

STATE OF NEW MEXICO

COUNTY OF SANTA FE

FIRST JUDICIAL DISTRICT COURT

No. D-101-CV-2011-02942

BRIAN F. EGOLF, JR., HAKIM BELLAMY, MEL HOLGUIN,
MAURILIO CASTRO and ROXANE SPRUCE BLY,

Plaintiffs,

vs.

DIANNA J. DURAN, in her official capacity as New Mexico
Secretary of State, SUSANA MARTINEZ, in her official capacity
as New Mexico Governor, JOHN A. SANCHEZ, in his official
capacity as New Mexico Lieutenant Governor and presiding
officer of the New Mexico Senate, TIMOTHY Z. JENNINGS, in
his official capacity as President Pro-Tempore of the New Mexico
Senate, and BEN LUJAN SR., in his official capacity as Speaker
of the New Mexico House of Representatives,

Defendants.

- Consolidated with -

CAUSE NO. D-101-CV-2011-02944
CAUSE NO. D-101-CV-2011-02945
CAUSE NO. D-101-CV-2011-03016
CAUSE NO. D-101-CV-2011-03099
CAUSE NO. D-101-CV-2011-03107
CAUSE NO. D-202-CV-2011-09600
CAUSE NO. D-506-CV-2011-00913

**THE EXECUTIVE DEFENDANTS' MOTION *IN LIMINE* TO EXCLUDE THE
MAESTAS CONGRESSIONAL REDISTRICTING PLAN**

The Governor, the Lieutenant Governor and the Secretary of State (collectively the
“Executive Defendants”) file this Motion *in limine* to exclude the *Maestas* Plaintiffs’
Congressional redistricting plan because it fails to comply with the Court’s order requiring

proposed redistricting maps to employ precincts as building blocks. Instead, the *Maestas* map splits four precincts in order to obtain a zero percent population deviation between its proposed districts. The Court should therefore exclude the *Maestas* Congressional plan from the evidence presented in the upcoming hearing.

ARGUMENT

On October 19, 2011, after holding a scheduling conference attended by the *Maestas* Plaintiffs, the Court entered an unopposed Scheduling Order which required all redistricting plans submitted by the parties to be “based upon precincts used in the redistricting plans considered at the recently concluded special session.”¹ See Scheduling Order (entered 10/19/11) at ¶ 8. The *Maestas* Plaintiffs did not object to this instruction. Nevertheless, they have submitted a plan which splits no less than four precincts. See Aff. of C. Bensen (Ex. 1) at ¶ 5. Because the *Maestas* Plaintiffs’ Congressional plan disregards the Court’s instruction that only plans maintaining whole precincts will be considered, there is no basis to permit the *Maestas* Plaintiffs to use their plan at trial.

CONCLUSION

For the reason stated above, the Executive Defendants request this Court instruct the *Maestas* Plaintiffs and their counsel and witnesses to refrain from making any mention of the *Maestas* Congressional plan during the Congressional hearing in this case. The *Maestas* Plaintiffs have been contacted and this motion is opposed.

¹ Other courts have rejected the notion of splitting of precincts in redistricting plans. See *Larios v. Cox*, 300 F.Supp.2d 1320, 1356 (N.D. Ga. 2004) (finding deviations were acceptable given state’s legitimate state interest in avoiding “further precinct splits along anything other than easily recognizable boundaries.”), *aff’d*, *Cox v. Larios*, 542 U.S. 947 (2004); *Bodker v. Taylor*, 2002 U.S. Dist. LEXIS 27447, *21-22 (N.D. Ga. June 5, 2002) (accepting some deviation in favor of maintaining current precincts). Further, New Mexico law evidences a state policy that disfavors the splitting of precincts to achieve precise mathematical equality between Congressional districts. See NMSA 1978, §§ 1-15-15.1 (creating Congressional districts using precinct boundaries as building blocks); 1-15-16.1 (prohibiting county commissions from creating “any precinct that lies in more than one congressional district, nor shall the boards of county commissioners divide any precinct so that the divided parts of the precinct are situated in two or more congressional districts”).

Respectfully submitted,

By: approved by email 11/28/11

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CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2011, I served via electronic mail and filed the foregoing pleading electronically through the Tyler Tech system, which caused all parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

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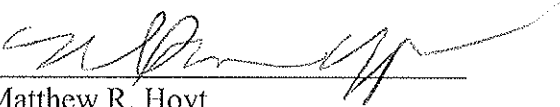
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Matthew R. Hoyt

STATE OF NEW MEXICO

COUNTY OF SANTA FE

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capacity as New Mexico Lieutenant Governor and presiding
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AFFIDAVIT OF CLARK HAMILTON BENSEN
IN SUPPORT OF EXECUTIVE DEFENDANTS' MOTION *IN LIMINE*

1. I, Clark Hamilton Bensen, am over the age of 18, and make this Affidavit based on my personal knowledge.

EXHIBIT

1

2. I am a demographic and political data analyst and a licensed attorney specializing in election and redistricting law. I have been involved in redistricting efforts across the nation since 1980. A copy of my CV has been previously submitted to the Court and to the parties in this litigation as Congressional GOV Ex. 1, and is also attached hereto as an exhibit to this affidavit.

3. In the course of my work in this case, I have reviewed and analyzed the plans submitted by the parties for the redistricting of the United States House of Representatives.

4. I have reviewed the *Maestas* Plaintiffs' proposed redistricting plan for the United States House of Representatives, as well as the data accompanying this plan.

5. My review of the *Maestas* Plaintiffs' proposed Congressional plan reveals that the plan splits four precincts: Sandoval County 55; Torrance County 6; Valencia County 9; and Valencia County 11. Each of these precincts contains portions of two proposed districts and each of these portions includes population.

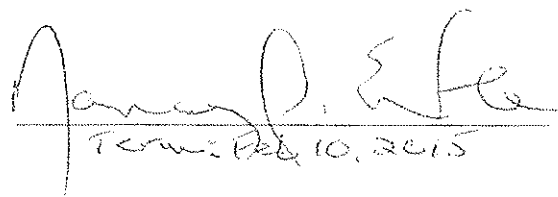
FURTHER AFFIANT SAYETH NOT.


CLARK HAMILTON BENSEN

STATE OF VERMONT)
) ss.
COUNTY OF ORANGE)

SUBSCRIBED AND SWORN to before me this 28th day of November, 2011, by
CLARK HAMILTON BENSEN.

(Seal)
NOTARY PUBLIC


Term: Feb 10, 2015

Curriculum Vitae

CLARK HAMILTON BENSON, B.A., J.D.

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PRESENT POSITION:

POLIDATA ® POLITICAL DATA ANALYSIS: Consulting data analyst and attorney specializing in politically-related matters. POLIDATA ® DEMOGRAPHIC AND POLITICAL GUIDES AND ATLASES: publisher of reference tools for demographic and political research.

EDUCATION:

Graduate: VERMONT LAW SCHOOL, South Royalton, Vermont 05068 (September 1975-January 1978). Transferred as incoming second year student with full credits. Elective concentration: Environmental, Land Use, Administrative and Governmental Law, Antitrust and Civil Procedure. Legislative intern. A full leave of absence for service in the Vermont General Assembly resulted in a graduation in June 1978. Degree: Juris Doctor, February 1978. WESTERN NEW ENGLAND COLLEGE, SCHOOL OF LAW, Springfield, Massachusetts 01119. Academic rank after first year: 17/205 (August 1974-May 1975)

Undergraduate: UNIVERSITY OF VERMONT, COLLEGE OF ARTS AND SCIENCES, Burlington, Vermont 05405 (September 1970-May 1974). Political science major, economics and computer applications minor. Legislative intern. Degree: Bachelor of Arts, May 1974.

LEGISLATIVE EXPERIENCE:

State Representative. VERMONT HOUSE OF REPRESENTATIVES, Sessions of 1977-1978, elected 1976 from district Chittenden 5-1. Member House Committee on Natural Resources.

Congressional
GOV Ex. 1

EXHIBIT

1-A

Clark Hamilton Bensen
Curriculum Vita, Page 2

Legislative Intern. VERMONT HOUSE OF REPRESENTATIVES, Adjourned Session, 1976. Attached to Rep. Douglas I. Tudhope, House Committee on Appropriations.

Legislative Intern. VERMONT HOUSE OF REPRESENTATIVES, Adjourned Session, 1974. Attached to House Committee on Commerce, Paul R. Graves, Esq., Chairman.

LEGAL EXPERIENCE:

Adjunct Counsel: part of the litigation team for several cases relating to redistricting and census issues either following the 2000 or the 1990 redistricting cycles or in preparation for the cycle to follow the 2010 census. (See details *infra*.)

Adjunct Assistant Counsel, Office of the Chief Counsel, REPUBLICAN NATIONAL COMMITTEE, 1986 to 1989.

Staff Counsel, Committee on Contests/Committee on Credentials, REPUBLICAN NATIONAL CONVENTION, 1988, New Orleans, LA.

Admitted to the practice of law before the SUPREME COURT OF THE UNITED STATES, October 1985.

Admitted to the practice of law before the SUPREME COURT OF THE STATE OF VERMONT, October 1979. Inactive from 1997-2005.

Law Clerk, Cleveland, Unsworth, Bennett and Bailey, Ltd., Shelburne, Vermont 05482, 1978.

Law Clerk, State's Attorney, Addison County, Middlebury, Vermont 05753, 1976.

POLITICAL EXPERIENCE:

REPUBLICAN STATE COMMITTEE. At-large member of the Executive Committee of the State Committee, 1979-81. At-large member of the State Committee from Chittenden County, 1977-81. Member of the Legislative Campaign Committee, 1978 and 1980.

CHITTENDEN COUNTY REPUBLICAN COMMITTEE. Member from South Burlington City, 1975-81. Member of the Executive Committee, 1979-81.

SOUTH BURLINGTON REPUBLICAN CITY COMMITTEE. Chairman, 1979-81. Member, 1972-date.

GEORGE BUSH FOR PRESIDENT, Executive Director of the Vermont Campaign for the March 4, 1980 Presidential Preference Primary.

Active in various campaigns for statewide office in various capacities: *SMITH FOR CONGRESS(1988)*, *SMITH FOR GOVERNOR(1986)*, *EASTON FOR GOVERNOR(1984)*, *SMITH FOR LT.GOVERNOR(1982)*, *SPELLING FOR GOVERNOR(1978,1980)*, *EASTON FOR ATTORNEY GENERAL(1980)*, *DOUGLAS FOR SECRETARY OF STATE(1980)*, *PETER SMITH FOR LT. GOVERNOR(1978)*, *TUDHOPE FOR LT. GOVERNOR(1976)*, *HACKETT FOR GOVERNOR(1972)*, *DAVIS FOR GOVERNOR(1968,1970)*. Most direct interaction with campaigns since 1988 has been as a consultant on smaller projects or as an unofficial advisor on an infrequent basis, including some in Vermont, *DOUGLAS FOR SENATE (1992)*; *JEFFORDS FOR SENATE (1994)*, *SWEETSER FOR CONGRESS (1996)*.

Twice Republican Nominee for the VERMONT HOUSE OF REPRESENTATIVES, Chittenden District 5-1, 1976 and 1978.

Member, VERMONT HOUSE OF REPRESENTATIVES, Chittenden 5-1, 1977-78.

PROFESSIONAL EXPERIENCE:

POLIDATA ® POLITICAL DATA ANALYSIS, Consulting Data Analyst and Attorney, since 1989, and POLIDATA ® DEMOGRAPHIC AND POLITICAL GUIDES AND ATLASES, since 1995. POLIDATA is one company with two divisions. I divide my time between the two operations on a varying basis.

POLIDATA: POLITICAL DATA ANALYSIS: (1989 to date).

- o Redistricting Support: A considerable effort was made on behalf of redistricting stakeholders in their preparation and participation in the redistricting cycle following the 2000 Census. (See details *infra*.)

- o Redistricting Litigation Support, Precinct Development Project: A major client from October 1989 through 1991 was the Metromail Corporation, which had a contract to develop a nationwide precinct level election database. This project included all partisan general elections from 1984 to 1990 for the nearly 200,000 reporting units (e.g., precincts) in the 50 states and the District of Columbia. My assignment here was to design the structure of the databases and give final approval of each dataset so that the final product is a good foundation from which any litigant in the 1990 redistricting process would be able to create an integrated

database and be able to use it in litigation without much additional development work.

o Census Adjustment Review: During the 1990 census process, several clients retained me to review the various political aspects of any adjustment to the 1990 federal census. These analyses have focused on the pragmatic political aspects of the process. The results of these analyses have been used by clients and other interested parties as material for testimony before Congress and state legislative bodies as well as for press distribution.

o Election Data Analysis: Several projects have been undertaken over the years to compile the results of the Presidential Elections by Congressional Districts. Either at the RNC or independently, POLIDATA has taken the lead on this project since the 1984 elections, several times with CONGRESSIONAL QUARTERLY and/or NATIONAL JOURNAL. This project involves coordination with hundreds of local election officials and takes six months to complete due to the complex and multi-jurisdictional nature of many Congressional Districts. Clients, and/or publications using these, and related results include: POLITICS IN AMERICA and/or THE ALMANAC OF AMERICAN POLITICS, in CONGRESSIONAL DISTRICTS IN THE 1990S, and 2000s, the COOK POLITICAL REPORT, separate analytical volumes by POLIDATA and several national media organizations.

o Redistricting Consulting: Several clients have retained Polidata for the provision of generalized consulting with respect to the legal, data, and technical aspects of the redistricting cycle, including census issues.

o Campaign Finance Analysis: Several projects have revolved around campaign finance data, federal and state, including normal in-cycle review of spending patterns to comprehensive "data-mining" of the extensive campaign disclosure database maintained by the Federal Election Commission.

o Campaign Finance Litigation: worked with the legal team to prepare data analysis in the *Landell v. Sorrell* (D. VT, 1999) case challenging certain aspects of the Vermont campaign finance law; testified as an expert witness on the results of this analysis. This case was appealed to the U.S. Supreme Court; argument was heard February 28, 2005. The opinion by Justice Breyer made specific mention of the expert report and testimony offered at the trial as being probative. (Decided as *Randall v. Sorrell*, No. 04-1528, June 26, 2006.)

o Demographic and Political Research: Several projects involve the analysis of these data for a variety of purposes, including campaign targeting and overlay of information to voter lists for campaign use in direct mail or other voter contact.

POLIDATA: DEMOGRAPHIC AND POLITICAL GUIDES AND ATLASES: (1995 to date). This is a project to compile information relating to the art of politics and assemble it in a format that meets the needs of demographic and political researchers. The market is primarily the public, academic or research library or participants in state and national politics, both practitioners and media. Volumes are produced for both the state and national market in several standing series. (See details *infra*.)

COMPUTER SERVICES DIVISION, REPUBLICAN NATIONAL COMMITTEE: (1993 to 1995). I returned to the RNC for the 1994 election cycle. My position was as the Director of this Division, a senior staff position. My staff numbered between 15 and 20 persons. The responsibilities of the Division included: operation of a in-house computer network for approximately 250 workstations and an off-site network with all 50 states; development of software for the entire RNC staff; development and processing of voter lists for all 50 states; development of precinct-level election datasets for all 50 states; maintenance of all in-house lists aside from donors; substantial direct assistance to the Political/Campaign Operations Division; coordination of special projects for every Division of the RNC.

POLITICAL ANALYSIS, REPUBLICAN NATIONAL COMMITTEE: (1981 to 1989). As the first director of this department, started in 1983, the role here was to undertake the collection, compilation, systematization and analysis of politically related data. With a combination of technical, analytical and legal skills, this project resulted in a complex data system which allowed the organized study of political, demographic and economic data.

o Publications and analysis: The primary result of the data system was the biennial publications, *The Republican Almanac*, three editions of which were my responsibility, and the *Election Summary*. The *Almanac* profiles each state from a political/election perspective and the *Election Summary* reviews election results for all states from a national perspective. Other reports which were produced involve these political data and were produced for a clientele ranging from the Republican state committees to a more limited group of political activists in the Washington area, notably White House sections, presidential campaigns and the major Republican national committees.

o Legal activities: As the analysis of data plays a role in several legal activities of participants in national politics, litigation support analyses have been performed

on the following: Congressional reapportionment and legislative redistricting (See details *infra.*), matters relating to the rules of the party and the convention, assistance to the Contests and Credentials Committee for the 1988 Convention, and several ad hoc special analyses relating to miscellaneous proposals before the national committee.

- o Public Speaking: Though not as often as with my earlier activities as a politician, opportunities were provided to speak before several groups. These talks included instruction in targeting and computer application in political environments, the role of the RNC and the parties in politics in America, and technical/legal discussions relating to reapportionment and redistricting. This also included being a surrogate for BUSH/QUAYLE '88 in a debate.

- o Management: Throughout these eight years at the Republican National Committee, project and personnel management were part of my positional responsibilities, ranging from the normal departmental staff of about ten to overseeing ad hoc projects involving several dozen personnel, to a role as Deputy Director for the Computer Services Division. These positions resulted in senior staff status starting in 1986.

REAPPORTIONMENT, REDISTRICTING AND RELATED PROJECTS: (1980 to date).

- o VERMONT, LEGISLATIVE APPORTIONMENT BOARD: Served as consultant to the Board during 1981. This assignment resulted in the preparation and analysis of numerous potential redistricting plans and proposals for both the Vermont Senate and the Vermont House of Representatives, preparing them for submission to each legislative body.

- o VERMONT, HOUSE OF REPRESENTATIVES: Due to the structure of the reapportionment/redistricting process in Vermont, I was able to also serve the Government Operations Committee as consultant to prepare and review several proposals for the House.

- o National, Data Analysis: Since 1981, involvement in redistricting has revolved around the perspective of the REPUBLICAN NATIONAL COMMITTEE. This included frequent analysis of the 1990 reapportionment of the U.S. House through the use of population estimates and the monitoring and analysis of congressional proposals to adjust the 1990 Census after the fact.

o National, Litigation Support: Activities in this regard relate to litigation support for redistricting cases which were on appeal to the U.S. Supreme Court or federal appellate courts. The principal cases here were the landmark case of *DAVIS v. BANDEMER*, a 1986 Supreme Court case which decided that the question of political gerrymandering was justiciable, and *BADHAM v. EU*, a case which was on appeal to the Supreme Court, relating to Congressional gerrymandering in California. Involvement in this case resulted in the status of an assistant counsel on matters submitted to the U.S. Supreme Court.

o National, Legal Preparation: Activity in this area also includes assistance in the preparation of a redistricting legal manual.

o Redistricting Clients: during the 1990 redistricting cycle I worked with several entities involved in the process, mostly Republican or non-partisan groups, nationally and in the following states: Wyoming, Illinois, Ohio, New York, and Florida. Cases in which I participated included at least the following: Wyoming: *Gorin v. Karpan*, 788 F. Supp 1199 (D. Wyo. 1992); Illinois: *Legislative Redistricting Commission v. LaPaille*, 786 F. Supp. 704 (N.D. Ill. 1992), 792 F. Supp. 1110 (N.D. Ill. 1992), *aff'd* 506 U.S. 948 (1992); Ohio: *Quilter v. Voinovich*, this case had many different paths, including several trips to the Supreme Court, see. 503 U.S. 979 (1993), 507 U.S. 146 (1993) and 116 S.Ct. 2542 (1996); New York: *FAIR v. Weprin*, 796 F. Supp. 662 (N.D., NY 1992), *aff'd* 506 U.S. 1017 (1992); Florida: *Johnson v. DeGrandy*, 114 S.Ct. 2647 (1994). Project assignments included several different levels of production, from strict database development, preparation of material for expert witnesses, witness testimony as to database development, working with the litigation team, being a part of the litigation team. I co-authored a brief to the U.S. Supreme Court in the *FAIR v. Weprin* case.

o Census Litigation: in preparation for the current 2001-2002 redistricting cycle following the 2000 census, I have worked on several fronts, including work on the consolidated cases of *Glavin v. Clinton* and *Department of Commerce v. U.S. House of Representatives* (January 26, 1999), as well as work for the HOUSE SUBCOMMITTEE ON THE CENSUS and the CENSUS MONITORING BOARD, CONGRESSIONAL MEMBERS. Project assignments included several different levels of production, from strict database development, preparation of material for expert witnesses, witness testimony as to database development, working with the litigation team, being a part of the litigation team; co-authored a brief to the U.S. Supreme Court in the *U.S. Department of Commerce v. U.S. House of Representatives* case.

o Redistricting Litigation, (2000 census cycle cases in which reports or testimony were prepared or offered for submission): VIRGINIA LEGISLATIVE, (*West v. Gilmore*, August 2001): prepared for testimony relating to the data aspect of the partisan gerrymandering claim; the claim was dropped during the trial and testimony was not offered. TEXAS CONGRESSIONAL, (*Balderas vs. Texas*, October 2001): testified as an expert witness as to partisan fairness in the federal court action. TEXAS LEGISLATIVE, (November 2001): a similar fairness report was submitted for the proposed legislative lines but was rejected for timeliness. NEW MEXICO CONGRESSIONAL, (*Jepsen vs. Vigil*, December 2001): testified as an expert witness as to a Least Changes plan in the state court action; this was the congressional plan adopted by the Court. MARYLAND LEGISLATIVE, (*In the Matter of Legislative Redistricting*, May 2002): testified on behalf of Michael Steele, Chairman of Maryland Republican Party at the Special Master hearing; a new plan was ordered by the state Court of Appeals. OKLAHOMA CONGRESSIONAL, (*Alexander v. Taylor*, May 2002): testified as an expert witness as to partisan fairness in the state court action; the fairness analysis was cited by the Court. OHIO LEGISLATIVE, (*In re Legislative Apportionment Board*, October 2002): testified as an expert witness as to the suitability of data for racial bloc voting analysis. GEORGIA LEGISLATIVE AND CONGRESSIONAL, (*Georgia v. Ashcroft*, 2002, and *Larios v. Cox*, 2004): testified as expert witness as to population deviation in *Larios*. [Case styles may be working titles only.]

o Election Contests: actively worked with several election contest teams since 1980, including the 1980 Vermont U.S. Senate Recount, 1981 New Jersey Gubernatorial Recount, the 1982 Illinois Gubernatorial Recount, and the 2004 Washington Gubernatorial Recount.

o Election-related litigation: Worked as a consultant to the litigation team in the Indiana voter identification litigation of *Indiana Democratic Party v. Rokita*, S.D., Ind., 2006. Submitted an expert report. Worked as an adjunct counsel to the Village's litigation team in the *Department of Justice v. The Village of Port Chester*, S.D., N.Y., 2007. Also prepared an expert report during the remedy stage in 2008; report was not admitted due to previous role as legal counsel.

o Redistricting Consulting (2000 census cycle): Redistricting projects for this cycle include several types of entities in at least the following states: Vermont, New Hampshire, Connecticut, New York, Pennsylvania, Ohio, Illinois, Wisconsin, Maryland, Virginia, South Carolina, Georgia, Florida, Tennessee, Oklahoma, Texas, New Mexico, Colorado, Nevada and California.

o Census Issues: Commented on several topics relating to the federal census and reapportionment and redistricting at numerous meetings over the past two decades, including panels at the National Conference of State Legislatures (NCSL) testimony before Congressional panels and comments as a speaker at other conferences. Worked as a consultant to the U.S. Census Monitoring Board, Congressional Members, periodically from 1995-2000.

o Census Decennial Advisory Committee: Named to this federal panel by the Secretary of Commerce, August 2005. This panel of 20 organizations advises the Secretary and the Census Director on issues relating to the decennial census, including how the census affects the apportionment process and the districting phase thereof.

o Election Assistance Commission: Part of a team that worked with the U.S. Election Assistance Commission to summarize the results of a nationwide survey of election-related information with respect to the 2006 General Elections. Status was as a subcontractor and the role was largely relating to the data conversion and/or preparation and formatting for reports. A follow-up contract was also involved for the preparation for the 2008 survey instrument and a third contract involved the data development and analysis of the information for the 2008 General Elections. Work here was as a subcontractor of the federal contractor.

CONGRESSIONAL COMMITTEES PROJECT: (1977-1989). Served as Technical Consultant for the compilation of a database including pertinent information every assignment to Standing, Select and Special committees for every member, and for every Congress since 1789,. This project continues under the direction of Professor Garrison Nelson, Ph.D., at the University of Vermont at Burlington. The end result is a multiple volume reference work published by Congressional Quarterly of Washington, DC. This project was the recipient of a grant from the National Science Foundation for the period of 1980 and 1981.

VERMONT POLIDATA: (1974 to 1989). This was an independent venture that had been a part-time activity for the past several years and is now a part of my full-time activity. This entails various projects which revolve around the political scene in Vermont and the political data relating thereto. For example: the study of legislative voting behavior results in annual summaries of voting record analyses for the participants, the aspirants, and the observers of the political scene. These studies range from the individual to the collective perspective, from a mere recitation of the member's record to a comparative analysis on a range of issues or a rating of the member's record from the viewpoint of the Chief

Executive, or an interest group. The name was changed to Polidata during the 1990 redistricting cycle as more work was focused on states other than Vermont.

Other research studies include election analysis, historical trends in the state and the establishment of large data systems. For example, the establishment of a complete system for the efficient implementation of the election process for the office of the Secretary of State in Vermont (the Uniform System of Election Recording, or USER). Also, this type of work included the creation of a reapportionment analysis system for the Vermont General Assembly.

VERMONT ELECTIONS PROJECT: (1972-1989). This project also involved large data systems and revolved around the computerization of town-level election data for the state of Vermont for the period from 1828 to date. Contemporary data have been published in the form of *Primary and General Elections, Vermont, (for 1978, 1980 and 1982)*, published with the cooperation of the Secretary of State. Assignment here was Analyst and Editor.

PUBLICATIONS:

POLIDATA ® DEMOGRAPHIC AND POLITICAL GUIDES:

POLIDATA publishes volumes for both national and state markets. A few state series have covered volumes for every state, while a few have only seen volumes for a handful of states completed to date. Series and titles published include:

National Publications:

Election Reports:

PRESIDENTIAL RESULTS BY CONGRESSIONAL DISTRICT, 1992: 2 volumes; 1996: 1 volume; 2000: 1 volume; 2004: 1 volume

PRESIDENTIAL ELECTION, 1996: 3 volumes

PRESIDENTIAL ELECTION, 2000: 2 volumes

PRESIDENTIAL ELECTION, 2004: 2 volumes

CONGRESSIONAL VOTE, DISTRICTS BY COUNTY: 1992; 1996; 1 volume each

Demographic Reports:

DEMOGRAPHIC GUIDE TO THE U.S, STATES & COUNTIES, 2000 Census

DEMOGRAPHIC GUIDE TO THE U.S., DISTRICTS OF THE 108TH CONGRESS;
updated for the 109th and the 110th Congresses

POPULATION ESTIMATES, STATES AND COUNTIES: annually from 1995 to 2006

DEMOGRAPHIC BASE MAPS, COUNTY-BASED REGIONS

Political Reports:

APPORTIONMENT IN 2000, NATIONAL SUMMARY: annually from 1998 to 2000
APPORTIONMENT IN 2010, NATIONAL SUMMARY: annually from 2003

State Publications:

DEMOGRAPHIC ATLASES: 25 states for the 1990 census
DEMOGRAPHIC GUIDES: 25 states for the 1990 census; 50 for the 2000 census
DEMOGRAPHIC AND POLITICAL GUIDES: 3 states for the 1990 census
DEMOGRAPHIC ABSTRACTS: customized for a county for the 1990 census
POLITICAL GUIDES: 1 state
POLITICAL ATLASES: 1 state
ELECTION YEARBOOKS: 5 states through 1998
ELECTION HISTORIES: 48 states through 2003-2004; 20 updated to 2008/2009
POLITICAL HANDBOOKS: 50 states for the 2000 census

POLIDATA ® POLITICAL DATA ANALYSIS:

During the period from 1989 to date, most papers have been prepared directly for clients. However, some material has been published via Press Releases or as part of Remarks, Testimony. A few examples of material publicly available are listed below. Many are available at the website www.polidata.org. A few are annual releases, notably relating to apportionment projections; see the News page for more information: www.polidata.org/news.htm. Public comments at various meetings, including those at the National Conference of State Legislatures (NCSL) conferences are available as well.

February 1, 2006: *Jackson v. Perry et al., Amicus Brief in consolidated cases 05-204, 05-254, 05-276 and 05-439*. Submitted by Alan Heslop, Ph.D., et al. Coauthored brief for the U.S. Supreme Court in this case.

December 6, 2005: *The Impact of Citizen Apportionment*. Written testimony to accompany appearance as a witness before the U.S. House Committee on Government Reform. This was an exploratory hearing reviewing potential impacts of such a measure.

March 25, 2005: *Presidential Results by Congressional Districts, 2004. Preliminary Summary*. Published by Polidata. These results also published in the *Cook Political Report*, a national political newsletter and the *Almanac of American Politics*, published by National Journal.

December 10, 2004: "*Substantial Political Consequences, A Practitioner's Perspective on Redistricting*". An article published in *Extensions*, by the Carl Albert Center at the University of Oklahoma.

September 4, 2004: *The Constitution, The Census & Overseas Americans*. Written testimony prepared for the U.S. House Committee on Government Reform.

March 4, 2004: *Apportionment and Fair Representation, When Equal Population Isn't Fair or Equal*. Written comments prepared for the Bureau of the Census Symposium, *America's Scorecard, The Historic Role of the Census in an Ever-Changing Nation*, held March 4-5 in Washington, DC.

March 17, 2001: *Presidential Results by Congressional Districts, 2000. Preliminary Summary*. Published by Polidata. These results also published in the *Cook Political Report*, a national political newsletter.

March 4, 2001: *Electoral Votes by Congressional District, 1952-2000*. Paper made available on the internet for political observers.

December 28, 2000: *Apportionment Review, 2000*. Paper made available on the internet for political observers.

April 28, 2000: Selected papers presented to the Redistricting Conference of the Republican National Committee, held in Washington, DC.

January 5, 2000: *Shifts in Congressional Seats: Reapportionment and the 2000 Census*. Television show aired on C-SPAN, one of two guests discussing the Apportionment of Seats in the U.S. House following the 2000 Census.

December 29, 1999: *New Population Estimates Confirm Power Shift in U.S. House; Colorado picks up a seat; Illinois drops a seat; Georgia picks up two seats*. Press Release on Apportionment of the U.S. House following the 2000 Census, with 1999 Estimates and Projections for 2000 by POLIDATA.

October 15, 1999: *An Update on the Census Case; Commerce General Counsel Responds to Congress*. Press Release on the Census Case, an update on the letter from the General Counsel of the Department of Commerce.

October 1, 1999: *An Update on the Census Case; Census Monitoring Board Congressional Members Release Report*. Press Release on the new report analyzing statistical problems with the Bureau's methodology.

January 28, 1999: *Redistricting is An Apportionment Purpose: The Census Case*. Press Release on the impact of the Census Case.

January 26, 1999: *Congressional Reapportionment: Winners and Losers in 2000; New Set of Population Projections Adds Colorado as a Winner*. Press Release on the Apportionment of the the U.S. House following the 2000 Census, with 1998 Estimates and Projections for 2000 by POLIDATA. [Updated following the Census Case on January 25, 1999.]

January 21, 1999: *Congressional Reapportionment: Winners and Losers in 2000; New Set of Population Projections Adds Colorado as a Winner*. Press Release on the Apportionment of the the U.S. House following the 2000 Census, with 1998 Estimates and Projections for 2000 by POLIDATA.

December 31, 1998: *Congressional Reapportionment: Winners and Losers in 2000; Population Estimates for July 1998 Detail Seats Shifts; Adjustment Still an Issue*. Press Release on the Apportionment of the the U.S. House following the 2000 Census, with 1998 Estimates.

November 3, 1998: *Brief of Amicus Curiae in Support of Appellees, U.S. Department of Commerce v. U.S. House of Representatives*, U.S. Sup. Ct., No. 98-404. co-authored with Mark Braden and Suvarna Rajguru.

February 8, 1998: *Congressional Reapportionment: Winners and Losers in 2000; Latest Population Estimates Detail Seats Shifts; Adjustment Still an Issue*. Press Release on the Apportionment of the the U.S. House following the 2000 Census, with 1997 Estimates.

January 1998: *Vote Goals, Projections of Registration and Turnout for 1998: with selected examples*. Political Analysis Notes, 98-1, Polidata, Lake Ridge, VA. An occasional newsletter.

October 1997: *Vote Goals, How Many Votes Do You Need to Win? Steps in Projecting Your Votes for Your District*. Political Analysis Notes, 97-3, Polidata, Lake Ridge, VA. An occasional newsletter.

September 16, 1997: *Comments on Race and Hispanic Origin Questions for the Census 2000 Dress Rehearsal*. Comments submitted to the Department of Commerce for the record.

Clark Hamilton Bensen
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September 12, 1997: *Remarks; 2000 Census Advisory Committee*. Washington, DC. Remarks on census adjustment through sampling and estimation submitted for the record.

September 1997: *Basics of the Census: Adjustment, Apportionment and Redistricting; Why do we even bother to count every person in America?* Political Analysis Notes 97-2, Polidata, Lake Ridge, VA. An occasional newsletter.

September 1997: *Was 1996 a Reprise of 1992? New Study Summarizes Results for States, Counties, Districts and Media Market*. Political Analysis Notes 97-1, Polidata, Lake Ridge, VA. An occasional newsletter.

August 7, 1997: *Remarks; Reapportionment Task Force, National Conference of State Legislatures*. Philadelphia, PA. Remarks on census adjustment through sampling and estimation submitted for the record.

September 26, 1997: *Remarks; 2000 Census Advisory Committee*. Washington, DC. Remarks on census adjustment through sampling and estimation submitted for the record.

September 5, 1996: *Confidence in Population Estimates from Sampling and Estimation Based upon the 1995 Test Census: A Preliminary Assessment*. Polidata, Lake Ridge, VA. An analysis of data from the 1995 Test Census and statistical error at various levels of census geography.

July 28, 1996: *Remarks; Reapportionment Task Force, National Conference of State Legislatures*. St. Louis, MO. Remarks on census adjustment through sampling and estimation submitted for the record.

??? 1994, Testimony before the Government Operations Committee, U.S. Senate, Washington, DC. Testimony on census adjustment and the Constitution.

October 5, 1992: *Jurisdictional Statement in Fund for Accurate and Informed Representation, Inc. (FAIR) v. Weprin*, U.S. Sup. Ct., No. 92-____. co-authored with Mark Braden.

POLITICS IN AMERICA, various volumes, Congressional Quarterly, Washington, DC. POLIDATA was the compiler of the Presidential Election Results by Congressional Districts (District Vote) which appear in selected editions of this biennial volume.

COMMITTEES IN THE U.S. CONGRESS, 1947-1992, VOLUMES 1 AND 2, with Garrison Nelson (as Technical Advisor), Congressional Quarterly, 1993 and 1994, Washington, DC.

PRE-1990 PUBLICATIONS:

"The 1986 Election in Vermont", with Frank M. Bryan, *Vermont History*, Fall 1988, Montpelier, Vt.

"Congressional Seat Shifts in the 1990 Reapportionment" and "How Congressional Seats are Assigned to States", REDISTRICTING LINES Newsletter, Volume 2, Number 1, Spring 1988, REPUBLICAN NATIONAL COMMITTEE, Washington, DC.

REPUBLICAN ALMANAC SERIES, 1987-1988: series editor for a series including *Republican Almanac, 1987* (co-editor); and ELECTION SUMMARY, 1986-1987; Republican National Committee, Washington, DC.

STATE SUMMARY BOOKS, 1986, editor, Republican National Committee, Washington, DC.

"Impact of Gerrymandering on Marginal Elections", REPUBLICAN NATIONAL LAWYERS ASSOCIATION Newsletter, Volume 3, Number 1, Winter 1987, Washington, DC.

"Lawmakers Should Not Treat Election of Governor Too Lightly", Vermont Perspective editorial, *BURLINGTON (Vt.) FREE PRESS*, January 8, 1987, page 8A.

1984-1985 Election Summary, editor, Republican National Committee, Washington, DC.

"The 1984 Election in Vermont", with Frank M. Bryan, *Vermont History*, Fall 1985, Montpelier, Vt.

1985 Republican Almanac, editor, Republican National Committee, Washington, DC.

STATE SUMMARY BOOKS, 1984, editor, Republican National Committee, Washington, DC.

1984 Republican Almanac, co-editor, Republican National Committee, Washington, DC.

"The 1982 Election in Vermont", with Frank M. Bryan, *Vermont History*, Fall 1983, Montpelier, Vt.

Primary and General Elections, Vermont, 1982, editor, Vermont Secretary of State, Montpelier, Vt.

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"The Luck of the Draw: The Classification of Senators from Vermont", *Vermont History*,
Summer 1981, Montpelier, Vt.

Primary and General Elections, Vermont, 1980, editor, Vermont Secretary of State,
Montpelier, Vt.

Primary and General Elections, Vermont, 1978, editor, Vermont Secretary of State,
Montpelier, Vt.

PROFESSIONAL AFFILIATIONS:

Vermont Bar Association.

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