STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
May 28, 2004
9:00 a.m.

CERTIFIED TRANSCRIPT
LISA A. NANCE, RPR, CCR
Copy
Certified Court Reporter
Certificate No. 50349
ARIZONA INDEPENDENT
REDISTRICTING COMMISSION
Phoenix, Arizona 85019
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The State of Arizona Independent
Redistricting Commission was noticed to convene in Open
Public Session on May 28, 2004, at 9:00 o'clock a.m. and
went on the record at 9:00 o'clock a.m., at the Offices
of the Arizona Independent Redistricting Commission,
Phoenix, Arizona, 85007, in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN

VICE CHAIRMAN ANDI MINKOFF (Present telephonically
as indicated.)

COMMISSIONER JAMES R. HUNTWORK

COMMISSIONER JOSHUA M. HALL

COMMISSIONER DANIEL R. ELDER (Present telephonically
as indicated.)
ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
LOU JONES, IRC Staff
KRISTINA GOMEZ, IRC Staff
LISA A. NANCE, RPR, CCR, Court Reporter
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(By Written Submission)

EXHIBIT

NO. DESCRIPTION

1 Speaker Slip for Mr. Mandell.
CHAIRMAN LYNN: Good morning. It's 9:00 o'clock.

Call the meeting to order.

The Commission will be in session.

Roll call.

Mr. Elder?

COMMISSIONER ELDER: Here.

Ms. Minkoff?

COMMISSIONER MINKOFF: Here.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Here.

Mr. Hall?

COMMISSIONER HALL: Here.

Staff is here with legal counsel.

Contrary to what you read, heard, or have recalled, this meeting is called a periodic update meeting with respect to legal action in two courts, State of Arizona US District Court, and Court of Appeals. It is a regular update meeting we felt was appropriate and
necessary to keep the Commissioners informed of the
proceedings in those courts. And any other information
that you may have been given or led to believe simply
isn't true and you need to understand that. Insofar as
that reason for this meeting is the primary reason for
the meeting, I would ask that, first, and foremost, we
take care of that issue and we will entertain public
comment later in the meeting.

For that reason, pursuant to A.R.S.
38-431.03(A)(3) or (A)(4), is there a motion for
Executive Session?

COMMISSIONER HUNTWORK: So moved.
CHAIRMAN LYNN: Is there a second?
COMMISSIONER HALL: Second.
CHAIRMAN LYNN: All those in favor of the
motion, say "aye."

COMMISSIONER ELDER: "Aye."
COMMISSIONER HUNTWORK: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER MINKOFF: "Aye."
CHAIRMAN LYNN: Motion carries five-zero.

Thank you for being here this morning.

There is no way of gauging the Executive Session time.
Even if I did, I'd be wrong. I'd ask your indulgence and
patience. We'll be with you as soon as we can.
1 MS. HAUSER: We can state however long the
2 Executive Session lasts, Commissioner Minkoff is
3 unavailable after 9:30.
4
5 COMMISSIONER MINKOFF: I can stay until
6 9:45.
7
8 CHAIRMAN LYNN: For the record, we'll make
9 that clear.
10
11 (Whereupon, the Commission recessed
12 open Public Session at 9:07 and
13 convened in Executive Session until
14 10:35 a.m. at which time a recess was taken
15 and open Public Session reconvened at
16 10:50 a.m.)
17
18 CHAIRMAN LYNN: Any business on Item IV?
19 Hearing none, Item V, public comment.
20
21 I have a request from Michael Mandell,
22 Arizona Minority Coalition.
23
24 This is the time for consideration and
25 discussion of comments from the public. Those wishing to
26 address the Commission shall request permission by
27 filling out a speaker slip. Action taken as a result of
28 public comment will be limited to directing staff to
29 study the matter or rescheduling the matter for further
30 consideration and decision at a later date unless it is
31 the subject of an item already on the agenda.
Mr. Mandell.

MR. MANDELL: Thank you.

Michael Mandell representing Arizona Minority Coalition for Fair Redistricting.

I was coming to speak about the executive, about the open meeting law issue noted to the Commission. Obviously since Item IV went away, that is no longer an issue.

One of the things I would like to impress on the Commission, even if the Court of Appeals decides to stay the January 16th order, we'd hope that the Commission allow the DOJ process to continue on and let DOJ decide whether or not the April 16th map is a map that can be used for future elections, whether for this election we've used 2002 or not, 2004 or not, I understand it's not the map which is a favorite of the Commission, or one you all were real happy to have to go in and create. Millions of dollars have been spent in attorneys' and consultants' and our time and citizens' time, and DOJ's time, all of those sorts of things. We respectfully request no matter what happens you allow the map to continue its process.

CHAIRMAN LYNN: Thank you, Mr. Mandell.

Mr. Huntwork.

COMMISSIONER HUNTWORK: May I ask you a
question?

MR. MANDELL: Yes.

COMMISSIONER HUNTWORK: Can you assure the Commission that if the, if DOJ were to approve the Court ordered map in the middle of the election cycle using the other districts, for example, that it would not have the effect of revoking the preclearance that already exists for those maps? Can you assure us of that?

MR. MANDELL: Mr. Chairman, Mr. Huntwork, I cannot assure of you of that, no.

COMMISSIONER HUNTWORK: If it did -- if it was legally ambiguous as to whether it had that effect or not or if it did have that effect, then what do you think would happen to the election cycle? Would it be interrupted? Would, if, for example, it were legally ambiguous, be a lengthy delay while that ambiguity were resolved, or resolved simply, easily, go back reapplying for the previously approved maps; and if that happened, would your clients support that in order to allow the election to proceed without interruption?

MR. MANDELL: Mr. Chairman, Mr. Huntwork, I can't speak for my clients on a hypothetical that I haven't had time to speak with them about. A lot of my clients are elected officials. It's to their benefit elections take place in a timely,
orderly manner, have candidates, an official duty for legislators of the State of Arizona.

It really depends on the timing, I think, of when DOJ comes down with a decision. If it comes down with a decision before June 9th, I think a lot of things are avoided and the elections proceed either under either map without any types of problems. It's between June 9th and the June 21st time frame that the problems start to be created. If it goes out to June 21st, problems could be created. Becomes much larger if it happens sooner than later.

COMMISSIONER HUNTWORK: Not just your clients, I think everybody shares that same view. We need to be thinking about how we can assure that there will be an orderly election.

CHAIRMAN LYNN: Mr. Hall --

Mr. Mandell, want to comment?

MR. MANDELL: Clearly it's to everyone's benefit the elections proceed orderly and on time. I don't think anyone is advocating elections be -- certainly the election deadlines could be moved, the actual date of the elections. I don't think anyone is advocating those occur.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I was just going to
say, to that point, our clients are the 5.1 million
people in the State of Arizona. Your clients have
special interests. Our clients' interests are to insure
all parties have a right to vote, including the military,
which there's a significant number of overseas. I want
to make that very clear.

I just have two questions. One is, can you
explain, when you were in front of the Commission during
our 45-day sprint to create a court ordered map, on more
than one occasion we emphasized it would be important for
your clients and representatives of interested parties to
provide affirmative and enthusiastic support of that
plan. Information we've received from the Department of
Justice is that that support, some of the support they've
only received in the last week or two from certain
leadership groups. So can you explain to us why that
support has in some cases not only been significantly
delayed and absent in some cases?

MR. MANDELL: Mr. Chairman, Mr. Hall,
support certainly has not been absent. Submission
occurred on tiers. The first letter went out on May 1st
in support of the plan. Three letters went out to the
Department of Justice May 1st, May 1st, May 18th, all in
strong support of the plan. All clients called the
Department of Justice. To my knowledge, every single one
supported the plan, provided information to DOJ, provided additional election data, precinct support of the plan. All this counsel has, we supported, are an appendix to the Court of Appeals action. All those letters are part of the record. So we certainly have been doing our best to try to stay in constant contact with DOJ, make our clients available to DOJ for calls, in fact have given DOJ a list of people to call, which they have called, started calls very early, started -- some clients started receiving calls early in the first week of May, have been in constant contact with DOJ since then, support the plan, have certainly been forthcoming. My clients, the organizations they represent, for example, a representative of Valley de Sol is here to talk about what their organization has done as well, a couple from LULAC, Chicanos Por La Casa.

COMMISSIONER HALL: LULAC in the last couple weeks. Not MALDEF.

COMMISSIONER HALL: MALDEF was absent.

MR. MANDELL: MALDEF was not absent.

COMMISSIONER HALL: Conversations with MALDEF.

MR. MANDELL: They provided additional data to try to help support the plan, showed you a viable plan should be precleared. Unfortunately, MALDEF has a
1   staunch position which has not yet been, in fact been
2   able to confirm with them whether or not they altered
3   their position. The person from MALDEF I talked to was
4   actually saying that maybe the benchmark plan was not one
5   effective for Latino voters, one actually precleared.
6   It's hard to tell where they're coming from.
7                 CHAIRMAN LYNN: Ms. Hauser.
8                 MS. HAUSER: I just wanted to clarify for
9   the Commission where some of the confusion comes into
10   play, what was done with DOJ, the Minority Coalition.
11   I'm happy Mr. Mandell is here to make statements in
12   response to questions. I'd like to put on record for the
13   Commission that we had indicated just as, you know, when
14   we send things to DOJ, make copies available to the
15   Coalition, we asked the Coalition when they gave support
16   to DOJ, they please copy us on that. Interestingly
17   enough, we didn't get anything. We, of course, assumed,
18   they didn't tell us they'd refuse to give us copies, we
19   didn't hear anything, we naturally came to the assumption
20   they had not done anything. We did contact Mr. Mandell.
21   In the spirit of cooperation we've come expect from the
22   Coalition, they said they would not give us copies of
23   anything they gave to DOJ unless we agreed in advance to
24   never to use them against them. I'd add at that point we
25   were in federal court.
I want to make you fully aware of that course of events.

I did make a formal request of DOJ and did receive some of that information. So we have it and got the rest of it in their court papers. Just so you know, that's where the confusion comes in.

COMMISSIONER HALL: One more question, Mike, not trying to put you on the spot, Mr. Mandell, sorry.

Back to this DOJ issue and plan presently before them. As you know, they have until June 21st to preclear that. So I want -- all in hypothetical, we don't know what the Court of Appeals is trying to do, here we'll have fun solving hypothetical problems.

Assume for the sake of discussion DOJ on June 20th says in light of the fact we have conflicting opinions from leaders of the Hispanic community, in fact, MALDEF on one side opposing saying it's retrogressive, information provided by other sources is indicating potentially retrogressive, other members, including your clients, say it isn't, is for the benefit of the Hispanic community in the State of Arizona. Let's say, for the sake of discussion, on June 20th the Department of Justice says we are conflicted by the conflicting information; therefore, we request more information on June 20th. As
you know, if they request more information on June 20th, they have another 60 days from --

MS. HAUSER: From the time they get it.

COMMISSIONER HALL: -- from the time they get the information. Given that hypothetical scenario, what would be your recommendation?

MR. MANDELL: First, you have to assume the Court of Appeals did nothing.

COMMISSIONER HALL: Assuming they granted the stay, that -- assuming the Court of Appeals grant the stay, elections proceed forward, leave the April 12 plan on the table, suggesting June 20th, we don't know where you came up with the magic June 9th date.

MS. HAUSER: End of candidate filing date.

COMMISSIONER HALL: Zero, respond before June 9th, do that, what do you suggest at that point then?

MR. MANDELL: Mr. Chairman, Mr. Hall, I suggest the Commission return and address it at that time, that way you know what is going on. It would be pure speculation on my part and everyone's part to try figure out what DOJ would do. I'd be very surprised if on -- the day before a decision were to come out DOJ would ask for more information.

COMMISSIONER HALL: Pursuant to
Mr. Huntwork's comment, don't you agree if they did respond and precleared in a reasonable time frame, it would cause tremendous ambiguity and disruption of the election process, stay, election proceeding under the current maps, election officials stating now we're drop dead, past certain dates, implementation of the election? After a couple weeks we have subsequent, from them, creates additional ambiguity, delay. Are you concerned for your clients, specifically cause inhibition to efficient, smooth election?

MR. MANDELL: That would assume if the new plan were precleared that would then have to be the plan used for the election. So under that assumption, certainly the further you get out, and as I answered Mr. Huntwork's questions, the more potential harm is caused. That's certainly true.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Before I ask --

COMMISSIONER ELDER: Excuse me, this is Mr. Elder. Everybody speak up, please.

CHAIRMAN LYNN: We'll try.

MS. HAUSER: Before asking a question, I was asking for recognition, I'd comment, note for Members of the Commission, I heard Mr. Mandell just indicate if in fact preclearance of the April 12th plan sometime down
road after the Court of Appeals grants a stay, it means that the April 12th plan must be the one used for the election. He referred to that as an assumption. That is not how the Coalition presented to the court. The Coalition presented that to the court as a given, not as an assumption. So, you know, it's -- it is tiresome, I think, to hear one thing in one forum and another thing in another forum.

I think, I guess I would caution, I'm assuming what the Coalition says to the court is what they really believe. I caution the Commission the Coalition's position that is not assumption, it's a given. Don't know? We know for certain. We know that's their real position.

The question I want to ask you, Mr. Mandell, if in fact the stay is granted, and if, at some point down the road you've identified, after June 9th, things become more dicey in the event DOJ precleared the April 12th plan, if the election were proceeding under the 2002 plan, if at some point down the road when it is dicey if the Commission were to determine that the submission should be withdrawn so as not to create disruption until the conclusion of the appeal, and if the Commission then lost on appeal and the April 12th map was to be revived, the Commission then, if it were to send a
letter to DOJ that says referencing submission 20041871, here it is, pick it up again and start working, my conversations with DOJ have informed us that's all we would need to do. The clock would start over, a new 60 days. We would not need to resubmit any information. My information to you is what is wrong with that scenario? Why is that so bad if that were to occur? What is the problem with that?

MR. MANDELL: First off, that,
Mr. Chairman, Ms. Hauser, before I answer the question, let me address the chastisement of the Coalition's position and the Commission's position. In the Court papers, it has been that is not the case, not even precleared the benchmark plan. It's still used the 2002 election. There is ambiguity whether or not, which plan would be used for this year's election. So we took one position, the Commission takes another. Election is ambiguity, we don't know.

MS. HAUSER: Let me stop you. That is not correct. We presented that issue.

CHAIRMAN LYNN: Discussion is better in another forum, someone make a decision one would or another.

Answer the second question if you care to, Mr. Mandell.
MR. MANDELL: Because of the length of the appeal, the scenario is likely to be the same situation in 2006. A decision from the Court of Appeals on the 2002 map isn't likely to occur until 2005 given the briefing schedule. With a similar briefing schedule from the Supreme Court, who knows when they'll come down with a decision. 60 days out in 2005, we've got the same problem, or 2006.

CHAIRMAN LYNN: 2006.

MR. MANDELL: Certainly 120 days away now from making a decision. At least we know we won't have to start the process over again, phone calls over again, spend federal tax dollars necessary to preclear the plan later on.

CHAIRMAN LYNN: Any other questions for Mr. Mandell?

I think he has been very generous with his answering of those questions in this forum.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Mr. Mandell, thank you, as always.

Any other member of the public wishing to speak?

If not, Item VI is report from the Executive Director.
I believe the Commission has a financial report in their packet, restatement of the financial situation, expenditure and available funds.

COMMISSIONER MINKOFF: Since I'm not physically at the meeting, don't have the packet, I'd ask if you can't fax it to me, please.

CHAIRMAN LYNN: Sure. Same for you, Mr. Elder, we're happy to get it to you as quickly as we can.

COMMISSIONER ELDER: Okay.

CHAIRMAN LYNN: Item VII, closing statements or comments by Chairman or Members of the Commission.

Are there members of the Commission that wish to make statements at this time?

Mr. Hall?

COMMISSIONER HALL: Mr. Chairman, I've been very concerned with respect to things I've read in press releases, things I've heard, things I've heard yesterday in the Court of Appeals relative to members of the public, opposing counsel, representing what we are or aren't going to do in a Commission meeting. I came down here and learned via a press release what I was going to do and a letter from opposing counsel. I just want to say for the benefit for those listening and especially
the press, because someone may call a press conference, express their opinion of what they think we may do in this case, it's absolutely erroneous, and has been for the four years I've been doing this. And I'm just sometimes frustrated that we're not hearing both sides of the story about those issues.

I'm looking here at a press release by Mary Rose Wilcox. With all due respect to her, it's just -- absolute printed in here, "Republicans control the IRC."

It's a lie. "We've given $10 million to the IRC and they haven't done anything. What do we have? We have nothing." That's a lie. This Commission completed it's work with less than $3 million. All subsequent funds spent were because of special interest parties that have filed lawsuits against us to pursue their own personal interests. This Commission spent the remaining funds defending itself. We were done on three million.

Quite frankly, the first time we submitted a more competitive map, it had percentages similar to the April 12 plan. There was lack of support of key parties. We had to redraw, bump percentages up. Now you want us to lower them again. I'm frustrated at the schizophrenia of the variety of interested parties. My opinion, and those of Commissioners, we have done our damn well best to just serve the people of Arizona. Respectively,
Mr. Gillardo, if really what you said, or the comment of you, this plan, April 12 plan, is more representative of your constituents, the plan, E 2 plan has higher percentages, I argue, is more representative, under the assumption higher percentage of higher number Hispanic constituents. There was an article in this morning's Republic, no one representing the Commission or Republic quoted, Mr. Fisher says I'm testy this morning. That may well be the case. My frustration level is increasing. We strive, my goal, not Democrats or Republicans, my goal is five million people be able to vote, military people honorably serving our people and potentially disenfranchised last election, officials representing those people last occurs. There's already a risk they may be disenfranchised in the current process we're involved with. I, ramblings, idle thoughts of Joshua Hall, would like to emphasize that's our intention. I want as many competitive districts as legally possible in the State of Arizona. I've always said that. Every time I tried to get more competition, there has been handcuffs with respect to voting rights and other related issues that has not allowed that to occur. Already, when we were promised animated, enthusiastic support, opposing groups oppose districts. I'm interested whether Judge Fields' group --
Everyone on this Commission wants as competitive a plan as possible. My fear is we are so limited that by the restrictions placed upon us, we are not able to do any more than we did way back in our first original plan.

I got that off my chest now.

CHAIRMAN LYNN: Hope you feel better.

MS. HAUSER: May I interrupt?

CHAIRMAN LYNN: We have word.

MS. HAUSER: We have word. The stay was granted.

CHAIRMAN LYNN: Do you know how comprehensively?

MS. HAUSER: Very comprehensively. I haven't seen it in writing. It did not appear to come with qualification.

COMMISSIONER HUNTWORK: Whatever the answer to that was going to be, my comment was going to be the same.

I remind everybody that although what this Commission does has a profound effect on politics in the State of Arizona, what we do is not political. The Commission was set up originally with safeguards. The safeguards were that each member of this Commission was screened and approved by the same body that approves the
appellate justices and judges in the State of Arizona.

The members of the Commission are balanced. I'll remind you the Commission has two strong, articulate Democrats; two Republicans; and an Independent Chairman who is one of the most principled public servants I've ever had the opportunity to deal with. The Commission applied Proposition 106 as best we could, as best we honestly could, and came to our conclusions.

We're in a process where the Court, Judge, disagreed with us. The Court of Appeals is looking at the legal issues that were raised by the trial court. We are all colleagues in this process.

Mr. Mandell, in the broadest sense, is not our opponent in this process. Certainly the courts are not our opponents in this process. We're working together to answer all the questions about how Proposition 106 is to be interpreted, how it is to be applied.

I remind everyone this is the first time we've gone through Proposition 106. The fact that there are issues, the fact people can disagree about those issues, is not surprising. It is to be expected. It is an inevitable part of this process.

What we need to do at this point, in my opinion, is put aside the partisan issues and focus on
the primary question of how are we going to all get
together to assist the people of Arizona in having the
opportunity to conduct a fair, open election this
November.

We have to get candidates in place. We
have to give them the opportunity to have their party
primaries in a timely way. We have to give them the
opportunity then for Republicans, Democrats, and others
to compete against each other with full time and full
resources available to them in the fall election. In my
opinion, that's something that all the citizens of
Arizona, Democrats, Republicans, Independents alike, need
to join together and work for at this time.

I heard, very clearly, the comments
Mr. Mandell made about his concern that if the Judge
ordered plan turns out to be the correct one, that it's
not fair to have ultimately to have the Justice
Department delay stand in way of that plan when the time
comes. All I can say, I pledge to you, Mr. Mandell, if
that's what happens, the Commission will endeavor to make
sure the Justice Department will endeavor to clear that.
I'm sure election administrators feel it's already too
late to implement an alternative plan. We need to pull
together to have the election this fall and then we can
complete the appellate process in a fair, orderly manner,
and we will all, once again, pull together our best to implement whatever the appellate courts rule as effectively as possible for the people of Arizona.

Good rant.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Ms. Minkoff or Mr. Elder, comments?

COMMISSIONER MINKOFF: Yes, a brief comment.

I certainly support everything Commissioner Huntwork said. We need to pull together to make sure the election proceeds smoothly and in the best interests of the people of Arizona. I certainly have no expertise in the conduct of elections, far less than Mr. Huntwork, far less than the people responsible in each county for conducting those elections. But whatever needs to be done, I think we as Commissioners need to support that process.

The second thing is that now that the stay has been granted, I think we all need to take a deep breath, let the appellate process go forward. I think it's extremely important that philosophical disagreements people of good faith have about this law make it very, very clear we need an appellate court determination of exactly what the Constitution of the State of Arizona says regarding the conduct of the Independent
Redistricting Commission, that conduct now go forward. I hope while it goes forward we will as much as possible restrict our arguing and disagreeing to court documents and court arguments and try to tone down public rhetoric. We all want the same thing. There's some disagree on the best way we disagree on that. Let's tell it to the judge and let them tell us the best way to achieve that and tone down the rhetoric in other areas.

CHAIRMAN LYNN: Thank you, Ms. Minkoff.

Mr. Elder?

COMMISSIONER ELDER: No. I'm fine with what's been said by everybody else.

Fine. I'd like to, don't know if said in Executive Session, the attorneys read the stay order, give advice on what is next to come and the process looks like.

CHAIRMAN LYNN: As with this meeting, Mr. Elder, we'll meet periodically as necessary to move forward any issues pertinent to the Commission. We have news of the stay. We certainly do not have the order in front of us and cannot parse it at this time.

COMMISSIONER ELDER: Correct.

CHAIRMAN LYNN: Let me add a couple comments to what was said by all parties, echos what Mr. Huntwork described very aptly and, save the part
about the Chairman, very aptly about this Commission. What is important for the press to understand is that this Commission has chosen, by large throughout its entire existence, to simply appropriately do its work within the confines of the law and within the confines of the open meeting requirements imposed upon us as a public body in the State of Arizona. I invite anyone trying to solve the complex problems with political overtones to try to do that in the full view of the State of Arizona. It is not an easy task, not one particularly enjoyable in some cases. Please understand you have five citizens who volunteered to take on this very difficult and very frustrating responsibility to try as the first Independent Commission in the State of Arizona and one of the first truly independent commissions in the United States to take a very politicized process and make it more independent, make it free of partisan political decision making. I can assure the people of Arizona after three-and-a-half years at this, I cringe to make that statement, three-and-a-half years, that partisan political decision making has not entered into the deliberations of this Commission. Make no mistake about it, public statements made about others, not about voting rights, voting groups, partisan groups. It's a fact, go back in the evolution of testimony before the Commission,
absolutely fact. Statements made in public before the Commission by the very people who held a news conference yesterday contravene each other time after time after time. It is statements of convenience, not statements of law or statements of conviction.

I will tell you this, as Chairman of the Commission, it has been my hope that this Commission would operate in the most transparent, professional, and dedicated manner to serve the people of the State of Arizona. And maybe we should have done more to go out publicly and state positions. Perhaps we should have done more in terms of publicizing our own activities and deliberations. But I will put this group of five people, certainly group of four, fellow Commissioners, up against any Commission in the State of Arizona, or any Legislative Body in the State of Arizona, or any other state for that matter, in terms of dedication, trying the best they can to follow the Constitution, not abuse it, to impose the Constitutional requirements we have, which are several, I might add, not just competitiveness, and do so in a manner purely nonpolitical. We've done that, continue to do it, as Ms. Minkoff said. We're all interested in the alternate outcomes the courts provide us, some certainty which of these new provisions in the State Constitution have been properly implemented which
haven't. If there are those improperly implemented by this Commission, no one is more interested in this information than we are. Not one of us wish to openly, knowingly, willfully, violate the Constitution. We haven't done so, don't intend to do so.

This Commission will continue to operate under the law as we understand the law to be.

Having said that, this Commission will continue to meet periodically to receive updated information from counsel or others who have information relevant to the Commission based on our current circumstances in whichever court we are presently appearing before. And as you know, this is a movable feast. We've gone from court to court to court, not because we wanted to, others have been unhappy with the outcome of the process.

I will say this, in closing: To the extent that we are given the resources, and to the extent we have the tenacity to continue to do it, it is certainly my view, and I think my fellow Commissioners as well, we are intending to see this through. We have a 10-year term. As someone that serves at no compensation, and I might add no time off for good behavior or otherwise, that is a long term of office. No one on the Commission as we began envisioned by '06, Mr. Mandell, pressing on
yet another round of elections, we'd still have uncertainty on what this law means and how it should be implemented.

My fervent hope is whatever the decision, of the Court of Appeals, I hope early '05, quickly, expeditiously, finally resolve that at the Supreme Court, whichever way the decision goes, we have not only certainty for '06 but rest for the Commission beyond that point.

There is a saying which says revenge is a dish best served cold. I believe justice is a concept best served cold, meaning not in the light of and heat of an election cycle.

I hope decisions made by the courts, courts plural, in the future, are done in an atmosphere neither at a deadline or impending election which creates any more pressure than is already there to make a finding of law to give clarity not only to this Commission but subsequent Commissions.

Is there any further business to come before the Commission today?

MR. FISHER: Can I ask a question?
CHAIRMAN LYNN: Not on the record.

MR. FISHER: Can I ask a question?
CHAIRMAN LYNN: Not on the record.
Any further business to come on the record?

Any from counsel?

From staff?

The Commission stands adjourned.

(Whereupon, the Public Hearing of the Independent Redistricting Commission of Arizona adjourned at approximately 11:30 a.m.)

* * * *
STATE OF ARIZONA )
COUNTY OF MARICOPA ) ss.

BE IT KNOWN that the foregoing Public Hearing of the Arizona Independent Redistricting Commission 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 written form via computer and the latest technology by myself; that the foregoing 32 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 9th day of July, 2004.

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