STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
April 5, 2001
7:35 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 5, 2001, at 7:35 o'clock a.m., at the Capitol Building Executive Tower, 1700 West Washington, Governor's Reception Room, Second Floor, Phoenix, Arizona, in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER JOSHUA M. HALL
COMMISSIONER ANDI MINKOFF
COMMISSIONER DANIEL R. ELDER
ENRIQUE MEDINA OCHOA, Executive Director
LISA T. HAUSER, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
KIMBERLY PORTER, Acting Secretary
LISA A. NANCE, RPR, CCR, Court Reporter
JOHN ADLER, Arizona State Procurement
KATHERINE BABONIS, Operations Administrator
Arizona State Procurement

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Phoenix, Arizona
SPEAKERS FROM CALL TO THE PUBLIC:

MARK OSTERLOH

AGENDA DESIGNATED SPEAKERS:

NORMAN PRIMUS

NATIONAL DEMOGRAPHICS CORPORATION:
  FLORENCE ADAMS
  ALAN HESLOP
  MARGUERITE MARY LEONI

HUNTER, JOHNSTON, ELAM AND BENJAMIN:
  MARSHALL HURLEY

BAKER AND HOSTETLER:
  E. MARK BRADEN
  ROLANDO L. RIOS
  GEORGE KORBEL
  DAVID WINSTON
  JOHN MILEM

ELECTION DATA SYSTEMS:
  KIMBALL BRACE

MARICOPA COUNTY ELECTIONS:
  KAREN OSBORNE
  TIM JOHNSON
  SCOTT BROWN

ELLIOTT D. POLLACK AND COMPANY:
  ELLIOTT POLLACK
  TOM BRODERICK
  JOHN LENIO

COMPUTER MANAGEMENT SERVICES:
  HARRY FENNEMORE

RESEARCH ADVISORY SERVICES, INC.:
  R. ANTHONY SISSONS

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CHAIRMAN LYNN: I would like to call the Independent Redistricting Commission to order. If there's anyone in the audience who wishes to speak during the public comment section, we would ask that you fill out a form and that if you would just drop it off at the table here for staff that is located, they'll get it to us; and we'll call you in order.

The Commission has previously received the minutes for the March 19th and 20th meeting.

Are there any additions or corrections to the minutes?

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I have a correction and request. My request is that we have dealt with minutes at every meeting, and most of them have had some minor corrections. And I have not received, and I don't think the other

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Commissioners have received, a set of corrected minutes for our records. So I think it would be nice if those could be sent back to us when they are done.

I have a correction on the minutes of the first day, March 19th, in the public comment, first public comment by Mr. Coleman from the Arizona Democratic Party. While it isn't incorrect, I think it does not adequately express Mr. Coleman's comments. It says that he questioned their staffing selections. What he was doing was questioning the political affiliation of the proposed project manager. It's on page two of six up at the top.

COMMISSIONER ELDER: Two of six.

You have a different set of minutes.

MR. OCHOA: Two of seven.

COMMISSIONER MINKOFF: Right here.

Public comment. His remarks. "The person they proposed as the manager of the project in Phoenix was a former staff member of the prior Speaker of the House of the Arizona Legislature."

MR. OCHOA: Mr. Chairman, if you would like all Commissioners to be on the same page, the white tabs of the black notebook I

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provided for you, that has a copy of the -- I 
think the second, not final minutes, second or 
third draft. I don't know which one it is. It 
will be page two of seven.

CHAIRMAN LYNN: Thank you,

Mr. Ochoa. Page two of seven at the top,

Mr. Coleman's comments. We'll understand your 
clarification of his comments there.

Any other additions or corrections 
to the minutes?

If not, I'll entertain a motion.

COMMISSIONER ELDER: So moved.

CHAIRMAN LYNN: A second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: All those in favor, 
say "aye."

(Vote taken.)

CHAIRMAN LYNN: Motion carried.

The minutes are adopted.

I'd direct staff, Mr. Ochoa, on 
Ms. Minkoff's comments about corrected copies of 
previous minutes of the Commission meetings as 
well as, as best we can, getting them to 
Commissioners ahead of time for review and 
correction so that they can be looked at ahead of

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MR. OCHOA: Mr. Lynn, I received this morning March 2 corrected minutes. I'll pass those out.


CHAIRMAN LYNN: March 2nd.

Ladies and gentlemen, this is the time to entertain public comment to the Commission. I have one request. Again, anyone interested in addressing the Commission, if they would fill out a request form. Those of you here to present as potential consultants to the Commission need not fill out those forms. We know who you are and will have a record of your comments.

I'd like to ask Mark Osterloh, please.

MR. OSTERLOH: My name is Mark Osterloh. I was one of the co-drafters of the Redistricting Commission Initiative. And I was also one of the people that helped get a lot of signatures to help qualify and get this on the ballot.

The proposal I have before you is an idea for setting up the districts in the state
based on the principle that all men should be
created equal or are created equal. It was in the
Declaration of Independence in 1976. It's been
225 years, and in that time we still do not treat
all the citizens of our state and country equal.
And that's been notorious when it comes to
districting and redistricting as it has been done
in the past.

This is a proposal to simplify the
process and to truly treat everybody equal.
This is the language that is in the
constitution. It's paragraph 14.
The commencement of the mapping
process for congressional and legislative
districts shall start with a grid-like pattern
across the state. And the crucial words in there
gives discretion, a lot of discretion how you make
modifications to that. It says changes shall be
made as necessary to accommodate the goals that
are set forth below.

These are the criteria that you are
allowed to make changes with after you start with
the grid pattern.

I've written down here
recommendations under this proposal for what
should be the important things that you should consider in making modifications, too, what I think are things that can be left out.

All the green things are things that would be taken care of in the proposal that I have there. Constitution, Voting Rights Act would be taken care of. Every person in the state would be treated equal. Each district would have the exact same population, compactness, contiguous, not bizarre shapes, communities of interest, boundaries not taken into consideration at discretion, and undivided census tracts would obviously have to be. Mr. Ochoa knows that quite well. Competitive districts are put in there as an option for trying to make them more competitive. And finally residence of candidates would not be taken into consideration as is required.

This is the process for doing congressional maps. Divide the state populationwise in half so half the population is on the right half, second half on the left; second half, equalize horizontal lines, move horizontal lines until each district has the same population. District criteria, don't have to worry about many
other things that could be involved. Dividing in half by population makes it easy. Every district would only go from the north or from the east or the west side of the state to the center of the state.

Step one would be dividing it in half. Step two would be to create the, draw the equal lines so you in fact have eight districts, one, two, three, four, five, six, seven, eight. And the third step is to take the horizontal lines, simply move them up or down based on population, population alone.

Obviously up in this area there would be a large area in the Phoenix area they are contracted.

There's no consideration given to anything other than a person being a citizen of the state.

In drawing these particular districts for the Congress, nobody could say that my particular interest group has been advantaged or disadvantaged, whether a particular party, ethnic group, or some other group. Everybody is truly treated equal as it says in the Declaration of Independence.
The next map for the Legislature, four vertical and five horizontal. Second, move the horizontal lines to create six rows of equal population. And finally, move the vertical lines in each row to create 30 equal population districts. This would be the initial grid, 30 districts there. Five times six would be 30.

Second step is to take the horizontal lines and move them up or down so each row across has the exact same population. Districts are compact and contiguous, have geometric figure, and people understand it. There's no manipulating for one interest group or another.

The final step is take and move the lines east, west; and you have a map there that is done in a very simple process. Everybody is treated equal. Nobody is discriminated against. And it takes away a lot of the hassle taking away all multiple variables you have to consider, what about this interest group, what about that.

Take interest group, takes one interest group into one district; anybody not a retiree is discriminated against. Take Hispanic
group, anybody not Hispanic in the group is

discriminated against.

Do it this way, do it in short

order, submit to the Justice Department. After

that, want back-up planning in the typical process

considering all variables, back-up process, treat

everybody equal; Constitutional process, Voting

Rights Act.

If you go to the proposal I have,

the summary of the argument for the Voting Rights

Act, they published that in the March issue.

Thank you for your time and for

considering this.

CHAIRMAN LYNN: Thank you,

Mr. Osterloh.

Anyone wishing to address the

Commission at this time?

There will be another time for

public comment at the end of our meeting.

If not, we'll close the public

comment for this morning.

The primary purpose of the meeting

today is to hear from and to ultimately select a

technical consultant or consultants who will

assist the Commission in the redistricting
With us this morning are several consultants who have submitted previously under the State procurement procedures for this purpose. Our intent is to hear from each of the consultants present in the order in which their proposals were submitted. And that's an order that I will, I will read and then follow for the morning. And I would like to go through it once to find out which consultants are here so we know how many presentations we will have. Let me do that at this time.

Norman Primus is here.

EDS?

Election Data Services is not here yet but may be here.

Hunter, Johnston, Elam and Benjamin?

Thank you.

Baker Hostetler?

National Demographics Corporation?

Thank you.

Maricopa County Elections?

Thank you. And I understand there will be a combined presentation. Okay.

And I believe EDS is here.
EDS -- not EDS. Excuse me.

How about Baker and Hostetler?

MR. BRADEN: We're Baker and Hostetler.

CHAIRMAN LYNN: Thank you.

Elliott Pollack?

MR. POLLACK: Here.

CHAIRMAN LYNN: Thank you.

Computer Management Services is here.

And Tony Sissons is here.

Okay. It appears if EDS joins us, there will be nine presentations.

What we would ask, because we have written presentations in hand and have reviewed them, is that presenters limit their comments to us to no more than 10 minutes to us.

I ask staff to try keep track of time so we move into the question period after 10 minutes have elapsed.

We will give each presenter as much as a half hour total for their presentation. At that point then we'll be prepared to discuss and to decide on our consultant.

Any questions about the procedure?

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If not, let me ask a technical question.

When we -- when we heard from attorneys under the same process, we asked that consultants voluntarily stayed outside the hearing room until their presentation was called for so as not to be advantaged by previous presenters in one way or another. I don't know whether that is reasonable or appropriate or even something we should consider.

MR. RIVERA: You can always ask for volunteers.

MS. HAUSER: With attorneys, you asked us exactly the same questions. Do you have that in mind with them?

CHAIRMAN LYNN: No, different questions. I don't see that particular advantage. I think presenters are offering in their own way a unique service from their own point of view. I don't think that will be an issue.

MR. ADLER: John Adler.

CHAIRMAN LYNN: John, I can't see that far. I have a very annoying light in my eye.

MR. ADLER: Actually I'm suffering from a bad back, actually, today. Up and down is
kind of hard.

All I suggest you not do is create a situation where you are transferring information from one firm to another, most importantly with regard to price. You're not discussing it, so it's not an issue.

I would prefer they voluntarily leave. You can't make them leave. But try to avoid a situation where we're giving one company an advantage over another by sharing information contained in their proposal.

CHAIRMAN LYNN: The preference is do it one in at a time?

MR. ADLER: Yes.

CHAIRMAN LYNN: Since you know the order, Mr. Primus followed by EDS, if they show up, Hunter, Johnston, and so on, I might ask if, voluntarily, if those presenting would leave the room, stay in the immediate area, but leave the room; and we'll call you in order.

MR. POLLACK: Can you provide the order again?

CHAIRMAN LYNN: I'm happy to do that. Roughly half-hour increments. If we go more rapidly than that, you need to be on call.
Norman Primus first; EDS second, if here; Hunter, Johnston, Elam and Benjamin third; Baker Hostetler fourth; Maricopa County Elections, Elliott Pollack; Computer Management; and Tony Sissons.

COMMISSIONER MINKOFF: Mr. Chairman, question: If EDS is not here by their turn, do they forfeit the right or --

CHAIRMAN LYNN: We'll take them when they get here. Everyone was asked to be here by 8:00 o'clock but they didn't know the order.

DR. HESLOP: We'd certainly be willing to take EDS' position, have them take ours. I volunteer that. If they've not arrived, we're delighted for a number of reasons to take their position, have them take ours.

CHAIRMAN LYNN: Not the least of which is a plane schedule. I understand that, appreciate that. Thank you.

All right. Without further ado, then, Mr. Primus.

MR. PRIMUS: Good morning, ladies and gentlemen. I appreciate very much the opportunity to participate in this meeting.

My name is Norman Primus,

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My name is Norman Primus. Did you get that?

I look forward to serving with you in making the State of Arizona the first state in the union to establish a method of districting the people by the people and for the people.

Over 27 years I've been trying to find a process of districting state, to city, and county, the school boards, that is fair to everyone, that is understood by everyone, and that everyone in the state who wishes or out of the state who wishes to can file a plan that can be considered for use by the legislation, councils.

In 1985, after I started in New Jersey I was -- ended up being a lobbyist for Common Cause there, was a task force chairman on redistricting. In order to testify, I had to become an expert in the law and in the manner in which it's done.

It took me six years before I found someone or myself was able to get to a point where I thought I had something going. I could not convince the Legislature to change in 1981 in New Jersey, but I did manage to get to a point where

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in '82 I moved to Indiana. There was a case before the District Court relative to the Legislature on redistricting. And I became very active in that.

And in 1985 when the case went to the Supreme Court, I tried out my system, which was the prototype for what I call "balanced neutral process." I'm delighted with that word in talking with everyone. I would share it with the entire country.

I wanted you to know that this is what I did. I put together a map of Indiana, broke it down by all of the blocks that you need in order to build redistricting, much like a child with little blocks putting them together to make a tower.

What we're doing here, taking districts, precincts, tracts, whatever we're using, put it together, all of a sudden we have a district. Tried in '85. Unfortunately the Supreme Court made the wrong decision and the attorneys prosecuting the case lost the case.

The Supreme Court made the wrong decision, in my view. We know while political gerrymandering was the cause of action, the
Democrats had not proven they were harmed by it.
They let stand the decision.

I should talk about both parties both equally. We have two Democrats, two Republicans. You are fighting for your beliefs.

When it invades the election process, it's a very tough battle, very, very mean.

What happened to me, eight maps for the House, eight for the Senate. It proved to me people will participate. They were good maps.

Unfortunately, when the case was dropped, they didn't use it.

Then I went to doing school boards, cities, towns, counties. As a result, that plan is now in use in many, in a number of counties and cities in Indiana.

I was an expert witness for a case in a county in Vigo, V-I-G-O, County. And I was successful there in testifying before the court.

And while my attorney asked me to testify as an expert witness, he kept me within the realm of his complaint. And I did that. When I asked him and tried to consult with him and ask additional questions, he said if he did that, he would be introducing a new complaint and the court would

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throw him out. Good point.

I said "When -- on my cross-examination, if the attorney asks a question that permits me to put in the information I think the court should hear, are you telling me I can't use it because it's not in your complaint?" He said, "No, absolutely not. You are the witness. You testify."

Within a few minutes into cross-examination, the questioner set something up, said something about tracts, census tracts. "You used census tracts, didn't you?"

I said, "Absolutely, positively not."

He said, "Why not?"

That was the $64,000 question. It gave me the opportunity to explain to the court how elections are run, how the census is run, how they mesh together. They don't. Not that they didn't in 1990, in Indiana, because all of the records were not up to date.

What I propose to you is to do it within the state. You don't need an expert. You have people within the state executive branch.
Put them together. I want to be here to train them to do districting in a fashion you, the state, control it. You don't need experts coming in to do it. They are very nice people. I know a number of them. But if you do it yourself, if we do it, and it's done by law, a balanced, due process, with incorporated law, staff do exactly what it says, just as --

I disagree with the plan presented to you. But by the same token you don't have a Commission come together every two, three, four years to conduct election law. States specifically name the duties of every single person from the Governor to every person down to the person conducting the poll? That's what is wrong. The Legislature took it away from the people.

I congratulate Arizona for taking it away from the Legislature and giving it back to the people.

It's a two-way sword. By taking it away from the Legislature, the Legislature is free from doing it and the problem of very well damaging themselves or their staff. Now they put that sword over your head. And you shouldn't have

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it on your head.

All you have to do is incorporate this process so it's in the law. And all this simply is we will -- I will work with the staff to develop a redistricting kit is a simple matter. Maps I made were on my dining room window, tracing maps. Maps are possible. I made maps, put together a kit, population in, requirements, criteria, rules, went out, got plans back, audited them, evaluated them, compared them. All of a sudden it's through the sieve. The best plan came out.

In every case where this plan has been proposed, that plan has been welcomed 100 percent. We can do the same thing here in Arizona. It's simple, so simple that it's ridiculous. But when you get politics into something, it then becomes a problem.

The task is going to be speaking to people, meetings. Fine. You are going to find out not too many people -- nobody will want to spend 30, 40 minutes going over a map unless, like me, they like maps, like to do the numbers.

It's not going to be where you -- you don't have to make a federal case over the
whole thing.

Invite people. You don't have to take more than 15, 20 maps. If you take 500, you still get the same map.

If there are any questions, I'm happy to answer.

CHAIRMAN LYNN: Thank you, Mr. Primus.

Any questions?

Mr. Elder.

COMMISSIONER ELDER: Mr. Primus, you mentioned the Supreme Court, you know, the case adjudicated or something -- federal court --

MR. PRIMUS: Yes.

COMMISSIONER ELDER: Or state court.

MR. PRIMUS: Understand the House, Senate, and state, and it went before the United States District Court in Indianapolis. They ruled that the plans were contrived by political gerrymandering. Some of the things they did, for instance, take cities, rural areas, put them together in such a way three people were running in one district. So what they did there was they made it so three Republicans get re-elected where if they split it up, three districts, one, two.
Democrats, that type of thing.

It went to the Supreme -- Democrats won the case and the court told them to do the redistricting over again. Went to the Supreme Court. It's the first time that ever appeared before the Supreme Court was a question of political gerrymandering. They said, "Yes, that's judicial."

COMMISSIONER ELDER: The follow-up is what experience do you have in meeting prequalifications with the Department of Justice with the process you are suggesting?

MR. PRIMUS: Sorry. I didn't hear.

COMMISSIONER ELDER: What experience do you have with the process you are suggesting in meeting preclearance standards, approval standards, of Department of Justice?

MR. PRIMUS: Well, fortunately or unfortunately, I've never had the case to do that. I -- let me -- March 15th I sent in my tax returns to IRS and the Connecticut Taxation Department, and sent both letters to the refund department. Last week I got a check from the Connecticut and the -- my bank notified me IRS transferred funds to my account. That's exactly what is going to
happen.

Do this, send off plans from this; the Justice Department will accept it. Matter of fact, I bet you 10 to one, they'll accept that as a standard for all other states in the union.

The problem with the Justice Department is Sections Two and Five, in my opinion, are some of the parts of the worst legislation passed by the United States.

People talk about Voting Rights Act, don't know if talking about the good part or bad. That's the good part. The bad part is states have in the Constitution and in the laws of their states that you have to pay a poll tax, had to be able to read, denied voting rights to people. And the Congress sat for a long, long time, should have done it years before. Since having the civil rights movement, they passed a law in Congress striking down those acts in the Voting Rights Act. In that same Voting Rights Act they put Two and Five in to placate and patronize minorities.

What happens, gave it to the Justice Department, can't find fault with the Justice Department. Congress is the problem. The Justice Department is only doing what the Congress

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1 Department says has to be done. They didn't give
2 any criteria of what constitutes unfair
3 districting. The Justice Department does it on
4 the fly on a case-by-case basis.
5 If we present to them a plan
6 absolutely, positively guaranteed to protect the
7 citizens, they'll adopt that as standard.
8 CHAIRMAN LYNN: Ms. Minkoff.
9 COMMISSIONER MINKOFF: Mr. Primus,
10 you were here when Mr. Osterloh made his
11 presentation. We're operating under Proposition
12 106 passed by the voters, an Amendment to the
13 Constitution of the State which requires we begin
14 with a grid pattern adjusting to some or all of
15 the criteria he listed. Does your plan meet the
16 standards of Prop 106?
17 MR. PRIMUS: I must tell you, I
18 think that -- I told you I think your 106 --
19 Again, good man.
20 Taking -- they have to be
21 complimented to take that out of the Legislature
22 and put it into someplace. They gave it to you.
23 Terrific. But the rest of it is all
24 unconstitutional and won't meet muster.
25 This is, frankly, you decide

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yourself, but those districts are not compact.
And there must be other things. This, the plan
that I have doesn't say to you what you have to do
in order to draw a map. What I'm saying to you is
here's a map of Arizona. Here's all the breakdown
of the building blocks. You put it together
whatever way you want. Want do it that way, fine.
Compete against my plan where I draw nice squarish
compact districts. If yours comes out more
compact than mine, you may vary. It's done
strictly on that. I think you are required to
change the statutes again.

CHAIRMAN LYNN: Other questions for
Mr. Primus?
Mr. Primus, thank you very much for
coming. Thank you for submitting your
application.
If we could -- if you would check to
see if EDS is there. If not, if you'd ask
National Demographics to join us.

MR. PRIMUS: I'd ask, you'll
reconvene after? You'll continue?
CHAIRMAN LYNN: Yes, we'll continue.
Mr. Primus, once you've presented,
you may stay with us, if you like.

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MR. PRIMUS: I think that's unfair.

CHAIRMAN LYNN: Your choice.

MR. PRIMUS: If you think so. I always could learn. Thank you.

CHAIRMAN LYNN: Let me ask Mr. Adler.

After presentations are made, do you have a problem with people staying in the room?

MR. ADLER: I think we probably, possibly, could go into discussions or negotiations. It's probably best if they're not here.

CHAIRMAN LYNN: All right. Thank you.

Thank you, Mr. Primus.

CHAIRMAN LYNN: The next presenters are National Demographics Corporation. If we could have those who are presenting very slowly, so that the -- so that we can get a complete record of your name. We'll give you up to ten minutes present to us, and then we'd like to ask a series of questions.

DR. ADAMS: Mr. Chairman, members of the Commission, I'm Florence Adams, president of National Demographics. With me is Marguerite ATWOOD REPORTING SERVICE Phoenix, Arizona
Leoni, who is with the Nielsen, Merksamer Law Firm, and Alan Heslop with National Demographics. Mr. Chairman and members of the Commission, I would like to just state at the beginning that we understand that your time is limited, so I'm going to read a statement. Mr. Heslop is going to make a statement, brief statement. And Ms. Leoni will make a brief statement. And I'll make a brief wrap-up.

National Demographics is a company founded in 1979 to specialize in redistricting. As I said, I'm here with two principals of National Demographics who would be involved in Arizona state redistricting should the contract be awarded to us.

Marguerite Leoni is a vastly experienced voting rights attorney. She's worked with me and NDC for the last 10 years on literally dozens of redistricting issues. Also with me is Alan Heslop. His relationship with NDC goes back even further; indeed, he was the founding president of National Demographics. Alan has been involved in a number of statewide redistrictings and worked with me on a dozen or more districtings or redistrictings.

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here in Arizona. Not with me are a number of key
people in the company that have been involved for
a number of years: Bob Walters, who has been with
us from the beginning, who's nationally recognized
for the development of redistricting software
programs and Leroy Hardy whose involvement in
statewide redistricting goes back to 1951.

He's worked with and against
Dr. Heslop in his role as the top demographic
redistricting consultant in California when
Dr. Heslop was a consultant to the Democrats.
Both have extensive publications in the area.
Both over the last 20 years have worked on
redistricting reform basically abandoning partisan
aspects and working on reform concepts.

Years ago technology was one of the
issues, really made a difference between one
redistricting company and another. Today the
truth is most leading companies have GIS systems.
All leading companies in our field produce Power
Point presentations. All of us have experience
with web sites. All have up-to-date hardware and
redistricting software.

We think that the crucial
distinction between companies is not the technical

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capability, it is rather the experience and understanding of the problems likely to arise.

So with this perspective, I'm going to ask Alan Heslop to make a short presentation.

DR. HESLOP: Mr. Chairman, members of the Commission, I, too, will, in the interests of time, just quickly read some prepared remarks.

You are part of an experiment that is probably not wholly popular with some people in this general area of Phoenix. Bipartisan commission redistricting faces a risk. It's a risk we know quite a bit about. It is that you come under attack, attack from one or another of the political parties, sometimes from both. And you catch all kinds of flack from powerful incumbents.

The threat is once you develop the best plan of which you are capable, it immediately becomes a giant dart board at which everyone hurls criticisms both at you and at the plan.

So, now, to put this issue at its clearest, you are required, as the gentleman this morning noted, to begin with an equal population grid. How do you get to that grid?

What if the grid cuts through some
communities of interest you don't even know about? What happens if the grid grossly favors Democrats? What if it grossly favors Republicans? How can you defend the result? We don't think you can do so without first looking at communities of interest, without first seeking citizen input on what the communities of interest are. We think that you have to have hearings in all parts of the state as a first step of your process. I think that we are probably the only firm that will come before you with this kind of design for a process that will save you from criticism and give you a defense against that criticism. How are we going to do it? Well, upon award of a contract, we would immediately design an instrument for citizen Power Point meetings across the state. These meetings should begin right away, as soon as possible; must be advertised intensely to assure the greatest turnout. There must be at least half a dozen of

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them.

We must ask citizens for what are true communities of interest. What are mountain ranges, freeways that must not be crossed? What are homeowners' associations that must not be cut up? What are minority communities that must not be compacted or split?

Can we develop information? We know we can. We have held literally scores of such meetings of exactly this type in Arizona communities. We have developed this information before.

From this information, we would begin the design of Arizona units of representation, AURs. Each of these units would be small enough to form only a fraction of a congressional or even of a legislative district. Yet each UR, each unit of representation, would be large enough to keep a community, perhaps a minority community, perhaps an urban community, perhaps a rural area, conscious of particular needs and facing the same type issues.

Again, please note units of representation would be drawn up as a result of citizen testimony. You would begin with

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information on communities of interest that must not be split in this state. Within a few days after the last of these meetings, we would come before you with a map of these AURs, these units of representation.

We believe there should be a period for reaction, citizen comment on this map. I reemphasize, this is not grid. This is a map of district building blocks, AUR building blocks, number one to 108, one to 106, whatever it might be.

A little feature here we think might be interesting to you here. You want to be absolutely fair about the process, we believe. To help assure that, we suggest use of a blindfold pick. Blindfold pick. That's to say each member of the Commission pick the number of an AUR and decide whether to move up the sequence or down the sequence. The number would become the starting point for a plan, starting point for the development of the grid. Each plan would be different. Have five of them. But each would be based on citizen information and each would meet all of the criteria.

At this point we believe the

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Commission should instruct the consultant to rank order those plans so you have the very best possible grid. We'd suggest that rank order to you. If you agree, you would have a final grid composed of equal population districts also conformed to all the other criteria in the law that conformed to the citizen testimony. The best grid would be developed by provable citizen input at this stage.

I'll turn it over to Margaret Leoni, National Demographics' best authority on voting rights. She'll speak to you on the biggest problem, being fair, seeming to be fair. The second biggest problem is compliance with the law. MS. LEONI: Thank you, Commissioners. Thank you for being with us.

Go back to the dart board image Dr. Heslop talked to you about. Public image, everyone shooting at you. Plenty of people are out there to. What we mean to do in the team is build out legal justifications necessary for your plan to survive Department of Justice scrutiny, be precleared, and survive subsequent legal challenges. You have at least three major legal
1 issues. Obviously there are many more. We build
2 into your plan construction of the legal
3 justification for every one of those.
4
5 For example, the matter of a simple
6 one person, one vote, you'd think it would be
7 resolved with a hand-held calculator. However,
8 there'll inevitably be deviations in the
9 legislative plan. Each of the deviations needs to
10 be justified. Justification needs to hold up
11 legally. You cannot concoct after the fact. It
12 must be built into the process. When you receive
13 the plan alternatives from National Demographics,
14 all of that will be analyzed legally and
15 documented so it is in your public record. It is
16 not something you come up with after the fact.
17
18 Secondly, you have your preclearance
19 challenge. Preclearance is not something you
20 start thinking about when the plan is done. You
21 think about preclearance from day one. You need
22 to offer to the Justice Department every set of
23 minutes, every public hearing transcript, every
24 plan alternative put out there to the Commission.
25 And what we provide to you is not only public
26 reaction to those alternatives but legal
27 justification, if necessary, for why they were
accepted or why rejected. It's part of your record. You don't have to figure it out after the fact.

You also are going to face issues on Section Two of the Voting Rights Act. I'm a litigator as well as redistricter, legal redistricter. I've litigated many Section Two lawsuits and bring to the team a sensitivity to voting rights issues that are sound under the discriminatory branch of the Voting Rights Act in that Section Two.

We need to look at dilution issues. We need to look at voting patterns. And we need to make sure once we do get preclearance, it doesn't protect you from a dilution lawsuit, but we are also able to have legal protection there and defenses in the plan for if that does occur, which our goal would certainly be that not occur.

So what the team would hope to present to you at the end of this process is alternatives that have been publicly tested, alternatives that are fully documented, you have a complete record of why things happen, publicly, politically, and legally. When I say "legally," I mean your relationship to the public. Third, full
legal documentation to the public, presented to
you as alternatives. That's what our team offers.

That's my portion of the

presentation.

We're happy to answer any questions
you may have of us.

CHAIRMAN LYNN: Thank you,

Ms. Leoni.

Questions for National Demographics.

Ms. Minkoff.

COMMISSIONER MINKOFF: If you are
aware of the history of Prop 106 under which we
were created, it was approved by the voters in
order to distance the redistricting process from
the very, very partisan history of it, you know,
when it was being done by the Legislature. Could
you describe the political or partisan make-up of
your organization both in terms of your clients
and in terms of the personnel that would be
staffing our project should you be selected and
how that might be perceived by the people of
Arizona looking at you as a consultant to the
Redistricting Commission?

DR. ADAMS: As I mentioned

previously, Commissioners, we have as two chief

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consultants a Democratic and Republican. Alan
Heslop, Republican; Leroy Hardy, Democrat. Both
have been involved in redistricting for 20 years
now.

As I said last, 20 years ago, we
were involved with reform, units of
representation, bipartisan. Dr. Heslop worked on
initiatives for redistricting.

DR. HESLOP: Leroy Hardy, who could
not be here today, he had a prior engagement
today, he's a very partisan Democrat, at least I
think he is. I'm, of course, not a partisan
Republican. He thinks I am. We work together
well.

We have not been working together on
partisan redistricting for 20 years. We have
critiqued partisan redistrictings. National
Demographics has worked on bipartisan
redistrictings.

I suggest if you contact our
references, you'll not find any evidence of
bipartisanship.

You'll find this to be an advantage,
I believe, having a consultant come from outside
Arizona and only an hour away. We do not have any

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ties to either party in Arizona or to any
political entity in Arizona but we are extensively
experienced in Arizona.

We've redistricted getting on for 50
percent of this state at one point or another in
our process. And I think if you will talk to
those for whom you know we have worked, you will
find that they have no suspicion about
partisanship of any sort.

The great advantage of the process I
described, Commissioners, is it takes away all of
those charges. Each line is justified in terms of
citizen input. Ordinary people will tell you
about their communities. I know that to be the
fact.

Florence and I, Marguerite, we've
done literally scores of these hearings. People
will tell you "We don't want homeowner
associations split." They'll tell you what
freeway boundary.

CHAIRMAN LYNN: For the presenters,
if we keep questions and answers brief, we can get
more questions in. That's my concern.

Mr. Elder.

COMMISSIONER ELDER: My question:

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We anticipate we'll be presented or receive plans generated by vested interests, Republican, Democrat, Hispanic, Native American, whatever it may be. How do those get integrated into the process?

DR. HESLOP: Certainly you want all interests to attend the meetings, not be alone. Ordinary people also will go there. We believe as the units of representation are defined, these interests will have a lot of difficulty in critiquing them. The units will be based on actual communities, actual geography. It's not a matter a geography, not a matter of just interest. Of course, minority groups want to see those AURs reflect their interest, and they will. Those interests will be expressed in the citizen hearings.

Now I'll come to the other part of the question. Do we think our plan will holdup under the criticism and attack of interests? That's the whole point of the process. Your plan will be Superior to any other, because it's based on citizen input, provable citizen input out on the website, out in the newspapers, these AURs. And if they are not critiqued, then your plan
cannot be critiqued.

        It works. We know it works. If you
want to talk to some places we've done this, it
really does work.

CHAIRMAN LYNN: Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Your
proposal starts with considering communities of
interest and other factors in order to create the
grid-like pattern. If you look at the language of
our Proposition 106, it can be argued that's
permissible. It can also be argued you have to
start with some sort of arbitrary grid then adjust
to take those into consideration.

My question to you would be if you
did it the other way around and then adjusted
based on your criteria, would it make a difference
in the outcome?

DR. HESLOP: I think would make an
enormous difference, Commissioner. I think if you
start with a grid, let's say the grid the
gentleman described at the beginning of your
hearing today, you would be involved in an
enormous, an unstoppable series of adjustments,
each of them argued, each of them a matter of

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controversy; because each adjustment has to be
defended or attacked by particular interests.

It's most unwise to do it that way, in my view.

COMMISSIONER HUNTWORK: Can I ask a
follow-up question?

CHAIRMAN LYNN: Sure.

COMMISSIONER HUNTWORK: Are you
aware of any other law under which redistricting
is conducted which refers to grid-like patterns in
order to provide some model for redistricting?

DR. HESLOP: In modesty, I'd suggest
you look to a books edited by Leroy Hardy and
myself, Redistricting in 50 States, which appeared
in 1980 and again in 1990, describing the Montana
process.

Montana has a bipartisan Commission.

And a careful review of the history of that
Commission and its use of the grid sustains
exactly the approach that we recommend.

I won't go, in the interests of
time, into all of the unpleasantnesses that have
accrued around that bipartisan Commission; but
it's history is one I would recommend for your
study.

MS. LEONI: Commissioner Huntwork,
if I may have a word on your question, I would
have deep concerns that starting without the
consideration of the communities of interest,
whatever they may be, would lead you into legal
hot water from a Voting Rights Act perspective.

COMMISSIONER HALL: Before Ms. Leoni
sits down, maybe I can try to reconcile in my
mind, I have a similar concern. I'm reading the
language of 106. As Mr. Huntwork says, creation
of districts. Creation. Adjustments to grids
then shall be made to accommodate goals as set
forth below. Goals set forth below are, as you
know, communities of interest.

MS. LEONI: That's correct.

COMMISSIONER HALL: In my mind, I'm
not a lawyer, that's why I'm asking the pointed
question. I see that as the first step. Then the
subsequent, that the adjustments come subsequent
to information. Can you clarify that?

MS. LEONI: Yes. I think
Commissioner Huntwork may have seen the same thing
in Proposition 106 I did, need grids of equal
population with other considerations not excluded.
Once the grid is compiled, there are additional
considerations to address specifics.
The language of the constitutional amendment is not exclusive, does not say no other consideration.

I suggest failure to take into consideration the Voting Rights Act's consideration will make the grid nearly useless. And from a Voting Rights Act perspective, if you fail to stick with it, it will put you in hot water.

COMMISSIONER HALL: Can I ask about my hot water?

Can you give me an example of a unit of representation, specific example?

DR. HESLOP: Yes. A unit of representation would be a portion of a district, perhaps a third, or a tenth, or whatever. It would be a self-conscious, self-identified area in which citizens say, at these meetings, "We are part of a community. This community should not be broken." It might be described in terms of freeways. It might be described in terms of school districts. It might be described in terms of homeowner associations. It will differ from one area of the state to another.

In rural areas, of course, they will...
be very much large. Rural areas, too, are conscious of boundaries, conscious of limits. They would be described as a result of citizen input using instruments that we would propose for your use as a result of citizen kits.

I can see some skepticism here. But let me suggest, if you have doubts about this, that you contact Mesa or contact Glendale or contact Peoria where this process did produce citizen evidence with regard to clear community lines.

Arizona has those communities and they should be acknowledged at the beginning. You can have 10,000 equal population grids depending on exactly how you move the lines on the maps. But it would be wise, we believe, to begin legally and in compliance with citizen interests right at the beginning of the process. That's our suggestion.

CHAIRMAN LYNN: Let me jump into the rotation, if I may.

Arizona has some particular circumstances that make redistricting, let's say, a challenge beyond what might be the case in a state that is largely urban or largely more

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compact in terms of its population density. One of the issues that we have is dealing with Native American populations. And many of those populations simply don't respond to the normal outreach processes that would be used in any other part of the state. We have issues with written language and verbal language that are different. We have also distances that are quite severe.

Have you had experience in those kinds -- addressing those kinds of communities of interest? And what suggestions would you make to enhance the outreach in terms of developing their AURs?

DR. HESLOP: I would just quickly say in a couple counties, especially Apache and Navajo, you'll have to confront this issue with great sensitivity and sympathy, with particular sensitivity to their quasi sovereign status yet issues of citizenship and an outreach program with them fully and effectively involved.

It's no different, from our experience, than in many other parts of the country. There are similar situations in Florida. We continually confront situations of this sort in California with very different Hispanic minority
populations from the suburban to the urban to rural areas requiring different approaches. They are all sensitive issues, language issues, cultural issues. Of course that's crucial.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I'm trying to get a picture of how AURs fit into the final result. In legislative districts, we do have leeway plus or minus five percent of whatever the average population of those districts are supposed to be. In congressional districts, my understanding is we don't have any leeway at all. As I looked at the census figures, I think the population of Arizona is divisible by eight, they would all be exactly the same size. How does that mesh with the AURs when you've got to have districts that are identical in population?

DR. HESLOP: That's right. AURs, of course, have to be split. We suggest they be split according to clear-stated rules which include, of course, the constitutional requirements but should also, in which you have clearly stated, technical rules. Contiguity is a very important aspect of AURs. You'll want to use the same criteria in splitting an AUR, to the same
In creating an AUR, I think we handle this matter on pages nine and ten in our proposal. I believe that is nine, ten, yes, of our proposal. So if, for example, an urban area using freeways, as would largely the Phoenix area, it's been our experience in redistricting Phoenix itself and communities such as Mesa, Glendale, Peoria, and Surprise, the freeway itself becomes a delimiter and you continue to follow that freeway. Perhaps you have to cut an AUR short. To the extent possible, you use jurisdictional lines for cutting it short, a school district. All these lines we know about as a result of our hearing process. Homeowner associations, they're not quite as intense about homeowners' associations in Arizona as they are in Florida. I tell you in Florida, they will fight over homeowner association lines. Here you'll just argue very strenuously.

It seems to me those are the lines, kind of lines you use to divide your AURs.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: I guess I'll ask a pointed question or we'll be here ultimately
all day. In this case we have two attorneys we
acquired the services of through the Commission.
If we believe that we need, based on the
Proposition 106, that we need to start off with a
grid system and we need to modify that, will your
firm provide the counsel and say from our
perspective and experience these are the pitfalls
we have and then through discussions, if we decide
to go this way, does that take your process
approach away to where you feel it's not valid for
the State of Arizona?

DR. ADAMS: Commissioners, I don't
believe that it does. I think that we could, if
it was required, use your approach. But we would
still want to develop those units of
representation. In other words, we would lay down
a grid, but then as we made the adjustments, we
would make the adjustments to the grid using those
units. So we would basically the follow the same
process if we were required to start with an
absolute grid.

CHAIRMAN LYNN: Let me ask a
follow-up on that same question. Is it
conceivable in your minds, maybe a question for
Ms. Leoni, that the AURs, once determined, might
constitute a grid-like pattern? That is to say,
one reading of the law might -- notwithstanding
Mr. Osterloh’s presentation earlier, obviously a
grid is a grid is a grid. The intent is to have
regularly shaped and a generally similar pattern
across the state. Once we establish AURs, might
those not constitute a grid?

MS. LEONI: I think they --
people -- people in neighborhoods live together.
And there will be similarities that will be grid
like when the AURs are completed. The issue we
need to be attentive to, Chairman Lynn, is equal
population.

What we may find is where the idea
of AURs will work into a grid-like pattern, it
will be necessary to bring that grid into
compliance with both the Federal Constitution and
State's Constitution. It will provide the
building blocks upon which that can be done.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: On a different
area.

CHAIRMAN LYNN: We're about out of
time. This is the last question.

COMMISSIONER HALL: How do you then

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propose, describe for me how you propose
communication to be, all meetings back to -- what
tool do you give the Commission to stay up with
updating into the AUR process, stay updated on
processes developed? Are you talking electronic
tools? How would that communication occur, in
your opinion?

DR. HESLOP: Our experience is that
transcripts are crucial. Our experience is
citizen kits filled out by people at the meetings
handed in, if they don't want to do it, give a
time limit to get them in to us. Within 72 hours
of such a meeting, we have a full record with
clear indicators from citizen testimony as to
important boundaries. We would write up these
hearings. We would design AURs for the area where
the meeting had taken place. We would provide to
your staff and to you, yourselves, an outline AUR.
We would propose posting it on our website. We
would propose announcing it to the press and
asking for their involvement and publishing it in
this area.

At the end of this process there
would be publicly known in all areas of the state
as a result of these hearings these boundaries.

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And if we have, in the minds of some citizens, not followed the testimony, not followed the citizen kit, then they would be free to record, to register their complaint. And if it was soundly based, we would suggest to the Commission that the AUR be changed.

So, gentlemen, yes, we would within 72 hours of the end of each hearing, meeting, be able to tell you exactly what that testimony means in geographic terms.

CHAIRMAN LYNN: I know one of you has to catch a plane. Are the others available to stay with us the rest of the day so if additional questions are required?

MS. LEONI: Yes.

DR. ADAMS: Yes.

CHAIRMAN LYNN: Let me ask Lisa, can you do one more then take a break?

THE REPORTER: Yes.

CHAIRMAN LYNN: Let us then ask -- let's now assume that EDS and National Demographics have switched places, and we'll ask Hunter, Johnston, Elam and Benjamin, please. Would you first identify yourself for the court reporter.

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MR. HURLEY: Yes, Mr. Chairman.

My name is Marshall Hurley,
H-U-R-L-E-Y.

May I begin?

CHAIRMAN LYNN: Please.

MR. HURLEY: Thank you,

Mr. Chairman, members of the Commission.

Again, my name is Marshall Hurley.

You may be familiar with the law firm, law firm
Hunter, Johnston Elam and Benjamin in Greensboro,
North Carolina, where I also practice law.

I'm pleased to meet with you. I'll
make a brief presentation.

I'm pleased because I understand the
significance of the commission you are now
undertaking. And it's really, I think, a historic
moment for this state. And as I understand this
new model that you are undertaking and
implementing, you really have an opportunity to
lead the nation in showing many, many other states
how impartial and fair redistricting can be
achieved.

When I spoke to one of your staff
members about coming out here a couple of days
ago, we sort of humorously decided that this could
be a 10-minute infomercial. That was my charge.

That's really about all the information I was
given in trying to supplement or explain our
proposal to you. While that might be a little bit
of a difficult job, you have a difficult task of
choosing from what I'm confident must be a number
of well-qualified applications to serve you in
this important process.

Again, I'm happy to be here.

I want to introduce our team. We've
really submitted an application that represents a
team approach. This is a team that has worked
together in the past successfully in other states.
And we'd like to have the opportunity to earn your
trust and confidence and provide you with the
advice and the resources that you need to
undertake the line-drawing process.

First of all, we have, as the leader
of this team who probably should be here but had a
court conflict today, Robert Hunter. He would be
the senior contact person, the senior principal of
our group.

Bob has been involved in some of the
landmark cases that you have either heard about or
will hear about in this redistricting process

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going back to the Gingles case which arose out of North Carolina, decided by the United States Supreme Court, and is still considered the grandfather case of voting rights and Section 5 and Section Two issues.

Mr. Hunter also had experience as Chairman of the North Carolina State Board of Elections and, therefore, administered election laws, knows how to do that in a fair, impartial manner. North Carolina is the 10th largest state. That's a large responsibility.

He's also applied his skills in numerous states, South Carolina, Illinois, California, most recently Florida, fortunately or unfortunately. Illinois has been a focal point of voting rights litigation. Bob has been counsel in the pending case of Cromartie the Supreme Court might decide any day and that would certainly have bearing on your proceedings in the months ahead.

Secondly, we're teamed with Dr. Ted Ehrington (phonetic) of Charlotte, North Carolina, a nationally recognized expert in voting rights analysis, demography, and electoral behavior deemed recognized as an expert for more than 20
years, served as the court's expert in New York in
their last redistricting, has represented both
plaintiffs and defendants, minorities and
nonminorities, in other jurisdictions, Florida,
South Carolina, Mississippi, and Montana. His
experience is broad. He wears the title political
scientist. The term "scientist" comes forefront.
That's how he approaches his work, in a scientific
manner.

My credentials are on record and I
hope don't detract from any of my partners. I
won't elaborate on those at this time.

Our team knows the law. We've
established a record in representing plaintiffs,
defendants, and government entities in many
jurisdictions including minorities, blacks,
Republicans, in some cases including, as I said,
government entities.

Our principles have been consistent.
Clients have been different. Principles have been
consistent, seeking redistricting achieved on the
basis of racial fairness. That's our commitment
to you.

We are able to analyze all the
appropriate data according to the Arizona

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standards and criteria of fairness and apply the law to those facts and advise you accordingly. We can do that without partisanship or favoritism.

I believe while you may have applicants from this state, I believe we can offer a fresh perspective coming with absolutely no prejudices concerning any of the groups or entities that may have interests before you.

We can and we will take the same oath that you took, to be fair and impartial, to favor no one but to favor everyone. And we can apply the law in a fair and impartial manner and render our advice accordingly.

While the goal of redistricting is simple, the task is extremely complex. The law presents conflicting and paradoxical commands. We are ready to roll up our sleeves and to work with you through those complexities.

Mr. Chairman, I'm trying to keep an eye on the time. Do I have a few more minutes?

CHAIRMAN LYNN: You have five.

MR. HURLEY: Thank you.

We're available. We came to be with you on 72 hours' notice. I'm not patting myself on the back. We're committed to being here,
committed to coming back when needed, committed to
staying as long as necessary to assist the
Commission. We're serious, committed
professionals.

We're a small group. We have the
appropriate support staff. But your work will be
performed by the principals. We will not shovel
off work to an Army of unseen legal associates
fresh out of law school. We will provide our
assistance in plain English, and we will help you
communicate with the people of the State of
Arizona to bring them into this process during
your public hearings.

We will help you to establish the
trust that you need to establish, to have an end
result that people can look to as a legitimate and
good result.

The Voting Rights Act in your own
Constitution, as you well know, places great
burdens on this Commission. We can guide you
through this process from the very basic
principles of one person one vote through an
analysis of communities of interest and analyzing
the important census data that is just becoming
available to us and in choosing the best possible

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plan from among the alternative plans that will be
developed during the process. And then the final,
step, of course, is the preclearance process.
Again, that's, of course, what you are working
toward is to have this plan precleared by the
Justice Department.

And I would like to speak to
preclearance for just a moment. The burden is
always going to be on the state or jurisdiction
seeking preclearance to show no intent to
discriminate. That's a very difficult thing to
show for many jurisdictions, proving that
negative. But I want to comment to this state and
this Commission that even in the face of that very
difficult burden, your model of independence and
impartiality already puts you ahead of the game in
establishing that there is no intent to
discriminate in the task that you are now
undertaking.

Your model of independence and
nonpartisanship can and will succeed. We would
like to help you to achieve that goal. And we
will work with you.

We will work with other firms. If
you should choose to engage more than one

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consultant, we would welcome that opportunity as well.

In closing, I would just like to mention that I woke up this morning in Phoenix, and I woke up on Eastern Standard Time. And I moseyed over to the waffle house about 5:00 a.m. to get my first cup of coffee. And I walked in and it was packed. I couldn't believe how many people were in the waffle house at 5:00 o'clock. There were working people, some getting off work, some getting to work, people in work clothes, people in ties, old people, young people, Hispanic people, black people, white people. I realized why I had come across the country to meet with you today. Those are the people I'll help you work with if we're selected.

I thank you. I'll be happy to submit to your questions.

CHAIRMAN LYNN: Thank you,

Mr. Hurley.

Questions?

Ms. Minkoff?

COMMISSIONER MINKOFF: Thank you,

Mr. Hurley.

MR. HURLEY: Yes, ma'am.

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COMMISSIONER MINKOFF: I'm sure you know in a process like we're involved in where public acceptance of the result is so important that perception is often as important as reality.

MR. HURLEY: Absolutely.

COMMISSIONER MINKOFF: So I would like you, if you would, to reflect on the political make-up of your organization, of the people that would be involved, and of the clients you've represented in the past to tell us how that might be perceived by the people of Arizona if you were engaged as a consultant.

MR. HURLEY: Let me be very candid with you and tell you that our group that we have put together, based on our past representation, clearly has a Republican flavor to it. I'm not going to deceive anybody here. However, in the New South, the interests of Republicans and the interests of minorities, racial minorities, have often come closely into play. We have found ourselves at the table, literally and figuratively, with the NAACP whom we have represented, Hispanic plaintiffs in South Florida, whom we've represented all the way to the United States Supreme Court in the Cromartie case,
represent the Governor of South Carolina allied
with Democrats.

Dr. Ehrington is a pure
professional, registered unaffiliated. I believe
his work has just -- just taking his resume and
looking at the courts that he's provided helpful
information to somewhat speaks for itself.

But I would say that in representing
those entities, and those -- excuse me, those
clients in the past, our goal has always been,
consistently been, racial fairness and following
the law. That's -- I think that that would be
perceived by anyone who took a careful look at our
past work and our credentials.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Dr.

Ehrington has a strong connection with Arizona, I
can see in his resume. But my question really
would be how would you staff to do this, open an
office here, have -- would you have somebody full
time here in Arizona that we would interface with
on a day-to-day basis? Or how would you handle
that problem?

MR. HURLEY: Let me first answer by
saying that we have responded to the procurement

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request to the best of our ability, felt somewhat constrained by that process. If we are seen as a worthy candidate, we believe that we would have a period of negotiation and maybe a better word is understanding about your needs and your expectations. And we would do precisely what it takes to provide the staff, to provide the presence here that would be necessary to get -- to get the job done.

I think there are just any number of ways that those tasks and expectations could be agreed on and accomplished. And with technology as it is, I think our possibilities are greatly enhanced over the last redistricting cycle, certainly. But at the risk of sounding like I'm trying to have the best of all worlds in my response, I'll simply say we're anxious to take the next step with this Commission to develop the best plan for meeting those needs.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: In reviewing your application, on the one hand it says provide advice and legal ramifications between raw data and the census data; and then down below in the experience and reliability of the firm, it goes ATWOOD REPORTING SERVICE Phoenix, Arizona
into things like we'll do ethnic racial block
voting analysis.

MR. HURLEY: Yes, sir.

COMMISSIONER ELDER: What it appears
in looking at it, it doesn't seem like there's
much hands-on public input into the process.

Seems like a data crunch process. Can you clarify
how that works?

MR. HURLEY: Well, in order to get
to the result that you are trying to achieve,
looking way down the road at the letter from the
Attorney General approving your plans, you start
with fundamental building blocks of information.
And I don't have a comprehensive checklist in
front of me. I'm not going to attempt a
comprehensive answer. But if you'll bear with me,
I suggest to you that you start with your
demographic data, your racial block voting
analysis, which is essential. You look to
communities of interest. You look to indicia of
racial fairness.

The Supreme Court talks about the
totality of circumstances in making sure that you
have a plan that complies with the law.

I think that it's difficult to put

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that process into shorthand. And we may be somewhat guilty of speaking in legalese after I just told you we're going to try to speak in plain English. But those are the necessary beginning points to have plans out there that the public can react to, can make comments on.

We saw an interesting Power Point presentation when we first started this morning. That is one approach. There are other approaches that the court will, the courts, plural, will have us look at and to go through in that process. And I hope that our bid reflects and imparts to you that we have been down that road many times before and have the ability to do that afresh here in the State of Arizona.

CHAIRMAN LYNN: Mr. Hurley, your application is fairly long on your legal resume and qualifications and relatively short on methodology, from my reading.

One of the steps in your scope of work, the ways you would approach the scope of work, in fact the first one, is identifying communities of interest as if that were an easy thing to do. As words on a piece of paper, it seems fairly straightforward. How would you
propose to do that?

MR. HURLEY: Well, there's a variety of techniques in identifying communities of interest. First, you immerse yourself in political, historical, sociological information and data. It doesn't come from any one source. It comes from digging into history books, comes from digging into election returns. It comes from speaking with knowledgeable people. It comes from your public hearing process when people speak out about a community of interest.

And that is one immediate problem. For instance, that -- or red flag, at least, if not problem, that comes with the process proposed to you when we first started this morning. It's nice and neat to talk about a geometry exercise where you can draw lines, but it may be devastating to some communities. And I believe that that is, as you say, it's easy to put down in a sentence. And it's a very difficult process or at least a process that requires a thorough approach. It doesn't happen by any one single technique.

CHAIRMAN LYNN: Other questions?

Mr. Hurley, thank you very much.
MR. HURLEY: Thank you. Delighted to be here.

May I inquire of the Chairman as to proceedings for the rest of the day? Should I be available?

CHAIRMAN LYNN: We're asking each of the presenters, to the extent they can, to stay with us. We'll go through the formal process of hearing from each presenter; and then we'll have discussions which certainly are discussions that you might want to sit in on, be a part of.

MR. HURLEY: Okay. Thank you.

CHAIRMAN LYNN: Thank you.

Let us take a very brief break. Try to keep it to five minutes, if we can. We'll maybe go to ten, if we have to.

Let's take a brief break.

(Recess taken.)

CHAIRMAN LYNN: The next presenters are from Baker Hostetler. Any and all presenting, please give your name to the court reporter clearly.

MR. BRADEN: Mark Braden.

MR. RIOS: Rolando Rios.

MR. KORBEL: George Korbel, Korbel

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Research.

MR. WINSTON: David Winston with The Winston Group.

MR. BRADEN: Thank you for the invitation to make a presentation to this Redistricting Commission.

Why are we here? I assume we're here to do this, to slay the gerrymander.

A little symbol I developed with some friends about 20 years ago. We were litigating the issue of partisan gerrymandering across the country.

Baker Hostetler, I think, put together a team with wide experience of gerrymandering issues. Wide experience.

My name is Mark Braden. I've been involved in redistricting, believe it or not, this is my fourth cycle drawing lines. I'm hoping this will be a little different, this process, than my first cycle, the 1970s. We drew the congressional plan for the State of Ohio with magic marker, an adding machine, and road maps. We would propose to be a little more technically sophisticated than I was in the 1970s, most certainly more technically sophisticated than the 1980s or even
We've put together for the State of Arizona and citizens of the State of Arizona a team with experience from the academic community, the partisan Republican perspective of the process, partisan Democratic part of the process, and individuals involved in representing boards like yours drawing plans designed initially to be nonpartisan with no political input. I personally have been involved in states as diverse as California, Connecticut, Wyoming, Connecticut.

Our team has together drawn hundreds of representation plans for large states, California, New York, to school districts and county select boards. It's unlikely you'll find a team more diverse than this one.

We have a large team. Look at the proposal. 11 key individuals are identified. Why so many? The reality is it was not clear from your proposal to us, request for proposal, what level of support you will need from us. But, and also, to be candid, all the individuals involved in our proposal are very experienced, so very much in demand right now. These are all individuals who have other organizations, other municipalities

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and states and counties desiring this type of service. We put together a large, diverse team. Baker Hostetler is one of the largest law firms in the country with resources to support this.

In addition to the 11 key individuals identified specifically with the resumes you have available, we have internal support staff and various support staffs working in our law firm and associates from firms working for you, for example, Data One, one of the largest data companies in the United States with very substantial resources available to them, some of the most sophisticated demographic data bases to be used in the country.

I would very briefly like to talk about the individuals who are not here today, key individuals, and then sort of pass the baton off to the other individuals with us here. Dr. Gordon Baker, who is included, not here today, Dr. Baker I think it's safe to say is one of the preeminent scholars on redistricting in the United States. He received a Gudeniheim Fellowship in the sixties, is one of the original architects of redistricting in the country.

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Clark Benson has expertise and
experience in the area of political data. I
understand political data is not necessarily used
in the initial stages of the process, but there is
no question sophisticated manipulation of
political data and election data results is
necessary for you to comply, insure the plan
complies with the Voting Rights Act and also
complies with your constitutional desire for
competitive districts. Mr. Benson has a long
history of doing that across the country. My
guess is that is a bigger task than members of the
Commission realize.

Election data and work undoubtedly
would be under the Census Bureau. The Census
Bureau does a wonderful job but not a perfect job.
As you evaluate the Census data, you'll find
problems with it. Brian Miller with Data One has
expertise in computer services, also expertise in
computer data mosaic programs put together by Data
One, the most sophisticated available. It's the
largest data base in the country.

Korbel Research is a survey
research firm. We're looking as part of the
proposal at at least six hearings. We believe in

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conjunction with the six hearings, in advance of
the six hearings, we'd want some opinion research,
doesn't necessarily mean polling, but looking at
exactly where you would go with and design a more
sophisticated hearing process.

Only two segments of the population
initially understand this whole process, and their
level of understanding is for different
communities. I think you have to understand that
before you can design a hearing process that
really actually does have input from groups and so
they really have something to say, more
sophisticated questions from you to the audience,
and an audience and design where you can respond
to them, understanding where the questions come
from.

Now, since we have very brief time,
I'll pass off to my partner in the process here,
Rolando.

MR. RIOS: Thank you.

My name is Rolando Rios. I'm a
voting rights lawyer, have been doing voting
rights for approximately 20 years.

I was a past legal director,
Southwest voting rights director, have done a lot

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of voting rights registration projects here in Arizona. I'm a career voting rights lawyer, have had 200 voting rights cases in federal and state court.

I think what I bring to the table in this effort is familiarity with Section Five and Section Two of the Voting Rights Act we understand Arizona has to comply with.

It's a very worthwhile, noble effort you all are undertaking. It's very important for whatever plan you come up with to be found legally constitutional and approved by the federal courts. This is why I think our expertise in Section Two and Five of the Voting Rights Act is important. We want to go through the process and end up with a plan approved by the courts as legally constitutional. I think our expertise in that area is something that will be of benefit to you.

Thank you.

MR. KORBEL: My name is George Korbel. I'm a former Texas regional director of the Mexican American Legal Defense Organization, regional director, MALDEF.

I've also been involved in redistricting for four cycles. I represented
Hispanic plaintiffs in the original voting case, White vs. Register, that the Section Two of the Voting Rights Act is based on. I was involved in, had primary involvement in the expansion and extension of the Voting Rights Act back in the middle seventies to include Texas and Arizona which got swept in as a result of that.

I've worked with the Department of Justice continuously for the last 30 years and also have been involved in litigation. I, myself, although I'm a lawyer, I also draw redistricting plans. And there's nowhere, as you know with lawyers, you can actually put a plan on unless you can do it yourself. You have to understand the process as well as the expert does.

I actually drew plans and also testified in a number of federal cases, drawing plan cases.

I've drawn districts as small as 200 people and as large as the City of Houston, a little under two million at this point.

We've drawn all these plans. We can do all of it.
I think the other point I really want to make here is that nonpartisan commissions I think is the direction redistricting is going and probably the direction it ought to go. And you are really going to do this thing for the first time. And you are in uncharted waters. And I think it's really important that this work. Because if it doesn't work, it's going to set that process back by a long time.

I think that the people that we've got involved in our team, we can make it work. We can deal with all issues. And we can deal with everything else.

I realize that you do have lawyers. We're not seeking to supplant the lawyers. But the process of redistricting is such that I really think you almost have to be a lawyer to actually draw the districts and to make sure that we're going to get preclearance by the Justice Department.

I think that's really all I've got to say. I think we can do it, and we can do it well.

Thank you very much.

MR. WINSTON: My name is Dave

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Winston of The Winston Group.

This is my third redistricting cycle. Again, like Mark, I'm sort of surprised to come up in the third one, but here we are.

In that time I've not only focused on state, federal, congressional as to areas of expertise, in 1990 for the Republican Party I was the lead national person putting together data bases for various state parties for actually having a staff of people who actually drew lines, went out into states to actually physically draw districts for either state parties or the Republican entities in the State Legislature.

I've been involved in Commission style redistricting, specifically New Jersey where we drew a plan for that Commission. The way that is set up, there's an equal amount of Republicans, Democrats, and a chief justice with the deciding vote. In that case, the chief justice in 1990, a Democrat, ended up accepting our plan, a Republican plan, over the Democrat plan because it was better under the Voting Rights Act.

Presently we have staff that has been involved in every state of the country. I personally have been involved in over 20 states in

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terms of doing redistricting at both the congressional and state legislative level.

MR. BRADEN: As you can tell, it's legitimate work. Everybody in this group has been working in this process a number of years. I'm a partisan Republican. My teammates range from partisan Democrats to individuals with background in nonpartisan redistricting.

We are a diverse group. I know how to create partisan gerrymandering, also know how to create a nonpartisan plan. Members of our team know how to do that. We know how to litigate and defend plans. We know how to create plans you can defend.

We have created a team to reach out to the community and stay. Our role is not a political role here. It's a technical role.

Issues of communities of interest, we can advise you on legal standing, talk about them. Communities of interest is a matter for this Commission and for the public hearing process to decide. How this process will move forward and details of how it will move forward frankly are not clear to me at this stage. We'll need guidance from you how that will move forward.

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Some issues are clear. Population deviation; no congressional deviation; we know what we need to comply with the Voting Rights Act.

Many provisions are new, first-time provisions in the state. Some others I've seen in other states. Details will be different. Actual political details, in a broad, political sense, the broad sense, will come from you.

We'll provide the technical political expertise to you, our vast experience in drawing lines. We can't provide logistical help. I assume the staff will provide the logistical help. Everything else we can do, if you desire, if you desire we break the pieces out and deal with various segments.

We look forward to dealing with questions.

CHAIRMAN LYNN: Thank you,

Mr. Braden.

Questions?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I would like to ask you, as a team, how do we satisfy ourselves that we here in Arizona will have, if not your undivided attention, at least your whole attention
so that we can -- you will be responsive to us within the time frame necessary, which is very compact? And what assurances can you give us?

MR. BRADEN: Well, I can always retreat to the cliche I always think is a good starting point: If you have a big job to do, find a busy man to do it.

If you have people making bids to do it that are not really busy right now, they lack the experience to do this project.

Do not -- if you don't hire us, I understand; but do not hire someone for this project already not involved and busy doing this in a number of locations.

That's the reason we put together a big team of people, many of whom, 11 key individuals, the reality for us, to some degree, we are, if not totally, interchangeable pieces. You will have available the individuals to do this. We have a very large law firm. We have substantial resources. That's the reason I brought so many people here. We will do the project. We have time available.

MR. RIOS: Technology out there allows us to give you our undivided attention you
Yesterday I was doing a redistricting plan for Houston Community College, pretty big. He mailed to me the outlying lines of the district. I put them into the computer and at the end of the day could give an analysis of three, four districts in a matter of a couple hours.

Technology is there to provide whatever you need.

COMMISSIONER MINKOFF: The follow-up question to that: You mentioned a large team of interchangeable parts.

MR. BRADEN: Semi-interchangeable parts.

COMMISSIONER MINKOFF: Which leads me to a question about continuity. If someone starts a particular project or starts dealing with a particular issue and then is unavailable and somebody else with similar skills has to be brought in, is there down time while that person gets up to speed?

MR. BRADEN: The answer, you are right to be concerned about whether there will be people flowing in and out, not going to have
continuity. I think his response is, and the reality, is it's changed. I think certainly 20 years ago I was not comfortable with us doing this type of group because of the different physical locations. Ten years ago we could have done it, but I was not as comfortable. Now we absolutely can do it. I talk to people all across the country. Frankly, a lot of clients when I offer to be physically present, "Why do you need to come? We can do this."

The answer is you certainly need people physically here, certainly need the physical presence. I don't see continuity of the process as a problem. We have all worked together to some degree. I don't see that as a problem.

The advantage we have, none of these will be, with a few exceptions, matters of first impression. We come from a very long background in this. In some ways this project, although difficult, involved, some technical aspects, other than data preparation, will go quicker in some ways than you think it will go, I believe.

MR. WINSTON: One thing to add to that, physical communication: Digital collaboration, being able to exchange files back

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and forth as described makes collaboration a much different item than 10 years ago. You do not need two people in a room to share information.

One nice thing about the advances is the ability to share information. Having been CEO for the party last time versus this time, it's really difficult to describe just how much better it is. So that alleviates a lot of that problem.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Just a follow-up of my question to Ms. Minkoff's question.

There's no question you have a large, impressive team. Who's the quarterback?

MR. BRADEN: I'm the quarterback.

Baker Hostetler has their name on the bottom line.

COMMISSIONER HALL: Okay. With respect to community outreach and identifying communities of interest, et cetera, give me an idea how you propose you would assist this Commission in that process. Obviously crunching numbers is pretty simple in today's society; but it's the more arbitrary efforts, for lack of a better word, to assess what the community is feeling.

How do you feel you can help us in
MR. BRADEN: I think we have in mind survey type research and focus type research. And I think we have a team of individuals that have extensive experience in the Hispanic community. I've had some experience in collaboration with the Hispanic community.

MR. RIOS: One of the things, like I said, we've represented 200 redistricting offices, NAACP, the Native Americans in Arizona. In a state like Arizona, you can identify communities, the interest groups that would want to be notified about what is going on. There's national groups and then local groups. Here you have Native Americans; Latinos, probably; predominant groups I'd get to participate in Section Two and Five of the Voting Rights Act.

In Texas, Arizona, everyone's plans had to get approval from the Justice Department. The Justice Department asks which community groups have been involved. We have experience doing that.

MR. BRADEN: Every state, we've worked with preclearance states, nonpreclearance states; most certainly, depends not who the client
is, whether partisan group or nonpartisan group.
You have to reach out to different groups. So
we --

The answer is it's not difficult to
find people who are interested in this process.
It is sometimes difficult to get them involved and
get them to an education level is they have in
reality something productive to add to the
process, to really understand what is at stake in
the process.

Lots of groups understand this is an
important process. How to influence the process
is an education factor.

The bottom line factor is I have
names in my Rolodex and people return my phone
calls. They return my phone calls because we've
discussed the issues a dozen times before.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: One of the
individuals, I can't remember if Mr. Rios or
Korbel said, to paraphrase, tell us who the
networks and contacts are, we'll contact them in
due process. Part of the public outreach is
development of contacts, making sure we have
public input.
It seems like we're talking pretty much a law-based proposal here and the public relations, public input component, seems to be lacking.

MR. BRADEN: What my concern here is, what I'm not offering to do, and it wouldn't make any sense to offer to do, we're not offering logistics, to set up hearings, you know, not go staffing the hearings, where we know nothing, where you have offices, equipment, maybe you haven't decided what you are going to do.

You don't hire a consultant to be a meeting planner. I don't want and wouldn't be qualified to decide what government building in Flagstaff you ought to have this hearing.

If the question is do we know what group as a starting group should be called to, as an initial point, to come to that hearing? Sure. I can go through a list. There will be other groups we will not know. Let's be candid. That most certainly to some degree is an issue of policy I to some degree will pass to you.

There are clearly interested minority groups and interest groups. We ought to talk to political leaders, community leaders.
Here they are. I don't think or consider them very difficult to identify. You are more qualified to identify them than we are here in Arizona. I'm not -- we have experience on this team litigating in Arizona. The reality is politics in Arizona, I don't mean partisan, politics in Arizona, it's a political process. Even though nonpartisan, we'd be dependent on you to a significant degree.

COMMISSIONER ELDER: As part of the answer you made an answer about educating groups, being able to become effective participants. That is part of what you can do.

MR. RIOS: Absolutely.

MR. BRADEN: Absolutely.

MR. KORBEL: Absolutely.

MR. WINSTON: Absolutely.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: One question I feel I have to ask, Mark. Your name is included as a consultant in another proposal we have in front of us.

MR. BRADEN: I know.

COMMISSIONER HUNTWORK: I want make sure that's all on square, if we did hire EDS,
that you would be part of their team as well.

MR. BRADEN: It will not be a shock to you there were a lot of people I knew out in the hallway. It's a tired, recycled group of us. Kim is very good at what he does. I'll be very candid with you. I'm sure if you hire him to do the proposal --

Kim had mentioned to me before he was going to come out before. It was really at such an early period, and I've done a lot of work with Kim, Kim made, I thought, a different response to the proposal. I didn't realize I was in this with him. He didn't realize I responding to this one. As you realize, this one, coming out late, I just didn't realize Kim had made an earlier proposal to you which included me.

COMMISSIONER HUNTWORK: If we hired him, you are still part of the group?

MR. BRADEN: I would be mad you didn't hire me. I'd do it anyway.

CHAIRMAN LYNN: You have a long line of people to get behind that are going to be mad.

MR. BRADEN: You know, the real goal of redistricting is to make unhappy people. In this process you will make people unhappy. Make

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them sullen but you don't want them litigious.
Keep them out of the courtroom.

CHAIRMAN LYNN: Other questions?

Gentlemen, thank you.

COMMISSIONER MINKOFF: I just have
one very brief, quickly.

Because we are concerned about
public acceptance of not only the result but the
process leading to the result, and you had
mentioned yourself your close ties to the
Republican party, as I read some of other resumes
I see a lot of the same thing.

What kind of perception would the
public have of Baker and Hostetler if you were
hired as consultants to the Commission in terms of
your partisanship, lack of partisanship,
bipartisanship, whatever?

MR. BRADEN: I think we've assembled
a very bipartisan team. I have friends on the
other side of the aisle. Our law firm, law firms,
want to be. A former Democratic member from
Connecticut is included in the proposal, former
Democratic leader in the Colorado Legislature.

I think that is the best guard, and
there are jobs here representing a background of
nonpartisan bipartisan commissions. I think it's very clear we've attempted to, and I think have been successful, in putting the same number of Republicans as to Democrats in this process.

The bottom line is you'll get what you ask for. If you want a nonpartisan plan without partisan considerations, they'll not let me draw a Republican plan. They'd not let me draw a Republican plan even if I wanted to. That's the better way. The reality is there is a better way to convince people of the nonpartisan/bipartisan nature. Have people involved in the process. We'll have people putting pen to paper -- well, we don't do that anymore -- have people putting mouse to computer screen on both sides of the aisle, both sides of the political aisle, at the national level, recognized nonpartisan and recognized partisan, Republican and Democrats.

CHAIRMAN LYNN: Thank you very much. I'd invite you to stay until later today, later in the discussion, what will apparently be this afternoon. You may want to be here.

MR. BRADEN: Since I didn't do a Power Point, I'll give you a graphic here.
Wouldn't be consultants if we didn't have a graphic.

MR. KORBEL: If you hire us, we'll get T shirts.

CHAIRMAN LYNN: We have EDS.

MR. BRACE: Good morning,

Mr. Chairman, members of the Commission, it's good to see you again.

CHAIRMAN LYNN: Indeed.

MR. BRACE: We're going to borrow Tim Johnson's projector for a slide show, let him set up that. He follows me. Unfortunately it means doing the same thing to you I did a few weeks ago, shining that right in your eyes. It's the only thing that will work.

I apologize once again.

CHAIRMAN LYNN: No.

As you are setting up, let me share with you what we've asked everyone to do. We have a half hour each per consultant. If you can keep your presentation as brief as possible, it will give us more time for questions, which is really what we need to do.

MR. BRACE: That's fine. I will speed through some of the things.

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Okay. I have to operate the machine over here. I won't use the microphone. Hopefully I'll be loud enough for everyone to hear.

My name is Kim Brace from Election Data Services. And we're here to present some ideas in terms of services that we can provide to the election Commission.

We've always looked at ourselves as the experienced hand to guide you through the redistricting process. In terms of our presentation today --

Well, let's see. That's going to be interesting. I don't know how the projector is synchronizing, because I'm running off the screen a little bit.

Well, hum. Well, it will be an interesting presentation. We'll try to explain some of the words off the side.

I apologize. I'll go through a little bit in terms of background in terms of redistricting as well as in terms of goals and requirements of the Commission, describe solutions we're proposing, and look at all of that.

In terms of EDS, we're not the guy with the big ears. That's the other EDS. We are

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instead a 24-year-old bipartisan consulting firm
that specializes in reapportionment, in census, in
election administration, and redistricting. As I
say, we're more than just software providers.
We're redistricting. We produce stable studies
used across the country for redistricting across
the country. For census, we follow closely things
in the US, D.C., reapportionment for elections in
D.C., provide tools to update voter redistricting
using GIS.

Redistricting, since 1979, has been
the heart of our work. Since redistricting, be it
redistricting or redistricting court cases, we've
worked in and upwards of half the nation have been
assisted by Election Data Services since 1979.

In terms of redistricting, what
we're looking at proposing to you is outlined in
our proposal items. And there is a wide variety
of different possibilities depending upon what you
finally see as your needs. So we can provide
strategy in consulting in terms of planning
documents and planning things, handbooks, that
sort of thing. Developing data bases is one of
our keys in terms of working all that, including
keypunching election returns, TIGER files, and

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merging all that into a seamless data base, all
that kind of assistance. If you look, we offer
every kind of comprehensive support services and
various types of assistance available.

You can select depending upon what
your needs are for the Commission different items
we have in our proposal.

Clearly in terms of the mandate of
the Commission, the districts must be equal,
geographically compact and contiguous, respecting
communities of interest and geography, complying
with Voting Rights Act as well as the
Constitution, and communities of interest should
be respected.

As far as the mapping process, equal
population districts but making use of the
grid-like system. And that can add complications
to that. And then districts be adjusted from
there.

And as your statute says, you cannot
use party registration or voter history in the
initial mapping, but it needs to be used for
making sure that the maps comply with
redistricting goals as well as the Voting Rights
Act.

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And you are also supposed to prepare the map for public comment as you've outlined in your proposal.

We look at providing a number of different services and possibilities, legal and technical assistance, acquisition of the redistricting system to make use of compilation of the geography and the information, compilation of party registration for testing purposes, and compiling additional data to measure competitiveness and compliance with the Voting Rights Act itself.

In terms of legal and technical assistance, we have on staff political scientists to conduct research, statistical analysis of the GIS data base, including ones with redistricting experience, including one in Arizona before.

EDS has legal experts, demographic experts, and voting rights experts to deal with the various issues before you.

In terms of on site, we're prepared to have an on-site staff person here, one that knows the State of Arizona very well having lived here for a number of years already.

And in terms of legal and technical,
legal consulting, we include a panel of attorneys from both major parties to assist you. One just made a presentation to you from that standpoint.

And because redistricting is very much dealing with constitutional, statutory, you're looking at attorney-client privileges in providing that assistance.

In terms of redistricting, we make use of autoBound which has many tools dealing with various things that has to be done in terms of redistricting in terms of spread sheets, contiguity analyzers, and all those kind of things based on Arcview from ERSI.

In terms of system installation, we're prepared to install the system, train staff you've already hired as well as have our staff out there to provide technical support for the system, install the data.

Data is now out, as you are aware of, from last week. And we can provide training in terms of system use on that side, also. We look at the computer as there to help the process.

In looking at the geography and the maps, one of the keys that we've looked at, however, is what happens when you have more

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information you want to put on the screen to be able to see, be it political or demographic data, running totals for districts, all kind of things.

On GIS with a single monitor, things get covered up. You have to be careful of that. We've worked on an alternative solution which is hardware based that let's you basically have two monitors and make use of the software capability so that you can have one monitor have a map of where the districts are being drawn and on the other monitor you can have smaller maps of demographic variables or other kinds of data as well as running totals so you can make use of the full use of technology to help as well as display a wide variety of information on that side.

We are also heavily, as I mentioned before, involved with building the database, which is one of the keys. So we put together this little look, what we term as the data cube in terms of a source of data being from census or political information and then the type of data being map data or tabular data.

Clearly, when you look at all of those, you get a cube or, in essence, what you really get is four cubes. And the question is
filling in those cubes.

So if you look at census maps, they, of course, come from the TIGER files from the Census Bureau. They have the counties, the townships, census tracts, all of that, both for 1990 and 2000.

In terms of political maps, you would be looking at district boundaries for all the various districts involved as well as because you have to deal with the analytical side after the plan is drawn, you need to make sure you have precincts in there, also. And as I talked to you several weeks ago, I noted that not all of the precincts are in the TIGER files from the Census Bureau standpoint.

In terms of census tabular data, we have now released the population data, both total and voting age population as well as both race and ethnic minority for Hispanic population, look at putting together both 1990 and 2000 as well as other demographic and community of interest information to come into that component.

And then from political tabular data, you're looking at election results, voter registration, all of that to help on the

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analytical side of things in order to make sure the districts comply with the Voter Rights Act. That gives a clue of what needs to come together to put districts together. It comes from TIGER files. That's part of the key of implementing a grid-like process and putting that into place to handle this large volume of multi-race data, in particular.

In terms of the geographic data base, you need to have all of those kind of items in there in terms of the regions of the state as well as dealing with your grid mechanism, as well as communities such as Indian reservations, school districts, all of those kind of things, and putting that together.

In terms of grids, we looked at, in fact, what grid lines are available here. But they bifurcate the block boundaries. And that will be one of the key things, being able to allocate block level population to the quadrangles of the grid. So that's part of the data base processing in terms of setting up the system.

In terms of the population data, of course, for the first time we have multi-race. There's 288 columns of data, as I mentioned to you.

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several weeks ago. We've gone through a process of looking at culling down that and putting it into a shorter version. We're now down to about 180 columns of data. That let's us have a wide variety of analytical capabilities of looking at that, both what OMB guidelines talk about, federal regulations, and that sort in terms of use of multi-race.

In terms of communities of interest data base, it identifies households down to a zip plus four level which brings it into geography, the various demographic attitudes, lifestyles, and other behavior in order to look at communities of interest, another way of answering Sandra Day O'Connor's request that we comprehend communities of interest and clearly in terms of the voter registration data and political data, all of that for Voting Rights Act on that side, obtaining the maps and dealing with all that.

We are involved with the State Legislature who has asked us to put together a similar data base for them. I will tell you that ahead of time. So some of that may in fact be available for you. And we would adjust our quote accordingly. After I leave you today I go over

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and meet with them this afternoon. But I just
wanted to let you be aware of that circumstance,
also.

Clearly in terms of the racial block
voting analysis, analyzing polarization,
minorities ability to elect a candidate choice,
we have demographers, political science experts
able to be brought in to prepare reports and what
is necessary for the Commission, front end
analysis, some of the initial analysis, district
competitiveness.

And that's a quick version of the
presentation.

CHAIRMAN LYNN: And we appreciate
that.

Mind capping that?

MR. BRACE: Indeed.

CHAIRMAN LYNN: You've been engaged
by the Legislature to do something similar? If
you'd explain that project to us and explain how
their engagement of EDS to do this either does or
doesn't affect what we do and in what way.

MR. BRACE: They have asked -- they
want to put together a political data base for
their own analytical purposes similar to the kind

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of political data base that we're talking about
for the Commission. We have, as I said, we have
not entered into the final contract signing, but
they have expressed an interest in doing that. I
do not believe that that would conflict with the
Commission. For their purposes, it is straight
data. There is no analysis. It is simply putting
together the data similar to what we've already
proposed to put together for you.

CHAIRMAN LYNN: Specifically, is it
legislative counsel? Is it part of the
legislative --

MR. BRACE: It is the legislative
counsel acting on behalf of all four caucuses.

CHAIRMAN LYNN: Thank you.

Questions for Mr. Brace.

Ms. Minkoff.

COMMISSIONER MINKOFF: Actually,
this is a two-part question, because one of the
things we are very, very concerned about is public
acceptance of the ultimate result.

MR. BRACE: Absolutely.

COMMISSIONER MINKOFF: And also
public acceptance of the process that leads to
that result. One of the things we asked for in

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our RFP you have responded to I would like you to elaborate on, how you would assist us in public comment, public input, identifying and working with communities of interest in the state. Then I have a follow-up. Respond to that and then I'll give my follow-up.

MR. BRACE: We have worked with Commissions before. We are also working with a Commission being set up in the State of Rhode Island where we will be staffing their Commission work. And what we would be doing there is similar to what we would be proposing to do here. They will have a number of public hearings around the state. We would be staffing those hearings and setting them up in conjunction with local individuals. Part of the key in terms of public hearings is probably a several part public hearing process: First of all, to gather information from the community. The key phraseology this time around is communities of interest. The key there is what is the community of interest.

We propose for you the mosaic system as one way of looking at it. But clearly what is also needed is a way that the public can communicate to the Commission in terms of what

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they perceive the community of interest to be. In 
that instance, what we've ended up doing in other 
states and we would propose here is at the 
hearings that you would initially have, to have 
that public comment, we have maps available so 
someone could identify on a map the geography of 
what they believe parish X is or community Y is, 
or so forth, as a way of trying to distill from 
the public what their view is of a community of 
interest.

We've found, and we've done this in 
a number of different states before, sometimes you 
get numerous conflicting different interests of 
community of interest. It's useful to gather that 
so when you get involved in line drawing itself 
you can take that into account.

You'd also be involved in terms of 
your citizens' kit, putting that together. There 
are a variety of different things. We put 
together a citizens' kit in the State of Hawaii 
that is a series of map books that can be provided 
to the general public that has not only the 
geography and a series of maps of the state but 
also the population data at a single geographic 
level. Can't give all of it by census block from
the Census Bureau, obviously, but providing information from that standpoint so citizens in fact can make use of that kind of information and draw their own plans, if they so desire.

We also propose in terms of the proposal to have a public terminal. We have made use of that for the past 20 years and found that to be very successful.

In my earlier version of my discussion with you, we put together more public terminals out in the various universities and various parts of the state. We did not see that in our RFP, so we pulled that out in terms of the current proposal; but we're prepared to put that back in should you decide you want that. It's another way of getting public comment.

COMMISSIONER MINKOFF: My follow-up question, which actually should be here, a little bit on public acceptance of the final product. When here last time, you brought a gentleman with you proposed as being the on-site person to staff this project locally. And it's since been brought to our attention that just prior to coming to work for you he was a senior staff member for a member of our Legislature affiliated with one political
party. Our concern is public perception might be
that there's a bias or a connection with one
political party. Is that staff position open to
discussion? Is there a way you would propose
dealing with that issue?

MR. BRACE: Certainly it's open for
discussion. What I would also be proposing
besides Joel Wilson, how we are talking about this
is I would be out here an awful lot, also. I tend
to have political stripes on other side of the
aisle. We are a bipartisan company providing
services to both political parties. I've been
steadfast in trying to provide that capability.
So it is a balanced capability.

Clearly the redistricting process is
a political process. We recognize that. But we
believe by providing bipartisan support of both
sides of the aisle provides you the best of both
worlds.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: So have you
already started inputting TIGER files? Have you
already started that process?

MR. BRACE: We actually have all 50
states' TIGER files. We have on a daily basis as
the Census Bureau has been releasing population
data have been downloading that and processing
that.

Yes, we do have that -- those
already available.

COMMISSIONER HALL: In connection
with the relationship with Leg. counsel, have you
already received information or information from
them with respect to voting history profiles?

MR. BRACE: No, not yet. That's one
of the reasons for going over and seeing them
later today. They've proposed they have a lot of
data, which is what I discussed with you
previously. That might be a source of
information. That's what would be gathered, some
of that information, to be able to start that
process.

COMMISSIONER HALL: So when do you
anticipate you'll be completing, finished
compiling data for them?

MR. BRACE: They are looking at a
short turnaround time, as are you. If we were to
do something with the Commission, the Commission
would be paramount. In fact, we've talked with
Leg. counsel that we may not sign the contract
with them depending upon the Commission. We would rather work with the Commission than only Leg. counsel, from that standpoint. But clearly in terms of your needs, of the Commission, to be able to analyze, you are going to need that kind of data.

COMMISSIONER HALL: I understood you to say last time you were here you are able to offer a range, continuum of services from full scope to limited scope; is that correct?

MR. BRACE: That's correct.

COMMISSIONER HALL: In the event, hypothetically speaking, you were able to provide services for Leg. counsel, you'd provide that for us, also?

MR. BRACE: Clearly, if retained for us by the Commission and the Commission gives the okay and we did something with Leg. counsel, we'd be providing it to the Commission. It's very -- it's a data base you are going to need anyway. I think Leg. counsel saw they also wanted it. We're prepared to first prepare it for you, from that standpoint, and then you would be in the driver's seat of whether or not you want to give it to Leg. counsel.
COMMISSIONER HALL: I understand.
In any event, you are probably going
to prepare it anyway, regardless of what we're
going to do?

MR. BRACE: Yes.

COMMISSIONER HALL: I wonder if
you'd let us know, granted we don't know what
we're going to do, either, whether you can let us
know what we can receive a copy of that data base
for only, with respect to the specific data
itself.

MR. BRACE: One of the things
following my presentation to you last time, I did
go over to meet with them, because they wanted to
meet with Joel and myself in terms of the data
base. And I told them of your desires and your
needs of having that and said, you know, if the
Commission goes ahead and does that, then are you
going to provide the data that you've collected?
And the indication back to me was positive that
they would, certainly in terms of at least the
beginning points. Now, if they went forward and
built it, I would think they would also end up
providing it. But, you know, you are talking
about more than likely your needs coming first and

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putting it together. But having that raw, having
access to that raw data that they have already
compiled, they haven't keypunched it, they haven't
mapped the remaining parts of the state. All of
those are something that would be necessary. But
it would be necessary from your Commission
standpoint, too.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: In the
presentation, it seemed to be heavily weighted
toward system setup, system software, system
process. And it almost appeared as though now and
in your previous presentation it's up to us to
draw the lines and data is crunched out to the
bottom. My sense is we want to provide criteria,
direction, goals, and have the manipulation, I use
that term -- management of the data -- the
management of the data come back from a
statistical base.

The data base you're doing for Leg.
counsel, to me it's numbers that are --

MR. BRACE: Numbers are there.

COMMISSIONER ELDER: How does that
all fit together with what our needs are, having a
defensible, reflective process?
MR. BRACE: Clearly, from what you have proposed in the RFP, we recognize that and are prepared to provide that, providing services, being able to provide, draw, present ideas to you with staff people out here working with you and working with the data base once it's put together. All of that, we're totally prepared to be on site and draw for you, with you, to present to you, whatever the case may be.

In the state, for example, in Rhode Island, we have the process with their Commission where we're drawing districts and will be presenting ideas to the Commission, as far as different concepts, based upon the public input, again, from the public sessions, and that sort of thing; where the Commission, as you have said, and as you have said in your proposal, you would be looking at, in essence, finished plans or rough plans to give you concepts of where things are.

Yes.

CHAIRMAN LYNN: Mr. Brace, thank you again for being here.

MR. BRACE: Thank you, Mr. Chairman, members of the Commission.

CHAIRMAN LYNN: We'll invite you to

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have your meetings with whomever. We'll be at
this until sometime this afternoon and welcome you
back whenever we next go into public session.

May we next have Maricopa County.

MS. OSBORNE: And we have Tim
Johnson.

Mr. Chairman, members of the
Committee, I'm Karen Osborne, Director of
Elections for Maricopa County.

We have Tim Johnson with us.

As you see from information given
you, if you chose to have your own hardware,
internet system, your own hardware, Scott Brown is
here. Scott used to be on our staff. Scott put
in to be the web master for that portion.

What we'll have Tim do is his
presentation and then be happy to answer any
questions you have.

MR. JOHNSON: Thank you for having
me here in consideration for our proposal.

I'll recap what we did in our
proposal and show you things live. I'll leave it
up there.

So what we've proposed to you is
sort of very similar to what you've heard before

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in that I would become, for the most part,
attached to the Commission as a full-time staff
member and assist you in the mapping portion and a
lot of the technological issues you'll run into
and data issues. I would not be consulting you as
far as Title Section Five issues of the Voting
Rights Act or so on. I would be assisting in your
submission as far as preparing reports, maps, and
paper that needs to be done but not any of the
arguing or justification or data that supports
someone else's justification or justification
itself.

We're also proposing to prepare for
the Commission an internet site which would
contain some elements the public may want to see,
meeting notes, meeting minutes, information on how
things are going to proceed, the processes for
providing input and feedback, and when the
Commission goes out to public meetings, where
those are going to be, et cetera.

We also are proposing to provide an
on-line mapping component to allow the public to
visit the Commission's website and see the
Commission's current plan, see districts as they
are now, basically have the freedom to evaluate
the plan as they see fit, find their house, see
what district they would be in, any kind of
freedom that they would so choose.

Some other things we're proposing is
creation of a citizens' kit and participants' kit.
I'll explain quickly the difference. A citizens'
kit, the Commission creates a draft plan, goes
out, the public wishes to review it, maybe
aren't -- wouldn't want to see it on the internet,
something that could be sent out, an informational
packet with numbers the plan would contain,
district boundaries they could view and comment on
in paper format.

Participants' kit is for anybody
interested enough to actually want to submit a
plan which according to the Voting Rights Act they
would have every right to do. It would be either
a paper map and/or a software program that can be
distributed to them and very intuit and
easy-to-use to create their own plans or even
download a plan that has been created and either
view it, modify it, you know, have freedom to
analyze it, however they wanted it, however
they're capable and saw fit to do.

And again, the other thing we are
proposing is the creation of all -- many of the
data sets that you'll be needing throughout your
task as the Redistricting Commission as it
progresses.

Some of that goes from making sense
of the census data, reducing it from about 299
fields of demographic data with multiple race
responses down to about a dozen fields you can
easily understand using that by standards that
have been established for that process, compiling
into blocks, tracts, and geography that have been
established for geography and a mandate for
creating a grid-like pattern.

We also proposed, I cannot perhaps
create a grid-like pattern, but I can perhaps
identify features suitable, straight county
boundaries that exist, streets, roads straight
enough to be considered a valid boundary for a
grid-like boundary.

With that I'll go ahead into the
live stuff.

What we created is a prototype
website for the Commission. And hopefully I can
get into a little more -- it's jumping right past
the screen. Well, we'll see how well I can do

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this with minimal adjustment here.

MS. OSBORNE: While Tim is working on getting that set up so we can display it on the screen, one of the things we have done and are offering is to host an internet site. Tim has the internet set up, actually the -- in a home page all the information for the public they may want to see: The act as passed, maybe they don't remember what they voted on, in English and Spanish. Also able to see a little story about each of you. Just gleaned that from we what got in the newspaper. It may or may not be accurate. I know if you guys got it wrong, we got it wrong. We also have --

CHAIRMAN LYNN: Karen, Mike is leaving.

That's not our brightness, I hope, the brightness of the monitor, not making a comment how bright we are.

MS. OSBORNE: No. We think you all are very, very bright.

And we have different things on here --

Go ahead, Tim, when ready.

MR. JOHNSON: I'll work with it how

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it is.

Understand obviously the screen wouldn't be cut up as it would be. It's fighting with me.

A prototype website was created. General content was created and we threw this in there as an example. Whether that's the final cut, as it were, it probably isn't, but there's some general links we have over here for you.

For example, an information link. I created a sort of logo just to have something there as a place holder; mission statement; and as Karen stated, we figured they may want to know who the Commissioners are.

MS. OSBORNE: But that's meant in the nicest possible way.

CHAIRMAN LYNN: Had to be mine, didn't it.

MS. OSBORNE: It gets worse.

MR. JOHNSON: They all have certain -- in the absence of real photographs of the Commissioners, I just used these.

Biographical information is pulled out of the Arizona Republic. The rest of it I don't really know. That can be inserted later.
Commissioner Hall.
Commissioner Huntwork.
Commissioner Minkoff.

So --

COMMISSIONER ELDER: I think there's a political bias going on.

COMMISSIONER MINKOFF: I think I got treated the best.

MR. JOHNSON: Other links under informal topics. I haven't inserted that.

I have inserted the entire text of Proposition 106, if they want to refer to that.

Inserted general frequently asked questions.

If I get can get the scroll bar, there are about six of these in here.

CHAIRMAN LYNN: Tim, we understand generally how a website would work. Rather than going into details . . .

MR. JOHNSON: I'll show here quick the Spanish, in Spanish as well.

MS. OSBORNE: They want to ask questions.

MR. JOHNSON: Okay. And of course --

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With that, I'll open it up for questions.

CHAIRMAN LYNN: Thank you. If you'd cap the projector for me.

Questions for Maricopa County.

Mr. Huntwork, or Mr. Lincoln.

MS. OSBORNE: We couldn't resist, Mr. Chairman.

COMMISSIONER HUNTWORK: Of the data we will need, precisely what data would you not be able to provide for us?

MR. JOHNSON: Chairman, Commissioner Huntwork, data we're not able to provide is historical election returns and registration data. That data is -- doing just that, we could do it, it's not beyond our capabilities, but the time involved would just be exclusive to doing other things we do.

COMMISSIONER HUNTWORK: As a quick follow-up, other data, how would you be able to compile?

MR. JOHNSON: Other data, most of it is already done, actually. I've already -- I've already aggregated the data, the multi-race. That's been done. I've attached it to the census

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geography, not all the layers, most of them,

Metropolitan statistical, not some of them you

won't be concerned with right away. Census data

has already been converted from text to give you

two tables you can work with. The one hole that

still remains is the precincts for seven counties.

I can recreate that, am certainly willing to do

that. It has to be dealt with in some fashion.

COMMISSIONER HALL: I didn't

understand that. "One hole."

MR. JOHNSON: The one hole that

doesn't exist, is not in our possession, is the

voting precincts for the seven counties that

didn't insert them into the census data.

COMMISSIONER HALL: Leg. counsel has

that.

COMMISSIONER MINKOFF: Leg. counsel

has that. If we gain access to that, is it a

simple thing to plug in?

MR. JOHNSON: Very simple.

CHAIRMAN LYNN: Other questions.

Mr. Elder?

COMMISSIONER ELDER: Tim, you made a

comment, aggregation process, reduced fields from

280 down to 12. That would seem to tell me you're

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doing to some extent refining, defining, or making
things vanilla to where we don't have specifics.

What was the process? What criteria did you use
to reduce down to 12 fields?

MR. JOHNSON: Chairman, I followed
the OMB bulletin to that effect. Direction was
given a few months ago on how to deal with
multi-race data. People responded one race plus
another. And aggregation, what it does, to some,
is people responding one race, puts them into that
group of a race. For people who responded as
white plus another race, puts them into the other
race. And then people who responded not white and
not white, and obviously did that six times, six
races not white, puts another category, other
multi-race. According to the bulletin, they
expected the percentages to be very low, thought
it acceptable, however did want access to it in
case a large grouping of certain races did want it
available to analyze it that way. It still is,
but it's now by aggregated 12 fields, put into a
format one can make more sense of.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: A question on
the interactive website. Are you the person to
ask or ask Scott, ask him?

MS. OSBORNE: Yes.

COMMISSIONER MINKOFF: We've heard from others that you can have your own website or you can plug into an existing website. Can you summarize for me very, very quickly the advantages or disadvantages of either one of those?

MR. JOHNSON: Chairman, Commissioner Minkoff, the advantages of plugging into an existing website are you do not purchase your own website server, maintenance staff. You get going quickly. Disadvantages, the number of internet companies, it's 10, $15 to be on the internet. What you can do with the internet is not nearly as extensive as what you may want to do in the course of your duties.

COMMISSIONER MINKOFF: So an independent website gives more capabilities.

MR. JOHNSON: Allows you to control. You're absolutely in charge of what you are doing.

COMMISSIONER HUNTWORK: When you describe having your own, Maricopa hosting it, we'd have the capabilities you're talking about, correct?

MR. JOHNSON: Chairman, Commissioner

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Huntwork, that's correct. We are proposing to set up for you almost your own website. There are a few restrictions in that, for example, after-hours access would have to be worked out, stuff like that; but it would still be very capable to have functionality, on-line mapping which would be nonexistent, virtually nonexistent, in another established site.

COMMISSIONER MINKOFF: That's what you are proposing?

MR. JOHNSON: Yes, it is.

COMMISSIONER HUNTWORK: Follow-up question: How much would it cost us to buy our own equipment, set up our own independent website in our own headquarters, complete the job including power back-up, high speed transmission lines, whatever else, hardware, software, everything else?

MR. JOHNSON: Chairman, Commissioner Huntwork, I believe the estimate, including on-line mapping is $24,000 plus the cost to service, to set it up under our proposal provided by Mr. Brown.

CHAIRMAN LYNN: Tim, Karen, thank you very much.
MS. OSBORNE: You are welcome.

CHAIRMAN LYNN: We'll be back in public session this afternoon. After all the presentations, we'll go into executive session then be back in public session.

MS. OSBORNE: Thank you very much.

We appreciate your time.

CHAIRMAN LYNN: May we have Mr. Pollack?

Do you have visual aids?

MR. POLLACK: No.

CHAIRMAN LYNN: Before we begin, ready?

Ms. Minkoff.

COMMISSIONER MINKOFF: I just want to disclose for the record, I do have a business relationship with Mr. Pollack. I invested in one of his real estate partnerships. He testified in a case involving the real estate partnership. He was a plaintiff. I was a plaintiff in the real estate partnership. I don't think it has bearing on this proposal or my ability to evaluate.

CHAIRMAN LYNN: Mr. Pollack.

My name is Elliott Pollack. I brought Tom Broderick and John Lenio. They'll
address you momentarily.

My company, Elliott D. Pollack and Company, is an Arizona-based economic consulting company with an element of demographic consulting. We've been involved in the Arizona economy since 1969 and, quite frankly, have more experience in what goes on in Arizona than any group of people around.

We are -- our staff includes economists, demographers, GIS experts.

Our clientele, both public, private, range from most cities, Maricopa County, for which we are the economics department, down to doing large data base projects and GIS projects for US Steel, Crown E. Pension Plan, to something as foreign as New York Sports Club.

We are again here representing ourselves as somebody who has the broad capability to do this and has probably more local knowledge than anybody to address you today.

With that, I'll turn you over to Tom Broderick.

MR. BRODERICK: Thanks, Elliott.

Good morning, Chairman Lynn, members of the Commission.

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I thought I'd take a couple minutes to speak about our approach. We've looked at documents, done research, and it's very straightforward to us for us to say we'd proceed as directed and instructed.

We understand Arizona has a lot of existing building blocks to work from. Those can be school districts, natural or physical physical barriers, city boundaries, county boundaries, and of course we understand there's also this goal of a grid-like pattern. We would be working with you to balance all of those. We would be working with you to understand some of the priorities.

I'll speak a little bit about how we see that. That's a process issue. Obviously we think that Arizona knowledge is important to the success of this project, both economic, demographic, and simply what you get from living here.

I'm a native. John is native. Elliott has been here so long, I think he feels like a native.

We're willing to help the group reach a consensus. We'd work for you. I think we can work well with attorneys, with the press, if

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you would like us to do that. We're happy to prepare presentations. We do that for a living. We can portray a positive, credible image for you. Just to talk a little bit about some approach type issues, we take very seriously the requirement to balance the population in the districts, whether it be legislative or congressional, and see that that will have pretty significant impact on where we're starting from. Some data we have from 1991 suggests if we take the 5.1 million people in Arizona, you have about 170,000 people in a balanced legislative district. That will require some pretty big increases in urban centered districts and actually have some outlying legislative districts according to information we have that more people than that in 1991. The balancing of that will have an impact. We take that significantly, more significant than balancing. I'll turn it over to John. He can talk about the technical side.

We looked at the trend, congressional maps three times. We see districts being urban or rural. Looked like it moved in 1990 to mixed urban and rural.

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Maricopa County is essentially broken up into five districts. Maricopa County is both, mixed, urban and rural. Maricopa County is 63 percent of the population of the state. So we would be asking you, we have a slight preference for breaking, approximately, Maricopa County up into four congressional districts. It looks like an urban district centered around a Tucson balance would be a rural district; a couple, two, three rural districts. We would be asking, would a Congressperson be willing to have a very large rural area, could cover a lot of counties in the north part of the state? We would be working with you trying to prioritize those.

Looks like some of the school districts, there are a lot of school districts. And that looks like good building blocks. Could be a decent place to put extra weight. Might get a big part of the process toward getting a more grid-like pattern.

I'll close by saying that we think of this as a very scientific kind of process, think if a similar group of people received identical sort of instructions from you, more or
less, you'd get the same kind of result. That's how we approach it.

We do see there could be several good scenarios to go from where we are today to where you'd like to be.

With public comment, we'll ask questions. Do you want the public to have more than one scenario? Can the public handle more than one key? Can they handle a second one? We'd be in a position to produce several good scenarios. It's a position do you want provide more criteria, narrow the search.

I'll turn it over to my colleague, John Lenio, for the latter part of the presentation.

Thanks.

MR. LENIO: My name is John Lenio. My primary expertise is data base management along with GIS software. With the advent of computers over the last 10 years, analysis basically required for this process has become very much streamlined and has become very time efficient and more accurate.

With that in mind, this process compared to 10 years ago, 20 years ago, is much

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less laborious, which is obviously a plus.

We view this project as very a straightforward data base project combining advances with the mapping or GIS software. This is very important, because it eliminates a lot of duplicative work along with efficiencies.

We are qualified to capture all these efficiencies available with the computer software. Our specific approach is we would use software called Arcview and autoBound, nationally recognized software specialized with the redistricting process.

We have extensive previous experience with mapping programs, so this is just an everyday event for myself and for my colleagues. So this is nothing new in terms of the analysis nor the software. It's a very straightforward approach. And everything we have done for -- over the last few years, particularly what we will use the software for, is it will be combined with the census data as a tool for drawing the boundaries based on the guidelines established in the law as well as guidance from the Commission. This is how we plan on approaching redrawing the congressional and

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legislative districts.

In addition, we also share the Commission's view that the public should have immediate access to information about the Arizona redistricting process. And we feel that we have an ideal solution for you. We propose to use our company's own website, arizonaeconomy.com, Arizona spelled out, and provide a special section on the website offering an overview of the process, indicating using it for drawing the maps and throughout all public meetings as well as offer public comment on our website very live.

Advantages for this is it's an already established website, which is much more time effective from a time perspective than building one from scratch. The website name itself is directly related to the process as a whole. The website name is recognizable and marketable.

This is how, as I just generally described, how we plan on approaching keeping the public involved, attacking analysis involved for redrawing the boundaries.

As well, I want the Commission to know I have extensive technical expertise.

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regarding any technical questions or any technical
obstacles that we may come to throughout the
process, throughout the next six weeks or even
next few months, we are quite capable of doing.

I want to assure you that everything
can be taken care of to the full extent possible.

To wrap up, I wanted to pass it over
to Mr. Pollack.

MR. POLLACK: Again, we appreciate
the opportunity to be here. I want to end by
saying we really would like this work. It's the
type of thing our company was designed to do.
We're local, easily accessible, here all the time.
In fact, if we have a major strength with the
companies here, it's that we are so accessible.
So, essentially, we're eager to please in terms of
getting back to people.

And with that, I would be glad to
open up to questions, if there are any.
CHAIRMAN LYNN: Thank you,
Mr. Pollack.

Questions?
Mr. Elder.

COMMISSIONER ELDER: What is the
history or experience in your firm in dealing

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with, I guess a whole series, DOJ, DOJ submittals, basis of challenges to DOJ, and the law aspect?

MR. POLLACK: Want to handle that, Dan?

MR. BRODERICK: We responded to the scope of work fairly narrowly. We didn't add legal resources to the project. I think we'd be asking for direction from you. We understand you have hired legal resources. There might be some additional available. We would be wanting to work as part of the team in addressing that.

CHAIRMAN LYNN: Mr. Huntwork.

MR. BRODERICK: We didn't bring legal resources. We didn't see that in the scope of work.

COMMISSIONER HUNTWORK: One of our concerns is how quickly can we get all the data we need to have access to set up in the way we need to look at it. Do I understand you already have that done or is that some additional inputting? How would you handle that? How quickly would it be handled?

MR. LENIO: First off, we do not have anything set up as of yet. Since we have worked on this type of work before, we know
exactly what it takes to put everything together. My estimate, you know, to have all the data and all of the mapping software ready for either our use or the Commission's use is we could do it within a six-week time frame very easily.

MR. BRODERICK: We understand census data is available to Arizona. We need, wanted a green light that the data base is -- we understand in the State of Arizona it is available officially. We don't want discrepancies. We're ready to start downloading that.

MR. POLLACK: To download that is a technical process, very short.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I'm trying to get a handle on the response. Are you proposing by your response that you would do all of the technical consulting work for the Commission, that you would do a piece of it, or that you would do either/or at our pleasure?

MR. POLLACK: Essentially either/or. We would essentially bring additional expertise if needed to, especially technical expertise, but we can do either/or. We are capable of doing it. If we felt we needed additional expertise, we'd

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immediately bring that on. There are people available, for example, Mr. Fennemore's firm. And we -- that will be part of the process. The object is to get this done in a timely manner as correctly as possible and with -- in such a manner that -- so you have as little grief as possible.

MR. LENIO: Just add to that, since we have such extensive experience in the Arizona economy, for example, we have access to the resources and we can make the resources, any resource we need available to accomplish the task and overcome any obstacle that comes to the surface.

CHAIRMAN LYNN: Recognizing that when we're dealing with data analysis and even to the extent of mapping that the technology can be used for a variety of purposes, and technology is applicable to variety of tasks, we have a specific task in mind. With that in mind, let me ask the question: Has anyone connected with the proposal specifically done any redistricting for any entity, however small or large?

MR. POLLACK: The answer is no, we've not done redistricting.
CHAIRMAN LYNN: Thank you.

Any other questions?

Gentlemen, thank you very much.

(Recess taken.)

CHAIRMAN LYNN: Computer Management Services is next, and they're not with us quite yet.

Mr. Fennemore.

MR. FENNEMORE: I'm Harry Fennemore representing the proposal submitted by Computer Management Services.

Before we get into that, I look at the Commission members sitting here and want to thank you for being willing to take this job on. I looked at the job myself when they sent out the request from the Committee on Judicial Qualifications and thought, "Gee, it would be a lot of fun," then said, "Uh-huh."

You have my thanks. When done, I'll still be thanking you.

COMMISSIONER ELDER: You are just smarter.

MR. FENNEMORE: My company is proposing the talents and expertise of three individuals, myself, James Merritt, and Vern

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Mr. Merritt and his family owned roughly three-quarters of the company; I owned an eighth and our partner owned an eighth; and we got a contract to do the '81 reapportionment, the first one to be approved without litigation, a record we're proud of.

If you look at the districts drawn in '81, we did a good job. We did not connect little, tiny disparaging groups together with pipelines and some of the things I look at on the '91 reapportionment and shake my head.

We're involved because, one, we want to do a good job. After 20 years, you forget the bitter, you remember the good, and you say, hey, this could be the time to do a good job for the State of Arizona.

The talents of the three of us blend very nicely for this project. Vern, as I said, has cartography experience. He was in the state.
cartography department, retired in 1995, has no conflict with being in state employ at this time. He has experience not only mapping all districts but working with the various counties which have to supply some of the underlying data.

In that respect, I'd comment one of Vern's talents is he knows people at the lower levels. If we need information on one of the counties that did not participate, for example, with the Census Bureau, Vern probably knows the guy to talk to in that county.

We bring the experience of having done these reapportionments. We bring knowledge of the State of Arizona, the idiosyncrasies that exist in the state. While not completely unique to Arizona, but they are a problem.

Indian tribes in Arizona are not just Indian tribes. They are different. Some do not want to be in the same district as some of the other tribes. We recognize that. Some geographic areas are more closely knit than others. If you draw a line dividing them, they're going to get upset. Now, you may have to draw that line anyway and make them upset. At least we can tell you before we move them. Stafford is a close-knit

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community. If you is divide Stafford down the middle, they'll complain. This is knowledge I like to call institutional memory.

We were there. We've heard some of these stories. We'll provide that expertise and experience to the Commission.

All of the people that I have proposed using on this project, the three of us, have worked on political campaigns in the past to some extent or another, but we have worked on both parties' political campaigns. I've worked on Democratic campaigns, Republic campaigns. Jim Merritt worked on both campaigns. Jim Merritt was an aide for Bob Stump when he was a Democrat and also when he was a Republican.

We've worked together on many projects over a long period of time. I've known Jim and worked with him on projects since sometime in the 1960s. Vern has worked with him on other projects for about the same length of time. So we work together well. We have a wide circle of friends and acquaintances and business acquaintances in this state we can go to and say: I was wondering about a particular question. It doesn't matter what it's on. If it's a question
about computer networking, I know some of the
people that know far more than I know that can
tell me an answer if a simple question.

We're not going to do is come out,
set up your network. If want a network, you will
tell me, "What is the best network?" And we'll
tell you how to do it.

I think that one of the things that
we're looking at is we don't want to do all of the
work that is involved in this project. We want to
consult with whoever does the work and with the
members of the Commission. I envision us being an
interface between the two, simply providing
expertise, exposure to both sides about some of
the problems that are going to crop up no matter
what we do.

One of the comments that was made
earlier was about all the consultants outside.
Years ago when I was with IBM we always called a
consultant anybody out from out of town with a
briefcase. There's a lot of that out there.

We're trying to consult, not from out of town.

My family goes back longer than I
care to think about, post Civil War, in the State
of Arizona. I think we can provide some of that

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information which can help and hopefully get the whole task over with in a more expeditious manner. If there are any questions, I'd be happy to answer.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: The -- as you correctly point out, we have a wide range of needs that are going to be filled, we call it the consultants we are talking to. One of the key needs is just compiling data and being able to manipulate the process, and so on. Would you describe what capabilities you offer in that regard or --

MR. FENNEMORE: In terms manipulating the data, basically you look down the 174,000, roughly, census blocks, and start drawing lines, manipulating the data. It's a matter of somebody moves a line, and if moving that line, it causes that district, you are affecting two at a time, to start deviating populationwise. You get a ripple effect. If you move one little census block and the census block happens to be, as we happen to have in Arizona, some big population census blocks, we have square miles in Arizona that in '96, '97, when the Census Bureau made out

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the lines for the census blocks, nobody was living there, hardly. Now there's 3,000 people in homes. And you start moving that line, the expertise we bring to it is: Hey, guys, that is a big census block. If you move it, you are moving too many people at a time. Move some other direction. Or plan on moving all the way across it, bring the other lines in, somewhere, and go pick up some census blocks that have small populations. The granularity of census blocks in Arizona is probably not unique to in the United States but it's a real problem.

CHAIRMAN LYNN: Ms. Minkoff.

MR. FENNEMORE: Go look at Anthem. Anthem has 700 people on the census data. Right now 3,000 people are there. By election, there will be five.

COMMISSIONER MINKOFF: I'm trying to get a handle on your proposal.

MR. FENNEMORE: Okay.

COMMISSIONER MINKOFF: It appears you stated you want to be one of the technical consultants rather than the technical consultant.

MR. FENNEMORE: That's a true statement.
COMMISSIONER MINKOFF:  You want to do quality control management. And I see this chart you have on page two of the proposal where you have different technical managers doing the mapping, doing data input, and dealing with the hardware and software. And yet on table two on page 10, you have, under your area of responsibility, developing Power Point presentations, helping us with public meetings, soliciting citizen input, et cetera.

Would you help me get a handle on what piece of the job your firm would do, what piece of the job others would do?

MR. FENNEMORE: The answer to that basically is I would anticipate our firm not doing any piece of the job, simply working with people that are doing the work and working with the Commission and Executive Director and attorneys in making sure that job was done in an expeditious fashion. And I don't -- by that I'm not saying we're going to just come in for five minutes and leave. It's an ongoing process.

When you start moving these lines, and you will have to move them, there's no question about that, the ripple effect just --

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it's wild. You move this line because, and the
because can be any one of a number of reasons.
You want to move the line to accomplish some
ethnic group that has been split, but you now
ripple it all over. And when that happens, I
would anticipate that we will be there, we will be
available to say, "Hey, guys, yeah. You move this
line because, now the rest of these things. And
this solution you have come up with is not optimum
because one of the effects is we have combined the
Hopi Tribe and the Navajo Tribe into the same
district and they're real close to going to war
with each other."

COMMISSIONER MINKOFF: Let me ask a
follow-up question then. On this table number
two, you've listed "Subcontractor for preparation,
deployment of Power Point, as well as conducting
public meetings," another one, "technical managers
for hardware, software, and cartography." Are you
proposing you engage those people and supervise
them or we engage the people and supervise them?

MR. FENNEMORE: If you'd like us to
engage them, we'd be happy to do that. You
listened to a lot of people and are in a better
position. I don't want to go through it. If
that's desired, frankly, there are some people out
there that have not bid on it that if requested
might be willing to do it who would be very good.
There are some people that I've talked to that
have bid on it, also very good. I don't want to
be in a position of seeming to favor somebody or
another.

Basically, if we went and hired
enough people to do the job and keep our own
businesses running, we did not want to undertake
that kind of responsibility.

One of the things that happens in a
project like this is we're going -- we're going to
not be able to satisfy some of our existing
customer base. Jim Merritt, for example, has a
marketing research company, conducts polling all
the time. And we're going to get tied up and he's
going to have one of his clients say "I would like
to poll the State of Arizona on whatever it might
be." He'll say, "I can't get it done for three
weeks, four weeks, five weeks," and they'll go
somewhere else. But what we didn't want to get --
if we do the whole thing, we stop that business.
We stop his polling business; we stop my data
processing business; and when it's all over, now

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we have to go over and start up our business
again. And it's tough.

COMMISSIONER MINKOFF: Or wait 10 years.

CHAIRMAN LYNN: Mr. Fennemore, would it be fair to characterize, I know it's an oversimplification, I'm trying to get a handle how the pieces fit together. Would it be fair to characterize our engagement of your proposal as buying institutional memory?

MR. FENNEMORE: Yes.

CHAIRMAN LYNN: Against which we could judge work done by others against a number of years of doing this kind of work in Arizona?

MR. FENNEMORE: I think that's a correct statement. And that institutional memory, as I say, is an excellent track record. We did it in '81. If you look at the '81 maps, they look good. Yes, there's some jigs and jogs and some members of the State House and State Senate that wanted a particular campaign contributor in their district that got their way, but we did I think a good job. The fact the Justice Department came back and said you are cleared, which was the first in the nation to be cleared, says we did a pretty
good job.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Talk about institutional memory and access. You made a comment you were also involved in the '91 or '90 process.

MR. FENNEMORE: The involvement we had in both the '71 and '91 was Vern Booth's involvement as a State employee in doing cartography.

COMMISSIONER ELDER: Okay.

MR. FENNEMORE: He was doing mapping. While sitting around waiting for them to say "Wait, go move this line to here," waiting around, he was engaged in some of the discussion. Politics was a little heavy in '91.

Part of the reason we were successful in '81 is we were independent. We were kind of like the Commission. We got a contract with the State of Arizona to do the job. And they appropriated the money. And every time somebody in the Legislature would come in and threaten us, we'd say, "Hey, we have a contract. You've already appropriated the money. How are you going to fire us?"
We could ignore -- they had a procedure. Legislative people could come forth with ideas. Not a lot of incumbents faced problems from others in '81 or '82. We were not adverse to sitting down, showing incumbents what would happen.

I had a situation with Yuma representing Sun City West. Beautiful looking in Sun City West, beautiful looking district tied together through the Gila Bend Gunnery Range. Looked good on a map. He looked at the Sun City West people and said, "Oh, I don't think I want that to happen."

CHAIRMAN LYNN: Mr. Fennemore, thank you for your submission. I invite you to come back this afternoon and partake in the public discussion.

MR. FENNEMORE: Thank you.

CHAIRMAN LYNN: Thank you.

The last presenter this morning is going to be Mr. Sissons.

I'm wondering, we can probably do a couple things. We can advise the public at the conclusion of the last presentation we are going to do two things simultaneously. We're going to
take a break. During that break, we are going to have an executive session for the purpose of discussing matters related to these proposals that are not appropriate for public discussion, among them, pricing and other issues. At the conclusion of that executive session, which will run concurrently with lunch, we'll come back to public discussion of proposals heard this morning. So you can plan your activities accordingly.

What you may want to do, Mr. Ochoa, is make arrangements to have sandwiches or something brought in to make the executive session a working lunch and work through it, in the interests of time.

Mr. Osterloh, we cannot entertain questions.

MR. OSTERLOH: I was wondering when to come back, the time.

CHAIRMAN LYNN: We'll try to make it regular, make the executive session an hour, 12:00 to 1:00, or thereabouts, whenever the break occurs, will be approximately the time.

Okay. If we can have Mr. Sissons.

CHAIRMAN LYNN: Mr. Sissons, good morning.
MR. SISSONS: Good morning, sir.

Shall I get started?

CHAIRMAN LYNN: Whenever you are ready.

MR. SISSONS: Thank you very much.

Chairman Lynn, members of the Redistricting Commission, I greatly appreciate you inviting me here this morning to make this presentation. My name is Tony Sissons with Research Advisory Services in Phoenix.

CHAIRMAN LYNN: If you'd try to project.

MR. SISSONS: I'm sorry.

CHAIRMAN LYNN: That will only help a little. Project more, if you could.

MR. SISSONS: I'll try to.

What I would like to do is quickly go through a little bit about my firm and then talk about some of the -- highlight some of the activities I propose in our proposal. And really that's it. So --

Let me tell you that we're a locally-based geodemographics consulting firm which I started in 1987. About 70 percent of our work since then has been for state and local

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government agencies and for school districts. The work that we do involves a lot of analysis and research and evaluation. We don't sell hardware or software or data or maps. We're basically -- we bill for -- our billings are almost exclusively professional consulting hours. I call myself a geodemographer. That's my way of thinking. That's a specialty of analyzing socioeconomic data in small areas, census blocks, traffic analysis zones, voting precincts. Of course, to analyze very large sets of data about very small chunks of geography, you have to use a geographic information system.

A lot of our work is GIS enabled. Not all our work is election systems. Recent projects: A business location modeling for a retail chain. We developed the models that the Arizona School Facilities' Board uses in evaluating enrollment projections. And we've analyzed the effects of welfare reform in -- on the economies of local -- of rural communities in Arizona. But really, since 1990, redistricting has been one of the mainstays of our work. And here our experience goes beyond just the computer mapping aspect of things.

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I've maintained a library of redistricting court cases throughout the decade. I've attended redistricting conferences sponsored by the National Conference of State Legislators and the Census Bureau. I've advised legal teams and election officials on the data technical aspects of the Justice Department and Census Bureau rules. I've served as an expert witness on district demographics and statistics. And in 1991, I was one of the two consultants appointed to assist the federal three-judge panel when they took over drawing Arizona's six congressional districts.

But, as I said to you in my proposal, lest you think that I'm all advice and no performance, I, during this decade, I have drawn nine local government districting plans. And every one of those nine has been precleared by the Justice Department on its first submission. So I know the practice as well as the philosophies.

Now, as we're proposing in this, in our proposal, for this engagement we consider this as much a process as a product. We're proposing to function as if we are your temporary,
self-contained, self-sufficient special purpose technical staff. And that approach really evolved from my company's way of doing business. We try to give a great deal of attention to a limited number of clients at one time.

The kind of second major precept of my firm is meeting deadlines. You know, in this context, probably more than any, the show must go on. There can't be any excuses from this quarter as to why deadlines have been missed.

And the third factor is to basically exceed clients' expectations. That's -- Those three principles have kept me in business, kept my firm running, and given me a lot of repeat business. And, you know, I want you folks to invite me back in 2011.

I want to do a good job.

Let me get to some specifics about this assignment. I'm not going to detail each proposed task in my proposal. I want to highlight some of the specifics in issue areas.

About meetings, most of the time I will be the team member attending meetings of the Commission with staff or even with individual commissioners as you have a need to individually

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examine the way particular neighborhoods could be
divided or, really, any time that you need some
one-on-one time with your technical consultant. I
probably will be -- well, I will be the person
providing that assistance and, really, with just a
little bit of advance notice that will be where
and when you want that to be.

Let me talk a bit about the precinct
maps for those non-phase two counties. I know
this may sound a little strange, but those are the
ones the Legislature paid Maricopa County to
prepare. And you may have already talked with the
Legislature about acquiring those data files.

Have you?

CHAIRMAN LYNN: We've made that
request.

MR. SISSONS: Well, my comments may
be a little moot then, in that case, then. In my
proposal I'm suggesting if you do have any
problems getting those files from the Legislature
in a timely fashion, there are a couple of back-up
plans that I talk about, which I won't go into at
the moment.

Let me talk a little bit about the
districting principles of the starting grid. In

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our proposal, we're recommending the Commission
categorize, certainly the ones mentioned in the legislation,
compact, contiguous communities of interest, et
cter, also take look at principles used at the
state level throughout the country in other states
just to basically establish a good public record
of the Commission sort of looking at and
discussing all of the districting principles in
the context of Arizona's rather unique geography
and population; and, basically, then, the public
record would reflect your affirmative rejection of
those principles that you don't feel are part of
your responsibilities under Proposition 106; and
also basically you are on record as sort of giving
some order or precedence to those that do remain
on your list.

In -- just to talk about the
starting grid for a second, in prior meetings
we've heard people characterize the starting grid
as some sort of oppressive barrier to getting
started with the redistricting process. I feel
that that grid imposes no greater barrier than any
other sort of start-up instructions. One nice
thing about that grid is that it undoes what is

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described as -- what is called the starting point bias.

Anybody who has ever done redistricting soon finds out that where you start drawing districts has a profound effect on the resulting overall map, and especially in terms of how many districts end up in particular metropolitan areas. With the starting grid, in essence, mappers are, in essence, starting at 30 places at once on the map, or in the case of congressional, eight places at once. That really does undue that starting point bias.

Zipping through here as fast as I can. I haven't really watched the time.

On the matter of reviewing plans submitted by others, as plans are received from citizens, from advocacy groups, or even from the Legislature, we're proposing to incorporate them or digitize them into the software for analysis or submit a plan report, giving a submitted plan report on plans.

We're recommending no limitations be placed on the form or medium of the maps submitted. If people want to turn in files from their GIS or sketches on the back of a restaurant

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napkin, fine, send them in. We'll deal with them.

10 years ago, I analyzed about 30 plans submitted by 22 different organizations, and many of those were simply plan fragments just involving one or two districts. So one of the other analysis issues we had to look at was how well those plan fragments will fit into a statewide plan.

Okay. I'm going to wrap up quickly now.

Our firm's references are on page eight of our proposal. I hope you've noticed we have a nice balance of references from both sides of the partisan aisle.

I think I may be the only consultant in Arizona who has already served as a technical consultant to a Redistricting Commission. Yuma County created a Commission in 1992, and I've staffed it ever since, including after the special census in 1995. As it happens, yesterday the County Elections Director called me to tell me the Board of Supervisors asked me to continue that duty through this coming day. I'm not at all inexperienced at providing services to a redistricting commission. All the members of the

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team are long-standing Arizona residents, all have worked with agencies and had clients and projects all over the state.

In summary, we're demonstrably experienced in this kind of work in Arizona. We're an Arizona-based firm. We can provide the highest quality of service to the Commission because we don't take on lots of clients all at the same time. We're available for meetings on very short notice every day of the week. We have experience in providing technical staffing to our redistricting staffing Commission. And, finally, all nine of the plans we've drawn have been precleared on first submission.

With that, I'll be very happy to answer any of your questions.

CHAIRMAN LYNN: Mr. Sissons, thank you.

Questions?

Mr. Huntwork?

COMMISSIONER HUNTWORK: You indicated that your company's approach is basically to take on the whole project, and so on. One of our options is to divide the project into a number of different pieces. And I was just
wondering if you would be interested in doing a
d piece of the project rather than the whole thing.
And I'm not sure which piece it would be, even, at
this point.

MR. SISSONS: Right. I anticipated
that possibility, but I felt it was my obligation
to present a complete package. And so I'm very
open to any, you know, reasonable combinations. I
would -- as a redistricting consultant, I would
want a major part to play on the team, but beyond
that, I'll await your judgment.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Sissons,
as you know from public comment that you've heard
at many of our meetings, there's a lot of interest
in the Commission and a lot of concern, actually,
from both sides of the political spectrum, that we
truly be independent, as we are supposed to be.

You stated in your presentation that
you do have references both from the Republican
party and Democratic party. In reading,
specifically involving the last redistricting
you've done, it looked like you worked for the
Senate, which at that time was controlled by the
Democratic party.
MR. SISSONS: That is true.

COMMISSIONER MINKOFF: You did work later on for Republicans. You made it clear after the '92 elections, with the Republican majority, both elections, you were hired to do some things nobody else could do.

My concern is how do you believe the public would perceive your selection as a technical consultant, as a redistricting consultant, and how would you be perceived by the sides of the political aisle?

MR. SISSONS: Right. And I -- certainly I feel that folks who were around 10 years ago and saw the intensity of the effort I had to put in for the Senate majority caucus would, you know, might feel that that would label me as a Democratic political operative. I think anybody that labels me that way would have to -- almost have to conclude I'm not a very good one in terms of being a political operative.

My business practice is that I work for really anybody smart enough to hire me. And the work that I've done for the -- I have to admit, the work I did for the Republican caucus in the House was kind of the happenstance of the fact

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there was nobody else who knew how to do that work.

I think that certainly the Republican staff at the time, you know, as indicated, you know, by two of them being very, very willing to serve as references for me, would say that my political party registration is immaterial to this process. I feel that way, and I don't know what to do about people who would want to label me, you know, in some inescapable way.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Sissons, if, either way, if you were the prime or the major contractor and we took the option of splitting the contract and there was a data base coming in or vice versa, you were providing a data base coming in to the majority or prime contractor, we've heard of uses of autoBound, maps, a whole series of GIS programs. Can you manage data from either, both, or either way?

MR. SISSONS: Yes. I have the Arcview software sort of platform for the autoBound platform. Really, as a GIS consultant, I've had to use four different GIS programs. My
preference for GIS is to use Maptitude for redistricting. That software can read and write Arcview files.

The industry has now progressed to the point that for data files they also seem to use the D base standard, so those files can hop from platform to platform. And there are so many conversion utilities now from the conversion part of files --

COMMISSIONER ELDER: After use of a particular cell, go both directions?

MR. SISONS: Absolutely.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: First of all, Mr. Sissons, we should give you a hand. You are, by far, our most faithful attender.

MR. SISONS: I did miss one. The only excuse, I was having emergency root canal surgery.

COMMISSIONER HALL: You are excused.

CHAIRMAN LYNN: It's about the same.

COMMISSIONER HALL: In one of those meetings I believe you indicated to us that there were some errors in the data, if I'm quoting you correctly.

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What were you referring to, specifically, in laymen's terms, and how does that affect us?

MR. SISONS: Right. Thank you for asking that question.

It's a concern that has bothered me for a while. And here I'm referring to the data base of prior election results that becomes important about six weeks into the consultant's term when at the time that the plan that -- preliminary plans need to be evaluated for their compliance with requirements of Proposition 106 including the degree of competitiveness in terms of Republican versus Democrat.

It's not so much a problem because the files that the counties have submitted to the Secretary of State's Office, the registration files, are probably in pretty good shape. The biggest problem -- now, the state law that required those files be created and turned over to the Legislature, actually to the Secretary of State, that was a wonderful idea, because 10 years ago, that whole data base was a terrible mess. Unfortunately, as good as the law was, as good as the intent was, there was very poor implementation.
of the law, no standards as to what kind of data files would be submitted.

Most of the files, as they were essentially submitted from the counties, were text files in formats that almost -- well, really could not be quickly linked to a GIS kind of software.

You know, over the decade, you know, as the world's strangest hobby, I've been sort of going through those files and tried to put them into more of a -- a format that can be linked to a GIS. In doing so, to be sure that I was doing the work properly and not dropping populations or -- I'm sorry, dropping vote counts, I had from the Secretary of State's Office the official printed canvass of results. In comparing the counties' electronic files with the Secretary -- with the data they provided the Secretary of State's office, there were many cases that -- many situations where the electronic file was just -- appeared to be a partial file or file that was generated and submitted before the question ballots were resolved, just lots of bottom line totals that were off.

And the only way to undue that problem is go back to those counties, say the data

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you submitted electronically doesn't add up to
what you submitted on paper; we need to find out
in which precincts those problems are.

COMMISSIONER HALL: Are you saying
you have all 15 counties, the voting history
profile?

MR. SISSONS: I've got 60 percent of
the work done.

COMMISSIONER HALL: Do you have the
original data set of all 15 counties?

MR. SISSONS: I have everything that
is available, as far as I know, everything that
was submitted to the Secretary of State by those
counties. I mean -- and the program was getting
slow getting started at first. Some of the
counties didn't comply until after the '94
elections.

COMMISSIONER HALL: I apologize for
my confusion. We've heard, for example, Leg.
counsel has seven counties, Maricopa County has
eight counties. You are saying you have all 15
counties of that data?

MR. SISSONS: No. I think we're
mixing apples and oranges.

COMMISSIONER HALL: That was my
MR. SISSONS: There's kind of two necessary elements. One is the geography files of the precinct shapes that have to go into the GIS map. And that's the situation where Maricopa County did its own, Cochise did its own work, and I did work for six of the counties. So those eight counties have their precincts federally recognized in the Census Bureau's TIGER file and it's very, you know, very precise. Population and race counts can be generated or have been released by the Bureau for those -- for precincts in those counties. Now, that's kind of the population and ethnicity and race side of things. Where there are some problems and issues of those other seven counties, the Legislature asked Tim Johnson at Maricopa County to digitize those remaining counties. That's kind of one issue.

Separately is the whole issue of the prior election data base. And that's the matter of the vote counts by precinct for every candidate, and primary, in the general, and the propositions. And that's the file that, you know, I've sort of said in the past is in -- was in very, very terrible shape. I've sort of brought

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to a point of about 60 percent completion in cleaning up that file and making sure that it's attachable to a GIS.

As I said in the proposal, the work left to be done on that is probably more than my firm could handle if my firm is doing, you know, the major part of the redistricting consulting. And so I've recommended that maybe the approach to use at this point is to have the Commission's legal counsel review elec -- general and primary elections over the last four election cycles, pick out those races, those election contests, where, you know, at least one of the candidates has been a minority candidate so that sort of a concerted effort can be made to go after getting information on all of those races. Those are the ones that are going to be analyzed and written into the preclearance package.

CHAIRMAN LYNN: To be clear to Mr. Hall's question, you have begun the work and have 60 percent of it completed. And I take it that that work does not exist elsewhere?

MR. SISSONS: As far as I know, Mr. Lynn, that is correct. As I've talked with the Secretary of State staff over the years, as
I've gone in and bought those files from them, and I've pointed out these problems to them, and their response has always been, "We're simply the people who store these files. We don't comment on their quality." So as far as I know, nobody has really done any work to clean up those files.

COMMISSIONER HALL: So in your opinion, then, would that task need to be finalized in order to have sufficient legitimate data to make appropriate decisions?

MR. SISSONS: My opinion, in terms of being able to evaluate whether the plans you are proposing are, you know, do meet the criteria of Proposition 106, and here I'm going to defer to the knowledge of your legal counsel, my opinion is that you would have -- you would have to have that data base, you know, pretty cleaned up. The error rate within that data base would probably have to be less than five percent to kind of be acceptable to meet these, you know, the state standard of having the obligation to prove there's nothing untoward being done to minority participation.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Did you find in your 60 percent analysis that there were errors in

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excess of, say, the five percent range?

What was the magnitude or range of magnitude you found?

MR. SISSONS: Oh, boy. Some of the errors -- I'm sorry. Some of the files turned out to be not the actual canvass files but the validation check run that is done before the election to be sure the tabulation equipment is working, that file. In many cases in those files every candidate got two votes. They obviously sent the wrong file. In many cases, the --

Let me see. I'm just trying to think of the other major reasons for differences between what is on the electronic files and what --

COMMISSIONER ELDER: The primary question is were they beyond a five percent limit. For the legislative limit we have --

CHAIRMAN LYNN: It's all over the map?

MR. SISSONS: They were.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I wanted to make sure. Your concern is about the state requirements and not the federal requirements?
MR. SISSONS: No. My concern is that when we get to the point of evaluating plans and preparing a preclearance package to send to the Justice Department.

COMMISSIONER HUNTWORK: I understand.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: So was this data available that you are referring to, was it available in '90?

MR. SISSONS: The data that was used in 1990 was the results of elections throughout the 1980s.

COMMISSIONER HALL: I understand that. My question was was there electronic data you are referring to specifically? That was not available in 1990, correct?

MR. SISSONS: That is correct. I do have to amend that a little bit. To get ready for the 1990 redistricting, a lot of Senate and House secretaries and students were hired to spend the summer doing data entry from the paper canvass sheets from each county to create a data base that would then be attached to the legislators' redistricting computer. And the

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big problems is that because of, you know, a rush in time, also because the instructions to those folks were not as clear as they could have been, and the fact that different counties had candidates' names in different orders, it was -- that file was a mess. Every -- all four caucuses quickly discovered they could not trust that data base.

COMMISSIONER HALL: The '90s data base was in worse shape than the data you are referring to?

MR. SISSONS: I would agree.

CHAIRMAN LYNN: Any other questions?

Mr. Sissons, with our thanks, again, it's good to see you.

As instructed previously, we're going to simultaneously combine a lunch break and executive session on this issue to discuss cost and other things appropriate. We'll reconvene in public session at approximately 1:15.

COMMISSIONER HUNTWORK: I think we need a motion to go into executive session. I so move.

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Those in favor, say
"Aye."

(Vote taken.)

CHAIRMAN LYNN:  Opposed, say "No."

Motion carries.

Ladies and gentlemen, we'll see you about 1:15.

(Recess taken.)

(Whereupon, at approximately 12:15 p.m., the Arizona Independent Redistricting Commission went into Executive Session.)

(Recess taken.)

(Whereupon, at approximately 1:45 p.m., the Arizona Independent Redistricting Commission resumed Open Session.)

CHAIRMAN LYNN:  We're going to wait just a moment for our legal counsel to join us.

I'll call the Commission back into regular session.

Ladies and gentlemen, we're going to continue the public process in terms of choosing a consultant or consultants to help the Commission with technical expertise.

The way that we are going to proceed is to first essentially do a public screening.

And as painful as the process may be for some of
you who are here and have been with us for the entire day, without objection, the process I'm suggesting is to go through the list of offerers and ask for a hand vote of the Commission. And any consultant receiving three votes of the Commission will be, in effect, screened in for further consideration. Those consultants not receiving three votes will no longer be in consideration for the ultimate award of contract or contracts.

Let me first indicate that on advice of counsel, a member of the Commission has declared a conflict. And Ms. Minkoff's relationship with one of the offerers, as she stated in open session, constitutes a situation which precludes her from participating either in the discussion or the voting until such time as that particular offeror is no longer a potential awardee. So for the purposes of this initial round of voting, Ms. Minkoff will refrain from casting votes for those in -- who are to be screened in.

Having said that, I'll ask counsel and Mr. Ochoa to help me count because you can see better than I can from the panel.

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Let's go down the list.

Votes for including, continuing to include Norman S. Primus?

(No hand votes received.)

CHAIRMAN LYNN: Votes for including, and I'll do the list in the order they are written, not the order presented, Election Data Services, Incorporated?

(Four hand votes received.)

CHAIRMAN LYNN: For including Hunter, Johnston, Elam and Benjamin?

(One hand vote received.)

CHAIRMAN LYNN: Votes for including Baker Hostetler?

(Three hand votes received.)

CHAIRMAN LYNN: Votes for including National Demographics Corporation?

(Four hand votes received.)

CHAIRMAN LYNN: Votes for including Maricopa County Elections?

(Four hand votes received.)

CHAIRMAN LYNN: Votes for including Elliottt D. Pollack?

(One hand vote received.)

CHAIRMAN LYNN: Votes for including
Computer Management Services?

(Two hand votes received.)

CHAIRMAN LYNN: And votes for including R. Anthony Sissons or Research Advisory Services?

(Three hand votes received.)

CHAIRMAN LYNN: Now, those consultants who did not receive three votes, minimum, are no longer in consideration by the Commission.

If my numbers are correct, and I did not record every vote, with respect to the potential conflict, my understanding from the votes I did see is Mr. Pollack's firm did not receive enough votes to continue to be considered. Ms. Minkoff is now able to participate.

Is that correct?

MR. RIVERA: Correct.

CHAIRMAN LYNN: Any consultants no longer considered that wish to catch an early plane, early dinner, plane, thank you for your consideration. I know some of you traveled long distances, and we appreciate it.

Those still in consideration, thank

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you for your discussion. Thank you all very much.

Could somebody, just for the record, tell us which ones are still in consideration?

MR. OCHOA: Mr. Chairman, Election Data Services is still in consideration, Baker Hostetler is still in consideration, I have National Demographics, Economy --

COMMISSIONER MINKOFF: No.

MR. OCHOA: No. Number six.

Maricopa County -- I'm sorry, Maricopa County is still in consideration, and then Mr. Sissons is still in consideration.

CHAIRMAN LYNN: Thank you, Mr. Ochoa.

What is the pleasure of the Commission?

COMMISSIONER ELDER: I would like to open the meeting for discussion of consultants. I'll take the first shot at some of the things.

I'd like to thank the consultants for the presentations and submittals we had here this morning as well as what was submitted in response to the request for proposals from the, I guess, Administration Department that sent out

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these for the Commission.

Election Data Services, we had more of, I want to say, a computer generated presentation, covered a lot of pieces and sounded as though Mr. Brace was very interested or would be interested in providing all or part, there was a shopping list of items that could possibly done or used by the Commission in presentation by the Commission in their plans which gave flexibility in determining what issues were important to me in choosing, as a Commissioner, and how I might choose those.

Baker Hostetler, that one was more legal oriented. I want to say it had the sizzle, the best and brightest, I guess, a lot of things there that would be used to make decisions on finite issues that will be presented to DOJ. Seemed maybe a little bit light on data management, but that may have just been shortness of the presentation.

National Demographics fell somewhat in the same position in that maybe of all of the ones I listened to, my sense was that they probably provided us with, or at least me, with the best understanding of what the Arizona process
was with the exception of the grid system. I asked the pointed question in the discussions, or question period, you know, if we came about and said we have to deal with the proposition grid first, can the process or your process be developed to where it will address those issues. And the answer was yes in that respect.

And then Maricopa County Elections really gave us the support of an existing data base that may very well be there, be processed to a great extent, but didn't give us any kind of overview of how they may be able to address the overall big picture issues. And I don't know that that was part of what they were presenting. I think they were presenting a support role as opposed to major position role.

And Mr. Sissons, maybe just because we've seen Mr. Sissons in just about every meeting we've had, he's been sitting back there listening and appearing or at least making comment during the public meeting period, presented for the whole package. My feeling is the strong point is his historical background in Arizona from the redistricting issues, historical issues, challenges that we've had, and his familiarity

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with the network for acquiring data bases; where
that would be maybe the most important piece of
the package he would provide or could provide
would be that level of understanding of, A, where
data is and, B, where historical issues came from.
So that's my sort of evaluation of
the presenters that we had. And I'd like to just
let it go on around the table, see where it goes
from there and then take a look at it.

CHAIRMAN LYNN: Thank you,

Mr. Elder.

Anyone else wishing to be heard?

Mr. Huntwork?

MR. HUNTWORK: Mr. Chairman, I saw
in our request for proposals and the proposals
submitted to us what appeared to me to be four
different categories of services. One has to do
with just the collection, compilation, processing
of data, Census data and historical data, in
particular.

Number two was legal services. Some
of our consultants made the point that we're all
well aware of that what we're doing is very
heavily involved with legal issues at all levels.
And although we have a realm of -- area of

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discretion, it is bounded by law on all sides and
we need to be guided through that by the best and
brightest at all stages. So it's a point
well-taken.

Number three is what I would call
political signs. This is the collection and
interpretation of information relating to
communities of interest in our state and the
implementation of that through helping us to draw
maps and draw lines.

And the final point would be
community relations, relationships with groups
within our state and making sure that they are
included in and participate actively in the
process.

I saw -- I saw strengths and
weaknesses in each of these areas among the
different consultants. So my inclination would
very much be to break this up into pieces, if we
can. That may involve some back and forth with
the consultants to find out how willing they are,
in some respects, to carve off pieces or to
subcontract with designated parties for parts of
the work, perhaps, if we choose to go with one
general contract.
I think I'll just stop there. Maybe I'll have the opportunity to be more specific about who I thought was a leading candidate in each of these areas later on.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: It's a pleasure to be able to speak again. I think this is the longest I've been quiet since I learned to talk.

CHAIRMAN LYNN: And in spite of the ribbing you took in executive session, it's nice to have you back.

COMMISSIONER MINKOFF: Thank you. I did want you to tell my husband I was able to keep quiet when I was told to.

At any rate, I agree with a lot of what has been said so far. I want to take it and maybe refine it maybe a little bit more. I think that we've really got two categories here. We've got the local people and we've got the national consultants. And in terms of the local presenters, I think both of the local presenters really bring vital and critical skills and information to the table.

I think that Maricopa County
Elections Department has shown us that in terms of the GIS function, in terms of possibly website support, in terms of the real -- you know, we're talking about technical consultants; but only part of it is really strictly technical. The rest of it is strictly interpretive.

The part strictly interpretive, they excel. They would be absolutely invaluable to the work we have to do in that area.

I think Mr. Sissons has a block of information and he has the capacity to develop and other information that is truly local in character, not the kind of stuff that we're going to get from the Census Bureau but historical information about behavior and activities in Arizona that he is very, very well-qualified to present to us. And I think that he brings a lot to the table in that area.

In terms of the three national consultants, I think they all bring very, very different strengths and very different focuses in their presentations. But while I believe that both Research Advisory Services and Maricopa County can provide functions to this Commission, I believe of the three national consultants, this...
may be the difficult part of it, I really believe
probably the decision should boil down to one of
the three. If we come to that point, I would be
glad to speak on which of these three I think have
particular strengths and weaknesses. But that's
the way I really see it breaking down.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Well, I'd like
to make a motion. How is that?

CHAIRMAN LYNN: A motion is in
order.

COMMISSIONER HALL: Is that all
right? Good.

I feel like we're going to need
more -- I agree with what has been stated. I
agree we need more than one of these applicants to
utilize the strengths of the variety of -- that
remain on the list to benefit this Commission.

And, therefore, I would make a
motion that we restrict the list a little bit more
and then at the Commission's pleasure determine
how it would be best to proceed.

With respect to the three national
consultants, I would like to make a motion that we
go ahead and utilize -- determine or restrict the
three national consultants to National
Demographics Corporation and Election Data Services.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: I'll second that.

CHAIRMAN LYNN: Discussion?

COMMISSIONER ELDER: Yes,

Mr. Chairman.

I would like to include or make an amendment. I would like to include Baker Hostetler in that group. I know it doesn't take it down, only takes maybe one -- I guess that's really all the national.

I think in the presentation, I know we've got -- we've made the comments all the way through the process that we -- whether it be image or fact, we have to present an impartial, unbiased Commission for the redistricting. In the presentation for Baker Hostetler, Republican representing Hispanics traditionally Democratic, a whole series of people, Republicans here, Democrats there.

I think there should be further discussion before they are eliminated on
qualifications and how they'd fit into the overall picture. I think they may fit in as well if not better than the other two at times. I'd like to include them, not limit discussion at this time.

CHAIRMAN LYNN: Mr. Elder, just in terms of keeping this straight, the motion is to reduce the national consultants, essentially, by one. Your amendment would actually not achieve that. I'll call the amendment out of order. It's not been seconded.

You are speaking against that motion?

COMMISSIONER ELDER: That's correct.

CHAIRMAN LYNN: Thank you.

Other discussion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I would like to also speak against the motion. Firstly, I want to point out, as we noted this morning in discussion, that Baker and Hostetler was in effect a subcontractor to one of the other candidates, EDS. And one of the possible ways in which we might end up skinning the cat, so to speak, is by simply, you know, contracting with both and including explicitly

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that Baker and Hostetler would review all plans
and give us specific direct advice in its own
capacity and not as a subcontractor. Certainly
one of my points in breaking down and identifying
the fact legal services was a separate category
was to create flexibility for that possibly to
happen. So I don't -- I don't want to eliminate
them from consideration at this stage.

I think we have to give -- I think
we should proceed with discussion, not eliminate
them from consideration, see where the chips fall.
Otherwise we're precluding one, you know, one
possible -- possibly very favorable outcome.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: It's true
Baker Hostetler was listed, specifically
Mr. Braden, in EDS' proposal. They were listed as
representing the Republican point of view and also
a Democratic attorney was listed as representing,
presumably, the Democratic point of view, if there
can be said to be such a thing.

I had a few concerns. Number one,
looking at the Baker Hostetler proposal, while
they make the point that they do represent clients
of all political persuasions, the resumes are
very, very closely tied with one political party, which is something we are really trying not to do in this Commission.

The other thing I think is a real strength of both National Demographics and EDS is in the public outreach. In National Demographics, they are almost data and redistricting first and legal as back-up and consultants; whereas Baker Hostetler puts the legal position first, which we already have with our own very capable counsel, and has the technical aspects, data management, and so on, almost as subdivisions of the legal lead partner in the partnership. And that's why I felt much more comfortable with National Demographics and EDS.

If you ask me to pick between the two of them, I'll have trouble because I think they are both outstanding. But I really believe that they are -- their framework, the position from which they attack the task, the things they emphasize in their presentation in terms of community outreach, in terms of dealing with communities of interest, in terms of incorporating them into the data, et cetera, was much stronger. And that's the reason I really favor these two

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among the national consultants.

CHAIRMAN LYNN: Further discussion?

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I think we have to keep in mind that we are, at this stage, we are talking about eliminating somebody from consideration not on the relative merits of the three, of the three parties. And the -- if we're going to eliminate Baker and Hostetler because of a perception that they are too slanted in one political direction, then I would think that it would be appropriate to, number one, fully evaluate whether that is true in terms of the team that they put on the table and, number two, apply those same criteria as best we can to the other parties that are left.

So I think we either need to go through that discussion as part of this motion or I would perhaps request the motion be withdrawn. If we can't -- if nobody is going to do that, I will proceed with the rest of that discussion.

CHAIRMAN LYNN: Mr. Hall, are you inclined to withdraw your motion?

COMMISSIONER HALL: Mr. Chairman,
with respect to Mr. Huntwork's comments, the firm of Hostetler and -- Baker and Hostetler is not a subcontractor of EDS. I think the reference was simply to Mr. Braden as supplemental legal services as he clarified in his statements made before this Commission. And in the event that we were to want to utilize some of the legal services of Baker Hostetler, I would assume that they would be willing to enter into negotiations, if that was deemed to be appropriate.

I think our purpose here is to identify a consultant for the benefit of this Commission in an effort to handle all of the or at least a significant portion of the requirements that we will need to fulfill our mission. Therefore, I think that the two remaining national consultants I'm proposing would remain would best fit the overall scope of what we intended in our initial RFP. So I would -- my motion stands.

CHAIRMAN LYNN: Thank you, Mr. Hall.

Further discussion?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, in the earlier discussions where we were discussing the characteristics of the local firms.

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They were characterized as being very strong in historical, data collection management, or have it in place at this time. If that, and our concept may be to split the contract, where we have a firm doing the overall management, the issue, clarification, the direction, things like that, and then acquire the services, either they are subcontracting or we having multiple contracts, then the objection on Baker Hostetler as far as saying they are biased or unbalanced toward the law and legal would be offset because we'd have the data base, you know, developed within that team. So I would still like to maintain them as a viable candidate for at least further discussion.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, it is my understanding that while EDS is a broadly based firm and represents different interests and includes different interests on the team, so is Baker and Hostetler. It is my understanding that while Mr. Braden, who is the self-avowed quarterback of the Baker and Hostetler team, is a strong Republican and has been counsel to the Republican National Committee, by the same token, the quarterback of the EDS team is a Democrat and

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as recently as a few months ago was, if I understand correctly, was testifying on behalf of Vice President Gore in the State of Florida to try to explain demographically why the Democrats really won the election.

My point here would be that I can readily see a way of achieving neutrality by having a strong Democratic member of the team balanced by a strong Republican member of the team at co-equal levels, which is why I said I could consider EDS if Baker and Hostetler was not a subcontractor to them but a prime contractor to us for the purpose of maintaining balance.

I can't -- I cannot see in my own mind eliminating Baker and Hostetler without in my own mind also eliminating EDS. So, therefore, I suppose what I would do is amend the motion to eliminate both of them.

I move we amend the motion to eliminate both of them if my Democrat colleagues will not be kind enough to amend the motion to eliminate one of them.

CHAIRMAN LYNN: Is there a second? Hearing none, motion to amend dies for lack of a second.

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Further discussion on the motion?

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: Question has been called for.

All those in favor of the motion effectively limiting the national consultant consideration for consultant services signify by saying "Aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "No."

(Vote taken.)

(Tie vote, two to two.)

CHAIRMAN LYNN: Did you vote?

Interesting.

Chair votes: No.

(Motion defeated.)

CHAIRMAN LYNN: I think it would be productive to have discussion on the national consultants to settle on one rather than eliminate one.

What I'd like to do is entertain an affirmative motion for contracting with someone, which I think is a better way to approach it. For that reason I will put us back in discussion on

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national consultants.

COMMISSIONER ELDER: If I may explain my motion, Mr. Chairman, we my need to divide up the work we need to have performed. And in my mind I would see more than one of these entities utilized in this process. Therefore, I figured it was simpler, in an effort to try to work -- in other words, I can see, of the five we have remaining, more than one of these entities providing services to this Commission and -- in a variety of ways. Therefore, I felt like we could move in a direction to identify which is best to do that.

If it's the Chair's pleasure, we could make motions to identify parties we feel would be of benefit to the Commission in a variety of arenas, I guess specify particular parameters or scope of services they'd perform and perhaps entertain negotiations. I'm open for input with that respect.

If that is the Chair's pleasure, I make a motion then.

CHAIRMAN LYNN: Let me -- before we do that, Mr. Hall, let's hear from Ms. Minkoff and get to that.

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THE REPORTER: May I clarify the outcome of the motion?

CHAIRMAN LYNN: The motion died, three to two.

COMMISSIONER MINKOFF: If in order, I'd make a motion to deal with something I feel does have a level of consensus.

I'd make a motion, we can deal with it, and then deal with national consultants.

Would you rather deal with national consultants first? Are you proposing we deal with national consultants --

CHAIRMAN LYNN: Let me ask a question first.

There seems to be, if I can be so bold as to try to summarize what we do have consensus on, I think there's reasonable consensus on the Commission that the employment of multiple consultants, national and local, is something we would like to pursue, in some fashion, some combination.

And I'm wondering, Mr. Adler, is it appropriate at this point to direct a question to the consultants who are still with us, because -- it's kind of like searching for a cure for which

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there is no known disease. If you find a cure, there's not much use for it. That is to say if some or all of the consultants aren't interested in sharing the work, we should know that before we fashion a group of consultants to serve the Commission.

Is that an appropriate question to ask?

MR. ADLER: I think it's appropriate to ask the remaining offerers if they're willing to take a portion of the scope work rather than all. Nobody offered an all-or-nothing proposal that I can see.

CHAIRMAN LYNN: Just on the record, because we're about to get down to some fairly specific determinations, I would like to pose the question to the national consultants first. And I'll ask any one of the presenters to speak on behalf of their group.

Based on the discussion you've heard and the apparent consensus to employ a group of consultants, do you have an objection to that and, if so, would you state what that objection is so we can understand it?

Let's just go down the list. Let's
start with EDS listed first.

Mr. Brace?

MR. BRACE: Yes, Mr. Chairman. We stand ready to work with any of the consultants that you have identified as remaining. In fact, I passed a note to my esteemed colleague sitting next to me it would be fun to work with them, too.

CHAIRMAN LYNN: Thank you, Mr. Brace. Appreciate that.

CHAIRMAN LYNN: Mr. Braden, would you speak for your group?

MR. BRADEN: I was going to make my Democratic partner speak for the group.

Initially, in our response to the proposal, it was clear to us that there were a number of different steps. Within reason, we're more than happy to work with a local group.

CHAIRMAN LYNN: Dr. Adams?

DR. ADAMS: National Demographics would be willing to work arrangements with other consultants.

CHAIRMAN LYNN: Would work with other consultants.

Is Maricopa County still here?

COMMISSIONER HALL: Karen is in Phoenix, Arizona
back.

CHAIRMAN LYNN: Karen is in back.

Tim is there, too.

Tim, Karen, or both, are you confident you could work with any or some combination of the national consultants as well as another local consultant?

MS. OSBORNE: We're confident we can work with whoever you choose.

CHAIRMAN LYNN: Mr. Sissons?

MR. SISSONS: Mr. Chairman, I may be in a kind of more unique situation than the other proposers. One of them, one of the other proposers, local proposer, is, in essence, a unit of government and, you know, doesn't have, I would say, the sort of business concerns, you know, in their answer. And possibly the national consultants are all, you know -- I can imagine that they would find it easy to sort of, you know, be willing to pick up a part of this contract because they've got lots of other contracts in other states and other jurisdictions.

For a small, Arizona-based consultant firm, such as mine, you know, redistricting season does not come along that
often. I'm thinking to myself I have to make hay while this sun is shining. And -- which is one reason that I sought, in essence, the -- to go after all elements that were on your request for proposals.

Now, while I may, you know, while it may be, you know, a good thing to pick up a part of this work, one of my concerns would be that other people who have -- other groups have approached me about representing their -- you know, if I didn't get any of this work, have approached me about representing their interests in, you know, looking at maps and examining things that possibly could be submitted to this Commission for review. And I would think that if I -- I could see a great conflict of or potential conflict of interest if I were to sort of -- if I were to agree to pick -- to do a certain amount of, you know, work for this Commission. It would almost seem as though I would be precluded from doing any work from -- for other clients who might be submitting things for your consideration, which, I mean, is sort of a business limiting position for me to be in. And I -- I'm not quite sure what to do about this.

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CHAIRMAN LYNN: Is there an answer in there somewhere, Mr. Sissons?

MR. SISSONS: I apologize for not --

well --

MR. RIVERA: Mr. Chairman.

CHAIRMAN LYNN: I understand your point. I don't mean to make light of your point. It's clearly in your economic best interests to keep your interests open. I understand that.

Maybe that's your best interests.

COMMISSIONER HUNIWORK: Mr. Chairman, may I ask more a specific question? It would be helpful to me, anyway, the way I'm thinking.

Mr. Sissons, would you be willing on our behalf to complete compilation of historical data and provide it to us potentially with the understanding, I guess, it's a public record so it would be available, then, to anyone?

MR. SISSONS: Sure.

COMMISSIONER HUNIWORK: And I suppose with or without -- your point would be you would not want to have any further strings attached in terms of then being able to represent someone else in interpreting that data and applying it to our work product.

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MR. SISSONS: I think that's very close to the position I'm sort of feeling at the moment. Yeah.

COMMISSIONER HUNTWORK: So we could consider buying that piece of the puzzle from you as a separate item with no strings attached.

MR. SISSONS: If I'm understanding you correctly such that that would not prohibit me from taking assignments from other clients who may want to present maps to you.

COMMISSIONER HUNTWORK: Right.

MR. SISSONS: I have no problem with that.

MR. RIVERA: Mr. Chairman.

CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: I'm not sure that's sufficient to eliminate any potential conflict he may have. He may want to speak to his attorney, see if he has any comment he may have. We don't know who he's speaking with. I'd hate to give the impression from this Commission by simply doing that for us alone it eliminates any conflict.

CHAIRMAN LYNN: Thank you, Mr. Rivera.

That's advice you need to consider.

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COMMISSIONER HALL: May I ask Mr. Sissons, Mr. Sissons, this is a rather simple question. Mr. Sissons, every member of this Commission feels you have expertise with respect to not only institutional memory, to borrow a term utilized before, but also with respect to experience with Arizona data, voting data, and a variety of other. We feel like that certainly your expertise in that area could be of benefit to this Commission and something we want to utilize, probably want to utilize in the event you want to come to -- I'm speaking for myself, I realize -- come to some type of agreement.

In event that occurs, say we want your assistance in that respect, meaning that the scope would be limited from, you know, doing outreach where we feel like maybe some other folks may be more suited in that respect, the question is: Is that something you have an interest in or is it something you don't -- if you don't, see, I make a motion and take you off the list.

MR. SISSONS: I understand.

COMMISSIONER HALL: If it is, you say yes, I maintain an interest in it. I
apologize for being so pointed. We'll be here
with five names until Christmas. I just -- what
would you say?

MR. SISSONS: Well, in that case, I
have to say that I wish to remain in consideration
for any portion of the work that the Commission
would like to assign to me.

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Thank you,
Mr. Sissons.

What is your pleasure, ladies and
gentlemen?

COMMISSIONER MINKOFF: Can I make a
motion on local consultants?

I move that we engage in
negotiations with Maricopa County and with
Research Advisory Services to provide services to
the Commission in the areas of GIS support,
website support, and collection and presentation
of historical data about voting history in
Arizona.

CHAIRMAN LYNN: I wonder if you
could bifurcate -- bifurcate that motion. Do --
work assignments are different.

COMMISSIONER MINKOFF: I just

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withdrew it.

CHAIRMAN LYNN: Do one at a time.

COMMISSIONER MINKOFF: Okay.

CHAIRMAN LYNN: What I'm getting to there is the specific instruction for the procurement department in terms of the nature of negotiations with the consultant. You're onto something, just do them one at a time.

COMMISSIONER MINKOFF: Okay. Let me move we engage in negotiations with Maricopa County Elections Department for the provision of GIS services and website management to the Commission.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Moved and seconded.

Is there discussion?

COMMISSIONER HALL: May I amend that motion, Ms. Minkoff?

COMMISSIONER MINKOFF: A work in progress.

COMMISSIONER HALL: And any other services as we may deem may be appropriate for them to provide.

COMMISSIONER MINKOFF: I accept that.
CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Clarify.

What is included in "GIS services"?

COMMISSIONER MINKOFF: Tim?

COMMISSIONER HALL: That's why I made the amendment, Mr. Huntwork.

CHAIRMAN LYNN: To clarify it, Tim, I think there's some, some sense that that -- we have a couple ways to go. We could employ our own GIS specialist as a staff person. Or, as offered in your proposal, we could utilize your services to perform that function for us and carve that out. I think, please correct me if I'm wrong, what Ms. Minkoff meant when she said "GIS services," provide the Commission with that kind expertise locally for whatever purposes the utilization of the Geographic Information Systems might require in order for us to do our work, that's in a local sense.

COMMISSIONER HUNTWORK: Does this include all the Census data and compiling it and putting it into local maps and so on? Is that all part of GIS?

CHAIRMAN LYNN: Well, let me ask --

CHAIRMAN LYNN: To the extent

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someone else is not performing that.

COMMISSIONER HALL: I think that's why we're -- it's all part of the negotiations,

Mr. Huntwork.

We know -- we have a sense of the players we'd like to have involved in the game and certainly we'd like to identify what the specific roles would be of each player as we move through each process.

COMMISSIONER ELDER: Mr. Chairman, I guess this relates to Tim, also relates to the national consultants. I want to make sure that either -- that the national consultants gives directions and attributes of the GIS system are transferable back and forth so analysis, conceptual, whatever, can be done by the national consultants as well as locally. You know, it can't be something where we take the national consultants, say review this plan, and you've done all the data crunching and all the characterization, evaluation, and input of the attributes of the cell system, and GIS. That should be the purview of the national consultant or whoever we hire as the primary consultant to define those attributes and the GIS person to do
management of we want to weight this attribute and see how it comes out with other attributes, how it comes down.

Can you integrate with a national consultant in that manner?

MR. JOHNSON: 100 percent. We can transfer stuff back and forth 100 percent.

COMMISSIONER MINKOFF: Mr. Chairman, I want to make sure as Commissioners we don't get involved in micromanagement of contracts. I'm getting a sense of the players involved. One of the things we'll need to do as we sit down and negotiate contracts is have input from all of them. And negotiation is a back and forth kind of thing. And we will see what kind of relationships need to be established in order to make the process work.

But I just think very, very strongly that we want Maricopa County at the table on the basis of presentations they've made to us of what they can do, on the basis of what Tim Johnson can provide us in terms of his technical expertise. That's essentially addressed in my motion.

COMMISSIONER HUNTWORK: To be clear, has the amendment "and other services" been
accepted?

CHAIRMAN LYNN: It has.

COMMISSIONER MINKOFF: I accepted it.

Did the second?

CHAIRMAN LYNN: Second accepted it.

COMMISSIONER HALL: Call the question.

CHAIRMAN LYNN: The question has been called for. All in favor of the motion, signify "Aye."

(Vote taken.)

CHAIRMAN LYNN: Chair votes: Aye.

Motion unanimously carries.

One of the consultants will be Maricopa County.

COMMISSIONER HALL: I'll make an identical motion for services for Research Advisory Services, Inc.

CHAIRMAN LYNN: Scope of work?

COMMISSIONER HALL: Scope of work, providing technical services to this Commission and any other services we may deem necessary.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I second it.
CHAIRMAN LYNN: Discussion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I would like to -- I would like to hire this company but really only with respect to the development, presentation of historical data.

COMMISSIONER HALL: Again, Mr. Huntwork, I think that's something we will discuss when we get everyone involved to sit down, iron out the details of what the parameters are. I think it's probably premature to identify specifically in a motion what those are.

COMMISSIONER HUNTWORK: By the same token, Mr. Chairman, if I may, this company made a proposal to do the whole thing. And I think that a motion which says that we will hire them to do anything and everything that we determine could include everything because of the proposal that they made. I would vote in favor of a more limited proposal, but -- if we could define it in some way. I would have to vote against a proposal as general as the one on the table.

COMMISSIONER MINKOFF: Mr. Chairman, I propose an amendment to the motion similar to the one we had for Maricopa County. I would

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I propose to amend it that we engage Research Advisory Services to provide information on historical data and voting trends in Arizona and such other services as the Commission may require.

CHAIRMAN LYNN: Is that amendment acceptable, Mr. Hall?

COMMISSIONER HALL: Great. Perfect.

COMMISSIONER MINKOFF: Focus in primarily on what we want.

CHAIRMAN LYNN: Discussion on the motion as amended?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Do you mean other related services?

COMMISSIONER MINKOFF: What -- I think this allows us flexibility that if something comes up that Mr. Sissons is uniquely qualified to do -- there are a lot of things Mr. Sissons is uniquely qualified to do -- we can go to him and work it into the contract without an entire separate procurement process. We know generally what we're talking about. We're talking about historical data. He seems agreeable, subject to getting advice from counsel which allows him to do other things.

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COMMISSIONER HUNTWORK: That answers my question. Thank you.

CHAIRMAN LYNN: I think what we're -- let's be clear about the intent, intent of the motion. We're creating a team. Let's be very clear about this. We're creating a team of both national and local consultants, trying to pick the best of each category, as we see it, for use in this process. We expect the team members to coordinate activities so there is no duplication. Each brings to the table unique expertise in the area they have to represent and that collectively they represent for the State of Arizona the best opportunity to get the best result. I think that's the intent of what we're doing here. I think in that context is how these motions are being made.

Discussions on the motion.

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: If not, all those in favor of the motion as amended signify by saying "Aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "No."

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Chair votes: Aye.

"Ayes" have it unanimously.

What is your pleasure?

COMMISSIONER HALL: I make a motion, Mr. Chairman, that we employ the services of EDS to provide technical services and other related services to this Commission.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: I'll second it.

CHAIRMAN LYNN: Discussion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I -- once again, for the reasons that we discussed earlier, I do not consider EDS to be the appropriate candidate for our primary national consultant. But I believe there are some limited services for which they would be -- which they could provide and may be the best candidate. This motion, in particular, would require clarification, in my mind, before I could -- before I could support it. I know that EDS is talking to Legislative counsel about some data services. And I certainly wouldn't want to -- would want to be able to take advantage of that.
relationship in order to obtain the data as quickly and inexpensively as possible. But beyond that, I would need to know specifically what we're talking about.

COMMISSIONER HALL: Again,

Mr. Chairman, if -- I think at the time that we sit down and do specific negotiations is the time we identify the specific role of all the parties. If I understand correctly, our purpose here is to bring folks on the team. And I hesitate to be very specific in a motion as to what we're going to do with them in light of the fact that we -- I think we're still working through this process and identifying where the boundaries are; therefore, to say specifically, you know, provide "data," I'm not sure that's the appropriate restriction, or whatever. I -- the motion didn't state that "as primary national consultant." The motion said to provide technical services to this Commission and any other services we may deem to be appropriate.

I think we ought to and it behooves us to allow ourselves a certain amount, as much as possible, flexibility and opportunity to draw those lines as we begin to more fully understand each person's specific role in this process.
CHAIRMAN LYNN: Thank you.

Mr. Elder.

COMMISSIONER ELDER: Mr. Hall, I tend to disagree. At some point we are going to have to have a focus. And we're going to have to have a leader of who this team is going to be. And we've talked about perception. Mr. Braden said he was going over to talk to Legislative counsel.

CHAIRMAN LYNN: Brace.

COMMISSIONER ELDER: Excuse me, Mr. Brace, was going over to talk to Legislative counsel about a data base. There's linkage at that point.

If we look at a perception of fairness, at that point I almost tend to think we shouldn't be associated with a firm providing counsel to the Legislature painted with the brush during proposition discussions and voting as being maybe one of the reasons why the legislative redistricting in '90 didn't go that well and judicial came up with the redistricting.

With that in mind, I think we ought to belly up to the table, fish or cut bait, all the things we say, that we want to hire a firm.
that's going to take us on down the line
integrating whatever data bases we need, not go on
and say we want a motion that allows us to get
services, whatever services, this firm's services,
this firm, now five, six firms.
Who's going to manage and how do we
manage that? That's my concern. I think we pick
a firm, negotiate with them and other people we
discussed, and say here's how it fits together.
You folks are the leader of the pack. That's my
opinion.

CHAIRMAN LYNN: Ms. Minkoff.
COMMISSIONER MINKOFF: Mr. Elder, I
agree with a portion of what you said and some of
it I disagree.

I agree I think we're at the point
now where we need one other contractor. And I
think it's a national consultant. And I think our
choice is from among the three that we still have
before us. I feel very, very comfortable with
EDS. I also feel comfortable with National
Demographics. I feel maybe a little more
comfortable with EDS.

A couple things. I recall Mr. Brace
said yes, he's going to talk to Legislative
counsel; depending on what we decided, they may or may not accept that commission.

I think if that were an issue, we could eliminate that conflict saying you work for us and that's all you are going to do in Arizona redistricting this year. I don't know that they would agree to it. I got the sense from what he said that Leg. counsel was just kind of a back-up position.

I believe that they are a very, very broad-based firm, that looking at the kinds of things they have done and kinds of things they're prepared to do, they meet the qualifications we need in a national consultant. They provide us what we need in terms of public outreach, not necessarily to go do the outreach, in terms of providing support to do outreach, citizens' kits, Power Point presentations, doing all that.

They are extremely experienced in doing national data, the kinds of stuff we'll be getting from the Census Department, a little different from the kind of information we're hoping Mr. Sissons will provide for us.

They have an outstanding track record. They are probably the best known,
certainly a well-respected national consultant in
the area of redistricting.

While the lead person, Mr. Brace, is
a Democrat, he is proposing a Republican as the
major in-house concern local in Arizona, which I
think may deal with that issue.

I just -- I've been very impressed
with the presentations that they have done for us.
I would be very, very comfortable bringing them on
board as the national consultant among whose
responsibilities would be the coordination of the
entire project.

CHAIRMAN LYNN: I want to clarify at
this point, because I did not take from Mr. Hall's
original motion that his motion was intended to
have this be the lead consultant. But . . .

COMMISSIONER HALL: That's correct,
Mr. Chairman.

CHAIRMAN LYNN: But we were going
through, in effect, a number of consultants with
whom we wanted a contractual relationship. Again,
notwithstanding your comments, Ms. Minkoff, which
I certainly understand and appreciate, I would
suggest voting for this motion does not
necessarily preclude offering a partial contract

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to another national consultant, if I understand
Mr. Hall's motion correctly. And he concurs I do.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,
I would feel more comfortable discussing this
motion if we had already selected our primary
national consultant.

COMMISSIONER HALL: Mr. Chairman,
may I expedite the process a little?

CHAIRMAN LYNN: Give it a go.

COMMISSIONER HALL: I withdraw my
motion. I move --

CHAIRMAN LYNN: Will the second
withdraw before you make --

COMMISSIONER HUNTWORK: Second?

COMMISSIONER HALL: I withdraw the
motion.

COMMISSIONER HUNTWORK: Who
seconded?

COMMISSIONER MINKOFF: Who seconded?
If you're withdrawing your motion,
I'll withdraw my second.

CHAIRMAN LYNN: Now, since we don't
have a motion on the table, Mr. Hall, make your
motion.

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COMMISSIONER HALL: Thank you, Mr. Chairman.

I'd like to make a motion we employ National Demographics Corporation as our primary consultant and the firm which will, in essence, for lack of a better word, oversee the process, the whole process, that we plan on utilizing in obtaining the final maps that we're going to prepare.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion? Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I think that there are possible advantages to selecting two firms, each of which has a strong party affiliation; but that all things considered, it is more consistent with our charge as being an independent redistricting commission to try to select one firm that does not have that type of aura attached to it and that perhaps more fully reflects the intent of the people of Arizona in creating our Commission. For that reason, I think I'm persuaded that the best approach is the one represented by this motion.

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CHAIRMAN LYNN: Thank you.

Other discussion?

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: The question has been called for.

The motion, so everyone is clear, is to engage National Demographics Corporation as our primary consultant to oversee the process.

All those in favor of the motion, signify by saying "Aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed say "No."

The Chair also votes: Aye.

Unanimously, then, National Demographics Corporation is retained as the primary consultant for this process.

Are there other motions?

COMMISSIONER HALL: I'd like to reenter my motion, Mr. Chairman, we employ EDS, Election Data Services, for technical services and other services as we may deem appropriate.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second for purposes of discussion.
CHAIRMAN LYNN: Discussion?
Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,
my question is simply this: Will the entire
Commission make the decision as to what these
additional services will be?

CHAIRMAN LYNN: That's a great
question. I'm persuaded to ask another question:
And again, tell me when I get out of line because
we're all new at this.

Dr. Adams, having been selected as
the primary consultant, and having had an
offhanded comment with Mr. Brace, during the time
that you've spent together here on Fantasy Island
today, is there the possibility that an
arrangement between National Demographics and EDS
might be worked -- might best be worked out
between the two of you rather than having us
jerry-rig it from this end of the table?

DR. ADAMS: Well, that's a rather
difficult question because I think it depends on
what your needs are and what needs you feel that
National Demographics is not fulfilling for the
Commission. So I think that needs to be defined
by you; and then we would be happy to work that

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out with Mr. Brace once we understand what it is
that you would like us to subcontract or --

CHAIRMAN LYNN: Thank you.

DR. ADAMS: -- or to jointly
contract.

CHAIRMAN LYNN: Discussion.

COMMISSIONER HALL: Well,
specifically, I think that EDS is going to have a
complete and all-inclusive data base probably
within a relatively short time frame. And I don't
think there's any question with respect to EDS'
technical prowess. And, you know, it's one
opinion, but I think that they technically are
just outstanding.

So, speaking for myself, I would
feel like they would already, having -- probably
are already going to go down the road of compiling
that data, and as they do so in an outstanding
fashion, that we would utilize that service rather
than duplicate the service and then come to you
folks and say, "Here it is. Here you go," because
it's all the same format. And -- then you folks
would, as the primary consultant, utilize that in
the process of starting with a grid pattern,
public outreach, draft maps, et cetera.
I'm speaking again, but that's --

CHAIRMAN LYNN: I think it also should be said that one of the pieces of the proposal from National Demographics that I think resonated certainly with me and I think with others was the public outreach process and the attention to the identification of communities of interest through the use of self-identification. That clearly is something that we feel very strongly about. And it was represented in the unanimous vote to have that process be a part of what we do in fashioning the answer to the overall question of congressional and legislative districts.

To Mr. Hall's point, the data which any of the national consultants could and would take from the Census and put into a format that would be utilized by us in doing what we need to do, it could be done by anyone is the argument. And there were aspects of Mr. Brace's proposal that suggested to the Commission that the manner in which they choose to do that portion of their work was particularly appealing to us. And we didn't want to lose that opportunity, if we had the opportunity to include it.
If Mr. Hall -- if that's supportive of what you are saying.

COMMISSIONER HALL: Right.

CHAIRMAN LYNN: That's sort of the nature of the relationship we're looking at.

DR. ADAMS: I think I would ask Mr. Brace to speak to that, how he feels about that.

MR. BRACE: I guess I'm -- I'm in a quandary not totally unlike Mr. Sissons here in terms of we have -- you have sought to retain him in terms of some of the data base, and yet you are saying in terms of us preparing the data base. I'm not sure which one is going to do which, because it doesn't seem that we've gotten clarification from you.

CHAIRMAN LYNN: Mr. Sissons' particular expertise and his work, from the standpoint of the Commission, revolved around historical voting data, historical, not current census data, in our judgment, historical voting data, as well as other historical data that needs to be added for review purposes. And it's in that context that, you know, Mr. Sissons' help is invaluable because he's been doing that and we
take it he's been doing that almost exclusively; there aren't any others that have done that kind of work.

MR. BRACE: Okay. Our proposal also included that in terms of presenting to you. And given our expertise in doing that across the country, it is something that we do. So I'm puzzled in terms of the relationship there.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Brace, a lot of these issues I think would be addressed in the specific negotiations.

Are you saying with respect to Arizona historical voting data you have already entered into the process of compiling and annotating and even, if the case may need be, correcting that data? Have you already started that process?

MR. BRACE: We have not started that. We have done that in previous times.

COMMISSIONER HALL: I think that speaks to our point is that Mr. Sissons has.

MR. BRACE: Yes.

COMMISSIONER HALL: To a significant degree. Therefore, what we're -- we're under a
time crunch.

MR. BRACE: I certainly agree with you.

COMMISSIONER HALL: Everyone would agree with that. What we're trying to do is get not only most the efficient, the best available, and get up to speed. We're saying we want to utilize not only his work expertise, we want to buy, pay Mr. Sissons for what he can do and immediately append current data, whatever historical data is there with work he's already performed, plug it into your expertise with compiling a comprehensive data base.

MR. BRACE: Okay. Then in terms of your communities of interest, we also had a proposal to you in terms of some communities of interest information, mosaic data information I mentioned to you before. Are you saying that's not there given National Demographics had some expertise you saw in them?

We're partly disadvantage in that you've seen all the proposals and we've only seen our own. We're not certain what -- what other people have been proposing; therefore -- so I apologize.

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CHAIRMAN LYNN: No need to apologize. It's clearly an issue and one I'm not sure we can resolve in this forum.

MR. BRACE: Sure. Sure. I'm certain.

CHAIRMAN LYNN: That's the problem.

MR. BRACE: I'm willing to sit down, have more intense discussions with my esteemed colleagues and other colleagues in working out a joint effort. It seems if your intent is having a lot of us on board, fine, that's your prerogative; and we can certainly pull together and look at everybody's expertise.

As I mentioned several weeks ago, working with Tim we have no problem in terms of that, in terms of Maricopa. Now Tim is offering autoBound. We are, too. And so we're trying to figure out what is the relationship. There's no problem in terms of the website. Tim's very capable on that. We're also doing the redistricting site, too. I'm just trying to figure out where you want each of us to be.

CHAIRMAN LYNN: Dr. Adams.

DR. ADAMS: One comment in terms of the data base. The more layers you have in it,
the better off you're going to be, actually.

MR. BRACE: Sure.

DR. ADAMS: If Mr. Brace does have one approach to communities of interest, we have another, both layers of data certainly will enhance the process, certainly not detract from it.

CHAIRMAN LYNN: Thank you.

MR. BRACE: It's going to cost a little more money buying some things, in essence, in combination, but that's your prerogative.

CHAIRMAN LYNN: That's one way of looking at it. The other way of looking at it, to Dr. Adams' point, if we want to insure that we've gone as far as we can, not only budgetarily but reasonably go in identifying, being open to, and taking into account all of the issues that will not only create preclearance but will create a feeling in the State of Arizona that this was the most inclusive, open process we could engage in, then it may be worth spending some incremental amount --

MR. BRACE: Sure.

CHAIRMAN LYNN: -- to insure that's the case, to the extent that's practical.
MR. BRACE: Right.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: My level of confusion, if you will, was this: I felt in looking at the proposals that EDS would be outstanding as a technical consultant to review all data, to present data to us in the most usable format, just in terms of manipulating data. They seem to be the outstanding candidate. I think that is what Mr. Hall is driving at. And that even with the input from others, they still might provide a unique overlay and some unique information, additionally, that we wouldn't be getting from any other source. So I -- I'd love to have them as a member of the team for that purpose, as I was trying to say previously.

CHAIRMAN LYNN: Okay.

Mr. Elder.

COMMISSIONER ELDER: One thing, I don't know whether it's an admonition or what it might be, with the vote I think we just took, and in my comments earlier, that we need to have one person or one firm in responsible charge; that, in my opinion, is National Data --

CHAIRMAN LYNN: National

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COMMISSIONER ELDER: I don't want to set up an animal doing this and lose time. We don't have time to do that.

CHAIRMAN LYNN: Mr. Alder.

MR. ALDER: We have Mr. Elder and Alder here.

I understand where you are going, Mr. Elder. You are looking really for a contractor-subcontractor relationship here.

You can make a choice at this time whether to go with multiple prime contractors, which means you have to administer, or your agency has to administer three different contracts. At times they can conflict and scopes can overlap. And -- which you can deal with it, but it's always a challenge, or have one general contractor overseeing a group of subcontractors. That way when you negotiate, you're negotiating with one firm, not negotiating with three. When there's a problem, the general contractor is responsible regardless of who is underneath them.

COMMISSIONER ELDER: That's my preference as long as we don't run into a time crunch with state administration saying that we
can't acquire the services of Mr. Sissons or
Mr. Braden -- I called him Braden twice --
Brace -- excuse me, Mr. Brace, in the future. If
it's going to require a 10-day process, we don't
have 10 days to do that. Once we start the
negotiation process, we need that flexibility.
Are you saying that we can -- I
guess I'm not -- that we can request that National
Demographics come back with a proposal that says
this is how the whole thing fits together, this is
how we enter into a contract, and leave it to
subcontract with the other two players?
MR. ALDER: Mr. Elder, I think we've
invented a somewhat new process for this entire
new program. What I suggest we do, in fact, or if
the Commission determines they want to go with a
general and subs, using construction terms, you
can certainly do that; then go back to the general
and say here's our idea, our vision for the scope
and how the services should be delegated out or
divvied out; and we'd like for you to come back to
us at the next public meeting with a proposal, do
that, or designate somebody to do that on your
behalf.
CHAIRMAN LYNN: There's a motion on
the floor, I should remind us, a motion to engage
EDS for a portion of the services.

COMMISSIONER MINKOFF: I have a
question.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I guess the
question is for Dr. Adams at National
Demographics.

I understand your comment that it's
good to have a lot of minds working on the
process. Is it going to bog things down to have
this many players at the table? My concern is
about getting this done quickly. I think you all
have incredible skills to bring to the project.
But is it going to make it more difficult if you
are doing part of it, EDS is doing part of it,
Mr. Sissons is doing part of it, Maricopa County
is doing part of it, or will it make the end
result stronger?

DR. ADAMS: I think as long as tasks
are clearly defined, it should not be a problem.

I think one entity could be building
the data base; purchase a portion of the data base
from another entity. I hear that you want the
website run out of Maricopa County. Just as with

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the website, as long as we have it spelled out, it
shouldn't be a problem.

COMMISSIONER MINKOFF: Do you think
there should be one company or person in charge
overseeing the whole thing or that it should be
separate contracts? Or maybe that's not fair to
ask that question, but I'm asking it anyway.

CHAIRMAN LYNN: Since you are the
one likely to administer it, I think it is fair.

DR. ADAMS: Let me say I could work
with it either way. I think if you -- you've
already specified National Demographics as the
lead contractor. If you contracted with a couple
other entities, you could specify that those
entities are going to be working with National
Demographics as the lead contractor or you could
have us be the lead contractor and subcontract.
Again, it's just having those roles defined. And
we could work either way and ask the other
contractors as well how they feel about it.

CHAIRMAN LYNN: There's a motion on
the floor.

Further discussion?

COMMISSIONER MINKOFF: What is the
motion?
CHAIRMAN LYNN: The motion is to engage, also contract with EDS to provide certain services as well.

COMMISSIONER MINKOFF: Okay.

CHAIRMAN LYNN: And those services relate to the creation of data base material.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I have related to the discussion becoming concerned about how we define these roles, because I understand the answer to be clearly it will delay us if we have a large team without defining roles. And so the next step is going to be to define the roles. If we -- if we were setting this up as a prime contract with subcontracts, and the first charge we gave our contractor was to go work out those roles in a manner consistent with the principles that we, and rationales that we've been discussing, and come back to us at the earliest opportunity with a concrete proposal, I would understand that and I think I would vote in favor of it. But that's not exactly what we have on the table here in front of us at the moment.

CHAIRMAN LYNN: No. But the concern I have about that comment is the "come back to us..."
I mean we are under a time crunch. What we need to do is as best we can define these roles so if one of us represents the Commission with the procurement department sitting down with the prime contractor, if that's the way we choose to go, and parceling out roles as we see them, I think that's the most expeditious and probably the best way to solve the problem.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: I'm assuming that that is a process we can make happen in a short period of time.

MR. ADLER: I'll be back in my office about 6:00 tonight.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I can certainly live with that. But it goes back to my previous concern which was just the lack then lack of specificity in the motion about what the role is. Can we be more specific?

COMMISSIONER HALL: The fact of the matter is I don't think we know. That's part of what will occur in the negotiation process. We may sit down with these folks and talk about -- they know more about it than we do. Let's be

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frank. We may sit down and say, "This is what we envision." They say, "Here's the problems with that vision." As we move through the process, they may educate us about the process, that it may not be best to include all parties. We're not obligated to do so. Let's leave the options to do so.

From our limited perspective, given this one day, what we've seen, I'm saying we feel like Mr. Sissons, Maricopa County, EDS, and NDC have certain skills and expertise and information that would benefit this Commission and we'd like to see all four heads, if you will, on the team. In the event that is not feasible, so be it. I think that's the purpose of another meeting, for us to sit down around a round table and work it out, you know, with staff, or whatever, those particular issues. I think the purpose of this meeting is to identify who we're going to utilize.

CHAIRMAN LYNN: Mr. Brace.

MR. BRACE: Let me ask a question, if I could, to help clarify in my own mind as well as yours.

As you know, we proposed a number of different services. Your motion, Mr. Hall, has
been to provide technical services. And it appears to be data base related. Does that mean that once we have prepared the data base then somebody else takes over? Are you also seeking us to propose plans, draw plans for you, or not? Do you propose that we be at your Commission hearings or not? Those kind of things.

COMMISSIONER HALL: I don't speak on behalf of the whole Commission, Mr. Brace. I envision that would be the role of the primary consultant; that we're wanting to utilize your services with respect to the compilation and analysis of the data base and your expertise in that area as you've amply demonstrated and, thereby, then, work with that and give that then to our primary consultant who then would work with us with respect to public outreach, drafting of plans, and continuation of the process. That's my personal vision. We may well have our staff or whomever sit with you all folks involved and you may say -- point -- poke holes in that and determine a better way to proceed. We're open for that, obviously. That's why we want consultants.

MR. BRACE: Sure.

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COMMISSIONER HALL: I'm just speaking for myself.

MR. BRACE: Okay.

CHAIRMAN LYNN: Does that help, Mr. Brace?

MR. BRACE: A little bit, yes. I'm just trying to figure out where we are.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, if Mr. Hall's last remarks were part of the motion, I would vote in favor of it. That is what I was trying to say. But I was --

COMMISSIONER HALL: Mr. Huntwork, if you can give me the language and amend it, I'll amend it. What is the language?

COMMISSIONER ELDER: If we're going down this road, I don't agree with it. I'd like to keep it as open and flexible so it gives the prime consultant opportunity to work with and mold and shape, put together a team that functions and don't limit it to say no, don't print it; yeah, do copy this; do process that; no, you don't. Get down to that level, I'm expecting the prime

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consultant to manage, organize, and put that
together. I'd rather leave it general as opposed
to specific.

CHAIRMAN LYNN: Are you ready for
the question?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman,
no. I apologize. No. I'm now not sure of the
legality of what we're doing. Are we creating a
contract? In voting to accept a proposal or --
what we're doing is voting to authorize --

COMMISSIONER HALL: Negotiate.

COMMISSIONER HUNTWORK: Further
negotiations.

So who are we delegating to do that?

Is it the Chairman or is it our prime contractor?

CHAIRMAN LYNN: And that has yet to
be determined. I think the motion on the floor,
the sense of the motion is to round out, if you
will, those with whom negotiations will occur.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: That's the sole
purpose of the motion, as I see it.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: We are rounding out
that team, if you will, with this motion. There may be subsequent motions to add to the team. I understand at the moment that's where we are.

Further discussion on the motion?

All those in favor, signify by saying "Aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, say "No."

(Vote taken.)

CHAIRMAN LYNN: "Ayes" appear to have it.

Let's take a roll call vote to be sure.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Aye.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Aye.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: No.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Aye.

CHAIRMAN LYNN: Chair votes: Aye.

Four to one.

EDS will be included in the negotiations process.
Ms. Minkoff.

COMMISSIONER MINKOFF: A couple different models have been proposed, one that National Demographics be our contractor and that National Demographics subcontract with the other people we've approved. The other is we have separate negotiations and National Demographics be the lead contractor. If we do that, which is what I prefer, I guess I'm asking a question, can we still look to National Demographics rather than managing all of these contracts ourselves?

What we're trying to do is get it done quickly but also get it done efficiently so that at the end we can go to one entity, presumably National Demographics, and ask them to be responsible for supervising the other contracts.

MR. ADLER: Okay. It's a matter of liabilities is what we're talking about. If you have one firm responsible for everything, that firm has -- is liable for everything, is -- cannot say that another firm caused me to be late, cannot -- they're coordinating everything, so, therefore, they're are responsible for it. If you go to multiple contractors with a lead, you still
have multiple sources of responsibility. One firm can say: Well, I was reliant on this other firm. They didn't come through on time. So you get a mishmash of liabilities. Something like trying to build a house with, you know, and being your own prime contractor and the electrician says I couldn't do that because the carpenter didn't do this. So it's a matter of taste.

But there is a lot -- you pay more when you have a general contractor; however, you are paying for some services you don't have when you do it yourself.

I don't know if I have given an answer.

COMMISSIONER MINKOFF: Would you have a recommendation?

MR. ADLER: If that's appropriate, I would probably recommend a prime.

COMMISSIONER MINKOFF: Prime and subcontractors?

MR. ADLER: Prime with subcontracts.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I want to put our legal counsel on the spot for a minute and ask them if they have any

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recommendations in which way we should consider going.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, members,

I think that the one caveat I would offer is with respect to Maricopa County, although they participated in the procurement process to be treated the same as everyone else in the evaluation phase, technically speaking, you can enter into an inter-governmental agreement with Maricopa County for whatever services I assume -- basically Tim and the website. And it's more appropriate I think to do that than have Maricopa County be a subcontractor to National Demographics.

MR. RIVERA: If I can add a couple things based on what has been brought up already.

There's always the question of liability in terms of responsibility from here. I guess whatever the general contractor is going to undertake the liability of, all the subcontractors under her insurance, or whatever liability contract she has, that's one problem.

The second problem you have to worry about is if we, if you as a Commission, start

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1 giving independent advice or requests --
2 independent requests to each subcontractor, then
3 you are acting as a general contractor with the
4 subcontractor and it runs into problems in terms
5 of taking responsibility away from the general
6 contractor. You have to worry about that aspect.
7
8 The third aspect I guess is, having
9 discussed all this, is you have to decide whether
10 you as a committee want to negotiate this new
11 contract or want to have the general contractor
12 draw up the delineation of duties to bring back
13 either to committee or to someone designated by
14 the committee to see how significantly that
15 changes it.
16
17 Those would be my three areas just
18 in general overview of how you -- some of the
19 pitfalls of going with a subcontractor-contractor,
20 some pitfalls of maintaining too much control,
21 some pitfalls of proceeding without some kind of
22 doctrine in terms of delineating what duties they
23 have on an individual basis.
24
25 CHAIRMAN LYNN: What is your
26 pleasure?
27
28 COMMISSIONER ELDER: Mr. Chairman, I
29 would like to propose and will put it in the form
30
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of a motion after little bit of discussion, would
like to propose we use the general-subcontractor
mode. I would like to recommend that we have a
meeting of the participants or people we've
identified we wish to have in the process, we want
to have as a Commission, give direction as to how
we want the process to be structured, and in a
dialogue we want to have them come back and say we
would recommend this because; that we modify that
so we can provide a general scope of work in that
meeting as a Commission and then let the general
contractor negotiate the okay, you are going to
provide me this by this date, put a schedule
together. We have a schedule issue and product
issue. That's my recommendation.

MS. HAUSER: Mr. Chairman, may I --
CHAIRMAN LYNN: Let me see if
that's --

Was that a motion?

COMMISSIONER ELDER: That's
discussion. A motion?

CHAIRMAN LYNN: Let's hold off and
hear comment.

MS. HAUSER: Let me add a comment.

With Maricopa County, have them in a

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subcontractor mode by reporting to whomever you direct.

CHAIRMAN LYNN: As part of the IGA.

MS. HAUSER: It's a technical document, inter-governmental agreement, rather than contract with someone else.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: I have a question related to the sense of Mr. Elder's comments.

And once again, Dr. Adams, the question is for you.

If you were to function in the role of general contractor, my concern is that as I saw your proposal, you are going to be operating everything out of California. Is there going to be somebody who is here on site?

DR. ADAMS: Oh, absolutely. We -- our understanding internally was that if were we awarded the contract, that we would have a presence here in Arizona, Phoenix, probably.

COMMISSIONER MINKOFF: So the contract would not be managed out of California. If something needed to be done, there would be somebody local to get it done?
DR. ADAMS: That's right.

CHAIRMAN LYNN: Further discussion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I second the motion.

COMMISSIONER MINKOFF: It was not a motion.

COMMISSIONER ELDER: I thought about a motion, got short-cutted.

CHAIRMAN LYNN: Mr. Elder, go ahead.

COMMISSIONER ELDER: Motion: I would like to move that we develop the process -- that we provide a structure of prime consultant with subconsultants as the structure for the administration of the technical services contract.

COMMISSIONER MINKOFF: With Maricopa County --

COMMISSIONER ELDER: With all participants.

COMMISSIONER MINKOFF: Maricopa County has to be handled separately.

CHAIRMAN LYNN: We'll handle that through an IGA. The process would be as a contractor dealt with through an inter-governmental agreement who would be working.
under the general direction of our general consultant for those services.

COMMISSIONER HALL: Well --

COMMISSIONER ELDER: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Moved and seconded.

Discussion?

COMMISSIONER HALL: Is that -- is that what we anticipated would be the role of Maricopa County, working under them? I envisioned Maricopa County or Tim's technical expertise really to be under the auspices of Mr. Ochoa. I don't -- my visualization is that we would utilize his expertise really as part of the Commission, quote unquote, "staff," versus under the umbrella of consultant. I think it's pretty clear with respect to the other two we discussed they'd work as subcontractors for NDC.

I'm just posing the question. I don't have an answer, necessarily.

CHAIRMAN LYNN: I'm not so sure that isn't right. I mean -- that may be more akin to -- in other words, we have a staff position proposed as a GIS person. And it seems to me that

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Mr. Johnson fills that role as opposed to hiring staff and that, that that --

COMMISSIONER HALL: The IGA would address that.

CHAIRMAN LYNN: It would, along with website function, could be handled out of the office.

Mr. Elder.

COMMISSIONER ELDER: I guess my concern is I want to make sure, going back again, that National Demographics makes sure that we have the linkages and have the things in place to where we don't have Tim running off one direction developing plans, revised plans based on input from the public, whatever we get from the Commission, and it doesn't go through that point of responsibility.

COMMISSIONER HALL: That's not Tim's role.

COMMISSIONER ELDER: To evaluate it. Talking me personally, I don't want to go downstairs, go to Tim downstairs, say "Move a line here. Tell me the ramification." No. It goes to them. It could be deficient in that aspect, fulfill these aspects, don't recommend

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because or do recommend because, and then gets integrated into the process.

CHAIRMAN LYNN: There's a motion on the floor.

Further discussion?

COMMISSIONER HALL: Well, I agree with the motion with the proviso I don't think Maricopa County is part of the motion. I think that the other three would be, but I think that -- CHAIRMAN LYNN: Mr. Elder, did you include Maricopa County as part of the motion?

COMMISSIONER ELDER: I envision Maricopa County as part of the motion. Website might, going to interactive qualities, might go, get out. Back to the process, data base management, data crunch, attributes management, areas of interest, might give other information we might want to code, coding that would happen there or coding that would happen with Mr. Sissons. I want an integrated process, and whether an IGA with us then attached to National Demographics, I don't know how the contractual arrangements with the State functions.

CHAIRMAN LYNN: The shorthand answer is you did envision Maricopa County as being part
of the motion.

COMMISSIONER ELDER: May work for us, but --

CHAIRMAN LYNN: In considering the motion, you need to understand it is part of the motion.

Further discussion.

COMMISSIONER HUNTWORK: Mr. Chairman, since Maricopa County is here, I would like to ask them how they feel about that and whether it creates legal or practical difficulties for them.

CHAIRMAN LYNN: Ms. Osborne.

MS. OSBORNE: We're very pleased to have so many people want us.

It's purely a choice you would make, whether we report -- Tim reports to your executive director or to your contractor. It's a management style for you. We're happy to do whatever you choose. Either is fine. I do think an IGA can be worked out through the Commission. And then whichever point of reporting you choose to have done, we'll be happy to do that, either style you choose.

CHAIRMAN LYNN: Seems to me the IGA is a funding mechanism and the reporting
requirements, for example, we could, if we chose to, we could ask our executive director to report through National Demographics, not that we want to do that; I mean in managing the process, we can make those assignments as we see the process needing to work.

So from the standpoint of having Maricopa County provide specific services under an IGA but having those services directed, if you will, with respect to the process, through National Demographics, that would work.

You are saying that's fine with you?

MS. OSBORNE: Fine with us.

It's not only a funding mechanism, there are aspects of insurance, those type of things, which is our contract between Maricopa County and the State of Arizona.

CHAIRMAN LYNN: I understand.

MS. OSBORNE: And however you have us report.

CHAIRMAN LYNN: The motion, the motion as I remember it, is to have a general consultant-subconsultant relationship in play with National Demographics acting as the general consultant and the other consultants in the

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subconsultant role.

COMMISSIONER ELDER: That is correct.

CHAIRMAN LYNN: Mr. Adler?

MR. ADLER: I like your motion. And it has a sufficient amount of flexibility built into it to allow us to take advantage of various contracting mechanisms to get the best value for the State.

CHAIRMAN LYNN: Thank you, Mr. Adler.

Further discussion?

If not, all those in favor, signify by saying "Aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "No."

Chair votes: Aye.

Motion carries unanimously.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, when will there be the follow-up meeting to discuss the roles or when --

CHAIRMAN LYNN: I didn't hear a follow-up meeting in the motion. What we --

COMMISSIONER ELDER: That's part of
discussion.

CHAIRMAN LYNN: What we --
discussion took place before the motion.

COMMISSIONER HUNTWORK: How will we
handle it?

CHAIRMAN LYNN: My next question is
how then does the department and either a
representative of the Commission or the Commission
as a whole proceed to, in effect, get these
contracts in place or this single contract and IGA
in place so we understand who's performing what
role and what the delineations are?

Mr. Adler, you want to give us an
opinion on how that might work so we work off that
opinion?

MR. ADLER: I believe it probably,
as a matter of practicality, you could designate
somebody to represent the Commission and work with
me to negotiate a contract with them. You've
given enough general information, I believe, for
us to be able to -- no?

I believe -- I believe you've given
enough general information for us to at least
start negotiations with these contractors.

CHAIRMAN LYNN: Mr. Elder.

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COMMISSIONER ELDER: Mr. Adler, when you say "start negotiations," will this be for just general contract, identify rates, and so forth, or scope of work?

MR. ADLER: So far, it's a minimal scope of work. I believe we can, together with the executive director, put together a complete scope of work, if you like. With that, we would put together additional services at hourly rates unless you prefer fixed-priced scopes. Keeps things organized. Can't do it for everything, use fixed-price scopes.

COMMISSIONER ELDER: I have an objection to that process. We may or may not have time for another meeting. I believe we need to take time for another meeting. The structure and form of that scope of work will drive the rest of the process until we submit to DOJ. I do not want to go in with a general or undefined scope that is based on general conditions. I want to sit down, discuss ways, approaches on how to accomplish our goals; once we do that, then define the scope of work and however, whether it's hourly, not to exceed fixed fee, whatever it might be, that we go from there. That's my opinion.

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CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,

our consultants would have to work together as a team. Perhaps we can at least shorten and simplify the process by asking them to get together as soon as possible and attempt to work out among themselves specific scopes of work for each of the subcontractors that are responsive to the ideas that we've expressed here today and hopefully, I would expect they would be successful in doing that. And then, I would think, either we would have to authorize one of us to approve that, as a final result, or we could have a telephonic meeting or something like that on relatively short notice confirming the result.

CHAIRMAN LYNN: Mr. Adler.

MR. ADLER: The standard way, what we normally do, is give directions, go back, like with an architect agreement, much like that, given direction given them on scope of work, ask them to go back, delineate roles, make a proposal to you, pick that apart at the next meeting or designate to us we could pick that apart.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I think as

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indicative by the confused look on the
consultants' faces that we have, we still have a
significant amount of gray area. I think it would
behoove, in my opinion, at least two members of
this Commission, along with our executive
director, and along with Mr. Adler and the
consultants, to have a meeting to try and iron
through the gray areas and ask questions and
fetter some of these issues out; at that point
then say okay, we think we all understand what
we're trying to do and what the best situation is
as far as integrating all of the parties and then
at that point maybe instruct those folks to then
amend their cost proposals with respect and we try
and clarify in some format what the scope is not
only in writing but also what the charges would be
for that scope; then present that to this
Commission and allow the Commission to go ahead
and as a body endorse that procedure.

CHAIRMAN LYNN: How long do you
think that might take?

COMMISSIONER HALL: The meeting?

CHAIRMAN LYNN: The point at which
we can actually have the consultants begin work?

COMMISSIONER HALL: I would --
COMMISSIONER ELDER: Tuesday.

COMMISSIONER HALL: Is it appropriate for us to meet telephonically as a Commission?

CHAIRMAN LYNN: Yeah, as long as the public has access to the public telephonic.

COMMISSIONER HALL: Mr. Brace, how long are you in town?

MR. BRACE: Since I missed my plane five minutes ago . . .

COMMISSIONER HALL: Dr. Adams?

DR. ADAMS: I have actually a commitment in California tomorrow. I could try to change that. Monday would be a better day for me, but --

CHAIRMAN LYNN: Mr. Sissons?

MR. SISSONS: Unfortunately I'm in Merced, California, on Monday, so -- I really cannot get out of that.

COMMISSIONER HALL: Where are you --

MR. SISSONS: I'm here in town tomorrow.

COMMISSIONER HALL: I'm just searching for options, Mr. Chairman.

CHAIRMAN LYNN: I know.

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COMMISSIONER HALL: These folks, two are from out of town. In light of the distance I must drive, I'm here tonight.

COMMISSIONER ELDER: I'm not.

COMMISSIONER HALL: I'm saying at least a couple members of this Commission could sit, maybe have a dinner meeting and iron out some of these issues and probably by the end of next week meet, probably telephonically, more specifically.

CHAIRMAN LYNN: Mr. Brace?

MR. BRACE: I think Mr. Hall's recommendation is a very good one. I think there does need to be a meeting in terms of roles. I think one thing that also needs to take place is letting us review each others' proposals so that we understand what different people were proposing, similar to what you are, and that we have some clarification of possible different roles and how we can fit in, and Tony can fit in, or whatever the case may be.

COMMISSIONER HUNTWORK: Mr. Chairman, a couple questions, quickly. Number one, I think -- if there is any confidentiality associated with the proposals --

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Is there any confidentiality associated with the proposals? Can consultants waive those, their confidentiality? Can they waive that?

MR. ADLER: I'll have to defer and talk to lawyers on this. This is breaking new ground.

COMMISSIONER HUNTWORK: If we waive it, they agree to waive it, is there anyone else that might have an interest in keeping it confidential?

MR. ADLER: Mr. Huntwork, I don't know if we can waive that. That's why I need to check.

COMMISSIONER HUNTWORK: Second question is is there an adjournment process whereby we could adjourn until a certain time?

CHAIRMAN LYNN: Recess.

COMMISSIONER HUNTWORK: Recess without having to call another meeting, per se, just -- so there's no problem calling another meeting?

CHAIRMAN LYNN: Assuming we have a quorum later today.

COMMISSIONER HUNTWORK: Later today,
or tomorrow morning --

CHAIRMAN LYNN: I'm not sure you'll
have a quorum. We wouldn't be able to notice a
meeting by tomorrow, if we were to --

COMMISSIONER HALL: Right.

COMMISSIONER HUNTWORK: If we
recess, we have to renotice.

MR. RIVERA: I think you have to
give notice. I think you can come back today. If
you go beyond today, you have to renotice.

COMMISSIONER ELDER: Mr. Sissons,
would you be available by telephone on Monday?

MR. SISSONS: Unfortunately, I think
not. In that engagement I'm the prime contractor
on that work and I've got to really focus on those
folks for that day.

CHAIRMAN LYNN: Mr. Brace?

MR. BRACE: I'm supposed to be in
Virginia Beach on Monday and Chicago on Tuesday.

MR. RIVERA: How about Saturday?

You only need one, two Commissioners to speak with
about this. This many people, weekdays are always
difficult. Weekends always seem to be available.

COMMISSIONER HALL: How about do it
tonight or first thing in the morning, just two

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people?

CHAIRMAN LYNN: I don't know that two people is necessarily acceptable. We haven't gotten to that point yet. I'm getting a sense others want to be involved.

COMMISSIONER HALL: I see.

CHAIRMAN LYNN: I'm trying to be fair.

Let me just suggest something. We have tried very hard to get the best of what we thought were all of the proposals that came in. And in trying to do that we've created a circumstance that is not a usual circumstance.

I'm not trying to back off from where we want to be, which is to try to get the best team together that we can. I mean as far as I'm concerned there has been enough discussion in terms of general areas of responsibility. Frankly, I can cite them in terms of:

Mr. Sissons' availability to do historical data with respect to the State of Arizona; Maricopa County's ability to host the website and to provide local GIS support;

Mr. Brace's ability to prepare the data bases short of the historical voting data which would be.

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prepared by Mr. Sissons; and National Demographics
to utilize those pieces in wrapping the entire
process together, particularly utilizing the
outreach process that they outlined for
identification and delineation of communities of
interest. That's the way I see it. That's the
way I see the pieces sort of coming together.
I don't know that that is sufficient
to get you to a contract negotiation, but I do
think that's the general intent of what we've been
talking about for the last several hours. It may
be more detailed than that. And it may require
that the consultants get together and figure out
how each of those pieces is going to effectively
come together. But I don't know that we're
necessarily going to be helpful in that process.
It seems as though what has to happen on whoever
time frame it is, consultants need to get together
to figure out how to bring that together in a
singular proposal with a singular kind of
approach, those pieces included, and then present
that to us, telephonically or in some other way so
we can consider it and to bless it and to move
forward with it. I have no idea how long that
will take and no idea how complex that process is.

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DR. ADAMS: I think National Demographics can certainly take the lead on that to contact the other contractors, either meeting this evening and see if we can iron that out, come back to you with a proposal, and then let you discuss it via telephone.

CHAIRMAN LYNN: All right. We'll need two days' notice to properly notice the meeting. And then I don't know how we would arrange to have people listen in on a conference call or how that works, but that would be -- probably be the preferable way to handle it.

DR. ADAMS: You suggest possibly meeting Wednesday next week, something like that?

CHAIRMAN LYNN: To the extent --

COMMISSIONER ELDER: Tuesday.

CHAIRMAN LYNN: -- extent we get a time everybody can be there.

DR. ADAMS: That would work for me. What I would plan on doing is seeing if Mr. Sissons and Mr. Brace could maybe meet this evening, a representative from Maricopa County could meet this evening. We could sit down and discuss it. And then I would come back to you with a master proposal.

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CHAIRMAN LYNN: And I'd certainly suggest Mr. Adler be included in your meeting.

DR. ADAMS: Yes, yes.

CHAIRMAN LYNN: If a member of the Commission wishes to join you, certainly that's possible as well.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: I was going to say as far as scheduling, Wednesday, Thursday, and Friday next week is fine from that aspect. If we take a few moments and identify and address areas of concern or issues we want to make sure are reflected in the proposal before we adjourn this evening or this afternoon, we could do that to make sure that the proposal or scope of work is responsive to what we would like.

CHAIRMAN LYNN: If that's your pleasure, I'll be happy to hear each of you on that subject. What I'd like to do is hear Ms. Minkoff first. She has a time commitment that necessitates her leaving us. I want her to have an opportunity to do that.

COMMISSIONER MINKOFF: In terms of my schedule?

CHAIRMAN LYNN: In terms of any

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specific concerns to give the consultant group.

COMMISSIONER MINKOFF: I'm comfortable with the way it's laid out.

Are we proposing a teleconference meeting?

CHAIRMAN LYNN: Yes, next week, at a time convenient.

COMMISSIONER MINKOFF: Okay. Fine. Can we set that before I leave then?

COMMISSIONER MINKOFF: Not likely.

I'd ask staff to poll us when we have time available.

COMMISSIONER MINKOFF: You are not available Tuesday or Thursday.

COMMISSIONER ELDER: Tuesday and Thursday mornings are not -- telecommunication is fine any day next week as long as it's not mornings Monday or Wednesday. I have a commitment Tuesday and Thursday.

CHAIRMAN LYNN: Your earliest is Monday?

MS. MINKOFF: Monday is fine, Tuesday is fine. Wednesday and Friday are not good.

Any time Monday, Tuesday, or
Thursday I'd make myself available.

CHAIRMAN LYNN: Hang with us. One more point out of the way, then we'll try to take a quick break for you.

Mr. Elder?

COMMISSIONER MINKOFF: May I be excused?

(Commissioner Minkoff leaves.)

COMMISSIONER HALL: Mr. Chairman.

COMMISSIONER ELDER: Concerns or issues --

CHAIRMAN LYNN: Concerns or issues for consultants to discuss.

COMMISSIONER ELDER: From my perspective in the proposals this morning, one of the key factors is National Demographics' areas of concern for communities of interest. The integration of various other factors, voting rights law, compactness, the five or six in the proposition as well. My concern is, and we asked the question, or I asked the question, we are mandated by our Proposition 106 to start with the grid process. We need to make sure that grid process is reflective in the scope of work in the process. And I'd like a suggestion, both in time.

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frame and how it's managed, how it may fit into
the overall process. Can't go into the process
without abiding by our state law and that. So
that's my, you know, primary concern there.

I would also like, I don't know how
it fits in, but EDS does have some background in
the analysis of data. To the extent that if there
are certain questions asked, and it may be
questions asked by, don't know whether we want to
call it competing proposals, plans, or maps, maybe
we get one from the Legislature, maybe get one
from Native American, maybe one from the Hispanic
community, and evaluation, evaluation of data
processing, where we have concurrence, where we
have issues that may be reflective that we have an
issue here and why is that, that can be integrated
into the process. And whether that's keying in
additional information or whether that's
integrating that person or EDS into the process at
that level, also, to provide us with the best of
all world's would be the second item.

The third item is Mr. Sissons also,
besides historical data, may have networks that
would be valuable in the community and in the
state as far as who, where, what. And he may

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already have data.

As long as we can make sure we make best use of consultants possible we can.

Then with Maricopa County, I would like to make sure the process is set up, not necessarily they bypass Enrique, go to you, or that process of our executive director where Tim may very well be in office in-house doing things with management of the website, doing management of the GIS process locally, processes to techniques he uses and outcomes so we don't get stuff being developed here locally that you haven't reviewed and approved or say yes, we can disseminate that to the public for public information, or however it might go. Those are concerns I have.

Thank you.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,

I'm going to be looking as much as possible for specificity. We've been talking very generally. I want to see as many details as possible pinned down. I want to avoid overlap and duplication to the extent possible. And I would like you to focus on cost-effectiveness. At least if we have two people doing the same thing for different
prices, let's be sensitive to price.

CHAIRMAN LYNN: Thank you.

Mr. Hall?

COMMISSIONER HALL: Mr. Chairman,

I'd like to attend the meeting whenever they
arrange that. I feel it's in our best interests
to have at least one if not two members at that
meeting. I'll be here anyway. I volunteer to
attend. I agree with Mr. Elder's points he made
and agree with Mr. Huntwork's points he made. It
would behoove us to have at least some
representation there.

CHAIRMAN LYNN: Any other motion you
have regarding consultants before we close that
issue?

Hearing none, we will take a break,
five, no more than 10 minutes, and continue.

I want to thank all the consultants
here today for being with us.

(Recess taken.)

(Commissioner Elder leaves.

Kimberly Porter leaves. Commission members now
present: Chairman Lynn, Commissioner Hall,
Commissioner Huntwork.)

CHAIRMAN LYNN: Let's go back on the

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record at 4:30. And let's indicate that both
Mr. Elder and Ms. Minkoff are excused. We still
have a quorum of the Commission.

And the next item on the Commission
agenda is discussion on additional staffing and
office space requirements.

I would ask Mr. Ochoa if he has
anything in that category that is absolutely
pressing.

MR. OCHOA: Mr. Chairman, in regards
to the staffing and what I, what I presented was
just to let you all know the direction that we're
taking, that I'm taking in terms of how to
structure the office. There are, I had some
individuals in mind, and some of them are coming
through, some are not. So I've still got to work
with it.

Now that we've talked about the
interfacing of Maricopa County, we'll make some
changes. We'll make those adjustments.

Looks like overall, it goes in the
direction I was going. It's going in the same
direction. Now it's a matter whether I staff them
as a position where they're going to sit there at
the offices or a position I'm going to have to
supervise on a part-time basis. It may be I'll do
that as a GIS position, may do that for the
outreach position. After further discussions, we
may do outsourcing in the way we've been doing
with the technical consultants.
I wanted to mention in addition to
Maricopa County situation where we may have an
individual office at our location, if, if you
like, I can also speak with one, I think the
primary contractor, I don't know if they have
offices here.
CHAIRMAN LYNN: No.
MR. OCHOA: Maybe --
CHAIRMAN LYNN: I'd like to have
them office with us.
MR. OCHOA: I think that would be
great. We have enough space to expand or house
them there, if necessary. That would make it a
lot easier for us.
CHAIRMAN LYNN: Absolutely.
MR. OCHOA: Let's see.
We did talk, maybe one of the things
we should talk about, we did talk about protocol,
requests for meetings, those kind of things. We
had lunch.
I think the consensus was basically we want to accommodate everybody as much as possible; want to get as many requests in writing prior to making any decisions. And, what is it we were discussing. Don't remember.

Talked about protocol. Thought we should respond to all of the requests, number one. And they felt, I think, legal counsel felt --

MS. HAUSER: Need to clarify requests for meetings from outside.

MR. OCHOA: Protocol for meetings and request for meetings from the community for meetings with community organizations is what specifically I'm addressing. Basically they would like to get involved if there are some meetings that would be wise to document for purposes of preclearance at a later day. That would be meeting with minorities or other communities of interest.

That's about it, really. I think those are the major activities I planned to address.

Unless there are some questions?

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Have you ordered

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stationery already?

MR. OCHOA: In the package, by the way, I put a sample.

COMMISSIONER HALL: I saw it. Did you order it?

MR. OCHOA: Yes, I ordered it.

COMMISSIONER HALL: Can we get a sheet like this having all the Commissioners including Ms. Hauser, Mr. Rivera, and yourself?

MR. OCHOA: Of course.

COMMISSIONER HALL: Can we get a copy of the Capitol Directory?

MR. OCHOA: Of course. I'll get you -- in regards -- in addition to stationery, I think one of the letters I wanted to recommend, I put number one, I wanted to draft a letter for the Chairman or members of the Commission for Mr. Hernandez and other members of the Commission to date, maybe to present at the next meeting, a thank you and indicating appreciation of some sort.

CHAIRMAN LYNN: I'm going to -- would like to do that. I also want to be sure that we also write a specific letter, not only to them, but to Elliott Hibbs for the help from the

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Department of Administration. And I do want to write a letter to Attorney General Napolitano and thank her for the --

MR. OCHOA: Would you like me to draft those? Would you like me to draft those letters and get them over to you?

CHAIRMAN LYNN: If you would, get them over to me. E-mail them to me. And I'll get them over to you.

MR. OCHOA: The last thing you have in the package is cards, business cards. You have mine as a sample. I can get them done in a week. There's a format. If you look in there, let me know if you want me to include a cell number. I don't think you want me to include home numbers, naturally. Put the numbers or information you would like for me to put on the card.

Formatwise, it's pretty much a standard format, the card I have.

In case you are particular like me, I like to be capital and smaller fonts, but they go both ways on that. That's the way they are delivered.

COMMISSIONER HALL: Looks fine to me. I prefer my middle initial M instead of the
full name Mark. I don't want my cell number on it, I can guarantee that.

CHAIRMAN LYNN: I guess the question is if we want any number other than the office number.

COMMISSIONER HALL: What is your opinion?

CHAIRMAN LYNN: If you want to entertain phone calls at your own office, then you are going to list those numbers.

COMMISSIONER HALL: I prefer to have them go through him.

MR. OCHOA: No problem.

CHAIRMAN LYNN: The purpose of using the card is to direct people to the process. I think we want to use these numbers.

MR. OCHOA: Excellent.

CHAIRMAN LYNN: Same with me, middle initial, Steven W. That's fine with me.

COMMISSIONER HALL: Perfect.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Fine.

COMMISSIONER HALL: Phone number list, we have new folks, names --

MR. OCHOA: Yes.

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COMMISSIONER HALL: It's nice to turn to one or two sheets when you try to make calls.

MR. OCHOA: Send a hard copy and electronically as well.

CHAIRMAN LYNN: Anything else, Mr. Ochoa?

MR. OCHOA: No, unless you have questions.

CHAIRMAN LYNN: Any other questions?

Ms. Hauser.

MS. HAUSER: Can I just stay right here?

CHAIRMAN LYNN: You can stay anywhere you like.

MS. HAUSER: I gave you two things. One is the sort of historical analysis you requested. In part, it's a little bit of a comment on the article that you received from Mr. Cantelme. I think it clears up maybe one or two things with that concerning the 1990 redistricting I think were inaccurate in that summary. And in other respects, that particular summary was fairly accurate but details essentially how in prior times it was one person...
one vote that seemed to be the issue; as we moved into the '80s, it became voting rights issues, primarily not splitting Indian reservations and dealing with Department of Justice concerns with respect Hispanics in Southern Arizona.

And as far as the lessons for 2001, I think this identified the concerns that took place in the past. If you looked at the redistricting criteria that are in the proposition and how those fit with the neutral criteria that has been recognized in the courts and the problems that we encountered before, all of those, really, should be covered.

So as far as the places where Arizona ran into big trouble in the past, you know, assuming all goes well through this process, they should be covered. And that is really oversimplifying the entire situation. But in the interests of time, that's what I'll do.

The other thing that I gave you is an article that was written by Senate counsel in the State of Minnesota. It's I think a very good analysis of how to draw redistricting plans that will stand up in court and pretty well marches through all criteria.

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Since I know you are all in search of reading material, I thought I'd give you that for now.

Anything else?

MR. RIVERA: Only to look at the historical analysis I think discussed before. The issue seems to be coming up in Arizona continually of Native American issues, how we treat Native American communities. We ought to be sure that's addressed in all our hearings and in our -- the experts that we've hired are cognizant of that. That is always a uniquely Arizonan issue.

Arizona is unique in the way the Indian population is done. And that's probably the biggest handicap we've had in the past in drawing up districts.

CHAIRMAN LYNN: Any questions of legal counsel?

Thank you both very much.

Next is public comment. Any members from the public wish to be heard?

A stalwart bunch, I will say, though, right to the end.

The next meeting will be telephonic.

We determined that. It will be next week, we
don't know exactly when, when the consultants have
had an opportunity to put a plan together. We
will meet telephonically to hear that plan.

What we haven't done is discuss
future meeting dates. What I'm hoping to do is to
ask Mr. Ochoa to check, first of all, summer
availability. I want to check over the summer
months if there are planned vacations by
Commissioners, to take those into account as best
we can in scheduling meetings. If you would share
those with Mr. Ochoa, he can put together a list
of available weeks and days for us to continue to
meet.

The other thing that seems to me is
going to be important is that once we have maps
that people will be asked to react to, it may very
well be appropriate for the entire Commission to
schedule meetings around the state. I think the
information-gathering portion of the process can
be done with a member or two present, and we can
then, the rest of us can then rely on transcripts
and minutes of those meetings to get the flavor of
what was said and who was present.

But I do think once we have a draft
plan in place with maps available to the public
that we hold formal public hearings on those maps and we do so taking into account both rural and urban areas of the state to schedule that. And it seems to me that that is going to occur sometime in the, let's say, July, early August time frame so that once those hearings are completed, staff and consultants will have an opportunity to make final adjustments to the plan, to write the submission to the Department of Justice, and to have all that completed by, let's say, the end of August or sometime in August. I'm just guessing at that time frame.

I know we need to have as soon as possible a revised time frame based on what the consultants can do for us and moving up to that end time, which we still have certain.

Are there any other comments with respect to agenda items and dates?

MR. RIVERA: I don't know who will deal with consultants for the next hearing.

Whoever does, I suggest you tell them anything handwritten, a typed-up proposal, to get to us before the meeting to review before the meeting.

CHAIRMAN LYNN: Mr. Ochoa, I'd ask you do that. You'll attend the meeting tonight at

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6:00 or were you?

MR. OCHOA: I didn't know about a meeting at 6:00.

CHAIRMAN LYNN: The consultants are meeting with Mr. Hall at 6:00 this evening.

MR. OCHOA: Okay.

CHAIRMAN LYNN: To work out sort of the details of a proposal to come back to us next week prior to that telephonic meeting that we will hold.

MR. OCHOA: All right. As I car-pooled with a real good-looking young lady this morning, I'll have to ask her permission. I don't mean to be -- we have kids, and so forth.

COMMISSIONER HALL: If he's not there --

CHAIRMAN LYNN: You might convey to him we need to have that information.

MR. OCHOA: Okay.

Okay. Anything in writing --

COMMISSIONER HALL: I'll tell them to give to you.

I'll ask, without objection, in light of our discussions, they'll need to submit revised cost proposals.

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CHAIRMAN LYNN: Absolutely, because we have picked and chosen pieces from what they submitted before.

COMMISSIONER HALL: I'll ask them to submit a time line summary, ask National to do a summary of how they see all of the roles interweaving and revised cost proposals.

MR. RIVERA: Mr. Chairman, you might also ask for a timetable.

CHAIRMAN LYNN: Yes. Let's ask for a timetable from them.

In talking with the consultants informally, they felt they could stick pretty closely with the timetable anticipated originally and within a matter of a very few weeks they would be able to begin drawing maps.

What that means is that the outreach portion of the process needs to begin as rapidly as we can schedule it and to make sure that we have the outreach component of our staffing taken care of so that those outreach meetings are handled as broadly in terms of press and public as possible.

We expect to have large numbers of people participate. That's the -- precisely what
COMMISSIONER HALL: So, if I am correct, understanding correctly, after we meet and come back, telephonically come back, we agree with the generality, I'm assuming we'll authorize yourself and Mr. Ochoa to sit down, or Mr. Adler --

CHAIRMAN LYNN: Adler.

COMMISSIONER HALL: -- and finalize negotiations as far as contracts?

CHAIRMAN LYNN: Mr. Adler will do that with Mr. Ochoa and Mr. Rivera, Ms. Hauser, or both.

Ms. Hauser?

MS. HAUSER: Do you want counsel present at the meeting at 6:00? Mr. Rivera can't do that. I can. I don't want to spend your money unnecessarily.

CHAIRMAN LYNN: I don't think that's necessary.

COMMISSIONER HALL: I think we'll just arm wrestle a bit.

MS. HAUSER: I'm too tired for arm wrestling.

CHAIRMAN LYNN: I don't think it's
necessary. Thank you for the offer.

MS. HAUSER: Second thing, do the
members of the Commission want me to follow up by
writing a letter on your behalf to Legislative
counsel? I have discussed with them, know who to
send it to and who to copy, and everything, so we
don't step on anybody's toes and who to pursue in
obtaining the precinct equivalency data they have.

CHAIRMAN LYNN: Without objection,
we need to formalize that request.

MS. HAUSER: Yes. We need to get
that out. I'll get that out in writing tomorrow.

COMMISSIONER HALL: I need to visit
with you, also.

CHAIRMAN LYNN: Anything else to
come before the Commission?

Anything else to come before the
Commission?

If not, we're adjourned.

(Whereupon, the hearing concluded at
approximately 4:46 p.m.)

* * * *

ATWOOD REPORTING SERVICE
Phoenix, Arizona
STATE OF ARIZONA )
) ss.
COUNTY OF MARICOPA )

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 285 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 12th
day of April, 2001.

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

ATWOOD REPORTING SERVICE
Phoenix, Arizona