



Virginia Redistricting Commission

March 30, 2021, at 10:00 a.m.

Electronic Meeting

<https://redistricting.dls.virginia.gov/>

The Virginia Redistricting Commission (the Commission) met virtually with co-chairs Mackenzie Babichenko and Greta Harris, presiding.¹ The meeting began with opening remarks from Ms. Harris. After approving the agenda, the Commission received a presentation from staff on a proposed timeline for the Commission. Materials presented at the meeting are accessible through the [Commission's meetings webpage](#). Video of the meeting may also be found on the webpage.

Review of Proposed Timeline

Amigo Wade, Acting Director, Division of Legislative Services

Mr. Wade reviewed a proposed timeline relating to the work of the Commission. The purpose of the timeline is to provide the Commission with a roadmap for accomplishing the tasks related to redistricting. It consists of a total of six phases, beginning with a preparatory phase and ending with a post-plan submittal phase. Each phase includes a set of general goals and suggested meetings. The timeline is intended to be flexible to meet the needs of the Commission as circumstances dictate. Mr. Wade indicated that the proposed timing for the meetings would be every two weeks on Tuesdays. He then proceeded to review the goals for each phase.

Mr. Wade noted that on March 15, 2021, the United States Census Bureau announced that an interim legacy data product would be delivered in mid-to-late August 2021 to assist some states in managing the late delivery of the census data. This release would be earlier than the previously announced late September release of the census data in the regular format. Mr. Wade indicated that the timeline had been adjusted to incorporate the earlier receipt of a version of the census data.

- Delegate Marcus B. Simon asked if there will be any impacts by receiving the data earlier in the legacy format rather than later in the regular format. Division of Legislative Services Senior Attorney Meg Lamb responded that there will be no significant impacts as the Division's software consultant will be able to format the data. The legacy format files will have identical data to the files that the Bureau of the Census will deliver in September 2021 and therefore will likely trigger statutory deadlines for the Commission to submit maps to the General Assembly.
- Senator Mamie E. Locke stated the meeting cadence of every two weeks on Tuesdays would not work for her schedule. After discussion, the Commission determined to have staff members issue a new poll to establish the best day for the meetings.

¹ **Members Present:** Mackenzie Babichenko, co-chair, Greta Harris, co-chair, James Abrenio, Jose Feliciano, Marvin Gilliam, Rick Harrell, Brandon Hutchins, Sean Kumar, Delegate Les R. Adams, Delegate Delores L. McQuinn, Delegate Margaret B. Ransone, Delegate Marcus B. Simon, Senator Stephen D. Newman, Senator Mamie E. Locke, Senator George L. Barker, and Senator Ryan T. McDougle.

Member Absent: None

The Commission accepted the general timeline by consensus.

Overview of the Virginia Freedom of Information Act

Alan Gernhardt, Executive Director, Freedom of Information Advisory Council

Mr. Gernhardt provided an overview of the Virginia Freedom of Information Act (FOIA), focusing on public records and meeting provisions, as well as detailing the remedies and penalties that are provided in cases of noncompliance.

- Mr. Sean Kumar asked if elected officials abided by the same FOIA regulations as the citizen commissioners. Mr. Gernhardt explained that all commissioners are held by the same standards.
- Commissioner James Abrenio asked whether commissioners can attend seminars and webinars regarding redistricting. Mr. Gernhardt said the seminars and webinars must be for educational purposes and that the commissioner must be an audience member.
- Ms. Harris asked whether responding "reply-all" to an email counts as a meeting. Mr. Gernhardt urged members to not utilize the function, as under some circumstances a combination of emails may constitute an inadvertent meeting, which would be in violation of FOIA. The best practice would be to reply to Board Administrator Claire Waters, who would then ensure that the appropriate person receives the necessary information.
- Ms. Harris then asked if use of the chat function on the Zoom meeting platform impacted FOIA. Mr. Gernhardt responded that chats during a Zoom meeting are public record.

Public Comment

Prior to commencing the meeting's public comment period, Ms. Harris announced that such period would be held at every meeting. She also announced that the public comment periods would serve as listening sessions for the commissioners to hear the public's concerns. A total of 18 people registered to provide public comment. Of those who registered, 14 actually provided comment. The public comments covered the following topics: the need to update the Commission's website; ensuring that all Virginians, including minority groups, are represented in the redistricting process; requiring all Commission meetings to be conducted in public; elevating the role of the citizen members of the Commission in the redistricting process; and concern around political gerrymandering.

Next Meeting

The next meeting of the Commission will be established based on the re-polling of the membership.

For more information, see the [Commission's website](#) or contact the Division of Legislative Services staff:

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