

Comments Regarding Today's Meeting

1 message

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The National Black Nonpartisan Redistricting Organization provides the following comments in response to The Virginia Redistricting Commission's meeting on August 16, 2021.

1. The Virginia Redistricting Commission (VRC) should issue a clear statement as it relates to the consistency of the Census data released on August 12, 2021 and the data that will be released on September 30, 2021. If the Commissioners are unclear as to the difference in the data being released, and they should not be, then the VRC should expect the same from some members of the public.
2. If the Commission is seeking to gain public confidence in its final determination, it must do a better job explaining its actions and its determinations to the public in better detail.
3. If the Racial Polarization Data is key to complying with the Voting Rights Act, then how can the VRC start drafting boundaries on August 26, 2021 without the Racial Polarization Data that will not be made available until August 31, 2021?
4. Whose going to be checking the data provided by the VRC's contractor On August 26, 2021 to ensure the accuracy of that data and compliance with Virginia law? If it is determined later that this data is flawed, then the whole process will be flawed.
5. Why hasn't the VRC's legal counsel provided a detailed legal opinion as to why August 12th, August 26th or September 30th is the legally sufficient date to start the 45-day time line? In its February 12, 2021 press release, the U.S. Census Bureau announced that, "it will deliver the Public Law 94-171 redistricting data to all states by Sept. 30, 2021." There should be a written legal opinion stating that the data released on August 12, 2021 complies with Public Law 94-171 if the Commission intends to rely on that data to draw its redistricting maps.
6. The VRC should be cautioned with tying its redistricting decisions to political considerations such as maps being approved by a lame duck General Assembly session. If this is a concern, the VRC should consider going to Court and seeking a stay in its final determination until a new General Assembly is seated in January 2022. There is a legitimate legal argument that can be made that such a delay is reasonable based on the delays in the release of the census data because of Covid.
7. Will VRC legal council provide a legal opinion as to the sufficiency of the Racial Polarization Data provided to the Commission?
8. Since both legal counsels were unsure as to whether they or the Virginia Attorney general's office would be defending the VRC's actions in Court, it would seem reasonable to provide a clear statement as to which counsel would be representing the VRC in a legal challenge.
9. Will the proposed subcommittee meetings be open to the public?
10. Is the VRC subject to the Virginia Open Meetings laws?
11. Overall there seems to be quite a bit of confusion on the Commissioners' part as it relates to process and requirements which is to be expected being that this is the first time a Commission has been tasked with drawing redistricting maps. The VRC has hired four highly qualified attorneys who can provide the VRC with sound written legal opinions and guidance to ensure its actions are legally sufficient and comply with State law. Seeking counsel advice during a public hearing does not suffice for sound legal analysis and opinions. In the end, a good legal team can and will pick apart this Commissions' decisions and decision-making process apart if the VRC's determinations lack sound legal foundations. The VRC should seek to ensure that all of its actions are done with an understanding that its determinations may be challenged in a Court of law and that they will be setting a precedence for future redistricting commissions. Thus all effort should be made to develop a sound process that can be defended and provide the foundation for future redistricting.

We hope that these comments are helpful. If we can be of any assistance, please let us know.

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