

From: **Andi Minkoff** [REDACTED]

Date: Fri, Mar 18, 2011 at 4:53 PM

Subject: National Demographics Corporation and California Redistricting Commission

To: votersfirstact@crc.ca.gov

To the members of the California Redistricting Commission,
My name is Andi Minkoff and I served as Vice-chair of the Arizona Independent Redistricting Commission which was formed after the 2000 election as a result of a citizens' initiative taking the responsibility for redistricting from the State legislature and placing it in the hands of a citizens' commission. National Demographics Corporation (NDC) was hired as our main redistricting consultant and much of the work was done by Doug Johnson. I had a direct working relationship with Mr. Johnson and I want to relate to you some of the experiences we had with NDC.

At the time we engaged the services of NDC, its principals were Alan Heslop and Florence Adams. However, most of the maps were prepared by Mr. Johnson. Proposition 106, which established the commission, states as one of the criteria for the creation of legislative and congressional districts that "TO THE EXTENT PRACTICABLE, COMPETITIVE DISTRICTS SHOULD BE FAVORED WHERE TO DO SO WOULD CREATE NO SIGNIFICANT DETRIMENT TO THE OTHER GOALS." Moreover, Arizona is one of the States required to submit district maps to the United States Department of Justice (DOJ) for pre clearance. This is to ensure that the voting rights of minorities are not diluted in the creation of voting districts. However, the maps created for us by Mr. Johnson failed to address either of these issues adequately.

The maps submitted to the DOJ by the Commission were challenged by MALDEF and by a number of local Hispanic organizations because they asserted that the plan diluted minority voting rights. After review for compliance with the Voting Rights Act by the DOJ in 2002, Assistant Attorney General Ralph F. Boyd, Jr., rejected the legislative redistricting plan. Mr. Boyd wrote that the plan did not allow minority voters to exercise their right to vote effectively and may have diluted the minority vote on purpose. That was certainly not our intent. We were

well aware of the requirements of the Voting Rights Act and made it clear that we intended to comply with them. NDC and Mr. Johnson were instructed to take the Act into consideration when preparing maps for us. However, the maps produced clearly did not comply with the Voting Rights Act.

The letter from the Assistant Attorney General said that the Arizona Independent Redistricting Commission "has not met its burden of establishing that minority voters will continue to be able to elect candidates of their choice in five districts (Districts 13, 14, 15, 23, and 29). As a result, the proposed plan, which results in a net loss of three districts from the benchmark plan in which minority voters can effectively exercise their electoral franchise, is retrogressive." [Letter, Assistant Attorney General Ralph F. Boyd, Jr., U.S. Department of Justice, 5/20/02 <http://www.justice.gov/crt/about/vot/sec_5/ltr/l_052002.php>]

As a result of lawsuits by civil rights organizations and the DOJ's decision that the plan diluted minority voting rights, the Commission was forced to redraw the lines of several districts and resubmit the maps to DOJ where they were ultimately pre cleared. This resulted in a delay in producing the maps so that potential candidates were unsure of the district in which they should run and also resulted in additional payments to NDC for the work in redrawing the maps in accordance with DOJ requirements.

On the issue of competitiveness, the role of NDC in controlling the outcome was even more egregious. From the time we started drawing maps, I mentioned competitiveness and the need to take it into consideration. Every time I brought up the issue, I was assured by NDC that we had plenty of time to deal with creating competitive districts. In all of the early stages of the mapping process, competitiveness was not considered, although I was told it would be at the appropriate time. Finally, when I brought up the issue again in August, 2001, as we were close to finalizing the map, the Commission was informed by NDC that, at this point, the map was so far along that the only way to considered competitiveness was to change "around the edges" of some of the districts. Clearly, we had been manipulated by NDC to delay consideration of competitiveness until it could no longer be dealt with effectively. In the legislative map created by the State Legislature after the 1990 election, 7 of the 30 districts were competitive. In the map ultimately approved by the Commission under the guidance of NDC, only 4 of the 30 districts were competitive. This is not what the citizens wanted when they adopted Proposition 106 and it is not what they wanted when they expressed their desire for competitive districts in public meetings the Commission held throughout the State.

I understand the initiative that established the California redistricting commission was heavily financed and supported by the Rose Institute of Claremont, California. The Rose Institute is intimately connected to NDC. In 2001, when we began, Alan Heslop and Florence Adams headed the Institute, as they did NDC, and Mr. Johnson was similarly involved. For them to manage the work of the Commission they were instrumental in creating seems to me to be a clear conflict. I don't know whether they supported creation of an independent commission so that NDC could get a lucrative contract doing the work or whether it was done so that they could manage the map making process to create a map that clearly favors the Republican Party that Dr. Heslop, Dr. Adams and Mr. Johnson support. Perhaps they did it for both reasons. That was certainly my

experience working with them in Arizona.

Just to conclude, I have no hard feelings toward Mr. Johnson and found him to be a very pleasant individual. However, as someone who was involved in the process for the last 10 years, I believe it is my civic duty to relay these facts to the California Commission.

If I can be of further assistance, please be in touch. I can be reached at [REDACTED].

My cell phone is [REDACTED] and my e-mail address is [REDACTED].

Sincerely,

ANDI MINKOFF

Vice Chair

Arizona Independent Redistricting Commission 2001-2011