

Exhibit A



HOUSE OF DELEGATES
RICHMOND

M. KIRKLAND "KIRK" COX
SPEAKER

COMMITTEE ASSIGNMENTS:
RULES (CHAIRMAN)

SPEAKER'S ROOM - STATE CAPITOL
POST OFFICE BOX 406
RICHMOND, VIRGINIA 23218

September 10, 2018

The Honorable Ralph S. Northam
Patrick Henry Building
Richmond, VA 23218

The Honorable David L. Toscano
P.O. Box 406
Richmond, VA 23218

The Honorable Lamont Bagby
P.O. Box 406
Richmond, VA 23218

VIA EMAIL

Governor Northam, Leader Toscano, and Delegate Bagby:

Nearly 30 years in Virginia politics has taught me that when you want to get something done you pick up the phone and ask for a meeting, but when you want to play politics you send a letter and give it to the press. The fact that we've all done this, myself and my party included, makes it all the more true.

Over the past 45 days, I have received four letters - three from Delegate Toscano and now one from the governor. All were released to the press moments after I received them.

On the contrary, my colleagues and I have made numerous private overtures to the Governor and members of the Democratic caucus seeking to begin work on a redistricting plan. Each of those private overtures has been rebuffed.

I was surprised and disappointed by the governor's letter on Friday, not only because I do not think it accurately reflects our position on redistricting, but also because it appears to be part of a coordinated and disingenuous effort to ensure that no remedial map is passed so the Courts end up drawing the lines.

You can understand my frustration. Our private efforts have been rebuffed numerous times, yet you continue to state publicly that we are not interested in pursuing a remedial plan. That's just not true.

If you are serious about working on a remedial plan, then let's work on a remedial plan. I am willing to reconvene the House to continue deliberations on House Bill 7001 and begin working on a genuinely fair remedial map.

House Bill 7001 appears to me to be a deeply flawed remedial redistricting plan, but nonetheless the bill deserves full and fair consideration through the normal legislative process.

As was exhaustively documented in committee, House Bill 7001 does not address the requirements outlined by the Court order and simultaneously creates significant partisan advantages for Democratic candidates. This is especially clear given that multiple Republican incumbents were combined into single districts and the map changes not only district lines for the 11 impacted districts and adjacent districts, but changes lines for three districts that are not adjacent. In our view it fell short of a good faith effort to craft a redistricting plan that could garner bipartisan support.

However, we can and should continue to discuss this legislation through the normal legislative process.

If House Bill 7001 fails to win bipartisan support, we are willing to begin working with you and your colleagues on a narrow and neutral remedial map. Delegate Rob Bell laid out a set of criteria for a neutral map at the Privileges & Elections meeting.

As Delegate Bell stated, we are willing to work on a remedial map that:

- (a) complies with the Court's order in the 11 challenged districts,
- (b) adheres to established redistricting criteria,
- (c) does not displace any current member of the House of Delegates, and
- (d) does not substantially alter the partisan makeup of any competitive House districts.

This set of parameters will allow the House to develop a fair remedial plan under which we can conduct the 2019 elections. Then, with the 2020 Census the House can complete a full redistricting as Constitutionally-required.

As you know, the 2011 redistricting plan was passed with an overwhelming bipartisan majority, including the support of a majority of the legislative black caucus members and then-State Senator Ralph Northam. The plan, put together based on adopted criteria after dozens of public hearings and committee meetings, was also pre-cleared by President Barack Obama's Justice Department.

We maintain that this plan is constitutional. The current Special Session does not change our intention to pursue all the legal protections provided to us by Federal law and the Constitution.

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We filed last week a formal appeal with the United States Supreme Court, asking the Court to overturn the erroneous decision of the Eastern District Court. Our appeal presents six questions to the Court, argues that race was not the predominant factor in the drawing of the 11 challenged districts, and argues that the challenged districts are narrowly tailored under the Constitution and the Voting Rights Act.

I recognize, however, that the General Assembly may ultimately be ordered to complete a remedial plan. As Majority Leader Gilbert said on the floor of the House, we are willing to engage in a good-faith effort to prepare a remedial plan as our appeal continues. The only question is: are you?

Sincerely,

A handwritten signature in black ink that reads "Kirk Cox". The signature is written in a cursive, slightly slanted style.

Kirk Cox