



# COUNTY OF SANTA BARBARA

## CITIZENS INDEPENDENT REDISTRICTING COMMISSION

### **PUBLIC MEETING AGENDA** **2020 Citizens Independent Redistricting Commission**

Date: **Monday, February 1, 2021**  
Time: **6:30 PM**  
Place: **Remote Virtual Participation Only**

**Meeting Access:** <https://zoom.us/j/96515529368>

Or iPhone one-tap :

US: +13462487799,,96515529368# or +16699006833,,96515529368#

Or Telephone:

+1 346 248 7799 or +1 669 900 6833

Webinar ID: 965 1552 9368

### **NOTICE REGARDING PUBLIC PARTICIPATION**

Based on guidance from the California Department of Public Health and the California Governor's Stay at Home Executive Order N-33-20 issued on March 19, 2020, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19, the Citizens Independent Redistricting Commission meeting will not provide in-person participation at this time.

The following alternative methods of participation are available to the public. If you wish to make a general public comment or to comment on a specific agenda item, the following methods are available:

- Distribution to the Citizens Independent Redistricting Commission – Submit your comment via e-mail prior to 5:00 p.m. one day prior to the meeting. Please submit your comment to [redistricting@countyofsb.org](mailto:redistricting@countyofsb.org). Your comment will be placed in the record and distributed appropriately.
- Participation via Zoom meeting link listed above. See Instructions on next page.
- Participation via telephone by calling in with the phone number and webinar code listed above.

Recordings of the Commission Meetings, Agendas, Supplemental Materials and Minutes of the Citizens Independent Redistricting Commission are available on the internet at:

[www.countyofsb.org/redistricting.sbc](http://www.countyofsb.org/redistricting.sbc)

Language interpretation and requests for disability-related modification or accommodation, including auxiliary aids or devices, may be arranged by emailing a request to [redistricting@countyofsb.org](mailto:redistricting@countyofsb.org) at least 24 hours prior to the Commission meeting.

Para solicitar traducción del idioma o una modificación por discapacidad, incluso los soportes auxiliares y los dispositivos, se puede mandar un correo electrónico a [redistricting@countyofsb.org](mailto:redistricting@countyofsb.org) al menos 24 horas antes de la reunión de la Comisión.

**Instructions for Public Comment in Virtual Public Meetings** Under current Public Health Officer Order prohibiting indoor gatherings, the Santa Barbara County Independent Redistricting Commission (CIRC) will conduct virtual public meetings using Zoom. Attendees can participate without a Zoom account.

- Attendees can link via computer or smart device, through the Zoom app (available for IOS and Android), or by cell phone or landline.
- Each meeting agenda will be posted 72 hours in advance at [www.countyofsb.org/redistricting.sbc](http://www.countyofsb.org/redistricting.sbc) (unless greater notice is required by law) and include the Zoom link, phone numbers and the Webinar I.D. to join electronically or by phone. To participate in Public Comment, please refer to directions below.
- Submit comments via e-mail to [redistricting@countyofsb.org](mailto:redistricting@countyofsb.org) prior to 5:00 p.m. on the day preceding the meeting. Your comment will be placed in the record and distributed appropriately.

**1. Public Comment Via Computer or iPhone/Android App:**

- To indicate that you wish to speak during Public Comment, select “raise your hand” feature and staff will know to call on you. When called upon, please state your name for the record. We reserve the right to mute a microphone for profane, harassing or offensive language; or for speaking beyond the time limit set by the Chair.
- Smart phone users with the Zoom app can also select the “raise your hand” feature.

**2. Public Comment Via Phone:**

- Attendees by phone can “raise your hand” by pressing star-9. When it is your turn to speak, we will announce you by caller I.D. or your phone number. When called upon, please state your name for the record. We reserve the right to mute a microphone for profane, harassing or offensive language; or for speaking beyond the time limit set by the Chair.

For more information about joining a Zoom Webinar, go to <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-meeting>.

Commission Members: Commissioner Laura “Lollie” Katz, First District  
Commissioner Karen Twibell, First District  
Commissioner William McClintock, Second District, Interim Vice Chair  
Commissioner Megan Turley, Second District  
Commissioner Norman “Doug” Bradley, Third District  
Commissioner James “Chris” Hudley, Third District  
Commissioner James Bray, Fourth District  
Commissioner Amanda Ochoa, Fourth District  
Commissioner Glenn Morris, Fifth District, Interim Chair  
Commissioner Jannet Rios, Fifth District  
Commissioner Benjamin Olmedo, Member-At-Large

1. Call to Order and Roll Call
2. Public Comment  
The Public Comment period is reserved for comments on items not on the Agenda and for matters within the subject matter jurisdiction of the Citizens Independent Redistricting Commission. The Commission may adopt reasonable regulations, including time limits, on public comments. The Commission may not discuss or take action on any matter raised during the public comment section, except to decide whether to place a matter on the agenda of a future meeting.
3. Discussion and decision of staff’s recommendation to continue Interim Chair and Vice Chair for this meeting or nomination and selection of Chair and Vice Chair.
4. Approval of Minutes of January 25, 2021, and January 27, 2021.
5. Disclosure of ex parte communications.
6. Census data status update and "Complete Count" Committee representative(s) and NDC discuss Census outreach efforts, possible Student and Farm Worker undercount impacts, and what options Commission has available to address any such issues.
7. Interview finalists for Independent Legal Counsel services:
  - a) Nielsen Merksamer Parrinello Gross & Leoni LLP
  - b) Scott J. Rafferty, Attorney at Law
  - c) Strumwasser & Woocher LLP

RECESS FOR CLOSED SESSION

8. Consideration of the appointment of an independent contractor who functions as an officer or an employee of a local agency pursuant to Section 54957(b) of the Government Code.

Title: Independent Legal Counsel

RECONVENE THE MEETING IN OPEN SESSION

9. Announcement of any reportable action taken in closed session.

RECESS FOR CLOSED SESSION

10. Conference with Legal Counsel—Anticipated Litigation  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 of the Government Code. A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

Number of cases: One

RECONVENE THE MEETING IN OPEN SESSION

11. Announcement of any reportable action taken in closed session.
12. Discussion, deliberation, and possible action regarding the Republican Party / Hispanic Chamber letter.
13. Discussion and possible action regarding future agenda items.
14. Discussion and possible action regarding scheduling future meetings.

ADJOURNMENT

Agenda Packet Items:

Item 04 Minutes of January 25 and 27, 2021.

Item 07 Proposals Submitted for Independent Legal Counsel

Item 12 Republican Party / Hispanic Chamber letter

Item 14 Proposed Future Agenda Items



# COUNTY OF SANTA BARBARA

## CITIZENS INDEPENDENT REDISTRICTING COMMISSION

### Summary of Proceedings 2020 Citizens Independent Redistricting Commission

Date: **Monday, January 25, 2021**  
Time: **6:30 PM – 8:19 PM**  
Place: **Remote Virtual Participation Only**

Recordings of the Commission Meetings, Agendas, Supplemental Materials and Minutes of the Citizens Independent Redistricting Commission are available on the internet at:  
[www.countyofsb.org/redistricting.sbc](http://www.countyofsb.org/redistricting.sbc)

#### BOARD ACTION SHOWN IN CAPS

##### 1. Commission Convened

###### Roll Call

Commissioners Present: Bradley, Gray, Hudley, Katz, McClintock, Morris, Olmedo, Rios, Turley, Twibell

Commissioners Absent: None

##### 2. Public Comment

The Public Comment period is reserved for comments on items not on the Agenda and for matters within the subject matter jurisdiction of the Citizens Independent Redistricting Commission. The Commission may adopt reasonable regulations, including time limits, on public comments. The Commission may not discuss or take action on any matter raised during the public comment section, except to decide whether to place a matter on the agenda of a future meeting.

#### PUBLIC COMMENT:

LEE HELLER, HEARD REGARDING CLARIFICATION OF THE RFI FOR THE DEMOGRAPHER, AND SUGGESTED MOVING ITEM 6 AFTER ITEM 8 – CANDIDATE INTERVIEWS.

WILLIAM CONLIN, HEARD REGARDING HIS SUPPORT OF COMMISSIONER GRAY AND STRONGLY ENCOURAGED HIM TO RECONSIDER HIS RESIGNATION, EXPRESSED CONCERNS ABOUT THE DEMOGRAPHER AND LEGAL COUNSEL SERVICES, AND COMMISSION VACANCIES.

NADIA LEE ABUSHANAB, SBCAN, HEARD REGARDING RFI FOR THE DEMOGRAPHER, CLARIFICATION ON THE PROCESS, AND WHEN IT WILL BE DISCUSSED.

LATA MURTI, HEARD IN AGREEMENT OF MS. HELLER'S COMMENTS, AND RECOMMENDED POSTPONING ANY ACTION ON ITEM 6, UNTIL AFTER ITEM 7 AND PUBLIC COMMENT ON THE INTERVIEWS.

JANET BLEVINS, UNABLE TO SPEAK DUE TO TECHNICAL DIFFICULTIES, AND DIRECTED TO SUBMIT WRITTEN COMMENTS TO [redistricting@countyofsb.org](mailto:redistricting@countyofsb.org).

ANDY CALDWELL, HEARD REGARDING CONSIDERATION TO HAVE CLOSED SESSION AT THE BEGINNING OF THE MEETING, SO THE PUBLIC DOES NOT HAVE TO WAIT AN UNDETERMINED DURATION TO COMMENT, QUESTIONED ACCEPTING COMMISSIONER GRAY'S RESIGNATION BEFORE SELECTING A REPLACEMENT, AND COMMENTED ABOUT HAVING TWO VACANCIES.

WRITTEN COMMENT:

SPENCER BRANDT, WROTE REGARDING PREVIOUS COMMISSION DIRECTION AT THE LAST MEETING FOR SUBMISSION OF PUBLIC COMMENTS/CONCERNS ABOUT NDC.

NANCY ANDERSON, COUNTY OF SANTA BARBARA, GAVE AN OVERVIEW OF THE PROCESS, ANNOUNCED THAT THE RFI (LETTER OF INTEREST) IS DUE BY FEBRUARY 1, AND THE INFORMATION WILL BE USED TO DEVELOP A LIST FOR DEMOGRAPHY SERVICES PROVIDED TO THE COMMISSION TO USE FOR AN RFP AT A LATER DATE, IF NEEDED.

COMMISSIONER MORRIS CLARIFIED THERE IS NO AGENDA ITEM FOR CHANGING THE DEMOGRAPHER.

THE COMMISSIONERS AGREED TO REORGANIZE THE AGENDA AS FOLLOWS:

- HEAR ITEM 3, 4, AND 5
- ADJOURN TO CLOSED SESSION FOR ITEM 9, 10 AND 11
- RECONVENE IN OPEN SESSION AND HEAR ITEM 7, 6, 8, AND CONTINUE WITH THE REMAINDER OF THE AGENDA

3. Discussion and decision of staff's recommendation to continue Interim Chair and Vice Chair for this meeting or nomination and selection of Chair and Vice Chair.

NO ACTION TAKEN.

4. Approval of Minutes of January 19, 2021.

MOTION TO CORRECT SPELLING ERRORS (MEAGAN HARMON, AND LUCILLE BOSS), UNDER EX PARTE COMMUNICATIONS, AND ACCEPT THE CORRECTED MINUTES OF JANUARY 19, 2021.

MOTION CARRIED: 10 AYES

5. Disclosure of ex parte communications.

COMMISSIONER GRAY COMMUNICATED WITH MR. CHURCHWELL, AND COMMISSIONER MORRIS REGARDING 4<sup>TH</sup> DISTRICT ACTIVITIES AND SITUATION.

THE MEETING RECESSED AT 6:48 PM FOR CLOSED SESSION.

9. Conference with Legal Counsel—Anticipated Litigation  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

Number of cases: One

THE MEETING RECONVENED IN OPEN SESSION AT 7:18 PM.

10. Announcement of any reportable action taken in closed session.

NO REPORTABLE ACTION.

11. Discussion, deliberation, and possible action regarding the Republican Party / Hispanic Chamber letter.

NO ACTION TAKEN.

7. Commission applicant interviews.

COMMISSIONER MORRIS EXPLAINED THAT THREE APPLICANTS FROM THE 4<sup>TH</sup> DISTRICT, MR. BRAY, MR. PIERCE, AND MS. OCHOA, WERE INVITED TO PARTICIPATE IN THE INTERVIEWS. MR. PIERCE WITHDREW HIS NAME FOR CONSIDERATION EARLIER TODAY. THE COMMISSIONERS DECIDED SINCE MS. OCHOA WAS INTERVIEWED DURING THE FIRST ROUND IN DECEMBER, TO USE AND REVIEW THE



VIDEO FROM HER PREVIOUS INTERVIEW.

COMMISSIONER MORRIS GAVE AN OVERVIEW OF THE INTERVIEW PROCESS, AND STATED THAT THERE IS A 3 MINUTE MAXIMUM TIME LIMIT TO ANSWER EACH QUESTION.

QUESTION #1 – ASKED BY COMMISSIONER TWIBELL (DISTRICT 1):

- WHY DO YOU WANT TO SERVE ON THE REDISTRICTING COMMISSION?

QUESTION #2 – ASKED BY COMMISSIONER TURLEY (DISTRICT 2):

- GIVEN THE COMMISSION’S INITIAL FIVE MEMBERS, AND WHAT YOU KNOW ABOUT THEIR BACKGROUNDS AND SKILL SETS, COULD YOU HIGHLIGHT ELEMENTS OF YOUR PERSONAL BACKGROUND, EXPERIENCE, SKILLS, AND KNOWLEDGE OF SANTA BARBARA COUNTY THAT YOU THINK WILL ADD TO THE OVERALL DIVERSITY OF THE COMMISSION?

QUESTION #3 – ASKED BY COMMISSIONER HUDLEY (DISTRICT 3):

- HOW WOULD YOU HELP THE COMMISSION TO DRAW LINES THAT PROMOTE “COMMUNITIES OF INTEREST?”

QUESTION #4 – ASKED BY COMMISSIONER RIOS (DISTRICT 4):

- COULD YOU DESCRIBE A PROJECT OR OTHER EXPERIENCE IN WHICH YOU HAD TO COLLABORATE WITH A GROUP OF INDIVIDUALS IN ORDER TO REACH A COMMON GOAL? WHEN YOU DISAGREED WITH OTHERS, HOW DID YOU HANDLE THOSE DISAGREEMENTS?

QUESTION #5 – ASKED BY COMMISSIONER OLMEDO (MEMBER-AT-LARGE):

- HOW DO YOU THINK THE COMMISSION SHOULD ADDRESS THE PROBLEM OF PUBLIC EDUCATION AND OUTREACH ON REDISTRICTING TO HELP ENCOURAGE BROAD PARTICIPATION IN THE COMMISSION’S WORK? WHAT ARE SOME IDEAS YOU HAVE FOR THE COMMISSION TO SOLICIT PUBLIC INPUT ON THE REDISTRICTING PROCESS, AND METHODS OF PUBLIC OUTREACH TO ENSURE TRANSPARENCY?

THE COMMISSIONERS INTERVIEWED APPLICANT JAMES BRAY.

PUBLIC COMMENT:

LEE HELLER, HEARD REGARDING THE QUALIFICATIONS OF MR. BRAY AND MS. OCHOA, AND APPLICANT SELECTION.

WILLIAM CONLIN, HEARD REGARDING MR. BRAY’S QUALIFICATIONS, AND COMMISSIONER GRAY’S RESIGNATION.



WALLY, LOMPOC RESIDENT, HEARD REGARDING MR. BRAY'S QUALIFICATIONS, AND COMMISSIONER GRAY'S RESIGNATION.

SPENCER BRANDT, HEARD REGARDING MR. BRAY'S QUALIFICATIONS, AND MR. GRAY'S SERVICE AS A COMMISSIONER.

COMMISSIONER MORRIS CLARIFIED THAT MR. BRAY IS NOT CURRENTLY A MEMBER OF THE CHAMBER'S BOARD OF DIRECTORS.

COMMISSION DISCUSSION:

COMMENTS INCLUDED THE POOL OF WELL QUALIFIED APPLICANTS, AND THE NEED FOR DIFFERENT REPRESENTATION (HISPANIC AND POLITICAL PARTY).

MOTION TO APPOINT AMANDA OCHOA TO THE DISTRICT 4 SEAT VACATED BY MS. MURTI.

UPON FURTHER DISCUSSION, THE COMMISSIONERS SET THE MOTION ASIDE TO HEAR ITEM 6 FIRST.

6. Discussion, deliberation, and possible action regarding Commissioner Gary's Offer to Resign which would create a vacancy in the Fourth District.

COMMISSIONER GRAY COMMENTED MR. BRAY'S QUALIFICATIONS, AND TENDERED HIS RESIGNATION.

THE COMMISSIONERS EXPRESSED THEIR OVERWHELMING GRATITUDE AND APPRECIATION, AND THANKED COMMISSIONER GRAY FOR HIS EXEMPLARY CHARACTER, HARD WORK AND CONTRIBUTIONS, AND LOOK FORWARD TO WORKING WITH HIM IN THE FUTURE.

MOTION TO ACCEPT WITH REGRETS COMMISSIONER GRAY'S RESIGNATION.

MOTION CARRIED: 9 AYES

8. Discussion, deliberation, and possible action regarding the commissioner appointment for the Fourth District.

MOTION TO APPOINT AMANDA OCHOA, AND JAMES BRAY TO THE DISTRICT 4 VACANCIES.

MOTION CARRIED: 9 AYES

JACQUELYNE ALEXANDER, CHIEF DEPUTY CLERK OF THE BOARD, COUNTY OF SANTA BARBARA, INTRODUCED HERSELF AND ADMINISTERED THE OATH OF OFFICE TO NEWLY APPOINTED COMMISSIONERS, AMANDA OCHOA, AND JAMES BRAY.

COMMISSIONER OCHOA INTRODUCED HERSELF.

12. Report of the ad hoc committee on the evaluation criteria to be used for selecting Independent Legal Counsel and possible action.

MR. CHURCHWELL GAVE AN OVERVIEW OF THE AD HOC COMMITTEE'S TASK, THE MATRIX DEVELOPED BY THE AD HOC COMMITTEE, AND EXPLAINED THE MATRIX IS TO HELP GUIDE THE COMMISSION'S DECISION.

COMMISSION DISCUSSION:

COMMISSIONERS INQUIRED ABOUT THE FEES (HOURLY RATE, MAXIMUM, ETC.), AND AN EXPLANATION OF THE "OTHER CONSIDERATIONS" CATEGORY.

THE AD HOC COMMITTEE COMMENTED THAT SOME FIRMS PROVIDED HOURLY RATES OR MAXIMUM AMOUNTS, AS THE RFP DID NOT SPECIFY HOW TO INDICATE LEGAL FEES. OTHER CONSIDERATIONS IS A "CATCH ALL" FOR ADDITIONAL ITEMS THAT MAY COME UP, AND DIDN'T FALL INTO THE OTHER CATEGORIES.

MS. ANDERSON MENTIONED THAT THIS CAN BE PART OF THE NEGOTIATION PROCESS, AND THE ULTIMATE GOAL SHOULD BE GETTING TO AN HOURLY RATE WITH A NOT TO EXCEED AMOUNT.

COMMISSIONER MORRIS ASKED IF THERE IS A BUDGETARY CAP TO BE CONSIDERED, THE PROCESS ONCE A FIRM IS IDENTIFIED FOR RECOMMENDATION, AND THE ROLE OF THE BOARD OF SUPERVISORS TO COMPLETE THE PROCESS.

MS. ANDERSON STATED THE CONTRACT WILL BE BASED ON THE RFQ, THE COMMISSION WILL PROVIDE THE NEGOTIATED AMOUNT TO THE COUNTY TO PREPARE THE CONTRACT TO GO BEFORE THE BOARD OF SUPERVISORS ON FEBRUARY 9, OTHERWISE THE NEXT OPPORTUNITY WILL BE MARCH 2.

COMMISSIONER MORRIS EXPLAINED THIS WAS THE REASON FOR THE JANUARY 27, AND 28 COMMISSION MEETING, TO AGREE ON AND APPLY THE FORM TO THE PROPOSALS, AND RECOMMEND ONE OR MORE FIRMS TO BE INTERVIEWED. MR. JOHNSON COMMENTED THAT FEES CAN BE A QUESTION ASKED DURING THE INTERVIEWS.

COMMISSIONER MORRIS COMMENTED THAT THE MATRIX IS A TOOL TO AID IN THE REVIEWING THE PROPOSALS, AND NOT A TALLY OR SCORE SHEET.

PUBLIC COMMENT:

LEE HELLER, HEARD REGARDING THE MATRIX, CONCERN REGARDING A POSSIBLE CONFLICT OF INTEREST WITH A NIELSEN MERKSAMER ASSOCIATE'S CONTRIBUTION TO A COUNTY SUPERVISOR'S CAMPAIGN, WELCOMED COMMISSIONER OCHOA AND BRAY, AND SUGGESTED THE COMMISSION CONSIDER THE EXPERIENCE, AGE, AND TIME IN OFFICE OF PERSONNEL THAT WILL BE ASSIGNED TO THE CONTRACT.

MOTION TO CORRECT THE TYPOGRAPHICAL ERROR IN PARAGRAPH TWO, AND ACCEPT THE AD HOC COMMITTEE'S EVALUATION MATRIX AS PRESENTED.

MOTION CARRIED: 10 AYES     1 ABSTAIN

COMMISSIONER OLMEDO HAS A CONFLICT AND IS NOT AVAILABLE ON THURSDAY, JANUARY 28.

THE NEXT COMMISSION MEETING WILL BE WEDNESDAY, JANUARY 27, TO DETERMINE WHICH FIRMS TO INTERVIEW, AND THE MEETING ON THURSDAY, JANUARY 28 WILL BE CANCELED.

MR. JOHNSON COMMENTED THAT THE CENSUS DATA UPDATE, AND COMPLETE COUNT INFORMATION WILL BE PRESENTED AT THE FEBRUARY 1 COMMISSION MEETING.

13. Outreach discussion and possible actions, including introduction to County's outreach budgeting form.

ITEM MOVED TO A FUTURE MEETING.

14. Discussion and possible action regarding future agenda items.

MOTION TO ADD THE FOLLOWING ITEMS TO A FUTURE AGENDA:

- OUTREACH AND COMMUNITIES OF INTEREST
- CLARIFICATION OF EX PARTE AND SOCIAL MEDIA COMMUNICATIONS

MOTION CARRIED: 11 AYES

15. Discussion and possible action regarding scheduling future meetings.

NO ACTION TAKEN.

COMMISSIONER KATZ INQUIRED ABOUT REGISTRATION FOR THE COMMON CAUSE WORKSHOP ON THURSDAY, JANUARY 28.

MR. JOHNSON MENTIONED THE WORKSHOP WILL BE RECORDED AND NDC WILL WORK WITH COMMON CAUSE TO OBTAIN AND PROVIDE THE LINK TO COMMISSIONERS.

ADJOURNMENT – The next meeting is scheduled for Wednesday, January 27, 2021, at 6:30 p.m.

Agenda Packet Items:

Item 04 Minutes of January 19, 2021

Item 06 Commissioner Gary's Offer to Resign

Item 07 Interview Schedule / Questions / Applications

Item 11 Republican Party / Hispanic Chamber letter

Item 12 RFQ for Independent Legal Counsel and Proposals Submitted

Item 14 Proposed Future Agenda Items



# COUNTY OF SANTA BARBARA

## CITIZENS INDEPENDENT REDISTRICTING COMMISSION

### Summary of Proceedings 2020 Citizens Independent Redistricting Commission

Date: **Wednesday, January 27, 2021**  
Time: **6:30 PM – 7:59 PM**  
Place: **Remote Virtual Participation Only**

Recordings of the Commission Meetings, Agendas, Supplemental Materials and Minutes of the Citizens Independent Redistricting Commission are available on the internet at:  
[www.countyofsb.org/redistricting.sbc](http://www.countyofsb.org/redistricting.sbc)

#### BOARD ACTION SHOWN IN CAPS

##### 1. Commission Convened

###### Roll Call

Commissioners Present: Bradley, Bray, Hudley, Katz, McClintock, Morris, Ochoa, Olmedo, Rios, Turley, Twibell

##### 2. Public Comment

The Public Comment period is reserved for comments on items not on the Agenda and for matters within the subject matter jurisdiction of the Citizens Independent Redistricting Commission. The Commission may adopt reasonable regulations, including time limits, on public comments. The Commission may not discuss or take action on any matter raised during the public comment section, except to decide whether to place a matter on the agenda of a future meeting.

COMMISSIONER MORRIS ANNOUNCED THERE IS NO NEED FOR CLOSED SESSION AND REMOVED ITEM 5 FROM THE AGENDA.

#### PUBLIC COMMENT:

LATA MURTI REQUESTED TO COMMENT ON THE DISCUSSION OF LEGAL COUNSEL SELECTION (ITEM 8) DURING PUBLIC COMMENT. MR. CHURCHWELL STATED THAT DUE TO A COMPLAINT MADE TO THE DISTRICT ATTORNEY'S OFFICE REGARDING THE PUBLIC COMMENTING OUT OF ORDER ON AN ITEM TO BE HEARD LATER IN THE AGENDA AT A PREVIOUS MEETING, ONLY GENERAL PUBLIC COMMENTS WILL BE HEARD AT THIS TIME. COMMENTS REGARDING SPECIFIC AGENDA ITEMS WILL BE TAKEN WHEN THE ITEM IS HEARD.

WRITTEN COMMENTS RECEIVED:

SPENCER BRANDT WROTE REGARDING DR. JOHNSON'S EXPERT WITNESS TESTIMONY AND REQUESTING A RFQ FOR DEMOGRAPHER.

SPENCER BRANDT WROTE REGARDING NIELSEN MERKSAMER CONFLICT OF INTEREST CONCERN.

MARGARITE LEONI, NIELSEN MERKSAMER, WROTE CORRECTING PUBLIC COMMENT MISUNDERSTANDING.

3. Discussion and decision of staff's recommendation to continue Interim Chair and Vice Chair for this meeting or nomination and selection of Chair and Vice Chair.

NO ACTION TAKEN.

4. Disclosure of ex parte communications.

COMMISSIONER RIOS COMMUNICATED WITH PATRICIA SOLORIO, FUND FOR SANTA BARBARA, REGARDING THE TIMELINE AND PLAN ROLLOUT FOR COMMUNITY ENGAGEMENT.

COMMISSIONER KATZ COMMUNICATED WITH A RESIDENT AND INQUIRED ABOUT FUTURE CONTACT REGARDING SRO IN SANTA BARBARA.

COMMISSIONER MORRIS RESPONDED TO A SANTA MARIA SUN REPORTER ABOUT THE STATUS OF NDC'S CONTRACT.

IN RESPONSE TO A COMMISSION QUESTION REGARDING MEDIA INQUIRIES, MR. CHURCHWELL CLARIFIED THAT INDIVIDUAL PERSONAL COMMENTS CAN BE MADE, HOWEVER, COMMISSIONERS SHOULD NOT MAKE COMMENTS REPRESENTING THE COMMISSION OR ON BEHALF OF THE COMMISSION. MEDIA REQUESTS FOR COMMENT SHOULD BE REFERRED TO COMMISSIONER MORRIS OR MRS. TILTON, AND TO RESPOND BY EMAIL TO AVOID BEING MISQUOTED. COMMISSIONER MORRIS RECOMMENDED SENDING A COPY OF ANY MEDIA COMMUNINCATIONS TO THE OFFICIAL REDISTRICTING EMAIL SO THE RESPONSE WILL ALSO BE PART OF THE RECORD.

THERE WAS NO CLOSED SESSION.

5. Conference with Legal Counsel—Anticipated Litigation  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

Number of cases: One

NO CLOSED SESSION.

6. Announcement of any reportable action taken in closed session.

NO CLOSED SESSION, THEREFORE, NO ACTION TAKEN.

7. Discussion, deliberation, and possible action regarding the Republican Party / Hispanic Chamber letter.

NO ACTION TAKEN.

8. Discussion, deliberation, and possible action regarding selecting Independent Legal Counsel.

LATA MURTI, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, AND RECOMMENDED INTERVIEWING SCOTT RAFFERTY, STRUMWASSER & WOOCHEER, AND THE SUTTON FIRM.

LEE HELLER, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, AND FAVORED INTERVIEWING SCOTT RAFFERTY, AND STRUMWASSER & WOOCHEER.

PHILIP SEYMOUR, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, COMMENTED ABOUT LEGAL FEES, AND URGED THE COMMISSION TO ALSO CONSIDER THE FIRM'S LEVEL OF EXPERIENCE.

WILLIAM CONLIN, DISTRICT 4, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, FAVORED INTERVIEWING SCOTT RAFFERTY, AND COMMENTED ABOUT POTENTIAL LAWSUITS.

GAIL TETON-LANDIS, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, THE SUTTON FIRM'S POTENTIAL USE OF INEXPERIENCED PERSONNEL TO KEEP COSTS DOWN, AND COMMENTED THAT SCOTT RAFFERTY AND STRUMWASSER & WOOCHEER MAY BE THE BEST FIT.

CHRISTIAN ALONSO, DISTRICT 1, HEARD REGARDING ELIMINATING NIELSEN MERKSAMER FROM FURTHER CONSIDERATION DUE TO CONFLICT OF INTEREST, CONCERNS ABOUT THE SUTTON FIRM'S POSSIBLE USE OF MULTIPLE ASSOCIATES



WITH LIMITED EXPERIENCE, AND RECOMMENDED INTERVIEWING SCOTT RAFFERTY AND STRUMWASSER & WOOCHEER.

ANDY CALDWELL, HEARD REGARDING VETTING OF LAW FIRM STAFF MEMBERS, AND COMMENTED ABOUT THE INDEPENDENCE AND OBJECTIVITY OF THE COMMISSION.

SPENCER BRANDT, HEARD REGARDING WRITTEN COMMENTS PREVIOUSLY SUBMITTED, CONCERNS ABOUT NIELSEN MERKSAMER, AND RECOMMENDED INTERVIEWING THE OTHER LAW FIRMS.

SCOSSA DID NOT RESPOND WHEN CALLED UPON.

COMMISSIONER MORRIS COMMENTED THAT THE LATE SUBMISSION WRITTEN PUBLIC COMMENT LETTER FROM MARGUERITE LEONI, NIELSEN MERKSAMER, RESPONDING TO CONCERNS RAISED DURING PUBLIC COMMENT, WAS SENT TO COMMISSIONERS, AND IF NOT ALREADY, WILL BE POSTED ON THE WEBSITE.

MR. CHURCHWELL COMMENTED ABOUT THE FPPC'S DIFFERENT DEFINITIONS OF ROLES SOMETIMES REFERRED TO AS TREASURER .

COMMISSION DISCUSSION:

COMMISSIONERS EXPRESSED THE FOLLOWING CONCERNS:

- NIELSEN MERKSAMER: POSSIBLE CONFLICT OF INTEREST
- SCOTT RAFFERTY: ONE MAN SHOP, NOT EXPERIENCED IN REDISTRICTING, NEVER REPRESENTED REDISTRICTING FOR A CITY OR COUNTY, AND SEEMS TO LEAN TOWARD VOTING RIGHTS ADVOCACY.
- STRUMWASSER & WOOCHEER: COST/RATE STRUCTURE, CLIENTELE IDEOLOGICAL AND TEND TO REPRESENT ONE SIDE.
- THE SUTTON FIRM: POTENTIAL USE OF JUNIOR OR LESS EXPERIENCED ATTORNEY, AND DID NOT INDICATE A "NOT TO EXCEED" AMOUNT ON LEGAL FEES.

COMMISSIONER BRAY INQUIRED ABOUT THE BUDGET. MS. ANDERSON CLARIFIED THAT THE BUDGET IS \$500,000 TO COVER PROFESSIONAL SERVICES, OUTREACH, AND ALL OTHER COSTS ASSOCIATED WITH REDISTRICTING EFFORTS, AND OF \$210,000 OF THAT AMOUNT FOR LEGAL COSTS.

COMMISSIONER BRADLEY ASKED FOR A BALLPARK FIGURE FOR LEGAL SERVICES INFORMATION FROM A PAST REDISTRICTING PROJECT. MS. ANDERSON EXPLAINED THAT PREVIOUS LEGAL COSTS WERE ABSORBED IN THE COUNTY'S BUDGET, AND SHE WILL REACH OUT TO SEE IF PAST INFORMATION IS AVAILABLE.

MR. JOHNSON GAVE AN EXAMPLE OF A BUDGET FROM THE SAN DIEGO COUNTY REDISTRICTING COMMISSION, WHERE THE REDISTRICTING PROJECT IS \$750,000,

WITH A PRELIMINARY ALLOCATION OF \$150,000 FOR A LEGAL SERVICES CONTRACT WITH NIELSEN MERKSAMER.

COMMISSIONER TURLEY ASKED ABOUT DEMOGRAPHIC SERVICES. MS. ANDERSON EXPLAINED THAT THE BUDGET INCLUDES DEMOGRAPHIC SERVICES, NOT TO EXCEED \$100,000.

COMMISSIONER MORRIS CONFIRMED THAT COMMISSION WILL NEGOTIATE THE PRICE, AND MAKE A RECOMMENDATION TO THE COUNTY.

MR. JOHNSON COMMENTED THAT THE COMMISSION'S PAST EXPERIENCES ENCOURAGE INTERVIEWING MORE APPLICANTS RATHER THAN CHOOSING TO LIMIT THE POOL PRIOR TO INTERVIEWS.

COMMISSIONER TURLEY ASKED ABOUT NDC'S PAST WORKING RELATIONSHIP WITH SCOTT RAFFERTY. MR. JOHNSON STATED THAT MR. JOHNSON KNOWS MR. RAFFERTY BUT HAS NOT WORKED FOR HIM, AS MR. RAFFERTY WORKED ON THE PLAINTIFF SIDE IN THE CITED CASES, AND NDC DOES NOT HANDLE PLAINTIFF WORK.

MOTION TO INTERVIEW, STRUMWASSER & WOOCHEER, SCOTT RAFFERTY, AND NIELSEN MERKSAMER.

MRS. TILTON CONFIRMED ALL FIRMS ARE AVAILABLE FOR AN INTERVIEW ON MONDAY, FEBRUARY 1.

MOTION CARRIED: 11 AYES

MR. CHURCHWELL SUGGESTED THE FOLLOWING MEETING STRUCTURE FOR THE INTERVIEWS:

- PUBLIC COMMENT
- FIRM OPENING STATEMENT (2 MINUTES)
- INTERVIEWS (QUESTION ASKED BY SELECTED COMMISSIONER)
- CLOSED SESSION
- RECONVENE IN OPEN SESSION, ANNOUNCE AND RANK FINALISTS
- MAKE SELECTION AND BEGIN NEGOTIATIONS

COMMISSIONERS SHOULD EMAIL THEIR SUGGESTED INTERVIEW QUESTIONS TO MRS. TILTON, BY FRIDAY, JANUARY 30, 5 PM. COMMISSIONER MORRIS, BRADLEY, AND MCCLINTOCK, WILL WORK WITH MRS. TILTON TO FINALIZE THE INTERVIEW QUESTIONS ON MONDAY MORNING. INTERVIEW QUESTIONS WILL NOT BE MADE AVAILABLE TO THE LAW FIRMS IN ADVANCE.

THE INTERVIEW ORDER WILL BE RANDOMLY ASSIGNED BY NDC AND NDC WILL SCHEDULE THE INTERVIEWS WITH THE APPLICANTS. THE INTERVIEWS ARE ANTICIPATED TO BEGIN BETWEEN 7:15 AND 7:30 PM, AND ESTIMATE ABOUT 15 OR 20 MINUTES PER INTERVIEW.

9. Discussion and possible action regarding future agenda items.

MR. JOHNSON ANNOUNCED THAT AT A FUTURE MEETING NDC WILL UPDATE THE COMMISSION ON THE CENSUS BUREAU'S ANNOUNCEMENT THAT THE REDISTRICTING DATA WILL BE RELEASED JULY 30, 2021, AT THE EARLIEST.

10. Discussion and possible action regarding scheduling future meetings.

CONFIRMED THE NEXT MEETING DATES:

- FEBRUARY 1, 2021
- FEBRUARY 22, 2021

ADJOURNMENT – The next meeting is scheduled for Monday, February 1, 2021, at 6:30 p.m.

Agenda Packet Items:

Item 07 Republican Party / Hispanic Chamber letter

Item 08 RFQ for Independent Legal Counsel and Submitted Proposals

January 15, 2021

Office of Santa Barbara County Counsel  
Attn: Anne Rierson, Deputy County Counsel  
105 E. Anapamu Street, Suite 201  
Santa Barbara, CA 93101

Re: Statement of Qualifications and Proposal to Serve as Independent  
Legal Counsel for the County of Santa Barbara Citizens'  
Independent Redistricting Commission

Dear Ms. Rierson:

We are pleased to submit this Statement of Qualifications and Proposal to serve as legal counsel for the County of Santa Barbara Citizens' Independent Redistricting Commission ("Commission"). We believe our qualifications are exceptionally well-suited to the needs of the Commission both in the specialty fields of redistricting and voting rights, including litigation, but also as general counsel and experts in all aspects of election law and the California Political Reform, and with experience advising public entities under the Brown Act and the Public Records Act.

### **PROPOSAL REQUIREMENTS**

**1. Firm Description.** The firm's experience in the field of redistricting and voting rights is extensive. Some of the matters are described below. In the 2011-2012 round of redistricting alone the firm advised over 100 public entities, including redistricting commissions, on all aspects of the redistricting process, state, and federal voting rights law, including the California Voting Rights Act ("CVRA"). In the years since, the firm has continued to advise numerous jurisdictions on questions concerning potential liability under the federal and state Voting Rights Acts and on the process of transitioning from at-large voting to district-based elections, the substantive legal considerations regarding the drawing of the lines, and in litigation. Only one districting plan on which the firm has been redistricting counsel to the public entity has ever been challenged in court. Nielsen Merksamer attorneys,

Anne Rierson, Deputy County Counsel  
County of Santa Barbara  
January 15, 2021  
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including those on the team that would advise the Commission, successfully defended that plan.

Our firm has offices in Sacramento and Marin County with attorneys experienced in redistricting at each location. The team mentioned above is in the Marin County office.

**2. Assigned Personnel.** Our legal team includes Chris Skinnell and Marguerite Leoni, who have a combined 70 years of experience in the fields of redistricting, voting rights and election law and litigation, and Hilary Gibson, also an experienced redistricting/voting rights and election law attorney and an expert in the Political Reform Act. Each member of the team is an active member of the State Bar of California. Mr. Skinnell and Ms. Leoni would jointly serve as the overall lead for the engagement and provide services as Legal Counsel, allocating responsibility for legal tasks so there is no duplication of services. Generally only one would attend Commission meetings.

Bruce L. Adelson, Esq., will consult with the legal team serving the Commission on voting rights and language access issues. Our firm's relevant experience is primarily representing public entities and commissions, as reflected below, including defending them in litigation. Bruce Adelson brings a different perspective. Bruce Adelson is a former Senior Trial Attorney for the U.S. Department of Justice (DOJ), Civil Rights Division Voting Section. He is currently CEO of Federal Compliance Consulting LLC and provides redistricting, federal voting, and election law consulting and litigation services to local and state governments. Bruce has consulted with secretaries of state, state election directors, local jurisdictions and state governments, Native American tribal governments, and public interest organizations concerning federal voting and election law. During his Justice career, Mr. Adelson had national enforcement responsibility for myriad federal laws, including the federal Voting Rights Act. He is also nationally recognized for his expertise in the law and best practice of language access in elections. Mr. Adelson would be available upon request to consult on voting rights and language access issues from the perspective of an experienced Department of Justice voting rights attorney.

**3. Experience.** Starting on page 7 of this letter is a summary of the firm's experience as legal counsel for government entities related to state and federal laws governing redistricting and voting rights since 2000. The

personnel who would be assigned to advise the Commission have been counsel in each one of the listed matters.

In addition to its extensive experience, the firm's redistricting attorneys possess (1) thorough knowledge of GIS systems, (2) training and experience operating such systems to develop redistricting plans, (3) thorough knowledge of demographic data sets used in the redistricting process, and (4) knowledge of the statistical methodology associated with voting rights litigation, all of which enable the firm to more precisely advise its clients on redistricting matters and potential exposure to voting rights litigation.

Of particular importance to its representation of the Santa Barbara County Independent Redistricting Commission, Nielsen Merksamer's redistricting lawyers have perhaps unparalleled experience among California firms with redistricting legislation and commissions. This experience includes:

- **State of Arizona Independent Redistricting Commission:** Ms. Leoni provided legal counsel to the consultant to the Commission concerning all aspects of the 2001 first ever citizen-commission redistricting of the state's Congressional and legislative districts including United States Attorney General preclearance under Section 5 of the federal Voting Rights Act, attending all commission meetings providing legal opinions on all aspects of the process and participating in the litigation successfully defending the Commission's adopted redistricting plan. Notably, Mr. Adelson provided counsel to the Arizona commission in the 2011 round of redistricting.
- **Yes on Proposition 11:** The firm represented the campaign and its major funder to pass Proposition 11, the 2008 ballot measure sponsored by Common Cause, that established an independent commission for redistricting of state legislative offices in California.
- **Yes on Proposition 20:** Again, the firm participated in the drafting of the proposition and represented the proponent of, and campaign for passage of, Proposition 20, the 2010 ballot measure that expanded the duties of Proposition 11's independent commission to redistricting congressional offices in California.
- ***Vandermost v. Bowen*, 53 Cal. 4th 421 (2012):** In this litigation, Ms. Leoni represented the leading proponent of Propositions 11 and 20 as

amicus curiae, addressing breadth of remedies available to the Court in the event that it concluded the Senate Map drawn by the Citizens Redistricting Commission could not be used in 2012 due to a pending referendum petition against the map.

- ***Ariz. Legislature v. Ariz. Independent Redistricting Comm’n*, 576 U.S. 787, 135 S. Ct. 2652, 192 L. Ed. 2d 704 (2015)**: In this litigation in the United States Supreme Court, Mr. Skinnell and Ms. Leoni represented California *amici curiae* concerned about preserving the California Citizens Redistricting Commission on a brief that successfully urged the Supreme Court to reject a challenge to congressional districting by an independent commission, rather than a state’s legislature; the majority opinion quoted (without attribution) a passage from the firm’s brief discussing the original meaning of the term “Legislature” as reflected in founding-era dictionaries.
- ***City of San Diego, California***: In 2011, Ms. Leoni was retained by the City Attorney’s Office as special redistricting and voting rights legal consultant to the City’s independent redistricting commission and provided education concerning voting rights and redistricting law, evaluated and provided legal advice concerning redistricting proposals developed by the Commission, and assisted in the development of the Commission’s final report.

In addition to our work on independent commission matters, the firm has advised clients regarding redistricting plans developed by citizen redistricting advisory commissions in several counties, cities, and school districts, including Tulare County, the cities of Modesto and Stockton, and Visalia Unified School District.

The Nielsen Merksamer redistricting team is also knowledgeable about Santa Barbara County, having worked on districting and redistricting matters for several Santa Barbara County jurisdictions, including the City of Santa Barbara, the City of Santa Maria, the Goleta West Sanitary District, and the Carpinteria Valley Water District. The Nielsen Merksamer team who would represent the Commission are also thoroughly familiar with Santa Barbara County Code section 2-10.9A and the California Elections Code provisions concerning redistricting commissions and supervisorial redistricting. Members of the team participated in the AB 1276 legislative process by



providing expertise to stake holders commenting on the amendments to the redistricting statutes.

**4. Additional Information.** We confirm that our firm does not have any potential conflicts of interest and anyone assigned to provide services under the contract would not be disqualified under Elections Code section 23003 or Santa Barbara County Code sections 2-10.9A(4) or (4)(d)(6).

**5. Fees.** The firm generally charges hourly for its services. It will also consider providing legal services to a client on a retainer basis. An estimate of the expected range of legal fees, exclusive of litigation, is \$150,000.00 – \$175,000.00, with a not-to-exceed amount of \$200,000.00. The firm would charge expenses in accordance with the form contract referenced in the Request for Statement of Qualifications and Proposal to Serve as Independent Legal Counsel for the County of Santa Barbara Citizens' Independent Redistricting Commission.

**6. Form Contract.** We have reviewed the form contract and would propose changes to Section 10, **CONFLICT OF INTEREST**, to provide additional disclosures as set forth in the attached proposed Exhibit D. We would also propose Amending Attachment B-1 to reference the firm's File Retention policy.

### **ESSENTIAL KNOWLEDGE AND ABILITIES**

In addition to the foregoing information, we would like to specifically address the expertise and experience of our firm and the team that would advise the Commission that demonstrates our ability to perform high-level analysis of the legal issues associated with administration of the Commission as well as the redistricting process.

#### **Summary of Election Law and Political Reform Act Experience.**

Nielsen Merksamer attorneys are recognized as being among the foremost experts in election law in California, including the laws governing election administration, election contests and recounts, recall elections, voting systems, and electoral reforms and issues relating to the use of public funds in connection with campaigns and elections. We advise elections officials, individuals, business entities and campaigns with respect to these laws, and

have successfully litigated elections issues at all levels of the state and federal courts, including the United States Supreme Court.

We routinely advise public officials, and those who must interact with them, on the laws governing such interactions, whether it be a question of what events a public official can attend, whether public officials have disqualifying conflicts of interest, and how many of these interactions must be publicly reported.

Nielsen Merksamer attorneys also have expertise representing clients in political law enforcement matters before the Federal Election Commission, state and local ethics commissions including the California Fair Political Practices Commission, and other law enforcement agencies.

#### Litigation.

The Nielsen Merksamer attorneys who would represent the Commission have broad trial and appellate experience and represent the firm's diverse clientele in the courts and before administrative agencies across the state. The firm is a leader in high-stakes litigation, including cases regarding redistricting and the Voting Rights Act (see discussion, below), the interpretation and legality of statutes and agency regulations and the validity of state and local ballot measures. We have represented clients in a broad array of cutting-edge government, regulatory, political, electoral, tax, and constitutional litigation at all levels of the state and federal courts, including the United States Supreme Court, and before administrative agencies.

#### Communication Skills.

Very often our role representing public entities is a very public one. We are called upon to respond to legal questions in open meetings including synthesizing extensive and complex information, and to make presentations in public on legal issues, such as redistricting criteria or the Voting Rights Act. We are experienced and comfortable in these roles and believe we communicate clearly and effectively. We are also comfortable speaking with public officials and the press and routinely assist our public entity clients with press releases and development of effective talking points. We are also skilled editing correspondence for legal correctness and clear presentation of issues. Our other writing skills are excellent, not only legal writing, including litigation briefings and legal opinions, but also written presentations that are readily

Anne Rierson, Deputy County Counsel  
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understandable to the public. We are pleased to provide current references on all of the above.

Summary of Brown Act and Public Records Act Experience.

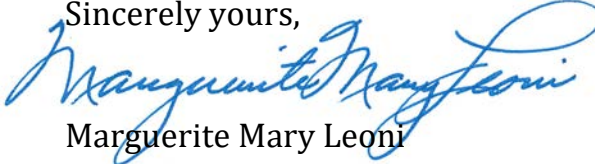
In connection with representation of public entities, the Nielsen Merksamer team who would represent the Commission have gained significant experience with the Brown Act and the Public Records Act, including participating in legal fora on these topics and “role-playing” public meetings to provide practical examples of the application of these laws. Finally, these Nielsen Merksamer attorneys have litigated Brown Act cases.

Experience and Expertise in Redistricting Law and Federal Voting Rights Act and Enforcement.

While at the United State Department of Justice, Mr. Adelson was Lead Attorney monitoring and investigating how cities, counties, and states across the country conduct and administer their elections and comply with federal law and election governance best practices, especially the Voting Rights Act. This involved working closely with election officials at all levels of government and initiating enforcement as appropriate. Mr. Adelson was also Lead Attorney for outreach, enforcement, and investigation of Voting Rights Act Minority Language Election Information programs in Spanish, Vietnamese, Tagalog, and Native American languages in Arizona, New Mexico, New York, Nevada, and Texas

To give a flavor of the breadth of the Nielsen Merksamer’s experience in redistricting and voting rights since 2000, the firm has provided legal representation in the redistricting and voting rights matters described below, starting on Page 8.

Please let me know if you would like additional information or would like any clarifications of the information provided.

Sincerely yours,  
  
Marguerite Mary Leoni

MML/pas

**SELECTED VOTING RIGHTS AND  
REDISTRICTING PROJECTS, 2000-PRESENT\***

**A. REDISTRICTING/VOTING RIGHTS GENERAL COUNSEL AND SPECIAL COUNSEL.**

- **State of Arizona Independent Redistricting Commission:** Represented consultant to the Commission concerning all aspects of the 2001 first ever citizen-commission redistricting of the state's Congressional and legislative districts including United States Attorney General preclearance under Section 5 of the federal Voting Rights Act.
- **Senate of the State of Florida:** Represented the Florida State Senate concerning all aspects of the state's 2001 Congressional and state Senatorial redistricting including United States Attorney General preclearance under the federal Voting Rights Act; special litigation counsel in state and federal courts defending against constitutional and Voting Rights Act challenges to the plans.
- **Merced County, California:** Nielsen Merksamer has represented the County for more than two decades concerning voting rights and elections issues, including United States Attorney General preclearance under Section 5 of the federal Voting Rights Act and voting rights litigation. In both 2001 and 2011, the firm represented the County concerning all aspects of the redistricting of the county's supervisorial districts. As discussed above, following an extensive audit process and successfully defending the County in litigation alleging Voting Rights Act violations (*Lopez v. Merced County*), the firm represented the County in successfully seeking judicial approval of bailout from its Section 5 coverage, making the County the largest jurisdiction to successfully exit Section 5 coverage. *Merced County v. Holder*, Case No. 12-cv-00354-TFH-DST-ABJ (D.D.C. 2012) (three-judge § 5 court) (consent judgment filed Aug. 31, 2012).

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\* Information re the firm's pre-2000 voting rights and redistricting practice can be requested.

- **San Diego County, California:** Represented the County concerning all aspects of the redistricting of the County's supervisorial districts in 2011.
- **Tulare County, California:** Represented the County concerning all aspects of the redistricting of its supervisorial districts in 2001 and 2011 using a citizen advisory commission.
- **Monterey County, California:** Special voting rights counsel to the County regarding its 2011 supervisorial redistricting. Represented the County as special counsel regarding United States Attorney General preclearance of the county's 2001 and 2011 supervisorial redistrictings under the federal Voting Rights Act.
- **Yuma County, Arizona:** Special voting rights counsel to the County regarding its 2011 supervisorial redistricting. Represented the County regarding United States Attorney General preclearance of the county's 2011 supervisorial redistricting under the federal Voting Rights Act.
- **Numerous Cities:** Represented the following cities concerning the redistricting of the cities' councilmanic districts in 2011-2012:
  - *City of Stockton, California:* Represented the City concerning all aspects of the redistricting of the City's councilmanic districts in 2011 using a citizen advisory commission.
  - *City of San Diego, California:* Represented the City concerning voting rights aspects of the redistricting of the City's councilmanic districts in 2011.
  - *City of Elk Grove, California:* In connection with the City's decennial redistricting process, advised the City regarding the move from five councilmanic districts to four districts with a separately-elected Mayor.
  - *City of Compton, California:* Following a vote to adopt by-district elections, advised the City regarding the readjustment of its councilmanic district boundaries based on the 2010 Census.

- *City of Glendale, Arizona*: Represented the City concerning Voting Rights Act compliance—including preparation of Attorney General preclearance submission—in connection with the redistricting of the City’s councilmanic districts in 2011.
- *City of Buckeye, Arizona*: Represented the City concerning Voting Rights Act compliance—including preparation of Attorney General preclearance submission—in connection with the redistricting of the City’s councilmanic districts in 2011.
- *City of Surprise, Arizona*: Represented the City concerning Voting Rights Act compliance—including preparation of Attorney General preclearance submission—in connection with the redistricting of the City’s councilmanic districts in 2011.
- **City of Los Banos, California**: In response to threatened litigation under the California Voting Rights Act, advised the City on a course of action to move to council districts, by submitting a change of electoral system to the voters, which avoided the filing of litigation and resulted in no attorneys’ fees paid to plaintiffs’ counsel.
- The firm has similarly represented the following additional cities in responding to threatened litigation under the CVRA:
  - City of Camarillo
  - City of Chino
  - City of Encinitas
  - City of Fremont
  - City of Hemet
  - City of Kingsburg
  - City of Martinez
  - City of Napa
  - City of Novato
  - City of Ontario
  - City of Orange
  - City of Redlands
  - City of San Rafael
  - City of Santa Rosa
  - City of Santa Maria
  - City of Solana Beach
  - City of Sunnyvale
  - City of West Covina
  - City of Wildomar
  - Town of Yucca Valley
- **City of Modesto, California**: Following litigation under the California Voting Rights, retained to advise the City regarding compliance with federal voting rights law and its commission process for moving to by-district councilmanic elections.

- **City of Atwater, California:** Represented the City seeking preclearance of voting changes under the federal Voting Rights Act.
- **Numerous Community College Districts:** Legal representation concerning redistricting of the district's trustee area boundaries and potential liability under the California Voting Rights Act. Representations included:
  - Coast Community College District
  - Cerritos Community College District (litigation discussed below)
  - Glendale Community College District (voluntary move to trustee areas after litigation, discussed below, was dismissed)
  - Santa Clarita Community College District (litigation discussed below)
  - San Diego Community College District
  - College of the Sequoias
  - Merced College
  - Palomar Community College District
  - State Center Community College District
  - West Hills Community College District
- **San Diego County Board of Education:** Represented the County Board of Education concerning all voting rights aspects of the redistricting of its trustee areas in 2011. The firm has also consulted with this office as the independent County Committee on School District Organization, regarding numerous school districts' proposals to adopt by-trustee area voting and those school districts' proposal for trustee areas.
- **San Diego County School Districts:** represented numerous San Diego County school districts concerning CVRA matters and redistricting:
  - Cajon Valley Union School District
  - Chula Vista Elementary School District
  - Coronado Unified School District
  - Del Mar Union School District
  - Escondido Union High School District
  - Fallbrook Union Elementary District
  - Fallbrook Union High School District
  - Grossmont Union High School District



- Jamul-Dulzura Union School District
  - La Mesa-Spring Valley School District
  - Lakeside Union School District
  - Lemon Grove School District
  - National School District
  - Poway Unified School District
  - San Marcos Unified School District
  - South Bay Union School District
  - Spencer Valley Elementary School District
  - Sweetwater Union High School District
  - Vallecitos School District
  - Valley Center-Pauma Unified School District
- **Tulare County Board of Education:** Represented the County Board of Education concerning all aspects of the redistricting of its trustee areas in 2001 and 2011, including United States Attorney General preclearance under Section 5 of the federal Voting Rights Act. Ongoing representation regarding electoral and voting rights matters.
  - **Tulare County School Districts:** represented more than a dozen school districts concerning CVRA matters and redistricting:
    - Visalia Unified School District (advisory commission)
    - Tulare Joint Union High School District
    - Tulare City School District
    - Porterville Unified School District
    - Lindsay Unified School District
    - Woodlake Public Schools (in connection with unification)
    - Cutler-Orosi Joint Unified School District
    - Monson-Sultana Joint Elementary School District
    - Burton School District
    - Kings River Elementary School District
    - Strathmore Elementary School District
    - Sundale Elementary School District
    - Sunnyside Elementary School District
    - Sunnyside Elementary School District
    - Alta Vista School District
    - Alpaugh Unified School District
    - Buena Vista Elementary School District

- Farmersville Unified School District
  - Liberty School District
  - Columbine Elementary School District
  - Oak Valley Elementary School District
  - Palo Verde Elementary School District
  - Pixley Elementary School District
  - Pleasant View Elementary School District
  - Rockford Elementary School District
  - Terra Bella Union School District
  - Traver Joint Union Elementary School District
  - Waukena Joint Union Elementary School District
- **Fresno County Office of Education:** Ongoing representation advising the County Superintendent regarding potential liability and issues under the California Voting Rights Act.
- **Fresno County School Districts:** represented several Fresno County school districts in moving to trustee areas, to avoid any potential for CVRA liability:
  - Fresno Unified School District (ongoing representation relating to election issues).
  - Firebaugh-Las Deltas Joint Unified School District.
  - Fowler Unified School District.
  - Golden Plains Unified School District.
  - Caruthers Unified School District.
  - West Fresno Elementary School District.
- **Kern County Office of Education:** Advised the County Superintendent regarding potential liability and issues under the California Voting Rights Act.
- **Kern County School Districts:** represented several Kern County school districts concerning CVRA matters and redistricting:
  - Kern Union High School District.
  - Bakersfield City School District.
  - Panama-Buena Vista Union School District
  - McFarland Unified School District
  - Rosedale Union School District

- Greenfield Union School District
  - Fruitvale School District
  - Arvin Union School District
- **Napa County Office of Education:** Advised the County Superintendent regarding potential liability and issues under the California Voting Rights Act.
- **Madera Unified School District:** Represented the school district that had been sued under the California Voting Rights Act in the legal process for moving to by-trustee area elections.
- **Merced Union High School District:** Represented the school district in the process of moving to by-trustee area elections and adjusting its existing trustee area boundaries in time for its 2009 elections.
- **Numerous Other School Districts:** Retained to assess dozens of districts' potential risk of suit and liability under the California Voting Rights Act, and to advise the districts regarding the legal significance of demographic studies commissioned by the districts.
- **Monterey County Office of Education:** Represented the county committee in its consideration of a proposal to change the at-large electoral system of Monterey Peninsula Community College District to by-trustee area elections. Obtained United States Attorney General preclearance of the adopted change.
- **Consolidated Irrigation District:** Represented CID in conducting first redistricting in 80 years in 2001; sought and obtained preclearance of new redistricting plan and dozens of historical annexations. Represented the District in readjusting its director division lines in 2011 following release of the 2010 Census.
- **Santa Clara Valley Water District:** Represented the water district in implementing a redistricting plan pursuant to recently enacted AB 466, and in readjusting its director division lines in 2011 following release of the 2010 Census.
- **Fresno Irrigation District:** Represented this large irrigation district with regard to revising and updating its electoral system in compliance

with federal and state redistricting and voting rights laws in 2001, and in readjusting its director division lines in 2011 following release of the 2010 Census.

- **Santa Clara County Open Space Authority:** Represented the District in readjusting its director division lines in 2011 following release of the 2010 Census.
- **Other Special Districts:** Advised numerous special districts in establishing director divisions in response to threatened litigation under the California Voting Rights Act including, among others, Carpinteria Valley Water District and Central Contra Costa Sanitary District.
- **Yes on Proposition 11:** Represented the campaign including for preclearance of Proposition 11, the 2008 ballot measure that established an independent commission for redistricting of state legislative offices in California.
- **Yes on Proposition 20:** Represented the proponent and the campaign including drafting, legal analysis and preclearance of Proposition 20, the 2010 ballot measure that expanded the duties of Proposition 11's independent commission for redistricting to congressional offices in California.
- **California Administrative Office of the Courts:** Represented the AOC in obtaining United States Attorney General preclearance for the unification of California's trial courts. The firm also obtained preclearance of statewide constitutional and statutory amendments (Proposition 220, Proposition 191, S.B. 2139) and the Rules of Court enabling trial court unification. Also, obtained United States Attorney General preclearance of the unification of the superior and municipal courts of Monterey and Kings Counties.
- **Redistricting & Voting Rights Counsel** to numerous other counties, boards, college districts, school districts, water districts in California and Arizona for redistricting and voting rights advice, including among others the City of Rancho Mirage, City of Hanford, City of Reedley, City of Surprise, AZ, Alta Irrigation District, Riverdale Unified School District,

Twin Rivers Unified School District, and Kings Canyon Unified School District, among others.

**B. LITIGATION.**

- ***Higginson v. Becerra*, No. 19-1199 (U.S. 2017):** Filed brief *amicus curiae* on behalf of six California cities supporting review of the constitutionality of the California Voting Rights Act by the United States Supreme Court.
- ***Robles v. City of Ontario*, Case No. DS2007038 (San Bernardino County Super. Ct. filed 2020):** Currently defending the City's determination to move to district-based voting starting in 2022, following the release of new Census data.
- ***Sanchez v. City of Martinez*, Case No. C-18-02219 (Contra Costa County Super. Ct. filed 2018):** Successfully represented city in defense of its redistricting plan, adopted under the "safe harbor" of the California Voting Rights Act, against a claim that the map considered improper criteria.
- ***Southwestern Voter Registration & Educ. Project v. City of Orange*, Case No. 30-2019-01051924-CU-CR-CJC (Orange County Super. Ct. filed 2019):** Represented City in defense against claim under the CVRA and districting process) which settled with the City's commencement of the districting process.
- ***Salas v. City of Palm Desert*, Case No. PSC-1903800 (Riverside County Super. Ct. filed 2019):** Representing the City in action under the California Voting Rights Act and in adoption of council district lines.
- ***Southwestern Voter Registration & Educ. Project v. City of Camarillo*, Case No. 56-2018-00522031-CU-CR-VTA (Ventura County Super. Ct. filed 2018):** Represented City in defense against claim under the CVRA, which settled after City had not adopted council districts.
- ***Bethune-Hill v. Va. State Bd. of Elections*, \_\_ U.S. \_\_, No. 18-281 (2019):** Filed brief *amicus curiae* brief arguing in favor of the standing of legislators to defend a redistricting plan when the State's governor and/or attorney general decline to do so.

- ***No. Carolina v. Covington*, 583 U.S. \_\_, 138 S. Ct. 974 (2018)**: Filed brief *amicus curiae* on behalf of multiple states' chief elections officials concerning logistical issues relating to last-minute injunctions against districting plans.
- ***Luna v. County of Kern*, Case No. 1:16-cv-00568-DAD-JLT (E.D. Cal. filed Apr. 22, 2016)**: Represented the County of Kern, California, in defending against a challenge to its 2011 supervisorial districts under Section 2 of the federal Voting Rights Act.
- ***Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. \_\_, 137 S. Ct. 788, 197 L. Ed. 2d 85 (2017)**: Filed brief *amicus curiae* on behalf of political scientists concerning techniques for identifying racially polarized voting in a case concerning the legal standard for determining whether race predominated in the drawing of Virginia's legislative districts.
- ***Jaramillo v. City of Fullerton*, Case No. 30-2014-007375780-CU-CR-CJC (Orange Co. Super. Ct. filed 2014)**: Advised city on voting rights aspects of settlement of litigation under the CVRA.
- ***Ariz. Legislature v. Ariz. Independent Redistricting Comm'n*, 576 U.S. 787, 135 S. Ct. 2652, 192 L. Ed. 2d 704 (2015)**: Represented former California Governors Deukmejian, Wilson and Schwarzenegger; the California Chamber of Commerce; Charles Munger, Jr.; and Bill Mundell, as *amici curiae* on a brief that successfully urged the Supreme Court to reject a challenge to congressional districting by an independent commission, rather than a state's legislature; the majority opinion quoted (without attribution) a passage from the firm's brief discussing the original meaning of the term "Legislature" as reflected in founding-era dictionaries.
- ***Vandermost v. Bowen*, 53 Cal. 4th 421 (2012)**: Represented Charles T. Munger, Jr., the leading proponent of Propositions 11 and 20, as *amicus curiae*, addressing the possible remedies that the Court could employ in the event that it concluded the Senate Map drawn by the Citizens Redistricting Commission could not be used in 2012 due to a pending referendum petition against the map.
- ***Jauregui v. City of Palmdale*, Appeal Nos. B251793 & B253713 (Cal. Ct. App. 2d Dist.)**: Retained following entry of trial court's July 23, 2013

order finding liability under the California Voting Rights Act, to represent the City in connection with the remedial stage of trial court proceedings, and on appeal. The case ultimately settled and an amended judgment entered.

- ***Banales, et al. v. City of Santa Barbara, Case No. 1468167 (Santa Barbara Superior Court filed July 29, 2014)***: Represented City of Santa Barbara in defense of suit challenging at-large electoral system under CVRA; settled prior to trial, resulting in adoption of district-based elections and redistricting by independent commission.
- ***Melliz v. City of Bellflower, Case No. 551555 (Los Angeles Super. Ct. filed July 14, 2014)***: Represented the City of Bellflower in defense of suit challenging at-large electoral system under CVRA; settled, resulting in adoption of a proposed district map, and placing the questions of changing to district-based elections on the ballot.
- ***Diego v. City of Whittier, Case No. BC517363 (Los Angeles Super. Ct. filed Aug. 5, 2013)***: Represented the City of Whittier in defense of suit challenging at-large electoral system under the CVRA, and on appeal from trial court order in favor of City dismissing action after City implemented district-based elections through the political process.
- ***Soliz v. Santa Clarita Community College District, Case No. BC512736 (Los Angeles Super. Ct. filed June 20, 2013)***: Represented Santa Clarita Community College District in defense of suit challenging at-large electoral system under CVRA. This case settled on the eve of trial. The firm advised the District on subsequent implementation of the settlement agreement and the adoption of trustee areas.
- ***Soliz v. City of Santa Clarita, Case No. BC512735 (Los Angeles Super. Ct. filed June 20, 2013)***: Represented the City of Santa Clarita in defense of a suit challenging at-large electoral system under CVRA; as part of the settlement process, successfully litigated complicated issues relating to the viability of cumulative voting as a remedy under the California Voting Rights Act.
- ***Avitia v. Tulare Local Healthcare District, Case No. 07-224773 (Tulare County Super. Ct. 2007)***: Represented the individual board members, named as defendants in their official capacities in an action



under the California Voting Rights Act alleging that the healthcare district's at-large electoral system was illegal under the Act. Successfully opposed a motion for preliminary injunction and summary judgment and conducted extensive expert discovery. This case settled the Friday before opening statements to commence trial.

- ***Moreno v. City of Anaheim*, Case No. 30-2012-00579998-CU-CR-CXC (Orange Co. Super. Ct. filed June 28, 2012):** Represented the City of Anaheim in defense of a suit challenging at-large electoral system under CVRA. The City settled the case by agreeing to submit the issue of district-based voting to the City's electorate. Following approval of district-based voting by the electors, our firm advised the City in connection with the districting process.
- ***Pinto v. Glendale Community College District*, Case No. BC490354 (Los Angeles Co. Super. Ct. filed Aug. 15, 2012):** Represented the District (as co-counsel with the District's general counsel firm) in defense of suit challenging at-large electoral system under CVRA. The suit was ultimately dismissed.
- ***Gonzalez v. City of Compton*, Case No. BC450494 (Los Angeles Co. Super. Ct. filed Dec. 2, 2010):** Represented City in defense of a suit challenging from-district electoral system under CVRA. Successfully opposed a motion for preliminary injunction and summary judgment, and conducted extensive expert discovery. After the case was mooted by a public vote to adopt by-district elections, represented the City in successfully mediating plaintiffs' demand for attorneys' fees resulting in an award of less than a third of the demand. The firm also represented Compton in its subsequent redistricting process.
- ***Chavez v. Cerritos Community College District*, Case No. BC470595 (Los Angeles Super. Ct. filed Sept. 27, 2011):** Represented the District in opposing an action under the California Voting Rights Act; moving to trustee area elections; and negotiating an attorneys' fee award of approximately 1/3 the amount demanded by plaintiffs.
- ***Gomez v. Hanford JUHSD*, Case No. 04C0294 (Kings County Super. Ct. 2004):** Represented the school district and Kings County Board of Education in defense of one of the very first actions under the California Voting Rights Act, negotiating a very favorable settlement of the action.

- ***Brown v. Bowen*, Case No. 12-cv-05547-PA-SP (C.D. Cal. 2012):** Represented Californians to Defend the Open Primary, the Independent Voter Project, former Lt. Governor Abel Maldonado, and David Takashima, in successfully seeking intervention and in defending against challenges to Proposition 14, the Top Two Open Primary Act, based on the U.S. Constitution and Section 2 of the federal Voting Rights Act.
- ***Lopez v. Merced County*, Case No. 06-CIV-01526-OWW-DLB (E.D. Cal. filed Oct. 27, 2006):** Successfully opposed motions for TRO and preliminary injunction seeking to enjoin the certification of municipal election results in November 2006 under Section 5 of the federal Voting Rights Act. *Lopez v. Merced County*, 473 F. Supp. 2d 1072 (E.D. Cal. 2007). Successfully moved to dismiss first amended complaint on jurisdictional grounds, *Lopez v. Merced County*, 2007 U.S. Dist. LEXIS 44426 (E.D. Cal. June 8, 2007), and successfully moved for summary judgment on the second amended complaint based upon plaintiffs' lack of standing to challenge historical polling place changes. *Lopez v. Merced County*, 2008 U.S. Dist. LEXIS 3941 (E.D. Cal. Jan. 16, 2008).
- ***Merced County, Cal. v. Holder*, Case No. 1:12-cv-00354-TFH-DST-ABJ (D.D.C.) (three-judge § 5 court) (consent judgment and decree filed Aug. 31, 2012):** Represented the County of Merced in successfully obtaining "bailout" from its obligations under Section 5 of the federal Voting Rights Act, making it the largest jurisdiction ever to obtain bailout.
- ***Alta Irrig. Dist., Cal. v. Holder*, Case No. 1:11-cv-00758-RJL-DHG-PLF (D.D.C.) (three-judge § 5 court) (consent judgment and decree filed July 15, 2011):** Represented the District in successfully obtaining "bailout" from its obligations under Section 5 of the federal Voting Rights Act, making it the first jurisdiction in California ever to obtain bailout.
- ***Shelby County, Alabama v. Holder*, 570 U.S. 529, 133 S. Ct. 2612, 186 L. Ed. 2d 651 (2013):** On behalf of Merced County, filed an amicus brief in the Supreme Court in this challenge to Section 5's constitutionality, pre-emptively defending the County's recent bailout from anticipated attack on the basis that the Department of Justice improperly permitted the bailout as part of a strategy to save Section 5.

- ***League of United Latin Am. Citizens v. Perry*, 548 U.S. 399 (2006):** Filed an *amicus curiae* brief in the U.S. Supreme Court, successfully urging the Court to reject plaintiffs' claim that the 2003 legislative redistricting in Texas was invalid because mid-decade redistricting is *per se* unconstitutional.
- ***Hernandez v. Merced County*, Case No. 03-CV-06147-OWW-DLB (E.D. Cal. filed Aug., 25, 2003) & *Gallegos v. State of California*, Case No. 03-CV-06157-OWW-DLB (E.D. Cal. filed Aug. 25, 2003):** Represented the County of Merced in successfully defending against a lawsuit seeking to enjoin the conduct of the 2003 gubernatorial recall election and related statewide ballot measures under Section 5 of the federal Voting Rights Act.
- ***United States v. Upper San Gabriel Valley Muni. Water Dist.*, Case No. 00-CV-07903-AHM-BQRx (C.D. Cal. filed 7/21/2000):** Represented the district in defending a lawsuit brought by the United States Department of Justice under Section 2 of the federal Voting Rights Act to enjoin elections and compel interdecennial redistricting. Defeated a motion for a preliminary injunction after which the case was dismissed with prejudice.
- **City of Vista:** Represented the City in an investigation and threatened litigation by the United States Department of Justice concerning a possible violation of Section 2 of the federal Voting Rights Act arising from the City's at-large electoral system. By taking a multifaceted approach to the defense, including instituting a parallel investigation that demonstrated that the legal standards under Section 2 could not be met, the Department of Justice terminated its investigation.
- ***Lopez v. Monterey County*, 525 U.S. 266 (1999); *Lopez v. Monterey Cty.*, NO. C-91-20559-RMW (EAI), 1997 U.S. Dist. LEXIS 23769 (N.D. Cal. Dec. 19, 1997):** Represented the Monterey County Municipal Court in obtaining preclearance of the consolidation of the municipal and justice courts. The firm also represented the municipal courts in a related enforcement action under Section 5 of the Voting Rights Act and in the United States Supreme Court.

**C. PUBLICATIONS AND PRESENTATIONS:**

Recent publications and presentations by Nielsen Merksamer attorneys on voting rights and redistricting issues include:

- Skinnell, Presentation, “2021 Redistricting is Here—and the Rules Have Changed Again,” LEAGUE OF CAL. CITIES - CITY CLERKS NEW LAW & ELECTIONS SEMINAR (Dec. 18, 2020) (with Dr. Douglas Johnson, Shalice Tilton, and Elio Salazar)
- Leoni & Skinnell, Presentation, “CLE Brown Bag Webinar: 2021 Redistricting – What County Counsel Needs to Know,” COUNTY COUNSEL’S ASSN. OF CAL. (Dec. 17, 2020) (with Dr. Douglas Johnson)
- Leoni, Moderator and Panelist, “Timeline and Public Records Requirements,” ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT, CONFERENCE: 2021 REDISTRICTING: NEW RULES FOR LOCAL GOVERNMENTS (Sept. 17, 2020) (with Shalice Tilton, Randi Johl, and Neal Kelley).
- Skinnell, Moderator and Panelist, “Criteria for Redistricting,” ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT, CONFERENCE: 2021 REDISTRICTING: NEW RULES FOR LOCAL GOVERNMENTS (Sept. 17, 2020) (with Dr. Justin Levitt and Nicolas Heidorn, Esq.)
- Skinnell & Welch, Presentation, “Redistricting After 2020 Census,” MUNI. L. INSTITUTE/BAR ASSN. OF SAN FRANCISCO (Mar. 6, 2020) (with Dr. Douglas Johnson)
- Leoni & Skinnell, Presentation, “2020-2021 California Redistricting: A Legal and Legislative Update,” COUNTY COUNSEL’S ASSN. OF CAL., MEETING & ROUNDTABLE OF COUNTY COUNSEL LEGAL ADVISORS TO COUNTY ELEC. OFFICIALS (Jan. 17, 2020)
- Skinnell, Presentation, “Redistricting 101 for Municipalities,” LEAGUE OF CAL. CITIES - CITY CLERKS NEW LAW & ELECTIONS SEMINAR (Dec. 12, 2019).
- Leoni & Skinnell, Webinar, “Local Redistricting in California in 2021: The Same... But Different,” ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT (Nov. 7, 2019) (with Dr. Justin Levitt).
- Leoni & Skinnell, Webinar, “The California Voting Rights Act: A Revolution in Local Governance,” ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT (Oct. 24, 2019) (with Dr. Douglas Johnson).

- Skinnell, *Presentation: 2020 Census and Redistricting*, STATE L. RES. GROUP (Sept. 20, 2019).
- Skinnell, Panelist, *Partisan Gerrymandering: 2019 Update*, AM. BAR ASSN. YOUNG LAWYERS DIV. ANNUAL MEETING (Aug. 9, 2019).
- Skinnell, *Presentation: District Elections*, SANTA CLARA & SAN MATEO COUNTIES/CITIES JOINT MANAGERS MEETING (June 13, 2018).
- Skinnell, *Presentation: Taking Voter Equality Seriously: What Does "One-Person, One-Vote" Really Mean?*, ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT (Nov. 17, 2015).
- Leoni, *Presentation, The California Voting Rights Act: Understanding Your City's CVRA Options: 2015 Update*, LEAGUE OF CALIFORNIA CITIES: 2015 ANNUAL CONFERENCE (Oct. 1, 2015).
- Skinnell & Leoni, "Victory for California Voters, Too," THE LOS ANGELES DAILY JOURNAL (July 10, 2015) (article analyzing the impact of the Supreme Court's ruling in *Arizona Legislature v. Arizona Independent Redistricting Commission*).
- Skinnell, *Presentation (Online Seminar)*, *Arizona Legislature v. Arizona Independent Redistricting Commission: Supreme Court Addresses the Future of Redistricting Reform in America*, PRACTISING LAW INSTITUTE (July 10, 2015).
- Skinnell, *Presentation, Who Draws the Lines? Will the Supreme Court Strike Down Independent Redistricting Commissions?*, ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT (Apr. 6, 2015) (Moderator).
- Skinnell & Leoni, *Guest Post: Response by Merced County's Section 5 Lawyers to J. Christian Adams's Article*, ELECTION LAW BLOG, ELECTIONLAWBLOG.ORG (Dec. 3, 2013).
- Leoni, *Presentation, The California Voting Rights Act*, LEAGUE OF CALIFORNIA CITIES CITY MANAGERS DEPT. MEETING (Jan. 29, 2015).
- Skinnell, *Webinar: The Supreme Court's Shelby County & the Future of Voting Rights Enforcement*, PRACTISING LAW INSTITUTE (July 12, 2013).
- Leoni & Skinnell, *Chapter 12: The California Voting Rights Act*, AMERICA VOTES! A GUIDE TO MODERN ELECTION LAW AND VOTING RIGHTS (Am. Bar Assn. 2d ed. 2012).

- Skinnell, *Presentation, Redistricting: Court Challenges & Legal Issues*, THE COUNCIL ON GOVERNMENTAL ETHICS LAWS ANNUAL CONFERENCE (Dec. 5, 2011).
- Leoni & Skinnell, *Presentation, Redistricting Litigation: State & Local*, CAL. ASSN. OF CLERKS & ELECTED OFFICIALS' ANNUAL CONFERENCE (July 19, 2011).
- Skinnell, *Presentation, Section 203 of the Federal Voting Rights Act*, CAL. ASSN. OF CLERKS & ELECTED OFFICIALS' ANNUAL CONFERENCE (July 19, 2011).
- Leoni, *Presentation, Redistricting 2011: Legal Overview & Practical Considerations*, CAL. COUNTY COUNSELS' ASSN CONFERENCE (Apr. 14, 2011).
- Skinnell, *Presentation, Commuter Flight: Participating In Local Redistricting*, CAL. REDISTRICTING ALLIANCE: REDISTRICTINGCA CONF. (Mar. 31, 2011).
- Skinnell, *Presentation, Redistricting Essentials: 2011 Redistricting & Local/Special Districts*, LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK (Jan. 20, 2011).
- Leoni, *Presentation, Voting Rights Law & Redistricting 2011*, ROSE INSTITUTE: CHANGES AND CHALLENGES FACING THE (CAL.) CITIZENS REDISTRICTING COMMISSION (Dec. 2010).
- Skinnell, *Presentation, Redistricting Law 2011: The same . . . but different*, NAT'L CONFERENCE OF STATE LEGISLATURES: FALL FORUM (Dec. 11, 2009).
- Leoni & Skinnell, *Presentation, The California Voting Rights Act: Developing Jurisprudence*, CALIFORNIA SCHOOL BOARDS ASSOCIATION: ANNUAL 2009 EDUCATION CONFERENCE & TRADE SHOW (Dec. 4, 2009).
- Leoni & Skinnell, *Presentation, The California Voting Rights Act: Developing Jurisprudence*, LEAGUE OF CALIFORNIA CITIES: 2009 CITY CLERKS NEW LAW & LEADERSHIP CONFERENCE (Dec. 3, 2009).
- Leoni, *Presentation, Redistricting Law 2011*, ROSE INSTITUTE: REDISTRICTING, THE 2000 CENSUS, AND YOUR BUDGET (Oct. 15, 2009) (Marguerite served as the co-chair of this conference on local redistricting).
- Skinnell, *Presentation, The California Voting Rights Act: Developing Jurisprudence*, ROSE INSTITUTE: REDISTRICTING, THE 2000 CENSUS, AND YOUR BUDGET (Oct. 15, 2009).

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- Leoni, *Presentation, Trends in Redistricting for 2011*, CALIFORNIA POLITICAL ATTORNEYS ASSOCIATION (Sept. 12, 2009).
- Leoni & Skinnell, *The California Voting Rights Act*, PUB. L. J. (CAL. STATE BAR) 15 (Spr. 2009).
- Leoni & Skinnell, *School Districts & the California Voting Rights Act*, CAL. SCHOOLS MAGAZINE 9 (Spr. 2009).



## BIOGRAPHIES

**MARGUERITE MARY LEONI** is a partner of the firm, whose practice focuses on legal counseling and civil litigation relating to voting rights and redistricting, school district reorganizations, campaign, government and initiative/referendum law, and complex issues pertaining to elections administration. Her practice includes both advising clients on these matters as well as trial and appellate practice.

Marguerite has represented numerous state agencies, municipalities, counties, school districts and other special districts on districting, redistricting, voting rights and electoral matters, including unique expertise in the California Voting Rights Act. She has assisted in all phases of voting rights and redistricting cases including design of redistricting plans, the public hearing process, analysis of proposed alternatives, enactment procedures, referenda, districting and redistricting, preparing and advocating preclearance submissions to the U.S. Department of Justice when required, and defending federal and state court litigation concerning the legality of electoral systems under the federal constitution and Voting Rights Act. Marguerite represented California's Administrative Office of the Courts on federal Voting Rights Act issues and electoral questions pertaining to trial court unification in California. She also represented the Florida Senate in designing that state's 2002 Senate and Congressional districts, Voting Rights Act preclearance, and in defending against ensuing state and federal court challenges. She also provided legal counsel to the consultant to Arizona's Independent Redistricting Commission for the 2001 redistricting of state legislative and congressional seats. Marguerite represented clients in the United States Supreme Court in several voting rights/ redistricting cases including *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. 787 (2015); *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788 (2017); and *No. Carolina v. Covington*, 138 S. Ct. 974 (2018); *Lopez v. Monterey County*, 525 U.S. 266 (1999) (see *Lopez v. Monterey Cty.*, NO. C-91-20559-RMW (EAI), 1997 U.S. Dist. LEXIS 23769 (N.D. Cal. Dec. 19, 1997)).

Marguerite graduated from the University of California, Berkeley, where she earned both Bachelor of Arts and Master of Arts degrees. In 1981, she received her law degree from the University of California, Hastings College of the Law. She was on the editorial staff of the Hastings Law Journal to which she was selected for academic achievement. She has published articles about Voting Rights Act issues and is a frequent panelist on redistricting and voting rights issues.

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**CHRIS SKINNELL** is a partner of the firm and its general counsel. His practice focuses on law and civil litigation relating to redistricting and voting rights matters, elections, state and local initiative and referendum law, campaign finance compliance and litigation, lobbying compliance and government ethics, and general constitutional and government law issues.

Chris has extensive experience with redistricting and voting rights matters, from the legal, academic and technical perspectives. He has advised scores of counties, cities, school districts and special districts on compliance with state and federal laws governing redistricting; has counseled many additional public entity clients regarding the requirements of the federal Voting Rights Act and the California Voting Rights Act; has represented public entity defendants in several leading VRA and CVRA cases; and has represented *amici curiae* in several significant voting rights and redistricting cases before the United States Supreme Court, including: *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399 (2006); *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. 787 (2015); *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788 (2017); and *No. Carolina v. Covington*, 138 S. Ct. 974 (2018).

Chris has also published and lectured extensively on voting rights and redistricting, including serving as a guest lecturer on these topics at Claremont McKenna College. Prior to law school, Chris worked as the lead researcher and demographic consultant on numerous redistricting and voting rights projects at the Rose Institute of State and Local Government, and also served as the technical/GIS consultant on several municipal redistricting projects.

Chris graduated *magna cum laude* from Claremont McKenna College and received his law degree from the University of Chicago Law School, where he served as the Editor-in-Chief of the *University of Chicago Legal Forum*.

In 2019 and 2020, Chris was selected as a *Northern California Super Lawyer*, having previously been named a Rising Star five times, from 2013-2017. He was the subject of a feature article in the 2020 edition of *Super Lawyer* magazine entitled "[The Electioneer](#)." Only the top 5 percent of all attorneys in California are named as Super Lawyers. They are selected through peer nominations and evaluations along with third-party research.

*Sacramento* magazine selected Chris for inclusion in its list of Top Lawyers of 2015. Attorneys were selected for inclusion on the list through a survey of Sacramento-area attorneys conducted for *Sacramento* magazine by Professional Research Services.

**HILARY GIBSON** is a partner in the firm's Bay Area office. She advises clients on a wide variety of election law, government law, and voting rights matters, including litigating complex and novel issues arising in these areas of law.

Ms. Gibson has worked extensively with the firm's voting rights practice over the past decade. She was integral to Nielsen Merksamer's historic bailout of Merced County from coverage under Section 5 of the Federal Voting Rights Act and worked with the U.S. Department of Justice to address a variety complex issues related to that process. As a member of the firm's litigation practice, Ms. Gibson has assisted in the firm's representation of public entity clients in numerous voting rights act cases, and in that context, has developed expertise in the legal requirements of both the California and Federal Voting Rights Acts. She has worked closely with leading demographics and statistical consultants, and has experience reviewing, interpreting, and analyzing statistical and demographic data as it pertains to the redistricting process. Ms. Gibson is also an expert in election law and political reform legislation including conflict of interest laws and regulations.

Ms. Gibson also frequently advises both public agencies and private entities on issues within her area of expertise. She works with public agencies primarily on specialized matters such as redistricting, voting rights, and questions related to measures appearing on the ballot, but also by providing routine guidance on public transparency laws such as the Brown Act, the Public Records Act, and the Political Reform Act.

Ms. Gibson is currently serving as general counsel to the San Diego County Independent Redistricting Commission.

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 301-762-5272  
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Licensed in:  
 DC, MD, MI, VA (inactive)

Bruce Adelson  
 Attorney at Law

**Voting and Election Law Expertise**

Bruce Adelson is a former Senior Trial Attorney for the U.S. Department of Justice (DOJ), Civil Rights Division Voting Section. He is currently CEO of Federal Compliance Consulting LLC and provides redistricting, federal voting, and election law consulting and litigation services to local and state governments. Bruce has consulted with secretaries of state, state election directors, local jurisdictions and state governments, Native American tribal governments, and public interest organizations concerning federal voting and election law.

Bruce is the consulting and/or testifying expert in federal and state lawsuits alleging violations of multiple federal laws, such as The Voting Rights Act of 1965 and Americans with Disabilities Act. Bruce is the Voting Rights Act expert for the Arizona Independent Redistricting Commission.

During Bruce's DOJ career, his responsibilities included serving as:

- Lead Attorney for election investigation, observation, and monitoring in New York City and various municipalities and counties in Illinois, Mississippi, Georgia, California, Pennsylvania, Arizona, Texas, and New Mexico. He led DOJ's New York City election team on 9/11.
- Lead Attorney monitoring and investigating how cities, counties, and states across the country conduct and administer their elections and comply with federal law and election governance best practices, especially the Voting Rights Act. This involved working closely with election officials at all levels of government and initiating enforcement as needed, such as against the State of Michigan pursuant to UOCAVA.
- DOJ's Team Leader for the Department's Nationwide Voting Rights Complaint Hotline on Election Day;
- Team Leader for DOJ's review of Arizona's 2002 and 2003 legislative redistricting plans, Arizona's 2002 Congressional redistricting plan, New York City's 2003 City Council redistricting plan, Phoenix's 2002 City Council redistricting plan, redistricting plans for several counties, parishes, special districts, and cities in Texas, Alabama, Arizona, Mississippi, Louisiana, and South Carolina, and many other statewide and local voting changes across the United States.

- Part of DOJ's first ADA polling place compliance enforcement program, which included assessing individual polling places, developing DOJ's first ADA polling place checklist, and educating election officials about the ADA.
- Lead Attorney for outreach, enforcement, and investigation of Voting Rights Act Minority Language Election Information programs in Spanish, Vietnamese, Tagalog, and Native American languages in Arizona, New Mexico, New York, Nevada, and Texas.

### **Federal and State Litigation – Expert Witness**

#### **Voting and Election Law Examples**

- *Harris v. Arizona Independent Redistricting Commission*, No 14-232, 578 U.S. \_\_\_\_ (2016). Bruce Adelson is the Voting Rights Act expert for the Arizona Independent Redistricting Commission. He was the consulting expert in litigation challenging the Commission's legislative redistricting plan at trial before a three-judge court and on direct appeal to the U.S. Supreme Court. The three-judge court upheld the Commission's redistricting plan and endorsed Bruce's advice to the Commission. *Harris*, 993 F.Supp.2d 1042 (D. Ariz., 2014). In April 2016, the U.S. Supreme Court unanimously upheld the plan's legality. In part, the Court held that when a state or local government draws a redistricting plan that keeps population deviations below 10%, the map is presumptively legal when "the population deviations were primarily a result of good-faith efforts to comply with the Voting Rights Act."
- *Nick, et al., v. City of Bethel, et al.*, Case No., 3:07-CV-00098-TMB, (D. Alaska). Defendant State of Alaska designated Bruce Adelson as its testifying and consulting expert in this case where plaintiffs alleged violations of the Voting Rights Act's Section 203 minority language requirements for Alaska Native languages. Bruce assisted the State with enhancing its Section 203 program. The case settled before trial.
- Bruce was the undisclosed consulting expert for a State in a Voting Rights Act Section 2 case where state law provided that a metropolitan charter cannot be adopted unless approved by both a majority of the qualified voters residing in the principal city in the county and a majority of the qualified voters residing outside the principal city in the county. This is referred to as the dual-majority voting requirement. In this case, the principal city has a major Black population. The U.S. District Court granted summary judgment for the State.
- *Gray et al v. St. Louis City Board of Election Commissioners*, Case No. 4:16-cv-01548 (E.D. Mo., 2016). Bruce Adelson was the consulting expert for two blind voters who sued the St. Louis Board of Election Commissioners. The Court granted plaintiffs' Motion for a Temporary Restraining Order and ordered that local election officials "make touch-screen voting machines with audio and all other accessible voting technology available for persons with disabilities during the absentee voting period for the November 8, 2016 election." Recognizing the primacy of federal disability access law and blind voters' preference for touch-screen voting, the Court held that "... if disabled Missourians are denied the use of talking voting machines during the current absentee period, they

will suffer irreparable harm in the form of a restriction on their fundamental voting rights.”

- *State v. Linda Jane Minyard and State v. Michael Edwin Minyard*, Maricopa County Superior Court CR 2016-002415-001 and CR 2016-002416-001. State of Arizona prosecuted the Minyards for felony voter fraud and voting in elections in two states. Bruce Adelson was the testifying voting and elections law and Department of Justice expert for the Minyards. The case settled before trial. Defendants pleaded no contest to the lowest relevant misdemeanors.

### **Election Consultation Post-DOJ**

- Nevada Secretary of State – Comprehensive federal voting and election law consultation, including NVRA, Voting Rights Act, HAVA, and UOCAVA, observation of federal primary election polling place practices in several Nevada counties, and best practices recommendations.
- Washington Secretary of State – Voting Rights Act Section 203 minority language requirements and coverage for State of Washington and local jurisdictions.
- Colorado Secretary of State – Voting Rights Act Section 203 minority language requirements and coverage for State of Colorado and local jurisdictions.
- Arizona Secretary of State – various provisions of the Voting Rights Act, including Section 203, Section 11(b) voter intimidation, and Sections 5 and 2 for redistricting.
- Alaska Lieutenant Governor and Director of Elections – Voting Rights Act Section 203 Alaska Native language requirements and Voting Rights Act Section 2 concerning redistricting.
- Arizona Governor and Department of Economic Security – NVRA Section Seven settlement with DOJ. Bruce conducted an in-house assessment and investigation and assisted Arizona in settlement negotiations with DOJ. The settlement is here: <https://www.justice.gov/crt/agreement-between-united-states-department-justice-and-arizona-department-economic-security>

### **Additional Federal Voting and Election Law Consultations**

Confidential consultations with additional secretaries of state, state election directors, statewide election commissions, and local jurisdictions concerning redistricting, the Voting Rights Act, U.S. Constitution, HAVA, UOCAVA, NVRA, ADA polling place accessibility, and ADA website compliance for voting, voter registration, and elections.

Arizona Independent Redistricting Commission  
 Arizona Attorney General  
 The Navajo Nation  
 Hopi Tribe  
 State of Hawaii  
 City and County of Honolulu  
 Colorado Municipal League  
 Arizona League of Cities and Towns  
 National Association of State Election Directors  
 National Association of County Recorders and Clerks  
 National Association of Counties  
 International Municipal Lawyers Association  
 New Mexico County Clerks Association  
 Idaho Association of Counties  
 Texas District and County Attorneys Association  
 The Election Center  
 Washington State Association of County Auditors  
 State of Michigan  
 MALDEF  
 SPLC

**Redistricting:**

State of Arizona  
 City of Globe, Arizona  
 City of Phoenix, Arizona  
 Allegan County, Michigan  
 Yavapai County, Arizona  
 Pinal County, Arizona  
 Gila County, Arizona  
 Mohave County, Arizona  
 Greenlee County, Arizona  
 Graham County, Arizona  
 Navajo County, Arizona  
 Western Arizona Vocational Education District  
 Gila Community College, Arizona  
 Ford County, Kansas  
 Multiple confidential jurisdictions – states, counties, and municipalities

**Higher Education**

Instructor of Family Medicine, Department of Family Medicine, Georgetown University School of Medicine

Adjunct Professor of Law, University of Pittsburgh School of Law

Guest Voting and Election Law Speaker and Lecturer: Auburn University, Harvard University,



and University of Baltimore School of Law

## **EXHIBIT D (Conflicts of Interest)**

COUNTY acknowledges that ATTORNEY's law firm represents many clients who participate in the governmental and political process, primarily in California, but also nationwide. Also, since 1975, Nielsen Merksamer has represented thousands of clients in dealing with, and/or litigating for or against, various governmental agencies and complying with federal, state and local political laws, and ATTORNEY is accepting new engagements all the time. It is virtually inevitable that ATTORNEY will work on projects for other clients having different governmental or political objectives, beliefs or views from COUNTY.

Additionally, ATTORNEY performs a variety of professional services for its clients, including general counsel matters, litigation, legislative advocacy, regulatory law, political and strategic advice, coalition building, fundraising, and ballot measure and PAC compliance (including preparing federal, state or local disclosure forms). It is certainly possible, even likely, that ATTORNEY will represent these and future clients on matters that may or will be adverse in some way to COUNTY's interests, but which are not directly related to the matters for which COUNTY are retaining ATTORNEY.

Further, ATTORNEY represents or has represented the City of Santa Barbara, Carpinteria Valley Water District, the Goleta West Sanitary District, the City of Santa Maria, and Californians for Energy Independence whose governmental or political interests are, or in the future may be, contrary to COUNTY's. COUNTY acknowledges that ATTORNEY has discussed these matters with COUNTY, and COUNTY confirms that COUNTY does not object to ATTORNEY's representation of clients on matters where their governmental or political objectives and/or positions may be different from, or adverse to, COUNTY's, that COUNTY does not object to ATTORNEY's representation of such clients on such matters, and that COUNTY waives any conflict that arises with any of the above listed clients so that ATTORNEY may continue to represent their interest(s). COUNTY further agrees that COUNTY will not assert any conflict of interest concerning such representation or attempt to ATTORNEY from representing such clients, notwithstanding such adversity.

Needless to say, these acknowledgments and waivers do not permit ATTORNEY, without COUNTY's written consent, to represent another client in opposing the specific project for which COUNTY has engaged us.

In addition, COUNTY acknowledges the independence of the Citizen's Independent Redistricting Commission pursuant to Chapter 2, Article II, Section 2-10.9A, of the Code of the County of Santa Barbara ("Measure G") and, on behalf of the Board of Supervisors, expressly waives any conflict that may arise under Measure G between the interests of the Board of Supervisors and the interests of the Citizen's Independent Redistricting Commission. The Board of Supervisors shall not attempt to disqualify ATTORNEY under Measure G.

ATTORNEY'S representation is of COUNTY's Citizen's Independent Redistricting Commission itself, not of its individual members, officers, employees, staff or agents, and this letter is not intended to, and does not, create any legal relationship between this law firm and such individuals.

**The scope of this engagement does not confer "consultant" (as defined in Regulations of the California Fair Political Practices Commission 18701(a)(2)) status on any of the attorneys and**

other firm personnel providing services for COUNTY; therefore, ATTORNEY not subject to the public disclosure requirements as a "public official" under COUNTY's conflict of interest code.

ATTORNEY may send or receive documents or other information that is covered by the attorney-client or work product privileges, or is otherwise confidential, using external electronic communication ("EC") (via the internet or other network). EC is not an absolutely secure method of communication. By signing the engagement letter, COUNTY acknowledges and accepts the risk in EC communication, and authorizes ATTORNEY to use EC means to communicate with COUNTY and others necessary to effectively represent COUNTY. If there are certain documents with respect to which COUNTY wishes to maintain absolute confidentiality, COUNTY must advise ATTORNEY in writing not to send them via EC and ATTORNEY will comply with COUNTY's request.

# SCOTT J. RAFFERTY

## ATTORNEY AT LAW

1913 WHITECLIFF COURT  
WALNUT CREEK CA 94596

(202)-380-5525  
RAFFERTY@GMAIL.COM

January 15, 2021

Citizens' Independent Redistricting Commission

Santa Barbara County

[redistricting@countyofsb.org](mailto:redistricting@countyofsb.org)

c/o [arierson@co.santa-barbara.ca.us](mailto:arierson@co.santa-barbara.ca.us)

Dear Commissioners:

It would be an honor to serve as the Commission's legal counsel. I see the role of the Commission's attorney as focused on maintaining not only compliance with state and federal voting rights law, but also having primary responsibility to uphold the high level of transparency and integrity that is essential to fulfill the Commission's mandate. In addition to the responses set forth in the request for proposal, this proposal details my lifetime commitment to voting rights, my academic qualifications, my bipartisanship, and my recent support for the creation of single-member districts. These proceedings are essential to incorporate minority neighborhood into local political life, but they are the first encounter that a jurisdiction and its public have with drawing district boundaries. My experience and knowledge of administrative law is also important because a central challenge that the Commission faces is to achieve truly full and bipartisan representation of Santa Barbara County, while maintaining strict compliance with conflict-of-interest restrictions.

In recent years, I have worked with five of the state's leading demographers in helping jurisdictions comply with the California Voting Right Act (CVRA). In this capacity, I have learned that engaging and achieving the acceptance of the entire community is as important as the integrity of the map that ultimately results. (I have never represented, nor ever been approached to represent, voters contesting at-large election systems in any Santa Barbara County jurisdiction.)

I propose to take personal responsibility for this engagement. I will not delegate.

### Lifelong Commitment to Voting Rights

In high school, I worked for Secretary of State March Fong Eu in her successful challenge to the California at-large election of delegates to the Democratic National Convention. As a college student, I collected original government documents and interviewed senior government officials involved in civil rights policy making and litigation prior to the Voting Rights Act of 1965. My undergraduate thesis, Building the Consensus: Civil Rights and the Kennedy Administration, and these archival materials are on deposit with my papers at the John F. Kennedy Presidential Library. I

performed statistical analysis regarding the first ten years of the 1965 Act for the Urban League, Joint Center, and other advocates for the 1975 extension. I lobbied with them to apply the law to language minorities and extended preclearance to parts of California. Civil rights, including prevention of police brutality, mortgage redlining, and employment discrimination were the focus of other projects archived at the Kennedy Library that continued through law school. My college and law school classmate, Justice Sonya Sotomayor, recalls my reaction to discrimination against her and assesses my subsequent career, in her memoir, My Beloved World (at 191):

I marveled at the courage that Scott Rafferty had shown in taking my side without hesitation. It meant giving up a plum job that he had been looking forward to... His disillusionment [with racially discriminatory remarks] did nothing to advance the start of his career, but it signaled a measure of integrity that would remain evident over a distinguished career in public service.

Voting rights are the foundation for all other rights in our society. My commitment to protect and expand these rights has continued on a pro bono basis. For seven years, I represented the rights of veterans in Preminger v. Principi and Preminger v. Secretary of Veterans Affairs, to register and vote in VA nursing homes. In Bridgeman v. Shelley, I advocated for the right of enlisted men and other citizens overseas to cast a secret ballot. In 2014, I advocated for the due process rights of voters who mail ballot signatures had been rejected, and managed the 2018 signature cure in Congressional District 21. Last year, I drafted the attached amicus letter that Dolores Huerta sent to the California Supreme Court in support of the CVRA.

#### Academic Qualifications and Political Bipartisanship

As noted in the attached resume, I graduated summa cum laude from the Princeton University and from Yale Law School. While I was a graduate student at the School of Public and International Affairs (formerly Woodrow Wilson School), I was awarded a Rhodes Scholarship to Balliol College, Oxford. While I prepared my doctoral dissertation, I worked with members of all three major British parties on the privatization of British Telecom (BT). The BT Unions Committee published portions of my dissertation, comparing American congressional policy-making with the British system, which had been more partisan.

I am also proud of my ability to support members of Congress in bipartisan legislation while I was majority (Democratic) counsel to the House Telecommunications Subcommittee during and following the divestiture of AT&T. I represented two Democratic and two Republican members in a pivotal brief to the court revising the AT&T consent decree. I also drafted the Telecommunications for the Disabled Act, overcoming initial opposition by the Reagan Administration to achieve near unanimity in both Houses. This law was the first implementation of “reasonable accommodation” that became the basis for the Americans with Disabilities Act.

Upon request, I will supply references from both sides of the aisle to testify to my ability to assist legislators in bipartisan initiatives.

#### Administrative Law and Quantitative Skills

For much of my career, I have worked for state government agencies as an expert witness in utility rate cases. I designed the cost allocation system that was implemented by many state regulatory commissions to prevent utilities from cross-subsidizing competitive activities. The statistical theory and calculation in these cases is, in my view, at least as complex as the analyses that underlying redistricting. One of the skills that I developed was an ability to explain these complex calculations to the public and to commissioners, even while being accountable to very technical cross-examination. I was the lead witness for the New York Attorney General in an affiliate transactions scandal that led to what was at the time the largest disallowance and ratepayer refund in the history of telecom regulation.

During the Obama Administration, I served as deputy director of the Administrative Conference of the U.S. (ACUS), so I have an extensive knowledge of relevant principles of administrative law, particularly as regards transparency. ACUS is a collaborative including private and academic experts, as well as the general counsel of each federal department and independent agency. ACUS commissions studies in support of recommendations to make federal agency processes more fair and efficient. I managed our projects on the federal Sunshine Act, electronic records management, e-FOIA, and third-party certification. Our work on electronic rulemaking established best practices for soliciting and processing large volumes of public input.

I recently settled a Section 2 case involving West Contra Costa Unified School District, which involved creating what appears to be the first independent commission to redistrict a school district in the U.S. This exercise confronted compliance with many of the issues that this Commission faces – effective ex parte principles, demonstration of compliance with conflict-of-interest standards, transparency and accessibility in receiving and process public input, and effective outreach.

#### Lessons Learned from Working with Our State's Leading Demographers

The role of your legal counsel should not only be to ensure technical compliance with the redistricting principles and requirements, but also to assure that the full range of considerations advocated by the public and assessed by the Commissioners is effectively presented and reflected in the map proposals that the demographer prepares and presents. It have been my honor to work with some of the state's best demographers over the past three years. I wanted to highlight some of their special strengths.

Michael Wagaman/Wagaman Strategies

Dublin San Ramon Services District

This process created two majority-Asian divisions in a water/wastewater district whose directors were concentrated in the established part of Dublin. It also dealt with state and federal detention facilities.

Douglas Johnson/NDC

Folsom-Cordova USD

Historically, wealthier Folsom had dominated the more diverse and needy communities of Rancho Cordova, twice purging the Board of any representation. The Board both ethnic and geographic balance in 2018; Dr. Johnson skillfully preserved equity and true representation.

Paul Mitchell/Redistricting Partners

Napa

Mr. Mitchell's hallmark is his easy manner and his ability to engage and process public input. Using low-tech placemats, his Napa workshops achieved some of the best engagement of all communities that I have seen.

Karin McDonald

Antioch

Karin insisted on a Saturday morning gathering with coffee-and-donuts that really helped bring this community together. Her staff was able to recalculate suggestions from the audience and to project maps in real time.

Larry Ferchaw/Cooperative Strategies

Mt Diablo USD

Larry's great contribution in this school district was to recognize that maximizing Latino voting strength, as traditionally imagined, was less important than creating a trustee area for the emerging Latino immigrant community, who had very distinct needs. Mt Diablo's board now has a representative of parents who had been disengaged and poorly understood, despite the diligence and empathy of the at-large members, two of whom sacrificed their re-election to achieve this goal.

### Conclusion

Redistricting is an opportunity for Santa Barbara County to examine changes in its people, its communities, and the interests that bind them together. The role of your legal counsel should not be to draw maps or establish priorities. It should be to facilitate the effective exchange of ideas, to maintain procedural integrity, and to ensure that the final map complies the basic standards of state and federal law. But the output is not simply a political map. There is a larger enterprise: an opportunity for the county to examine and define itself. I bring a panoply of skills and experience to facilitate this process.

Thank you for your consideration. It would be an honor to serve.

Sincerely,



A handwritten signature in black ink that reads "Scott Rafferty". The signature is written in a cursive, flowing style.

Scott J. Rafferty

Attachments:

Responses to RFP Questions

Resume

Amicus Letter for Dolores Huerta, describing history and purpose of single-member districts

Presentation to Contra Costa County Committee on School District Organization



## RAFFERTY RESPONSES TO RFP QUESTIONS:

### 1. Firm Description.

I am a solo practitioner that has been active in election law issues for many years. My main office is in Walnut Creek, California.

### 2. Assigned personnel

I would expect to engage in this activity personally.

### 3. Experience

Most recently, I have represented groups of electors from classes that are protected in petitions to comply with the California Voting Rights Act pursuant to Section 10010 of the Elections Code, and in litigation under the CVRA and Section 2 of the Federal Voting Rights Act of 1965. These actions have sought to promote the conversation of at-large election systems to elect by single-member constituency.

### 4. Additional information

I am not disqualified under Section 23003 or the provisions of the Santa Barbara County Code.

### 5. Fees

I would propose to bill at an hourly rate of \$300 per hour, which is substantial below my normal rate. I understand that I may not bill travel time, but would incur expenses to the extent that the engagement required personal appearances in Santa Barbara County. I anticipate at least two such trips. Assuming the engagement involves not more than 450 hours, I would commit not to exceed \$100,000, exclusive of expenses. I expect to absorb normal office expenses.

### 6. Form Contract

I have read and accept the contract terms.

I will provide references upon request.

## Scott J. Rafferty

1913 Whitecliff Ct  
Walnut Creek CA 94596

Direct: (202) 380-5525  
[rafferty@gmail.com](mailto:rafferty@gmail.com)

### PROFILE:

- *Extensive experience as a management consultant, attorney and regulatory economist*
- *Pioneered use of disclosure, market-based incentives, and statistical surveillance to improve regulatory enforcement and increase government transparency*
- *Proven leader and manager of interdisciplinary teams in the public and private sectors*

### EDUCATION:

#### Oxford University (Balliol College)

**Rhodes Scholar** (1977); **D.Phil.** (1986)

“Legislative Reform of the Telecommunications Industry: United States and Great Britain”

Concentration: Regulatory economics

#### Yale Law School

**J.D.** (1979)

Concentration: Civil rights, regulation and labor law

#### Princeton University, Woodrow Wilson School

**A.B.** (1976)

*Summa cum Laude, Phi Beta Kappa, Wilson School Thesis Prize*

Thesis: “Building the Consensus: The Civil Rights Division in the Kennedy Administration”

50 trimester-hours graduate credit to M.P.A. degree in Urban Economics

### PROFESSIONAL EXPERIENCE:

**Law Offices of Scott Rafferty** Washington DC, Mountain View, Walnut Creek CA (2002 - 2010)

**Practice specializing in Voting Rights, Information Technology, Regulation, and Public Advocacy**

#### Accomplishments

- Voting Rights. Represent minority electors in actions to create single-member constituencies in jurisdictions that elect at-large.
  - Facilitated voluntary compliance in Napa, Richmond, Antioch, Brentwood, Concord, San Ramon, San Ramon Valley USD, Washington USD, Mt Diablo USD, Antioch USD, Napa Valley USD, West County Wastewater District, Dublin San Ramon Services District.
  - Settled litigation against West Contra Costa USD, creating majority Latino trustee area and first independent redistricting commission for a school district.
- As Director of Litigation for Citizens for Responsibility and Ethics in Washington, refocused litigation strategy to extend federal recordkeeping and FOIA/Privacy Act requirements to electronic documents
  - Briefed successful litigation to preserve and disclose White House visitor records;
  - Developed techniques to scan large FOIA requests for key content, facilitating web publication;
  - Achieved declassification of Kennedy-era civil rights records at the National Archives and their release for digitization.
- As Executive Director for Peninsula Ratepayers Association, represented utility consumers before the California Public Service Commission
  - Prevented Pacific Gas & Electric from using bankruptcy to preempt state regulation, avoiding substantial rate increases;
  - Built coalition with environmental groups to negotiate transfer of PG&E watershed lands from bankruptcy estate to nonprofit conservation entities;

- Persuaded regulators to allow Voice Over Internet (VOIP), advocating disclosure as the primary means to enforce service quality.
- Enforced voting rights by working with state election officials and through litigation
  - Succeeded in challenging state legislation requiring soldiers to waive ballot secrecy if they participated in electronic ballot transmission program run by DoD contractor;
  - Challenged Veterans Administration policies that interfered with voter registration at homeless shelters, nursing homes, and recreational areas where veterans live;
  - Directed voter protection in Montana 2006 election which ultimately resulted in change in control of U.S. Senate;
  - Strengthened California recall requirements through federal injunction action.

***Deputy Director for Research and Policy, Administrative Conference of the United States (federal agency), Washington DC (2010 - 2012)***

- Managed consultants and attorney-advisers who conduct work in connection with the Conference's research and policy projects.
- Supported the Conference Committee on Administration and Management, keeping its chair and members informed on current research.
- Organized project into E-FOIA and electronic publication of federal legal materials, including the use of copyrighted materials in rules and guidance
- Digitized 1200 historic ACUS studies into best practices in administrative procedure at no cost to government.
- Served as Designated Federal Officer at Conference Plenary Session and committee meetings, advising on compliance with Federal Advisory Committee Act
- Performed research into collaborative regulatory enforcement, including self-regulatory organizations and privately funded inspections
- Managed project into third-party certification
- Organized conference on e-Rulemaking with Brookings, identifying innovations at state and federal agencies
- Organized interagency workshops on online dispute resolution, case management, and immigration adjudication.
- Recovered and organized 400,000 pages of archival materials

**Senior Director, Business Development, SiRF Technology, San Jose, CA** (10/2000-2/2002)  
**Built business and regulatory alliances for SiRF, which made leading-edge GPS chipsets for mobile telephones and consumer products**

**Accomplishments**

- Successfully defended federal regulation mandating 911 location technologies in all new mobile phones;
- Created competitive advantage with proactive corporate commitment to user security and privacy by preventing abuse of location data;
- Built technology-sharing alliance with chipset customer;
- Performed economic analysis of GPS deployment, showing effect of delay in E-911 mandate;
- Developed cross-licensing framework to protect against potential patent and antitrust claims while negotiating access to critical software.

***I had no defined hours, but worked substantially in excess of 40 hours a week. My salary was \$120,000 plus extensive stock options.***

**Director, Aerie Group, Washington DC** (5/1992-11/2000)

**Accomplishments**

- Managed UN project to prepare state enterprises in Vietnam for privatization;
- As economic consultant to twelve states, designed regulations to introduce telecom competition, and promote broadband penetration, privacy, security, universal service, and service quality;
- Performed statistical analysis to show that the cable industry was not yet subject to effective competition, leading the incoming Clinton-Gore Administration to revise deregulatory rules;
- Created nationwide database (by zip code and telephone exchange) of consumer economic and demand variables and penetration of broadband and wireless services to enable members of telephone company trade association to target broadband deployment and cross-selling initiatives;
- Conducted or managed utility audits using quantitative statistical techniques to assess procurement practices and service quality;
- Implemented franchise auction for provider-of-last-resort obligation in rural Hawaii;
- Designed cost allocation accounting methodologies for utilities, which state commissions adopted and federal legislation incorporated;
- Advised national political committee on internet strategy;
- Testified before state legislatures and regulatory commissions in rulemaking and adjudicatory proceedings;
- Built internal skills of state agencies to research and testify in regulatory hearings; managed teams of economists and lawyers in complex regulatory proceedings; taught continuing professional education to regulatory CPAs

**Director of Telecommunications, Maryland Public Service Commission, Baltimore MD** (9/1990-5/1992)  
**As agency's first director, build and led staff to regulate telephone carriers**

**Accomplishments:**

- Designed Maryland broadband plan, evaluating opportunities for telemedicine, distance education, and content delivery;
- Managed statistical audit of affiliate transactions, using electronic discovery tools;
- Served as state representative to federal-state joint board on accounting separations;
- Enforced compliance with consumer safeguards, including privacy and service quality;
- Launched self-regulation of payphones that improved enforcement and saved state costs.

***Principal, Rafferty Consulting, Washington DC***

(1987-90)

***Accomplishments***

- Achieved \$965 million reduction in NY Tel rates, as well as “bubble up” compliance system and corporate restructuring to promote efficiency and ethical contracting;
- Consultant on privatization to first industry minister in post-communist Poland;
- Developed telecom job creation program for Irish Development Agency
- Performed economic evaluation of pioneering Prodigy electronic service; proposed modifications to business plan;
- Created security accounting tools to identify waste and fraud for telecommunications firms.  
*My revenues depended upon contracts.*

***NYNEX-TELCO Research, Washington DC (5/1986 -1/1987)***

***Managing Director and Senior Vice President***

***Accomplishments***

- Managing director of 120-employee software development firm; ensured employees were appropriately appraised and rewarded;
- Led team of 15 engineering and economic consultants who performed network planning and optimization and analyzed telecom markets for equipment and service suppliers;
- Restored consulting practice to profitability in less than 6 months, at which point legal restrictions forced NYNEX to leave this line of business.

***Senior Associate, McKinsey & Company, Washington DC and London, UK***

(1983-86)

***Accomplishments***

- Created plan for Dutch government to open telecom market to competition;
- Achieved \$85 million in cost reductions while maintaining technical synergies and positive management culture for telecommunications client; restructured major regional electrical utility company to enhance business accountability;
- Saved over 500 jobs and improved commercialization of research through Bell Labs re-organization;
- Specialized in organizational change to support changing business strategies;
- Led client teams to quantify post-merger staff needs;
- Created separate subsidiary structure for electric utility to enter competitive telecommunications and power management businesses, providing regulatory transparency and business synergies;
- Designed and implemented job development program for Republic of Ireland;
- Helped create exploration and development strategy for major European energy firm;
- Performed financial valuations of telecommunications companies.

***Counsel, House Subcommittee on Telecommunications, Energy and Commerce Committee  
Washington DC***

(1981-1983)

***Accomplishments***

- Represented committee members in *U.S. v. AT&T*, achieving 13 modifications to consent decree;
- Developed and prepared policy for increasing competition in U.S. telecommunications markets;
- Drafted AT&T divestiture bill and other laws relating to the telecommunications industry, including the Telecommunications for the Disabled Act;
- Co-authored detailed statistical analysis of competition and market penetration for each telecom market (“Technology in Transition”);
- Organized numerous hearings into telecom competition, privacy, and data protection.
- My salary was \$46,000. I had no defined hours, but worked substantially more than 40 hours a week.



***Associate, O'Melveny and Myers, P.C., Washington DC and Los Angeles CA*** (5/1979-81)

- Specialized in antitrust and securities litigation, including all phases of discovery and trial, including depositions and motion practice.
- Managed regulatory compliance in a major telecom merger;
- Developed regulatory strategies for Fortune 100 corporations;
- Handled all aspects of condemnation appeals before the General Accounting Office;
- Successfully defended auto manufacturer in recall proceeding;
- Represented airline industry in proceedings to reduce operations at National Airport.

***BAR ADMISSIONS***

Admitted to practice in California and District of Columbia; federal Northern District of California, and Second, Fifth, Ninth, Eleventh, D.C., and Federal Circuit Courts of Appeal.

***PROFESSIONAL ACTIVITIES***

President, Princeton Club of Northern California, 2002-2005

Co-Chair, Oxford-Cambridge Committee of Northern California, 2002-2005

Program Chair, Tshwane (South Africa)-Washington DC Sister City Committee

Parish Council President, St. George Greek Orthodox Church, Bethesda MD, 1997-1999

Board member, Meals on Wheels, 2017-2019

***PREPARED TESTIMONIES AND OTHER PUBLICATIONS***

"Legislative Reform of the Telecommunications Industry in the United States and Great Britain," Ph.D. dissertation, Oxford University 1986.

The American Experience: The Dilemma of Telecommunications in the United States," Libra Press (U.K.), 1983.

Telecommunications in Transition: The Status of Competition in the Telecommunications Industry, Report by the Majority Staff of the Subcommittee on Telecommunications and Consumer Protection and Finance, U.S. House of Representatives Energy and Commerce Committee, Committee Print 97-V (GPO 86-058) November 1981. (I am the principal author of the introduction and pp. 55-2834 and co-author of pp. 29-54).

"Realizing Congress's Promise of Effective Rate Regulation for Cable TV Consumers," September 28, 1983 (The Wall Street Journal commissioned this report, which resulted in a front page article and the substantial changes to FCC regulations)

"Southern Republicanism," Annals of the American Academy of Political and Social Sciences (1975) (citation pending) (a statistical analysis of the impact of the Voting Rights Act).

"Proceedings of the Fifth Annual Homeland Security Law Institute," 35 *Administrative & Regulatory Law News* 29 (2010).

"Proceedings of the Fourth Annual Homeland Security Law Institute," 34 *Administrative & Regulatory Law News* 28 (2009).

"Building the Consensus: Civil Rights and the Department of Justice 1961- 1963," senior thesis, Woodrow Wilson School, Woodrow Wilson School Thesis Prize, Aaron Austin Godfrey Thesis Prize.

“FDA is Moving too Slow To Promote Private Inspections,” *Food Safety News*, September 6, 2013.

“Third-party Certification of Food Imports,” Food & Drug Administration, 2011-N-0146, September 2013.

“Enhancing the Competitiveness of the American Standards System,” Office of Management & Budget, 2012-0003, October 8, 2012.

“Comment – Third-Party Programs,” Administrative Conference of the United States, October 8, 2012.

“Incorporation by Reference,” National Archives and Records Administration,” May 2012.

“Analyzing New York Telephone Company’s Request for Relief from the Rate Moratorium,” New York Public Service Commission No. 28961, January 11, 1990.

“Transactions Between New York Telephone Company and Unregulated Affiliates of NYNEX Corporation,” New York State Department of Law, New York Public Service Commission No. 90-C-0912, June 1990.

“The Impact of Transactions with Unregulated Affiliates on the Regulated Rates of New York Telephone Company,” New York State Department of Law, New York Public Service Commission No. 90-C-0912, July 1990. (This report was the focus of a front-page story by the Wall Street Journal on July 12, 1990).

“State Regulatory Jurisdiction over Voice-Over-Internet Telephony,” California Public Service Commission I-0402007, June 7, 2006.

“Protecting Ratepayers During the Bankruptcy of PG&E,” California Public Service Commission I-0204026, December 11, 2003.

“Opening Report for the Workshop on Competition in Telecommunications,” Arizona Corporations Commission, January 14, 1994.

“Comments on Competition in Telecommunications,” Arizona Corporations Commission (Residential Utilities Consumer Office), July 21, 1994.

“Incremental Cost and Telephone Calling Area Design,” Arizona Corporations Commission E-1051-93-183 (Residential Utilities Consumer Office), May 26, 1994.

“Rate Design for US West,” Arizona Corporations Commission E-1051-93-183 (Residential Utilities Consumer Office), March 14, 1994.

“Reforming the Universal Service Fund,” Arizona Corporations Commission (Residential Utilities Consumer Office), October 26, 1994.

“Making Retroactive Adjustments to Rates,” Arizona Corporations Commission E-1051-93-183 (Residential Utilities Consumer Office), October 26, 1994; additional comments filed July 3, 1996.

“Designing Alternative Regulation in Telecommunications,” Public Advocate, Delaware Public Service Commission Case No. 33, May 26, 1992; further comments filed June 22, 1993.

“Cost Methodology for Alternative Dialing Plans, Public Advocate, Delaware Public Service Commission Case No. 92-47, February 15, 1993.

“Competition in Long-Distance Telephony,” Public Advocate, Delaware Public Service Commission Case No. 42, November 2, 1994.

“Revenue Requirement and Reform in Rate Design to Reflect Competition, Public Advocate, Delaware Public Service Commission Case No. 92-47, January 15, 1993.

“Reforming the Structure of Regulated Telecommunications Utilities,” Florida Public Service Commission No. 920255-TL, June 1, 1992.

“Planning for the Entry of Competition,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 7702, March 24, 1995.

“Using Auction Mechanisms to Reallocate Utility Franchises,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 7702, April 5, 1995.

“Managing Competitive Entry,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 7702, May 12, 1995.

“Maintaining the Quality of Rural Telephone Service,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 94-0346, June 28, 1994.

“Regulating New Operator Service Providers,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 94-0144, June 5, 1995, further comments, January 16, 1996.

“Calculating the Cost of Capital and Revenue Requirement for Hawaiian Telephone Company,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission

“Criteria for Awarding a Certificate of Public Convenience and Necessity,” Hawaii Department of Business, Economic Development & Tourism, Hawaii Public Service Commission No. 94-0093, November 14, 1994.

“Regulatory Reform Proposals Before the Illinois Legislature,” Conference Committee of the Illinois Legislature, May 3, 1992.

“Compensation for ‘Dial-Around Calls’ from Payphones,” Maryland Public Service Commission, Case No. 8585, April 19, 1993.

“Designing a Cost Allocation System for Regulated Telecommunications Utilities,” Maryland Public Service Commission, Case No. 8333, April 21, 1991.

“Implementing a Cost Allocation System for Regulated Telecommunications Utilities,” Maryland Public Service Commission, Case No. 8333, May 10, 1991; further comments, May 17, 1991.

“Toward a More Competitive Telecommunications Infrastructure for the State of Maryland,” Maryland Public Service Commission, Case No. 8388, November 7, 1991.

“Setting Payphone Rates in a Competitive Environment,” Michigan Public Service Commission U-10282, December 15, 1993.

“Evaluating Price Caps as a Form of Alternative Regulation,” New Jersey Division of Ratepayer Advocate, New Jersey Board of Public Utilities No. T09030358, Sept. 21, 1992.

“Analyzing the Impact of Price Cap Regulation on Regulated Service Quality,” New York Public Service Commission No. 92-C-0665, August 10, 1994.

“Proposing Alternatives to Rate-of-Return Regulation for the Western Reserve Telephone Company,” Ohio Consumers’ Counsel, Public Utility Commission of Ohio No. 93-230-TP-ALT, November 8, 1993.

“Proposing Alternatives to Rate-of-Return Regulation for the Cincinnati Bell Telephone Company,” Ohio Consumers’ Counsel, Public Utility Commission of Ohio No. 93-432-TP-ALT, March 3, 1994.

“Evaluating the Reasonableness of a Rate Settlement Proposed for the Western Reserve Telephone Company,” Ohio Consumers’ Counsel, Public Utility Commission of Ohio No. 92-1525-TP-CSS, January 28, 1994.

“Reforming the System of Cost Allocation and Jurisdictional Separations in the Face of Competitive Entry,” Ohio Consumers’ Counsel, Public Utility Commission of Ohio No. 92-1525-TP-CSS, August 25, 1993.

“Setting Rules for Competitive Entry,” Utah Department of Commerce, Utah Public Service Commission No. 94-2202-01, December 1, 1995.

“Is Regulation of Rates and Quality of Service Appropriate for Residential ISDN,” Utah Department of Commerce, Utah Public Service Commission, July 15, 1996.

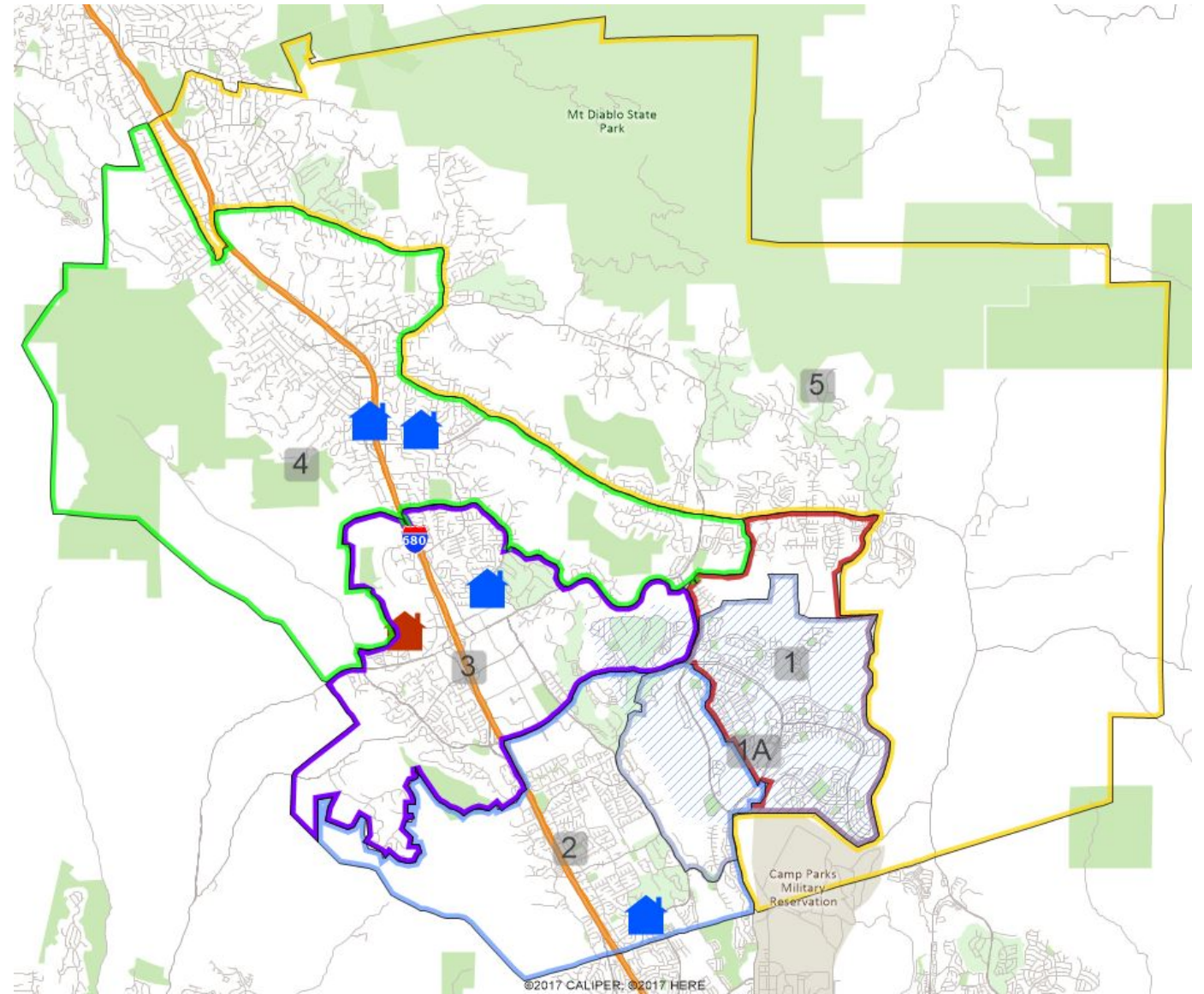
“Developing a System of Cost Allocation for Regulated Utilities,” West Virginia Public Service Commission No. 90-424-T-PC, September 1992.

“Implementing West Virginia’s New Cost Allocation Methodology,” West Virginia Public Service Commission No. 90-424-T-PC, January 14, 1992.

# San Ramon Valley Unified School District

Voting Rights Act Compliance  
County Committee on School  
Board Organization

Presentation of Bay Area Voting  
Rights Initiative  
March 11, 2019





# Our request – continue this hearing

- We are 478 days before SRVUSD's deadline to submit this map.
- None of the 4 maps comply with the federal Voting Rights Act because each combines parts of Dougherty Valley with high-turnout white neighborhoods (and includes their incumbent). This merely entrenches at-large incumbents and perpetuates the illegal effects of winner-take-all. There must be a trustee area based exclusively in Dougherty Valley or nearby neighborhoods with similar demographics.
- Map 102 mixes high-turnout West Danville (and its incumbent) with portions of DV to create an artificial trustee area that is 51% Asian. It is hard to imagine a less coherent area. Indeed the stated purpose of this gerrymander is to perpetuate the status quo.
- Connecting the incumbent to DV requires Area 3 to have 20% more population than non-minority areas. This is only possible by “blindly using” stale census data that fails to count more than > 10,000 Asians who have arrived over the past decade. This violates federal Section 2, Education Code 5019.5(a), and Ninth Circuit caselaw on the 14<sup>th</sup> Amendment. [see [endnote 1](#)]
- SRVUSD has misled the public and this Committee by altering [Res. 51-18/19](#), which stated its original instructions to the demographer. The commitment to adjust the stale census data to achieve actual equality of population was a basis for all public content. The U-turn shows that SRVUSD's attorney and demographer know the law, but are willing to deny it.
- **Therefore, the Committee should continue this hearing to allow SRVUSD to discuss with the Asian community how to create a Dougherty Valley seat, either in 2020 or in 2022, that will provide a truly equal opportunity to elect its candidate of choice.**

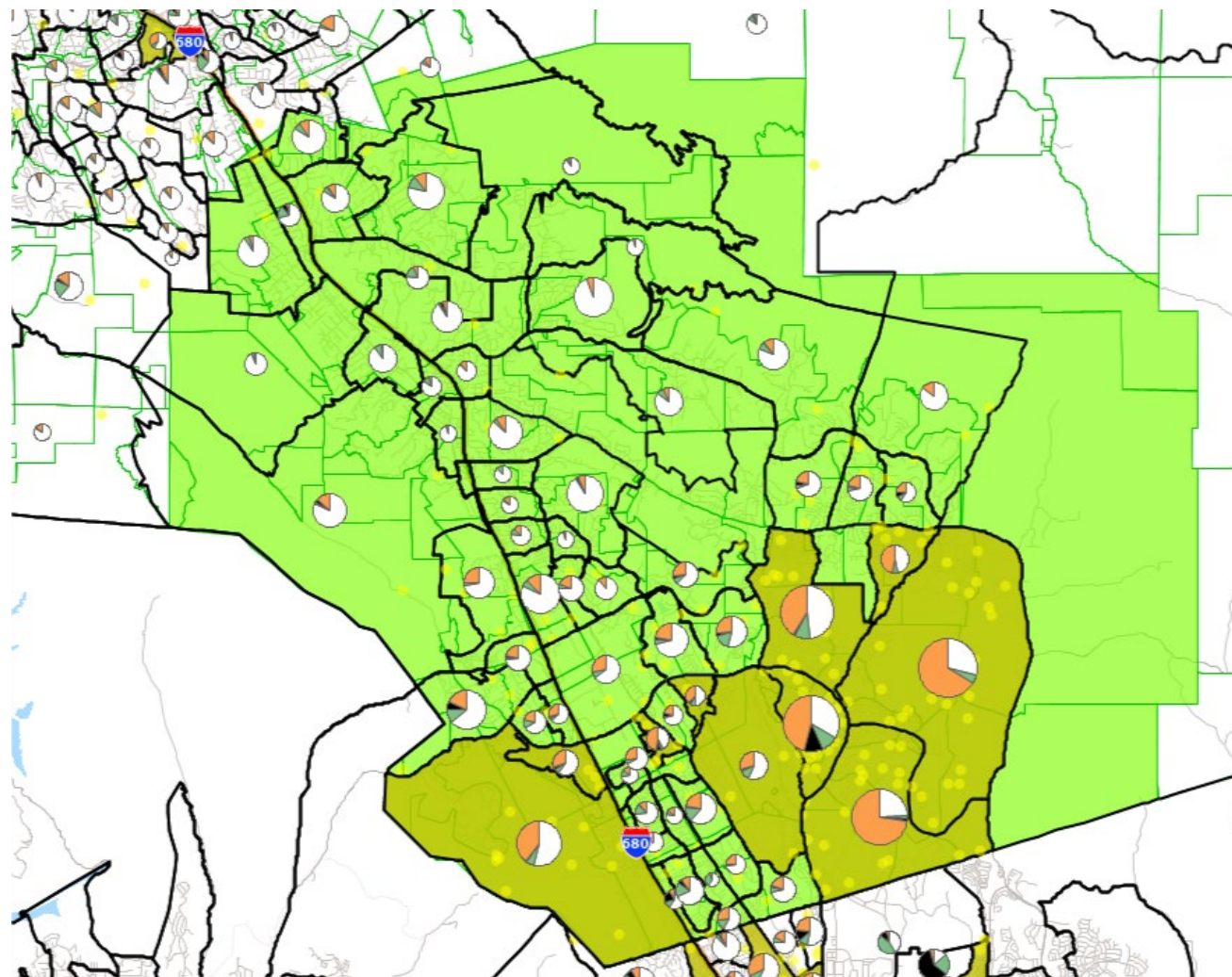
# So far.

- Last December, SRVUSD unanimously voted to transition to trustee areas. The at-large trustees serve out their terms but have no entitlement to the new offices.
- But in January, the incumbents boldly passed a resolution demanded that the demographer design an area to protect each of them. Since four trustees live within a 1.25 mile radius, this is no small feat. They also urged him to correct census numbers to reflect future growth and achieve “long-term population balance.”
- Instead of soliciting comments on how to map the areas, at every subsequent hearing, the trustees lectured about the California Voting Rights Act, repeatedly saying it was “Orwellian,” “offensive,” “sickening,” “twisted,” “stupid,” and “written by idiots in Sacramento.” [2] The most critical hearing was on a workday and delayed two-and-a-half hours, forcing constituents to leave. [2a]
- But there was clear consensus on Map 102. The incumbent in majority Asian Area 3 called it a “puzzle piece.” [3] Staff said a “tentacle” attached Dougherty Valley to the incumbent’s West Danville home, saying Map 101 “maybe made more sense.” [4] Every constituent said Map 102 was gerrymandered. [5] One said it would also drive the incumbent living in Area 2 out of office. [6] These two disparate communities can be linked only by overpopulating the area by 20%, adding another violation of law.
- But once they realized that they had to allow a majority Asian area had to elect a trustee in 2020, the Board unanimously adopted Map 102, despite its overpopulated gerrymander. [7] They now claim that they can disregard population balance and refuse to count 10,000 Asians who have moved to SRVUSD since 2010. [8] As submitted, the resolution 51-18/19 makes it appear that they never sought gerrymandering and never instructed the demographer to update the 2010 census.
- The Board refused to coordinate with other jurisdictions, which has increased costs, may make it harder to recruit the best candidates, will confuse voters, and may lead to tiny precincts where voters will be required to vote by mail. [9]



More than half of  
SRVUSD population is in  
San Ramon, which is  
now 49% Asian.

- Pie size reflects population
- Orange slice reflects Asian share

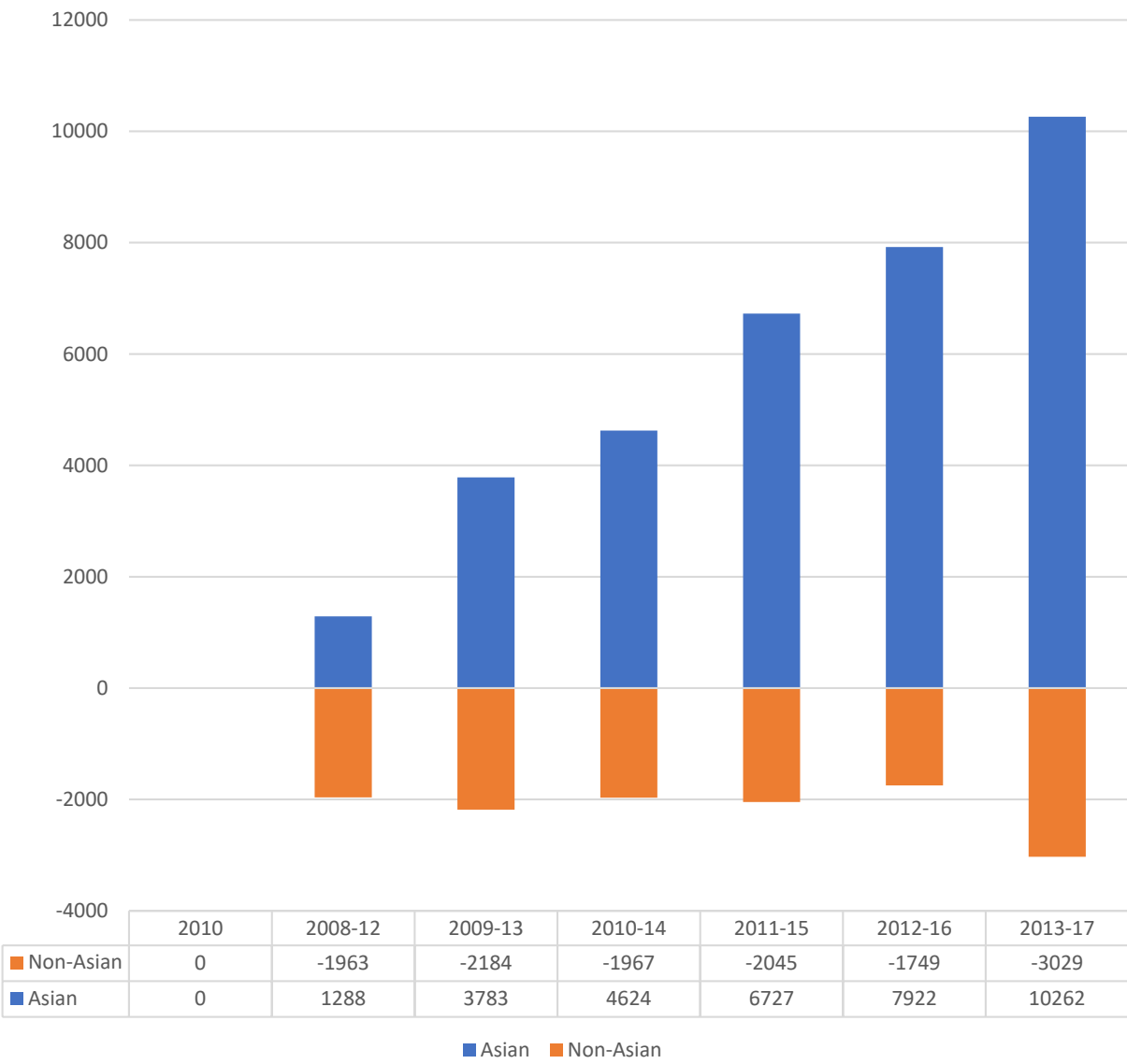


If permitted, this gerrymander will likely be confirmed next year and outlive the tenure of many of the incumbents it seeks to protect.

- This is a low-turnover Board. No appointed or elected trustee has been successfully challenged for over 20 years. Given the size of the district, at-large elections make races difficult to contest, especially when the Board runs as a slate.
- The Board observes that it serves all students equally because of its “longevity,” coupled with the system of rotating responsibility for schools. But preserving the existing membership is not consistent with the purpose of the Voting Rights Act, which is to provide a dedicated representative from each geographical area. On the contrary, efforts to preserve incumbency “through the avenue” of evading a Section 2 remedy constitute intentional discrimination. [Garza v. County of L.A.](#), 918 F.2d 763, 771 (9<sup>th</sup> Cir. 1991).
- The map is a “device” that, like the 19<sup>th</sup> Century “grandfather clause,” replaces one form of vote dilution with another. Instead of being outvoted at-large, most of the Asian stronghold is paired with the high-turnout of an incumbent. The map overpopulates the trustee area by 20% to make the link possible.
- Assuming the gerrymander succeeds, the Asian community has no seat at the table at the 2021 redistricting. After a single hearing, the Board can gerrymander itself in for another decade.
- A gerrymander, whatever its validity in the normal political realm, violates Section 2 when it has an adverse effect on a protected class or is used to evade a remedy. [LULAC v. Perry](#), 548 U.S. 399, 403 (2006)
- 



ACS, the census bureau's 5-year rolling average, shows an increase of more than 10,000 Asians in SRVUSD, 83% in San Ramon and 5% more in adjoining Camino Tessajara.



The Dougherty Valley Specific Plan has driven population growth in San Ramon Valley for 20 years.



11,000 new housing units on 5,000 acres east of San Ramon.



Almost 20% of all new construction in the County over the past two decades.



6,000 of the units are multi-family density



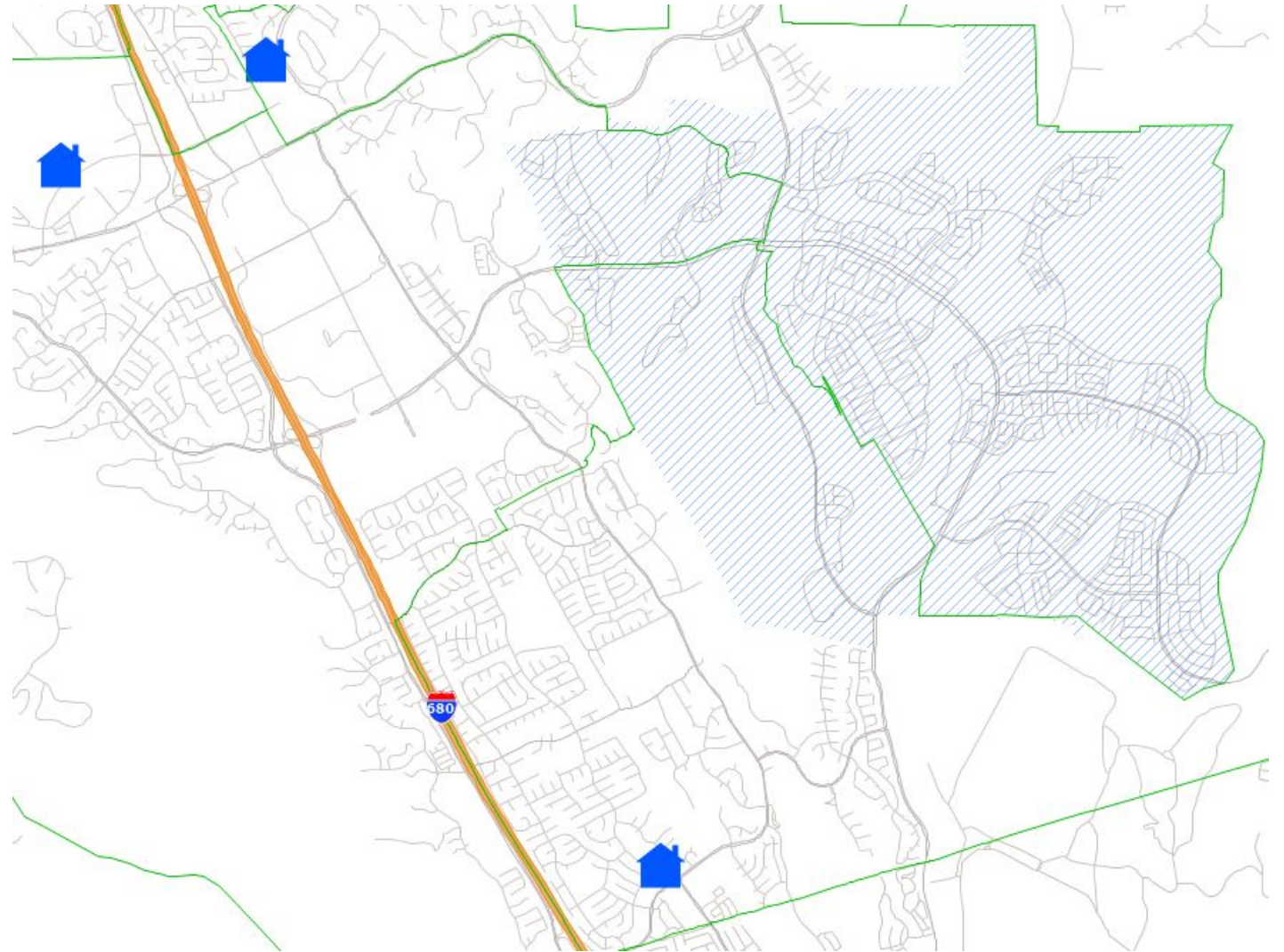
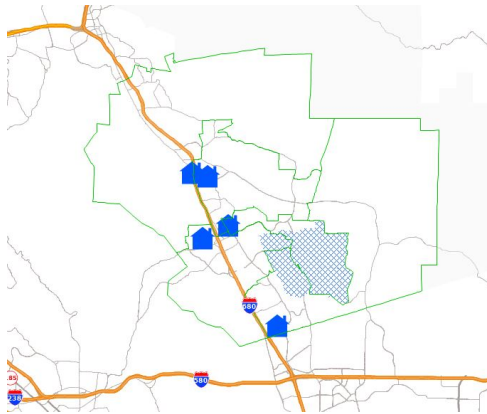
Destination community for many Asian immigrants high citizenship rates, but low voter participation-




With adjoining new developments in East Danville and Camino Tessajara, a new and different demographic for San Ramon.



The Dougherty Valley Specific Plan area had enough population\* by the 2010 census to be a trustee area and has grown at least 20%. It is 61% Asian.



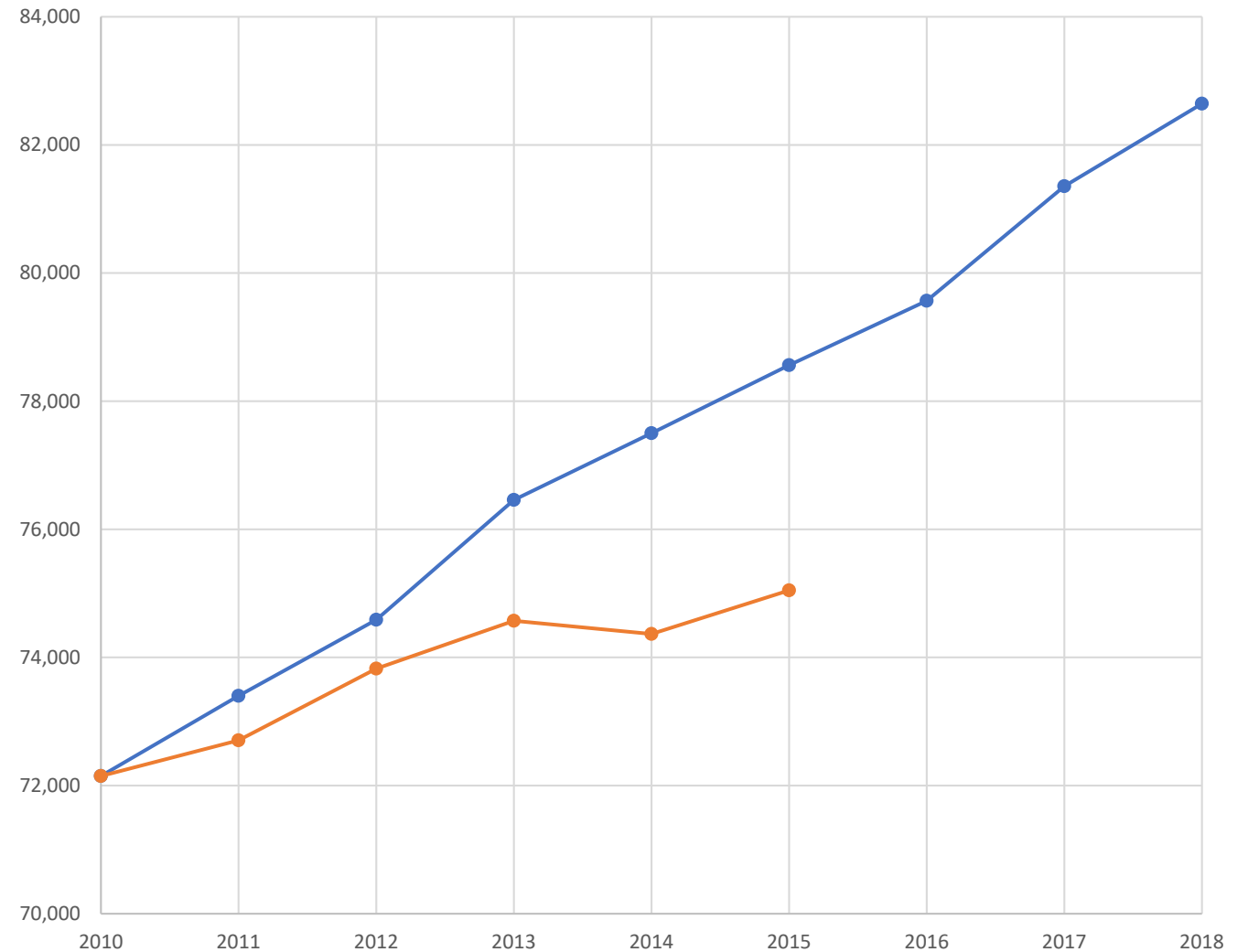
\*26,513, which is within the 10% benchmark for variance if other areas are equally sized.

An aerial photograph of a suburban area with a grid-like street pattern. A prominent diagonal line, likely representing a railroad or a boundary, runs from the top center towards the bottom right. The area is densely packed with houses and some larger commercial or institutional buildings. There are several small, square markers and house icons scattered across the map, possibly indicating specific locations of interest. The text 'Most of the Dougherty Station area was not developed at the time of the census.' is overlaid on the right side of the image, with the word 'was' highlighted in red.


Most of the Dougherty Station  
area was not developed at the  
time of the census.



The state thinks that 2013-17 ACS so far captured only 30% of San Ramon's post-census growth. ACS lags five years, instead of ten.







SRVUSD could have begun the transition when a vacancy arose last year.

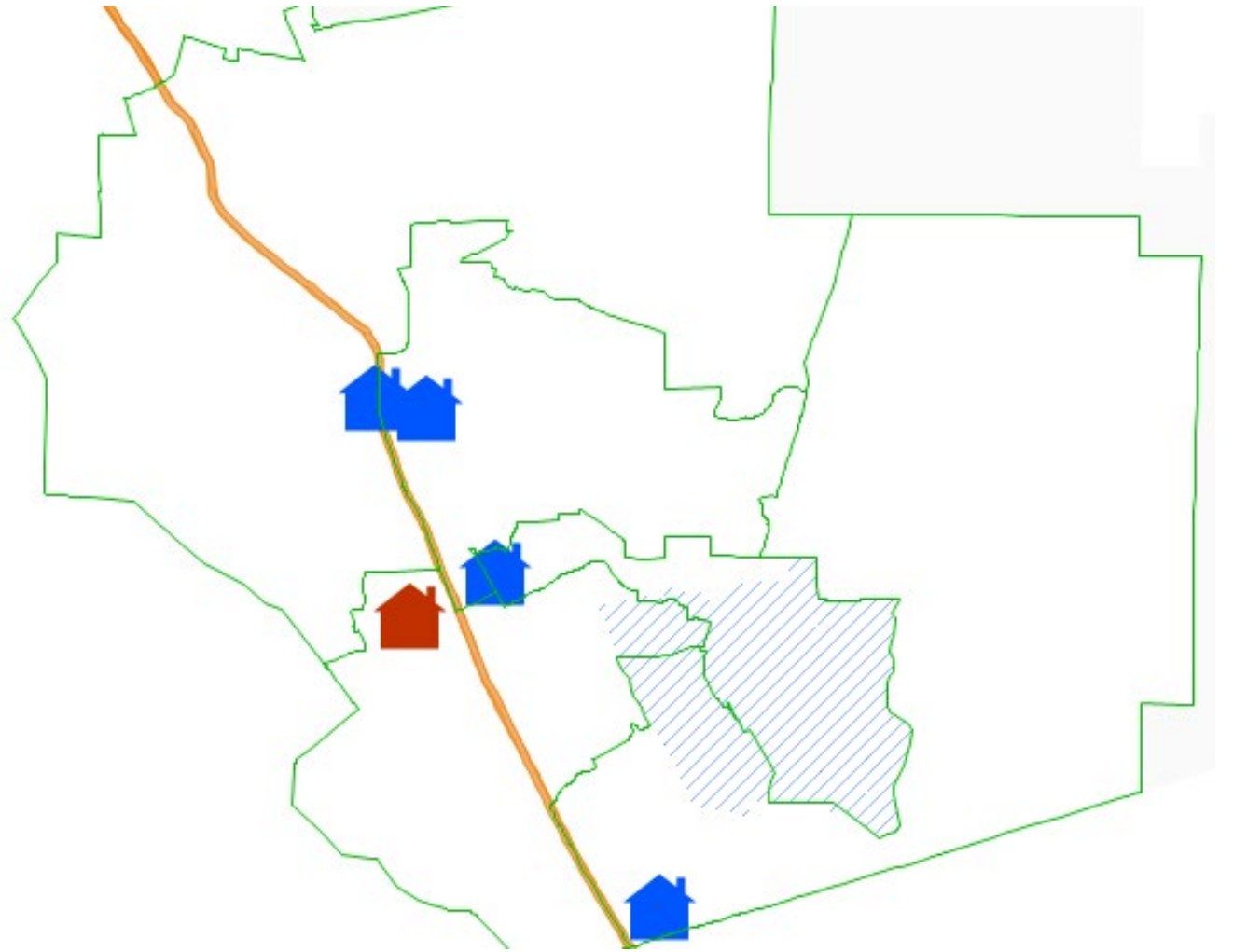
The Board appointed to a vacancy barely over four months before the term expired.

Like WCCUSD, it could have shortened the new term. Then, it could have opened a seat in Dougherty Valley in 2020, avoiding the “musical chairs” situation it now faces

Eight Asians from Dougherty Valley and immediately adjoining areas applied. They had lived in the District for 4-12 years. None was even interviewed.

The incumbents chose a candidate who is highly regarded in the Asian community, but lives very close to the other trustees, six miles from Dougherty Station. She was not opposed and is now as entitled as the other trustees to serve a full term (in her case, 2022).

Four incumbents live along I-680 within a 1.25 mile radius. None lives near Dougherty Valley. Each was guaranteed one of the new trustee areas.



SRVUSD's  
submission to  
this Committee  
alters the  
instructions  
they gave the  
demographer.

They checked the box telling him to create a new trustee area for each of the outgoing at-large members. Now it's unchecked.

They told him to revise census data with projections of future population growth to achieve "long-term population balance." But once they realized that Dougherty Valley had more than enough population for its own trustee, they unchecked that box as well.

They won't even count actual new development since the 2010 census, even to the extent required by law.

# Res. #51/18-19 – Boxes 8 and 9 were checked, but not anymore. [Click links for each full document]

[As passed Jan. 8, 2019](#)  
[\(From the Internet Archive\)](#)

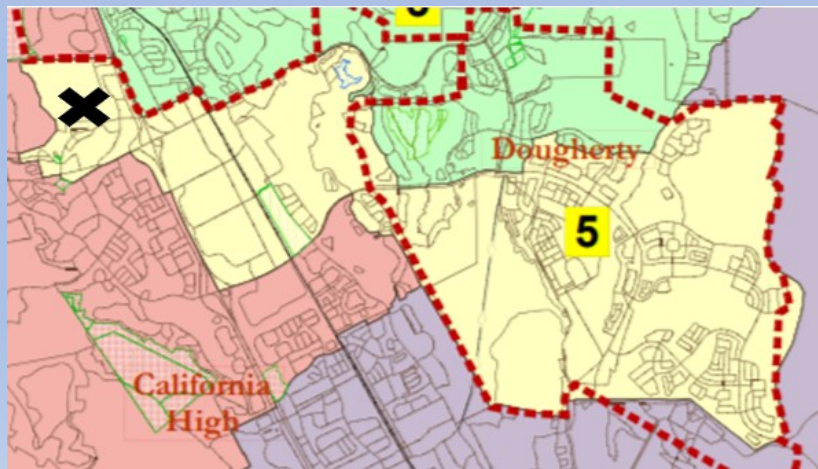
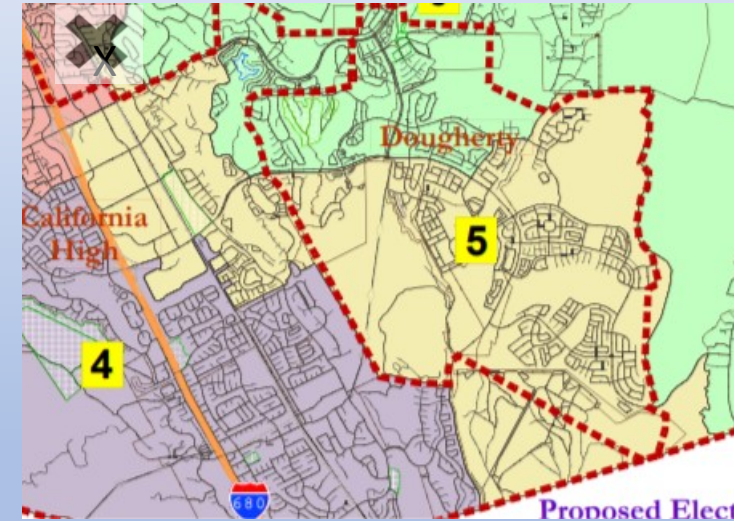
[As submitted to this Committee](#)  
[\(From the CCBOE website\)](#)

- ☒ 8. The boundaries of the trustee-areas may consider avoiding pairing two or more incumbents in a single trustee-area, to the extent legally allowable.
- ☒ 9. To maintain a longer-term population balance, trustee-areas known to be areas of higher-than-average population growth following redistricting may be under-populated within the population deviation amounts allowed by law. To the extent legally allowed, this shall include consideration of anticipated future growth under applicable general plans.

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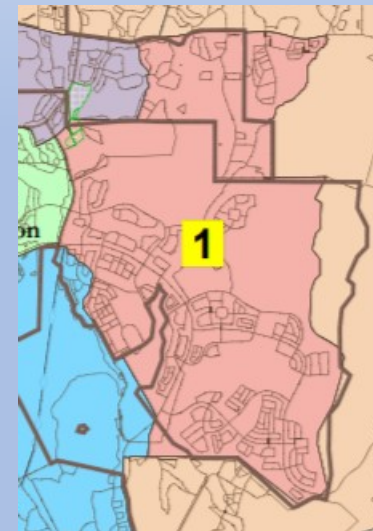
Every one of the proposed Asian majority trustee areas gerrymanders in an incumbent.



 marks the incumbent

You can't connect DV to an incumbent without overpopulating the trustee area, but DV (or nearby CT) can support its own very compact majority Asian trustee area.

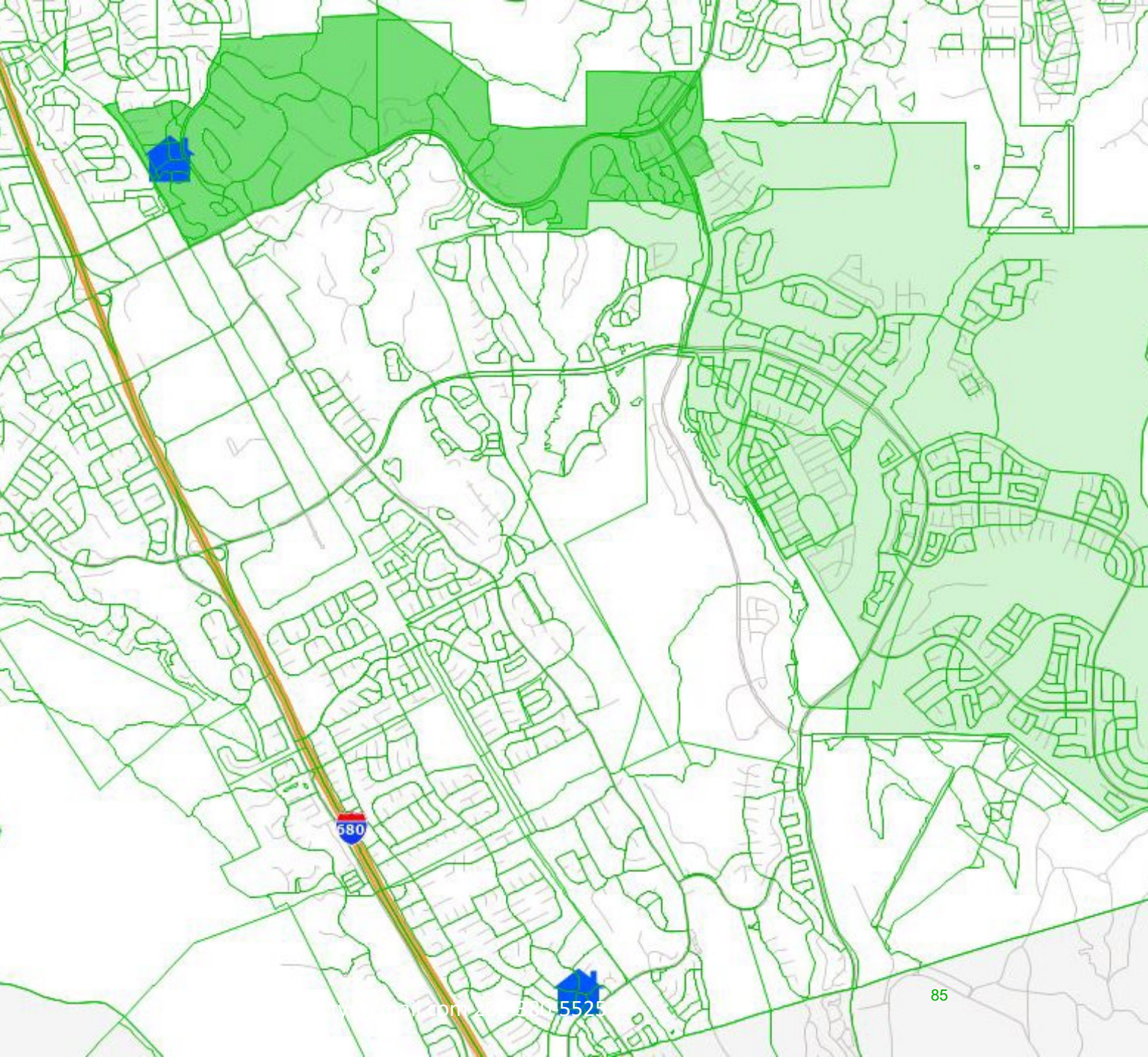
	101	102	103	104/105	community "Core DV"
gerrymandered for	Hurd	Jewett	Jewett	Ordway	no one
2020 election?	no	yes	yes	no	yes
presidential cycle?	no	yes	yes	no	yes
Excess population in 2010 census	3%	none (-1%)	1%	2%	none (-5%)
Excess population in 2012-16 census data	11%	8%	10%	12%	6%
Asian % of eligible voters	53%	51%	52%	51%	56%
Asian % of registered voters	33%	31%	29%	30%	35%
DVHS cracked into how many areas?	3	4	2	3	n/a



[Link to full map](#)

SRVUSD gave us only two hours to prepare a demonstration map. It reduces the excess population while staying within 5% of ideal using the 2010 census. It attempted to accommodate the 2 high school rule by adding the 2 northern block groups, but omitting them and adding the large blue block group provides a similar population.





Area 3 combines an incumbent's high-turnout neighborhood (Southwest Danville) with just enough of Dougherty Valley to create a majority Asian trustee area.



These two areas have no community of interest.

	Tract 3451.14 W Danville	Tract 3551.11 Dougherty Valley
Average age	50	33
-over 65	25%	5%
Own home	91%	52%
Employed (if over 25)	49%	96%
Speak only English at home	91%	41%
B.S. or B.S.E.	38%	53%
School-age in home	14%	30%
Born in U.S.A.	86%	52%



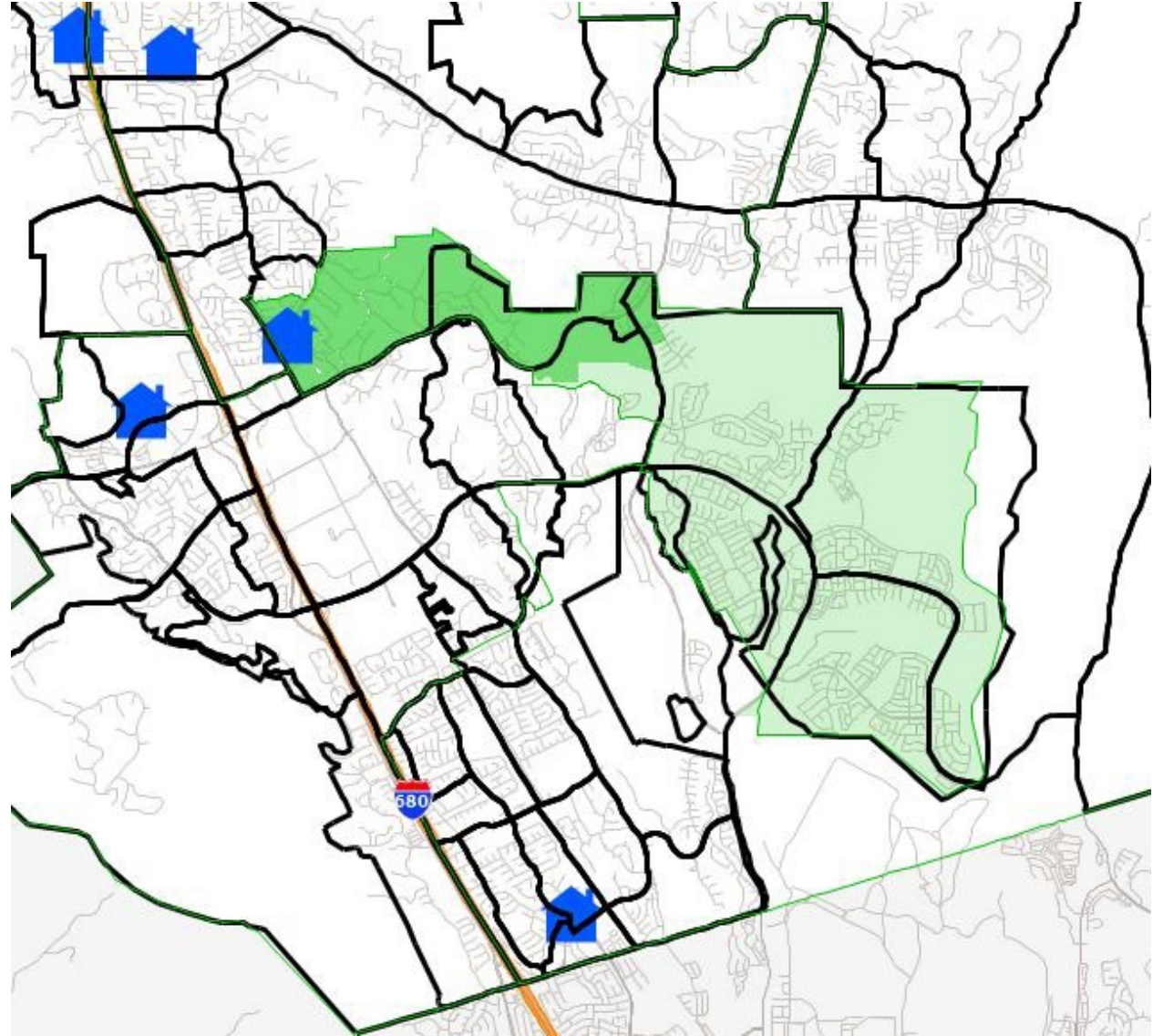
The Department of Finance, which validates population for school board districting, uses occupancy permits to correct stale census data.

- Each dot represents a housing unit for **2014-17 only**. The larger blue dots have 130 and 161 units. The block group population in the ACS 2013-17 is 75%, 13% and 45% higher than the census for these three block groups – or 6563 people.



## SRVUSD isn't working with other jurisdictions

- City and other districts are using block groups
- Easier to estimate population
- Higher costs for all
- No common district
- Voter confusion
- All-mail precincts (like Martinez)



# References to Caselaw and Record

[1] The Constitution requires the use of the decennial census data for one purpose only – the apportionment of congressional seats among the several states. The equal protection clause does not require the states to use federal census data even when they redistrict their congressional districts immediately after the decennial census. [Burns v. Richardson](#), 384 U.S. 73, 91 (1966). The Supreme Court has also approved categorical adjustments made by seven states, including California, to the “small area” data that PL 94-171 requires the census to produce for legislative redistricting. [Evenwel v. Abbott](#), 587 U.S. \_\_\_, 136 S. Ct. 1120, 1124, 194 L. Ed. 2d 291, No. 14-940 (April 4, 2016), Slip op. at 4 & n.3

The California Attorney General is currently suing the Commerce Department, alleging that a potential citizenship question will cause a disproportional undercount throughout California. [California v. Ross](#), 18-cv-01865, N.D. Cal. March 26, 2018. The Legislature is equally concerned with the impact of a low-quality census due to California’s disproportionate concentrations of “hard-to-count populations.” The quality of federal data should be of even greater concern to San Ramon and jurisdictions including parts of the city, because the state Department of Finance believes that its federal population estimate is about 8% too low, a larger discrepancy than any other sizable city in the State.

The Ninth Circuit has directed that alternatives to census data are “logical” when the census is “almost a decade old.” [Garza v. County of Los Angeles](#), 918 F.2d 763, 773 (1990). “post-census data may be used as a basis for ... redistricting [between censuses].” [Garza](#) also held that census data are “no longer accurate” whenever they are “almost a decade old,” which makes use of alternative data “logical.” There is no presumption in favor of stale census data whenever “there exists post-decennial population data that more accurately reflect[] evidence of the current demographic conditions.” [Garza v. County of Los Angeles](#), 756 F.Supp. 1298, 1345 (C.D. Cal. 1990).

A jurisdiction should always supplement census data when it is known to be unrepresentative, and when compliance with the Voting Rights Act is at issue, this is an “overarching duty.” In [Senate of State of Cal. v. Mosbacher](#), 968 F.2d 974, 979 (9th Cir. 1992), the Ninth Circuit approvingly cited [Garza](#): “If the State knows that the census data is under-representative, it can, **and should**, utilize non-census data in addition to the official count in its redistricting process.” [emphasis supplied].

Mosbacher goes on to suggest that the “political subdivision” seeking to comply with the Voting Rights Act had an “overarching duty” to use the most accurate data, even if they were not available from the Census Bureau.

The Court distinguished attempts to use predictions that build in future trends, as Criteria 8 proposed to do. This requires thorough documentation and consistent application. Both the district court and the Ninth Circuit distinguished Supreme Court cases implying such a presumption as relating to attempts to build in consideration of future trends. In the case of predictions, the legislative body must “thoroughly document” its methodology and “apply [it] throughout .... in a consistent manner.” *Id.*, *distinguishing* [McNeil v. Springfield Park District](#), 851 F.2d 937, 947 (7th Cir.1988), cert. denied, 490 U.S. 1031 (1989); [Graves v. Barnes](#), 446 F. Supp. 560, 568 (W.D.Texas 1977), aff’d sub nom. [Briscoe v. Escalante](#), 435 U.S. 901 (1978). [Kirkpatrick v. Preisler](#), 394 U.S. 526, 535 (1969) adjustments based on future population as suspect because they are subject to subterfuge. Reference to existing housing units is not.

[Exon v. Tiemann](#), 279 F. Supp. 603 (D. Neb. 1967) said that a university’s population estimates for 1967 “have more validity than to use 1960 Census figures.” “better evidence of population in 1967 is available than the blind use of the 1960 Census.” See also [Wells and Harrington v. Rockefeller](#), 273 F. Supp. 984 , (S.D.N.Y. 1967) "It is not for this court to dictate to the Legislature the methods whereby substantial equality is to be attained. It may be suggested, however, that population statistics as of December 31, 1966, might well be capable of reasonable ascertainment from various sources to which the Legislature would have access. Such current figures should tend to reflect the radical population changes in the areas where such changes have occurred... Even if perfection cannot be achieved between now and 1973, improvement is worth the effort."

[Westwego Citizens for Better Government v. Westwego](#), 906 F.2d 1042, 1045–46 (5th Cir. 1990).held that non-census data should be used where the information “required was unavailable because of the limited nature of the compilations and manipulations performed by the census.”

## References to Caselaw and Record

The Supreme Court implied criticism of using census numbers in deferring to adjustments made by the district court. [Connor v. Finch](#), 431 U.S. 407, 416 & n.13 (1977). “The census is itself at best an approximate estimate of a State’s population at a frozen moment in time. Because it is taken by census tract rather than along supervisory district or voting precinct lines, relevant population figures for these political districts have to be extrapolated. That process is complicated by the recognition that major shifts in population and in voting precinct lines have occurred since the 1970 census, and by the fact that proportionally more Negroes than whites are ineligible to vote because of age.”

*See also* [Gaffney v. Cummings](#), 412 U.S. 735, 745 (1973) (census inherently less than absolutely accurate) “The United States census is more of an event than a process. It measures population at only a single instant in time. District populations are constantly changing, often at different rates in either direction, up or down. Substantial differentials in population growth rates are striking and well-known phenomena.”

The Supreme Court affirmed the use of a ratio based on the growth in registered voters to update population for purposes of districting in [Gong v. Kirk](#), 278 F.Supp. 133 (S.D. Fla.), *aff’d*, 389 U.S. 574 (1968)

[Valdespino v. Alamo Heights Independent School Dist.](#), 168 F.3d 848, 855 (5<sup>th</sup> Cir. 1999) found that “the housing stock methodology can be appropriate for calculating population changes in small areas”

## References to Record

- [2] “Idiots in Sacramento” e.g., Video, Jan. 8, 2019, 39:10, [42:40](#); [45:34](#); Video, Feb. 5, 2019, [52:20](#) (“twisted by Mr. Rafferty”); Video, Feb. 14, 2019 [1:13:14](#).
- [2a] Written Comments, Beverly Kumar, Feb. 14, 2019. Xinchuan Huang also left without speaking.
- [3] Puzzle piece: Video, Feb. 14, 2019, [1:19:45](#).
- [4] Tentacle: Audio, Feb. 14, 2019, 25:29 (Greg Medici).
- [5] Gerrymandered: Written Comments, Marilyn Lucy, Jan. 24, 2019 (should not deliberately put incumbent in Asian trustee area); Beverly Kumar, Feb. 14, 2019 (DV needs seat at table); Video, Feb. 21, 2019, [39:29](#); 43:12 (prefers 101); [47:10](#) (three-school requirement unnatural); [57:10](#) (need open area for Dougherty Valley parents)
- [6] Video, Feb. 14, 2019, [39:15](#), [45:00](#). She also concludes that the Area 3 incumbent will lose to an Asian candidate. [40:10](#)
- [7] Need to elect DV trustee in 2020: Feb. 14, 2019, [1:14:45](#)
- [8] Intent to keep board together: Feb. 14, 2019, [1:16:07](#);  
<https://www.danvillesanramon.com/news/2019/02/22/srvusd-board-selects-preferred-map-for-district-based-elections>
- [9] No coordination. Video, Feb 5, 2019, 58:17; 56:00 (“they can’t dictate to us”)



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† Also admitted to practice in Washington

January 15, 2021

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105 E. Anapamu Street  
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*Via email to [arierson@co.santa-barbara.ca.us](mailto:arierson@co.santa-barbara.ca.us)*

Re: Strumwasser & Woocher LLP Response to Request for Statement of Qualifications and Proposal to Serve as Independent Legal Counsel for the County of Santa Barbara Citizens' Independent Redistricting Commission

Dear Ms. Rierson:

Strumwasser & Woocher LLP ("S&W") is pleased to present the following response to the County of Santa Barbara Citizens' Independent Redistricting Commission ("Commission") and Santa Barbara County Office of County Counsel's request for qualifications and proposal to serve as independent legal counsel ("Legal Counsel") for the Commission. Strumwasser & Woocher's attorneys have extensive experience in the legal areas that the Commission will encounter, both in the substance of redistricting and on the procedural laws that govern Commissioners' activities and meetings, as discussed in Section 2 below. In addition, this proposal includes the services of Professor Justin Levitt of Loyola Law School, a nationally-recognized expert in the law of redistricting, who has agreed to work with S&W and the Commission in an advisory capacity if selected as Legal Counsel to the Commission.

The following sections are numbered consistent with the "Proposal Requirements" section of the Request for Statement of Qualifications.

**1. Firm Description: About Strumwasser & Woocher**

Strumwasser & Woocher is well known in California for its work in the public sector and its successful trial and appellate litigation of major public-policy and public-interest matters. Since its founding in 1991, the firm has litigated landmark cases regarding local and state government law, constitutional law, election law, education law, land use issues, economic regulation, taxation, environmental protection, civil rights, consumer protection, and workers' rights. For nearly thirty years, Strumwasser & Woocher has earned a wide array of victories in

path-making litigation — including more than 50 published appellate decisions — and has advised clients on many of the most compelling issues of the day.

## **2. Assigned Personnel: Proposed Team of Attorneys**

The firm proposes that Fredric Woocher, who served as the lead attorney representing Santa Barbara County in the challenges to the 2001 redistricting plan, will serve alongside Andrea Sheridan Ordin, as the primary attorneys to advise the Commission. Like Mr. Woocher, Ms. Ordin has strong, relevant experience in redistricting. As noted above, Los Angeles County's 2010 redistricting plan that was overseen by Ms. Ordin was successfully developed and implemented without legal challenge by citizens or the federal government. Both Mr. Woocher and Ms. Ordin are familiar with the substantive legal standards that govern redistricting, as well as the way in which sensitive local and political issues present themselves in the context of redistricting plans. Ms. Ordin also regularly advises public entities on compliance with their obligations under the Brown Act and other applicable governance laws. Mr. Woocher also has extensive litigation experience in both state and federal courts, should litigation arise concerning the Commission's activities.

The senior attorneys will be assisted by Partner Dale Larson, who regularly advises the Los Angeles Unified School District on compliance with the Brown Act and other laws governing public meetings in the politically sensitive context of ballot measure campaigns. Mr. Larson has represented several other school districts and multiple cities in complex public law issues. The firm also is proud of its extremely capable and well-qualified junior attorneys, who will be utilized as appropriate to reduce the costs of the firm's representation. S&W believes it has the expertise to guide the Commission through this process and while enabling it to develop defensible districts.

In addition to the firm's own expertise, S&W has arranged for Professor Justin Levitt of Loyola Law School, a nationally-recognized expert in redistricting law, to serve as an advisor for this engagement. Mr. Levitt's deep expertise and breadth of knowledge in the area of redistricting will ensure that the Commission receives the most comprehensive advice on the legal contours of redistricting.

### **Attorney Biographies**

A full resume or curriculum vitae for the principal attorneys proposed to be included in this representation is enclosed as Attachment A. A short biographical paragraph for each of the principal attorneys is below.

#### **Fredric D. Woocher**

In Mr. Woocher's 40 years of practice, he has successfully argued before both the United States and California Supreme Courts, many appellate and trial courts, and has been counsel of record in more than 40 published appellate decisions. Widely known as an expert in local and state government law, constitutional law, election law, municipal and land use litigation, and government regulation, Mr. Woocher has been named one of California's "100 Most Influential Lawyers," and described by the *Los Angeles Daily Journal* as the "go to guy" for election law disputes. Before co-founding Strumwasser & Woocher, Mr. Woocher served as law clerk to Chief Judge David L. Bazelon of the U.S.

Court of Appeals for the D.C. Circuit and to U.S. Supreme Court Justice William J. Brennan, Jr. After spending another year in Washington as Special Assistant to Secretary of Defense Harold Brown, Mr. Woocher moved to Los Angeles and worked for seven years as a staff attorney with the non-profit Center for Law in the Public Interest, litigating a broad range of public interest issues involving election law, land use law, environmental law, hazardous substances regulation, First Amendment protections, and civil rights cases. Mr. Woocher also served as Special Counsel to California Attorney General John Van de Kamp, representing the State of California in high-impact public interest litigation. Mr. Woocher advises clients on the limits of government and initiative powers, including his successful representation of the California Legislature in 2016. Mr. Woocher successfully defended Santa Barbara County's 2001 redistricting from challenges in both state and federal courts.

He is a graduate of Yale University and received both a Ph.D. and a J.D. from Stanford University, where he was President of the *Stanford Law Review*.

#### **Andrea Sheridan Ordin**

Ms. Ordin is a legal trailblazer, having served as the first female United States Attorney for the Central District of California and only the third woman in American history ever appointed a U.S. Attorney. Ms. Ordin has extensive appellate experience in the California and federal appellate courts, personally arguing more than 40 criminal and civil cases, including seven in the California Supreme Court and one in the United States Supreme Court. Before joining Strumwasser & Woocher, Ms. Ordin was Chief Assistant Attorney General, heading the Public Rights Division of the California Department of Justice for eight years under the leadership of John Van de Kamp; under her guidance the Office won landmark decisions in civil rights, environmental, land-use and antitrust law on behalf of the state and a broad range of state agencies, to which she was a counsel and advisor. Ms. Ordin served as Los Angeles County Counsel from 2010 to 2012. Ms. Ordin was also partner at Morgan, Lewis & Bockius, where she handled major litigation, including the aftermath of the 1994 Orange County bankruptcy, and conducted a number of independent investigations for corporate clients. Today, Ms. Ordin serves as Special Master and Independent Monitor appointed by U.S. District Court Judge Dolly Gee to monitor compliance with the Flores Settlement Agreement, a federal consent decree that sets standards for the care and treatment of migrant children in federal custody.

As County Counsel, Ms. Ordin advised the Board and Department Heads of the County as they initiated and developed policies and procedures. In 2010-2011, under Ms. Ordin's supervision, County Counsel formed a team of lawyers from County Counsel's Government Services Division, aided by outside counsel, to provide research and on-going advice to the Board and the County Executive Officer on a redistricting plan compliant with state law and the federal Voting Rights Act. The County previously had been found to have violated the Voting Rights Act through intentionally diluting the effect of the Hispanic vote in future elections, and was required to obtain United States Department of Justice preclearance of its future redistricting plans. The 2010-2011 redistricting plan was the first redistricting plan since the lifting of the preclearance requirement. After months of study, outreach, and controversy, the Committee submitted a divided report to the Board of Supervisors, recommending two alternate plans to the Board. The Board, by a divided vote, chose the plan which made minimal changes in

existing boundaries, and, as adopted, the 2010-2011 redistricting plan was not challenged by any citizen or the federal government.

**Professor Justin Levitt**

Professor Justin Levitt is a nationally recognized expert on constitutional law and the law of democracy at LMU Loyola Law School, Los Angeles. He served from 2015-17 as a Deputy Assistant Attorney General at the U.S. Department of Justice, helping to lead the Civil Rights Division's work on redistricting, voting rights, and employment discrimination, and supported activity on more than 120 cases (including 20 in the U.S. Supreme Court). Mr. Levitt is the author or co-author of more than 30 monographs, book chapters, and academic articles, including pieces in the flagship law reviews at Harvard, Columbia, and Georgetown, and the flagship online journals at Yale and NYU; he has served as a visiting faculty member at the Yale Law School, the USC Gould School of Law, and Caltech. He maintains the All About Redistricting website, and he has been invited to testify as an expert before committees of the U.S. Senate and House, the U.S. Civil Rights Commission, multiple state legislative bodies, and federal and state courts, including on matters specific to state and federal redistricting law. Mr. Levitt has a professional relationship with the National Demographic Corporation,<sup>1</sup> and is familiar with their work on redistricting.

Before entering academia, Mr. Levitt worked at several nonpartisan nonprofits (including the Brennan Center at NYU) and served several presidential campaigns, including as the National Voter Protection Counsel, helping to ensure that tens of millions of eligible citizens could vote and have those votes counted. He has advised, represented, and sued officials of both major political parties and neither, and those whose partisan preference he does not know. Mr. Levitt served as a law clerk to the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. He graduated magna cum laude with law, public administration, and bachelor's degrees from Harvard University.

**Dale K. Larson**

Mr. Larson's practice focuses on government, election, and education law. Before joining the Firm, Mr. Larson was an associate at Morrison & Foerster. Mr. Larson served as a Law Clerk for the Honorable Consuelo B. Marshall of the U.S. District Court for the Central District of California. Mr. Larson received his J.D. from the UCLA School of Law, where he was an Emil J. Stache Public Interest Law Scholar, a graduate of the Epstein Program in Public Interest Law and Policy, a senior editor on the *UCLA Law Review*, and published three articles in legal journals and law reviews on public interest issues. Before that, Mr. Larson received a B.A. from Duke University in Political Science and Mathematics. Mr. Larson has taught *Legal Research, Writing, and Analysis for LLM Students* at UCLA School of Law for four years.

In addition to Mr. Woocher, Ms. Ordin, Mr. Larson, and Mr. Levitt, the following associates may assist with this representation as appropriate:

**Caroline Chiappetti**

In her public interest litigation practice, Ms. Chiappetti represents local governments, public agencies, public officials, and school districts in a variety of government,

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<sup>1</sup> For clarity, Professor Levitt is entirely unrelated to Justin<sup>96</sup> Levitt of NDC; they simply have identical names.

education, administrative, and election law matters. Ms. Chiappetti has significant motion practice with discovery and trial experience. Before joining Strumwasser & Woocher, Ms. Chiappetti was an associate at O'Melveny & Myers, where she balanced gaining significant complex commercial litigation experience in state and federal court—including drafting trial court and appellate briefs, managing discovery, participating in settlement negotiations and at trial—with maintaining an active pro bono practice. Ms. Chiappetti graduated *cum laude* from Harvard Law School, where she was an editor of the *Harvard Journal of Law & Gender* and co-president of *Law Students for Reproductive Justice*. While in law school, Ms. Chiappetti published a note in the *Harvard Civil Rights – Civil Liberties Law Review* concerning the historical origins of sex discrimination under the 14<sup>th</sup> Amendment.

#### **Julia Michel**

Ms. Michel has experience in appellate practice, consumer and civil rights class actions, and legislative advocacy. Ms. Michel joined Strumwasser & Woocher after clerking for the Honorable N. R. Smith of the United States Court of Appeals for the Ninth Circuit. She is a graduate of the University of Washington School of Law, where she was elected to the Order of the Coif national honor society. Prior to law school, Ms. Michel was an advocate in the state of Vermont for laws relating to campaign finance, elections, voting rights, and government transparency.

#### **Salvador E. Pérez**

Mr. Pérez joined Strumwasser & Woocher after clerkships on the U.S. Court of Appeals for the Ninth Circuit and the U.S. District Court for the Southern District of Texas as well as several years of practice at Manatt, Phelps & Phillips LLP, where he focused on government and land use matters. During his time at Manatt, he was part of a litigation team which successfully challenged the Trump administration's decision to include a citizenship question on the 2020 census. For this work, he and his colleagues were recognized as Legal Lions by Law360 and awarded the Robert F. Mullen Pro Bono Award by the Lawyers' Committee for Civil Rights. Mr. Pérez is a graduate of Stanford University, the Harvard Kennedy School of Government, and Stanford Law School.

### **3. Experience as Legal Counsel for Local Government Entities and Related to Redistricting**

S&W has a long history of advising governmental entities on a variety of legal issues, and is experienced at providing neutral legal advice in what are often politically charged circumstances. The firm has served as counsel for more than 30 years to the Department of Insurance, including advising both Democratic and Republican Commissioners on high profile matters. The firm has also served as counsel to the California Legislature, several Southern California school districts including Los Angeles and San Diego Unified School Districts, the California Earthquake Authority, and for select city purposes in El Monte, San Gabriel, Pasadena, and the City of La Mesa. In addition, the firm presently serves as the Campaign Finance Compliance Officer for Ventura County. The firm has been hired to serve as independent advisors to the California Public Utilities Commission in investigating the role of ex parte communications in the agency's practice, and has advised the Orange County Grand Jury in its investigation of the use of confidential informants by the District Attorney. The firm

regularly advises public entities and board members on compliance with the Brown Act, ex parte communication rules, and other procedural aspects of governmental decision-making. Mr. Woocher, Ms. Ordin, and Mr. Larson all perform aspects of this work advising these state and local government bodies.

Election and political law has been central to the S&W's practice since its beginning. Highly regarded throughout the state, the firm has represented candidates at all levels, including those running for school boards, city councils, county boards, the Assembly, the State Senate, and the United States House of Representatives. In addition to candidates, the firm has represented cities, LAUSD, the Legislature, and many organizations or committees on election matters. Specifically as to redistricting, the firm, lead by Mr. Woocher represented Santa Barbara County in litigation challenging the County's 2001 redistricting plan, successfully defending the plan against challenges in both state and federal courts. In addition, in her role as Los Angeles County Counsel, Ms. Ordin oversaw the team of lawyers advising the Board of Supervisors on Los Angeles County's 2010-2011 successful redistricting.

#### **4. Additional Information**

S&W and Professor Levitt have run conflicts checks and do not have any potential conflicts of interest.

S&W and Professor Levitt have reviewed the requirements of Elections Code section 23003 and Santa Barbara County Code sections 2-109.A(5)(d) and (4)(d). None of the attorneys identified as potentially providing services under this contract would be disqualified under Elections Code section 23003 or Santa Barbara County Code sections 2-10.9A(5)(d) and (4)(d).

#### **5. Proposed Fees and Rates**

Our legal fees are billed on an hourly rate, plus reasonable expenses incurred, and subject to a not-to-exceed amount of \$300,000. The Firm generates its billing using time management software. Attachment B is a rate sheet for the proposed representation. Recognizing that the Commission is a public entity and that cost is always a concern, the firm has offered rates reflective of this public status at a significant discount from the firm's commercial billing rates. We exercise our best judgment to ensure that our time is efficiently spent, our fees are reasonable, and our clients receive full value for them.

#### **6. Form Contract**

S&W does not propose any change to the form contract.

\* \* \*

Anne Rierson  
January 15, 2021  
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Please let us know if there is any other information we can provide. We appreciate the opportunity to submit this proposal, and we very much hope that we are selected to provide the independent legal services to the Citizens Independent Redistricting Commission.

Yours very truly,

A handwritten signature in black ink, appearing to read "Beverly Grossman Palmer". The signature is fluid and cursive, with the first name "Beverly" being more prominent.

Beverly Grossman Palmer

Enclosed: Attachment A (resumes/CV); Attachment B (rate sheet)



## ATTACHMENT A

# FREDRIC D. WOOCHEER

Senior Counsel

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## PROFESSIONAL EXPERIENCE

STRUMWASSER & WOOCHEER LLP

Senior Counsel, January 2020 – present

Partner, January 1991 – January 2020

Specializing in complex civil litigation on public policy issues. Practice emphasizes constitutional law, election law, environmental protection, and administrative regulation. Counsel to numerous state, local, and special agencies and elected and appointed officials in environmental law, elections, and political reform. Represents California Legislature, Insurance Commissioner and Earthquake Authority, various counties and numerous cities. Counsel to homeowners' associations, environmental organizations, and other public-interest groups. Handles litigation in federal and state trial and appellate courts and administrative agencies, and has handled two election contests in the House of Representatives.

OFFICE OF THE ATTORNEY GENERAL OF CALIFORNIA

Special Counsel to the Attorney General, September 1988 – January 1991

Legal and policy advisor on Attorney General's executive staff. Responsible for handling a variety of special projects and sensitive issues, including high-priority civil litigation, legislative proposals, and policy programs. Principal activities included advising the Attorney General on political reform and ethics issues, supervising all judicial and administrative proceedings regarding implementation of Proposition 103, and assisting on selected environmental and consumer matters. Author, for gubernatorial candidate John K. Van de Kamp, of Proposition 131, the campaign and ethics reform initiative on the June 1990 ballot.

CENTER FOR LAW IN THE PUBLIC INTEREST

Staff Attorney, July 1981 – September 1988

Handled complex civil litigation on broad range of high-impact public interest issues. Specialized in environmental, land use, election law, First Amendment, and civil rights issues. Argued before United States and California Supreme Courts, federal and state courts of appeal, and trial courts. Helped draft City of Los Angeles campaign finance reform charter amendments and city ordinance prohibiting discrimination by private business clubs.

DEPARTMENT OF DEFENSE

Staff Assistant to Secretary of Defense Harold Brown, 1980 – 1981

UNITED STATES SUPREME COURT

Law Clerk to Justice William J. Brennan, Jr., 1979 – 1980

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Law Clerk to Chief Judge David L. Bazelon, 1978 – 1979

## ACADEMIC

J. D., Stanford Law School, 1978. President, Stanford Law Review. Order of the Coif.

Ph.D. (Cognitive Psychology), Stanford University, 1977. National Science Foundation Graduate Fellowship.

A.B., Yale University, 1972. Phi Beta Kappa, Magna Cum Laude.

## PROFESSIONAL AFFILIATIONS

Adjunct Professor of Law, University of Southern California (Pre-trial Advocacy, 1987–88).

Adjunct Professor of Law, Loyola Law School (Law of Politics, 1992–93)

Lecturer, U.C.L.A. Hazardous Materials Liability Program (1986, 1987)

American Bar Association, ALI-ABA Committee on Continuing Professional Education  
(Lecturer, Hazardous Wastes, Superfund, and Toxic Substances)

California State Bar Association Committee on Human Rights (1983–86: Chair, 1984–85)

California State Bar Association Committee on Environment (1986–88)

Los Angeles County Bar Association Committee on Judicial Evaluations (1985–90)

California League of Conservation Voters, Treasurer; Member of Executive Committee  
(1991–1996)

Stanford Law School Board of Visitors (1988–90)

California Common Cause, Board of Directors (1992–1994), Advisory Board (1986–90)

## REPRESENTATIVE MATTERS HANDLED

### UNITED STATES SUPREME COURT

*Stringfellow v. Concerned Neighbors in Action*, 480 U.S. 370 (1987). Counsel for respondent citizens' group, which intervened in Superfund litigation involving cleanup of hazardous waste dumpsite in their community. Supreme Court held that district court order denying intervention of right but granting permissive intervention with conditions is not appealable on interlocutory basis.

*Federal Communications Commission v. League of Women Voters*, 468 U.S. 364 (1984). Represented and presented oral argument on behalf of respondents public radio station and public interest organization in landmark First Amendment decision establishing right of noncommercial broadcasters to editorialize.

*Pacific Gas & Electric Co. v. Public Utilities Comm'n of California*, 475 U.S. 1 (1986). Counsel for respondent Toward Utility Rate Normalization, consumer advocacy group seeking to have its informational and membership material distributed to utility's ratepayers with their monthly bills; Supreme Court held that PUC order dedicating "extra space" in billing envelopes for that purpose violated utility's First Amendment right not to associate with consumer group's message.

*Nollan v. California Coastal Commission*, 483 U.S. 825 (1987). Authored amicus brief on behalf of 12 national and state environmental organizations supporting Coastal Commission's permit condition requiring landowner to dedicate easement for public access to beach under public trust doctrine; Supreme Court held that the access condition did not adequately serve the public purposes related to the permit requirement.

*Board of Directors of Rotary International v. Rotary Club of Duarte*, 481 U.S. 537 (1987). Authored amicus brief for women's rights groups seeking to uphold application of California's Unruh Civil Rights Act to international service organization that refused to permit women as full members; Supreme Court upheld enforcement of state's anti-discrimination law and rejected Rotary International's claim to First Amendment immunity.

## CALIFORNIA SUPREME COURT

*Howard Jarvis Taxpayers Assn. v. Padilla*, 62 Cal. 4th 486 (2016). Successfully defended California Legislature's constitutional authority to place an advisory measure on the statewide ballot to gauge voter support for a constitutional amendment to overturn the U.S. Supreme Court's decision in *Citizens United*.

*Californians for an Open Primary v. McPherson*, 38 Cal.4th 735 (2006). Represented initiative proponents in successfully challenging Legislature's authority to combine disparate constitutional amendments in a single, competing ballot measure.

*Amwest Surety Ins. Co. v. Wilson*, 11 Cal.4th 1243 (1995). Represented California Insurance Commissioner in successful challenge to legislative attempt to amend citizen-sponsored insurance reform initiative in a manner that was inconsistent with the purpose of the initiative by exempting surety insurance from rate regulation.

*20th Century Insurance Co. v. Garamendi*, 8 Cal.4th 216 (1994). Represented California Insurance Commissioner John Garamendi in landmark litigation unanimously upholding the Commissioner's regulatory program for imposing rollbacks on property and casualty insurance rates against constitutional challenges from insurance industry, resulting in over \$4 billion in refunds to consumers and reduced auto, homeowners, and other insurance rates.

*Calfarm Insurance Company v. Deukmejian*, 48 Cal.3d 805 (1989). Co-counsel for respondent Attorney General John Van de Kamp in insurers' multi-prong challenge to constitutionality of Proposition 103; Supreme Court invalidated and modified a portion of the initiative but upheld the bulk of the measure as severable from the invalid sections.

*C.O.S.T. v. Superior Court of Orange County*, 45 Cal.3d 491 (1988). Represented and presented oral argument for petitioner citizens' group seeking to have initiative securing public vote on local development fee placed on City of Irvine ballot; Supreme Court held that initiative was beyond the authority of the local electorate because its subject matter was of statewide concern.

*Press v. Lucky Stores, Inc.*, 34 Cal.3d 311 (1983). Counsel for petitioner, proponent of statewide ballot measure seeking award of attorneys' fees for lawsuit brought to obtain access to shopping center for purpose of collecting signatures on initiative petitions; Supreme Court ordered award of attorneys' fees under Code of Civil Procedure section 1021.5, finding that lawsuit was necessary to vindicate fundamental First Amendment rights of signature gatherers.

*Kopp v. Fair Political Practices Com.*, 11 Cal.4th 607, 905 P.2d 1248, 47 Cal.Rptr.2d 198 (1995). Represented Common Cause in extraordinary writ proceeding to save by reformation constitutionality of Proposition 73.

*Gerken v. Fair Political Practices Com.*, 6 Cal.4th 707, 863 P.2d 694, 25 Cal.Rptr.2d 449 (1993). Co-counsel for Common Cause in petition seeking to establish the effectiveness of Proposition 68.

## OTHER MAJOR CASES

*Steinberg v. Chiang*, 223 Cal.App.4th 338 (2014). Represented President pro Tempore of the Senate and Speaker of the Assembly in obtaining declaratory judgment against State Controller that the California Legislature had complied with the Constitution's requirement to pass a balanced budget bill, precluding the withholding of legislators' salaries.

*Consumer Watchdog v. Department of Managed Health Care*, 225 Cal. App. 4th 862 (2014). Successfully sued the Department of Managed Health Care on behalf of autism patients and advocates to require health plans to provide coverage for applied behavioral analysis (ABA) treatment administered by non-medically licensed, but professionally certified, behavioral therapists.

*Noonan v. Bowen*, 2014 WL 4235188 (2014). Represented President Barack Obama in obtaining the dismissal of lawsuit seeking to prevent the California Secretary of State from placing his name on the presidential primary election ballot without determining that he was a "natural born citizen" eligible to hold office as President of the United States.

*Pette v. International Operating Union of Engineers*, 2013 WL 5573043 (C.D. Cal. 2013). Obtained dismissal of International Union's General Counsel from federal RICO lawsuit alleging that International conspired with officers of local union and employers to embezzle funds and divert assets belonging to local union members and ERISA benefit trust funds.

*Howard Jarvis Taxpayers Assn. v. Bowen*, 212 Cal. App. 4th 1298 (ordered de-published 2013). Represented Legislature in challenge to its enactment of a budget trailer bill by majority vote on an urgency basis that directed the ordering of initiatives on future election ballots.

*Keyes v. Bowen*, 189 Cal.App.4th 647 (2010). Represented President Barack Obama in obtaining dismissal of lawsuit contending that California Secretary of State has a duty to verify the constitutional qualifications of political parties' presidential nominees before placing their names on the general election ballot.

*Preserve Shorecliff Homeowners v. City of San Clemente*, 158 Cal.App.4th 1427 (2008). Represented referendum proponents in obtaining judicial ruling that city residency requirement for circulators of municipal referendum petitions is unconstitutional under the First Amendment.

*Mendoza v. State of California*, 149 Cal.App.4th 1034 (2007). Represented Los Angeles Unified School District in a successful challenge to state legislation, the Romero Act, that would have transferred responsibility for administering a number of the district's schools to the Mayor of Los Angeles, in violation of the state Constitution and the Los Angeles City Charter.

*Robson v. Upper San Gabriel Valley Mun. Water Dist.*, 142 Cal. App. 4th 877 (2006). Prevailed in a case of first-impression determining whether an appointed board member for municipal water district must stand for reelection under Government Code section 1780.

*City of Santa Monica v. Stewart*, 126 Cal.App.4th 43, 24 Cal.Rptr.3d 72 (2005). Successfully blocked attempt by city council to prevent implementation of voter-approved election-reform ordinance.

*McKinney v. Superior Court*, 124 Cal.App.4th 951, 21 Cal.Rptr.3d 773 (2004). Represented write-in candidate for Mayor of San Diego, who drew more votes in run-off election than either candidate on ballot.

*Bradley v. Perrodin*, 106 Cal.App.4th 1153, 131 Cal.Rptr.2d 402 (2003). Successfully represented winner of Compton mayoral election on appeal that overturned trial court's decision to remove him from office on the theory that the runner-up would have won the election had his name been listed first, rather than second, on the ballot.

*Westly v. California Public Employees' Retirement System Bd. of Administration*, 105 Cal.App.4th 1095, 130 Cal.Rptr.2d 149 (2003). Successfully represented State Controller in action challenging attempt by Board of Administration of CalPERS to evade state fiscal controls.

*Jeffrey v. Superior Court*, 102 Cal.App.4th 1, 125 Cal.Rptr.2d 175 (2002). Successfully compelled city council to place initiative on the ballot.

*Citizens for Jobs and the Economy v. County of Orange*, 94 Cal.App.4th 1311, 115 Cal.Rptr.2d 90 (2002). Successfully blocked initiative seeking to impede transformation of El Toro Marine Air Station into commercial airport.

*Ryan v. California Interscholastic Federation-San Diego Section*, 94 Cal.App.4th 1048, 114 Cal.Rptr.2d 798 (2001). As counsel for amicus Education Legal Alliance of the California School Boards Association, raised and prevailed on dispositive issues in lawsuit challenging high-school eligibility determination for interscholastic athletics.

*Songstad v. Superior Court*, 93 Cal.App.4th 1202, 113 Cal.Rptr.2d 729 (2001). Case involved standing to challenge title and summary for county initiative.

*Nicolopoulos v. City of Lawndale*, 91 Cal.App.4th 1221, 111 Cal.Rptr.2d 420 (2001). Case involved exclusivity of quo warranto for city counsel to unseat elected official.

*Woo v. Superior Court*, 83 Cal.App.4th 967, 100 Cal.Rptr.2d 156 (2000). Successful representation of candidate for city council, determining he was not barred by term limits.

*McPherson v. City of Manhattan Beach*, 78 Cal.App.4th 1252, 93 Cal.Rptr.2d 725 (2000). Successfully represented citizens' group challenging city permit allowing construction of building in violation of height ordinance. Case resulted in top of building having to be demolished.

*Schweisinger v. Jones*, 68 Cal.App.4th 1320, 81 Cal.Rptr.2d 183 (1998). Represented former member of Assembly seeking determination that term limits did not apply to her.

*Americans v. State*, 58 Cal.App.4th 724, 59 Cal.Rptr.2d 416 (1997). Challenge to State Legislature's failure to appropriate funds for anti-tobacco advertising pursuant to Proposition 99.

*Dornan v. Sanchez*, House Oversight Committee; *In re Sanchez*, 978 F.Supp. 1315 (C.D. Cal. 1997); *In re Sanchez*, 955 F.Supp. 1210 (C.D. Cal. 1997). Successfully defended Hon. Loretta Sanchez before House Oversight Committee, and in related judicial litigation, in election-contest challenge by former Rep. Robert Dornan.

*Browne v. Russell*, 27 Cal.App.4th 1116, 33 Cal.Rptr.2d 29 (1994). Represented a coalition of public-health organizations, successfully upheld Los Angeles City ordinance prohibiting smoking in restaurants against a challenge by the tobacco and restaurant industries.

*Wilshire Ins. Co. v. Garamendi*, 5 Cal.App.4th 1573, 8 Cal.Rptr.2d 55 (1992). Successful defense of application of Proposition 103 to insurers not ordered by former Insurance Commissioner to roll back rates.

*California Auto. v. Garamendi*, 234 Cal.App.3d 1486, 286 Cal.Rptr. 257 (1991). Successful defense of Insurance Commissioner's rate order for assigned-risk insurance.

*California Auto. v. Garamendi*, 232 Cal.App.3d 904, 283 Cal.Rptr. 562 (1991). Upheld Insurance Commissioner's rulings on procedures for setting assigned-risk rates.

*Hardeman v. Thomas*, 208 Cal.App.3d 153 (1989). Co-counsel in election contest challenging outcome of Inglewood City Council run-off election; after five-day trial, Superior Court annulled election results and ordered new election to be held, finding that numerous violations of state absentee ballot laws had occurred.

*Jonathan Club v. California Coastal Commission*, 197 Cal.App.3d 884 (1988) (decertified for publication). Represented amici civil rights organizations in trial and appellate courts in support of Coastal Commission's imposition of permit condition requiring Jonathan Club to certify that it does not discriminate in its membership policies on account of race, religion, or sex in order to expand its facility on state-leased beachfront land in Santa Monica.



*Federation of Hillside & Canyon Associations v. City of Los Angeles*, No. C526616 (L.A. Super. 1986). Co-counsel in challenge to City of Los Angeles' failure to bring zoning ordinances into conformity with city's general plans; injunction against issuance of further building permits for inconsistently zoned parcels led to settlement with court-monitored schedule for city-wide rezoning program.

*American Lung Ass'n of Cal. v. South Coast Air Quality Mgmt. Dist.*, No. C573130 (L.A. Super. 1985). Represented clean-air coalition in successful challenge to first attempt by company to "bank" pollution reduction "credits" for future sale to other companies needing to decrease emissions; settlement resulted in rescinding of credits.

*Friends of Ballona Wetlands v. California Coastal Commission*, No. C525826 (L.A. Super. 1984). Represented environmental organizations in administrative and court challenges to L.A. city, county, and Coastal Commission approvals of EIR and land use plans for massive Playa Vista development project; settlement resulted in scaled-down project and preservation/restoration of additional wetlands acreage.

*United States v. Stringfellow*, No. CV 83-2501 JMI (C.D. Cal. 1983). Represented intervening residents in multi-party Superfund toxic waste site clean-up action; case still pending, but trial court found private waste generators, dumpsite owners, and State of California strictly liable for cleanup costs under CERCLA, RCRA, and Clean Water Act.

*Sierra Club v. Board of Supervisors*, No. C319067 (L.A. Super. 1981). Co-counsel in successful challenge to L.A. County approval of Sunnyglen development project in Santa Monica Mountains; innovative settlement resulted in project re-design with additional on-site mitigation measures and establishment of monetary off-site mitigation fund for purchase of development rights in other environmentally sensitive canyon areas.

*Coalition For L.A. County Planning in the Public Interest v. Bd. of Supervisors*, 76 Cal.App.3d 241 (1977). Co-counsel in successful challenge to inadequacy of EIR and open-space element of L.A. County's general plan amendments under state Planning and Zoning law.

## ANDREA SHERIDAN ORDIN

Senior Counsel

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### PROFESSIONAL EXPERIENCE

STRUMWASSER & WOOCHER LLP, LOS ANGELES, CALIFORNIA

Senior Counsel, 2018 – present

Special Master and Independent Monitor appointed by the U.S. District Court Judge Dolly Gee to monitor compliance with the Flores Settlement Agreement, a federal consent decree that sets standards for the care and treatment of migrant children. Served as special counsel to the Orange County Civil Grand Jury as it investigated allegations of improper use of jailhouse informants by the Sheriff and District Attorney. Represents public entities and public-interest clients in a range of regulatory, environmental, and anti-trust litigation.

LOS ANGELES CITY ETHICS COMMISSION, LOS ANGELES, CALIFORNIA

Commissioner and Vice President, 2017 – Present

Member of the Commission charged with the shaping and enforcing laws regarding governmental ethics, conflicts of interest and campaign financing in the City.

PEPPERDINE LAW SCHOOL, MALIBU, CALIFORNIA

Adjunct Professor, 2013 – 2016

Teach “Government Lawyering” – a course designed to provide the student with a real world understanding of the practicalities and ethical dilemmas when representing State, Local and Federal governments.

LOS ANGELES BOARD OF SUPERVISORS, LOS ANGELES, CALIFORNIA

County Senior Deputy to Supervisor Hilda Solis, 2014 – 2015

Joined the staff of Supervisor Hilda Solis for four months to assist in transition. Advised the Supervisor and her staff on legal policy and issues of environmental protection and assisted in recruiting and training of new staff members.

LOS ANGELES BOARD OF POLICE COMMISSIONERS, LOS ANGELES, CALIFORNIA

President, 2012 – 2013

At the request of Mayor Antonio Villaraigosa, returned to serve on the Los Angeles Board of Police Commissioners as President. Under the City Charter, the Board of Police Commissioners is the head of the Police Department. The Board sets overall policy while the Chief of Police manages the daily operations of the Department and implements the Board’s policy decisions and goals. Provided leadership in increasing the effectiveness of the Inspector General and completing final negotiations ending federal oversight of the department.

LOS ANGELES COUNTY, LOS ANGELES, CALIFORNIA  
County Counsel, 2010 – 2012

The Office of the County Counsel and its 250 lawyers serves as attorney for, and provides legal advice and representation to the Los Angeles County Board of Supervisors, 40 County departments, and other public officers and agencies. One hundred of the lawyers practice in Dependency Court representing the Department of Children and Family Services, to protect the best interests of the more than 35,000 children in its jurisdiction.

The County Counsel, working closely with the County Counsel Division Chiefs, supervised and often participated personally in the litigation the County handled by more than forty outside law firms.

MORGAN, LEWIS & BOCKIUS, LOS ANGELES, CALIFORNIA  
Partner, 1993 – 2005  
Senior Counsel, 2005 – 2010

Legal practice focused on complex business, environmental litigation and internal corporate investigations. Appeared regularly in state and federal courts. Co-chaired and obtained a unanimous defense verdict for the firm's client after a 3-week jury trial in which plaintiff had alleged \$300 million in consequential damages.

Managed the Los Angeles and Orange County pro bono programs for the firm and worked regularly with Public Counsel, Legal Aid and Neighborhood Legal Services. Served as a Board Member of Children's Law Center of California.

UCLA LAW SCHOOL, LOS ANGELES, CALIFORNIA  
Full-Time Adjunct Professor, 1992 – 1993

Taught required second-year course "Legal Ethics" and third-year seminar, "The Government Lawyer."

OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA, LOS ANGELES, CALIFORNIA  
Chief Assistant Attorney General, 1983 – 1991

Headed the Division of Public Rights. Responsibilities included supervision of the 140 lawyers and other professionals in the Division of Public Rights assigned to the Antitrust, Consumer Protection, Environment, and Civil Rights sections.

Responsible for litigation and legislation in the Public Rights Division and appeared periodically in the trial and appellate courts, for example arguing *Nollan v. Coastal Commission*,<sup>2</sup> in the United States Supreme Court; *California v. Levi Strauss*,<sup>3</sup> in the California Supreme Court, and *California v. American Stores*,<sup>4</sup> in the District Court, and sitting second chair in the case of *California v. ARC America in the United States Supreme Court*.

UNITED STATES DEPARTMENT OF JUSTICE, LOS ANGELES, CALIFORNIA  
United States Attorney, 1977 – 1981

The third woman in history to be appointed by the President of the United States to the position. Responsibilities in the Central District of California included the supervision of the 95 Assistant U.S. Attorneys assigned to the Criminal, Civil and Tax Divisions in Los Angeles and oversight of the Department of Justice lawyers trying cases in the District.

The Central District of California includes the counties of Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura. Appeared periodically in the Ninth Circuit on civil and criminal appeals. Developed and chaired joint state, local and federal task forces to enforce criminal and civil rights law.

LOS ANGELES COUNTY, LOS ANGELES, CALIFORNIA  
Assistant District Attorney, 1975 – 1977

The third ranking position in an office of more than 550 lawyers and approximately 1,500 investigative and support personnel. In addition to general administrative responsibilities, the Assistant District Attorney supervised filings and proceedings brought by the 60 lawyers in the Juvenile Division. Working with District Attorney, John Van de Kamp, sponsored juvenile justice reform legislation in Sacramento. Participated in drafting the first Affirmative Action program for the District Attorney's office, as well as drafting and advocating in Washington, D.C., the first grant proposal for the Hard Core Gang Prosecution Unit.

OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA, LOS ANGELES, CALIFORNIA  
Deputy Attorney General, 1965 – 1972

Assigned to the following Sections: Criminal Appeals, Consumer Protection and Civil Rights. Handled both civil and criminal trial and appellate cases for the Sections, handling more than 60 State court appeals, including four arguments before the California Supreme Court expanding the rights of California consumers. While in the Civil Rights unit, brought cases against housing developments and employment agencies for racial discrimination and co-joined desegregation cases against the School Districts of Bakersfield and San Diego. Drafted the first juvenile court appellate brief after the Supreme Court decision, *In Re Gault* and advised the Attorney General on juvenile justice presentations.

**AWARDS**

SHATTUCK PRICE LIFETIME AWARD  
Los Angeles County Bar Association, 2011

PRECUSOR PARA JUSTICIA AWARD (PIONEER OF JUSTICE AWARD)  
Mexican American Bar Foundation, 2002

TRAILBLAZER AWARD  
Los Angeles County Bar Association & Women Lawyers of Los Angeles, 2002

ERNESTINE STAHLHUT AWARD  
Women Lawyers of Los Angeles, 2000

MARGARET BRENT AWARD FOR WOMEN LAWYERS OF ACHIEVEMENT  
American Bar Association, 1991

## **ACADEMIC**

L.L.B., University of California School of Law, Los Angeles, California.

B.A., University of California.

## **PROFESSIONAL AFFILIATIONS**

Member — American Bar Association Standing Committee, Judicial Independence, 2005 – 2007

Member — American Bar Association Justice Anthony Kennedy Commission on Sentencing, 2004

President — Los Angeles County Bar Association, 1991 – 1992

Member — Independent Commission to Study the Los Angeles Police Department (Christopher Commission), 1991

## DALE K. LARSON

Partner

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### PROFESSIONAL EXPERIENCE

STRUMWASSER & WOOCHE LLP, LOS ANGELES, CALIFORNIA

Partner, January 2020 – present

Associate, September 2014 – December 2019

Public interest litigation practice focusing on education, government, and election law. Represented Los Angeles Unified School District on budgeting matters related to the Education Revenue Augmentation Fund, Local Control Funding Formula, and elections matters. Represented candidates, campaigns, community groups, and cities in elections matters. Advised the California Department of Insurance and California Earthquake Authority on regulatory matters. Has extensive experience in both trial and appellate courts and has bench trial experience.

UCLA SCHOOL OF LAW, LOS ANGELES CALIFORNIA

Lecturer in Law, Spring 2016, Fall 2016, Fall 2017, Fall 2018

Taught and designed course materials for Legal Research and Writing for LL.Ms.

MORRISON & FOERSTER, LOS ANGELES, CALIFORNIA

Associate, April 2013 – September 2014

Associate, November 2009 – October 2011

Complex litigation practice including cases related to speech on private retail property, insurance disputes, copyright, patent, and consumer class actions. Extensive court experience including a bench trial, evidentiary hearings, and oral arguments throughout California.

U.S. DISTRICT COURT, CENTRAL DISTRICT, LOS ANGELES, CALIFORNIA

Law Clerk to the Honorable Consuelo B. Marshall, November 2011 – March 2013

Conducted legal research and drafted bench memoranda and orders for district judge; helped judge prepare for oral arguments and trials.

TRABER & VOORHEES, PASADENA, CALIFORNIA

Law Clerk, May 2007 – November 2007

Performed legal research and wrote memoranda for private, civil rights law firm. Drafted portions of trial briefs, assisted with trial preparation and observed depositions.

PEOPLE FOR THE AMERICAN WAY (PFAW), WASHINGTON, D.C.

Online Project Manager, May 2004 – July 2006

Managed tools and resources for online advocacy and fundraising for non-profit advocacy organization.



APPIAN CORPORATION, WASHINGTON, D.C.  
Senior Consultant, April 2002 – May 2004

Worked as a consultant, primarily to the United States Army, helped design, write, and maintain software.

VOLUNTARY SERVICE OVERSEAS, TOSAMAGANGA, TANZANIA  
Secondary School Mathematics Teacher, August 1999 – December 2001

Taught high-school mathematics, including calculus, probability, and statistics.

EVIDENCE BASES RESEARCH, INC., WASHINGTON, D.C.  
Research Assistant

Assisted in the development and implementation of an empirical system designed to monitor and predict political, economic, and social trends in developing countries.

## ACADEMIC

J.D., University of California, Los Angeles School of Law, Los Angeles, California.  
UCLA Law Review, Senior Editor.

B.A. in Political Science and Mathematics, Duke University, Durham, North Carolina.  
Study abroad: University of New South Wales, Sydney, Australia.

## PUBLICATIONS

*Unconsciously Regarded As Disabled: Implicit Bias and the Regarded As Prong of the Americans with Disabilities Act*, 56 UCLA L. REV. 451 (2008).

*Antidiscrimination Law in the Workplace: Moving Beyond the Impasse*, 9 U. MD. L.J. RACE, RELIGION, GENDER & CLASS 303 (2009).

*A Fair and Implicitly Impartial Jury: An Argument for Administering the Implicit Association Test During Voir Dire*, 3 DEPAUL J. FOR SOC. JUST. 139 (2010).

## JUSTIN LEVITT

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<http://ssrn.com/author=698321>

## TEACHING

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### **Loyola Law School**, Los Angeles, CA

*Associate Dean for Research* (2017–2020).

*Professor of Law* (2014–present), *Gerald T. McLaughlin Fellow* (2018–present).

*Associate Professor of Law* (2010–2014).

*Courses:* Constitutional Law, Law of the Political Process, Criminal Procedure

Founder, [Practitioner Appellate Moot Program](#)

[Dean's Search Committee](#), Hiring Committee, [Faculty Workshops](#) (co-chair)

Faculty Advisor, [Loyola Law Review](#), 2014-15; [American Constitution Society](#)

Curriculum, Academic Standards/Grading, Web Redesign, Instructional Tech. Committees

Excellence in Teaching Award, 2013-14, 2019-20

### **USC Gould School of Law**, Los Angeles, CA

*Visiting Professor of Law* (spring 2015).

*Course:* Constitutional Law

### **California Institute of Technology (Caltech)**, Pasadena, CA

*Visiting Associate Professor of Law* (spring 2014).

*Courses:* Introduction to Law and Law and Economics

### **Yale Law School**, New Haven, CT

*Visiting Associate Professor of Law* (spring 2013).

*Courses:* Law of Democracy, Motives of Public Actors

### **New York University School of Law**, New York, NY

*Assistant Adjunct Professor of Clinical Law* (2006–07).

*Course:* Public Policy Advocacy Clinic

## EDUCATION

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### **Harvard Law School / Harvard Kennedy School**

J.D./M.P.A., *magna cum laude* (June 2002).

HARVARD LAW REVIEW, Articles Editor, vols. 114 and 115

Hewlett Law & Negotiation Fellowship; Jessup Int'l Law Competition, Regional Best Oralist

Teaching Fellow, Harvard College: The American Presidency, Globalization

### **Fulbright Scholarship**, Universität zu Köln, Germany (1997–98).

Research on organizational and employee loyalty.

### **Harvard College**

B.A. (Special Concentration), *magna cum laude* (June 1995).

John Harvard Scholar, Harvard National Scholar

## **OTHER PROFESSIONAL EXPERIENCE**

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**Facebook, Menlo Park, CA (2020).**

*Voting Rights Consultant.*

Offered expertise on information and organic content related to electoral process.

**U.S. Department of Justice, Washington, DC (2015–17).**

*Deputy Assistant Attorney General, Civil Rights Division.*

Reviewed strategic decisions, select case filings, and administrative concerns in supporting and managing hundreds of employees, including civil rights policy staff and sections enforcing federal statutes concerning voting rights and protections against employment discrimination (including protections for LGBT individuals).

**Brennan Center for Justice at NYU School of Law, New York, NY (2005–08, 2009–10).**

*Counsel, Democracy Program.*

Provided legislative and administrative counsel and pursued litigation to promote equitable access to an effective vote.

**Obama Campaign for Change/Democratic National Committee, Washington, DC (2008).**

*National Voter Protection Counsel.*

Co-managed presidential campaign's national voter protection program, directed substantive approach to election administration concerns, edited pleadings and helped direct strategy in election-related litigation, and oversaw recruitment and deployment of volunteer attorneys.

**America Coming Together, Washington, DC (2004–05).**

*In-House Counsel.*

Delivered legal support for national voter mobilization operation, focusing on election administration, campaign finance compliance, and employment law.

**Clark for President, Inc., Little Rock, AR (2003–04).**

*Director of Strategic Targeting.*

Conducted intensive analysis of voter files and directed targeting for voter contact programs; drafted and edited policy and political materials.

**U.S. Court of Appeals for the Ninth Circuit, Los Angeles, CA (2002–03).**

*Law Clerk to the Honorable Stephen Reinhardt.*

**Altshuler, Berzon, Nussbaum, Rubin & Demain, San Francisco, CA (summer 2001).**

*Summer Associate.*

Drafted labor, environmental, and habeas case filings.

**Department of State, Office of War Crimes Issues, Washington, DC (summer 2000).**

*Legal Intern.*

Supported ICC negotiations and ICTY prosecutions.

**McKinsey & Company, Chicago, IL (1995–97).**

*Business Analyst.*

Developed quantitative and qualitative assessments of corporate performance and opportunities, and strategies for driving measurable improvement.

## PRIMARY ARTICLES

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[\*Failed Elections and the Legislative Selection of Electors\*](#) (forthcoming 2021).

[\*Citizenship and the Census\*](#), 119 COLUM. L. REV. 1355 (2019).

[\*Intent is Enough: Invidious Partisanship in Redistricting\*](#), 59 WM. & MARY L. REV. 1993 (2018).

[\*Quick and Dirty: The New Misreading of the Voting Rights Act\*](#), 43 FL. ST. U. L. REV. 573 (2016).

[\*Electoral Integrity: The Confidence Game\*](#), 89 N.Y.U. L. REV. ONLINE 70 (2014).

[\*The Partisanship Spectrum\*](#), 55 WM. & MARY L. REV. 1787 (2014).

[\*Section 5 As Simulacrum\*](#), 123 YALE L. J. ONLINE 151 (2013).

[\*Democracy on the High Wire: Citizen Commission Implementation of the Voting Rights Act\*](#), 46 U.C. DAVIS L. REV. 1041 (2013).

[\*Resolving Election Error: The Dynamic Assessment of Materiality\*](#), 54 WM. & MARY L. REV. 83 (2012) (also [edited for inclusion in LEGAL WORKSHOP](#), OCT. 30, 2012).

[\*Election Deform: The Pursuit of Unwarranted Electoral Regulation\*](#), 11 ELECTION L.J. 97 (2012).

[\*Confronting the Impact of Citizens United\*](#), 29 YALE L. & POL'Y REV. 217 (2010).

[\*Long Lines at the Courthouse: Pre-Election Litigation of Election Day Burdens\*](#), 9 ELECTION L.J. 19 (2010) (peer-reviewed).

[\*Taking the "Re" Out of Redistricting: State Constitutional Provisions on Redistricting Timing\*](#), 95 GEO. L.J. 1247 (2007) (co-authored with Michael P. McDonald).

## ESSAYS AND SHORTER SCHOLARSHIP

---

[\*Nonsensus: Pretext and the Decennial Enumeration\*](#), 3 ACS SUP. CT. REV. 59 (2019).

[\*Race, Redistricting, and the Manufactured Conundrum\*](#), 50 LOYOLA L.A. L. REV. 555 (2017).

[\*The Role of State Attorneys General in Federal and State Redistricting in 2020\*](#) (2017) (co-authored with James E. Tierney).

[\*Voter Identification in the Courts\*](#), in [THE BOOK OF THE STATES](#) (Council of State Gov'ts 2015).

[\*"Fixing That": Lines at the Polling Place\*](#), 28 J. L. POL. 465 (2013).

[\*You're Gonna Need a Thicker Veil\*](#), 65 FLA. L. REV. F. (2013).

[\*The New Wave of Election Regulation: Burden without Benefit\*](#), 6 ADVANCE 39 (2012).

## ESSAYS AND SHORTER SCHOLARSHIP (continued)

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[\*Fault and the Murkowski Voter: A Reply to Flanders\*](#), 28 ALASKA L. REV. 41 (2011).

[\*Weighing the Potential of Citizen Redistricting\*](#), 44 LOYOLA L.A. L. REV. 513 (2011).

*Guarantee Clause*, in ENCYCLOPEDIA OF THE U.S. CONSTITUTION (David Schultz ed., 2009).

[\*Seeing Double Voting: An Extension of the Birthday Problem\*](#), 7 ELECTION L.J. 111 (2008)  
(co-authored with Michael P. McDonald) (peer-reviewed).

*Developments in the Law—International Criminal Law* (pt. 2): [\*The Promises of International Prosecution\*](#), 114 HARV. L. REV. 1957 (2001).

## MONOGRAPHS AND BOOK CHAPTERS

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*Quick and Dirty: The New Misreading of the Voting Rights Act*, in [AMERICA VOTES! A GUIDE TO MODERN ELECTION LAW AND VOTING RIGHTS](#) (Benjamin E. Griffith ed., 3d ed. 2016).

[\*LULAC v. Perry: The Frumious Gerry-Mander, Rampant\*](#), in ELECTION LAW STORIES  
(Foundation Press, 2016).

*Novel (and Not-so-Novel) Alternatives to Legislative Redistricting*, in [AMERICA VOTES! A GUIDE TO MODERN ELECTION LAW AND VOTING RIGHTS](#) (Benjamin E. Griffith ed., 2d ed. 2012).

*Redistricting and the West: The Legal Context*, in [REDISTRICTING AND REAPPORTIONMENT IN THE WEST](#) (Gary F. Moncrief ed., 2011).

[A CITIZEN’S GUIDE TO REDISTRICTING](#) (2d ed., Brennan Center for Justice 2010).

*How Data is [sic] Used by Advocates*, in [DATA FOR DEMOCRACY](#) (Paul Gronke & Michael Caudell-Feagan eds., 2008).

A CITIZEN’S GUIDE TO REDISTRICTING (1st ed., Brennan Center for Justice 2008).

[THE TRUTH ABOUT VOTER FRAUD](#) (Brennan Center for Justice 2007).

*Introduction*, in [MAKING EVERY VOTE COUNT: FEDERAL ELECTION LEGISLATION IN THE STATES](#)  
(Andrew Rachlin ed., 2006).

[MAKING THE LIST: DATABASE MATCHING AND VERIFICATION PROCESSES FOR VOTER REGISTRATION](#)  
(Brennan Center for Justice 2006) (co-authored with Wendy R. Weiser and Ana Muñoz).

## MULTIMEDIA RESEARCH

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[\*All About Redistricting\*](#), a comprehensive website tracking the status of decennial redistricting, explaining the process state-by-state, and following redistricting litigation start to finish.

## TESTIMONY AND REGULATORY COMMENT

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**U.S. Senate:** *From Selma to Shelby County: Hearing Before the S. Comm. on Judiciary*, 113th Cong. (July 17, 2013) ([video](#), [statement](#)).

**U.S. Senate:** *New State Voting Laws: Barriers to the Ballot?: Hearing Before the S. Comm. on Judiciary, Subcomm. on Constitution, Civil Rights & Human Rights*, 112th Cong. (Sept. 8, 2011) ([video](#), [statement](#)).

**U.S. Senate:** *In Person Voter Fraud: Myth and Trigger for Disenfranchisement?: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Mar. 12, 2008) ([transcript](#), [statement](#)).

**U.S. Senate:** *Protecting Voters at Home and at the Polls: Hearing Before the S. Comm. on Rules & Admin.*, 110th Cong. (Feb. 27, 2008) ([statement](#)).

**U.S. House:** *Congressional Authority to Protect Voting Rights After Shelby County v. Holder: Hearing Before the H. Comm. on the Judiciary, Subcomm. on Constitution, Civil Rights & Civil Liberties*, 116th Cong. (Sept. 24, 2019) ([video](#), [statement](#)).

**U.S. House:** *Progress Report on the 2020 Census: H. Comm. on Oversight & Government Reform*, 115<sup>th</sup> Cong. (May 9, 2018) ([video](#), [statement](#)).

**U.S. Comm’n on Civil Rights:** *An Assessment of Minority Voting Rights Access in the US: An Update* (July 8, 2020) ([statement](#)).

**U.S. Comm’n on Civil Rights:** *An Assessment of Minority Voting Rights Access in the US: Hearing Before the U.S. Comm’n on Civil Rights* (Feb. 2, 2018) ([video](#), [statement](#), [supp.](#)).

**U.S. Comm’n on Civil Rights:** *Redistricting and the 2010 Census: Enforcing Section 5 of the VRA: Hearing Before the U.S. Comm’n on Civil Rights* (Feb. 3, 2012) ([statement](#)).

**U.S. Comm’n on Civil Rights (Alaska):** *Alaska Native Voting Rights: Hearing Before the Alaska Advisory Comm. to the U.S. Comm’n on Civil Rights* (Sept. 22, 2017) ([statement](#)).

**U.S. Comm’n on Civil Rights (Indiana):** *Voting Rights in Indiana: Hearing Before the Indiana Advisory Comm. to the U.S. Comm’n on Civil Rights* (Apr. 30, 2018) ([statement](#)).

**U.S. Dep’t of Commerce:** [Comment](#) on Proposed Information Collection, 2020 Census, Aug. 7, 2018, response to 83 Fed. Reg. 26,643 (June 8, 2018).

**U.S. Census Bureau:** [Comment](#) on Census Residence Rule and Residence Situations: People in Correctional Facilities, July 20, 2015, response to 80 Fed. Reg. 28,950 (May 20, 2015).

**Fed. Court:** *DNC v. RNC*, No. 81-3876 (D.N.J. May 6, 2009) ([opinion](#)).

**State Court:** *Jauregui v. Palmdale*, No. BC483039 (Cal. Super. Ct., L.A. Cnty. May 2013).

**State Court:** *Pico Neighborhood Ass’n v. Santa Monica*, No. BC616804 (Cal. Super. Ct., L.A. Cnty. Aug. 2018).



**TESTIMONY** (continued)

**Alaska House:** *Hearing on H.J.R. 26 Before the H. State Affairs Comm.*, 30th Leg. (Alaska Feb. 20, 2018) ([video](#))

**Ill. Senate:** *Proposals for Changing the Current Redistricting Process in Illinois: Hearing Before the S. Redistricting Comm.*, 96th Leg. (Ill. Oct. 13, 2009) ([statement](#)).

**Ind. Joint Comm:** *Hearing Before the Interim Study Comm. on Redistricting*, 117th Gen. Assem. (Ind. Oct. 7, 2011); *Hearing Before the Census Data Advisory Committee*, 116th Leg. (Ind. Sept. 29, 2009) ([statement](#)).

**Mich. House:** *Hearing on H.B. 5914 Before the H. Judiciary Comm.*, 95th Leg. (Mich. Apr. 13, 2010) (with Myrna Pérez) ([statement](#)).

**Nev. Joint Comm.:** *National Overview of Reapportionment and Redistricting: J. Meeting Assemb. Comm. Legis. Operations & Elections & S. Comm. Legis. Operations & Elections*, 76th Reg. Sess. (Nev. Mar. 10, 2011) ([presentation](#)).

**N.Y. Assembly:** *Redistricting: Hearing on A.624, A.2056, and A.6287-a Before Assemb. Standing Comm. on Gov't Operations* (N.Y. Oct. 17, 2006) (with Kahlil Williams) ([statement](#))

**Ore. Joint Comm.:** *Communities of Interest: An Overview of the Law: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting* (Ore. Feb. 25, 2011); *What is Redistricting? A Citizen's Guide to Redistricting: Hearing Before the S. Comm. on Redistricting & the H. Comm. on Redistricting* (Ore. Feb. 4, 2011) ([audio](#))..

**Tex. House:** *Hearing on S.B. 14 Before the H. Select Comm. on Voter Identification and Voter Fraud*, 82d Leg. (Tex. Mar. 1, 2011) ([video](#) @ 4:47:00); *Hearing on S.B. 362 Before the H. Comm. on Elections*, 81st Leg. (Tex. Apr. 6, 2009) ([video](#) @ 2:29:00, [statement](#)); *Hearing Before the H. Comm. on Elections*, 80th Leg. (Tex. Jan. 25, 2008) ([video](#) @ 3:26:40).

**Wash. Senate:** *Hearing on Voting Rights Issues Before the S. State Gov't, Tribal Relations & Elections Comm.* (Wash. Jan. 10, 2018) ([statement](#)).

**Wash. Joint Comm.:** *Hearing on Issues Involving Potential Litigation Over State Voting Rights Acts Before the S. Gov'tal Ops. Comm. & the L. & Justice Comm.* (Wash. May 7, 2015).

**Wis. Joint Comm.:** *Hearing on A.B. 895 and 892, and S.B. 640 and 645, Before the Ass. Comm. on Elections & Campaign Reform & the S. Comm. on Labor, Elections & Urban Affairs* (Wis. Mar. 31, 2010) ([statement](#)).

**L.A. County:** [Report on the Legal Standards Pertaining to the Los Angeles County Redistricting Process](#); *Hearing Before the L.A. Cty. Bd. of Supervisors* (L.A. Cty. Aug. 9, 2011) ([video](#)).

**City of Dallas:** [Hearing Before the Dallas Charter Review Comm'n re Redistricting](#) (Dallas, Mar. 25, 2014) ([video](#)).

## SELECTED PRESENTATIONS

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Panelist, [\*What Happens When America Votes? Second in a Series: Legal Remedies for Election Litigation\*](#), National Center for State Courts (Oct. 2020).

Panelist, [\*Access to the Vote: The Ballot and the Mailbox\*](#), ABA Civil Rights and Social Justice Section (Sept. 2020).

Panelist, *Redistricting 101*, Michigan Independent Citizens' Redistricting Commission (Sept. 2020).

Speaker, *Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission*, California Citizens' Redistricting Commission (Sept. 2020).

Speaker, *Election Law Update*, Conf. of the Nat'l Ass'n of Appellate Court Attorneys (July 2020).

Roundtable Participant, *What If the 2020 Presidential Election is Disputed?*, Ohio State Moritz School of Law, Columbus, OH (May 2020).

Panelist, *Redistricting and Related Legal Uses*, [\*Workshop on 2020 Census Data Products: Data Needs and Privacy Considerations\*](#), Committee on National Statistics, National Academy of Sciences, Washington, DC (Dec. 2019).

Panelist, *Impeaching the President: The Ins and Outs of Ukraine, Obstruction of Justice, Emoluments, and More*, UCLA School of Law, Los Angeles, CA (Nov. 2019).

Speaker, *Uses of 2020 Census Redistricting Data, Formal Privacy Methods for the 2020 Census*, JASON Conference, La Jolla, CA (June 2019).

Speaker, *Citizenship and the Census*, Harvard Law School, Cambridge, MA (Apr. 2019).

Panelist, [\*Dollars and Sense: Campaign Finance Reform for the 21st Century\*](#), Notre Dame Law School, South Bend, IN (Feb. 2019).

Panelist, *Undercounting Democracy: The Census and the Citizenship Question*, UCLA Law School, Los Angeles, CA (Feb. 2019).

Moderator, *Fighting Gerrymandering with the First Amendment*, [\*Reason, Reform & Redistricting Conference\*](#), Duke University, Durham, NC (Jan. 2019).

Speaker, [\*The Need for Redistricting Reform\*](#), U. Arizona Conference on Redistricting, Tucson, AZ (Oct. 2018).

Panelist, [\*How Gerrymandering is Reshaping Politics\*](#), SxSW, Austin, TX (Mar. 2018).

Panelist, *Foreign Interference in U.S. Elections from an Election and Constitutional Law Perspective*, McGeorge Global Center Annual Symposium, McGeorge School of Law, University of the Pacific, Sacramento, CA (Mar. 2018).

Moderator, *At Our Whit(ford)'s End With Gerrymandering?*, Unrig the System Summit, New Orleans, LA (Feb. 2018).

**SELECTED PRESENTATIONS** (continued)

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Speaker, *A Republic, If You Can Keep It*, [In Defense of Voting Rights](#), Colloquium on the Constitution and the Imagining of America, Amherst College, Amherst, MA (Nov. 2017).

Panelist, *Race and Redistricting 2021*, [Redistricting Reform Conference at Harvard](#), Harvard Kennedy School / Harvard Law School, Cambridge, MA (Nov. 2017).

Panelist, Voting Rights Institute, [ACS 2017 National Convention](#), Washington, DC (June 2017).

Keynote Speaker, [Legislatures, Courts and Voting Rights: Developments since the 2013 Shelby County v. Holder Decision](#), U. Pittsburgh School of Law, Pittsburgh, PA (Apr. 2017).

Keynote Speaker, [The Future of National Election and Political Reform Efforts](#), The Future of Democracy, Election Law@Boalt, Berkeley Law School, Berkeley, CA (Apr. 2017).

Participant, *Political Parties and Republican Government*, Liberty Fund Colloquium, Cato Institute, Washington, DC (Apr. 2017).

Panelist, *The Supreme Court and 2020 Round*, William & Mary Law Review 2020 Redistricting Symposium, William & Mary Law School, Williamsburg, VA (Feb. 2017).

Presenter, *Vote As If Your Life Depends on It*, [NDRN 2016 P&A/CAP Annual Conference](#), Baltimore, MD (June 2016).

Opening Remarks, [Summit on Language Access in Elections](#), Election Assistance Commission, College Park, MD (June 2016).

Panelist, *Government Plenary*, [ABA Section of Labor and Employment Law, National Conference on Equal Employment Opportunity Law](#), Austin, TX (Mar. 2016).

Opening Remarks, [Securing the Election in the 21<sup>st</sup> Century](#), Election Verification Network Conference, Washington, DC (Mar. 2016).

Panelist, *Protecting Voters and Best Practices for State, County, and Local Officials*, Roundtable, Joint Center for Political and Economic Studies, GW Law, Washington, DC (Dec. 2015).

Panelist, Closing Plenary, [Looking Forward to an Expanded Electorate](#), [Future of California Elections 2015 Conference](#), Sacramento, CA (Feb. 2015).

Panelist, [The Voting Rights Act at 50: The Past, Present, and Future of the Right to Vote](#), LSU Law Center, Baton Rouge, LA (Jan. 2015).

Panelist, [Got ID? Recent Trends in Voter Identification Requirements](#), 2014 U.S. Election Program, International Foundation for Electoral Systems, Washington, DC (Nov. 2014).

Presenter, *U.S. Redistricting, in Texas and Beyond*, Workshop Derecho Electoral Comparado, Tribunal Electoral del Poder Judicial de la Federación, Mexico City, Mexico (Sept. 2014).

**SELECTED PRESENTATIONS** (continued)

Panelist, [\*The End of Political Gerrymandering?\*](#), National Constitution Center, Philadelphia, PA (May 2014).

Presenter, *Democracy Held Captive: Felon Voting Rights and Prison-Based Gerrymandering*, 44th Annual Cal State Fullerton Philosophy Symposium, [\*Rethinking Mass Incarceration: Gender, Race, and the Prison Industrial Complex\*](#), Cal. State University, Fullerton, CA (Apr. 2014).

Presenter, *The Partisanship Spectrum*, [\*The Jurisprudence of Voting Rights\*](#), Midwest Political Science Association, Chicago, IL (Apr. 2014).

Panelist, [\*Voting Rights Post-Shelby: A Perspective One Year Out\*](#), American Constitution Society, Georgetown University Law Center, Washington, DC (Apr. 2014).

Presenter, *The Partisanship Spectrum*, [\*Elections, Law & Democracy\*](#), Southern California Law and Social Science Forum, Whittier Law School, Costa Mesa, CA (Mar. 2014).

Presenter, [\*40 Years after Watergate and 4 Years after Citizens United\*](#), American Constitution Society, Southwestern Law School, Los Angeles, CA (Mar. 2014).

Panelist, [\*Voting Rights: Challenges and Opportunities for Cause Lawyers in the 21st Century\*](#), 2014 La Verne Law Review Symposium, *Brown v. Board of Education at 60: Cause Lawyering for a New Generation*, University of La Verne College of Law, La Verne, CA (Feb. 2014).

Panelist, [\*Has the United States Supreme Court Killed California's Initiative Process or Helped Check Its Abuses?\*](#), Federalist Society 2014 Annual Western Chapters Conference, Ronald Reagan Presidential Library, Simi Valley, CA (Jan. 2014).

Participant, *Scholars' Convening on Voting Rights*, George Washington University School of Law, Washington, DC (Dec. 2013).

Participant, *Redistricting 2020: Preparing for Action*, Pew Charitable Trusts, Washington, DC (Dec. 2013).

Panelist, [\*What's at Stake for Immigrant Communities and Other Communities of Color in the New Battle Over Voting Rights\*](#), 2013 Advancing Justice Conference, Los Angeles, CA (Nov. 2013).

Panelist, *Shelby County v. Holder: Election Law's Impact on the Asian Pacific American Community*, U.C. Irvine School of Law, Irvine, CA (Nov. 2013).

Speaker, *Exploring the Post-Shelby Voting Rights Act Framework*, American Constitution Society, UCLA, Los Angeles, CA (Oct. 2013).

Speaker, [\*The Future of Voting Rights after Shelby County v. Holder\*](#), Public Policy Lecture Series, Reed College, Portland, OR (Oct. 2013).

Presenter, *The Partisanship Spectrum*, Junior Faculty Workshop, University of Toronto School of Law, Toronto, Canada (Oct. 2013).

**SELECTED PRESENTATIONS** (continued)

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Speaker, [\*Voting Rights After Shelby County v. Holder: What Now?\*](#), American Constitution Society, University of La Verne College of Law, La Verne, CA (Oct. 2013).

Presenter, *The Partisanship Spectrum*, Fall 2013 Southern California Junior Faculty Workshop, Southwestern Law School, Los Angeles, CA (Sept. 2013).

Panelist, [\*Long Voting Lines - Causes and Cures and Precinct Management\*](#), National Ass'n of State Election Directors Summer Meeting, Anchorage, AK (July 2013).

Panelist, [\*How to Fix That: Modernizing Our Elections\*](#), Netroots Nation 2013, San Jose, CA (June 2013).

Panelist, *Campaign Finance After Citizens United*, Federalist Society, Yale Law School, New Haven, CT (Apr. 2013).

Panelist, *Politics, Disease Prevention, and the Polling Place: Lessons from Vote & Vax*, Clinton Global Initiative U., Washington University in St. Louis, St. Louis, MO (Apr. 2013).

Symposium Participant, [\*The Voting Wars: Election Day and Beyond\*](#), University of Virginia School of Law, Charlottesville, VA (Mar. 2013).

Speaker, *Gerrymandering, Voter Suppression, and the Voting Rights Act*, Rogers School of Law, Tucson, AZ (Mar. 2013).

Panelist, *The Future of the Voting Rights Act*, Yale Law School, New Haven, CT (Mar. 2013).

Panelist, *Voting Rights at Large and at Small: Perspectives on Local Election Administration and How People Really Vote*, RebLaw 2013, Yale Law School, New Haven, CT (Feb. 2013).

Speaker, [\*The California Voting Rights Act\*](#), City of Anaheim, Citizens Advisory Committee on Elections and Community Involvement, Anaheim, CA (Dec. 2012) ([video](#)).

Panelist, [\*Law and Democracy: A Symposium on the Law Governing Our Democratic Process\*](#), George Washington University School of Law, Washington, DC (Nov. 2012).

Panelist, [\*American Ideal: The Right to Vote\*](#), Beverly Hills Bar Ass'n, Los Angeles, CA (Oct. 2012).

Panelist, [\*To Vote or Not to Vote: Turnout Challenges for 2012\*](#), Pat Brown Institute of Public Affairs, Los Angeles, CA (Sept. 2012).

Speaker, *The Initiative Process and Constitutional Change*, U. Minnesota School of Law, Minneapolis, MN (Sept. 2012).

Panelist, [\*Are We Ready to Run Our Elections?\*](#), Bipartisan Policy Center / Humphrey School of Public Policy, Washington, DC (Sept. 2012).

**SELECTED PRESENTATIONS** (continued)

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Panelist, [\*Foxes, Henhouses, and Commissions: Assessing the Nonpartisan Model in Election Administration, Redistricting, and Campaign Finance\*](#), U.C. Irvine School of Law, Irvine, CA (Sept. 2012).

Moderator, [\*From Austin to Albany: Redistricting in Texas and New York in 2010\*](#) and [\*Redistricting 2012 Legal Panel\*](#), 2012 NCSL Legislative Summit, Chicago, IL (Aug. 2012).

Moderator, [\*What's at Stake: Examining Voting Rights in the 21<sup>st</sup> Century\*](#), 2012 ACS National Convention: Democracy at Stake, Washington, DC (June 2012).

Panelist, [\*Redistricting Litigation\*](#), Federalist Society Civil Rights Practice Group Podcast (Apr. 2012).

Speaker, *Voting ID Laws: Integrity at the Ballot Box?*, American Constitution Society, UCLA Law School, Los Angeles, CA (Apr. 2012).

Presenter, *Municipal Redistricting and Minority Representation: Democracy Outside the Box*, The Politics of Race and Place Workshop, U.C. San Diego (Feb. 2012).

Panelist, *Blocking the Vote: Voter Suppression Tactics and Responses on the Eve of the 2012 Elections*, NAACP LDF Civil Rights Training Institute, Airlie Conference Center, Warrenton, VA (Oct. 2011).

Panelist, [\*A Brave New World? California's Redistricting Experiment\*](#), Institute of Governmental Studies, U.C. Berkeley, Berkeley, CA (Sept. 2011).

Panelist, *Redistricting Roundtable: Law and Politics in the New Decade*, 2011 American Political Science Association Annual Meeting, Seattle, WA (Sept. 2011).

Speaker, *Emerging/Unresolved Issues in Case Law*, [\*Reapportionment and Redistricting in Idaho and the West\*](#), Boise State University, Boise, ID (Apr. 2011).

Discussant, [\*Eligibility to Vote: Bush v. Gore, 10 Years Later\*](#), University of California-Irvine, Laguna Beach, CA (Apr. 2011).

Speaker, [\*Redistricting 101: What You Need to Know to Get Involved\*](#), Arizona State University, Phoenix, AZ (Apr. 2011).

Discussant, [\*Citizen Competence in Direct Democracy\*](#), 2011 Midwest Political Science Association Annual Meeting, Chicago, IL (Mar. 2011).

Panelist, [\*Citizens United: One Year Later\*](#), American Constitution Society, UCLA Law School (Mar. 2011).

Panelist, *Partisan Gerrymandering: The Legal Limitations and Lack Thereof*, NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).



**SELECTED PRESENTATIONS** (continued)

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Kickoff Speaker, [\*Redistricting Basics and Terminology\*](#), NCSL National Redistricting Seminar, National Harbor, MD (Jan. 2011).

Speaker, [\*Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission\*](#), California State Auditor, Sacramento, CA (Dec. 2010).

Panelist, *Redistricting Decisions of the Last Decade*, NCSL National Redistricting Seminar, Providence, RI (Sept. 2010).

Panelist, *Symposium 2010 - Helping America Vote: The Past, Present, and Future of Election Administration*, NYU Journal of Legislation and Public Policy, NYU School of Law, New York, NY (Mar. 2010).

Speaker, [\*Redistricting 101: Legal Concepts That Apply to the Work of California's Citizens Redistricting Commission\*](#), California State Auditor, Applicant Review Panel, Sacramento, CA (Feb. 2010).

Speaker, [\*Redistricting: Embracing Lines in the Public Interest\*](#), Women in Government, 16<sup>th</sup> Annual State Directors' Conference, Dana Point, CA (Jan. 2010).

Speaker, [\*Hot Voting Rights Topics for Municipalities: Pre-litigation Use of Alternative Voting Systems and Redistricting Consequences of Incarceration\*](#), International Municipal Lawyers Association, Columbia, SC (Dec. 2009).

Speaker, [\*Redistricting 101—An Overview and a Timeline for Success\*](#), National Conference of State Legislatures, Chicago, IL (Oct. 2009).

Speaker, [\*Census 2010: Be Counted, Be Heard\*](#), National Latino/a Law Students' Conference, Chicago, IL (Sept. 2009).

Panelist, *Repairing our Democracy: Voter Registration Modernization and other Solutions*, Netroots Nation, Pittsburgh, PA (Aug. 2009).

Speaker, [\*Redistricting and the Census\*](#), National Civic Summit, Minneapolis, MN (July 2009).

Speaker, *Political Participation: Problems and Promise*, American Constitution Society, UCLA School of Law, Los Angeles, CA (Feb. 2008).

Panelist, *Can Legislation Bring Democracy to America's Capital?*, American Constitution Society, Columbia Law School, New York, NY (Feb. 2007).

Discussant, *Making Every Vote Count: Federal Election Legislation in the States*, Policy Research Institute for the Region, Princeton University, Princeton, NJ (Apr. 2006).

Speaker, *Youth Voter Mobilization and Civic Engagement*, American Democracy Institute, Philadelphia, PA (Feb. 2006).

## SELECTED MEDIA APPEARANCES

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[\*Uncivil War: U.S. Elections Under Siege\*](#), Bertelsmann Foundation (2020).

[\*Slay the Dragon\*](#), Participant Media (2019).

[\*Gerrymandering: A New Documentary Film\*](#), Green Film Company (2010).

[\*California Allows GOP Ballot Boxes with Safeguards\*](#), America's News HQ, Fox News (Oct. 2020).

[\*Voters will decide this election, not the courts, says former Justice Dept. official\*](#), MSNBC (Oct. 2020).

[\*Citizenship Question: Political Power Shift?\*](#), Smerconish, CNN (Jan. 2018).

[\*So What Are Voter ID Laws Even For?\*](#), All In With Chris Hayes, MSNBC (Aug. 2014).

[\*Supreme Court civil rights decisions\*](#), Tavis Smiley, PBS (June 2013).

[\*Election 2020: Lawyers vs. more lawyers\*](#), Post Reports, WASH, POST (Oct. 2020).

[\*Challenges To State Voting Rules Could End Up Before The Supreme Court\*](#), Morning Edition, NPR (Oct. 2020).

[\*Supreme Court Rules Partisan Gerrymandering Is Beyond The Reach Of Federal Courts\*](#), All Things Considered, NPR, June 27, 2019.

[\*Pennsylvania Gerrymandering\*](#), BBC Radio 5 (Feb. 2018).

[\*The Gerrymandering Project: California\*](#), FIVETHIRTYEIGHT POLITICS (Jan. 2018).

[\*The Political Lines That Divide Us\*](#), Innovation Hub, WGBH (Oct. 2017).

[\*The Political Thicket\*](#), More Perfect, RADIOLAB/WNYC (Sept. 2017).

[\*Gerrymandering: America's Most Dangerous Maps?\*](#), 1A, NPR (Apr. 2017).

Cited as election law expert by hundreds of publications, TV and radio stations, and news services, including Fox News, MSNBC, CNN, CBS, NPR and its local affiliates, the Associated Press, Reuters, Bloomberg, New York Times, Wall St. Journal, Washington Post, New Yorker, USA Today, Huffington Post, The Hill, The Nation, The Atlantic, National Journal, Politico, Vox, Salon, Slate, Time, Los Angeles Times, Sacramento Bee, Miami Herald, Kansas City Star, Houston Chronicle, Chicago Tribune, Palm Beach Post, Milwaukee Journal-Sentinel, Minneapolis Star-Tribune, and Atlanta Journal-Constitution.

Also cited as election expert by Samantha Bee, Stephen Colbert, Seth Meyers, and John Oliver.

**SELECTED OPINION**

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[\*Clarity of the Record Should Bring Clarity of Purpose\*](#), SCOTUSBLOG, Feb. 11, 2019.

[\*Reliving the 2000 Election — and Learning the Wrong Lessons\*](#), HARV. L. REV. BLOG, Nov. 20, 2018.

[\*For Progressives, There's a Bright Side to Brett Kavanaugh's Supreme Court Nomination\*](#), USA TODAY, July 10, 2018.

[\*The Fight to End Partisan Gerrymandering is Far From Over\*](#), WASH. POST, June 19, 2018.

[\*How Trump's Citizenship Question May Hurt the G.O.P.\*](#), N.Y. TIMES, Apr. 3, 2018.

[\*Intent is Enough\*](#), SCOTUSBLOG, Aug. 9, 2017.

[\*All Your Voter Data Are Belong to Us\*](#), TAKE CARE BLOG, July 2, 2017.

[\*The Voting Rights Act Turns 50. And Also 40.\*](#), CAL. FORWARD, Aug. 6, 2015 (w/ Dean Logan).

[\*A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents Out of One Billion Ballots Cast\*](#), WASH. POST WONKBLOG, Aug. 6, 2014.

[\*Why McCutcheon is Bad News for Millionaires\*](#), POLITICO, Apr. 2, 2014.

[\*A Broken Election System Becomes a Teenager\*](#), PACIFIC STANDARD, Dec. 12, 2013.

[\*Voter ID Update: the Diversity in the Details\*](#), CONSTITUTION DAILY, Oct. 30, 2013.

[\*Aggregate Limits and the Fight Over Frame\*](#), SCOTUSBLOG, Aug. 16, 2013.

[\*Shadowboxing and Unintended Consequences\*](#), SCOTUSBLOG, June 25, 2013.

[\*The Danger of Voter Fraud Vigilantes\*](#), N.Y. TIMES, Oct. 29, 2012.

[\*Supreme Court Messes With Texas, Voting Rights\*](#), MILLER-MCCUNE, Jan. 9, 2012.

[\*The Real Victims of Election ID Laws\*](#), POLITICO, June 14, 2011.

[\*Karl Rove Is Right About Importance of Local Elections\*](#), ROLL CALL, Mar. 23, 2010.

[\*The Voting Rights Act, Through the Looking Glass\*](#), ACSBLOG, June 9, 2009.

[\*The Hanging Chad of 2008\*](#), HUFFINGTON POST, July 3, 2008.

[\*The Myth of Voter Fraud\*](#), WASH. POST, Mar. 29, 2007 (with Michael Waldman).

[\*Raising the Dead Voter Hoax\*](#), TOMPAINE.COM, Oct. 31, 2006.

Occasional contributions to [Summary Judgments](#), the [Election Law Blog](#), and the [Brennan Center for Justice blog](#).

## SELECTED PROFESSIONAL SERVICE

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Series Editor, Elgar Studies in Law and Politics

Board of Directors, Fair Elections Center

Advisory Board, Access Democracy / All Voting is Local

Advisory Committee, Los Angeles County Voting Systems Assessment Project

Board of Advisors, VoteRiders

Brief of Prof. J. Morgan Kousser, Amicus Brief, *Higginson v. Becerra*, Case No. 19-55275 (9th Cir. Aug. 22, 2019).

Counsel, John R. Dunne et al., [Amicus Brief](#), *Dep't of Commerce v. New York*, Case No. 18-966 (U.S. Apr. 1, 2019).

Counsel, NAACP LDF et al., [Amicus Brief](#), *Rucho v. Common Cause / Lamone v. Benisek*, Case Nos. 18-422, 18-726 (U.S. Mar. 8, 2019).

Counsel, Scholars and Historians of Congressional Redistricting, [Amicus Brief](#), *Ariz. State Legis. v. Ariz. Ind. Redistricting Comm'n*, Case No. 13-1314 (U.S. Jan. 23, 2015).

Counsel, Current and Former Election Officials, Amicus Brief, *Arcia v. Detzner*, Case No. 12-15738-EE (11th Cir. 2012).

Peer Reviewer, Election Law Journal; Politics and Governance Journal

## BAR ADMISSIONS

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California State Bar

New Jersey State Bar

New York State Bar

Washington, DC Bar (*Inactive*)

U.S. District Court for the Central District of California

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

Supreme Court of the United States

## ATTACHMENT B

**STRUMWASSER & WOOCHELLLP**

10940 Wilshire Boulevard, Suite 2000  
Los Angeles, California 90024  
(310) 576-1233

**SCHEDULE OF DISCOUNTED FEES AND CHARGES – 2020**

**SANTA BARBARA COUNTY CITIZEN’S INDEPENDENT REDISTRICTING COMMISSION**

	Hourly Rate
Senior Partners	\$575.00
Senior Counsel/Professor Levitt	\$575.00
Junior Partners	\$525.00
Associates	\$375.00
Analysts	\$210.00
Paralegals	\$175.00
Law Clerks	\$125.00

**Additional charges:**

Travel	Reasonable expenses incurred
Photocopies	\$0.20 per page
Facsimile Transmissions	\$0.25 per page
Filing fees, transcription and deposition costs, investigative costs, postage, messenger services, computerized research, special materials and supplies specifically required for performance of the contract, reproduction costs other than in-office photocopying	Actual costs incurred





Shalice Tilton &lt;stilton@ndcresearch.com&gt;

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**FW: Appointment of Final Six Commissioners**

1 message

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**CEO Redistricting RES** <redistricting@countyofsb.org>  
To: Shalice Tilton <stilton@ndcresearch.com>

Fri, Dec 18, 2020 at 4:45 PM

Please see the message below. Doug and Steve were included as recipients in the original message.

Best,  
Reese

**Reese Ellestad**

Fiscal &amp; Policy Analyst | County Executive Office



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**P** 805-568-3403 **W** [www.countyofsb.org](http://www.countyofsb.org)

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**From:** Kiersten Merina <kmerina@bmhlaw.com>  
**Sent:** Friday, December 18, 2020 3:55 PM  
**To:** CEO Redistricting RES <redistricting@countyofsb.org>  
**Cc:** Ghizzoni, Michael <Mghizzoni@co.santa-barbara.ca.us>; [steve@churchwellwhite.com](mailto:steve@churchwellwhite.com); [djohnson@ndcresearch.com](mailto:djohnson@ndcresearch.com); Anderson, Nancy <nanderson@countyofsb.org>; Charles H. Bell <cbell@bmhlaw.com>; Ashlee N. Titus <atitus@bmhlaw.com>  
**Subject:** Appointment of Final Six Commissioners  
**Importance:** High

**Caution:** This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Chairman Morris:

From Charles H. Bell, Jr., on behalf of Mr. Julian Canete, President and CEO of the California Hispanic Chambers of Commerce and Ms. Bobbi McGinnis, Chair, Santa Barbara County Republican Party, please find attached their letter to you and the Commissioners for your attention.

If you have any questions with receipt or opening this email and attachment, please contact Mr. Bell at the below address.

Kindly,

**Kiersten Merina**  
**Paralegal**

BELL, McANDREWS  
& HILTACHK, LLP

455 Capitol Mall, Suite 600

Sacramento, CA 95814

P (916) 442-7757

F (916) 442-7759

**This communication is confidential and may be legally privileged.**

 Please consider the environment before printing this email



**Final Ltr to SB Redistricting Commission Chair.docx .pdf**  
162K



CALIFORNIA  
HISPANIC  
CHAMBERS OF COMMERCE



December 18, 2020

**BY OVERNIGHT MAIL:**

Mr. Glenn Morris, Chairman  
& Commissioners  
Santa Barbara County Citizens Independent Redistricting Commission  
P.O. Box 61510  
Santa Barbara CA 93160-1510

**BY EXPRESS DELIVERY:**

Clerk of the Board of Supervisors  
County of Santa Barbara  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101

Re: **Appointment of Final Six Commissioners – Decision of December 13, 2020**

Dear Chairman Morris and Commissioners:

This joint letter is submitted to you by the undersigned on behalf of the California Hispanic Chambers of Commerce and the Santa Barbara County Republican Party, concerning your decision on December 13, 2020 to choose the final six commissioners for the Santa Barbara County Citizens Independent Redistricting Commission under the provisions of the Commission's legal charter, Santa Barbara County Ordinance No. 5051, § 1.

**Demand**

On behalf of our two organizations, we demand that the commissioners immediately (a) rescind the December 13, 2020 decision selecting the final six commissioners, and (b) select new commissioners in accordance with the requirements of Sec. 2-10.9A (4)(h)(3) of the Ordinance, for the reasons set forth below.

**The Ordinance's Applicable Diversity Requirements**

Sec. 2-10.9A (4)(h)(3) of the Ordinance, adopted in accordance with Calif. Elec. Code § 23002(b) [county independent redistricting authorization and requirements allowing counties to

prescribe additional requirements for the manner of selecting commission members], provides that in selecting the final six commissioners:

- (a) “[they] *shall be chosen ... to ensure* that the commission reflects the county’s diversity, including racial, ethnic, geographic, age and gender diversity” without specific “formulas or ratios,” and,
- (b) “[t]he ... commissioners *shall also consider* political party preference ... *so that* the political party preferences of the members of the commission, as shown on the members’ most recent affidavits of registration, *shall be as proportional as possible* to the percentage of voters who are registered with each political party in the County of Santa Barbara” without requirement that the members “be exactly the same as the proportion of the political party preferences among registered voters of the county.”

Thus, the Ordinance’s provisions clearly mandate that the composition process *in toto* (i.e., all member selections) must ensure that the Citizens Independent Redistricting Commission be structured reasonably to reflect both Santa Barbara County’s ethnic diversity and political diversity, without relying solely on quotas or formulas. However, eschewing quotas or formulas, the clear intent (“ensure” the Commission “reflect” such [ethnic] diversity and “shall be proportional as possible” [political diversity]) is to achieve diversity in both these elements of the Commission’s composition.

These diversity provisions are nearly identical to those in statutes adopted by the Legislature in the last few years, two of which involved Los Angeles and San Diego County independent redistricting commission commissioner diversity standards. See Elec. Code § 21550(c)[San Diego Independent Redistricting Commission authorization – proportional as possible political representation requirement]; and Elec. Code § 21532(b) and (c) [Los Angeles County Independent Redistricting Commission authorization – reflect diversity and proportional as possible political representation requirements]).

#### The Commission Has Failed to Comply with the Ordinance

The final six selection process clearly failed in both areas of diversity. Of the 11 commissioners, only two are Latino (18.18% of the Commission vs. 39.4% of county population) and only one is Republican (9.09% of the Commission vs. 25.3% of county population). Proportionality of Latinos to county population would result in at least 2 additional Latinos. Proportionality of Republicans to county registration voter percentages would result in at least 1-2 additional Republicans. Moreover, indisputably it was “possible” for the commissioners to achieve substantially proportional diversity in both Latino and Republican appointments overall, from the available pool of remaining Latinos and Republicans, which included 6 Latinos and 13 Republicans.

This information was well known to the first five commissioners and was actively discussed by public commenters as well as commissioners prior to and at the Commission’s December 13, 2020 meeting. Indeed, the Commission’s record included a November 9, 2020

Memorandum from Doug Johnson, of National Demographics Corporation, its demographic consultant, offered to support the commission's determination.

Reconsideration and Re-Selection Is Required to Protect the Process  
from Legal Challenge

We believe that the Commission's compliance with these demands is legally necessary to avoid litigation over the composition of the Commission and perhaps ultimately its redistricting work product. Failure to do so could subject the Commission's final maps to legal challenge for this abuse of discretion. We say this with no disrespect either to the six December 13, 2020 appointees or to the initial five members selected by random name draw.

Further, there is still sufficient time to correct the problem before the Commission will be required to begin its active work upon receipt of the U.S. Census population data by the end of the first quarter of 2021, if action is taken immediately.

Finally, the requirement that the Commission be formed no later than December 31, 2020 does not impose a hard time limit upon the correction of the problem we bring to your attention. The Commission has been formed and is legally able to act, including completion of its mandate set forth in Ordinance No. 5051 to achieve substantial ethnic and political diversity.

Please advise us not later than December 28, 2020 of your attention to these demands.

Very truly yours,



Julian Canete, President and CEO  
California Hispanic Chambers of Commerce

*Bobbi McGinnis*

Bobbi McGinnis, Chair  
Santa Barbara County Republican Party

cc: Steven C. Churchwell, Esq., Commission Counsel (by email)  
Michael Ghizzoni, County Counsel (by email)  
Douglas Johnson, Commission Demographer (by email)  
Nancy Anderson, Assistant County Executive Office (by email)

**UPCOMING AGENDA ITEMS (PROPOSED)**  
**2020 Citizens Independent Redistricting Commission**

Future Meeting

- Demonstration and discussion of public mapping tools and related budget issues.
- Outreach discussion and possible actions, including introduction to County's outreach budgeting form.
- Discuss timing and topics of redistricting training for the commission and public.

Future Meeting (with new Legal Counsel)

- Review by legal counsel of Santa Barbara County Independent Redistricting Ordinance and Rules (Code Sec. 2-10.9A).
- Review by legal counsel on ex parte disclosures, social media communications, and communications with the press.