

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 19th day of November, 2021.

Present: All the Justices

In Re: Decennial Redistricting Pursuant to
The Constitution of Virginia, art. II, §§ 6 to 6-A,
and Virginia Code § 30-399

REDISTRICTING APPOINTMENT ORDER

Pursuant to Article II, Sections 6 and 6-A of the Constitution of Virginia and Code § 30-399(F), the Court unanimously appoints Sean P. Trende and Bernard N. Grofman to serve as Special Masters for the preparation of proposed redistricting maps for the General Assembly of Virginia. Though each was nominated by legislative leaders of a particular political party, the nominees — upon being appointed by this Court as Special Masters — shall serve as officers of the Court in a quasi-judicial capacity. Consequently, the Special Masters shall be neutral and shall not act as advocates or representatives of any political party. By accepting their appointment, the Special Masters warrant that they have no “conflicts of interest,” Code § 30-399(F), that preclude them from prudently exercising independent judgment, dispassionately following the Court’s instructions, or objectively applying the governing decision-making criteria.

I.

Pursuant to Code § 30-399(F), the Special Masters “shall work together to develop any plan to be submitted to the Court for its consideration.” The Court directs the Special Masters to confer among themselves to propose a single redistricting map for the Virginia House of Delegates, a single redistricting map for the Senate of Virginia, and a single redistricting map for

Virginia's representatives to the United States House of Representatives. Any disputes between the Special Masters must be resolved by good-faith efforts to find a compromise consistent with governing legal requirements. The Court orders the Special Masters to present the proposed maps to the Court as soon as reasonably practicable but in no event later than 30 days from the date of this Redistricting Appointment Order.

The Special Masters must not consult with any political parties, partisan organizations, outside experts, or any other person or entity except for their personal support staff, the Justices of this Court and their designated staff, the Executive Secretary and designated employees of the Office of the Executive Secretary, the Clerk of Court, and three individuals employed by the Virginia Division of Legislative Services as permitted by Code § 30-399(D). The three employees of the Virginia Division of Legislative Services are Amigo R. Wade, Julie L. Smith, and Margaret E. Lamb, provided each of these employees first signs an Oath of Confidentiality and returns it to the Clerk of Court. The Special Masters, however, may review (and are encouraged to review) comments submitted by any entity or person to the Court's public comment email address, redistricting@vacourts.gov.

II.

In preparing the proposed redistricting maps, the Special Masters must fully comply with federal and state law in the following order of precedence:

- The United States Constitution, particularly Article I, Section 2, and the Equal Protection Clause of the Fourteenth Amendment;
- Applicable federal statutes, particularly the Voting Rights Act of 1965, 52 U.S.C. § 10301;
- The Constitution of Virginia, particularly Article II, Sections 6 to 6-A;
- Applicable Virginia statutes, particularly Code §§ 30-399(E), 24.2-304.04, and any other relevant provision in Chapter 3 of Title 24.2 of the Code of Virginia.