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## Arizona State Senate

Monday, October 31, 2011

United States Department of Justice  
Office of the Associate Attorney General  
Civil Rights Division  
Mr. T.Christian Herren  
Chief, Voting Section  
950 Pennsylvania Avenue, N.W.  
Room 7254 - NWB  
Washington D.C., 20530

Re: Request for Department of Justice Intervention/Pre-Clearance

To whomever it may concern:

I write today to thank the Department of Justice Civil Rights Division for the great work you have done to protect the voting rights of all Americans by ensuring various jurisdictions, including the State of Arizona, comply with the Voting Rights Act.

The protection of minority voting rights, in particular Latino voting rights, in the State of Arizona has been an increasingly difficult task in our state as that community continues to grow. Arizona's population as a whole has increased from 5,130,632 to 6,392,017 from the 2000 census to the 2010 census. During the same time period, Arizona's Latino population increased at nearly double that rate from 1,295,617 to 1,895,149 from the 2000 to the 2010 census. Especially in Arizona, this growing population's protection is needed now more than ever.

Unfortunately, recent efforts have been made to undermine previously pre-cleared efforts to ensure the protection of minority votes. The Arizona Attorney General attempted to conduct an investigation of the Arizona Independent Redistricting Commission (AIRC) accusing the AIRC of open meeting law and procurement law violations.<sup>1</sup> On October 20, 2011, the legislature created a Joint Legislative Committee on Redistricting which has since met several times to criticize the efforts of the Arizona Independent Redistricting Commission. The Governor has also since threatened to call a special legislative session to pursue impeachment of AIRC members.

These efforts are all being done to intimidate the AIRC into drawing maps in favor of one party over the other. Since the intimidation to this point has not resulted in more favorable maps, the threats of impeachment are becoming more realistic.

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<sup>1</sup> The Arizona Attorney General was later disqualified from pursuing that investigation after the Maricopa County Superior Court ruled the office had a conflict of interest after previously representing the AIRC.

Unfortunately, this effort to ultimately remove and replace AIRC members which are not favored by one party is nothing more than a blatant attempt to circumvent the redistricting process approved by the voters of the state of Arizona and pre-cleared by the U.S. Department of Justice in an effort to produce maps that favor the elected officials of one party and which will ultimately have dramatically unfavorable effects on minority communities in the state of Arizona.

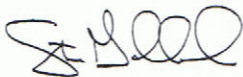
This action cannot be tolerated and therefore I write to humbly request the Department of Justice act immediately to stop this attempt to circumvent the approved redistricting process in place by taking the following steps:

1. Inform the Governor, the Speaker of the Arizona State House of Representatives and the President of the Arizona State Senate that any procedural effort to impeach the AIRC members pursuant to the AZ Constitution, Article IV, Part 2, § 1(10) must first be pre-cleared by the U.S. Department of Justice under Section 5 of the Voting Rights Act.
2. Advise the Speaker of the Arizona State House of Representatives and the President of the Arizona State Senate that pursuant to the AZ Constitution, Article IV, Part 2, § 1(16) the Joint Legislative Committee on Redistricting may submit recommendations only to the AIRC but any complaints on misconduct of AIRC members must be dealt with in impeachment procedures which require pre-clearance by the Department of Justice.
3. Advise the Governor, the Speaker of the Arizona State House of Representatives and the President of the Arizona State Senate that any further attempts to disrupt the redistricting process will result in Department of Justice intervention, up to and including having a DOJ map drawn instead of the AIRC map if further delays preclude an uninterrupted AIRC map from being finished in time for 2012 elections.

The efforts to circumvent the redistricting process are deeply troubling and could have grave consequences to the very individuals the Voting Rights Act was intended to protect. I ask that you act quickly to ensure elections remain fair in the state of Arizona.

Please contact me if you have any questions.

Sincerely,



Steve Gallardo  
Arizona State Senator, Legislative District #13