

**INTRODUCTORY**

**REDISTRICTING MEETINGS**

**DECEMBER 7, 2010  
GILA COUNTY COURTHOUSE  
1400 E ASH STREET  
GLOBE, AZ**

**COUNTY MANAGER  
ASSISTANT COUNTY MANAGER,  
ASSISTANT COUNTY ATTORNEY**

**ELECTED COUNTY OFFICIALS**

**CITY AND TOWN ELECTED OFFICIALS  
FIRE, WATER, AND SANITARY DISTRICT  
BOARD MEMBERS**

Linda V. Eastlick, Director  
leastlick@co.gila.az.us  
(928)402-8708



Elizabeth Mata, Administrative Assistant  
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(928)402-8709

David Rogers, Elections Specialist  
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Josephine Goode, Voter Outreach Coordinator  
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## GILA COUNTY DEPARTMENT OF ELECTIONS

November 8, 2010

1400 E. Ash  
Globe, Arizona 85501

To All Gila County Jurisdiction Governing Boards

As you may be aware, the State of Arizona entered into a Consent Decree with the US Department of Justice (DOJ) on November 1, 1972 due to prior discriminatory voting practices. This consent decree was to last for 25 years, however, due to continuing discriminatory voting practices in certain Arizona counties, the consent decree was renewed for another 25 years. Being under this consent decree mandates every single jurisdiction which holds elections in the State of Arizona, to pre-clear with the DOJ anything that impacts voters, including every form, polling site, type of election, etc. This is a very expensive and time consuming process for all affected jurisdictions and elected officials involved. Gila County has no history of complaints nor investigations surrounding discriminatory voting practices and, therefore, may be eligible for "bailout" from its Section 5 obligations pursuant to the Voting Rights Act of 1965. "Bailout" may require significant input, research, and assistance from on the part of the governing board of each jurisdiction as we may be required to do retroactive submissions to the Department of Justice where such submissions may not have been submitted in the past.

Additionally, ARS 11-212 and 11-251 provide the Gila County Board of Supervisors meet before December 1, 2011 following the release of the US decennial census data and divide the county into supervisorial districts. Redistricting has some level of impact on certain governing board jurisdictions.

We are proceeding to plan for redistricting and "bailout" and to that end have made arrangements for Bruce L. Adelson, Esq. and R. Anthony Sissons to assist us as consultants to the projects. Mr. Adelson is a former Department of Justice, Civil Rights Division Senior Attorney. During his DOJ career he had national enforcement responsibility for all federal voting laws. He is a nationally recognized expert concerning DOJ federal voting laws, Section 5 of the Voting Rights Act, redistricting, and federal mandates for non-English language assistance. To our knowledge, he is the only private practice attorney in the US with DOJ legal redistricting experience from the 2000 redistricting cycle who is now advising jurisdictions. Tony Sissons has a strong background in research methods, evaluation techniques, quantitative analysis, statistical inquiry, Census demographics and project management. All seventeen year 2000 redistricting plans he helped draw (including Gila County's) were precleared on their first submission to the DOJ and no plans were challenged in court.

You are cordially invited to attend a meeting at 6:30 PM, Tuesday, December 7, 2010 to discuss both of these important topics. You may participate in the meeting at the Gila County Board of Supervisors Hearing Room in Globe or via interactive television in the Payson County Complex Board of Supervisors room in Payson.

Messrs Adelson and Sissons will be conducting the meeting. Representation from each jurisdiction is critical and your assistance will be invaluable to ensure we are successful in our request to "bailout". Please provide the names of those from your jurisdiction who will be in attendance to Linda Eastlick, 928.402.8709 or leastlick@co.gila.az.us, as soon as possible.

Very truly yours

Don E. McDaniel  
County Manager

cc: John Nelson  
Bryan Chambers  
Fax (928) 402-4319

T.D.D: 7-1-1

www.gilacountyaz.gov

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## GILA COUNTY DEPARTMENT OF ELECTIONS

November 16, 2010

1400 E. Ash  
Globe, Arizona 85501

To All Elected Officials

As you are aware, ARS 11-212 and 11-251 provide the board of supervisors shall meet before December 1 following the release of the US decennial census data and divide the county into supervisorial districts. Redistricting has some level of impact on all elected officials, and of course on college districts and precincts.

We are proceeding with planning for redistricting and to that end have made arrangements for Bruce L. Adelson, Esq. and R. Anthony Sissons to assist us as consultants to the project. Mr. Adelson is a former Department of Justice, Civil Rights Division Senior Attorney. During his DOJ career he had national enforcement responsibility for all federal voting laws. He is a nationally recognized expert concerning DOJ federal voting laws, Section 5 of the Voting Rights Act, redistricting, and federal mandates for non-English language assistance. To our knowledge, he is the only private practice attorney in the US with DOJ legal redistricting experience from the 2000 redistricting cycle who is now advising jurisdictions. Tony Sissons has a strong background in research methods, evaluation techniques, quantitative analysis, statistical inquiry, Census demographics and project management. All seventeen 2000 redistricting plans he helped draw (including Gila County's) were precleared on their first submission to the DOJ and no plans were challenged in court.

You are cordially invited to attend a redistricting kickoff meeting on Tuesday, December 7, 2010 at 10:00 AM in the Gila County Board of Supervisors Hearing Room. Messrs Adelson and Sissons will be conducting the meeting. They will review the redistricting process, what is required and how we will proceed, and will be happy to answer any questions you may have.

Please RSVP your attendance to Linda Eastlick, Director Gila County Division of Elections, as soon as possible.

Very truly yours,

Don E. McDaniel  
County Manager

cc: John Nelson  
Bryan Chambers

## **Federal Compliance Consulting LLC**

### **Our Redistricting Expertise**

CEO Bruce L. Adelson is a former U.S. Department of Justice, Civil Rights Division Senior Attorney. During his Department of Justice career, Bruce had national enforcement responsibility for all federal voting laws. Bruce is a nationally recognized expert concerning the U.S. Department of Justice, federal voting laws, Section 5 of the Voting Rights Act, redistricting, and federal mandates for non-English language assistance.

Bruce L. Adelson's U.S. Department of Justice career gives him unique experience and insight into the Section 5 preclearance process and its application to redistricting.

During his DOJ career, Bruce was the team leader for the U.S. Attorney General's Section 5 review of many redistricting plans during the 2000 redistricting cycle, especially in Arizona. During the 2000 redistricting cycle, Bruce was the Department of Justice's team leader for the Section 5 review of the City of Phoenix's City Council redistricting plan and Arizona's Congressional and legislative redistricting plans. His team's analysis led to the Department of Justice's rejection of Arizona's 2002 legislative redistricting plan.

During his U.S. Department of Justice career, Bruce L. Adelson was the U.S. Attorney General's team leader for Section 5 review and analysis of many redistricting plans during the 2000 redistricting cycle, including but not limited to the following:

- State of Texas - several counties' redistricting plans for Commissioners, Justice of the Peace, and Constable precincts;
- Additional redistricting plans in Alabama, Mississippi, New York, and South Carolina

To the best of his knowledge, Bruce L. Adelson is the only private practice attorney in the United States with Department of Justice legal redistricting experience from the 2000 redistricting cycle who is now advising jurisdictions about the requirements of federal voting laws, especially Section 5 of the Voting Rights Act, and redistricting.

Bruce has provided technical assistance and/or given presentations about federal voting laws to many organizations, including: National Association of State Election Directors; National Association of County Recorders and Clerks; International Municipal Lawyers Association; Arizona Secretary of State's Election Officers Certification & Training Program; Arizona Attorney General; Arizona State Bar; Arizona League of Cities and Towns; New Mexico County Clerks Association; and Texas District and County Attorneys Association

For the 2010 redistricting cycle, Bruce L. Adelson is meeting with local officials to explain the Section 5 preclearance process, relying upon his inside knowledge of and expertise concerning the U.S. Department of Justice and the Obama administration's approach to Section 5 enforcement, including but not limited to a discussion of DOJ's new Section 5 regulations. These

meetings are a unique aspect of Bruce's practice and are unavailable elsewhere. Bruce also conducts a specialized pre-redistricting review to discover any unprecleared voting changes and other Section 5 issues that could adversely impact his clients' 2010 redistricting prospects.

### **Endorsements of Bruce L. Adelson**

I worked with Bruce Adelson on a regular basis handling state preclearance submissions when I served as the State Election Director (1997-2002) and as a Special Counsel at the Arizona Attorney General's Office (2003-2006). Bruce is extremely helpful in explaining the mysteries and practicalities of DOJ... Bruce is very creative in suggesting procedures that will avoid problems in the future and which might increase the credibility of the state when working with the Department of Justice. In short, Bruce is a gifted communicator, collaborator and negotiator. I believe anyone would be well-served in having Bruce Adelson on his or her team.

Jessica Gifford Funkhouser  
Attorney at Law  
Phoenix, Arizona  
Former Arizona State Election Director  
Former Special Counsel to the Arizona Attorney General

I am convinced that Bruce is one of the most knowledgeable individuals on the Voting Rights Act and in particular, Section 5 of the Act.

Joseph Kanefield  
Attorney at Law  
Phoenix, Arizona  
Former Arizona State Elections Director

I have known Bruce Adelson for many years. I worked with Bruce in different capacities while at the Secretary of State's Office and remained in contact with Mr. Adelson since I have been with the City of Peoria. I always found Bruce to be helpful. Contacting the Department of Justice can be a scary thing to do – at any level. Knowing that I would work with Bruce made the contact less frightening.

Mary Jo Waddell  
Former Arizona State Elections Director  
Former Peoria (AZ) City Clerk

## R. Anthony Sissons

Since 1987 Tony Sissons, who is president of Research Advisory Services, has provided a broad range of decision-support services to state and local governments, private companies, and non-profit organizations. He has a strong professional background in research methods, evaluation techniques, quantitative analysis, statistical inquiry, Census demographics, and project management. He is a member of the American Planning Association, Arizona Planning Association, Forensic Expert Witness Association, and Arizona Governor's Council on Workforce Policy. His services specialize in the analysis of data about geographic areas - Census blocks and tracts, Zip Codes, voting precincts, land parcels, and traffic analysis zones. To manage and analyze very large files of data about thousands of small areas, he relies on geographic information system (GIS) software and database management programs. Past clients include cities and towns, county government, economic development organizations, educational organizations, law firms, and social service organizations.

Mr. Sissons provides well-researched facts and substantiated conclusions which are key to gaining the credibility needed to achieve desired results. He is a respected statewide authority in helping decision-makers get the answers they need using reliable and defensible data. He works closely with his clients in helping them represent their interests to state and local policy makers with research findings that are compelling and factually sound. He has developed sophisticated techniques for simplifying voluminous databases by: examining and displaying statistical relationships between variables, using proprietary methods for identifying and extracting relevant data, and creating thematic maps to display the geographic distribution of demographic data. He has amassed a large holding of Arizona focused data files, computer models, GIS layers and analysis methods.

## Gila County, Arizona Redistricting of Supervisor Districts

An Overview of the Process  
December 7, 2010

### The consultants

- Two firms will serve as legal and process consultants to the Gila County Redistricting Committee
- Federal Compliance Consulting LLC, Potomac, Maryland
  - Bruce L. Adelson, Esq., CEO
- Research Advisory Services, Inc., Phoenix, Arizona
  - Tony Sissons, President

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### DOJ Expert Bruce Adelson

- Former U. S. Department of Justice Civil Rights Division senior attorney
- Team leader for review of all Arizona redistricting submissions in 2000
- Bruce Adelson will:
  - Examine DOJ files on Gila County
  - Advise on strategy to avoid retrogression
  - Provide an "Insider" view of new DOJ regulations and procedures
  - Advise on the content of Gila County's application for DOJ preclearance

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### Redistricting Expert Tony Sissons

- Has managed 17 successful city and county redistricting processes
- Of those 17 plans:
  - All were precleared by the U. S. Department of Justice on first submission
  - None were ever challenged in court
- Tony Sissons will:
  - Provide technical and procedural assistance to Gila County staff and redistricting committee

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### Why does Gila County have to redistrict?

- U. S. Constitution, under the principle of "one person, one vote" requires that the districts from which we elect representatives be equal in population
- We must redistrict after every decennial census and whenever there is a change in the number of districts

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### Population Issues

- Official state estimate of Gila County population in 2009: 57,204 persons
- Increase of 11.4% since 2000
- Each supervisor district ideal size: 19,068 persons (estimate)
- Measurement includes all persons, regardless of age, eligibility to vote, or citizenship

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### Population Variance

- In the past, district populations could vary as much as 10% without explanation
- Federal court decision in a 2004 Georgia case may have reduced the allowable variance (Larios v. Cox)
- Block-level redistricting allows flexibility to achieve small variance

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### Race and Ethnicity Issues

- To comply with the federal Voting Rights Act, Gila County must draw new districts that have “neither the purpose, nor the effect, of diluting the voting strength of racial, origin, or language minority populations”
- To avoid “retrogression” in minority voting strength, we have to understand the “benchmark” minority proportions that DOJ will be using.

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### Race and Ethnicity Issues

- DOJ looks at the minority proportions that exist today (2010 Census) in the most recently precleared districts, not at the proportions that existed when the districts were drawn
- We won't know those proportions until the 2010 Census data arrives in March, 2011

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### Race and Ethnicity Issues

- In 2000, voting-age minority proportions were:
  - District 1 – 5.94%
  - District 2 – 28.48%
  - District 3 – 47.70%
- None of the districts were “minority-majority”, but District 3 was close
- Will population shifts during the decade now require drawing a minority-majority district? The 2010 Census will tell

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### Redistricting Principles

- As a result of laws and court cases, certain common “district design” rules have evolved
- In some circumstances, these rules can conflict with each other
- It is up to the Board of Supervisors to prioritize how they want the “districting principles” applied
- The discussion and adoption of those priorities should be in a public session

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### Common Redistricting Principles -- New districts should:

- Be substantially equal in population
- Not harm minority voting rights

Then always “to the extent practicable”

- Be compact
- Be contiguous
- Preserve communities of interest
- Respect political subdivisions

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### Less Common Principles --

- Districts should preserve the cores of prior districts
- Districts should (or should not) be drawn to protect incumbent elected officials
- Districts should be politically competitive
- Districts should not split existing voting precincts or Census Tracts
- District boundaries should use visible geographic features

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### The Public Involvement Process

- The courts and DOJ want this to be an assertively public process
- The public record should clearly demonstrate that Gila County paid attention to its residents and did not just "give lip-service" to public input

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### Preliminary Studies

- Examine, map and document the physical and demographic makeup of Gila County
- Examine County records and USDOJ files to get a complete picture of the County's preclearance history
- Catalog recent state, county and city election results at the precinct level
  - Voter turnout
  - Race or Ethnicity of candidates
  - Winners' vote margins

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### When the Census Data Arrives

- Determine the population, race and ethnicity values in the current districts
- Determine the size of population shifts necessary to equalize districts
- Determine the minority race proportions in each current district
- Determine the permissible population movements necessary to equalize district populations without diminishing minority voting strength
- Examine the magnitude and extent of any racially-polarized voting

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### Outreach to Community Leaders

- Talk with key community leaders
  - Explain the process
  - Determine their expectations
  - Encourage their participation and leadership
- Develop a contact list of people and organizations suggested by key leaders

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### Prepare Public Information Materials

- Maps illustrating topics examined in the preliminary studies
- Information handouts or booklets describing various aspects of the redistricting process
- Citizen Redistricting Kits
  - Printed booklet of instructions, data and foldout base-maps
  - Interactive redistricting map on the Internet

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### Initial meetings with Supervisors

- Formal "Work-study" session with elected officials
  - Discuss process, legal setting, roles, responsibilities
  - Discuss "districting principles"
  - Obtain Supervisors' direction on priority ranking of districting principles
- Individual Meetings with Board Members and staffs
  - Obtain input on possible or preferred configurations of districts

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### First Round Resident Workshops

- Three meetings, one in each current district
  - 30 minutes to view exhibits, socialize
  - Short presentation on scope, purpose, process, timelines, legal issues
  - Stress that no maps have been drawn yet – that the request for input is genuine
  - Invite citizens to draw their perceptions of "communities of interest" important to them on tracing paper laid over County maps

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### Draw and Publish Alternate Plans

- Analyze plans and community-of-interest maps submitted by citizens
- Prepare 3 or 4 alternate plans, based on:
  - Themes or suggestions from elected officials
  - Recurrent themes heard from open-house participants
  - Maps of districts or communities of interest submitted by citizens
- Publish proposed alternate plans

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### Second Round Resident Workshops

- Three meetings, one in each current district
  - 30 minutes to view exhibits, socialize
  - Short formal presentation
  - Describe features of each plan
  - Stress the extent to which plans incorporate ideas gathered in various public-input settings
  - Describe ways for citizens to register their views, or choices of plans or plan features
- Consultants and staff answer questions

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### Prepare and Publish Final Plan

- Consultants will prepare final versions of two or three plans for consideration by the Board of Supervisors
- Plans displayed on County's website and in newspaper ads
- Public invited to send in comments and to attend the plan adoption meeting

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### Adoption of Plan

- Consultants and staff present plans to Board of Supervisors at a meeting held specifically for that purpose
- Consultant team's preclearance expert examines the adopted plan for compliance with new DOJ Section 5 regulations
- Consultants prepare preclearance application files and exhibits requested by the County Attorney

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