STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

TELEPHONIC PUBLIC HEARING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
April 13, 2001
11:15 a.m.

ARIZONA INDEPENDENT REDISTRICTING
COMMISSION

LISA A. NANCE, RPR
Certified Court Reporter
Certificate No. 50349
THE STATE OF ARIZONA INDEPENDENT REDISTRICTING COMMISSION convened in Public Session on April 13, 2001, at 11:15 o'clock a.m., in the Capitol Building Executive Tower, 1700 West Washington, Governor's Reception Room, Second Floor, Phoenix, Arizona, in the presence of:

APPEARANCES:

COMMISSION MEMBERS and SUPPORT STAFF:

CHAIRMAN STEVEN W. LYNN, (telephonic)
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER JOSHUA M. HALL, (telephonic)
COMMISSIONER ANDI MINKOFF, (telephonic)
COMMISSIONER DANIEL R. ELDER, (telephonic)
ENRIQUE MEDINA OCHOA, Executive Director
LISA T. HAUSER, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
LISA A. NANCE, RPR, CCR, Court Reporter
JOHN ADLER, Arizona State Procurement

SPEAKERS FROM CALL TO THE PUBLIC:

None.

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APPEARANCES CONT'D:

DESIGNATED SPEAKERS FROM CONSULTANTS UNDER CONSIDERATION:

NATIONAL DEMOGRAPHICS CORPORATION:
   FLORENCE ADAMS, (telephonic)
   ALAN HESLOP, (telephonic)
   MARGUERITE MARY LEONI, (telephonic)

ELECTION DATA SYSTEMS:
   KIMBALL BRACE, (telephonic)

MARICOPA COUNTY ELECTIONS:
   KAREN OSBORNE, (telephonic)
   TIM JOHNSON, (telephonic)

Research Advisory Services, INC.:
   R. ANTHONY SISSONS

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P R O C E E D I N G S

CHAIRMAN LYNN: Let's begin so that we can get this started on time and go as rapidly as is feasible.

MR. OCHOA: Steve, may I interject a second?

I want you to know the instructions I gave to the operator for who to call: You; the Commissioners; in addition to that Dr. Florence Adams; Mr. Kimball Brace; Mr. Tony Sissons, he's here with us; Ms. Karen Osborne, she's here with us; Alan Heslop and Marguerite Leoni. That's who the operator is contacting to be with us.

CHAIRMAN LYNN: Let me ask a technical question. Do we have the ability or how will it work if we wish to go into Executive Session without the consultants present: Is there a way to put it on hold or disconnect, reconnect at some point?

MR. OCHOA: We'd probably have to terminate the call and reconnect the call to the

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Commissioners so they'd be the only ones on the line.

CHAIRMAN LYNN: Well, shall we give this a go?

COMMISSIONER MINKOFF: Let's do it.

CHAIRMAN LYNN: All right. Then let's call the meeting of the Independent Redistricting Commission to order at about 18 past the hour.

Is there anyone in the room who wishes to make a public comment to the Commission at this time?

COMMISSIONER HUNTWORK: There does not appear to be anyone.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Seeing none, we'll without objection close the public comment period, this public comment period at this time, and move to item three, review of the counterproposal by the Commission, discussion, and possible selection of redistricting consultants.

I would like to begin this portion of the agenda by suggesting a methodology. First is, based on the counterproposal, if there are
specific questions that we would like to address
to consultants, perhaps we ought to do that now
and then at the conclusion of those questions
directly to the consultants, we may then wish to
go into Executive Session to discuss among
ourselves items that pertain to dollar figures and
other issues relating to that. And then we would
return to a public discussion of the -- in terms
of any decision making or any direction that we
might want to give to staff or to Mr. Adler from
procurement.

COMMISSIONER ELDER: Mr. Lynn, this
is Commissioner Elder.

I would like to have included in
Florence Adams' comments how she views or
envisions our counsel in relationship to Ms. Leoni
and their counsel and how the documents are
prepared and how the product is put together, the
process is put together, how they relate.

Second item is the PR, and the
outreach, and the public outreach issues. I
wasn't clear quite how they would interface with
the local people: Would they be local; how they
interface together.

Those are two issues I would like to
CHAIRMAN LYNN: Mr. Elder, before we move to those questions, I want to make sure the methodology I outlined to everyone is acceptable to everyone.

COMMISSIONER MINKOFF: Sounds reasonable.

I have a question, because I have a question that relates to the dollar figures. But we'll ask that also before we go into Executive Session.

MS. HAUSER: No.

CHAIRMAN LYNN: There may or may not be a need for an Executive Session. My point is it's going to be difficult to have the consultants, ask them to excuse themselves in terms of the Executive Session, and try to get them back. What I was trying to do was have any discussion with them prior to the time we ask them to excuse themselves by phone and our internal discussion.

COMMISSIONER MINKOFF: Okay, but --

OPERATOR: Excuse me. This is the conference operator.

Want me to take roll? There was
only one person I was not able to get ahold of,
Anthony Sissons.

MR. OCHOA: He's here with us at
this point in time. Thank you very much.

OPERATOR: Thank you.

MR. ADLER: This is John Adler.

May I interrupt with something at
this point?

CHAIRMAN LYNN: Please.

MR. ADLER: I strongly recommend we
do not discuss price in open meeting. We can --
you can delegate that to or push that off to us.

Discussing price in open meeting would not be
appropriate, especially considering that we
haven't signed a contract. We may want to, if we
don't sign a contract, go to a different firm.

COMMISSIONER MINKOFF: My question
won't involve discussion of specific dollar
amounts. It's about the nature of the price
quote. Is that all right?

MR. ADLER: As long as dollar
amounts are not stated.

COMMISSIONER MINKOFF: Right. I
don't have to state dollar amounts to get my
question answered. That's not an issue.

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CHAIRMAN LYNN: All right. If there's no objection to the sort of methodology to move forward, perhaps we should go back to Mr. Elder's question which is of Dr. Adams. And, Mr. Elder, why don't you restate the question. And, Dr. Adams, if you would be able to answer that for us.

COMMISSIONER ELDER: Okay. Dr. Adams, my question related to two items or two areas within the proposed scope of work and deliverable timetable and work week. It focuses on how counsel, our counsel, Ms. Hauser and Mr. Rivera, would relate to your in-house counsel, the way you were proposing it here in your deliverable.

The second item relates to -- there's probably six or seven points within the first three, four weeks relating to public relations, development of working papers, development of kits, and various other things. And we had anticipated having our public relations in Arizona do some of that work, also, because of networking, also, and how would that relate to our local firms.

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DR. ADAMS: Regarding the first question, on the liaison among the attorneys, my understanding is that Ms. Leoni has already spoken with Ms. Hauser and Mr. Rivera about having weekly meetings, possibly twice weekly meetings via conference call, so they keep abreast of what each other is working on.

My understanding is that Ms. Leoni is the attorney for National Demographics. She is there to guide us every step of the way so that we properly guide you every step of the way. And then your attorney will be actively advising you.

I think the fact that they are talking about having these, these weekly or biweekly sessions, should keep everything straight, at least between the two groups of attorneys.

Marguerite, do you have something to add?

MS. LEONI: I did have preliminary discussion with Ms. Hauser and Mr. Rivera, emphasized the importance this be a project with no legal surprises. We initially discussed a program where there would be regular discussion so that the issues I’m advising on for National

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Demographics are fully disclosed and shared and there's shared thought on it with your attorneys. And we had discussed conference calls in the -- conference calls with the attorneys on a weekly or biweekly or as-needed basis to implement a no-surprises strategy.

COMMISSIONER ELDER: Okay. To further that just a little bit, would it then be our counsels' responsibility to do the writing or the preparation of those statements that they are best related to in the final DOJ document?

MS. LEONI: Absolutely. The understanding, Mr. Elder, my understanding, you may tell me it's incorrect, is that the submission will be prepared by your counsel whose experience tells me they are more than capable of doing that. And I would be available as would be the NDC team as necessary to facilitate their job. But the responsibility for the submission would be your counsel.

COMMISSIONER ELDER: Okay.

MS. LEONI: Okay.

COMMISSIONER ELDER: That answers my question, then.

DR. ADAMS: You had a second
question. You wanted to know about the proposal for outreach. It's National Demographics' philosophy it's principal should very much be involved with the outreach. As we develop those community units of representation, it's important for us to have firsthand knowledge to be speaking to citizens directly. But I would envision that we would work through your executive director and staff and liaise with them to coordinate this outreach effort. That would be my view of it.

I'll let Alan Heslop address that more, if he's on the line, as he's involved in that portion.

DR. HESLOP: Our experience has been it works out best if NDC principals are in charge of them, if we speak to the Power Point, we distribute the instrument, citizen kits, explain all these materials, and the public views us as the people with whom they interact, to whom they give the information on representational lines. Of course, it's also been our experience in many jurisdictions that if the jurisdiction has its own public relations firm, we liaise with them, we share our information with them.

We have lists of groups in Maricopa

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County and outside it that we think should be contacted to come to these meetings, and we would share that information with your own staff and outreach group.

DR. ADAMS: We would certainly be liaising with Mr. Ochoa and his staff to set up, to actually set up the meeting, the physical locations of the meetings. I would envision very close coordination with him.

CHAIRMAN LYNN: Mr. Elder, why don't we stay with you. Are there other questions you have for the consultants?

COMMISSIONER ELDER: I think right now those are the two primary. I guess my concern or what I'd like to delve into a little bit further on the public relations, I believe we need to have more extensive public relations than just the six community meetings we were discussing. It may very well be there's outreach to a whole range of different segments of our community starting with the youngest in schools or school groups that may want to participate in how did you develop a plan and educate them along the way on through, you know, the general citizens to Representatives,
our state representatives in both the House, the Legislature and the Senate. So those types of contacts and outreach do not appear, did not appear to be in NDC's proposal to where we're going to need to do that ourselves in a local context. And I just wanted to find out what the linkages were there, if NDC would prepare talking papers, if that's the best phrase, that could be integrated into an outreach program, things along those lines.

CHAIRMAN LYNN: To that point, my, I guess, my assumption was that we would formulate our own public relations program to complement the outreach and information gathering that NDC would undertake.

COMMISSIONER ELDER: That would work from my end just as long as we make sure that at least that liaison is considered by NDC and it's part of the integration of their outreach program, communities of interest, and, you know, trying to get the public to buy into the process so that when we present the final plan it's not like something is being dropped from them.

CHAIRMAN LYNN: I understand.

May we move to Ms. Minkoff.

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COMMISSIONER MINKOFF: Yes. I had a question and I'm going to ask this question obviously without regard to specific dollar amounts which might be a little bit confusing.

But in looking at the cost sheet and the summary of the subcontracts, and comparing it with the original submissions that each vendor presented to us, I understand that the work that Mr. Sissons is going to be responsible for is kind of a unique, unanticipated thing that is particular to Arizona because of the form that our data is in and that we would have needed to do that regardless of who had come in to help us. And so that I understand. However, it seemed to me that excluding the work that Mr. Sissons needs to do to get our historical, you know, voting records in a way that can be used, that the original NDC proposal was supposed to be a complete proposal to handle the entire redistricting process on a consultant basis for the Independent Redistricting Commission. And I'm looking at the cost sheet in the original proposal, comparing it to the current one. The NDC portion of it is essentially the same. You've taken off the website development and you've added an amount for, you
know, supervising the subcontracts. But it ends up being essentially the same. The legal portion of it has gone up by about 30 percent from the original quote. And then there is an amount for the material that EDS is supposed to provide.

So my question is, you know, why the significant increase? I understand that using four consultants instead of one is obviously going to be more expensive. What I'm trying to figure out is it appears to me that EDS is doing some things that would have been included in the original NDC proposal because they need to be done. So what I'm wondering is why the NDC portion of the contract is essentially the same and actually with the legal expenses a little bit more than the initial one and then the EDS proposal is kind of tacked on to that.

Now, Dr. Adams --

You'll have to tell, Mr. Adler, you'll have to tell me whether it's an appropriate question for a public meeting.

MR. ADLER: It's been asked, so it's appropriate.

COMMISSIONER MINKOFF: It's been

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asked, but will be the answer be appropriate.

MR. ADLER: Yes.

DR. ADAMS: I think what you need to understand is that there are data bases and there are data bases. And what Mr. Brace is offering in way of a data base is certainly far expanded from what we originally thought necessary given the terms of the proposal. Now, in talks with our attorney, because the Legislature is going to have such a data base and because Mr. Hall did talk at the meeting about the necessity of having that data base and wanting to basically be ahead of the curve, the meeting I'm referring to is the meeting that the consultants had afterwards, after our last meeting, because of that, we feel that it's important to -- for the Commission to have that data base.

COMMISSIONER MINKOFF: Uh-huh.

DR. ADAMS: We did not have that extensive data base in our original proposal.

COMMISSIONER MINKOFF: Uh-huh.

DR. ADAMS: Where there are problems, where we anticipated there might be problems, we would have addressed that area by area. But that is basically the reason for that.

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Regarding the addition to the legal, that has actually moved from Mr. Brace's proposal to Nielsen, Merksamer's proposal. That is the block of voting analysis person who has a not-to-exceed amount in the Nielsen, Merksamer contract.

COMMISSIONER MINKOFF: Uh-huh.

DR. ADAMS: For what is necessary. It may not go that high. It's a not-to-exceed.

COMMISSIONER MINKOFF: Uh-huh.

DR. ADAMS: The kind of analysis you'll be getting is directly from liaisons with that expert rather than going through Mr. Brace's expert.

I talked with Mr. Brace about this. That was fine with him. We basically moved that person.

COMMISSIONER MINKOFF: Would you repeat for me what that analysis is.

DR. ADAMS: The racial block voting analysis.

Ms. Leoni, do you have anything to add?

MS. LEONI: That's a correct analysis of that, Dr. Adams, Commissioner Minkoff.
The quality of data base required a different level of expert. I think it's a very good idea to use the data base available and used by the Legislature. That required a different level of experts on retainer. I prefer to have them on retainer to me and use them as necessary to fit the additional amounts as a not-to-exceed number. I don't want any fiscal surprises to my firm, and that's why it's there. We hope it will be significantly less.

COMMISSIONER MINKOFF: Uh-huh.

CHAIRMAN LYNN: Ms. Minkoff, any other questions?

COMMISSIONER MINKOFF: No. I think that was the major issue that I had.

Oh, wait. Actually, there is one thing. Just in terms of understanding the EDS proposal, there are a number of items in parentheses. Are those the optional items?

DR. ADAMS: Items in the middle column in parentheses, those are items optional in terms of analysis. You requested we have Mr. Brace on as an hourly or -- an analysis person. Also, there is a section, I believe it's in III, under Roman Numeral III, where --

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COMMISSIONER MINKOFF: Mr. Brace's proposal.

DR. ADAMS: Mr. Brace's cost sheet, that is to be provided by Mr. Sissons.

COMMISSIONER MINKOFF: Uh-huh.

DR. ADAMS: That's just his cost should it be necessary for him to do it.

COMMISSIONER MINKOFF: My other question just about this, I notice there's nothing in there about the 1992 election.

DR. ADAMS: There's nothing in Mr. Sissons' proposal. That is in Mr. Brace's proposal. I had a discussion with Mr. Sissons about that.

COMMISSIONER MINKOFF: Uh-huh.

DR. ADAMS: He was not prepared to develop the 1992 data. We believe it's important to at least look at it even though we understand it's body and it's difficult. That's why we have it in Mr. Brace's proposal.

COMMISSIONER MINKOFF: Where is it?

I'm looking at Mr. Brace's proposal, see 2000, '98, and '94.

DR. ADAMS: It should be --

COMMISSIONER MINKOFF: I --
DR. ADAMS: I hope you got the most recent revision I sent to Mr. Adler.

COMMISSIONER MINKOFF: Mine is dated 4-10-01.

DR. ADAMS: Okay. Let me see. Turn to that page.

DR. HESLOP: III, party registration and voting history data, Arabic five.

COMMISSIONER MINKOFF: No Arabic five on mine. I did not get the most recent one.

COMMISSIONER HUNTWORK: Nor do I.

DR. ADAMS: Appendage four to Mr. Brace's proposal.

COMMISSIONER MINKOFF: Yes. I'm looking at an appendix sheet.

DR. ADAMS: Okay.

COMMISSIONER MINKOFF: Looking at budget redistricting data. I don't have number five under Roman Numeral III.

COMMISSIONER ELDER: Andi, this is Dan. One, two, three, four, another four.

COMMISSIONER MINKOFF: Has the same thing.

COMMISSIONER ELDER: It looks like four was copied twice.
COMMISSIONER MINKOFF: Not really, because the dollar amounts are different.

COMMISSIONER ELDER: Hum.

DR. ADAMS: I know now you do have an old version.

COMMISSIONER MINKOFF: Uh-huh.

DR. ADAMS: The version first sent to us, they have 1994 twice, and it was simply a typo. The second one where it says 1994 twice, the second of those should be 1992.

COMMISSIONER MINKOFF: Okay. So what is listed as number four, this aggregate precinct level data from REF year data base, the second one should be number five in 1992?

DR. ADAMS: That's correct.

CHAIRMAN LYNN: As we move forward, let me ask not only for the public record's sake but our own, because of the nature of equipment we're using, when one speaks, it renders part of the other system unable to hear if two people are speaking at the same time. When you ask your questions or make comments, if you would then remain silent on the phone as answers are given, we may be able to hear a little better. It's just the nature of the technology.
Mr. Hall, would you care to go next?

COMMISSIONER HALL: Thank you, Mr. Chairman. It's good to be with all of you via telephone.

Couple questions I have, want to address a couple questions already addressed.

I want to know from a general standpoint if I offer these suggestions and maybe ask the vendor or other Commissioners' opinion relative to those. I think all of us probably have a number of questions with respect to the costs. And I'm wondering if it would be appropriate for, at some time in the future of this meeting, that we maybe authorize at least two members of the Commission that would sit down with Mr. Adler when those negotiations actually are finalized and really iron through a lot of the cost issues.

I think it's clear in a number of areas that there is considerable overlap and some areas that probably would need to be trimmed. And I don't know what the Chair's pleasure would be with respect to that or other Commission members, but I guess what I would see that our purpose or scope is, at this point, is really to identify
what we perceive to be the flow of information,
the relationship of the variety of the
consultants, and -- in insuring that all of the
items that we feel are appropriate, are necessary,
are included in what we see before us.

Mr. Lynn, did you have a response to
that general focus before I move on to my
questions or would you like me just to move on?

CHAIRMAN LYNN: No. Let me respond
to that, Mr. Hall.

I think you bring up a very good
point. I view this meeting today, public meeting
today, as an opportunity to ask clarifying
questions so as to understand fully the combined
proposal which is the first time we've seen a
proposal including all the consultants with which
we wish to engage or with whom we wish to have a
relationship. Having done that, or clarified
issues, or having a full understanding of how the
proposals fit together, my understanding of the
procurement procedure suggests that any
negotiation, and again, notwithstanding that we
may have a discussion in Executive Session today
about numbers and about other points of concern,
any further discussion relating to the negotiation

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of a contract with NDC or any of the subcontractors should be done through Mr. Adler. And whether we choose to be a part of that, I certainly concur, Mr. Hall, I think one or two of us might sit with him and work through that process to get to the place where we believe we've got the balance that we're looking for.

So I guess just to be a little bit more clear about procedure, I think we should ask any of the clarifying questions we want to ask in public session. I think we then should go into Executive Session to discuss the matters appropriate to be discussed in that session. Then I think we ought to reconvene publicly and give instruction both to Mr. Adler and to any representatives of the Commission who may be joining him in concluding the negotiations with the prime contractor and/or the subcontractors. And I would suggest that for sort of the procedure we follow today.

COMMISSIONER HALL: Do any other Commissioners, would they like to respond to that general suggestion before I move on?

COMMISSIONER MINKOFF: I think that makes a lot of sense. I agree with what the
Chairman said.

While I have the floor, I'd like to say one other question I thought of I'd like to ask when everybody is through. Please call on me again.

CHAIRMAN LYNN: Will do.

COMMISSIONER HALL: Is that my phone that's dead?

MR. OCHOA: No. You are on.

COMMISSIONER HALL: I have someone beeping in my ear.

I wonder if it's possible to remove that persistent dial tone before I move forward.

CHAIRMAN LYNN: It may not be.

MS. HAUSER: Roll call?

COMMISSIONER HALL: Would it be appropriate to take roll call, see if we lost somebody?

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: Mr. Hall, still here?

COMMISSIONER HALL: I'm still here.
COMMISSIONER MINKOFF: What about the consultants, still here?

MR. BRACE: Kim Brace, still here.

MS. LEONI: This is Marguerite.

MS. OSBORNE: This is Karen Osborne.

DR. HESLOP: Dr. Heslop.

MS. LEONI: I think we may have lost Dr. Adams.

CHAIRMAN LYNN: Dr. Adams, are you back with us?

COMMISSIONER ELDER: Is Dr. Heslop here?

DR. HESLOP: Yes. Marguerite Leoni and I have knowledge of the proposal.

CHAIRMAN LYNN: We're okay to move ahead?

DR. HESLOP: Yes.

COMMISSIONER HALL: If appropriate, I want to give a brief report of the meeting we had subsequent to the Commission, in essence, and thank each of the consultants. I feel like they've done overall an excellent job with respect to trying to incorporate, I think, a variety of demands and a complex situation we've placed upon them.
Dr. Adams made a comment that Mr. Brace's data base is more expanded than they originally thought would be necessary. And I think it was the Commission's feeling that was the case, also, and, therefore, as we met, felt they could utilize the expertise Mr. Brace offers with respect to his skills crunching numbers and providing that data base.

My question to you, Dr. Heslop, now that you folks have been able to interact with one another and analyze in detail what services are available and technically that EDS is one of your subcontractors, do you feel that the level of data base that Mr. Brace is going to provide is necessary, you know, understanding that we can either buy a car ranging from a Geo Prism to a Rolls Royce?

I guess my question is where is the threshold and what is your feeling with respect to the level of detail we need on that data base?

DR. HESLOP: I think that's a political question.

Our approach, as you know, was the development of what we referred to as an Arizona unit of representation data base. Florence has a

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data base for Arizona. It has a lot of the information that we believe is necessary for the process. It has all the information that we believe necessary to begin the process. And when we had finalized the grid, it was our intention, then, to develop special data for particular areas of need, for example, areas of heavy Hispanic or American Indian population, we would develop specialized information there with regard to competitiveness. We would have general registration and then would be able to fine tune it in terms of political data that we develop. That was our approach.

It is a different approach from that of EDS. EDS will have the information, very full information, that is available to the Legislature. The Legislature could be a player in your process. And I will say that you couldn't have a better data base consultant than Kimball Brace. And he will provide information which if there is a political need will be entirely appropriate, useful, accurate information for you.

COMMISSIONER HALL: So as our primary consultant, then, would you counsel this Commission to utilize Mr. Brace's data base as we
have intended, we're intending to do at this point, or would you look at that and given your expertise say we'd do fine with your data base and move forward?

DR. HESLOP: I'd suggest you use the EDS data base given our understanding you expressed to Florence and Marguerite in the meeting last week given your understanding of the relationship with Leg. counsel, with the Legislature. I think it makes appropriate, good sense.

Do you have anything to add to that, Marguerite?

MS. LEONI: No, Alan. I think you stated it well.

It's my view as well that the process, public process, will go much smoother if everybody has available the same data and is using the same data base; otherwise, subsequent issues and issues of representation will get distracted and there will be debate over who has best data base.

Under these circumstances, I think it's advisable to have available whatever will be otherwise publicly available so we will understand
the issues and be able to respond in that manner.

DR. HESLOP: If I may put it in the terms you use, if another party in this Arizona process is driving a Rolls Royce, I don't think you want to have a Chevy.

COMMISSIONER HALL: I thank you for your continuance of the analogy.

Mr. Brace, did you want to weigh in on that question?

MR. BRACE: I think they have done an eloquent job of stating what we have to offer. You know, we do -- one of our critical things is to make sure it's right. It takes extra time to do that, and that's what is reflected in the cost. But -- having testified in multitudes of court cases, you have to have things right. And that's what we specialize in.

COMMISSIONER HALL: In your opinion, and again, folks, I'm not trying to put any of you on the spot, I think it's important for this Commission to really identify what is pertinent to us being successful at the end of the day and what may not be.

In your opinion, Mr. Brace, is it important for us to include whatever additional

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information and/or amendments that Mr. Sissons can
add to your data base?

MR. BRACE: Yes. In terms of what I understand from what Tony has and what we are pulling together and putting together for the Legislature, I think there will be a good marriage of that. There will also be a cross check capability with that, which is important as another level of validity checks, to make sure that things are in there right and precincts are defined properly, and that sort of thing.

COMMISSIONER HALL: While I'm working you over, Mr. Brace, a couple questions. We'll probably address some of the figures later as we indicated earlier. I guess, just for our education, maybe you can help us understand some of the terminology you've utilized throughout your proposal so as we as a Commission discuss these issues, we can insure that we are properly assessing what our needs are or may be. When you utilize the terminology "geocode," what does that mean?

MR. BRACE: What geocode is is to take an address of an individual and be able to place it on a spatial plane or on a map. That is
what geocoding does.

So in the context of what we were proposing, we have found that when you have access to a voter file of registered voters and you can geocode or place those registered voters on a map and have them down at the level of census blocks, it gives a much better way of doing what we call disaggregation; which is in order to build these kind of data bases, to have the ultimate flexibility, you have two levels of geography.

You have precincts at one level of geography which are made up of a multitude of blocks. And what you need to do, because in a number of instances, in redistricting, you end up having to split precincts in order to get a good indication of analysis and political leaning. When you have to split precincts, you have to disaggregate the election results down to the block.

The best method we have found in doing that is to do that on the basis of where the registered voters actually live as opposed to the voting age population.

COMMISSIONER HALL: Okay. Have you entered into a contract with Leg. counsel?

MR. BRACE: Yes, we have.
COMMISSIONER HALL: Okay. If I may address a question to Ms. Leoni -- Is it Leoni?
MS. LEONI: Yes.
COMMISSIONER HALL: In your opinion, based on what I have before me, would you agree with me when I state there's a number of activities which you have, this corresponds with the question that Mr. Elder had, that a number of the activities which you have indicated that you may perform would overlap with duties and activities that our counsel would perform?
MS. LEONI: Mr. Elder.
THE REPORTER: I'm sorry. I can't hear.
MS. LEONI: I apologize. I will speak up.
I can't tell you that, Mr. Hall. I know that these attorneys are attorneys to the Commission. I am an attorney to your consultant. I am not sure of the scope of their duties for you.
For example, I don't know whether among the things you would have them do would be to review the website and legal clear all updates.
Now, it would seem, from a matter of convenience and expedition, it may be more convenient for me to do that because the additional website materials will come from NDC so when they do arrive at the elections department, they will already have been reviewed. So it's a difficult question for me to answer without knowing exactly what the scope of services is that are being provided to the Commission by your counsel.

COMMISSIONER HALL: I guess the point I'm speaking to, the Commission, as you know, placed an RFP for counsel that has greatest expertise in the areas we're relating to. I want to insure that through the process -- we feel we have outstanding counsel -- our counsel is the one providing the direction with respect to legal matters and that they are -- in other words, that their word is, of course, with direction from the Commission, is the final word; so you would see that your activities would directly correspond with them and interact closely with them.

MS. LEONI: Without a doubt, Mr. Hall. They are your attorneys. And this was an issue that immediately occurred to the three of...
us. I don't think there's any difference of opinion there. And I am utterly respectful of their relationship with you.

DR. HESLOP: Marguerite, may I suggest that perhaps we have not fully explained your involvement in our technical and line drawing process, that you are involved at each level of the development of our materials, both the AURs, the grid, and every other line that goes on the map?

MS. LEONI: Yeah. It's a very -- I would have -- I hope that comes out from the description of the legal services as it blends into the progress of work week by week. It is a team approach so that legal issues are, first of all, identified at the ground level and identified as plans develop so that when you get to the end of the process, there are not to be issues teased out for lack of early review that could become serious issues at the Justice Department.

And so my involvement with NDC is quite involved. I don't get a call now and then. Sometimes we're together looking at maps, looking at problems and demographics and registration data and, second, the implications of it.
MR. ELDER: Ms. Leoni, my concern with that last comment is I don't, this is my personal opinion, I don't think I want you filtering the information out before it gets to our counsel. If there's issues and things coming up and decisions being made on lines moving, if we can be making sure they're apprised and part of the process saying yes, there's weak legal foundation and lines should be moved, to go through doing eight, nine iterations through your counsel and present something at the end to the counsel would not be a process that I would favor.

MS. LEONI: I feel counsel will be apprised.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Sissons, you thought you'd sit there quietly.

MR. SISSONS: Yes, but I'm still awake.

COMMISSIONER HALL: Granted I have two, three packages of information. I'm still struggling with the order. That's my fault, no one else's.

I did not see in my packet where we have a detailed breakdown of the specific

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activities you will perform and the detailed
breakdown of your costs that you have proposed.
Was that in here?

MR. SISSONS: Well, I believe it
probably is not. What I provided to Dr. Adams was
a description of the kinds of work that would need
to be done to, in essence, repair the data base.

COMMISSIONER MINKOFF: I'm having
trouble hearing.

MR. SISSONS: I'll try and speak
louder.

I did provide to Dr. Adams a
description of the kinds of problems that need to
be fixed in that data base, or at least the
electronic version of that data base that has been
accumulating in the Secretary of State's Office.

COMMISSIONER HALL: Right.

MR. SISSONS: And my -- and then in
an e-mail to Dr. Adams, which she said she would
make as part of my proposal --

COMMISSIONER HALL: I have a copy of
that.

MR. SISSONS: -- I spelled out the
fact that, in essence, my bid to do the work would
be a repeat of the bid that I made to Leg. counsel
six months ago. But then at the end of the memo I mentioned that if it was necessary to turn that work around in a six-week time period, which is a bit faster than I was planning to do it, that I would need an additional 30,000 additional dollars for additional staff to work with me.

COMMISSIONER HALL: I understand that.

Thank you for providing the material which I have.

The question is relating to I see where you've identified what you identify as some of the problems. I see the e-mail you referenced and the block referenced in that addition for a more rapid schedule.

I guess my question is: What -- at the end of the day, what are we getting? And what I'd like to see is something saying this is what I'm delivering to you, not only a time line, but also specific items delivered and a breakdown of that bid and a copy of that bid and bid them out as to the costs for specific activities versus just one number.

MR. SISSONS: Okay. Yes, I do understand the question you are asking.
Well, when I bid this work initially in my bid to the Legislative counsel, it was to -- it was figured on the basis of a dollar amount per precinct to review all of the electronic files, convert them into a format that could be entered into the redistricting computer, and in many of the cases where there are discrepancies between the precinct level, electronic information submitted by the counties, and the total vote information they submitted separately to the Secretary of State, to resolve those -- to visit the county elections offices and attempt, to the greatest extent possible, to resolve those differences.

COMMISSIONER HALL: Great. So what I'm asking, without objection, Mr. Chairman, is Mr. Sissons deliver to the Commission a written scope of work, written list of deliverables with that scope of work, with a written timetable and detailed breakdown of cost proposal for the benefit of Mr. Adler and members of the Commission. I think it's also for the benefit of Mr. Brace and NDC so everybody knows whose on first and what everybody is supposed to be doing.

CHAIRMAN LYNN: Mr. Sissons, is that

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something you can provide to -- I think in terms of consistency, is that something you could provide to Dr. Adams so we could consider it in terms of the overall scope?

MR. SISSONS: That is something I can provide very quickly.

CHAIRMAN LYNN: Then we would ask to you do so.

MR. SISSONS: I will. Thank you.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, that's all the questions I have right now. Thank you.

CHAIRMAN LYNN: I'll ask again in a moment. Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I've been noting questions as we go along. Not surprisingly, many of them have been answered. I do have a few things I'd like to go back and ask one more thing about.

Number one, with respect to the legal services, I do understand that we would have, in effect, there would be a separate lawyer for NDC who would be a member of that team. And
we would have our own lawyers. If I'm understanding correctly, then, we don't have an attorney-client relationship with Ms. Leoni. She is really a subcontractor or a component part of the NDC cost.

We don't have a confidential relationship with her, because she is -- she's not our attorney. And it would seem appropriate to me, in that light, that we would control, we'd have clear differentiation on those matters on which we are all relying on the advice of our attorneys for, of the Commission's attorneys.

The example that comes to my mind immediately is one of the first things, and that is the legal opinion regarding setting up this initial grid. It would seem to me that that would be a matter of Arizona law and we would ask our Arizona counsel to advise us on that.

We have some noise on the line here. Is that correct? Do you agree with that? Have I mischaracterized that?

CHAIRMAN LYNN: To whom are you directing that question, Mr. Huntwork?

COMMISSIONER HUNTWORK: I guess Ms. Leoni.
MS. LEONI: I lost half of your question with some noise.

You noted initially that my client relationship would run to NDC.

COMMISSIONER HUNTWORK: Right.

MS. LEONI: And the -- is it the scope of duties of your attorneys?

COMMISSIONER HUNTWORK: I understand you didn't hear it. Let me repeat it and maybe even clarify it a little bit.

I would envision a contract with NDC in which the work they require, the work you do for them is included in one of their, part of their cost either as a breakdown reimbursable or simply part of the total contract cost. But with an issue like the question of how we set up the initial grid and the legal opinion as to whether we've done it correctly or not, we would certainly be looking to our counsel for that.

MS. LEONI: Correct.

COMMISSIONER HUNTWORK: I would not expect to pay twice for that opinion. So I guess I'm asking: Is that the basis for a common understanding? And do you have any questions about it? Did you also hear my comments about

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confidentiality?

MS. LEONI: Yes. I do understand that.

What I would be providing to NDC would be legal opinions that I would imagine would be, as appropriate, shared with you in that the -- some of the development issues would certainly be presented to you, for example the location of particular grid polygons, that they would be presented to you with a highlighting of initial legal issues, and preliminary analysis, at least, about how those may cut for or against particular lines, particular polygons. Those would then I imagine by the Commission be referred to your attorneys if you felt there were a resolution that would need to be done here.

The authority -- the relationships between your attorneys and the logistics make it somewhat difficult, and I also believe the contractor relationship for your attorneys to be working as legal counsel also to NDC. But the -- my advice and counsel to NDC would be part of the product delivered to you. And I believe it would be a different product than is delivered by your own attorneys.
COMMISSIONER HUNTWORK: Well,

essentially I think you are describing a process
where you would be rendering legal advice to us
through NDC.

MS. LEONI: Advice would be to NDC
for example a particular grid square while meeting
the equal population standard presents issues with
regard to minority voting rights. That would go
in the NDC report to you. That legal issue would
be highlighted, raised, analyzed as appropriate.
And I imagine then at that point, those issues
would be delivered to your counsel to be among the
arsenal -- among the information they would have
to ultimately advise you on the legality of the
final plan.

COMMISSIONER HUNTWORK: Okay. All
right. Let me jump to a completely different
subject here. I would like to ask Mr. Brace a
question.

MR. BRACE: Okay.

COMMISSIONER HUNTWORK: What is the
scope of your contract with Leg. counsel? Could
you tell us all of the services that you've been
employed to provide to them?

MR. BRACE: What we are providing

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for them is we are taking all of the election
results for them back to '96 and keypunching
those, or converting them from electronic form
into a uniform format, filling in any holes that
may exist. And we are also creating precinct
boundaries for all of those and making sure that
the precinct boundaries that had already been done
coincide then with the identifications on the
election returns for each year of election returns
that we're doing. We're doing that for both the
primary elections as well as the general
elections, from current back to 1996.

COMMISSIONER HUNTWORK: Okay. A
couple thoughts there. I'm trying to understand
this completely.

If I understood what Mr. Sissons
said just a minute ago, the conversion of that
data into a uniform format was also a part of what
he was proposing to do. So that would be -- I
just note that I think that's a duplication.

MR. BRACE: That's true, but I'm not
charging you for that.

COMMISSIONER HUNTWORK: Are you
charging us for anything you are doing for Leg.
counsel?
MR. BRACE: No. The only thing I'm charging you for is going back before '96 where Leg. counsel has decided that from their standpoint they don't think politically that they need it for their political analysis purposes. That's different than what your needs are for voting rights analysis and in talking with Marguerite and NDC people from that standpoint, too.

COMMISSIONER HUNTWORK: All right. Looking at your proposal to us, the portion attached to it as the appendix, which of the items on there correspond to work you are doing for Leg. counsel?

MR. BRACE: Well, unfortunately I'm at a disadvantage. I'm in Virginia Beach, Virginia, today with another client. I'm not in my office. And I'm at a double disadvantage. I don't have what was ultimately submitted to you. You know --

COMMISSIONER HUNTWORK: Okay.

MR. BRACE: I have, or my staff has, what was given to NDC.

COMMISSIONER HUNTWORK: Let me ask Mr. Adler who is sitting here: Would it be

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appropriate to read through this and ask him
without going through numbers for a description of
line items?

MR. ADLER: Sure.

COMMISSIONER HUNTWORK: Okay. We
have in Roman Numeral I something called
geographic data. Item A, prepare 2000 TIGER line
base plan.

MR. BRACE: Right.

COMMISSIONER HUNTWORK: Each of
these, tell me whether you're doing it for Leg.
counsel or not.

MR. BRACE: In that instance we are
because we need the TIGER files in order to create
the precinct equivalencies.

COMMISSIONER HUNTWORK: May I -- is
Karen Osborne on the line?

MS. OSBORNE: Yes, I am. And Tim's
here with me.

COMMISSIONER HUNTWORK: Karen, is
this something you have also done or are preparing
to do?

MS. OSBORNE: Go ahead and answer,
Tim.

MR. JOHNSON: Yeah. That's done

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already for statewide data. We don't have the
precincts filled in. That's something Leg.
counsel has, TIGER files converted into shape
files.

THE REPORTER: Shape file?

MR. JOHNSON: A shape file is the
way the geographic information system treats did
the data layer. Streets are a shape file, or --
that's a term for a data layer.

COMMISSIONER HUNTWORK: Create
Congressional and Legislative District layers.

Kim, I guess this is something you
are doing?

MR. BRACE: Actually for Leg.
counsel, no.

COMMISSIONER HUNTWORK: Tim, is that
something -- I know you're not doing detailed
shape files. Is this something you are doing or
would come out of your work?

MR. JOHNSON: Yes. That's done
already, too.

COMMISSIONER HUNTWORK: Create
election precinct layers. I understand what you
said about that. I understand what Tim said about
it.
Kim, that is something you are doing for Leg. counsel, right?

MR. BRACE: We are doing back to '96 for them but not before then.

COMMISSIONER HUNTWORK: Okay. According to this, you would be charging us for that work back to '96. How was that -- but not very much, but --

MR. BRACE: No. It's certainly not as much as what we've charged Leg. counsel. What is being charged to you is conversion, dealing with bringing files over and basically pulling together duplicates.

COMMISSIONER HUNTWORK: Okay. The -- this could take quite awhile. Mr. Chairman, there might be -- there's got to be a better way to do this. And yet we need this information.

CHAIRMAN LYNN: Mr. Huntwork, I take your point, see where you are going, and agree completely. I think if we can note as a direction to Mr. Adler, in terms of continuing negotiations, to continue this format through the list to insure that there is no duplication or where duplication exists that only appropriate charges are made to

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the Commission.

COMMISSIONER HUNTWORK: Okay.

MR. ADLER: Yes, sir. I have that direction and I think the consultants do, also.

COMMISSIONER MINKOFF: Mr. Lynn, I might add to that to direct Mr. Adler to add Maricopa County Election Department to that as well to see if there's any overlap.

CHAIRMAN LYNN: Again, Ms. Minkoff, consultants was plural, coordinate the work. If you will work with all four consultant groups to not duplicate either cost or activity.

COMMISSIONER HUNTWORK: Another question I have in my mind is now that Mr. Brace has expressed the scope of his work for Leg. counsel, I want to go back and reexamine one of our earlier premises which was NDC recommending that we substantially expand the scope of our data because all this data would be floating around anyway. It sounds as if it isn't floating around anyway. Leg. counsel has made a very modest request, it sounds like, to me.

CHAIRMAN LYNN: Mr. Brace, could you, without --
And again, you have contractual issues with Leg. counsel.

MR. BRACE: Right.

CHAIRMAN LYNN: Which may or may not be our business.

To the extent you feel comfortable commenting to Mr. Huntwork's point, when the work is completed for us and the work is completed for Leg. counsel, could you characterize the nature of the two sets of data that each will have in terms of completeness, in terms of volume, in terms of whatever characterization you could make of it?

MR. BRACE: Well, from the standpoint of Leg. counsel, we're doing that work without regard to what Mr. Sissons has done or is continuing to do. Leg. counsel has gone to us to pull it all together despite anything else that might be there.

Now as far as the Commission is concerned, our work we envision with the Commission is quite a bit of crosschecking of what we have done with Leg. counsel and what Tony is putting together as an additional verification phase that is going forward.

CHAIRMAN LYNN: Mr. Huntwork.
COMMISSIONER HUNTWORK: Let me run through big categories just so I understand. And please bear with me.

Are you -- is EDS doing the geocoding and all of the disaggregation for Leg. counsel?

MR. BRACE: No.

COMMISSIONER HUNTWORK: Are you doing the racial block voting analysis for them?

MR. BRACE: No.

COMMISSIONER HUNTWORK: I don't know if you can comment on this or not or if you care to, but with regard to additional services later on, for example, providing expert testimony regarding the data that you have provided, does your agreement include that or is it just the number crunching at this time?

MR. BRACE: At this time, it's just the number crunching.

COMMISSIONER HUNTWORK: Okay.

I think I have -- just bear with me, because I made notes of questions and crossed a number of them off as they got asked. I'll review my notes briefly.

CHAIRMAN LYNN: If I may move on to

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Ms. Minkoff, we'll have follow-up and come back to you.

COMMISSIONER MINKOFF: Thank you, Mr. Chairman. I have a couple questions. I had three. One got answered.

My first question is about the proposals from Maricopa County. And we had talked about having Tim Johnson kind of move over in house and do all the GIS work for the Commission. And their proposal includes that. And what I wanted to know is if that is something that we need independently or is that duplicative of the work of any of the other consultants?

CHAIRMAN LYNN: To whom are you asking the question?

COMMISSIONER MINKOFF: Whomever can answer the question.

Certainly Maricopa County. I'd like to hear from EDS and NDC, find out if work he's doing is work we'd have to contract for anyway or if it's duplicating something they're providing for us.

CHAIRMAN LYNN: I guess the real question is the issue of the Commission employing through whatever means an in-house GIS specialist.

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to provide services as necessary as we move through the process.

Perhaps we ought to start with Dr. Heslop and then go to Mr. Brace.

DR. HESLOP: Well, look, I think this is a question that the Commission needs to answer itself. I think you have a clear idea of the sort of materials that we'll be bringing before you. We will be presenting geographic materials, statistical materials with regard to the equal population grid, the Arizona units of representation we will be compiling in readily understandable GIS form, the operational results of our meeting. All of these will be prepared in such a way you can make use of them in your meetings and in such a way that they can be provided to the media.

If there are, beyond the product for which we are responsible, GIS needs, then clearly you have expert capabilities available to you. And I think that the Commission really needs to spell out in its own agenda what those additional GIS materials may be.

I return to the thought I expressed in the beginning here, namely that the NDC

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proposal was a comprehensive one. We believed, when we made it, that it included all of the materials that you would need for the process. But that was our understanding, and you may now be broadening your understanding of your need.

CHAIRMAN LYNN: Mr. Brace?

MR. BRACE: Well, in terms of our work, in terms of GIS, we have procedures and processing steps that we have developed over a long period of time that ends up giving us the kinds of attributes and information, additional fields on the TIGER fields, we find necessary in order to do our work. And these are different than what might be generically in the TIGER files. So however Tim might process that TIGER file would be different than what we would process and how we would be adding fields for our own work purposes. I don't believe there's a duplication from that standpoint.

We know because of our programs and what we have what we need in the GIS processing. Since we're not doing any web work or anything like that, there's no duplication there.

CHAIRMAN LYNN: Let me direct a question to Ms. Osborne or Mr. Johnson from ATWOOD REPORTING SERVICE Phoenix, Arizona
Maricopa County.

Given your understanding of the division of labor between what Mr. Brace is preparing in the way of data and what we would be getting from NDC along the way, would you briefly for us describe how you see Mr. Johnson's role with the Commission on an ongoing basis?

MR. JOHNSON: Okay. I'll go ahead and take that one.

I see the role sort of shifting from our original, which would have been a lot of overlap. In the new role I would see my on-the-spot availability for any kind of analysis that the Commissioners would like to run to get a feel for what would happen if they did this or what if that.

The data that we've developed we've just taken from the publicly available TIGER files and converted, like I said, to the GIS data layers.

I think Mr. Brace is prepared to add quite a bit more information to that. In that, there's not much duplication.

CHAIRMAN LYNN: You see your role as needed to perform GIS functions locally against

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the data provided by either of the other
consultants?

MR. JOHNSON: Correct. In some respects, to create data on the fly. That may be something for questions that arise on the spot or pre-planned ones. I think Mr. Brace's data base would pretty much cover it.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Yes. Let me ask a follow-up question then.

The County Elections Department has essentially presented us two options in their proposal. The first option is one I think we all talked about initially, is have Tim come in essentially full time and be loaned to us for the duration of this project.

Based on the discussion we just had in terms of what we need in GIS services in-house versus what the consultants are going to provide for us, is that still what you would recommend?

Tim, what I'm asking, what you described, is that going to keep you occupied?

Are we going to have need of you full time, essentially 40 hours a week?

MR. JOHNSON: I think so. I think
between the website and the GIS services there
will be more than enough to keep me busy.

COMMISSIONER MINKOFF: Okay. Thank
you.

COMMISSIONER ELDER: Mr. Chairman,
this is Dan Elder.

A question, following up on some of
the data base and what NDC and Tim may very well
have, something that is important to me is the, I
don't know what you want to call it, morphology of
the state, transportation systems, where the edges
are.

When you said "spacial data," did
that include a base or as part of your base
information the roadway systems, rivers,
mountains, topography, whatever it might be?

MR. BRACE: That's all included in
the TIGER files in terms of visible features. The
only thing that may not be in the TIGER files is
the Z factor or topography.

THE REPORTER: Z factor?

MR. JOHNSON: Z factor. You have an
X coordinate and Y coordinate which tells where,
the latitude and longitude you are. Z is how high
up from the ground you. That's known as the Z

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factor.

MR. SISSONS: Calibration.

CHAIRMAN LYNN: Let me return to Mr. Huntwork.

COMMISSIONER HUNTWORK: No, Mr. Chairman. I looked at all my notes. I think I'm satisfied, for the time being, anyway.

CHAIRMAN LYNN: Thank you.

Mr. Hall, anything occur to you in the interim?

COMMISSIONER HALL: Yes, sir. Thank you, Mr. Chairman.

So just to clarify for me, I probably have a question for Mr. Brace.

Essentially what you are doing for Leg. counsel is what Mr. Sissons is going to do for us from '96 forward?

MR. BRACE: Yeah, probably.

COMMISSIONER HALL: Would you agree with that, Mr. Sissons?

MR. SISSONS: From what I've heard this morning, that would seem to be the case.

MR. BRACE: Now, I don't know how far down the ballot Tony is looking at going in terms of what kind of offices are being

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contemplated from his data base.

COMMISSIONER HALL: Mr. Sissons, how far down the ballot are you going?

MR. SISSONS: Including all federal contests, statewide contests, county elected officials, Legislature, Congressional -- Congressional would be included in all federal ones, propositions. I would not be including the school board, mosquito abatement, those sort of bottom-of-the-ballot kinds of posts because by and large the counties did not include that level of detail in the electronic files they submitted to the Secretary of State.

COMMISSIONER HALL: Is that essentially what you are including, Mr. Brace?

MR. BRACE: We are not including, if my note taking was coherent, we're not including the county election officials that Tony just mentioned in our data base. We're including all statewide federal, Congressional, state Legislative contests, and a selected number of propositions.

COMMISSIONER HALL: Would it be -- I guess as I hear, listen to the whole Commission, is it safe probably to say that
all of us are concerned that, you know, that we're paying double for the same product? I think that's pretty clear.

I guess we're going to look to your firm at NDC as the general contractor, for lack of a better word, or primary consultant, to assist us in discerning, you know, where there may be areas of overlap.

Would it be appropriate or could we ask Mr. Brace that you would also give the Commission a proposal of what you would -- get us a copy of the work you are performing for Leg. counsel?

MR. BRACE: Well, under my contract, that's not for me to give.

COMMISSIONER HALL: Is that proprietary information?

MR. BRACE: As all of my contracts, what I do for my clients.

COMMISSIONER HALL: Right.

MR. BRACE: They are my client's.

COMMISSIONER HALL: Let me rephrase the question.

In light of the fact you are already performing the work, and I assume your contract...
does not prohibit you from performing identical work for somebody else.

MR. BRACE: That's correct, at this point in time.

COMMISSIONER HALL: In light of the fact you are performing the work, I wonder what, if you can give us a cost proposal for what it would cost for you to perform the identical work for us in addition to what you've already proposed, '96 forward.

MR. BRACE: I believe that was in fact in my original proposal.

COMMISSIONER HALL: It is. Yeah.

Okay.

CHAIRMAN LYNN: That proposal didn't contemplate Mr. Sissons' work or others.

MR. BRACE: That's right.

COMMISSIONER HALL: Are you indicating in light -- there would be no change even though you would already have done the work, the costs would be the same?

MR. BRACE: That's not what you asked.

What -- as I understood is what you asked was what would be the cost if Mr. Sissons

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was not doing the work. And that is what I had
proposed originally. When I proposed that, I used
the exact same numbers that at that time I was
proposing to the Legislature.

COMMISSIONER HALL: Right.

MR. BRACE: Now they have taken that
up.

COMMISSIONER HALL: Right.

MR. BRACE: Now, as the data is not
mine to give to you, if you came to me and asked
me to do that work again, which is what I would
have to do, then I would charge you the same thing
that I'm charging the Legislature.

COMMISSIONER HALL: Okay.

Is it safe to say you already have a
copy of all of the voter history, voter history
data Leg. counsel has?

MR. BRACE: Not at this time. It's
still in Leg. counsel's possession, may be making
its way Eastward as we speak.

COMMISSIONER HALL: You will have
access to that information?

MR. BRACE: Yes.

COMMISSIONER HALL: Mr. Ochoa, do we
have, did we receive copies of that information
for the Commission's benefit?

MR. OCHOA: Not as of yet. Legal counsel requested that information. We're awaiting that information.

COMMISSIONER HALL: Do we have a response?

MS. HAUSER: I have a meeting with the director of Legislative counsel 1:00ish today. We left it a little loose depending on when this ends; but yes.

COMMISSIONER HALL: Early indications are there are not problems of us receiving copies of all that data?

MS. HAUSER: Yes. The devil is in the details, but they seemed receptive.

COMMISSIONER HALL: What devilish details do you perceive?

MS. HAUSER: I don't know with respect to cost and those types of things. I'll hear that with respect to our request for acquiring information.

COMMISSIONER HALL: The first analysis seems they'll want to charge us for the information?

MS. HAUSER: I assume so. How much
that is, I guess, is a question.

COMMISSIONER MINKOFF: If I could chime in on that, I've spoken with Mike Braun previously about this. And I got an indication that the cost would not be great; that they do want us to share in the cost of developing the data, but it is not a large item.

CHAIRMAN LYNN: In the interests of time and moving things along, I want to ask the Commissioners, let me do it sort of in a roll call fashion, are there other questions you need to ask of the consultants at this time or might you be ready then to consider an Executive Session so as to discuss numbers and/or other issues?

Let me start with Mr. Elder.

COMMISSIONER ELDER: Yes. I have one question for the consultants.

On page five, we're going through the process where NDC is analyzing the material, AUR, data bases, et cetera. And it comes down to about the fifth, sixth paragraph. "After detail review by voting rights attorneys," and goes in there and finishes with "at this time the Commission will decide how many grid plans it wishes to modify."
It almost seems like well, shoot.

Wrong spot. Never mind.

Seven -- the sixth page, seventh paragraph down. In any case, what I'm going at, "NDC staff makes editorial board visit." I don't know what an editorial board visit represents. Seems like we're having the second set of public comments followed by no revisions to plans based on comments or no input based on comments, and then we're just going to a final Congressional Legislative plan.

Is there space in there to make revisions after a second round of public hearings?

DR. HESLOP: Commissioner, if I may respond to that.

Yes, it is absolutely our intention after each of the public meetings NDC would be working with the Commission and its staff to figure out what those public meetings have meant with regard to adjustment in the plans. And those adjustments would be taken immediately after each public meeting to the Commission.

In fact, just looking at page six, third paragraph up, I see we have said "After each public meeting, NDC will work with the Commission"
and staff to incorporate needed changes in Congressional Districts and Legislative Districts." That process is fully anticipated.

With regard to editorial boards, it's been our experience, Commissioner, that it is extremely important to gather as much media support for the final version of a plan as possible.

And our experience is that going perhaps with Commission staff, Commissioners, however you wish to instruct us to proceed, that your consultants can go before the publisher and editors and major reporters of the principal daily newspapers in the state and explain and defend our plan and do the same with the electronic media.

So this is part of our involvement, proposed involvement in the outreach for the final version of your plans.

COMMISSIONER ELDER: Okay. Thank you.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Yes. Thank you.

The answer to that previous question has brought up a question in my mind. It seems to me, according to your answer, Mr. Heslop, that the
final plan is developed of the contract after the second round of public meetings. Prop 106 provides after that plan has been adopted by the Commission there is 30 days during which both the public and the Legislature gets to comment on that plan. And then we have a period when we have to consider whether we want to make any revisions in the plan.

It seems to me that would occur sometime during the 10th copyright, if that support is included in your proposal.

DR. HESLOP: We'd be supporting reactions to any alternative plans provided by the Legislature or indeed by any other entity. And we would be in a position then to not only defend your plan but also your instruction to incorporate changes advanced by these other entities in the plan.

Yes. We'd be supporting you throughout the process.

COMMISSIONER MINKOFF: I want to make sure you understand when you say "At the end of the seventh through tenth weeks, Commission choose final Congressional and final Legislative State plan," those are not necessarily final
plans.

DR. HESLOP: We understand that. If you wish, we can make that statement rather clearer in our schedule of activities.

COMMISSIONER MINKOFF: All right. Thank you.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: No.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: No further questions.

CHAIRMAN LYNN: Let me say that from the position of the Chair, virtually all of the questions that I would have posed to consultants have been asked in one form or another by other members of the Commission.

I would like to ask Mr. Brace one more question. And it may have been asked and answered, Mr. Brace, but from your perspective, because you are uniquely involved in preparing data for more than one entity in the State of Arizona either at the present time or shortly will be, based on your analysis of not only our discussion but our RFP, if we were, or I should say when we begin to draw our maps, is it your
opinion that the Commission will have the most complete set of data from which those maps are to be drawn of anyone you are aware of in the state?

MR. BRACE: Well, you -- when you say on which to draw --

CHAIRMAN LYNN: From which to draw.

MR. BRACE: Okay. I'm just concerned in terms of your duty under the -- under the proposition was that the data that you are using is to be used not to draw but to analyze the impact of your drawing. Keep that in mind.

CHAIRMAN LYNN: Rather than parsing the words, I guess for anyone that may be involved in creating maps in whatever manner, will our data set be as complete as anyone's?

MR. BRACE: Yes. I believe so.

CHAIRMAN LYNN: And more complete than most?

MR. BRACE: I believe so.

CHAIRMAN LYNN: All right.

That's the only declaration I wanted beyond what has been discussed.

I would suggest at this time we consider whether or not we would wish to go into Executive Session and, concurrent with that, I
would ask we give our public recorder a break in doing so; a brief one, hopefully.
If, in fact, we're going to move into Executive Session, we should take a couple moments so she can get a breather.

MR. BRACE: Commissioner, Kim Brace.

Since I'm not in Washington, I'm at a client site in Norfolk, I have to go to the airport to catch a flight.

CHAIRMAN LYNN: We understand that, Mr. Brace, and understand probably Executive Session would be without consultants present.

MR. BRACE: Okay. If -- You had talked earlier about reconvening public session. I will be back up in my office probably by 6:00 o'clock Washington time at which time I can certainly call Enrique and see if we're back in, you are still on, or whatever.

CHAIRMAN LYNN: I don't think that will be necessary, but let's see how the rest of the meeting progresses. We understand your schedule.

MR. BRACE: Okay.

Is there a motion to go into Executive Session?
COMMISSIONER HUNTWORK: Mr. Chairman,
I would like to move we go into Executive Session
and on the advice of counsel specify we're doing
so pursuant to 38.431.03 which pertains to
discussion or consideration of records exempt by
law from public inspection.

CHAIRMAN LYNN: Thank you,

Mr. Huntwork.

Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Thank you,

Mr. Elder.

We will vote on that with the
understanding that we will move into Executive
Session following a five-minute break, or
thereabouts, without objection.

All those in favor of Executive
Session, signify by saying "Aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "No."

(Motion carries.)

COMMISSIONER HALL: Mr. Chairman, I
presume we hang up and will be called back?

MR. OCHOA: Steve, everybody hang up

and we'll call back directly.

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CHAIRMAN LYNN: Since there's no dial-in number, we each separately could stay on the line, if we wanted to.

MR. OCHOA: We have to be sure nobody else is on the line.

MS. HAUSER: You can't be sure. You can't be sure unless you call back.

CHAIRMAN LYNN: I think it's probably better because of the break, as well. I think it's probably better if we all hang up, have Mr. Ochoa reconvene the Executive Session through the --

MR. OCHOA: -- Capitol operator.

COMMISSIONER MINKOFF: Mr. Chairman, I need to mention my cellphone is approaching the limits of its battery capacity. I'll stay on as long as I can, but you may lose me.

CHAIRMAN LYNN: We understand that.

We'll have to press ahead.

COMMISSIONER MINKOFF: Okay. You mean I'm not indispensable?

COMMISSIONER ELDER: Mr. Chair?

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: If at a different number, do we need to give that to the

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Capitol operator or do they still have the number
they reached us at?

MR. OCHOA: Will you be at the same
number, Mr. Elder?

COMMISSIONER ELDER: I ended up in
Mr. Lynn's office and gave them a revised number
because my battery was going dead this morning,
also. So they called me back at a different
number than you have, Mr. Ochoa. The machine says
3629, don't know what prefix.

CHAIRMAN LYNN: 884, number is 520
area code.

Dan, answer all messages there.

COMMISSIONER ELDER: Have a pile
scooted off to the side.

CHAIRMAN LYNN: Without objection,
we'll take a break and await a return phone call
to go into Executive Session.

COMMISSIONER ELDER: Fair enough.

Talk to you all in few moments.

(Recess taken.)

(Whereupon, at 1:05 p.m., the
Commission recessed Open Public Session and
convened in Executive Session.)

(Recess taken.)
(Whereupon, at approximately 2:21 p.m., the Executive Session concluded and the Commission reconvened in Open Public Session at approximately 2:26 p.m.)

CHAIRMAN LYNN: I'd call the Commission back in regular session.

The Chair would be happy to entertain a motion.

COMMISSIONER HUNTWORK: I will.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I will make a motion that we delegate to the Chairman and to one other Commissioner, specifically Mr. Elder, the task of working with Mr. Adler and our legal counsel to continue negotiations of our prime contract with NDC and our agreement with Maricopa County including, without limitation, specifying, to the extent possible, the scope of work of each subcontractor previously authorized and clarifying the role of separate counsel to NDC, including their costs and the manner in which they would work with the counsel for the Commission, and that we tentatively schedule another meeting of the Commission for Friday of next week for the purpose of discussing further and possibly taking action.
on such contracts, including any appropriate
Executive Sessions.

CHAIRMAN LYNN: Is there a second to
the motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

COMMISSIONER HALL: I wonder if we
can have the tape play back the motion.

MR. RIVERA: Have the court reporter
read it back.

MR. OCHOA: Want the court reporter
to read it back?

(Record read.)

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Discussion?

COMMISSIONER HALL: I agree with the
motion except I don't think there's any need for
meeting Friday; authorize them to go forward.

COMMISSIONER MINKOFF: Whether we do
or do not schedule a meeting Friday next week,
I'll have the same problems as today.

CHAIRMAN LYNN: With respect to?

COMMISSIONER MINKOFF: With respect
to being on a cellphone and limited in the amount
of time I'm going to be able to spend.
CHAIRMAN LYNN: Thank you.
Further discussion?
COMMISSIONER ELDER: Call the question.
CHAIRMAN LYNN: Thank you.
The question has been called for.
COMMISSIONER MINKOFF: I have a question on the call to the question. If we pass this motion, are we mandated to have a meeting next Friday?
CHAIRMAN LYNN: Yes.
COMMISSIONER ELDER: Yes.
COMMISSIONER MINKOFF: Can we ask the maker of the motion to withdraw just that portion of it?
COMMISSIONER HUNTWORK: Tentatively schedule a meeting next Friday. If the following Monday would be better --
COMMISSIONER MINKOFF: We shouldn't tie ourselves down to time in a motion, leave it if and when --
COMMISSIONER HUNTWORK: Let me explain my reason for that, Andi, was I do want to have another meeting. And I don't want to have to give the two days' notice.
COMMISSIONER MINKOFF: Uh-huh. What do you mean don't want to have to give two days' notice? Have to.

COMMISSIONER MINKOFF: You don't want to have --

COMMISSIONER HUNTWORK: Don't want to wait until a future time and --

COMMISSIONER MINKOFF: I suggest we pass the motion and decide before we leave today when the next meeting will be.

CHAIRMAN LYNN: Or a suggestion is to let the nature of the progress of negotiations dictate when the next meeting occurs.

COMMISSIONER MINKOFF: I think Jim is concerned if we wait for negotiations to conclude, another two days gets tacked on the end of it.

COMMISSIONER HUNTWORK: Right.

I'd accept an amendment instead of we schedule a meeting next Friday, or tentatively schedule a meeting next Friday, that it simply says that before we enter into the contract we will have to have another meeting to approve the contract.

What I also hope to accomplish is

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next Friday, even if we didn't have the contract completed, that it would be completed enough I would feel comfortable delegating --

COMMISSIONER MINKOFF: Hold on.

COMMISSIONER HUNTWORK: --

delегating authority.

I meant it to say schedule a meeting at the earliest time determined by the Chairman.

CHAIRMAN LYNN: Mr. Elder, is that amendment acceptable?

COMMISSIONER ELDER: That's acceptable.

CHAIRMAN LYNN: We have an amended motion on the floor.

Is there further discussion?

If not, let me do this by roll call since it's the only way I can figure out who's voting.

Mr. Elder?

COMMISSIONER ELDER: Aye.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Aye.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Aye.

CHAIRMAN LYNN: Mr. Huntwork?

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COMMISSIONER HUNTWORK: Aye.

CHAIRMAN LYNN: Chair votes: Aye.

Motion carries five zero.

Is there other business under this item to come before the Commission today?

Hearing none, item four, second -- second opportunity for public comment.

COMMISSIONER HUNTWORK: Mr. Chairman, I would observe there is no one here present to comment.

CHAIRMAN LYNN: And I would be surprised if that were not the case.

COMMISSIONER HUNTWORK: There could be a body at the back of the room we don't see.

CHAIRMAN LYNN: Thank you, Mr. Huntwork, for that observation. It's most helpful.

Item five, agenda items and dates for future meetings.

We already have a tentative meeting, not for any particular date, but to be determined by the progress of the negotiations. And it would be at the call of the Chair with proper notice given.

Are there other items you would like

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placed on that agenda?

COMMISSIONER MINKOFF: Mr. Chairman, we have an issue we need to deal with, and that is the need for all of us to take the mandatory ethics training. And I would like to put it on the agenda. I think we can handle it much more streamlined than the straight process and have somebody come in to one of our meetings and do it in four hours or less rather than the all-day session the State has.

COMMISSIONER ELDER: I have a point here. I asked at the last meeting of Lisa Hauser if the two-hour or whatever it was we had presentation on open meeting laws, whatever it was, would suffice for open meeting law. I haven't heard back on that.

COMMISSIONER MINKOFF: Put it on the agenda, make sure we find out.

CHAIRMAN LYNN: Let's add "report from counsel."

MR. RIVERA: Right.

CHAIRMAN LYNN: "On legal matters" to the agenda and hear at that time on the issue.

MS. HAUSER: Right.

CHAIRMAN LYNN: Other matters to

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hear on agenda items?

MS. HAUSER: This is Lisa Hauser.

I also expect we may have a proposal from Legislative counsel. If I have a proposal from them as of today, what I will do is go ahead and draft something in the form of an inter-agency service agreement that can be presented to the Commission at the next meeting.

CHAIRMAN LYNN: Without objection, we'll add that as well.

COMMISSIONER MINKOFF: What about the inter-agency service agreement with Maricopa County?

MS. HAUSER: I believe that's covered in Mr. Huntwork's motion.

COMMISSIONER HUNTWORK: That's covered.

COMMISSIONER MINKOFF: Long motion.

Sorry.

CHAIRMAN LYNN: Ready to go?

COMMISSIONER ELDER: One other item, and it's maybe something Enrique can do with direction with Mr. Johnson. Will we have the website hosted or have an on-site server and website? And if the answer is yes one way or another?
another, then I would like to have that on the agenda so we can have that up and running with the website.

CHAIRMAN LYNN: I may be mistaken.

My recollection of the discussion among consultants, one of the things we wanted to contract with Maricopa County to do was host the website.

COMMISSIONER ELDER: That ought to be on the agenda to authorize them to proceed hiring whatever hardware, software, main server at the state, or however we're doing that.

CHAIRMAN LYNN: Need to negotiate that in the IGA.

MS. HAUSER: Good idea.

CHAIRMAN LYNN: Any other agenda items?

MR. OCHOA: Mr. Chairman, I think I'd also add an ongoing agenda item, executive director's report, to the agenda items.

CHAIRMAN LYNN: Thank you, Mr. Ochoa. Do that. I think not only executive director's report, the report from counsel.

MR. RIVERA: Yes.

CHAIRMAN LYNN: And just make it a
standard, at that point. And if there is no
report, that's fine. At least it accommodates.

MR. OCHOA: Thank you, sir.

CHAIRMAN LYNN: Any other

suggestions for future agendas?

If not, the Commission stands

adjourned until call of the Chair pending

negotiations with the consultants.

(Whereupon, the hearing concluded at

approximately 2:35 p.m.)

* * * *

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BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 85 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 19th day of April, 2001.

__________________________
LISA A. NANCE, RPR
Certified Court Reporter
Certificate Number 50349

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