

REPORTER'S TRANSCRIPT OF PROCEEDINGS
ARIZONA INDEPENDENT REDISTRICTING COMMISSION
PUBLIC MEETING

Phoenix, Arizona
June 30, 2009
3:30 p.m.

REPORTED BY:

BARBARA H. STOCKFORD, CRR/RMR/CCP

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1 REPORTER'S TRANSCRIPT OF PROCEEDINGS
2 was taken on June 30, 2009, commencing at 3:30 p.m., at the
3 offices of ARIZONA INDEPENDENT REDISTRICTING COMMISSION,
4 1400 West Washington Street, Room B-1, Phoenix, Arizona
5 85007, before BARBARA H. STOCKFORD, a Certified Court
6 Reporter in the State of Arizona.

7

8 APPEARANCES:

9 COMMISSIONERS:

10 Mr. Steven W. Lynn, Chairman

11 Ms. Andrea Minkoff, Vice Chairman
 (Via telephone)

12 Mr. Daniel R. Elder

13 Mr. Joshua M. Hall
 (Via telephone)

14 Mr. James R. Huntwork

15

16 EXECUTIVE DIRECTOR:

17 Mr. Adolfo Echeveste

18

19 ALSO PRESENT:

20 Lisa Hauser, Esq.

21 Jose Rivera, Esq.
 (Via telephone)

22

23 Mr. Doug Johnson
 (Via telephone)

24

25

1 P R O C E E D I N G S

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

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

8 Mr. Hall?

9 COMMISSIONER HALL: Yes.

10 CHAIRMAN LYNN: Mr. Huntwork?

11 COMMISSIONER HUNTWORK: Present.

12 CHAIRMAN LYNN: Mr. Elder?

13 COMMISSIONER ELDER: Present.

14 CHAIRMAN LYNN: The chairman is present.

15 Quorum is established.

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

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

25 CHAIRMAN LYNN: Okay. Shorter meeting than I

1 thought.

2 Anyone else wishing to address the
3 commission?

4 (No response.)

5 CHAIRMAN LYNN: Perfect.

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

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

18 The mandate clerk at the Supreme Court tells
19 me that the mandate is likely to issue in about a week.
20 There was a motion for reconsideration filed by the
21 coalition that was disposed of by the Supreme Court
22 within about three days of its filing. And so there's a
23 little bit of time associated with packing up the record
24 and all that kind of thing. It's going to go back to
25 the trial court, and at that time we will submit a

1 proposed form of judgment that includes a date that is
2 effective July 17th for the judgment to be entered which
3 allows us to actually plan for closing down rather than
4 to just simply have it happen and react to it.

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

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

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

19 CHAIRMAN LYNN: Thank you.

20 Mr. Rivera, anything to add?

21 MR. RIVERA: Yeah. I don't want to add
22 anything on the legal point of view. I kind of want to
23 echo Lisa's comments about what a thrill and honor it
24 was to work on this historic first commission. You
25 should be proud of the work you've done in making the

1 right decisions and doing the right things, but also I
2 think you've created an easier road for commissions to
3 follow you. It's always difficult, the first baby, but
4 I think you've handled it really well. I think the next
5 commission will be able to build on what you've done,
6 and it will be a lot quicker than what's happened with
7 this one. And I consider it an honor, and it's
8 something that I won't forget. Even working with Josh,
9 I won't forget that.

10 (Laughter.)

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

15 CHAIRMAN LYNN: Thanks, Jose, very much.

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

1 from the Supreme Court.

2 Mr. Elder?

3 COMMISSIONER ELDER: Yes. This is Dan Elder.

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

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

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

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

1 process concludes.

2 COMMISSIONER HUNTWORK: Mr. Chairman?

3 CHAIRMAN LYNN: Mr. Huntwork.

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

13 Is that not correct, however unlikely?

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

16 Whoever is making all that cracking --

17 CHAIRMAN LYNN: Whose cell phone is acting
18 up?

19 MR. JOHNSON: That's mine.

20 CHAIRMAN LYNN: Thanks, Doug.

21 MS. HAUSER: It is possible, certainly a
22 Section 2 case alleging a violation of the Voting Rights
23 Act under that provision could be brought. A public
24 records request could be brought. We did raise with the
25 Attorney General the issue of, you know, how does the

1 commission come back into existence and how does it
2 regain any of its lost funding in order to defend such a
3 case. And those questions really remain unanswered at
4 this point. I guess we would just have to deal with it.
5 I mean, you are still in office. And that's an
6 important thing to remember. You are still
7 commissioners for, you know, until the end of the term,
8 until the new commission comes into existence. We
9 simply can't meet or conduct business unless there's
10 litigation. So if there's litigation, I would say we
11 have to figure it out and just take it from there.

12 As far as a public records request goes, a
13 public records request to this entity is going to find
14 that there's no one there to answer it. And if they
15 send that request over to DOA, they might be able to
16 answer it, but likely the answer is going to be that
17 data is now -- that information is now somewhere else,
18 and here's where you go to get the answer, but I don't
19 believe we would be required to do anything with respect
20 to any of that. By constitution, we're not permitted to
21 do any more work unless there's litigation.

22 COMMISSIONER ELDER: So the judgment being
23 entered on the 17th and the closure of the office really
24 isn't a closure of the commission; it's just a closure
25 of the administrative operational entity?

1 MS. HAUSER: It is in a sense a closure of
2 the commission itself, I mean as a collective body that
3 would meet and conduct business, but not -- I mean, you
4 are still a member of the Arizona Independent
5 Redistricting Commission until your term is up.

6 CHAIRMAN LYNN: You're an ambassador without
7 portfolio.

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

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

12 COMMISSIONER ELDER: It's still there. Okay.

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

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

17 Item IV is a report from NDC on the status of
18 the 2010 census. And Doug, before you begin that, I
19 just wanted to call to everyone's attention, whether or
20 not you've had the opportunity to see it or not, in your
21 packet is a report from Tim Johnson about the activity
22 around the website, and it is staggering the amount of
23 traffic that the website has gotten and continues to
24 get. And it is our hope that we will continue to have
25 somebody support the website even though we will not be

1 able to do so. But it continues to be a source of
2 information for an awful lot of people around elections.

3 Doug Johnson.

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

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

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

1 approaching the legislature in Braun's shop with that.

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

10 And on the Freedom of Information Act
11 questions, as long as we're doing this work for census
12 2010, if there are questions that NDC can answer without
13 having to dig through archives, we're happy to do that
14 to have something out there for the public. That's not
15 something that will be billable or reimbursed, but as
16 long as it's not too much work, we're happy to keep that
17 in the loop.

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

24 I'll also add you won't be rid of me quite
25 that easily. Some of you may know I am going after my

1 Ph.D., and I have finished my course work and half my
2 qualifying exams, and I am working on starting my
3 dissertation which -- no surprise -- will be on
4 commission approaches to redistricting. I hope to be
5 contacting some of you for information in an unofficial
6 capacity as well.

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

9 (Laughter.)

10 MR. JOHNSON: Wise, experienced hands.

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

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

25 MR. JOHNSON: I definitely will. Florence is

1 officially retiring from The Rose Institute at the end
2 of July. It is the end of an era in many ways. She has
3 been with the institute for -- I think this is 31 years
4 at the institute. So the closure of the commission is
5 paralleling the closure of the institute as well.

6 CHAIRMAN LYNN: Wow. Great. Thanks, Doug.

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

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

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

1 web -- of that service is literally insignificant.

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

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

16 I would ask everyone in this room that
17 provides a fee for service to the commission, please
18 submit your last invoices as soon as you can. Kristina
19 and I, we're assuming that the end date is the 17th of
20 July. We will continue to process invoices until such
21 time as we're gone, and I have authorized Department of
22 Administration to process any invoices coming after that
23 end date, and upon which time they will transfer what,
24 to date -- at least at this point in time, as of this
25 morning, we have \$691,016 still in our fund. After

1 those invoices are paid, we've instructed DOA to return
2 the funds to the general fund.

3 If there is no other questions, I'd just --
4 or if there are no questions, I'd like to echo -- it
5 seems like there's an echo all over the place here
6 today -- the comments by Lisa and Jose and Doug that
7 it's really been a pleasure working with all of you. I
8 appreciate all the support that you gave the staff. For
9 me, it's been a unique experience in that I not only
10 worked in city, state, county and federal government,
11 but actually was involved in implementing the
12 2000 census from half of Maricopa County down to the
13 Mexican border; upon finishing that, then being called
14 to come and work here.

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

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

23 -- as director of a state agency and later --
24 and part of that working with migrant program. I
25 proceeded to lay out that outreach plan, never dreaming

1 that you would adopt it as you did. I thought I would
2 challenge you with -- with all the outreach that I
3 proposed in the plan and therefore leaving you some
4 options that then you could perhaps reduce all the
5 locations I sent you. To my amazement, you adopted
6 that. And I believe Jose even recommended and you
7 approved an additional site or two in central Arizona
8 that, frankly I was very pleasantly surprised that I was
9 able to initiate the kind of interactive TV statewide
10 through NAU, plus the hearings, et cetera.

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

18 Thank you.

19 CHAIRMAN LYNN: Thank you, Adolfo.

20 Next item on the agenda is staff recognition.

21 And this has been an interesting process, as you all
22 know, and it's been a very time-consuming process for
23 everybody. Certainly the staff has borne the brunt of
24 the time that it takes to really run this process and
25 this office.

1 I was very hopeful that Lou Jones could be
2 with us today. Hopefully, she is spending time with her
3 family, and that has prevented her from joining us, but
4 I do have some recognition for her. And I would hope
5 that, Adolfo and Kristina, you might be able to get it
6 to her as well.

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

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

22 And if you will come forward and get this.
23 And fear not that Kristina will be out of work. The
24 17th is the last day she works for the commission. The
25 20th is the first day she starts to work for the Arizona

1 Early Education group that I chair. So I'm taking care
2 of her.

3 (Applause.)

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

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

19 MR. ECHEVESTES: Thank you.

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

23 COMMISSIONER ELDER: Send out the address.

24 MR. ECHEVESTES: You have my cell number.

25 CHAIRMAN LYNN: Jose, you'll have to pick it

1 up from somebody here or --

2 MS. HAUSER: Sarah.

3 CHAIRMAN LYNN: -- Kristina will have it.

4 Oh, Sarah will take it. Of course. Sarah is here.

5 Sarah is accepting on your behalf.

6 MR. RIVERA: Thank you.

7 CHAIRMAN LYNN: Just to be clear, when we
8 decided to hire outside counsel, it was clear to the
9 commission that we were not able to use the Attorney
10 General and still be considered an impartial body. And
11 so we looked very, very diligently to find counsel that
12 reached the spectrum in the political arena in Arizona,
13 and we found two of the best. And Jose, we really
14 appreciate everything that you have done for the
15 commission. We appreciate your counsel. We appreciate
16 your very wise and on-point legal advice, and we most
17 especially appreciate your vigorous defense of our
18 position in all courts in which we traveled, and there
19 were many. But we -- but we very much appreciate it,
20 and Jose DeJesus Rivera gets one of these for his wall
21 as well.

22 (Applause.)

23 MR. RIVERA: Thank you.

24 CHAIRMAN LYNN: Which brings me to Lisa
25 Hauser, our other absolutely stellar legal counsel. And

1 Lisa's performance -- the other day, just for kicks and
2 giggles, I went to the Arizona Supreme Court site, and
3 the Supreme Court has a very interesting feature, if
4 you've not been there. All oral arguments for the last
5 three or four years are available on that site. And I
6 actually watched our oral arguments from the Supreme
7 Court case again. I was there in person, but watched it
8 again. And needless to say, with the outcome that we
9 now know, we just kicked butt. And it was Lisa's oral
10 argument backed up by Jose's help and preparation that
11 did that. We couldn't have asked for a better advocate
12 on behalf of the commission. And we thank Lisa Hauser
13 more than we can possibly say.

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

16 CHAIRMAN LYNN: No. That was a different
17 one.

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

20 CHAIRMAN LYNN: I know.

21 (Laughter.)

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

24 In closing, in terms of this portion of the
25 agenda, we could not have done it without the staff.

1 And the staff really projected for us to the community,
2 all of the hours of the week when we weren't in session,
3 what the commission was all about. We appreciate
4 everything that everyone did. It would be nice to have
5 maybe a reunion with all the staff here, but then I
6 would have run out of money for the plaques, because the
7 State won't allow me to buy plaques. So there you go.

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

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

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

16 Mr. Hall, anything from you?

17 COMMISSIONER HALL: Yes. Thank you.

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

25 Kristina, you've been stellar, and Lou, and

1 the others that have helped, and I fully echo all that's
2 been said in that regard. We appreciate all your
3 efforts.

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

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

17 I think it's safe to say throughout this
18 process we all tried to do our best, but there's no
19 doubt that Lisa and Jose, you guys have carried the
20 heavy burden. I mean, throughout the whole deal while
21 we're all back doing whatever we do, you guys are
22 fighting the battles sometimes day-to-day, and Jose and
23 Lisa not only being there and buying us dinner every now
24 and then and lunches and whatnot, and all of the
25 extracurricular stuff that you did -- the legal work has

1 just been outstanding and, I think, renowned. I mean,
2 you talk to other folks that are kind of in this arena
3 that are kind of in a legal community, both of you have
4 gained tremendous respect and admiration for your work
5 on this, because, you know, the reality is, while there
6 are a few setbacks here and there, you know, you guys
7 kicked their hind ends every step of the way. That says
8 a lot. We could have gotten it right and still lost.
9 And without your guys' great work, I don't think we'd be
10 where we're at today. It's unfortunate that it's taken
11 nine-plus years. I just want to echo those comments.

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

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

25 CHAIRMAN LYNN: Thank you, Mr. Hall.

1 Mr. Huntwork?

2 COMMISSIONER HUNTWORK: Mr. Chairman,
3 firstly, I want to thank you for being sensitive enough
4 to realize that some of us appreciate this last
5 opportunity to reminisce about this experience, and I'm
6 going to take advantage of that.

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

24 I think, looking back at the whole
25 experience, that our -- our legacy, in effect, is not

1 the maps that we have drawn and redrawn over and over
2 again. Those were based on census data that was
3 obsolete before we even started. In a state that grows
4 as rapidly and dynamically as Arizona does, by the
5 time -- by the time 2002 came along, 2000 data was
6 already obsolete. Imagine trying to redistrict Arizona
7 today based on year 2000 data. We'd have some districts
8 that had 400,000 people in and some that had 200,000
9 people in if we tried to use that information.

10 The real legacy, I think, is threefold.
11 Number 1, I think we set up a process that provided for
12 a tremendous amount of openness, input from the public,
13 and also openness of the deliberations and action of the
14 commission.

15 My -- my only regret is that, at least prior
16 to the litigation phase of this process, that we had as
17 many executive sessions as we did. I -- I would --
18 looking back, if I had it to do over again, I would have
19 wanted to hear -- I would have wanted the public to hear
20 the legal advice that we were getting and understand all
21 of the reasons why we did the things that we did. I
22 think that would have at least taken some of the sense
23 of, you know, suspicion out of the process in the minds
24 of many people. But I don't say that in a critical way.
25 We did the best we could at the time, and I think we do

1 leave a strong legacy of openness that the next
2 commission would be very well advised to try to emulate.

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

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

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

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

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

24 I hasten to add, though, that this is kind of
25 the first cut of issues. We know that we're now a

1 legislative body and we have legislative privilege and
2 we have a certain degree of discretion and so on and so
3 forth. Those are critically important points. I think
4 there is a whole second tier of complexity that we
5 probably -- we never got to, and that may come up with
6 the next commission.

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

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

20 Number 1, I think it is very important who
21 gets appointed to this commission. I think that while
22 the -- inevitably, the political affiliation is taken
23 into consideration, it is also very important to -- as
24 much as humanly possible, to appoint people who will
25 approach this honestly and work hard at it who know how

1 to work with people and can behave in a cooperative and
2 civil manner while arguing with the same group of five
3 people over and over again over a long and intense
4 period of time. I think that -- that -- you know, the
5 selection process is very important.

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

15 This process is completely vulnerable to who
16 the chairman is, and I've said before -- I'm going to
17 say again -- if a chairman were appointed who did not
18 want to follow the rules and comply with the process,
19 the chairman could simply say, "Okay, Dems. Okay,
20 Republicans. Here is what I want. Here's my plan, and
21 whoever gets the closest to my plan, I'll vote with you,
22 and to heck with the other guys." And that would be the
23 redistricting in this state. It is vulnerable to that.
24 So it is absolutely critical who is selected as
25 chairman.

1 There are some commission processes that are
2 set up differently. Some of them have two Republicans
3 and two Democrats and a nonvoting chairman. Some of
4 them have, for example, the Chief Justice of the State
5 Supreme Court as the chairman. In that situation, the
6 Republicans and the Democrats have to reach consensus.
7 There is no independent voice that forces a resolution.
8 There are lots of down sides to that.

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

14 Thirdly, adequate funding. We initially had
15 a grant in the proposition that created the commission.
16 And I think the people who -- who set that number up
17 thought that it would be adequate. Redistricting is
18 very expensive -- a number which was -- was it
19 \$3 million?

20 CHAIRMAN LYNN: Six million dollars.

21 COMMISSIONER HUNTWORK: Six million dollars.
22 The number was not adequate. We ran out of money right
23 in the midst of the most intense phase of the
24 litigation. And if the legislature had not authorized
25 additional funding and the governor had not signed the

1 bill, we would have had to allow a default judgment to
2 be entered on lines drafted by the plaintiffs in the
3 lawsuit. That is not acceptable. The legislature did
4 grant us more money, and the governor did sign the bill,
5 but it was -- it was very tense. One has to ask the
6 question what would have happened if the lines that we
7 were defending had not been supported by the majority in
8 the legislature.

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

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

20 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

21 Mr. Elder?

22 VICE CHAIRMAN MINKOFF: Mr. Chairman, it's
23 Andy Minkoff.

24 CHAIRMAN LYNN: Ms. Minkoff.

25 VICE CHAIRMAN MINKOFF: I am not going to

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

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

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

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

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

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

25 I did hear Commissioner Huntwork's comments

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

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

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

1 CHAIRMAN LYNN: Thank you, Andy.

2 VICE CHAIRMAN MINKOFF: You're welcome.

3 VICE CHAIRMAN MINKOFF: Now I'll listen.

4 CHAIRMAN LYNN: Good.

5 COMMISSIONER ELDER: Mr. Chairman and
6 commissioners, probably the commissioner with the least
7 eloquence -- Jose at one point said with the most heart.
8 I appreciate that.

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

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

15 And he said, "How about a thousand?"

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

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

25 I'll tell you, you know, you and Lou trying

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

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

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

15 "No, thanks."

16 "Okay. Goodbye."

17 And nothing else was ever said.

18 So from that standpoint, it had the ability
19 or allowed the ability for me to participate, evaluate,
20 and at some times ask questions to where the group in
21 the back called me "Mr. Swing." They said, "We have no
22 idea which way Dan is going to vote from the questions
23 he asks." Some of that relates back to the very first
24 meeting I had with the senate president where they
25 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

1 some of the folks on the phone have to sign off and, if
2 you do, you won't miss much. So leave whenever you need
3 to.

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

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

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

19 What we embarked on and what I think we
20 accomplished was what we've called time and time again a
21 principled redistricting. And the principle was very
22 simple, and it was that we would try to be as open and
23 fair to everyone in the state as we could possibly be.
24 That's why we chose to have public hearings in the first
25 place other than those that were mandated by the

1 constitution. We actually could have gotten by with
2 about three public hearings total and complied with the
3 constitution. We chose to have scores of public
4 hearings because it was appropriate. It was really the
5 only real way we could get in touch with people around
6 the state and have them feel they were in touch with us
7 on this process. And that's part of the principle, and
8 the principle paid off in a variety of ways. So let me
9 first talk about the ways it paid off for the state.

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

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

1 today.

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

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

7 I believe of all the decisions we made and of
8 all the recommendations that I might make to the next
9 commission, perhaps the one that is most critical -- and
10 it seemed insignificant at the time -- but the one that
11 is most critical is that the commissioners, however
12 well-equipped they might be with hardware and software,
13 should not draw their own maps. And the decision that
14 we made to not have individual maps I believe made it
15 clear to the public that the scenario that Mr. Huntwork
16 talks about in terms of his future problem -- and I
17 believe it's a real problem -- didn't happen and
18 wouldn't happen because none of us presented maps to the
19 commission for consideration. All we presented were
20 issues to be worked on by our consultants, and then we
21 all looked at the maps at the same time and had the
22 opportunity to either like what we see, not like what we
23 see, change what we saw, but in open session, do it in a
24 way that none of us had ownership with anything but the
25 final product, and that's the one we voted on. And if

1 the next commission doesn't do anything else, I hope
2 they do that because it will, in some large way, obviate
3 that problem that Mr. Huntwork alludes to which I think
4 is a real danger.

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

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

24 With that, and without any further ado
25 because I had said it would take an hour, and it is just

1 an hour, if there are no other comments from
2 commissioners -- hearing none, the last item on the
3 agenda is adjournment, and this one will be different.
4 This one is adjournment sine die. We're done.

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

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C E R T I F I C A T E

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