The State of Arizona Independent Redistricting Commission convened in Public Session on May 5, 2002, at 9:00 o'clock a.m., at the Independent Redistricting Commission of Arizona Offices, 1400 West Washington, Suite B-10, Phoenix, Arizona, in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN
(Present telephonically)

VICE CHAIRMAN ANDI M. NIKOFF
(Present telephonically)

COMMISSIONER JAMES R. HUNTWORK
(Present telephonically)

COMMISSIONER DANIEL R. ELDER
(Present telephonically)

COMMISSIONER JOSHUA HALL
(Present telephonically)

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P R O C E E D I N G S

Public Session
Phoenix, Arizona
May 5, 2002
9:00 o'clock a.m
THE OPERATOR: I'll take roll.

Dan Elder?

COMMSSIONER ELDER: Here.

THE OPERATOR: Steve Lynn?

CHAIRMAN LYNN: Here.

THE OPERATOR: Andi Minkoff?

COMMSSIONER MINKOFF: Yes.

THE OPERATOR: Adolfo Echeveste?

MR. ECHEVESTE: Here.

THE OPERATOR: Lisa Hauser?

MS. HAUSER: Here.

THE OPERATOR: Marguerite Leoni?

MS. LEONI: Here.

THE OPERATOR: Jose Rivera?

MR. RIVERA: Here.

THE OPERATOR: Florence Adams?

DR. ADAMS: Here.

THE OPERATOR: Bob Walters?

MR. WALTERS: Here.

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THE OPERATOR: Alan Heslop?

DR. HESLOP: Here.

THE OPERATOR: Joshua Hall?

COMMSSIONER HALL: Here.

THE OPERATOR: Jim Huntwork?

COMMSSIONER HUNTWORK: Here.

THE OPERATOR: Lou Jones?

MS. JONES: In person, here.

CHAIRMAN LYNN: Thank you, Operator.
We'll be back to you shortly to do this again.

Lisa Nance, are you ready?

THE REPORTER: Yes.

CHAIRMAN LYNN: We'll call the meeting to order.

Lisa, were you able to get roll call?

THE REPORTER: Yes.

CHAIRMAN LYNN: Thank you very much. We know who's here.

Let me ask first, Ms. Hauser, Mr. Rivera, any change to the order of the agenda you'd like to see this morning or can we go in order?

MS. HAUSER: I think we can go in order.

Is the NDC report listed first?

CHAIRMAN LYNN: Yes. Fine with that?

MR. RIVERA: Yes.

CHAIRMAN LYNN: Item II, report from consultants.

May we have a report from NDC on the progress in dealing with the data situation? I don't know who would be giving that report --

DR. ADAMS: I will, Mr. Chairman, members of the Commission.

Last Sunday you instructed us to check, verify five data bases the Commission used in creating its plan to assess them for accuracy. In addition, you instructed us to develop an accurate registration data based on the Secretary of State's April 1, 2001,
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13 recorded numbers. In each case, you wanted to know the difference between the data used and what we've ascertained and believe to be the correct data.

16 We've worked very hard to do this and are able to report we've completed our review of three data bases, namely the Census data base --

19 COMMISSIONER MINKOFF: Didn't hear. The first one?

21 DR. ADAMS: The Census data base.

22 COMMISSIONER MINKOFF: Okay.

23 DR. ADAMS: -- AQD, and registration data base.

25 We are still working on the racial block voting data base and elections portions of the Judge It data base, but be hope our review will be completed by close of work Wednesday. This is pending tracking down one or two missing source documents. We didn't discover they were missing until we were checking discrepancies, but they are minor items to track down.

27 NDC asked Robert Walters to perform all the necessary data checks for us. He has more than 30 years of experience in building data bases at this time. We're thoroughly confident in his expertise and his accuracy.

29 In performing the data review, Bob worked directly with Tim Johnson of Maricopa County Elections Office. I must say, Bob was impressed, as we all have been, with Tim's knowledge. And we're grateful for his
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16 willingness and hard work to help with short notice and
17 rather stressful circumstances. As you all know, those
18 circumstances have kept him from the meeting today. I
19 think you all got his e-mail Eric was on the way.
20 CHAIRMAN LYNN: Eric arrived.
21 DR. ADAMS: Has Eric arrived.
22 Bob's comments will be focused solely on
23 the issue of the accuracy of the data. We're not in a
24 position at this stage to comment on reasons or possible
25 responsibility for the inaccuracy we've identified, but

we will continue to investigate the matter.

What we've given priority to is
establishing accuracy of the data bases.
Now I'd like to turn it over to Bob. I
think he can cover the subject in about five or ten
minutes.

It might be helpful if you hold your
questions until he finishes.

CHAIRMAN LYNN: All right. Mr. Walters.
DR. ADAMS: I'll ask Bob to speak now
MR. WALTERS: Mr. Commissioner,

Commissioners, since the last meeting in Phoenix, I've
performed the following tasks:
First, I've conducted a careful initial
review of all five data bases you are interested in
looking at closely for the information that you wish to
test in your plans. The purpose of this initial review
was to familiarize myself with the data and its formats

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in each of the data bases.

Second, I obtained a number of source materials for each of these data bases. These sources include the official PL94-171 year 2000 Census release, official source documents from each county used by the Secretary of State to create their data base, county by county source documents for the primary and general election, precinct results for the years 1996, 1998, and 2000. These documents came from the Maricopa County archive as received from EDS or collected by them, source documents used by EDS in creating the original registration data base. This was provided by EDS, from the Secretary of State. I received the official registration report of April 1, 2001. Also from the Secretary of State of the State of Arizona, official canvasses, county district totals for the 1998 primary and general elections, 2000 primary general elections.

Third, the following files were provided to me: The original registration file by precinct, AQD election data base, racial block voting data set, the Judge It data set, and a newly created registration file by precinct and by block created from the above data to do a cross track on the registration data. The result of this work can be summarized as follows:

First, the Census data base is accurate in all respects and is fully in accordance with PL94-171 Census documents.

Second, the AQD data base has test of
three components, Census component, accurate usable, conforms with PL94-171 Census; registration component data set is very inaccurate as we’ll -- I’ll explain a little later.

The following data was comprised, Corporation Commissioner, Governor, Attorney General races, accurate except counties Gila, Graham, La Paz, and Santa Cruz. There appear to be minor rounding errors in a few other counties. Once we have accurate data we can determine this more easily.

In those four counties I just mentioned, each of the races was short, shortages ranging from 1,450 votes down to one depending on the race.

Also discovered that a few precincts are missing vote data in Gila, Graham, La Paz counties. I believe these data bases can be fixed entering missing precincts.

A process of going from precinct level data set down to block level data, six blocks, Census blocks, ended up with a small negative number for several candidates. This I believe can be attributed to rounding errors.

Once we have precinct level corrected block level data, it needs to be recreated again with a more accurate allocation factor. At that point we can determine if this was a rounding error or if we need to do further investigation. Again, this is a small, small error.
Third, I have just begun investigation of ATWOOD REPORTING SERVICE Phoenix, Arizona

racial vote data.

The Census component of the data base is accurate and usable. I only checked Congressional races at this point, and they are accurate. I will continue this work on validation.

Fourth, the registration data base has a number of major problems, inaccuracies. I've spent many hours trying to duplicate the differences between this data base and the one created this week by Tim Johnson and verified by myself. The majority of errors can be attributed to one of use of both active and inactive voter counts, that this was not consistent, and, two, voter registration files other than April 1, 2001, were used.

I spent a great deal of time trying to recreate the problems with the data base to see if it could be salvaged. The process took more time than we estimated last Sunday. For that reason, work on the racial Judge It block voting data bases took further time.

Let me explain further problems, inaccuracies of the registration data base.

First, files gathered from the counties by EDS appeared to have been of time frames around April 1st, anywhere from January 1st of 2001 to later in the year.
year.

Secondly, in some cases it's not easy to determine if a voter is active or inactive from the files. Additional details have been gathered from the counties.

It should be noted that most of these documents regarding votes and files have been received from the counties at this point so we can do further checking. Several of the counties in the original registration precinct file have party counts and precincts that are not anywhere near what they should be, in fact, they're as much as 200 percent off. This has made it almost impossible -- has made it impossible to determine the source of the error in these counties.

I have worked closely with Tim Johnson to develop a new and fully aggregated registration data base.

I want to echo Florence's comments about what a great asset Tim has been.

Tim and I are both confident of the accuracy and completeness of the new data base. I believe this data base should be used in place of the original registration file for any work done by the Commission from now on.

At this point, I'd like to turn it back over to Florence.
Thank you.

DR. ADAMS: Mr. Chairman and Commissioners, let me quickly summarize Bob's report under three headings. First, we are still at work on the Judge It and racial block voting data bases but expect to have results on Wednesday. Second, we have identified minor isolated errors in the AQD data base and know how to correct them. Third, we've identified errors of such magnitude in the registration data base we believe the Commission should now abandon it and use the new data base that has been created.

Now, our understanding of the Commission's discussion last week is you may wish to move forward with the use of the newly established accurate data bases to run the competitiveness test the Commission applied to its final plan. If it is the Commission's instruction to do this, NDC will run these tests. We can rerun the adopted plan in a day, but we'd like a second day to cross-check and verify.

If we rerun all the tests that were subjected to Judge It, and there were roughly a dozen, just under a dozen, it would take approximately a week to run those tests.

If you wish all 80 tests to be rerun, it would take three to four weeks.

So, as you can see, the time change, or the time frame changes depending on what you request.

The Judge It tests also would be rerun by
Dr. McDonald. But that would be delayed a few days until Mr. Walters completes verification of the Judge It data base.

At this time it does not appear the racial block voting analysis will need to be rerun. We will confirm that report when we've completed our analysis.

So, Mr. Chairman, Members of the Commission, we stand ready for your questions and instructions.

CHAIRMAN LYNN: Thank you.

Dr. Adams, one quick question so I'm clear on where the data base is with respect to the registration data base.

Am I to understand that when you say the registration data base, new one, is in place, does that mean we have a fully accurate geocoded file or does it still need to be geocoded?

MR. WALTERS: The file that I used was precinct by precinct, party by party counts. Then we disaggregated it down to the block level. Then that data set was checked and reaggregated back up without any rounding errors to do a cross set.

CHAIRMAN LYNN: So, it is geocoded.

MR. WALTERS: Down to block level, yes.

DR. ADAMS: It's a different approach to geocoding.

MR. RIVERA: I know Lisa Nance is a miracle worker. Before you speak, identify yourself.
please.

CHAIRMAN LYNN: Sorry. Mr. Walters and Dr. Adams were responding to that.

Questions from the Commission?

COMMISSIONER ELDER: This is Dan Elder.

Seemed to be there was a fairly large number active inactive voters identified for Maricopa County, 300 some odd thousand. Where does that stand?

MR. WALTERS: This is Robert Walters again, sorry, Commissioner.

The original data, data base used at the precinct level and at the block level, included inactive voters for the county of Maricopa. The detailed analysis with new the data set of Maricopa, very, very close one, looked at the active, inactive counts. New data sets that we've created has by precinct and by block both active and inactive voters broken out one can aggregate the data to include just active voters or it can be aggregated to include both active and inactive. So the data set has active versus inactive broken out to summarize accurately.

CHAIRMAN LYNN: Statewide or just Maricopa County?

MR. WALTERS: Statewide.

COMMISSIONER MINKOFF: Mr. Chairman, this is Andi Minkoff.

I'm wondering if you can give us any
indication at this point in the process whether the new
data base is going to give significantly different
results than the old data base or is it too early to
tell?

DR. ADAMS: This is Florence Adams, Commissioner Minkoff.

It is too early to tell because of the inconsistencies in the registration data base.

COMMISSIONER MINKOFF: At what point would we have that information?

DR. ADAMS: Actually, I think, rerunning the test will be the most accurate way to get that information.

COMMISSIONER MINKOFF: Okay. We'll have it depending on how many tests we ask you to run.

DR. ADAMS: Yes.

CHAIRMAN LYNN: Other questions of NDC or Mr. Walters?

COMMISSIONER HALL: Mr. Chairman, this is Joshua Hall.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Walters, I assume you'll provide a summary of what discrepancies you've found between the two data bases?

MR. WALTERS: Commissioner Hall, yes. I do have that analysis done, looking at the differences precinct by precinct, party by party, for the original data set versus active voter summation and active plus
inactive. So I have two reports that show that by
precinct.

COMMISSIONER HALL: Without objection,
Mr. Chairman, can we request those are e-mailed to each
member of the Commission?

CHAIRMAN LYNN: Is there any discussion or
objection to that suggestion?

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

Is it broken down actually by precinct? I
mean that can be 80, 90 pages. Are we looking for
something larger than by precinct?

MR. WALTERS: Sir, Commissioner, Robert
Walters. It's about 50 pages each.

COMMISSIONER MINKOFF: I couldn't
understand that response. Say it again, please.

MR. WALTERS: The report is about 50 pages
long for the active versus the original, and the other
report, again, approximately 50 pages of active plus
inactive versus original for a total of a hundred pages
for the two reports.

MR. RIVERA: I don't want e-mail. E-mail
has been killed twice. Have it mailed Federal Express.
Federal Express, messenger to all Commissioners.
E-mail, computers have problems.

COMMISSIONER HALL: This is Joshua. I
do n't care if it's pony express.

Without objection, I'd like the report
provided to every member.

CHAIRMAN LYNN: There is no objection.

I'd ask Mr. Walters make that available to the attorneys and they can then distribute it in the most efficient manner possible to the Commissioners.

DR. ADAMS: Yes, we will do that. This is Florence.

COMMISSIONER HUNTWORK: Steve, Jim Huntwork.

Can I ask you a question? I would like to ask what tests would be most diagnostic of whether we have a significant problem or not. Are there some discrete number of tests you can run that would indicate to us whether we need to run all the rest of the tests or how would you recommend that we proceed to try to get some meaning out of this last raw data?

CHAIRMAN LYNN: Dr. Adams, do you want to handle that one?

DR. ADAMS: Let me ask Mr. Johnson to handle that one.

CHAIRMAN LYNN: Wait.

DR. ADAMS: Certainly adopted plans.

MR. RIVERA: Hold on. I don't want Mr. Johnson answering that.

MS. LEONI: Let me answer.

Sorry, Florence.

I think the minimum the Commission wants to do is this: Obviously, in short turnaround, you can
have a read on your adopted plans compared to the data base you believed was accurate at the time. That can be quickly provided to you. The Commission chose a certain number of plans that they also wanted subjected to the Judge It analysis. It would seem to me that that number of plans that were identified for their particular interest to the Commission should be rerun. At this point I would not recommend you launch into rerunning all 80 plans, but you would have a universe at that point of about a dozen to 13. And I think that may be giving the Commission an adequate sampling to know what differences and changes would be.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Did I understand the Judge It tests would take four weeks to complete?

MS. LEONI: No, Mr. Huntwork. Judge It tests, once completed, the Judge It data base we're anticipating done by next Wednesday will run about four to five days.

COMMISSIONER HUNTWORK: Okay. One more question, Steve, if I may.

I want to focus on whether we should use or not inactive voters for this analysis. One thing I would say is that clearly I think we should be consistent in either using them or not. It may be we need to run both ways to see if there's a significant difference.

COMMISSIONER HALL: What did we do last
COMMISSIONER HUNTWORK: Didn't. All mixed up. Didn't focus on it specifically. Some data had inactive voters and some didn't, depending on which part of the state, and so on.

COMMISSIONER MINKOFF: I'm not sure it was an issue we were aware of.

CHAIRMAN LYNN: Just asking, Ms. Leoni, just to be clear, does it take significantly more time with the new data base disaggregated and aggregated the way it is, as Mr. Walters described it, to run the test both ways, just active and a combination active, inactive voters?

MS. LEONI: It will double the time, Commissioner Lynn. That's because we'd be running the adopted plan under two scenarios.

CHAIRMAN LYNN: Instead of one week for the early test, two?

MS. LEONI: No. Go back. Running the adopted plan, a day; a day for verification. Move that up to three days.

MS. HAUSER: Mr. Chairman, this is Lisa. It would also, seems to me, require creating another data base.

MS. LEONI: That's already created.

MS. HAUSER: You've created a data base that cleans up, so we remove the active versus inactive discrepancy. Do we at this point have two data bases?
one combines, one separate?

DR. ADAMS: Ms. Hauser, that's correct, two data bases.

MS. HAUSER: All right.

DR. ADAMS: One, as Mr. Walters explained, has active. We have one that has inactive. And we have one combine -- actually three data bases, one combination. One data base. We can run things separately and give you the result so you have active and inactive.

COMMISSIONER HALL: Mr. Chairman, this is Joshua Hall.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: My question, Florence, maybe this is not something you can answer. Does the algebraic formula, or whatever formula has been designed, does it have a variable for both of those or have a component for both of those variables of one for inactive and one for active or are you saying that they're either plugged into the formula combined or without one another?

DR. ADAMS: Let me ask Mr. Walters to answer that.

MR. WALTERS: Commissioner, I did not take part in any analysis. Normal analysis would be one...
with registration figures being just active summations, run again registration figures, active plus inactive.

COMMISSIONER HALL: Well, I guess my question is, that's what is confusing, certainly if you throw inactive into the same formula, that doesn't seem to be an accurate representation of competitiveness.

MR. WALTERS: I'll tell you, Commissioner, we can run it either way. Somebody needs to make that decision.

DR. HESLOP: I wonder if we suggest run it both ways, take the extra day and a half, run both ways, report both runs.

CHAIRMAN LYNN: That was Dr. Heslop.

COMMISSIONER HUNTWORK: Mr. Chairman, Mr. Huntwork.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I think at this point we need to do that.

My concern is the State statute does make it very clear if anybody on the inactive list appears at the polling place, they must be allowed to vote. So those are registered Arizona voters. And I'm not sure that we would have a valid analysis if we didn't include them I think it's a question we need to maybe face after we see what the results of the analysis might be.

Ms. HAUSER: This is Lisa.
Can I ask a question at this point?

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: If we -- and Jim is absolutely correct about the fact inactive voters have to be allowed to vote when they show up and present their residence identification.

My question is wouldn't it make a lot of sense, as Jim said, to do it both ways but have someone analyze, because I think we have the time, we can afford to do this, have somebody analyze, factor in frequency, the frequency voters vote, somebody like Dr. McDonald look at that, determine the level of impact? Much the same way he's able to factor in or out certain things like incumbency, factor in or out the frequency with which the inactive voters show up and vote.

CHAIRMAN LYNN: Is that also a number or a percentage or a figure that we might get from counties as well, what their experience is with people on that list showing up? Or is that something that has to be extrapolated from --

MS. HAUSER: It would have to be, my understanding is, Mr. Chairman, it would have to be extrapolated, Mr. Chairman. You can do that because the voter file shows for each voter the turnout. You --

CHAIRMAN LYNN: Each code, yeah.

MS. HAUSER: If somebody were to pull up your registration for the past four elections, four major elections, it would show whether you voted.
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CHAIRMAN LYNN: Right. I understand.

COMMISSIONER HUNTWORK: Well, Jim Huntwork here again.

My understanding is there are actually two separate lists at the polling place, an active list and an inactive list.

MS. HAUSER: Let me also, in response to Department of Justice, Mr. Chairman, this is Lisa, we produced, because the Department of Justice wanted to trust Hispanic voting patterns, we've actually got for 1998 and 2000 primary and general the actual signature rosters, at least Maricopa, Pima, and Pinal counties. We certainly don't have them for the others. But you can --

You are right, Jim. There are two different lists.

On voter registration, on the voter file, that signature roster information is what is used to update the voter file with respect to whether or not you turned out to vote. So once the inactive voter turns out to vote, I assume --

COMMISSIONER HUNTWORK: Lisa, my thought, since on separate lists, computers have all that way, it might be easy for counties to tell us what percentage of inactive voters turn out.

MS. HAUSER: Right. The only qualification, once the inactive voter turns out to vote, the inactive voter gets moved to the active list.

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COMMISSIONER HUNTWORK: I understand.
Before we complicate, we might ask the counties and they might be able to peel off a number just like that.

CHAIRMAN LYNN: If inactive average is per election three percent inactive list, what moves to active by showing up, an interesting number to know.

MR. RIVERA: Right. Mr. Chairman, this is Jose.

My suggestion, I think we're talking about in the dark. I think Jim Huntwork's, Commissioner Huntwork's, get a percentage from the county, we'll be able to talk more intelligently when that comes back.

MS. HAUSER: Yep.

CHAIRMAN LYNN: No question. We're trying to formulate exactly what we want to have done and the breadth of what we'd like to have done given various time frames attached to each request.

So in this instance, we're saying with very little extra time we can run it both ways and simultaneously get some information both from counties and perhaps from Dr. McDonald as to what the impact of using one database versus the other might be.

MR. RIVERA: Right.

COMMISSIONER HALL: Mr. Chairman, that was my point. I agree with the idea that somehow that variable has to be treated differently in the formula. I'm not suggesting at all --
We definitely need to consider every voter regardless of their status. Obviously to just throw into the same formula, give a different result, doesn't have the same level, weight, if you will, from a factoring standpoint. That's really my question.

What can Dr. McDonald offer with respect to amending the formula to insure the proper weighting for each voter is given to the extent we can determine what it is?

MS. LEONI: Mr. Chairman, this is Marguerite.

CHAIRMAN LYNN: Speak up, Marguerite.

MS. LEONI: I might suggest two steps to project. The first step Commissioner Huntwork identified, simply identifying where this information can be most quickly obtained. And it may be --

COMMISSIONER ELDER: Sorry, Ms. Leoni, I can't hear.

MS. LEONI: The first step in this aspect of the project is ascertaining whether the data can be obtained that indicates the number of voters, inactive voters that show up on average. And then the second step of that is factoring that into the competitiveness formula.

I -- I think that Dr. McDonald might be the wrong person to do the first step of that. But he's certainly the person we'd go to on the second.

I might recommend that we treat them as
two separate steps and perhaps assign the project in
that manner.

COMMISIONER ELDER: Ms. Leoni, only -- I
don't know if it's an objection or not. I'd like to
have Dr. McDonald involved ascertaining how the first
step be given to him to make sure the way he uses it or
can use it will yield results from his end.

MS. LEONI: All right. I might ask

Florence Adams if she has any idea right now, based on
the research of Dr. Walters, as well, as to whether that
data is going to be quickly -- going to be quickly
assembled can be presented for analysis by Dr. McDonald.
right? How has the issue been handled in other areas?

CHAIRMAN LYNN: Dr. Adams.

DR. ADAMS: I am not familiar with that issue coming up in other areas. Dr. Heslop may be.

DR. HESLOP: Not many states make the kind of distinction that Arizona uses as between an active and an inactive voter file.

COMMISSIONER HALL: Not many or any?

DR. HESLOP: Not many, that I know of.

It is possible in most states to get a propensity factor for voting. But we're talking here about a distinction in the registration files that, in my experience, I haven't previously encountered.

MS. HAUSER: Mr. Chairman, what is also different, of course, is that, I think, this is the first Commission to -- or any legislative body, for that matter, to have a Constitutional requirement of competitiveness. So in terms of looking at competitiveness and determining what data we are going to look at, it's not surprising that no one else has dealt with it. So the issue of whether you look at active or inactive voters in that context is probably one of first impression. And --

COMMISSIONER HUNTWORK: Mr. Chairman?

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I would just like to add that mathematically, at least, it's very possible that Dr. McDonald's formula already would take this
In any array of voters, registered voters, there will be a range of their likelihood to vote. And the fact we have a bright-line distinction between active and inactive voters by statute in Arizona doesn't really affect the propensity of this marginal -- not marginal voters, but likelihood of least-likely voters to vote. So it's very possible he'll need to add a factor to deal with this. It's also possible his formula already covers it.

I just think, I guess my point is, we do need to involve him in this discussion as early on as possible to find out what kind of data he needs to make his formulas work properly.

CHAIRMAN LYNN: Understood.

Ms. Minkoff.

COMMISSIONER MINKOFF: I have a question, I guess, for Jose and Lisa.

I'm wondering if, in the provision that counties have to keep lists of both active and inactive voters, that there's anything in the law or court decisions, or whatever created this requirement, that gives us some guidance as to how these two groups are to be treated.

MS. HAUSER: Commissioner Minkoff, no, not really. It's just exactly what Commissioner Huntwork has talked about before. You get on the inactive list because -- you may be familiar. There are purge
23 systems --
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25 COMMISSIONER MINKOFF: Right.
26
27 MS. HAUSER: It actually used to be done
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29 Phoenix, Arizona
30
31 with more frequency. At this point counties have to
32 send certain pieces of first class mail out
33 periodically. When two pieces of certified mailing to
34 the registered voter registration address, if those are
35 returned to the recorder, then that voter goes on the
36 inactive list. If they don't show up to vote during the
37 course of two federal elections, which, of course, are
38 every two years, then you are removed all together from
39 the rolls. After those two pieces of certified mail --
40 excuse me, first class mail are returned, you go on the
41 inactive list. Beyond that, there is no indication.
42
43 But it's a fact, as Jim said, if any of
44 those voters while on the inactive list pop up and turn
45 out to vote, you know, they provide proof of where they
46 live, they're allowed to vote. The registration address
47 gets straightened out. It doesn't tell you anything
48 about anything else about how to deal with them
49
50 COMMISSIONER MINKOFF: Uh-huh.
51
52 COMMISSIONER ELDER: Lisa, this is Dan
53 El der.
54
55 If I moved from say, Maricopa to Pima
56 County.
57
58 COMMISSIONER MINKOFF: But why would you
59 want to?
60
61 COMMISSIONER ELDER: Pardon?
COMMISSIONER MINKOFF: Why would you want to?

COMMISSIONER ELDER: I register in Pima County, does the Pima County Recorder's Office notify Maricopa County I should be removed from that roll?

MS. HAUSER: Yes.

One other thing, Mr. Chairman. When counties all report to the Secretary of State, a cross-check is done at that point for duplicate registration among the counties.

MR. JOHNSON: This is Doug Johnson. Let me throw in a technical point. Essentially counties tell us if they keep track, somebody moves active, inactive status. If they don't, there's really nothing we can do on this question.

MS. HAUSER: Right.

MR. JOHNSON: If they do, bring in Dr. McDonald, work out what information they can give us, how that would factor into his analysis.

CHAIRMAN LYNN: To summarize where we are, make some decision on this point, move forward, and I don't mean to cut off other questions or comments. Commissioners have it seems to be, based on discussion, there's consensus around doing a couple of things: First, to rerun the tests on the existing maps using the

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new data base in both the aggregated form meaning both
active and inactive voters, and in the disaggregated
form using only active voters, and to get from counties
some information regarding their assessment as to how
often voters move from one list to another to use in the
subsequent analysis of the figures that we would get; to
talk with Dr. McDonald early on so that the tests being
run create information that he can easily use for his
subsequent evaluation using his formula; and that those
same tests then be applied to a certain number of test
maps that we had looked at throughout the process, that
number of test maps yet to be determined. Ms. Leoni, I
think, suggested, Marguerite, about a dozen?

**Ms. LEONI:** Commissioner Lynn, I was
suggesting that based on the number the Commission
suggested of the more sophisticated Judge It analysis,
interpolated, these are the ones the Commission are most
curious about.

**CHAIRMAN LYNN:** Replicate any tests the
more sophisticated test be done on.

**Ms. LEONI:** Correct.

**CHAIRMAN LYNN:** That's a summary of where
we are.

Further discussion from the Commission?

**Ms. LEONI:** May I have a point of
clarification, Commissioners?

**CHAIRMAN LYNN:** Please.
MS. LEONI: You had said to rerun the test on the existing plans. Is your intent they be rerun on the adopted plan?

CHAIRMAN LYNN: Yes.

MS. LEONI: And existing?

CHAIRMAN LYNN: Two plans adopted by the Commission.

MS. LEONI: Okay.

CHAIRMAN LYNN: I like refer to them as the existing plans. I think they are.

Any further comment from the Commission on that summary? If not, a motion to execute that?

COMMISSIONER HUNTWORK: Steve, Jim Huntwork, I'm just like to ask how long that instruction would take to carry out.

DR. ADAMS: Commissioner Huntwork, this is Florence Adams.

To run the tests on the, on the test to replicate the test where we had the more sophisticated testing from Dr. McDonald, approximately a dozen tests, plus the adopted plans, we would be looking at about two weeks.

We said it would be about a week if we just ran the one set of tests. If we're running both active and inactive, we'd want two weeks to do that.

MR. RIVERA: Mr. Chairman, Jose.

Florence, Dr. Adams, is this after we've gone through what Mr. Huntwork talked about finding out,
active, inactive components, find out whether -- how
often switch over, how often inactive people come in and
vote? Seems to me we don't want Dr. McDonald running
tests until we find that component. Throw his tests
off, the Commission might want his tests to go
differently.

DR. ADAMS: That's absolutely right.
First of all, we need to complete analysis
of all data bases we said we'd complete by roughly
Wednesday. We will have to do some research on an
assessment of how many voters move from inactive to
active. So that will take some time. I need -- I can't
really give you a time frame on that.

CHAIRMAN LYNN: Jose --

DR. ADAMS: We'll start on it immediately.

MR. RIVERA: Seems to me --

DR. ADAMS: From the time we've compiled
all this information, then we can go ahead and run our
tests. It would still take two weeks if we have
everything completed by Wednesday to run our tests.

Then you have another component that is Dr. McDonald. I
think we'd have to check with him to see how long it
would take once we've ascertained the number of inactive
voters go back to active rolls and how he can
incorporate that into his formula, how long it would
take him to run his tests.

MR. RIVERA: Mr. Chairman, this is Jose.
Top of my head, I don't want rush into a
test problem down the line, off the top of my head, it seems to me McDonald running two other tests doesn't have the impact if you decide to use active, inactive voters.

DR. ADAMS: Correct.

MR. RIVERA: Seems to me, trying to look at all contingencies we have, seems to me you may not want to have Dr. McDonald run the two other tests until you get those results and then the Commission can make a decision whether they still want to run both tests or one test.

MS. HAUSER: Mr. Chairman, Lisa. I completely agree.

CHAIRMAN LYNN: Suggestion be NDC complete work on data base analyses, that we collect data from county officials as to the nature of the move from inactive to active, and that we meet again prior to ordering anything beyond that point based on the information that we gather to determine whether or not there's a significant impact of running it both ways.

MS. LEONI: Commissioner --

CHAIRMAN LYNN: Ms. Leoni.

MS. LEONI: -- this is Marguerite. I fully support that.

MR. JOHNSON: Mr. Commissioner, I --

MR. RIVERA: Doug, I don't want you talking.

MR. JOHNSON: Want us to run registration,
Chairman Lynn: I think the key question that has been raised, the impact of inclusion or exclusion of inactive file on the assessment that ultimately is made for the information that we're putting together. We need, it appears, more information from another source on what the impact might be before we decide which way, how many tests to run.

Ms. Leoni: Commissioner, I --

Chairman Lynn: Ms. Leoni.

Ms. Leoni: I support that suggestion. I'm concerned without factoring crossover, we're producing an inaccurate picture people may rely on.

Chairman Lynn: Mr. Hall wanted to get in.

Commissioner Hall: Yes.

Chairman Lynn: Mr. Hall.

Commissioner Hall: Mr. Chairman, I would like to make a motion we instruct NDC to complete their analysis of the data bases and to further attempt to identify a factor on a county level of the impact or the turnout, I should say, of inactive voters; and then we can meet again for further instruction.

Chairman Lynn: Is there a second to that motion?

Commissioner Minkoff: I'll second.

Chairman Lynn: Thank you.

Discussion on the motion?
Chairman Lynn: Ms. Hauser.

Ms. Hauser: I can speak with Karen Osborne about that today.

Chairman Lynn: All right. And obviously to the extent you or she can touch base with other county officials, we'd like to know if there's any or not any. We'd like to know what the variance might be county to county, the difference how each county approaches it.

Ms. Hauser: She'd know methodology of the \textit{Atwood Reporting Service}
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\texttt{Rc050502.txt}

\begin{verbatim}
Chairman Lynn: Mr. Huntwork.
Commissioner Huntwork: Mr. Chairman.
Chairman Lynn: Mr. Huntwork.
Commissioner Huntwork: I'd like to echo at this point what I think Mr. Hall or someone said earlier about including Professor McDonald in the analysis at an early stage. I think we need to get the information from the counties that will be useful to him in conducting his analysis. I don't know what that would be. It may just be the raw number turns over. He may need to know how many are Republicans, how many Democrats. He may need to know by precinct or more specificity in order to do anything meaningful rather than a county-wide basis.
Chairman Lynn: Mr. Hall, in the motion, Page 36
\end{verbatim}
might we include in the motion: Early on communicate
with Dr. McDonald in anticipation of possible future
tests being run what requirements he has to complete
tests appropriately?

MR. RIVERA: Tell him just in general, to
take any steps to insure that the accuracy of data and
tests wanting to be done are accurate. That way we're
not limited to Dr. McDonald. Could be somebody else we

May want to use. I'd rather have a general term
Rather than put it all on Dr. McDonald's shoulders, let
NDC make the determination.

CHAIRMAN LYNN: Not accuracy type nature.
Need to collect in order to allow tests be done.

MS. HAUSER: Mr. Chairman, I'll contact
Karen today to get her started thinking about that with
the understanding that we will want to have a larger
conversation with her before moving off into other
counties. At least we can bring in those people who
have instructions or information as to more detailed
information they need from counties to construct the
question to the counties the right way.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: I assume you'd
obviously contact whoever for finding the right question
before seeking an answer.

I'm more than happy to amend my motion to
include contacting whatever and whoever --

CHAIRMAN LYNN: Thank you.
COMMISSIONER HALL: -- they need to to get a determination the information they obtain will satisfy.

CHAIRMAN LYNN: I think, among others, Ms. Minkoff was a seconder to the motion.

COMMISSIONER ELDER: I was. That's fine.

CHAIRMAN LYNN: Mr. Elder as well. Acceptable to either?

COMMISSIONER MINKOFF: All the above.

CHAIRMAN LYNN: Thank you very much. Further discussion on the motion? If not, all those in favor of the motion, signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: Chair votes "aye."

Opposed say "no."

Motion carries unanimously.

It's so ordered.

Other motions with respect to report on data from consultants?

Are there any other matters with regard to specific instruction from the Commission regarding the data report we should be considering at this time? And that's a question either to NDC or to the attorneys.

COMMISSIONER ELDER: This is Commissioner Elder.

One thing for Dr. Walters, if possible, if you can give us county summaries instead of a hundred
Rc050502.txt

24 pages by precinct, a summary that tells us something,
25 I'd appreciate that also.

MR. WALTERS: A county summary, but the
2 real eye opener is the detailed data itself.
3 I'll do a quick one-page summary for you
4 on both reports, sir.
5
6 CHAIRMAN LYNN: Without objection.
7 Other motions we need to make relative to
8 the data report?
9
10 COMMISSIONER HUNTWORK: Mr. Chairman.
11 CHAIRMAN LYNN: Mr. Huntwork.
12 COMMISSIONER HUNTWORK: I don't know this
13 is a motion. I do think it's important to finish
14 analysis of racial block voting immediately, or as soon
15 as possible. I think if there is any discrepancy in
16 that, we need to know it immediately, because we still
17 do have plans pending at the Justice Department.
18
19 CHAIRMAN LYNN: And I believe, if I
20 understood Dr. Adams, the completion of that analysis
21 would be done by Wednesday of this coming week.
22
23 DR. ADAMS: Yes, that is correct.
24
25 CHAIRMAN LYNN: That is, I think, as close
26 to immediately as we can get.
27
28 MR. RIVERA: Let me clarify something on
29 that.
30
31 Can you have a conversation with
32 Marguerite and I about that aspect of this after we get
off of this? There's a couple things.

MS. HAUSER: Can I be included also?

MR. RIVERA: I'm sorry.

DR. ADAMS: You may be included.

May I ask, Mr. Chairman, one question: To

whom do you want me to send the data report Mr. Walters

is preparing so it can be distributed?

CHAIRMAN LYNN: At this point, given the

circumstances we're in, all communications need to go

through the attorneys.

DR. ADAMS: Okay. I'll send to

Mr. Rivera, Ms. Hauser.

CHAIRMAN LYNN: Ms. Leoni.

MR. JOHNSON: Wednesday is when NDC

analyzed the election data. If there's a discrepancy

between that, what we used, it will take additional time

for Dr. Handley to rerun those. If no discrepancy --

MR. RIVERA: Doug, I don't want you
talking. I'm serious. At this point in time I don't

want you talking. This is Jose.

CHAIRMAN LYNN: Let's move on.

I think Mr. Huntwork's point on the

accuracy of the data base we're concerned about, those

need to be done as quickly as possible. And we'll look

for those toward mid week.

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Phoenix, Arizona
Other comments or questions about the data report? If not, I'm about to move to Item III, unless we have something more from consultants at this point. Other consultant reports we need to consider?

DR. ADAMS: Commissioner Lynn, not that I'm aware of at this point.

CHAIRMAN LYNN: All right. Pursuant to Item III, pursuant to A.R.S. 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4), is there a motion to convene in Executive Session?

COMMISSIONER HUNTWORK: So moved.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on the motion?

If not, all those in favor signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."

Motion carries unanimously.

The procedure will be as follows, as I understand it. Correct me if I'm wrong. At this point we need to all hang up. The operator will contact just those involved in Executive Session one more time. At the conclusion of Executive Session, then, when we reconvene Executive Session, I think we need to have the operator address those that have been disconnected, that
is if they wish to rejoin us.

Is that accurate?

MS. HAUSER: That's correct.

CHAIRMAN LYNN: All right. We'll all hang up at this point and await the call of the operator. We'll assume at the same time we're being recontacted those not allowed in the Executive Session in the office itself will vacate the office area or the phone there will not be active during the Executive Session. Actually, it needs to be active. That's where Lisa Nance is. It needs to be kept on.

MS. JONES: Understood.

DR. HESLOP: Alan Heslop. In the interest of going forward, if the Commission has no further questions of us, perhaps it would be appropriate for Florence, Bob Walters and I not to be contacted again so we can move forward?

CHAIRMAN LYNN: Item V, possible instructions to NDC and Commission staff. If those instructions could go through Ms. Leoni, I have no problem with your instruction.

MS. LEONI: Be available.

DR. ADAMS: That's fine. If you find you need to recontact, I'll let Bob Walters move on with work. He can be reached at the same number.

CHAIRMAN LYNN: All hang up. Await the call from the operator for the Executive Session.

(Whereupon, at 10:10 a.m Public Session}
was recessed and the Commission convened in Executive Session from 10:25 a.m. until 10:50 a.m. at which time Public Session resumed."

CHAIRMAN LYNN: We'll reconvene the open meeting of the Commission. Item IV, possible discussion, possible decision on Legislative and/or Congressional plans. Is there an affirmative motion on this item?

Hearing none, we'll move to Item V: Instructions to NDC and/or attorneys or Commission staff.

Any instructions the Commission wishes to direct toward NDC or Commission staff?

Hearing none, Item VI: Discussion and possibility on waiver of conflict regarding Joseph Kanefield.

MS. HAUSER: Before Jose and I represented the Commission, the Attorney General did. We've sued the Secretary of State in federal court. The Secretary of State is represented by the Attorney General, specifically Joseph Kanefield.

Mr. Kanefield requested a waiver of any possible conflict of interest that might exist given his previous representation of the Commission so he can continue to represent Secretary Bayless.

CHAIRMAN LYNN: You want us to take formal
action with respect to our agreeing to a waiver of
conflict for Mr. Kanefield?

MS. HAUSER: Correct.

CHAIRMAN LYNN: Is there an affirmative
motion in that regard?

COMMISSIONER HUNTWORK: Mr. Huntwork.

I'll make the motion.

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Ms. Minkoff seconds.

Discussion on the motion?

If not, all in favor signify by saying
"aye."

(Vote taken.)

CHAIRMAN LYNN: Chair votes "aye."

Opposed "no."

Motion carries unanimously.

So ordered.

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Phoenix, Arizona
week or shortly thereafter we may wish to schedule an additional meeting to discuss additional reports.

I suspect the staff will be in touch to get your availability from midweek to the end of next week and where you might be able to be contacted.

MS. HAUSER: Mr. Chairman?
CHAIRMAN LYNN: Ms. Hauser?
MS. HAUSER: Yes. If, if anyone desires to do this, we can return to the instructions to staff portion of the agenda. If anyone wants us to go ahead and just schedule some meetings out of an abundance of caution, we can cancel as necessary, we can do that. I don't know if you want us to go ahead and do that or wait until the need arises.

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I'll be flying back in on Wednesday. Seems we should have a report back by Wednesday. Why not meet sometime Wednesday afternoon or evening?

CHAIRMAN LYNN: What I'd hope to do is, if you would like, let us get a little further into the process. There's the 48-hour requirement, need to notice such meeting by Monday afternoon. That's tomorrow afternoon. In the event for any reason it may take another day or portion of a day for NDC to be ready, rather than scheduling a series of meetings and cancel them see how progress is going. Soon as we know
a time certain material will be available to us, we'll schedule at that point.

COMMISSIONER MINKOFF: Okay.

Mr. Chairman, the only time I know I'm not available is Friday until about midafternoon, something I cannot change.

CHAIRMAN LYNN: Earlier in the week you'd have availability?

COMMISSIONER MINKOFF: Yeah.

CHAIRMAN LYNN: Anyone else have a scheduling problem mid to late next week?

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Phoenix, Arizona

MS. HAUSER: Can I clarify on Andi's availability? Is it no good Friday until midafternoon?

COMMISSIONER MINKOFF: Until 2:00.

COMMISSIONER HUNTWORK: Steve, I don't have my schedule with me. I'll have to report.

CHAIRMAN LYNN: No problem, Mr. Huntwork. When are you, in terms of days, when are you due back to Phoenix?

COMMISSIONER HUNTWORK: Flying back tonight. I'll be in the office 7:30 tomorrow morning and for the duration.

CHAIRMAN LYNN: And on in.

Is there anything else on the agenda we had not covered that --

(A dial tone is heard in the background of the call.)

CHAIRMAN LYNN: I don't know what that is.
COMMISSIONER ELDER: I don't know. That's your attitude, Commissioner Lynn.

CHAIRMAN LYNN: Could be time to end the conference call quickly.

Any further business to come before the Commission?

MR. ECHEVESTE: My suggestion, Joshua, if he's coming in from Washington, if a Thursday or Friday meeting, that he stay in Phoenix so he doesn't have to drive all the way back up here. And certainly we'll schedule him in.

CHAIRMAN LYNN: We'll communicate to him soon as we figure out how the meeting will take place.

MS. HAUSER: Joshua's no longer on the phone.

COMMISSIONER ELDER: Is it more appropriate to have the meeting at Mr. Echeveste's place?

CHAIRMAN LYNN: Thank you, Mr. Elder. Any further business?

If not, a motion for adjournment?

COMMISSIONER MINKOFF: So moved.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

All in favor of adjourning the Commission meeting, signify by saying "aye."

(Vote taken.)

CHAIRMAN LYNN: Opposed, "no."
Motion carries unanimously.

We're adjourned.

If there are reporters present in Phoenix that would like to have further discussion with me, I'll be happy to stay on the line for that purpose. I'll need to know that, whenever they make that available. I'll not hang up for a moment and see if anybody needs to talk with me.

Otherwise, thanks, Lisa Nance. Be in touch next week.

(Whereupon, the hearing concluded at approximately 11:58 a.m.)

* * * *

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BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 53 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 May, 2002.

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