

Federal Compliance Consulting LLC
11808 Becket Street
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Bruce L. Adelson
CEO/Attorney at Law
Badelson1@comcast.net

Licensed in:
DC, MD, MI, VA

March 3, 2011

Kirk E. Miller
Chief Counsel
Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

Dear Mr. Miller:

My firm wishes to be considered for the position of Voting Rights Act Counsel for the California Citizens Redistricting Commission. I have included my Statement of Qualifications, Fee Proposal, and resume.

We are uniquely qualified to assist the Citizens Redistricting Commission with the new federal legal redistricting challenges facing California. I am a former Senior Attorney for the U.S. Department of Justice (DOJ). During the 2000 redistricting cycle, I was DOJ's team leader for the Voting Rights Act review of dozens of redistrictings in Alabama, Arizona, Mississippi, New York, South Carolina, and Texas. During the last redistricting cycle, my team recommended DOJ's Voting Rights Act Section 5 objection to Arizona's 2002 statewide legislative redistricting plan. I was also part of the team that examined New York's statewide legislative and Congressional redistricting plans.

Today, I am CEO of Federal Compliance Consulting LLC and a nationally recognized expert concerning the U.S. Department of Justice, The Voting Rights Act, and redistricting. To the best of my knowledge, I am the only attorney in the United States with DOJ Section 5 team leader legal experience from the 2000 redistricting cycle who is now assisting jurisdictions with their redistricting.

Please contact me if you require additional information. We look forward to the prospect of using our unique experience and expertise to benefit the Citizens Redistricting Commission and the people of California.

Sincerely,

/s/

Bruce L. Adelson

Statement of Qualifications

Section VI

1. Personnel

Federal Compliance Consulting LLC's CEO Bruce L. Adelson will be the redistricting project manager and will be the principal attorney spending time on this engagement. His resume is attached as Appendix A.

2. Attorney/Firm General Description

Federal Compliance Consulting LLC

Federal Compliance Consulting LLC, based in the Washington, D.C., area, offers a wide range of services, including: risk management assessment; training and education; on-going compliance consultation and technical assistance; and consultation in case of complaints, lawsuits, or federal investigations.

Contact Information:

Bruce L. Adelson, Esq.
Federal Compliance Consulting LLC
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Potomac, MD 20854
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Our areas of expertise include:

- Voting Rights Act;
- Help America Vote Act;
- National Voter Registration Act;
- Uniformed and Overseas Citizens Absentee Voting Act;
- Title VI of the Civil Rights Act of 1964;
- Title IX of the Civil Rights Act of 1964; and
- Americans with Disabilities Act

Bruce 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 many federal laws, including The Voting Rights Act, Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act.

Bruce L. Adelson holds a BA in International Studies from The Johns Hopkins University and a JD from the University of Pittsburgh School of Law. He is licensed to practice law in Maryland, Michigan, Virginia, the District of Columbia, before the U.S. Supreme Court and numerous federal district and appeals courts.

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, redistricting, and federal mandates for non-English language assistance and accessibility. During Bruce's federal career, Bruce successfully completed U.S. Department of Justice training on Section 5, redistricting, GIS, vote dilution, Section 2, Section 203, and Section 4(f)(4) of The Voting Rights Act. This training is not publicly available. During his DOJ career, Bruce also received the U.S. Attorney General's Award for Special Achievement.

During his DOJ career, Bruce L. Adelson analyzed dozens of statewide, county, and municipal redistricting plans for their compliance with Section 5, Section 2, and the minority language provisions of The Voting Rights Act.

For example, during the 2000 redistricting cycle, Bruce was the Department of Justice's team leader for the Section 5 review of the city council redistricting plans for New York City and Phoenix and Arizona's Congressional and legislative redistricting plans. His team's analysis led to the Department of Justice's Section 5 objection to Arizona's 2002 legislative redistricting plan. Bruce also participated in the U.S. Attorney General's Section 5 review of New York State's legislative and Congressional redistricting plans. Additional redistricting experience includes U.S. Department of Justice review of other redistricting plans in Alabama, Arizona, Mississippi, South Carolina, and Texas. To the best of Bruce's knowledge, he is the only attorney in the United States with DOJ Section 5 team leader legal experience from the 2000 redistricting cycle who is now assisting jurisdictions with 2010 redistricting.

Bruce has made presentations and/or provided training and technical assistance about federal voting law compliance and other issues to many organizations, including:

- National Association of State Election Directors;
- National Association of County Recorders and Clerks;
- International Municipal Lawyers Association;
- American Bar Association;
- Arizona Attorney General;
- Arizona State Bar;
- Arizona Secretary of State's Election Officers Certification & Training Program;
- Arizona League of Cities and Towns;
- Arizona Legislature's Latino Caucus;
- New Mexico County Clerks Association;
- Texas District and County Attorneys Association;
- Washington State Association of Town Auditors;
- American Hospital Association;
- CyraCom, Inc.;

- Minnesota Hospital Consortium;
- Kaleida Health;
- Memorial Health System;
- Mental Health Center of Greater Manchester;
- Minnesota Department of Health Services;
- University of Minnesota;
- Region V Systems;
- National Association for Court Management;
- National Center for State Courts;
- National Association of Drug Court Professionals;
- Wayne County Airport Authority - Detroit Metropolitan Airport;
- New Hampshire Medical Interpreter Advisory Board;
- Nebraska Association of Translators and Interpreters;
- Upper Midwest Translators and Interpreters Association;
- California Healthcare Interpreters Association;
- International Medical Interpreters Association;
- Michigan Interpreter and Translators Network;
- New Mexico Administrative Office of the Courts;
- Indiana Judicial College;
- Maricopa County (Arizona) Superior Court;
- Tri-State (AZ, NM, UT) and Tri-County (Apache, Navajo, Coconino) Native American Language Election Information Conferences;
- Gila County's American Indian Voter Outreach Summit;
- Inter-Tribal Council of Nevada;
- State of Washington – Administrative Office of the Courts;
- Washington State Presiding Judges Conference;
- Urban Court Symposium;
- New York City's Interagency Task Force on Language Access;
- The Cleveland Federal Executive Board;
- Maryland Department of Transportation;
- Maryland Transit Administration;
- The City of Baltimore;
- The City of Nashville;
- U.S. Department of Transportation; and
- U.S. Department of Agriculture;

Federal Compliance Consulting LLC has worked with many local and state governments on their overall Voting Rights Act compliance and/or the Act's application to redistricting. These entities include but are not limited to: State of Alaska; Nevada Secretary of State; State of Washington; Allegan County, MI; Buena Vista Township, MI; City of Mesa, AZ; Maricopa County, AZ; Pinal County, AZ; Yavapai County, AZ; Gila County, AZ; Yuma County, AZ; Mohave County, AZ; and Navajo County, AZ.

3. Experience

Redistricting Approach:

Redistricting is as much a *process* as it is a *product*. That is to say the organized interaction and involvement of the residential and business communities with its government in the redistricting process is just as important as where the district lines are ultimately drawn. The Commission's assurance in defending its map draws strength from being able to demonstrate the openness and inclusiveness of the process.

Our redistricting work is very hands-on. We encourage close working relationships with our clients to lower the risk of legal problems and to ensure that our clients' redistricting plans and redistricting activities stand the best possible chance of DOJ Section 5 preclearance and of prevailing in the event of court challenges to the plans.

a. Federal Compliance Consulting LLC is currently working with the following Arizona jurisdictions concerning their 2010 redistricting:

- Gila County;
- Navajo County;
- Pinal County;
- Greenlee County;
- Graham County;
- Mohave County;
- Western Arizona Vocational Education (WAVE) Joint Technical Education District;
- Mohave Community College; and
- Yavapai County.

Federal Compliance Consulting LLC is also providing confidential redistricting consultation to other jurisdictions across the country. In addition, Federal Compliance Consulting LLC is awaiting final approval from several other jurisdictions to assist with their redistricting.

b. Federal Compliance Consulting LLC is providing consultative services for the above redistrictings concerning compliance with Sections 2 and 5 of The Voting Rights Act and the Act's minority language provisions, Sections 203, 4(f)(4) and 4(e)(1) and (2).

c. During his DOJ career, Bruce L. Adelson was DOJ's team leader or analyst for the Section 5 review of many redistricting plans during the 2000 redistricting cycle. He also examined several redistricting plans for compliance with The Voting Rights Act's Section 2. Bruce's DOJ redistricting review experience includes but is not limited to the following:

Arizona:

Statewide legislative and Congressional redistricting plans - recommended DOJ's May 20, 2002
Section 5 legislative districts objection to the U.S. Assistant Attorney General
Phoenix City Council
Apache County Board of Supervisors

Texas:

Marion County – County Commissioner, Justice of the Peace, and Constable Precincts
Panola County - County Commissioner, Justice of the Peace, and Constable Precincts
Harris County – County Commissioner, Justice of the Peace, and Constable Precincts

New York:

Statewide legislative and Congressional districts
New York City Council

Alabama:

Dothan City Council

South Carolina:

Dorchester Town Council
Summerville Town Council

Mississippi:

Neshoba County Board of Supervisors
Newton County Board of Supervisors

- d. Not applicable – Bruce was employed by DOJ during the 2000 redistricting cycle.

Bruce L. Adelson’s experience on the "federal side of the table" affords our clients a singular and significant advantage when preparing their redistricting plans. We have what other responders to this rfp do not – We know from the inside what DOJ looks for in its redistricting reviews.

Bruce knows what changes DOJ has made since 2000 that impact redistricting preclearance under the Voting Rights Act’s Section 5, including DOJ’s new Section 5 regulations and DOJ’s new enforcement posture. Based on his DOJ experience, Bruce is uniquely positioned to know the federal red flags to avoid concerning Sections 2 and 5 of The Voting Rights Act as well as the Act’s minority language provisions as they relate to redistricting.

4. Conflicts of Interest

Neither Bruce L. Adelson nor Federal Compliance Consulting LLC has any financial, business, professional, lobbying or other relationship that presents a potential conflict as described in California Government Code Section 8522, as well as any litigation matter in which Bruce L. Adelson and/or Federal Compliance Consulting LLC is adverse to any entity of California state government.

Neither Bruce L. Adelson nor Federal Compliance Consulting LLC is currently conducting business related to voting, elections, or redistricting in California. Neither Bruce L. Adelson nor Federal Compliance Consulting LLC is a party to any litigation in California or elsewhere in the United States. Neither Bruce L. Adelson nor Federal Compliance Consulting LLC has represented or has done or is doing any work for a political party or an interest group funded by or working on behalf of a political party.

Bruce L. Adelson has no conflicts of interest from his DOJ career that affect his working for the Citizens Redistricting Commission.

Section VII – Fee Arrangements

The total cost of our redistricting consulting services to the Citizens Redistricting Commission will **not exceed** \$210,000. However, we expect our **eventual total fee will be less** than this amount. The eventual total fee will not exceed this figure, which includes all professional time, costs, and reasonable travel expenses.

The not to exceed fixed fee estimate is comprehensive and represents a worst case scenario. The \$210,000 not to exceed fee estimate includes all non-litigation redistricting contingencies we can reasonably anticipate, such as DOJ's requesting additional information, opposition to the redistricting plan arising at public meetings, delays in DOJ preclearance, and our having to review more plans than anticipated to satisfy the Commission.

This not to exceed fee estimate includes the services described herein and all reasonably anticipated redistricting related contingencies, except for court challenges to the prepared redistricting plans and attendance at public meetings.

As requested, we are providing a fee estimate for our attendance at Commission public meetings. Without knowing more about such meetings, such as their length and time needed to prepare for such meetings, a fee is difficult to calculate. However, assuming that each public meeting lasts no more than three hours, we estimate our fee for attending each public meeting, including but not limited to preparation time, would be \$2,000.000, plus reasonable travel expenses. This estimate is not final and could change depending upon the details surrounding each public meeting.

Appendix A

Resume of Bruce L. Adelson

BRUCE L. ADELSON, Esq.
11808 Becket Street
Potomac, Maryland
301-762-5272
240-536-9192 fax
BAdelson1@comcast.net

PROFESSIONAL EXPERIENCE:

Federal Compliance Consulting LLC
Potomac, Maryland: 2006-to date
CEO

Private law and consulting practice offering risk management, training, technical assistance, lobbying, and strategic consulting on compliance with various federal laws

- Presenter/Trainer for various organizations, including: Arizona Secretary of State; Arizona Attorney General; Arizona League of Cities and Towns; Arizona State Bar; Maricopa Town Superior Court; New Mexico Town Clerks Association; Texas District and Town Attorneys Association; National Association of State Election Directors; National Association of Drug Court Professionals; National Association of Clerks and Town Recorders; American Hospital Association; American Bar Association; International Municipal Lawyers Association; Washington Secretary of State; State of Washington's Administrative Office of the Courts; State of Washington Presiding Judges Conference; Washington State Association of Town Auditors; Indiana Judicial College; New Mexico Administrative Office of the Courts; Region V Health Care Systems; Minnesota Department of Health Services; Minnesota Hospital Consortium; University of Minnesota; Maryland Transit Administration; and Maryland Department of Transportation

Expert Witness in the following cases:

- *Nick, et al., v. City of Bethel, State of Alaska, et al.*, Case No., 3:07-CV-00098-TMB, (D. Alaska). In 2008, Defendant State of Alaska designated me as its testifying expert on the Voting Rights Act's minority language provisions. In July 2008, I gave deposition testimony as an expert for the State of Alaska. The State

eventually withdrew this expert designation and chose instead to retain me as a consulting expert to preserve the confidentiality of my advice through the attorney-client privilege. The case settled before trial.

- *Flores-Rios v. Memorial Hospital*, Case No. 2009-CV-3549, El Paso Town District Court, Colorado. I was retained by defendant Memorial Hospital in 2010 as an expert on Title VI of the Civil Rights Act of 1964 and federal language assistance and accessibility laws. Plaintiffs alleged violations of Memorial Hospital's standard of care and its federal obligations to provide language assistance to patients pursuant to Title VI of the Civil Rights Act of 1964. I prepared an expert report that found no intentional national origin discrimination under federal law. The case settled before trial.
- *Braunstein v. The State of Arizona*, Case No. CV06-02726-PHX-JWS, (D. Arizona). Defendant State of Arizona retained me as an expert in the federal Disadvantaged Business Enterprise (DBE) program. Plaintiffs challenged the constitutionality of the Arizona Department of Transportation's DBE program. I prepared an expert report that upheld the constitutionality of Arizona's DBE program. The court granted the State of Arizona's motion for summary judgment and dismissed the case. Plaintiff has appealed to the U.S. Court of Appeals for the Ninth Circuit.

**U.S. Department of Justice
Civil Rights Division
Washington, D.C.: 2000-2006
Senior Trial Attorney – Voting Section
Attorney-Advisor – Coordination and Review Section**

Responsible for enforcing federal law, conducting civil rights trainings and nationwide civil rights investigations, working with state and local officials, monitoring elections, and supervising Department of Justice personnel

- Coordination of nationwide Justice Department election monitoring;
- Supervision of attorney and professional staff;
- National enforcement responsibility for Title VI of the Civil Rights Act of 1964;
- National enforcement responsibility for the Voting Rights Act of 1965, the Help America Vote Act, the National Voter Registration Act, and the Uniform and Overseas Citizens Absentee Voting Act;
- Lead Attorney for Justice Department Section 5 review of Arizona's 2002 and 2003 statewide congressional and legislative redistricting plans, New York City's 2003 City Council redistricting plan, Phoenix's 2002 City Council redistricting plan and many other redistrictings in Arizona, Alabama, Mississippi, New York, South Carolina, and Texas during the 2000 redistricting cycle;
- Lead Attorney for Justice Department federal observer monitoring of elections in Arizona, Georgia, Illinois, Mississippi, New Mexico, New York City, and Pennsylvania

- Primary enforcement responsibility for the provision of American Indian Language Election Information Assistance by select counties in Arizona, Colorado, New Mexico, Nevada and Texas pursuant to Section 203 of the Voting Rights Act;
- Primary enforcement responsibility for the provision of Spanish Language Election Information Assistance by select counties in Arizona, New Mexico, New York and Texas pursuant to Section 203 of the Voting Rights Act;
- Lead Attorney in numerous Justice Department investigations of potential federal civil rights violations throughout the United States;
- Significant litigation includes: *United States v. State of Michigan*, (E.D. Mich., 2000) – consent decree extending deadline for state to accept overseas absentee ballots; *Arizona Minority Coalition for Fair Redistricting, et al. v. Arizona Independent Redistricting Commission*, (D. Ariz., 2002) – guided court’s imposition of 2002 interim legislative redistricting plan; *Warren Town, Virginia v. United States*, (D. D.C., 2003) – investigated and defended Warren Town’s attempt to bailout from Voting Rights Act’s Section 5 provisions

Beating the Bushes Publications
Potomac, Maryland: 1991- to date
CEO

- Published author of 14 books, including: **Benjamin Harrison** (Lerner Publishing, 2006); **The Composite Guide to Field Hockey** (Chelsea House, 2001); **Brushing Back Jim Crow -The Integration of Minor League Baseball in the American South** (University of Virginia Press, 1999); **Grand Slam Trivia, Hat Trick Trivia, Slam Dunk Trivia and Touchdown Trivia** (Lerner Sports Trivia Series for Children, Lerner Publications, 1998); and **The Minor League Baseball Book** (Macmillan, 1995)
- Contributing Editor, **The Four Sport Stadium Guide** (Random House, 1994)
- Author of *Title VI, Limited English Proficiency and the Public Lawyer, Minority Language Election Rules and the Public Lawyer, and Bailout from the Voting Rights Act: A Reward for Complying with Federal Law*, all published by the American Bar Association
- Author of articles for several publications, including: *The Washington Post*; *Baseball America*; *Baltimore Magazine*; *The Atlanta Journal-Constitution*; *Sport Magazine*; *Maryland Business Law Watch*; *USA Today's Baseball Weekly*; and *The Daily Record*
- Past Commentator, *National Public Radio* and *CBS Radio*
- Seminar Speaker & Organizer, with appearances at: The Festival of the Book, Charlottesville, Virginia; National Baseball Hall of Fame, Cooperstown, New York; Fall for the Book Festival, Fairfax, Virginia; Birmingham Civil Rights Institute, Birmingham, Alabama; Martin Luther King Jr., Elementary School, Flint, Michigan; National Archives, Washington, D.C.; Washington Independent Writers Annual Conferences, Washington, D.C.; Arlington Town, Virginia Public Schools; U.S. Veterans Administration, Martinsburg, West Virginia; and District of Columbia Women's Bar Association

Bureau of National Affairs

Washington, D.C.: 1998 - 2000

Legal Editor - Product Safety and Liability Reporter and Toxics Law Reporter

- Product Liability, Toxics Law, Consumer and Transportation editor and reporter
- Coverage of legal and political affairs, including: judicial decisions; jury verdicts; Congress; and the Federal Government

Brincefield, Hartnett & Associates

Alexandria, Virginia: 1988 - 1993

Associate

- Federal trial and appellate court practice
- Jury and bench trials
- Significant litigation includes: McCutcheon v. Archdiocese of Washington, et al., (Montgomery County Circuit Court and Maryland Court of Special Appeals, 1988) – Court established Maryland tort of clergy malpractice in a case of national first impression; Palisades Garden Unit Owners Association v. B.F. Saul, et al., (Arlington Town Virginia Circuit Court, 1989) – Multi-million dollar condominium building defect litigation; Foley v. Green, (E.D. Va., 4th Circuit and U.S. Supreme Court, 1990) - Court found various incidents of financial fraud and other improprieties; Skyline Unit Owners Association v. Hyatt & Rhoads, et al., (Fairfax County Circuit Court and Virginia Supreme Court, 1991) – Multi-million dollar legal malpractice and condominium building defect litigation; Brincefield, Hartnett & Associates, P.C. v. Newbold, 425 S.E.2d 503 (Va., 1993) - Examined quantum of proof necessary to establish corporate existence at trial.

Legal Services of Eastern Michigan

Flint, Michigan: 1984 - 1987

Senior Housing Attorney

- Federal trial and appellate court practice
- Jury and bench trials
- Established civil public defender referral program in Genesee Town courts
- Significant litigation includes: Christian v. Silver Maples Village, Ltd., et al., (E.D. Mich., 1986) - Court found arbitrary state action in operation of subsidized housing complex; Hawley v. Flint Water Department, (E.D. Mich., 1986) – Defendant agreed to change unconstitutional water service shut-off policy; Tasley v. Flint Housing Commission, (E.D. Mich., 1987) - Court mandated changes in local public housing program to comply with applicable federal law.

BAR MEMBERSHIPS:

District of Columbia; Maryland; Michigan; Virginia (Inactive); U.S. Supreme Court; U.S. Courts of Appeal for the Fourth & District of Columbia Circuits; U.S.

District Courts, Eastern and Western Districts of Michigan, Eastern District of Virginia

EDUCATION:

University of Pittsburgh School of Law, JD, 1983
Johns Hopkins University, BA, International Studies, 1980, Dean's List

MISCELLANEOUS:

Foreign Language Study - French, German, Spanish, Arabic; Instructor, U.S. Department of Agriculture Graduate School, Washington, D.C., 1998-2003; Pre-Law Advisor, University of Maryland, College Park, Maryland, 1998-1999: responsible for all aspects of the university's pre-law advising program; organized the university's first law school recruiting fair organized Legal Careers Speaker Series; organized 1L Colloquium; Member, Johns Hopkins Law School Recommendations Committee, Johns Hopkins University, Baltimore, Maryland: 1989-1998, 1999-2005: provided advice and counsel to prospective law students; Arlington Town, Virginia Substitute Elementary School Teacher, 1992-1998: taught all grades K-5 and all types of classes.

Praise for Bruce L. Adelson's Voting, Election Law, and U.S. Department of Justice Expertise

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 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

Bruce Adelson presented three continuing legal education sessions for NASED (National Association of State Election Directors) members and the attorneys who represent state election directors (primarily Assistant Attorneys General) in 2008 and 2009. We received so many positive evaluations in 2008 that we invited Bruce back for two presentations in 2009. The evaluation forms completed by attendees consistently rate his presentations as outstanding (5 out of 5) while most other presenters were rated as 4 with a few 5's and a few 3's.

Comments by attendees for the 2009 session on the Department of Justice included: very lively and pertinent; very good information; very informative; excellent speaker, great knowledge, riveting; I always enjoy Mr. Adelson; very informative from election official's perspective; as always, Bruce's presentation was great.

Comments by attendees for the 2009 presentation on Legal Ethics for state election attorneys and prosecutors: thoughtful and entertaining; lively and pertinent even at the end of a long day of presentations; great speaker; thanks for having such a lively topic at the end; Bruce is great; very good. Frequently, attendees will circle a rating number but not add comments on CLE feedback forms so it is noteworthy that so many attendees took the time to add additional comments. We plan to invite Mr. Adelson to present again in 2010.

Kathleen S. DeWolfe, Esq.
Director of Elections & Campaign Finance
Office of the Vermont Secretary of State

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

