

## Campaign Legal Center

### Interim Grant Report

#### Battery Powered

November 21, 2019

**1. Describe the progress you've made in achieving the results you anticipated in your application. Be as specific as possible.**

CLC's #FairMaps campaign helped change the national discourse on partisan gerrymandering and contributed to the groundswell of action around redistricting reform across the country. We have seen unprecedented interest from legislators, state advocacy groups and the public to create fair maps and CLC has provided support to many states advancing redistricting reform. During the grant period, we advised state groups working to form Independent Redistricting Commissions (IRCs) through legislation or ballot initiative. In 2018, our crucial support to state groups ensured all five IRC state ballot measures (Colorado, Michigan, Missouri, Ohio and Utah) passed. Now, we are working in those states and others to provide support implementing the commissions.

For the states that have recently created IRCs, CLC is working to ensure proper implementation and protection. Implementation focuses on education efforts and turning the organizers into possible commissioners and community members who actively attend hearings and submit maps. Protection involves defending both the created and the hopefully soon to be created IRCs from legal challenges in court. Below is a list of the states where we are currently working in with a letter in parenthesis (C,I,P) denoting the areas where CLC is providing assistance.

- Arkansas (C)
- Colorado (I)
- Illinois (C)
- Michigan (I)
- Minnesota (C)
- Missouri (I, P)
- Nebraska (C)
- New Mexico (C)
- Nevada (C)
- Ohio (I)
- Oklahoma (C)
- Oregon (C)
- Utah (I, P)
- Virginia (C)
- Wisconsin (C)

In August, we began working with Voters Not Politicians (VNP) to defend them in two lawsuits over Michigan's newly enacted Independent Redistricting Commission. CLC and Michigan law firm Fraser Trebilcock are representing VNP, a citizen-led, volunteer organization that collected over 425,000 signatures from voters in just 110 days. The constitutional amendment to create a voter-led commission – designed to establish a new level of transparency in the state's future redistricting process – passed with 61% of the vote in the November 2018 election and was enshrined in Michigan's constitution on Dec. 22, 2018. VNP now seeks to preserve that victory.

We are also continuing to deploy our media and public education campaign to explain the impact of partisan gerrymandering on our democracy and how it directly impacts lives. CLC uses news hooks related to litigation filings as opportunities to release educational content, as well as support ballot initiatives that would create independent redistricting commissions in the states. We also work regularly with national media outlets to craft stories about redistricting reform. We calculated at least 35 different national media pieces thus far on redistricting that incorporate our narrative on redistricting reform, including stories and op-eds in *The New York Times*, *Wall Street Journal*, *MSNBC* and *USA Today*.

In January 2019, CLC conducted additional polling that found strong opposition to gerrymandering among likely 2020 general election voters and broad, bipartisan support for the U.S. Supreme Court to set clear rules for when gerrymandering violates the Constitution. The poll, commissioned by CLC, was conducted by a Democratic firm, ALG Research, and a Republican firm, GS Strategy Group.

The poll revealed that voters strongly support the creation of independent redistricting commissions and overwhelmingly prefer congressional districts with no partisan bias, even if it means fewer seats for their own party. At least 60 percent of Democrats, Independents and Republicans support the creation of independent redistricting commissions. When asked to choose whether boundaries for legislative and congressional districts should be drawn by state legislatures or by an independent redistricting commission, voters favor the latter by a nearly three-to-one margin.

This messaging was incredibly important in how to tie together the litigation efforts to end partisan gerrymandering with the push for advocates to pass independent redistricting commissions. We shared this messaging with our #FairMaps coalition partners throughout the grant period.

Our communications team also produced social media videos to relay the harms of partisan gerrymandering. The video highlighted our plaintiffs in North Carolina and told the story of how North Carolina legislators silenced their voice and vote. CLC then produced shorter clips in-house for social media distribution. To disseminate the video, we shared it through our press correspondence about the case, reaching hundreds of national political, voting rights and Supreme Court reporters and producers, as well as North Carolina press. We also shared it with our national and North Carolina partners to amplify our #FairMaps message. We reached out to social media influencers, such as Arnold Schwarzenegger, to help us distribute the film. Through this organic digital social media strategy on Twitter and Facebook, we were able to reach at least 88,000 people directly.

In August 2019, we released a [video](#) featuring our redistricting staff explaining how to properly design an IRC that we have shared widely on social media. We are increasingly developing tools like this, as well as planning to launch interactive toolkits on CLC's website this fall explaining how to properly design an IRC, to aid in our state-level work.

Further, we are establishing education workshops in the states that have created IRCs. As of the date of this report, we have had five lectures/presentations in Michigan, and one in Utah.

**2. Tell us about any changes to your proposed scope of work, leadership or staff. If you have new partners or funders, list them here:**

Through the generous support of the Battery Foundation, we were able to hire Chris Lamar, legal counsel for redistricting. Prior to joining the CLC, Chris clerked for Judge Raner Collins of the U.S. District Court for the District of Arizona, where his duties included assisting Judge Collins in resolving matters before the district court and as he sat by designation on the Ninth Circuit. Chris was also a staff attorney and legal fellow for the U.S. Courts of Appeals for the Third and D.C. Circuits, respectively. While in law school, Chris was a member of the Federal Legislation and Administrative Clinic, where he worked on

cybersecurity issues. By hiring Chris, we are able to focus on expanding our state-level redistricting work and providing more legal support to states interested in forming IRCs.

**3. Describe any challenges you're encountering – or lessons you've learned – and how you've responded. If you're exceeding expectations, discuss influencing factors. :**

As voters increasingly look to IRCs in the fight to stop politicians from choosing their voters, opposition from those politicians and pro-gerrymandering groups have grown increasingly powerful and coordinated. We recognize that this is a result of our success in 2018. In New Hampshire, for example, CLC helped draft and provided testimony in support of an advisory IRC that was introduced legislatively. The legislation received substantial bipartisan support but it ultimately fell victim to a gubernatorial veto. The Governor claimed that the current process of having the state legislature draw the lines was “fair and representative.” Our experience tells us otherwise. Our best guess is that outside national groups who are opposed to IRCs convinced the Governor to veto the measure.

The lesson learned here is that the fight for fair maps does not end simply because there is strong legislative support and a few signals from the Governor's office that he would not veto the legislation.

In other areas, we have exceeded expectations in that CLC has very much positioned itself as a legal partner that must be involved at the very early stages of the drafting process to help ensure success. Our reputation has allowed our network of partners to grow, which in turn gives us the ability to continue fighting for fair maps across the country.

**4. Describe any new developments in the field that are influencing this project or your work overall, and how.**

As part of our efforts to expand the use of IRCs, we are creating toolkits that explain in plain English what an IRC is and why they're needed. The toolkits will also discuss which states have IRCs and the characteristics of those IRCs.

A new development on the implementation side of our work is observing how hostile legislatures are trying to neuter the newly created IRCs. Although the tactics have varied thus far, they have not been successful. These attempts have also allowed us to continue strengthening the IRCs that we're working to create before the 2020 election cycle. The initial attempts have also served to further galvanize voters because politicians are attempting to thwart the will of voters.

**5. Is there anything else we should know about your work? Tell us here.**

Over the course of the past year, CLC has positioned itself as the premier legal organization for IRC policy and litigation.

**6. Briefly summarize the three most noteworthy accomplishments of the grant so far, in bullet point format. These may be shared publicly on the Battery Powered website.**

- We advised state groups working to form IRCs through legislation or ballot initiative. In 2018, our crucial support to state groups ensured that voters approved all five IRCs that were on the ballot (Colorado, Michigan, Missouri, Ohio and Utah) passed.
- In August, we began working with Voters Not Politicians (VNP) to defend them in two lawsuits over Michigan's newly enacted Independent Redistricting Commission. CLC and Michigan law firm Fraser Trebilcock are representing VNP, a citizen-led, volunteer organization that collected over 425,000 signatures from voters in just 110 days. The constitutional amendment to create a voter-led commission – designed to establish a new level of transparency in the state's future

redistricting process – passed with 61% of the vote in the November 2018 election and was enshrined in Michigan’s constitution on Dec. 22, 2018. VNP, with the help of CLC, now seeks to preserve that victory.

- We continue to work with new states to expand the use of IRCs and increase the prevalence of fair maps across the country.

Campaign Legal Center, Redistricting Program  
Interim Report covering period 12/1/18 - 10/31/19  
Battery Powered \$250,000 2-year grant  
Grant Duration: 12/1/18 - 11/30/20

Category	2019 Program Revenue and Expenses as of 10.31.2019	2019 Battery Powered Budget	2019 Battery Powered Supported Expenses as of 10.31.2019	Narrative
<b>2019 Program Revenue</b>				
Battery Powered	\$ 125,000			Year 1 of 2 year grant for program support
Brach Family Fund of Tides Foundation	\$ 30,000			One-time donation for program support
Present Progressive Fund	\$ 100,000			9 month grant for program support
Sheep Meadow Foundation	\$ 20,000			One-time donation for program support
Southern Coalition for Social Justice	\$ 63,401			Cost-sharing agreement for work on Whitford case
Mr. William Von Mueffling	\$ 300,000			Year 1 of 2 year grant for program support
<b>TOTAL REVENUE:</b>	<b>\$ 638,401</b>			
<b>2019 Program Expenses</b>				
Salaries	\$ 306,482	\$ 80,000	\$ 76,500	CLC hired additional redistricting attorney in 2019
Fringe	\$ 48,104	\$ 20,000	\$ 13,500	CLC fringe rate at 18%
<b>Sub-total:</b>	<b>\$ 354,586</b>	<b>\$ 100,000</b>	<b>\$ 90,000</b>	
<b>Consultants (Expert witnesses and legal services)</b>				
Legal Filings / Court Fees / Depositions / Discovery /	\$ 139,142			
Transcripts	\$ 79,059	\$ 3,000	\$ 3,000	A portion of legal costs
Conferences / Meetings / Travel	\$ 44,289	\$ 12,000	\$ 12,000	Travel to areas of litigation
Printing / Publications	\$ 62,336			
Rent / Utilities	\$ 21,439			
Phone / Internet / Conference Calls	\$ 4,170			
Supplies	\$ 609			
Postage	\$ 415			
Comms / Publicity / Website	\$ 21,426			
Research Services	\$ 30,279			
Other Expenses	\$ 2,635			
Overhead	\$ 43,766	\$ 10,000	\$ 10,000	
<b>TOTAL EXPENSES:</b>	<b>\$ 804,151</b>	<b>\$ 125,000</b>	<b>\$ 115,000</b>	

\$135,000 Remaining to be spent from Battery Powered grant between November 1, 2019 and November 30, 2020.