

From: Rochelle Kaplan
To: Romero, Ross, McAdams, Ben, Lyon, Matt, patrice@patricearent.com, Dabakis, Jim
CC: KANTER, JOSH, Lipson, Art
Date: 10/4/2011 1:17:26 PM
Subject: FW: UT redistricting and query
Attachments: [Mime.822](#)

Hi Ben, Patrice, Ross, Josh, Matt and Jim,

I contacted the Brennan Institute at NYU to see if UT might have grounds to sue redistricting maps. Here is response from one attorney there. Ben and Ross, see paragraphs 3 and possibly 4; you would likely know if we have a case.

Does not look good at this point.

Rochelle

-----Original Message-----

From: Gaskins, Keesha [mailto:gaskins@exchange.law.nyu.edu]
Sent: Tuesday, October 04, 2011 1:06 PM
To: Rochelle Kaplan
Cc: Waldman, Michael
Subject: RE: UT redistricting and query

Ms. Kaplan:

Michael was kind enough to forward your inquiry regarding Utah's latest redistricting efforts. Utah has certainly been in the news a great deal lately based upon its highly contentious redistricting process this cycle, but the facts do not appear to provide much of a basis for a court challenge.

In response to your inquiry, you are correct that there are only limited bases for challenging a redistricting plan under federal law. Political gerrymandering (entirely theoretical as there has never been a successful or even a judicable claim alleging a constitutional redistricting violation for political gerrymandering), equal population violation or a violation of the Voting Rights Act.

While there is theoretically a basis for a political gerrymandering claim, it is unlikely to be judicable under the facts presented here, leaving only an equal population or VRA claim under federal law. Since the districts do not violate the equal population standard that claim is similarly nonviable. Leaving only a potential challenge under Section 2 of the Voting Rights Act; if there are potential VRA challenges, Mr. Adams will have a better perspective as to whether any of the Hispanic communities meet the criteria to bring a challenge under Section 2 of the VRA.

Alternatively, the only state claims available would be based upon non-compliance with either (1) violation of the redistricting committee guidelines (<http://le.utah.gov/asp/interim/Commit.asp?Year=2011&Com=SPERDT>) or the redistricting committee guidelines (<http://le.utah.gov/asp/interim/Commit.asp?Year=2011&Com=SPERDT>) -- presumably, however, the redistricting committee followed its own guidelines. The Utah Constitution provides few restrictions, and none that would give rise to challenge in the current procedural posture.

Unfortunately, absent any guidance from Mr. Adams - my cursory review provides little basis for a court challenge to Utah's redistricting plan. If, however, you have any additional information you want us to consider or want to have a short phone conversation I am available to discuss at your convenience (646-292-8339).

Kindly,
Keesha Gaskins

Keesha Gaskins
Senior Counsel - Democracy Program
Brennan Center for Justice
www.brennancenter.org
Direct Dial: 646-292-8339

Cell Phone: 651-983-6397
keesha.gaskins@nyu.edu

From: Waldman, Michael [WaldmanM@exchange.law.nyu.edu]
Sent: Tuesday, October 04, 2011 12:32 PM
To: Rochelle Kaplan; Michael Waldman, Executive Director - Brennan Center for Justice
Cc: Ben McAdams; keesha.gaskins@nyu.edu; myrna.perez@nyu.edu; Weiser, Wendy; Norden, Lawrence
Subject: RE: UT redistricting and query

Hi, Rochelle - I'm sharing this with my colleagues here. (Justin is now a law professor in California!) We'll get back to you -
Best regards,
Michael

From: Rochelle Kaplan [mailto:rochelle@wifunds.com]
Sent: Tuesday, October 04, 2011 11:45 AM
To: Michael Waldman, Executive Director - Brennan Center for Justice
Cc: Ben McAdams
Subject: UT redistricting and query

Dear Michael,

I couldn't find Justin Levitt's email so am writing you re: redistricting. The UT legislature is about to pass heavily gerrymandered maps (I have enclosed some links). I wonder what past legal challenges have been successfully used to force map redrawing. I know of 2 court focuses- one on districts equally divided among the state's population and ensuring proper minority representation. Are there other grounds for legal suits?

The Super-Majority Republicans' arguments in drawing the maps is that they wished to ensure that both urban and rural voters' interests were protected in each congressional district. For this reason, they adopted a pizza pie approach that carves up the urban centers and lops them in with rural district, often hundreds of miles apart (close to 400 miles). Several communities, like Holliday and Syracuse, as well as Salt Lake City, are chopped up. I do know that the districts are divided almost equally by population. Not sure about minority population so am copying Ben McAdams, a Democratic legislator who worked on this issue (an attorney and graduate of Columbia Law School).

Thx for any help you provide.

Best,
Rochelle Kaplan

<http://www.sltrib.com/csp/cms/sites/sltrib/pages/printerfriendly.csp?id=52662086>

<http://www.redistrictutah.com/>

<http://www.standard.net/stories/2011/10/03/utahs-redistricting-maps-making-progress>

http://ballotpedia.org/wiki/index.php/Redistricting_in_Utah

<http://www.redistrictutah.com/maps/senate-redistricting-committee-adopted-senate-map-92711-v2>

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From: Google Alerts
To: Romero, Ross
Date: 10/5/2011 8:14:57 AM
Subject: Google Alert - "Senator Ross Romero"
Attachments: [Mime.822](#)

News

1 new result for "**Senator Ross Romero**"

Utah House, Senate: No Agreement on Congressional Redistricting ...

KCSG

Senator Ross Romero, D-Salt Lake, sounded relieved that there would be time for more discussion. "This is exactly what we were hoping would occur," he said. ...

Tip: Use a plus sign (+) to match a term in your query exactly as is. [Learn more.](#)

[Delete](#) this alert.

[Create](#) another alert.

[Manage](#) your alerts.

From: Rochelle Kaplan
To: McAdams, Ben, Robles, Luz, Romero, Ross
Date: 10/6/2011 10:30:51 AM
Subject: FW: UT redistricting and query-
Attachments: [Mime.822](#)

Dear Senators,
Please look at paragraphs 2-3 below from Brennan Center for Justice and maps to see if we have grounds for legal challenge. If not, at the very least, senators (including Republicans who are disaffected) should issue a statement or press conference.Thx.

Rochelle Kaplan

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Sent: Tuesday, October 04, 2011 12:32 PM
To: Rochelle Kaplan; Michael Waldman, Executive Director - Brennan Center for Justice
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Subject: UT redistricting and query

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<http://www.eset.com>

From: Rochelle Kaplan
To: Romero, Ross
Date: 10/6/2011 11:55:55 AM
Subject: redistricting
Attachments: [Mime.822](#)

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I just looked over redistricting guidelines for UT 2011 and wonder what constitutes "reasonably compact" districts. Are districts, as drawn, reasonably compact?

Sincerely,
Rochelle Kaplan

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<http://www.eset.com>

From: Rochelle Kaplan
To: Romero, Ross
Date: 10/6/2011 12:43:57 PM
Subject: 2011 Redistricting Procedural Guidelines
Attachments: [Mime.822](#)

I just looked over guidelines and principles and wonder:

- 1) Re: principles- if districts drawn were "reasonably compact"? What defines reasonably compact?
- 2) Re: guidelines- were all committee meetings open to public?
- 3) "- see #5. Were political data guidelines followed? (not used in drawing map software, not discussed at meetings)

<http://le.utah.gov/interim/2011/pdf/redguide.pdf>

Any member of the public may request written documents provided at all redistricting committee meetings.

Thx.

Sincerely,
Rochelle Kaplan

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<http://www.eset.com>

From: Ellen Brady
BC: Ross Romero, Ross Romero
Date: 10/7/2011 1:43:36 PM
Subject: Redistricting
Attachments: [Mime.822](#)

Dear Representative or Senator:

I am pleased that the legislature has 'stepped back to take another look' relative to redistricting, as it was clear from the map under consideration at that time did not represent the concerns of many Utah citizens. That is, the map did not keep communities of interest intact in any meaningful sense of the word. Specifically, the 'pizza slice' approach to Salt Lake County completely disenfranchised that population by carving it into four pieces and linking three to rural areas with enough population to overpower the urban voice.

Unfortunately, it appears that the 'revised' plan, developed behind closed doors and without public input only worsens the situation by linking the new District 4 to rural areas as well. This approach serves no one well -- urban or rural -- and represents a total travesty that can only be described as blatant gerrymandering for partisan gain. The comments of Becky Lockhart and others chastising questioners who dared suggest that this approach disenfranchised voters and weakened democracy by replying that 'this is a Republic' (don't you know stupid) and 'no Republican or Democrat' will be deprived of a vote under this plan' only underscores the blatant disregard of this legislature for those you are supposed to represent and a lack of understanding of many prior court rulings that underscore the importance of preserving communities of interest in order to protect the ability of those groups to be effectively heard. Additionally, claims that you 'listened to the public' have been nullified by your subsequent redrawing of the lines behind closed doors and the destruction by some members of email communications relevant to the process. Prior to this, efforts to silence the voice of Utahns by creating impossibly high barriers to citizen petitions only further underscores this disregard. The voices of the many thousands who signed a petition asking for an independent redistricting commission have been ignored. I am confident that, had the bar not been set quite so high and had online signatures been acceptable, the initiative would have been on the ballot and would have passed.

Please astonish me and truly step back far enough to consider and implement a plan that does not disenfranchise the urban majority population of this state. We will be heard -- if not now, at the ballot box come November.

Ellen

Ellen Brady
801-272-1590

From:
To: Romero, Ross
Date: 10/8/2011 12:10:37 AM
Subject: Utah Women's Lobby Mtg, Oct. 11, 2011 at 7pm
Attachments: [Mime.822](#)

Dear Senator Romero,

Thank you again for accepting our invitation to speak about upcoming legislation that will affect Women, Children & Families (and a little about redistricting) to the Utah Women's Lobby on October 11th at The Salt Lake County Complex, located at 2100 S State Street, Room N3005. We would like to invite you to join us to speak around 7pm. (Our group is flexible, so if you would prefer to speak earlier or later that evening, we welcome you to do so.) We will also have light refreshments.

Utah Women's Lobby is a non-partisan organization, comprised of delegates from other groups and associations and individual members. We invite legislators from different districts to come and speak on upcoming legislation at our monthly meetings.

Thanks for all you do.

Arlene Penttila

Past President, Utah Women's Lobby

gbalp4555@aol.com

H: (801) 966-0766

C: (801) 440-2879

From: Women's Democratic Club of Utah
To: Romero, Ross, Larson, Billie Gay
Date: 10/8/2011 6:06:34 PM
Subject: Get Involved with WDC This Week!
Attachments: [Mime.822](#)

WDC Members - Please participate in these important events in the coming week!

- Tuesday, October 11 at 5:00 PM - Wear pink or buy it at the ball park!

Pink Dot - Come out and show love and support for our fellow Lesbian, Gay, Bisexual and Transgender Utahns -- so they can come out! We're gathering at Spring Mobile Ballpark (home of the Bee's).

The pinkdot celebration begins at 5:00 PM, with entertainment from DJ Jesse Walker and other fun surprises! Pinkdot merchandise will be available for sale. The program will be emceed by Hope Woodside and Kurt Bestor, with performances from X-Factor contestants The Anser, Kurt Bestor, Lady Murasaki and Mona Stevens. Pink Dot Ambassadors Eric Alva, Ted and Holly Wilson, and Archie Archuletta will share their own Pink Dot stories.

At 6:20, we will begin forming the biggest human pinkdot Utah has ever seen!

- Tuesday, October 11 at 7:00 PM - Keep your pink shirt on! Meet us at the SLC Main Library Auditorium.

Redistricting Utah: A Community Process

Tuesday, October 11, 7:00 P.M.

Every ten years, the Utah State Legislature has a responsibility to redraw district boundaries based on census reports and reapportionment results. Redistricting impacts the boundaries for U.S. House of Representatives, the State House of Representatives, Utah Senate, and the Utah State Board of Education. Unfortunately, our Republican dominated legislature has once again decided to draw the boundaries to favor Republicans and suppress Democratic representation.

Three local experts will discuss the redistricting process and answer questions at this public event:

Moderator:

Dr. Timothy Mark Chambless, Associate Professor, Department of Political Science, Hinckley Institute of Politics, U of Utah.

Speakers:

Maryann Martindale, Executive Director, Alliance for a Better UTAH

State Senator Benjamin M. McAdams, (D) - District 2, Minority Caucus Manager, and member 2011 Redistricting Committee;

Representative Kenneth W. Sumsion, (R)- District 56, Chair, 2011 Redistricting Committee.

Redistricting Utah is sponsored by Alliance for a Better UTAH; the League of Women Voters of Utah; the Hinckley Institute of Politics, University of Utah; and The City Library.

Volunteering Opportunities:

- ☛ Alan Anderson for Midvale City Council - [801-601-8727](tel:8016018727)
- ☛ Kyle LaMalfa for Salt Lake City Council - Wednesday (10/12) and Thursday (10/13) at Utah Democratic Party HQ (825 N 300 W, Suite C400). Phone Calls for Kyle LaMalfa - we'll be calling those who received their ballots by mail to remind/ask them to vote for Kyle. We'll also call voters to identify Kyle supporters and undecideds.

Other info: Limited phone lines at the Party's office so we ask folks to bring a fully charged cell phone and charging cord if they can. We'll provide some food and beverage as well.

We are also walking on Saturday mornings (9:30am to 11:30am staging from Jordan Park - 900 W. 1035 S.) and Thursday evenings (6pm to sundown from Kyle's House - 150 S. 800 W.).

[Unsubscribe](#)

From: Erin Alberty
To: Romero, Ross
Date: 10/12/2011 12:08:03 PM
Subject: Trib interview
Attachments: [Mime.822](#)

Hi, Ross — I'm Erin Alberty, with The Salt Lake Tribune. I am working on a story about state senate redistricting in the Holladay/Millcreek/Olympus Cove area, and I had a few questions for you. If you could call me back today, I'm at 801 257 8609.

Thank you!

Erin

From: "W. Lewis Black"
To: Romero, Ross
Date: 10/13/2011 6:37:24 PM
Subject: Redistricting - Garber Modified King Map
Attachments: [W. Lewis Black.vcf](#), [Mime.822](#)

Tracy Nuttall

Full Name: W. Lewis Black
Last Name: Black
First Name: W.
Company: Dunn&Dunn

Business Address: Dunn&Dunn Law Office

Business: 801-521-6666

E-mail: wlblack@dunndunn.com
E-mail Display As: W. Lewis Black (wlblack@dunndunn.com)

Dear Senator Romero,

I have been following the redistricting debates with great interest. In particular, I have been examining the map recently proposed by Rep. Brian King (the Garber Modified King Map). I do not support the argument that we require an "urban-rural" mix in each of the congressional districts. Nevertheless, if we must have such a "pizza slice" map, I believe that Rep. King's proposal is the most logical map presented to date. It preserves communities of interest in Salt Lake and Utah counties, while still providing each district the rural areas the Republicans deem so important.

I strongly urge you to support Rep. King's proposal. It is my hope that this compromise gets the fair consideration that it deserves.

Thank you for all the good work that you do. Keep up the fight!

Sincerely,

W. Lewis Black
Attorney At Law
DUNN & DUNN, P.C.
505 East 200 South 2nd Floor
Salt Lake City, Utah 84102
Phone: (801) 521-6677
Fax: (801) 521-9998
Email: wblack@dunndunn.com
LinkedIn Profile: <http://www.linkedin.com/in/wlewisblack>

NOTE: The Information contained in this communication is confidential, may be Attorney-Client privileged, may constitute inside information, and is intended only for the use of the addressee. Unauthorized use, disclosure or copying is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify us at (801) 521-6677.

From: Q Dang
To: Dang, Q
BC: Ross Romero
Date: 10/13/2011 7:35:18 PM
Subject: Please support the Garber Citizen Map (modified)
Attachments: [Mime.822](#)

Dear Senator,

As a citizen of Utah, I urge you to VOTE NO on the current map being discussed in the House.

I have studied the maps and I would suggest to you that the best map, based on contiguousness and compactness, is the Garber Citizen Map (modified, sponsored by Representative Brian King).

<http://www.redistrictutah.com/maps/congress-rep-king-garber-modified-king>

Please vote for this compromise map. I know you have worked very diligently for the people of Utah, and I thank you for it.

Sincerely,
Quang Dang

From: "Govert L. (Sandy) Bassett"
To: Romero, Ross
Date: 10/13/2011 9:12:00 PM
Subject: Redistricting
Attachments: [Mime.822](#)

Dear Senator Romero,

Those who are better informed than I tell me the Garber Citizen Map (modified) provides the most fair representation for Salt lake City of the various maps proffered. I do hope you will support its selection.

Sincerely,

Govert L. Bassett
925 Donner Way #2300

From: JoLyn B
To: King, Brian, Romero, Ross
Date: 10/13/2011 9:19:55 PM
Subject: Redistricting Maps
Attachments: [Mime.822](#)

I'm concerned about the gerrymandering attempts going on which we saw last time redistricting took place. I am especially worried because I tend to vote more progressive/liberal and I live in Salt Lake City. I support the map Rep. King is sponsoring and want to make that known to both of you. I appreciate the work you are doing.

From: JoLyn B
To: King, Brian, Romero, Ross
Date: 10/13/2011 9:20:32 PM
Subject: Re: Redistricting Maps
Attachments: [Mime.822](#)

I forgot to say this is the Garber Citizen Map that I support. Thanks.

From: "JoLyn B" <jbrixey@comcast.net>
To: rromero@utahsenate.org, briansking@utah.gov
Sent: Thursday, October 13, 2011 9:19:55 PM
Subject: Redistricting Maps

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From: Dianne Gaschler
To: Romero, Ross
Date: 10/13/2011 9:36:44 PM
Subject: Redistricting Map
Attachments: [Mime.822](#)

I hope you will support the Garber Citizen map. It seems to be better than the other three maps & seems compact & as fair as can be.
Please support it.

--

Dianne Gaschler & Mike Gaschler in your District.

From: Richard Kanner
To: Romero, Ross
Date: 10/13/2011 10:14:08 PM
Subject: Redistricting Utah
Attachments: [Mime.822](#)

Dear Senator Romero:

I believe the the best choice of the redistricting maps I have seen is the one proposed by Brian King. My personal preference would be to have separate districts for Ogden/Logan; for Salt Lake City/County; for Provo/Orem and the 4th district to be as totally rural as possible. The urban-rural mix the Republicans favor is cheap Gerrymandering and denies all proper representation. Rural interests need someone devoted to their issues and the 3 urban areas representatives devoted to their particular situation.

Thank you.

Sincerely,

Richard E. Kanner, MD

2460 Lynwood Drive

Salt Lake City, Utah 84109-1214

Tel: 801-466-9050

Email: richard.kanner@hsc.utah.edu