



215 E Street, NE / Washington, DC 20002
tel (202) 736-2200 / fax (202) 736-2222
<http://www.campaignlegalcenter.org>

November 17, 2014

Dear Representative Boucher and Lt. Governor Bolling:

The Campaign Legal Center, a nonpartisan, nonprofit organization, urges the Commission on Integrity and Public Confidence in State Government to recommend that Virginia establish an independent redistricting commission to draw districts for congressional and state legislative elections. Such a commission will not only be responsive to the recent federal court's rejection of Virginia's congressional map as an unlawful racial gerrymander, it will also create a process that will best serve Virginia's voters from all corners of the state and all political viewpoints. There are successful commission models in other states and we encourage you to look closely at these models when making your recommendations.

It is important that the membership of the Redistricting Commission be credibly viewed by the public as individuals who take their task seriously, have demonstrated their ability to be objective and impartial and are committed to fair representation for all Virginians.

We recommend the creation of a Redistricting Commission made up of an odd-number of members to avoid deadlock, yet manageable enough to work efficiently. One option might be to provide an appointment process that allows the Majority and Minority Leaders of each of the two houses of the Virginia Legislature to appoint one member. The other Redistricting Commission members could be appointed by the Virginia Supreme Court and/or other nonpartisan entities in Virginia's state government. The appointees should reflect the state's demographics and include a range of expertise and skills.

To protect against conflicts of interest, you should consider enacting guidelines as to who can serve on the Redistricting Commission, prohibiting individuals who are registered lobbyists, party or campaign officials and recent candidates. You should consider whether to place term limits on serving on the Commission. When their service is complete, Redistricting Commission members should not be permitted to "cash in" on their service, either by serving as a paid consultant to the redistricting body, running for election in the districts they have drawn or lobbying for a certain time.

The Legal Center has, over the last several years, led and participated in a number of nonpartisan efforts to identify the criteria that an independent commission should follow to draw the lines. What is evident is that when the line drawing is left to the legislature, too often officeholders are allowed to choose their voters, rather than voters being given a fair opportunity to choose their elected officials.

Working with other nonpartisan organizations, the Campaign Legal Center has endorsed the following criteria in rank order we urge you adopt:

1. Compliance with the U.S. Constitution.

2. Compliance with the federal Voting Rights Act
3. Contiguity
4. Maintain political and neighborhood boundaries, as well as defined "communities of interest" to the extent possible.
5. Geographic compactness.

There should be a prohibition on considering the addresses of incumbents and on drawing lines to benefit or harm a particular candidate or political party.

The Legal Center has also worked with Members of Congress and others in devising standards to ensure appropriate public participation and transparency in the redistricting process. Such standards promote public confidence in the process and stand a better chance of producing a fairer and legal redistricting map. It is important for an independent Redistricting Commission to provide ample opportunity for meaningful public comment and input prior to making decisions about maps and to share with the public the data and technology so that alternative maps may be drawn and considered. A transparent redistricting Commission should be required to explain its decisions, to hold public hearings to solicit input on draft plans before they are finalized. Needless to say, it is also important that the Redistricting Commission's process and deliberations be perceived as fair and untainted by outside or *ex parte* communications, particular partisan ones.

The Commission on Integrity and Public Confidence has a rare opportunity to shape a fairer, more inclusive future for Virginia, a state that has long taken pride in its traditions of civility and its commitment to democracy dating back to our nation's Founding Fathers. We urge you, as the leaders of the Commission, to embrace this chance for lasting and meaningful change that will serve all Virginians, regardless of race, party, ideology or geography.

We would be happy to discuss these matters if you have further questions. I

Sincerely,

A handwritten signature in black ink, appearing to read "M McGehee". The signature is fluid and cursive, with the first letter of the first name being a large, stylized capital 'M'.

Meredith McGehee
Policy Director