



Virginia Redistricting Commission

June 7, 2021, at 10:00 a.m.

Electronic Meeting

<https://virginiaredistricting.org>

The Virginia Redistricting Commission (the Commission) met virtually with Mackenzie Babichenko, co-chair, presiding.¹ The meeting began with opening remarks from Ms. Babichenko. Materials presented at the meeting are accessible through the [*Commission's meetings webpage*](#).

Budget and Finance Subcommittee Report

Sean Kumar and Marvin Gilliam, Co-chairs, Budget and Finance Subcommittee

Mr. Sean Kumar and Mr. Marvin Gilliam presented the report of the Budget and Finance Subcommittee of the Commission, which held meetings on May 19, May 25, May 27, and June 2, 2021. The subcommittee established a working budget for the Commission to use in establishing spending categories and priorities. The working budget included a total of \$404,327.49 already expended to purchase software, specialized computer equipment, and servers and to support the work of the Virginia Redistricting Selection Committee. Also included in the working budget were anticipated spending categories consisting of support for public hearings and Commission meetings and the proposed procurement of professionals services. The subcommittee was not able to recommend a final budget at this stage.

The report then moved to subcommittee recommendations pertaining to the procurement of professional services. By a vote of 5-3, the Budget and Finance Subcommittee recommended procuring two attorneys or law firms to provide legal counsel to the Commission in the creation of redistricting plans, to include one attorney or law firm with a demonstrated background representing Democratic Party institutions or individuals and one attorney or law firm with a demonstrated background representing Republican Party institutions or individuals. By a vote of 8-0, the Budget and Finance Subcommittee recommended procuring a Communications and Outreach Services professional to develop and administer a proactive media strategy, build and manage a social media presence, and collect information and compile such information in a database.

A motion was made by Ms. Greta Harris with a second by Mr. Kumar to adopt the Budget and Finance Subcommittee's recommendation to procure a Communications and Outreach Services professional. The motion carried 15-0. The members then reviewed a draft Request for Proposals (RFP) prepared by staff to procure a Communications and Outreach Services professional. Senator George Barker moved to approve the substance of the Request for Proposals for Communications and Outreach Services and to authorize staff to make minor edits prior to its release. The motion was seconded by Mr. Richard Harrell.

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

Members Absent: None

The Commission then proceeded to discuss the recommendation of the subcommittee relating to the procurement of legal services. A motion was made by Senator Stephen Newman and seconded by Delegate Margaret Ransone to adopt the subcommittee's recommendation. Members proceeded to discuss the motion.

- Ms. Harris stated that she believes nonpartisan counsel could sufficiently meet the needs of the Commission and recommended a single RFP explaining in detail the needs of the Commission to procure such counsel.
- Senator George Barker expressed concern that it would be extremely difficult to guarantee the nonpartisan nature of any attorney or law firm selected by the Commission to the satisfaction of both political parties. Any perceived political leanings of such counsel would undermine the Commission's process.
- Mr. James Abrenio expressed a preference for nonpartisan counsel and recommended that the Commission issue an RFP for nonpartisan counsel regardless of whether the Commission opts to solicit partisan counsel as well.
- Delegate Marcus Simon agreed that the Commission could issue both the single-counsel RFP and the dual-counsel RFPs, and that issuing the single-counsel, nonpartisan RFP would address many citizens' concerns about the process.
- Senator Ryan McDougle clarified that the Virginia legislature is made up of citizen legislators who share the concerns of other citizens.
- Mr. Kumar stated that, due to the public nature of the Commission's work and the logistics of communicating with counsel, members of the Commission should be able to ensure that nonpartisan counsel was meeting the needs of both parties.
- Mr. Harrell noted that the Commission is not nonpartisan but rather bipartisan. He noted that members of the Commission were selected on a partisan basis, and therefore bipartisan legal counsel would best serve the needs of the Commission.

Ms. Harris made a substitute motion, which was seconded by Mr. Kumar, to issue three Requests for Proposals (RFPs) for the provision of legal services to the Commission, with one RFP seeking an attorney or law firm with a demonstrated background representing Democratic Party institutions or individuals, one RFP seeking an attorney or law firm with a demonstrated background representing Republican Party institutions or individuals, and one RFP seeking a neutral attorney or law firm.

Delegate Simon asked whether public comment on the topic could be heard prior to the vote. Ms. Claire Waters read two written comments from the public addressing the topic that were received prior to the meeting, both of which encouraged the Commission to issue an RFP for nonpartisan counsel. Ms. Babichenko requested that live public comment be heard at this point in the meeting rather than during the regular public comment period.

Four individuals signed up to provide public comment, which was heard prior to the Commission's vote on procuring counsel. Public comments were limited to two minutes each for all public commenters. The public comments covered the following topics: support for the Commission's decision to procure an outreach professional, suggestions for improvements to the Commission's website, support for an aggressive public hearing schedule, an inquiry from the Stafford NAACP regarding citizen involvement, a proposal for how the Commission might

approach the work of drawing maps, and a recommendation that the Commission hire counsel representing racial justice interests.

After hearing public comment, and following further discussion by the members, the Commission voted on the substitute motion. The motion failed on a 4-10 vote. The Commission then voted on the initial motion, made by Senator Stephen Newman and seconded by Delegate Margaret Ransone, to adopt the subcommittee's recommendation. The motion passed on a vote of 10-4.

Mr. Harrell moved to approve the substance of the two Requests for Proposals for Legal Services, one seeking an attorney or law firm with a demonstrated background representing Democratic Party institutions or individuals and one seeking an attorney or law firm with a demonstrated background representing Republican Party institutions or individuals, and to authorize staff to make minor edits prior to their release. Senator Barker seconded the motion, which carried on a 10-4 vote.

Citizen Engagement Subcommittee Report

Mr. James Abrenio and Mr. Richard Harrell, Co-chairs, Citizen Engagement Subcommittee

Mr. James Abrenio and Mr. Richard Harrell presented the report of the Citizen Engagement Subcommittee, which met on May 17, May 20, and May 26, 2021. The report included recommendations regarding public hearings that are required to be held by the Commission and the solicitation of public comment at those hearings. Mr. Harrell reported the subcommittee's recommendation that the Commission conduct a total of 16 public hearings, with eight to be held before redistricting plans are developed and eight to be held after redistricting plans have been developed and prior to the submission of such plans to the General Assembly. Half of the hearings would be held in person and half would be held virtually. The eight in-person hearings would be held in each of the eight geographic regions of Virginia established by the Weldon Cooper Center for Public Service. The subcommittee recommended a tentative schedule that included suggested dates, times, and regions for consideration by the Commission. Mr. Abrenio noted that the subcommittee had discussed the possibility that the Commission may wish to schedule more than the 16 public hearings recommended by the subcommittee.

The subcommittee recommended that at least four members of the Commission be present at each public hearing consisting of (i) one member who is a Democratic legislator, (ii) one member who is non-elected and appointed by Democratic leadership, (iii) one member who is a Republican legislator, and (iv) one member who is non-elected and appointed by Republican leadership. One Commission member at each hearing will serve as Presiding Commissioner.

Mr. Harrell moved to approve the recommendation of the Citizen Engagement Subcommittee to schedule a total of 16 public hearings, half of which will be in-person and half of which will be virtual, with at least four members of the Commission in attendance at each, consisting of (a) one member who is a Democratic legislator, (b) one member who is non-elected and appointed by Democrat leadership, (c) one member who is a Republican legislator, and (b) one member who is non-elected and appointed by a Republican leadership. In addition, staff would be authorized to pick the locations of the in-person hearings and the times. The motion was seconded by Senator Newman. Members discussed the recommendation.

- Mr. Kumar expressed concern about the ability of members to attend the hearings on the proposed dates in the recommendation.



- Delegate Simon asked whether the public hearing proposal was recommended unanimously by the subcommittee. Mr. Harrell confirmed that this was a unanimous recommendation.
- Staff clarified that the suggested hearing dates submitted in the subcommittee's written report to the Commission could be revised depending on members' scheduling needs.
- Senator Barker noted that the General Assembly is anticipating at least one special session to be convened in the summer or fall, which may interfere with scheduling.

After discussion, the Commission voted on the motion, which carried 14-0.

Mr. Abrenio reported the subcommittee's recommended guidelines for public hearings. The recommended guidelines provide, among other things, for public comment to be submitted in writing or to be provided either virtually or in person at the scheduled in-person public hearings. Individuals desiring to provide virtual comment must sign up to do so at least 24 hours in advance of the in-person or virtual public hearing. Individuals desiring to provide in-person comment at the scheduled in-person public hearings may sign up to do so up to ten minutes after the commencement of the hearing. The order of commenters will be on a first-come, first-served basis with comments limited to three minutes. The subcommittee also recommended adoption of the proposed rules of conduct for public hearings drafted by staff. Members discussed the recommendations.

- Mr. Kumar asked how the Commission intends to aggregate and use the information received at public hearings. Mr. Amigo Wade noted that the Citizen Engagement Subcommittee's budget request included funding for recording and livestreaming in-person meetings as well as for securing court reporting services for public hearings. Mr. Brooks Braun added that the Communications and Outreach Services professional for which the Commission is issuing an RFP would be tasked with cataloging this information.
- Senator Barker suggested that closing sign-up for in-person comments 10 minutes after the start of a public hearing may prevent many individuals from being able to comment. Mr. Abrenio noted that this was discussed by the subcommittee, and the limit was suggested to help keep the length of hearings within a reasonable timeframe. After further discussion, members directed staff to amend the sign-up limitation to allow in-person sign-ups until one hour after the start of an in-person public hearing.

Ms. Babichenko moved, with a second by Delegate Simon, that the Commission accept the Citizen Engagement Subcommittee's proposed guidelines for public participation as amended. The motion carried on a 14-0 vote.

After the vote, Mr. Abrenio noted that the current guidelines do not set a limit on the total overall length of any public hearing.

Next Meeting

The Commission tentatively plans to meet again in late June.



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

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