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Edwards and Hurst: Vote no on Amendment One

John Edwards and Chris Hurst Edwards is a Democratic state senator from Roanoke. Hurst is a Democratic member of the House of Delegates from Blacksburg.

Oct 11, 2020

By John Edwards and Chris Hurst

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In 2021, Virginia will redraw the district lines for the U.S. House of Representatives, the Virginia House of Delegates and the Virginia Senate. This process is required every 10 years after the census is taken to ensure fair districts are drawn in compliance with the constitutional requirement of “one person one vote” and to protect minority voting rights.

The proposed Constitutional Amendment, on the ballot as Amendment 1, is flawed because it takes authority away from the democratic process and fails to ensure minority representation.

The proposed Constitutional Amendment would transfer authority to draw district lines to a small commission of 8 legislators, half chosen by one party and half by the other party, and 8 citizens chosen by a committee of retired judges. The 8 legislative commissioners “shall be appointed no later than December 1” of this year 2020.

Unfortunately, there are no requirements that the commissioners represent the diversity of the Commonwealth. Thus Southwest Virginia, for example, could be left without a single voice on the Commission.

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The Redistricting Commission’s plan for the House of Delegates and the Senate, after public hearings, must be submitted as a single bill to the General Assembly for approval “no later than 45 days following receipt of the census data” for Virginia.

The General Assembly has 15 days to vote on the plan. There is no assurance of public hearings in the General Assembly. Nor are any amendments allowed to the plan, and the Governor has no involvement in the process. It is “take it or leave it.” The Constitutional process of bill making under Article V, Section 6, of the Virginia Constitution is expressly excluded from the redistricting process.

If the General Assembly fails to adopt the final plan, on a rigid time frame, redistricting “shall be established by the Supreme Court of Virginia.” The Supreme Court is not elected by the people, but elected by the General Assembly, without any input from the Governor. It is the least democratically representative body of the three branches of government.

Amendment 1 undermines the right of voters to participate and to choose representatives to draw district lines. Instead of giving citizens the power to decide redistricting, it would put redistricting in the hands of a small group of legislators and citizens appointed by retired judges, far removed from citizen involvement.

The Commonwealth has a long and ignoble history of restricting voting rights of African Americans. Most recently, the federal courts overturned Virginia's redistricting plan in 2018 for the U.S. House of Representatives and in 2019 for the House of Delegates on the grounds of racial gerrymandering. The suits claimed Republicans unlawfully packed African American voters into districts in an attempt to minimize their political power. The Republican legislature unlawfully diluted African American votes which created surrounding districts that were more white and more likely to vote Republican. These important decisions reaffirmed the need to create fair districts in Virginia under federal Constitutional standards.

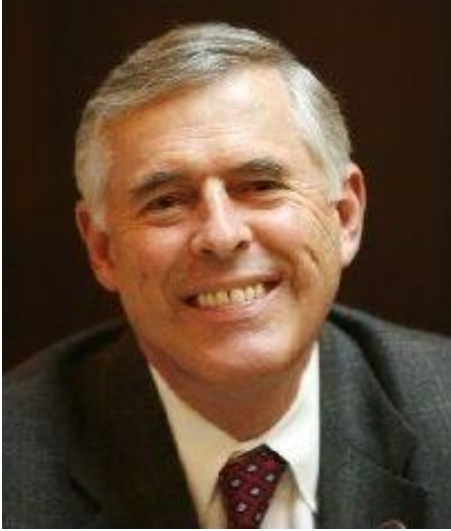
Unfortunately, Amendment 1 fails to provide important safeguards for minorities. For this reason, the Virginia State Conference of the NAACP opposes Amendment 1 on the grounds it would consolidate power in a handful of politicians to control the redistricting process while failing to ensure Black and Brown voters would have an equal voice.

Redistricting should not be controlled by a small number of politicians who may not protect our historically underserved and underrepresented communities. And redistricting must be transparent every step of the process.

In establishing a small appointed Redistricting Commission to draw legislative districts — without any opportunity for legislative or governor amendments or guarantees of minority representation — the proposed Amendment 1 is fatally flawed.

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Sen. John Edwards

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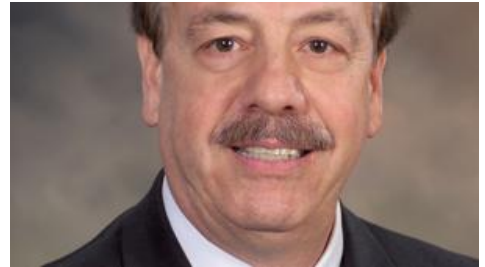
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