



HONIGMAN

Presentation of Honigman's Capabilities to
**Michigan Independent Citizens
Redistricting Commission**

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CONFIDENTIAL TREATMENT FORM

Michigan Independent Citizens Redistricting Commission

Voting Rights Act Legal Counsel

Request for Proposal No. 920, 210000001155

Section 2. CONFIDENTIAL TREATMENT IS REQUESTED

This section must be completed, signed, and submitted with the proposal if bidder requests confidential treatment of any material contained in the proposal. Submission of a completed CT Form is required to request confidential treatment.

Provide the information in the table below. Bidder may add rows or additional pages using the same format shown in the table. Bidder must specifically identify the information to be protected as confidential and Commission the reasons why protection is necessary.

The CT Form will not be considered fully complete unless, for each confidentiality request, the bidder: (1) Identifies the Proposal Page #, Section #, and Paragraph #, (2) Identifies whether the material is a Trade Secret (TS), Proprietary Financial Information (FI), or Proprietary Information (PI), (3) Explains the specific legal grounds that support treatment of the material as TS, FI, or PI. Bidders must provide a complete justification as to how the material falls within the scope of an applicable FOIA Exemption or relevant case law. Bidders must not simply cite to an applicable exemption or case name, and (4) Provides the contact information for the person at Bidder's organization authorized to respond to inquiries by the Commission concerning the material.

| (1) Proposal Page #, Section #, Paragraph # | (2) Material is Trade Secret (TS), Proprietary Financial Information (FI), Proprietary Information (PI) | (3) Applicable FOIA Exemption with Written Justification | (4) Bidder Contact Information |
|--|--|---|--------------------------------------|
| Separate Document – Schedule B - Pricing, Section#4, P. #1-2 | FI | Applicable FOIA Exemption: MCL §18.1261(13) and (15)(c) This item contains confidential financial information and reflects Honigman's formula for pricing projects, which is not disclosed publicly. Disclosure of this information would harm Honigman's business and competitive position. | Andrea L. Hansen [REDACTED] |
| P. 13, #6. MI Economic Impact | FI | Applicable FOIA Exemption: MCL §18.1261(13) and (15)(c) | Andrea L. Hansen [REDACTED] |



STATE OF MICHIGAN
INDEPENDENT CITIZENS REDISTRICTING COMMISSION

HONIGMAN

CONFIDENTIAL TREATMENT FORM

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|--|--|--|--|
| | | This item contains confidential financial information and reflects Honigman's formula for pricing projects, which is not disclosed publicly. Disclosure of this information would harm Honigman's business and competitive position. | |
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By signing below, the bidder affirms that confidential treatment of material contained in their proposal is requested and has attached to this form a redacted "Public Copy" of the bidder's proposal.

920, 210000001155

Voting Rights Act Legal Counsel

RFP Number

RFP Title

03/16/21

Signature

Date

Andrea L. Hansen, Partner, Honigman LLP

Printed Name, Title, Company

**VENDOR QUESTION WORKSHEET**

Provide a detailed response to each question. "You" and "company" refers to the bidder.

| Information Sought | Bidder Response |
|---|---|
| 1. Contact Information | |
| Bidder's sole contact person during the RFP process. Include name, title, address, email, and phone number. | Andrea L. Hansen Partner 222 N. Washington Square, Suite 400 Lansing, MI 48933-1800 [REDACTED] |
| Person authorized to receive and sign a resulting contract. Include name, title, address, email, phone number. The awarded vendor will be required to establish an account in SIGMA Vendor Self-Service | Andrea L. Hansen |
| 2. Company Background Information | |
| Legal business name and address. Include business entity designation, e.g., sole proprietor, Inc., LLC, or LLP. | Honigman LLP |
| What State was the company formed in? | Michigan |
| Phone number. | [REDACTED] |
| Website address. | www.honigman.com |
| Number of years in business and number of employees. | 73 years in business 675 employees |
| Legal business name and address of parent company, if any. | N/A |
| Has there been a recent change in organizational structure (e.g., management team) or control (e.g., merger or acquisition) of your company? If the answer is yes: (a) explain why the change occurred and (b) how this change has affected your company. | No |
| Discuss your company's history. Has growth been organic, through mergers and acquisitions, or both? | The history of Honigman began when Jason Honigman, a Russian immigrant, and Milton (Jack) J. Miller, born in Baltimore, Maryland, decided to create the firm Honigman Miller in 1948 in Detroit's First National Building. Alan E. Schwartz joined Honigman and Miller in 1952, and Irwin Cohn became the last of the founding partners to join the firm in 1961, thereby forming Honigman Miller Schwartz and Cohn LLP. While they were known for their legal intellect, it was their understanding of their clients' industries and business goals that made their advice more than simply an adherence to the law. In 2015, the firm |



VENDOR QUESTIONS WORKSHEET

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| | <p>combined with Schopff & Weiss, a Chicago-based litigation firm, and in 2020 opened a Washington, DC office.</p> <p>Today, Honigman operates a local, national, and international practice from its Michigan offices in Detroit, Bloomfield Hills, Lansing, Ann Arbor, Kalamazoo, and Grand Rapids, its Illinois office in Chicago and its office in Washington, DC. Honigman's growth has been primarily organic and its attorneys practice in more than 60 different areas of business law and consistently receive high ratings from their peers and clients.</p> |
| Has bidder ever been debarred, suspended, or disqualified from bidding or contracting with any entity, including the State of Michigan? If yes, provide the date, the entity, and details about the situation. | No |
| Has your company been a party to litigation against the State of Michigan? If the answer is yes, then state the date of initial filing, case name and court number, and jurisdiction. | No |
| Within the last 5 years, has your company or any of its related business entities defaulted on a contract or had a contract terminated for cause? If yes, provide the date, contracting entity, type of contract, and details about the termination or default. | No |
| State your gross annual sales for each of the last 5 years. If receiving a contract under this RFP will increase your gross revenue by more than 25% from last year's sales, explain how the company will scale-up to manage this increase. | <p>As a private company, it is Honigman's policy not to disclose financial information during the RFP process.</p> <p>Receiving a contract under this RFP will not increase our gross revenue by more than 25%.</p> |
| Describe partnerships and strategic relationships you think will bring significant value to the Commission. | Honigman is widely recognized as one of the preeminent election law firms in Michigan. We have been legal counsel to ballot question committees, candidates and candidate committees, and other entities interested in elections and the political process. In addition, the Michigan Legislative Council recently appointed Honigman Partner Peter B. Ruddell, a proposed member of the team for this engagement, as Chair of Michigan Law Revision Commission. |
| For the bidder, primary contractor, principal(s) of the primary contractor, key personnel, any subcontractors, or employees provide disclosures regarding the following relative to their redistricting work with individuals, groups | (1) Honigman's past relationships include: |



VENDOR QUESTIONS WORKSHEET

or any public or private entities for the same or substantially similar work described in this RFP: (1) list of past relationships and (2) identify any current relationships and (3) identify any anticipated or future relationships that will be sought by the bidder. For each of the 3 categories of relationships, please identify which could give rise to a potential, actual or apparent conflict of interest and provide measures that would be taken to avoid or address a conflict, should one currently exist or would likely arise in the future.

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

- Representing the Oakland County Board of Commissioners in 2012 with respect to a challenge to 2011 PA 280.
- Serving as volunteer on initial drafting committee for Proposal 18-2.

(2) Khalilah Spencer is a current board member for Promote the Vote. If awarded the contract, Ms. Spencer would resign from the board.

(3) None

(1) As to Nielsen Merksamer, the Bidder's proposed subcontractor, over the past 40 years, the Nielsen Merksamer redistricting team has advised hundreds of clients with respect to redistricting and voting rights. It is one of the firm's key areas of practice.

Enclosed with this bid is a copy of the firm's redistricting resume listing the projects upon which the firm has worked since 2000. Virtually all such representations have been on behalf of public agencies (except for its representation of the campaigns to adopt an independent commission in California in 2008 and 2010). In addition, the firm does not represent any political parties, elected officials, or candidates on these matters. None of these past relationships present a potential, actual, or apparent conflict of interest.

(2) With respect to the 2021-2022 redistricting cycle, Nielsen Merksamer has been retained by a number of local governments in California—primarily counties, given their early deadline for completion relative to other local governments, but also a number of cities, school districts, community college districts, and special districts. None of these current relationships present a potential, actual, or apparent conflict of interest.

(3) Nielsen Merksamer is actively soliciting additional projects. None of these anticipated relationships present a potential, actual, or apparent conflict of interest.

The firm does not currently represent any clients with respect to redistricting in the State of Michigan. Accordingly, the firm is not aware of any potential, actual or apparent conflicts of interest that would be raised by its representation of the MICRC, but to the extent such a conflict might arise in the future, the firm would be prepared to implement a firewall strategy to



VENDOR QUESTIONS WORKSHEET

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| | separate the affected lawyers from any information regarding this project. |
| State the physical address of the place of business that would have primary responsibility for this account if bidder is awarded a contract under this RFP. | 222 N. Washington Square Suite 400 Lansing, MI 48933-1800 |
| 3. Participation in RFP Development or Evaluation | |
| Did your company, an employee, agent, or representative of your company, or any affiliated entity participate in developing any component of this solicitation? For purposes of this question, business concerns, organizations, or individuals are affiliates of each other if, directly or indirectly: (1) either one controls or has power to control the other or (2) a third-party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities or equipment, and common use of employees. | No |
| If you are awarded a contract under this solicitation, in order to provide the goods or services required under a resulting contract, do you intend to partner or subcontract with a person or entity that assisted in the development of this solicitation? | No |
| Will your company, or an employee, agent, or representative of your company, participate in the evaluation of the proposals received in response to this RFP? | No |
| 4. State of Michigan Experience and Prior Experience | |
| Does your company have experience working with the State of Michigan? If so, please provide a list (including the contract number) of the contracts you hold or have held with the State for the last 10 years. | Honigman does not have experience working with the State of Michigan in the last 10 years. Nielsen Merksamer does not have any experience working with the State of Michigan in the last 10 years. |
| Describe all relevant experiences from the last 20 years supporting your ability to successfully manage a contract of similar size and scope for the work described in this RFP. These experiences should include: <ul style="list-style-type: none"> Significant expertise and experience in providing legal and advisory services specific to the Voting Rights Act (“VRA”), redistricting, and issues of equal protection and race in redistricting. | Honigman will partner with Nielsen Merksamer to provide legal and advisory services specific to the Voting Rights Act (“VRA”). Nielsen Merksamer is uniquely qualified and experienced to provide legal assistance and representation in developing and implementing redistricting plans and litigating voting rights issues – given its long experience in the field, deep understanding of the law, and sensitivity to the political context in which these issues arise. |



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| | <p>Over the past 40 years, the Nielsen Merksamer redistricting team has advised hundreds of clients with respect to redistricting and voting rights, including the Arizona Independent Redistricting Commission and Florida State Senate following the 2000 Census, as well as multiple large counties, cities, school districts, community college districts, and special districts, and due to the cyclical nature of redistricting the firm has ample experience representing and capacity to represent multiple public agencies on such matters simultaneously. Again, the firm's voting rights resume is included with this bid. As noted above, virtually all such representations have been on behalf of public agencies, either providing legal counsel and guidance during the redistricting process or in litigation.</p> <p>The firm's voting rights and redistricting experience includes advising governmental entities on compliance with the complex and ever-changing state and federal legal requirements in drawing and redrawing electoral district boundaries, including the federal Voting Rights Act. The firm is experienced in all the normal and customary duties of redistricting counsel including, (1) working closely with public agencies and their demographic/GIS staff and other consultants to address competing interests, develop a process for successful redistricting, and develop solutions to seemingly conflicting policy demands and legal criteria; (2) advising on applicable federal and state law as the new redistricting plan develops; (3) presenting at public meetings and closed session meetings where applicable; (4) interpreting statistical studies pertaining to voting rights issues; (5) using the specialized software to investigate redistricting proposals and understanding the data and data sources that comprise a redistricting proposal; (6) preparing documentation required to enact and implement a redistricting plan and conduct elections thereunder; (7) retaining experts and services as necessary; and (8) litigation concerning all aspects of voting rights law, redistricting and elections law. In addition to deep knowledge of the law, the firm's redistricting personnel understand the intricacies of the Census data and the sources of data now required to be used to construct a redistricting database in accordance with U.S. Department of Justice</p> |
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| | <p>standards, to ensure Voting Rights Act compliance. No redistricting plan adopted by a public entity while represented by this firm has ever been successfully challenged in court.¹</p> <p>As noted above, the firm’s redistricting personnel have the proficiency—unusual amongst law firms—in the use of GIS redistricting software (Maptitude). During the actual mapping process, the firm’s redistricting lawyers generally review in detail each alternative redistricting plan developed by the jurisdiction’s demographic consultant, if necessary and assess the map’s compliance with required legal standards. The lawyers’ ability to perform a full demographic investigation in-house and test alternatives sharpens the firm’s ability to provide legal advice on draft redistricting plans within the attorney-client privilege.</p> <p>Please see Representative Voting Rights and Redistricting Projects included in the appendix.</p> |
| <ul style="list-style-type: none">• Experience and expertise in Michigan Election Law as it pertains to the Michigan Election Law (Act 116 of 1954). | <p>Honigman has represented numerous candidates, political action committees, and ballot question committees over the last twenty years. Our firm’s candidate representation has included Republican, Democrats, and those seeking non-partisan offices. A representative sample of ballot question matters are described below.</p> <p>Vote Yes for MI Water, Wildlife & Parks (Proposal 2020-01). Represented the ballot question committee in preparation of ballot language, summary, and related campaign finance matters.</p> <p>Michigan Opportunity v Board of State Canvassers v Michigan One Fair Wage, Supreme Court No. 158303, COA No. 344619 Represented Michigan Opportunity in a challenge to an initiative petition seeking to amend the minimum wage laws. The challenge raised issues under Michigan’s Constitution and Michigan Election Law.</p> |

¹ Prior results do not guarantee future outcomes. The results in each case depend on the facts of that case and may differ as facts differ.



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| | <p>Protecting Michigan Taxpayers v Board of State Canvassers v Protect Michigan Jobs, Supreme Court No. 157761, COA No. 343566 Represented Protect Michigan Jobs in a challenge to an initiative seeking to repeal the prevailing wage act. The issues raised in this action regarding unlawful circulator practices were subsequently incorporated into amendments to Michigan Election Law.</p> <p>In re Request for Advisory Opinion Regarding 2018 PA 368 and 2018 PA 369, Supreme Court No.s 159160 and 159201 Represented the Michigan Legislature requesting an Advisory Opinion from the Michigan Supreme Court regarding whether it was constitutional for the Legislature to enact an initiative petition and then later amend that law within the same session.</p> |
| <ul style="list-style-type: none">• Experience or expertise providing legal counsel and guidance to public bodies, boards or commissions | <p>Honigman has represented numerous cities, townships, the Legislature, and commissions with respect to election matters. We have provided advice, legal opinions and where requested represented such bodies in litigation.</p> <p>For example, Doug Mains served as a Senior Policy Advisor and Deputy Legal Counsel to two Speakers of the Michigan House of Representatives. In that capacity, he provided legal counsel and guidance to not only the Speaker of the House, but also to a number of public bodies, including the Republican caucus and a number of legislative committees and subcommittees, including serving as the primary legal advisor to the House Committee on Elections, the House Committee on Commerce, and the House Committee on Judiciary. Doug also served as the primary legal advisor to the House Republican Campaign Committee for two election cycles, advising Republican candidates for the House of Representatives on all election-related matters.</p> <p>Virtually all of Nielsen Merksamer's voting rights and redistricting practice involves representing and advising public bodies, and the firm has advised hundreds of such agencies.</p> |



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| Experience 1 | |
| Company name Contact name Contact role at time of project Contact phone Contact email | Miller, Pitt, Feldman & McAnally, P.C. José de Jesús Rivera Co-General Counsel to the Arizona Independent Redistricting Commission [REDACTED] [REDACTED] |
| City. State. Zip. | [REDACTED] Phoenix, AZ 85004 |
| 1. Project name and description of the scope of the project. 2. What role did your company play? 3. How is this project experience relevant to the subject of this RFP? | 1. Arizona Independent Redistricting Commission Process for adopting congressional and state legislative districts 2. As legal advisor to the Commission's retained demographer, Nielsen Merksamer served as part of the Commission's overall legal team, along with its co-General Counsel, participating in meetings, advising the Commission, etc. 3. This was the inaugural round of redistricting by Arizona's Independent Redistricting Commission, which was much in the same position as the MICRC will be during this redistricting cycle |
| Dollar value. | Privileged |
| Start and end date (mm/yy – mm/yy) | 03/01 – 03/10 |
| Status (completed, live, other – specify phase) | Completed |
| Results obtained. | The Commission maps were timely adopted and received preclearance from the United States Department of Justice; they withstood all legal challenges |
| Experience 2 | |
| Company name. Contact name. Contact role at time of project. Contact phone. Contact email. | Michigan Restaurant and Lodging Association, Michigan Opportunity Justin Winslow President and CEO Michigan Restaurant and Lodging Association |
| City. State. Zip. | [REDACTED] Lansing Michigan 48933 |



VENDOR QUESTIONS WORKSHEET

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| <p>1. Project name and description of the scope of the project.</p> <p>2. What role did your company play?</p> <p>3. How is this project experience relevant to the subject of this RFP?</p> | <p>Honigman represented Michigan Opportunity in challenge to initiative seeking to amend the minimum wage laws. Represented MRLA as amicus in Advisory Opinion Request before the Supreme Court.</p> <p>Election law and litigation counsel</p> <p>Required extensive knowledge of Michigan Constitution and Michigan Election Law</p> |
| Dollar value. | Privileged |
| Start and end date (mm/yy – mm/yy) | 2018-2019 |
| Status (completed, live, other – specify phase) | Completed |
| Results obtained. | Petition was adopted by the Legislature and subsequently amended; Supreme Court declined to issue Advisory Opinion |
| Experience 3 | |
| <p>Company name.</p> <p>Contact name.</p> <p>Contact role at time of project.</p> <p>Contact phone.</p> <p>Contact email.</p> | <p>County of Merced</p> <p>Jim Brown</p> <p>County Administrative Officer</p> <p>[REDACTED]</p> <p>[REDACTED]</p> |
| <p>City.</p> <p>State.</p> <p>Zip.</p> | <p>[REDACTED]</p> <p>Merced, CA 95340</p> |
| <p>1. Project name and description of the scope of the project.</p> <p>2. What role did your company play?</p> <p>3. How is this project experience relevant to the subject of this RFP?</p> | <p>1. and 2. Nielsen Merksamer has served as voting rights/redistricting counsel to Merced County, California, since 2001, advising it on redrawing its supervisorial district boundaries in 2001 and 2011, and the firm is retained to advise the County again in 2021. In addition, Merced County was a covered jurisdiction under Section 5 of the Voting Rights Act, so the firm prepared all of the County's preclearance submissions over the course of several decades. None drew an objection. The firm also successfully defended the County in litigation under the Voting Rights Act on two separate occasions, and following the second case the firm represented the County in successfully seeking judicial approval of bailout from its Section 5 obligations, making the County the largest jurisdiction to successfully exit Section 5 coverage.</p> <p>3. In its representation of Merced County the firm has addressed the gamut of legal issues pertaining</p> |



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| | to voting rights and redistricting on an ongoing basis |
| Dollar value. | Privileged |
| Start and end date (mm/yy – mm/yy) | 03/01 - ongoing |
| Status (completed, live, other – specify phase) | Ongoing – we are retained to represent the County during its 2021 redistricting process |
| Results obtained. | As described above, the firm’s redistricting lawyers have guided the County successfully through two prior rounds of redistricting, including successful preclearance submissions; successfully represented it in two voting rights lawsuits (that were based on the alleged violations of other parties, for which the County merely served as elections official), and assisted the County in becoming the largest jurisdiction to bail-out of Section 5 coverage before the Supreme Court’s decision in <i>Shelby County v. Holder</i> |
| 5. Standard Contract Terms | |
| Bidder must affirm agreement with the attached Contract Terms. If not in agreement, written exceptions in accordance with the Evaluation Process section of the Proposal Instructions must be provided with Bidder’s proposal. | <p>Honigman will be working with Nielsen Merksamer as co-counsel on this work. However, due to the formatting/structure of RFP, the only way we are able to submit a joint response is to list one of us as a “subcontractor.” Therefore, notwithstanding anything to the contrary in this RFP or the attached Contract Standard Terms, Honigman will not assume any liability whatsoever for Nielsen Merksamer’s compliance with the Contract Standard Terms, performance of the Contract, or any other acts or omissions (its “Performance”). Nielsen Merksamer accepts all liability for its Performance, and in the event the Commission has any claims arising out of Nielsen Merksamer’s Performance, Commission’s sole remedy is to address such claims directly with Nielsen Merksamer. Nielsen Merksamer will also maintain the insurance required by the Contract Standard Terms. By accepting this proposal, the Commission acknowledges its approval of Nielsen Merksamer as a subcontractor for purposes of Section 9 of the Contract Standard Terms.</p> <p>The firms would also propose, as a matter of administrative convenience, that Nielsen Merksamer bill the Commission directly for its</p> |



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| | services, rather than having Honigman serve as an intermediary for such billings. |
| 6. Michigan Economic Impact | |
| Number of employees currently employed at locations within the State of Michigan. | 369 |
| Number of additional employees to be employed at locations within the State of Michigan if awarded this Contract (if any) | 0 |
| Minimum wage paid to employees employed at locations within the State of Michigan. | \$12.81 per hour |
| Average wage paid to employees employed at locations within the State of Michigan. | \$41.86 per hour |
| Percentage of employees employed at locations within the State of Michigan that are covered by employer-provided health insurance. | 82% |
| 8. Other | |
| Abusive Labor Practices. The Contractor certifies that it will not furnish any Deliverable that was produced fully or partially by forced labor, forced or indentured child labor, or indentured servitude. | Yes |
| Certification of Michigan Business- Public Act 431 of 1984, Sec. 268. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, filed a Michigan Business Tax Corporate Income Tax Return. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, filed a Michigan Income Tax return showing income generated in, or attributed to the State of Michigan. I certify that the company has, pursuant to the provisions of Sec 268 of Public Act 431 of 1984, withheld Michigan Income Tax from compensation paid to the company's owners and remitted the tax to the Michigan Department of Treasury. | Yes |
| Iran Linked Business- Public Act 517 of 2012. I certify that the Company is not an Iran-Linked business as defined by Public Act 517 of 2012. | Yes |
| Clean Corporate Citizen. I certify that the Company is a Clean Corporate Citizen as defined by the Environmental Protection Act, 1994 PA 451. | Yes |
| Convict Labor. The Contractor certifies that if using convict labor, it is complying with all applicable state and federal laws and policies. | Yes |



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| SOM Debt/Tax Payment. I certify that all applicable State of Michigan taxes are paid, and that no outstanding debt is owed to the State of Michigan. | Yes |
| Authorization to Verify Information Provided by Vendor. I authorize the Commission to verify that all information provided in this registration, in bidding and contracting documents, and any attachments or supplement documents and processes are accurate. | Yes |



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

Honigman LLP

Request for Proposal (RFP) No. 920, 210000001155

Voting Rights Act Legal Counsel

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

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

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

BACKGROUND

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

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

STATEMENT OF WORK

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



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

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

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

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

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

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

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



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

1 Requirements

1.1 Key Deliverable One

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

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

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

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

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

In partnership with Honigman, Nielsen Merksamer will provide legal and advisory services related to redistricting and the Voting Rights Act. One of Nielsen Merksamer’s leading specialties is redistricting and voting rights law. Nielsen Merksamer has nearly 40 years of experience in the field, and they have advised hundreds of public agencies on redistricting and voting rights during that time. Since 2011-2012 alone, they represented over 150 public agencies on these matters (as reflected in the attached summary of experience), so they are uniquely qualified and experienced to provide legal assistance and representation in developing and implementing redistricting plans, and evaluating, addressing and/or litigating redistricting and voting rights issues (including Section 5 preclearance issues, though that is not presently applicable in light of the *Shelby County v. Holder* decision). They also have experience with working with redistricting commissions (e.g., the City of San Diego Redistricting Commission and Arizona Independent Redistricting Commission).

Nielsen Merksamer’s voting rights and redistricting experience includes advising governmental entities on compliance with the gamut of complex and ever-changing state and federal legal requirements in drawing and redrawing electoral district boundaries, including the federal Voting Rights Act. They are experienced in all the normal and customary duties of redistricting counsel including:

- (1) working closely with public agencies and their demographic/GIS staff and other consultants to address competing interests, develop a process for successful redistricting, and develop solutions to seemingly conflicting political demands and legal criteria;



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- (2) advising on applicable federal and state law as the new redistricting plan develops;
- (3) presenting at public and closed session meetings;
- (4) interpreting statistical studies pertaining to voting rights issues (e.g. racially polarized voting, partisan competitiveness;
- (5) using specialized software to investigate redistricting proposals and understanding the data and data sources that comprise a redistricting proposal;
- (6) preparing documentation required to enact and implement a redistricting plan and conduct elections thereunder;
- (7) retaining experts and services as necessary; and
- (8) litigation concerning all aspects of voting rights law, redistricting and elections law.

Nielsen Merksamer knows the law and understands the intricacies of the Census data and the sources of data required to be used to construct a redistricting database in accordance with U.S. Department of Justice standards, to ensure Voting Rights Act compliance, and state law. No redistricting plan adopted by a public entity while advised by this firm has ever been successfully challenged in court.

Their legal team for redistricting also has substantial experience and expertise with the technological aspects of redistricting (i.e., the actual technology for drawing district boundaries) and is proficient in the use of Maptitude for Redistricting software, which enables them to provide better advice to the client because they can identify and investigate problems themselves and communicate on those issues with clients under the protection of the attorney-client privilege. They also thoroughly understand that redistricting is a political process, and that political concerns are a common part of the redistricting process, though of course much less so with respect to a commission-based process.

Please see the appendix for Nielsen Merksamer's Representative Voting Rights and Redistricting Projects.

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

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

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

Honigman attorneys have been practicing election law in Michigan for more than 25 years. We have extensive experience representing clients with respect to state-wide and local ballot issues, as well as candidates, persons holding elective offices, political committees, business entities and ballot question committees with respect to election and campaign finance advice, counsel and, as applicable, litigation. We have represented elected officers with respect to recounts and recall efforts. We have handled multiple matters before the state board of canvassers, court of appeals and Michigan Supreme Court.



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Examples of specific state-wide ballot measures include:

Michigan Opportunity v Board of State Canvassers v Michigan One Fair Wage, Supreme Court No. 158303, COA No. 344619 Represented Michigan Opportunity in a challenge to an initiative petition seeking to amend the minimum wage laws. Issues raised included concerns under the Michigan Constitution and Michigan Election Law.

Protecting Michigan Taxpayers v Board of State Canvassers v Protect Michigan Jobs, Supreme Court No. 157761, COA No. 343566 Represented Protect Michigan Jobs in a challenge to an initiative seeking to repeal the prevailing wage act in 2015 and again in 2018. The issues raised in the second challenge regarding unlawful circulator practices were subsequently incorporated into amendments to Michigan Election Law.

In re Request for Advisory Opinion Regarding 2018 PA 368 and 2018 PA 369, Supreme Court No.s# 159160 and 159201 Represented the Michigan Legislature requesting an Advisory Opinion from the Michigan Supreme Court regarding whether it was constitutional for the Legislature to enact an initiative petition and then later amend that law within the same session.

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

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

In partnership with Honigman, Nielsen Merksamer is uniquely qualified and experienced to provide legal assistance and representation in developing and implementing redistricting plans and litigating voting rights issues – given its long experience in the field, deep understanding of the law, and sensitivity to the political context in which these issues arise. Nielsen Merksamer's voting rights and redistricting experience includes advising governmental entities on compliance with the complex and ever-changing state and federal legal requirements in drawing and redrawing electoral district boundaries, including the federal Voting Rights Act.

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.

Please see the appendix for Nielsen Merksamer's Representative Voting Rights and Redistricting Projects.

1.2 Key Deliverable Two

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



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

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

We attest that all proposed attorneys are in good standing with the state licensing agency.

Peter Ruddell – State ID # P63253

Andrea Hansen – State ID # P47358

Khalilah Spencer – State ID # P63933

Doug Mains – State ID # P75351

Christopher Skinnell – State ID# 227093 (CA)

Marguerite Leoni – State ID# 101696 (CA)

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

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

One of Nielsen Merksamer's specialties is voting rights and redistricting law. Over the past 40 years, the firm has advised hundreds of public agencies regarding the legal requirements applicable to redistricting, including constitutional requirements (equal population, restrictions on racial gerrymandering), the federal Voting Rights Act—both Section 2 and Section 5—and various traditional state law criteria.

The firm has experience working with, and a particular interest in the success of, commissions, including independent commissions. It was part of the legal team advising the Arizona Independent Redistricting Commission in 2001-2002; it is currently representing the San Diego County Independent Redistricting Commission; and it has represented various advisory commissions for local governments. The firm also represented the successful 2008 ballot measure campaign to adopt an independent commission in California and the successful 2010 campaign to extend that commission's charge to include congressional districts. And the firm filed an amicus brief defending the constitutionality of independent redistricting commissions in *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. 787 (2015).

Honigman has a long history of representing Republicans, Democrats and Independents with respect to Michigan Election Law matters. We have extensive knowledge of the



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

Michigan constitutional and legal requirements that are relevant to the Commission. With our experience and history of bi-partisan representation, we believe we could be an asset to the Commission to provide impartial, accurate and critical legal advice, particularly as it embarks upon this process for the first time. We are extremely interested in working with the Commission to ensure this process is done correctly and with the best possible representation, which is why we are partnering with the Nielsen firm to ensure the Commission would have experts in all aspects of redistricting, election and constitutional law.

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

- i) Previous legal services (paid or volunteer) by the attorney, firm, or other entity as it relates to redistricting, reapportionment, districting and elections activities provided to persons holding elective office, as well as partisan or non-partisan entities or organizations
- ii) Any monetary political contributions or donations made on behalf of the attorney, firm or other entity
- iii) Any monetary political contributions personally made by the attorneys listed in question 1.2(a).

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

1) Previous legal services (paid or volunteer) provided include:

- We have represented proponents and opponents for numerous state-wide and local ballot matters, we have represented numerous candidates, persons holding elective offices, political committees, business entities and ballot question committees with respect to election and campaign finance advice, counsel and as applicable litigation. We have represented elected officers with respect to recounts and recall efforts. We have handled multiple matters before the state board of canvassers, courts of appeal and Michigan Supreme Court.

ii) None

iii) See Personal Political Contributions in the appendix.

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

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

Nielsen Merksamer views its role as redistricting and voting rights counsel as an entirely nonpartisan one. For one thing, a substantial proportion of its practice relates to local governments in



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California, which are nonpartisan offices, and the firm has advised public entity clients that are controlled by officeholders aligned with both of the major parties. And while the firm is one of California's leading political law firms, its work focuses almost exclusively on ballot measure campaigns and campaign finance law compliance; as a matter of firm policy, it ceased representing political parties and candidates more than 20 years ago, and it has a firm policy of not making political contributions (though the firm's individual lawyers are free to do so on their own). The firm's clientele spans the political spectrum.

The firm's approach to redistricting is to give decision-makers neutral advice regarding their legal options; the maximum level of discretion to adopt a district plan that makes sense for the jurisdiction, within the constraints of the law; and to give those decision-makers the tools and knowledge necessary to enable them to make an informed, defensible decision.

1.3 Training

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

| | |
|--|--|
| <input checked="checked" type="checkbox"/> | I have reviewed the above requirement and agree with no exception. |
| <input type="checkbox"/> | I have reviewed the above requirement and have noted all exception(s) below. |
| List all exception(s): | |
| Bidder must explain its training capabilities and any training that is included in its proposal: The Nielsen Merksamer team is experienced and comfortable training public officials, including commissioners, on the complex and often competing requirements of the federal constitution—both the equal population requirements and the restrictions on racial gerrymandering under <i>Shaw v. Reno</i> , 509 U.S. 630 (1993), and its progeny—and the federal Voting Rights Act, and on the interaction of those federal rules with state law redistricting criteria, such as those contained in Article IV, § 6(13) of the Michigan Constitution. Nielsen Merksamer's attorneys are frequent presenters at educational conferences concerning redistricting and the Voting Rights Act, and they routinely provide training on these matters to clients, including citizens commissioners, charged with redistricting. Honigman is likewise equipped to conduct training with respect to Michigan Election Law, Open Meetings Act, Freedom of Information Act, and other Michigan laws that may be applicable. | |

2 Service Requirements

2.1 Timeframes

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

| | |
|--|--|
| <input checked="checked" type="checkbox"/> | I have reviewed the above requirement and agree with no exception. |
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|---|--|
| <input type="checkbox"/> | I have reviewed the above requirement and have noted all exception(s) below. |
| List all exception(s): | |
| Bidder must describe how they comply with the above requirement(s): | |
| As an AmLaw 200 firm, Honigman has the infrastructure, technology and resources in place to efficiently manage work plans and meet the internal deadlines set by the Commission. We strive to build a positive, productive partnership with our clients and believe trust is earned through timely preparation and delivery of all deliverables and meeting agreed-upon deadlines. Our team will be dedicated to working with you in identifying detailed engagement requirements, meeting your established timeframes for completion, and managing your evolving expectations throughout the engagement. | |

3 Reserved

4 Staffing

4.10 Contractor Representative

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

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

| | |
|---|--|
| x | I have reviewed the above requirement and agree with no exception. |
| <input type="checkbox"/> | I have reviewed the above requirement and have noted all exception(s) below. |
| List all exception(s): | |
| Bidder must identify its Contract Administrator: | |
| Andrea L. Hansen | |

4.11 Work Hours

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

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

4.12 Key Personnel



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

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

The Commission has the right to recommend and approve in writing the initial assignment, as well as any proposed reassignment or replacement, of any Key Personnel. Before assigning an individual to any Key Personnel position, Contractor will notify the Commission of the proposed assignment, introduce the individual to the Commission’s Program Manager, and provide the Commission with a resume and any other information about the individual reasonably requested by the Commission. The Commission reserves the right to interview the individual before granting written approval. In the event the Commission finds a proposed individual unacceptable, the Commission will provide a written explanation including reasonable detail outlining the reasons for the rejection. The Commission may require a 30-calendar day training period for replacement personnel.

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

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

Contractor acknowledges and agrees that each of the Unauthorized Removal Credits assessed above: (i) is a reasonable estimate of and compensation for the anticipated or actual harm to the Commission that may



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

arise from the Unauthorized Removal, which would be impossible or very difficult to accurately estimate; and (ii) may, at the Commission's option, be credited or set off against any fees or other charges payable to Contractor under this Contract.

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

| | |
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| <input type="checkbox"/> | I have reviewed the above requirement and agree with no exception. |
| <input checked="" type="checkbox"/> | I have reviewed the above requirement and have noted all exception(s) below. |
| List all exception(s): We will endeavor to maintain continuity in all Key Personnel, but we do not agree to provide you with any Unauthorized Removal Credit in the event of an Unauthorized Removal of Key Personnel. | |

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

<Add more rows below as needed>

| 1. Name | 2. Years of Experience in Current Classification | 3. Role(s) / Responsibilities | 4. Direct / Subcontract/ Contract | 5. % of Work Time | 6. Employment status | 7. Length of Employment | 8. Physical Location |
|------------|--|-------------------------------------|--|----------------------------|----------------------------|-------------------------------|----------------------------|
|------------|--|-------------------------------------|--|----------------------------|----------------------------|-------------------------------|----------------------------|



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|--|----|--|-------------|-----|----|----|----------------|
| Andrea Hansen, Partner, Honigman | 28 | Contract Administrator and Lead Attorney | Direct | N/A | FT | 28 | Lansing, MI |
| Peter Ruddell, Partner, Honigman | 15 | Advice and counsel regarding Michigan Election Law | Direct | N/A | FT | 3 | Lansing, MI |
| Khalilah Spencer, Partner, Honigman | 10 | Advice and counsel regarding Michigan Election Law | Direct | N/A | FT | 13 | Detroit, MI |
| Doug Mains, Partner, Honigman | 2 | Advice and counsel regarding Michigan Election Law | Direct | N/A | FT | 4 | Lansing, MI |
| Chris Skinnell, Partner, Nielsen Merksamer | 8 | Advice and counsel regarding Redistricting and VRA | Subcontract | N/A | FT | 17 | San Rafael, CA |
| Marguerite Leoni, Partner, Nielsen Merksamer | 33 | Advice and counsel regarding Redistricting and VRA | Subcontract | N/A | FT | 39 | San Rafael, CA |

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

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

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

Please see the Appendix for the Contractor Resumes

4.13 Organizational Chart

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



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

Please see the Appendix for the Contractor Organizational Chart

4.14 Disclosure of Subcontractors

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

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

| Bidder must provide detailed information as requested in the above requirement(s). | |
|--|---|
| The legal business name, address, telephone number of the subcontractor(s). | Nielsen Merksamer Parrinello Gross & Leoni, LLP [REDACTED] San Rafael, California 94901 [REDACTED] |
| A description of subcontractor's organization and the services it will provide and information concerning subcontractor's ability to provide the Contract Activities. | Nielsen Merksamer is a California limited liability partnership—a law firm—consisting of approximately 25 lawyers in the San Francisco Bay Area and Sacramento. The firm is extraordinarily experienced in the areas of redistricting and voting rights law, as reflected in the firm resume, submitted herewith. The firm anticipates working in close partnership with Honigman to advise the Commission with respect to the legality of redistricting plans that it may consider adopting, in compliance with federal and state law, including federal constitutional requirements, the federal Voting Rights Act, and traditional districting criteria as embodied in Article IV, § 6(13) of the Michigan Constitution. |
| The relationship of the subcontractor to the Bidder. | No formal relationship other than subcontractor |
| Whether the Bidder has a previous working experience with the subcontractor. If yes, provide the details of that previous relationship. | None |



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

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| A complete description of the Contract Activities that will be performed or provided by the subcontractor. | Nielsen Merksamer will work in tandem with Honigman as full partners in providing the needed legal services to the Commission with a focus on redistricting and voting rights law, attending meetings as necessary, performing legal analyses and reviewing expert statistical analyses and maps, providing legal opinions, and performing all other normal and customary duties of redistricting and voting rights counsel. |
| Of the total bid, the price of the subcontractor's work. | Not applicable |
| The subcontractor must provide detailed, chronological resumes of all proposed Key Personnel, including a description of their work experience relevant to their purposed role as it relates to the RFP utilizing the provided template labeled as Appendix A. Qualifications will be measured by education and experience with particular reference to experience on projects similar to that described in the RFP. | Subcontractor must provide the resumes and information as required above –as an attachment to this RFP labelled as: Subcontractor Resume. Please see the Appendix for Subcontractor Resumes |

4.15 Security

The Contractor may be subject to the following security procedures:

- Background Checks

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

| | |
|---|--|
| <input checked="" type="checkbox"/> | I have reviewed the above requirement and agree with no exception. |
| <input type="checkbox"/> | I have reviewed the above requirement and have noted all exception(s) below. |
| List all exception(s): | |
| Bidder must explain any additional security measures in place to ensure the security of the Commission and its facilities: Not applicable | |

5 Project Management

5.10 Project Plan

**SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES**

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

| | |
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| <input checked="checked" type="checkbox"/> | I have reviewed the above requirement and agree with no exception. |
| <input type="checkbox"/> | I have reviewed the above requirement and have noted all exception(s) below. |
| List all exception(s): | |
| <p>Bidder must submit its project plan as described above:</p> <p>Any project plan—especially the timeline—must necessarily be tentative and general at this point, given the uncertainty regarding timing in light of the Census Bureau’s delays and the authorized litigation that will seek to extend the Commission’s deadlines in response to those delays. (Nielsen Merksamer played a role in a comparable lawsuit by the California Citizens Redistricting Commission, <i>Legislature v. Padilla</i>, representing the proponent of the ballot measures that enacted the constitutional amendments adopting the commission as <i>amicus curiae</i>.) And obviously the following will need to be refined in consultation with the Program Manager upon award of the bid and upon resolution of the authorized, soon-to-be-filed litigation seeking an extension of the timeline contained in the Constitution, since it is not currently possible to comply with the Michigan Constitution’s timelines in light of the delayed Census data release. However, subject to these caveats we propose the following general project plan:</p> <p>April/May: Assist with educating the Commission and staff regarding the requirements of the U.S. Constitution and the federal Voting Rights Act, and their interaction with criteria as set forth in the Michigan Constitution and the requirements of the Michigan Election Law. Work with Commission and mapping experts to further define criteria and with staff to prepare for the public hearing process.</p> <p>Nielsen Merksamer has assisted many jurisdictions in identifying data and formulating policies that are both legal and flexible, and allow for the development of redistricting plans that serve the public interest as well as satisfying constitutional and legal requirements and in navigating the various competing demands of federal, state, and local law and relevant policy considerations.</p> <p>In Nielsen Merksamer’s experience, public hearings are crucial to a successful redistricting process. Public hearings serve multiple purposes including informing the Commission and staff about community factors and interests pertinent to the redistricting that are not always manifested in a straight demographic or political analysis; increasing redistricting options and flexibility by developing a complete record of competing and cooperating interests; fostering community understanding and acceptance of the new plan; flushing out potential legal and practical issues; and protecting the new plan from challenge by ensuring compliance with the law and developing the full record needed to support the choices made by Commission.</p> <p>The Honigman/Nielsen Merksamer team would assist the Commission staff in the following ways, as requested: preparing public hearing presentation materials as required; working with the Commission’s staff to develop a public outreach program to educate the public about the new Commission and the process and prepare the public to participate effectively in the public hearings; making materials available to the public quickly and easily, in a manner that provides for continued public comment and</p> | |



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

input; and developing methods to make the public hearings more useful to the public, the Commission, and the staff.

May/June: work with statistical experts to conduct initial racially-polarized voting analysis and with mapping experts to investigate possible preliminary mapping analysis that can be conducted in advance of the release of Census data.

June-September: 10 “pre-draft” public hearings to receive public testimony and mapping submissions, per Article IV, § 6(8). Attorneys on the Honigman/Nielsen Merksamer team would attend public hearings as requested, either virtually or in-person as the situation requires. These attorneys are experienced in the presentation of legal advice to public agencies in public sessions, including answering questions posed on the spot by officials and the public.

October - TBD: conduct mapping process and “post-draft” public hearings, updating RPV analysis as necessary. Provide expert legal advice to the Commission and assist City staff in reviewing proposed redistricting plans to ensure their legal and constitutional sufficiency; provide a written legal opinion regarding plan compliance with applicable redistricting laws if requested.

Of course, the Honigman/Nielsen Merksamer attorneys would provide on-going (and sometimes on-the-spot) legal advice to the Commission. As to voting rights and redistricting law, Nielsen Merksamer’s attorneys are particularly well-suited to this task. The firm’s 40 years of redistricting experience and unique expertise in the use of electronic technology to develop and manipulate proposed redistricting plans enables them to examine plan characteristics, and superimpose the lines on demographic, voting and even community data in order to quickly develop advice concerning the legality of proposed plans.

The timing of this portion of the process is, obviously, very much in flux and will require considerable flexibility and refinement over the coming weeks and months.

Following adoption of final maps: work with Program Manager, mapping experts, etc., to prepare required public reports for consideration and adoption by the Commission. Nielsen Merksamer has ample experience with the nuts and bolts requirements for putting a redistricting plan into action and would work closely with Commission staff and consultants to prepare the reports and other documentation required by Article IV, § 6(15)-(16).

5.11 Meetings

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

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

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



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List all exception(s):

5.12 Reporting

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

| | |
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| <input checked="checked" type="checkbox"/> | I have reviewed the above requirement and agree with no exception. |
| <input type="checkbox"/> | I have reviewed the above requirement and have noted all exception(s) below. |
| List all exception(s): | |
| Bidder must explain its reporting capabilities and any reporting that is included in its proposal: We anticipate that it will be necessary to conduct a racially-polarized voting analysis in at least some parts of the State to (a) determine compliance with Section 2 of the federal Voting Rights Act, (b) create a record justifying any race-conscious decision-making in the context of Section 2 to address the standards restricting racial gerrymandering under <i>Shaw v. Reno</i> , 509 U.S. 630 (1993), and its progeny, and (c) create a baseline for analysis of draft districts and plans. While a professional statistician/political scientist would be retained to conduct the statistical analyses required, a legal assessment of their significance would be required as well. We also anticipate that, given the requirements of Article VI, § 6(13)(d), it will be necessary to conduct analyses of partisan fairness, using accepted methodologies. Again, a professional consultant would likely be retained to provide the underlying analysis, a legal assessment of its significance would be required as well. | |
| Bidder must provide samples of required reports as attachments to this RFP. List file names here. As to the RFP's request that examples be provided, such analyses and reports as Nielsen Merksamer has prepared and has available from our firm's work product are subject to the attorney-client privilege and attorney work-product privilege. However, as an example of the underlying statistical analysis for racially polarized voting, we provide a copy of a draft report prepared for the Arizona Independent Redistricting Commission by Dr. Gary King in 2011, and as an example of a competitiveness analysis we provide a report produced by the 2011 Arizona Independent Redistricting Commission, though there are additional methodologies that have been proposed in the decade since. Both documents are included in the appendix. | |

6 Pricing

6.10 Price Term

Pricing is firm for the entire length of the Contract.

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



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

List all exception(s):

6.11 Price Changes

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

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

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

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

7 Ordering

7.10 Authorizing Document

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

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

8 Invoice and Payment

8.10 Invoice Requirements

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

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



SCHEDULE A- STATEMENT OF WORK CONTRACT ACTIVITIES

8.11 Payment Methods

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

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

8.12 Procedure

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

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

9 Liquidated Damages

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

| | |
|---|--|
| <input type="checkbox"/> | I have reviewed the above requirement and agree with no exception. |
| <input checked="" type="checkbox"/> | I have reviewed the above requirement and have noted all exception(s) below. |
| List all exception(s): | |
| We will only agree to be liable for these damages in the event the late or improper completion of the Contract Activities is directly caused by our law firm. | |



SCHEDULE B -PRICING

Please see Schedule B – Pricing attached as a separate document as per the RFP instructions.



CONTRACT STANDARD TERMS

This STANDARD CONTRACT (“**Contract**”) is agreed to between the Michigan Independent Redistricting Commission (the “**Commission**”) and [Honigman LLP] (“**Contractor**”), a [Michigan limited liability partnership]. This Contract is effective on [Month, Day, Year] (“**Effective Date**”), and unless terminated, expires on February 28, 2022.

This Contract may be renewed for up to two (2) additional (1) year period(s). Renewal is at the sole discretion of the Commission and will automatically extend the Term of this Contract. The Commission will document its exercise of renewal options via Contract Change Notice.

The parties agree as follows:

- 1. Duties of Contractor.** Contractor must perform the services and provide the deliverables described in **Schedule A – Statement of Work** (the “**Contract Activities**”). An obligation to provide delivery of any commodity is considered a service and is a Contract Activity.

Contractor must furnish all labor, equipment, materials, and supplies necessary for the performance of the Contract Activities, and meet operational standards, unless otherwise specified in Schedule A.

Contractor must: (a) perform the Contract Activities in a timely, professional, safe, and workmanlike manner consistent with standards in the trade, profession, or industry; (b) meet or exceed the performance and operational standards, and specifications of the Contract; (c) provide all Contract Activities in good quality, with no material defects; (d) not interfere with the Commission’s operations; (e) obtain and maintain all necessary licenses, permits or other authorizations necessary for the performance of the Contract; (f) cooperate with the Commission, including the Commission’s staff, attorneys, and consultants, and any third party to achieve the objectives of the Contract; (g) return to the Commission any Commission-furnished equipment or other resources in the same condition as when provided when no longer required for the Contract; (h) not make any media releases without prior written authorization from the Commission; (i) assign to the Commission any claims resulting from Commission or federal antitrust violations to the extent that those violations concern materials or services supplied by third parties toward fulfillment of the Contract; (j) comply with all Commission physical and IT security policies and standards which will be made available upon request; [Please provide a copy of any such policies or standards for our review. We cannot agree to comply with policies and standards that we have not seen and evaluated.] (k) all records created by the Contractor in the performance of the Contract shall be the joint property of the Commission and Contractor and subject to applicable records retention laws and protocols; and (l) provide the Commission priority in performance of the Contract except as mandated by federal disaster response requirements. Any breach under this paragraph is considered a material breach. [We are required to comply with various record retention requirements, so we request joint ownership in order to retain records pertinent to the representation.]

Contractor must also be clearly identifiable while on State of Michigan property by wearing identification issued by the State of Michigan, and clearly identify themselves whenever making contact with the State of Michigan or the Commission.

- 2. Notices.** All notices and other communications required or permitted under this Contract must be in writing and will be considered given and received: (a) when verified by written receipt if sent by



CONTRACT STANDARD TERMS

courier; (b) when actually received if sent by mail without verification of receipt; or (c) when verified by automated receipt or electronic logs if sent by facsimile or email.

| If to Commission: | If to Contractor: |
|---|--|
| MICRC c/o Julianne Pastula, General Counsel P.O. Box 30318 Lansing, MI 48909 PastulaJ1@Michigan.gov 517.331.6318 | Andrea L. Hansen Honigman LLP [REDACTED] Lansing, MI 48933-1800 [REDACTED] |

- 3. Contract Administrator.** The Contract Administrator for each party is the only person authorized to modify any terms of this Contract, and approve and execute any change under this Contract (each a “Contract Administrator”):

| Commission: | Contractor: |
|---|--|
| MICRC c/o Julianne Pastula, General Counsel P.O. Box 30318 Lansing, MI 48909 PastulaJ1@Michigan.gov 517.331.6318 | Andrea L. Hansen Honigman LLP [REDACTED] Lansing, MI 48933-1800 [REDACTED] |

- 4. Program Manager.** The Program Manager for each party will monitor and coordinate the day-to-day activities of the Contract (each a “Program Manager”):

| Commission: | Contractor: |
|---|--|
| MICRC c/o Julianne Pastula, General Counsel P.O. Box 30318 Lansing, MI 48909 PastulaJ1@Michigan.gov 517.331.6318 | Andrea L. Hansen Honigman LLP [REDACTED] Lansing, MI 48933-1800 [REDACTED] |

- 4. Performance Guarantee.** ~~Contractor must at all times have financial resources sufficient, in the opinion of the Commission, to ensure performance of the Contract and must provide proof upon request. The Commission may require a performance bond (as specified in Schedule A – Statement of Work) if, in the opinion of the Commission, it will ensure performance of the Contract.~~ [This is not applicable to the services we would be providing, and we would not be willing to provide a performance bond.]

- 5. Insurance Requirements.** Contractor, at its sole expense, must maintain the insurance coverage identified below. All required insurance must: (a) protect the Commission from claims that may arise out of, are alleged to arise out of, or result from Contractor's or a subcontractor's performance; (b) be primary and non-contributing to any comparable liability insurance (including self-insurance) carried by the Commission; and (c) be provided by a company with an A.M. Best rating of "A-" or better, and a financial size of VII or better.



CONTRACT STANDARD TERMS

| Required Limits | Additional Requirements |
|--|--|
| Commercial General Liability Insurance | |
| Minimum Limits: \$1,000,000 Each Occurrence \$1,000,000 Personal & Advertising Injury \$2,000,000 Products/Completed Operations \$2,000,000 General Aggregate Deductible Maximum: \$50,000 Each Occurrence | Contractor must have their policy endorsed to add “the Michigan Independent Citizens Redistricting Commission, its officers, employees, and agents” as additional insureds using endorsement CG 20 10 11 85, or both CG 2010 07 04 and CG 2037 07 04. |
| Automobile Liability Insurance | |
| Minimum Limits: \$1,000,000 Per Accident | Contractor must have their policy: (1) endorsed to add “the Michigan Independent Citizens Redistricting Commission, its officers, employees, and agents” as additional insureds; and (2) include Hired and Non-Owned Automobile coverage. |
| Workers' Compensation Insurance | |
| Minimum Limits: Coverage according to applicable laws governing work activities. | Waiver of subrogation, except where waiver is prohibited by law. |
| Employers Liability Insurance | |
| Minimum Limits: \$500,000 Each Accident \$500,000 Each Employee by Disease \$500,000 Aggregate Disease | |

If any of the required policies provide **claims-made** coverage, the Contractor must: (a) provide coverage with a retroactive date before the Effective Date of the Contract or the beginning of Contract Activities; (b) maintain coverage and provide evidence of coverage ~~for at least three (3) years after completion~~ **during the life** of the Contract Activities; and ~~(c) if coverage is cancelled or not renewed, and not replaced with another claims-made policy form with a retroactive date prior to the Contract Effective Date, Contractor must purchase extended reporting coverage for a minimum of three (3) years after completion of work.~~ **[We do not agree to provide clients with guarantees of insurance coverage or how we will handle our insurance following the termination of our engagement].**

Contractor must: (a) provide insurance certificates to the Contract Administrator, containing the agreement or delivery order number, at Contract formation and within twenty (20) calendar days of the expiration date of the applicable policies; (b) require that subcontractors maintain the required insurances contained in this Section; ~~(c) notify the Contract Administrator within five (5) business days if any insurance is cancelled;~~ and ~~(d) waive all rights against the Commission for damages covered by insurance.~~ Failure to maintain the required insurance does not limit this waiver.



CONTRACT STANDARD TERMS

This Section is not intended to and is not to be construed in any manner as waiving, restricting or limiting the liability of either party for any obligations under this Contract (including any provisions hereof requiring Contractor to indemnify, defend and hold harmless the Commission, its officers, staff, attorneys and agents).

6. **Extra Work.** At any time during the term of this Contract, the Commission may request that contractor perform extra work. As used herein, “Extra Work” means any work which is determined by the Commission to be necessary for the proper completion of its redistricting activities but which the parties did not reasonably anticipate would be necessary at the execution of this Contract. Contractor shall not perform, nor be compensated for extra work without written authorization from the Commission’s General Counsel that has been formally approved by the Commission.
7. **Reserved**
8. **Independent Contractor.** Contractor is an independent contractor and assumes all rights, obligations and liabilities set forth in this Contract. Contractor, its employees, and agents will not be considered employees of the Commission. No partnership or joint venture relationship is created by virtue of this Contract. Contractor, and not the Commission, is responsible for the payment of wages, benefits and taxes of Contractor’s employees ~~and any subcontractors~~. Prior performance does not modify Contractor’s status as an independent contractor. *[As requested above, we would like joint ownership in order to comply with our record retention requirements.]*

~~Contractor hereby acknowledges that the Commission is and will be the sole and exclusive owner of all right, title, and interest in the Contract Activities and all associated intellectual property rights, if any. Such Contract Activities are works made for hire as defined in Section 101 of the Copyright Act of 1976. To the extent any Contract Activities and related intellectual property do not qualify as works made for hire under the Copyright Act, Contractor will, and hereby does, immediately on its creation, assign, transfer and otherwise convey to the Commission, irrevocably and in perpetuity, throughout the universe, all right, title and interest in and to the Contract Activities, including all intellectual property rights therein.~~
9. **Subcontracting.** Contractor may not delegate any of its obligations under the Contract without the prior written approval of the Commission. Contractor must notify the Commission at least 90 calendar days before the proposed delegation and provide the Commission any information it requests to determine whether the delegation is in its best interest. If approved, Contractor must: (a) be the sole point of contact regarding all contractual matters, including payment and charges for all Contract Activities; (b) make all payments to the subcontractor, *unless such payments exceed \$5,000, in which case they will be handled directly by the Commission; [In the event monthly payments for the subcontractor exceed \$5,000, we request that you handle them directly]* and (c) incorporate the terms and conditions contained in this Contract in any subcontract with a subcontractor. Contractor remains responsible for the completion of the Contract Activities **and** compliance with the terms of this Contract, ~~and the acts and omissions of the subcontractor~~. *[We cannot contractually agree to take on liability for the acts and omissions of the contractors – this impacts our insurance coverage.]* The Commission, in its sole discretion, may require the replacement of any subcontractor.
10. **Staffing.** The Commission’s Contract Administrator may require Contractor to remove or reassign personnel by providing a notice to Contractor.



CONTRACT STANDARD TERMS

- 11. Background Checks.** Pursuant to Michigan law, all agencies subject to IRS Pub. 1075 are required to ask the Michigan State Police to perform fingerprint background checks on all employees, including Contractor and Subcontractor employees **that are performing services for the Commission under this Contract**, who may have access to any database of information maintained by the federal government that contains confidential or personal information, including, but not limited to, federal tax information. Further, pursuant to Michigan law, any agency described above is prohibited from providing Contractors or Subcontractors with the result of such background check. For more information, please see Michigan Public Act 427 of 2018. Upon request, or as may be specified in Schedule A, Contractor must perform background checks on all employees and subcontractors and its employees prior to their assignment. The scope is at the discretion of the Commission and documentation must be provided as requested. ~~Contractor~~ **The Commission** is responsible for all costs associated with the requested background checks. The Commission, in its sole discretion, may also perform background checks.
- 12. Assignment.** Contractor may not assign this Contract to any other party without the prior approval of the Commission. Upon notice to Contractor, the Commission, ~~in its sole discretion~~, may assign in whole or in part, its rights or responsibilities under this Contract to any other party. **[We cannot agree to assignment without our consent.]** If the Commission determines that a novation of the Contract to a third party is necessary, Contractor will agree to the novation and provide all necessary documentation and signatures. **Notwithstanding the foregoing, the Contractor shall have the right to reject such assignment or novation in the event that Contractor becomes unable to perform under the Contract due to conflicts of interest or Contractor is not comfortable with the assignee's ability to pay for its services.**
- 13. Change of Control.** Contractor will notify within 30 days of any public announcement or otherwise once legally permitted to do so, the Commission of a change in Contractor's organizational structure or ownership. For purposes of this Contract, a change in control means any of the following: (a) a sale of more than 50% of Contractor's stock; (b) a sale of substantially all of Contractor's assets; (c) a change in a majority of Contractor's board members; (d) consummation of a merger or consolidation of Contractor with any other entity; (e) a change in ownership through a transaction or series of transactions; (f) or the board (or the stockholders) approves a plan of complete liquidation. A change of control does not include any consolidation or merger effected exclusively to change the domicile of Contractor, or any transaction or series of transactions principally for bona fide equity financing purposes.
- In the event of a change of control, Contractor must require the successor to assume this Contract and all of its obligations under this Contract.
- 14. Ordering.** Contractor is not authorized to begin performance until receipt of authorization as identified in Schedule A.
- 15. Acceptance.** Contract Activities are subject to inspection and testing by the Commission within 30 calendar days of the Commission's receipt of them ("**Commission Review Period**"), unless otherwise provided in Schedule A. If the Contract Activities are not fully accepted by the Commission, the Commission will notify Contractor by the end of the Commission Review Period that either: (a) the Contract Activities are accepted but noted deficiencies must be corrected; or (b) the Contract Activities are rejected. If the Commission finds material deficiencies, it may: (i) reject the Contract



CONTRACT STANDARD TERMS

Activities without performing any further inspections; (ii) demand performance at no additional cost; or (iii) terminate this Contract in accordance with Section 22, Termination for Cause.

Within 10 business days from the date of Contractor's receipt of notification of acceptance with deficiencies or rejection of any Contract Activities, Contractor must cure, at no additional cost, the deficiency and deliver unequivocally acceptable Contract Activities to the Commission. If acceptance with deficiencies or rejection of the Contract Activities impacts the content or delivery of other non-completed Contract Activities, the parties' respective Program Managers must determine an agreed to number of days for re-submission that minimizes the overall impact to the Contract. However, nothing herein affects, alters, or relieves Contractor of its obligations to correct deficiencies in accordance with the time response standards set forth in this Contract.

If Contractor is unable or refuses to correct the deficiency within the time response standards set forth in this Contract, the Commission may cancel the order in whole or in part. The Commission, or a third party identified by the Commission, may perform the Contract Activities and recover the difference between the cost to cure and the Contract price plus an additional 10% administrative fee.

16. Reserved

17. Reserved

18. Reserved

19. Terms of Payment. Invoices must conform to the requirements communicated from time-to-time by the Commission. All undisputed amounts are payable within 45 days of the Commission's receipt. Contractor may only charge for Contract Activities performed as specified in Schedule A. Invoices must include an itemized statement of all charges. The Commission is exempt from State sales tax for direct purchases and may be exempt from federal excise tax, if Services purchased under this Agreement are for the Commission's exclusive use. All prices are exclusive of taxes, and Contractor is responsible for all sales, use and excise taxes, and any other similar taxes, duties and charges of any kind imposed by any federal, state, or local governmental entity on any amounts payable by the Commission under this Contract.

The Commission has the right to withhold payment of any disputed amounts until the parties agree as to the validity of the disputed amount. The Commission will notify Contractor of any dispute within a reasonable time. Payment by the Commission will not constitute a waiver of any rights as to Contractor's continuing obligations, including claims for deficiencies or substandard Contract Activities. Contractor's acceptance of final payment by the Commission constitutes a waiver of all claims by Contractor against the Commission for payment under this Contract, other than those claims previously filed in writing on a timely basis and still disputed.

The Commission will only disburse payments under this Contract through Electronic Funds Transfer (EFT). Contractor must register with the Commission at <http://www.michigan.gov/SIGMAVSS> to receive electronic fund transfer payments. If Contractor does not register, the Commission is not liable for failure to provide payment. Without prejudice to any other right or remedy it may have, the Commission reserves the right to set off at any time any amount then due and owing to it by Contractor against any amount payable by the Commission to Contractor under this Contract.

20. Liquidated Damages. Liquidated damages, if applicable, will be assessed as described in Schedule A.



CONTRACT STANDARD TERMS

- 21. Stop Work Order.** The Commission may suspend any or all activities under the Contract at any time. The Commission will provide Contractor a written stop work order detailing the suspension. Contractor must comply with the stop work order upon receipt. Within 7 calendar days, or any longer period agreed to by Contractor, the Commission will either: (a) issue a notice authorizing Contractor to resume work, or (b) terminate the Contract or delivery order. The Commission will not pay for Contract Activities, Contractor's lost profits, or any additional compensation during a stop work period.
- 22. Termination for Cause.** The Commission may terminate this Contract for cause, in whole or in part, if Contractor, as determined by the Commission: (a) endangers the value, integrity, or security of any location, data, or personnel; (b) becomes insolvent, petitions for bankruptcy court proceedings, or has an involuntary bankruptcy proceeding filed against it by any creditor; (c) engages in any conduct that may expose the Commission to liability; (d) breaches any of its material duties or obligations; or (e) fails to cure a breach within the time stated in a notice of breach. Any reference to specific breaches being material breaches within this Contract will not be construed to mean that other breaches are not material.
- If the Commission terminates this Contract under this Section, the Commission will issue a termination notice specifying whether Contractor must: (a) cease performance immediately, or (b) continue to perform for a specified period. If it is later determined that Contractor was not in breach of the Contract, the termination will be deemed to have been a Termination for Convenience, effective as of the same date, and the rights and obligations of the parties will be limited to those provided in Section 24, Termination for Convenience.
- 23.** The Commission will only pay for amounts due to Contractor for Contract Activities accepted by the Commission on or before the date of termination, ~~subject to the Commission's right to set off any amounts owed by the Contractor for the Commission's reasonable costs in terminating this Contract. The Contractor must pay all reasonable costs incurred by the Commission in terminating this Contract for cause, including administrative costs, attorneys' fees, court costs, transition costs, and any costs the Commission incurs to procure the Contract Activities from other sources.~~ [We will not agree to pay for these – if you incur losses due to a termination for cause, you can pursue a claim for damages.]
- 24. Termination for Convenience.** The Commission may immediately terminate this Contract in whole or in part without penalty and for any reason, including but not limited to, appropriation or budget shortfalls. The termination notice will specify whether Contractor must: (a) cease performance of the Contract Activities immediately, or (b) continue to perform the Contract Activities in accordance with Section 24, Transition Responsibilities. If the Commission terminates this Contract for convenience, the Commission will pay all reasonable costs, as determined by the Commission, for Commission approved Transition Responsibilities.
- 25. Transition Responsibilities.** Upon termination or expiration of this Contract for any reason, Contractor must, for a period of time specified by the Commission (not to exceed 30 calendar days), provide all reasonable transition assistance requested by the Commission, to allow for the expired or terminated portion of the Contract Activities to continue without interruption or adverse effect, and to facilitate the orderly transfer of such Contract Activities to the Commission or its designees. Such transition assistance may include, but is not limited to: (a) continuing to perform the Contract Activities at the established Contract rates; (b) taking all reasonable and necessary measures to transition performance of the work, including all applicable Contract Activities, training, equipment,



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software, leases, records, reports and other documentation, to the Commission or the Commission's designee; (c) taking all necessary and appropriate steps, or such other action as the Commission may direct, to preserve, maintain, protect, or return to the Commission all materials, data, property, and confidential information provided directly or indirectly to Contractor by any entity, agent, vendor, or employee of the Commission; (d) transferring title in and delivering to the Commission, at the Commission's discretion, all completed or partially completed deliverables prepared under this Contract as of the Contract termination date; and (e) preparing an accurate accounting from which the Commission and Contractor may reconcile all outstanding accounts (collectively, "**Transition Responsibilities**"). This Contract will automatically be extended through the end of the transition period.

26. **General Indemnification.** ~~Contractor must defend, indemnify and hold the Commission, its agents, officers, and employees harmless, without limitation, from and against any and all actions, claims, losses, liabilities, damages, costs, attorney fees, and expenses (including those required to establish the right to indemnification), arising out of or relating to: (a) any breach by Contractor (or any of Contractor's employees, agents, subcontractors, or by anyone else for whose acts any of them may be liable) of any of the promises, agreements, representations, warranties, or insurance requirements contained in this Contract; (b) any infringement, misappropriation, or other violation of any intellectual property right or other right of any third party; (c) any bodily injury, death, or damage to real or tangible personal property occurring wholly or in part due to action or inaction by Contractor (or any of Contractor's employees, agents, subcontractors, or by anyone else for whose acts any of them may be liable); and (d) any acts or omissions of Contractor (or any of Contractor's employees, agents, subcontractors, or by anyone else for whose acts any of them may be liable).~~

~~The Commission will notify Contractor in writing if indemnification is sought; however, failure to do so will not relieve Contractor, except to the extent that Contractor is materially prejudiced. Contractor must, to the satisfaction of the Commission, demonstrate its financial ability to carry out these obligations.~~

~~The Commission is entitled to: (i) regular updates on proceeding status; (ii) participate in the defense of the proceeding; (iii) employ its own counsel; and to (iv) retain control of the defense if the Commission deems necessary. Contractor will not, without the Commission's written consent (not to be unreasonably withheld), settle, compromise, or consent to the entry of any judgment in or otherwise seek to terminate any claim, action, or proceeding. To the extent that any Commission employee, official, or law may be involved or challenged, the Commission may, at its own expense, control the defense of that portion of the claim.~~

~~Any litigation activity on behalf of the Commission, or any of its subdivisions under this Section, must be coordinated with the General Counsel of the Commission. An attorney designated to represent the Commission may not do so until approved by the Commission. [We have been advised by our insurance provider that making contractual indemnification agreements may impact our insurance coverage, so we do not agree to these].~~

27. **Infringement Remedies.** If, in either party's opinion, any piece of equipment, software, commodity, or service supplied by Contractor or its subcontractors, or its operation, use or reproduction, is likely to become the subject of a copyright, patent, trademark, or trade secret infringement claim, Contractor must, at its expense: (a) procure for the Commission the right to continue using the equipment, software, commodity, or service, or if this option is not reasonably available to Contractor, (b) replace



CONTRACT STANDARD TERMS

or modify the same so that it becomes non-infringing; or (c) accept its return by the Commission with appropriate credits to the Commission against Contractor's charges and reimburse the Commission for any losses or costs incurred as a consequence of the Commission ceasing its use and returning it.

- 28. Limitation of Liability and Disclaimer of Damages.** IN NO EVENT WILL THE COMMISSION'S AGGREGATE LIABILITY TO CONTRACTOR UNDER THIS CONTRACT, REGARDLESS OF THE FORM OF ACTION, WHETHER IN CONTRACT, TORT, NEGLIGENCE, STRICT LIABILITY OR BY STATUTE OR OTHERWISE, FOR ANY CLAIM RELATED TO OR ARISING UNDER THIS CONTRACT, EXCEED THE MAXIMUM AMOUNT OF FEES PAYABLE UNDER THIS CONTRACT. The Commission is not liable for consequential, incidental, indirect, or special damages, regardless of the nature of the action.
- 29. Disclosure of Litigation, or Other Proceeding.** ~~Contractor must notify the Commission and its General Counsel within 14 calendar days of receiving notice of any litigation, investigation, arbitration, or other proceeding (collectively, "Proceeding") involving Contractor, a subcontractor, or an officer or director of Contractor or subcontractor, that arises during the term of the Contract, including: (a) a criminal Proceeding; (b) a parole or probation Proceeding; (c) a Proceeding under the Sarbanes Oxley Act; (d) a civil Proceeding involving: (1) a claim that might reasonably be expected to adversely affect Contractor's viability or financial stability; or (2) a governmental or public entity's claim or written allegation of fraud; or (e) a Proceeding involving any license that Contractor is required to possess in order to perform under this Contract.~~ [We do not agree to provide these types of notices to clients.]
- 30. Commission Data.** All data and information provided to Contractor by or on behalf of the Commission, and all data and information derived therefrom, is the exclusive property of the Commission ("Commission Data"); this definition is to be construed as broadly as possible and specifically includes all records created by Contractor in the course of implementing this Contract. Commission data shall not be destroyed by Contractor **until expiration of the applicable data retention policy.** [Our general practice is to retain all non-vital documents/records for seven years following matter-close.] Upon request, Contractor must provide to the Commission, or a third party designated by the Commission, all Commission Data within 10 calendar days of the request and in the format requested by the Commission. Contractor will assume all costs incurred in compiling and supplying Commission Data. No Commission Data may be used for any marketing purposes.
- 31. Reserved**
- 32. Non-Disclosure of Confidential Information.** The parties acknowledge that each party may be exposed to or acquire communication or data of the other party that is confidential, privileged communication not intended to be disclosed to third parties. The provisions of this Section survive the termination of this Contract.
- a. Meaning of Confidential Information.** For the purposes of this Contract, the term "**Confidential Information**" means all information and documentation of a party that: (a) has been marked "confidential" or with words of similar meaning, at the time of disclosure by such party; (b) if disclosed orally or not marked "confidential" or with words of similar meaning, was subsequently summarized in writing by the disclosing party and marked "confidential" or with words of similar meaning; and, (c) should reasonably be recognized as confidential information of the disclosing party. The term "Confidential Information" does not include any information or documentation



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that was: (a) subject to disclosure under the Michigan Freedom of Information Act (FOIA); (b) already in the possession of the receiving party without an obligation of confidentiality; (c) developed independently by the receiving party, as demonstrated by the receiving party, without violating the disclosing party's proprietary rights; (d) obtained from a source other than the disclosing party without an obligation of confidentiality; or, (e) publicly available when received, or thereafter became publicly available (other than through any unauthorized disclosure by, through, or on behalf of, the receiving party). For purposes of this Contract, in all cases and for all matters, Commission Data is deemed to be Confidential Information.

- b. Obligation of Confidentiality.** The parties agree to hold all Confidential Information in strict confidence and not to copy, reproduce, sell, transfer, or otherwise dispose of, give or disclose such Confidential Information to third parties other than employees, agents, or subcontractors of a party who have a need to know in connection with this Contract or to use such Confidential Information for any purposes whatsoever other than the performance of this Contract. The parties agree to advise and require their respective employees, agents, and subcontractors of their obligations to keep all Confidential Information confidential. Disclosure to a subcontractor is permissible where: (a) use of a subcontractor is authorized under this Contract; (b) the disclosure is necessary or otherwise naturally occurs in connection with work that is within the subcontractor's responsibilities; and (c) Contractor obligates the subcontractor in a written contract to maintain the Commission's Confidential Information in confidence. At the Commission's request, any employee of Contractor or any subcontractor may be required to execute a separate agreement to be bound by the provisions of this Section.
- c. Cooperation to Prevent Disclosure of Confidential Information.** Each party must use its best efforts to assist the other party in identifying and preventing any unauthorized use or disclosure of any Confidential Information. Without limiting the foregoing, each party must advise the other party immediately in the event either party learns or has reason to believe that any person who has had access to Confidential Information has violated or intends to violate the terms of this Contract and each party will cooperate with the other party in seeking injunctive or other equitable relief against any such person.
- d. Remedies for Breach of Obligation of Confidentiality.** Each party acknowledges that breach of its obligation of confidentiality may give rise to irreparable injury to the other party, which damage may be inadequately compensable in the form of monetary damages. Accordingly, a party may seek and obtain injunctive relief against the breach or threatened breach of the foregoing undertakings, in addition to any other legal remedies which may be available, to include, in the case of the Commission, at the sole election of the Commission, the immediate termination, without liability to the Commission, of this Contract or any Statement of Work corresponding to the breach or threatened breach.
- e. Surrender of Confidential Information upon Termination.** Upon termination of this Contract or a Statement of Work, in whole or in part, each party must, within 5 calendar days from the date of termination, return to the other party any and all Confidential Information received from the other party, or created or received by a party on behalf of the other party, which are in such party's possession, custody, or control; provided, however, that Contractor must return Commission Data to the Commission following the timeframe and procedure described further in this Contract. Should Contractor or the Commission determine that the return of any Confidential Information is



CONTRACT STANDARD TERMS

not feasible, such party must destroy the Confidential Information and must certify the same in writing within 5 calendar days from the date of termination to the other party. However, the Commission's legal ability to destroy Contractor data may be restricted by its retention and disposal schedule, in which case Contractor's Confidential Information will be destroyed after the retention period expires.

33. Reserved

34. Reserved

35. Reserved

- 36. Records Maintenance, Inspection, Examination, and Audit.** The Commission or its designee may audit Contractor to verify compliance with this Contract. Contractor must retain and provide to the Commission or its designee and the auditor general upon request, all financial and accounting records related to the Contract through the term of the Contract and for 4 years after the latter of termination, expiration, or final payment under this Contract or any extension ("**Audit Period**"). If an audit, litigation, or other action involving the records is initiated before the end of the Audit Period, Contractor must retain the records until all issues are resolved.

Within 10 calendar days of providing notice, the Commission and its authorized representatives or designees have the right to enter and inspect Contractor's premises or any other places where Contract Activities are being performed, and examine, copy, and audit all records related to this Contract. Contractor must cooperate and provide reasonable assistance. If any financial errors are revealed, the amount in error must be reflected as a credit or debit on subsequent invoices until the amount is paid or refunded. Any remaining balance at the end of the Contract must be paid or refunded within 45 calendar days.

This Section applies to Contractor, any parent, affiliate, or subsidiary organization of Contractor, and any subcontractor that performs Contract Activities in connection with this Contract.

- 37. Warranties and Representations.** Contractor represents and warrants: (a) Contractor is the owner or licensee of any Contract Activities that it licenses, sells, or develops and Contractor has the rights necessary to convey title, ownership rights, or licensed use; (b) all Contract Activities are delivered free from any security interest, lien, or encumbrance and will continue in that respect; (c) the Contract Activities will not infringe the patent, trademark, copyright, trade secret, or other proprietary rights of any third party; (d) Contractor must assign or otherwise transfer to the Commission or its designee any manufacturer's warranty for the Contract Activities; (e) the Contract Activities are merchantable and fit for the specific purposes identified in the Contract; (f) the Contract signatory has the authority to enter into this Contract; (g) all information furnished by Contractor in connection with the Contract fairly and accurately represents Contractor's business, properties, finances, and operations as of the dates covered by the information, and Contractor will inform the Commission of any material adverse changes; (h) all information furnished and representations made in connection with the award of this Contract is true, accurate, and complete, and contains no false statements or omits any fact that would make the information misleading; and that (i) Contractor is neither currently engaged in nor will engage in the boycott of a person based in or doing business with a strategic partner as described in 22 USC 8601 to 8606. A breach of this Section is considered a material breach of this Contract, which entitles the Commission to terminate this Contract under Section 22, Termination for Cause.



CONTRACT STANDARD TERMS

- 38. Conflicts and Ethics.** Contractor will uphold high ethical standards and is prohibited from: (a) holding or acquiring an interest that would conflict with this Contract; (b) doing anything that creates an appearance of impropriety with respect to the award or performance of the Contract; (c) attempting to influence or appearing to influence the Commission, any individual Commissioner, or Commission employee by the direct or indirect offer of anything of value; or (d) paying or agreeing to pay any person, other than employees and consultants working for Contractor, any consideration contingent upon the award of the Contract. Contractor must immediately notify the Commission of any violation or potential violation of these standards. This Section applies to Contractor, any parent, affiliate, or subsidiary organization of Contractor, and any subcontractor that performs Contract Activities in connection with this Contract.
- 39. Compliance with Laws.** Contractor must comply with all federal, state and local laws, rules and regulations.
- 40. Professional Ability of Contractor.** Commission has relied upon the professional training and ability of Contractor to perform the services in this Contract as a material inducement to enter into this Contract. Contractor shall provide properly skilled professional and technical personnel to perform all services under this Contract. All work by Contractor under this Contract shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Contractor's field of expertise.
- 41. Nondiscrimination.** Under the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101, *et seq.*, and the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101, *et seq.*, Contractor and its subcontractors agree not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, partisan considerations, any mental or physical disability, or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. Breach of this covenant is a material breach of this Contract.
- 42. Unfair Labor Practice.** Under MCL 423.324, the Commission may void any Contract with a Contractor or subcontractor who appears on the Unfair Labor Practice register compiled under MCL 423.322.
- 43. Governing Law.** This Contract is governed, construed, and enforced in accordance with Michigan law, excluding choice-of-law principles, and all claims relating to or arising out of this Contract are governed by Michigan law, excluding choice-of-law principles. Any dispute arising from this Contract must be resolved in Michigan Court of Claims. Contractor consents to venue in Ingham County, and waives any objections, such as lack of personal jurisdiction or *forum non conveniens*. Contractor must appoint agents in Michigan to receive service of process.
- 44. Non-Exclusivity.** Nothing contained in this Contract is intended nor will be construed as creating any requirements contract with Contractor. This Contract does not restrict the Commission or its agencies from acquiring similar, equal, or like Contract Activities from other sources.
- 45. Force Majeure.** Neither party will be in breach of this Contract because of any failure arising from any disaster or acts of god that are beyond their control and without their fault or negligence. Each party will use commercially reasonable efforts to resume performance. Contractor will not be relieved



CONTRACT STANDARD TERMS

of a breach or delay caused by its subcontractors. If immediate performance is necessary to ensure public health and safety, the Commission may immediately contract with a third party.

- 46. Dispute Resolution.** The parties will endeavor to resolve any Contract dispute in accordance with this provision. The dispute will be referred to the parties' respective Contract Administrators or Program Managers. Such referral must include a description of the issues and all supporting documentation. The parties must submit the dispute to a senior executive if unable to resolve the dispute within 15 business days. The parties will continue performing while a dispute is being resolved, unless the dispute precludes performance. A dispute involving payment does not preclude performance.

Litigation to resolve the dispute will not be instituted until after the dispute has been elevated to the parties' senior executive and either concludes that resolution is unlikely or fails to respond within 15 business days. The parties are not prohibited from instituting formal proceedings: (a) to avoid the expiration of statute of limitations period; (b) to preserve a superior position with respect to creditors; or (c) where a party makes a determination that a temporary restraining order or other injunctive relief is the only adequate remedy. This Section does not limit the Commission's right to terminate the Contract.

- 47. Media Releases.** News releases (including promotional literature and commercial advertisements) pertaining to the Contract or project to which it relates must not be made without prior written Commission approval, and then only in accordance with the explicit written instructions of the Commission.
- 48. Website Incorporation.** The Commission is not bound by any content on Contractor's website unless expressly incorporated directly into this Contract.
- 49. Entire Agreement and Order of Precedence.** This Contract, which includes Schedule A – Statement of Work, and schedules and exhibits which are hereby expressly incorporated, is the entire agreement of the parties related to the Contract Activities. This Contract supersedes and replaces all previous understandings and agreements between the parties for the Contract Activities. If there is a conflict between documents, the order of precedence is: (a) first, this Contract, excluding its schedules, exhibits, and Schedule A – Statement of Work; (b) second, Schedule A – Statement of Work as of the Effective Date; and (c) third, schedules expressly incorporated into this Contract as of the Effective Date. NO TERMS ON CONTRACTOR'S INVOICES, ORDERING DOCUMENTS, WEBSITE, BROWSE-WRAP, SHRINK-WRAP, CLICK-WRAP, CLICK-THROUGH OR OTHER NON-NEGOTIATED TERMS AND CONDITIONS PROVIDED WITH ANY OF THE CONTRACT ACTIVITIES WILL CONSTITUTE A PART OR AMENDMENT OF THIS CONTRACT OR IS BINDING ON THE COMMISSION FOR ANY PURPOSE. ALL SUCH OTHER TERMS AND CONDITIONS HAVE NO FORCE AND EFFECT AND ARE DEEMED REJECTED BY THE COMMISSION, EVEN IF ACCESS TO OR USE OF THE CONTRACT ACTIVITIES REQUIRES AFFIRMATIVE ACCEPTANCE OF SUCH TERMS AND CONDITIONS.
- 50. Severability.** If any part of this Contract is held invalid or unenforceable, by any court of competent jurisdiction, that part will be deemed deleted from this Contract and the severed part will be replaced by agreed upon language that achieves the same or similar objectives. The remaining Contract will continue in full force and effect.
- 51. Waiver.** Failure to enforce any provision of this Contract will not constitute a waiver.



CONTRACT STANDARD TERMS

- 52. Survival.** The provisions of this Contract that impose continuing obligations, including warranties and representations, termination, transition, insurance coverage, indemnification, and confidentiality, will survive the expiration or termination of this Contract.

Contract Modification. This Contract may not be amended except by signed agreement between the parties (a “**Contract Change Notice**”). Notwithstanding the foregoing, no subsequent Statement of Work or Contract Change Notice executed after the Effective Date will be construed to amend this Contract unless it specifically states its intent to do so and cites the section or sections amended.



APPENDICES

Contractor Resumes
Letter of Commitment for Key Personnel
Subcontractor Resumes
Contractor Organizational Chart
Personal Political Contributions
Representative Voting Rights and Redistricting Projects
AZ racially polarized voting analysis 112911 - DRAFT
Final Congressional Districts - Compactness and Competitiveness Data Table



CONTRACTOR RESUMES

| | |
|--|---|
| Proposed Resource Name: | Andrea Hansen |
| Proposed Classification: | Partner |
| Key Personnel: | Yes X or No <input type="checkbox"/> |
| If resource is associated with a subcontractor provide name of company: | N/A |
| Percentage of time resource will be allocated to project: | As needed |

Agency: List the required skill sets, education, certifications, and training requirements for each key personnel role. Below are examples of required skills, education and certifications and examples of vendor responses.

Bidder: List the skills and experience that qualify the individual for the duties and responsibilities on this project for the proposed role. Provide the name of the project(s) and the year(s) the experience was obtained.

The experience requirements detailed in the RFP are restated as follows:

| Required Skills | Bidder's Response |
|--|--|
| <p>The attorney, firm or other entity must demonstrate experience and expertise in legal and advisory services specific to redistricting and the Voting Rights Act ("VRA") to advise the Commission, its staff, attorneys and consultants.</p> <p>Provide a description of demonstrated expertise and experience with redistricting, reapportionment districting and elections activities and subsequent relevant cases, including the following:</p> <ul style="list-style-type: none"> i) Names of the public entities or private parties represented in redistricting matters, including experience representing public bodies, boards or commissions. ii) The principle legal issues presented in each matter handled by the attorney, law firm or entity. iii) The outcome of the prior redistricting representation. iv) Any relevant published work. v) Specifically address demonstrated experience as it pertains to Section 2 and Section 5 of the Voting Rights Act. | <p>Does resource have this required skill: Yes x or No <input type="checkbox"/></p> <p>Description of skills and experience: 25 plus years experience representing clients with respect to Michigan Election Law and the Michigan Campaign Finance Act; I have represented Democrats, Republicans and Independents, business entities (for profit and non-profit), public bodies, political committees, and ballot question committees, participated in redistricting disputes, recounts and recalls.</p> <p>Name of project(s) and year(s) experience was obtained: 1995-present</p> |
| <p>Provide a description of demonstrated expertise and experience in advisory and legal services (if any) as it pertains to the Michigan Election Law</p> | <p>Does resource have this required skill: Yes X or No <input type="checkbox"/></p> |



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HONIGMAN

CONTRACTOR RESUMES

| | |
|--|---|
| (Act 116 of 1954), including number of years' experience | Description of skills and experience: 25 plus years experience representing clients with respect to Michigan Election Law and the Michigan Campaign Finance Act; I have represented Democrats, Republicans and Independents, business entities (for profit and non-profit), public bodies, political committees, and ballot question committees, participated in recounts and recalls. Name of project(s) and year(s) experience was obtained: 1995-present |
|--|---|

List client references for work performed to meet the requirements stated above, and all projects the proposed resource has worked on in the last three (3) years. A minimum of three (3) references are required. By submission of this information, the bidder and identified key person authorize the State of Michigan to contact references and previous employers provided to verify the accuracy of the information. Provide the identified information for each:

| | |
|--|--|
| Start Date: <i>date started on project</i> | End Date: <i>date rolled off project</i> |
| Client/Project: <i>Client, with contact information (i.e.: address, phone #s, and email address), and project name</i> | |
| Employer: <i>identify employer at the time of experience</i> | |
| Title/Percentage of time: <i>title of role on project and percentage of time spent on project</i> | |
| Description: <i>brief description of responsibilities for the project. Include software version</i> | |

| | |
|--|----------------|
| Start Date: 2015 | End Date: 2018 |
| Client/Project: Michigan Building and Construction Trades Council, Protect Michigan Jobs Pat Devlin, [REDACTED] | |
| Employer: Honigman LLP | |
| Title/Percentage of time: Partner | |
| Description: Represented client in two challenges to initiatives seeking to repeal Michigan's prevailing wage laws | |

| | |
|---|----------------|
| Start Date: 2018 | End Date: 2019 |
| Client/Project: Michigan Restaurant and Lodging Association, Michigan Opportunity Justin Winslow, [REDACTED] | |
| Employer: Honigman LLP | |
| Title/Percentage of time: Partner | |
| Description: Represented client in challenge to initiative seeking to amend minimum wage laws and as amicus in matter before the Supreme Court seeking an Advisory Opinion. | |

EDUCATION

| Education | | |
|--|--|----------------------|
| Degree (i.e. PhD, Master's, Bachelors) | <i>Juris Doctor</i> | Year Completed: 1992 |
| Program | <i>Major(s) area of study: Law</i> | |
| University | <i>University of Michigan, Ann Arbor, Michigan</i> | |

| Additional Education | | |
|--|-------------------------|----------------------|
| Degree (i.e. PhD, Master's, Bachelors) | <i>Bachelor of Arts</i> | Year Completed: 1988 |



CONTRACTOR RESUMES

| | | |
|------------|--|---------------------------------------|
| Program | Major(s) area of study: <i>Psychology</i> | Minor area of study: Criminal Justice |
| University | <i>Michigan State University, East Lansing, Michigan</i> | |

TRAINING – Provide any relevant technical or professional training related to the role resource will be providing on this project.

| Technical or Professional Training | |
|------------------------------------|---|
| Course Name | |
| Topic | <i>(include credit hours if applicable)</i> |
| Date taken | |

| Certifications/Affiliations | |
|-----------------------------|--|
| Name | |
| Topic/Description | |
| Date completed | |

The Bidder must submit a letter of commitment for Key Personnel, signed by the identified resource, stating their commitment to work for the bidder/subcontractor on this project contingent on award of the bid. If the identified personnel are currently assigned to another project the bidder must provide a letter signed by the that Project Manager releasing the individual from the project.



CONTRACTOR RESUMES

| | |
|--|---|
| Proposed Resource Name: | Peter B. Ruddell |
| Proposed Classification: | Partner |
| Key Personnel: | Yes X or No <input type="checkbox"/> |
| If resource is associated with a subcontractor provide name of company: | N/A |
| Percentage of time resource will be allocated to project: | As needed |

Agency: List the required skill sets, education, certifications, and training requirements for each key personnel role. Below are examples of required skills, education and certifications and examples of vendor responses.

Bidder: List the skills and experience that qualify the individual for the duties and responsibilities on this project for the proposed role. Provide the name of the project(s) and the year(s) the experience was obtained.

The experience requirements detailed in the RFP are restated as follows:

| Required Skills | Bidder's Response |
|--|---|
| <p>The attorney, firm or other entity must demonstrate experience and expertise in legal and advisory services specific to redistricting and the Voting Rights Act ("VRA") to advise the Commission, its staff, attorneys and consultants.</p> <p>Provide a description of demonstrated expertise and experience with redistricting, reapportionment districting and elections activities and subsequent relevant cases, including the following:</p> <ul style="list-style-type: none"> i) Names of the public entities or private parties represented in redistricting matters, including experience representing public bodies, boards or commissions. ii) The principle legal issues presented in each matter handled by the attorney, law firm or entity. iii) The outcome of the prior redistricting representation. iv) Any relevant published work. v) Specifically address demonstrated experience as it pertains to Section 2 and Section 5 of the Voting Rights Act. | <p>Does resource have this required skill: Yes x or No <input type="checkbox"/></p> <p>Description of skills and experience: 20 years of experience representing clients related to Michigan Election Law and the Michigan Campaign Finance Act, including ballot question committees, political action committees and candidates for public office (Republicans, Democrats and non-partisan).</p> <p>Name of project(s) and year(s) experience was obtained: 2001-present</p> |
| <p>Provide a description of demonstrated expertise and experience in advisory and legal services (if any) as it pertains to the Michigan Election Law (Act 116 of 1954), including number of years' experience</p> | <p>Does resource have this required skill: Yes X or No <input type="checkbox"/></p> <p>Description of skills and experience: 20 years of experience representing clients related to Michigan Election Law and the Michigan Campaign Finance Act, including ballot question committees, political action committees and candidates for public office (Republicans, Democrats and non-partisan).</p> |



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| | Name of project(s) and year(s) experience was obtained: 2001-present |
|--|--|

List client references for work performed to meet the requirements stated above, and all projects the proposed resource has worked on in the last three (3) years. A minimum of three (3) references are required. By submission of this information, the bidder and identified key person authorize the State of Michigan to contact references and previous employers provided to verify the accuracy of the information. Provide the identified information for each:

| | |
|--|--|
| Start Date: <i>date started on project</i> | End Date: <i>date rolled off project</i> |
| Client/Project: <i>Client, with contact information (i.e.: address, phone #s, and email address), and project name</i> | |
| Employer: <i>identify employer at the time of experience</i> | |
| Title/Percentage of time: <i>title of role on project and percentage of time spent on project</i> | |
| Description: <i>brief description of responsibilities for the project. Include software version</i> | |

| | |
|---------------------------|-----------|
| Start Date: | End Date: |
| Client/Project: | |
| Employer: | |
| Title/Percentage of time: | |
| Description: | |

| | |
|---------------------------|-----------|
| Start Date: | End Date: |
| Client/Project: | |
| Employer: | |
| Title/Percentage of time: | |
| Description: | |

EDUCATION

| Education | | |
|--|---|-----------------------------|
| Degree (i.e. PhD, Master's, Bachelors) | <i>Juris Doctor</i> | Year Completed: <i>2001</i> |
| Program | <i>Major(s) area of study: Law</i> | |
| University | <i>Michigan State University College of Law</i> | |

| Additional Education | | |
|--|--|-----------------------------|
| Degree (i.e. PhD, Master's, Bachelors) | <i>Bachelor of Arts</i> | Year Completed: <i>1997</i> |
| Program | Major(s) area of study: <i>Political Economy</i> | Minor area of study: |
| University | <i>Michigan State University (James Madison College), East Lansing, Michigan</i> | |

TRAINING – Provide any relevant technical or professional training related to the role resource will be providing on this project.

| Technical or Professional Training | |
|------------------------------------|---|
| Course Name | |
| Topic | <i>(include credit hours if applicable)</i> |



CONTRACTOR RESUMES

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|------------|--|
| Date taken | |
|------------|--|

| Certifications/Affiliations | |
|-----------------------------|--|
| Name | |
| Topic/Description | |
| Date completed | |

The Bidder must submit a letter of commitment for Key Personnel, signed by the identified resource, stating their commitment to work for the bidder/subcontractor on this project contingent on award of the bid. If the identified personnel are currently assigned to another project the bidder must provide a letter signed by the that Project Manager releasing the individual from the project.



CONTRACTOR RESUMES

| | |
|--|--|
| Proposed Resource Name: | Khalilah Spencer |
| Proposed Classification: | Partner |
| Key Personnel: | Yes <input checked="" type="checkbox"/> or No <input type="checkbox"/> |
| If resource is associated with a subcontractor provide name of company: | N/A |
| Percentage of time resource will be allocated to project: | As needed |

Agency: List the required skill sets, education, certifications, and training requirements for each key personnel role. Below are examples of required skills, education and certifications and examples of vendor responses.

Bidder: List the skills and experience that qualify the individual for the duties and responsibilities on this project for the proposed role. Provide the name of the project(s) and the year(s) the experience was obtained.

The experience requirements detailed in the RFP are restated as follows:

| Required Skills | Bidder's Response |
|---|--|
| <p>The attorney, firm or other entity must demonstrate experience and expertise in legal and advisory services specific to redistricting and the Voting Rights Act ("VRA") to advise the Commission, its staff, attorneys and consultants.</p> <p>Provide a description of demonstrated expertise and experience with redistricting, reapportionment districting and elections activities and subsequent relevant cases, including the following:</p> <ol style="list-style-type: none"> Names of the public entities or private parties represented in redistricting matters, including experience representing public bodies, boards or commissions. The principle legal issues presented in each matter handled by the attorney, law firm or entity. The outcome of the prior redistricting representation. Any relevant published work. Specifically address demonstrated experience as it pertains to Section 2 and Section 5 of the Voting Rights Act. | <p>Does resource have this required skill: Yes <input checked="" type="checkbox"/> or No <input type="checkbox"/></p> <p>Description of skills and experience: 15 plus years of experience representing clients with respect to Michigan election law, including Democratic local and state candidates. I have also volunteered with numerous non-partisan organizations such as NAACP and Promote the Vote on drafting and advocating for numerous ballot initiatives.</p> <p>Name of project(s) and year(s) experience was obtained: 2005-present</p> |
| <p>Provide a description of demonstrated expertise and experience in advisory and legal services (if any) as it pertains to the Michigan Election Law (Act 116 of 1954), including number of years' experience</p> | <p>Does resource have this required skill: Yes <input checked="" type="checkbox"/> or No <input type="checkbox"/></p> <p>Description of skills and experience: 15 plus years of experience representing clients with respect to Michigan election law, including Democratic local and state candidates. I also volunteer with numerous non-partisan organizations such</p> |



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| | <p>as NAACP and Promote the Vote on drafting and advocating for numerous ballot initiatives, voting rights and election protection.</p> <p>Name of project(s) and year(s) experience was obtained:</p> <p>2005-present</p> <p>2005 – Freman Hendrix for Detroit Mayor – general election advice and recount process</p> <p>2006 – present: Volunteer with Detroit Branch NAACP and Michigan State Conference NAACP advising on Election Protection, Voting Rights Litigation, Legislative Advocacy and Ballot Proposal Campaigns (Proposals 2006-2, 2012-1, 2018-2 and 2018-3)</p> <p>2017 – Garlin Gilchrist for Clerk - Recount</p> <p>2017-18: Volunteer on non-partisan drafting committees for Proposals 18-2 and 18-3</p> <p>2020 – Michigan Non-Partisan Election Protection Campaign Rapid Response Chair</p> |
|--|--|

List client references for work performed to meet the requirements stated above, and all projects the proposed resource has worked on in the last three (3) years. A minimum of three (3) references are required. By submission of this information, the bidder and identified key person authorize the State of Michigan to contact references and previous employers provided to verify the accuracy of the information. Provide the identified information for each:

| | |
|--|--|
| Start Date: <i>date started on project</i> | End Date: <i>date rolled off project</i> |
| Client/Project: <i>Client, with contact information (i.e.: address, phone #s, and email address), and project name</i> | |
| Employer: <i>identify employer at the time of experience</i> | |
| Title/Percentage of time: <i>title of role on project and percentage of time spent on project</i> | |
| Description: <i>brief description of responsibilities for the project. Include software version</i> | |

| | |
|--|-----------|
| Start Date: | End Date: |
| Client/Project: NAACP, Kamilia Landrum, Executive Director, Detroit Branch NAACP [REDACTED] | |
| Employer: Honigman | |
| Title/Percentage of time: | |
| Description: Election Protection Program – 2018, 2020 | |

| | |
|---|-----------|
| Start Date: | End Date: |
| Client/Project: NAACP, Yvonne White, President, Michigan Conference NAACP [REDACTED] | |
| Employer: Honigman | |
| Title/Percentage of time: | |
| Description: Election Protection Program – 2018, 2020 | |



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HONIGMAN

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|--|-----------|
| Start Date: | End Date: |
| Client/Project: Sharon Dolente, formerly Voting Rights Strategist for ACLU of Michigan | |
| Employer: Honigman | |
| Title/Percentage of time: | |
| Description: Promote the Vote Ballot Question Campaign Proposal 18-3 | |

EDUCATION

| Education | | |
|--|---|-----------------------------|
| Degree (i.e. PhD, Master's, Bachelors) | Juris Doctor | Year Completed: 2001 |
| Program | Major(s) area of study: Law | |
| University | University of Michigan, Ann Arbor, Michigan | |

| Additional Education | | |
|--|---|-----------------------------|
| Degree (i.e. PhD, Master's, Bachelors) | Bachelor of Arts | Year Completed: 1999 |
| Program | Major(s) area of study: Political Science | Minor area of study: N/A |
| University | University of Michigan, Ann Arbor, Michigan | |

TRAINING – Provide any relevant technical or professional training related to the role resource will be providing on this project.

| Technical or Professional Training | |
|------------------------------------|--------------------------------------|
| Course Name | |
| Topic | (include credit hours if applicable) |
| Date taken | |

| Certifications/Affiliations | |
|-----------------------------|--|
| Name | |
| Topic/Description | |
| Date completed | |

The Bidder must submit a letter of commitment for Key Personnel, signed by the identified resource, stating their commitment to work for the bidder/subcontractor on this project contingent on award of the bid. If the identified personnel are currently assigned to another project the bidder must provide a letter signed by the that Project Manager releasing the individual from the project.



CONTRACTOR RESUMES

| | |
|--|---|
| Proposed Resource Name: | Douglas E. Mains |
| Proposed Classification: | Partner |
| Key Personnel: | Yes X or No <input type="checkbox"/> |
| If resource is associated with a subcontractor provide name of company: | n/a |
| Percentage of time resource will be allocated to project: | as needed |

Agency: List the required skill sets, education, certifications, and training requirements for each key personnel role. Below are examples of required skills, education and certifications and examples of vendor responses.

Bidder: List the skills and experience that qualify the individual for the duties and responsibilities on this project for the proposed role. Provide the name of the project(s) and the year(s) the experience was obtained. The experience requirements detailed in the RFP are restated as follows:

| Required Skills | Bidder's Response |
|--|--|
| <p>The attorney, firm or other entity must demonstrate experience and expertise in legal and advisory services specific to redistricting and the Voting Rights Act ("VRA") to advise the Commission, its staff, attorneys and consultants.</p> <p>Provide a description of demonstrated expertise and experience with redistricting, reapportionment districting and elections activities and subsequent relevant cases, including the following:</p> <ul style="list-style-type: none"> i) Names of the public entities or private parties represented in redistricting matters, including experience representing public bodies, boards or commissions. ii) The principle legal issues presented in each matter handled by the attorney, law firm or entity. iii) The outcome of the prior redistricting representation. iv) Any relevant published work. v) Specifically address demonstrated experience as it pertains to Section 2 and Section 5 of the Voting Rights Act. | <p>Does resource have this required skill: Yes X or No <input type="checkbox"/></p> <p>Description of skills and experience: <i>Example: 10 yrs exp with (vendor name) implementing multimillion-dollar, statewide implementations of intelligence management and analysis systems</i></p> <p>Served as Senior Policy Advisor and Deputy Legal Counsel to two Speakers of the Michigan House of Representatives, where I worked extensively on election law-related issues, both with regard to legislation and representing the House Republican Caucus and members on election-related issues. (see below for more specifics).</p> <p>Progress for Michigan 2020 v Jonseck, COA # 354726. Represented a ballot question committee in a lawsuit seeking a writ of mandamus against a city clerk. The case involved arguments that deadlines contained in the Michigan Election Law related to ballot question submission deadlines trumped municipal charter provisions where the provisions conflicted.</p> <p>Protecting Michigan Taxpayers v Board of State Canvassers v Protect Michigan Jobs, Supreme Court # 157761, COA # 343566 Represented Protect Michigan Jobs in a challenge to an initiative seeking to repeal the prevailing wage act. The issues raised in this action regarding unlawful circulator practices were subsequently incorporated into amendments to Michigan Election Law.</p> <p>In re Request for Advisory Opinion Regarding 2018 PA 368 and 2018 PA 369, Supreme Court # 159160 and 159201 Represented the Michigan Legislature requesting an Advisory Opinion from the Michigan Supreme Court regarding whether it was constitutional for the Legislature to enact an initiative petition and then later amend that law within the same session.</p> |



CONTRACTOR RESUMES

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|--|--|
| | <p>Authored <i>Political Processes During a Pandemic: How COVID-19 Has Changed and Will Change Michigan's Elections</i>, Michigan Bar Journal, August 2020</p> <p>Name of project(s) and year(s) experience was obtained: 2011 - 2015 - Michigan House of Representatives 2011 - State Rep. Paul Scott - served as Election Day legal counsel 2012 - State Rep. Jase Bolger - served as Election Day legal counsel 2012 - Kent County Commissioner Joe Freeman - served as counsel for recount 2014 - State Rep. Frank Foster - served as Election Day legal counsel 2014 - State Rep. Kevin Cotter - served as Election Day legal counsel 2018 - Served as ballot counsel and on drafting committee for Statewide Ballot Proposal 18-1</p> |
| <p>Provide a description of demonstrated expertise and experience in advisory and legal services (if any) as it pertains to the Michigan Election Law (Act 116 of 1954), including number of years' experience</p> | <p>Does resource have this required skill: Yes <input checked="" type="checkbox"/> or No <input type="checkbox"/></p> <p>Description of skills and experience:</p> <p>Mr. Mains spent approximately five years working in the Michigan Legislature, where he served as the primary public policy advisor to the House Committee on Elections. In that capacity, Mr. Mains was integral in helping to author and secure passage of legislation amending the Michigan Election Law, including legislation to establish the date of Michigan's 2016 presidential primary election.</p> <p>During the same timeframe, Mr. Mains also served as Deputy Legal Counsel to the Republican caucus of the Michigan House of Representatives for nearly five years and, in that role, was responsible for all Election Day operations for the caucus and candidates throughout Michigan during two election cycles. In that capacity, Mr. Mains was responsible for training all poll watchers and election challengers on relevant provisions of the Michigan Election Law, responding to Michigan Election Law issues that arose on Election Day, and supervising all recounts and other election activities.</p> <p>In private practice, Mr. Mains also has extensive experience with the Michigan Election Law, including representing a presidential candidate in a statewide recount in 2016, helping to draft and serving as ballot counsel for a statewide ballot initiative in 2018, and serving as ballot counsel for approximately 20 local ballot initiatives from 2018-2020.</p> <p>Name of project(s) and year(s) experience was obtained: Michigan House of Representatives, 2011-2015</p> |



STATE OF MICHIGAN
INDEPENDENT CITIZENS REDISTRICTING COMMISSION

HONIGMAN

CONTRACTOR RESUMES

List client references for work performed to meet the requirements stated above, and all projects the proposed resource has worked on in the last three (3) years. A minimum of three (3) references are required. By submission of this information, the bidder and identified key person authorize the State of Michigan to contact references and previous employers provided to verify the accuracy of the information. Provide the identified information for each:

| | |
|---|-------------------|
| Start Date: 2020 | End Date: ongoing |
| Client/Project: Sam Pernick, 248-914-0631 | |
| Employer: Honigman LLP | |
| Title/Percentage of time: Primary Attorney | |
| Description: Represented client with regard to more than a dozen local ballot initiatives throughout Michigan, including helping to draft initiatives, format petitions, and handle litigation regarding ballot access. | |

EDUCATION

| Education | | |
|--|---|----------------------|
| Degree (i.e. PhD, Master's, Bachelors) | JD | Year Completed: 2010 |
| Program | Major(s) area of study: Law | |
| University | University of Mississippi School of Law | |

| Additional Education | | |
|--|------------------------------------|----------------------|
| Degree (i.e. PhD, Master's, Bachelors) | Example: Bachelor of Arts | Year Completed: 2007 |
| Program | Major(s) area of study: Government | Minor area of study: |
| University | Cornell University | |

TRAINING – Provide any relevant technical or professional training related to the role resource will be providing on this project.

| Technical or Professional Training | |
|------------------------------------|--------------------------------------|
| Course Name | |
| Topic | (include credit hours if applicable) |
| Date taken | |

| Certifications/Affiliations | |
|-----------------------------|--|
| Name | |
| Topic/Description | |
| Date completed | |

The Bidder must submit a letter of commitment for Key Personnel, signed by the identified resource, stating their commitment to work for the bidder/subcontractor on this project contingent on award of the bid. If the identified personnel are currently assigned to another project the bidder must provide a letter signed by the that Project Manager releasing the individual from the project.



LETTER OF COMMITMENT FOR KEY PERSONNEL

HONIGMAN®

Andrea L. Hansen
Office: 517.377.0709
[REDACTED]

March 11, 2021

Mr. Chad Bassett
Solicitation Manager
Michigan Independent Citizens Redistricting
Commission

Re: Letter of Commitment for Key Personnel

Dear Mr. Bassett:

Honigman affirms that the professionals outlined in our response to RFP No. 920, 210000001155, Voting Rights Legal Counsel, are committed to serving the Commission for the length of the contract, contingent on award of the bid.

Very truly yours,

HONIGMAN LLP
[REDACTED]

Andrea L. Hansen

Honigman LLP • 222 North Washington Square • Suite 400 • Lansing, Michigan 48933-1800



SUBCONTRACTOR RESUMES

| | |
|--|--|
| Proposed Resource Name: | Christopher Skinnell |
| Proposed Classification: | Partner |
| Key Personnel: | Yes <input checked="" type="checkbox"/> or No <input type="checkbox"/> |
| If resource is associated with a subcontractor provide name of company: | Nielsen Merksamer Parrinello Gross & Leoni, LLP |
| Percentage of time resource will be allocated to project: | as needed |

Agency: List the required skill sets, education, certifications, and training requirements for each key personnel role. Below are examples of required skills, education and certifications and examples of vendor responses.

Bidder: List the skills and experience that qualify the individual for the duties and responsibilities on this project for the proposed role. Provide the name of the project(s) and the year(s) the experience was obtained.

The experience requirements detailed in the RFP are restated as follows:

| Required Skills | Bidder's Response |
|---|--|
| <p>The attorney, firm or other entity must demonstrate experience and expertise in legal and advisory services specific to redistricting and the Voting Rights Act ("VRA") to advise the Commission, its staff, attorneys and consultants. Provide a description of demonstrated expertise and experience with redistricting, reapportionment districting and elections activities and subsequent relevant cases, including the following:</p> <ul style="list-style-type: none"> i) Names of the public entities or private parties represented in redistricting matters, including experience representing public bodies, boards or commissions. ii) The principle legal issues presented in each matter handled by the attorney, law firm or entity. iii) The outcome of the prior redistricting representation. iv) Any relevant published work. v) Specifically address demonstrated experience as it pertains to Section 2 and Section 5 of the Voting Rights Act. | <p>Does resource have this required skill: Yes <input checked="" type="checkbox"/> or No <input type="checkbox"/></p> <p>Description of skills and experience: Mr. Skinnell jointly chairs Nielsen Merksamer's voting rights and redistricting practice, along with Ms. Leoni (whose resume is also included herein). Over the past decade alone, the firm has advised well over 150 public agencies on voting rights and redistricting law, with Mr. Skinnell and/or Ms. Leoni involved in each one of those projects. In relation to those projects, the legal issues have run the gamut of federal constitutional and statutory advice, including under Section 2 and Section 5 (several of the firm's clients were Section 5 covered jurisdictions prior to the Supreme Court's decision in <i>Shelby County v. Holder</i>), as well as advice on state law criteria and compliance. We are well-versed in all of the customary duties of redistricting and voting rights counsel. No map adopted by a public agency while advised by this firm has ever been successfully challenged in court, and only three such maps (Arizona and Florida in 2001 and the City of Martinez, California, in 2018) have been challenged at all.</p> <p>Name of project(s) and year(s) experience was obtained: Mr. Skinnell has worked on scores of redistricting projects since being admitted to the bar in 2003, and has lectured and published extensively on the issue, as summarized at length in</p> |



SUBCONTRACTOR RESUMES

| | |
|---|--|
| | <p><i>the Nielsen Merksamer voting rights/redistricting resume, submitted herewith.</i></p> <p><i>Prior to law school Mr. Skinnell also worked as a Research Associate at the Rose Institute of State and Local Government, where he supervised the Institute's GIS department and published policy studies on redistricting and voting rights issues, and from 1998-2000 he provided GIS services on several local redistricting projects in California as contractor to a demographics firm specializing in redistricting</i></p> |
| Provide a description of demonstrated expertise and experience in advisory and legal services (if any) as it pertains to the Michigan Election Law (Act 116 of 1954), including number of years' experience | <p>Does resource have this required skill: Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/></p> <p>Description of skills and experience: N/A (although Mr. Skinnell is experienced with many of the issues that arise in election law projects generally, and will therefore be attuned to such issues as they arise, as he practices California election law in addition to voting rights and redistricting law).</p> <p>Name of project(s) and year(s) experience was obtained: N/A</p> |

List client references for work performed to meet the requirements stated above, and all projects the proposed resource has worked on in the last three (3) years. A minimum of three (3) references are required. By submission of this information, the bidder and identified key person authorize the State of Michigan to contact references and previous employers provided to verify the accuracy of the information. Provide the identified information for each:

| | |
|---|-------------------|
| Start Date: 2006 | End Date: ongoing |
| Client/Project: Merced County, California – Voting Rights/Redistricting Special Counsel. Client Contact: Jim Brown, County Administrative Officer, 2222 M Street, Merced, CA 95340; [REDACTED] | |
| Employer: Nielsen Merksamer | |
| Title/Percentage of time: Associate/Partner; percentage varies | |
| Description: Nielsen Merksamer has served as voting rights/redistricting counsel to Merced County, California, since 2001, advising it on redrawing its supervisorial district boundaries in 2001 and 2011, and we are retained to advise the County again in 2021. In addition, Merced County was a covered jurisdiction under Section 5 of the Voting Rights Act, so we prepared all of their preclearance submissions over the course of several decades. None drew an objection. We also successfully defended the County in litigation under the Voting Rights Act on two separate occasions, see <i>Lopez v. County of Merced</i> , 2008 U.S. Dist. | |



SUBCONTRACTOR RESUMES

LEXIS 3941 (E.D. Cal. Jan. 16, 2008) (granting summary judgment in the County's favor on claims of Section 5 violations related to voting practice changes by cities within the County); *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) (defending the County against suits seeking to stop the 2003 gubernatorial recall), and following the *Lopez* case the firm represented the County in successfully seeking judicial approval of bailout from its Section 5 obligations, 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). We also have consulted with the County Registrar on various election law issues over the past decades.

Start Date: 2009

End Date: 2015

Client/Project: Fresno Unified School District – Transition from At-Large Voting to Districts (Trustee Areas) in 2009 and redistricting of lines following 2010 Census; follow-up projects related to implementation.

Client Contact: Mary Beth de Goede, General Counsel; 10 River Park Place East, Suite 240, Fresno, CA 93720; [REDACTED]

Employer: Nielsen Merksamer

Title/Percentage of time: Associate/percentage varies

Description: In 2009, the FUSD's at-large voting system was challenged under the California Voting Rights Act, which is modeled on, but differs somewhat from, the federal Act, adopting more lenient standards for plaintiffs; I advised the District on its potential for liability under the CVRA and guided it through the process of transitioning from at-large voting to districts. Two years later, following the 2010 Census, I advised it through the process of redrawing the lines to ensure population balance, VRA compliance, etc. In the years thereafter I consulted with the District on various projects related to the redistricting, including candidate eligibility issues, a proposal to divide the District, etc.

Start Date: 2013

End Date: 2015

Client/Project: Santa Clarita Community College District (SCCCD) and Glendale Community College District (GCCD) – Litigation Counsel in suit under the California Rights Act and advice re transition from At-Large Voting to Districts. Client Contact: Pilar Morin, General Counsel; 6033 West Century Blvd, 5th Floor, Los Angeles, CA 90045; [REDACTED]

Employer: Nielsen Merksamer

Title/Percentage of time: Partner/percentage varies

Description: In 2013, the SCCCDD was sued in the Los Angeles County Superior Court. The suit challenged the District's at-large voting system under the CVRA. Ms. Leoni and I worked with the District's general counsel (Ms. Morin and her colleagues) to represent the District in preparing for trial, including lay and expert discovery, motions, etc. On the eve of trial, the District agreed to a settlement of the case which ultimately led to the adoption of district-based voting. I advised it through the process of drawing the lines to ensure population balance, VRA compliance, state law compliance, etc. In the years thereafter I consulted with the District periodically on miscellaneous issues relating to the implementation of the settlement.

Similarly, the GCCD was sued under the CVRA in the Los Angeles County Superior Court in 2012, and we worked with Ms. Morin and her colleagues in defense of that litigation. Following a mediation and the beginnings of discovery the plaintiffs dismissed the case. In 2014, in response to the threat of new CVRA litigation by different lawyers and plaintiffs, the GCCD determined to move to district-based voting, and I served as redistricting/voting rights counsel to the district through that process.



SUBCONTRACTOR RESUMES

EDUCATION

| Education | | |
|--|--|----------------------|
| Degree (i.e. PhD, Master's, Bachelors) | <i>J.D.</i> | Year Completed: 2003 |
| Program | <i>Major(s) area of study: Law</i> | |
| University | <i>University of Chicago – Chicago, IL</i> | |

| Additional Education | | |
|--|--|---|
| Degree (i.e. PhD, Master's, Bachelors) | <i>B.A., magna cum laude</i> | Year Completed: 1999 |
| Program | <i>Major(s) area of study: Government</i> | Minor area of study: <i>Legal Studies</i> |
| University | <i>Claremont McKenna College – Claremont, CA</i> | |

TRAINING – Provide any relevant technical or professional training related to the role resource will be providing on this project.

| Technical or Professional Training | |
|------------------------------------|---|
| Course Name | As reflected in the attached firm resume, I have provided technical and professional training on voting rights and redistricting law on dozens of occasions, often resulting in MCLE for me |
| Topic | Voting rights/redistricting |
| Date taken | Many |

| Certifications/Affiliations | |
|-----------------------------|--|
| Name | |
| Topic/Description | |
| Date completed | |

The Bidder must submit a letter of commitment for Key Personnel, signed by the identified resource, stating their commitment to work for the bidder/subcontractor on this project contingent on award of the bid. If the identified personnel are currently assigned to another project the bidder must provide a letter signed by the that Project Manager releasing the individual from the project.



SUBCONTRACTOR RESUMES

| | |
|--|---|
| Proposed Resource Name: | Marguerite Leoni |
| Proposed Classification: | Partner |
| Key Personnel: | Yes x or No <input type="checkbox"/> |
| If resource is associated with a subcontractor provide name of company: | Nielsen Merksamer Parrinello Gross & Leoni, LLP |
| Percentage of time resource will be allocated to project: | as needed |

Agency: List the required skill sets, education, certifications, and training requirements for each key personnel role. Below are examples of required skills, education and certifications and examples of vendor responses.

Bidder: List the skills and experience that qualify the individual for the duties and responsibilities on this project for the proposed role. Provide the name of the project(s) and the year(s) the experience was obtained.

The experience requirements detailed in the RFP are restated as follows:

| Required Skills | Bidder's Response |
|--|--|
| <p>The attorney, firm or other entity must demonstrate experience and expertise in legal and advisory services specific to redistricting and the Voting Rights Act ("VRA") to advise the Commission, its staff, attorneys and consultants.</p> <p>Provide a description of demonstrated expertise and experience with redistricting, reapportionment districting and elections activities and subsequent relevant cases, including the following:</p> <ul style="list-style-type: none"> i) Names of the public entities or private parties represented in redistricting matters, including experience representing public bodies, boards or commissions. ii) The principle legal issues presented in each matter handled by the attorney, law firm or entity. iii) The outcome of the prior redistricting representation. iv) Any relevant published work. v) Specifically address demonstrated experience as it pertains to Section 2 and Section 5 of the Voting Rights Act. | <p>Does resource have this required skill: Yes x or No <input type="checkbox"/></p> <p>Description of skills and experience: Ms. Leoni jointly chairs Nielsen Merksamer's voting rights and redistricting practice, along with Mr. Skinnell (whose resume is also included herein). Over the past decade alone, the firm has advised well over 150 public agencies on voting rights and redistricting law, with Ms. Leoni and/or Mr. Skinnell involved in each one of those projects. In relation to those projects, the legal issues have run the gamut of federal constitutional and statutory advice, including under Section 2 and Section 5 (several of the firm's clients were Section 5 covered jurisdictions prior to the Supreme Court's decision in <i>Shelby County v. Holder</i>), as well as advice on state law criteria and compliance. We are well-versed in all of the customary duties of redistricting and voting rights counsel. No map adopted by a public agency while advised by this firm has ever been successfully challenged in court, and only three such maps (Arizona and Florida in 2001 and the City of Martinez, California, in 2018) have been challenged at all.</p> <p>Name of project(s) and year(s) experience was obtained: Ms. Leoni has worked on hundreds of redistricting projects over the past 40 years, and has lectured and published extensively on the issue, as summarized at length in the Nielsen Merksamer voting rights/redistricting resume, submitted herewith.</p> |



STATE OF MICHIGAN
INDEPENDENT CITIZENS REDISTRICTING COMMISSION

HONIGMAN

SUBCONTRACTOR RESUMES

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|---|--|
| | <i>Among other things, she served as voting rights counsel to the demographic consultant to the Arizona Independent Redistricting Commission and Florida Senate in 2001-2002, as litigation and voting rights counsel to California's Administrative Office of the Courts in connection with Voting Rights Act issues pertaining to court consolidation and litigation, and has counseled dozens of counties, cities, school districts, and special districts in California and Arizona.</i> |
| Provide a description of demonstrated expertise and experience in advisory and legal services (if any) as it pertains to the Michigan Election Law (Act 116 of 1954), including number of years' experience | <p>Does resource have this required skill: Yes <input type="checkbox"/> or No <input checked="" type="checkbox"/></p> <p>Description of skills and experience: N/A (although Ms. Leoni is experienced with many of the issues that arise in election law projects generally, and will therefore be attuned to such issues as they arise, as she practices California election law in addition to voting rights and redistricting law.)</p> <p>Name of project(s) and year(s) experience was obtained:</p> |

List client references for work performed to meet the requirements stated above, and all projects the proposed resource has worked on in the last three (3) years. A minimum of three (3) references are required. By submission of this information, the bidder and identified key person authorize the State of Michigan to contact references and previous employers provided to verify the accuracy of the information. Provide the identified information for each:

| | |
|--|----------------|
| Start Date: 2001 | End Date: 2011 |
| Client/Project: Arizona Independent Redistricting Commission – Voting Rights/Redistricting Special Counsel. Client Contact: Jose Rivera, 2800 N. Central Avenue, Phoenix, AZ 85004; [REDACTED] | |
| Employer: Nielsen Merksamer | |
| Title/Percentage of time: Partner/percentage varies | |
| Description: In 2001, as legal counsel to the Commission's retained demographic consultant, Ms. Leoni worked with the Commission's bipartisan counsel team, which included Mr. Rivera, to advise the Commission on voting rights and redistricting issues under Sections 2 and 5 of the federal Voting Rights Act, as well their interaction with restrictions on racial gerrymandering and equal population requirements. She also helped prepare the State's successful preclearance submission to the U.S. Department of Justice and collaborated with the counsel of record who successfully defended the maps from subsequent litigation in <i>Ariz. Minority Coal. for Fair Redistricting v. Ariz. Indep. Redistricting Comm'n</i> , 366 F. Supp. 2d | |



STATE OF MICHIGAN
INDEPENDENT CITIZENS REDISTRICTING COMMISSION

HONIGMAN

SUBCONTRACTOR RESUMES

887 (D. Ariz. 2005), *Navajo Nation v. Ariz. Indep. Redistricting Comm'n*, 286 F. Supp. 2d 1087 (D. Ariz. 2003), and *Ariz. Minority Coal. for Fair Redistricting v. Ariz. Indep. Redistricting Comm'n*, 220 Ariz. 587, 208 P.3d 676 (2009)

| | |
|--|----------------|
| Start Date: 2011 | End Date: 2012 |
| Client/Project: County of San Diego, California – Redistricting of supervisorial districts following 2010 Census. Client Contact: Tom Montgomery, County Counsel; 1600 Pacific Hwy Rm 355, San Diego, CA 92101; [REDACTED] | |
| Employer: Nielsen Merksamer | |
| Title/Percentage of time: Partner/percentage varies | |
| Description: In 2011, following release of the 2010 Census, Nielsen Merksamer, with Ms. Leoni in the lead, advised the County Board of Supervisors with respect to the redistricting of the supervisorial district lines, working with County Counsel's office. Among other things, Ms. Leoni advised the County in response to threatened litigation under Section 2 of the Voting Rights Act; no challenge to the final, adopted map was ever filed. During the 2021 process, Nielsen Merksamer has again been retained to advise the County's newly-adopted independent redistricting commission, as its general counsel and special voting rights and redistricting counsel, but without the involvement of county counsel's office. | |

| | |
|---|-------------------------|
| Start Date: 2011, 2020 | End Date: 2013, pending |
| Client/Project: County of Tulare County – Redistricting of supervisorial districts following 2010 Census. Client Contact: Barbara Grunwald, Deputy County Counsel; 2900 W. Burrell, Visalia, CA 93291; [REDACTED] | |
| Employer: Nielsen Merksamer | |
| Title/Percentage of time: Partner/percentage varies | |
| Description: In 2011, Nielsen Merksamer, with Ms. Leoni in the lead, advised the Tulare County Redistricting Advisory Committee and the Board of Supervisors in connection with the redistricting of supervisorial boundaries following the release of the 2010 Census, working with County Counsel's office. Among other things, Ms. Leoni advised the County in response to threatened litigation under Section 2 of the Voting Rights Act; no challenge to the final, adopted map was ever filed. Nielsen Merksamer has been retained to advise the Committee and the Board again during the 2021 redistricting process. | |

EDUCATION

| Education | | |
|--|---|----------------------|
| Degree (i.e. PhD, Master's, Bachelors) | J.D. | Year Completed: 1981 |
| Program | Major(s) area of study: Law | |
| University | Hastings College of the Law, University of California – San Francisco, CA | |

| Additional Education | | |
|--|---|------------------------------|
| Degree (i.e. PhD, Master's, Bachelors) | B.A. and M.A. | Year Completed: 1972 & 1974 |
| Program | Major(s) area of study: Italian | Minor area of study: Spanish |
| University | University of California, Berkeley – Berkeley, CA | |

TRAINING – Provide any relevant technical or professional training related to the role resource will be providing on this project.

| Technical or Professional Training |
|------------------------------------|
|------------------------------------|



SUBCONTRACTOR RESUMES

| | |
|-------------|---|
| Course Name | As reflected in the attached firm resume, I have provided technical and professional training on voting rights and redistricting law on dozens of occasions, often resulting in MCLE for me |
| Topic | Voting rights/redistricting |
| Date taken | Many |

| Certifications/Affiliations | |
|-----------------------------|--|
| Name | |
| Topic/Description | |
| Date completed | |

The Bidder must submit a letter of commitment for Key Personnel, signed by the identified resource, stating their commitment to work for the bidder/subcontractor on this project contingent on award of the bid. If the identified personnel are currently assigned to another project the bidder must provide a letter signed by the that Project Manager releasing the individual from the project.



CONTRACTOR ORGANIZATIONAL CHART

Lead Attorney



Andrea Hansen
Contract Administrator

Michigan Election Law Team - Honigman



Peter Ruddell
Partner



Khalilah Spencer
Partner



Doug Mains
Partner

Redistricting and Voting Rights Team – Nielsen Merksamer



Chris Skinnell
Partner



Marguerite Leoni
Partner



PERSONAL POLITICAL CONTRIBUTIONS

Andrea Hansen

1998 - Committee to Elect George Scott Romney AG \$150
1998 - Committee to Reelect Judge Stephen Markman \$75
2006 - Friends of Brian Zahra: \$150
2008 - Committee to ReElect Judge William Collette
2009 - Schostak Family PAC \$75
2010 - Committee to Reelect William Whitbeck \$250
2010 - Mary Beth Kelly for Justice
2012 - Brian Zahra for Justice: \$125
2012 - Michigan Chamber PAC \$1000
2012 - Rick Snyder for Michigan \$1000
2012 - Steven Markman Committee \$125
2013 - Michigan Chamber PAC \$500
2013 - Rick Snyder for Michigan \$1000
2014 - Lansing Regional Chamber PAC
2014 - Michigan Chamber PAC \$500
2014 - Rick Snyder for Michigan \$1000
2015 - Michigan Chamber PAC \$250
2016 - Michigan Chamber PAC \$250
2017 - Michigan Chamber PAC \$250
2017 - Mike Duggan for Mayor \$500
2018 - CTR Justice Elizabeth Clement \$250
2018 - CTR Justice Kurtis Wilder \$100
2018 - Friends for Kelly Rossman - McKinney \$250
2018 - Gretchen Whitmer for Governor \$500
2019 - Gretchen Whitmer for Governor \$250
2019 - Michigan Chamber PAC \$250
2020 - Brock Swartzle for Justice \$250
2021 - Mike Duggan for Mayor \$1500



PERSONAL POLITICAL CONTRIBUTIONS

Peter Ruddell

2019 - ALEXANDER MAJORITY FUND PAC - \$500.00
2010 - ANDREA FISCHER NEWMAN U OF M REGENT - \$100.00
2017 - BEN FREDERICK FOR STATE REPRESENTATIVE - \$166.67
2020 - BRADLEY SLAGH FOR MICHIGAN - \$150.00
2013 - BRIAN CALLEY FOR MICHIGAN - \$250.00
2020 - BROCK SWARTZLE FOR JUSTICE - \$500.00
2018 - BRONNA KAHLE FOR STATE REP - \$50.00
2017 - CHRIS AFENDOULIS FOR STATE HOUSE - \$66.67
2019 - COMMITTEE TO ELECT ANDREA SCHROEDER - \$100.00
2017 - COMMITTEE TO ELECT BRANDT IDEN FOR S - \$66.67
2017 - COMMITTEE TO ELECT DAIRE RENDON - \$83.34
2017 - COMMITTEE TO ELECT GARY HOWELL - \$166.67
2017 - COMMITTEE TO ELECT JIM TEDDER - \$83.34
2017 - COMMITTEE TO ELECT JULIE CALLEY - \$66.67
2018 - COMMITTEE TO ELECT MADHU ANDERSON - \$250.00
2019 - COMMITTEE TO ELECT MARK HUIZENGA - \$200.00
2019 - COMMITTEE TO ELECT MARY WHITEFORD - \$300.00
2019 - COMMITTEE TO ELECT MARY WHITEFORD - \$300.00
2019 - COMMITTEE TO ELECT PETER MACGREGOR F - \$250.00
2014 - COMMITTEE TO ELECT PETER MACGREGOR F - \$100.00
2017 - COMMITTEE TO ELECT SHANE HERNANDEZ - \$33.34
2017 - COMMITTEE TO ELECT TERRY J SABO - \$50.00
2017 - COMMITTEE TO ELECT THOMAS A ALBERT - \$83.34
2017 - COMMITTEE TO ELECT TOMMY BRANN - \$50.00
2006 - COMMITTEE TO RESTORE DOVE - \$200.00
2006 - COMMITTEE TO RESTORE DOVE - \$43.75
2018 - COMPETE MICHIGAN POLITICAL ACTION CO - \$300.00
2017 - COMPETE MICHIGAN POLITICAL ACTION CO - \$83.34
2017 - COMPETE MICHIGAN POLITICAL ACTION CO - \$83.34
2018 - CTE MICHAEL WEBBER FOR STATE REP - \$83.33



PERSONAL POLITICAL CONTRIBUTIONS

2017- CTE WINNIE BRINKS - \$83.34
2017 - CTE WINNIE BRINKS FOR SENATE - \$83.34
2018 - CTR JUSTICE ELIZABETH T CLEMENT - \$250.00
2018 - CTR JUSTICE ELIZABETH T CLEMENT - \$125.00
2018 - CTR JUSTICE ELIZABETH T CLEMENT - \$100.00
2018 - CTR JUSTICE KURTIS T WILDER - \$125.00
2017 - CURTIS HERTEL JR FOR MICHIGAN - \$83.33
2014 - CURTIS HERTEL JR FOR SENATE - \$150.00
2017 - DR HENRY VAUPEL FOR STATE REP COMM - \$83.34
2018 - DR HENRY VAUPEL FOR STATE REP COMM - \$83.33
2014 - FRIENDS OF CMU - \$100.00
2015 - FRIENDS OF CMU - \$100.00
2009 - FRIENDS OF CMU- \$100.00
2012 - FRIENDS OF CMU - \$100.00
2011 - FRIENDS OF CMU - \$100.00
2013 - FRIENDS OF CMU - \$100.00
2018 - FRIENDS OF CMU - \$100.00
2007 - FRIENDS OF CMU - \$100.00
2017 - FRIENDS OF DARRIN CAMILLERI - \$50.00
2007 - FRIENDS OF DAVID PALSROK - \$150.00
2002 - FRIENDS OF DAVID PALSROK - \$50.00
2017 - FRIENDS OF HENRY YANEZ - \$50.00
2019 - FRIENDS OF KRISTY PAGAN - \$250.00
2017 - FRIENDS OF KRISTY PAGAN - \$83.34
2017 - FRIENDS OF STEPHANIE CHANG -\$50.00
2017 - FRIENDS OF TRISTON COLE - \$50.00
2017 - FRIENDS TO ELECT MICHELE HOITENGA - \$50.00
2018 - GRETCHEN WHITMER FOR GOVERNOR - \$100.00
2019 - HEALTH POLITICAL ACTION COMMITTEE MI - \$250.00
2018 - HENRY YANEZ FOR STATE SENATE - \$83.34
2017 - HENRY YANEZ FOR STATE SENATE - \$50.00



PERSONAL POLITICAL CONTRIBUTIONS

- HONIGMAN MILLER ET AL COMM - \$45.46
2018 - HONIGMAN MILLER ET AL COMM - \$68.12
2018 - HONIGMAN MILLER ET AL COMM - \$27.79
2018 - HONIGMAN MILLER ET AL COMM - \$91.99
2018 - HONIGMAN MILLER ET AL COMM - \$78.21
2018 - HONIGMAN MILLER ET AL COMM - \$100.06
2018 - HONIGMAN MILLER ET AL COMM - \$7.94
2019 - HORNBERGER MAJORITY FUND PAC - \$250.00
2020 - HUIZENGA FOR MICHIGAN LEADERSHIP FUN - \$100.00
2003 - INGHAM COUNTY REPUBLICAN COMMITTEE - \$300.00
2018 - JIM ELLISON FOR STATE REP - \$33.33
2017 - JOE HUNE FOR STATE SENATE - \$83.34
2017 - JULIE ALEXANDER FOR STATE REP - \$50.00
2020 - KEN HORN FOR SENATE - \$200.00
2019 - KEVIN DALEY FOR STATE SENATE - \$250.00
2020 - KEVIN DALEY FOR STATE SENATE - \$500.00
2017 - LARRY INMAN FOR STATE REPRESENTATIVE - \$50.00
2003 - LIVINGSTON COUNTY REPUBLICAN COMMITTEE - \$50.00
2017 - MAINTAINING MAJORITY FUND - \$83.34
2017 - MICHIGAN SENATE DEMOCRATIC FUND - \$83.34
2018 - PAUL WOJNO FOR STATE SENATE - \$100.00
2013 - RWC ADVOCACY PAC \$2,000.00
2011 - RWC ADVOCACY PAC \$2,000.00
2011 - RWC ADVOCACY PAC - \$2,000.00
2012 - RWC ADVOCACY PAC - \$2,000.00
2015 - RWC ADVOCACY PAC - \$2,000.00
2013 - RWC ADVOCACY PAC \$2,000.00
2014 - RWC ADVOCACY PAC - \$2,000.00
2016 - RWC ADVOCACY PAC - \$2,000.00
2013 - RWC ADVOCACY PAC - \$2,000.00
2003 - RWC ADVOCACY PAC - \$5.00



PERSONAL POLITICAL CONTRIBUTIONS

2017 - STEPHANIE CHANG FOR SENATE - \$50.00
2018 - STEPHANIE CHANG FOR SENATE - \$16.67 \$66.67
2017 - STEPHANIES CHANGEMAKER FUND - \$66.66
2017 - T COLE LEADERSHIP FUND - \$66.67
2017 - THE COMMITTEE TO ELECT JAMES LOWER - \$50.00
2017 - TOM BARRETT FOR STATE REPRESENTATIVE - \$50.00
2019 - WEST MICHIGAN LIBERTY FUND PAC - \$250.00
2017 - WEST MICHIGAN LIBERTY FUND PAC - \$83.34

Khalilah Spencer

2018-2020 - Michigan Democratic Party = \$1,170
2018 - Promote the Vote Ballot Initiative Campaign = \$500
2018 - Whitmer for Governor = \$500 total (2)
2018, 2020 - Stephanie Chang for MI Senate = \$200 total (2)
2018 - Debbie Stabenow for Senate = \$500
2018 - Ian Conyers for Congress = \$100
2019 -The Collective PAC = \$250
2020 - Warren for President = \$100
2020 - Biden for President = \$100
2020 - Mike Espy for Senate = \$150

Doug Mains

2021 – Schor for Lansing - \$1000
2020 – Brock Swartzle for Justice - \$2000
2020 – WinRed - \$2500
2020 – Georgians for Kelly Loeffler - \$500
2020 – Perdue for Senate - \$2000
2019 – Schor for Lansing - \$1000
2018 – Committee to Elect Ed McBroom - \$250
2018 – Citizens to Elect Joe Haveman Senate - \$250
2018 – Jeff Irwin for State Senate - \$250



PERSONAL POLITICAL CONTRIBUTIONS

2018 – CTR Justice Elizabeth T Clement - \$250
2018 – Lansing Regional Chamber PAC - \$350
2017 – CTE Peter J Lucido for State Senator - \$500
2017 – Schor for Lansing - \$850
2016 – Chris Afendoulis for State House - \$150
2014 – House Republican Campaign Committee - \$300
2013 – House Republican Campaign Committee - \$250
2012 – House Republican Campaign Committee - \$250
2011 – House Republican Campaign Committee - \$200

Chris Skinnell

2019 – Jared Gordon for Fresno (CA) City Council District #2 - \$250

Marguerite Leoni

2014 – Doug Haubert for (Long Beach, CA) City Prosecutor - \$150
2010 – Doug Haubert for (Long Beach, CA) City Prosecutor - \$150
2009 – Whitman for Governor, Meg - \$1000
2000 – Bush for President, Inc. - \$1000
1999 – Bush for President, Inc. - \$500
1999 – Ensign for Senate – \$500
1995 – Pete Wilson for President Committee Inc. - \$1000



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

SELECTED VOTING RIGHTS AND
REDISTRICTING PROJECTS, 2000-PRESENT*

A. REDISTRICTING/VOTING RIGHTS 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 a decade 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 obligations, 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). The firm has been retained to represent the County in its 2021-2022 redistricting process as well.
- **San Diego County, California:** Represented the County concerning all aspects of the redistricting of the county's supervisorial districts in 2011. The firm has been retained to represent the County's Independent Redistricting Commission in its 2021-2022 redistricting process as well.
- **Tulare County, California:** Represented the County concerning all aspects of the redistricting of its supervisorial districts in 2001 and 2011. The firm has been retained to represent the County in its 2021-2022 redistricting process as well.
- **Monterey County, California:** Special voting rights counsel to the County with regard to its 2011 supervisorial redistricting. Represented the County as special counsel with regard to

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



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

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 with regard to its 2011 supervisorial redistricting. Represented the County with regard to 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.
 - *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 been retained to represent the City in its 2021-2022 redistricting process as well.



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- The firm has similarly represented the following additional cities in in responding to threatened litigation under the CVRA:
 - 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 Redlands
 - City of San Rafael
 - City of Santa Maria
 - City of Solana Beach
 - City of Sunnyvale
 - City of West Covina
 - City of Wildomar
 - Town of Yucca Valley
- **City of Fresno, California:** The firm has been retained to represent the City in its 2021-2022 redistricting process.
- **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 above)
 - Glendale Community College District (voluntary move to trustee areas after litigation, discussed above, was dismissed)
 - Santa Clarita Community College District (litigation discussed above)
 - San Diego Community College District
 - College of the Sequoias
 - Merced College
 - State Center Community College District



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- West Hills Community College 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
 - 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.



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- **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
- **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 regarding numerous school districts' proposals to adopt by-trustee area voting. The firm has been retained to represent the Board in its 2021-2022 redistricting process as well.
- **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



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- La Mesa-Spring Valley School District
 - Lakeside Union School District
 - Lemon Grove School District
 - National School District
 - Palomar Community College 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
- **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



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

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.
- **Yes on Proposition 11:** Represented the campaign regarding 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 campaign regarding 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, Merced Irrigation District, Riverdale Unified School District, Twin Rivers Unified School District, and Kings Canyon Unified School District, among others.

B. LITIGATION.

- ***Higginson v. Becerra*, 590 U.S., 140 S. Ct. 2807, 207 L. Ed. 2d 144 (2020):** 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.



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- ***Southwestern Voter Registration & Educ. Project v. City of Orange*, Case No. 30-2019-01051924-CU-CR-CJC (Orange County Super. Ct. filed 2019):** Representing City in defense against claim under the CVRA and districting process.
- ***Salas v. City of Palm Desert*, Case No. PSC-1903800 (Riverside County Super. Ct. filed 2019):** Representing Defendant in action under the California Voting Rights Act and in adoption of 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):** Representing City in defense against claim under the CVRA, where City had not adopted “safe harbor” resolution but had informed plaintiffs’ counsel of its intention to consider plaintiffs’ demand in advance of next municipal election.
- ***Va. House of Delegates v. Bethune-Hill*, 587 U.S. ___, 139 S. Ct. 1945, 204 L. Ed. 2d 305:** Filed brief *amicus curiae* on behalf of the American Legislative Exchange Council 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



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

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.
- ***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. The firm has been retained to represent the City in its 2021-2022 redistricting process as well.
- ***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 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.



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- ***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 is 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.



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- ***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 on behalf of the American Legislative Exchange Council & Free Enterprise Coalition, 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.



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- **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):** 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.

C. PUBLICATIONS AND PRESENTATIONS:

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

- Leoni & Skinnell, Presentation, "Legal Requirements & Technical Aspects of Redistricting in 2021," RURAL COUNTY REPRESENTATIVES OF CAL. (Mar. 5, 2021) (with Dr. Douglas Johnson)
- Skinnell, Interview, [PublicCEO Report](#) (Feb. 18, 2021) (with Dr. Douglas Johnson & Ryder Todd Smith)
- 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)



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- 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)



REPRESENTATIVE VOTING RIGHTS AND REDISTRICTING PROJECTS

- 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)
- 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)

TO: Arizona Independent Redistricting Commission

FR: Gary King and Ken Strasma

RE: Racially polarized voting analysis

DT: 11/28/2011

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Summary of Methods: Racially Polarized Voting and District Performance

Because Arizona is covered by Section 5 of the Voting Rights Act, new legislative and congressional maps must receive preclearance from the Department of Justice. As part of our submission to DOJ we must provide evidence about the voting behavior of different ethnic groups. However, direct evidence is unavailable because of the secret ballot. Thus, methods of *ecological inference* are used to *estimate* (rather than determine) individual voting behavior from available precinct-level aggregated election results and from voting age population from the US Census.

In 1953, two methods of ecological inference were introduced -- the *method of bounds* (Duncan and Davis, 1953) and *ecological regression* (Goodman, 1953). A special case of the method of bounds is known as "homogeneous precinct analysis," which had been used in many court cases: this approach seeks out ethnically homogeneous precincts (100% black, 100% white, or 100% Hispanic) because for those precincts we know for certain the voting behavior of an ethnic group. The assumption behind this method is that the voting behavior observed in homogeneous precincts is identical to that in other areas. The advantage of this method is that it yields completely certain information about some subgroups of voters; the disadvantage is that the relatively few who live in homogeneous precincts may turnout in different numbers and vote for different candidates in starkly different ways than the vast majority of the population who live in at least partially heterogeneous areas.

The second method of ecological inference -- ecological regression -- ignores the information revealed by the method of bounds and its special case of homogeneous precinct analysis. Instead, ecological regression gather hints from statistical information across all precincts. For example, if we find that in areas with more African Americans that more votes are cast for the Democrats, then we may infer that it is the African Americans who are voting for the Democrats. The advantage of this approach is that it uses some information from all precincts. The disadvantage is that the information can be highly misleading: For example, also consistent with the evidence would be that the whites who live in areas with many blacks are the ones who are producing more votes for the Democrats. In fact, as an indication of the substantial problems with this method, ecological regression, unlike the method of bounds, regularly gives impossible answers -- such as the percent of Hispanics voting for the Democrats of 160% or -54%.

The method of bounds (or homogeneous precinct analysis) and ecological regression dominated the academic literature and courtroom expert testimony from 1953 until 1997 when King's (1997) EI approach was introduced. King's approach was the first to combine the deterministic information from the method of bounds with the statistical information from ecological regression into a single set of estimates. Thus, it uses the statistical information from all precincts, the certain information from homogeneous precincts, and other deterministic information known for certain from other precincts. Impossible estimates are never produced by this methodology, and all information from all precincts are used in the analysis. Like any indirect method of revealing information that the secret ballot hides, EI is also uncertain to a degree, but it uses more information than any other approach. Since 1997, a

variety of other methods have been developed in the academic literature by King and others, virtually all of which now follow King's practice of including deterministic and statistical information in the same model. For example, Rosen, Jaing, King, and Tanner (2001) extends King's method to arbitrarily large numbers of ethnic groups and candidates; we use this method in our work as well as King's original method. Some of these other methods have been collected in the edited volume by King, Rosen, and Tanner (2004).

In practice, when we have data we can use to validate the methods, ecological regression and homogeneous precinct analysis tend to be fairly inaccurate most of the time. Studies have shown that uncertainty remains with King's and subsequent methods, but the estimates are normally superior. Differences among the methods that do include both deterministic and statistical information are, in comparison, relatively minor.

In this case, we use these newer methods to give estimates of the proportion of each ethnic group that votes and, among those voting, that votes for each of the candidates. We have run analyses with each candidate separately as well as by grouping together in a pseudo-party all candidates of a particular race. We also use King's "tomography plots" and other diagnostic methods that help us discern when adjustments in the methods need to be made.

And finally, we have used the results from the ecological inference analysis to measure what we call *district performance*, which is the percent of the voting age population which a given ethnic group needs in order to receive 50, 55, etc., percent of the vote. We do this under two alternative assumptions. The first, is that the voters moved into the district in question will have the same voting behavior as the other voters in the same district, and second that the voters moved into the district in question will have the same voting behavior as voters from adjacent districts. Performance tables and the tomographic charts are available separately.

Conveying Information and Uncertainty through "Tomography Plots"

To convey the degree of uncertainty in the estimates of turnout and vote share, we use *tomography plots* to accompany the tables (see King, 1997). These plots give *all* information in the data without making any statistical modeling assumptions, as well as summarizing available the statistical information in the data. One plot is needed for each estimate in the corresponding table. For example, the tomography plot below analyzes the information and uncertainty in the data and our analyses with respect to the percent of Whites (horizontally) and non-Whites (vertically) who vote for the Hispanic candidate in District 7, in each precinct. If this information were known for a precinct, it would appear in the plot as a single dot, and the set of precincts as a set of dots. Because of the secret ballot, we cannot know the exact point with precision; what the plot shows is that the information hidden from us by the secret ballot is directly quantifiable: it turns each precinct's dot into a line. We can think of the dot as being smeared into a line. That smearing represents a loss of information, but much information is retained (and that is uniquely captured by our methods of ecological inference).

For example, consider the bold green line in the plot below. We know, based on the observed data, that the point in this plot (representing where the White and non-White vote share is) for this precinct must be some point on the line, but we do not know exactly where on the line this point falls. For the bold green line, we know that the fraction of Whites that vote for the Hispanic candidate *must* fall somewhere between 0.03 (3 percent) and 0.08 (8 percent). We get these numbers by projecting the line downwards to the horizontal axis. If instead we project the line to the left (vertical) axis, we can see that, for this particular precinct, the range of possible values for the percent of non-Whites voting for the Hispanic candidate could be anywhere from 0% to 100%. That's better than the method of ecological regression, which often gives answers outside that interval, but still we can see that this precinct is informative with respect only about Whites, not non-Whites. In this way, each line captures exactly what we do and do not know about the voting behavior in each precinct. Our statistical method uses all this available information. Lines that are relatively steep in this particular tomography plot, convey a lot of information about the percent of Whites that vote for the Hispanic candidate. Lines that are relatively flat convey a great deal of information about the percent of non-Whites voting for the Hispanic candidate. Lines that cut off the top right or bottom left corner of the plot are informative about both quantities.

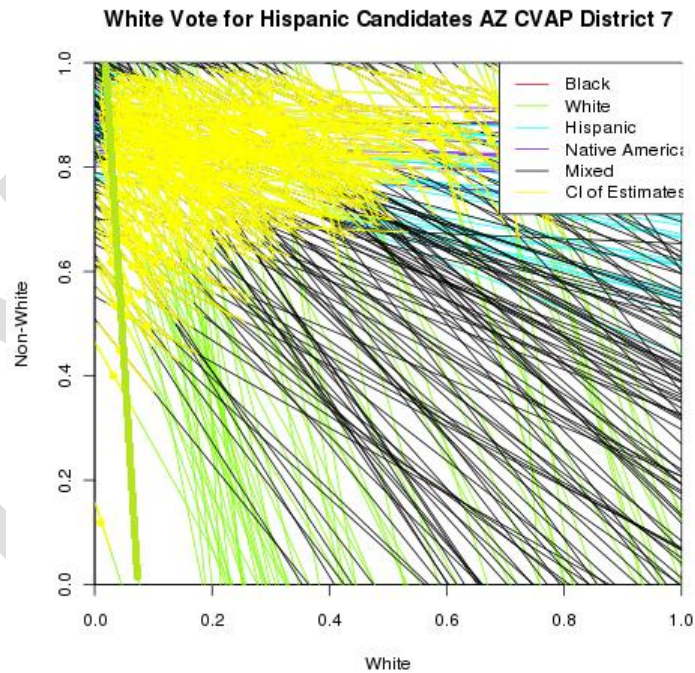


Figure 1: 2010 House of Representatives General Election

The tomography plots we have done as part of our analysis reflect what we know about the racial composition of each precinct. If a precinct contains more than 65% of a particular racial group (which we use as an arbitrary cutoff for graphical clarity), then the line on the tomography plot that

corresponds to that precinct is color coded to represent the majority group (see the legend in the plot). If no groups comprise 65% or more of the precinct, then no color code is assigned.

Finally, the tomography plots also reflect the results of the ecological inference statistical estimation. The point estimate (i.e., the exact point on the line that we estimate as the vote share for each group) as well as the confidence intervals are colored yellow. Taken together, these describe the overall estimate of how racial groups voted in the district as a whole. For example, in the tomography plot for District 7 we estimate that white voters voted for the Hispanic candidate at a substantially lower rate than did their non-white counterparts in the district.

The point of the tomography plots is to convey the overall uncertainty and certainty in the available data, and how our statistical estimator uses that information to produce an estimate. The uncertainty estimates here are far more informative and information rich than sampling based confidence intervals or standard errors.

Technical notes: Population counts

The voting age population by race includes individuals who identify themselves as belonging to multiple racial categories. Individuals who indicate they are White and another race are counted as the other race. These numbers will differ slightly from Census numbers showing only individuals belonging just to the race in question.

Citizen voting age population counts are based on the estimates provided by the Census in the American Community Survey. Hispanic voter registration counts are based on the number of registered voters who are 50% or more likely to be Hispanic based on the Census Bureau's analysis of surnames of respondents to the 2000 Census.

Existing Congressional Districts Analysis

Overview

In its preclearance of the 2001 congressional map, DOJ determined that there were two benchmark effective minority congressional districts, CD 4 in Maricopa County, and CD 7 in Southern AZ.

There are significant differences in voting behavior between the two districts. In CD 4, Hispanic voters turnout at a considerably lower rate than they do in CD 7. However, there is less polarization of the vote in CD 4. Analysis confirms that these remain effective majority Hispanic districts.

The turnout and candidate support estimates were produced by Dr. King using his Ecological Inference technique. Although estimates are shown for all racial categories, estimates for groups making up small portions of the district's population are less reliable and should be viewed with caution.

2010 CD 4

Counties and voting age population from each county:

- Maricopa (469,392)

The district's 2010 Census population is 698,314 with a deviation of -11,930 from the ideal district population of 710,244. Of these, 446,159 are Hispanic (63.9% of the district's total population), 14,671 are non-Hispanic Native American (2.1% of the district's total population), 60,063 are non-Hispanic African-American (8.6% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 548,142 (78.5% of the district's total population).

The district's Voting Age Population is 269,657 Hispanic 57.4% of the district's Voting Age Population), 11,381 non-Hispanic Native American (2.4% of the district's Voting Age Population), 43,308 non-Hispanic African-American (9.2% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 340,531 are minorities (72.5% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 140,053 are Hispanic (42.1% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 36.5% of the district's registered voters are Hispanic.

Although Hispanic turnout in the 4th CD is significantly lower than non-Hispanic White turnout, the 4th is an effective Hispanic district where Hispanic voters are able to elect their candidate of choice. In both 2008 and 2010, Representative Pastor won with comfortable margins, carrying both the White and the Hispanic vote. Although this may be attributed to Pastor's incumbent status and strong showing overall, the district's performance was similar in the 2010 election for Mine Inspector where the Hispanic candidate won comfortable majorities of both the White and Hispanic vote, despite winning just 43% of the major party vote statewide.

The charts below show the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

US House of Representatives 2008: District 4

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.53 | 0.68 | 0.275 | 0.042 | 0.274 |
| Hispanic | 0.12 | 0.87 | 0.087 | 0.045 | 0.575 |
| Native American | 0.45 | 0.64 | 0.149 | 0.208 | 0.022 |
| Black | 0.33 | 0.78 | 0.127 | 0.095 | 0.090 |
| Other | 0.39 | 0.35 | 0.365 | 0.284 | 0.039 |
| Total Votes | 0.27 | 0.72 | 0.212 | 0.068 | NA |

US House of Representatives 2010: District 4

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.393 | 0.61 | 0.366 | 0.029 | 0.274 |
| Hispanic | 0.086 | 0.86 | 0.097 | 0.044 | 0.575 |
| Native American | 0.332 | 0.65 | 0.167 | 0.188 | 0.022 |
| Black | 0.212 | 0.73 | 0.180 | 0.087 | 0.090 |
| Other | 0.317 | 0.36 | 0.406 | 0.237 | 0.039 |
| Total Votes | 0.196 | 0.67 | 0.275 | 0.057 | NA |

Mine Inspector 2010: District 4

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.39 | 0.58 | 0.42 | 0.0016 | 0.274 |
| Hispanic | 0.09 | 0.89 | 0.11 | 0.0034 | 0.575 |
| Native American | 0.28 | 0.83 | 0.16 | 0.0185 | 0.022 |
| Black | 0.17 | 0.83 | 0.16 | 0.0094 | 0.090 |
| Other | 0.24 | 0.44 | 0.55 | 0.0155 | 0.039 |
| Total Votes | 0.19 | 0.69 | 0.31 | 0.0024 | NA |

2010 CD 7

Counties and voting age population from each county:

- Pima (273,058)
- Yuma (140,566)
- Maricopa (109,392)
- Pinal (41,698)
- Santa Cruz (28,709)
- La Paz (16,786)

The district's 2010 Census population is 855,769 with a deviation of 145,525 from the ideal district population of 710,244. Of these, 479,014 are Hispanic (56.0% of the district's total population), 36,749 are non-Hispanic Native American (4.3% of the district's total population), 31,450 are non-Hispanic African-American (3.7% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 577,107 (67.4% of the district's total population).

The district's Voting Age Population is 306,518 Hispanic 50.2% of the district's Voting Age Population), 26,890 non-Hispanic Native American (4.4% of the district's Voting Age Population), 23,256 non-Hispanic African-American (3.8% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 374,302 are minorities (61.3% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 191,892 are Hispanic (39.9% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 38.7% of the district's registered voters are Hispanic.

The 7th CD shows racially polarized voting, with Hispanic voters often supporting a different candidate from white voters. Hispanic turnout as a percent of voting age population is lower than the turnout among non-Hispanic White voters, but it is higher than it is in the 4th CD. The 7th CD is an effective Hispanic district where Hispanic voters have the ability to elect their candidate of choice.

The charts below show the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

US House of Representatives 2008: District 7

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.43 | 0.46 | 0.520 | 0.025 | 0.387 |
| Hispanic | 0.24 | 0.88 | 0.097 | 0.022 | 0.502 |
| Native American | 0.28 | 0.85 | 0.112 | 0.039 | 0.041 |
| Black | 0.21 | 0.50 | 0.377 | 0.124 | 0.036 |
| Other | 0.43 | 0.49 | 0.188 | 0.318 | 0.034 |
| Total Votes | 0.32 | 0.63 | 0.328 | 0.040 | NA |

US House of Representatives 2010: District 7

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.36 | 0.29 | 0.67 | 0.035 | 0.387 |
| Hispanic | 0.19 | 0.79 | 0.17 | 0.037 | 0.502 |
| Native American | 0.18 | 0.78 | 0.14 | 0.086 | 0.041 |
| Black | 0.20 | 0.52 | 0.28 | 0.193 | 0.036 |
| Other | 0.32 | 0.43 | 0.20 | 0.374 | 0.034 |
| Total Votes | 0.26 | 0.50 | 0.44 | 0.056 | NA |

Mine Inspector 2010 - District 7

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.36 | 0.36 | 0.64 | 0.00077 | 0.387 |
| Hispanic | 0.19 | 0.90 | 0.10 | 0.00120 | 0.502 |
| Native American | 0.17 | 0.87 | 0.12 | 0.00934 | 0.041 |
| Black | 0.14 | 0.52 | 0.47 | 0.01384 | 0.036 |
| Other | 0.18 | 0.67 | 0.32 | 0.01253 | 0.034 |
| Total Votes | 0.25 | 0.59 | 0.41 | 0.00034 | NA |

Draft Congressional Districts Analysis

Overview

The draft congressional map creates two majority Hispanic districts, the same number as in the existing map. As is the case in the existing CDs, Hispanic turnout is lower in the Maricopa County district, but polarization is less. In the southern district there is more polarization, but Hispanic voters turnout at a higher rate. In both districts, Hispanic voters have the opportunity to elect their candidate of choice.

The turnout and candidate support estimates were produced by Dr. King using his Ecological Inference technique. Although estimates are shown for all racial categories, estimates for groups making up small portions of the district's population are less reliable and should be viewed with caution.

Draft CD 3

Counties and voting age population from each county:

- Pima (221,079)
- Maricopa (156,751)
- Yuma (86,748)
- Santa Cruz (32,860)
- Pinal (343).

The district's 2010 Census population is 710,224 with a deviation of 0 from the ideal district population of 710,244. Of these, 428,046 are Hispanic (60.3% of the district's total population), 22,349 are non-Hispanic Native American (3.1% of the district's total population), 27,272 are non-Hispanic African-American (3.8% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 501,192 (70.6% of the district's total population).

The district's Voting Age Population is 273,046 Hispanic 54.9% of the district's Voting Age Population), 16,679 non-Hispanic Native American (3.4% of the district's Voting Age Population), 20,233 non-Hispanic African-American (4.1% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 324,059 are minorities (65.1% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 170,452 are Hispanic (44.7% of the district's total Citizen Voting Age Population). Based on a Hispanic surname match, 42.1% of the districts registered voters are Hispanic.

Draft CD shows racially polarized voting in the elections for Congress in 2008 and 2010, and in the race for Mine Inspector in 2010, with Hispanic and White voters supporting different candidates. The Hispanic vote was sufficient elect their community's candidate of choice.

The charts below show the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

US House of Representatives 2008: Draft District 3

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.48 | 0.45 | 0.527 | 0.020 | 0.347 |
| Hispanic | 0.23 | 0.89 | 0.087 | 0.022 | 0.551 |
| Native American | 0.35 | 0.87 | 0.085 | 0.042 | 0.031 |
| Black | 0.23 | 0.51 | 0.369 | 0.126 | 0.038 |
| Other | 0.46 | 0.52 | 0.186 | 0.298 | 0.033 |
| Total Votes | 0.33 | 0.64 | 0.325 | 0.037 | NA |

US House of Representatives 2010: Draft District 3

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.40 | 0.32 | 0.64 | 0.031 | 0.347 |
| Hispanic | 0.18 | 0.81 | 0.16 | 0.031 | 0.551 |
| Native American | 0.25 | 0.77 | 0.14 | 0.092 | 0.031 |
| Black | 0.20 | 0.49 | 0.28 | 0.232 | 0.038 |
| Other | 0.32 | 0.41 | 0.23 | 0.357 | 0.033 |
| Total Votes | 0.26 | 0.53 | 0.42 | 0.052 | NA |

Mine Inspector 2010: Draft District 3

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.40 | 0.37 | 0.629 | 0.00089 | 0.347 |
| Hispanic | 0.17 | 0.92 | 0.079 | 0.00125 | 0.551 |
| Native American | 0.23 | 0.90 | 0.087 | 0.00966 | 0.031 |
| Black | 0.14 | 0.58 | 0.405 | 0.01822 | 0.038 |
| Other | 0.15 | 0.63 | 0.350 | 0.01864 | 0.033 |
| Total Votes | 0.25 | 0.60 | 0.394 | 0.00071 | NA |

Draft CD 7

Counties and voting age population from each county:

- Maricopa (474,662)

The district's 2010 Census population is 710,224 with a deviation of 0 from the ideal district population of 710,244. Of these, 453,613 are Hispanic (63.9% of the district's total population), 13,689 are non-Hispanic Native American (1.9% of the district's total population), 60,503 are non-Hispanic African-American (8.5% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 556,660 (78.4% of the district's total population).

The district's Voting Age Population is 273,582 Hispanic 57.6% of the district's Voting Age Population), 10,610 non-Hispanic Native American (2.2% of the district's Voting Age Population), 43,216 non-Hispanic African-American (9.1% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 344,507 are minorities (72.6% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 144,011 are Hispanic (42.3% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 37.0% of the district's registered voters are Hispanic.

Hispanic and Non-Hispanic White candidates in this district generally support the same candidates, although to differing degrees. The district's Hispanic population has consistently been able to elect their candidate of choice.

The charts below show the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

US House of Representatives 2008: Draft District 7

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.54 | 0.63 | 0.337 | 0.030 | 0.275 |
| Hispanic | 0.12 | 0.87 | 0.082 | 0.045 | 0.575 |
| Native American | 0.43 | 0.64 | 0.155 | 0.208 | 0.020 |
| Black | 0.34 | 0.80 | 0.113 | 0.088 | 0.089 |
| Other | 0.38 | 0.33 | 0.360 | 0.307 | 0.041 |
| Total Votes | 0.27 | 0.70 | 0.243 | 0.062 | NA |

US House of Representatives 2010: Draft District 7

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.401 | 0.58 | 0.39 | 0.028 | 0.275 |
| Hispanic | 0.091 | 0.85 | 0.11 | 0.047 | 0.575 |
| Native American | 0.379 | 0.70 | 0.15 | 0.156 | 0.020 |
| Black | 0.196 | 0.71 | 0.19 | 0.102 | 0.089 |
| Other | 0.300 | 0.35 | 0.41 | 0.244 | 0.041 |
| Total Votes | 0.199 | 0.65 | 0.29 | 0.057 | NA |

Mine Inspector 2010: Draft District 7

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.396 | 0.54 | 0.46 | 0.0015 | 0.275 |
| Hispanic | 0.093 | 0.89 | 0.11 | 0.0032 | 0.575 |
| Native American | 0.258 | 0.84 | 0.14 | 0.0232 | 0.020 |
| Black | 0.175 | 0.85 | 0.14 | 0.0089 | 0.089 |
| Other | 0.222 | 0.50 | 0.49 | 0.0149 | 0.041 |
| Total Votes | 0.192 | 0.67 | 0.33 | 0.0023 | NA |

Existing Legislative Districts Analysis

Overview

As Bruce Adelson previously advised the Commission, during the preclearance process last decade, DOJ determined that Arizona had 9 benchmark effective majority-minority legislative districts: 2, 13, 14, 15, 16, 23, 25, 27 & 29. An additional district, LD 24 has shown the ability to elect their candidate of choice in some elections. Including 24 in the list of benchmark districts brings the total to 10, which is the number of minority districts that the commission has created in the draft maps. All of these districts will be subject to ongoing additional analysis.

LD 2 is an effective Native-American district. LDs 13, 14, 16, 24, 27 and 29 are majority Hispanic. LDs 12, 15 and 25 are majority minority districts in which Hispanics make up a plurality of the total population. LD 23 is a majority White district with minorities making up 48% of the total population. Of these, district 12 is not a benchmark district because the minority voters in that district have not demonstrated the ability to elect their candidates of choice.

There are varying degrees of racially polarized voting in these districts. LDs 12, 23, 24, 25, and 29 show clearly polarized voting with minority voters supporting different candidates were supported by non-Hispanic White voters. In LDs 2, 13, 14, 15, 16 & 27, non-Hispanic White voters showed a willingness to support the minority voters' candidates of choice, although usually to a lesser degree.

District by district analysis

Shown below are the population details and racially polarized voting analysis for each of these districts. Results for State Senate are shown where there were usable recent races featuring minority and non-minority candidates. The turnout and candidate support estimates were produced by Dr. King using his Ecological Inference technique. Although estimates are shown for all racial categories, estimates for groups making up small portions of the district's population are less reliable and should be viewed with caution.

2010 LD 2

Legislative general election minority candidates 2004 to 2010:

- 10 candidates, 8 elected.

Counties and voting age population from each county:

- Coconino (69,489)
- Apache (35,550)
- Navajo (20,724)
- Mohave (806)
- Yavapai (0)

The district's 2010 Census population is 177,904 with a deviation of -35,163 from the ideal district population of 213,067. Of these, 14,429 are Hispanic (8.1% of the district's total population), 111,899 are non-Hispanic Native American (62.9% of the district's total population), 1,331 are non-Hispanic African-American (0.7% of the district's total population). The districts combined minority population (any population other than non-Hispanic White) is 132,369 (74.4% of the district's total population).

The district's Voting Age Population is 9,280 Hispanic 7.3% of the district's Voting Age Population), 75,373 non-Hispanic Native American (59.6% of the district's Voting Age Population), 1,273 non-Hispanic African-American (1.0% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 88,063 are minorities (69.6% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 5,733 are Hispanic (4.9% of the district's total Citizen Voting Age Population), 74,762 are non-Hispanic Native-American (64.2% of the district's total CVAP), 973 are non-Hispanic African-American (0.8% of the district's total CVAP), The district's combined citizen minority population (any Citizen Voting Age population other than non-Hispanic White) is 83,494 (71.7% of the district's total CVAP).

Non-Hispanic Native-American voters and Non-Hispanic White voters often support the same candidates, although to differing degrees. Hispanic voters in the district do not necessarily support the same candidates as Native Americans do. Native American votes turn out at close to the same rate as White voters, and are able to elect their candidate of choice.

AZ State Senate Data 2008: District 2 (VAP)

| | Turnout | Native American Candidate (D) | Native American Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|----------------------------------|----------------------------------|-------------------------------------|--------------|
| White | 0.49 | 0.58 | 0.42 | 0.00086 | 0.3048 |
| Hispanic | 0.25 | 0.52 | 0.47 | 0.00670 | 0.0733 |
| Native American | 0.47 | 0.83 | 0.17 | 0.00064 | 0.5893 |
| Black | 0.48 | 0.57 | 0.42 | 0.01629 | 0.0089 |
| Other | 0.43 | 0.47 | 0.52 | 0.00976 | 0.0237 |
| Total Votes | 0.46 | 0.73 | 0.27 | 0.00000 | NA |

Secretary of State 2010: District 2 (VAP)

| | Turnout | Native American Candidate (D) | White Candidate (R) | Non-Major Party Candidates | Total VAP |
|--------------------|---------|----------------------------------|------------------------|-------------------------------|--------------|
| White | 0.37 | 0.55 | 0.448 | 0.00114 | 0.3048 |
| Hispanic | 0.14 | 0.49 | 0.496 | 0.01220 | 0.0733 |
| Native American | 0.39 | 0.92 | 0.079 | 0.00076 | 0.5893 |
| Black | 0.22 | 0.48 | 0.488 | 0.03511 | 0.0089 |
| Other | 0.19 | 0.45 | 0.530 | 0.02252 | 0.0237 |
| Total Votes | 0.36 | 0.79 | 0.213 | 0.00000 | NA |

2010 LD 12

Legislative general election minority candidates 2004 to 2010:

- 3 candidates, 2 elected.

Counties and voting age population from each county:

- Maricopa (259,313)

The district's 2010 Census population is 378,298 with a deviation of 165,230 from the ideal district population of 213,067. Of these, 138,446 are Hispanic (36.6% of the district's total population), 3,475 are non-Hispanic Native American (0.9% of the district's total population), 25,220 are non-Hispanic African-American (6.7% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 189,912 (50.2% of the district's total population).

The district's Voting Age Population is 82,817 Hispanic (31.9% of the district's Voting Age Population), 3,243 non-Hispanic Native American (1.3% of the district's Voting Age Population), 17,980 non-Hispanic African-American (6.9% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 116,526 are minorities (44.9% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 49,697 are Hispanic (25.9% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 21.0% of the district's registered voters are Hispanic.

The vote in LD 12 is racially polarized, with Hispanics strongly supporting the Hispanic candidate for State Senate in 2008 and for Mine Inspector in 2010, while non-Hispanic White voters supported the White candidate in both races. Because of the significant non-Hispanic White advantage in citizen voting age population, Hispanic voters have not been able to reliably elect their candidates of choice in LD 12.

AZ State Senate Data 2008: District 12

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.38 | 0.32 | 0.68 | 0.0011 | 0.602 |
| Hispanic | 0.43 | 0.73 | 0.26 | 0.0021 | 0.259 |
| Native American | 0.52 | 0.50 | 0.48 | 0.0230 | 0.011 |
| Black | 0.75 | 0.54 | 0.45 | 0.0042 | 0.071 |
| Other | 0.86 | 0.60 | 0.39 | 0.0043 | 0.056 |
| Total Votes | 0.45 | 0.48 | 0.51 | 0.0017 | NA |

Mine Inspector 2010: District 12

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.29 | 0.25 | 0.75 | 0.0011 | 0.604 |
| Hispanic | 0.29 | 0.75 | 0.25 | 0.0030 | 0.258 |
| Native American | 0.50 | 0.43 | 0.54 | 0.0216 | 0.011 |
| Black | 0.37 | 0.55 | 0.44 | 0.0080 | 0.071 |
| Other | 0.63 | 0.53 | 0.47 | 0.0059 | 0.056 |
| Total Votes | 0.32 | 0.43 | 0.57 | 0.0021 | NA |

2010 LD 13

Legislative general election minority candidates 2004 to 2010:

- 12 candidates, 12 elected.

Counties and voting age population from each county:

- Maricopa (131,422)

The district's 2010 Census population is 207,107 with a deviation of -5,960 from the ideal district population of 213,067. Of these, 151,705 are Hispanic (73.2% of the district's total population), 2,224 are non-Hispanic Native American (1.1% of the district's total population), 12,279 are non-Hispanic African-American (5.9% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 172,140 (83.1% of the district's total population).

The district's Voting Age Population is 89,723 Hispanic 68.3% of the district's Voting Age Population), 1,772 non-Hispanic Native American (1.3% of the district's Voting Age Population), 8,256 non-Hispanic African-American (6.3% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 103,064 are minorities (78.4% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 44,806 are Hispanic (52.8% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 47.1% of the district's registered voters are Hispanic.

Although Hispanic Voters in LD 13 turn out at a much lower rate than non-Hispanic White voters, white voters in the district have shown a willingness to support Hispanic candidates. That, combined with the high (68% of VAP) Hispanic population, allow Hispanic voters to elect their candidate of choice.

Mine Inspector 2010 District 13 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.307 | 0.65 | 0.34 | 0.0023 | 0.216 |
| Hispanic | 0.073 | 0.83 | 0.16 | 0.0028 | 0.683 |
| Native American | 0.651 | 0.47 | 0.51 | 0.0150 | 0.012 |
| Black | 0.417 | 0.62 | 0.38 | 0.0052 | 0.061 |
| Other | 0.605 | 0.52 | 0.47 | 0.0070 | 0.029 |
| Total Votes | 0.166 | 0.68 | 0.32 | 0.0022 | NA |

2010 LD 14

Legislative general election minority candidates 2004 to 2010:

- 4 candidates, 4 elected.

Counties and voting age population from each county:

- Maricopa (104,141)

The district's 2010 Census population is 158,881 with a deviation of -54,186 from the ideal district population of 213,067. Of these, 113,118 are Hispanic (71.2% of the district's total population), 2,927 are non-Hispanic Native American (1.8% of the district's total population), 9,085 are non-Hispanic African-American (5.7% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 130,935 (82.4% of the district's total population).

The district's Voting Age Population is 67,590 Hispanic 64.9% of the district's Voting Age Population), 2,296 non-Hispanic Native American (2.2% of the district's Voting Age Population), 6,538 non-Hispanic African-American (6.3% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 79,911 are minorities (76.7% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 30,977 are Hispanic (46.2% of the district's total Citizen Voting Age Population), 3,096 are non-Hispanic Native-American (4.6% of the district's total CVAP), 4,428 are non-Hispanic African-American (6.6% of the district's total CVAP), The district's combined citizen minority population (any Citizen Voting Age population other than non-Hispanic White) is 40,181 (59.9% of the district's total CVAP).

Based a Hispanic surname match, 41.1% of the district's registered voters are Hispanic.

Although Hispanic Voters in LD14 turn out at a much lower rate than non-Hispanic White voters, white voters in the district have shown a willingness to support Hispanic candidates. That, combined with the high (65% of VAP) Hispanic population, allow Hispanic voters to elect their candidate of choice.

Mine Inspector 2010 District 14 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.247 | 0.58 | 0.42 | 0.0026 | 0.233 |
| Hispanic | 0.083 | 0.84 | 0.15 | 0.0029 | 0.649 |
| Native American | 0.572 | 0.59 | 0.40 | 0.0118 | 0.020 |
| Black | 0.232 | 0.68 | 0.31 | 0.0101 | 0.061 |
| Other | 0.348 | 0.50 | 0.49 | 0.0116 | 0.038 |
| Total Votes | 0.149 | 0.68 | 0.32 | 0.0028 | NA |

2010 LD 15

Legislative general election minority candidates 2004 to 2010:

- 3 candidates, 3 elected.

Counties and voting age population from each county:

- Maricopa (115,141)

The district's 2010 Census population is 155,897 with a deviation of -57,170 from the ideal district population of 213,067. Of these, 71,403 are Hispanic (45.8% of the district's total population), 5,612 are non-Hispanic Native American (3.6% of the district's total population), 10,682 are non-Hispanic African-American (6.9% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 95,355 (61.2% of the district's total population).

The district's Voting Age Population is 44,287 Hispanic 38.5% of the district's Voting Age Population), 4,445 non-Hispanic Native American (3.9% of the district's Voting Age Population), 8,311 non-Hispanic African-American (7.2% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 61,639 are minorities (53.5% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 24,018 are Hispanic (25.3% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 19.9% of the district's registered voters are Hispanic.

Hispanic voters in the LD 15 turn out at a lower rate than non-Hispanic White voters. Nevertheless, White voters supported the Hispanic candidate for Mine Commissioner in 2010 at almost the same rate as Hispanic voters (65% among non-Hispanic White Voters, and 67% among Hispanic voters). Thus, Hispanic voters in LD15 are able to elect their candidate of choice.

Mine Inspector 2010: District 15 (CVAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.30 | 0.65 | 0.35 | 0.0016 | 0.591 |
| Hispanic | 0.15 | 0.67 | 0.33 | 0.0076 | 0.246 |
| Native American | 0.31 | 0.59 | 0.40 | 0.0151 | 0.043 |
| Black | 0.34 | 0.53 | 0.46 | 0.0101 | 0.064 |
| Other | 0.56 | 0.50 | 0.49 | 0.0087 | 0.056 |
| Total Votes | 0.28 | 0.63 | 0.37 | 0.0030 | NA |

2010 LD 16

Legislative general election minority candidates 2004 to 2010:

- 14 candidates, 12 elected.

Counties and voting age population from each county:

- Maricopa (166,105)

The district's 2010 Census population is 247,146 with a deviation of 34,078 from the ideal district population of 213,067. Of these, 152,778 are Hispanic (61.8% of the district's total population), 5,599 are non-Hispanic Native American (2.3% of the district's total population), 33,551 are non-Hispanic African-American (13.6% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 202,907 (82.1% of the district's total population).

The district's Voting Age Population is 94,256 Hispanic 56.7% of the district's Voting Age Population), 4,187 non-Hispanic Native American (2.5% of the district's Voting Age Population), 23,912 non-Hispanic African-American (14.4% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 128,972 are minorities (77.6% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 53,902 are Hispanic (46.1% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 40.1% of the district's registered voters are Hispanic.

The non-Hispanic White vote in LD 16 is fairly evenly split between Democrats and Republicans, making the White vote essentially a wash in district elections. The African-American candidate for State Senate in 2008 was the Hispanic voters' candidate of choice. Hispanic and African-American voters voted in coalition, both supporting the Hispanic candidate for Mine Commissioner in 2010. Hispanic and African-American voters in LD 16 are able to elect their candidates of choice.

AZ State Senate Data 2008: District 16 (VAP)

| | Turnout | Black Candidate (D) | Hispanic Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|------------------------|---------------------------|-------------------------------------|--------------|
| White | 0.40 | 0.56 | 0.44 | 0.0020 | 0.224 |
| Hispanic | 0.15 | 0.87 | 0.13 | 0.0020 | 0.567 |
| Native American | 0.51 | 0.78 | 0.21 | 0.0127 | 0.023 |
| Black | 0.42 | 0.88 | 0.11 | 0.0031 | 0.141 |
| Other | 0.66 | 0.51 | 0.48 | 0.0058 | 0.045 |
| Total Votes | 0.27 | 0.73 | 0.27 | 0H.0022 | NA |

Mine Inspector 2010 District 16 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.24 | 0.52 | 0.47 | 0.0026 | 0.224 |
| Hispanic | 0.11 | 0.85 | 0.15 | 0.0021 | 0.567 |
| Native American | 0.43 | 0.87 | 0.12 | 0.0119 | 0.023 |
| Black | 0.25 | 0.83 | 0.17 | 0.0037 | 0.141 |
| Other | 0.63 | 0.64 | 0.36 | 0.0045 | 0.045 |
| Total Votes | 0.19 | 0.73 | 0.27 | 0.0020 | NA |

2010 LD 23

Legislative general election minority candidates 2004 to 2010:

- 9 candidates, 5 elected.

Counties and voting age population from each county:

- Pinal (240,577)
- Maricopa (23,063)
- Gila (774)

The district's 2010 Census population is 370,479 with a deviation of 157,411 from the ideal district population of 213,067. Of these, 120,804 are Hispanic (32.6% of the district's total population), 23,863 are non-Hispanic Native American (6.4% of the district's total population), 17,778 are non-Hispanic African-American (4.8% of the district's total population). The districts combined minority population (any population other than non-Hispanic White) is 177,713 (48.0% of the district's total population).

The district's Voting Age Population is 75,802 Hispanic 28.7% of the district's Voting Age Population), 17,927 non-Hispanic Native American (6.8% of the district's Voting Age Population), 13,075 non-Hispanic African-American (4.9% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 115,090 are minorities (43.5% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 48,213 are Hispanic (25.3% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 20.0% of the district's registered voters are Hispanic.

Minority voters make up 48% of the district's total population, 43.5% of the district's voting age population, and 38.7% of its citizen voting age population. Minority voters and non-Hispanic White voters generally support different candidates.

In the 2008 State Senate race, both the Democratic and Republican nominees were Hispanic. The Democratic candidate was clearly the candidate of choice among Hispanic and African-American voters. White voters supported the Republican Hispanic candidate by a narrower (55% to 45%) margin. When the White vote is close to evenly split, as was the case in the race for State Senate in 2008, Hispanic and African-American voters are able to elect their candidate of choice. However, minority voters cannot count on consistently electing their candidates of choice. In the race for State Senate in 2010, and for Mine Inspector in 2010, White voters overwhelmingly supported the White Republican candidates, and the preferred candidates of the minority community lost the district.

AZ State Senate Data 2008: District 23

| | Turnout | Hispanic Candidate (D) | Hispanic Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|---------------------------|-------------------------------------|--------------|
| White | 0.39 | 0.45 | 0.55 | 0.00042 | 0.565 |
| Hispanic | 0.26 | 0.88 | 0.12 | 0.00098 | 0.287 |
| Native American | 0.18 | 0.86 | 0.13 | 0.00557 | 0.064 |
| Black | 0.18 | 0.49 | 0.50 | 0.00668 | 0.047 |
| Other | 0.25 | 0.48 | 0.52 | 0.00620 | 0.037 |
| Total Votes | 0.32 | 0.57 | 0.43 | 0.00014 | NA |

AZ State Senate Data 2010: District 23

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.298 | 0.32 | 0.68 | 0.00047 | 0.565 |
| Hispanic | 0.194 | 0.87 | 0.13 | 0.00126 | 0.287 |
| Native American | 0.099 | 0.82 | 0.17 | 0.00981 | 0.064 |
| Black | 0.150 | 0.50 | 0.49 | 0.00780 | 0.047 |
| Other | 0.230 | 0.49 | 0.50 | 0.00721 | 0.037 |
| Total Votes | 0.246 | 0.47 | 0.53 | 0.00020 | NA |

Mine Inspector 2010 District 23 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.288 | 0.28 | 0.72 | 4.3e-04 | 0.565 |
| Hispanic | 0.191 | 0.84 | 0.15 | 1.4e-03 | 0.287 |
| Native American | 0.097 | 0.83 | 0.16 | 9.5e-03 | 0.064 |
| Black | 0.163 | 0.56 | 0.43 | 7.3e-03 | 0.047 |
| Other | 0.235 | 0.46 | 0.53 | 5.7e-03 | 0.037 |
| Total Votes | 0.240 | 0.44 | 0.56 | 6.3e-05 | NA |

2010 LD 24

Legislative general election minority candidates 2004 to 2010:

- 4 candidates, 3 elected.

Counties and voting age population from each county:

- Yuma (140,566)
- La Paz (8,997)

The district's 2010 Census population is 207,694 with a deviation of -5,373 from the ideal district population of 213,067. Of these, 121,093 are Hispanic (58.3% of the district's total population), 4,025 are non-Hispanic Native American (1.9% of the district's total population), 3,251 are non-Hispanic African-American (1.6% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 133,381 (64.2% of the district's total population).

The district's Voting Age Population is 76,836 Hispanic 51.4% of the district's Voting Age Population), 3,378 non-Hispanic Native American (2.3% of the district's Voting Age Population), 2,722 non-Hispanic African-American (1.8% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 85,599 are minorities (57.2% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 39,794 are Hispanic (36.3% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 39.4% of the district's registered voters are Hispanic.

Although Hispanic voters represent 58.3% of the district's total population, they make up only 51.4% of the district's voting age population and 39.4% of the citizen voting age population. Non-Hispanic white turnout is roughly twice the Hispanic turnout rate.

The vote in LD 24 is racially polarized, with non-Hispanic White voters and Hispanic voters supporting different candidates by wide margins. Because turnout advantage among non-Hispanic White voters, Hispanics are not able to reliably elect their candidate of choice in LD 24.

State Senate 2010 District 24 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.32 | 0.20 | 0.80 | 0.00053 | 0.428 |
| Hispanic | 0.15 | 0.83 | 0.17 | 0.00088 | 0.514 |
| Native American | 0.37 | 0.72 | 0.27 | 0.00778 | 0.019 |
| Black | 0.54 | 0.62 | 0.37 | 0.00522 | 0.017 |
| Other | 0.58 | 0.46 | 0.53 | 0.00468 | 0.022 |
| Total Votes | 0.24 | 0.45 | 0.55 | 0.00000 | NA |

Mine Inspector 2010 District 24 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.29 | 0.16 | 0.84 | 0.00058 | 0.428 |
| Hispanic | 0.15 | 0.85 | 0.15 | 0.00099 | 0.514 |
| Native American | 0.35 | 0.68 | 0.31 | 0.00739 | 0.019 |
| Black | 0.47 | 0.62 | 0.37 | 0.00643 | 0.017 |
| Other | 0.61 | 0.42 | 0.58 | 0.00422 | 0.022 |
| Total Votes | 0.23 | 0.43 | 0.57 | 0.00000 | NA |

2010 LD 25

Legislative general election minority candidates 2004 to 2010:

- 6 candidates, 3 elected.

Counties and voting age population from each county:

- Cochise (64,936)
- Pima (43,868)
- Santa Cruz (28,792)
- Maricopa (11,075)
- Pinal (5,249)

The district's 2010 Census population is 208,220 with a deviation of -4,847 from the ideal district population of 213,067. Of these, 95,825 are Hispanic (46.0% of the district's total population), 10,709 are non-Hispanic Native American (5.1% of the district's total population), 2,970 are non-Hispanic African-American (1.4% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 114,592 (55.0% of the district's total population).

The district's Voting Age Population is 63,065 Hispanic (41.0% of the district's Voting Age Population), 8,143 non-Hispanic Native American (5.3% of the district's Voting Age Population), 2,707 non-Hispanic African-American (1.8% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 76,514 are minorities (49.7% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 41,251 are Hispanic (31.4% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 29.7% of the district's registered voters are Hispanic.

Non-Hispanic White voters in LD 25 make up just over half of the district's voting age population. The vote is racially polarized with white and Hispanic voters supporting different candidates. Native-American voters vote in coalition with Hispanic voters. The African-American and other minority populations are too small to reliably estimate their voting preferences. In recent elections, Hispanic voters in LD 25 have not been consistently able to elect their candidates of choice.

State Senate 2008 District 25 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.55 | 0.37 | 0.63 | 4.7e-04 | 0.503 |
| Hispanic | 0.26 | 0.88 | 0.11 | 1.3e-03 | 0.410 |
| Native American | 0.34 | 0.92 | 0.08 | 4.5e-03 | 0.048 |
| Black | 0.24 | 0.47 | 0.51 | 2.1e-02 | 0.016 |
| Other | 0.76 | 0.41 | 0.59 | 5.5e-03 | 0.022 |
| Total Votes | 0.42 | 0.53 | 0.47 | 3.1e-05 | NA |

State Senate 2010 District 25 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.48 | 0.27 | 0.727 | 6.0e-04 | 0.503 |
| Hispanic | 0.19 | 0.90 | 0.098 | 1.8e-03 | 0.410 |
| Native American | 0.22 | 0.91 | 0.086 | 8.7e-03 | 0.048 |
| Black | 0.24 | 0.41 | 0.575 | 1.9e-02 | 0.016 |
| Other | 0.69 | 0.50 | 0.493 | 6.0e-03 | 0.022 |
| Total Votes | 0.35 | 0.45 | 0.553 | 7.4e-05 | NA |

Mine Inspector 2010 District 25 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.46 | 0.30 | 0.702 | 6.0e-04 | 0.503 |
| Hispanic | 0.19 | 0.89 | 0.107 | 1.6e-03 | 0.410 |
| Native American | 0.22 | 0.92 | 0.073 | 8.1e-03 | 0.048 |
| Black | 0.23 | 0.38 | 0.594 | 2.1e-02 | 0.016 |
| Other | 0.66 | 0.44 | 0.551 | 6.7e-03 | 0.022 |
| Total Votes | 0.34 | 0.46 | 0.535 | 5.8e-05 | NA |

2010 LD 27

Legislative general election minority candidates 2004 to 2010:

- 11 candidates, 11 elected.

Counties and voting age population from each county:

- Pima (149,769)

The district's 2010 Census population is 199,340 with a deviation of -13,727 from the ideal district population of 213,067. Of these, 112,258 are Hispanic (56.3% of the district's total population), 7,553 are non-Hispanic Native American (3.8% of the district's total population), 5,570 are non-Hispanic African-American (2.8% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 132,791 (66.6% of the district's total population).

The district's Voting Age Population is 74,724 Hispanic 49.9% of the district's Voting Age Population), 5,581 non-Hispanic Native American (3.7% of the district's Voting Age Population), 4,581 non-Hispanic African-American (3.1% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 89,971 are minorities (60.1% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 54,968 are Hispanic (42.9% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 41.1% of the district's registered voters are Hispanic.

Hispanic and non-Hispanic White voters in LD 27 have supported the same candidates, although by different margins. Hispanic voters are able to elect their candidates of choice.

State Senate 2008 District 27 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.48 | 0.52 | 0.48 | 0.00048 | 0.399 |
| Hispanic | 0.30 | 0.87 | 0.13 | 0.00065 | 0.499 |
| Native American | 0.38 | 0.77 | 0.22 | 0.00588 | 0.034 |
| Black | 0.44 | 0.64 | 0.36 | 0.00624 | 0.029 |
| Other | 0.38 | 0.64 | 0.36 | 0.00524 | 0.040 |
| Total Votes | 0.38 | 0.67 | 0.33 | 0.00000 | NA |

Mine Inspector 2010 District 27 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.39 | 0.53 | 0.47 | 0.00058 | 0.399 |
| Hispanic | 0.23 | 0.85 | 0.15 | 0.00074 | 0.499 |
| Native American | 0.27 | 0.72 | 0.27 | 0.00846 | 0.034 |
| Black | 0.33 | 0.57 | 0.42 | 0.00860 | 0.029 |
| Other | 0.17 | 0.66 | 0.33 | 0.01107 | 0.040 |
| Total Votes | 0.30 | 0.66 | 0.34 | 0.00000 | NA |

2010 LD 29

Legislative general election minority candidates 2004 to 2010:

- 9 candidates, 8 elected.

Counties and voting age population from each county:

- Pima (132,668)

The district's 2010 Census population is 184,459 with a deviation of -28,608 from the ideal district population of 213,067. Of these, 102,098 are Hispanic (55.4% of the district's total population), 3,340 are non-Hispanic Native American (1.8% of the district's total population), 9,675 are non-Hispanic African-American (5.2% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 122,543 (66.4% of the district's total population).

The district's Voting Age Population is 66,084 Hispanic 49.8% of the district's Voting Age Population), 2,706 non-Hispanic Native American (2.0% of the district's Voting Age Population), 7,516 non-Hispanic African-American (5.7% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 80,664 are minorities (60.8% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 41,782 are Hispanic (37.9% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 36.2% of the district's registered voters are Hispanic.

Hispanic and non-Hispanic White voters supported different candidates in the 2010 race for Mine inspector with 53% of White voters supporting the White Republican while 92% of Hispanic voters supported the Hispanic Democrat. Hispanics much higher support level for the Hispanic candidate, combined with their roughly 10% advantage over White voters in terms of share of the voting age population allow them to elect their candidate of choice in LD29.

Mine Inspector 2010 District 29 (VAP)

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.40 | 0.46 | 0.534 | 0.00058 | 0.392 |
| Hispanic | 0.16 | 0.92 | 0.078 | 0.00128 | 0.498 |
| Native American | 0.46 | 0.74 | 0.249 | 0.00866 | 0.018 |
| Black | 0.21 | 0.50 | 0.489 | 0.00679 | 0.054 |
| Other | 0.34 | 0.50 | 0.497 | 0.00624 | 0.038 |
| Total Votes | 0.27 | 0.62 | 0.385 | 0.00000 | NA |

Draft Legislative Districts Analysis

Overview

The legislative draft map creates ten effective majority minority districts. LD 7 is a majority Native American district, LDs 2, 3, 4, 27, 29 & 30 are majority Hispanic, and LDs 24 and 26 are majority minority coalition districts where no one minority group makes up 50% but together minority voters make up a majority of the district's population.

| DISTRICT | POLARIZED | EFFECTIVE | MINORITY % OF TOTAL POP | MINORITY % OF VAP | EST. MINORITY % OF CVAP |
|----------|-----------|-----------|----------------------------------|----------------------|----------------------------------|
| 2 | YES | YES | 73.2% | 68.3% | 58.5% |
| 3 | NO | YES | 67.7% | 61.2% | 54.9% |
| 4 | YES | YES | 69.3% | 64.4% | 53.0% |
| 7 | YES | YES | 74.7% | 71.9% | 73.6% |
| 19 | YES | YES | 77.9% | 73.2% | 62.1% |
| 24 | NO | YES | 53.6% | 46.2% | 33.7% |
| 26 | NO | YES | 51.3% | 44.7% | 30.0% |
| 27 | NO | YES | 81.3% | 76.5% | 69.4% |
| 29 | YES | YES | 78.2% | 72.9% | 57.3% |
| 30 | YES | YES | 71.3% | 64.5% | 46.6% |

District by district analysis

Sown below are the population details and racially polarized voting analysis for each of these districts. Legislative race results were not used for this analysis as each district is made up of portions of multiple old districts, so the legislative races results would not all feature the same candidates. Instead, we used other statewide races that featured significant racially polarized voting. Most often the 2010 race for Mine Inspector is used as that featured a Hispanic and a non-Hispanic White candidate. In LD 7, the majority Native American district, the 2010 Secretary of State race was used as that featured a Native American candidate running against a non-Hispanic White candidate.

The turnout and candidate support estimates were produced by Dr. King using his Ecological Inference technique. Although estimates are shown for all racial categories, estimates for groups making up small portions of the district's population are less reliable and should be viewed with caution.

Generally, these estimates were calculated using estimated citizen voting age population. The CVAP estimates were not available when work began on the existing legislative districts, therefore those estimates were generally based on voting age population rather than CVAP.

DRAFT LD 2

Counties and voting age population from each county:

- Pima (94,138)
- Santa Cruz (32,860)
- Cochise (21,440)

Draft LD 2 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 2 | 29 | 44.0% | 64.2% | 9 | 8 |
| 2 | 25 | 36.8% | 76.1% | 6 | 3 |
| 2 | 30 | 19.0% | 26.2% | 0 | 0 |
| 2 | 27 | 0.2% | 89.6% | 11 | 11 |

The district's 2010 Census population is 212,863 with a deviation of -204 from the ideal district population of 213,067. Of these, 141,429 are Hispanic (66.4% of the district's total population), 2,799 are non-Hispanic Native American (1.3% of the district's total population), 6,273 are non-Hispanic African-American (2.9% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 155,720 (73.2% of the district's total population).

The district's Voting Age Population is 91,177 Hispanic 61.4% of the district's Voting Age Population), 2,358 non-Hispanic Native American (1.6% of the district's Voting Age Population), 4,954 non-Hispanic African-American (3.3% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 101,384 are minorities (68.3% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 54,366 are Hispanic (49.7% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 47.0% of the district's registered voters are Hispanic.

There is racially polarized voting in LD 2, with 92% of Hispanic voters supporting the Hispanic candidate for Mine Inspector in 2010, compared to 56% of non-Hispanic White voters supporting the White candidate. Hispanic voters' roughly 9% advantage in terms of share of the voting age population, combined with their more concentrated support of the Hispanic candidate allow them to elect their candidate of choice.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 2

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.48 | 0.42 | 0.579 | 0.0007 | 0.402 |
| Hispanic | 0.28 | 0.92 | 0.083 | 0.0011 | 0.490 |
| Native American | 0.34 | 0.77 | 0.225 | 0.0097 | 0.026 |
| Black | 0.20 | 0.48 | 0.507 | 0.0101 | 0.039 |
| Other | 0.27 | 0.60 | 0.395 | 0.0090 | 0.042 |
| Total Votes | 0.36 | 0.63 | 0.372 | 0.0000 | NA |

DRAFT LD 3

Counties and voting age population from each county:

- Pima (158,457)

Draft LD 3 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 3 | 27 | 86.3% | 50.9% | 11 | 11 |
| 3 | 29 | 8.1% | 73.9% | 9 | 8 |
| 3 | 28 | 4.8% | 21.1% | 0 | 0 |
| 3 | 26 | 0.7% | 31.5% | 0 | 0 |
| 3 | 25 | 0.2% | 22.4% | 6 | 3 |

The district's 2010 Census population is 210,016 with a deviation of -3,051 from the ideal district population of 213,067. Of these, 121,117 are Hispanic (57.7% of the district's total population), 7,673 are non-Hispanic Native American (3.7% of the district's total population), 5,668 are non-Hispanic African-American (2.7% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 142,182 (67.7% of the district's total population).

The district's Voting Age Population is 81,063 Hispanic (51.2% of the district's Voting Age Population), 5,636 non-Hispanic Native American (3.6% of the district's Voting Age Population), 4,767 non-Hispanic African-American (3.0% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 96,985 are minorities (61.2% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 59,407 are Hispanic (44.4% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 42.4% of the district's registered voters are Hispanic.

Hispanic and non-Hispanic White voters make up an almost identical 44% each of draft LD 3's citizen voting age population, although non-Hispanic Whites turn out at a somewhat higher rate. In the 2010 race for Mine Inspector White voters supported the Hispanic candidate although at a lower rate than Hispanics did. The 12% of the district voters who are other, non-Hispanic minorities also supported the Hispanic candidate. This coalition voting, combined with a lack of opposition among non-Hispanic White voters allow minority voters in draft LD 3 to elect their candidate of choice.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 3

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.37 | 0.54 | 0.46 | 0.00066 | 0.439 |
| Hispanic | 0.31 | 0.89 | 0.11 | 0.00079 | 0.437 |
| Native American | 0.21 | 0.67 | 0.32 | 0.00829 | 0.043 |
| Black | 0.30 | 0.61 | 0.38 | 0.00894 | 0.031 |
| Other | 0.49 | 0.55 | 0.45 | 0.00408 | 0.050 |
| Total Votes | 0.34 | 0.69 | 0.31 | 0.00000 | NA |

DRAFT LD 4

Counties and voting age population from each county:

- Yuma (91,124)
- Maricopa (43,288)
- Pima (14,635)
- Pinal (343)

Draft LD 4 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 4 | 24 | 61.0% | 67.6% | 4 | 3 |
| 4 | 12 | 18.5% | 29.7% | 3 | 2 |
| 4 | 25 | 11.5% | 28.4% | 6 | 3 |
| 4 | 4 | 5.2% | 44.1% | 1 | 0 |
| 4 | 27 | 3.8% | 35.5% | 11 | 11 |
| 4 | 23 | 0.0% | 15.4% | 9 | 5 |
| 4 | 30 | 0.0% | | 0 | 0 |
| 4 | 13 | 0.0% | | 12 | 12 |

The district's 2010 Census population is 214,082 with a deviation of 1,014 from the ideal district population of 213,067. Of these, 125,542 are Hispanic (58.6% of the district's total population), 11,409 are non-Hispanic Native American (5.3% of the district's total population), 5,984 are non-Hispanic African-American (2.8% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 148,444 (69.3% of the district's total population).

The district's Voting Age Population is 80,150 Hispanic (53.7% of the district's Voting Age Population), 8,301 non-Hispanic Native American (5.6% of the district's Voting Age Population), 4,780 non-Hispanic African-American (3.2% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 96,147 are minorities (64.4% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 42,230 are Hispanic (40.3% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 40.7% of the district's registered voters are Hispanic.

Draft LD 4 showed strong racial polarization in the 2010 race for Mine Inspector with 82% of Hispanic voters supporting the Hispanic candidate, and 79% of non-Hispanic White voters supporting the White candidate. Native American and African-American voters supported the Hispanic candidate, allowing the coalition of Hispanic and other minority votes to elect their candidate of choice in the 2010 election for Mine Inspector.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 4

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.32 | 0.21 | 0.79 | 0.00097 | 0.456 |
| Hispanic | 0.29 | 0.82 | 0.18 | 0.00123 | 0.394 |
| Native American | 0.22 | 0.92 | 0.07 | 0.00575 | 0.067 |
| Black | 0.39 | 0.61 | 0.38 | 0.00907 | 0.036 |
| Other | 0.38 | 0.68 | 0.31 | 0.00769 | 0.048 |
| Total Votes | 0.31 | 0.52 | 0.48 | 0.00070 | NA |

DRAFT LD 7

Counties and voting age population from each county:

- Apache (48,858)
- Navajo (43,160)
- Coconino (30,339)
- Mohave (6,696)
- Greenlee (5,974)
- Gila (4,401)
- Graham (2,891)
- Yavapai (0)
- Pinal (0)

Draft LD 7 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Non-Hispanic Native American | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------------------------------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 7 | 2 | 51.8% | 94.3% | 10 | 8 |
| 7 | 5 | 34.4% | 32.7% | 0 | 0 |
| 7 | 3 | 8.8% | 14.2% | 1 | 0 |
| 7 | 1 | 4.9% | 10.8% | 0 | 0 |
| 7 | 4 | 0.0% | | 1 | 0 |

The district's 2010 Census population is 210,314 with a deviation of -2,753 from the ideal district population of 213,067. Of these, 17,909 are Hispanic (8.5% of the district's total population), 134,050 are non-Hispanic Native American (63.7% of the district's total population), 1,014 are non-Hispanic African-American (0.5% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 157,139 (74.7% of the district's total population).

The district's Voting Age Population is 11,151 Hispanic 7.8% of the district's Voting Age Population), 89,014 non-Hispanic Native American (62.5% of the district's Voting Age Population), 906 non-Hispanic African-American (0.6% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 102,337 are minorities (71.9% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 7,745 are Hispanic (5.8% of the district's total Citizen Voting Age Population), 88,924 are non-Hispanic Native-American (66.1% of the district's total CVAP), 742 are non-Hispanic African-American (0.6% of the district's total CVAP), The district's combined citizen minority population (any Citizen Voting Age population other than non-Hispanic White) is 99,086 (73.6% of the district's total CVAP).

Draft LD 7 showed racially polarized voting the 2010 race for Secretary of State with 93% of Native-American voters supporting the Native-American candidate while 78% of White voters supported the White candidate. Other minorities in the district also supported the Native-American candidate. That, combined with Native-Americans' significant population advantage, allows them to elect their candidate of choice.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Secretary of State 2010 (AZ LD CVAP): District 7

| | Turnout | Native American Candidate (D) | White Candidate (R) | Non-Major Party Candidates | Total VAP |
|--------------------|---------|----------------------------------|------------------------|-------------------------------|--------------|
| White | 0.45 | 0.22 | 0.780 | 0.00093 | 0.2633 |
| Hispanic | 0.38 | 0.60 | 0.398 | 0.00416 | 0.0568 |
| Native American | 0.34 | 0.93 | 0.069 | 0.00071 | 0.6357 |
| Black | 0.41 | 0.56 | 0.420 | 0.01661 | 0.0053 |
| Other | 0.33 | 0.72 | 0.268 | 0.01008 | 0.0389 |
| Total Votes | 0.37 | 0.68 | 0.321 | 0.00000 | NA |

DRAFT LD 19

Counties and voting age population from each county:

- Maricopa (138,697)

Draft LD 19 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 19 | 13 | 40.1% | 62.7% | 12 | 12 |
| 19 | 16 | 30.0% | 66.7% | 14 | 12 |
| 19 | 12 | 16.2% | 33.6% | 3 | 2 |
| 19 | 23 | 11.4% | 64.5% | 9 | 5 |
| 19 | 14 | 2.3% | 88.7% | 4 | 4 |
| 19 | 25 | 0.0% | | 6 | 3 |

The district's 2010 Census population is 212,096 with a deviation of -971 from the ideal district population of 213,067. Of these, 137,442 are Hispanic (64.8% of the district's total population), 2,592 are non-Hispanic Native American (1.2% of the district's total population), 16,599 are non-Hispanic African-American (7.8% of the district's total population). The district's combined minority population (any population other than non-Hispanic White) is 165,246 (77.9% of the district's total population).

The district's Voting Age Population is 83,190 Hispanic 60.0% of the district's Voting Age Population), 2,137 non-Hispanic Native American (1.5% of the district's Voting Age Population), 11,312 non-Hispanic African-American (8.2% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 101,566 are minorities (73.2% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 46,762 are Hispanic (47.9% of the district's total Citizen Voting Age Population). Based on a Hispanic surname match, 41.4% of the district's registered voters are Hispanic.

Draft LD 19 showed racially polarized voting in the 2010 race for Mine Inspector with 81% of Hispanic voters supporting the Hispanic candidate while 62% of White voters supported the White candidate. 74% of African-American voters supported the Hispanic candidate. The Hispanic population advantage is sufficient for Hispanics to elect their candidate of choice.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 19

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.23 | 0.37 | 0.62 | 0.0022 | 0.371 |
| Hispanic | 0.20 | 0.81 | 0.19 | 0.0019 | 0.465 |
| Native American | 0.34 | 0.71 | 0.26 | 0.0203 | 0.016 |
| Black | 0.36 | 0.74 | 0.26 | 0.0050 | 0.096 |
| Other | 0.51 | 0.64 | 0.35 | 0.0059 | 0.053 |
| Total Votes | 0.24 | 0.63 | 0.37 | 0.0021 | NA |

DRAFT LD 24

Counties and voting age population from each county:

- Maricopa (164,201)

Draft LD 24 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 24 | 15 | 52.3% | 38.4% | 3 | 3 |
| 24 | 17 | 17.6% | 18.6% | 3 | 1 |
| 24 | 11 | 16.1% | 18.2% | 0 | 0 |
| 24 | 14 | 8.6% | 55.4% | 4 | 4 |
| 24 | 23 | 3.1% | 11.7% | 9 | 5 |
| 24 | 8 | 2.3% | 13.0% | 0 | 0 |
| 24 | 19 | 0.0% | | 0 | 0 |
| 24 | 18 | 0.0% | | 0 | 0 |

The district's 2010 Census population is 213,582 with a deviation of 514 from the ideal district population of 213,067. Of these, 82,380 are Hispanic (38.6% of the district's total population), 11,175 are non-Hispanic Native American (5.2% of the district's total population), 11,998 are non-Hispanic African-American (5.6% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 114,582 (53.6% of the district's total population).

The district's Voting Age Population is 52,142 Hispanic 31.8% of the district's Voting Age Population), 8,361 non-Hispanic Native American (5.1% of the district's Voting Age Population), 9,791 non-Hispanic African-American (6.0% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 75,811 are minorities (46.2% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 30,063 are Hispanic (21.0% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 15.9% of the district's registered voters are Hispanic.

Although 53.6% of draft LD 24's total population is non-White, non-Hispanic Whites make up 64.6% of the district's citizen voting age population. However, White voters have shown a willingness to support the Hispanic's candidate of choice, with 54% of non-Hispanic Whites supporting the Hispanic candidate in the 2010 race for Mine Inspector. 79% of Hispanic voters supported the Hispanic candidate as did significant majorities of the remaining minority vote. Coalition voting combined with a lack of cohesive opposition from non-Hispanic White voters allows minority voters in draft LD 24 to elect their candidate of choice.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 24

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.35 | 0.54 | 0.46 | 0.0014 | 0.646 |
| Hispanic | 0.16 | 0.79 | 0.21 | 0.0075 | 0.208 |
| Native American | 0.19 | 0.65 | 0.34 | 0.0175 | 0.053 |
| Black | 0.33 | 0.70 | 0.29 | 0.0147 | 0.047 |
| Other | 0.51 | 0.64 | 0.35 | 0.0115 | 0.045 |
| Total Votes | 0.31 | 0.59 | 0.41 | 0.0027 | NA |

DRAFT LD 26

Counties and voting age population from each county:

- Maricopa (165,918)

Draft LD 26 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 26 | 17 | 55.5% | 19.5% | 3 | 1 |
| 26 | 18 | 36.1% | 48.1% | 0 | 0 |
| 26 | 21 | 8.4% | 26.5% | 0 | 0 |
| 26 | 16 | 0.0% | | 14 | 12 |
| 26 | 15 | 0.0% | | 3 | 3 |

The district's 2010 Census population is 213,247 with a deviation of 179 from the ideal district population of 213,067. Of these, 78,522 are Hispanic (36.8% of the district's total population), 6,386 are non-Hispanic Native American (3.0% of the district's total population), 10,740 are non-Hispanic African-American (5.0% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 109,300 (51.3% of the district's total population).

The district's Voting Age Population is 50,461 Hispanic 30.4% of the district's Voting Age Population), 5,190 non-Hispanic Native American (3.1% of the district's Voting Age Population), 8,836 non-Hispanic African-American (5.3% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 74,088 are minorities (44.7% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 23,094 are Hispanic (17.6% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 15.6% of the district's registered voters are Hispanic.

A narrow majority (51.3%) of draft LD 26's population is non-White, but non-Hispanic Whites make up 68% of the district's citizen voting age population. However, White voters have shown a willingness to support the Hispanic's candidate of choice, with 52% of non-Hispanic Whites supporting the Hispanic candidate in the 2010 race for Mine Inspector. 61% of Hispanic voters supported the Hispanic candidate as did majorities of the remaining minority vote. Coalition voting combined with a lack of cohesive opposition from non-Hispanic White voters allows minority voters in draft LD 26 to elect their candidate of choice.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 26

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.27 | 0.52 | 0.48 | 0.0018 | 0.681 |
| Hispanic | 0.19 | 0.61 | 0.38 | 0.0082 | 0.172 |
| Native American | 0.42 | 0.60 | 0.39 | 0.0110 | 0.041 |
| Black | 0.35 | 0.57 | 0.41 | 0.0143 | 0.043 |
| Other | 0.29 | 0.51 | 0.47 | 0.0135 | 0.063 |
| Total Votes | 0.26 | 0.54 | 0.46 | 0.0030 | NA |

DRAFT LD 27

Counties and voting age population from each county:

- Maricopa (141,120)

Draft LD 27 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 27 | 16 | 88.2% | 53.4% | 14 | 12 |
| 27 | 14 | 9.1% | 63.7% | 4 | 4 |
| 27 | 17 | 2.0% | 35.1% | 3 | 1 |
| 27 | 15 | 0.6% | 15.8% | 3 | 3 |
| 27 | 20 | 0.1% | 16.8% | 0 | 0 |

The district's 2010 Census population is 208,413 with a deviation of -4,654 from the ideal district population of 213,067. Of these, 122,767 are Hispanic (58.9% of the district's total population), 5,317 are non-Hispanic Native American (2.6% of the district's total population), 31,047 are non-Hispanic African-American (14.9% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 169,337 (81.3% of the district's total population).

The district's Voting Age Population is 75,789 Hispanic 53.7% of the district's Voting Age Population), 3,909 non-Hispanic Native American (2.8% of the district's Voting Age Population), 22,081 non-Hispanic African-American (15.6% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 108,011 are minorities (76.5% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 46,144 are Hispanic (45.0% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 38.0% of the district's registered voters are Hispanic.

Hispanic and non-Hispanic White voters in draft LD 27 supported the Hispanic candidate for Mine Inspector in 2010 although at different rates. African-American voters also supported the Hispanic candidate. Strong margins among Hispanic voters, support from other minority groups, and absence of cohesive opposition from non-Hispanic White voters allow minority voters to elect their candidate of choice in LD 27.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 27

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.28 | 0.53 | 0.47 | 0.0022 | 0.310 |
| Hispanic | 0.21 | 0.87 | 0.13 | 0.0022 | 0.430 |
| Native American | 0.39 | 0.82 | 0.17 | 0.0106 | 0.031 |
| Black | 0.34 | 0.79 | 0.20 | 0.0032 | 0.171 |
| Other | 0.38 | 0.63 | 0.37 | 0.0085 | 0.057 |
| Total Votes | 0.26 | 0.72 | 0.28 | 0.0021 | NA |

DRAFT LD 29

Counties and voting age population from each county:

- Maricopa (136,123)

Draft LD 29 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 29 | 13 | 49.3% | 74.2% | 12 | 12 |
| 29 | 12 | 46.3% | 46.6% | 3 | 2 |
| 29 | 14 | 4.5% | 81.0% | 4 | 4 |

The district's 2010 Census population is 212,258 with a deviation of -809 from the ideal district population of 213,067. Of these, 143,288 are Hispanic (67.5% of the district's total population), 2,129 are non-Hispanic Native American (1.0% of the district's total population), 12,626 are non-Hispanic African-American (5.9% of the district's total population). The districts combined minority population (any population other than non-Hispanic White is 166,087 (78.2% of the district's total population).

The district's Voting Age Population is 84,040 Hispanic 61.7% of the district's Voting Age Population), 1,781 non-Hispanic Native American (1.3% of the district's Voting Age Population), 8,837 non-Hispanic African-American (6.5% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 99,166 are minorities (72.9% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 43,228 are Hispanic (45.4% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 39.2% of the district's registered voters are Hispanic.

Hispanic and non-Hispanic White voters turned out at close to the same rate in the 2010 race for Mine Inspector. The voting was racially polarized, with 81% of Hispanic voters supporting the Hispanic candidate, and 57% of White voters supporting the White candidate. African-American and other minority voters also supported the Hispanic candidate. The Hispanic edge in citizen voting age population and greater concentration of support allow Hispanics and other minorities to elect their candidate of choice in draft LD29.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 29

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|----------------|-----------------------------------|--------------------------------|---|-----------------------|
| White | 0.24 | 0.43 | 0.57 | 0.0022 | 0.412 |
| Hispanic | 0.20 | 0.81 | 0.19 | 0.0028 | 0.445 |
| Native American | 0.59 | 0.57 | 0.42 | 0.0145 | 0.014 |
| Black | 0.35 | 0.57 | 0.42 | 0.0075 | 0.077 |
| Other | 0.61 | 0.65 | 0.35 | 0.0073 | 0.052 |
| Total Votes | 0.26 | 0.61 | 0.39 | 0.0024 | NA |

DRAFT LD 30

Counties and voting age population from each county:

- Maricopa (141,404)

Draft LD 30 is made up of portions of the following Legislative Districts:

| New District | Old District | % of New District VAP | % VA Hisp | 2004 to 2010 Legislative General Elections | |
|--------------|--------------|-----------------------|-----------|--|-----------------------------|
| | | | | Minority Candidates | Minority Candidates Elected |
| 30 | 14 | 48.1% | 64.6% | 4 | 4 |
| 30 | 15 | 20.1% | 39.2% | 3 | 3 |
| 30 | 12 | 13.1% | 31.1% | 3 | 2 |
| 30 | 10 | 12.5% | 32.5% | 2 | 1 |
| 30 | 13 | 6.2% | 58.4% | 12 | 12 |
| 30 | 9 | 0.1% | 58.4% | 0 | 0 |

The district's 2010 Census population is 207,918 with a deviation of -5,149 from the ideal district population of 213,067. Of these, 119,501 are Hispanic (57.5% of the district's total population), 4,673 are non-Hispanic Native American (2.2% of the district's total population), 12,949 are non-Hispanic African-American (6.2% of the district's total population). The districts combined minority population (any population other than non-Hispanic White) is 148,293 (71.3% of the district's total population).

The district's Voting Age Population is 71,720 Hispanic 50.7% of the district's Voting Age Population), 3,608 non-Hispanic Native American (2.6% of the district's Voting Age Population), 9,213 non-Hispanic African-American (6.5% of the district's Voting Age Population). The district's combined voting age minority population (any voting age population other than non-Hispanic White) is 91,170 are minorities (64.5% of the district's Voting Age Population).

Of the district's Citizen Voting Age Population 35,582 are Hispanic (32.8% of the district's total Citizen Voting Age Population). Based a Hispanic surname match, 30.0% of the district's registered voters are Hispanic.

Draft LD 30 showed racially polarized voting in the 2010 election for Mine Inspector with 85% of Hispanic voters supporting the Hispanic candidate, and 62% of non-Hispanic White voters supporting the white candidate. Other minorities also supported the Hispanic candidate.

Although Hispanic voters make up 57.5% of the district's total population they represent only 31.1% of the district's citizen voting age population. Nevertheless, support from other candidates, and the higher rate of support from Hispanics for the Hispanic candidate (85%) compared to White support for the White candidate (62%) allow Hispanics to elect their candidate of choice in draft LD 30.

The chart below shows the detailed estimates of turnout and candidate support by race and origin based on an ecological inference analysis of the district's population and voting patterns.

Mine Inspector 2010 (AZ LD CVAP): District 30

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total CVAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|---------------|
| White | 0.24 | 0.38 | 0.62 | 0.0020 | 0.520 |
| Hispanic | 0.21 | 0.85 | 0.15 | 0.0033 | 0.311 |
| Native American | 0.22 | 0.59 | 0.39 | 0.0168 | 0.040 |
| Black | 0.22 | 0.54 | 0.45 | 0.0136 | 0.061 |
| Other | 0.41 | 0.67 | 0.32 | 0.0077 | 0.067 |
| Total Votes | 0.24 | 0.56 | 0.44 | 0.0024 | NA |

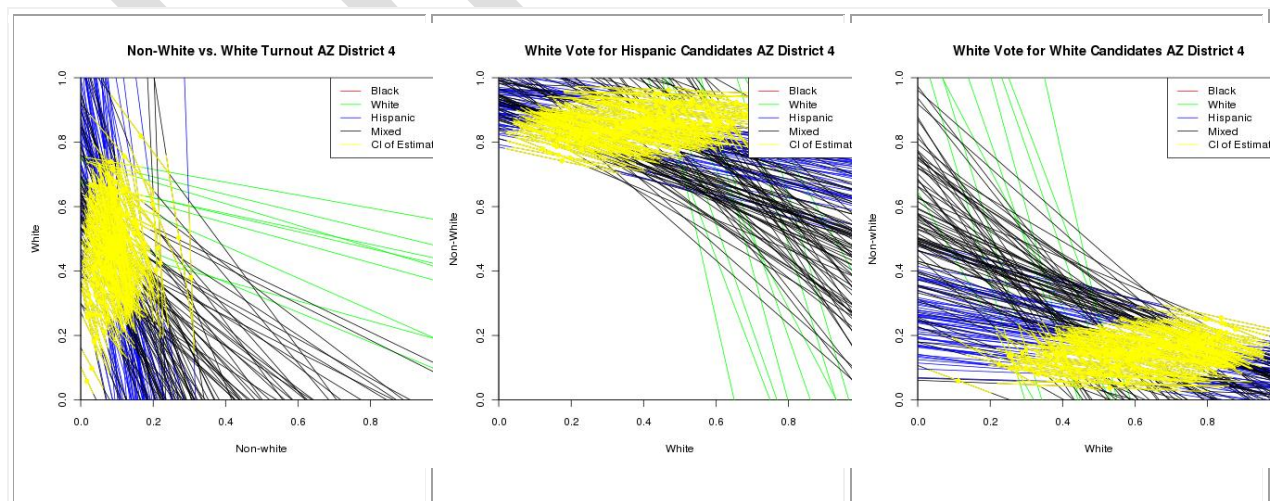
Appendix

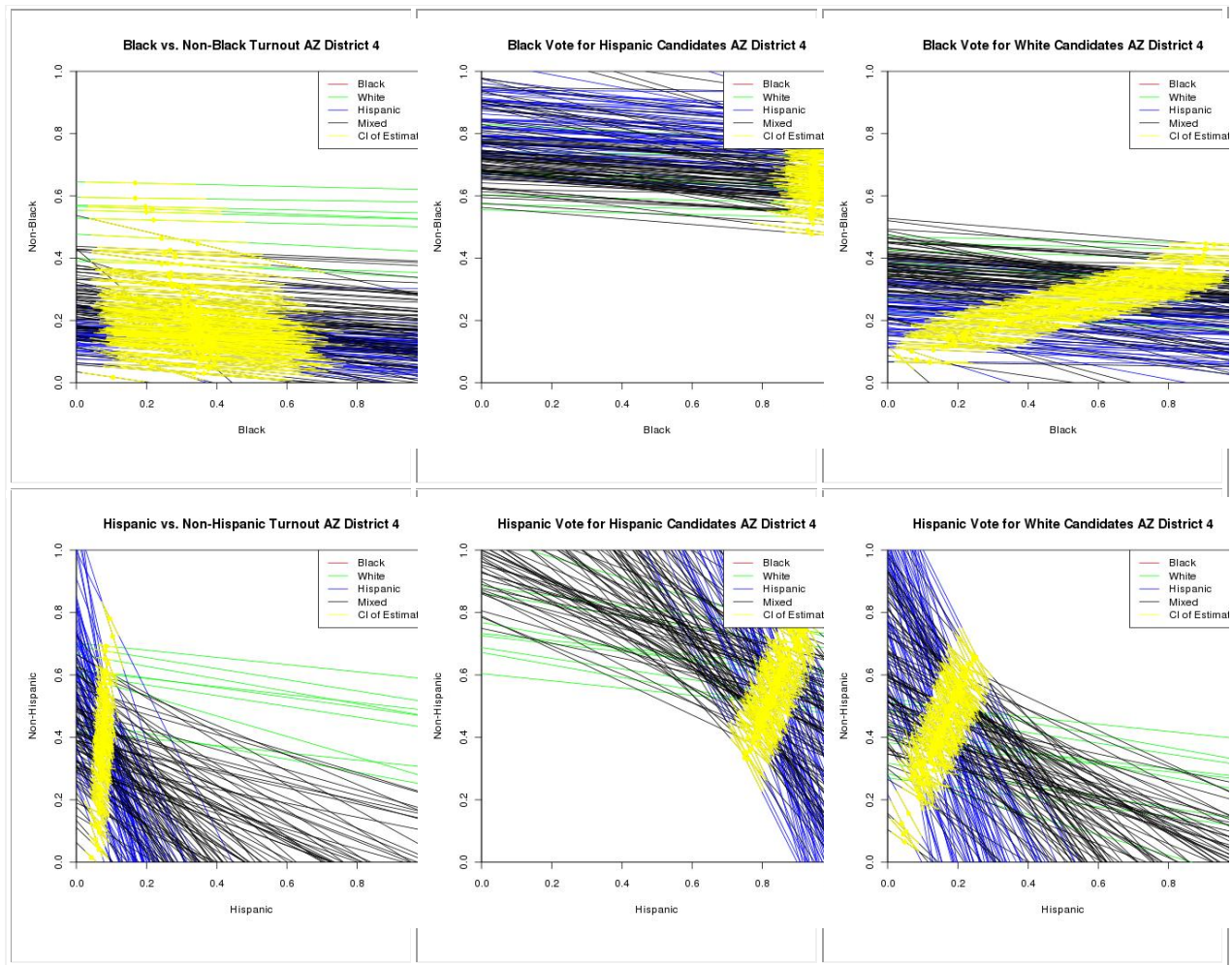
Over 1,000 Tomography Plots have been produced as part of the analysis. Below is an example of what is available for each of the above tables included in this report. If there is a desire to see specific plots, they can be made available upon request.

The example below shows reflects the table on the bottom of page 8.

US House of Representatives 2010: District 4

| | Turnout | Hispanic Candidate (D) | White Candidate (R) | Non-Major Party White Candidates | Total VAP |
|--------------------|---------|---------------------------|------------------------|-------------------------------------|--------------|
| White | 0.393 | 0.61 | 0.366 | 0.029 | 0.274 |
| Hispanic | 0.086 | 0.86 | 0.097 | 0.044 | 0.575 |
| Native American | 0.332 | 0.65 | 0.167 | 0.188 | 0.022 |
| Black | 0.212 | 0.73 | 0.180 | 0.087 | 0.090 |
| Other | 0.317 | 0.36 | 0.406 | 0.237 | 0.039 |
| Total Votes | 0.196 | 0.67 | 0.275 | 0.057 | NA |





Final Congressional Districts - Approved 1/17/12 - Compactness and Competitiveness Measures

| District | Compactness | | | Competitiveness Index 2 | | | Competitiveness Index 3 | | | Competitiveness Index 4 | | | Competitiveness Index 5 | | |
|----------|-------------|-----------|---------------|-------------------------|------------|-------|-------------------------|------------|-------|-------------------------|------------|-------|-------------------------|------------|-------|
| | Reock | Perimeter | Polsby-Popper | Ave. REP % | Ave. DEM % | Diff | Ave. REP % | Ave. DEM % | Diff | Ave. REP % | Ave. DEM % | Diff | Ave. REP % | Ave. DEM % | Diff |
| 1 | 0.48 | 1842.90 | 0.20 | 50.0% | 50.0% | 0.0% | 47.7% | 52.3% | 4.6% | 51.9% | 48.1% | 3.8% | 50.2% | 49.8% | 0.4% |
| 2 | 0.52 | 449.85 | 0.49 | 50.6% | 49.4% | 1.2% | 50.5% | 49.5% | 1.0% | 52.7% | 47.3% | 5.4% | 52.3% | 47.7% | 4.6% |
| 3 | 0.27 | 869.92 | 0.26 | 39.3% | 60.7% | 21.4% | 37.4% | 62.6% | 25.2% | 42.6% | 57.4% | 14.8% | 40.8% | 59.2% | 18.4% |
| 4 | 0.39 | 1861.33 | 0.12 | 64.5% | 35.5% | 29.0% | 64.3% | 35.7% | 28.6% | 65.1% | 34.9% | 30.2% | 64.9% | 35.1% | 29.8% |
| 5 | 0.55 | 84.35 | 0.52 | 63.6% | 36.4% | 27.2% | 64.5% | 35.5% | 29.0% | 65.9% | 34.1% | 31.8% | 66.0% | 34.0% | 32.0% |
| 6 | 0.67 | 157.87 | 0.32 | 59.6% | 40.4% | 19.2% | 60.6% | 39.4% | 21.2% | 61.8% | 38.2% | 23.6% | 61.9% | 38.1% | 23.8% |
| 7 | 0.55 | 78.44 | 0.42 | 32.2% | 67.8% | 35.6% | 31.0% | 69.0% | 38.0% | 37.9% | 62.1% | 24.2% | 36.0% | 64.0% | 28.0% |
| 8 | 0.36 | 183.78 | 0.20 | 61.2% | 38.8% | 22.4% | 61.3% | 38.7% | 22.6% | 62.7% | 37.3% | 25.4% | 62.5% | 37.5% | 25.0% |
| 9 | 0.33 | 115.55 | 0.16 | 48.9% | 51.1% | 2.2% | 49.8% | 50.2% | 0.4% | 52.8% | 47.2% | 5.6% | 52.5% | 47.5% | 5.0% |

5644.00

| District | Competitiveness Index 6 | | | Competitiveness Index 7 | | | Competitiveness Index 8 | | | Competitiveness Index 9 | | | All Registration | | | Reg 2-Way | |
|----------|-------------------------|------------|-------|-------------------------|------------|-------|-------------------------|------------|-------|-------------------------|------------|-------|------------------|-------|-------|-----------|-------|
| | Ave. REP % | Ave. DEM % | Diff | Ave. REP % | Ave. DEM % | Diff | Ave. REP % | Ave. DEM % | Diff | Ave. REP % | Ave. DEM % | Diff | % REP | % DEM | % OTH | % REP | % DEM |
| 1 | 49.7% | 50.3% | 0.6% | 48.4% | 51.6% | 3.2% | 49.6% | 50.4% | 0.8% | 48.0% | 52.0% | 4.0% | 30.1% | 39.6% | 30.3% | 43.2% | 56.8% |
| 2 | 50.3% | 49.7% | 0.6% | 50.3% | 49.7% | 0.6% | 50.2% | 49.8% | 0.4% | 50.2% | 49.8% | 0.4% | 34.7% | 34.2% | 31.1% | 50.4% | 49.6% |
| 3 | 39.9% | 60.1% | 20.2% | 38.7% | 61.3% | 22.6% | 39.5% | 60.5% | 21.0% | 38.0% | 62.0% | 24.0% | 21.9% | 43.2% | 34.9% | 33.6% | 66.4% |
| 4 | 63.8% | 36.2% | 27.6% | 63.8% | 36.2% | 27.6% | 63.9% | 36.1% | 27.8% | 63.9% | 36.1% | 27.8% | 41.5% | 23.4% | 35.1% | 63.9% | 36.1% |
| 5 | 64.2% | 35.8% | 28.4% | 64.6% | 35.4% | 29.2% | 63.7% | 36.3% | 27.4% | 64.4% | 35.6% | 28.8% | 44.4% | 22.3% | 33.3% | 66.6% | 33.4% |
| 6 | 59.8% | 40.2% | 19.6% | 60.4% | 39.6% | 20.8% | 59.5% | 40.5% | 19.0% | 60.2% | 39.8% | 20.4% | 41.3% | 24.7% | 34.0% | 62.6% | 37.4% |
| 7 | 35.3% | 64.7% | 29.4% | 34.0% | 66.0% | 32.0% | 34.0% | 66.0% | 32.0% | 32.7% | 67.3% | 34.6% | 17.7% | 44.2% | 38.1% | 28.6% | 71.4% |
| 8 | 61.1% | 38.9% | 22.2% | 61.2% | 38.8% | 22.4% | 60.8% | 39.2% | 21.6% | 61.1% | 38.9% | 22.2% | 41.4% | 25.7% | 33.0% | 61.7% | 38.3% |
| 9 | 50.1% | 49.9% | 0.2% | 50.4% | 49.6% | 0.8% | 49.4% | 50.6% | 1.2% | 50.0% | 50.0% | 0.0% | 33.5% | 31.3% | 35.1% | 51.7% | 48.3% |

Index 2: Average of 2008 and 2010, each year weighted equally

Index 3: Average of 2008, 2010 and % of major party Registration, each of the three components weighted equally

Index 4: Average of 2004, 2006, 2008 and 2010, each year weighted equally

Index 5: Average of 2004, 2006, 2008, 2010 and % of major party registration, each component weighted equally

Index 6: Average of 2004, 2006, 2008 and 2010, each year weighted equally, Races where one candidate received more than 60% of the 2-way vote removed

Index 7: Average of 2004, 2006, 2008, 2010, and major party registration, each year weighted equally, Races where one candidate received more than 60% removed

Index 8: 1/3 2010, 1/3 2008, and 1/6 2004, and 1/6 2006, Races where one candidate received more than 60% of the 2-way vote removed

Index 9: 1/4 2010, 1/4 2008, 1/8 2006, 1/8 2004, and 1/4 major party registration, Races where one candidate received more than 60% of the 2-way vote removed

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