

By large margins, citizens dislike gerrymandering

July 1 2014, by Rebecca P. Arrington

By large margins, Virginians don't like the idea of politicians creating their own legislative districts. The once-a-decade exercise known as redistricting, which next rolls around in 2021, is a powerful tool for lawmakers to keep themselves and their party in office. When a district is obviously drawn just for that purpose, the process is known as gerrymandering.

A study in the [current issue](#) of The Virginia News Letter, published by the University of Virginia's Weldon Cooper Center for Public Service, examines states that use other [redistricting](#) processes and explores some steps Virginia might take to lessen gerrymandering.

The article, written by Benjamin Harris, a former research associate at the University of Mary Washington's Center for Leadership and Media Studies, and Stephen J. Farnsworth, a UMW professor of political science, points out that efforts at reform are now under way in Virginia. A key one is a bipartisan group headed by Leigh Middleditch, a longtime Charlottesville civic leader and cofounder of U.Va.'s Sorensen Institute for Political Leadership, which promotes ethics in politics and campaigning. Dubbed "OneVirginia2021," the group hopes to inspire a statewide dialogue about gerrymandering well in advance of the next redistricting.

Virginians have strong doubts about self-serving redistricting, Harris and Farnsworth write. By a margin of 74 percent to 15 percent, with the rest undecided, state residents said in a University of Mary Washington

survey last year that an independent board – not the state legislature – should draw the boundaries of state legislative and congressional districts.

In all parts of the state, a strong majority of the 1,004 Virginians surveyed said they wanted a nonpartisan line-drawing authority. Even Republicans, who benefitted more than Democrats in 2011 from aggressive partisan line-drawing nationwide and in Virginia, objected to giving district-drawing power to the state legislature. Among those Virginians polled who said they generally supported the GOP, only 19 percent said they wanted lawmakers to create their own legislative boundaries.

But efforts in Virginia to reduce politicians' control over the redistricting process have so far gained little traction, the authors point out. A bipartisan citizens redistricting advisory panel created to assist in the line-drawing exercise of 2011 held hearings and wrote a report, but lawmakers ignored those efforts.

While more than a dozen states have adopted redistricting commissions, their bipartisan nature does not do enough to stop party agents from cooperating to create a pro-incumbent district map, Harris and Farnsworth write. Agents of the two major parties can come together to ensure that each party preserves its power and authority in individual districts, maintaining a balance of power that guarantees the interests of incumbents.

The authors point out that Iowa has been the pioneer in adopting a truly nonpartisan redistricting system. Iowa did so in the wake of the 1963 U.S. Supreme Court case, which forced states to draw their districts more carefully than they had in the past. Today the Iowa legislature delegates the duty of drawing state House and Senate lines, as well as congressional lines, to the Legislative Services Agency, made up of

unelected, nonpartisan legislative branch employees. The agency is generally not allowed to consider any measure other than population, and it is required when creating the districts to stick as closely as possible to existing county and city borders. Once the agency draws a new map based on new census data, the plan is sent to the legislature for an up-or-down vote, with no changes permitted. If three successive plans proposed by the agency are rejected by the legislature, the members will be allowed to draw their own maps.

California, the most recent state to adopt a nonpartisan redistricting commission, chose a lottery system for its commissioner selection process with the successful passage in 2008 of Proposition 11. The referendum's system involves the Applicant Review Panel, which is comprised of three auditors employed by the state who are charged with paring down a pool of applicants for the commission to 60 candidates. The panel's selection of the most qualified applicants is

required to be "based on analytic skill, impartiality and appreciation of California's diversity." Next, party leaders are permitted to remove the most objectionable candidates among the pool of 60, similar to a jury selection process. Once the list has been narrowed down, eight commissioners are drawn at random, and they then select the remaining six commissioners. The final makeup of the California Redistricting Commission must be composed of five Democrats, five Republicans and four independents. While the 2008 amendment only granted the commission the power to draw lines for the state legislature, voters extended the commission's power to establish congressional district boundaries with a 2010 referendum question that passed as well.

"The road ahead for the reform movement in Virginia is more challenging than it was in California, which used voter referendum measures to enact and refine their systems," Harris and Farnsworth write. Virginia's constitution does not authorize citizen referenda by

petition. Instead, the state would need the General Assembly's approval to enact reform.

Virginia's method of redistricting is codified in Article II, Section 6 of its constitution, where it states that districts of both the U.S. House of Representatives and the General Assembly will be drawn by the General Assembly.

"As such, any long-lasting changes to Virginia's redistricting system must be passed through constitutional amendment," Harris and Farnsworth write. "Short of a constitutional amendment, the only option would be for lawmakers to choose to consult with outside line-drawing experts in a nonbinding way. This of course is not something they have shown much interest in doing in the past."

Any amendments to the constitution must be proposed by one of the houses of the General Assembly, passed by both houses, deferred to the next session after a House of Delegates election, passed yet again by the new General Assembly, then added to the ballot of the next election for citizens to approve before the amendment finally would be inserted into the constitution. The General Assembly can take an equally complicated route by calling a constitutional convention by a two-thirds vote that would allow them to hold elections statewide for delegates, who would then vote on revisions to the constitution, Harris and Farnsworth write.

"These two methods share the same fundamental problem: the process of limiting the General Assembly's control over redistricting remains firmly under the control of its members," they write.

Unlike in Iowa, where the legislature gave up its redistricting power, the current political environment in Virginia also does not seem hospitable to this outcome, the authors say. "For decades, Virginia politicians have unabashedly and openly engaged in gerrymandering. The one-time

Democratic majorities took care of themselves; just as the Republican majorities have

done in recent years. To make matters worse, Richmond in recent years has rapidly descended into the swamp of deep polarization that afflicts the nation's capital.

"Greater activist attention to gerrymandering may intensify public opinion on whether Virginia lawmakers should continue to be allowed to draw their own district lines," the authors conclude. Perhaps a Virginia governor could make an end to gerrymandering a top priority in the future, mirroring the success of California's former governor, Arnold Schwarzenegger, in pushing for a change in redistricting procedures. But the obstacles are greater in Virginia, as lawmakers who control the contours of their own districts' borders will not give up that authority lightly."

Provided by University of Virginia

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