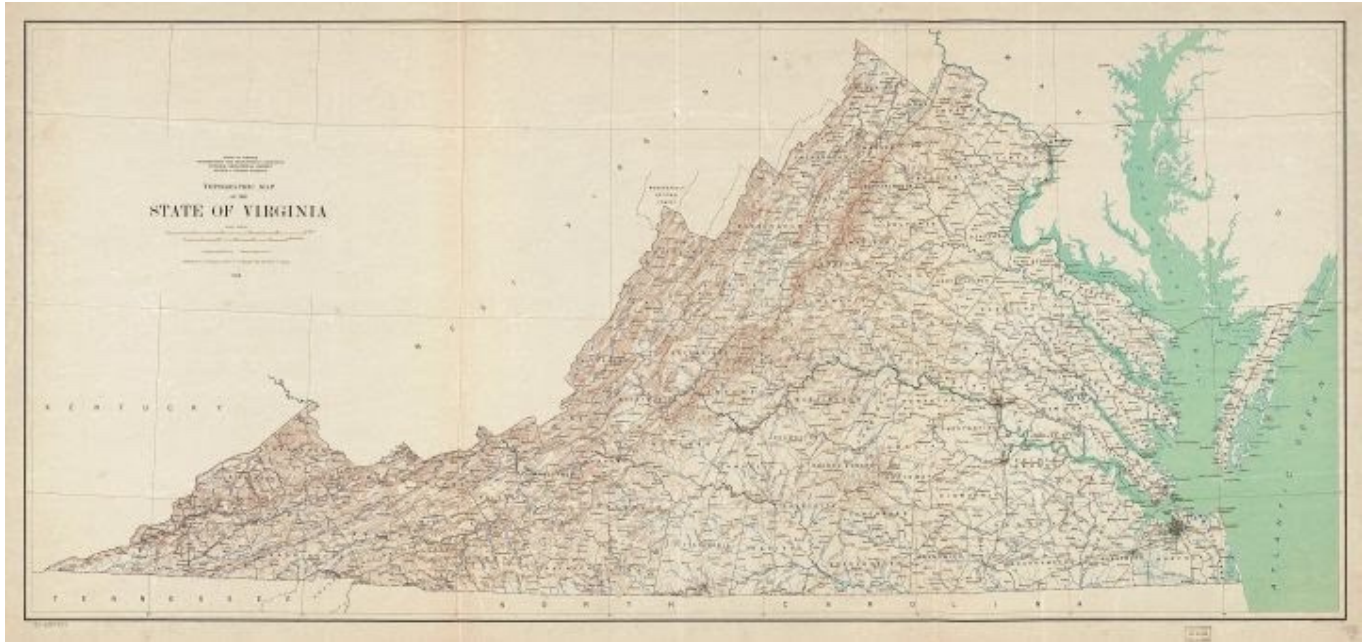

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Virginia's Newest Amendment: Brilliant or Bust?

Legal Watch



With the newest amendment to the Virginia Constitution in full toil, the issue of trust in the redistricting process has arisen and become a mainstream topic for citizens of Virginia. Our state is no stranger to plots for political gain. With a history of racial gerrymandering Virginia is long overdue for reforms and radical changes to its system of redistricting in an attempt to ensure fair representation. The introduction to reform of the redistricting process reached its peak with the enactment of Virginia's newest amendment, but the intent of the amendment could not be farther away from its actual impact. Because redistricting can have such a direct impact on incumbents' electoral fortunes, it is one of the most personal matters for legislators, since every change in the lines acts as a huge service or a harsh condemnation.

Both Democrats and Republicans agree that gerrymandering must end, but neither side has been able to successfully pass any sweeping legislation to make the necessary changes until now. The new amendment had many bright and shiny promises including a bipartisan redistricting committee consisting of eight legislative commissioners, both Democrat and Republican from the Senate and House of Delegates, and eight citizen commissioners. The commission has been working since the beginning of 2021 and with resignations from both citizen commissioners and legislative commissioners, there are many questions as to why a reform that looked so good on paper is playing out so poorly.

The main answer to this is the deeply rooted partisanship that has rooted itself within each member. While the eight citizen commissioners were intended to “level out the playing field,” their allegiance to either political party has not gone uncanceled upon by the legislative commissioners. With both Republicans and Democrats equally represented, it has led to a headlock with no side willing to compromise. So what happens now? The committee came nowhere near close to submitting a finalized map of the districts and according to the amendment, the duty of redistricting is now up to the Supreme Court of Virginia. Great, right? The courts are as nonpartisan as it gets, right? Maybe.

Let’s take a look at the history surrounding a recent decision from the Virginia Supreme Court that reek of partisanship. In 2017, then-delegate candidate Shelly Simonds, a Democrat, won by one vote. Republicans then claimed to have found another vote they had previously discarded as uncountable the next day, leveling the election. In violation of Virginia law, a Virginia judge counted the “uncountable” vote, even though he was appointed by the Republican delegate whose seat he was ruling on. However, the court left 26 votes uncounted in a primarily Black district, which could have swung the outcome in Shelly's favor. The Virginia Supreme Court currently sits with a strong Republican majority so the next question is how would Democratic legislators allow this amendment to pass?

This answer is a truly unfortunate one, they only had 20 minutes to read the bill before submitting their votes. While a majority yes vote was cast, there was hope for amending the bill a year later when it would be brought in front of the House once again. When the Democrats realized this was not an option as the Amendment reached voters' ballots, they released a large amount of publication urging Virginia Democrats to vote no on the amendment. But, their message came too late and Virginia voters were overwhelmingly ill-informed on the details of the amendment. So where are we now?

The commission has entirely failed and now redistricting lies in the hands of the Virginia Supreme Court. While the Court has requested representatives from both the Democrat and Republican parties to assist in the redistricting process, bickering between the two have failed for any representatives to be approved. This failure should not be regarded as a failure in its entirety, an important lesson has been taught to the United States in the fight against gerrymandering, partisanship will not work.

The dueling parties' struggles to maintain control, secure votes, and elect representation of their ideals have impeded voters’ ability to have their votes counted accordingly and trust for their ability to redraw districts is continually dwindling. Modern technology may prove to be a savior with mathematical formulas promising to provide fair districting allowing each vote to achieve its maximum potential. But, our government is far from approving a system that will topple generations of partisan influence. With the growing frustration and education of Virginia voters, a future free of gerrymandering and unfair redistricting can be in our line of sight.

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