



# Arizona Joint Legislative Redistricting Committee REPORT

October 31, 2011

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The Joint-Committee on Redistricting recommends that the Senate and House recommend to the Independent Redistricting Commission ("IRC") that the process used to arrive at the draft congressional and legislative maps is so fundamentally flawed that the resulting maps have been unconstitutionally created and the only remedy is to start the process over. This recommendation is necessary to correct multiple violations of the criteria set forth in the Arizona Constitution. Specifically, the Joint-Committee finds that the draft congressional and legislative maps violate the constitutional criteria as follows:

**1. Compliance with the U.S. Constitution and the U.S. Voting Rights Act**

- The draft congressional and legislative maps were drawn without the benefit of any racially polarized voting analysis. Without that analysis, and without additional analysis of the voting effectiveness of any polarized minority populations, the IRC has no objective basis to assess whether its districts satisfy the Voting Rights Act.<sup>1</sup>
- It appears that none of the minority groups that participated and consulted with the IRC were given the opportunity to review any racial voting analysis including polarized racial block voting data. Without this data and analysis, and additional data demonstrating voter effectiveness, it is impossible to assess whether districts satisfy the Voting Rights Act. The IRC should have completed this analysis before draft maps were voted on and released this data and analysis with the draft maps so that all Arizonans would have the opportunity to meaningfully evaluate the draft maps.
- The IRC-created minority-majority districts have wide variations in the minority voting age population; some are above 60% and other adjacent districts are barely minority-majority districts. Without racially polarized voting analysis there no clear basis for this disparity.

**2. Equal Population**

- The draft congressional maps appear to satisfy this criterion.
- The draft legislative map is suspect at 5.6% overall population deviation given the constitutional requirement that "legislative districts shall have equal population to the extent practicable."
- The overall population of draft legislative districts is significantly less equal than the current legislative district. The current legislative districts have overall population

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<sup>1</sup> See Presentation and CV of Dr. Lisa Handley, attached as Ex. 1.

deviation of 4.23%. The prior IRC under populated the legislative minority-majority districts to meet Voting-Rights-Act benchmarks. Without these deliberately under populated minority-majority districts the overall population deviation of the current legislative districts is 3.0%—a full two and a half points tighter deviation.<sup>2</sup>

### 3. Geographical Compactness & Contiguity

- CD 4 violates this criteria by linking municipalities and communities of interest from the extreme northwestern parts of the state with eastern, and southeastern metropolitan areas of Maricopa and Pinal counties.
- CD 4 violates this criteria by including an “arm” that intrudes into and splits Gila County.
- CD 1 violates this criteria by extending into Cochise County picking up minimal population in order to create a third congressional district that includes the international boarder.
- LD 7 is a huge area. It is larger than some states, three and half times the size of the next largest draft district, and twice as large as the largest current legislative district. The draft LD 7’s enormity is partly because of the IRC’s unjustified insistence on removing Flagstaff from the district.
- LD 6 is a large oddly shaped district with parts of 4 counties, again caused by the IRC’s treatment of Flagstaff. The draft district’s driving distance from end to end is over two-hundred miles.
- LD 14 is primarily Yavapai County, but is forced all the way into the Phoenix-metro area as a result of the treatment of Flagstaff.
- LD 13 is a bizarrely shaped district that starts in Yuma and ends up by a narrow neck in Litchfield Park.
- LD 8 runs from urban northwest Tucson to Payson in rural Gila County.
- LD 1 begins in urban eastern Tucson and runs through rural areas of Graham and Cochise counties.
- The IRC failed to adopt a clear standard for “compactness” that can be objectively applied throughout the process.

### 4. Respect for Communities of Interest

- CD 4 commits copious violations of this criterion by linking multiple communities of interest in rural Arizona with multiple communities of interest within the metropolitan areas of Maricopa County, as well as high-growth areas in Pinal County.
- CD 4 violates this criterion by unnecessarily linking multiple rural communities of interest with a metropolitan-Phoenix population of over two-hundred thousand, almost 30 % of the population of the district.

<sup>2</sup> Cf. IRC, *Preleared Legislative Districts: Demographics* (2003), <http://2001.azredistricting.org/2004legfinal/2004legfinal.pdf>, and IRC, *Commission Approved Legislative Draft Map Population Breakdown*, <http://www.azredistricting.org/Maps/Draft-Maps/LD/Commission%20Approved%20Legislative%20Draft%20Map%20-%20Population%20Data%20Table.pdf>.

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- CD 4 violates this criterion by unnaturally dividing the town of Fountain Hills from its neighboring municipalities (Scottsdale, Carefree, & Cave Creek), and linking it with multiple rural communities of interest.
- CD 1 violates this criterion by linking multiple communities of interest in rural Arizona with multiple communities of interest in high-growth areas in Pima County.
- CD 9 unnecessarily aggregates parts of several disparate communities of interest within Maricopa County.
- CD 9 is not supported by any coherent community of interest within Maricopa County.<sup>3</sup>
- CD 9 groups two communities of interest, Phoenix and Tempe, that have diametrically opposite positions regarding the Phoenix Airport; one elected official will not be able to serve both interests.
- LD 1 places urban areas of Pima County with distinctly rural areas of Cochise and Graham Counties.
- LD 8 contains a relatively urban area of northwest Tucson and combines it with eastern Pinal mining communities and southern Gila County areas that have virtually nothing in common.
- LD 14 splits Yavapai County in order to provide a LD for Flagstaff to be separate from the Navajo Nation. This forces the LD south all the way into the metro-Phoenix area.
- LD 13 is a bizarrely shaped district that runs from the north side of Yuma through a narrow neck to Litchfield Park in the metro-Phoenix area. These communities have little in common.
- LD 7 includes a huge area from the northwest corner of the state to Greenlee County on the south. Greenlee County is hundreds of miles away from the northwest part of this district and has nothing in common with the Navajo reservation or Coconino County.
- LD 24 combines the Ft. McDowell and Salt River Reservations into the same district as the downtown area and 19th Ave & McDowell. This was done under the theory that the Voting Rights Act requires the creation of two additional Minority Coalition districts. However, the commission has no empirical data to support the effectiveness of this district.

**5. Use of Visible Geographic Features, City, Town and County Boundaries, and Undivided Census Tracts**

- CDs 1, 4, and 9 violate these criteria by making copious, unnecessary divisions of municipality, county, and census-tract lines.

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<sup>3</sup> The claim that this is the "light rail district" cannot be supported, as more than one-half of the light rail runs completely outside of the district. In addition, only a very small percentage of the population in CD 9 rides the light rail on a regular basis. See exhibit 2 (light rail routes overlaid on the draft CD 9).

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- These criteria is violated in multiple areas throughout the draft congressional map as a direct result of the unnecessary decision to place the City of Flagstaff in CD 1. Several counties could be kept whole if Flagstaff were placed in CD 4.
- Pinal County is unnecessarily divided.
- Cochise County is unnecessarily divided.
- Gila County is unnecessarily divided.
- Maricopa County is unnecessarily divided into 8 different CDs.
- CD 9 violates these criteria by gratuitously dividing municipalities throughout Maricopa County.
- There are numerous instances in the legislative draft map where the IRC has broken municipal, county, and census-tract lines without justification and contrary to the Constitution.
- The IRC treatment of Flagstaff causes LD 6 to break four county lines.
- LD's 8 and 11 have pieces of three different counties as a result of the manner in which the IRC has drawn the Pima County districts.
- The LD map in Pima County splits several census tracts, affecting the positioning of several incumbent legislators.
- LD 7 has pieces of six different counties as a result of the IRC splitting Flagstaff from that draft district.
- City of Glendale is divided into 5 different Legislative districts.

#### 6. Competitiveness

- As a whole, the draft congressional map is less competitive than the existing congressional map.
- CD 1 is significantly less competitive from the current CD 1. It contains 80% of the area and 67% of the population from the current CD 1. But, in terms of democrat and republican voter registration, it is about 3% points less competitive.<sup>4</sup>
- The elections from 2004 and 2006 have not been taken into account in the Commission's measures of competitiveness. This makes any analysis of competitiveness by the IRC highly suspect. The 2010 election year was an aberration in that republican candidates in Arizona received unusually strong support from voters of all types. Emphasizing 2010 election returns without smoothing data from several prior elections skews the results of any competitiveness analysis.
- CD 9 was designed with the primary purpose of being competitive in complete disregard of the other constitutional criteria.<sup>5</sup>

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<sup>4</sup> Cf. IRC, *Competitiveness Report: Congressional Draft Map* (adopted 10/03/11), [http://www.azredistricting.org/Maps/Draft-Maps/competitiveness\\_report2\\_CONGRESSIONAL\\_DRAFT\\_MAP.pdf](http://www.azredistricting.org/Maps/Draft-Maps/competitiveness_report2_CONGRESSIONAL_DRAFT_MAP.pdf) (Democrat registration advantage over republicans of 9.5%), and IRC, *Final Congressional Plan Demographics* (adopted 11/09/01), <http://2001.azredistricting.org/final/congfinal.pdf> (Democrat registration advantage over republicans of 7.86%).

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- By failing to define the constitutional term “competitive” the IRC has made it possible for it to have more than one meaning. Without a specific meaning for the term, it is impossible to assess whether competitiveness has a “significant detriment” on any other constitutional criteria. The IRC should create a specific definition for “competitive” so that it can be applied in conjunction with the other constitutional criteria.

**7. Party Registration and Voting History Data**

- While initially party registration and voting history data was not considered during the drawing of the grid map, the grid map lines were erased and replaced with lines that did take party registration and voting history into consideration. By abandoning the grid map, instead of making logical incremental adjustments to it, the draft congressional map has violated this constitutional criteria.<sup>6</sup>

**8. Improper Consideration of the Places of Residence of Incumbents and Candidates**

- Of the eight incumbent congressmen, two republicans have been divided from the vast majority of their current districts. No democrat congressman has been significantly divided from the population of their current districts.
- Two incumbent congressmen were moved into new districts over the course of a weekend. In one case the change required intricate, pinpoint mapping. The drafter of the map drafted at the block level. The two republican incumbent congressmen were affected by a map that was drafted over a weekend and then introduced and voted on in the same day: October 3, 2011.<sup>7</sup>
- The legislative draft map has numerous instances where census tract lines are broken in an apparent attempt to place incumbents in particular districts contrary to the constitution.
- There are at least 10 legislators who are drawn in or out of districts by a distance of a few hundred feet. Several of these exist because the IRC has broken census tracts contrary to the Constitution.
- The most numerous examples of drafting focusing on places of residence appear to occur in Pima County where several democrat incumbents appear to have been

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<sup>5</sup> IRC Trans., 10/01/11 meeting, 9:15-23 (“... I did have to make some minor adjustments to District 9, which was the competitive district that Ms. McNulty came up with. . . .”) <http://www.azredistricting.org/docs/Meeting-Info/Transcript-100311.pdf>.

<sup>6</sup> See IRC, *Congressional Grid Map “What If” Scenario: 3 border / 2 rural* (presented 09/26/11) [http://www.azredistricting.org/Maps/pubmaps/092611/Cong-3\\_Border\\_2\\_Rural\\_1\\_Donut-version1A-exports/Cong-3border\\_2rural\\_1donut-version1A.jpg](http://www.azredistricting.org/Maps/pubmaps/092611/Cong-3_Border_2_Rural_1_Donut-version1A-exports/Cong-3border_2rural_1donut-version1A.jpg) (showing the “donut” effect: a blank area with most lines erased in Maricopa County.).

<sup>7</sup> See generally, IRC Trans., 10/03/11 meeting, 9-24, <http://www.azredistricting.org/docs/Meeting-Info/Transcript-100311.pdf>.

protected by breaking census tracts and one incumbent stays with the bulk of his district by block redistricting literally down the middle of his street.

**9. Additional Constitutional Problems**

- The IRC accepted and adopted in substantial part maps from outside sources.<sup>8</sup> As a consequence, the IRC did not assess whether the constitutional criteria were followed when these maps were constructed. This is a systemic failure that potentially could have a deleterious effect on many or all of the constitutional criteria.
- The IRC has violated the constitutional comment requirement. The public and the Legislature cannot assess the draft congressional map for compliance with the Voting Rights Act without polarized racial block voting analysis and the associated voting effectiveness data.<sup>9</sup> The IRC has not made this data available to the public or the Legislature.<sup>10</sup> Commenting on minority districts is a meaningless exercise without the benefit of the essential data upon which those districts must be based.
- The IRC did not follow the constitutionally-required redistricting process by adjusting the grid maps to account for the six mandated constitutional criteria.

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<sup>8</sup> See, e.g., IRC Trans., 10/03/11 meeting, 15-16, <http://www.azredistricting.org/docs/Meeting-Info/Transcript-100311.pdf>.

<sup>9</sup> See Presentation and CV of Dr. Lisa Handley, attached as Ex. 1.

<sup>10</sup> See 10/20/11 letter from Chairwoman Mathis, attached as Ex. 3.

# Exhibit 1

**Drawing  
Redistricting Plans that Comply  
with the Voting Rights Act of  
1965**

Prepared by Dr. Lisa Handley

## Voting Rights Act of 1965

- Section 2 prohibits any voting standard, practice or procedure (including a redistricting plan) that results in the denial or dilution of minority voting strength.
- Section 5 prohibits the enforcement in covered jurisdictions of any voting qualification or standard, practice or procedure (including a redistricting plan) that has not been “precleared” by the US Department of Justice.



## **Section 5 of the Voting Rights Act**

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Section 5 requires covered jurisdictions to either:

- Submit redistricting plans to the US Department of Justice for preclearance or
- Obtain a judicial determination from the US District Court for the District of Columbia that the plan does not have a discriminatory purpose or effect

## **Burden of Proof**

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The burden of proof rests on the jurisdiction to demonstrate that the plan:

- Does not have a racially discriminatory effect – plan must not be retrogressive (minorities cannot be worse off under the new plan)
- Does not have a racially discriminatory purpose (even if non-retrogressive)

## Retrogression Standard

- A proposed redistricting plan is considered to have a discriminatory effect if it will lead to “retrogression” in the position of minority group.
- The “benchmark” for comparison is the redistricting plan currently in place (with 2010 census data associated with each of the districts).
- A proposed plan must have the same number of districts that offer minority voters the ability to elect candidates of choice as the benchmark plan otherwise it is retrogressive.

## **Justice Department Review**

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- Justice Department has 60 days consider the proposed redistricting plan and either preclear it or object to it.
- An objection is interposed if the Justice Department is unable to determine that the proposed plan is free of discriminatory purpose or effect. This includes situations where the evidence is conflicting and the Department is unable to make a determination.

## Factors Considered in Section 5 Review

Factors considered by the Justice Department in making this determination include:

- Extent to which voting in the jurisdiction is racially polarized
- Extent to which minority concentrations are fragmented across districts
- Extent to which minority voters are over-concentrated in one or more districts
- Extent to which available alternative plans satisfying the jurisdiction's legitimate governmental interests were considered

## **Relationship of Section 5 to Section 2 of the Voting Rights Act**

- Preclearance under Section 5 does not preclude any legal action under Section 2 of the Voting Rights Act either by the Justice Department or any minority group with standing to sue.
- It may be the case that the Justice Department cannot object to a change under the retrogression standard of Section 5 but can bring suit under Section 2 of the Act.

## **Section 2 of the Voting Rights Act**

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The 1982 Amendments to Section 2 of the Voting Rights Act made it clear that a redistricting plan cannot have a discriminatory effect, regardless of the intent of the plan. This is referred to as “results test” .

## *Thornburg v. Gingles*

- Supreme Court first interpreted the 1982 amendments to the Voting Rights Act in this challenge to the 1982 North Carolina state legislative plans.
- Court held that plaintiffs must satisfy three preconditions. If these preconditions are met, the court must then consider the “totality of the circumstances”.

## ***Gingles Test***

Three-pronged test:

- Minority group must be sufficiently large and geographically compact to form a majority in a single-member district (In *Bartlett v. Strickland*, the Court held that a minority group must demonstrate that it would constitute more than 50% of the voting age population in a proposed majority-minority district.)
- Minority group must be politically cohesive
- Whites must vote as a bloc to usually defeat minority-preferred candidates

## Racially Polarized Voting

- According to the Court, racially polarized voting is the “evidentiary linchpin” of a vote dilution claim.
- A racial bloc voting analysis is required to determine if minorities vote cohesively and whites bloc vote to defeat minority-preferred candidates.
- Voting is racially polarized if minorities and whites consistently vote for different candidates (separate electorates test).
- Racially polarized voting is legally significant if the minority-preferred candidates are usually defeated.

# Statistical Techniques for Measuring Polarized Voting

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Statistical techniques must be used to estimate the extent of racially polarized voting. The three standard methods are:

- homogeneous precinct analysis
- bivariate ecological regression analysis
- ecological inference analysis

# Comparing the Results of the Three Statistical Techniques

	Votes for Candidate X		
	Homogeneous Precinct	Bivariate Ecological Regression	Ecological Inference
Black voters	94.9	97.4	93.9
White voters	13.5	5.3	8.3

- Are the results reliable? Are they consistent across statistical methods?
- Is voting polarized?
- Is the polarization legally significant?

## **If Voting is Polarized**

- If polarization is legally significant and minority voters are sufficiently concentrated, the state must create district(s) that provide minority voters with an opportunity to elect candidates of choice.
- If covered by Section 5, the state must demonstrate that the proposed redistricting plan offers minorities the same (or a greater) opportunity to elect candidates of choice as the current plan.

## Determining the Effectiveness of Proposed Minority Districts

- If effective minority districts are to be created or maintained, a couple of methods (beyond simply considering the racial composition of the proposed districts) can be used to determine the probable “effectiveness” of proposed districts:
- The estimates derived from racial bloc voting analysis (average turnout rates and votes for minority-preferred candidates by race) can be used to determine percentage of votes minority-preferred candidates are likely to receive in the proposed district(s).
  - Election results from previous contests that included minority-preferred candidates can be compiled to reflect the likely results in the proposed district(s).

## **Conclusion: The What, Why and When of a Voting Rights Analysis**

### ***What is entailed in conducting the analysis?***

- Statistical analysis of voting patterns by race to determine if voting is polarized and to estimate the degree of minority cohesion and white crossover vote that can be expected.
- Further analyses to determine if proposed districts offer minorities an opportunity to elect their candidates of choice.

## **Conclusion: The What, Why and When of a Voting Rights Analysis**

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- ***Why do the analysis?*** To ensure that any proposed redistricting plan complies with the Voting Rights Act
- ***When should the analysis be conducted?*** Prior to adopting a redistricting plan

## Arizona Experience in 2001

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- I was hired by counsel to the IRC in the summer of 2001 to conduct a racial bloc voting analysis of AZ congressional and state legislative election contests. I found that voting was racially/ethnically polarized.
- Although I was not asked to review the original plans adopted by the IRC (although I did provide “effectiveness” percentages), after the first legislative plan was denied preclearance, I was asked to review and produce a written report on the May 2002 plan. I determined that this plan provided minorities with the opportunity to elect their preferred candidates. (It was subsequently precleared.)

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**Professional Experience**

Dr. Handley has over twenty-five years of experience in the areas of redistricting and voting rights, both as a practitioner and an academician, and is recognized nationally (as well as internationally) as an expert on these subjects. She has advised numerous jurisdictions and other clients on redistricting and has served as an expert in dozens of redistricting and voting rights court cases. Her clients have included the U.S. Department of Justice and scores of state and local jurisdictions, as well as redistricting commissions and civil rights organizations. Internationally, Dr. Handley has provided electoral assistance in more than a dozen countries, serving as a consultant on issues of democratic governance – including voting rights, electoral system design, electoral boundary delimitation (redistricting) and electoral dispute resolution – for the United Nations, the United Nations Development Fund (UNDP), IFES, and International IDEA.

Dr. Handley has been actively involved in research, writing and teaching on the subjects of voting rights and redistricting. She has written a book, Minority Representation and the Quest for Voting Equality (Cambridge University Press, 1992) and numerous articles, as well as edited a volume (Redistricting in Comparative Perspective, Oxford University Press, 2008) on these subjects. She has taught political science and methodology courses at several universities, most recently George Washington University. She holds a Ph.D. in political science from George Washington University.

Dr. Handley is the President of Frontier International Consulting, a consulting firm that specializes in redistricting. She also serves as an independent election consultant for such international organizations as the United Nations.

**Education**

Ph.D. The George Washington University, Political Science, 1991

**Present Employment**

**President**, Frontier International Electoral Consulting LLC (since co-founding company in September of 1998). Frontier IEC provides consulting services to election officials worldwide. The company advises on election administration generally and specializes in voting rights and redistricting. In addition, Frontier IEC conducts election-related research and statistical analyses and offers tools for measuring voting patterns and evaluating redistricting plans. The company has offices in Washington D.C. and Germany.

## U.S. Clients since 2000

- US Department of Justice (expert witness testimony in several Section 2 cases)
- Alaska: Alaska Redistricting Board (redistricting consultation, expert witness testimony)
- Arizona: Arizona Independent Redistricting Board (redistricting consultation, expert witness testimony)
- Colorado: Colorado Redistricting Board (redistricting consultation)
- Connecticut: State Senate and State House of Representatives (redistricting consultation)
- Florida: State Senate (redistricting consultation)
- Illinois: State Senate (redistricting litigation consultation)
- Kansas: State Senate and House Legislative Services (redistricting consultation)
- Louisiana: Louisiana Legislative Black Caucus (redistricting litigation support, expert witness testimony)
- Massachusetts: State Senate (redistricting consultation)
- Maryland: Attorney General (redistricting consultation, expert witness testimony)
- Miami-Dade County, Florida: County Attorney (redistricting consultation)
- Nassau County, New York: Redistricting Commission (redistricting consulting)
- New Mexico: State House of Representatives (redistricting consultation, expert witness testimony)
- New York: State Assembly (redistricting consultation)
- New York City: Redistricting Commission and Charter Commission (redistricting consultation and Section 5 submission assistance)
- New York State Court: Expert to the Special Master (drew congressional lines for state court)
- Ohio: State Democratic Party (redistricting litigation support, expert witness testimony)
- Pennsylvania: Senate Democratic Caucus (redistricting consultation)
- Rhode Island: State Senate and State House of Representatives (litigation support, expert witness testimony)
- Texas: Lieutenant Governor (redistricting litigation/expert witness testimony)
- Vermont: Secretary of State (redistricting consultation)

Wisconsin: State Senate (redistricting litigation consultation)

### International Clients (since 2000)

#### United Nations

- Bangladesh (UNDP) – redistricting expert
- Sierra Leone (UNDP) – redistricting expert
- Liberia (UNMIL) – redistricting expert
- Democratic Republic of the Congo (MONUC) – election feasibility mission, electoral system design and redistricting
- Lead Writer on the topic of boundary delimitation (redistricting) for ACE (Administration and Cost of Elections Project)

#### International Foundation for Election Systems (IFES)

- Afghanistan – district delimitation expert
- Sudan – redistricting expert
- Kosovo – electoral system design and redistricting expert
- Nigeria – redistricting expert
- Georgia – electoral system design and district delimitation expert
- Yemen – redistricting expert
- Lebanon – electoral district delimitation expert
- Principal consultant for the Delimitation Equity Project – conducted research, wrote reference manual and developed training curriculum
- Writer on electoral boundary delimitation (redistricting) for the Elections Standards Project
- Training – developed training curriculum and conducted training workshops on electoral boundary delimitation (redistricting) in Azerbaijan and Jamaica

#### International Institute for Democracy and Electoral Assistance (International IDEA):

- Consultant on electoral dispute resolution systems
- Technology consultant on use of GIS for electoral district delimitation
- Training – developed training material and conducted training workshop on electoral boundary delimitation (redistricting) for African election officials (Mauritius)
- Curriculum development – boundary delimitation (redistricting) curriculum for the Bridge Project
- Project coordinator for the ACE project

Other international clients have included the Australian Election Commission and the Boundary Commission of British Columbia, Canada.

#### Previous Employment

***Project Coordinator and Lead Writer on Boundary Delimitation, Administration and Cost***

of Elections (ACE) Project. As Project Coordinator (1998 – 2000) of the ACE Project, Dr. Handley served as a liaison between the three partner international organizations – the United Nations, the International Foundation for Election Systems, and International IDEA – and was responsible for the overall project management of ACE, a web-based global encyclopedia of election administration. She also served as Lead Writer on Boundary Delimitation (since September 1997) and was responsible for writing the text on comparative redistricting for ACE.

**Research Director and Statistical Analyst, Election Data Services, Inc. (1984 to 1998).** Election Data Services (E.D.S.) is a Washington D.C. political consulting firm specialising in election administration. Dr. Handley's work at E.D.S. focused on providing redistricting and voting rights consulting and litigation support to scores of state and local jurisdictions. In addition, she served as an expert witness in dozens of voting rights cases.

**Assistant or Adjunct Professor (1986 to 1998).** Dr. Handley has taught political science and methodology courses (both at the graduate and undergraduate level) at George Washington University, the University of Virginia, and the University of California at Irvine. She has served as a guest lecture at Harvard, Princeton, Georgetown, American University, George Mason University and Oxford Brookes University in the UK.

#### **Grants**

**National Science Foundation Grant (2000-2001):** Co-investigator (with Bernard Grofman) on a comparative redistricting project, which included hosting an international conference on "Redistricting in a Comparative Perspective" and producing an edited volume based on the papers presented at the conference.

#### **Publications**

##### **Books:**

**Comparative Redistricting in Perspective, Oxford University Press, 2008 (first editor, with Bernard Grofman).**

**Delimitation Equity Project: Resource Guide, Center for Transitional and Post-Conflict Governance at IFES and USAID publication, 2006 (lead author).**

**Minority Representation and the Quest for Voting Equality, Cambridge University Press, 1992 (with Bernard Grofman and Richard Niemi).**

##### **Electronic Publication:**

**"Boundary Delimitation" Topic Area for the Administration and Cost of Elections (ACE) Project, 1998. Published by the ACE Project on the ACE website ([www.aceproject.org](http://www.aceproject.org)).**

**Academic Articles:**

"Has the Voting Rights Act Outlived Its usefulness: In a Word, "No," Legislative Studies Quarterly, volume 34 (4), November 2009 (with David Lublin, Thomas Brunell and Bernard Grofman).

"Drawing Effective Minority Districts: A Conceptual Framework and Some Empirical Evidence," North Carolina Law Review, volume 79 (5), June 2001 (with Bernard Grofman and David Lublin).

"A Guide to 2000 Redistricting Tools and Technology" in The Real Y2K Problem: Census 2000 Data and Redistricting Technology, edited by Nathaniel Persily, New York: Brennan Center, 2000.

"1990s Issues in Voting Rights," Mississippi Law Journal, 65 (2), Winter 1995 (with Bernard Grofman).

"Minority Turnout and the Creation of Majority-Minority Districts," American Politics Quarterly, 23 (2), April 1995 (with Kimball Brace, Richard Niemi and Harold Stanley).

"Identifying and Remediating Racial Gerrymandering," Journal of Law and Politics, 8 (2), Winter 1992 (with Bernard Grofman).

"The Impact of the Voting Rights Act on Minority Representation in Southern State Legislatures," Legislative Studies Quarterly, 16 (1), February 1991 (with Bernard Grofman).

"Minority Population Proportion and Black and Hispanic Congressional Success in the 1970s and 1980s," American Politics Quarterly, 17 (4), October 1989 (with Bernard Grofman).

"Black Representation: Making Sense of Electoral Geography at Different Levels of Government," Legislative Studies Quarterly, 14 (2), May 1989 (with Bernard Grofman).

"Minority Voting Equality: The 65 Percent Rule in Theory and Practice," Law and Policy, 10 (1), January 1988 (with Kimball Brace, Bernard Grofman and Richard Niemi).

"Does Redistricting Aimed to Help Blacks Necessarily Help Republicans?" Journal of Politics, 49 (1), February 1987 (with Kimball Brace and Bernard Grofman).

**Chapters in Edited Volumes:**

"Drawing Effective Minority Districts: A Conceptual Model," in Voting Rights and Minority Representation, edited by David Bositis, published by the Joint Center for Political and Economic Studies, Washington DC, and University Press of America, New York, 2006.

"Electing Minority-Preferred Candidates to Legislative Office: The Relationship Between Minority Percentages in Districts and the Election of Minority-Preferred Candidates," in Race and Redistricting in the 1990s, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman and Wayne Arden).

"Estimating the Impact of Voting-Rights-Related Districting on Democratic Strength in the U.S. House of Representatives," in Race and Redistricting in the 1990s, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman).

"Voting Rights in the 1990s: An Overview," in Race and Redistricting in the 1990s, edited by Bernard Grofman; New York: Agathon Press, 1998 (with Bernard Grofman and Wayne Arden).

"Racial Context, the 1968 Wallace Vote and Southern Presidential Dealignment: Evidence from North Carolina and Elsewhere," in Spatial and Contextual Models in Political Research, edited by Munroe Eagles; Taylor and Francis Publishing Co., 1995 (with Bernard Grofman).

"The Impact of the Voting Rights Act on Minority Representation: Black Officeholding in Southern State Legislatures and Congressional Delegations," in The Quiet Revolution: The Impact of the Voting Rights Act in the South, 1965-1990, eds. Chandler Davidson and Bernard Grofman, Princeton University Press, 1994 (with Bernard Grofman).

"Preconditions for Black and Hispanic Congressional Success," in United States Electoral Systems: Their Impact on Women and Minorities, eds. Wilma Rule and Joseph Zimmerman, Greenwood Press, 1992 (with Bernard Grofman).

**Additional Articles of Note:**

Amicus brief presented to the US Supreme Court in Bartlett v. Strickland, 2008 (with Nathaniel Persily, Bernard Grofman, Bruce Cain, and Theodore Arrington).

"The Delimitation of Electoral Boundaries in Post-Conflict Societies," IFES, 2006. IFES White Paper funded by USAID.



**"Challenging the Norms and Standards of Election Administration: Boundary Delimitation,"**  
**IFES, 2007. IFES White Paper funded by USAID.**



## Court Cases

*Dr. Handley has served as a consultant and/or expert witness in the following cases:*

U.S. v. Euclid City School Board (2008-9) – City of Euclid, Ohio at-large school board

U.S. v. City of Euclid (2006-7) – City of Euclid, Ohio council districts

U.S. v. Village of Port Chester (2006-7) – Village of Port Chester Trustee elections

Louisiana House of Representatives v. Ashcroft (2002) – Louisiana state house plan

Metts v. Senate Majority Leader William Irons (2002) – Rhode Island state senate plan

Parker v. Taft (2002) – Ohio reapportionment plans (state senate and state house)

Arrington v. Baumgart (2002) – Wisconsin state legislative plans

In the Matter of Legislative Districting of the State of Maryland (2002) – state court consideration of the Maryland legislative redistricting plans

In RE the Matter of Legislative Districting of the State of Illinois (2002) – state court consideration of the Illinois state legislative redistricting plans

Arizona Minority Coalition for Fair Redistricting v. Arizona Independent Redistricting Commission (2002) – Arizona state legislative districts

In RE 2001 Redistricting Cases v. Redistricting Board (2002) – Alaska state legislative plans

Jepsen v. Vigil-Giron (2002) – New Mexico congressional and state house plans

Balderas v. State of Texas (2001) – Texas congressional, state senate and state house plans (federal court)

Del Rio v. Perry and Cotera v. Perry (2001) – Texas congressional districts (state court)

Donald Moon v. Donald Beyer (1996) – - challenge to the third congressional district in Virginia

National Coalition on Black Voter Participation v. Glendening (1996) – challenge to Maryland's implementation of the National Voter Registration Act

Johnson v. Mortham (1996) – Florida congressional districts

Republican Party of Alaska v. Coghill (1996) – challenge to change in the Alaska

Republican primary process

Akhivgak v. City of Barrow (1995) – challenge to Barrow, Alaska referendum result

Dansereau v. Coghill (1995) – Alaska vote fraud suit challenging 1994 gubernatorial contest

Scott v. U.S. Department of Justice (1995) – Florida state senate districts

Victor Diaz v. City of Miami Beach (1995) – challenge to Miami Beach at-large elections for city commission

Hays v. State of Louisiana (1994) – challenge to the fourth congressional district in Louisiana

Vera v. Richards (1994) – Texas Congressional districts

Johnson v. Miller (1994) – Georgia Congressional districts

Sinkfield v. Bennett (1993) – Alabama Congressional districts

Maryland for Fair Representation v. Schaefer (1993) – Maryland State Legislative districts

Torres v. Cuomo (1993) – New York Congressional districts

Barnett v. Daley / Bonilla v. Chicago City Council (1992-4) – Chicago City Council wards

Vecinos de Barrio Uno v. City of Holyoke (1993) – Holyoke, Massachusetts, City Council districts

Gonzalez v. Monterey County, California (1992) – Monterey County, California, Board of Supervisors

Phillip Langsdon v. Milsaps (1992) – Tennessee State Legislative districts

The Fund for Accurate and Informed Representation v. Weprin (1992) – New York State Assembly districts

DeGrandy v. Wetherell (1992) – Florida State Legislative and Congressional districts

Nash v. Blunt (1992) – Missouri State House districts

Smith v. Board of Supervisors of Brunswick County, Virginia (1992) – Brunswick County, Virginia, Board of Supervisors districts

Black Political Task Force v. Connolly (1992) – Massachusetts General Assembly

redistricting

Mellow v. Mitchell / Nerch v. Mellow (1992) – Pennsylvania Congressional districts

Quilter v. Voinovich (1992) – Ohio State House and Senate districts

LaPaille v. Illinois Legislative Redistricting Commission (1992) – Illinois State Legislative districts

People of the State of Illinois ex. rel. Burris v. Ryan (1991-92) – Illinois State House districts

Jamerson et al. v. Womack (1992) – Virginia State Senate districts

Good v. Austin (1991-92) – Michigan Congressional districts

Neff v. Austin (1991-92) – Michigan State Senate and State House districts

Terrazas v. Slagle (1991) – Texas State Legislative districts

Mena v. Richards (1991) – Texas State Legislative districts

Republican Party of Virginia et al. v. Wilder (1991) – Virginia General Assembly districts

Williams v. State Board of Elections (1989) – Cook County, Illinois, Judicial Election districts

Brown v. Board of Commissioners of Chattanooga, Tenn. (1988-89) – Chattanooga, Tennessee, City Commission districts

The 5th Ward Precinct 1A Coalition and Progressive Association v. Jefferson Parish School Board (1988) – Jefferson Parish, Louisiana, School Board districts

East Jefferson Parish Coalition for Leadership and Development v. Jefferson Parish (1987-88) – Jefferson Parish, Louisiana, Parish Council districts

Roberts v. Wamser (1987-88) – St. Louis, Missouri, voting equipment

Buckanaga v. Sisseton Independent School District (1987-88) – Sisseton County, South Dakota, School Board districts

Griffin v. City of Providence (1986-87) – Providence, Rhode Island, City Council districts

U.S. v. City of Los Angeles (1986) – Los Angeles City Council districts

Latino Political Action Committee v. City of Boston (1984-85) – Boston City Council districts

Ketchum v. Byrne (1984-85) – Chicago City Council districts

**South Carolina v. U.S. (1984) – South Carolina State Senate districts**

# Exhibit 2



# Exhibit 3

COMMISSIONERS  
Colleen Coyle Mathis, *Chair*  
Scott Day Freeman, *Vice Chair*  
José M. Herrera, *Vice Chair*  
Linda C. McNulty  
Richard P. Stertz



Raymond F. Bladine  
EXECUTIVE DIRECTOR

INDEPENDENT REDISTRICTING COMMISSION  
1100 West Washington Street  
Phoenix, Arizona 85007

October 20, 2011

The Honorable Russell Pearce  
Senate President  
Arizona State Senate  
1700 West Washington  
Phoenix, AZ 85007

The Honorable Andy Tobin  
Speaker of the House of Representatives  
Arizona State Legislature  
1700 West Washington  
Phoenix, AZ 85007

Re: Draft Maps

Dear President Pearce and Speaker Tobin:

This letter is in response to your October 18 request for certain analysis concerning racial block voting and related information regarding the population needed to protect minority voting rights. We do not have the specific reports that you requested ready for dissemination, but there is substantial information on the Commission's website and through the on-line mapping program that should facilitate your ability to provide meaningful input on the draft congressional and legislative district maps during the comment period.

When adjusting the grid maps to develop the draft legislative and congressional districts, the Commission's starting point for both the Congressional and legislative maps were the voting rights districts. Because of the importance of complying with the requirements of the Voting Rights Act, the Commission focused a significant amount of effort on preserving majority-minority districts in both the legislative and congressional draft maps. In addition to reviewing demographic information about the benchmark districts and the draft maps, you might consider reviewing the transcripts or recordings of the Commission meetings that are available on-line. At those hearings, the Commission received helpful input from many groups and individuals regarding minority voting issues.

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Raymond F. Bladine  
EXECUTIVE DIRECTOR

INDEPENDENT REDISTRICTING COMMISSION  
1100 West Washington Street  
Phoenix, Arizona 85007

The Hispanic Coalition for Good Government, the Minority Coalition, and many Arizona Indian tribes were among those who offered important input that helped inform the development of the draft maps. In addition, the Commission received written input from many groups and individuals, and that information is available at the Commission offices for review.

As a quick check on minority voting strength in an area, the Commission frequently looked to the results in the 2010 mine inspector race, which was a recent statewide contest between a Hispanic and non-Hispanic candidate. This information is available in the Commission's on-line mapping program to assist you in your analysis. In fact, all of the 2004, 2006, 2008 and 2010 election results are available on-line so if you choose to examine other races, you can do so.

We welcome any comments that you have on the draft maps during this thirty day comment period. If you have questions additional, please feel free to contact our Executive Director, Raymond F. Bladine.

Sincerely,

Colleen Coyle Mathis  
Chair

cc: Joseph Kanefield and Mary O'Grady