



1001 Boulders Parkway
Suite 300
Richmond, VA 23225

P 804.200.6500
F 804.560.1016
www.timmonsgis.com

Mr. Michael Hillebrand, Statewide Procurement Manager
State Procurement Office
Arizona Department of Administration
100 North 15th Avenue, Suite 402
Phoenix, AZ 85007
Michael.Hillebrand@azdoa.gov

RE: BPM003298 – Request for Clarifications

Mr. Hillebrand:

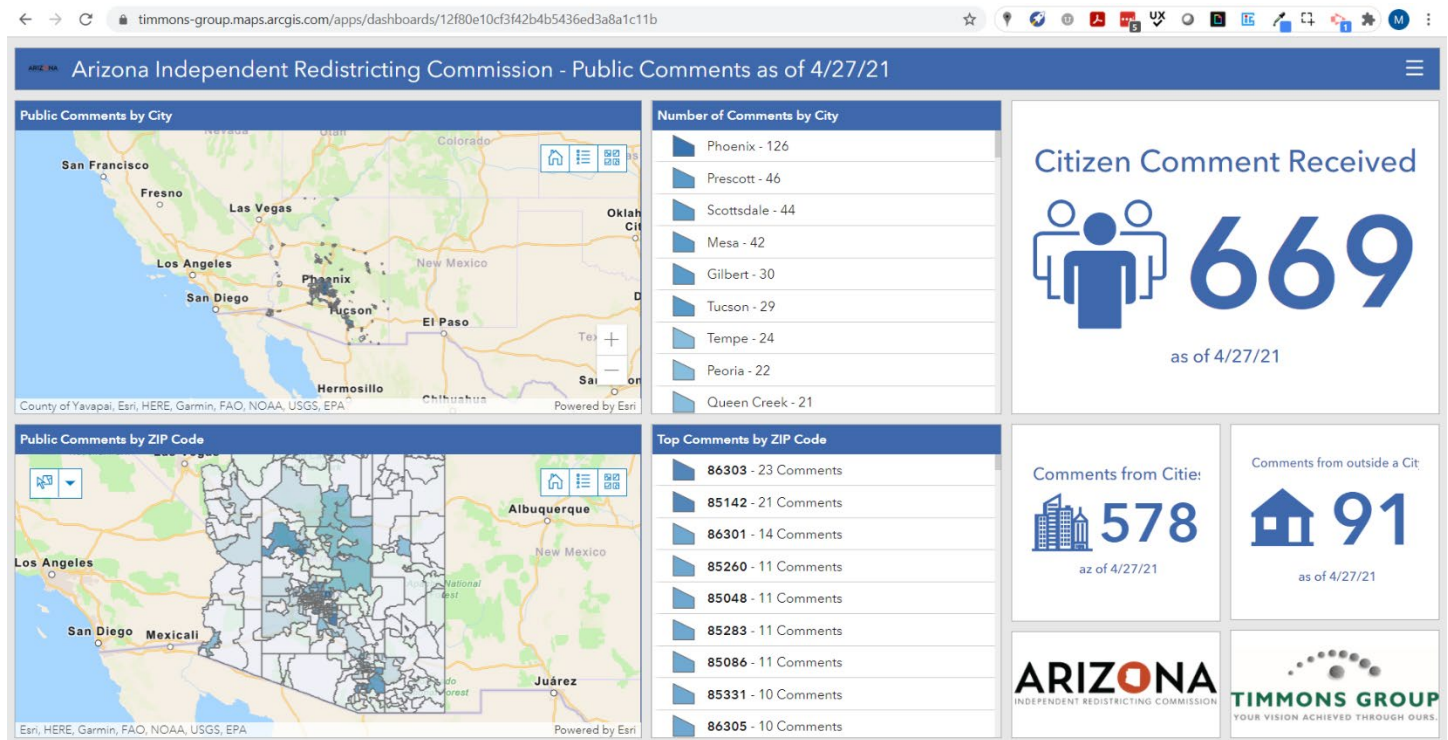
Thank you for the opportunity to provide responses to public comments submitted to the Commission prior to 5 p.m. PST on April 29, 2021. We understand our response to this request for clarification is an opportunity to supplement or elaborate on information for the evaluators to consider regarding our proposal.

Our team brings an important project management sensibility that understands with flexibility to respond to all changes on the ground. Our vast technology project background is grounded in experienced project planning and project management. Integrating the AIRC's staff as one team will improve logistical and related hearing support. Our project manager will be focused on keeping the very important delivery schedule to meet the critical timelines the IRC must meet to complete its mandates for Arizona citizens. We encourage the AIRC to carefully review our initial project schedule: <https://bit.ly/3uhuXTs>.

Our team is ready to start immediately. We have an office in Gilbert, AZ, our project manager lives in Gilbert, and our lead Subject Matter Expert and demographer lives in Scottsdale, AZ. We also have several team members relocating to Arizona late summer 2021.

The AIRC will face many challenges; one challenge will be using the best available technologies that support upholding public confidence in the integrity of the redistricting process – in the most transparent way possible. Our user-friendly technology solution enables complete collaboration with citizens. Our understanding of past legal challenges, Arizona's Proposition 106, the role of the Commissioners, and the use of GIS and related technologies for redistricting allows us to design the best possible technology solution for this project. Our proposed system will satisfy legal requirements, improve inclusiveness and transparency, and maximize the efficiency of the redistricting process in Arizona. The Esri Redistricting solution is a Managed Cloud Service to meet and exceed AIRC's stringent requirements including: the Commission's unfettered 24/7 access to draft maps, logs, reports, and data; ongoing log for each map, using built-in tools to check compactness and allowable population deviation; tools to create compliant plans, including design, editing, review, and validation and regulatory reporting. And finally, the proposed system is to ensure the proper use of a system of record that is transparent providing a single cloud-based system/database that maintains ongoing logs of use and changes to plans that is easily auditable.

The AIRC mapping requires the next level technical support to meet this new era in Redistricting technology and data management. We are mapping and redistricting experts and we will bring accuracy, transparency, 2021 data-driven innovations, and excellent guidance to the project. We developed a simple Proof of Concept as an example of our innovation and to demonstrate our technical capabilities. It is centered around the public comments submitted for the published public meetings by AIRC through April 27, 2021. Our technical team has taken the public comments, mapped them by ZIP code, City, and non-city, and created a dashboard to easily view the geographic areas from where they were sent. We will bring the same experienced redistricting experts and efficient state-of-the art innovations to the forefront throughout this project. We would be happy to provide a live demonstration of the dashboard or provide its URL to AIRC.



In the nearly 700+ comments, we have developed seven (7) responses regarding Timmons Group and NDC. We will be responding to these themes rather than individual comments. While there are many comments directed at our firms (Timmons Group and NDC), we did want to take the opportunity to respond to ones that are **not factually correct**. Below are our responses to comment themes:

1. Yuma County finished more than a month EARLY

The allegation that NDC failed to finish the Yuma County redistricting is false. In fact, the Yuma County Board of Supervisors selected NDC (and its legal partner for Arizona local redistricting projects, Federal Compliance Strategies) as their 2021 redistricting consultant.

In 2011 the Yuma County Redistricting Advisory Committee selected its recommended map to the County Board on August 29, 2011. The Board approved the Committee's recommended map on October 17, 2011. This was more than a month prior to the December 1 redistricting deadline found in Arizona Statute 11-212.

Those repeating this false talking point are citing a political activist's blog post, in that one of the advisory commissioners disliked how quickly the commission was asked to finish its work. However, that timeline was set by the County Board, not by NDC. The activists think the complaints about the County-set timeline being too fast indicates NDC failed in some way. These two ideas are not linked logically. NDC completed its work within the time, a month early.

For comparison of timeliness the 2011 IRC approved its final maps on January 17, 2012.

2. AIRC 2001 NDC Project: Arizona Supreme Court upheld Adopted Map and Minority Coalition later withdrew previous support for the adopted map, which resulted in the adopted map being overturned.

2004 Court Case UPHELD Commission's adopted map

The Arizona Court of Appeals and the Arizona Supreme Court both overturned the Superior Court ruling and upheld the Commission's adopted map. The Appeals and Supreme Court overturned both the Superior Court judge's ruling and his findings of fact, that is, that the Superior Court judge both misinterpreted the law and misunderstood the standard to be applied by the state courts when reviewing maps.

The Department of Justice 2001 (DoJ) Action occurred due to minority groups initial, but later redacted, input

In 2001, a coalition of minority groups asked the Commission to go slightly below the "benchmark" Latino percentages in a handful of legislative districts, to draw one additional heavily Latino district. Despite the known risk involved, in that the upcoming DoJ preclearance requirement would need to rely heavily on a significant show of community support for that step, the Commission agreed with that the minority coalition's request.

Following the 2011 Commission's vote to adopt a map specifically requested by the minority coalitions, two different spokespersons for the minority coalition expressed their appreciation for the Commission's decision:

- MR. SOLAREZ: "Thank you for paying attention to the needs of minorities, even though before you guys were on the Commission, we chastised you, and you guys performed up to par. Respect has to be shown to you. You respected the State of Arizona."
- MR. KIZER: Aaron Kizer, Citizens for Fair Redistricting. "We wish to thank you very much. We wish we achieved a more compact district. We have nine districts. You lived up to your end of the bargain. We'll live up to our end."
 - ✓ Following the Commission's final adoption of the 2001 map, the minority coalition changed its mind. In fact, the same Mr. Kizer filed the objection with the DoJ to the same map that he had previously wanted and approved.
 - ✓ The 2001 Commission had a map before it that would have easily passed DoJ review. But the minority coalition clearly asked the Commission to adopt a risky map. In retrospect, of course it was a mistake to agree to the coalition's request, but the Commission's reason for doing so was entirely laudable.
 - ✓ Changing its mind was the coalition's right. The only mistake the Commission made was agreeing to adopt that "stretch" map which added more heavily Latino districts than a strict following of the DoJ allowable benchmarks!

The 2001 adopted map's resulting bottom line: the 2001 Commission's adopted map doubled the number of Latinos in the Arizona Congressional delegation and increased the number of Latinos in the Legislature by 25 percent in just one election cycle.

NDC's bottom line: NDC has worked on nearly 400 districting and redistricting maps, and out of those many hundreds of adopted maps, the map described above is the **only one** in our forty years which was ever overturned by a Judge or by the U.S. Department of Justice.

3. Various Allegations of NDC maps are rejected

- NDC has never done any work of any kind in Texas.
- NDC did not draw any of the maps in question in the Kern County litigation.
- NDC has never drawn any maps in North Carolina.
- NDC provided Expert Testimony in North Carolina and Kern County, long after those maps were drawn (years after, in Kern County's case).
- No Judge has ever ruled that an NDC-drawn map harmed any Latino (or any other protected class) population's voting rights.

4. League of Women Voters' Withdrawn Letter circulated by an individual. Fact: NDC enjoys a long-term working relationship with the League.

The letter sent by a local chapter chairperson was so full of incorrect internet innuendo and factual errors that the League itself withdrew it within 24 hours of submitting it. An individual got the withdrawn letter through a public records act request and continues to intentionally circulate the withdrawn letter.

The facts are: NDC President Douglas Johnson has worked with the League on redistricting reform efforts for more than 15 years.

5. West Contra Costa County case was for school district elections. There was no map violation.

The same individual who circulates the withdrawn League of Women Voters letter also intentionally misstates the facts of this case. The lawsuit, and the school district's admission of liability, are about the school districts use of jurisdiction-wide elections and NOT about any map drawn by NDC or by anyone else. The school district eventually admitted that its failure to use by-district elections was a voting rights act violation – not that any map was a violation.

6. North Carolina Testimony—Dr. Johnson was solely an expert witness. His role excluded all mapping and legislative map comments

NDC President Douglas Johnson was brought in as an expert witness in this case long after the maps were drawn and adopted to testify on the issues of how mapping software worked, how North Carolina's mapping criteria compare to criteria in other states, and similar issues. One of Dr. Johnson's seven points were tossed out by the state court due to an admitted coding error, but the court explicitly rejected a request to reject the other six points made by Dr. Johnson.

As an expert witness, Dr. Johnson's six topics in the North Carolina state redistricting case were:

- The workings of the Maptitude for Redistricting software
- The relative strengths of various approaches to limit political gerrymandering, compared to North Carolina's "county grouping" requirement for legislative district maps
- A "similarity index" calculation comparing the number of people who changed districts among five different statewide redistricting plans
- An analysis of whether the plaintiffs' proposed remedy maps used partisan or nonpartisan mapping criteria
- North Carolina's traditional use of "Vote Tabulation Districts" as a traditional base geography for redistricting
- An evaluation of whether the adopted map was the most-favorable-Republican map possible
- An evaluation of whether the state's "county grouping" requirement for legislative maps limits the amount of partisan gerrymandering possible.

Fact: None of Dr. Johnson's expert testimony involved drawing of any adopted map or commenting on the advantages or disadvantages of the legislature's adopted map.

As Federal Judge Wynn stated, even when not ruling for the side that brought in Dr. Johnson as an expert, "Here's a great expert. . . . today you bring him in for what sounds like good information, very smart man up here."

7. Redwood City - NDC was able to create a desired outcome

In Redwood City, the "core" heavily Latino neighborhood was almost the exact population for one Council district, and early draft maps drawn by NDC along with most maps drawn by residents, included some form of that one district. Local activists expressed a desire for two districts but were unable to figure out how to draw one themselves. At the City's request, NDC provided the public with paper-and-Excel mapping tools with demographic data, and with a full-powered online mapping tool. Initially, NDC, like the activists themselves, could not find a way to draw two majority-Latino districts. Later, however, NDC figured out that through the creative mixing of "core" Latino neighborhood areas and

Mr. Michael Hillebrand

May 3, 2021

Page 5

surrounding neighborhoods that were 20 percent to 35 percent Latino, NDC could create a map that achieved the activists' goals of two majority-Latino districts. This late process discovery necessitated adding one additional Council hearing to ensure the public the full opportunity to review and comment on the new map, which was later approved by the Council.

Because the solution to the very unusual demographic puzzle was created relatively late in the process, NDC did not charge for its participation in an additional Council meeting so there were no "additional expenses" to the city (hearings were held at regularly scheduled Council meetings). Further, there were no threats of litigation. Had there been any litigation threats, the group making the threat would have presented the map they wanted, since they had full access to a wide variety of mapping tools provided by the City and NDC. Redwood City presented a complicated demographic picture, and ultimately only NDC was able to figure out a map that achieved the goals of residents and the Council.

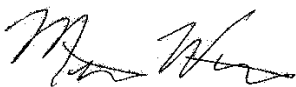
Conclusion

Redistricting is an important process which automatically makes it high profile. Because of this, there will be a lot of focus and criticism at each step. While some of it will be legitimate, unfortunately some will not be. Groups will try to use this process to further their own agendas.

We urge the commission to ignore internet innuendo and false accusations on all sides. We trust you will review and understand all the facts.

Timmons Group is a premier, multidisciplined geospatial technology company that provides GIS services. We are perhaps uniquely unbiased in our ability to work towards well-received project outcomes, based on our track record with more than 3,000 satisfied GIS clients in our 30-year history. We often team with subject matter experts to accomplish complex projects, such as NDC on this project. We at Timmons Group and our partners at Esri, respect NDC because of its non-partisan expertise, and the fact that Dr. Johnson worked for the Commission in 2001. The NDC Team Leader, Ivy Beller Sakansky, worked for the 2001 plaintiff team. With Timmons and NDC, the Commission is getting the best demographers, leading experienced redistricting process guidance team, and 2021 technology mapping and citizen engagement capabilities. Thank you for your time.

Sincerely,



Michael Wiley

Timmons Group

www.timmonsgis.com

917.848.6504