voters use Virginia law to challenge a gerrymandered map if Amendment 1 passes?

- A. No. If the Amendment is enacted, the only long-term recourse voters have is to lobby the General Assembly for another Constitutional Amendment process.

Q. Could voters take the state to Federal Court if they didn’t like the new maps?

- A. No. Recent Federal Court decisions have made it harder to challenge gerrymandering in federal courts. If the amendment as proposed passes and the Redistricting Commission fails to achieve consensus, resulting in maps that are drawn by the VA Supreme Court, it is unlikely that a federal court would rule that voters had standing to bring an action.

Q. If the amendment fails, can the 2021 redistricting process be more non-partisan than what’s in Amendment 1?

- A. Yes. We have an anti-gerrymandering law, HB1255/SB717. It was signed by the Governor after adoption by the General Assembly on a party-line vote. It outlaws gerrymandering and binds our Legislature to criteria embedded in the law that ensure representation for racial and language minorities and communities of interest. Amendment 1 would not apply this law to the Virginia Supreme Court.

Q. How do we get a permanent non-partisan redistricting process?

- A. It will take a Constitutional Amendment! If this flawed amendment is defeated, a new constitutional amendment establishing nonpartisan redistricting will be introduced in the Virginia Legislature during the upcoming session. To become law, amendments must be passed in two consecutive years with a General Assembly election occurring between the two votes to be eligible for voter referendum.