

## **COUNCIL AGENDA**

January 12, 2021

**TO:** Honorable Mayor and City Council

**SUBJECT:** California Voting Rights Act

### **INTRODUCTION**

The City of Lakewood currently elects its City Councilmembers through an “at-large” election system in which each Councilmember can reside anywhere in the City and is elected by the voters of the entire City to provide citywide representation. Since the passage of the California Voting Rights Act (“CVRA”), cities and other jurisdictions, such as school districts, throughout the State of California have faced challenges to their at-large election systems under the CVRA.

On November 30, 2020, the City received a letter challenging the City's current election method and asserting that the City's at-large election system violates the CVRA. This report is intended to bring this matter to the City Council's and the community's attention so that the City Council and community can begin to better understand what this challenge means, and what steps are provided by law to address the challenge to the City's current election system.

### **STATEMENT OF FACTS**

Historically, the City of Lakewood has elected its Councilmembers through an at-large election system. Under this system, candidates for the City Council can reside anywhere in the City and are elected by the registered voters of the entire City.

The City received the attached letter dated November 21, 2020, from attorney Kevin Shenkman (Attachment A) claiming that the City's current method of electing the City Council through at-large elections violates the CVRA. The letter alleges that “voting within Lakewood is racially polarized, resulting in minority vote dilution,” and threatens “judicial relief” if the City declines to adopt a district-based election system. A district-based election system is generally one in which a city is divided into separate districts, each district's voters electing a representative from that district, who must also be a resident of the district.

The CVRA was adopted in 2002, and is based upon the Federal Voting Rights Act of 1965 (“FVRA”) with some important differences that make at-large election systems much more susceptible to legal challenge. For a plaintiff to be successful in a claim of violation under the FVRA relating to at-large elections, the plaintiff must show that: 1) a minority group is sufficiently large and geographically compact to form a majority of the eligible voters in a single-member district; 2) the minority group is politically cohesive; and 3) there is “white bloc voting” sufficient usually to prevent minority voters from electing candidates of their choice. Stated another way, the racially predominant voting group effectively submerges the voting strength of a politically

cohesive racial minority. If a plaintiff proves these three elements, then the federal court will consider whether, under the "totality of circumstances", minority voters have an equal opportunity to elect their chosen candidates in at-large election system.

The CVRA removes two of these factors. It eliminates at the liability stage what is known as the "geographically compact" FVRA precondition. It also purports to make proof under the "totality of the circumstances" test optional (although nearly every CVRA court case to date has included proof under the totality factors). Because the CVRA eliminates some of the elements that a plaintiff must prove, a lawsuit brought pursuant to the CVRA is substantially more difficult to defend against than a claim under the FVRA. As a result of the lower threshold for proving a claim under the CVRA, many jurisdictions have voluntarily switched to district-based election systems instead of facing litigation.

Because of the low standards necessary for a plaintiff to prevail in CVRA litigation, every public entity defendant since the CVRA was enacted in 2002, (except one that had the case dismissed after its voters enacted by-district elections during the pending litigation) has either lost in court or settled. To date, every government defendant has ultimately been forced to pay at least some portion of the plaintiff's attorney fees and costs. Awards in contested CVRA cases have reportedly ranged from approximately \$400,000 to over \$4,500,000. Few cases have been fully litigated under the CVRA because many jurisdictions decide to settle with the plaintiff and a growing number of jurisdictions are voluntarily choosing to change from an at-large election system to a district-based election system in order to avoid costly litigation.

Due to claims of abuses by some plaintiff's attorneys in CVRA cases, Elections Code Section 10010 offers a "safe harbor" cap of a maximum of \$30,000 on attorney's fees that a plaintiff would be entitled to recover if the target city, within 45 days of receipt of the plaintiff's demand letter, voluntarily adopts a Resolution of Intent to consider an ordinance to establish a district-based election system, and then actually adopts such an ordinance within 90 days following the date it adopted the Resolution of Intent. However, if the City decides not to change its election system and plaintiff files an action and prevails, Section 10010's \$30,000 cap would not apply, and the City would be liable for plaintiff's attorneys' fees and expert witness costs, if plaintiff prevails.

## **DISCUSSION**

By January 14, 2021 (within 45-days after the City's receipt of the November 30, 2020 letter from Mr. Shenkman), the City Council will need to decide if it wants to consider starting a process of establishing district-based elections. The letter threatens costly litigation if the City Council chooses to not adopt a Resolution of Intent to implement a district-based election system on or before January 14, 2021. If successful, such a lawsuit would force a district-based election system upon the City, with districts drawn by the City, but approved by the Court after a finding of liability. In addition, election dates for each district could be determined by the court. To utilize the "safe harbor" as established by state law and cap potential attorney fees that the City could be required to pay, the City Council would need to adopt the Resolution of Intent (Attachment B) to initiate the transition to a district-based election system on or before January 14, 2021. (Elec. Code § 10010.) If the City Council adopts that Resolution of Intent, then the CVRA provides a 90-day

period to adopt the ordinance. However, the City and Mr. Shenkman have conceptually agreed to terms on a tolling agreement (Attachment C) that pushes the deadlines due to COVID-19 and the delayed Census 2020 results, which makes it impractical to complete the process within the required time period. The parties have selected October 1, 2021 as the deadline for adoption of the ordinance, with the steps being taken below:

1) Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City would hold at least two public hearings over a period of no more than 30 days, at which time the public will be invited to provide input regarding the composition of the districts. (Elec. Code §10010(a)(1).) These “public hearings” are not City Council meetings, but community meetings organized by the City.

2) After the draft maps are drawn, the City would publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections would also be published. (Elec. Code §10010(a)(2).)

3) The City Council would hold at least two additional public hearings over a period of no more than 45 days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.

4) The first version of a draft map is required to be published at least seven days before consideration at a public hearing. If a draft map is revised at or following a public hearing, it is required to be published and made available to the public for at least seven days before being adopted.

### **FISCAL IMPACT**

There will be significant staff and consultant time needed should the City transition to a district-based election system because the City must conduct at least five public hearings. Should the City Council adopt the Resolution of Intent, Mr. Shenkman could seek up to \$30,000 in attorney fees and costs (the “Safe Harbor” fee) from the City, but the City would be protected from litigation if it adopted a district-based election system within the statutory time frame. There will be additional legal and consultant costs related to this matter. If the Resolution of Intent is adopted, the City will thereafter need to undertake the process of public hearings, using the services of a demographer, translation and interpretation services, drawing district maps, and adopting those maps. These costs are estimated to be \$70,000.

### **RECOMMENDATION**

That the City Council:

- 1) Adopt proposed resolution declaring its intention to transition from at-large to by district City Council elections;
- 2) Approve the Tolling Agreement between the City of Lakewood and the Southwest Voter Registration Education Project;

- 3) Authorize the Mayor to sign the agreement with National Demographics Corporation, subject to the approval as to form by the City Attorney;
- 4) Appropriate from the General Fund an amount not to exceed \$100,000 for costs associated with the process of adopting an ordinance to change the City's at-large system of electing city council members to a district-based election system, and attorney fees and costs that could be recovered by Mr. Shenkman.

Paolo Beltran *PB*  
Deputy City Manager

Thaddeus McCormack *PB for TM*  
City Manager

- Attachment A: November 21, 2020 Letter from attorney Kevin Shenkman
- Attachment B: Resolution of Intent to Transition to District-Based Elections
- Attachment C: Tolling Agreement between the City of Lakewood and Southwest Voter Registration Education Project
- Attachment D: Proposal from National Demographics Corporation



28905 Wight Road  
Malibu, California 90265  
(310) 457-0970

[kshenkman@shenkmanhughes.com](mailto:kshenkman@shenkmanhughes.com)

0484 20 NOV 30 2020

VIA CERTIFIED MAIL

November 21, 2020

Office of the City Clerk  
City of Lakewood  
5050 Clark Avenue  
Lakewood, CA 90712

Re: *Violation of California Voting Rights Act*

I write on behalf of our client, Southwest Voter Registration Education Project and its members residing in Lakewood. The City of Lakewood ("Lakewood" or "City") relies upon an at-large election system for electing candidates to its City Council. Moreover, voting within the City is racially polarized, resulting in minority vote dilution, and therefore Solvang's at-large elections violate the California Voting Rights Act of 2001 ("CVRA").

The CVRA disfavors the use of so-called "at-large" voting – an election method that permits voters of an entire jurisdiction to elect candidates to each open seat. *See generally Sanchez v. City of Modesto* (2006) 145 Cal.App.4<sup>th</sup> 660, 667 ("*Sanchez*"). For example, if the U.S. Congress were elected through a nationwide at-large election, rather than through typical single-member districts, each voter could cast up to 435 votes and vote for any candidate in the country, not just the candidates in the voter's district, and the 435 candidates receiving the most nationwide votes would be elected. At-large elections thus allow a bare majority of voters to control *every* seat, not just the seats in a particular district or a proportional majority of seats.

Voting rights advocates have targeted "at-large" election schemes for decades, because they often result in "vote dilution," or the impairment of minority groups' ability to elect their preferred candidates or influence the outcome of elections, which occurs when the electorate votes in a racially polarized manner. *See Thornburg v. Gingles*, 478 U.S. 30, 46 (1986) ("*Gingles*"). The U.S. Supreme Court "has long recognized that multi-member districts and at-large voting schemes may operate to minimize or cancel out the voting strength" of minorities. *Id.* at 47; *see also id.* at 48, fn. 14 (at-large elections may also cause elected officials to "ignore [minority] interests without fear of political consequences"), citing *Rogers v. Lodge*, 458 U.S.

613, 623 (1982); *White v. Register*, 412 U.S. 755, 769 (1973). “[T]he majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters.” *Gingles*, at 47. When racially polarized voting occurs, dividing the political unit into single-member districts, or some other appropriate remedy, may facilitate a minority group's ability to elect its preferred representatives. *Rogers*, at 616.

Section 2 of the federal Voting Rights Act (“FVRA”), 42 U.S.C. § 1973, which Congress enacted in 1965 and amended in 1982, targets, among other things, at-large election schemes. *Gingles* at 37; *see also* Boyd & Markman, *The 1982 Amendments to the Voting Rights Act: A Legislative History* (1983) 40 Wash. & Lee L. Rev. 1347, 1402. Although enforcement of the FVRA was successful in many states, California was an exception. By enacting the CVRA, “[t]he Legislature intended to expand protections against vote dilution over those provided by the federal Voting Rights Act of 1965.” *Jauregui v. City of Palmdale* (2014) 226 Cal. App. 4<sup>th</sup> 781, 808. Thus, while the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered “restrictive interpretations given to the federal act.” Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 2.

The California Legislature dispensed with the requirement in *Gingles* that a minority group demonstrate that it is sufficiently large and geographically compact to constitute a “majority-minority district.” *Sanchez*, at 669. Rather, the CVRA requires only that a plaintiff show the existence of racially polarized voting to establish that an at-large method of election violates the CVRA, not the desirability of any particular remedy. *See* Cal. Elec. Code § 14028 (“A violation of Section 14027 **is established** if it is shown that racially polarized voting occurs ...”) (emphasis added); *also see* Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001–2002 Reg. Sess.) as amended Apr. 9, 2002, p. 3 (“Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown).”)

To establish a violation of the CVRA, a plaintiff must generally show that “racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision.” Elec. Code § 14028(a). The CVRA specifies the elections that are most probative: “elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class.” Elec. Code § 14028(a). The CVRA also makes clear that “[e]lections conducted prior to the filing of an action ... are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.” *Id.*

Factors other than “racially polarized voting” that are required to make out a claim under the FVRA – under the “totality of the circumstances” test – “are probative, but not necessary factors to establish a violation of” the CVRA. Elec. Code § 14028(e). These “other factors” include “the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns.” *Id.*

The City of Lakewood’s at-large system dilutes the ability of Latinos and African Americans (each a “protected class”) – to elect candidates of their choice or otherwise influence the outcome of the City’s council elections.

As of the 2010 Census, Latinos comprised 30.1%, and African Americans comprised 8.7%, of the City’s population of 80,048. However, Latinos have generally not been represented on the Lakewood City Council, despite their significant proportion of the population and electorate. No Latino has been elected to the Lakewood City Council in the last decade, and no African American has ever been elected to the Lakewood City Council. The contrast between the significant Latino and African American proportions of the electorate and the historical dearth of Latinos and African Americans to be elected to the Lakewood City Council is outwardly disturbing and fundamentally hostile towards participation from members of these protected classes. While the City should be commended for appointing the first African American to the Lakewood City Council, ultimately it is elections, not appointments, that matter.

In light of the City’s underrepresentation of Latinos and African Americans, it is no wonder why Latino and African American residents do not emerge as candidates, feel marginalized, and have historically been excluded from meaningful participation in the City’s governance. Opponents of fair, district-based elections may attempt to attribute the glaring lack of candidates within protected classes to a lack of interest from their respective communities within the City. On the contrary, the virtual absence of protected class candidates to seek election to the Lakewood City Council reveals vote dilution. *See Westwego Citizens for Better Government v. City of Westwego*, 872 F. 2d 1201, 1208-1209, n. 9 (5th Cir. 1989).

The City of Lakewood’s election history is additionally illustrative. In 2017, for example, Justin Rodriguez received significant support from the City’s Latino

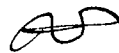
community, and Gregory Slaughter received significant support from the City's African American community; they both lost that election. In 2011, Marisa Perez was supported by the City's Latino community, but lost due to a lack of support from non-Hispanic white voters. Notably, Ms. Perez sought another office the following year in a district-based election system and prevailed. The 2011 and 2017 elections evidence vote dilution which is directly attributable to the City's unlawful at-large election system.

As you may be aware, in 2012, we sued the City of Palmdale for violating the CVRA. After an eight-day trial, we prevailed. After spending millions of dollars, a district-based remedy was ultimately imposed upon the Palmdale City Council, with districts that combine all incumbents into one of the four districts.

Given the historical lack of representation of Latinos and African Americans on the Lakewood City Council in the context of racially polarized elections, we urge the City of Lakewood to voluntarily change its at-large system of electing city council members. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief. Please advise us no later than January 12, 2021 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Very truly yours,



Kevin I. Shenkman



RESOLUTION NO. 2021-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
LAKEWOOD DECLARING ITS INTENTION TO TRANSITION  
FROM AT LARGE TO BY DISTRICT CITY COUNCIL  
ELECTIONS, PURSUANT TO CA ELECTIONS CODE  
SECTION 10010

WHEREAS, in the City of Lakewood (the “City”), members of the City Council are currently elected in “at large” elections, in which each Councilmember is elected by the registered voters of the entire City; and

WHEREAS, in certain circumstances, California Government Code, Section 34886, authorizes a City Council to adopt an Ordinance to change from at large City Council elections to elections “by district,” in which each Councilmember is elected only by the registered voters in the district in which the candidate resides; and

WHEREAS, on November 30, 2020, the City received a letter from attorney Kevin Shenkman of Shenkman & Hughes, written on behalf of Southwest Voter Registration Education Project (“Southwest”) and its members, which letter alleges that the City’s at large election system violates the California Voting Right Act (the “CVRA”), and threatens litigation if the City does not voluntarily change to electing Councilmembers by district; and

WHEREAS, while the City denies that its at large election system violates the CVRA or any other applicable laws, and maintains that its election system is legal in all respects, the City Council wishes to avoid the potentially enormous costs involved in defending a lawsuit to attempt to vindicate the City’s contentions; and

WHEREAS, due to the uncertainty of the results of litigation, and in order to avoid costs of litigation which would likely be enormous even if the City were to prevail, the City Council has concluded that it would be in the public interest to commence the process to transition from at large to by district elections; and

WHEREAS, California Elections Code, Section 10010, provides a method by which a city can expeditiously change from an at large elections system to a by district elections system, and avoid the high cost of litigation; and

WHEREAS, Section 10010 provides a deadline for completion of the actions to be taken, but it permits a city and the party threatening litigation to extend such deadline; and

WHEREAS, COVID-19 restrictions and a resultant delay in the 2020 Census make it impractical for the City to complete the process within the time period set forth in Section 10010; and

WHEREAS, contemporaneously with the adoption of this Resolution, the City and Southwest have entered into a Tolling Agreement which extends the deadline for the City to take

the actions required by Section 10010, with an October 1, 2021, deadline for adoption of the required Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby declares its intention to consider adoption of an Ordinance to transition to a by district system for electing City Councilmembers, beginning with the next regular municipal election to be held in 2022.

SECTION 2. The City Council authorizes and directs staff to work with the City's demographer and other persons as needed, to prepare a detailed analysis of the City's post-2020 Census demographics and any other data necessary to prepare a draft map or maps to divide the City into voting districts, consistent with the provisions of the CVRA.

SECTION 3. The City Council authorizes the staff to take all other actions necessary for the City to comply with the requirements of Section 10010 and other applicable laws.

SECTION 4. The City Council hereby declares its intention to take the specific steps, and approves the tentative timeline for taking such steps, as set forth in Exhibit A, attached hereto and made a part hereof. Such timeline may be adjusted by the City Manager if deemed necessary, provided that any such adjustments do not result in the City not being able to adopt the required Ordinance by October 1, 2021.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Resolution, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Resolution. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase in this Resolution irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED THIS 12TH DAY OF JANUARY, 2021.

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Mayor

ATTEST:

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City Clerk

**EXHIBIT A**  
**TENTATIVE TIMELINE: CONVERSION TO ELECTIONS BY DISTRICT**

<b><u>DATE</u></b>	<b><u>EVENT</u></b>
November 30, 2020	City received demand letter.
January 12, 2021	Adoption of Resolution of Intention; entry into Tolling Agreement.
February and March, 2021	Public outreach regarding process.
April 13, 2021	First Public Hearing.
April 27, 2021	Second Public Hearing.
After receipt of 2020 Census data	Preparation and posting of draft Maps and potential sequence of Council elections.
August, 2021	Third Public Hearing (regarding draft Maps).
August, 2021	Posting of amended draft Maps and sequence (if any).
September 14, 2021	Fourth Public Hearing; selection of Map; Introduction of Ordinance establishing district boundaries and election sequence.
September 28, 2021	Adoption of Ordinance.

## **TOLLING AGREEMENT**

This Agreement is made and entered into with an effective date of January 12, 2021, by and between the City of Lakewood, a California general law city (“Lakewood”), and Southwest Voter Registration Education Project (“Southwest”).

### **Recitals**

A. On November 30, 2020, Lakewood received a letter dated November 21, 2020, from attorney Kevin Shenkman of Shenkman & Hughes, sent on behalf of Southwest and its members. Said letter alleges that Lakewood’s at-large system for electing City Council members violates the California Voting Rights Act of 2001, and it demands that Lakewood convert to a system for electing City Council members by district.

B. On January 12, 2021, Lakewood adopted a resolution of intention to conduct the process of converting to district elections, pursuant to Section 10010 of the California Elections Code.

C. The parties desire to toll the deadlines for completion of such process, because COVID-19 restrictions and delayed 2020 Census results make it impractical to complete such process within the required time period.

Based on the Recitals set forth above, the parties hereby agree as follows:

1. Provided that Lakewood adopts an ordinance establishing district-based City Council elections no later than October 1, 2021, Southwest shall not commence an action to enforce Sections 14027 and 14028 of the California Elections Code.

2. The parties have selected October 1, 2021, jointly, as the deadline for ordinance adoption based on best available current Census timing data. If that deadline becomes problematic due to additional Census delays or COVID-19 issues, the parties shall negotiate in good faith regarding a potential extension of that deadline.

3. In the event of an agreed upon extension of such deadline, the district boundaries shall be established no later than six months before Lakewood’s next regular municipal election.

4. The signatories may execute this Agreement in counterparts, and may transmit such executed Agreements electronically.

Intending to be legally bound, the parties' authorized representatives have executed this Agreement below, as of the effective date hereof.

City of Lakewood

Southwest Voter Registration Education Project

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
(By)

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

Shenkman & Hughes

\_\_\_\_\_  
Kevin Shenkman



A Proposal to  
City of Lakewood  
for Demographic Services

By National Demographics Corporation  
Douglas Johnson, President

January 6, 2021



## National Demographics Corporation

January 6, 2021

City Manager Thaddeus McCormack  
City of Lakewood  
5050 Clark Avenue  
Lakewood, CA 90712

Dear Mr. McCormack,

Thank you for the opportunity to provide this proposal to Lakewood. NDC has more than 40 years of experience districting and redistricting hundreds of cities, school districts and other local jurisdictions across California, including Bellflower, Compton, Carson, Torrance, La Mirada Buena Park, Fullerton and Anaheim (a full client list is available at [www.ndcresearch.com/clients/](http://www.ndcresearch.com/clients/)). We welcome the opportunity to bring the firm's expertise and skills to assist the City.

For each project, there are certain required basic elements, and there are several options that the City can include or not at its option. NDC carefully tailors each project to the needs and goals of the individual client partner. NDC also welcomes the opportunity to work with our clients to encourage public participation in this process, as we offer several tools developed specifically for public engagement in districting and redistricting.

The attached proposal consists of a brief introduction; specific proposed project elements and options; timeline and cost information; conclusion; and signature section. NDC looks forward to working with you on this effort. Please call or email anytime if you have any questions, concerns, or requests regarding this proposal.

Sincerely,

Douglas Johnson  
President



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## Brief History of National Demographics Corporation

NDC has served hundreds of local governments since our founding in 1979. While most of NDC's work is in California and Arizona, the firm has performed projects in all regions of the country, serving clients as varied as the States of Mississippi, Arizona, Florida and Illinois; Clark County (Nevada); the California counties of Merced, San Bernardino, and San Diego; the San Diego Unified School District; the City of Oakland; Yuma County (Arizona); the Arizona cities of Glendale, Mesa, Peoria, Phoenix, and Surprise; and relatively smaller jurisdictions such as the City of Bradbury and Clay Elementary School District.

The company is especially well known for its districting and redistricting work with local governments. NDC has established a reputation as the leading demographic expert on the California Voting Rights Act (CVRA), having performed demographic assessments of potential CVRA liability and/or moves to by-district elections for over 350 jurisdictions. No company has been responsible for addressing the electoral demographic needs of more local governments, as NDC has districted and/or redistricted more than 250 counties, school districts, cities, water districts, and other local jurisdictions.

Nationally recognized as a pioneer in good government districting and redistricting, NDC has unmatched expertise in the issues, questions, and decisions jurisdictions face in any discussion regarding districting, redistricting, the California and Federal Voting Rights Act and related election system choices.





## Company Philosophy

### Professionalism

NDC's personnel are nationally recognized as leaders in the districting field and are responsible for numerous books and articles on the subject. NDC possesses all the hardware and software necessary to meet the districting and redistricting needs of any jurisdiction, and its personnel have unmatched experience in the line-drawing side of this work, as well as in developing the databases used for these purposes. But more important are the firm's interpersonal skills and the team's understanding of the perspective of all parties in this process.

### Local Leadership

NDC is an advisor and technical resource. The firm's role is to assist our clients through the complicated demographic and legal framework for their project. NDC shares its experience and expertise, but the final plan is selected by the jurisdiction's elected leaders, not NDC. The firm is sometimes criticized, usually by people from outside of the client jurisdiction, for not acting as an advocate or proselytizer for what these outsiders think is "right" for the client. But NDC team members are expert advisors, not proselytizers. NDC guides our clients through the process to a map that meets all legal requirements and the goals of our client – not the goals of outside critics. NDC welcomes the chance to assist each client through this process following the direction of the jurisdiction's elected leadership, key staff members, and the entire community.

### Openness

Any change in election systems can have momentous implications for the distribution of political power in a jurisdiction and for access by groups and individuals to the governance process. Not surprisingly, such changes often attract considerable public attention, sometimes generate intense controversy, and may draw charges of manipulation and abuse of power. It is crucial, therefore, that the jurisdiction establish, at the beginning, a process that is not only fair, but that is seen to be fair, to all contending groups and individuals.

### Public Engagement

NDC pioneered the "transparent districting" approach that involves the public at every stage of the process and the company invented the "public participation kit" back in 1990. But NDC's most valuable service is the firm's experience transforming often-contentious and passionate debates into thoughtful, constructive discussions focused on the options and outcomes rather than



## National Demographics Corporation

individual personalities. NDC also has considerable experience working with translators in public forums and providing materials in English and Spanish.

NDC's approach has been widely praised in the media, and NDC has worked extensively with all types of press including radio, television, newspaper, and new media.

### The NDC Team

NDC's 40 years of service to local governments is grounded in our academic founding and decades of professional relationships with all forms of local governments. Each NDC team member has been extensively trained in the legal requirements, demographic details, and complicated personal and community interests involved in every districting and redistricting project. And every NDC team member has been briefed on the wide range of unusual and bizarre challenges NDC has encountered over our more than 250 successfully completed local government projects. Whatever question or situation arises, your NDC team can handle it.

NDC President Dr. Douglas Johnson leads all team training and closely monitors the progress of every client project. NDC President Dr. Johnson and Vice President Dr. Levitt are always available to all clients, and typically are personally involved whenever particularly unusual or complex situations arise. And each NDC project has an NDC Consultant or Senior Consultant as a primary point of contact to ensure seamless information flows and continuity. All NDC project leaders are a fully trained Consultants or Senior Consultants with years of experience working with local government elected leadership and top staff members. Each NDC team leader brings their personal expertise in demographics, city governance, school district governance and/or special district management to every project. And each team leader has particular expertise and focus in specific geographic areas. All team members resumes are available on [www.ndcresearch.com/about-us/](http://www.ndcresearch.com/about-us/).



## Recognition of the NDC's Expertise

Both national and local organizations have recognized NDC's unmatched experience and expertise in the Census, districting, and redistricting.

### National Recognition

Nationally, the National Conference of State Legislatures hosted NDC as a panelist at five different forums held for state legislators and legislative staff from across the country. NDC President Douglas Johnson addressed these forums on the following topics:

1. *Citizen Voting Age Data from a line-drawer's viewpoint*
2. *Communities of Interest in Redistricting: A key to drawing 2011 plans (and for their defense)*
3. *The Key to Successful Redistricting*
4. *Communities of Interest In Redistricting: A Practical Guide*
5. *The Arizona Independent Redistricting Commissions' experiences with the first-ever independent redistricting*

In addition:

- The National League of Women Voters hosted NDC President Douglas Johnson at a 2006 conference on “Building a National Redistricting Reform Movement,”
- Texas Tech University hosted Dr. Johnson as a panelist at its “Symposium on Redistricting;”
- The Arizona League of Cities and Towns hosted Dr. Johnson as a panelist on “Redistricting Law and the Voting Rights Act: What It Means for Your City or Town in 2011” and
- The Arizona Bar Association hosted Dr. Johnson as a panelist on “Communities of interest and technology in redistricting.”

### California League of Cities Recognition

The California League of Cities hosted NDC as panelists over a dozen times to date:

General Meeting panel: 2006 and 2015

Executive Forum panel: 2018 and 2020

City Clerk Department panel: 2014, 2017, 2018, twice in 2019, and 2020

City Manager Department panel: 2015 and 2019

City Attorney Department panel: 2018



## National Demographics Corporation

Inland Empire Chapter presentation: 2016

South Bay Chapter presentation: 2020 and 2021

### **Recognition by Additional California Organizations**

Other California organizations and conferences since 2011 recognizing NDC's expertise in this field by featuring NDC as panelists and presenters include:

“Voice of San Diego” Politifest

Associated Cities of California – Orange County (2015 and 2020)

California Association of School Business Officials

California County Counsel Association

California Municipal Law Conference

California School Board Association (2015, 2017, 2018)

California Special Districts Association (2018, 2019, 2020)

California Special Districts Association

California Special Districts Association

Channel Cities Club

County Committee Secretaries Annual Summit

Los Angeles County School Boards Association

Los Angeles County School Business Officials

Los Angeles County School Trustees Assoc.

Riverside County Bar Association

Rose Institute of State and Local Government

UC's National Public Service Law Conference

USC City/County Fellowship Program

### **Trusted Advisor to Local Government and Redistricting Reform Groups**

NDC acted as an informal advisor to the California League of Cities and the California School Board Association during the debate over the AB849 “FAIR MAPS Act” in 2019.

NDC acted as an informal advisor to the California League of Cities during the debate over AB1276 (revising the FAIR MAPS Act provisions) in 2020.

NDC provided ideas, advice, maps and research to the 2008 Common Cause-led coalition that drafted and successfully advocated for Proposition 11, which created California's State-level Independent Redistricting Commission.





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### Advisor to Charter Review Commissions on Redistricting Provisions

NDC advised the following groups on the redistricting and voting rights provisions of their charter revisions and ordinances:

2016	City of El Cajon charter revision and public education outreach
2015/16	Castaic Lake Water Agency and Newhall County Water District merger
2015/16	City of Corona Charter Revision
2011/12	Pasadena Unified advisor to Charter Revision Commission creating a redistricting commission and moving District to by-district elections
2009/10	City of Menifee advisor to by-district-elections ordinance language committee
2006-08	City of Modesto advisor to Charter Revision Commission creating an independent redistricting commission and public education outreach
2003	City of Goleta ordinance writing and public education outreach

### Expert Witness and Litigation Consultant

NDC President Douglas Johnson served as an expert witness in the following election and redistricting law cases:

2020	Chestnut v Merrill (Alabama)
2019	City of Redondo Beach vs State of California
2019	Ruiz-Lozito vs West Contra Costa Unified School District
2019	Common Cause v Lewis (North Carolina)
2018	Phillip Randolph Institute v Smith (Ohio)
2018	League et al. v. Johnson (Michigan)
2017	Luna v County of Kern
2018	Covington v State of North Carolina
2016	Garrett v City of Highland
2015	Jamarillo v City of Fullerton
2015	Harris vs Arizona Independent Redistricting Commission
2015	Solis v Santa Clarita Community College District
2015	Jauregui et al vs City of Palmdale
2014	Diego v City of Whittier



## National Demographics Corporation

NDC Staff also served as litigation consultants for jurisdictions in the following California Voting Rights Act cases:

1. Anaheim
2. Carson
3. Compton
4. Escondido
5. Modesto
6. Poway
7. Santa Clarita
8. Whittier
9. Santa Clarita Community College District
10. Tulare Health Care District

### NDC Testimonials

Here is a sampling of what NDC's people have to say about NDC:

*"Here's a great expert. . . . today you bring him in for what sounds like good information, very smart man up here."*

United States Fourth District Court Judge James A Wynn, Covington v North Carolina, United States District Court for the Middle District of North Carolina, Case No. 1:15CV399

*"I have worked on Congressional, Legislative, Los Angeles County and Los Angeles City redistricting maps on behalf of the Latino Caucus and grassroots Latino organizations for over 30 years. Douglas Johnson is one of the top redistricting experts in California, and he is who I would pick to draw a map for me anywhere in the state."*

Alan Clayton, retired Executive Director of the Los Angeles County Chicano Employees Association

*"The excel spreadsheet is a fantastic tool. Just plug in the letter by district and on the tab see a running total of population by assigned district. It's cool."*

Modesto resident's comment, June 16, 2008

*"One of the first, and in retrospect one of the best, decisions made by our commission was to hire Douglas Johnson and his colleagues at National Demographics Corporation as our primary consultants. I have never had the*



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*opportunity to work with a more highly qualified, hard-working, dedicated, professional and classy individual or group than Mr. Johnson and his associates at NDC.”*

Jim Huntwork, Arizona Independent Redistricting Commissioner  
(Republican)

*“In addition to his technical expertise, Doug had a keen sense of how to help us navigate the complexities of the process. He understands redistricting better than any person I know. He has a unique ability to synthesize that which is very complicated and make it very understandable for the public. He frequently would present various options, without representing any position, clearly delineating differences and challenges of each option in a clear and succinct manner.”*

Josh Hall, Arizona Independent Redistricting Commissioner (Democrat)

*“It was a great pleasure to work with Doug Johnson and NDC during the first Independent redistricting effort in Arizona. Doug and his staff were professional, efficient, responsive, and even-handed. They listened very carefully to the instructions given by the commission and performed each mapping task without bias of any kind. I would highly recommend NDC to any jurisdiction, or commission, wishing to have a successful redistricting process.”*

Steven W. Lynn, Chair, Arizona Independent Redistricting Commission  
(Independent)

*“Thank you for all of your hard work, assistance, and patience with me during this year of CVRA conversion to by-area trustee elections. Your continual reassurance and support in dealing with all of the details was sincerely appreciated. We all have jobs to do, but when working with all of you I felt that you always went the extra mile to support our District with excellent customer service. The multiple revisions, extra conference calls, and follow up suggestions made a difference to Scott, Linda, and me. I personally enjoyed joking around with each of you while remaining professional in all presentations. It was a pleasure working with all of you. “*

Jennifer Williams, Ed. D., Fullerton Joint Union High School District,  
Executive Director Administrative Services

*“Thank you for taking time out of your busy schedule to participate in the City Official Roundtable I hosted on the 2020 U.S. Census at the Redondo Beach Performing Arts Center. I appreciate that you shared your expertise on the*





## National Demographics Corporation

*Census to the government officials who were present. It is critical that we work together to ensure that everyone is counted in the upcoming Census.”*

Ted W. Lieu, Member of Congress, California 33<sup>rd</sup> District.

### Public Engagement

#### The Three E's of Public Participation: Engage, Educate, and Empower

NDC's "Three E's" approach recognizes the complex and daunting nature of districting and redistricting projects, while emphasizing the importance of public participation in such projects.

Given the complexity of the issue, the public cannot be expected to jump in with constructive ideas and input without encouragement. So NDC's approach begins with the first "E": **Engage**. NDC works with our clients to get the word out about why the project matters – and how input from residents can be a decisive element of the project.

Once their interest is engaged, the second "E" is **Educate**. Most media coverage of this topic focuses on congressional gerrymandering, giving the entire field a tainted and hopeless feel. NDC works with our clients to explain how local districting and redistricting is based on neighborhoods and communities – not national politics. We educate the public on the data, requirements and goals of redistricting, and on the many ways residents can formulate and share their own maps or other constructive input.

The third "E" is **Empower**. For those projects where the level of public interest and engagement justify the expense, NDC offers an unmatched array of paper, Excel-based, and online mapping tools that residents can use to draw detailed, population-balanced maps for consideration by the jurisdiction.

When included in a project, NDC has seen considerable public interest in these optional public participation tools. Often five, ten or even twenty or thirty draft maps are proposed by community residents. And NDC developed a highly refined and proven methodology for efficiently guiding our clients through selecting and refining a map, even when starting from 10, 20, 30 or more initial draft maps.

For those jurisdictions where the expense of the optional mapping tools is too high, NDC always welcomes any letters, comments, or hand-drawn maps that residents wish to submit during the districting or redistricting process.

For every project, at no extra expense, NDC includes an online “interactive review map” that allows residents to analyze draft maps zooming in and out, searching for specific addresses, and by changing between street maps, satellite images, and other underlying base maps.

## Sample Public Participation Mapping Tool

### Public Participation Kit

Each number indicates the total population of that "population unit" area. Each district must have essentially equal population.

The population of each of the five districts must be close to 7,447, with no more than a 745 difference between the largest and smallest.

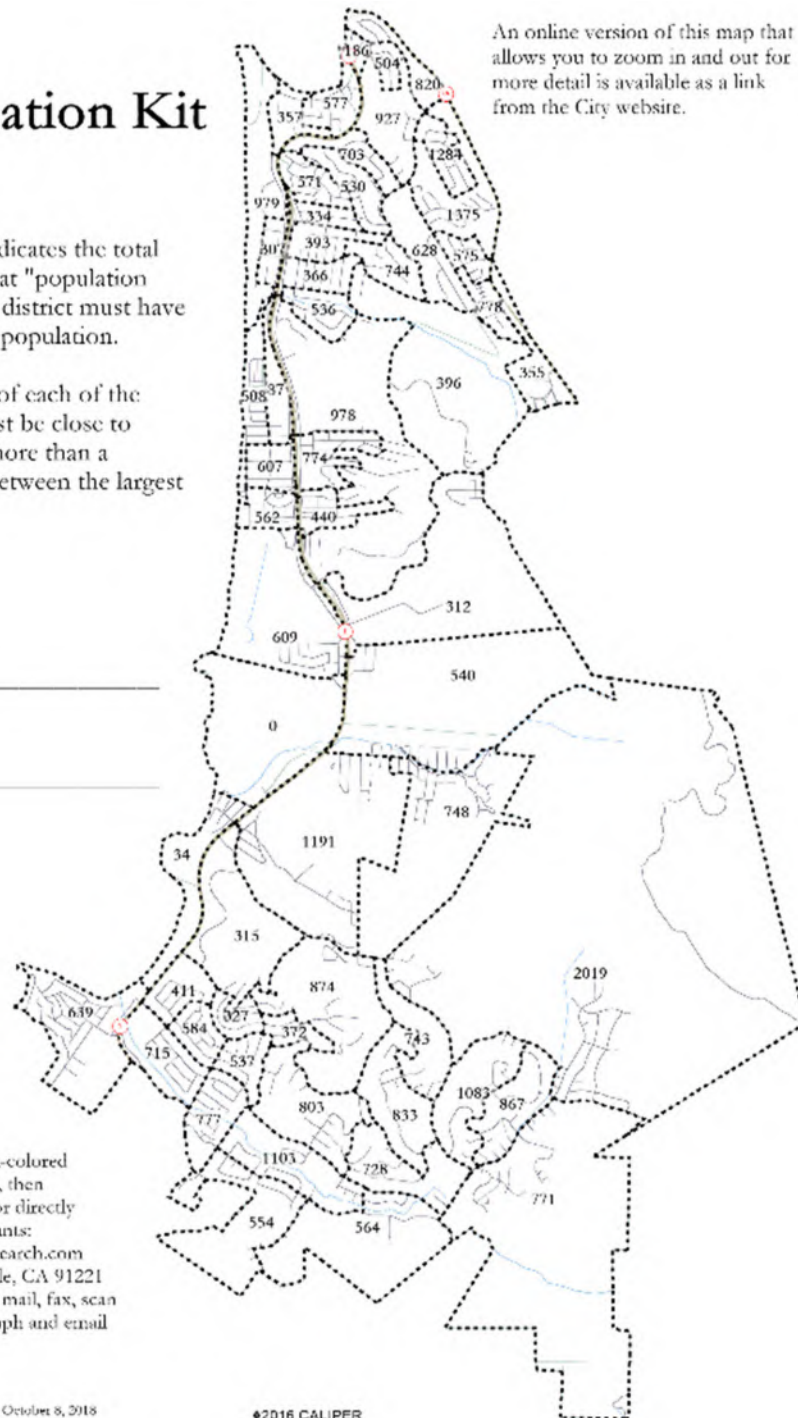
Name:

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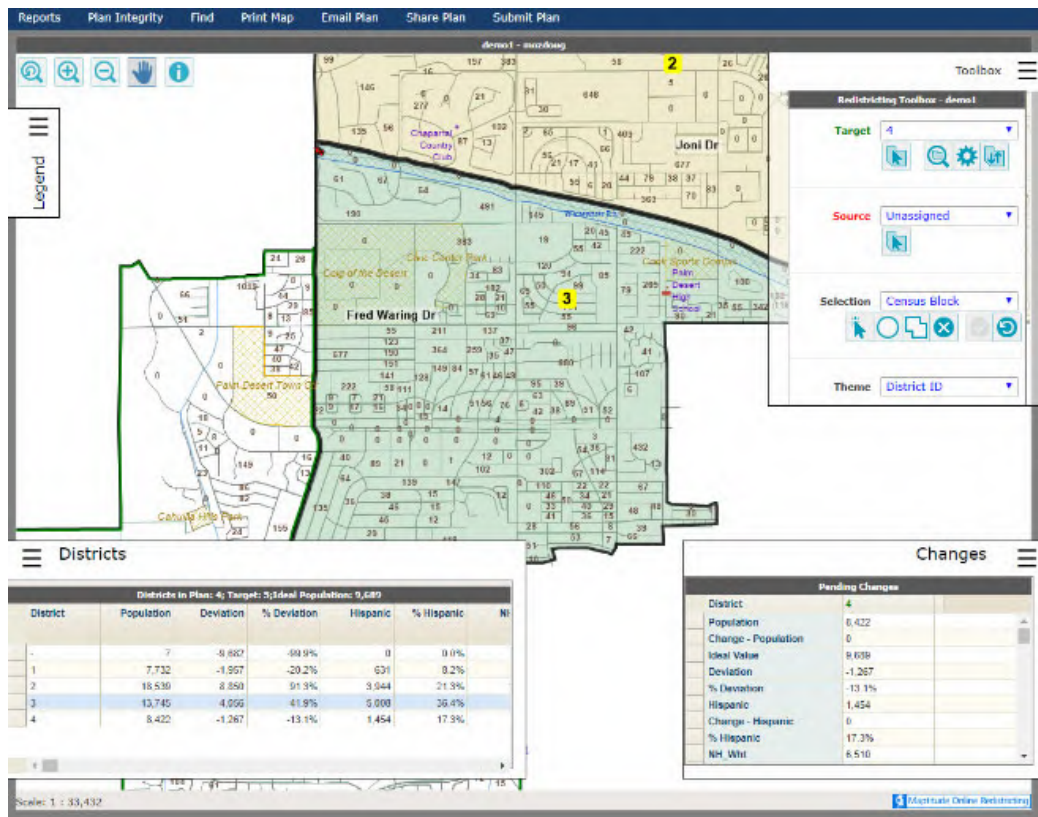
Phone or email:

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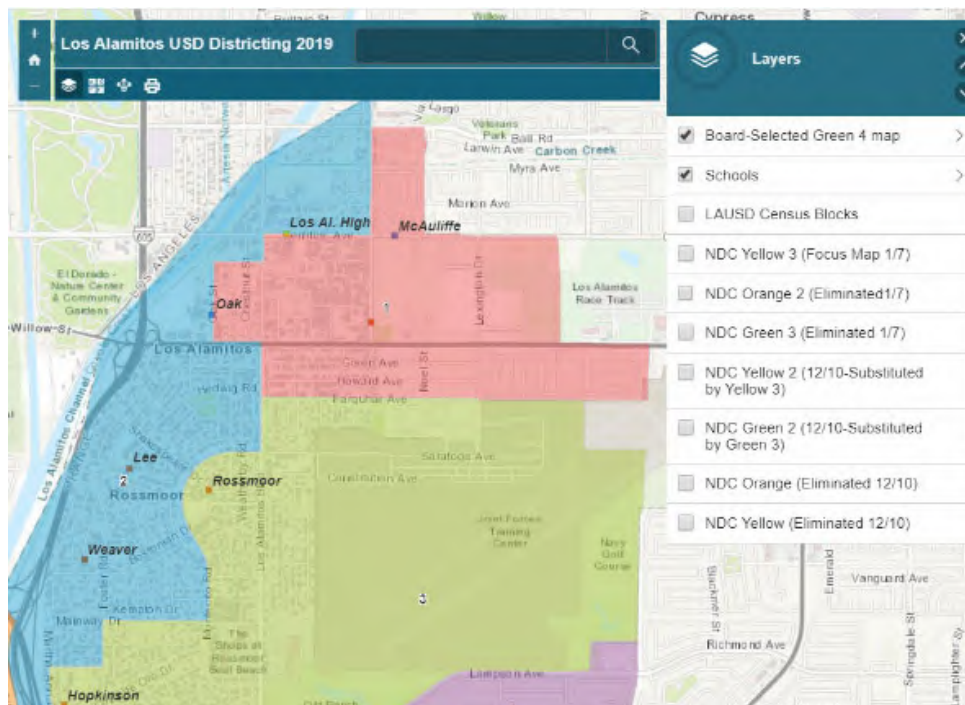
Please use a thick dark-colored pen to draw your map, then submit it at City Hall or directly to our project consultants:  
 Submission@NDCresearch.com  
 PO Box 5271, Glendale, CA 91221  
 You can hand-deliver, mail, fax, scan and email, or photograph and email your map.



## Sample Online Mapping Tool



## Sample NDC “Interactive Review Map” (used to view and evaluate, not to draw, maps)







## National Demographics Corporation

### Impeccable References

All of NDC's former clients – without exception – can be contacted for references. The following is only a sample of references:

Mr. Graham Mitchell. City Manager. City of El Cajon. 200 Civic Center Way. El Cajon. CA 92020. (619) 441-1716. [GMitchell@cityofelcajon.us](mailto:GMitchell@cityofelcajon.us).

Mr. Jason Stilwell. City Manager. City of Santa Maria. 110 E. Cook Street. Santa Maria. CA 93454-5190. (805) 925-0951 ext. 2200. [jstilwell@cityofsantamaria.org](mailto:jstilwell@cityofsantamaria.org).

Mr. Marcus Walton. Communications Director. West Contra Costa Unified. 1108 Bissell Ave., Room 211-215. Richmond, CA 94801. 510-205-3092. [mwalton@wccusd.net](mailto:mwalton@wccusd.net).

Mr. Jonathan Vasquez. Superintendent. Los Nietos School District. 8324 S. Westman Ave., Whittier, CA 90606. (562) 692-0271 Ext. 3212 [jonathan\\_vasquez@lnsd.net](mailto:jonathan_vasquez@lnsd.net).

Ms. Jennifer Fitzgerald, Mayor, City of Fullerton. 303 W. Commonwealth Avenue. Fullerton, CA 92832. (714) 402-3106. [jennifer@curtpringle.com](mailto:jennifer@curtpringle.com).

Mr. James Atencio. Assistant City Attorney. City of Richmond. 450 Civic Center Plaza. Richmond, CA 94804. 510-620-6509. [James\\_Atencio@ci.richmond.ca.us](mailto:James_Atencio@ci.richmond.ca.us).

Ms. Isabel Montenegro. Administrative Assistant. Inglewood Unified. 401 South Inglewood Avenue, Inglewood, CA 90301. 310-419-2799. [imontenegro@inglewood.k12.ca.us](mailto:imontenegro@inglewood.k12.ca.us).

Ms. Pam Abel. Superintendent. Modesto City Schools. 426 Locust Street. Modesto. CA 95351-2631. (209) 574-1616. [able.p@mcs4kids.com](mailto:able.p@mcs4kids.com).

Mr. Darrell Talbert. City Manager. City of Corona. 400 S Vicentia Avenue. Corona. CA 92882-2187. 951.279.3670. [Darrell.Talbert@ci.corona.ca.us](mailto:Darrell.Talbert@ci.corona.ca.us).

Mr. David Silberman. Deputy County Counsel. San Mateo County. 400 County Center. 6th Floor. Redwood City. CA 94063. 650-363-4749 [dsilberman@smcgov.org](mailto:dsilberman@smcgov.org).

Judge Hugh Rose (retired). Chairman. City of Modesto Districting Commission. 508 King Richard Lane. Modesto. CA 95350. Phone (209) 522-0719. Email: [hrose@hotmail.com](mailto:hrose@hotmail.com).

Ms. Lucinda Aja. City Clerk, City of Buckeye, Arizona. 100 N Apache Rd, Suite A, Buckeye, AZ 85326. Phone (623) 349-6007. Email: [laja@buckeyeaz.gov](mailto:laja@buckeyeaz.gov).

Ms. Randi Johl, Director of Legislative Affairs/City Clerk. City of Temecula. 41000 Main Street. Temecula, CA 92590. 951-694-6444. [Randi.Johl@temeculaca.gov](mailto:Randi.Johl@temeculaca.gov).



## Project Scope of Work

NDC tailors each districting project to the needs and goals of each jurisdictions. Below is a typical NDC-suggested timeline and description of project elements.

The dates provided below are general guidelines and will vary according to the goals, project choices, and deadlines of each jurisdiction.

**For jurisdictions that need to complete the project within the 90-day “safe harbor” provisions of the California Voting Rights Act, the process would be accelerated to meet that deadline.**

### **January – March, 2021: Project Planning and Public Outreach**

- a. NDC works with the jurisdiction staff (or contract specialized outreach staff – see notes below about that option if interested) to prepare a project outreach plan for all steps of the process covering target audiences, contact lists, social media efforts, any potential postcard mailings, utility bill inserts, flyers for distribution at schools, media briefings, and community group contacts.
- b. Decide what public mapping tool(s) to provide, if any.
- c. Decide whether to use a commission.
- d. Create the project website: NDC will provide advice and text for the jurisdiction’s website, or as an optional project element NDC will build a project website that the jurisdiction can simply link to from the jurisdiction site.
- e. NDC will work with jurisdiction and County Registrar staff to confirm GIS boundaries and to identify and include in our redistricting database any available GIS data that NDC and the jurisdiction identify are likely to be useful as mapping references for NDC, the public, and for the jurisdiction.
- f. Project outreach begins with initial alerts and ‘invitations to participate’ sent out to the general public, to overlapping jurisdictions, and to community organizations.

### **April 13 and 27, 2021: First Two Public Hearings**

- a. NDC presents an overview of the redistricting laws and criteria, process, jurisdiction demographics, and opportunities for public input.



## National Demographics Corporation

- b. If the optional public mapping tools and/or Public Participation Kit are included in the project, their use is demonstrated to the public.
- c. Public input collected on communities of interest and resident preferences and priorities for redistricting.
- d. Following the April 27<sup>th</sup> hearing, Council votes on list of neighborhoods and communities that meet the Elections Code Sections 21500, 21601 and 21621 definition of “shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.”

### **May, 2021: Census Data Release and Analysis**

- e. Census data released and California Statewide Database completes “prison adjustments” of the data.
- f. NDC adds socio-economic data from the Census Bureau’s American Community Survey to the state demographic data.
- g. NDC prepares maps of “protected class” population concentrations and other socio-economic data often referenced in redistricting (such as income, education levels, children at home, language spoken at home, renters / home owners, and single-family / multi-family residences).

### **June – July, 2021: Draft Mapping Time**

- h. Outreach efforts continue with messaging reminding the public of the opportunity to provide written or mapped input on how the maps should be drawn, and welcoming any maps residents wish to submit.
- i. If the optional public mapping tools and/or Public Participation Kit are included in the project, NDC provides email and phone support for any residents with questions regarding their use.
- j. The public deadline for submitting any initial draft maps will be approximately seven days prior to the official deadline to post all draft maps online (to provide NDC time to process any draft maps received, and for NDC to develop our own two to four initial draft maps), and fourteen days prior to the August public hearing to discuss draft maps.
- k. All outreach channels are used to inform the public about the opportunity to submit draft maps and to encourage participation in the review of the upcoming draft maps.



**August, 2021: Initial Map Review and Revisions**

- l. NDC processes all public draft map submissions, drafts NDC's draft maps, summarizes all of the draft maps. The maps, related demographics, and summaries are provided by NDC in web-friendly formats. These process maps are posted on the project website and on the NDC-provided interactive review map.
- m. At the jurisdiction's option, one or more informal workshops or public forums are held to gather residents' reactions to and preferences among the draft maps.
- n. The jurisdiction holds a Council hearing to review the draft maps, narrow down the list of initial draft maps, and provide direction on any desired new or revised maps.
- o. Any new or revised maps, related demographics, and summaries are posted on the project website.

**September, 2021: Map Adoption**

- p. At the jurisdiction's option, one or more informal workshops or public forums are held to gather residents' reactions to, and preferences among, the remaining maps.
- q. First Council meeting in September: public hearing is held, map selected, and final ordinance introduced.
- r. Second Council meeting in September: public hearing, second reading and adoption of districting ordinance.
- s. Following map adoption, NDC coordinates map implementation with the County Registrar, informing the jurisdiction staff of the progress, any issues, and ultimate completion of that work.
- t. NDC works with the jurisdiction staff to ensure preservation of all project data and records, including GIS-format versions of the adopted map.



## Project Pricing

1. **Basic Project Elements** (covers everything except for per-meeting and optional expenses):..... \$ 27,500

2. **Per-Meeting expense:**

- In-person attendance, per meeting ..... \$ 2,750
- Virtual (telephonic, Zoom, etc.) attendance, per meeting..... \$ 1,250

For each meeting, NDC will prepare meeting materials, including presentation materials and maps; present and explain key concepts, including mandatory and traditional redistricting criteria and “communities of interest”; facilitate conversations; answer questions; and gather feedback on the proposed boundaries.

Per-meeting prices include all travel and other anticipated meeting-related expenses. Telephone calls to answer questions, discuss project status, and other standard project management tasks do not count as meetings and do not result in any charge.

3. **Optional Project Elements:**

a) Project website ..... \$ 4,500

b) Online mapping tool options:

- a. Caliper’s “Maptitude Online Redistricting” ..... \$ 10,500
- b. Tuft University’s “DistrictR” .....no charge
- c. ESRI Redistricting ..... \*

c) Public Participation Kit (PDF/Excel) mapping tool:

- i. With online mapping tool.....included at no additional charge
- ii. Without online mapping tool..... \$ 4,000

d) Working with independent or advisory redistricting commission..... no additional charge

e) Additional outreach assistance.....separately contracted

\* ESRI prices its software on a jurisdiction-by-jurisdiction basis. The lowest prices we have seen are \$80,000 and up. If that is an option the jurisdiction would like to pursue, NDC will request a specific price for your jurisdiction from ESRI.





### Other Potential Project-Related Expenses:

The most common additional project expenses would be any site or staff costs for conducting the community forums and the cost of printing or copying paper copies of the “Public Participation Kit.” In NDC’s experience, most participants will download and print the Kits in their own homes or offices.

### Additional Analysis

NDC is happy to assist with any additional analysis that the client requests at our standard hourly rates:

Principal (Dr. Douglas Johnson).....	\$300 per hour
Vice President (Justin Levitt) .....	\$250 per hour
Senior Consultant .....	\$200 per hour
Consultant.....	\$150 per hour
Analyst / Clerical .....	\$50 per hour

Dr. Johnson is also available for deposition and/or testimony work if needed, at \$350 per hour.



## Details of Optional Project Elements

### **Advisory or Independent Redistricting Commissions**

NDC anticipates that many California jurisdictions will create advisory or independent commissions to manage the redistricting process. NDC welcomes the use of such commissions, and our pricing does not change for jurisdictions creating commissions. But the creation, training, operation and reporting of such commissions often leads to more meetings (and a resulting increase in the “per meeting” project expenses) than a traditional redistricting process conducted primarily by the jurisdiction’s elected leadership.

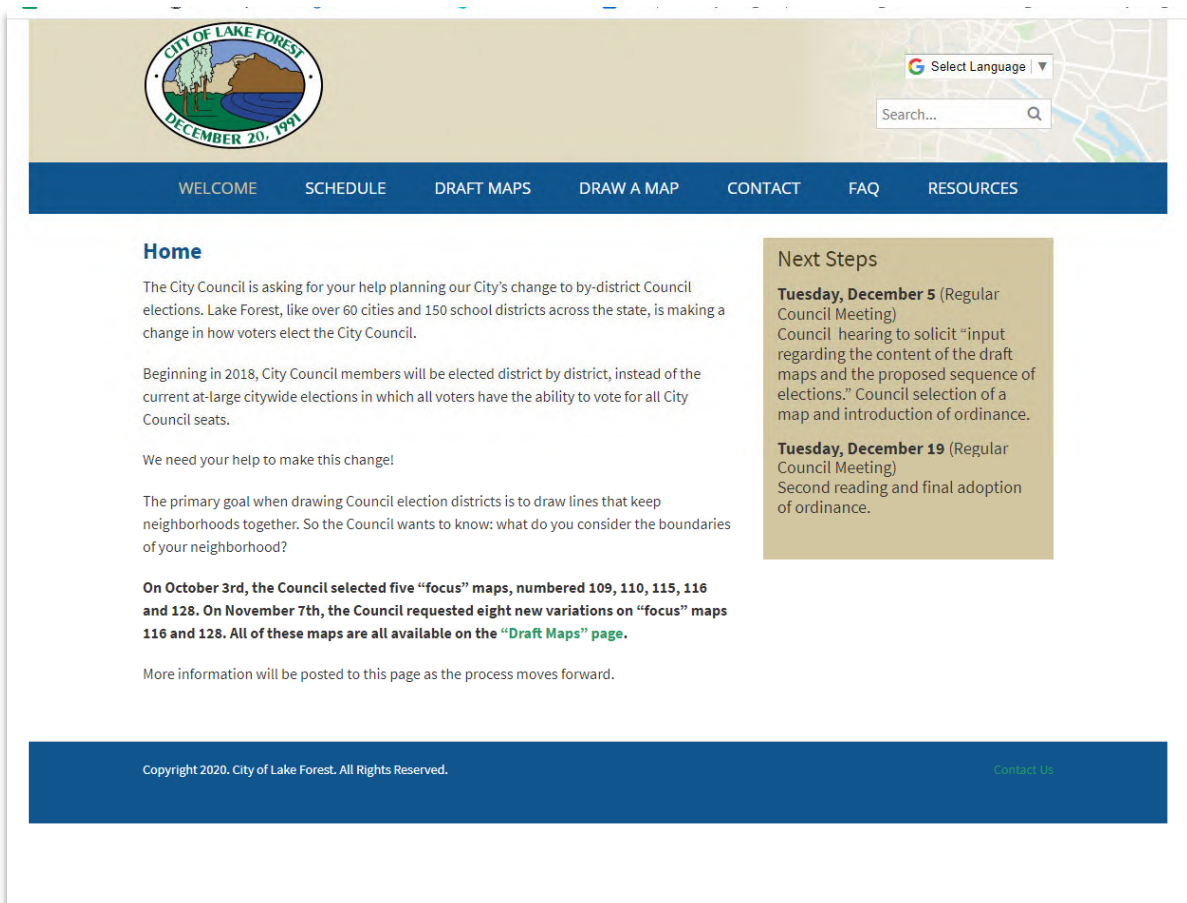
### **Outreach Assistance**

NDC brings topical expertise to your jurisdiction’s outreach efforts, and NDC makes available to all clients our library of sample outreach materials including op-ed articles, postcards, utility bill inserts, flyers, and social media messages. NDC provides all of these materials along with our advice and input on outreach strategy and materials to any interested jurisdiction, but we do not have graphic artists to customize or design such materials in-house.

For larger-scale outreach efforts, especially where jurisdictions wish to send representatives out to regular meetings of existing community organizations, NDC typically works together with a jurisdiction’s in-house communications staff and/or with one or more outreach organizations. We have a number of firms we recommend, and we would be happy to work with any in-house team at the jurisdiction or with any firm or organization the jurisdiction selects. Projects with this level of outreach are relatively rare, as most projects can be handled by the jurisdiction’s existing communications team using the samples, templates and advice NDC provides.

### **Project Website**

NDC provides all project materials in website-friendly formats for posting on the jurisdiction’s website. At no cost, NDC will provide project website samples and website language for use on the jurisdiction’s project website. But for jurisdictions that prefer not to take on the challenge of creating and managing a rapidly-changing project website, NDC will create, host, and update project website (visit to see one such site – though note that site was created prior to passage of the new AB849 requirements).



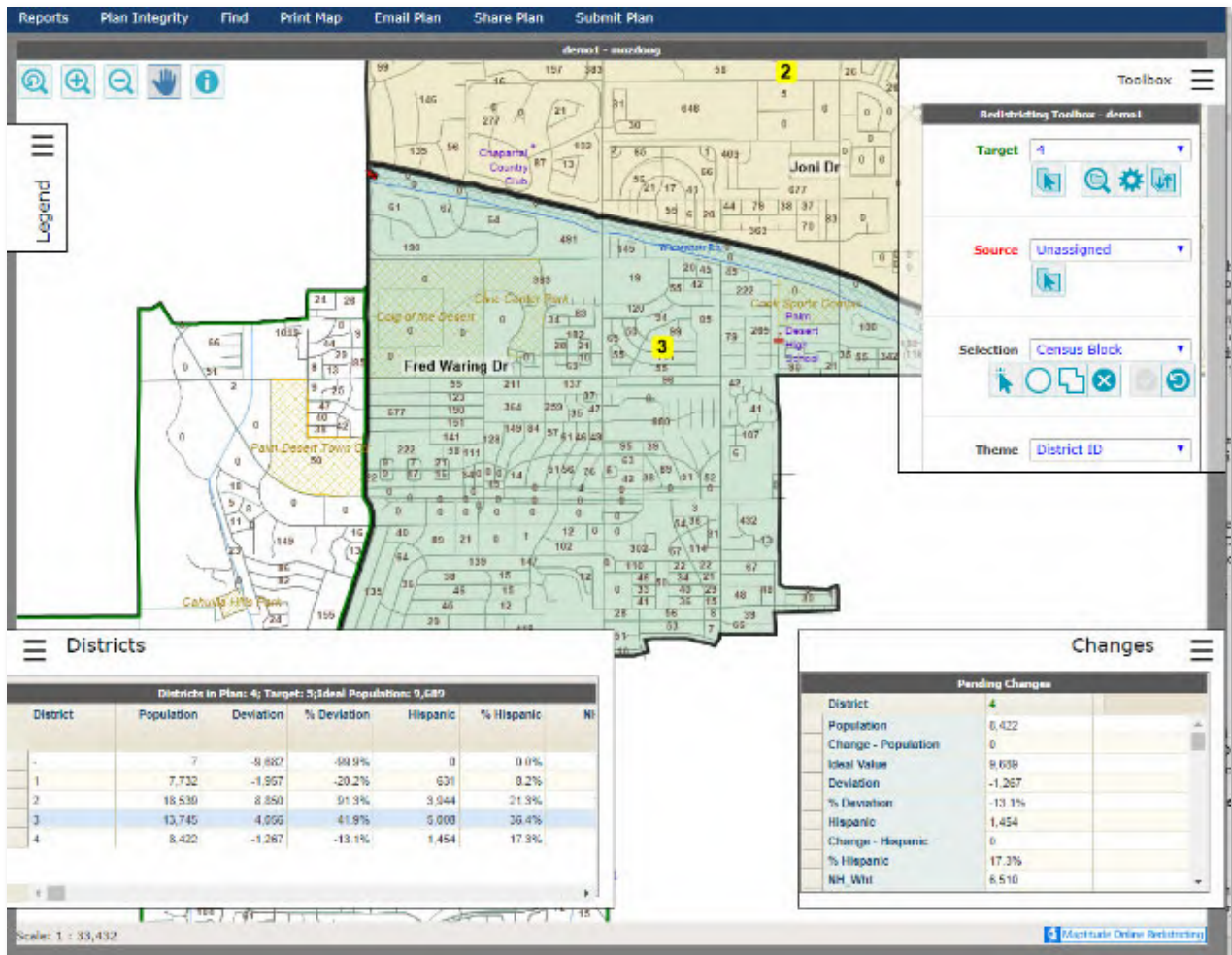
## Background on Online Mapping Tool Options

NDC is the unmatched leader in redistricting tools that empower residents to review draft maps and to develop and submit their own map proposals. NDC is the only firm that has used the online mapping solutions from both ESRI and Caliper Corporation in major redistricting projects. And only NDC has repeatedly trained members of the public, processed public map submissions, and presented the public map proposals to public hearings and commission meetings. NDC's online mapping tool options provide user support, hosting, managing, and processing submitted plans for an online interactive system that allows public to draw and submit proposed maps through a standard web browser.



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In the more than 200 California local districting projects between 2012 and 2020, NDC is the only consultant providing clients access to Caliper Corporation's "Maptitude Online Redistricting" tool. Even with the technical challenges arising from such tools' power and flexibility, NDC's training and encouragement frequently results in 10, 20, 30 or more different maps drawn by residents of the school district or city providing that tool to its residents.

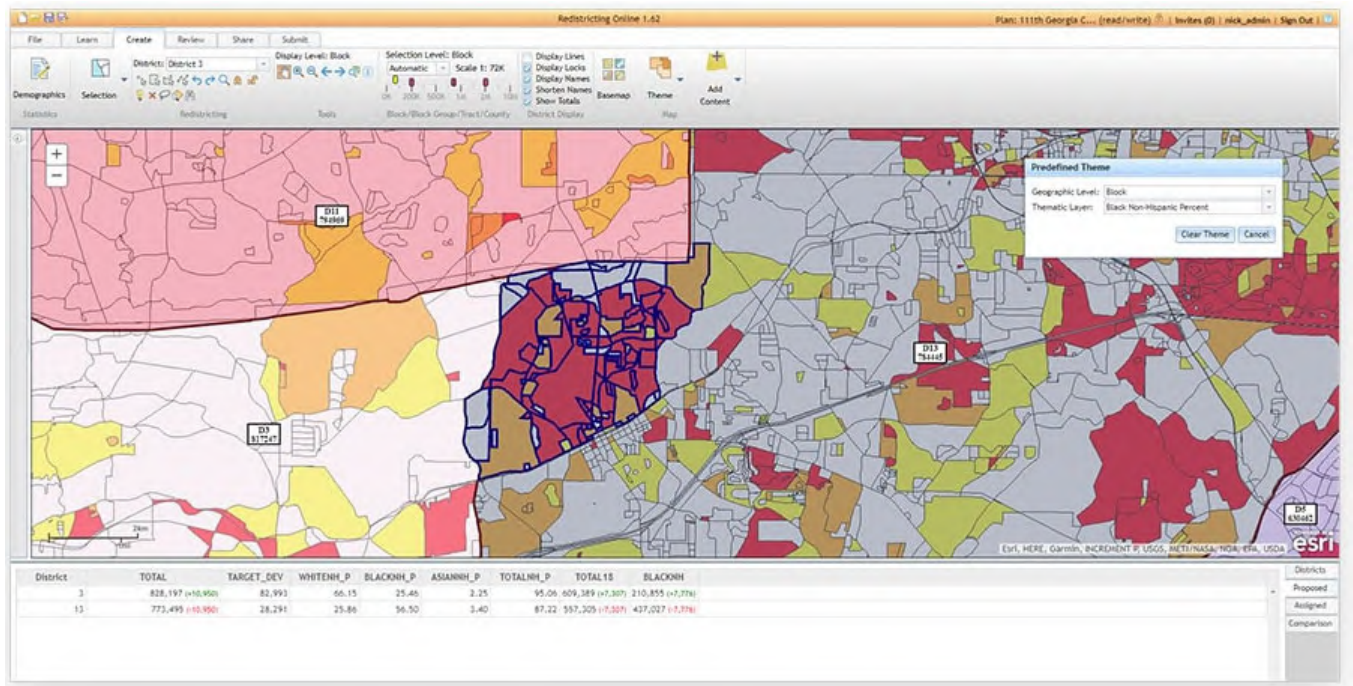






## National Demographics Corporation

The other primary public mapping tool currently on the market is ESRI's online districting tool. While easy to use, the ESRI product currently takes a month or more to deploy and typically costs significantly more. As a result, traditionally only the largest jurisdictions with lots of project startup time have been able to use it.



When it is time to start the project, NDC will work with each interested client to determine which, if any, online mapping tool best meets the goals and budget of the jurisdiction.

## Paper- and Excel-based Public Mapping Tools

While online mapping tools are very popular, NDC never forgets those residents who do not have internet access or who simply prefer to not drawing maps online.

At no cost with every online mapping tool, and as a separate option for jurisdictions that for budget or other reasons do not include an online mapping tool, NDC offers our “Public Participation Kit.” Each “Kit” includes two formats.

The first, and most simple, Kit is a one-page map showing streets, city borders, and population counts for NDC-created “Population Unit” geographic areas. Residents draw the map they wish to propose and add up the population counts by hand until they get the right population count in each district. All of the directions needed are right on the single-page form. Examples of these tools, from our work for the City of Lake Forest, are available here: <https://drawlf.org/draw-a-map/>.

The second form of offline mapping tool is for those residents who do not want to deal with an online mapping tool, but who are already comfortable with Microsoft Excel. NDC provides a similar simple one-page map of those same “Population Units,” but this time the map shows the Unit ID number rather than the population count in that Unit. Residents then enter their preferred district assignment for each Population Unit into the pre-formatted Excel spreadsheet (also available on the Lake Forest website), and Excel calculates the total population and demographics of each District. When the resident has the map the way they like it, they simple email in the Excel file.

### Public Participation Kit

Each number indicates the total population of that "population unit" area. Each district must have essentially equal population.

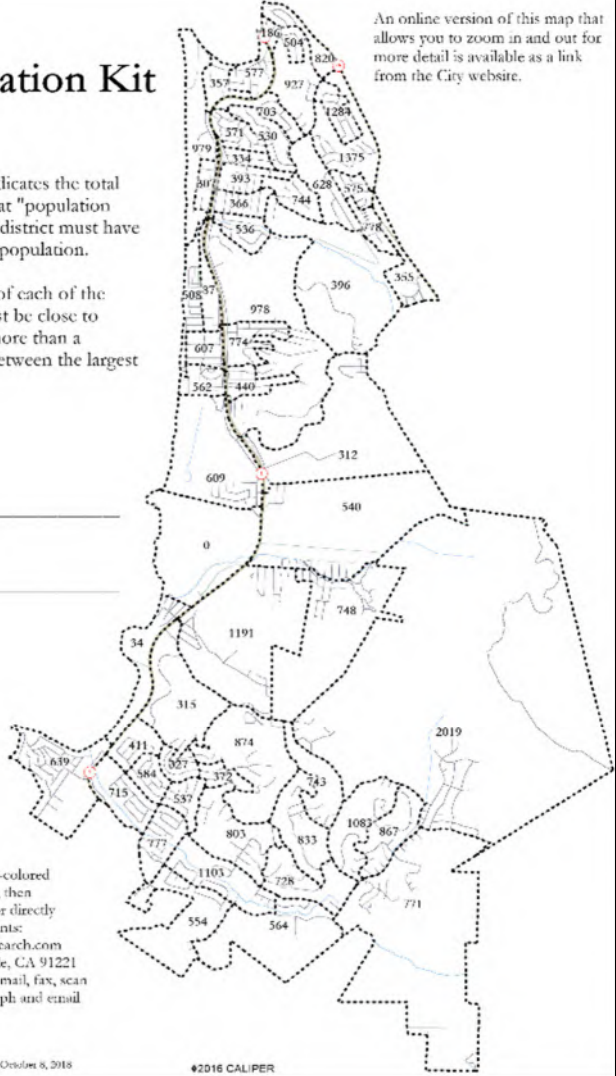
The population of each of the five districts must be close to 7,447, with no more than a 745 difference between the largest and smallest.

Name: \_\_\_\_\_

Phone or email: \_\_\_\_\_

Please use a thick dark-colored pen to draw your map, then submit it at City Hall or directly to our project consultants:  
 Submission@NDCresearch.com  
 PO Box 5271, Glendale, CA 91221  
 You can hand-deliver, mail, fax, scan and email, or photograph and email your map.

National Demographics, October 8, 2018 #2016 CALIFOR



An online version of this map that allows you to zoom in and out for more detail is available as a link from the City website.



### Requested Payment terms:

NDC requests that one-half of the “Basic Project Elements” fee be paid at the start of the project, with the balance of the project costs paid at the conclusion of the project.

### Conclusion

Since its founding NDC has been the nation’s preeminent company devoted to local election systems. To summarize:

- NDC has more experience in the field of municipal political election systems than any other company.
- NDC’s experience and expertise has been recognized by our hundreds of clients, the California League of Cities, the California School Board Association, the California Special District Association, and the National Conference of State Legislatures.
- NDC, founded in 1979, has a demonstrated record of financial solvency.
- NDC’s hardware and software resources were specially designed and acquired for districting and redistricting purposes.
- NDC’s highly respected personnel have impeccable credentials in each aspect of the districting and redistricting processes.
- NDC’s suggested approach has been tested in many jurisdictions.
- Any NDC client can be contacted for testimonials and reference.
- NDC has demonstrated experience over many years in working with the press and media on local election system issues.
- Neither the Justice Department nor any Court has ever rejected any of the hundreds of local government districting or redistricting plan submitted by NDC.

NDC takes pride in tailoring each project to the needs and goals of each individual client. NDC is open to any feedback, concerns, requests, or changes regarding this proposal.

NDC looks forward to the opportunity to work with you on this project.



## Proposal Acceptance

The terms of this proposal are available for 90 calendar days from its delivery to you. In most situations, NDC is open to extending that period of time to meet any particular needs of your jurisdiction.

If your jurisdiction has specific contract and/or letter of agreement language you prefer to use, please provide it and ignore the signature block below. If you prefer, simply sign two copies of this proposal in the signature block below and return them to NDC. Once signed by NDC, one copy will be returned to you.

Thank you.

For National Demographics Corporation

For Lakewood

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Douglas Johnson, President

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Date

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Date



# Appendix

Resumes of NDC President Dr. Douglas Johnson and Vice President Dr. Justin Levitt are attached.

A client list and resumes of all NDC team members are available at [www.ndcresearch.com/about-us/](http://www.ndcresearch.com/about-us/).

# Douglas Mark Johnson

P.O. Box 5271  
Glendale, CA 91221  
djohnson@NDCresearch.com

mobile: (310) 200-2058  
office: (909) 624-1442  
fax: (818) 254-1221

## Employment

President, National Demographics Corporation, 2006 – present.  
Senior Analyst, National Demographics Corporation, 2001 – 2006.  
Fellow, Rose Institute of State and Local Government, 2001 – present.  
Project Manager and Senior Manager at three internet startup companies, 1999 - 2001.  
U.S. Representative Stephen Horn, Legislative Director and System Manager. 1993 – 1997.  
Coro Foundation, Fellowship in Public Affairs. 1992 – 1993.  
Rose Institute for State and Local Government, Student Manager. 1989 – 1992.

## Education

Claremont Graduate University, Ph.D. in Political Science, 2015. Dissertation: “Independent Redistricting Commissions: Hopes and Lessons Learned.”  
UCLA Anderson Graduate School of Management, MBA, 1999.  
Claremont McKenna College, BA in Government (Political Science), 1992.

## Academic Honors

Graduated Cum Laude from Claremont McKenna College.  
Phi Beta Kappa. Philip Roland Prize for Excellence in Public Policy.

## Publications and Articles

Christian Science Monitor “Let the public help draw voting districts,” October 25, 2013.  
New York Times, "The Case for Open Primaries," February 19, 2009.  
Los Angeles Times Opinion Articles:  
    “A neighbor’s help on redistricting” June 24, 2007.  
    “A Trojan horse primary for the GOP” February 25, 2007.  
    “Where a porn palace stood” (article on redevelopment), July 30, 2006.  
Fresno Bee Opinion Article: “The Poison Handshake” June 15, 2004.  
Redistricting in America. Rose Institute of State and Local Government, 2010.  
Restoring the Competitive Edge: California's Need for Redistricting Reform and the Likely Impact of Proposition 77. Rose Institute of State and Local Government, 2005.  
"Competitive Districts in California" Rose Institute of State and Local Government, 2005.  
Latinos and Redistricting: “Californios For Fair Representation” and California Redistricting in the 1980s. Rose Institute of State and Local Government, 1991.

## Speaker or Panelist

California School Board Association Annual Education Conference panelist: “The California Voting Rights Act: What Board Members Must Know.” December 4, 2015.  
Associated Cities of California – Orange County, Keynote Speaker, Newly Elected Officials’ Reception and Dinner, “The California Voting Rights Act,” January 29, 2015.  
California League of Cities, City Manager Department, 2015 Department Meeting: “Opportunity to Engage Residents: The California Voting Rights Act.” January 29, 2015.  
California League of Cities, City Clerk Department, 2014 Annual Meeting: “Whose Line Is It Anyway: Making the transition from at-large to by-district elections.” September 3, 2014.  
National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2007 Spring Forum, "The Arizona Independent Redistricting Commissions' experiences with the first-ever independent redistricting."  
National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2008 Spring Forum, "Communities of Interest In Redistricting: A Practical Guide."

## Douglas Mark Johnson

National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2009 Fall Forum, "The Key to Successful Redistricting."

National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2010 Spring Forum, "Communities of Interest in Redistricting: A key to drawing 2011 plans (and for their defense)."

National Conference of State Legislatures, Redistricting and Elections Standing Committee: 2011 Winter Forum, "Citizen Voting Age Data from a line-drawer's viewpoint."

Luncheon Keynote Speaker, Santa Barbara's Channel Cities Club, "California's next experiment: independent, public redistricting," January 18, 2011.

Annual Conference, Arizona League of Cities and Towns, Presenter at "Redistricting Law and the Voting Rights Act: What It Means for Your City or Town in 2011," August 25, 2010.

Redistricting, The 2010 Census, and Your Budget, Sponsored by the Rose Institute of State and Local Government, California League of Cities, October 15, 2009.

Arizona Election Law 2010 Continuing Legal Education Conference, "Communities of interest and technology in redistricting," sponsored by the Arizona State Bar Association, March 2010

California's New Independent Redistricting Commission, sponsored by the Irvine Foundation and the California Redistricting Collaborative, December 15, 2009

Tribal Association of Sovereign Indian Nations (TASIN) Legislative Day 2009, "The 2010 Census and 2011 Redistricting in California," December 2, 2009.

California School Board Association, "Litigation Issues and the California Voting Rights Act," December 4, 2009.

California Latino School Boards Association, "Introduction to the California Voting Rights Act," August 20, 2009.

Building a National Reform Movement, Salt Lake City, Utah, 2006, conference on redistricting reform hosted by the League of Women Voters, Campaign Legal Center, and The Council for Excellence in Government

Texas Tech University, "A Symposium on Redistricting," May, 2006

California League of Cities, "Introduction to the California Voting Rights Act."

Voices of Reform, a project of the Commonwealth Club of San Francisco: multiple forums on redistricting and / or term limits, 2006 – 2007

Classroom speaker at Pepperdine University, the University of La Verne, Pomona College and Claremont McKenna College

# Justin Mark Levitt

P.O. Box 5271  
Glendale, CA 91221  
jlevitt@NDCresearch.com

mobile: (480) 390-7480  
office: (818) 254-1221  
fax: (818) 254-1221

## Employment

Vice-President, National Demographics Corporation, 2012 – present.  
Senior Analyst, National Demographics Corporation, 2003 – 2011.  
Instructor in Political Science, University of California, San Diego, 2012 – present.  
Graduate Research Fellow, Center for US-Mexico Studies, 2010 – present.  
Graduate Research Fellow, University of California, San Diego, 2008 – 2010 and 2013 – 2014.  
Jesse M. Unruh California Assembly Fellow. 2006 – 2007.  
Rose Institute for State and Local Government, Student Manager. 2005 – 2006.

## Education

University of California, San Diego, Ph.D. Political Science, 2016. Dissertation title: “The Impact of Geographic Patterns on Tradeoffs in Redistricting.”  
Claremont McKenna College, BA in Philosophy, Politics and Economics (PPE), 2006.

## Academic Honors

California Studies Fellow, University of California, San Diego, 2007 – 2009  
Graduated Cum Laude from Claremont McKenna College.

## Publications and Conference Presentations

Settle, Jamie, Robert Bond, and Justin Levitt. 2011. “The Social Origins of Adult Political Behavior.” *American Politics Research*. 39 (2). 239-263

Miller, Kenneth and Justin Levitt. 2007. “The San Joaquin Valley.” In The New Political Geography of California. Eds. Frederick Douzet, Thad Kousser, and Kenneth Miller. Berkeley: Institute of Government Studies.

“The Political Geography of Tradeoffs in Redistricting” Paper presented at the State Politics and Policy Conference, Iowa City, IA, 2013

*Getting What You Want: A Bargaining Approach to Fair Division in Redistricting*. Paper presented at the “Challenging Urban Borders : the geopolitics of immigration and segregation” workshop, Berkeley, CA, 2013 and the State Politics and Policy Conference, Houston, TX, 2012

“An Atlas of Public Health in Mexico” (with Alberto Diaz Cayeros). Paper presented at the Hewlett Foundation Conference on Public Health, Mexico City, DF. 2012

“Remoteness and the Territoriality of Public Health” (with Alberto Diaz Cayeros). Paper presented at the American Political Science Association conference, Seattle, WA. 2011

“Initiatives as revealed preferences” Paper presented at the American Political Science Association conference, Seattle, WA. 2011

“No Se Puede: Latino Political Incorporation in Phoenix.”. Paper Presented at the New Political Geography of California conference, Berkeley, CA., 2009

# Justin Mark Levitt

*“Political Change in the Central Valley”*. Paper Presented at the Western Political Science Association conference, Las Vegas, NV.,2007

## Working Papers

Hill, Seth, Thad Kousser, Alex Hughes, and Justin Levitt. ND. *“How Competitiveness Shapes Infrequent Primary Voters Response to Receiving a GOTV Mailer.”*

Diaz-Cayeros, Alberto and Justin Levitt. ND. *“Remoteness and the Territoriality of Public Health.”*

Levitt, Justin. ND. *“Getting What You Want: A Bargaining Approach to Fair Division in Commission-led Redistricting.”*

## Teaching Experience

### California State University, Long Beach, Department of Political Science

Adjunct Professor—POSC 327 (Urban Politics)	Spring 2016-Present
Adjunct Professor—POSC 229 (Cases in Policy Analysis)	Present
Adjunct Professor—POSC 412 (Law and Social Change)	Spring 2016-Present
Adjunct Professor—POSC 399 (California Politics Short Course)	Present

### University of California, San Diego, Department of Political Science

Co-Instructor—UPS 170 (Regional Governance Reconsidered)	Spring 2015
Instructor—Poli 100A (The Presidency)	Fall 2014
Instructor—Poli 160AA (Introduction to Public Policy Analysis)	Fall 2013
Instructor—Poli 10 (Introduction to American Politics)	Summer 2013