

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,

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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

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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

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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.

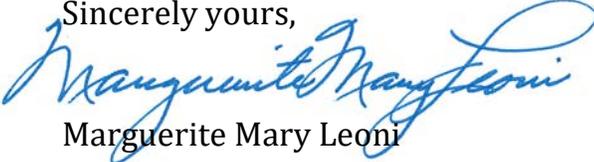
In connection with representation of public entities, the Nielsen Merksamer team who would represent the Commission have gained significant experience with the Brown Act and the Public Records Act, including participating in legal fora on these topics and “role-playing” public meetings to provide practical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

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**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 of 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.

**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.

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11808 Becket Street  
Potomac, Maryland 20854  
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240-536-9192 fax

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badelsonfcc@verizon.net

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