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March 19, 2021

Via electronic mail

California Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814

Re: Revision to S&W/Levitt Litigation Counsel Proposal

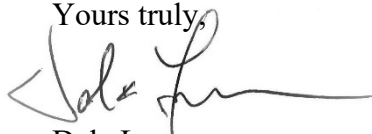
To the Members of the California Citizens Redistricting Commission:

Due to unforeseen events, we must submit a modification to the S&W/Levitt VRA Counsel proposal. Due to an unanticipated change in personal circumstances, Professor Levitt will be unable to participate as a member of the team. In order to ensure that our team will be able to serve the Commission and provide the best possible team to defend the Commission in litigation, we have arranged for David Becker, one of the country's foremost election experts, to join our team in Professor Levitt's place. Mr. Becker will participate in the Litigation Counsel interview on Tuesday along with the rest of the Strumwasser & Woocher team.

The attached materials provide Mr. Becker's qualifications and his conflicts/contribution disclosures as requested in the RFI.

We appreciate your understanding of the changed circumstances around our team and willingness to consider this additional information in support of our proposal.

Yours truly,



Dale Larson

David Becker:

David Becker, one of the foremost elections experts in the country, has over two decades of experience in the law of voting rights, election administration, and redistricting. In addition to his nationally recognized work at the nonpartisan nonprofit he founded to help serve election officials of both parties, he was as director of the elections program at the Pew Charitable Trusts, and served for seven years as a senior trial attorney in the Voting Section of the Department of Justice's Civil Rights Division. That service included a redistricting cycle, including DOJ preclearance review under the Voting Rights Act of redistricting plans in multiple jurisdictions, and litigation under the Voting Rights Act in federal court. In this role, he led investigations into dozens of potential federal voting rights violations in more than a dozen states, and served as lead trial counsel on voting rights matters for the United States in approximately a dozen federal cases.

In addition to this work, Mr. Becker has also served as counsel on various other litigation matters concerning anti-discrimination and civil rights.

His redistricting litigation, including Voting Rights Act cases, includes:

Georgia v. Ashcroft, 195 F. Supp. 2d 25 (D.D.C. 2002), 539 U.S. 461 (2003), Case No. 02-182. Lead trial counsel for the United States as the defendant in a Voting Rights Act preclearance case for congressional and state legislative redistricting plans, including the adjudication of both an initial state Senate plan and a revised state Senate plan. The case was appealed to the U.S. Supreme Court, and the outcome in the Supreme Court led expressly to congressional amendment of the Voting Rights Act.

United States v. Upper San Gabriel Valley Municipal Water District, Case No. 2:00-cv-07903 (C.D. Cal.) (case settled Dec. 10, 2001). Counsel for the United States as plaintiff in a redistricting case under the Voting Rights Act, alleging dilution of the Latino vote with respect to the districts for electing the board of directors of a municipal water district.

United States v. City of Santa Paula, Case No. 2:00-cv-03691 (C.D. Cal.) (case settled Oct. 23, 2001). Counsel for the United States as plaintiff in a redistricting case under the Voting Rights Act, alleging that the at-large elections for city council diluted the Latino vote.

Conflict Disclosures for Mr. Becker:

Compliance with Government Code section 8252

Mr. Becker has no contributions to federal, state, or local candidates to disclose. Mr. Becker has in the past been registered as a state lobbyist in several states, but is not currently registered in any states. He has never been registered as a lobbyist in the State of California. He has done no lobbying in the State of California, although he has testified on one or two bills in the last for years at the request of various state legislative committees. Mr. Becker has no other disclosures under Government Code section 8252.

Other Conflicts

Mr. Becker is not adverse to the State of California in any pending litigation. He has done no active volunteering, consulting, or paid work for any candidate or officeholder. Mr. Becker has disclosed the relevant legal work on redistricting that he has performed in the State of California, and does not believe that he has performed any work for a potential adverse party or witness that would impair his ability to serve the Commission under the California Rules of Professional Conduct.

Fee Arrangements:

Mr. Becker would be billed at the same rate as Senior Counsel Fredric Woocher and Andrea Sheridan Ordin, which is \$575 per hour. All other fee arrangements from the Litigation Counsel proposal would remain as proposed.

DAVID J. BECKER

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EXPERIENCE

AUGUST, 2016 TO PRESENT

EXECUTIVE DIRECTOR AND FOUNDER,

CENTER FOR ELECTION INNOVATION & RESEARCH

Founded and built this nonpartisan nonprofit that works with election officials to improve the accessibility and security of elections. Oversaw the growth of staff from 2 employees to 8, and budget growth from zero to over \$1.5 million annually. Our successes include:

- Granted \$65 million to a politically-balanced group of 23 states for voter education around the 2020 presidential election
- Improved election security through advocating for paper ballots and audits in many states, including:
 - In Georgia, contracted with the Secretary of State to help manage their transition to paper ballots and audits, and advised them through the election and post-election period
 - In Michigan, served as co-chair of the Michigan Election Security Advisory Commission and advised the Secretary of State throughout the election year
- Oversaw the doubling in size in membership in the Electronic Registration Information Center (ERIC) from ~15 in 2016, to over 30 in 2020, including states as politically diverse as Florida, Michigan, and Texas, resulting in tens of millions of updated voter registration records, and over ten million new registered voters
- Led annual meetings with secretaries of state, election directors, and other election officials
- Worked closely with the California Secretary of State, county election officials, and other stakeholders in California on issues related to election policy
 - In partnership with the California Secretary of State's office, conducted demographic and other research on the impact of California's Voters' Choice Act
 - Presented at every in-person annual conference of the California Association of Clerks and Election Officials since 2000, and keynoted the 2017 annual conference of the Future of California Elections
- Served as CBS News election law expert and contributor, and appeared as an expert on CNN, MSNBC, PBS, and NPR, and worked with print journalists from the New York Times, Washington Post, USA Today, and others

MARCH, 2008 TO AUGUST, 2016

DIRECTOR, ELECTION INITIATIVES,

THE PEW CHARITABLE TRUSTS

Led the 10-15 member Pew Elections team in its research and reform work to improve elections, including the following achievements:

- Led the effort to create ERIC, a sophisticated data-center run by the states, which helps keep voter lists more accurate and more complete. To date, ERIC has resulted in approximately 15 million new registered voters, and over 10 million updated, accurate voter records, in over 30 states

- Directed Pew's efforts to improve the voting experience for military and overseas voters, which resulted in the passage of the Military and Overseas Voter Empowerment Act of 2009

JUNE, 2006 TO FEBRUARY, 2008

COUNSEL,

PEOPLE FOR THE AMERICAN WAY

MAY, 2005 TO JUNE, 2006

ELECTION CONSULTANT,

SELF-EMPLOYED

MAY, 1998 TO MAY, 2005

TRIAL ATTORNEY,

VOTING SECTION, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE

Led investigations into dozens of potential federal voting rights violations in over a dozen states:

- Served as lead trial counsel for the United States in approximately a dozen cases, including *Georgia v. Ashcroft, 539 U.S. 461 (2003) (on direct appeal from 195 F. Supp. 2d 25 (D.D.C. 2002)*, regarding Georgia's 2001 redistricting of congressional and state legislative districts
- Worked on multiple redistricting cases around the nation, and in California, including *United States v. Upper San Gabriel Valley Municipal Water District (C.D. Cal. 2000)* and *United States v. City of Santa Paula, CA (C.D. Cal. 2000)*
- Monitored the September, 2000 mayoral election in Selma, AL, which saw the election of that city's first African-American mayor
- Awarded the Assistant Attorney General's Special Commendation for Merit in 2002

1996 TO 1998

ASSOCIATE,

MCCAMBRIDGE, DEIXLER & MARMARO

Entertainment litigation for boutique firm in Los Angeles, CA

1994 TO 1996

ASSOCIATE,

LOEB AND LOEB

Entertainment litigation for large firm in Los Angeles, CA

EDUCATION

1994

J.D., UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW

1991

A.B., HISTORY, UNIVERSITY OF CALIFORNIA, BERKELEY