



Virginia Redistricting Commission

Budget and Finance Subcommittee

May 25, 2021, at 10:00 a.m.

Electronic Meeting

<https://virginiaredistricting.org/>

The Budget and Finance Subcommittee (the Subcommittee) of the Virginia Redistricting Commission (the Commission) met virtually with Mr. Marvin Gilliam, co-chair, presiding.¹ The meeting began with opening remarks from Mr. Gilliam. Materials presented at the meeting are accessible through the [*Commission's meetings webpage*](#).

Legal Counsel Costs from Past Redistricting Cycles

Amigo Wade, Director, Division of Legislative Services

Mr. Amigo Wade presented figures that staff developed regarding legal services costs accrued by the four party caucuses from previous redistricting cycles. He indicated that the Democratic caucuses for the Senate and House of Delegates joined to secure the same legal counsel to provide services for the 2001 redistricting cycle. The total costs for such services amounted to \$250,000. In 2011, the two Democratic caucuses secured separate counsel. Staff determined that the costs were roughly \$130,779 for the Senate Democratic Caucus and \$50,000 for the House Democratic Caucus. Mr. Wade indicated that these figures provide rough numbers and context to inform further discussion by the Subcommittee regarding how much of the budget should be allocated for legal services.

Regarding the extent of legal services that may be provided by the Office of the Attorney General, Mr. Wade noted that he was awaiting a response.

Discussion: Legal Counsel Needs of the Commission

The Subcommittee discussed the role that legal counsel would provide to the Commission. Members expressed uncertainty as to how the counsel would provide guidance.

The Subcommittee discussed the value of having a single attorney or law firm provide legal counsel to the Commission versus having two attorneys or law firms providing such services. Under the two-counsel model, one attorney or law firm would be procured that had a demonstrated background representing Democratic Party institutions or individuals and another would be procured that had a demonstrated background representing Republican Party institutions or individuals.

- Mr. Gilliam asked Senator Stephen Newman and Senator George Barker to describe the importance of having two different counsels for each side. Senator Barker stated that having

¹ **Subcommittee Members Present:** Marvin Gilliam, co-chair, Sean Kumar, co-chair, Mackenzie Babichenko, Greta Harris, Senator George L. Barker, Senator Stephen D. Newman, Delegate Margaret B. Ransone, Delegate Marcus B. Simon

Subcommittee Members Absent: None

Other Commission Members Present: Rick Harrell

two counsels would make the party caucuses more comfortable with the end product submitted by the Commission and would also lessen the possibility of litigation regarding the redistricting plans. Senator Newman emphasized the bipartisan process in this redistricting cycle. He also stated that there are many ways for this process to fail, and the best way to avoid failing is by receiving input from both party caucuses in each house of the General Assembly.

- Mr. Gilliam asked if the attorneys under the two-counsel model would work together. Senator Barker responded that the attorneys would be required to work together and that it would be unlikely for the attorneys to be directly involved in the placement of district lines. Rather, the purpose of the attorneys would be to collectively advise the Commission on the relevant guidelines and statutes.
- Mr. Sean Kumar disagreed with the concept that redistricting was required to be bipartisan to be successful. He asserted that the process could be nonpartisan. To that end, he believed the Commission should seek to secure the services of a single attorney or law firm.
- Delegate Margaret Ransone stated that she agreed with position of Senators Barker and Newman and asserted that if the Commission proceeded with the two-counsel model, legislators will be able to reassure their respective caucuses while also ensuring that the Commission produces defensible redistricting plans.

After discussion on the merits and drawbacks of the single-counsel or two-counsel models, the Subcommittee asked staff to create separate draft Requests for Proposals taking the following approaches for procurement: (i) legal counsel with a background representing Democratic Party institutions or individuals, (ii) legal counsel with a background representing Republican Party institutions or individuals, (iii) nonpartisan legal counsel, and (iv) neutral legal counsel. The Subcommittee will review and discuss the Requests for Proposals at its next meeting.

Next Meeting

The next meeting of the Commission will take place on May 27, 2021, at 10:00 a.m. The next meeting of the Subcommittee will be on June 2, 2021, at 9:00 a.m.

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

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