REPORTER'S TRANSCRIPT OF PROCEEDINGS

was taken on June 30, 2009, commencing at 3:30 p.m., at the offices of ARIZONA INDEPENDENT REDISTRICTING COMMISSION, 1400 West Washington Street, Room B-1, Phoenix, Arizona 85007, before BARBARA H. STOCKFORD, a Certified Court Reporter in the State of Arizona.

APPEARANCES:

COMMISSIONERS:

Mr. Steven W. Lynn, Chairman
Ms. Andrea Minkoff, Vice Chairman
(Via telephone)

Mr. Daniel R. Elder

Mr. Joshua M. Hall
(Via telephone)

Mr. James R. Huntwork

EXECUTIVE DIRECTOR:

Mr. Adolfo Echeveste

ALSO PRESENT:

Lisa Hauser, Esq.

Jose Rivera, Esq.
(Via telephone)

Mr. Doug Johnson
(Via telephone)
PROCEDINGS

CHAIRMAN LYNN: All right. I am at 3:33. I will call the last meeting of the Arizona Independent Redistricting Commission to order, and we'll start with a roll call.

Miss Minkoff is expected but, at the moment, excused.

Mr. Hall?

COMMISSIONER HALL: Yes.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Present.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Present.

CHAIRMAN LYNN: The chairman is present. Quorum is established.

Our first order of business is a call to the public. I have one slip of someone who wishes to address the commission. If there are any others, I'll be happy to take them. But visiting with us today is Jason Dick who is with the National Journal's Congress Daily, and he's writing about this commission, and has asked to speak.

MR. DICK: I mistakenly filled out the form. I'm just observing.

CHAIRMAN LYNN: Okay. Shorter meeting than I
1 thought.

Anyone else wishing to address the commission?

(No response.)

CHAIRMAN LYNN: Perfect.

Next on the agenda is a report from legal counsel on the status of litigation, and I'll ask Miss Hauser to start. And then Mr. Rivera, if you'd like to jump in at any point, please do so.

MS. HAUSER: Well, the Arizona Supreme Court reversed the trial court's judgment that the 2002 redistricting plan for the legislative district is unconstitutional. It also vacated the somewhat perplexing Court of Appeals decision from our second appeal, and they mandated that the case be returned to the trial court for purposes only of issuing a judgment in favor of the commission.

The mandate clerk at the Supreme Court tells me that the mandate is likely to issue in about a week. There was a motion for reconsideration filed by the coalition that was disposed of by the Supreme Court within about three days of its filing. And so there's a little bit of time associated with packing up the record and all that kind of thing. It's going to go back to the trial court, and at that time we will submit a
proposed form of judgment that includes a date that is
effective July 17th for the judgment to be entered which
allows us to actually plan for closing down rather than
to just simply have it happen and react to it.

So that is pretty much the status of the
legal proceedings, and concludes our work.

I just want to go on record saying that it
has been really a distinct privilege to work with this
first-ever commission. You were a very hard-working
group, and I really wonder whether the commissioners
that follow you will put in the sort of effort that you
did, but I hope that -- I hope that that's the case.
And really it's just -- it's been a lot of fun to work
through all these new constitutional issues and to find
out at the end of the day that, by and large, we got it
right.

So, thank you for the opportunity, and good
luck to everybody.

CHAIRMAN LYNN: Thank you.

Mr. Rivera, anything to add?

MR. RIVERA: Yeah. I don't want to add
anything on the legal point of view. I kind of want to
echo Lisa's comments about what a thrill and honor it
was to work on this historic first commission. You
should be proud of the work you've done in making the
right decisions and doing the right things, but also I think you've created an easier road for commissions to follow you. It's always difficult, the first baby, but I think you've handled it really well. I think the next commission will be able to build on what you've done, and it will be a lot quicker than what's happened with this one. And I consider it an honor, and it's something that I won't forget. Even working with Josh, I won't forget that.

(Laughter.)

MR. RIVERA: I want to thank you again for choosing me as one of your lawyers, and hopefully you're happy with the work that Lisa and I did, and we're happy with the work you guys did.

CHAIRMAN LYNN: Thanks, Jose, very much.

Let me ask if there are any commissioners that wish to comment or question on the legal status. I'll give you other opportunities to make general comments later in the meeting, but it appears as though the definition that the Attorney General sent to us in the opinion from last year, that the close of litigation is upon us, and with Ms. Hauser's report, all appeals have been exhausted. And so it's now just a matter of judgments being entered and the lower court doing what it needs to do ministerially to take care of that order
from the Supreme Court.

Mr. Elder?

COMMISSIONER ELDER: Yes. This is Dan Elder.

Question for Lisa: Is there anything that
the Supreme Court hands to the trial court and says,
"Implement this," or is it open for further debate and
discussion, et cetera? How does it work when it's
remanded back to the trial court for the order?

MS. HAUSER: That's a good question. And
I'll resist getting in a dig at the trial court who did
not follow the last mandate that issued. However, there
will be an instruction on a piece of paper that goes
from the Supreme Court to the trial court that says
enter judgment in this case in favor of the commission.

It should be pretty easy.

COMMISSIONER ELDER: So there's no further
debate on Point 48 of the 52, or whatever it is?

MS. HAUSER: No, no. No, no, no. That
should not be a problem. And I have spoken with Paul
Eckstein who has been a real gentleman and pleasure to
work with over the last few months and, I mean, he kind
of saw the handwriting on the wall, and he's been very
agreeable in terms of, you know, hoisting the white flag
and saying basically we're done, and working with us on
coming up with a date for the judgment so that the
process concludes.

COMMISSIONER HUNTWORK: Mr. Chairman?

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I just wanted to ask counsel what they thought of the possibility that something else might come along. Conceivably someone else could sue us on some different ground, or someone might make a Freedom of Information Act request of us or something like that. It's hard to imagine what it would be, but theoretically at least, it's possible that we might find ourselves having additional business at some point in the future.

Is that not correct, however unlikely?

MS. HAUSER: It is possible. Certainly a section --

Whoever is making all that cracking --

CHAIRMAN LYNN: Whose cell phone is acting up?

MR. JOHNSON: That's mine.

CHAIRMAN LYNN: Thanks, Doug.

MS. HAUSER: It is possible, certainly a Section 2 case alleging a violation of the Voting Rights Act under that provision could be brought. A public records request could be brought. We did raise with the Attorney General the issue of, you know, how does the
commission come back into existence and how does it
regain any of its lost funding in order to defend such a
case. And those questions really remain unanswered at
this point. I guess we would just have to deal with it.
I mean, you are still in office. And that's an
important thing to remember. You are still
commissioners for, you know, until the end of the term,
until the new commission comes into existence. We
simply can't meet or conduct business unless there's
litigation. So if there's litigation, I would say we
have to figure it out and just take it from there.
As far as a public records request goes, a
public records request to this entity is going to find
that there's no one there to answer it. And if they
send that request over to DOA, they might be able to
answer it, but likely the answer is going to be that
data is now -- that information is now somewhere else,
and here's where you go to get the answer, but I don't
believe we would be required to do anything with respect
to any of that. By constitution, we're not permitted to
do any more work unless there's litigation.
COMMISSIONER ELDER: So the judgment being
entered on the 17th and the closure of the office really
isn't a closure of the commission; it's just a closure
of the administrative operational entity?
MS. HAUSER: It is in a sense a closure of the commission itself, I mean as a collective body that would meet and conduct business, but not -- I mean, you are still a member of the Arizona Independent Redistricting Commission until your term is up.

CHAIRMAN LYNN: You're an ambassador without portfolio.

COMMISSIONER ELDER: But still covered under the protection of law so that you defend me.

CHAIRMAN LYNN: Exactly. To whatever extent it was there before, it's still there.

COMMISSIONER ELDER: It's still there. Okay.

MS. HAUSER: That's right. Nothing to write home about, in other words.

CHAIRMAN LYNN: Okay. Lisa and Jose, thank you very much.

Item IV is a report from NDC on the status of the 2010 census. And Doug, before you begin that, I just wanted to call to everyone's attention, whether or not you've had the opportunity to see it or not, in your packet is a report from Tim Johnson about the activity around the website, and it is staggering the amount of traffic that the website has gotten and continues to get. And it is our hope that we will continue to have somebody support the website even though we will not be
able to do so. But it continues to be a source of information for an awful lot of people around elections.

Doug Johnson.

MR. JOHNSON: Yes. I'm really (inaudible) -- I was on a dirt road.

So, the status -- in terms of administratively and all the legal rights that the state needs in place in order to manage that census, you have already taken care of that. And when the commission has dissolved or ceases operation, those functions per your earlier resolution will roll over to the Legislative Council's office. So in that respect, we've taken care of it in terms of an official term.

Now, actually getting that work done is another question, but we have talked preliminarily with Mike and staff of all four legislative caucuses and the governor's staff about getting them a little budget, and obviously budget is an issue right now, but it looks like we'll be okay where essentially NDC's contract will move over into Mike Braun's shop. There's very little left to do. I have a memo from the census bureau outlining the remaining tasks, and I'll get that together for them. But we're probably, over the next 18 months, looking at maybe $20,000 in work. Thankfully, you have planned and taken care of that. We'll be
approaching the legislature in Braun's shop with that.

The other piece we'll put in there -- and

Kristina and Adolfo and I talked about this a little bit -- is they have thankfully done the work to figure out how we keep the website up and running. So we'll see if we can administratively move website control over to the Legislative Council's office as well. Obviously, no work will be done on the site, but just to keep it up and running so it can continue to be a resource.

And on the Freedom of Information Act questions, as long as we're doing this work for census 2010, if there are questions that NDC can answer without having to dig through archives, we're happy to do that to have something out there for the public. That's not something that will be billable or reimbursed, but as long as it's not too much work, we're happy to keep that in the loop.

That essentially is the official side. If there are questions -- I want to echo what Lisa and Jose said. It's been truly an honor and pleasure to work with all of you and also Kristina, Lou and also the whole team at the office have just been fantastic to work with.

I'll also add you won't be rid of me quite that easily. Some of you may know I am going after my
Ph.D., and I have finished my course work and half my qualifying exams, and I am working on starting my dissertation which -- no surprise -- will be on commission approaches to redistricting. I hope to be contacting some of you for information in an unofficial capacity as well.

CHAIRMAN LYNN: In other words, Doug, you're going to turn us into footnotes.

(Laughter.)

MR. JOHNSON: Wise, experienced hands.

I should add as well Lisa mentioned and Jose mentioned how much work you guys have put into this. I definitely echo that. Actually, as California organizes its commission, one of the fears is that your dedication to this has been a precedent that may actually scare off people who would actually be interested in being commissioners, but fear they can't quite measure up. So we'll see how it works out over here.

CHAIRMAN LYNN: Thanks, Doug. And thank you all of the NDC staff, all of the present and former staff who have over the years provided able assistance to the commission. Please convey to Florence and to Alan and all the rest of the NDC folks how much we appreciate your help.

MR. JOHNSON: I definitely will. Florence is
officially retiring from The Rose Institute at the end of July. It is the end of an era in many ways. She has been with the institute for -- I think this is 31 years at the institute. So the closure of the commission is paralleling the closure of the institute as well.


Next on the agenda is the Executive Director's report. We'll turn to Adolfo.

MR. ECHEVESTE: Briefly, I wanted to point out that Kristina and I will continue to process -- the process of transferring AIRC records to appropriate state agencies, following all state laws and all policies accordingly. Office equipment will be transferred to the State of Arizona Surplus Property Agency for reassignment or disposal. Be aware that I instructed the Surplus Property Agency to transfer the AIRC computer, our server, which we have it housed over at DOA, to the Arizona Legislative Council per their request.

It is their position that the AIRC interactive web page is a valuable service to the residents of Arizona and should not be shut down. They plan to continue the web page, since maintenance costs -- the development costs have already been paid by the commission, and the continuing operation of the
web -- of that service is literally insignificant.

We are also putting in place the continuation of Tim Johnson being able to provide technical support and install, if they need, upon request, any software enhancements to that equipment. Tim has very graciously volunteered to -- volunteered his time to do that if need be, if they don't have the funds to pay him. But nevertheless, we're proceeding to put him under contract with the State to -- in hopes that, if they do need him, he'll get compensated accordingly.

I will provide you, Mr. Chairman, with the contact point at the Computer Services Division that will be providing oversight for that service. I have already linked Doug Johnson with them. So I'm trying to make this transition as smooth as possible.

I would ask everyone in this room that provides a fee for service to the commission, please submit your last invoices as soon as you can. Kristina and I, we're assuming that the end date is the 17th of July. We will continue to process invoices until such time as we're gone, and I have authorized Department of Administration to process any invoices coming after that end date, and upon which time they will transfer what, to date -- at least at this point in time, as of this morning, we have $691,016 still in our fund. After
those invoices are paid, we've instructed DOA to return
the funds to the general fund.

If there is no other questions, I'd just --
or if there are no questions, I'd like to echo -- it
seems like there's an echo all over the place here
today -- the comments by Lisa and Jose and Doug that
it's really been a pleasure working with all of you. I
appreciate all the support that you gave the staff. For
me, it's been a unique experience in that I not only
worked in city, state, county and federal government,
but actually was involved in implementing the
2000 census from half of Maricopa County down to the
Mexican border; upon finishing that, then being called
to come and work here.

I'd like to leave with a note that Doug
Johnson touched on; and that is that, when I was asked
to prepare a plan to comply with the time frame that you
were saddled with, I had had extensive experience
working in -- under the philosophy of maximum feasible
participation --

If you will recall, that was the old OEO days
of maximum feasible participation.

-- as director of a state agency and later --
and part of that working with migrant program. I

proceeded to lay out that outreach plan, never dreaming
that you would adopt it as you did. I thought I would challenge you with -- with all the outreach that I proposed in the plan and therefore leaving you some options that then you could perhaps reduce all the locations I sent you. To my amazement, you adopted that. And I believe Jose even recommended and you approved an additional site or two in central Arizona that, frankly I was very pleasantly surprised that I was able to initiate the kind of interactive TV statewide through NAU, plus the hearings, et cetera.

And I would echo the comments from Doug. I doubt -- well, first of all, I think that that outreach plan is something that really is a benchmark in this country in terms of maximum feasible participation in terms of all of the community, and I would challenge any state in this country to try and do it as well as you did.

Thank you.

CHAIRMAN LYNN: Thank you, Adolfo.

Next item on the agenda is staff recognition.

And this has been an interesting process, as you all know, and it's been a very time-consuming process for everybody. Certainly the staff has borne the brunt of the time that it takes to really run this process and this office.
I was very hopeful that Lou Jones could be with us today. Hopefully, she is spending time with her family, and that has prevented her from joining us, but I do have some recognition for her. And I would hope that, Adolfo and Kristina, you might be able to get it to her as well.

At the height of our travels around the state, we had many employees. We had a number of people who were part-time and others that were full time, but for the last several years, we have been running extraordinarily lean and, I would say, not very mean. We're awfully nice to people, and that's because our staff is very accommodating.

I want to recognize and pay tribute to the staff that we do have, and I have a little remembrance for each of them. And it says, "Presented to" -- and this one goes to Kristina Gomez, from the Independent Redistricting Commission. "In sincere appreciation and recognition of your dedication of years of service to the people of Arizona, 2001 to 2009." And it's over my signature.

And if you will come forward and get this. And fear not that Kristina will be out of work. The 17th is the last day she works for the commission. The 20th is the first day she starts to work for the Arizona
Early Education group that I chair. So I'm taking care of her.

(Applause.)

CHAIRMAN LYNN: I won't continue to read plaques, but I have one for Adolfo as well.

Many of you remember that Adolfo began work with the commission as Director of Outreach, and then when it was apparent that we needed an executive director, we needed to fill that position again, Adolfo stepped forward even though he was very close to retirement at that time. Adolfo has retired from more units of local government than most people serve in, and has stuck with it until this year. And this then I think is the -- is the final recognition, so that you can put this in the house in the White Mountains and look at it as you spend much more time in your retirement. We couldn't have done it without you, Adolfo.

MR. ECHEVESTE: Thank you.

Then you're all invited to the White Mountains. It's nice and cool up there. Any time you're there, give me a call. I will be there.

COMMISSIONER ELDER: Send out the address.

MR. ECHEVESTE: You have my cell number.

CHAIRMAN LYNN: Jose, you'll have to pick it
1 up from somebody here or --
2  
3 MS. HAUSER:  Sarah.
4  
5 CHAIRMAN LYNN:  -- Kristina will have it.
6  
7 Oh, Sarah will take it.  Of course.  Sarah is here.
8  
9 Sarah is accepting on your behalf.
10  
11 MR. RIVERA:  Thank you.
12  
13 CHAIRMAN LYNN:  Just to be clear, when we decided to hire outside counsel, it was clear to the commission that we were not able to use the Attorney General and still be considered an impartial body. And so we looked very, very diligently to find counsel that reached the spectrum in the political arena in Arizona, and we found two of the best. And Jose, we really appreciate everything that you have done for the commission. We appreciate your counsel. We appreciate your very wise and on-point legal advice, and we most especially appreciate your vigorous defense of our position in all courts in which we traveled, and there were many. But we -- but we very much appreciate it, and Jose DeJesus Rivera gets one of these for his wall as well.
14  
15 (Applause.)
16  
17 MR. RIVERA:  Thank you.
18  
19 CHAIRMAN LYNN:  Which brings me to Lisa Hauser, our other absolutely stellar legal counsel. And
Lisa's performance -- the other day, just for kicks and giggles, I went to the Arizona Supreme Court site, and the Supreme Court has a very interesting feature, if you've not been there. All oral arguments for the last three or four years are available on that site. And I actually watched our oral arguments from the Supreme Court case again. I was there in person, but watched it again. And needless to say, with the outcome that we now know, we just kicked butt. And it was Lisa's oral argument backed up by Jose's help and preparation that did that. We couldn't have asked for a better advocate on behalf of the commission. And we thank Lisa Hauser more than we can possibly say.

MS. HAUSER: Is this the same night that you watched that documentary for kicks and giggles?

CHAIRMAN LYNN: No. That was a different one.

MS. HAUSER: Because otherwise, I was going to say that was a really pathetic evening.

CHAIRMAN LYNN: I know.

(Laughter.)

CHAIRMAN LYNN: I've had other pathetic evenings, but that wasn't it.

In closing, in terms of this portion of the agenda, we could not have done it without the staff.
And the staff really projected for us to the community, all of the hours of the week when we weren't in session, what the commission was all about. We appreciate everything that everyone did. It would be nice to have maybe a reunion with all the staff here, but then I would have run out of money for the plaques, because the State won't allow me to buy plaques. So there you go.

UNIDENTIFIED SPEAKER: There's plenty of room down here at my house.

CHAIRMAN LYNN: Trust me, I wish I were there.

The next item on the agenda are comments from commissioners. I'm going to go through the roll to make sure we don't miss anybody -- anything anybody has to say, final comments before we adjourn.

Mr. Hall, anything from you?

COMMISSIONER HALL: Yes. Thank you.

Mr. Chairman and all the commissioners, staff, I want to echo things that you have said and thank all the folks that worked so hard on this. I was just thinking, reminiscing here a little bit. Adolfo, you know, you stepped in in a somewhat tenuous situation and just flat stepped up, and your diligent yet unassuming ways, it's been great leadership.

Kristina, you've been stellar, and Lou, and
the others that have helped, and I fully echo all that's been said in that regard. We appreciate all your efforts.

Doug, NDC, all your folks have been outstanding. You seem to know the millions of tests we ran -- what if we did this; what if we did that? And you guys were always so accommodating and helpful and kind and gracious and patient and so very professional, very on-target, and it was great.

I was thinking of Tim and some of those folks that worked really hard, even our first folks who I first worked with. I ran into the other day at Wal-Mart in Show Low -- to Joe Kingfield who initially helped us out. He was talking about how it was a fun experience. And Scott Bales, who is now on the Supreme Court, and others who worked so hard.

I think it's safe to say throughout this process we all tried to do our best, but there's no doubt that Lisa and Jose, you guys have carried the heavy burden. I mean, throughout the whole deal while we're all back doing whatever we do, you guys are fighting the battles sometimes day-to-day, and Jose and Lisa not only being there and buying us dinner every now and then and lunches and whatnot, and all of the extracurricular stuff that you did -- the legal work has
just been outstanding and, I think, renowned. I mean, you talk to other folks that are kind of in this arena that are kind of in a legal community, both of you have gained tremendous respect and admiration for your work on this, because, you know, the reality is, while there are a few setbacks here and there, you know, you guys kicked their hind ends every step of the way. That says a lot. We could have gotten it right and still lost. And without your guys' great work, I don't think we'd be where we're at today. It's unfortunate that it's taken nine-plus years. I just want to echo those comments.

To my fellow commissioners, I would say I appreciate the opportunity to work with you, and develop some friendships, and for your work and efforts. I think -- my recollection tells me once or twice we may have disagreed on a thing or two. I always found each of you to be professional, forthright, and all in all, I felt on the vast majority of the times, almost all the time, that everyone had the best interests of the people of Arizona at heart. And I think the product shows that, and I think that elections that have occurred have proven that the product has shown that.

So I just want to echo my thanks and appreciation. And that's all I have.

CHAIRMAN LYNN: Thank you, Mr. Hall.
Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman,

firstly, I want to thank you for being sensitive enough to realize that some of us appreciate this last opportunity to reminisce about this experience, and I'm going to take advantage of that.

You know, I was the -- I was actually the first commissioner appointed. I'm inordinately proud of that fact, but it's really just because I'm a Republican from Maricopa County. And I would guess that the first commissioner appointed to the next commission will also be a Republican from Maricopa County. That was a great honor, and I remember finding myself in that position with absolutely no support at all, no staff, no advisors, no anything. And the Solicitor General, Scott Bales, took me under his wing, and now Supreme Court justice, and basically advised me to kind of lay low and stay out of the way until things got organized -- advice that I did not completely successfully take, but things -- things did get a lot better once the commission was all in place and we got a staff in place that could kind of take us under their wing and keep us on the straight and narrow path.

I think, looking back at the whole experience, that our -- our legacy, in effect, is not
the maps that we have drawn and redrawn over and over again. Those were based on census data that was obsolete before we even started. In a state that grows as rapidly and dynamically as Arizona does, by the time -- by the time 2002 came along, 2000 data was already obsolete. Imagine trying to redistrict Arizona today based on year 2000 data. We'd have some districts that had 400,000 people in and some that had 200,000 people in if we tried to use that information.

The real legacy, I think, is threefold.

Number 1, I think we set up a process that provided for a tremendous amount of openness, input from the public, and also openness of the deliberations and action of the commission.

My -- my only regret is that, at least prior to the litigation phase of this process, that we had as many executive sessions as we did. I -- I would -- looking back, if I had it to do over again, I would have wanted to hear -- I would have wanted the public to hear the legal advice that we were getting and understand all of the reasons why we did the things that we did. I think that would have at least taken some of the sense of, you know, suspicion out of the process in the minds of many people. But I don't say that in a critical way. We did the best we could at the time, and I think we do
leave a strong legacy of openness that the next commission would be very well advised to try to emulate.

Secondly, I think we leave a legacy of teamwork among the commissioners ourselves as well as with our staff and the experts that we hired to work with us.

I want to echo what Joshua said. There were moments when we were all angry and upset, and I certainly was at times, but I think we got over it very quickly, number one, because we had to --

The commission was moving on whether we liked it or not.

-- but secondly, because we all understood that we were working with decent, honest people who were doing their best to achieve the same result that we were all striving for. And so, you know, I think that is another legacy that other commissions and bodies in the State might do well to emulate as well as the next commission.

And finally, of course, we leave a legacy of law. A lot of the unanswered legal questions that we started out with have now been resolved as a result of this nine-year process that we have gone through.

I hasten to add, though, that this is kind of the first cut of issues. We know that we're now a
legislative body and we have legislative privilege and
we have a certain degree of discretion and so on and so
forth. Those are critically important points. I think
there is a whole second tier of complexity that we
probably -- we never got to, and that may come up with
the next commission.

One of my pet theories which is still out
there is that I think personally that you have to draw
maps that do not include competitiveness. And please,
you don't have to agree with me. I know there is no
consensus on this, but I've thought it over many, many
times, and I think you have to draw your best map that
does not include competitiveness before you can actually
make a determination as to whether the changes that
you're making to consider competitiveness do substantial
or significant detriment. Now, that is an issue that
may -- may be explored in the next go-round.

Having said all that, I have three cautionary
notes, three warnings, if you will.

Number 1, I think it is very important who
gets appointed to this commission. I think that while
the -- inevitably, the political affiliation is taken
into consideration, it is also very important to -- as
much as humanly possible, to appoint people who will
approach this honestly and work hard at it who know how
to work with people and can behave in a cooperative and
civil manner while arguing with the same group of five
people over and over again over a long and intense
period of time. I think that -- that -- you know, the
selection process is very important.

Secondly, I think it's absolutely critically
important to have the right chairman. I've said before,
and I won't belabor the point too much, but I think we
had a wonderful chairman. Steve is -- embodies all the
points that I've made about the commission and the
experience that we've had, and is, I think, to a large
extent responsible for our achieving all of those -- of
those standards, but by the same token, the wrong person
could do a great deal of harm.

This process is completely vulnerable to who
the chairman is, and I've said before -- I'm going to
say again -- if a chairman were appointed who did not
want to follow the rules and comply with the process,
the chairman could simply say, "Okay, Dems. Okay,
Republicans. Here is what I want. Here's my plan, and
whoever gets the closest to my plan, I'll vote with you,
and to heck with the other guys." And that would be the
redistricting in this state. It is vulnerable to that.
So it is absolutely critical who is selected as
chairman.
There are some commission processes that are set up differently. Some of them have two Republicans and two Democrats and a nonvoting chairman. Some of them have, for example, the Chief Justice of the State Supreme Court as the chairman. In that situation, the Republicans and the Democrats have to reach consensus. There is no independent voice that forces a resolution. There are lots of downsides to that.

I can tell you right now that this process works better as long as you have the right person as the chairman. It will be infinitely worse if you have the wrong person as the chairman. The chairman is absolutely the key to this process.

Thirdly, adequate funding. We initially had a grant in the proposition that created the commission. And I think the people who -- who set that number up thought that it would be adequate. Redistricting is very expensive -- a number which was -- was it $3 million?

CHAIRMAN LYNN: Six million dollars.

COMMISSIONER HUNTWORK: Six million dollars.

The number was not adequate. We ran out of money right in the midst of the most intense phase of the litigation. And if the legislature had not authorized additional funding and the governor had not signed the
bill, we would have had to allow a default judgment to
be entered on lines drafted by the plaintiffs in the
lawsuit. That is not acceptable. The legislature did
grant us more money, and the governor did sign the bill,
but it was -- it was very tense. One has to ask the
question what would have happened if the lines that we
were defending had not been supported by the majority in
the legislature.

So there needs to be adequate funding on day
one before the commission is appointed, before the
commission acts, before any lines are drawn that
partisans can take, you know, a shot at one way or
another. And it needs to be a lot of money, and that is
very hard to say and very hard to do considering the
struggles that are going on right across the street at
this moment as we speak, but it is absolutely essential.

So, there. I vented. I appreciate the
opportunity, Mr. Chairman. And I thank everybody for
sitting quietly and listening to me.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Mr. Elder?

VICE CHAIRMAN MINKOFF: Mr. Chairman, it's

Andy Minkoff.

CHAIRMAN LYNN: Ms. Minkoff.

VICE CHAIRMAN MINKOFF: I am not going to
speak now. I'll let Dan Elder speak. But I just wanted
you to know I'm in the middle of nowhere, New Mexico,
and I have been trying to call in for about a half hour
or more, and the call keeps getting dropped. So I'm
here now. I don't know how long it will last.

CHAIRMAN LYNN: Andy, why don't you go next
since we have you.

VICE CHAIRMAN MINKOFF: I don't know what I'm
supposed to be doing. I just got on in the middle of
Commissioner Huntwork's remarks.

CHAIRMAN LYNN: Last thing on the agenda.
Anything you might want to share with us as the last
kind of comment from you as the vice chair.

VICE CHAIRMAN MINKOFF: Well, I hadn't really
prepared anything, but I do have some thoughts.

My first thought is that I hope that the
legislature -- the legislative leadership will take the
appointment of the next commission very, very seriously.
I think that was done when we applied, and I hope it
continues into the next term; that this is not a
political appointment; that this is not a "thank you" to
somebody who has worked hard on behalf of the majority
of the minority leader, but this is a very critical
appointment for the future of the State.

I did hear Commissioner Huntwork's comments
on the chairman of the commission, and I agree with him.
With only five people to chose from, quite frankly, we got very, very lucky that there was someone of Steve Lynn's caliber among those five people. That's not a lot to choose from.

And once again, I think the Commission on Appellate Court Appointments has a very important job, probably the most important job picking those five people who are not of either of the two major parties. The composition of the commission is absolutely critical. I think we learned a lot. I think that we made some mistakes, but I think that we knew going in that we were going to make mistakes because we were really charting new territory. And I believe that the next commission would be well served to talk to us, to talk to our counsel, to get some idea. And I think we all have different ideas of what worked well and what didn't work well.

We had a very, very tough job, and I think we really gave it our all. As you know, I'm not entirely thrilled with the result that we came up with, but I think the process was a good process, and it was a very deliberate process, and I believe that the next commission would be well served by learning from what we did.
CHAIRMAN LYNN: Thank you, Andy.

VICE CHAIRMAN MINKOFF: You're welcome.

VICE CHAIRMAN MINKOFF: Now I'll listen.

CHAIRMAN LYNN: Good.

COMMISSIONER ELDER: Mr. Chairman and commissioners, probably the commissioner with the least eloquence -- Jose at one point said with the most heart.

I appreciate that.

I think something happened early on, and one point to Doug is when I was being interviewed by the president of the senate, they asked me, "How much time are you willing to commit?"

And I said, "I don't know. A couple hundred hours."

And he said," How about a thousand?"

And I said, No way. I couldn't leave my business for that."

As of this morning, I have 2,058 hours that were committed to either reading reports, participating in meetings away from home, trying to run a business on a cell phone, and I enjoyed every minute of it. I've enjoyed the relationships I've developed with the commissioners and the people I met along the way, especially the staff.

I'll tell you, you know, you and Lou trying
to get my receivables -- reimbursables after two years through the State, because my paperwork really is terrible, but in any case, they kept the system going. They kept us all to where we could survive, and I appreciate that. So, you know, keep that in mind.

Midway through, one of the things that became very apparent was that we were appointed as Independent Redistricting Commission members. And I really believe that was something that we all took to heart. I know I did.

I also appreciated the party that appointed me not pressuring at all. I had two contacts. The contacts I had were, "Is there anything we can do to help you?"

"No, thanks."

"Okay. Goodbye."

And nothing else was ever said.

So from that standpoint, it had the ability or allowed the ability for me to participate, evaluate, and at some times ask questions to where the group in the back called me "Mr. Swing." They said, "We have no idea which way Dan is going to vote from the questions he asks." Some of that relates back to the very first meeting I had with the senate president where they asked, if you had the option of developing three
1 districts -- two solidly in one party and one solidly in
2 the other party, or you had the option of developing
3 districts where you had one in one party, one in the
4 other party, and one neutral, or very competitive, would
5 you -- which way would you go?
6 And I said I really believe I'd go for the
7 competitive, the close proximity, because discourse in
8 politics, discourse among the community, debating what
9 way we want to go as a country is extremely important to
10 me. And I think we accomplished as close as we could,
11 based on the numbers we were given through the census,
12 as much competitiveness as we possibly could.
13 We also responded to communities of interest
14 that I didn't even know were there. I didn't know,
15 after discussions after one of the meetings from Jose,
16 the difference between a Jesuit and a Franciscan, but we
17 had debates in Flagstaff on that. I didn't realize that
18 there were, you know, conservative Hispanics. I learned
19 there are. I also learned that there are redneck
20 liberals. So the expansion of my perspective of the
21 citizens of the State of Arizona has grown, and I have
22 appreciated the opportunity.
23 Thank you.
24 CHAIRMAN LYNN: Thank you, Mr. Elder.
25 Well, let me not take a lot of time. I know
some of the folks on the phone have to sign off and, if you do, you won't miss much. So leave whenever you need to.

The way I want to sum up our experience over the last eight-plus years is in the following, and this is not original with me. I've heard other commissions say it. I just want to say it again for the record.

The difference between this commission and what it did and the way redistricting is generally done by legislators across the country boils down to the issue of whether or not you have an outcome in mind or whether you have a principle you're following.

And most redistricting done by legislatures has an outcome in mind. They wish to either retain power as much as they can, expand power where it's appropriate, make districts safe for certain people and make them safer for others. And that's why the people of Arizona decided that another method was appropriate.

What we embarked on and what I think we accomplished was what we've called time and time again a principled redistricting. And the principle was very simple, and it was that we would try to be as open and fair to everyone in the state as we could possibly be.

That's why we chose to have public hearings in the first place other than those that were mandated by the
constitution. We actually could have gotten by with about three public hearings total and complied with the constitution. We chose to have scores of public hearings because it was appropriate. It was really the only real way we could get in touch with people around the state and have them feel they were in touch with us on this process. And that's part of the principle, and the principle paid off in a variety of ways. So let me first talk about the ways it paid off for the state.

The state got a set of districts for the congressional races and the legislative races that have produced well over the last eight years. Nine districts in our legislative map have elected both Republicans and Democrats over that period of time. The representation of the Latino population in the legislature has increased significantly over the period that we were in charge of redistricting, not just in safe districts, but in other districts as well.

In the congressional map that we drew, there are two Latino seats at the moment out of eight. There had previously been one. And those districts really fairly represent the shift in the country in terms of politics. The last two rounds have been a decided move to the democratic side of the ledger, and that's reflected in the fact that our delegation is what it is
today.

All of that means that these districts work, and they work because they were developed by a principled process that all five of us adhered to.

Let me say one other thing about process, and I'll just end with a personal comment.

I believe of all the decisions we made and of all the recommendations that I might make to the next commission, perhaps the one that is most critical -- and it seemed insignificant at the time -- but the one that is most critical is that the commissioners, however well-equipped they might be with hardware and software, should not draw their own maps. And the decision that we made to not have individual maps I believe made it clear to the public that the scenario that Mr. Huntwork talks about in terms of his future problem -- and I believe it's a real problem -- didn't happen and wouldn't happen because none of us presented maps to the commission for consideration. All we presented were issues to be worked on by our consultants, and then we all looked at the maps at the same time and had the opportunity to either like what we see, not like what we see, change what we saw, but in open session, do it in a way that none of us had ownership with anything but the final product, and that's the one we voted on. And if
the next commission doesn't do anything else, I hope
they do that because it will, in some large way, obviate
that problem that Mr. Huntwork alludes to which I think
is a real danger.

Finally and personally, I just want to thank
my fellow commissioners for giving me the opportunity to
serve as chair of this commission. It has been a
pleasure most of the time. It has been a privilege all
of the time. And I count among my closest friends the
members of the commission who will be friends as long as
we know each other regardless of whether the commission
works or not.

Mr. Elder indicated that he's got over 2,000
hours in. My last count was 4,400 hours, and that's
only because when we don't meet, I get the phone calls,
and -- and it's okay. It's fine. It's a ten-year
sentence. And you know what they say about the
Stockholm syndrome -- after a while, you really kind of
get to like your captors. And the fact is I would much
prefer to be captured by this group of five than any I
can think of. It has been a distinct pleasure and an
honor to serve as your chair, and I'm delighted to have
done so.

With that, and without any further ado
because I had said it would take an hour, and it is just
an hour, if there are no other comments from
commissioners -- hearing none, the last item on the
agenda is adjournment, and this one will be different.
This one is adjournment sine die. We're done.

(Concluded at 4:33 p.m.)
CERTIFICATE

I, BARBARA H. STOCKFORD, Certified Court Reporter in the State of Arizona, do hereby certify that the foregoing pages constitute a full, true, and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

WITNESS my hand this 6th day of July 2009.

BARBARA H. STOCKFORD, RMR/CRR/CCP
CCR NO. 50463