

## NIELSEN MERKSAMER'S REDISTRICTING AND VOTING RIGHTS PRACTICE

One of Nielsen Merksamer's specialties is voting rights and redistricting law. Marguerite Leoni heads the firm's redistricting and voting rights practice. Chris Skinnell works closely with Marguerite and brings to the practice, in addition to his knowledge of redistricting law, knowledge of and facility with the GIS systems and databases fundamental to redistricting and voting rights analysis. Other experienced voting rights litigators and advisors include Sean Welch and David Lazarus.

In 2011-12 alone, the firm advised over 100 public entities on all aspects of the redistricting process, state and federal voting rights law, including the California Voting Rights Act ("CVRA"). In the years since, the firm has continued to advise many jurisdictions on questions concerning potential liability under the federal and state Voting Rights Acts and on the process of transitioning from at-large voting to district-based elections, and the substantive legal considerations regarding the drawing of the lines.

Nielsen Merksamer is uniquely qualified and experienced to provide legal assistance and representation in developing and implementing redistricting plans and litigating voting rights issues – given its long experience in the field, deep understanding of the law, and sensitivity to the political context in which these issues arise.

Nielsen Merksamer's voting rights and redistricting practice includes:

- Advising governmental entities on compliance with the complex and ever-changing state and federal legal requirements in drawing and redrawing district boundaries, including the federal and California Voting Rights Acts. This involves working closely with public agencies and their demographic and other consultants to address competing interests, develop a process for successful redistricting, and develop solutions to seemingly conflicting political demands and legal criteria.
- Thorough knowledge of GIS systems, data sets and statistical methodology associated with voting rights litigation, which enables the firm to more precisely advise its public agency clients on redistricting matters and exposure to voting rights litigation.

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- Litigation concerning all aspects of voting rights law, redistricting and elections law, including the federal and California Voting Rights Acts. As the State's premier political law firm, the firm brings to such litigation a deep understanding of the political and fiscal realities of its public agency clients and the need for a multifaceted approach to such litigation.

Our firm has provided legal representation in the following redistricting and voting rights matters since 2000.

## SELECTED VOTING RIGHTS AND REDISTRICTING PROJECTS, 2000-PRESENT\*

### A. REDISTRICTING/VOTING RIGHTS COUNSEL.

- **State of Arizona Independent Redistricting Commission:** Represented consultant to the Commission concerning all aspects of the 2001 first ever citizen-commission redistricting of the state's Congressional and legislative districts including United States Attorney General preclearance under Section 5 of the federal Voting Rights Act.
- **Senate of the State of Florida:** Represented the Florida State Senate concerning all aspects of the state's 2001 Congressional and state Senatorial redistricting including United States Attorney General preclearance under the federal Voting Rights Act; special litigation counsel in state and federal courts defending against constitutional and Voting Rights Act challenges to the plans.
- **Merced County, California:** Nielsen Merksamer has represented the County for more than a decade concerning voting rights and elections issues, including United States Attorney General preclearance under Section 5 of the federal Voting Rights Act and voting rights litigation. In both 2001 and 2011, the firm represented the County concerning all aspects of the redistricting of the county's supervisorial districts. As discussed above, following an extensive audit process and successfully defending the County in litigation alleging Voting Rights Act violations (*Lopez v. Merced County*), the firm represented the County in successfully seeking judicial approval of bailout from its Section 5 obligations, making the County the largest jurisdiction to successfully exit Section 5 coverage. *Merced County v. Holder*, Case No. 12-cv-00354-TFH-DST-ABJ (D.D.C. 2012) (three-judge § 5 court) (consent judgment

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\* Information re the firm's pre-2000 voting rights and redistricting practice can be requested.

filed Aug. 31, 2012). The firm has been retained to represent the County in its 2021-2022 redistricting process as well.

- **San Diego County, California:** Represented the County concerning all aspects of the redistricting of the county's supervisorial districts in 2011. The firm has been retained to represent the County's Independent Redistricting Commission in its 2021-2022 redistricting process as well.
- **Tulare County, California:** Represented the County concerning all aspects of the redistricting of its supervisorial districts in 2001 and 2011. The firm has been retained to represent the County in its 2021-2022 redistricting process as well.
- **Monterey County, California:** Special voting rights counsel to the County with regard to its 2011 supervisorial redistricting. Represented the County as special counsel with regard to United States Attorney General preclearance of the county's 2001 and 2011 supervisorial redistrictings under the federal Voting Rights Act.
- **Yuma County, Arizona:** Special voting rights counsel to the County with regard to its 2011 supervisorial redistricting. Represented the County with regard to United States Attorney General preclearance of the county's 2011 supervisorial redistricting under the federal Voting Rights Act.
- **Numerous Cities:** Represented the following cities concerning the redistricting of the cities' councilmanic districts in 2011-2012:
  - *City of Stockton, California:* Represented the City concerning all aspects of the redistricting of the City's councilmanic districts in 2011.
  - *City of San Diego, California:* Represented the City concerning voting rights aspects of the redistricting of the City's councilmanic districts in 2011.
  - *City of Elk Grove, California:* In connection with the City's decennial redistricting process, advised the City regarding the move from five councilmanic districts to four districts with a separately-elected Mayor.
  - *City of Compton, California:* Following a vote to adopt by-district elections, advised the City regarding the readjustment of its councilmanic district boundaries based on the 2010 Census.

- *City of Glendale, Arizona:* Represented the City concerning Voting Rights Act compliance—including preparation of Attorney General preclearance submission—in connection with the redistricting of the City’s councilmanic districts in 2011.
- *City of Buckeye, Arizona:* Represented the City concerning Voting Rights Act compliance—including preparation of Attorney General preclearance submission—in connection with the redistricting of the City’s councilmanic districts in 2011.
- *City of Surprise, Arizona:* Represented the City concerning Voting Rights Act compliance—including preparation of Attorney General preclearance submission—in connection with the redistricting of the City’s councilmanic districts in 2011.
- **City of Los Banos, California:** In response to threatened litigation under the California Voting Rights Act, advised the City on a course of action to move to council districts, by submitting a change of electoral system to the voters, which avoided the filing of litigation and resulted in no attorneys’ fees paid to plaintiffs’ counsel. The firm has been retained to represent the City in its 2021-2022 redistricting process as well.
- The firm has similarly represented the following additional cities in in responding to threatened litigation under the CVRA:
  - City of Chino
  - City of Encinitas
  - City of Fremont
  - City of Hemet
  - City of Kingsburg
  - City of Martinez
  - City of Napa
  - City of Novato
  - City of Redlands
  - City of San Rafael
  - City of Santa Maria
  - City of Solana Beach
  - City of Sunnyvale
  - City of West Covina
  - City of Wildomar
  - Town of Yucca Valley

It has been retained to represent a number of this cities in their 2021-2022 redistricting processes as well.

- **City of Fresno, California:** The firm has been retained to represent the City in its 2021-2022 redistricting process.
- **City of Modesto, California:** Following litigation under the California Voting Rights, retained to advise the City regarding compliance with federal voting rights law and its commission process for moving to by-district councilmanic elections.

- **City of Atwater, California:** Represented the City seeking preclearance of voting changes under the federal Voting Rights Act.
- **Numerous Community College Districts:** Legal representation concerning redistricting of the district's trustee area boundaries and potential liability under the California Voting Rights Act. Representations included:
  - Coast Community College District
  - Cerritos Community College District (litigation discussed above)
  - Glendale Community College District (voluntary move to trustee areas after litigation, discussed above, was dismissed)
  - Santa Clarita Community College District (litigation discussed above). The firm has been retained to represent the District in its 2021-2022 redistricting process as well.
  - San Diego Community College District
  - College of the Sequoias
  - Merced College
  - State Center Community College District
  - West Hills Community College District
- **Tulare County Board of Education:** Represented the County Board of Education concerning all aspects of the redistricting of its trustee areas in 2001 and 2011, including United States Attorney General preclearance under Section 5 of the federal Voting Rights Act. Ongoing representation regarding electoral and voting rights matters.
- **Tulare County School Districts:** represented more than a dozen school districts concerning CVRA matters and redistricting:
  - Visalia Unified School District
  - Tulare Joint Union High School District
  - Tulare City School District
  - Porterville Unified School District
  - Lindsay Unified School District
  - Woodlake Public Schools (in connection with unification)
  - Cutler-Orosi Joint Unified School District
  - Monson-Sultana Joint Elementary School District
  - Burton School District
  - Kings River Elementary School District
  - Strathmore Elementary School District
  - Sundale Elementary School District
  - Sunnyside Elementary School District
  - Sunnyside Elementary School District
  - Alta Vista School District

- Alpaugh Unified School District
  - Buena Vista Elementary School District
  - Farmersville Unified School District
  - Liberty School District
  - Columbine Elementary School District
  - Oak Valley Elementary School District
  - Palo Verde Elementary School District
  - Pixley Elementary School District
  - Pleasant View Elementary School District
  - Rockford Elementary School District
  - Terra Bella Union School District
  - Traver Joint Union Elementary School District
  - Waukena Joint Union Elementary School District
- **Fresno County Office of Education:** Ongoing representation advising the County Superintendent regarding potential liability and issues under the California Voting Rights Act.
  - **Fresno County School Districts:** represented several Fresno County school districts in moving to trustee areas, to avoid any potential for CVRA liability:
    - Fresno Unified School District (ongoing representation relating to election issues, and the firm has been retained to represent the District in its 2021-2022 redistricting process as well.).
    - Firebaugh-Las Deltas Joint Unified School District.
    - Fowler Unified School District.
    - Golden Plains Unified School District.
    - Caruthers Unified School District.
    - West Fresno Elementary School District.
  - **Kern County Office of Education:** Advised the County Superintendent regarding potential liability and issues under the California Voting Rights Act.
  - **Kern County School Districts:** represented several Kern County school districts concerning CVRA matters and redistricting:
    - Kern Union High School District.
    - Bakersfield City School District.
    - Panama-Buena Vista Union School District
    - McFarland Unified School District
    - Rosedale Union School District
    - Greenfield Union School District
    - Fruitvale School District

- Arvin Union School District
- **San Diego County Board of Education:** Represented the County Board of Education concerning all voting rights aspects of the redistricting of its trustee areas in 2011. The firm has also consulted with this office regarding numerous school districts' proposals to adopt by-trustee area voting. The firm has been retained to represent the Board in its 2021-2022 redistricting process as well.
- **San Diego County School Districts:** represented numerous San Diego County school districts concerning CVRA matters and redistricting:
  - Cajon Valley Union School District
  - Chula Vista Elementary School District
  - Coronado Unified School District
  - Del Mar Union School District
  - Escondido Union High School District
  - Fallbrook Union Elementary District
  - Fallbrook Union High School District
  - Grossmont Union High School District
  - Jamul-Dulzura Union School District
  - La Mesa-Spring Valley School District
  - Lakeside Union School District
  - Lemon Grove School District
  - National School District
  - Palomar Community College District
  - Poway Unified School District
  - San Marcos Unified School District
  - South Bay Union School District
  - Spencer Valley Elementary School District
  - Sweetwater Union High School District
  - Vallecitos School District
  - Valley Center-Pauma Unified School District
- **Napa County Office of Education:** Advised the County Superintendent regarding potential liability and issues under the California Voting Rights Act.
- **Madera Unified School District:** Represented the school district that had been sued under the California Voting Rights Act in the legal process for moving to by-trustee area elections.

- **Merced Union High School District:** Represented the school district in the process of moving to by-trustee area elections, and adjusting its existing trustee area boundaries in time for its 2009 elections.
- **Numerous Other School Districts:** Retained to assess dozens of districts' potential risk of suit and liability under the California Voting Rights Act, and to advise the districts regarding the legal significance of demographic studies commissioned by the districts.
- **Monterey County Office of Education:** Represented the county committee in its consideration of a proposal to change the at large electoral system of Monterey Peninsula Community College District to by-trustee area elections. Obtained United States Attorney General preclearance of the adopted change.
- **Consolidated Irrigation District:** Represented CID in conducting first redistricting in 80 years in 2001; sought and obtained preclearance of new redistricting plan and dozens of historical annexations. Represented the District in readjusting its director division lines in 2011 following release of the 2010 Census.
- **Santa Clara Valley Water District:** Represented the water district in implementing a redistricting plan pursuant to recently enacted AB 466, and in readjusting its director division lines in 2011 following release of the 2010 Census.
- **Fresno Irrigation District:** Represented this large irrigation district with regard to revising and updating its electoral system in compliance with federal and state redistricting and voting rights laws in 2001, and in readjusting its director division lines in 2011 following release of the 2010 Census.
- **Santa Clara County Open Space Authority:** Represented the District in readjusting its director division lines in 2011 following release of the 2010 Census.
- **Yes on Proposition 11:** Represented the campaign regarding preclearance of Proposition 11, the 2008 ballot measure that established an independent commission for redistricting of state legislative offices in California.
- **Yes on Proposition 20:** Represented the campaign regarding preclearance of Proposition 20, the 2010 ballot measure that expanded the duties of Proposition 11's independent commission for redistricting to congressional offices in California.



- **California Administrative Office of the Courts:** Represented the AOC in obtaining United States Attorney General preclearance for the unification of California’s trial courts. The firm also obtained preclearance of statewide constitutional and statutory amendments (Proposition 220, Proposition 191, S.B. 2139) and the Rules of Court enabling trial court unification. Also, obtained United States Attorney General preclearance of the unification of the superior and municipal courts of Monterey and Kings Counties.
- **Redistricting & Voting Rights Counsel** to numerous other counties, boards, college districts, school districts, water districts in California and Arizona for redistricting and voting rights advice, including among others the City of Rancho Mirage, City of Hanford, City of Reedley, City of Surprise, AZ, Alta Irrigation District, Merced Irrigation District, Riverdale Unified School District, Twin Rivers Unified School District, and Kings Canyon Unified School District, among others.

**B. LITIGATION.**

- ***Higginson v. Becerra*, 590 U.S. \_\_, 140 S. Ct. 2807, 207 L. Ed. 2d 144 (2020):** Filed brief *amicus curiae* on behalf of six California cities supporting review of the constitutionality of the California Voting Rights Act by the United States Supreme Court.
- ***Robles v. City of Ontario*, Case No. DS2007038 (San Bernardino County Super. Ct. filed 2020):** Currently defending the City’s determination to move to district-based voting starting in 2022, following the release of new Census data.
- ***Sanchez v. City of Martinez*, Case No. C-18-02219 (Contra Costa County Super. Ct. filed 2018):** Successfully represented city in defense of its redistricting plan, adopted under the “safe harbor” of the California Voting Rights Act, against a claim that the map considered improper criteria.
- ***Southwestern Voter Registration & Educ. Project v. City of Orange*, Case No. 30-2019-01051924-CU-CR-CJC (Orange County Super. Ct. filed 2019):** Representing City in defense against claim under the CVRA and districting process.
- ***Salas v. City of Palm Desert*, Case No. PSC-1903800 (Riverside County Super. Ct. filed 2019):** Representing Defendant in action under the California Voting Rights Act and in adoption of district lines.
- ***Southwestern Voter Registration & Educ. Project v. City of Camarillo*, Case No. 56-2018-00522031-CU-CR-VTA (Ventura**

**County Super. Ct. filed 2018):** Representing City in defense against claim under the CVRA, where City had not adopted “safe harbor” resolution but had informed plaintiffs’ counsel of its intention to consider plaintiffs’ demand in advance of next municipal election.

- ***Va. House of Delegates v. Bethune-Hill*, 587 U.S. \_\_, 139 S. Ct. 1945, 204 L. Ed. 2d 305 (2019):** Filed brief *amicus curiae* on behalf of the American Legislative Exchange Council arguing in favor of the standing of legislators to defend a redistricting plan when the State’s governor and/or attorney general decline to do so.
- ***No. Carolina v. Covington*, 583 U.S. \_\_, 138 S. Ct. 974 (2018):** Filed brief *amicus curiae* on behalf of multiple states’ chief elections officials concerning logistical issues relating to last-minute injunctions against districting plans.
- ***Luna v. County of Kern*, Case No. 1:16-cv-00568-DAD-JLT (E.D. Cal. filed Apr. 22, 2016):** Represented the County of Kern, California, in defending against a challenge to its 2011 supervisorial districts under Section 2 of the federal Voting Rights Act.
- ***Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. \_\_, 137 S. Ct. 788, 197 L. Ed. 2d 85 (2017):** Filed brief *amicus curiae* on behalf of political scientists concerning techniques for identifying racially polarized voting in a case concerning the legal standard for determining whether race predominated in the drawing of Virginia’s legislative districts.
- ***Jaramillo v. City of Fullerton*, Case No. 30-2014-007375780-CU-CR-CJC (Orange Co. Super. Ct. filed 2014):** Advised city on voting rights aspects of settlement of litigation under the CVRA.
- ***Ariz. Legislature v. Ariz. Independent Redistricting Comm’n*, 576 U.S. 787, 135 S. Ct. 2652, 192 L. Ed. 2d 704 (2015):** Represented former California Governors Deukmejian, Wilson and Schwarzenegger; the California Chamber of Commerce; Charles Munger, Jr.; and Bill Mundell, as *amici curiae* on a brief that successfully urged the Supreme Court to reject a challenge to congressional districting by an independent commission, rather than a state’s legislature; the majority opinion quoted (without attribution) a passage from the firm’s brief discussing the original meaning of the term “Legislature” as reflected in founding-era dictionaries.
- ***Vandermost v. Bowen*, 53 Cal. 4th 421 (2012):** Represented Charles T. Munger, Jr., the leading proponent of Propositions 11 and 20, as

*amicus curiae*, addressing the possible remedies that the Court could employ in the event that it concluded the Senate Map drawn by the Citizens Redistricting Commission could not be used in 2012 due to a pending referendum petition against the map.

- ***Jauregui v. City of Palmdale*, Appeal Nos. B251793 & B253713 (Cal. Ct. App. 2d Dist.):** Retained following entry of trial court's July 23, 2013 order finding liability under the California Voting Rights Act, to represent the City in connection with the remedial stage of trial court proceedings, and on appeal. The case ultimately settled.
- ***Banales, et al. v. City of Santa Barbara*, Case No. 1468167 (Santa Barbara Superior Court filed July 29, 2014):** Represented City of Santa Barbara in defense of suit challenging at-large electoral system under CVRA; settled prior to trial, resulting in adoption of district-based elections. The firm has been retained to represent the City in its 2021-2022 redistricting process as well.
- ***Melliz v. City of Bellflower*, Case No. 551555 (Los Angeles Super. Ct. filed July 14, 2014):** Represented the City of Bellflower in defense of suit challenging at-large electoral system under CVRA; settled, resulting in adoption of district map, and placing the questions of changing to district-based elections on the ballot.
- ***Diego v. City of Whittier*, Case No. BC517363 (Los Angeles Super. Ct. filed Aug. 5, 2013):** Represented the City of Whittier in defense of suit challenging at-large electoral system under the CVRA, and on appeal from trial court order in favor of City dismissing action after City implemented district-based elections through the political process.
- ***Soliz v. Santa Clarita Community College District*, Case No. BC512736 (Los Angeles Super. Ct. filed June 20, 2013):** Represented Santa Clarita Community College District in defense of suit challenging at-large electoral system under CVRA. This case settled on the eve of trial. The firm advised the District on subsequent implementation of the settlement agreement and the adoption of trustee areas.
- ***Soliz v. City of Santa Clarita*, Case No. BC512735 (Los Angeles Super. Ct. filed June 20, 2013):** Represented the City of Santa Clarita in defense of a suit challenging at-large electoral system under CVRA; as part of the settlement process, successfully litigated complicated issues relating to the viability of cumulative voting as a remedy under the California Voting Rights Act.

- ***Avitia v. Tulare Local Healthcare District, Case No. 07-224773 (Tulare County Super. Ct. 2007)***: Represented the individual board members, named as defendants in their official capacities in an action under the California Voting Rights Act alleging that the healthcare district's at-large electoral system is illegal under the Act. Successfully opposed a motion for preliminary injunction and summary judgment, and conducted extensive expert discovery. This case settled the Friday before opening statements to commence trial.
- ***Moreno v. City of Anaheim, Case No. 30-2012-00579998-CU-CR-CXC (Orange Co. Super. Ct. filed June 28, 2012)***: Represented the City of Anaheim in defense of a suit challenging at-large electoral system under CVRA. The City settled the case by agreeing to submit the issue of district-based voting to the City's electorate. Following approval of district-based voting by the electors, our firm advised the City in connection with the districting process.
- ***Pinto v. Glendale Community College District, Case No. BC490354 (Los Angeles Co. Super. Ct. filed Aug. 15, 2012)***: Represented the District (as co-counsel with the District's general counsel firm) in defense of suit challenging at-large electoral system under CVRA. The suit was ultimately dismissed.
- ***Gonzalez v. City of Compton, Case No. BC450494 (Los Angeles Co. Super. Ct. filed Dec. 2, 2010)***: Represented City in defense of a suit challenging from-district electoral system under CVRA. Successfully opposed a motion for preliminary injunction and summary judgment, and conducted extensive expert discovery. After the case was mooted by a public vote to adopt by-district elections, represented the City in successfully mediating plaintiffs' demand for attorneys' fees resulting in an award of less than a third of the demand. The firm also represented Compton in its subsequent redistricting process.
- ***Chavez v. Cerritos Community College District, Case No. BC470595 (Los Angeles Super. Ct. filed Sept. 27, 2011)***: Represented the District in opposing an action under the California Voting Rights Act; moving to trustee area elections; and negotiating an attorneys' fee award of approximately 1/3 the amount demanded by plaintiffs.
- ***Gomez v. Hanford JUHSD, Case No. 04C0294 (Kings County Super. Ct. 2004)***: Represented the school district and Kings County Board of Education in defense of one of the very first actions under the California Voting Rights Act, negotiating a very favorable settlement of the action.

- ***Brown v. Bowen*, Case No. 12-cv-05547-PA-SP (C.D. Cal. 2012):** Represented Californians to Defend the Open Primary, the Independent Voter Project, former Lt. Governor Abel Maldonado, and David Takashima, in successfully seeking intervention and in defending against challenges to Proposition 14, the Top Two Open Primary Act, based on the U.S. Constitution and Section 2 of the federal Voting Rights Act.
- ***Lopez v. Merced County*, Case No. 06-CIV-01526-OWW-DLB (E.D. Cal. filed Oct. 27, 2006):** Successfully opposed motions for TRO and preliminary injunction seeking to enjoin the certification of municipal election results in November 2006 under Section 5 of the federal Voting Rights Act. *Lopez v. Merced County*, 473 F. Supp. 2d 1072 (E.D. Cal. 2007). Successfully moved to dismiss first amended complaint on jurisdictional grounds, *Lopez v. Merced County*, 2007 U.S. Dist. LEXIS 44426 (E.D. Cal. June 8, 2007), and successfully moved for summary judgment on the second amended complaint based upon plaintiffs' lack of standing to challenge historical polling place changes. *Lopez v. Merced County*, 2008 U.S. Dist. LEXIS 3941 (E.D. Cal. Jan. 16, 2008).
- ***Merced County, Cal. v. Holder*, Case No. 1:12-cv-00354-TFH-DST-ABJ (D.D.C.) (three-judge § 5 court) (consent judgment and decree filed Aug. 31, 2012):** Represented the County of Merced in successfully obtaining "bailout" from its obligations under Section 5 of the federal Voting Rights Act, making it the largest jurisdiction ever to obtain bailout.
- ***Alta Irrig. Dist., Cal. v. Holder*, Case No. 1:11-cv-00758-RJL-DHG-PLF (D.D.C.) (three-judge § 5 court) (consent judgment and decree filed July 15, 2011):** Represented the District in successfully obtaining "bailout" from its obligations under Section 5 of the federal Voting Rights Act, making it the first jurisdiction in California ever to obtain bailout.
- ***Shelby County, Alabama v. Holder*, 570 U.S. 529, 133 S. Ct. 2612, 186 L. Ed. 2d 651 (2013):** On behalf of Merced County, filed an amicus brief in the Supreme Court in this challenge to Section 5's constitutionality, pre-emptively defending the County's recent bailout from anticipated attack on the basis that the Department of Justice improperly permitted the bailout as part of a strategy to save Section 5.
- ***League of United Latin Am. Citizens v. Perry*, 548 U.S. 399 (2006):** Filed an *amicus curiae* brief in the U.S. Supreme Court on behalf of the American Legislative Exchange Council & Free Enterprise Coalition, successfully urging the Court to reject plaintiffs' claim that the 2003

legislative redistricting in Texas was invalid because mid-decade redistricting is *per se* unconstitutional.

- ***Hernandez v. Merced County*, Case No. 03-CV-06147-OWW-DLB (E.D. Cal. filed Aug., 25, 2003) & *Gallegos v. State of California*, Case No. 03-CV-06157-OWW-DLB (E.D. Cal. filed Aug. 25, 2003):** Represented the County of Merced in successfully defending against a lawsuit seeking to enjoin the conduct of the 2003 gubernatorial recall election and related statewide ballot measures under Section 5 of the federal Voting Rights Act.
- ***United States v. Upper San Gabriel Valley Muni. Water Dist.*, Case No. 00-CV-07903-AHM-BQRx (C.D. Cal. filed 7/21/2000):** Represented the district in defending a lawsuit brought by the United States Department of Justice under Section 2 of the federal Voting Rights Act to enjoin elections and compel interdecennial redistricting. Defeated a motion for a preliminary injunction after which the case was dismissed with prejudice.
- **City of Vista:** Represented the City in an investigation and threatened litigation by the United States Department of Justice concerning a possible violation of Section 2 of the federal Voting Rights Act arising from the City's at-large electoral system. By taking a multifaceted approach to the defense, including instituting a parallel investigation that demonstrated that the legal standards under Section 2 could not be met, the Department of Justice terminated its investigation.
- ***Lopez v. Monterey County*, 525 U.S. 266, 119 S. Ct. 693, 142 L. Ed. 2d 728 (1999):** Represented the Monterey County Municipal Court in obtaining preclearance of the consolidation of the municipal and justice courts. The firm also represented the municipal courts in a related enforcement action under Section 5 of the Voting Rights Act.

### C. PUBLICATIONS AND PRESENTATIONS:

Recent publications and presentations by Nielsen Merksamer attorneys on voting rights and redistricting issues include:

- Skinnell, Follow-Up Interview re 2021 Redistricting, PublicCEO Report #16 (Sept. 16, 2021) (with Dr. Douglas Johnson & Ryder Todd Smith)
- Leoni & Skinnell, *Presentation, Legal Requirements & Technical Aspects of Redistricting in 2021*, RURAL COUNTY REPRESENTATIVES OF CAL. (Mar. 5, 2021) (with Dr. Douglas Johnson)

- Skinnell, Interview re 2021 Redistricting, PublicCEO Report #6 (Feb. 18, 2021) (with Dr. Douglas Johnson & Ryder Todd Smith)
- Skinnell, Presentation, *2021 Redistricting is Here—and the Rules Have Changed Again*, LEAGUE OF CAL. CITIES - CITY CLERKS NEW LAW & ELECTIONS SEMINAR (Dec. 18, 2020) (with Dr. Douglas Johnson, Shalice Tilton, and Elio Salazar)
- Leoni & Skinnell, *Presentation, CLE Brown Bag Webinar: 2021 Redistricting – What County Counsel Needs to Know*, COUNTY COUNSEL’S ASSN. OF CAL. (Dec. 17, 2020) (with Dr. Douglas Johnson)
- Leoni, Moderator and Panelist, *Timeline and Public Records Requirements*, ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT, CONFERENCE: 2021 REDISTRICTING: NEW RULES FOR LOCAL GOVERNMENTS (Sept. 17, 2020) (with Shalice Tilton, Randi Johl, and Neal Kelley)
- Skinnell, Moderator and Panelist, *Criteria for Redistricting*, ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT, CONFERENCE: 2021 REDISTRICTING: NEW RULES FOR LOCAL GOVERNMENTS (Sept. 17, 2020) (with Dr. Justin Levitt and Nicolas Heidorn, Esq.)
- Skinnell & Welch, *Presentation, Redistricting After 2020 Census*, MUNI. L. INSTITUTE/BAR ASSN. OF SAN FRANCISCO (Mar. 6, 2020) (with Dr. Douglas Johnson)
- Leoni & Skinnell, *Presentation, 2020-2021 California Redistricting: A Legal and Legislative Update*, COUNTY COUNSEL’S ASSN. OF CAL., MEETING & ROUNDTABLE OF COUNTY COUNSEL LEGAL ADVISORS TO COUNTY ELEC. OFFICIALS (Jan. 17, 2020)
- Skinnell, *Presentation, Redistricting 101 for Municipalities*, LEAGUE OF CAL. CITIES - CITY CLERKS NEW LAW & ELECTIONS SEMINAR (Dec. 12, 2019)
- Leoni & Skinnell, *Webinar, Local Redistricting in California in 2021: The Same... But Different*, ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT (Nov. 7, 2019) (with Dr. Justin Levitt).
- Leoni & Skinnell, *Webinar, “The California Voting Rights Act: A Revolution in Local Governance,”* ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT (Oct. 24, 2019) (with Dr. Douglas Johnson)
- Skinnell, *Presentation: 2020 Census and Redistricting*, STATE L. RES. GROUP (Sept. 20, 2019)
- Skinnell, Panelist, *Partisan Gerrymandering: 2019 Update*, AM. BAR ASSN. YOUNG LAWYERS DIV. ANNUAL MEETING (Aug. 9, 2019)
- Skinnell, *Presentation: District Elections*, SANTA CLARA & SAN MATEO COUNTIES/CITIES JOINT MANAGERS MEETING (June 13, 2018)

- Skinnell, *Presentation: Taking Voter Equality Seriously: What Does “One-Person, One-Vote” Really Mean?*, ROSE INSTITUTE OF STATE & LOCAL GOVERNMENT (Nov. 17, 2015)
- Leoni, *Presentation, The California Voting Rights Act: Understanding Your City’s CVRA Options: 2015 Update*, LEAGUE OF CALIFORNIA CITIES: 2015 ANNUAL CONFERENCE (Oct. 1, 2015)
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- Skinnell, *Presentation, Commuter Flight: Participating In Local Redistricting*, CAL. REDISTRICTING ALLIANCE: REDISTRICTINGCA CONF. (Mar. 31, 2011)
- Skinnell, *Presentation, Redistricting Essentials: 2011 Redistricting & Local/Special Districts*, LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK (Jan. 20, 2011)
- Leoni, *Presentation, Voting Rights Law & Redistricting 2011*, ROSE INSTITUTE: CHANGES AND CHALLENGES FACING THE (CAL.) CITIZENS REDISTRICTING COMMISSION (Dec. 2010)
- Skinnell, *Presentation, Redistricting Law 2011: The same . . . but different*, NAT'L CONFERENCE OF STATE LEGISLATURES: FALL FORUM (Dec. 11, 2009)
- Leoni & Skinnell, *Presentation, The California Voting Rights Act: Developing Jurisprudence*, CALIFORNIA SCHOOL BOARDS ASSOCIATION: ANNUAL 2009 EDUCATION CONFERENCE & TRADE SHOW (Dec. 4, 2009)
- Leoni & Skinnell, *Presentation, The California Voting Rights Act: Developing Jurisprudence*, LEAGUE OF CALIFORNIA CITIES: 2009 CITY CLERKS NEW LAW & LEADERSHIP CONFERENCE (Dec. 3, 2009)
- Leoni, *Presentation, Redistricting Law 2011*, ROSE INSTITUTE: REDISTRICTING, THE 2000 CENSUS, AND YOUR BUDGET (Oct. 15, 2009) (Marguerite served as the co-chair of this conference on local redistricting)
- Skinnell, *Presentation, The California Voting Rights Act: Developing Jurisprudence*, ROSE INSTITUTE: REDISTRICTING, THE 2000 CENSUS, AND YOUR BUDGET (Oct. 15, 2009)
- Leoni, *Presentation, Trends in Redistricting for 2011*, CALIFORNIA POLITICAL ATTORNEYS ASSOCIATION (Sept. 12, 2009)
- Leoni & Skinnell, *The California Voting Rights Act*, PUB. L. J. (CAL. STATE BAR) 15 (Spr. 2009)
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## BIOGRAPHIES

**MARGUERITE MARY LEONI** is a partner of the firm, whose practice focuses on legal counseling and civil litigation relating to voting rights and redistricting questions, school district reorganizations, campaign, government and initiative/referendum law, and complex issues pertaining to elections administration. Her practice includes both advising clients on these matters as well as trial and appellate practice.

Marguerite has represented numerous state agencies, municipalities, counties, school districts and other special districts on districting, redistricting, voting rights and electoral matters, including unique expertise in the California Voting Rights Act. She has assisted in all phases of voting rights and redistricting cases including design of redistricting plans, the public hearing process, analysis of proposed alternatives, enactment procedures, referenda, districting and redistricting, preparing and advocating preclearance submissions to the U.S. Department of Justice when required, and defending federal and state court litigation concerning the legality of electoral systems under the federal constitution and Voting Rights Act. Marguerite represented the Administrative Office of the Courts on federal Voting Rights Act issues and electoral questions pertaining to trial court unification in California. She also represented the Florida Senate in designing that state's 2002 Senate and congressional districts, Voting Rights Act preclearance, and in defending against ensuing state and federal court challenges. She also provided legal counsel to the consultant to Arizona's Independent Redistricting Commission for the 2001 redistricting of state legislative and congressional seats. Marguerite has substantial expertise and experience in administrative preclearance practice in the United States Department of Justice under Section 5 of the Federal Voting Rights Act.

Marguerite graduated from the University of California, Berkeley, where she earned both Bachelor of Arts and Master of Arts degrees. In 1981, she received her law degree from the University of California, Hastings College of the Law. She was on the editorial staff of the Hastings Law Journal to which she was selected for academic achievement. She has published articles about Voting Rights Act issues and is a frequent panelist on redistricting and voting rights issues.

**CHRIS SKINNELL** is a partner of the firm and its general counsel. His practice focuses on law and civil litigation relating to redistricting and voting rights matters, elections, state and local initiative and referendum law, campaign finance compliance and litigation, lobbying compliance and government ethics, and general constitutional and government law issues.

Chris has extensive experience with redistricting and voting rights matters, from the legal, academic and technical perspectives. He has advised scores of counties, cities, school districts and special districts on compliance with state and federal laws governing redistricting; has counseled many additional public entity clients regarding the requirements of the federal Voting Rights Act and the California Voting Rights Act; has represented public entity defendants in several leading VRA and CVRA cases; and has represented *amici curiae* in several significant voting rights and redistricting cases before the United States Supreme Court, including: *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399 (2006); *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. 787 (2015); *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788 (2017); and *No. Carolina v. Covington*, 138 S. Ct. 974 (2018).

Chris has also published and lectured extensively on voting rights and redistricting, including serving as a guest lecturer on these topics at Claremont McKenna College. Prior to law school, Chris worked as the lead researcher and demographic consultant on numerous redistricting and voting rights projects at the Rose Institute of State and Local Government, and also served as the technical/GIS consultant on several municipal redistricting projects.

Chris graduated *magna cum laude* from Claremont McKenna College and received his law degree from the University of Chicago Law School, where he served as the Editor-in-Chief of the *University of Chicago Legal Forum*.

In 2019, 2020, and 2021, Chris was selected as a *Northern California Super Lawyer*, having previously been named a Rising Star five times, from 2013-2017. He was the subject of a feature article in the 2020 edition of *Super Lawyer* magazine entitled "The Electioneer." Only the top 5 percent of all attorneys in California are named as Super Lawyers. They are selected through peer nominations and evaluations along with third-party research.

*Sacramento* magazine selected Chris for inclusion in its list of Top Lawyers of 2015 and *Sonoma Magazine* named Chris one of its Lawyers of Distinction in 2021. In both cases, attorneys were selected for inclusion on the list through a survey of local-area attorneys conducted for the magazines by independent third-party research firms.

**SEAN WELCH** is a partner of the firm specializing in law and civil litigation in the areas of election, campaign, initiative and referenda, government law, and complex litigation involving highly regulated industries.

Sean has extensive experience guiding clients through the complexities of the initiative and referendum process, from initiative drafting and the formation of ballot measure committees to mounting and defending legal challenges to ballot measures and ballot argument litigation at the state and local level. In addition to successfully litigating multiple cases in this area of law, including the removal of unlawful petitions from the ballot, Sean serves as legal counsel and Treasurer to numerous political committees in favor of or against ballot measures, providing guidance on a wide variety of state and local campaign reporting and disclosure requirements. He is also a trusted resource regarding voter registration issues, balloting, recounts, and election contests, and was a leader of ground teams and litigation strategy for the winning side during the first ever recount of a statewide ballot measure.

Sean also counsels non-profit organizations, corporations, political action committees and individuals on compliance with various federal, state and local election, campaign and government ethics laws, including conflicts of interest.

In addition, he has represented numerous clients in the private and public sectors regarding redistricting, voting rights, and constitutional and government law litigation.

Prior to joining the firm, Sean practiced in the San Francisco office of a national law firm where he represented public and corporate clients in matters ranging from public contracts and regulatory issues to antitrust and unfair competition disputes. He also served as an extern clerk to the Hon. Phyllis Hamilton, United States District Court for the Northern District of California.

**HILARY GIBSON** is a partner in the firm's Bay Area office. She advises clients on a wide variety of election law, government law, and voting rights matters, including litigating complex and novel issues arising in these areas of law.

Ms. Gibson has worked extensively with the firm's voting rights practice over the past decade. She was integral to Nielsen Merksamer's historic bailout of Merced County from coverage under Section 5 of the Federal Voting Rights Act and worked with the U.S. Department of Justice to address a variety of complex issues related to that process. As a member of the firm's litigation practice, Ms. Gibson has assisted in the firm's representation of public entity clients in numerous voting rights act cases, and in that context, has developed expertise in the legal requirements of both the California and Federal Voting Rights Acts. She has worked closely with leading demographics and statistical consultants, and has experience reviewing, interpreting, and analyzing statistical and demographic data as it pertains to the redistricting process. Ms. Gibson is also an expert in election law and political reform legislation including conflict of interest laws and regulations.

Ms. Gibson also frequently advises both public agencies and private entities on issues within her area of expertise. She works with public agencies primarily on specialized matters such as redistricting, voting rights, and questions related to measures appearing on the ballot, but also by providing routine guidance on public transparency laws such as the Brown Act, the Public Records Act, and the Political Reform Act.

Ms. Gibson is currently serving as general counsel to the San Diego County Independent Redistricting Commission.

**DAVID LAZARUS** is an associate specializing in election law, voting rights matters, ballot measure legal compliance, school district reorganizations and related education law issues, and state and federal campaign, ethics, and lobbying compliance.

David's representative work includes defending officeholders, political committees, and corporations in ethics and political law enforcement matters before the Federal Election Commission, House Ethics Committee, Office of Congressional Ethics, and various state and local agencies, counseling a technology corporation's response to a government agency subpoena, developing corporate political activity policies, litigating election law, campaign finance, and voting rights matters, and forming and counseling non-profit organizations on tax and charitable registration laws. David also has extensive experience advising consulting firms, investors, law firms, and non-profit organizations on the Foreign Agents Registration Act.

David has worked on a wide range of voting rights and redistricting matters. During the 2018 election cycle, he represented committees in multiple state court proceedings to vindicate the rights of disenfranchised voters. He has drafted briefs and worked with expert witnesses in cases challenging restrictive election laws and practices that disproportionately impact older voters, disabled voters, and disenfranchised communities. David has also advised elected officials on the constitutionality of redistricting proposals.

David is a 2014 graduate of Stanford Law School, where he was a member of the Stanford Law & Policy Review. During law school, he worked as a law clerk in the U.S. Attorney's Office for the Northern District of California and assisted nonprofits with election law reform initiatives. Following graduation, David clerked on the U.S. Court of Appeals for the Ninth Circuit for Judge Michael Daly Hawkins.

Prior to law school, David worked on campaigns and public policy. He served on President Obama's Presidential Transition Team and then as Senior Advisor to Secretary Tom Vilsack at the U.S. Department of Agriculture. David was also Legislative Assistant to U.S. Senator Richard Durbin, where he worked on the 2008 Farm Bill and helped draft legislation that became the Food Safety Modernization Act (P.L. 111-353).