

Frontier specializes in redistricting and voting rights issues and the president of the company, Dr. Lisa Handley, has extensive experience conducting racial bloc voting analyses and providing expert advice with respect to drawing districts that comply with the legal requirements of the Voting Rights Act of 1965.

IMPORTANCE OF UNDERTAKING A RACIAL BLOC VOTING ANALYSIS

The federal Voting Rights Act of 1965 contains two provisions that significantly affect the legislative redistricting process in the State of California: Section 2 and Section 5.

Section 5 of the Act requires all jurisdictions covered by this Section to preclear any changes in their electoral laws, including the enactment of a redistricting plan, with the U.S. Department of Justice before the change can be implemented. To obtain preclearance, a covered jurisdiction must establish that the voting change “does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group.” The Department of Justice can object to a redistricting plan if there is evidence of discriminatory intent, or the plan results in a retrogression of minority voting strength relative to the current redistricting plan (employing 2010 census demographic data).

Only four counties in California are covered by Section 5: Monterey, Merced, Kings, and Yuba. However, the Department of Justice will require the state to submit its statewide redistricting plans (congressional, state senate and state house plans) for preclearance and a Justice Department objection to one or more of these plans based on the treatment of a protected group in one of the section 5 counties can have implications for the plan(s) that go beyond these four counties.

In contrast to the limited coverage of Section 5, Section 2 of the Voting Rights Act can be used to challenge “any voting qualification or prerequisite to voting or standard, practice or procedure” (including a redistricting plan) anywhere in the United States, including, of course, the State of California.

The U.S. Supreme Court, when asked to interpret amended Section 2 of the Voting Rights Act in *Thornburg v. Gingles*, required plaintiffs to demonstrate three threshold factors to establish a violation:

- The minority group must be sufficiently large and geographically compact to constitute a majority in a single member district;

- The minority group must be politically cohesive;
- The minority group must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it – in the absence of special circumstances, such as the minority candidate running unopposed – usually to defeat the minority’s preferred candidate.

If voting is racially polarized, then plaintiffs have successfully demonstrated the second and third factors: the minority community is politically cohesive and whites are usually bloc voting to defeat minority-preferred candidates. For this reason an analysis of voting patterns by race/ethnicity is considered the “linchpin” of a vote dilution claim.

A statistical analysis must be performed to determine if voting is racially polarized. The three standard analytic procedures for estimating the extent to which minorities and whites have voted differently are homogeneous precinct analysis, bivariate ecological regression and ecological inference. Homogeneous precinct analysis and bivariate ecological regression analysis have the benefit of the Supreme Court's stamp of approval in *Thornburg v. Gingles*. The more recently developed third technique, ecological inference, is widely regarded as an improvement over traditional bivariate ecological regression analysis. Dr. Handley will employ all three of these analytic methods to produce estimates of the voting patterns by race in specified areas of the state.

The Voting Rights Act clearly establishes the need for jurisdictions with legally significant racial bloc voting to create (or, in the case of Section 5, maintain) districts that provide minorities with the opportunity to elect representatives of their choice. The number of such districts, as well as the percent minority population needed to create these districts varies (the Department of Justice “does not rely on any predetermined or fixed demographic percentage at any point in the assessment,” according to the *Federal Register*, “Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act,” Vol. 76, No. 27, February 9, 2011). A functional, jurisdiction-specific analysis that depends heavily on the results of the racial bloc voting analysis must be conducted. Dr. Handley will not only perform a the racial bloc voting analysis, but will use the results of this analysis to determine whether specified proposed districts offered minority voters an opportunity to elect candidates of choice.

REDISTRICTING AND VOTING RIGHTS EXPERIENCE

Dr. Lisa 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 scores of state and local jurisdictions, redistricting commissions, civil rights

organizations and the U.S. Department of Justice, as well as such international organizations as the United Nations. In addition, Dr. Handley has been actively involved in research, writing and teaching on the subjects of voting rights and redistricting. For example, she co-edited a volume on comparative redistricting (Redistricting in Comparative Perspective, Oxford University Press) and co-authored a book on minority voting rights (Minority Representation and the Quest for Voting Equality). She holds a Ph.D. in political science from George Washington University.

Analysis of Voting Patterns by Race/Ethnicity Dr. Handley has conducted hundreds of racial bloc voting analyses across the country. She has performed these analyses both in conjunction with redistricting efforts and in the context of voting rights litigation. In addition, she has testified in dozens of court cases on the existence (or nonexistence) of racially polarized voting.

Assistance with Section 5 Submissions Dr. Handley has worked extensively in Section 5 jurisdictions, including Alabama, Alaska, Arizona, Florida, Georgia, Louisiana, New York, Tennessee, Texas and Virginia. In addition, she recently (2009-2010) assisted New York City with two Section 5 submissions related to non-redistricting election changes.

Appendix A provides a list of references for Dr. Handley; Appendix B is Dr. Handley's CV.

SCOPE OF WORK

Conduct Analysis of Voting Patterns – An analysis of voting patterns by race is necessary to determine whether voting in specific areas of the state is polarized by race. The three standard analytic procedures for conducting a racial bloc voting analysis are homogeneous precinct analysis, bivariate ecological regression and ecological inference. Dr. Handley will employ these three statistical methods to produce estimates of voting patterns by race for federal, statewide and state legislative elections in 2002, 2004, 2006, 2008 and 2010. In addition, Dr. Handley will prepare a written document reporting these estimates and detailing the methods by which they were produced.

Specific tasks include (but are not limited to):

1. **Assistance with the creation of database** A database composed of precinct-level election returns and population data by race (reported in the PL94-171 census data) must be created in order to conduct the racial bloc voting analysis. Dr. Handley will assist in the design of this database.
2. **Analysis of voting patterns** Dr. Handley will conduct an analysis of voting patterns by race using three statistical techniques – homogeneous precinct analysis, bivariate ecological regression analysis and ecological inference – for

federal, statewide and state legislative elections in 2002, 2004, 2006, 2008 and 2010.

3. **Preparation of written report** A written report detailing the analyses performed, the results of these analyses and the conclusions reached will be prepared by Dr. Handley for the Commission. If desired, Dr. Handley will travel to California to make an oral presentation to the Commission of the results of the analysis as well.
4. **General Consulting Services** Dr. Handley will provide general redistricting consulting services, including (but not limited to) advising the Commission on matters pertaining to Sections 2 and 5 of the Voting Rights Act. In addition, Dr. Handley can assist the Commission in preparing a Section 5 submission to the Department of Justice.
5. **Expert Witness Testimony** Should the need arise, Dr. Handley can act as an expert witness before the Justice Department or in any litigation that may ensue.

ESTIMATED COST OF PROJECT

Dr. Handley charges clients on an hourly basis. Her hourly rate is \$300.

Appendix A:

REFERENCES

Dr. Bernard Grofman, Professor of Political Science and Director of The Center for the Study of Democracy; Department of Political Science, 3151 Social Science Plaza, University of California at Irvine, Irvine CA 92697; phone: (949) 824-6394; email: BGrofman@uci.edu.

Dr. Peyton McCrary, Historian; Voting Rights Section, Civil Rights Division, US Department of Justice, 950 Pennsylvania Ave., N.W., Washington, DC 20530; phone: (202) 307-6263; email: Peyton.McCrary@usdoj.gov.

Mr. Spencer Fisher, Assistant Corporal Counsel; New York City Law Department, 100 Church Street, New York, NY 10007; phone (212) 788-1083; email: SFisher@nyc.law.gov.

Mr. Jose de Jesus Rivera, attorney; Haralson, Miller, Pitt, Feldman & McAnally, 2800 North Central Suite 840, Phoenix, Arizona 85004; phone (602) 266-5557, email: JRivera@hmpmlaw.com.

Appendix B:

Lisa R. Handley CURRICULUM VITAE

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)

Alaska: 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

- Haiti (UN Electoral Assistance Division) – redistricting expert
- 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 is a regular guest lecturer at universities including 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:

Redistricting in Comparative 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).

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 Remedying 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, Alaska, 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) -- Alaska 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