THE STATE OF ARIZONA INDEPENDENT REDISTRICTING COMMISSION

THE STATE OF ARIZONA INDEPENDENT REDISTRICTING COMMISSION convened in Public Session on February 13, 2001, at 9:13 a.m., at the State of Arizona Secretary of State's Office, 1700 West
WASHINGTON, 7th Floor, Phoenix, Arizona, in the presence of:

APPEARANCES:

SECRETARY BETSEY BAYLESS,
Arizona Secretary of State

CHAIRMAN STEVEN W. LYNN
(Appeared as Nominee until voted into office as reflected herein.)

COMMISSIONER JAMES R. HUNTWORK

COMMISSIONER JOSHUA MARK HALL

COMMISSIONER ANDI MINKOFF

COMMISSIONER DANIEL R. ELDER

SCOTT BALES, Solicitor General

JOSEPH KANEFIELD, Assistant Attorney General

JAN McLEMORE, Legal Secretary

LISA A. NANCE, RPR, CCR, Court Reporter

ATWOOD REPORTING SERVICE
Phoenix, Arizona

AGENDA DESIGNATED SPEAKERS:

STEVEN LYNN, Chairman Nominee (elected)

WILLIAM GRESSER, Chairman Nominee

DONALD JEROME, Chairman Nominee

BRUCE MacARTHUR, Chairman Nominee

SPEAKERS FROM CALL FOR PUBLIC COMMENT:

RUDOLFO H. PEREZ, JR.
Open Session
Phoenix, Arizona
February 13, 2001
9:13 o’clock a.m

PROCEEDINGS

SECRETARY BAYLESS: Good morning, everyone. I'm Betsey Bayless, Arizona Secretary of State.

I now call to order the first meeting of the Arizona Independent Redistricting Commission.
Let me start by introducing the Commissioners. We have Daniel Elder who just came off the Broadway curve from Tucson.

COMMISSIONER ELDER: Thank you.

SECRETARY BAYLESS: Joshua Hall from St. Johns; Andrea Minkoff.

MS. MINKOFF: Andi, please.

SECRETARY BAYLESS: Andi Minkoff from Phoenix, and James Huntwork from Phoenix.

So thank you for being with us today.

We also have, on this side of the table, we have Scott Bales and Joe Kanefield with the Attorney General's Office who will be assisting the Commissioners today.

In November, Arizona voters approved Proposition 106 amending our State Constitution and creating the Independent Redistricting Commission. The Commission is tasked with drawing Arizona boundaries for legislative and congressional districts after each US Census.

We just finished the 2000 Census, and we have learned that Arizona has two additional Representatives in Congress.

We are here today as part of the structure outlined in an amendment to our Constitution which reads, in part, "At a meeting called by the Secretary of State, the four Independent Redistricting Commission members shall..."
select by majority vote from the nomination pool a fifth member who shall not be registered with any party already represented on the Independent Redistricting Commission and who shall serve as Chair. If the four Commissioners fail to appoint a fifth member within 15 days, the Commission on Appellate Court Appointments or its designee, striving for political balance and fairness, shall appoint a fifth member from the nomination pool who shall serve as Chair."

Now I will administer to you the oath of office. Would you please stand, the four Commissioners. Raise your right hand and repeat after me, stating your own name at the appropriate place.

I, and state your name.

COMM COMMISSIONER ELDER: I, Daniel Elder.

COMM COMMISSIONER HALL: I, Joshua Hall.

COMM COMMISSIONER MINKOFF: I, Andi Minkoff.

COMM COMMISSIONER HUNTWORK: I, Jim Huntwork.

SECRETARY BAYLESS: Do solemnly swear.

COMM COMMISSIONER ELDER: Do solemnly swear.
swear.

COMMIS SIONER HALL: Do solemnly swear.

COMMIS SIONER MINKOFF: Do solemnly swear.

SECRETARY BAYLESS: That I will support the Constitution of the United States.

COMMIS SIONER ELDER: That I will support the Constitution of the United States.

COMMIS SIONER HALL: That I will support the Constitution of the United States.

COMMIS SIONER MINKOFF: That I will support the Constitution of the United States.

COMMIS SIONER HUNTWORK: That I will support the Constitution of the United States.

SECRETARY BAYLESS: And the Constitution and laws of the State of Arizona.

COMMIS SIONER ELDER: And the Constitution and laws of the State of Arizona.

COMMIS SIONER HALL: And the Constitution and laws of the State of Arizona.

COMMIS SIONER MINKOFF: And the Constitution and laws of the State of Arizona.

COMMIS SIONER HUNTWORK: And the Constitution and laws of the State of Arizona.

SECRETARY BAYLESS: That I will bear true faith and allegiance to the same.
COMMISSIONER ELDER: That I will bear true faith and allegiance to the same.

COMMISSIONER HALL: That I will bear true faith and allegiance to the same.

COMMISSIONER MINKOFF: That I will bear true faith and allegiance to the same.

COMMISSIONER HUNTWORK: That I will bear true faith and allegiance to the same.

SECRETARY BAYLESS: And defend them against all enemies.

COMMISSIONER ELDER: And defend them against all enemies.

COMMISSIONER HALL: And defend them against all enemies.

COMMISSIONER MINKOFF: And defend them against all enemies.

COMMISSIONER HUNTWORK: And defend them against all enemies.

SECRETARY BAYLESS: Foreign and domestic.

COMMISSIONER ELDER: Foreign and domestic.

COMMISSIONER HALL: Foreign and domestic.

COMMISSIONER MINKOFF: Foreign and domestic.
and domestic.
SECRETARY BAYLESS: And that I
will faithfully and impartially.
COMMISSIONER ELDER: And that I
will faithfully and impartially.
COMMISSIONER HALL: And that I
will faithfully and impartially.
COMMISSIONER MINKOFF: And that I
will faithfully and impartially.
COMMISSIONER HUNTWORK: And that I
will faithfully and impartially.
SECRETARY BAYLESS: Discharge the
duties.
COMMISSIONER ELDER: Discharge the
duties.
COMMISSIONER HALL: Discharge the
duties.
COMMISSIONER MINKOFF: Discharge
the duties.
COMMISSIONER HUNTWORK: Discharge
the duties.
SECRETARY BAYLESS: Of the Office
of Commissioners.

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COMMISIONER ELDER: Of the Office
of Commissioners.
COMMISIONER HALL: Of the Office
of Commissioners.
COMMISIONER MINKOFF: Of the
Office of Commissioners.
COMMISIONER HUNTWORK: Of the
Office of Commissioners.
Office of Commissioners.

SECRETARY BAYLESS: Of the Independent Redistricting Commission.

COMMISSIONER ELDER: Of the Independent Redistricting Commission.

COMMISSIONER HALL: Of the Independent Redistricting Commission.

COMMISSIONER MINKOFF: Of the Independent Redistricting Commission.

COMMISSIONER HUNTWORK: Of the Independent Redistricting Commission.

SECRETARY BAYLESS: According to the best of my ability.

COMMISSIONER ELDER: According to the best of my ability.

COMMISSIONER HALL: According to the best of my ability.

COMMISSIONER MINKOFF: According to the best of my ability.

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So help me God.

So help me God.

So help me God.

So help me God.

God.
COMMISSIONER HUNTWORK: So help me God.

SECRETARY BAYLESS:

Congratulations and please be seated.

That being done, I will turn the meeting over to the Commission members. And anything we may do for you while you are here in this conference room please let us know.

Your attorneys are with you. We will have people available for anything that you might need.

The Commission meeting is yours.

COMMISSIONER MINKOFF: Thank you.

COMMISSIONER HUNTWORK: May I ask

a question of our counsel?

At this moment we have no Chairman, and we are not allowed to elect a Vice Chairman until after we have elected a Chairman, if I read the procedures correctly. How should we proceed? Would it be appropriate for us to designate a Chairman Pro Tem of this meeting so that we can proceed in an orderly fashion?

MR. BALES: I think you certainly have that authority and it would be appropriate in helping things along.

COMMISSIONER MINKOFF: Certainly.

MR. BALES: That would probably be the first order of business.

COMMISSIONER HALL: I would like to make a motion to nominate Mr. Huntwork as Pro
17 Tem Chairman.
18 
19                     COMMISSIONER MINKOFF:  Second.
20                     COMMISSIONER ELDER:  Call the
21 question?
22                     MR. BALES:  Call the question.
23                     COMMISSIONER ELDER:  All those in
24 favor?
25 (Vote taken.)
26                     COMMISSIONER ELDER:  You've been
27 railroaded for the first time.
28                     COMMISSIONER HUNTWORK:  Very well.
29 Does anyone have a copy of the
30 agenda?
31                      According to the agenda, then, the
32 next item of business is interviewing the nominees.
33                      I believe that we have the option
34 of going into executive session at this point for
35 the purpose of conducting the interviews as well as
36 for the purpose of deliberating at a later time.
37                      Is that legally correct?
38                     MR. BALES:  Mr. Huntwork, it is
39 generally correct, the Board would have the option,
40 the Commission would have the option. It is also
41 the right of the applicant, if they choose, to have
42 the interview and discussions concerning them in
43 public session.
44                     COMMISSIONER HUNTWORK:  The first
45 question I would ask is does any member of the
46 Commission wish to go into executive session for
the purpose of interviewing the applicants?

COMMISSIONER MINOFF: Not for the interview, I don't think.

COMMISSIONER HUNTWORK: Very well.

Just a point of information. Have any of the applicants indicated a preference or any opposition to going into executive session?

MR. KANEFIELD: We sent a letter last week, Friday, all have received it, and told them they need to contact me before the meeting if they wish the interview to be held in open session. None of them have contacted me.

I spoke with Don Jerome, and he told me he did not wish to execute that.

COMMISSIONER HUNTWORK: Interviews will be considered in open meeting and considered later if we wish to go into executive session to deliberate.

The order of the interviews is indicated on the agenda. And the first interview is Steven Lynn.

Is Steven Lynn present?

COMMISSIONER HALL: Before we deal with Mr. Lynn, would it be appropriate for us to correlate with respect to questions we'll ask to avoid overlap in that respect or feel that out as we go?

COMMISSIONER HUNTWORK: Perhaps.

COMMISSIONER HALL: In light of the fact we've been unable to have any
communication relative to that, if we'll each have
tree or four questions, would it be more
expeditious and efficient to maybe compare a few
notes quickly?

COMM COMMISSIONER HUNTWORK: Certainly.

COMM COMMISSIONER HALL: Or I guess we
kind of go --

COMM COMMISSIONER MINKOFF: Maybe just
take it and see?

COMM COMMISSIONER HALL: Shall we do
that and see --

COMM COMMISSIONER HUNTWORK: Yeah,
yeah. Then after the first interview, we can
compare notes.

COMM COMMISSIONER MINKOFF: I have some
questions I thought of. If somebody else asks a
similar question, I'll pass on that one.

COMM COMMISSIONER HUNTWORK: Very well.

Should we take turns?

COMM COMMISSIONER HALL: Great.

COMM COMMISSIONER HUNTWORK: Andi,
would you like to go first?

MR. LYNN: I hate to inconvenience
you. If you slide down one seat, I think that
would be --
reporter, I should say it's important when people begin talking, if they've not previously identified themselves, to say who they are and also to try to speak loudly enough that she'll be able to hear what is being said.

COMMISSIONER MINKOFF: Good morning, Mr. Lynn.

CHAIRMAN LYNN: Good morning.

COMMISSIONER MINKOFF: Thank you for coming.

If you are selected, yours is an interesting role, not just a regular member of the Commission but Chairman of the Commission. I'd like to ask what you see as the role of the Chair as a member of this Commission.

MR. LYNN: First and foremost, I think The Chair of this Commission has a responsibility to seek a consensus on issues where consensus can be achieved.

This Commission is going to work in hopefully a very collaborative way in going about its business and in making some significant decisions that will affect voter participation for the next 10 years. To the extent that the Commission can be unanimous in its deliberations and its conclusions, I think it would serve the people of Arizona well.

So I think the first point would be work toward consensus.

The second would be to show
leadership and to make the meetings as efficient and effective as they can be, whether they are open meetings, or hearings, or however the Commission decides to proceed through its deliberations.

Thirdly, the role of the Chair in speaking on behalf of the Commission needs to be someone who has that experience, I think, and also someone who would consult with all members of the Commission prior to making public statements so that the feelings and wishes of every member of the Commission are taken into account.

This is a collaborative effort, and it would be my hope that that would be done in a very collaborative way.

COMMISSIONER MINKOFF: Thank you.
COMMISSIONER HALL: Going this way?

COMMISSIONER HUNTWORK: I think so, yes.

COMMISSIONER HALL: Great.

Perfect.

Mr. Lynn, what would you anticipate would be the single most important attribute you would bring to the Commission?

CHAIRMAN LYNN: I think the single most important attribute would be fairness and impartiality, if those are parts of the same issue.

It is very clear that this Commission serves the people of Arizona in a very
special way. And certainly it is going to be
looked at very carefully in terms of how it does
what it does. My background, in terms of not being
affiliated with either party in a very stringent
way at any period of my life, at least the last 10,
15 years, I think helps me to bring a balance and a
fairness that, hopefully, will be viewed by all as
an attribute not only of the Chair but of the
Commission in general.

COMMISSIONER HALL: Thank you.

COMMISSIONER ELDER: Mr. Lynn, I
think I'll pose a question that was posed to me by
the caucus that interviewed me and see how you
respond and what your perspective is. The question
was centered around: If you had an area that was
going to be divided into three separate districts,
would you attempt to bring an equal balance to all
three districts, between Republican, Democrat, or
would you try to make a strong Democratic, strong
independent, strong Republican district, or how
would you see those coming together?

CHAIRMAN LYNN: Obviously a
question that bears the need for a significant
amount of discussion among the Commission, but let
me speak only for myself at this point. And in
speaking for myself, it would be a position I would
raise with the Commission, debate with the
Commission, discuss, and come to conclusion.

One of the things that I think is
extremely important in this process is building
what I would call competitive districts, districts in which all people who live in the district feel if they wish to serve publicly, that they would have an opportunity to run and be elected.

And I think in that context, the more districts that are created where the balance is closer to even rather than significantly in one direction or another, would certainly support that notion.

Again, that's one criterion. And there are others that have to be imposed or superimposed on those kind of decisions, communities of interest. There are other criterias such as compactness of districts, and so on. So I think it's one of many that needs to be considered, but that's my view on that one.

COMMISSIONER ELDER: Okay.

COMMISSIONER HUNTWORK: Clearly you have given this a good deal of thought, and I'm interested in your answers so far.

The tools that we're going to use are fairly technical in nature. We're going to have to look at statistics and demographics. Can you tell me about your background and any expertise that you might have or educational background that you might have in that area?

CHAIRMAN LYNN: Well, certainly if you talk to my math teachers in high school, they would not be here supporting my position. On the
other hand, in my professional life for a number of years, Mr. Huntwork, I was the owner of an advertising and public relations firm. My job in the agency was strategic planning that went into the account work that we did. In that context, I have myself conducted a significant amount of primary research, both in terms of survey research and focus group research. I have distilled numbers that other people have amassed as primary research and used it as secondary research for the work that was done in account planning. That gives me some insight as to how that statistical information can and should be used.

I'm not a demographer. I don't profess to be one. But I do understand how demographics are portrayed. It's also the case that I have worked in a significant number of political campaigns over the years, usually as a strategist. And in that regard, I'm certainly familiar with how that information comes to be used in a political sense. So I think all of those things would aid in that regard.

COMMISSIONER HUNTWORK: Thank you.

COMMISSIONER MINKOFF: One of the areas to be considered in drawing up districts according to the initiative that has just been adopted is communities of interest.

Would you tell me what you view as a community of interest or communities of interest?
How do you see that term being defined?

CHAIRMAN LYNN: More than my definition, I think we have others that will be looking very closely at what we do and defining those things for us, Department of Justice being one.

I have not done, I will admit, a great deal of study into the technical definitions of community of interest. I understand that it is a consideration. Let me try to share what I think that might include. Certainly it would include groups that are aligned culturally. Certainly it would include groups that are geographically in a couple cases isolated and thereby become a community of interest because of that isolation.

It certainly also could include other demographic information: age, ethnicity, other kinds of things that we might consider that would fall into the category of a community of interest.

Again, not knowing the full extent of the technical definition, I would certainly make my definitions, or at least my comments on it, subordinate to any of those formal definitions that we would come in contact with.

COMMISSIONER HALL: As you know,
there's been some concerns expressed by a variety
of members of the community that represent
minorities in our state. And if you were nominated
Chairman of this Commission, how would you address
some of those concerns?

CHAIRMAN LYNN: Well, Mr. Hall, I
think that's clearly one of the issues that is
going to be foremost for the Commission.

There is no question that the
points of view raised by certain members of the
Arizona community, particularly the minority
community, which constitutes a significant
percentage of our population, are concerns that I
take very seriously.

What I would suggest, however, is
that we not prejudge but rather wait to see how
well we respond to the challenge of being fair and
inclusive to all groups as they are represented in
the community that we serve. And we serve the
entire State of Arizona.

I would suggest that if we have an
open process that allow for a significant amount of
input from all groups, if we have a process that
openly discusses and debates issues before
decisions are made; and if we strive to reach a

consensus which ultimately will have to pass muster
by a number of other authorities outside the
Commission, not the least of which is public
scrutiny, that I think the members of groups who
wish to be fairly represented in the process will
find us to be their ally, not their enemy.

I'm reminded of one of the more famous quotes that Martin Luther King used. And I will paraphrase it for fear of misquoting it specifically. But I would like the Commission to be judged by the content of its character and work product, not necessarily the complexion of the Commission as it begins its work.

COMMISSIONER ELDER: Mr. Lynn, would you favor having the entire deliberations and discussions of the Commission be open to the public or do you favor having executive sessions, if you will, to where the major work is done there and then it's open to the public more as a review of what we had accomplished over a particular period of time?

CHAIRMAN LYNN: Again, stating personal opinion, but again understanding the Commission will decide those matters, for me the more work that can be done in public is better. My feeling is we are about the public's work, that is to say we serve the State of Arizona. If we are to do that in that fashion, we need public confidence, we know, in not only what we do but how we do that. I think open meetings are the best to do that. I expect whatever staff work is done in isolation be brought to open meeting and shared in that fashion so they can react and give us input in a way we could use.
COMMISSIONER HUNTWORK: You appear to have a very important and responsible job, and I would just like to ask if you are certain that you would have the time available to devote to the work of this Commission which will undoubtedly be quite intense over the next several months.

CHAIRMAN LYNN: It's a valid, certainly a valid question, and one I've asked on three occasions with my employer: before I submitted an application and through the process as my name continued to be in consideration.

I've been assured by my employer that the time would be made available, because public service is something that our company values very highly.

I have a very competent staff of

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people who are independent workers and will, if necessary, take whatever direction I can give them through a call from Phoenix should I not be in the office at any given time.

So the shorthand answer, Mr. Huntwork, is my employer has assured me that they support my candidacy and would support my serving as Chair.

COMMISSIONER HUNTWORK: Thank you.

COMMISSIONER MINKOFF: How would you see managing, coalescing, integrating public comment in the redistricting process?

CHAIRMAN LYNN: Procedurally?

COMMISSIONER MINKOFF: Yeah.
Again, back to the open meeting concept and the fact that the Commission could solicit public input at various stages of the process, I don’t think it would be a bad idea, again, subject to the will of the Commission in total, to begin with a public input process so that we understand where various segments of the Arizona community stand with respect to the process that we’re embarking upon. I think it would also be a good opportunity for us to share with the public those kinds of guidelines and mandates that we will be operating under, either through federal or state law, and give a better understanding of what we are able to do to the public so that they can hold us accountable for doing it just that way. And I think that’s important.

I don’t have any more questions.

I would like to ask one more question about the process. Do you feel the role of the Commission is to ask questions, provide directions, review results, and then prepare in another round, review any results and questions from a consultant that would be hired to provide data, manipulation -- I guess manipulation isn’t a good word -- data crunching or data processing, maybe processing is the correct term to prepare a plan
and the plan graphics, or do you feel the
Commission should be more hands on and actually sit
there and try to make outlines and make decisions
in the meetings?

CHAIRMAN LYNN: To the extent that
it is feasible, this is a process that can be
driven by a number of things, technology being one

The technological advances that
have been made even since the last redistricting
was done 10 years ago are significant. The
software that I'm aware of that works the various
types of demographic and other information that
would be important to us exist, are out there, and
can be used.

I think it's very important, also,
that we employ significant staff support, whether
that is indigenous staff or consultant staff, to
help make that happen.

Again, I'm not a demographer. I
don't know that anyone here is. Perhaps that's
help that we need; and that, again, is to be
decided by the Commission.

I would hope that we would utilize
appropriate staff and technology to give us options
and that those options, then, be fully discussed
and debated in open session by the Commission. And
once we've had an opportunity to have input from
all quarters on those options, to then sit
deliberatively and make those decisions which we
ultimately have the responsibility to make.

COMMISSIONER HUNTWORK: I have one

The rest of us on the Commission have been identified as Republicans or Democrats and we have been appointed by Republicans or Democrats. The statute in its wisdom decreed that the last member would be elected by us. And although it didn't say so, it essentially required that that member be an independent.

It's our responsibility to try to -- maybe our most important decision, certainly our first important decision -- is select the right person.

Is there anything in your background that could be called forth by any party to call into question your independence in carrying out your duties as the Chairman of this Commission?

CHAIRMAN LYNN: I'll concur it's a tough question.

Let me give you a very straightforward answer. Some members of -- I should say it's been reported in the press, various press, that I'm really -- I'm really a Republican masquerading as an independent. I'll make that statement because it's appeared in print and I want
to be clear about the genesis of that kind of comment and what my reaction to that is.

I grew up in a household that was -- was very and is still very Democratic. My father has always voted that way and that was the influence that I was brought up in as a young person. He was for many years a member of a union, and that was an appropriate position for him to take.

As a young person at the University of Arizona, I was involved in student politics, was involved in the sixties in some interesting political issues regarding war and peace and a number of other things. And as I've gotten older, I've come to realize that the political label, and I mean that with all due respect to the four members of the Commission who are now sitting, was not as comfortable for me to wear on either side of the spectrum as it was to talk more about issues and more about people.

So over the years what I've done is I have registered with the party, and this was prior to open primaries, registered with the party where I had an interest. That is to say if I was interested in a particular race, I would reregister so as to be able to vote in the primary. I've been a registered Democrat on a number of occasions and a registered Republican on a number of occasions.
I'm fiscally conservative, socially liberal. Socially I'd be happy to discuss those. More importantly, the fact I have association with the business community in Tucson has led to some speculation I might be a Republican masquerading in independent's clothing. I do know a number of business people in Tucson who aren't Republican.

I know that might be a shock to many people in the room. The business community in Tucson is made up of Republicans, Democrats, and independents. I'm proud of my association with the business community, in fact, will assume a leadership position in the business community next year.

I believe in leading the entire spectrum of political thought, not one group.

I maintain independent thoughts, Mr. Huntwork, and don't think anything in my background will cause any problem with that.

COMMISSIONER MINKOFF: I have one last question which is probably a technical and legal question relating to something that you disclosed in your application, and that is the issue in the initiative that members of the Commission should not have been registered, paid lobbyists within the last three years. And you indicated you did that at one time.

Could you tell us about that?
There were two issues with respect to lobbying, one was on a paid basis; one was an unpaid basis.

As a member of the board of directors of a nonprofit organization, we often register as lobbyists so our discussions with legislators about certain issues they're considering are not misconstrued in any way. I indicated I was a nonpaid lobbyist for such an organization, and that was not an issue.

With respect to being a paid lobbyist, I've only done that once. It was longer ago than the statute indicates it needs to be, and the Secretary of State's Office confirmed that. It was for a single client, a church in Tucson, that had an issue before the State Legislature. I did perform that function over one session of the Legislature over three years ago and have not done so since.

COMMISSIONER MINKOFF: The application says two and a half.

CHAIRMAN LYNN: It was over three years ago as we checked with the Secretary of State.

COMMISSIONER MINKOFF: Okay.

COMMISSIONER HUNTWORK: Okay.

Does anyone have any further questions?

COMMISSIONER ELDER: I'd like to just make one statement, so it's clear. Steve Lynn
had mentioned that he had been working with various
business and community people in Tucson. For the
record, I do consulting work for Tucson Electric
Power. I'm a consultant in relation to
environmental issues.

To tell you the truth, I don't
know whether Steve Lynn is a part of Unisource or
part of Tucson Electric Power, or whatever; but our
paths have never crossed from a business
standpoint.

I wanted to make sure that was in
the record so there wasn't any conflict from my
position.

COMMISSIONER MINKOFF: Okay.
COMMISSIONER HUNTWORK: Okay.
No further questions?
Thank you very much.
COMMISSIONER HALL: Thank you.
COMMISSIONER HUNTWORK: We are, at
the moment, slightly ahead of schedule, I believe.
And --
COMMISSIONER ELDER: Seems like we
have the next candidate ready to go.
COMMISSIONER HUNTWORK: Shall
we -- firstly, let's just talk about the
questioning for one moment. I thought that well
enough. I was very satisfied.
COMMISSIONER MINKOFF: Absolutely.
COMMISSIONER HUNTWORK: If you
agree, let's just proceed.

COMMISIONER HALL: Great.

COMMISIONER HUNTWORK: And also, I would prefer, and I take it from what you are all saying that you would also prefer, to wait to talk to everybody before we compare any notes, like a jury deliberating.

COMMISIONER HALL: Right. I would agree.

COMMISIONER HUNTWORK: Is William Gresser present?

MR. GRESSER: Yes.

Good morning.

COMMISIONER ELDER: Good morning.

COMMISIONER HALL: Morning.

COMMISIONER MINKOFF: Good morning.

COMMISIONER HUNTWORK: Good morning.

I think you -- Were you here when we started the first interview?

MR. GRESSER: Yes, I was.

COMMISIONER HUNTWORK: I suppose we don't need to do any introductions or explanations. We can probably just proceed.

MR. GRESSER: Sure.

COMMISIONER HUNTWORK: Andi, do you want to start off again?

COMMISIONER MINKOFF: It may seem
like déjà vu. Obviously a lot of us have the same
questions for all applicants.

I would like to ask you the same

question I started out with with Mr. Lynn, and that
is how you view the role of the Chair of this
Commission and how you would fulfill that role if
you were selected.

MR. GRESSER: It's somewhat
difficult, perhaps, when the batter before you just
hit a home run to come up at the plate and take up
the bat. But I can't disagree with anything that
has already been said here at this table; but I
would like to point out that in looking at the
Ballot Proposition 106, it was defeated in seven
counties. And also looking at the total vote, the
yea vote in Maricopa and Pima County was greater
than the total nay vote in the state; so that
basically Maricopa and Pima County passed
Proposition 106. And I think that that indicates
somewhat of a dissatisfaction with representation.

I can't imagine why seven counties
would not want to have a less political
redistricting. And you would think that most of
the voters in those counties would feel it would be
to their advantage.

But again, the role of the Chair
is not to dictate. The role of the Chair is to
moderate. The role of the Chair is to achieve
consensus where possible; if a tie vote, the
breaking tie vote is necessary, then you break a
tie vote. However, in a perfect world, the Chair
will not be the fifth vote either in favor or
against any particular issue that comes before the
Commission. If that doesn't happen, then the Chair
will have to exercise its prerogative of its Chair.

COMMISSIONER HALL: Good morning.

MR. GRESSER: Good morning.

COMMISSIONER HALL: How about -- I noticed on your application you spent much of your
time with the Racing Commission.

MR. GRESSER: Yes.

COMMISSIONER HALL: There are some of the opinion that's a significantly politically
influenced realm. Would you comment on your
position there, how you feel that may or may not affect your role if you were to be nominated as Chairman?

MR. GRESSER: For 10 years I was president of American Greyhound Racing, a company that operates Greyhound racetracks in Arizona, operated the racetrack at Phoenix, Black Canyon City for a short period of time, and the racetrack in Apache Junction.
learn to love the state, and to meet and deal with
a great number of business people as well as
politicians because, as you indicate, the racing in
this state is a very, very highly regulated
industry.

And in order to be involved in
racing, at least at that time, I really can't
comment on what is happening in the last 10 or so
years, but at that time you had to be, you know,
like Caesar's wife, you certainly were completely
clean. And you did get to know the members of
government, because a lot of your business depended
upon whatever the legislation and regulations and
rules were that came down.

So I was somewhat politically
active at that time but simply from an internal
business standpoint.

COMMISSIONER HALL: Thank you.

COMMISSIONER ELDER: I noticed in
your resume that -- application, or resume -- that
there were considerable ties to Maricopa County.

In your opening statement, you

made the comment that there were seven counties
that voted against the proposition. As the
composition stands right now, there appears to be
three commissioners from highly urban areas, Tucson
and Maricopa County, or Pima and Maricopa County,
and one that is not.

How do you see your role as
relating to the smaller, less populous and
nonurbanized counties?

MR. GRESSER: Well, I'm not sure
that that is really what we're about. I think we
are about representation throughout the state.

Maricopa County has grown some 40
percent in the last 10 years. And in a perfect
world, I think we would take the state and divide
it into seven congressional districts, and 30
legislative districts, and there would be blocks,
and you would know your local representative or you
would know your local senator.

That isn't, unfortunately, the
case because we have one, really, I guess, two
major urban areas. And in spite of the desire of
rural Arizona for greater representation, the
numbers will dictate that the majority of seats are
going to be centered around those population

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centers. That is just a fact of life.

Everyone who goes to vote on
election day has -- is voting for a representative
that will represent basically the same number of
people as every other member.

You can't take Gila Bend and give
Gila Bend a legislative seat. There just isn't
enough people. It would be nice to do, but you
just can't do it.

So the important thing is to first
recognize the numbers and then make whatever
balance is possible.
COMMISSIONER HUNTWORK: That's a good segue for my first question, which again I want to ask you about the technical tools that we'll be working with.

The reality is that we have to make up those districts with equal population, but the statute requires us to take a lot of other factors into consideration. And we will have to be working with the data bases, and consultants, and so on.

Do you have any background in that type of process or do you anticipate that you would need to have any greater training or background than what you bring to the table?

MR. GRESSER: No. I don't think the Commissioners will have to be intimately involved in the use of whatever software is available for creation of the districts. I don't think that the Commission is in the -- has the role of either electing or unelecting or protecting or unprotecting anything.

The Commission has the role of creating districts so that on election day when I go to the polls, I feel that there is the possibility that my candidate can be elected, assuming that he's run a good race.

I don't think that you can -- if you take that away from the voter, you are in a position where you are now, where people don't feel
they are represented, may not feel they are represented, may not understand they are being represented.

Again, I think open meetings and bringing the public into as many deliberations as possible and certainly getting public input before any decisions is going to be a vital role of the Commission.

COMMISSIONER MINKOFF: About the

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fourth interview, I think people will be telling me what my questions are, I'll have asked them so many times.

I want to repeat a question I asked Mr. Lynn, which is what you see as the role of public comment and how it will be integrated into the process.

MR. GRESSER: Once again, I think the public has commented to a great degree in its vote. And we can see that people in the outlying areas don't necessarily agree.

I believe that they may feel that with the growth of Maricopa and Pima Counties that they will have less representation. And it's going to be the role of the Commission to see that at the end of the process that they don't feel that they have been slighted and shorted.

So I don't think that you need additional public comment until such time as you have some plans of your own for them to comment on.

In other words, I think when the
various districts are drawn, I think that is the
time for public comment and certainly should be
part of the deliberations of the Commission.

COMMISSIONER HALL: As you know,

there's been some concerns expressed by some groups
in our great state, specifically minorities. And
how would you, if you were nominated Chairman, how
would you propose to address some of those concerns
that have been expressed?

MR. GRESSER: Again, everything
that happens here is, will be, reviewed by the
Justice Department. And we have to see that what
we do is complied with, every federal and state
law, and that we don't create districts that
will --

I think there's two things in
creating districts. Number one, if you know that
your candidate doesn't have a chance, you won't go
out and vote. And if you know that your candidate
is an absolute landslide, you won't go out and
vote. And unfortunately, we have a great number of
our citizens who even though registered don't vote
and even a greater number eligible to vote that
don't vote.

I think that the fruit of this
labor should be that we become more inclusive and
get more people involved in the political process.

It's interesting, coming in this
morning in the car, listening to the radio, and I
hear about all of the concern about where the stadium is going to be. And the front page of the newspaper, it's about the stadium. And what is happening here in this room will affect the average Arizonan to a far greater degree than the stadium but that's what is getting all the play. That doesn't mean that we -- our deliberations and findings are going to go unnoticed, but it would be interesting if we get more people involved in the political process, for their own good as well as the common good, than simply where a stadium is going to be.

COMMISSIONER ELDER: Question. You know, I think -- there was a comment made earlier about compactness and the demographics and demographic process. When we look at the state political areas now, we find there is quite a diversity from compactness to the central area to the center of a mass of population, and then find other areas, find masses in a couple areas with a neck that leads over. And in part of my looking at, you know, what has happened and where we stand today before we start and where, you know, the law and the standards and the practice that we may be involved in, and the process, it indicates that those shouldn't occur.
Can you give some idea how you might look at those and determine whether we should be doing something like that on the basis of either race, socioeconomic, type of areas, agriculture, we're tying together here so there's a common representation, any of those kind of considerations?

MR. GRESSER: It's difficult to be specific in answering that question; however, I think, again, in the best of all worlds you would know personally who you voted for. He would be -- we have a somewhat loose, perhaps, now, but a citizen representation.

We have citizen government where people come out of private life; and many, many people, elected officials, are not professional politicians, the rest of the world know him, like him don't like him. Two candidates here locally -- I can tell you, for example, in Yuma, I know all our Representatives, know the Senator, know people who have been and perhaps will be in those positions.

And it's very nice to be able to relate to them and to vote for them or against them with a certain amount of confidence.

We have to address the federal requirements. The worst thing that can happen is that we finish our deliberations, publish our findings, set up our districts, and have it all...
thrown out. I don't think any of us wants to go through the exercise simply to say: Well, we did it.

I think we want to make sure that what comes of it is a workable solution and is workable from the standpoint of inclusiveness in the state as well as being able to satisfy the requirements of the Justice Department.

COMMISSIONER HUNTWORK: You have addressed, in answering some of the questions, some of the things I wanted to talk to you about. But let me jump to my toughest question for you, too.

Again, is there anything in your background that could be used against you to question your independence when we get down to the task of making hard judgments here? Is there a fact or a circumstance that might be brought up to make you vulnerable to an ad hominem argument that you acted --

MR. GRESSER: When I listened to Mr. Lynn's answer, my family was for -- well, and still is --

I'm originally from New York City. And they were very heavily involved in Democratic politics. My -- going back to my great-grandfather, my grandfather, my father, my brother, my sister-in-law, who is next year running for Borough President, Queens County, New York, similar to Chairman of the Board of Supervisors; more like the Maricopa, really. And at the same
time I recall my mother practically crying on the phone and asking me not to vote for Ronald Reagan. And I can tell you that in the last election I voted for many Democrats and many Republicans and some that were neither. I'm sure that anyone can make a case about anybody, if you want to bring up something and say, "Sure." But I have done nothing that I would be ashamed to defend. And I think that my history has been very fair and very honest. I guess the answer that you want is no.

COMMISSIONER HUNTWORK: Thank you.
COMMISSIONER MINKOFF: I have a question which is sort of a follow-up to Mr. Elder's last question in terms of compactness and common concerns in the districts that we're going to be creating.

This term community of interest, is one that we have heard and that we're going to be hearing a lot as the process goes forward. And other than a minority ethnic group which the Department of Justice has basically said is a community of interest that we are obviously going to have to be concerned about, are there any other things that you see as communities of interest that we should be looking at in terms of creating districts?

MR. GRESSER: Certainly geographic
is a community of interest. I think that as -- if you are able to draw the lines with as little reaching out and snaking -- real gerrymandering, I think we want to avoid that as much as possible.

But I guess the answer goes back to something I said earlier, and that is to -- if the community of interest will bring people in, it includes people. And it's not our role as commissioners to exclude anyone. It's to be as inclusive as possible.

COMMISSIONER HALL: As you know, the Chairman requires leadership. So I ask what one characteristic or attribute do you bring to the table that you think is your most valuable asset?

MR. GRESSER: Well, I've been very successful in business. I'm now -- I've created my own business. I'm probably the only Japanese restaurateur you'll talk to today.

COMMISSIONER HALL: We were hoping you'd bring something.

COMMISSIONER MINKOFF: Aren't you catering lunch?

MR. GRESSER: Commission meetings,
21 sushi will be de jour.

22 When I moved to Arizona, I became
23 socially, specifically, very widely accepted, I
24 became involved in a number, I think my application
25 indicates, pretty widespread and diverse background

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1 from the standpoint of reaching out and meeting
2 with people.

3 I was Chairman of the United Way
4 Campaign about two-and-a-half years after I moved
5 here, just a number of things like that, that in a
6 sense speak for themselves.

7 I think that -- go back to the
8 Army, you know, officer in the Army, and so on.
9 I have never shirked from the
10 mantle of leadership and moving up. At the same
11 time, I don't think -- it doesn't become a
12 Napoleonic thing. It's a collaborative,
13 dictatorial role.

COMMISSIONER ELDER: One of the
15 questions that was posed to me, again in the
16 interview, was would I be willing to go out after
17 the process had sort of evolved and discuss and
18 talk with various citizens and groups around the
19 state to open the process up, give them some
20 insights to what our deliberations, trials,
21 tribulations, however you might want to phrase it,
22 might be to come up with a plan.

Would you be involved? Would you
24 be interested in doing that sort of outreach to the
MR. GRESSER: Sure. Within whatever legal framework that is possible, sure.

Sure.

COMMISSIONER HUNTWORK: I don’t have any other questions.

Does anyone else?

COMMISSIONER MINKOFF: No.

COMMISSIONER HALL: I don’t.

COMMISSIONER ELDER: No.

COMMISSIONER HUNTWORK: Thank you very much.

COMMISSIONER HALL: Thank you very much, Mr. Gresser.

COMMISSIONER HUNTWORK: We continue to be ahead of schedule. In fact, we’re even a little more ahead of schedule than we were before.

COMMISSIONER MINKOFF: A good harbinger of things to come. We’ll be redistricted next week.

COMMISSIONER ELDER: One question. Do you have a hundred thousand hours to donate to the committee? If we’re ahead, that may be a good omen.

MR. GRESSER: I have the time.
would like to suggest we use a couple of our
minutes to take a brief recess and come back here,
say at quarter after 10:00, and resume.

COMMSSIONER ELDER: 10 minutes
away?

COMMSSIONER HUNTWORK: Yes, sir.

COMMSSIONER MINKOFF: Sounds
good.

COMMSSIONER HUNTWORK: Okay.

(Recess taken.)

COMMSSIONER HUNTWORK: Ladies and
gentlemen, I'd like to ask everybody to bring their
conversations to a close, see if we can get back
all the time we saved earlier.

Mr. Jerome?

MR. JEROME: Right here.

Good morning.

COMMSSIONER ELDER: Good morning
to you.

COMMSSIONER HUNTWORK: Were you
present earlier when we --

MR. JEROME: Yes. I've been here.

COMMSSIONER HUNTWORK: All right.

Great. Well, then, without further ado, I think

we can get started.

One thing I thought of we might do
is offer an opportunity to make a brief opening
statement. We're on a roll now, but do you think
that would be a good addition to the process or
should we continue as we've been going?

COMMISSIONER ELDER: I would leave it up to you. If you would like to make an opening statement. I don't know that it will modify what Mr. Lynn and Mr. Gresser have done as far as our review.

MR. JEROME: Okay. My only opening statement would be that it's really tough to come to bat after two home runs.

No. I don't have any opening statement. The questions you've asked, if you ask me all the same questions, then we're in business.

COMMISSIONER HUNTWORK: Okay. Then let us proceed.

COMMISSIONER MINKOFF: Maybe my first question should be what is my first question, see how carefully you've been listening.

I'll ask my first question which has been what you see as the role of Chairman, what the Chairman brings to the Commission.

MR. JEROME: Couple of things.

This chairmanship is different, or even unique, as this Commission is unique, which resembles in its composition and the way the Constitution says it comes together is unlike anything else in State government. And it's chairmanship, which the Constitution says shall be different than the first for members.

This is not exactly a Commission of exact colleagues or peers. It's partisan,
remember, two partisan Democrats, to some extent,
two partisan Republicans. So it's somewhat
different. So the chairmanship I think is somewhat
different, too.

A little bit management, make sure
the staff has meetings scheduled correctly when
people can be here, because you all have other
responsibilities. I think as part of the
management thing, I think the chairmanship, as any
really good manager, would be someone who kind of
clears the way for the people to do the work and
makes things easier on yourselves.

There's this sport called curling
that they do in Canada where they throw stones
along the ice. And the guy that throws the stone,

he has to be really good, or she, to score the
points. But he has a helper. There's a person
that goes in front of him with a broom cleans
little microscopic things off the ice right in
front of the stone. That's my idea of what a
manager or Chairman should be, someone who helps
clear the way.

Other duties might be, depending
upon what Commissioners say, the Chairman could be
a spokesman or -- if that's necessary, we don't
hire a commercial, public relations person or
spokesman, could be a spokesman for the Committee.

I think in some ways the
Commission Chairman should not be a leader in the
sense that he's telling anybody else what to do. This is an Independent Redistricting Commission. Four of you partisans. The Chairman is supposed to be independent. Chairman is undoubtedly independent. Independent of independent. And to keep in mind, to take into consideration, all the thoughts and desires of you people but at the same time to not necessarily agree with you or disagree with you, or anything like that. Just to be the most independent of independent, that's the primary, most important job.

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I'm sorry if I went too long, but . . .

Mr. Hall?

COMMISSIONER HALL:  Good morning.

MR. JEROME:  Good morning, sir.

COMMISSIONER HALL:  I pinpointed an item from Mr. Gresser's resume, so if it's all right, I'll do the same for you.

I noticed here that you were a broadcaster for 37 years and essentially very much involved here in the Phoenix community and resided here in Phoenix at least that amount of time and then retired to Flagstaff in 1998, right?

MR. JEROME:  Yes, sir.

COMMISSIONER HALL:  So obviously you are very much involved in probably a variety of political activities by reason of your employment.

I wonder if you would address, some could say that really you are a Maricopa
transplant to Flagstaff for a couple years or --

MR. JEROME: True, very true.

Moved here when six. My parents moved to Tolleson.
I went to Tolleson High. Moved simply to go to a
different state. Worked in the Phoenix area 1959
to 1987, and moved to Flagstaff in -- to 1996, I
should say. Moved to Flagstaff in '98.

So I basically was raised, spent
most of my life in Metro Phoenix.

COMMISSIONER ELDER: The question
about the relationship, then, of the metropolitan
areas to the rural areas, what role do you think
you play in the addressing of the concerns of both
rural people of the state as well as I suppose we
could go into microcosms of the ethnic minorities
or the different constituent groups within the
state.

How would you as Chairman address
or focus the Commission or Committee on that?

MR. JEROME: Two ways. I would
propose that -- one of the very first things that
this Commission could do, after a couple
housekeeping measures, Attorney General and staff,
the first major thing the Commission could do, I
would propose to you that we forma -- if the
Attorney General's staff says it's a proper thing
to do -- a citizens' advisory committee, informal
or ad hoc committee, made up of persons from all
parts of the state and persons who believe they
represent a so-called community of interest. I would propose a community of 98. We have 90 legislators. We will have eight representatives in the house. And I think we could come up -- there be 98 people around this state who would like to have some input. And those people, they could be political people. They could be staff people, like, for instance, the County Manager of La Paz County. He understands something about La Paz County.

And I think we should hit the road, some of us or all of us, and tour the state as soon as possible, take the stenographer with us and someone from the Attorney General's Office to explain what the law is, and solicit comments, especially on those things that are in the Constitution which are not explained, community of interest.

I don't know whether that is a term of art in federal or state law. I don't know what that means. There's probably a lot of people out there that think they know what it means that would like to tell us.

There's also a term in the Constitution called competitive districts, but it does not explain what that means.

Some people think that means, a
lot of people think that means a district being
exactly 50 percent Republican, 50 percent
Democrats. Some might think half rural, half
urban. Some others might think a district that is
half more men, half Catholic, or half farmer, half
city worker, Motorola.

I don't know what that means. I'd like to find out what the people think it means.
At the same time we solicit comments, the Attorney General staff, or whoever we have as counsel, could explain what the laws is.

To jump to another question you asked Mr. Gresser, about the concerns of people in out counties who think they may not be getting a fair representation, in some ways I think they may have a legitimate complaint. I don't know. It's worth listening to. One of the people whose vote comments in the Voter Guide concerning Proposition 106 complained about small towns being sliced in half by legislative or congressional districts. This person complained Bullhead City was in three legislative districts. Maybe there's a good reason for that or maybe there isn't. At first glance, it appears that person has a legitimate complaint.

Now if it were -- if Gila Bend

thinks it's going to get its own congressman, it's wrong. The Constitution says that it shall be done by equal population.

In the list of things that the
Constitution says we shall do, and use of that legal word "shall," it uses it five times. They shall be compact. They shall, as much as practical, follow County lines. It shall do this. It shall do this. Then it has a should. And then it has a maybe.

Well the shalls obviously are much more important than the maybe. And equal population, compact districts, following county lines when possible, those things I think are part of it.

I'm sorry if I've digressed away from your question, sir.

COMMISSIONER HUNTWORK: I'm going to continue with my usual questions here.

I think you, to put it into perspective, you make a very good point about getting input from as many sources as possible. As we -- as we do our work and begin to make hard decisions, one of the most important tools that we will have to use in order to carry out the policies and principles that we decide on, we'll be looking at statistical data in trying to understand it and make the right decisions.

And I think, I don't think people of Arizona wanted a computer program to do that or wanted to hire consultants. They wanted us to do it.

So the question really is, you know, what training and experience, background, do
you have in that or what skills do you feel you
have in that area to be able to do that
successfully?

MR. JEROME: I -- a little bit. I've drawn a few maps in the days before computers. When I was -- after I left Channel 10, formed a company and applied to the Federal Communications Commission to open a new radio channel.

To do that, I had to prove to the Commission there were people far west of the White Tank Mountains between Tonopah and California that had no radio service. To do that, I had to draw giant circles, four-foot square maps, and count the numbers of little people, people in little districts and obscure precincts, census districts, in Western Arizona. And not being able to afford

demographers or cartographers, I did this myself. I have a little understanding of this. The newer computer generated maps, and so forth, are a great help. I have discovered two computer programs where you punch in and it cranked you out a map, how to get to grandma's house, with lots of errors, lots of errors. My neighborhood north Flagstaff, it shows streets that do not exist, shows people's driveways as streets.

The job of the Commission, I think, here is to keep an open mind about the maps and keep an eye on the professionals that we hire, and you hire, and -- but let them do their work but
demand really high quality work that we’re paying for, the people are paying for.

COMMISIONER MINKOFF: My question may be stealing part of one you’ve been asking but I’m going to do it anyway.

COMMISIONER HUNTWORK: I’ll steal your next question.

COMMISIONER MINKOFF: The Chairman of the Commission must be an independent, and all four of you who are here today are registered as independents.

You state in your application that essentially you changed your registration to nonpartisan primarily because of your profession, because as a journalist you felt that it was important to be nonpartisan.

How would you describe your political orientation? Is the independence a professional decision, philosophical decision, a personal decision?

MR. JEROME: It’s both. The fact that I was a working journalist starting about full
time about 1970, that was one of the reasons I decided to register as a nonpartisan. And I’ve been a nonpartisan for that 31 years now.

The other reason was that observing politics all these years, not being involved but observing, obviously there are good ideas that come from both sides of the table, both sides of the aisle at the Legislature. I was
fortunate over the years to interview some awfully, awfully good people, names you people would remember.

I was really a big fan of Burton Barr, really a big fan of Burton Hamilton.

There are good people with good ideas on both sides of the aisle.

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My personal, own philosophy, one people called me, "You are a right wing leftist."
I said, "No, I'm a left wing rightist."
I'm really a big supporter of the first amendment, all parts of it. I'm a big supporter of the second amendment. That makes me a liberal, because the support the first amendment; conservative, I guess, because I support the second amendment. I also like the fourth, fifth, 10th. 10th, I like the 10th very much.

But in many ways, I call myself nonpartisan because that describes me, I think.

As you know from my application, I said my parents were Republicans, though I don't know why. They never discussed politics at home, never discussed politics.

I registered Republican on my 21st birthday because they were Republicans, typical college student, did it as a joke, register, went to the office of Ernest W McFarland, a famous Democrat and Governor, to register.

My wife is Republican. I think my
in-laws are Republicans. I don't know what my children are or brothers and sisters. My eldest brother, Lawrence Jerome, was Libertarian, don't know if he still is, ran for Arizona Secretary of State 30 years ago, or something. But I have no idea what he is today.

So there's no political history or part of my history or anything in my family.

If I may keep on going, I was interviewed by minority -- the House Minority Leader Mr. Cheuvront some weeks ago. And he asked me about my family's political dealings. And I said "Well, it's quite possible somebody might have a photograph of me pounding into my front lawn in Flagstaff a J.D. Hayworth reelection poster."

My wife, somebody came by, gave my wife a J.D. Hayworth sign. And she had me pound it into our front yard. I believe that was the fall of '98. And that was the extent of my political activity is pounding in that sign board.

I was not opposed to that because I had known J.D. in Phoenix broadcasting. He came to work here in Phoenix as a sports broadcaster as I was leaving, so we became acquaintances. But that was long before he was involved in politics.

Mr. Hall.

COMMISSIONER HALL: As you know, some of the minority representatives in our state
expressed concerns with respect to the make-up of this Commission. And I'm wondering if you were nominated Chairman how it is you would propose to address those concerns or --

MR. JEROME: Well, first, I mention there's a couple housekeeping things I think this Commission needs to do right off the bat. I would propose to you, very, very first thing to do, we have legal counsel do us that seminar on the open meetings law and conflict of interest laws, and bribery, things like that, excuse me. And then the second thing they would do or provide us with are people that could tell us what the, what the Federal Voting Rights Act actually says and how the courts have held on it, what they have -- the courts have said about it in the last 35 years, and especially what the courts have said about it in the last 10 years as courts tend to change their opinions over time, and give us some guidance and direction along those lines. Because obviously the Federal Voting Rights Act very much addressed ethnicity and race. So give us some guidance on where to go with that and what it means.

Last Sunday there was a story in

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the New York Times that talked about the problems of racial gerrymandering between two diverse states, state of New York and state of Mississippi
with recent changes in court decisions as courts have flipped and flopped.

We need up-to-date legal advice on what that means.

Another segment to your question, Mr. Hall, my feeling is that if we're fair to every Arizonan, we'll be fair to people who call themselves Hispanics or call themselves blacks or Native Americans or Mormons, Catholics, or out county people.

If we're fair to everybody, go by the law, go by the book, and we are independent and impartial, I think we're going to be okay.

That doesn't mean the people won't still complain or wish to have their views heard. I think we should hear peoples' views right off the top.

Obviously after we draw preliminary maps, the Constitution requires us to advertise and have hearings and take comments at that point as well. And some of the comments that have been made already and some that will be made.

I'm sure, are comments from people who want to get re-elected. And that's fine.

Everybody has probably not necessarily an axe to grind, but they have their own agenda. Some may want to get re-elected. Somebody may want to feel that their group or their community of interest didn't get a fair deal 10 years ago or 20 years ago or something and they
want to be sure they do now.

Arizona is a diverse place. There's no doubt about it. Just like America is a diverse place, Arizona surely is.

Some people think that the rural interests are different than urban interests. And some people think that farming and agricultural interests, shall we say, are a lot different than others.

And the big thing is just to let everybody tell us their interests and then, with the advice of our counsel, we follow the law. And some people won't be happy with that, and some people will. So be it.

Mr. Elder?

COMMISSIONER ELDER: If you took a pure statistical look at the state and find that one party or the other has a numerical advantage, might be 60/40, 51/49, do you believe the Commission should attempt to divide or-redistrict the state to where the two major political parties end up with majorities within that 52/48 range or are we looking to redistrict to where one man, one vote, and the distribution or demographics of each one of the graphics is balanced on that 52/48, 60/40, whatever the numbers actually show?

Because the results are if you do it that way, you end up with a hundred percent being majority in any one district throughout the
state. And I just -- it's been a conflict in my mind of how we do that. The same thing as can't have retrogression in the advances minorities have made in various and sundry districts around the state.

We have a whole lot of seemingly conflicting goals.

How would you as a Chairman resolve or attempt to resolve those with the Commission?

MR. JEROME: I would be sure, as I said before, that we have legal counsel that can give us some explanation, like the term "retrogression" you used and other people have used, and how that cuts.

At the same time, I'm not sure that we can't satisfy everybody, especially off the top. Earlier I mentioned the five shalls, we shall do this, "Shall have compactness." At the bottom it says we "may take into consideration registration information." That's a "may," and that's the bottom of the list.

And to me, being independent or nonpartisan, how many Democrats are in Gila Bend, I don't care. And if our counsel tells us at the end we should care, okay. But off the top, the political registrations of people, I don't think -- that's not our priority. I don't think it's your priority.

Let's go by the Constitution.
and -- obviously it says compact districts. That's
wishful thinking to some extent, sure.

You are correct some of the shalls
contradict with each other. It's impossible to
have a compact congressional district in Western
Arizona or Northern Arizona. That's why they have
the "as much as practicable" line in there.

So I think that you folks being

partisans, I think the people that wrote 106 think
that part of your job is to be independent, but
then look out for the interests of your parties.
But that's lower on the list. It's not on my list.
It may be at the bottom but it's not at the top of
my list.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, once
again, I think you are -- between your resume and
answers to the questions that have already been
asked, I think most of my questions have really
been answered.

I just want to ask you, just to be
sure --

MR. JEROME: Yeah.

COMMISSIONER HUNTWORK: -- if your
present circumstances allow you to devote the
hundreds, maybe thousands of hours that will be
necessary over the next year, especially the next
couple months, to this very important job.

MR. JEROME: Well, I'm fortunate
in that I'm retired and I have no other duties or
heavy civic responsibilities. Sunday duties at my
church, but that's it.

I could essentially take on a

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full-time job. However, at the same time, it's not
my job to do all the work and leave you people out.
You are the Commissioners. And this is not a
one-man show. Although I have a lot of time to
devote to this, it's not my job to rule or take it
on.

So I would -- I don't expect to be
in Phoenix all the time, every day, harassing the
staff.

I have plenty of time to see what
is going on, to report to you people about what is
going on and what I think might need your attention
and obviously your advice.

I have never Chaired a Commission
such as this. And you people have far, far much
more business experience than I do. So I don't
bring a tremendous amount of business experience to
this or political service experience to this. I
bring experience in being able to talk to people
and elicit what is on their minds and being able
to --

I don't think -- one of the other
people mentioned a consensus. I don't think I can
necessarily twist your arm, your arm, your arm
your arm to do what I want to do. I think I have

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the ability to elicit from all of you which way you think this thing should go and find some middle ground there perhaps I could present back to you. I might be able to do that.

COMMISSIONER HUNTWORK: Thank you. Does anyone have any further questions?

COMMISSIONER HALL: Just one final question I've asked the other applicants. What -- as Chairman, it requires some leadership. What one attribute or characteristic do you think you bring to the table that would be most valuable to the Commission?

MR. JEROME: I think my independence, independence from political winds that blow, independence from you. Although I may enjoy working with you, I will try very hard to elicit what your thoughts are and which way you want to go, that doesn't necessarily mean I'm going to buy your ideas lock, stock and barrel.

As I said at the very beginning, I see the job as really an independent type thing. And my independence and my ability to elicit what your thoughts are I think would be my strengths.

COMMISSIONER HUNTWORK: Thank you.

COMMISSIONER HUNTWORK: Okay. Thank you very much.
MR. JEROME: Thank you.

COMMISSIONER HUNTWORK: Are the members of the Commission ready to proceed?

COMMISSIONER MINKOFF: Yeah.

We're on a roll.

COMMISSIONER HUNTWORK: Very well. Is Bruce MacArthur here?

COMMISSIONER HALL: I thought I saw him come in a minute ago.

MS. McLEMORE: He did. Let me go see.

(Discussion off the record.)

COMMISSIONER ELDER: Let me ask a naive question. Can we have lunch together, get to know each other, without violating a regulation or law?

MR. BALES: So long as you are careful not to discuss anything that might be considered action by the Commission.

COMMISSIONER HALL: Could order lunch in in executive session.

COMMISSIONER MINKOFF: Have lunch ordered in so we don't have to spend time getting it and go to work.

COMMISSIONER HALL: Please, have a seat.

COMMISSIONER HUNTWORK: Jim Huntwork.

COMMISSIONER HALL: Joshua. Nice to meet you.
COMMISIONER ELDER: Dan. Nice to meet you.

COMMISIONER HUNTWORK: Well, let's proceed.

Bruce, have you been here for the previous interviews?

MR. MacARTHUR: No, just came in about 15 minutes ago. So I missed a little bit of the last part.

COMMISIONER HUNTWORK: Let me explain very briefly that we've completed about a half-hour interview apiece for the three previous candidates. And we've asked somewhat the same questions with slight variations as we went along. We came upon the idea with the last candidate of suggesting that you might want to make an initial -- short initial statement of some sort. He declined to do so.

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At this point none of the others have actually taken advantage of that opportunity. You may if you want to. If not, we'll just start in asking questions as soon as you are done.

Is there anything?

MR. MacARTHUR: I think I'll have the chance to explain myself as we go through.

COMMISIONER HUNTWORK: Okay.

Very good.

COMMISIONER MINKOFF: I'll ask my traditional first question.
MR. MACARTHUR: Sure.

COMMISSIONER MINKOFF: The role of the Chairman of this Commission, I think, is going to be slightly different than the four of us who are the other members of the Commission. I wanted to ask what you view as the role of the Chairman and, should you be selected, how you would carry out the duties of that position.

MR. MACARTHUR: In preparing for this interview and the possibility of serving on the board, I've taken the liberty of calling some of the other states that have a Redistricting Commission which is similar to ours. You may know that Washington does have one, and they've been doing it since 1983. And I talked to the person up there who is in charge of their administrative work on the Redistricting Commission.

They essentially have a board like ours. The four members are chosen by the respective caucuses in the Legislature, and then the independent, or the Chairperson, is actually selected but without a right to vote.

So in 1991, they completed their redistricting effort. And they actually succeeded in avoiding a lawsuit.

COMMISSIONER MINKOFF: Huh.

MR. MACARTHUR: In large measure, I think because the board reached consensus. They were either happy or equally unhappy with the result. And they avoided a lawsuit, which was rare.
around the country, to do -- to succeed in drawing
boundaries which represented the people of their
state and yet avoided a lawsuit.

So I think that is the strength
that I would bring to this Commission. My emphasis
would be on finding consensus, on building it. And
I think in that way, you know, we can avoid
litigation and we can get after what I think we all
probably have as a goal in this bipartisan effort,

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to draw districts which represent the people of
Arizona.

I'll tell you what I think is some
common ground just right off the bat. I doubt
that -- I'm confident that everybody at this table
truly loves this state and cares much for its
people. I'm not ashamed to admit that I do.

I'm a native of this state, and I
love this state.

I suspect that we all want to get
the state off to a good start in this venture. And
that I see as a bipartisan goal. So that is a
bunch of common ground right off the bat.

I'm sure we are all hard workers.
And I think that we probably have a commitment to
the underlying goal, which is to draw boundaries
which represent the people of Arizona. That's a
bipartisan goal.

That's a lot of common ground.
And that's enough common ground, I think, to
succeed and to draw districts which I think we'll
be proud of and which will withstand scrutiny from
all interests.

My role will be to try to build
that consensus.

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COMMIS SIONER HALL: I note that
you are an attorney; is that right?

MR. MACARTHUR: Yes.

COMMIS SIONER HALL: Are you aware,
is there any law against two attorneys being on the
same --

MR. MACARTHUR: It's a good
question.

COMMIS SIONER HUNTWORK: Probably a
lot of jokes about it.

COMMIS SIONER MINKOFF: My daughter
and son-in-law are attorneys.

MR. MACARTHUR: Too many.

COMMIS SIONER HALL: I didn't say
that.

I would like to focus on your
profession, if that's okay. In light of the fact
you are working for the Attorney General's Office
and we are receiving input from the Attorney
General's Office and -- do you perceive that as a
conflict, something that may, whether in reality or
rather even from a perception standpoint, do you
see that as a concern?

MR. MACARTHUR: I don't.

And before I made this
application, I checked with the people in the Attorney General's Office who handle conflicts of interest and asked whether I was treading on thin ice or about to venture into something that was going to get me into trouble.

No, in fact that's not a problem. I actually talked with Scott Bales at that time and was assured that this would not present a conflict from that point of view.

I think it fair to say many people at the Attorney General's Office work in public service. They are interested in the particular area of public service for which they work. They are there not for political reasons but are there for interest in their work. That's why I'm there.

I started when Grant Woods was in office. I don't know Grant Woods, don't know Janet Napolitano, either. I'm sure if walking down the street I might recognize them. They wouldn't know who I am I'm sure.

I don't see that as a conflict.

I also think, back to your initial comments, that one of the joys, and you may be able to second this, I'm not sure, Jim but one of the joys of my professional life is I can walk down the hall and actually get some second opinions about a
particular issue. So it's easy for me to get a clear picture of an issue, maybe some honest criticism of my idea, or if I don't have some idea at all, some groundwork. That has been a benefit to me as a lawyer.

I think when lawyers are on the same team, there's no harm in having two. It's probably the case that two heads are better than one.

COMMISSIONER ELDER: A question from the standpoint of public relations and relations with the other citizens within the community and within the state.

How would you view your role as furthering that process from the standpoint of either speaking to schools, speaking to public service groups, and trying to either develop an outreach process for the Commission, as your role as a Chairman? Would you be willing to do that and, if so, in what respect?

MR. MacARTHUR: Well, I think we would all have to agree about the kind of input we want to receive from the community and the kind of comment that we want to provide to the community, particularly given the area of work that we're -- that we are about to engage in, speaking in terms of work just generally.

But this is an area which is ripe for legal proceedings and challenges and lawsuits. There's attention right now, as you know, between
the last decade's worth of — the last decade worth of Supreme Court decisions and the Voting Rights Act.

With the best of intentions, the results of actual districts created by boards or legislators are challenged.

I think we need to be careful about what comment we provide to the community in the context of our work. I think that's something we need to comment on and outline and put thought into.

It's certainly a great opportunity from an educational standpoint, if that may be what you are driving at to, you know, to encourage voter participation and openness in the process, that kind of thing. But I do anticipate open meetings where we would receive comment from all interest groups, and such.

I'm not sure if I'm responding,

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but I think -- if you are asking about educational programs that we might undertake after --

COMMISSIONER ELDER: No, not necessarily educational programs but in relationship to the outreach as in relationship to being able to elicit comment from the public, to have them understand the processes that we've gone through, either after the fact or during the course of the deliberations.

MR. MacARTHUR: Okay.
have a sense that we have honestly, hopefully, fairly, and independently tried to develop a redistricting that represents the goals of the state.

MR. MacARTHUR: Gotch you. Right. This is for the opera, as my mother would say, only a suggestion, but my suggestion would be that we have open meetings and we invite all communities of interest to those meetings and invite them to tell us what they think defines their particular community, what participation they want to have in this process, what results they would like to see, the whole gamut of their cares and concerns I think should be open to them at those public meetings. And we should listen. We should listen.

COMMISIONER HUNTWORK: Bruce, I note that you have an important job with the Attorney General's Office. And I don't know if you have any kids at home or not.

MR. MacARTHUR: I don't.

COMMISIONER HUNTWORK: It may be none of my business even if you do. But the question really is: Do you have the time to devote to this project? It's going to take hundreds, maybe thousands of hours over the next year.

MR. MacARTHUR: If you were asking my wife that question, you'd get a different answer.
I do have the time. I'm fortunate to work with the Attorney General's Office in an office where volunteer work encouraged. It's understood in our office, and this is an idea that cuts across political lines, but it's understood that volunteer work is worthwhile work and it's encouraged. They understand, in my office, in particular, that this is going to take some time. And they are prepared to work with me to allow me to have that time, whether it be that I take annual leave or what have you. I am able to do that. My wife also works. So from a financial standpoint that doesn't present a hardship to us. I wouldn't have made the application if I didn't think I was going to be able to devote the time. I do think I can.

COMMISSIONER MINKOFF: One of the terms that we're going to be dealing with is the term that you've mentioned previously, community of interest. And if you ask the four of us what is a community of interest, you might get four different answers. I'm going to ask you for the fifth.

MR. MACARTHUR: All right.

COMMISSIONER MINKOFF: What do you see as a community of interest and how do you see, other than what you've said so far, incorporating communities of interest into the process?

MR. MACARTHUR: Well, I think
traditionally the definition is community of
terest is a collection of people who might have
lived together a long time, share social and
economic matters that are part of their life. I
think you can also look more broadly to help to
find an answer. No answer is written in stone.

Contrast the rural and urban community, college
town with retirement community, contrast rich and
poor. I think a feature of a community of interest
is race, undoubtedly. So I'd work to contrast that
way.

And we would probably want to sit
down and listen at various communities -- at
various open meetings and hear from people in
communities and work out definitions along the way,
criteria which we think helps to establish those
communities.

Those are my initial thoughts.

COMMSSIONER HALL: A community of
interest in our area is -- there's been some
concern expressed relative to the make-up of this
Commission by minorities of the state. And I've
asked all the other applicants and I'll ask you
what you would propose to do to address some of
their concerns.

MR. MacARTHUR: I think my answer
is the one I've given. We should hold open
meetings. We should invite all communities. And
we should listen. That's, I think, the most direct
way of getting to the bottom of whichever
communities' concerns, you know, are provided to us.

And again, we have to be, you know, sensitive to all the requirements of the Articles of the Constitution. Community of interest is one. We want to work with building a definition of that.

I think that is the way to go. We certainly want to provide for participation from all communities of interest. That's probably a bipartisan goal, in my view, anyway.

That's what I would like.

COMMISSIONER ELDER: I think I got two shots in on the last one. I'll ask question in relation to your profession. We're going to have the Attorney General's Office providing counsel on what we can do, what we can't do, what the ramifications of decisions or actions we take may be. Do you see any conflict between, in effect, their opinion and your opinion as an attorney and being the Chairman of the Commission?

MR. MACARTHUR: No, I don't. I think the Attorney General's Office, the Solicitor General's Office, in particular --

I note there's a fire out the
window there.

COMMISSIONER ELDER: I thought it was just standard Phoenix.

MR. MacARTHUR: Unusual.

But that office has always been regarded among the legal community as outstanding. And again, that cuts across the offices that have -- that is the political -- that cuts across the actual Attorney General that has held the office. The Solicitor General's Office has always been very strong.

When I worked in Mohave County, I would often take advantage of the Attorney General's Office. In my work, I represented the Board of Supervisors there. I represented all Mohave County when I worked for the Mohave County Attorney General. Board of Supervisors, try keep on task, always call the Attorney General's Office.

It was my hope when I came down to Phoenix to work with them. I think very highly of the office and I think it will provide very competent advice. I'm also confident if there is an area of legal expertise which the office doesn't think it has a handle on, that it will let us know, be honest about it. And if we need to seek outside assistance, we can do that.

COMMISSIONER HUNTWORK: One of the key questions in my mind goes to, really, your independence. I think that it's important to recognize that the other four members of the
Commission disclosed political affiliation and were specifically appointed by the majority and minority leaders in the Legislature. The constitutional provision says that we will select the final member. And although it doesn't say an independent, it is essentially that is what it means.

This is the first decision that we make, and it may be the most important one that we make the whole time. So it's vitally important to us to know if there is anything in your background or life experiences that could be brought up against you by anybody looking at what we do that would make you vulnerable to a challenge to your independence one way or the other.

Can you give us any information or reassurance about that?

MR. MacARTHUR: Well, I've been an independent since I started to vote. I haven't donated to political campaigns. I haven't been active in politics.

I've been active in some volunteer capacities over the years, and my career has been devoted to public service; but it hasn't been partisan.

I can tell you this, that most importantly for me, politics is an attempt to find that common ground. And I think that the strength...
of independence is its focus on the middle ground, on the ground that, you know, both parties can stand upon to actually find a solution to whatever problems before it, whether it be local communities, state, or national communities. So that's the way I see this Commission working as well.

I think that we need to remember that the common ground here is the desire to do -- to create districts which represent Arizona and to really do a bang-up job, really do a bang-up job. And this is an opportunity to do something for Arizona.

It's great volunteer work. I don't know about you. The reason I applied is because I -- I think this is actually going to be fun. The nuts and bolts of redistricting I think is going to be a kick in the pants. I think we're going to enjoy it. I'm sure you are here for similar reasons.

We have a common goal to do something the state can be proud of.

There's no way to do it, no way to do it unless there's consensus here.

The last thing we want is litigation from one side or the other at the end of the process.

That's what sums up my political view is really a kind of practical approach to problem solving. That's why I applied.
15  COMMISSIONER MINKOFF:  When Prop 106 was passed, a plan, by pretty sizable majority,
16   I'm presuming it was because the voters felt they
17   wanted to do things differently than had been done
18   in the past.  Other than the fact there are going
to be five people doing it rather than 90 people
doing it, how do you see the process being
different and how do you see the end result or do
you see the end result being different in terms of
districts we have?
25  MR. MACARTHUR:  The process

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1  clearly is different.  Not to consider residency of
2  incumbents or candidates, that's a difference, big
difference.  That's a flat prohibition in the law
3  that specifies that.
4   I think the reason for it is
5  natural. Traditionally that was one of the
6  criteria that was acceptable. That was not
7  prohibited under the law. And the Supreme Court
8  considered incumbency as a valid criteria by which
to establish districts. So the only way to change
9  that was through a proposition such as this. And I
10  think that is what was the intent of the voters.
11   So that would be the change. And
12  the effect of that I think is that we will follow
13  the criteria, most of which is traditional
14  criteria, compactness, contiguous, the list there,
15   respect communities in interest, and the boundaries
16   of political subdivision, body census tract. All
that is traditional criteria now with the exception of incumbency.

So I'm not sure how that will look, but it's possible it will look entirely different, districts we create will look entirely different. I'm not sure. It might look similar as well. I guess we'll just have to wait and see.

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As you know, the first step is to get the data from the Census Bureau and put it on a map and start with a grid system that we work with and apply that specific criteria to, the Commission would.

COMMISSIONER HALL: What do you consider your most valuable asset, attribute, or characteristic that you would bring to the table as a Chairman of this Commission?

MR. MacARTHUR: Well, I work day to day with very a contentious issue, and that is abused and neglected children and the balance against the right of the parents to provide care and control for the children. So when CPS removes children because of abuse or neglect, we end up in litigation immediately. And if the parents are interested in reunification, then we proceed to a trial. And along the way we mediate and we find a common ground there.

And the common ground there is in the best interests of the kids and the right of the parents to provide care and control.

So when we sit down, typically a
group like this, those are the various interests that are brought to the table.

So that's part and parcel of my day-to-day life, that kind of mediation setting. And I think I can bring those skills to the table in making sure that we work with a consensus and find a common ground.

I mentioned my work up in Mohave County. I have had the good fortune to live and work in both rural and urban Arizona. I think that's beneficial as well.

I do speak Spanish. I don't know how that would benefit the Commission. Those are my strengths.

COMMISSIONER HALL: Thank you.

COMMISSIONER ELDER: None here.

COMMISSIONER HUNTWORK: One other question on my mind is the way in which we will try to use computers, statistical data, demographics, a complex of technical skills to implement our decisions after we have received input and decided what we're trying to do.

MR. MACARTHUR: Uh-huh.

COMMISSIONER HUNTWORK: And I think it's going to be our responsibility to exercise some independent judgment and not just necessarily rubber stamp what our consultants are...
advising us to do.

What education, experience, or background do you have in those areas?

MR. MACARTHUR: Well, what I've done in that way is just by way of preparing for this work. I haven't ever drawn maps before. But I did put the question to the Director of the Washington Redistricting Group. And he told me that he is using, that their Commission is using a computer program called autoBound, gave me the web site. I looked it up. It's consistent, actually, with what the Secretary of State is using here, or maybe it's Maricopa County Elections.

I also talked with Karen Osborne along those lines, too. She makes use of programs like that.

Those are tools, like the pencils in our hand. And they are unbiased tools. That's all they are. But I was encouraged to learn that they are much more reasonable in price than they used to be.

He said 10 years ago they were very expensive. Now this program is available for three, four thousand dollars, greatly provides technical expertise, comes in, let us know how to put it together and use it.

Some nice features of it, it can be private and public. So if we were using a particular program whatever it might be, you know
we could do our work; and if we decide we want public comment on a portion, we can disseminate it that way.

There may well be things I don't have a great handle on.

He recommended it. It turns out to be widely used. I think a tool like that would be very important for us, helpful.

That would be one of the first things the Commission would want to do is decide what tools to use. I was encouraged to find out that they are available and it's easy to look them up and learn about them.

COMMISSIONER HUNTWORK: Thank you. Anybody have any further questions? Bruce, thank you very much.

MR. MacARTHUR: Thank you.

COMMISSIONER HUNTWORK: Okay. Well, let's talk about a couple of things. I think we need to address the question of whether we want to talk about this in open session or in executive session.

COMMISSIONER ELDER: I would like to proceed -- that we continue on with the agenda. And if there is anybody that wished to speak from the audience, now that we've heard the four people make their comments and address our questions, that if there is any other people that would like to put
their comments on the record, so that we can consider those during the process of evaluating and selecting the fifth member.

COMMISSIONER HUNTWORK: Of course.

COMMISSIONER HALL: Do we have any requests for people to speak? The agenda says they'll fill out a slip, speaker slips.

MR. BALES: I don't know they had speaker slips available. People were asked to sign in.

If people wish to speak, make sure they signed in so we have a record of who is here.

COMMISSIONER HALL: Mr. Chairman, I like to recommend we limit the length of those. Can we come to agreement two minutes is sufficient or what?

COMMISSIONER HUNTWORK: In my mind it would matter how many would like to make comments.

Is there anyone here who would like to make a comment?

Just one?

COMMISSIONER HALL: Then I don't think that is relevant.

COMMISSIONER HUNTWORK: Five?

Well --

Very well, would you please perhaps stand at the podium

MR. PEREZ: At the podium sure.

COMMISSIONER HUNTWORK: Just
identify yourself.

MR. PEREZ: Rudolfo Perez, Jr., Director of the Phoenix Program Office for the Mexican American Legal Defense and Educational Fund and Coalition for Latino Action here in Maricopa County.

I'm here today, first of all, to express our extreme disappointment and concern with the selection process thus far. As many of you are aware of and mentioned this morning, if we had known that we would not have a seat at the table and not be directly involved in the redistricting process, the Latino community would not have overwhelmingly supported Proposition 106 this past election.

That being said, we also realize the need to move forward with members of the Redistricting Commission so independent districts -- legislative districts and congressional districts are drawn up fairly and justly.

We are here in support as a fifth member for Commission Chairman of the Redistricting Commission Bruce MacArthur.

We believe Mr. MacArthur is the most independent of the four candidates interviewed this morning. We also believe Mr. MacArthur is the most sensitive to needs and interests of all communities in Arizona.
So we strongly support Mr. MacArthur as the fifth member and the Chairman of this Commission.

Thank you very much.

Thank you.

I understand that there is no one else wishing to comment at this time. And --

I would like to make a motion.

Do you have anything else?

No. Next item on the agenda is election itself.

I would like to make a motion that we see if we can persuade someone to order lunch and we adjourn to executive, or whatever the appropriate term is, go into executive session and have a working session right here while we have an opportunity in executive session right here to discuss the applicants.

I second it.

There's a motion made and seconded.

Any discussion?

All in favor, say "aye."

(Vote taken.)

The "ayes" have it.
We're now going into executive session.

Counsel will explain to us exactly what that means and how we proceed. I presume everyone except the Commission and counsel must leave.

Does the reporter stay?

MR. KANEFIELD: Reporter does stay. And you can deliberate in executive session. When you come to the point of actually taking action, you need to come back into public session when you do that.

COMMISSIONER HUNTWORK: Okay.

Do we need to set a time now for coming back into public session so the reporters and other interested parties know when to come back?

COMMISSIONER HALL: If you think you can estimate when you would be concluded, that might be a good idea. I understand also once you've identified who your choice is that you want to continue on with the meeting a bit after that and address other agenda items.

You probably do want to give those people an idea of when they should be back here to know what the rest of the day is going to bring.

COMMISSIONER MINKOFF: By 1:00
COMMISSIONER ELDER: I didn't hear. How long --
COMMISSIONER HUNTWORK: How long did you think?

COMMISSIONER HALL: Hour and a half too long, long enough?
COMMISSIONER ELDER: I would hope it's long enough.
COMMISSIONER MINKOFF: Yeah.
COMMISSIONER ELDER: Depends how hungry we are.
COMMISSIONER MINKOFF: Depends when we get lunch. I'm not going to compromise my lunch.

COMMISSIONER HUNTWORK: We will reconvene the public session at 1:00 o'clock.
COMMISSIONER ELDER: Yeah. We wish to go off the record while we address dietary considerations.

(Whereupon, the Commission recessed for Executive Session at approximately 11:30 a.m and reconvened in Public Session at 1:13 p.m.)
February 13, 2001
1:13 o'clock p.m

APPEARANCES:

SECRETARY BETSEY BAYLESS,
Arizona Secretary of State

CHAIRMAN STEVEN W. LYNN
(Appeared as Nominee until voted into office
as reflected herein.)

COMMISSIONER JAMES R. HUNTWORK

COMMISSIONER JOSHUA MARK HALL

COMMISSIONER ANDI MINKOFF

COMMISSIONER DANIEL R. ELDER

SCOTT BALES, Solicitor General

JOSEPH KANEFIELD, Assistant Attorney General

JAN McLEMORE, Legal Secretary

LISA A. NANCE, RPR, CCR, Court Reporter

SPEAKERS FROM THE PUBLIC:

ANTHONY SISSONS

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Phoenix, Arizona

PROCEEDINGS

COMMISSIONER HUNTWORK: Very well.

All the members of the Commission are present, and
it's a little past the time set to reconvene.

I'd like to thank everyone for
your patience and persevering.
The open session is back in session, and I would like to invite any member of
the Commission to make an appropriate motion at this time.

COMMISSIONER ELDER: Mr. Vice Chairman, or Mr. Chairman, or whatever our terms,
I would like to make a statement before we make any motions in that both in reviewing the applications
and in reviewing the presentations, I wish to thank all of the applicants who have come this morning to
give us better insight as to what your goals and perspective on the Commission were. And part of the
reason we ran over was because of the discussions we were having about the relative
merits of every one of the people that commented and brought to the table their perspectives of what
the goals of the Commission are, what their strengths and what their, in some cases, weaknesses
might be.

So with that said, I would like to make a nomination of Steve Lynn to be our new independent person on the Commission and act as our Chairman.

COMMISSIONER HUNTWORK: Is that -- By nomination. Do you mean motion to elect him as Chairman?

COMMISSIONER ELDER: Motion to elect or nominate him, whatever the appropriate term is.

COMMISSIONER HUNTWORK: Is there a
second to that motion?

COMMSSIONER MINKOFF: I'll second it.

Would it be appropriate before we vote on the motion to ask if there's any additional public comment on the vote that we're about to take? I've never done this before, so I don't really know how it works.

COMMSSIONER HUNTWORK: The procedure would be a little bit out of parliamentary procedure.

MR. BALES: Parliamentary procedure would be you could ask Mr. Elder if he wants to withdraw his motion and offer that up as an alternative before you actually address a vote on the motion. Technically, with that motion pending --

COMMSSIONER ELDER: I guess I don't know enough about Robert's Rules of Order, whether I need to withdraw the motion, or table the motion, whatever the procedure is.

Yes, it would be acceptable for me to elicit the comments and input from various people that may wish to comment.

COMMSSIONER MINKOFF: If there are any.

COMMSSIONER HUNTWORK: Tell you what. At this point, the motion has been made and seconded that we elect Steve Lynn to be the
Chairman of this Commission.

All those in favor --

Is there any further discussion of the motion by the commissioners?

All those in favor, say "aye."

(Vote taken.)

COMMISSIONER HUNTWORK: The vote is unanimous.

At this point, it would seem appropriate to me if, since Mr. Lynn is present, if we could have him sworn in and ask him to assume his role as Chairman of the Commission.

COMMISSIONER MINKOFF: With our congratulations or condolences.

COMMISSIONER ELDER: That seems to be --

COMMISSIONER MINKOFF: Whichever you want, you've got.

COMMISSIONER HALL: I, too, would like to thank the four members who applied for their efforts and those that traveled and for their comments and appreciate all of those that were willing to participate on the Commission.

COMMISSIONER MINKOFF: I would like to add my sentiments to that.

One of the reasons it took so long, you all gave us a lot to talk about. It's tough when there are four good candidates trying to make a choice. But we thank you all and we hope that you'll all stay involved in the process and...
give us your thoughts as it goes forward.

COMMISSIONER HUNTWORK: I think we can take a brief recess here while we find the appropriate officials to swear in Mr. Lynn.

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COMMISSIONER ELDER: Is that what they're doing now?

COMMISSIONER MINKOFF: I think they're finding someone.

(Discussion off the record.)

SECRETARY BAYLESS: We think we should have a formal swearing in rather than a private one, so if I might have your attention.

Mr. McCloy.

COMMISSIONER HUNTWORK: Since I'm acting as Chairman Pro Tem of this meeting, I'll call it back to order and turn it over to the Secretary of State.

SECRETARY BAYLESS: Thank you very much, Commissioner Huntwork.

Would you raise right hand.

I, and state your name.

CHAIRMAN LYNN: I, Steven Lynn.

SECRETARY BAYLESS: Do solemnly swear.

CHAIRMAN LYNN: Do solemnly swear.

SECRETARY BAYLESS: To uphold the Constitution and laws of the State of Arizona.

CHAIRMAN LYNN: To uphold the Constitution and laws of the State of Arizona.
SECRETARY BAYLESS: That I will bear true faith and allegiance to the same.

CHAIRMAN LYNN: That I will bear true faith and allegiance to the same.

SECRETARY BAYLESS: And defend them against all enemies.

CHAIRMAN LYNN: And defend them against all enemies.

SECRETARY BAYLESS: Foreign and domestic.

CHAIRMAN LYNN: Foreign and domestic.

SECRETARY BAYLESS: And I will faithfully and impartially discharge the duties.

CHAIRMAN LYNN: And I will faithfully and impartially.

SECRETARY BAYLESS: Of the Office of Commissioner.

CHAIRMAN LYNN: Of the Office of Commissioner.

SECRETARY BAYLESS: Of the Independent Redistricting Commission.

CHAIRMAN LYNN: Of the Independent Redistricting Commission.
Redistricting Commission.

SECRETARY BAYLESS: According to the best of my ability.

CHAIRMAN LYNN: According to the best of my ability.

SECRETARY BAYLESS: So help me God.

CHAIRMAN LYNN: So help me God.

SECRETARY BAYLESS: Thank you very much.

We have a loyalty oath for you to sign, and a notary is on the way. So you have to swear something else in a moment.

CHAIRMAN LYNN: Those that know me know I’m not adverse to swearing, unless in special circumstances.

COMMISSIONER ELDER: I wish you all the congratulations and condolences, all the things we said when we were appointed.

CHAIRMAN LYNN: I wish to thank the Commission for the vote of confidence and very much appreciate the unanimity with which it was given. And it is a position that I feel very strongly about, as I hope you could tell from my comments this morning. And I trust together we’ll do some good things and that you will be more than vindicated in your decision today. So I look forward to that.

I think I can proceed without
signing the loyalty oath.

COMMISSIONER HUNTWORK: You've taken it and you are on the record.

CHAIRMAN LYNN: That will work. I can go forward.

Next order of business on the agenda.

First, I'd like to thank Mr. Huntwork for serving as Chairman Pro Tem. I think he did a terrific job.

One of the things I didn't get to say this morning, because the question wasn't asked, part of my past training, I served for 30 years with groups as parliamentarian. I use it as much as makes sense and as little as I have to. I get to procedure.

Items six, presentation by the Attorney General's Office regarding redistricting timeline.

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I'd ask the staff Attorney General's Office to proceed with that, and I'll get a pad and take notes.

MR. BALE: Mr. Chairman, thank you. Would you prefer I stand at the podium or is it acceptable to sit here?

CHAIRMAN LYNN: Sitting is fine.

MR. BALE: I'm Scott Bales from the Attorney General's Office, and with me is Joe Kanefield. We're two people in the Attorney General's Office who, over the last year, worked.
with the administration in enforcement of the Attorney General's laws, generally. And part of the reason we've been working over the last several months is to try to help with the establishment of the Commission.

The reason this agenda item was included today was partly to help you identify particular things you want to include for your agenda at your next meeting which will be your first real substantive meeting.

The time tables include two different things. There are some fixed dates that you have to comply with, or you have to respond to, and then there are other dates that you can identify for yourselves as your goals.

Let me talk about the latter, though, first. I suggest that your goal should be to have plans adopted and precleared not later than the end of this year. And I say that for several different reasons.

First, once you identify new legislative districts, the various counties will then have to redraw precinct boundaries so precincts fall entirely within legislative districts. Under existing law, counties do that beginning September 1st.

As legislative bodies, you draw other consequences for elections, for example, are there sufficient signatures on a ballot? For
purposes of primaries, candidates need signatures from districts which is one determination necessary. Signatures are calculated based on the number of registered members of a particular candidate’s party as of March of next year.

So once the precinct boundaries are drawn in, legislative boundaries, that has a consequence for what the significance are of nominations.

Another similar boundary driven

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requirement is under the Clean Elections Act, that law, as you know, provides public financing for candidates who elect to participate. In order to qualify, a Clean Elections candidate can only take $5 contributions from persons that live within that person’s district. For legislative candidates, knowing district boundaries will determine from whom they can get appropriate contributions.

And then finally, there is the reality that any plan that you come up with, and this is true with regard to both the legislative and the congressional districts, but any plan that you come up with must be precleared by the Department of Justice before it can be implemented.

And it’s possible and perhaps likely that wholly apart from preclearance, any plan you come up with may be challenged in Federal Court.

So if you recognize those possibilities, it suggests that your plan, your
plans, rather, ideally would be precleared by late this year so that the things that can be done to actually implement our state's election laws can be cleared and also to leave yourself some leeway if in fact there's court challenge once a plan is announced.

Preclearance can take anywhere from 60 to 120 days in most cases. I've identified those dates, but the department, as a general matter, has 60 days to respond to a request for preclearance once submission is made. However, it's frequently the case, particularly with regard to redistricting, that once a submission is made, the Department will request additional information. That automatically gives them another 120-day period.

COMMISIONER ELDER: Beyond the hundred?

MR. BALES: Beyond the 60 part.

COMMISIONER ELDER: Okay.

COMMISIONER MINKOFF: Gives another 120 or 60?

MR. BALES: I misspoke if I said 120. It's 60.

CHAIRMAN LYNN: Another 60 for a total of 120.

MR. BALES: If your target is to have the plan precleared December 2001 and work backwards from that recognizing it may take 120
days to get preclearance, August would be an appropriate goal to aspire to for submission of your plan.

You also have a deadline under the amendment. You may recall that what Prop 106 says regarding draft plans is that once you identify and advertise a draft plan, you will allow at least 30 days for public comment including comment by the Legislature.

Again, if you are working back from an August submission date, that would suggest that your draft plan probably should come out sometime in June; because you then will need to allow 30 days after the publication of that draft plan for input and you'll want to leave yourself some time to adjust your plans based on that input.

Now let me identify an earlier date, one that is out of your control. That's the release of the census data.

As you know, for apportionment purposes, some aggregate census data has come out. That's what has determined we'll have eight congressmen instead of six.

But the more detailed census data you'll actually need to draw new boundaries is expected to come out early in March.
data that you can begin to really work with drawing
new boundaries that will conform to the one person,
one vote requirement.

And in Arizona, that’s going to be
a very significant and in many respects overriding
factor in your decisions. Because when we last redistricted after the 1990 census, population was only 3.6 million people, roughly. We’ve grown 40 percent since then, so we now have more than 5.1 million people. It means with regard to legislative districts, the average size would increase from something over 120,000 to over 171,000.

It means with regard to new congressional seats, you’ll be working with a target of something on the order of 640,000 people.

But it’s the census data that comes out in March that will identify to you on a very detailed level where those new people live in the state and which of the existing districts have gained population or lost population.

Now one course you might take, given the remarks that people made earlier today about the importance of public input, one course you might take is once that census data is available, you might run it through the existing legislative boundaries and use that as an opportunity before you ever draw up a draft plan yourself to seek input from different parts of the
So if you were working with that timetable in March, once the census data is available, you would have consultants or staff, if you choose to use staff, overlay the existing legislative boundaries onto that data. And then you would use that as a starting point when you go around one way or other soliciting public input. That would suggest in April and May you would be soliciting public input before you ever in June circulated what would be the draft plan under the Constitution.

Now what I’ve just described to you is a very ambitious schedule; but I think you have to have an ambitious schedule, if your goal is to have legal plans in place by the end of the year.

COMMISSIONER ELDER: Scott, is there an existing data base or is there an existing document that would describe the baseline condition as it was in 1990 when the previous redistricting occurred so we can see where that was and be ready with that when we get the new data for the ’99-2000 Census, we’d see where the shifts, where the growth were, the various characteristics of the state have changed?

MR. BALES: There are -- there is existing data in the sense of the submissions the State made with regard to the legislative districts after the last go-round.
The State Legislature passed a plan that was submitted to the Department of Justice. And the submission identified by district the population and also talked generally about the boundaries. The Justice Department objected to that. Some minor changes were made. Justice Department objected again. The State requested reconsideration. Justice Department refused to reconsider and minor changes were made again. These related to southeastern districts, Santa Cruz County, I believe.

The short answer is if you want to know what the populations were at the front end for legislative districts after 1992, that information is available. For the congressional districts, it was a slightly different process. The Legislature deadlocked and was unable to come up with a plan, so the US District Court actually went through the congressional districts after the last census.

Now I need to go beyond all that a little bit. Technically, it's a relatively simple process to, once the census data comes out this go-round, to overlay the old legislative boundaries onto that data so you would see, for instance, what the existing population, the new data is for any given legislative district or for the congressional districts. And some work related to that technical process has been under way.

The Legislature actually has an
intergovernmental agreement of sorts with the
Maricopa County Elections Department to begin some
of the integration of the computer data related to
the boundaries. So when the census data is
available, that can all be munched together.

COMMISSIONER ELDER: In all cases,
will that information be specific to location and
quantity? One of the things we're tasked to do is
know this much population on this side, this much
population there. So there has to be a geo
reference or it has to be in relation to the

geography, where are the constituents or where are
the people.

It wouldn't do us much good to say
this county in 1990 had a hundred -- 640,000 people
and it's got 725,000 people now, if all of them are
concentrated in urbanized area.

COMMISSIONER MINKOFF: They know
that. They have it by census block and area.

COMMISSIONER ELDER: I wanted to
make sure we get location and quantity.

MR. BALES: One of the things you
might want to do for the next meeting, our office
can do part of it, have a presentation on the
census data, how the breakdown from the aggregate
level is at the state down to smallest census
block. And similarly, you might want to have
someone from Maricopa County come in and show you
the kind of computer technology that they use,
visual way about how you can now see where the
population is.

COMMISSIONER ELDER: And that's
statewide, not necessarily Maricopa County data.

MR. BALES: Right.

CHAIRMAN LYNN: Are you aware,

Scott, of any other counties that use similar
computer modeling as Maricopa or are you just
familiar because you've worked with them?

MR. BALES: I believe Pima uses
some kind of modeling, but I'm not familiar with
the specifics.

COMMISSIONER MINKOFF: But
Maricopa County apparently has the entire state in
their data base.

CHAIRMAN LYNN: Got it.

COMMISSIONER MINKOFF: Not just
Maricopa County. So that's a big advantage that
they have.

CHAIRMAN LYNN: Absolutely.

MR. BALES: A related issue I
suggest you include on the agenda for your next
meeting is how you are going to basically update
and pull together the different kinds of data that
ultimately you need in the redistricting process.
The census population data is part
of it. What I've referred to in terms of
overlaying existing boundaries in terms of precinct
or legislative district boundaries is another part.
Another thing at the end of the process you'll need is some historical data about election results.

And that's because for, among other things, the Justice Department reviewing preclearance submissions, they will look at that with regard to particular districting or redistricts, what the history has been in terms of electing minority candidates and other outcomes.

COMMISSIONER MINKOFF: A question relating to that.

Since district lines change every 10 years and precinct boundaries also change as a result of that, can we get data that tells us what we need to know in terms of historical trends?

MR. BALES: Well, there will be an issue about how far back you want to go in terms of historical data and what kind of races you want to look at. Some of the counties, Maricopa County particularly, have predrawn their precinct lines several times since 1990. And it may be that it only makes sense to go back, say, three general elections.

But that's something that you will want to get some advice from technical people and --

COMMISSIONER MINKOFF: But the district boundaries have not changed.
MR. BALES: No. No.

COMMISIONER HALL: Scott, can you or have your staff or whatever put in memo format that timeline you just described starting with the goal, end goal date at the bottom of the page, and working up the page with specific annotations relative to the timeline?

Is that all right?

MR. BALES: Certainly.

COMMISIONER HALL: Is that all right, Mr. Chairman?

CHAIRMAN LYNN: It would be most helpful.

With respect to looking at historical data vis a vis results, thinking about DOJ at the end, and this is a question, should we go beyond or is it reasonable to stick with, I guess is the right way to put it, state legislative and congressional elections as opposed to considering any other elections that might have occurred during that time, since those are the primary boundaries that we're about deciding?

MR. BALES: The answer partly depends on what the new districts you identify look like. And I'm not trying to avoid answering you directly.

The historical data is significant because it may help show whether cohesive blocks of minority voters that are able to choose candidates...
of their choice under the existing boundaries are
under a new plan being fragmented in ways.

And what the Justice Department
will sometimes do is look at a history of candidate
success not just at the level of statewide or
legislative district races but also at lower level
races to try to gauge in a rough way whether
minority voters tend to vote cohesively as blocks
or whether in some districts for various seats
minority candidates can be elected even if it's not
a minority district. And the department, in some
cases, will look at very local level races for
those purposes.

CHAIRMAN LYNN: Just so I'm clear,
we could do our job and go through a clearance
process with Department of Justice and have our
plan approved and then when, let's say,
supervisory districts are subsequently drawn,
because we don't draw them some of those
inequities could pop up. My point is: I don't
know how helpful reviewing prior supervisory

Mr. BALES: It is clear.

CHAIRMAN LYNN: Okay. Thank you.

Mr. BALES: I will tell you the
last submission that the State made, initially they
sent historical data just for statewide and
legislative races. The Justice Department made a
subsequent request asking for additional historical
information at the county level.

Maricopa County, in its most recent submission regarding supervisory districts, used not only historical data for that race but also went down to the level of JPs and other precinct level candidates.

CHAIRMAN LYNN: Okay.
Any other questions?

COMMISSIONER ELDER: Yeah.
Question -- you expressed a very linear process.
Many times we can make submittals at a government level to one agency and be paralleling that process to another agency.

Do we have to have draft review submitted for 30-day review in the State completed, modifications made, before we submit for preclearance to the federal?

MR. BALES: Yes. The department won't consider a preclearance submission until it's final for purposes of state law.

So actually, simultaneously when you certify the plan to the Secretary of State under Section 17, that would be when the submission would be made to the Justice Department.

COMMISSIONER ELDER: I guess where I was going is that if they review the plan and they say "but we would like to see this data," it seems as though, knowing that, that we can be collecting, preparing, or presenting that data when
we make the final submission, almost like a preclearance.

CHAIRMAN LYNN: Anticipate their question.

COMMISSIONER ELDER: We say this is what we're going to submit. We submitted it to the State for review and comment. But if you see something here that is going to be a red flag, oh, no, you have to be able to justify it, we make sure we include it in the formal submittal.

MR. BALES: I'm not sure if I understood you.

If you are asking if at the time you send out for public comment you can send something to the Justice Department for their comment --

COMMISSIONER ELDER: Yes.

MR. BALES: No. The answer is no. They won't review things until they are final state law.

To give you something somewhat analogous, even though everyone knows once voters approve a ballot proposition it will become law, it technically doesn't take effect until proclaimed by the Governor. Even after being passed by the state, the Justice Department will refuse to accept the thing, a proposition, even though everyone knows it's inevitable it will become law.

That came up with Prop 106. We knew this would be the law in Arizona, but we...
Couldn't submit to the Justice Department until the Governor actually made the proclamation.

Chairman Lynn: Other questions. Joshua?

Commissioner Hall: So the major change with Proposition 106, if I understand correctly, was there can be no consideration of residency, of residency of incumbents or candidates, is that correct, one of the major changes?

Mr. Bales: Certainly that was a major change what could enter into redistricting decisions.

Commissioner Hall: I'm saying with respect -- That change is different from what is allowed under federal law. Is that correct?

Mr. Bales: Correct.

Commissioner Hall: Is there any other change on the state level pursuant to this proposition that is allowed under federal law or not allowed under federal law?

Mr. Bales: Well, I think the way the amendment was drafted, it sets up a sort of hierarchy of the different considerations that can go into the redistricting decision.

The first requirement that the plans conform to the Constitution and the Voting Rights Act is an unqualified directive. But if you
look at the other things that the amendment says
may be considered, compactness, protecting
communities of interest, promoting competitive

COMMISSIONER HALL: Now I'm
getting to my question. I want to make sure I
understand the premise.

When we submit to the Legislature,
obviously their first point of input will be
residency of incumbents and candidates. I guess
I'm looking down the road looking at a potential
conflict wondering if you could in your mind
reconcile those for me.

CHAIRMAN LYNN: Legislative review
is without result.

COMMISSIONER HALL: I understand.

We're saying we can't consider that yet we'll go
solicit that.

COMMISSIONER HUNTWORK: May I
interject that just to pile onto that?

Is it crystal clear in everyone's
mind we can't ever consider it?

COMMISSIONER MINKOFF: Uh-huh.

COMMISSIONER HUNTWORK: In the
provision that deals with --

COMMISSIONER MINKOFF: It says you
can't consider it, in the law. It's the one thing
that it says you can't consider.

COMMISSIONER HALL: That was my first question. But the follow-up -- then we go and say, "Please help us consider it."

COMMISSIONER MINKOFF: No.

CHAIRMAN LYNN: "Or please react to what we've done."

COMMISSIONER MINKOFF: Yeah.

COMMISSIONER HALL: I'm not trying to criticize whoever drafted the language of 106. I'm trying to get you to help me recognize --

COMMISSIONER HUNTWORK: I thought there was possibility in the law to interpret it --

COMMISSIONER MINKOFF: I have a copy of it.

COMMISSIONER HUNTWORK: I could be wrong. I think we might want to start out with a clear --

MR. BALES: I think what you are both referring to is Section 15 of the proposition, two parts to it, which says, "Party registration, voting history data, will be excluded from the initial phase of the map making process but may be used to test maps for the above criteria." That sets that stuff aside.

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COMMISSIONER HALL: Till later.

MR. BALES: At the first step.

Second sentence, "Places of
residence of incumbents or candidates shall not be identified or considered."

And that exclusion isn't limited by its terms to only the first phase of the process.

COMMISSIONER HUNTWORK: Might be limited by its position.
COMMISSIONER MINKOFF: I don't think so.
COMMISSIONER HALL: Well, that --
COMMISSIONER HUNTWORK: In its paragraph that deals with --
COMMISSIONER HALL: We agree Scott -- I agree that's not a negotiable issue. But my point is then it says, "Now present this to the Legislature."

Now, I'm just trying to take a realistic approach here. What is the Legislature going to say?
COMMISSIONER MINKOFF: We don't like it.
COMMISSIONER HALL: "By the way, know where I live?"

MR. BALES: If the Commission made it clear, consistent with the language of the amendment, they are not going to consider residency of incumbents or candidates in decision making, the Legislature in commenting on a draft plan would probably not focus on those issues. The Legislature would probably focus on things like
CHAIRMAN LYNN: To make the same point.

COMMISSIONER HALL: Right.

COMMISSIONER MINKOFF: Get the same result.

MR. BALES: As a realistic assessment, if you were a sitting Legislator right now and looking at this, you'd probably be thinking, Boy, I hope my district happens to coincide with a community of interest that should be considered in the redistricting process.

COMMISSIONER HALL: I do not suggest we blatantly reference that. Are we in agreement there's an inherent conflict and we deal with it the best we can?

MR. BALES: Part of the background to this, and you see this in some of the comments in the publicity pamphlet and you also see it in the court decisions that came out with regard to congressional districts after the last restricting, but part of the background, if you view the legislative boundaries in the last redistricting effort, they were partly dictated by where incumbents lived. And this is part is a reaction against that.

I don't think that the statement that you don't consider place of residence of
candidates or incumbents is inconsistent with the
directive that you do give consideration to such
things as whether a particular town should be kept
within one legislative district.

COMMISSIONER HALL: I agree with
that, yeah.

COMMISSIONER MINKOFF: The other
thing that I think relates to this but is going to
come up even earlier than that is that I have been
informed by a number of people that we are going to
receive draft plans before we've even sat down to
develop one of our own.

We're going to get a lot of input.

We're probably going to get even more when we go
out and solicit comment. We'll get draft
redistricting plans from the Senate and House
before we sit down to do ours, get them from other
communities of interest, interest groups, et
cetera. And they're not going to have red dots
saying "This is where I live," but they are
obviously going to take that into consideration.

We will look at those plans and
either be guided by them or not as we choose.

But we're going to get them. And
we're going to get them before the 30 days of
public comment on whatever we come up with.

CHAIRMAN LYNN: Well, in truth,
given the fairly aggressive time frame, I think our
public stance should be we welcome all input from
whatever quarter it comes and we'll do the best we
can to judge it fairly and do our best to judge it.

COMMISSIONER MINKOFF: The more we get before we publicize our draft, probably to some extent, we will minimize some of the criticisms afterwards.

COMMISSIONER HALL: I think we need to be clear here. Any plan that would infer or identify an issue that is exclusively excluded in this proposition we need to ignore, reject categorically.

COMMISSIONER ELDER: Well -- Mr. Chairman, or how formal -- CHAIRMAN LYNN: I'd like to run as informally as we can get away with.

COMMISSIONER ELDER: One of the things that may be valuable here, with that process of having plans from whatever quarter they come from is if we requested that they identify the basis of how they have generated the districts, what the issues were as they saw them so we could look as we go out to various public groups or as we get input from public groups, okay, these are issues we need to make sure we address so when somebody reviews our drafts as it's submitted for review and comment they understand we did take into account we had access to their concerns and, you know, we attempted to draw the lines to reflect those concerns.

COMMISSIONER MINKOFF: I think
that --

COMMISIONER ELDER: So rather than just a plan, if there's a plan with an executive summary, or something.

COMMISIONER MINKOFF: Explanation.

COMMISIONER ELDER: What these were based on. That would be very helpful to me, in any case.

COMMISIONER HUNTWORK: I think that I would like to request, perhaps, a formal opinion from the Attorney General that at no time in this process, and even to a very limited extent, can we take residency into consideration. The ambiguity I see is it's in a paragraph that deals with another issue that was put in that paragraph, I think, possibly for a reason. And I just want to make sure. Because in my mind, it doesn't stand to common sense and it doesn't reflect what I think the people of Arizona were trying to accomplish to take such rigid interpretation of that interpretation. If we must, we must. We've sworn to uphold the law and I will.

If we find ourselves in a position of forcing the top leaders of the state, whether a member any community, to run against each other because they both represent the same community and live next to each other, without doing violence to any other principles, talk about running a fine
line here, but we could have run here, or could have run this way a block without changing anything else so as to allow, for example, Hispanic Legislators to represent the same districts they do now, or two of any other group, I think we should have the flexibility to do that, if possible, under the law.

CHAIRMAN LYNN: Notwithstanding the result of the request, without objection, let's ask the Attorney General's Office to offer a specific opinion on that section of the legislation that you referenced to clear up any ambiguity that may exist as to whether and how we might consider residency.

COMMISSIONER HUNTWORK: Yes, please.

CHAIRMAN LYNN: Without objection.

COMMISSIONER HUNTWORK: My advocacy is certainly we can't consider it initially. And the way it's worded, it's clear we can only consider it as a very last item, can't let it drive the process. But it is not clear to me that we can't ever consider it at all under any circumstances.

CHAIRMAN LYNN: And I think that kind of ambiguity, as significant as that question will ultimately be, requires we get an opinion and
go from there.

So if we may, Scott.

MR. BALEs: I need to ask a question so I understand clearly what kind of opinion you are asking for.

The Attorney General by statute is authorized to give written, formal opinions at the request of Legislators and different state officials. And I think Mr. Lynn as Chairman of this body could certainly request a formal Attorney General's opinion. Those, generally speaking, take some time to be generated. We issue something on the order of 30 of them a year. It's an elaborate, formal process.

We, on a much more frequent basis, issue informal opinions to virtually every agency in the state regarding their office and responsibilities.

I'm unclear from what Mr. Huntwork said and others said whether you are asking for a formal opinion or just an Attorney General's opinion.

COMMISSIONER HUNTWORK: I would like a formal opinion. The more I think about it, the more -- this is really going to be one of the most critical issues.

CHAIRMAN LYNN: While we're at it, are there other parts of the law -- again, we're dealing with a initiative. By nature, all legislation is somewhat imperfect as it sits. It
is what it is and it passed. We're bound by the language that is there subsequent to interpretation from legal authority.

So my question would be, as long as we're going to ask for formal opinion, do we wish to limit it to this section only or are there any other sections that are simply ambiguous and we could include in the request so as not to make it more difficult for the Attorney General to respond?

COMMISSIONER MINKOFF: The one term I think it's clear there's some uncertainty about this from the four people that, you among them we talked to earlier today, and that's the term "community of interest." I don't know we need a formal opinion, but I would really like some kind of statement from the Attorney General's Office as to what does and does not constitute a community of interest.

COMMISSIONER ELDER: Or any federal case law they'll be asking a judge, or looking at this plan that we end up with that so we get an idea what the thought process was and we make sure we, one, conform.

COMMISSIONER MINKOFF: I think we're all pretty clear certain racial ethnic groups do absolutely constitute a community of interest.
Others, rural, urban interests, retirement communities, that kind of thing. And I'd like to know if those are communities of interest that we really need to consider or if they're not.

CHAIRMAN LYNN: Those specific questions were part of the vetting process we all went through in terms of being asked by those appointing. And it would be helpful to have those clarified, I agree.

I was hopeful -- again, at this point I don't know how much we can ask for and how much the Attorney General is willing to give in terms of staff and at what point we need to engage our own staff for work to be done.

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One of the things I would find extraordinarily helpful, if you will, is a binder of information that includes the language, any opinions that will be issued, any overlay language, the Voting Rights Act, other standards to which we will be held, a reference document, if you will, each Commissioner could have so as we proceed if we have a question in our own minds about some phase of this, we have a good reference document to be using.

MR. BALES: Actually, Mr. Lynn, by virtue of you being the last chosen you probably have the least information.

CHAIRMAN LYNN: Then I withdraw everything I just said.

COMMISSIONER ELDER: My dog ate
it.

MR. BALES: Perhaps your colleagues on the Commission are already saying that of things we already sent in terms of documentation.

COMMISSIONER MINKOFF: No.

MR. BALES: Let me tell you a few things we'll give today and a few other things. These are good things to address in terms of the agenda for your next meeting.

There is, first of all, a pamphlet that relates open meeting law we've given to each of the other Commission members, a booklet published by ABA about the general law on redistricting, which we made available to each Commissioner, and then two documents from the Justice Department, their letter preclearing the actual creation of the Commission and a document they published a couple weeks ago in the Federal Register explaining generally how they'll review redistricting plans for purposes of preclearance.

Two other things we're going to make available today to all Commission members are a memo, or a brief article, rather, by one of the attorneys for the state of Minnesota and entitled How to Draw Redistricting Plans That Will Stand Up in Court. It's similar to the ABA book, gives a very clear, brief overview of applicable law.

And the last thing I'll mention,
this thing, Arizona Political Maps. These are
existing legislative, congressional districts. I
made copies for everybody.

Beyond that, when we move to the
agenda setting part of today's meeting, you might

want to consider if you want a presentation by us
or other counsel in terms of just an overview of
the law.

We mentioned the census data
process. I think that's something that would be
good to have some kind of presentation on. And I'm
sure there's a number of other issues you and other
Commissioners might want to include kind of in the
nature of orientation in the first meeting.

CHAIRMAN LYNN: Okay.

Joshua, I'm sorry, you had your
hand up.

COMMISSIONER HALL: That's fine.

I agree with Mr. Bales.

I was ready to move to the next.

We are moving to where we actually
set some agenda items. I was going to say with all
due respect to everybody here who is an attorney, I
have no desire to become one. Subsequently, I just
think that -- I think it's going to be pertinent as
we -- I think we need to set this agenda item
Steve. I think we need in addition to the Attorney
General, will need to have some independent
counsel. Because these legal issues are going to
crop up every step of the way.
I think we just, in connection with the Attorney General's Office, we need to have someone who is going to be -- has extensive experience in this area.

I would like to suggest on an agenda item the proper process, whether send out an RFP, request for proposal, to identify someone who would be appropriate to be the independent counsel for this Commission.

CHAIRMAN LYNN: Without objection, we'll add that to the agenda for next meeting.

COMMISSIONER MINKOFF: I'd like suggest something different related to that next meeting, that at the next meeting we need to begin to decide what staff to hire, if we're going to be up and running by the time we receive the census data. There's no time to waste in getting office space and staff, and we need to make decisions.

COMMISSIONER HALL: I think that pursuant to Mr. Bales' recommendation, next meeting, probably the initial part of the meeting should be a presentation by the Department of Administration.

MR. BALES: Correct. Department of Administration has an orientation for new State employees or board members, a presentation on open
meeting laws, conflict of interest, ethics. The next regularly scheduled program would not be until April. I think at their request they would themselves provide a program like that or perhaps contract with someone who could do it on a more timely basis and probably on a more abbreviated basis. Their programs typically run most of the day.

COMMISSIONER HALL: They'd address issues such as space, provide assistance with respect to staffing, reimbursement of expenses and those kind of parameters?

COMMISSIONER MINKOFF: Another issue but important one.

MR. BALES: They can help on all those things as well.

Maybe we should -- if you think it's appropriate, you might want to spend a little time on each today.

For example, on office space, the Department of Administration, consistent with language in the amendment, they've identified some vacant space they have in the Capitol Mall area. But if you gave them a different direction in terms of where you wanted your location to be or the kind of space you want it to be, they then would come up with different ideas. They haven't, because since this is a new Commission, they haven't had direction.

Similarly, once you identify the
kinds staff people you want, for example, if you
conclude you want an executive director, they can
help draw up a job description and then go forward
with publishing the notice of vacancy and, even, if
you want them to, they can do preliminary screening
of applications.

CHAIRMAN LYNN: I certainly think
with the ambitious timeline we have, all those
things need to happen concurrently.

COMMISSIONER HALL: Absolutely.

CHAIRMAN LYNN: So move ahead.

Absolutely.

I haven't given thought what kind
of staff we'll require. Certainly independent
counsel is something I had given some thought to.

So without objection, we'll have
to ask if the Department of Administration can come
for an abbreviated and more timely presentation at
our next meeting. We'd appreciate that.

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COMMISSIONER MINKOFF: And I think
it would be helpful if they could provide us with
information from some of the other boards,
commissions that have been established recently,
Clean Elections Commission, for example, on what
kind of staff did they hire, what kind of staff
other boards, commissions hire, so we don't have to
make it for ourselves.

COMMISSIONER HALL: Boil it down
to counsel, executive director. That's why we'd
have an executive director, to make some of the
more minutia decisions, if you will. That's the
point here.

So I think if we could, like you
say, simultaneously have them start to do RFPs for
those, do preliminary screenings, bring five
applicants apiece, whatever -- the point is, folks,
we have to move.

COMMISSIONER MINKOFF: We want to
get moving on this by our next meeting.

Other than counsel, I would see
one additional post besides executive director.
Executive director would be more a public person,
being, you know, the person available when you are
not available, when some of us aren’t available to
interface with the public, to meet with them to
represent the Commission, to be our chief executive
officer, let's say.

I think we also need a chief
operating officer, somebody to run the office, do
things, arrange telephones, stationery, publishing
of notices, and compliance kinds of things. And
beyond that possibly those people could decide who
else they need.

I would think those two things
ought to maybe go out simultaneously.

COMMISSIONER ELDER: I agree to
some extent. Executive director, whatever title
you put to it, should be going out and start the
process for now. But I think probably the
executive director should be the person that could
also either screen or brings to us, say I can work
with these three people or five people.

COMMISSIONER MINKOFF: We could
start getting applications.

COMMISSIONER ELDER: Yes,
applications, and then their perspective on who
they want to be with day in and day out, doing the
job, which ones, which strengths are important.

I'd say look at executive director

first and follow up with recommendations as to who
and what.

CHAIRMAN LYNN: For that person,
anyone else to make a determination as to size and
scope of staff, what we really need to put together
is a program of work so someone can look at it and
say this is something that can be handled by one
person, a receptionist, one person and clerical
support, or whether it needs others down the road.

My sense is, without knowing any
more than I know, and I know four of you had a head
start, I don't know that this is much of a -- of a
bureaucracy we're trying to create. I don't mean
that term negatively.

I simply mean with counsel and
with an executive and a program of work, we might
very well be able to exist with consulting
contracts for other than those four things that we
may need that are very specific rather than
building a staff structure that -- and again, you
know, after one year of this, I don't know what our
duties are for the other nine years of the term

COMMISIOMER ELDER: You said nine

years.

CHAIRMAN LYNN: I hope it's time

off for good behavior.

In the event there are other
things that need to happen, it seems prudent to
have the least staff possible in terms of long-term
commitment.

Scott?

MR. BALES: What you might want to
consider as an agenda and action item for the next
meeting is this sort of basic question about what
kind of staff structure you think is appropriate.

And as input for your decision on that, one thing
we could help with or I imagine DOA could help with
is getting information on other states used,
commissions in the past, in terms of how they
structured it and the number of staff that is
necessary.

My impression, from talking with
people in a few states, is that there's a basic
choice that you can make as a Commission. You can
choose to employ your own temporary staff to do the
data work and the technical side of things, and my
impression from talking to other states is you
could probably do that with probably half a dozen
people. I'm including, in the half dozen,
that keeps track of meetings and things like that.

A different route would be to try to contract all that out to one of the major consultants around the country that provides basically redistricting plans for states. For example, in Rhode Island this year, they not only had redistricting but reducing the size of the Legislature by about a third. They contracted with a national consulting firm that basically is just going to come up with a package and have someone there the whole time.

That can be a very expensive proposition, but it seems to me you have --

CHAIRMAN LYNN: A fork in the road.

MR. BALES: -- a fork in the road early on to address.

CHAIRMAN LYNN: Any comments from the Commission about that fork, initial impression?

COMMISSIONER HALL: My gut is there are not only two roads. I think it needs to be a combination of the two. I think we'll have to have someone answer the phone and taking messages, and whatnot.

I think we need to have some legal
I don't think that the voters had in mind for us to put five people up here to rubber stamp whatever a consulting firm places in front of us.

Obviously, I think we'll have to identify some people, some consultants, with respect to data processing, cartography, whoever knows what else. But I --

So I'm-- what I'm suggesting is a combination. I agree we don't want 10 people on staff. On the other hand, I don't think we want to turn this over to a consulting firm and say "Let's meet in a month and see what you have got."

I think our role is to solicit input, do what we can to utilize expertise, or information, or whatever skills we may or may not bring to the table to help make that process the best for all Arizona.

While I'm talking, I apologize, other than those administrative items for the next meeting; I'd like to add two more items. One would be Mr. Bales suggested a presentation from census, get census data in front of us. And I also would be interested to hear sub -- from a substantial standpoint from-- there have been those that have expressed some concerns. I'd like to make sure we have a public comment in there and not just say we have some concerns; say if you have some specific concerns, I think we ought to hear those right out.
of the gate.

For example, if Mr. Perez, is that right, if his organization wanted to come in and say here's some of our issues, let's hear those right of the gate, hear what those issues are, so we make sure we understand all the questions before we go to devising answers to them.

CHAIRMAN LYNN: Part of that would be covered. And I think my intent would be to not only encourage that, allow it every time we meet, have a portion of the meeting be for the public, gain input when and if anyone had something to give us in the form of public input. I certainly support that.

COMMISSIONER HALL: Sorry. Last thing. The last thing, also, if we have a Maricopa County person, whoever that is, the computer guru.

CHAIRMAN LYNN: Elections person.

COMMISSIONER HALL: Here's what we got. Here's what we're doing. Here's what we've done. We have to make a tremendous effort to get up to speed.

CHAIRMAN LYNN: And soon.

COMMISSIONER HUNTWORK: I want to second that one, that idea.

If we play our cards right here, we can use all the resources available throughout the country; but we definitely want to be left with enhanced ability to handle this right here in
Arizona.

Maricopa County obviously has a very advanced program of this kind; but I have the impression most of the other counties in our state do not. And to the extent that we can help build up the resources throughout the state, I think that would be a double benefit for the money we end up spending on this.

COMMISSIONER MINKOFF: Yeah. I think the more we can do locally without bringing in outside consultants, the better ongoing support we have for whatever we do. We have continuity.

COMMISSIONER HALL: No doubt.

It's a fine line there. I think we need to insure we utilize whatever we can locally and simultaneously insure we don't have individuals so tied to the process they are representing their own personal agenda.

CHAIRMAN LYNN: On the other hand, if we find, hear a consultant had particularly good luck at drawing districts, at passing DOJ muster, at being that kind of assistance we ultimately have to come down to in terms of our plan, we certainly shouldn't reject that kind of assistance, if it's there.

There's an awful lot we need to do in a short period of time.

Our next agenda is quite full. So having --

COMMISSIONER MINKOFF: Let me ask
a question about that before we go on.

One thing you brought up. We need
some kind of presentation from Department of
Administration or somebody they contract within
terms of complying with open meeting laws,
conflicts of interest, ethics, et cetera, which I
understand is very time consuming.

Is that something we can do at the
next meeting or is that something that we can just
learn about and have to schedule for another time?

COMM SSIONER HALL: Is that

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something we can get an abbreviated version?

COMM SSIONER M INKOFF: Even an
abbreviated version.

CHAIRMAN LYNN: Asking if there's
homework?

COMM SSIONER M INKOFF: I talked to
somebody that does that kind of thing. He said he
can do it in four hours, which he thought was
terrific. Four hours is a lot of time with all the
other stuff we have to do. It's not two days
but --

COMM SSIONER ELDER: Invite him
for lunch on four different occasions.

MR. BALES: I think if you wanted
to set aside a certain amount of time that DOA, or
again, if -- I suspect we're talking about the same
individual, a person, Tim Delaney, who was Chief
Deputy at the AG's Office for a number of years and
1 Solicitor General under Grant Woods.
2 He's given programs to the State Senate and other public bodies in the nature of what DOA does. However, DOA came up with a presentation. I think they can give it to you. If you wanted them to compress it into two or three hours, they think they respond to whatever direction you give.

3 CHAIRMAN LYNN: Sounds like a weighty agenda next time. The next agenda looks like a full day meeting, first, if not more than a full day meeting, gauging from the agenda. We want to keep on track.
4 Anything else you think should be added to the first agenda?
5 COMMISSIONER MINKOFF: What do you have?
6 CHAIRMAN LYNN: Consideration of independent counsel and other staffing considerations; presentations from the AG's Office on specific points that we've either raised here or points they wish to make us aware of; a Department of Administration briefing on items such as open meeting law and conflict of interest.
7 COMMISSIONER HALL: And office space and reimbursement expenses.
8 CHAIRMAN LYNN: And anything they feel we need to know.
9 Census presentation; presentation by Maricopa County election group on what software,
what capabilities they have.

I think that is everything I

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heard.

COMMISIONER MINKOFF: And public
comment.

CHAIRMAN LYNN: Which will be part
of all our meetings, hopefully.

COMMISIONER HALL: I thought RFP
for executive director. I want to add that.

CHAIRMAN LYNN: I think that's all
part of the Department of Administration, how we go
about hiring.

COMMISIONER HALL: Perfect.

COMMISIONER ELDER: Do we have
time in that schedule for census data from 1990 or
overlays of election results we discussed earlier?

COMMISIONER MINKOFF: That's in
there.

COMMISIONER ELDER: Okay. As
long as that is part of it.

CHAIRMAN LYNN: Historical
presentation, use historical as well as current.

Any other items to be added?

COMMISIONER HALL: If I can make
a comment with respect to meeting times and
schedules.

CHAIRMAN LYNN: Sure.

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COMMISSIONER HALL: I think I automatically qualify as the furthest away. What are you, three blocks, Jim?

COMMISSIONER HUNTWORK: Yeah. A little further than that.

COMMISSIONER MINKOFF: I'm a couple miles further than he is.

COMMISSIONER ELDER: Tempe curve or whatever doesn't affect them.

COMMISSIONER HALL: In an effort to -- my home is four hours to here. In an effort to minimize -- if --

Ideally, I need to get specific times. There is an airline that flies where I work and I can pop into Sky Harbor. If I can do that early morning, it leaves at 6:30, or something, I have to identify specifically, if we start meetings around 10:00, that gives me time to fly down in the morning. And even if we didn't finish that evening, went later in the evening, I can still catch one first thing in the morning and still basically only spend one day versus two full days.

CHAIRMAN LYNN: Certainly helps us. Dan and I have to come up from Tucson. 10:00 o'clock start is easier to make than 9:00.

COMMISSIONER HALL: I think I can do it by 10:00. I'd, when I land, catch the schedule.

CHAIRMAN LYNN: Anything about
that schedule, 10:00, and to go later into the evening?

COMMISSIONER HUNTWORK: We certainly don't have to have all the meetings here, either. Maricopa County being on the agenda, we ought to have the next meeting here.

CHAIRMAN LYNN: Do you each have calendars available so you might be able to calendar the next meeting?

Mr. Bales, legal notice, 24 hours?

MR. BALE: Two-day notice.

CHAIRMAN LYNN: Two full days.

If we schedule a meeting, today is Tuesday, the earliest we could meet is Thursday of this week?

COMMISSIONER MINKOFF: Can't do that, if we start at 10:00 in the morning.

MR. BALE: 48 hours.

CHAIRMAN LYNN: Friday would be my first opportunity. We're either looking at Friday of this week or early next.

I was hoping we'd get another in pretty quickly. We really need the head start.

What is your pleasure?

COMMISSIONER HUNTWORK: Friday this week.

COMMISSIONER MINKOFF: I prefer maybe this Monday.

COMMISSIONER HALL: Next Monday is
a holiday.

COMMISSIONER MINKOFF: Monday is a holiday.

CHAIRMAN LYNN: Not for everybody, but some.

COMMISSIONER HALL: For presidents, which includes chairmans.

COMMISSIONER MINKOFF: Government holiday.

You are Friday?

Tuesday?

COMMISSIONER ELDER: Is Friday not a good one?

COMMISSIONER MINKOFF: I can do Friday. I'd have to reschedule some things, but I could do it.

COMMISSIONER ELDER: Either that or Monday or Wednesday.

COMMISSIONER MINKOFF: I can't make Wednesday.

COMMISSIONER HUNTWORK: I have problems Tuesday, Wednesday of next week. Monday I'm free but --

COMMISSIONER MINKOFF: We can't meet on Monday, can we?

MR. BALES: I don't think the fact it's a holiday precludes you from meeting so far as you've satisfied the notice requirements.

COMMISSIONER MINKOFF: Except if asking people to come make presentations to us and...
it's a holiday for them we might run into trouble.

MR. BALES: I shouldn't presume to speak on behalf of Maricopa County.

COMMSSIONER MINKOFF: Or Department of Administration.

MR. BALES: True.

CHAIRMAN LYNN: I wonder if we might slip one in Friday. I understand the concerns. I'd have to do some moving around as well.

Might we convene again Friday?

COMMSSIONER HUNTWORK: That would be good for me.

CHAIRMAN LYNN: I think the more we get out of the way and get started.

I think after next meeting, we'll have several processes in motion that will take awhile to unfold. At least if we could meet, again respecting everybody's schedules and their commitments -- shall we say 10:00 o'clock Friday?

And Scott, in terms of a location, do we have a permanent home or a temporary home?

MR. BALES: Well, you don't have either yet.

We could certainly help you in making meeting space available. The Capitol Center building, which is where my offices are, has meeting rooms available. There are meeting rooms in the basement of the Office of Administrative

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Hearings Building, 1400 West Washington. We could -- I don't know if the Secretary of State could make this room available again. We could check about that, if you like.

We could work to actually identify the meeting place and to prepare the notice for the meeting. We did that for this meeting.

CHAIRMAN LYNN: That would be fine. I think any of those locations, as long as they're accessible to the public, would be acceptable. Since it's so small a group, we can fit almost anywhere. I would want to be very considerate of the public that wish to come address us that there be sufficient room so they can be comfortably accommodated.

MR. BALES: Sure.

CHAIRMAN LYNN: Without objection, Friday at 10:00. And we'll plan to meet throughout the day and, with any luck, close by 5:00 p.m or earlier, if we can.

Is that acceptable?

Are there any other items to come before the Commission at this meeting?

MR. BALES: Mr. Chairman, two other logistical matters. One is to make a determination of where you'll be posting notice for your meetings. And the Secretary of State's Office is one readily available option. But you do need to make a determination of where you'll post notice.
And second, for purposes of this meeting and, I would expect, your next meeting as well, at least until you have some staff, you need to make some determination of who you would like to designate to keep minutes. One of our staff people, Jan McLemore, has been present today. And she's able to do that, if you wish. But that's a loose end you need to resolve.

CHAIRMAN LYNN: Any thoughts?

COMMISSIONER HALL: Is recording sufficient or do we need to have --

What is your official title?

THE REPORTER: Court reporter.

MR. BALES: I'm distinguishing just between minutes of the meeting, formal minutes of the meeting to reflect in an accessible way what you did and considered as opposed to the full-blown record the court reporter has.

COMMISSIONER MINKOFF: We need both?

COMMISSIONER HALL: Are you the one that coordinates this fine lady for us?

MR. BALES: Until you have other staff.

CHAIRMAN LYNN: We appreciate that.

I want to express that to the Attorney General. We appreciate that support until
we're able to do that on our own with our own staff
support.

If that's acceptable with the
Commission, we'll ask the Attorney General's Office
to provide the same staff support to get through
the next meeting, at least, and see where we are.

COMMISSIONER HUNTWORK: Scott, a
question about where we post notice. Is there
any -- any trick to that? I think if we simply
post notice here --

MR. KANEFIELD: The first floor of
this building where most boards and commissions
post notice.

COMMISSIONER HUNTWORK: Do we need
to adopt a resolution about that, henceforth we
shall post?

I move, henceforth, this
Commission will post notice of its open meetings on
the first floor of the Capitol building.

CHAIRMAN LYNN: Let me see if
there's a second for that before we discuss it.

COMMISSIONER ELDER: Second.

Now I get to talk?

CHAIRMAN LYNN: I will try to be
as unobtrusive about parliamentary rules as we can.

When we do things formally, we need to do them
formally.

COMMISSIONER ELDER: My sense is I
like the State Capitol as being the location for posting rather than the Attorney General's Office. If you asked me where is the Attorney General's Office, I couldn't tell you. If I said, "Where do I go if I want to know what is going on in a state, community? The Capitol."

CHAIRMAN LYNN: Speaking in favor of the first floor.

COMMISSIONER MINKOFF: Is that sufficient or are there legal publications we also need to put the meeting notice in?

MR. BALES: I think this next meeting you can make your public notice by, in addition to posting it, sending copies, for instance, to the major media outlets. And then once you are set up, one thing you might consider is having a website, which DOA can help you set up, and have it accessible there.

And once you have some kind of staff, they, presumably, on a more regular basis, will be sending copies of the notice to interested parties. We could also help with that, if you like. We assisted the Appellate Courts Appointment Commission, to some degree, in their publicizing application process.

We have contact lists. And this notice, if you wish, we could make a point of faxing that to those groups.

It's probably a good thing to make
an affirmative outreach effort for public input.

CHAIRMAN LYNN: I'd like to be as affirmative in outreach as we can be.

COMMISSIONER MINKOFF: I'd rather tell too many than not enough.

CHAIRMAN LYNN: And the ability to accommodate.

COMMISSIONER HUNTWORK: I amend the motion so the official posting be here but we will also provide press releases to all major news outlets.

CHAIRMAN LYNN: Is that acceptable to the second?

COMMISSIONER ELDER: So moved or seconded.

CHAIRMAN LYNN: The motion as amended is on the floor.

Any further discussion?

If not, all in favor say "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, say no.

Motion carries unanimously.

Scott, if you will accommodate that.

Any further business to come before us today?

COMMISSIONER HALL: Let me confirm. You guys will do a memo on the timeline, discuss that with us?

CHAIRMAN LYNN: Yes. That's part...
COMMISSIONER MINKOFF: Do you have fax numbers?

COMMISSIONER ELDER: And/or e-mails if electronic.

CHAIRMAN LYNN: You should.

COMMISSIONER MINKOFF: I've received faxes.

MR. BALES: E-mails I've not seen. Fax numbers are on a phone list. If not, we can circulate a list.

CHAIRMAN LYNN: Are we all on e-mail?

MR. BALES: You need to be sensitive in e-mail communications to requirements of the open meeting law. Don't vicariously have a meeting if you are all in a chat room. One-way communication, or you communicate with us. There is a gentleman, you wish to be recognized?

State your name for those that may not know you.

MR. SISSONS: Tony Sissons, and I'm a geodemographics consultant in Phoenix.

The public comment section of the agenda earlier was for purposes of making public comment on candidates for chairmanship. Would you -- there wasn't really,
I don't think, anything on the agenda about receiving other kinds of public comment before you adjourn.

I would pose a question. Would you allow other public comment?

CHAIRMAN LYNN: I'd ask the Commission if they have any objection. We might ask you join us Friday, if you could, where there will be a public comment opportunity without specific agenda. And if that would suit your purposes, perhaps that would be a better opportunity for you to say what you would like to say.

Let me ask the Commission.

COMMISSIONER HUNTWORK: No objection. He's here now.

COMMISSIONER MINKOFF: No problem.

CHAIRMAN LYNN: Are you ready?

MR. BALES: Mr. Lynn, just so it's consistent, the posted terms in the notice for this meeting, comments probably should be directed for things to the agenda for the next meeting as opposed to any --

CHAIRMAN LYNN: You are saying we do have a public agenda issue here.

MR. BALES: Yes.

CHAIRMAN LYNN: We don't have open comments noticed. Comments were specifically for candidates.

MR. BALES: You do have on today
the agenda for your next meeting. You have

discretion if it's directed to that.

CHAIRMAN LYNN: Keep it directed
to an agenda item for next meeting.

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MR. SISSONS: I'll do that. Thank
you, Mr. Chairman.

What I want to bring to your
attention is a concern I have, and that is given
the tight time schedule, the census data and census
maps are all sort of making their way towards you
and will arrive at appropriate times. But there is
one data set that has been talked about earlier
today, and that is the prior election results data
base that is unfortunately in not a very usable
shape, at the moment.

Let me sort of quickly explain
that, if I may. In the consulting work that I've
done for counties over this decade, I have bought
copies of that prior elections data base from the
Secretary of State's Office. And about 80 percent
of those, of those data files, are not in the shape
that can be -- or not in a format that can be read
by the redistricting software. They are largely
text files, or they are scanned -- scanned copies
of paper documents that can't be -- basically can't
be read by -- can't be attached by redistricting
software.

And another I thing found with
many files is individual precinct vote counts in
those files don't add up to the vote totals that
were transmitted to the Secretary of State's
Office.

Now, this is an issue I've been
dealing with for about half a decade as I've done
my consulting for counties. And I've found ways
to -- every defect in every one of these files is
correctable, but it takes a little bit of time.

I wanted, absolutely, the earliest
opportunity to bring this problem to your
attention. And if you wish, on Friday, I could
bring more details or -- I'm sort of open to your
pleasure.

CHAIRMAN LYNN: Given what I know
about open meeting laws and open meetings, it would
be inappropriate for us to comment on your comments
at this time.

What I would suggest is that you
stay in touch with our progress. And you now know
ahead of everyone else we're having a meeting on
Friday where there will be an opportunity for
further comment.

MR. SISSONS: Okay.

CHAIRMAN LYNN: We appreciate very
much your comments today.
business to come before the Commission?

Mr. Bales, anything else from you?

MR. KANEFIELD: What time is the meeting to start?

CHAIRMAN LYNN: 10:00 a.m

MR. BALES: Nothing further.

MR. McCLOY: Between now and the next meeting, issues may come up I'll write about as a reporter. If people want to contact this group in the meantime, is there a specific place, the Secretary of State's Office, for instance?

CHAIRMAN LYNN: I don't know if the Secretary of State is appropriate. Perhaps the AG's Office, at this point, if you allow that. I don't know where else to send them in the days between now and Friday or we get our permanent home.

COMMISSIONER HALL: I thought we agreed we'd send them to you.

CHAIRMAN LYNN: I have your home phone, thought about giving that out.

COMMISSIONER MINKOFF: He's changing the number.

CHAIRMAN LYNN: Would that be appropriate, Mr. Bales?

MR. BALES: That's acceptable, if that's how you would like to proceed until you've identified --

CHAIRMAN LYNN: Until we make the
transition, to keep things as consistent as
possible from where we are now to a more permanent
residence, if you will, for the Commission.

So does that answer your question?

MR. MCCLOY: Yes.

CHAIRMAN LYNN: Thank you very
much. Again, anything to come --

COMMISSIONER HALL: Did we
determine the location? Meeting here --

CHAIRMAN LYNN: That's at the call
of Mr. Bales. He'll notify us and tell us where
we're meeting, find us a place.

COMMISSIONER HALL: Can you draw
us country boys a map?

MR. BALES: We can get you a map.

COMMISSIONER HALL: I circled the
building four times.

MR. BALES: I was going to ask if
it caused problems logistically.

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CHAIRMAN LYNN: This is my
preference. We're familiar being here.

MR. BALES: We'll see if the
Secretary of State's Office can make this
available. If not, we'll let you know where else.

COMMISSIONER MINKOFF: Scott,
could you put in memo form and give to us, instead
of five business cards, if we need to have
one-to-one, how to contact everybody?

MR. BALES: Sure.

COMMISSIONER HALL: I'd like to
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say in closing, I consider it an honor to work with you folks. I enjoyed the day. I feel like the proverbial mule at the Kentucky Derby.

It's good to be with you, and I'm excited for the opportunity to serve. No doubt we've outlined a tremendous challenge in front of us, and I feel confident about the quality of individuals I have an opportunity to work with.

CHAIRMAN LYNN: Thank you.

Any other comments from Commissioners?

COMMISSIONER MINKOFF: I'd like to second what Joshua said.

COMMISSIONER ELDER: Indeed.

The Commission will stand adjourned until 10:00 o'clock on Friday the 16th.

The Commission is adjourned.

Oh, elect a Vice Chairman.

MR. BALES: We'll put that on the agenda for next meeting.

(Whereupon, the hearing concluded at approximately 2:45 p.m.)
STATE OF ARIZONA )
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, Certified Court Reporter, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 178 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 23rd day of February, 2001.