

Virginia General Assembly



November 17, 2021

Muriel-Theresa Pitney
Clerk of Court
Supreme Court of Virginia
100 North Ninth Street, 5th Floor
Richmond, Virginia 23219-1315

Dear Madame Clerk:

In compliance with this Court's order of Friday, November 12, 2021, we submit the following nominees to serve as special master:

1. Sean Trende, Senior Elections Analyst, RealClearPolitics and Nonresident Fellow, American Enterprise Institute
2. Doug Johnson, President, National Demographics Corporation
3. Justin Levitt, Vice President, National Demographics Corporation

We have tried in good faith to interpret the criteria set forth by the Court absent additional clarification. All three are highly qualified experts in redistricting matters and American demography who would be an asset to this Court as it considers potential redistricting plans.

We hope that the new framework established for challenges will not lead to a long process of disqualification motions. We do not wish to derail the Court's critical work or deprive the Court of the most qualified candidates currently available in the country. We recognize that the number of demographers who know the law and have experience drawing maps for legislatures, courts, and commissions is extremely small. The number of those individuals not already consumed by other redistricting projects is even smaller this year given the compressed nationwide redistricting schedule, placing challenges on us and our colleagues in Democratic leadership as we seek to provide subsequent qualified candidates. Therefore, in the event of further challenges, we respectfully request that the Court allow both sides due process and an opportunity to be heard on matters of qualification.

We take very seriously our obligation to this Court and we endeavored to strictly follow the statutory requirements for submission of candidates. To that end, we make a special request of this Court related to the record. The Court's recent order has been widely reported in the media as indicating that the Court believes that one candidate, Mr. Bryan, was somehow not transparent. This has created the opportunity for others to malign him and to challenge his professional reputation. We wish to clarify that

the submission related to Mr. Bryan was provided by the two legislative Caucuses and not by Mr. Bryan himself and that it included more information than required by any statutory or judicial rules. We hope that this Court will consider a correction to the record to make clear that at no time was Mr. Bryan anything but professional and transparent with this Court. Mr. Bryan is one of the most qualified and distinguished professionals in his field and no prior work with any Republican or Democrat should be presumed to prevent him from impartially carrying out the instructions of this Court.

It is rare to find a map drawer who has worked for more than one political party in a redistricting process for a court, commission or a legislature. They all offer a single perspective. Our leadership labored in a search to identify such a candidate and we submitted the only special master candidate who worked recently for *both* political parties. As you know, President Obama's lawyer submitted a letter on behalf of Tom Bryan citing his competence and exceptional integrity in his service on redistricting matters.

Finally, we did not previously limit our search to candidates who have never represented Republicans or Democrats as there is no indication in either Virginia Code Section 30-399(F) nor the Court's Rules implementing that Section that nominees for special master must be completely unaffiliated with any political party. As the Court is aware, the history of the redistricting process nationally and in the Commonwealth of Virginia was, until recently, a traditional legislative process carried out by elected officials belonging to the respective political parties who hired experts to assist them. Court-appointed special masters for redistricting remain very rare, and there are only a handful of living individuals who have ever served in such a role.

Thank you very much for your consideration of our submission and please contact us if you have additional questions.

Sincerely,



C. Todd Gilbert
House of Delegates Speaker-designate



Thomas K. Norment, Jr.
Senate Republican Leader