



## SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

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The Law Office of Bryan L. Sells, LLC

### Request for Proposal (RFP) No. 920, 210000001155

#### Voting Rights Act Legal Counsel

This schedule identifies the anticipated requirements of any Contract resulting from this RFP. The term “Contractor” in this document refers to a bidder responding to this RFP, as well as the Contractor who is awarded the contract. The term “bidder” is used to identify where specific responses to the RFP are required.

The Contractor must respond to each requirement or question and explain how it will fulfill each requirement. Attach any supplemental information and appropriately reference within your response.

**IMPORTANT NOTE TO CONTRACTORS/BIDDERS:** There are specific requirements for which acceptance must be simply acknowledged through a checkbox(es), and others that require further explanation. Click one checkbox and complete the entries as identified.

#### BACKGROUND

In accordance with the Michigan Constitution of 1963, Article IV, Section 6, an Independent Citizens Redistricting Commission (the “Commission”) shall adopt a redistricting plan in Michigan, not later than November 1 in the year immediately following the federal decennial census, for each of the following types of Michigan districts: state senate districts, state house of representative districts, and congressional districts. This proposal and adoption of district lines (called “redistricting”) shall comply with the Voting Rights Act and other federal laws as well as conform with all criteria set forth in Article IV, Section 6 of the Michigan Constitution, and in particular Article IV, Section 6, subsection 13 of the Michigan Constitution.

The Commission is seeking Requests for Proposals (“RFP”) from attorneys, law firms or other entities, to provide legal and advisory services specific to the analysis and application of the Voting Rights Act (“VRA”) and other state and federal laws applicable to redistricting, for the inaugural Commission. These legal and advisory services will aid the Commission in the proposal and adoption of redistricting plans, pursuant to the Michigan Constitution of 1963, Article IV, Section 6.

#### STATEMENT OF WORK

The required legal and advisory services may include, but will not be limited to, legal support to the Commission as well as Commission staff, attorneys and consultants regarding the redistricting process based on publicly available data, specifically as it relates to compliance



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with the federal Voting Rights Act and similar criteria outlined in Article IV, Section 6, subsection 13 of the Michigan Constitution of 1963.

Any Contractor selected by the Commission will be required to enter into a Legal Services Agreement for the work described in this RFP. It is anticipated that work will begin as soon as practicable following the RFP selection process and continue through approximately March 2022.

Applicants must have demonstrated expertise in the federal Voting Rights Act and the application of it in evaluating redistricting plans during a redistricting process. In addition, expertise with Michigan Election Law (Act 116 of 1954) and relevant federal and state case law are preferred. Participation in public meetings as requested by the MICRC is required.

Qualifications and responsibilities for the attorney, law firm or other entity are as follows below:

1. Perform all normal and customary duties required of special redistricting counsel in connection with legal issues related to the full range of redistricting activities.
2. Work with and advise the Commission, its staff, attorneys and consultants with respect to legal issues (in particular pertaining to the Voting Rights Act) in connection with drawing new district boundaries and advise the Commission, its staff, attorneys and consultants as to the procedures, legality of documents, policy concerns and legal implications concerning redistricting activities.
3. Advise the Commission, its staff, attorneys and consultants regarding the requirements of State and Federal laws relevant to redistricting activities, and in particular demonstrate expertise and experience with Section 2 and Section 5 of the Voting Rights Act, and subsequent relevant cases.
4. Advise the Commission, its staff, attorneys and consultants of litigation risks associated with redistricting activities and approaches to limit such risks.
5. Participate in litigation or provide expert witness services related to compliance with the Voting Rights Act as well as state and federal laws. This legal support and defense of the redistricting plans approved by the Commission will be provided in consultation with the General Counsel of the Commission.
6. Attend various meetings and hearings, including but not limited to Commission public meetings and hearings when requested by Commission members or its staff or the Program Manager.

Contractors, subcontractors and employees must be in compliance with any applicable law or policy at all times, and if an attorney be in good standing with the State Bar of Michigan or their state licensing entity through the full contract term and any extensions. If the primary contractor is not licensed to practice in the State of Michigan, please provide information on local counsel that would be engaged or the process that would be used to select local counsel if direct representation becomes necessary, and whether their role is anticipated to be advisory or more substantive in nature. Contractor must possess the skill, experience, ability, background, certification and knowledge to provide the services described in this Contract on the terms and conditions describes herein.



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### 1 Requirements

#### 1.1 Key Deliverable One

Key expertise or desirable expertise to fulfill the Statement of Work above:

- (a) **Redistricting Expertise.** The attorney, firm or other entity must demonstrate experience and expertise in legal and advisory services specific to redistricting and the Voting Rights Act ("VRA") to advise the Commission, its staff, attorneys and consultants.

Provide a description of demonstrated expertise and experience with redistricting, reapportionment districting and elections activities and subsequent relevant cases, including the following:

- i) Names of the public entities or private parties represented in redistricting matters, including experience representing public bodies, boards or commissions.
- ii) The principle legal issues presented in each matter handled by the attorney, law firm or entity.
- iii) The outcome of the prior redistricting representation.
- iv) Any relevant published work.
- v) Specifically address demonstrated experience as it pertains to Section 2 and Section 5 of the Voting Rights Act.

**Bidder must provide a detailed response for requirement(s):**

See attached supplement to schedule A.

- (b) **Michigan Election Law Expertise.** It is desirable that the attorney, firm or other entity demonstrate experience and expertise in Michigan Election Law.

Provide a description of demonstrated expertise and experience in advisory and legal services (if any) as it pertains to Michigan Election Law (Act 116 of 1954), including number of years' experience.

**Bidder must provide a detailed response for requirement(s):**

See attached supplement to schedule A.



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(c) **Cumulative Experience.** Provide a summary of why, based on previous experience, the Contractor is uniquely qualified to assume the role of Voting Rights Act Legal Counsel for the Commission.

**Bidder must provide a detailed response for requirement(s):**

See attached supplement to Schedule A.

**1.2 Key Deliverable Two**

Key operational requirements and inquiries to fulfill the scope of work above:

(a) **Key Personnel.** In the case of a law firm or other entity, identify the lead attorney or other attorneys, if any, who will be assigned to the work and the anticipated percentage of time for each. Attorneys shall provide their state identification numbers and attest that they are in good standing with the state licensing agency. If the contractor is not licensed to practice in the State of Michigan, provide information on local counsel that would be engaged or the process that would be used to select local counsel if direct representation becomes necessary, and whether their role is anticipated to be advisory or more substantive in nature.

**Bidder must provide a detailed response for requirement(s):**

See attached supplement to Schedule A.

(b) **Motivations.** Provide a summary of why the attorney, firm or other entity seeks to serve the Commission.

**Bidder must provide a detailed response for requirement(s):**

See attached supplement to Schedule A.

(c) **Disclosures.** Disclose the following;

i) Previous legal services (paid or volunteer) by the attorney, firm, or other entity as it relates to redistricting, reapportionment, districting and elections activities provided to persons holding elective office, as well as partisan or non-partisan entities or organizations

ii) Any monetary political contributions or donations made on behalf of the attorney, firm or other entity

iii) Any monetary political contributions personally made by the attorneys listed in question 1.2(a).

**SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES****Bidder must provide a detailed response for requirement(s):**

See attached supplement to Schedule A.

(d) **Approach.** Provide a description of the approach of the attorney, firm or other entity to performing the responsibilities of Voting Rights Act Legal Counsel while remaining impartial, unbiased and non-partisan as set forth in Article IV, Section 6, Subsections 4 and 5 of the Michigan Constitution.

**Bidder must provide a detailed response for requirement(s):**

See attached supplement to Schedule A.

**1.3 Training**

The Contractor must explain its training capabilities and any training that is included in its proposal, if any.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b>	
<b>Bidder must explain its training capabilities and any training that is included in its proposal:</b>	
See attached supplement to Schedule A.	

**2 Service Requirements****2.1 Timeframes**

All Contract Activities must be delivered pursuant to work plans and internal deadlines set by the Commission. The receipt of order date is pursuant to the **Notices** section of the *Standard Contract Terms*.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b>	
<b>Bidder must describe how they comply with the above requirement(s):</b>	
See attached supplement to Schedule A.	



**SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES****3 Reserved****4 Staffing****4.10 Contractor Representative**

The Contractor must appoint one (1) contract administrator specifically assigned to the Commission account(s), who will respond to Commission inquiries regarding the Contract Activities, answer questions related to ordering and delivery, etc. (the "Contractor Representative").

The Contractor must notify the Contract Administrator at least 14 calendar days before removing or assigning a new Contractor Representative.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b>	
<b>Bidder must identify its Contract Administrator:</b> Bryan L. Sells	

**4.11 Work Hours**

The Contractor must provide Contract Activities during the Commission's normal working hours Monday – Friday, 7:00 a.m. to 6:00 p.m. EST and possible night and weekend hours depending on the requirements of the project.

<input type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input checked="" type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b> I have childcare responsibilities from 7:00am to 8:00 am and therefore could not routinely be available at that hour.	

**4.12 Key Personnel**

The Contractor must identify all Key Personnel who will be directly responsible for the day-to-day operations of carrying out the key deliverables of the Contract ("Key Personnel"). Key Personnel must be specifically assigned to the Commission account, be knowledgeable on the contractual requirements, and respond to Commission inquiries within 24 hours.

Contractor's Key Personnel are expected to be available to participate in all MICRC meetings virtual or in person.

The Commission has the right to recommend and approve in writing the initial assignment, as well as any proposed reassignment or replacement, of any Key Personnel. Before assigning an individual to any Key Personnel position, Contractor will notify the Commission of the proposed assignment, introduce the individual to the Commission's Program Manager, and provide the Commission with a resume and any other information about the individual reasonably requested by the Commission. The Commission reserves the right to interview the individual before



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granting written approval. In the event the Commission finds a proposed individual unacceptable, the Commission will provide a written explanation including reasonable detail outlining the reasons for the rejection. The Commission may require a 30-calendar day training period for replacement personnel.

Contractor will not remove any Key Personnel from their assigned roles on this Contract without the prior written consent of the Commission. The Contractor's removal of Key Personnel without the prior written consent of the Commission is an unauthorized removal ("Unauthorized Removal"). An Unauthorized Removal does not include replacing Key Personnel for reasons beyond the reasonable control of Contractor, including illness, disability, leave of absence, personal emergency circumstances, resignation, or for cause termination of the Key Personnel's employment. Any Unauthorized Removal may be considered by the Commission to be a material breach of this Contract, in respect of which the Commission may elect to terminate this Contract for cause under the **Termination for Cause** section of the Standard Contract Terms. It is further acknowledged that an Unauthorized Removal will interfere with the timely and proper completion of this Contract, to the loss and damage of the Commission, and that it would be impracticable and extremely difficult to fix the actual damage sustained by the Commission as a result of any Unauthorized Removal. Therefore, Contractor and the Commission agree that in the case of any Unauthorized Removal in respect of which the Commission does not elect to exercise its rights under Termination for Cause, Contractor will issue to the Commission the corresponding credits set forth below (each, an "Unauthorized Removal Credit"):

- i. For the Unauthorized Removal of any Key Personnel designated in the applicable Statement of Work, the credit amount will be \$25,000.00 per individual if Contractor identifies a replacement approved by the Commission and assigns the replacement to shadow the Key Personnel who is leaving for a period of at least 30-calendar days before the Key Personnel's removal.
- ii. If Contractor fails to assign a replacement to shadow the removed Key Personnel for at least 30-calendar days, in addition to the \$25,000.00 credit specified above, Contractor will credit the Commission \$833.33 per calendar day for each day of the 30-calendar day shadow period that the replacement Key Personnel does not shadow the removed Key Personnel, up to \$25,000.00 maximum per individual. The total Unauthorized Removal Credits that may be assessed per Unauthorized Removal and failure to provide 30-calendar days of shadowing will not exceed \$50,000.00 per individual.

Contractor acknowledges and agrees that each of the Unauthorized Removal Credits assessed above: (i) is a reasonable estimate of and compensation for the anticipated or actual harm to the Commission that may arise from the Unauthorized Removal, which would be impossible or very difficult to accurately estimate; and (ii) may, at the Commission's option, be credited or set off against any fees or other charges payable to Contractor under this Contract.

The Contractor must identify the Key Personnel, indicate where they will be physically located, describe the functions they will perform, and provide current chronological résumés.



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<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b>	

1. The Contractor must identify all Key Personnel that will be assigned to this contract in the table below which includes the following: Name and title of staff that will be designated as Key Personnel.
2. Key Personnel years of experience in the current classification.
3. Identify which of the required key personnel positions they are fulfilling.
4. Key Personnel's roles and responsibilities, as they relate to this RFP, if the Contractor is successful in being awarded the Contract. Descriptions of roles should be functional and not just by title.
5. Identify if each Key Personnel is a direct, subcontract, or contract employee.
6. Identify if each Key Personnel staff member is employed full-time (FT), part-time (PT) or temporary (T), including consultants used for the purpose of providing information for the proposal.
7. List each Key Personnel staff member's length of employment or affiliation with the Contractor's organization.
8. Identify each Key Personnel's percentage of work time devoted to this Contract.
9. Identify where each Key Personnel staff member will be physically located (city and state) during the Contract performance.

<Add more rows below as needed>

1. Name	2. Years of Experience in Current Classification	3. Role(s) / Responsibilities	4. Direct / Subcontract/ Contract	5. % of Work Time	6. Physical Location
Bryan Sells	5	lead attorney	direct	FT	Atlanta, GA ✓

- A.** The Contractor must provide **detailed, chronological resumes** of all proposed Key Personnel, including a description of their work experience relevant to their purposed role as it relates to the RFP utilizing the required resume template labeled as Appendix A

Qualifications will be measured by education and experience with particular reference to experience on projects similar to that described in the RFP.

**Bidder must provide the resumes and information as required above –as an attachment to this RFP labelled as Contractor-Resume.**

Attached.





## SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

### 4.13 Organizational Chart

The Contractor must provide an overall organizational chart that details staff members, by name and title, and subcontractors.

**Bidder must provide detailed information as required above – as an attachment to this RFP labelled as Contractor- Org. chart**

Attached.

### 4.14 Disclosure of Subcontractors

If the Contractor intends to utilize subcontractors, the Contractor must disclose the following:

- The legal business name; address; telephone number; a description of subcontractor's organization and the services it will provide; and information concerning subcontractor's ability to provide the Contract Activities.
- The relationship of the subcontractor to the Contractor.
- Whether the Contractor has a previous working experience with the subcontractor. If yes, provide the details of that previous relationship.
- A complete description of the Contract Activities that will be performed or provided by the subcontractor.

Bidder must provide detailed information as requested in the above requirement(s).	
The legal business name, address, telephone number of the subcontractor(s).	Not applicable. No subcontractors anticipated.
A description of subcontractor's organization and the services it will provide and information concerning subcontractor's ability to provide the Contract Activities.	
The relationship of the subcontractor to the Bidder.	
Whether the Bidder has a previous working experience with the subcontractor. If yes, provide the details of that previous relationship.	
A complete description of the Contract Activities that will be performed or provided by the subcontractor.	
Of the total bid, the price of the subcontractor's work.	

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<b>The subcontractor must provide detailed, chronological resumes of all proposed Key Personnel, including a description of their work experience relevant to their purposed role as it relates to the RFP utilizing the provided template labeled as Appendix A. Qualifications will be measured by education and experience with particular reference to experience on projects similar to that described in the RFP.</b>	Subcontractor must provide the resumes and information as required above –as an attachment to this RFP labelled as: Subcontractor Resume.
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**4.15 Security**

The Contractor may be subject to the following security procedures:

- Background Checks

The Commission may require the Contractor's personnel to wear Commission issued identification badges for in person meetings.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b>	
<b>Bidder must explain any additional security measures in place to ensure the security of the Commission and its facilities:</b> I use strong passwords and other appropriate measures to preserve the confidentiality of client information.	

**5 Project Management****5.10 Project Plan**

The Contractor will carry out this project under the direction and control of the Program Manager. Within 14 calendar days of the Effective Date, the Contractor must submit a final project plan to the Program Manager for approval. The plan must include: (a) the Contractor's organizational chart with names and title of personnel assigned to the project, which must align with the staffing stated in accepted proposals; and (b) the project breakdown showing sub-projects, tasks, timeline, and resources required.

<input type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input checked="" type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.

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<b>List all exception(s):</b> See attached supplement to Schedule A.
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<b>Bidder must submit its project plan as described above:</b> See attached supplement to Schedule A and attached draft project plan.
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**5.11 Meetings**

The Contractor must be available to attend all Commission meetings through the contract term either virtually or in person. The Commission will give the vendor as much notice as practical however, in no circumstances less than 18 hours of when they will be required to participate.

The Commission may require attendance at other meetings or events, as it deems appropriate.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
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<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
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<b>List all exception(s):</b>
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**5.12 Reporting**

In addition to submitting weekly status reports to the General Counsel of the Commission the Contractor should also identify other reports that would be helpful in accomplishing the Key Deliverables.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
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<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
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<b>List all exception(s):</b>
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<b>Bidder must explain its reporting capabilities and any reporting that is included in its proposal:</b>
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See attached supplement to Schedule A.
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<b>Bidder must provide samples of required reports as attachments to this RFP. List file names here.</b>
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I do not have any samples of the kinds of reports that I envision here.
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**6 Pricing****6.10 Price Term**

Pricing is firm for the entire length of the Contract.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
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<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
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<b>List all exception(s):</b>
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**SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES****6.11 Price Changes**

Adjustments will be based on changes in actual Contractor costs. Any request must be supported by written evidence documenting the change in costs. The Commission may consider sources, such as the Consumer Price Index; Producer Price Index; other pricing indices as needed; economic and industry data; manufacturer or supplier letters noting the increase in pricing; and any other data the Commission deems relevant.

Following the presentation of supporting documentation, both parties will have 30 days to review the information and prepare a written response. If the review reveals no need for modifications, pricing will remain unchanged unless mutually agreed to by the parties. If the review reveals that changes are needed, both parties will negotiate such changes, for no longer than 30 days, unless extended by mutual agreement.

The Contractor remains responsible for Contract Activities at the current price for all orders received before the mutual execution of a Change Notice indicating the start date of the new Pricing Period.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

**7 Ordering****7.10 Authorizing Document**

The appropriate authorizing document for the Contract will be a Delivery Order.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s):	

**8 Invoice and Payment****8.10 Invoice Requirements**

All invoices submitted to the Commission must include: (a) date; (b) delivery order; (c) quantity; (d) description of the Contract Activities; (e) unit price; (f) shipping cost (if any); and (g) total price. Overtime, holiday pay, and travel expenses will not be paid.

<input type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input checked="" type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
List all exception(s): I would require reimbursement of any reasonable travel and other expenses that I incur in connection with my duties.	



**SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES****8.11 Payment Methods**

The Commission will make payment for Contract Activities via EFT to the banking information established in your vendor account within SIGMA-Vendor Self-Service.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b>	

**8.12 Procedure**

Invoices must be submitted to: Julianne Pastula, the General Counsel of the MICRC for review, approval and forwarding for payment to Suann Hammersmith, the Executive Director of the MICRC.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b>	

**9 Liquidated Damages**

Late or improper completion of the Contract Activities will cause loss and damage to the Commission and it would be impracticable and extremely difficult to fix the actual damage sustained by the Commission. Therefore, if there is late or improper completion of the Contract Activities the Commission is entitled to collect liquidated damages in the amount of \$50,000 and an additional \$1,000 per day for each day Contractor fails to remedy the late or improper completion of the Work.

<input checked="" type="checkbox"/>	I have reviewed the above requirement and agree with no exception.
<input type="checkbox"/>	I have reviewed the above requirement and have noted all exception(s) below.
<b>List all exception(s):</b>	

## SUPPLEMENT TO SCHEDULE A — STATEMENT OF WORK

### 1.1 (a) Redistricting Expertise

I have more than 20 years of experience with redistricting and the Voting Rights Act. During the 2000 round of redistricting, I was a staff attorney with the Voting Rights Project of the American Civil Liberties Union (ACLU). My focus was primarily on South Dakota, and I helped to present information to the South Dakota Legislature regarding compliance with Section 2 of the Voting Rights Act with respect to Native Americans in that State.

In subsequent years, I was lead counsel in several redistricting matters in South Dakota. I was lead counsel in *Bone Shirt v. Hazeltine*, a landmark case on behalf of Native Americans challenging South Dakota's 2001 legislative redistricting plan under Section 2 and Section 5 of the Voting Rights Act. I was also lead counsel in *Quiver v. Nelson*, one of the largest voting-rights cases in history, uncovering more than 600 unprecleared voting changes in South Dakota. While at the ACLU, I brought approximately 10 redistricting or voting-rights cases as lead or co-counsel, all on behalf of minority voters, and all but one was ultimately successful.

In the 2010 round of redistricting, I was a Special Litigation Counsel with the Voting Section of the Civil Rights Division of the Department of Justice. There, I analyzed numerous redistricting plans for compliance with Section 2 and Section 5 of the Voting Rights Act. I was a senior counsel on the trial team for the United States in litigation over Texas' 2011 legislative and congressional redistricting plans, both in the Section 5 and Section 2 phases of that litigation.

Since I left the Department of Justice at the end of 2015, I have been engaged in a solo practice devoted exclusively to voting matters. I am currently lead counsel in *Rose v. Raffensperger*, a case on behalf of African-American voters challenging the at-large method of electing members of Georgia's Public Service Commission. And I was lead counsel in *Wright v. Sumter County*, a successful case on behalf of an African-American voter to the at-large method of electing members of the school board in Sumter County, Georgia.

Below is a complete list of the reported cases in which I have been counsel of record. The matters that involved redistricting or the Voting Rights Act are denoted with an asterisk. Note that I have also been counsel of record in dozens of additional decisions available through subscription services such as Lexis and Westlaw.

1. *Rose v. Raffensperger*, 2021 WL 39578 (N.D. Ga. Jan. 5, 2021)\*
2. *Wood v. Raffensperger*, 981 F.3d 1307 (11th Cir. 2020)
3. *Wright v. Sumter County Board of Elections and Registration*, 979 F.3d 1282 (11th Cir. 2020)\*
4. *GALEO v. Gwinnett County Board of Registrations and Elections*, \_\_\_\_ F. Supp. 3d \_\_\_\_, 2020 WL 6589661 (N.D. Ga. Oct. 5, 2020)
5. *Cooper v. Raffensperger*, 472 F. Supp. 3d 1282 (N.D. Ga. 2020)
6. *Coven v. Georgia Secretary of State*, 960 F.3d 1339 (11th Cir. 2020)
7. *GALEO v. Gwinnett County Board of Registrations and Elections*, \_\_\_\_ F. Supp. 3d \_\_\_\_, 2020 WL 2505535 (N.D. Ga. May 8, 2020)
8. *Georgia Coalition for the Peoples' Agenda v. Kemp*, 347 F. Supp. 3d 1251 (N.D. Ga. 2018)

9. *Wright v. Sumter County Board of Elections and Registration*, 361 F. Supp. 3d 1296 (M.D. Ga. 2018)\*
10. *Wright v. Sumter County Board of Elections and Registration*, 301 F. Supp. 1297 (M.D. Ga. 2018)\*
11. *United Utah Party v. Cox*, 268 F. Supp. 3d 1227 (D. Utah 2017)
12. *Breck v. Stapleton*, 259 F. Supp. 3d 1126 (D. Mont. 2017)
13. *Perez v. Abbott*, 253 F. Supp. 3d 864 (W.D. Tex. 2017)\*
14. *Perez v. Abbott*, 250 F. Supp. 3d 123 (W.D. Tex. 2017)\*
15. *Texas v. United States*, 247 F. Supp. 3d 44 (D.D.C. 2017)\*
16. *De La Fuente v. Kemp*, 679 F. App'x 932 (11th Cir. 2017)
17. *De La Fuente v. Kemp*, 300 Ga. 79 (2016)
18. *Daly v. Tennant*, 216 F. Supp. 3d 699 (S.D.W.V. 2016)
19. *Texas v. Holder*, 63 F. Supp. 3d 54 (D.D.C. 2014)\*
20. *Texas v. United States*, 49 F. Supp. 3d 27 (D.D.C. 2014)\*
21. *South Carolina v. United States*, 898 F. Supp. 2d 30 (D.D.C. 2012)\*
22. *Texas v. Holder*, 888 F. Supp. 2d 113 (D.D.C. 2012)\*
23. *Texas v. United States*, 887 F. Supp. 2d 133 (D.D.C. 2012)\*
24. *Texas v. United States*, 279 F.R.D. 176 (D.D.C. 2012)\*
25. *Texas v. United States*, 279 F.R.D. 24 (D.D.C. 2012)\*
26. *Kelly v. McCulloch*, 405 F. App'x 218 (9th Cir. 2010)
27. *Green Party of Arkansas v. Daniels*, 733 F. Supp. 2d 1055 (E.D. Ark. 2010)
28. *South Carolina Green Party v. South Carolina State Election Commission*, 612 F.3d 752 (4th Cir. 2010)
29. *Cottier v. City of Martin*, 604 F.3d 553 (8th Cir. 2010) (en banc)\*
30. *Large v. Fremont County, Wyoming*, 709 F. Supp. 2d 1176 (D. Wyo. 2010)\*
31. *South Carolina Green Party v. South Carolina State Election Commission*, 647 F. Supp. 2d 602 (D.S.C. 2009)
32. *Cottier v. City of Martin*, 551 F.3d 733 (8th Cir. 2008)\*
33. *Bone Shirt v. Hazeltine*, 524 F.3d 863 (8th Cir. 2008)\*
34. *Libertarian Party of New Mexico v. Herrera*, 506 F.3d 1303 (10th Cir. 2007)
35. *Blackmoon v. Charles Mix County*, 505 F. Supp. 2d 585 (D.S.D. 2007)\*
36. *Green Party of Arkansas v. Daniels*, 445 F. Supp. 2d 1056 (E.D. Ark. 2006)
37. *Bone Shirt v. Hazeltine*, 461 F.3d 1011 (8th Cir. 2006)\*
38. *Cottier v. City of Martin*, 445 F.3d 1113 (8th Cir. 2006)\*
39. *Bone Shirt v. Hazeltine*, 444 F. Supp. 2d 992 (D.S.D. 2005)\*
40. *Blackmoon v. Charles Mix County*, 386 F. Supp. 2d 1108 (D.S.D. 2005)\*
41. *Bone Shirt v. Hazeltine*, 387 F. Supp. 2d 1035 (D.S.D. 2005)\*
42. *Quick Bear Quiver v. Nelson*, 387 F. Supp. 2d 1027 (D.S.D. 2005)\*
43. *Bone Shirt v. Hazeltine*, 700 N.W.2d 746 (S.D. 2005)\*
44. *Bone Shirt v. Hazeltine*, 336 F. Supp. 2d 976 (D.S.D. 2004)\*
45. *Emery v. Hunt*, 236 F. Supp. 2d 1033 (D.S.D. 2002)\*
46. *Bone Shirt v. Hazeltine*, 200 F. Supp. 2d 1150 (D.S.D. 2002)\*
47. *Old Person v. Brown*, 182 F. Supp. 2d 1002 (D. Mont. 2002)\*
48. *Emery v. Hunt*, 272 F.3d 1042 (8th Cir. 2001)\*
49. *Green Party of Arkansas v. Priest*, 159 F. Supp. 2d 1140 (E.D. Ark. 2001)
50. *Emery v. Hunt*, 132 F. Supp. 2d 803 (D.S.D. 2001)\*
51. *Fladell v. Labarga*, 775 So.2d 987 (Fla. Dist. Ct. App. 2000)
52. *In re Certification of a Question of Law from U.S. District Court*, 615 N.W.2d 590 (S.D. 2000)\*

### **1.1 (b) Michigan Election Law Experience**

I have no experience with Michigan election law.

### **1.1(c) Cumulative Experience**

I am not aware of an attorney in private practice today who has more hands-on experience with the Voting Rights Act than I do.

### **1.2. (a) Key Personnel**

The lead attorney would be me, Bryan L. Sells. My Georgia Bar number is 635562, and I attest that I am a member in good standing. If direct representation in Michigan becomes necessary, I would look to the Commission's general counsel for guidance on identifying local counsel, and I would anticipate that their role would depend on the nature and scope of the necessary representation.

### **1.2 (b) Motivations**

I believe that there is no higher calling in a career than public service, and serving as Voting Rights Act Legal Counsel for the Commission would provide an opportunity for me to use my skills and training as an attorney to serve my fellow Americans.

### **1.2 (c) Disclosures**

I have never represented an office holder other than Eric Holder as Attorney General of the United States. I have often represented third parties, such as the Libertarian Party of Georgia and the Green Party of Arkansas, in ballot-access matters. And I currently represent two former members of the Alabama State Democratic Executive Committee in a Section 2 challenge to the Alabama Democratic Party's internal rules.

I routinely provide legal services to non-partisan organizations. I currently represent the Georgia Coalition for the Peoples' Agenda; the New Georgia Project and the New Georgia Project Action Fund; the Georgia State Conference of the NAACP; Asian-Americans Advancing Justice – Atlanta; Common Cause; The Joseph Lowery Institute; and the Georgia Association of Latino Elected Officials.

In 2002, I donated \$250 to United States Representative Peter Deutsch (D-FL), and I donated \$250 to United States Senate candidate Jim Martin (D-GA) in 2008. I also donated \$100 to my former law school classmates Gabriel Sandoval and Angela Fernandez when they ran for local offices in California and New York, respectively, but I do not recall what office or whether the office was partisan.

### **1.2 (d) Approach**



I would approach my work much as I did while at the Department of Justice. I would let the facts and the evidence guide my analysis without regard to party. It is important to remember that the Voting Rights Act favors no party or faction.

### **1.3 Training**

While at the Department of Justice, I conducted training for junior attorneys on Section 2 of the Voting Rights Act. I am willing to provide similar training as necessary to the Commission or Commission staff.

### **2.1 Timeframes**

I would work with the Commission to set reasonable work plans and deadlines. Some of the work necessary to analyze compliance with the Voting Rights Act can be done now. Some of it, however, will have to await census data.

### **5.10 Project plan**

**List all exceptions:** It is not feasible, in my view, to submit a final project plan within 14 calendar days of the effective date because the timing of this project will depend heavily upon the availability of census and election data that is not within the Contractor's control. The project will also depend on the availability of racial bloc voting analysis, which I understand may be supplied by another vendor. Finally, the project will also depend on deadlines set by Michigan law including whether a court or other entity grants relief from those deadlines.

#### **Bidder must submit its project plan as described above:**

I would approach this project much as I would have approached a major Section 2 investigation while at the Department of Justice. The complication here is that 2020 census data are not yet available. As a result, this project will likely have to proceed tentatively, with analyses performed using old census data and estimates or projections. Tentative conclusions could then be updated quickly, if necessary, once 2020 data become available.

A preliminary draft project plan is included as a separate Excel document.

### **5.12 Reporting**

I envision that most of my reports would consist of short legal memoranda, with a much more comprehensive legal memorandum or report once I have completed my analysis. I authored several such reports while at the Department of Justice, but I am unable to share them here in response to this RFP.

## **VENDOR QUESTION WORKSHEET**

### **1. Contact Information**

**Bidder's sole contact person during the RFP process. Include name, title, address, email, and phone number.**

Bryan L. Sells, Principal  
The Law Office of Bryan L. Sells, LLC  
Post Office Box 5493  
Atlanta, GA 31107-0493  
[REDACTED]

**Person authorized to receive and sign a resulting contract. Include name, title, address, email, phone number. The awarded vendor will be required to establish an account in SIGMA Vendor Self-Service**

Bryan L. Sells, Principal  
The Law Office of Bryan L. Sells, LLC  
Post Office Box 5493  
Atlanta, GA 31107-0493  
[REDACTED]

### **2. Company Background Information**

**Legal business name and address. Include business entity designation, e.g., sole proprietor, Inc., LLC, or LLP .**

The Law Office of Bryan L. Sells, LLC

**What State was the company formed in?**

Georgia

**Phone number.**

[REDACTED]

**Website address.**

<http://www.bryansellslaw.com>

**Number of years in business and number of employees.**

5 years in business; one employee

**Legal business name and address of parent company, if any.**

None.

**Has there been a recent change in organizational structure (e.g., management team) or control (e.g., merger or acquisition) of your company? If the answer is yes: (a) explain why the change occurred and (b) how this change has affected your company.**

No.

**Discuss your company's history. Has growth been organic, through mergers and acquisitions, or both?**

I started my solo law practice in 2016 after more than 15 years of voting-rights work in the non-profit and governmental sectors. I remain a solo practitioner, and my caseload has grown organically.

**Has bidder ever been debarred, suspended, or disqualified from bidding or contracting with any entity, including the State of Michigan? If yes, provide the date, the entity, and details about the situation.**

No.

**Has your company been a party to litigation against the State of Michigan? If the answer is yes, then state the date of initial filing, case name and court number, and jurisdiction.**

No.

**Within the last 5 years, has your company or any of its related business entities defaulted on a contract or had a contract terminated for cause? If yes, provide the date, contracting entity, type of contract, and details about the termination or default.**

No.

**State your gross annual sales for each of the last 5 years. If receiving a contract under this RFP will increase your gross revenue by more than 25% from last year's sales, explain how the company will scale-up to manage this increase.**

2016: \$3,050  
2017: \$144,755  
2018: \$25,781  
2019: \$17,298

2020: \$553,535

I do not anticipate that a contract under this RFP will increase my revenue by more than 25% from last year's sales.

**Describe partnerships and strategic relationships you think will bring significant value to the Commission.**

Having done voting-rights work for more than two decades, I have many connections and relationships to others in the field, including racially-polarized voting analysts, political scientists, GIS specialists, and others. I would bring my network to bear as necessary for the Commission's work.

**For the bidder, primary contractor, principal(s) of the primary contractor, key personnel, any subcontractors, or employees provide disclosures regarding the following relative to their redistricting work with individuals, groups or any public or private entities for the same or substantially similar work described in this RFP: (1) list of past relationships and (2) identify any current relationships and (3) identify any anticipated or future relationships that will be sought by the bidder. For each of the 3 categories of relationships, please identify which could give rise to a potential, actual or apparent conflict of interest and provide measures that would be taken to avoid or address a conflict, should one currently exist or would likely arise in the future.**

**These disclosure and conflict requirements are ongoing and will be the responsibility of the successful bidder for the full contract term.**

I have had no past relationships involving redistricting in Michigan in the past. I have no current relationships involving redistricting in Michigan. I do not anticipate any future relationships involving redistricting in Michigan during this decennial redistricting cycle. I would obviously have to recuse myself from any potential challenge to the Commission's redistricting efforts.

**State the physical address of the place of business that would have primary responsibility for this account if bidder is awarded a contract under this RFP .**

1226 Springdale Rd NE, Atlanta GA 30306

### **3. Participation in RFP Development or Evaluation**

**Did your company, an employee, agent, or representative of your company, or any affiliated entity participate in developing any component of this solicitation? For purposes of this question, business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly: (1) either one controls or has power to control the other or (2) a third-party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities or equipment, and common use of employees.**

No.



**If you are awarded a contract under this solicitation, in order to provide the goods or services required under a resulting contract, do you intend to partner or subcontract with a person or entity that assisted in the development of this solicitation?**

No.

**Will your company, or an employee, agent, or representative of your company, participate in the evaluation of the proposals received in response to this RFP?**

No.

**4. State of Michigan Experience and Prior Experience**

**Does your company have experience working with the State of Michigan? If so, please provide a list (including the contract number) of the contracts you hold or have held with the State for the last 10 years.**

No.

**5. Standard Contract Terms**

**Bidder must affirm agreement with the attached Contract Terms. If not in agreement, written exceptions in accordance with the Evaluation Process section of the Proposal Instructions must be provided with Bidder's proposal.**

Affirmed.

**6. Michigan Economic Impact**

**Number of employees currently employed at locations within the State of Michigan.**

Zero.

**Number of additional employees to be employed at locations within the State of Michigan if awarded this Contract (if any)**

Zero.

**Minimum wage paid to employees employed at locations within the State of Michigan.**

Not applicable.

**Average wage paid to employees employed at locations within the State of Michigan.**

Not applicable.

**Percentage of employees employed at locations within the State of Michigan that are covered by employer-provided health insurance.**

Not applicable.

**8. [sic] Other**

**Abusive Labor Practices.** The Contractor certifies that it will not furnish any Deliverable that was produced fully or partially by forced labor, forced or indentured child labor, or indentured servitude.

Yes.

**Certification of Michigan Business- Public Act 431 of 1984, Sec. 268.** I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, filed a Michigan Business Tax Corporate Income Tax Return. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, filed a Michigan Income Tax return showing income generated in, or attributed to the State of Michigan. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, withheld Michigan Income Tax from compensation paid to the company's owners and remitted the tax to the Michigan Department of Treasury.

No.

**Iran Linked Business- Public Act 517 of 2012.** I certify that the Company is not an Iran-Linked business as defined by Public Act 517 of 2012.

Yes.

**Clean Corporate Citizen.** I certify that the Company is a Clean Corporate Citizen as defined by the Environmental Protection Act, 1994 PA 451.

No.

**Convict Labor.** The Contractor certifies that if using convict labor, it is complying with all applicable state and federal laws and policies.

Yes.

**SOM Debt/Tax Payment.** I certify that all applicable State of Michigan taxes are paid, and that no outstanding debt is owed to the State of Michigan.

Yes.

The Law Office of Bryan L. Sells, LLC  
RFP 920, 210000001155  
March 17, 2021

**Authorization to Verify Information Provided by Vendor. I authorize the Commission to verify that all information provided in this registration, in bidding and contracting documents, and any attachments or supplement documents and processes are accurate.**

Yes.

# Bryan L. Sells

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## EXPERIENCE

### THE LAW OFFICE OF BRYAN L. SELLS, LLC

Mar. 2016-present

Principal in a boutique civil rights law firm specializing in voting rights, election law, and redistricting. Trial and appellate counsel in a wide variety of voting-rights litigation in state and federal courts. Also represent individuals and entities in regulatory matters before the Georgia State Board of Elections and the Georgia Government Transparency and Campaign Finance Commission.

*Special Litigation  
Counsel*

### U.S. DEPARTMENT OF JUSTICE

Nov. 2010-Dec. 2015

#### Civil Rights Division, Voting Section, Washington DC

Senior trial counsel representing the United States in complex litigation under Section 2 and Section 5 of the Voting Rights Act of 1965. Drafted and edited numerous pleadings. Drafted amicus briefs on behalf of the United States in Federal courts across the nation. Managed teams of attorneys, analysts, and social scientists investigating possible enforcement actions. Expertise in litigation statistics.

- Participated in several major trials involving complex empirical evidence, advising on case strategy and handling key lay and expert witnesses.
- Gave the opening and closing statements in a week-long trial involving statewide legislative redistricting plans in Texas.
- Won a critical discovery motion compelling disclosure of legislative emails.

*Senior Staff Counsel  
2008-2010*

### AMERICAN CIVIL LIBERTIES UNION

Jan. 2000-Nov. 2010

#### Voting Rights Project, Southern Regional Office, Atlanta

Trial and appellate counsel in a wide variety of voting-rights litigation. Responsible for all aspects of cases, including initial investigations, case strategy, motions practice, discovery, legal research, trial planning, courtroom appearances and appellate arguments. Managed a nationwide voter-education program. Managed a summer internship program and supervised law-student interns.

*Staff Counsel  
2000-2008*

*Law Clerk*

### HONORABLE MYRON H. THOMPSON

July 1998-July 1999

#### United States District Judge, Middle District of Alabama

## EDUCATION

### COLUMBIA LAW SCHOOL, Juris Doctor, 1998

*Human Rights Law Review*, Head Articles Editor; Research Assistant for Professor Jack Greenberg; Teaching Assistant in Civil Procedure for Professor Michael C. Dorf; Paul R. Hays Prize in Civil Procedure; Race and Law Reading Group, founder.

### HARVARD COLLEGE, A. B. Psychology, *magna cum laude*, 1994

Thesis: *Automatic Nonprejudice as a Cognitive Option*

## PUBLICATION

Bryan L. Sells, *The Voting Rights Act in South Dakota: One Litigator's Perspective on Reauthorization*, in *The Most Fundamental Right: Contrasting Perspectives on the Voting Rights Act* 188 (Daniel McCool ed., 2012).

## BAR

Member of the State Bar of Georgia. Admitted to practice in the U.S. Supreme Court, the U.S. District Courts for the Northern District and Middle District of Georgia, the Georgia Supreme Court, the Georgia Court of Appeals, and the Fulton County Superior Court. Also admitted to practice in the U.S. Courts of Appeals for the Fourth, Eighth, Ninth, Tenth and Eleventh Circuits.



## REFERENCES

Rev. Mathis Kears Wright, Jr.

Americus GA 31709

I represented Rev. Wright from 2016 to 2020 in *Wright v. Sumter County Board of Elections and Registration*, a challenge to the at-large method of electing members of the school board in Sumter County.

Rev. James Woodall

President

Georgia State Conference of the NAACP

Atlanta, Georgia 30310

I have represented Rev. Woodall and the Georgia NAACP during his tenure as president, most notably in *Rose v. Raffensperger*, an on-going challenge to the method of electing members of the Georgia Public Service Commission.

Dale E. Ho.

Director, Voting Rights Project

American Civil Liberties Union

New York NY 10004

Mr. Ho is the current director of the American Civil Liberties Union's Voting Rights Project, for which I worked for more than a decade before his tenure. We have since worked together on several voting matters, most notably *Wright v. Sumter County Board of Elections and Registration*

## **Task Number    Task**

### **Stage 1: Preliminary Analysis**

- I.A.1            Review all Section 2 cases from the Sixth Circuit
- I.A.2            Review all Section 2 cases from the applicable district courts
- I.A.3            Identify and review the applicable state statutes
- I.B.1            Review population demographics and physical features of the state any any political boundaries that might affect efforts to draw a district.
- I.B.2            Identify any current representatives who are members of protected minority groups
- I.C.1            Review population demographics of existing districts
- I.D.1            Begin compiling a candidate list and election history, making particular note of the success or failure of any minority candidacies.
- I.E.1            Prepare a short memo discussing proportionality, proportional representation, and the electoral history of minority candidates

### **Stage 2: RBV Analysis**

- II.A.1            Compile data necessary for racial bloc voting analysis
- II.A.2            Conduct extreme case analysis using precincts with highest and lowest mVAP
- II.B.1            Racial Bloc Voting analysis by outside vendor
- II.C.1            Prepare a short memo discussing Gingles 2 and 3

### **Stage 3: Illustrative Plans**

- III.A.1            Attempt to draw illustrative plans with majority-minority districts as warranted by racial bloc voting analyses.
- III.B.1            Prepare a short memo discussing Gingles 1

### **Stage 4: Senate Factors**

- IV.A.1            Gather socio-economic data on income, education, and employment disparities from the Census
- IV.A.2            Gather historical demographic data
- IV.A.3            Search online databases for prior judicial findings in the state
- IV.A.4            Search online for any prior voting-rights cases or other discrimination lawsuits involving employment, housing, education or public accommodations
- IV.A.5            Search the internet for evidence of racial campaign appeals or racially-charged issues in campaigns
- IV.B.1            Prepare a short memo discussing the Senate factors

### **Stage 5: Update Analyses with 2020 Census Data**

tasks TBD

#### **Stage 6: Draft Final Memo**

The final memo will pull together all of the shorter memos into a cohesive whole along with any updates as warranted.

**Timing****Resources Required**

Week 1

Week 1

Week 1

Week 2

Week 2

Week 3

Week 4

Week 5

2010 demographic data by  
district  
election data and candidate  
race data

Election Data By Precinct  
Turnout or Demographic Data  
by Preceinct

Week 6

Week 6

Week 7

Week 8

RBV analyst

I will need to purchase  
Michigan data for my GIS  
software.

Weeks 9-10

Week 11

Week 12

Week 12

Week 12

Week 12

Week 12

Week 13

2020 Census Data

TBD

TBD

**THE LAW OFFICE OF BRYAN L. SELLS, LLC**

**ORGANIZATIONAL CHART**

**Bryan L. Sells**  
**Principal**