ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Friday, July 8, 2011
9:35 a.m.

Location

Executive Tower - Pharmacy Board Meeting Room 312
1700 West Washington
Phoenix, Arizona 85007

Attending

Colleen C. Mathis, Chair
Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Richard P. Stertz, Commissioner

Raymond F. Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist

Joseph Kanefield, Legal Counsel
Mary O'Grady, Legal Counsel

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CHAIRPERSON MATHIS: This meeting of the Arizona Independent Redistricting Commission will now come to order. I just realized I need to put on my mic.

The time is 9:35. Today is Friday, July 8th, and let's all rise for the Pledge of Allegiance.

(Pledge recited.)

CHAIRPERSON MATHIS: I'd like to remind everyone to fill out a Request to Speak form if you want to address us during public comment, and give that to Ray Bladine, our executive director.

Let's go ahead and start with roll call.

Vice-Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Vice-Commissioner Herrera.

(No oral response.)

CHAIRPERSON MATHIS: I believe he's on his way.

Commissioner McNulty.

COMMISSIONER McNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum. And I'd also like to acknowledge our legal counsel today, Joe
Kanefield and Mary O'Grady, our Executive Director Ray Bladine, and our mapping consultants Ken Strasma and Andrew Drechsler.

Thank you all for being here.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Yes, Mr. Freeman.

VICE-CHAIR FREEMAN: Given the number of people we have here, and the large number of public comments that I believe we will have, and given that it looks like we put the call for public comment at the end of the agenda, I think we can take agenda items, perhaps, at the Chair's discretion, in order perhaps, maybe to alleviate some of the overcrowding issues.

I would suggest that maybe we take agenda item nine, which is the call for public comment, at least perhaps 60 minutes worth, and maybe get as many comments as we can within the next 60 minutes, and then we can return to it at the end of the agenda as it's laid out, and capture the rest of the public comment. I don't know if I need to do that by motion or draft. That's the Chair's discretion. I'll direct that question to counsel.

MARY O'GRADY: That would be a matter within the Chair's discretion, typically, in terms of the agenda item.

(Vice-Chair Herrera enters.)

CHAIRPERSON MATHIS: Did anyone else have
discussion on that item, comments?

        I would prefer, frankly, not to do that,
Mr. Freeman.

        I appreciate your suggestion.

        At our last meeting, unfortunately, we had public
comment go on for an extended period, and I realize that
you're suggesting a cap to that, but I would really like to
move through some agenda items since this is our only time
to get business done, and we weren't able to get it done at
the last meeting.

        COMMISSIONER STERTZ: Madam Chair.

        CHAIRPERSON MATHIS: Yes, Mr. Stertz.

        COMMISSIONER STERTZ: I would like the opportunity
also to reinforce Commissioner Freeman's recommendation. We
not only have a full house, but an overflow house, and give
the opportunity for people that are now in a waiting room to
be able to potentially fill some seats after some public
testimony would be given.

        If you would be able to cap that at a one-hour
period, it would at least give the opportunity to give some
relief. And for people that have got schedules that might
have scheduled their day around being able to come,
typically, for the rest -- even though this was a 48-hour
posting of these -- of the agenda for today, typically our
meetings have opened in the order that we currently have
had, and then went right into public comment.

I understand also we've got lots of work that we need to accomplish, and that there's going to be presentation by our mapping consultant.

We also have a large number of public here that want to -- that are also, the reason why we're here is for the benefit to encourage the public to give us that comment, and we need to -- to be able to honor that comment that they want to give.

So I'd like to strongly encourage you to at least take a moment and to reconsider your thought.

VICE-CHAIR HERRERA: Madam Chair, my comment will be brief. I think the agenda the way it is is fine.

I think people are here because they care what we're doing, and I highly encourage them whether the comments are in the beginning or the comments are at the end of the agenda, they should stick around for the whole meeting.

I know they're busy. We're busy. But I think the way we have the agenda is perfect. I don't have a problem with it. I would encourage them to hear everything out instead of rushing out to make their comment.

It's a good agenda.

CHAIRPERSON MATHIS: Okay. Any other comments?

COMMISSIONER STERTZ: Madam Chair, will it be
typical that we will no longer have public comment at the
beginning of any of our open sessions?

CHAIRPERSON MATHIS: Well, I do think having
public comment at the end of the meetings makes more sense,
because then people will have heard what we discussed during
the day, and then can comment on that particular fact.

I do think we're also moving into a new phase of
the Commission, where we're going to be at hearings, and
that's going to be public comment almost exclusively.
That's the whole point of it, for them to supply input on
the maps.

So I do think that having public comment at the
end makes some sense. That it allows people to hear what
we're doing and up to, and then can comment on that
particular -- whatever they'd like to discuss, because we
didn't get to do that last week at all.

COMMISSIONER STERTZ: And lastly, and I'll let you
go ahead because this is the Chair's discretion to craft
and/or to adjust the agenda, will it be your intention to
have all comments heard in today's public session? Is your
intention to cap the public commentary that will be made at
the end of -- at the end of the day?

CHAIRPERSON MATHIS: It kind of depends on how far
we get, and what time it is, and when we have to exit the
room. But, if we get to the point where there's two hours
left in the day, and there's time for public comment, we'll look through the slips and kind of figure out if everyone is talking about the same one or are there some that, you know, could speak on behalf of a group of people, for instance.

I think there's some things we can do and limit the amount of time of each speaker that would allow for the maximum amount of people to comment.

COMMISSIONER STERTZ: So, Madam Chair, it would be your intention to potentially not accept all the Requests for Speaking based on your discretion?

CHAIRPERSON MATHIS: I believe, it just depends on how things go.

I don't plan to stop people from giving public comment, but we do have just practical things, in terms of having to exit a room, and I don't know how long this agenda is going to take. So we'll just have to see how it goes. Hopefully, be able to get -- if anybody needs to -- doesn't get to speak for whatever reason, because the meeting has to end, they can supply, I believe, their comments in writing to us, and that will be part of the record; is that right?

RAY BLADINE: Madam Chair.

CHAIRPERSON MATHIS: Mr. Bladine.

RAY BLADINE: If people don't speak, we keep all of these and they are part of the public record.

Later on the agenda, there is an item that talks
about how we will receive information.

And, yes, we do receive and document all information that is turned in to the Commission, and we were going to work with the mapping consultants to have that available in a searchable form for the Commissioners.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Just as a point of clarity, you mentioned two points that I want to clarify both of them. Is there a time that we need to exit this room?

CHAIRPERSON MATHIS: Mr. Bladine, do you know the answer to that?

RAY BLADINE: My understanding is 5:00 o'clock without trying to make some special arrangements, which I don't know that we could do at this time. The normal time is 5:00 o'clock.

COMMISSIONER STERTZ: Okay.

So since it appears that though, Madam Chair, you intend to keep the agenda as it is, let's get started and give as much opportunity for 100 percent of the voices that are here today and in the waiting area to be able to make their voices heard.

CHAIRPERSON MATHIS: I agree.

(Applause.)

VICE-CHAIR HERRERA: Before we begin, and I remind
the people that were in the Tucson meeting, that, you know, that the hissing, the laughing, when it's not appropriate, it really -- I would discourage that.

I think we're prepared to, if we have to, remove people from the room, because I think that's the appropriate thing.

If people are out of line and unprofessional, we should be doing that. It prolongs the meeting. It's unprofessional and disrespectful to other people who are speaking.

CHAIRPERSON MATHIS: Any other comments before we start?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: I would just suggest going forward with public comment on the forefront of our agenda. The most important thing that we are here to do is hear from the public, and also gives the public some certainty as to actually when we're going to take public comment.

We've been starting our meetings on time, plus or minus a few minutes. And that we find places to conduct our hearings where we can accommodate the public, in that we'll also accommodate us if we need to get our work done and work into the night, and we can do that. We're not going to be cut off at a certain time.
CHAIRPERSON MATHIS: Okay. Fair enough.

Other comments?

Okay, let's move to item two on the agenda, briefing by legal counsel on State and Federal laws governing redistricting, and review of State open meeting law and public records laws.

JOSEPH KANEFIELD: Good morning, Madam Chair, Members of the Commission.

My name is Joe Kanefield, your counsel, along with Mary O'Grady. We plan to give you a brief briefing of the law. We'll do our best to keep it short.

Just a couple quick comments up front, which is to note that this is a high level overview of a sometimes complex area of the law that's case driven and evolving. So we'd ask for your indulgence and understanding that we can only say so much in the limited time that we have here, and we obviously want to keep our comments relatively short.

The other thing, you may very well have questions. We may very well be able to answer them, and we may not be able to answer them, depending on the question. And, frankly, there may be questions asked that get into some of the gray areas of the law.

And as your counsel, we will want to be able to provide you the best legal advice we can should those questions come up in the context of your later
deliberations.

So, with the disclaimer, the last thing I'll mention before we get started.

We prepared some materials and overview of the law that you should all have.

We'll also make this available, I understand, on the website for the public.

Again, it's a simple overview of redistricting law that I know you're all familiar with.

I apologize.

The last thing I will say.

I know that you've been working hard over the last several weeks, and all of you are very familiar with some of the material I'm going to go over, so I apologize if you know it already. But I think it's important to at least get it out there. Obviously, a lot of members of the public here, too, will hopefully learn a little bit, too.

What I'm going to cover is the Arizona Constitution, those provisions that establish this body under Prop 106. Your roles and responsibility as Commissioners.

Then I'm going to get into the redistricting process, the four phases of redistricting as characterized by the Arizona Court of Appeals that you're about to embark upon. Part of that discussion will involve the one person,
one vote rule, and then I will then talk about the scope of judicial review, should any of your plans be challenged. And then I'll cover gerrymandering, a hot topic with respect to redistricting, both in terms of racial and political. I'll then turn it over to Mary.

Mary is going to go over the Voting Rights Act, both Sections 2 and 5, which is a pretty comprehensive area of the law, especially here in Arizona, as we are a covered jurisdiction under Section 5.

Mary will also talk about legislative privilege. We'll talk about what that means.

And then Mary will then talk about open meetings, law questions raised about that, and touch upon public records. And then we will wrap it up and let you get on with your agenda.

Proposition 106 passed by the voters November 2000, amends the Arizona Constitution and removes the power of drawing Congressional Legislative District lines from the Arizona Legislature and reassigns it to this Commission.

You're a five-member Commission. Obviously, you know the qualifications. You all went through the process, but I'll go over them briefly.

No more than two of you can be from the same -- affiliated with the same political party, and the fifth
Commissioner and Chair may not be registered with any party represented -- already represented by one of the other four Commission members.

One thing to note about that is, we probably didn't know this, but we actually have four recognized political parties in Arizona. There's the Republican Party, Democratic Party, Green Party and Libertarian Party.

So, although the Chair is unaffiliated with any recognized party, the Chair could have actually been affiliated with one of the other two parties that aren't here represented.

The members must be registered voters, having been continuously registered with the same party or unaffiliated with any party for three years prior to the appointment.

And the Commissioners must demonstrate a commitment to performing the charge in a honest, independent, and impartial fashion, and to upholding public confidence in the integrity of the redistricting process.

I need my morning coffee bolt.

Okay. I'm now going to move to the four phases of redistricting, that, again, you're about to embark upon.

Your sole task, again, is to establishing Congressional and Legislative Districts.

The four-phase process that is set forth by the Court of Appeal in interpreting the Arizona Constitution, is
to create a grid, adjust the grid, advertise the map, and then certify the lines.

I'll go through each one of those processes.

In phase one, the grid, the Commission must create districts of equal population in a grid-like pattern across the state.

During this process, party registration and voting history are excluded from that process. So you will not look at voter registration records or voting history during the phase one grid drawing process.

This is where the one person, one vote standard comes into play.

That term was coined by one of the Justices on the United States Supreme Court following the reapportionment line of cases.

What it says, quite simply, is that your districts must be equal in population.

There's a little bit of a different standard for Congressional versus Legislative, and that's because Congressional Districts must comply with Article 1, Section 2 of the United States Constitution, as nearly as practicable, to the Arizona Constitution. What that means is to ensure there's almost equal population in each district with very little variance between the districts themselves.
And any variance would have to be justified by a very high -- be held to a very high standard to establish why there is a variance.

With respect to Legislative Districts, there's a little bit more flexibility because that's -- because the equality, one person, one vote, with respect to State Legislative Districts, derive from the 14th Amendment, equal protection under the United States Constitution. And the rule of thumb generally followed by the courts is that you can have up to a 10-percent deviation.

Now, I qualify that, because again, case law involved on that question is, it's fair to say that if there's a deviation and it's challenged, the Commission would have to establish legitimate reasons why the variations exist. And there may very well be those reasons for geography, communities of interest, whatever it might be.

So keeping that in mind, because of the substantial increase in population in Arizona over the last ten years, it's likely, just being a rural area, I can't absolutely say with certainty, but it's very likely that these districts, as they exist now, are unconstitutional, because they're not properly apportioned. Which is why you're all gathered here for this process.

During phase two, this is when you will adjust the
grid to accommodate the six goals set forth in the Constitution. And those goals are as follows:

The first, the districts must comply with the United States Constitution and the United States Voting Rights Act, which Mary will cover in more detail.

The next goal is with respect to the one person, one vote population equally, that I just discussed.

That says a Congressional District shall have equal population to the extent practicable, and the State Legislative Districts shall have equal population to the extent practicable.

I just covered, with the extent practicable, I just covered what the variation can be.

With respect to compactness and contiguity, districts shall be geographically compact and contiguous to the extent practicable.

Communities of interest is the next goal.
District boundaries shall respect communities of interest to the extent practicable.

Geographic features is the next goal, which says -- which says to the extent practicable, district lines shall use visible geographic features, city, town, and county boundaries, and undivided census track.

Finally, the six goal competitiveness, to the extent practicable, competitive districts should be favored
where to do so would create no significant detriment to the other goals.

The advertised map, once the grid's adjusted, should accommodate all six of those goals. That is the advice of your counsel, having been through this process and reviewed the case law on point, the Arizona Supreme Court has strongly suggested that that's what you do, that all six goals be taken into consideration before you advertise that map for public comment.

Next phase is the actual advertising of the map.

After adjusting for the factors as I noted, the Commission must advertise the map. And both the -- both maps must be made available to the public for at least 30 days for comment.

At this point in time, the Legislature, the Arizona Legislature, has a constitutional right to comment, and make recommendation. So very likely we'll be hearing from the Arizona Legislature during this period of time as to their thoughts on the proposed map.

Finally, in phase four, is establishing the final boundaries. After the public comment period is ended, the Commission shall establish the final district boundaries. It will then certify them to the Arizona Secretary of State's office, and then the process of -- the counsel will begin the process of preparing an application for
pre-clearance. Again, Mary will cover that with the
Department of Justice.

I'll talk briefly about the scope of judicial
review, should the maps be challenged.

This obviously doesn't come into question unless
there is a legal challenge. But it's also important for you
to understand how the courts view these lines, because it's
instructive as to how you should do your duty.

The Arizona Supreme Court addressed the 2000 lines
in opinion in 2009, where some of this is derived from.

One thing that's been settled, was a debate over
the last ten years of what exactly are you? Are you a
Legislative body? Are you an Administrative State Agency,
like a Board or Commission?

The question was debated and answered that you are
a Legislative body.

And that's important, because that gets to the --
gets to the standard of review that the court will apply and
the deference the court will give you when your decisions
are challenged in the court of law.

Because the courts generally afford substantial
deerference to Legislative enactment, the court will apply a
differential standard of review, when challenge -- when a
challenge is made to lines drawn by this Commission.

The court will ask if the party challenging the
district, the districting plan, has demonstrated that no
reasonable redistricting Commission could have adopted the
redistricting plan at issue.

So it's a reasonable person standard.

They'll try to put themselves in the shoes of what
a reasonable Commission with the same set of facts, public
comment, and consideration that you have undertaken, would
have drawn a similar map to what the Commission's drawn, and
if so, they'll grant that substantial deference to you, and
the maps will be -- will survive judicial scrutiny.

One thing that's important to note from the court
decision, is that one of the issues was that the challenges
had come forward with their own set of maps where they
believe that criteria, constitutional criteria had better
been taken into consideration than the maps that were drawn
prior the Commission.

The court said that the fact that a better plan
may exist does not establish that the plan that the
Commission adopted lacks a reasonable basis.

So again, the courts not going to -- is not going
to be looking at other alternative plans and asking the
question and comparing the plan if a reasonable Commission
in your shoes would have drawn the plan you've drawn.

The court's -- when the court does receive these
challenges, it's going to embark upon a two phase review
process.

The first -- in the first phase, the court will ask whether the Commission followed the constitutionally mandated procedure.

And I went through the whole four-phase process with the advertising.

So they're going to question, did you make the map available for 30 days? Did you take the factors into consideration? All the -- did you hear public comment?

All the kind of things established in the Constitution that you're tasked with doing.

Then, the second, the second part of the analysis involves the question of whether the final plan would satisfy the substantive constitutional requirement.

So when reviewing whether the Commission failed to follow the constitutionally mandated procedure for complying with any of the six goals, that a challenger must establish that the Commission failed to engage in a deliberative effort to accommodate the goals.

So now we're getting into the deliberation process, where, obviously, you will need to take careful -- into careful consideration all the information that's presented to you in making your decisions.

And the court will want to know that you undertook this process.
Let me speak quickly to the competitiveness, because I know there has been questions raised about the meaning of the sixth factor, which is competitiveness, and that was an issue that was debated in the courts during the last round.

The Supreme Court's final word on that, what the court essentially said was, with respect to the goal of competitiveness, the court held that it is no less mandatory than the other goals, and should not be ignored or relegated to a secondary role.

And you should know that, because the Court of Appeals held differently, but the Arizona Supreme Court has the final word, and this is their holding.

So for your purposes and for our purposes, the case law governing this process tells us that all six goals must be equally considered.

The court also said that inquiries into the Commission's chosen method for measuring competitiveness, this would be how you define -- how you decide to define it, and measure it, and adjust the maps taken into consideration is outside of the scope of judicial review.

So that again is telling us that the court is going to be very differential to you in deciding how you choose to define competitiveness. And there's different ways to do it.
The last Commission had used two or three methods, different methodologies, including a computer analysis, as well as analyzing certain past election raises.

Again, that's something that you will be called upon to do in the future.

The court demonstrates that the Commission took the goal or goals into account during its deliberative process.

So that will all be part of the record that you will establish over the next few weeks, as you hear from the public and engage in your deliberations.

Now, let me just give you a quick note about your deliberations, because the court had a couple things to say about that, too.

The court said that the Constitution does not require the Commission to record any specific information as evidence of its deliberations.

But -- but, the court did say that the efforts of the Commission to develop a detailed record of its deliberations and to state clearly the records for reaching its conclusions will assist the courts in determining whether it followed the mandatory procedure.

And it will, frankly, also assist the Commission and your counsel in preparing your pre-clearance submission which is a whole other set of analysis.
So, continuing with scope of judicial review, I'll make one last note before I transition to the next topic of gerrymandering.

Although I've just covered the differential standard of review that the courts give you as a Legislative body, there are situations where the court will elevate its review of your plans, and that would involve a challenge brought under the Equal Protection Clause that alleges some kind of deprivation of a fundamental right.

And, typically, what that would be, a racial gerrymandering claim that I'll talk about in a moment.

Where if an allegation is made that a district took race into consideration for race sake only, and didn't take into consideration any of the other standard goals of redistricting that are set forth in our Constitution, then that's going to be given strict scrutiny, which is a much higher level than differential scrutiny.

Not that it can't survive strict scrutiny, but the Commission and your counsel would have to demonstrate that there were compelling reasons for taking race into consideration the way you did.

So, transitioning on to gerrymandering, I'm going to cover briefly racial gerrymandering and partisan gerrymandering. There are two different issues that come up with respect to it, and what this means in terms of a legal
Racial gerrymandering is defined as a deliberate and arbitrary distortion of district boundaries for racial purposes. Deliberate, arbitrary distortion for district boundaries for racial purposes.

That is the definition given for gerrymandering by the United States Supreme Court in the case of Chavez vs Reno 1993, which was the watershed case in this area of the law.

The court will ask questions. Was race the dominant and controlling rationale in drawing the district lines?

And to protect rights guaranteed by the 14th Amendment, the race based redistricting will demand, as I mentioned, close and heightened judicial scrutiny.

That means that the plan must be narrowly tailored to compelling government interest.

To challenge a redistricting plan on racial grounds, plaintiff must have standing, which typically mean the plaintiff must reside in the districts affected.

The plaintiff must prove that the plan was racially gerrymandered, and if proved, the court will determine whether there was a compelling government interest and whether the district was narrowly drawn to achieve that interest.
It's not that it's impermissible, but the court is going to take a very close look at districts and want to ask questions about, like, was the distinction between being aware of race and being motivated by race, was race the predominant factor?

Did the Commission subordinate traditional race neutral districting principals, like geography and other issues in favor of race?

They'll look at things like the shape of the district, and the demographics of the district.

The testimony and correspondence considered by the Commission.

And then the nature of the data used.

I talked a little bit about what the compelling strict scrutiny standard means.

But there are defenses, and some of those would be -- could be such as eradicating the past effects of discrimination in complying with Sections 2 and 5 of the Voting Rights Act, because you'll hear from Mary in a moment that race is taken into consideration given the fact that we're a covered jurisdiction under the Voting Rights Act.

Narrowly tailored means you can't go beyond what is reasonably necessary to achieve your goal.

Partisan gerrymander, political gerrymandering, this is the practice of dividing a geographical area into
electoral districts of highly irregular shape to give one political party an unfair advantage by diluting the opposing political party's strength.

I didn't make that up.

That's pulled out right from the court cases. And it's in your materials.

Although politics are inherent in any redistricting plan, the issue raised by partisan gerrymandering plan is whether the gerrymandering has reached a level that violates the Equal Protection Clause of the 14th Amendment.

When the courts review these cases, the United States Supreme Court has struggled with these cases. They have tried to decide whether these cases are what we call justiciable, meaning can the court resolve a case involving an allegation that a district has been unfairly gerrymandered for partisan purposes. And what are the standards that the court's going to apply in making that determination.

In 1986, in a case called Davis versus Bandermere, the United States Supreme Court held that such claims are, in fact, justiciable under the Equal Protection Clause.

That opened the door for challenges to be made on these grounds, and allowed the courts to hear and rule on these claims that a race -- that a redistricting plan
impermissibly discriminates against a political party.

Proving the claims has been a little bit of a challenge, frankly.

There's been a lot of them made, lots of case law on point, but the issue has not been fully resigned by the U.S. Supreme Court.

So although the court held that partisan gerrymandering claims are justiciable, meaning they can be heard in court, the court has been unable to agree on what the standard should be when adjudicating these claims.

Four of the nine Justices on the court in the Bandermere case, concluded in order to prevail on a partisan gerrymandering claim, the plaintiff must prove both discriminatory intent and actually discriminatory effects against an identifiable political group.

Now, how a plaintiff can prove those effects is still unclear. The court has not ruled yet, and has not struck down a plan on this ground.

In 2004, the case -- the issue got back to the U.S. Supreme Court in a case called Vieth v. Jubelirer. A lot of us election law geeks were watching that case closely, wondering what the court would do with the different Justices, and there was some thought that the court might just strike the -- overrule the prior case of Davis versus Bandermere, but it didn't.
It revisited the issue of what the standard should be in partisan gerrymandering cases. But again it was unable to settle on a working standard. Four of the nine Justices indicated that because no judicial discernable and manageable standard for adjudicating these claims exempt, that they would have overruled Bandermere, and held these claims to be not justiciable. On the U.S. Supreme Court there are nine Justices and you need five. Only four said that, but there are four that would have struck it down.

The three separate standards were proposed by the other Justices. Very long case. Lots of opinions. And the final Justice, Justice Kennedy, said that although the pending case was non justiciable, he wasn't prepared to strike down the Bandermere case.

So it still exists. It still can be made.

It would be given the standards that this Commission must follow under Arizona Constitution. It makes it less likely that we would see those kind of claims.

But it's certainly possible that we would be prepared to defend you in case we did receive those.

Finally, in 2006 the court addressed that once again, in a case called The League of United Latin American Citizens versus Perry, again failed to provide any guidance on the standard.

At this point I will conclude my overview, and I
think I'll turn it over for Mary to pick it up with the Voting Rights Act.

CHAIRPERSON MATHIS: Joe, can I ask a question?

Did the Arizona Supreme Court, or is there any guidance out there that tells the Commission how to apply the six criteria that we have to apply to these maps in terms of order or waiting?

My understanding, reading those cases, is obviously the U.S. Constitution and Voting Rights Act are to the extent you are going to say one was higher than the other, that would probably be fair to say that you absolutely have to comply with those and they do take priority.

With respect to the other goals, at this point we know that they're to be considered equally, but we also know that the court is going to be very differential to you and how you choose to weigh those factors and how you choose to consider them.

COMMISSIONER STERTZ: Madam Chair.

I do have a question for Mr. Kanefield.

Mr. Kanefield, in regard to your clarification of the 2009 Arizona Supreme Court decision regarding competitiveness, you had, am I clear, am I clear in my understanding that they simply reinforced through their opinion the language as it currently exists in the
Constitution; is that correct?

JOSEPH KANEFIELD: Madam Chair, Commissioner Stertz, that is correct. They said it says what it says, essentially, and recited the language. But they disagreed with the Court of Appeals, which had very specifically held that it was -- it did not, was not warranted. It did not warrant the same weight as the other factors.

So you have to, you know, read that along with what they said to ascertain what they meant.

COMMISSIONER STERTZ: Mr. Kanefield, am I also correct that it did not redact the clarification component that exists in that line item out of the constitutional language?

JOSEPH KANEFIELD: You're correct.

COMMISSIONER STERTZ: And that language is a reminder of what that language is?

VICE-CHAIR FREEMAN: Let me see if I can help out, because I have the language before me. The 2009 decision, and you quoted, Mr. Kanefield, earlier from this same paragraph, I believe, reading on it says -- the Supreme Court said: The constitutional language means what it says. The Commission should favor creating competitive districts to the extent practicable when doing so does not cause significant detriment to the other goals.

End quote.
COMMISSIONER STERTZ: Thank you.

JOSEPH KANEFIELD: Madam Chair, Commissioners, any other questions?

CHAIRPERSON MATHIS: Any other questions?

Okay.

MARY O'GRADY: Good morning. As Joe mentioned, I'm going to cover the Voting Rights Act and other issues, but I think probably the most important is the Voting Rights Act that we're going to touch on right now.

Section 2 and Section 5 are the provisions that come into play generally in the Voting Rights Act. I want to start with Section 5, because that's the one that is of immediate concern to Arizona, and that affects your work most directly, because Arizona is one of the jurisdictions that is covered by Section 5 of the Voting Rights Act.

And that means that before Arizona can commit any change that affects voting, we need to get pre-clearance for that change.

And there are two processes that the Federal law provides for.

There's a litigation oriented process through the District Court in D.C., but the typical process and the one that I'll focus on is a pre-clearance administrative process through the Department of Justice. So where the United States Attorney General, and actually he delegated that
authority to the voting section of the Civil Rights
Division, they make the decision in terms of whether a plan
will be pre-cleared.

And under Section 5, it's the Commission's burden
of proof. They have to prove -- we have to prove in our
submission that our plan did not have the purpose and will
not have the effect of denying or abridging the right to
vote on account of race, color, or language issues.

And a redistricting plan can't have the effect of
diminishing the ability of any citizen on account of race
and language issues to affect -- to elect -- their ability
to elect their preferred candidate of choice.

So that's our burden, going to the Department of
Justice, to establish that the plans that this Commission
adopts don't have this effect. This adverse effect on
minority voters.

Now, how do we go about proving this?

When they look at discriminatory effect under
Section 5, what they're looking at is a retrogression
standard where we have to prove that minority voters are
basically no worse off than they were under the prior map.

The benchmark for analyzing retrogression is the
last legally enforceable plan.

So we'll do the analysis of the new plans and
compare them to our benchmark, which will be the plans that
DOJ pre-cleared for the last decade that have been used since their pre-clearance.

So that's what the analysis will focus on.

And so in your work, that's what some of your analysis will focus on. Making sure that whatever you do, does not have a retrogressive effect on the minority voters.

Now, in terms of that discriminatory effect.

In terms of discriminatory purpose, they'll look at whether the action, you know, affects one minority group more than another. They'll look for whether the agency has not followed its usual procedures in some fashion. Not whether they have not followed their traditional criteria.

They'll look at statements that are made. You're making a record all the time. And they'll look at statements that are made to make sure that there's no discriminatal evidence of discriminatory purpose related to this enactment.

The regulations that govern Section 5, again, detail, they tell us what DOJ looks at in their analysis.

So they'll look at the justifications for the for the change, they'll look at whether we gave members of racial language minority groups an opportunity to participate in the decision-making process. They'll look at the extent to which the Commission considers and take their concerns into account in making the changes that they make.
They'll also look at, again, the extent to which you follow objective guidelines.

And I think they're some of the information that Joe described in terms of our State constitutional criteria, making sure that those are what we're following, kind of the legal principles that govern our redistricting process.

They also, in the regulations, set out -- those are some things they look for in any pre-clearance, but DOJ takes a particularly close look at redistricting.

And they have specific factors that they'll -- they want to look at for redistricting.

And they'll look at, you know, what's the impact of the malapportioned districts on minority voting.

They'll look at whether there's a reduction in minority voting strength as a result of the redistricting.

They'll look at, and some of the term that has been used in prior discussions, if there is some cracking, or fragmenting of this minority vote into different districts. Or, on the opposite side, are you packing? Is the -- does the plan pack minority votes into districts, again, which is another way to dilute minority voting strength.

They'll look at the alternative plans, and the differential standard that Joe described, that applies to the judicial review of our State constitutional standard,
really doesn't apply when the IRC has the burden of proof in
front of DOJ.

We have to make our case that we have satisfied
our burden of proof, that we're not having adverse impact on
minority voting rights in the State of Arizona.

Let me see.

So those -- so look at alternative plans with that
in view as well.

Now, Section 5 does not impose, and they're very
clear about this, and they spell it out in the regs, there's
no obligation to maximize the number of minority districts.

So a failure to adopt the maximum number of
majority minority districts cannot be the sole purpose, sole
reason for determining that there is a discriminatory
purpose in play.

So what's the process?

Well, the process begins. Now the process has
started.

Everything we do, everything the Commission does,
makes the record that will be reviewed by the Department of
Justice.

And, so, really the process has started.

When the Department of Justice starts looking at
the work, is when we'll prepare, Joe and I, we'll work to
prepare a submission.
We'll do a submission for the legislative plan, and a submission for the congressional plan, once this group approves the final maps.

That submission will then go to the Department of Justice, and the regs detail precisely what they want to see from us from our submission, and one much things we have to say we have to explain to them what's the anticipated effect of the changes in the plans on minority and, minority groups in Arizona.

So we'll need to explain that to the Department of Justice.

We have to provide them additional demographic information, because they do their own analysis.

They don't just take our word for it.

They want to see our back up, they want to see what we relied on and they have the capabilities of doing their internal analysis of our plans as well.

We need to give them the voter registration data so that they again have the information that will establish that.

They'll also want to see again on the public participation.

They'll want to make sure that there was an opportunity for public input.

Again, and there focus is, particularly, things
focused on the interest of the Voting Rights Act, and the rights of minority voters that come into play.

So they want to make sure that there was an opportunity to be heard on the changes in the plan, and they want to see how the Commission responded to those plans, those comments.

Some examples, they want newspaper articles, they want the meeting notices, they'll want the comments from the public, comment statements, speeches, all of that that is being collected we will provide to DOJ as part of our submission and analysis.

They'll also want a group of minority contacts from us, and working with staff to already kind of collect that information.

And the minority contacts that they're interested in are those expected to be familiar with the proposed change or who have been active in the political process.

And they will call -- they will call people themselves as part of their due diligence when they're doing their review. They will talk to folks to see, you know, to get their input to the submission before they make their determination.

That's a very common part of the process.

We also -- part of it is that the Commission has to make submissions publicly available. And provide notice
to folks that it's publicly available for review so anyone
has an opportunity to look at the submission, because the
DOJ will also accept comments from anyone interested in this
process.

And that's a very common part of the pre-clearance
process.

They will get letters from people saying, you
know, pre-clear this plan tomorrow, it's wonderful. They
might get a few of those letters.

And they may get other letters that say don't pre-
clear this plan, or don't object to this. This is a
problem, in this particular district. They'll get all that.

Unlike litigation where you have a lawsuit, and
everybody gets notice of everything, we don't get notice of
what's filed at DOJ.

You can -- there's a process and you can try to
get that information, but it's not necessarily the part of
the process to send that stuff to the State.

DOJ has then 60 days from when they get our
submission to take action on it.

They can, however, that time can be extended. And
we saw that in Arizona's submissions last decade and the
decade before, actually. That can be extended by a written
request for supplemental information, where they look at
your -- they're not persuaded yet that the State has
satisfied its burden of proof. They have questions.

So they might give us a supplemental, a request for supplemental information, sometimes very extensive, that we then have 60 days to respond to. And then they -- the clock starts again when we get them supplemental information.

So in terms of the timing, in terms of this process getting done, we can't use these lines for the election until they are pre-cleared.

So once the Commission makes its decision, we want to get it to DOJ as quickly as we can put together an effective package, and then also quickly have things organized so we can quickly turn around any response to supplemental information and get DOJ what they need to satisfy our burden of proof.

Although we don't need copies of the comments, my experience is, often when you get a request for supplemental information, it sort of captures any comments. It's the concerns that were raised that DOJ is, you know, concerned about.

And my experience has been they'll typically give you a chance, through a request for supplemental information, to satisfy your burden of proof before just, you know, entering an objection without giving you that opportunity.
In addition to the written request for supplemental information that do extend the time, they often will make phone calls, and that don't -- and those oral requests for additional information don't extend the time, just asking for clarification or asking for sometimes contacts, if they want a contact that we don't have, who can explain a certain change to them.

So that's part of the process, as well as us working with DOJ once the submission is there, to make sure that we are responsive to anything that they need so they can make a decision.

So if they're not persuaded that we've satisfied our burden under Section 5, they, at the end of this, they would object to the plan, and then that letter has to explain the reasons for the objection, and then it gives the Commission an opportunity to, you know, make modifications to address their concerns.

There is a request for reconsideration process at that point, as well, that the State has used unsuccessfully, but has attempted in the past.

And there are also -- at all phases remains that other option of the litigation oriented option through District Court proceeding in the District of Columbia.

So that's an overview of what's ahead in terms of Section 5.
Section 2, it is also, again, protects minority voting rights. Makes sure that -- makes sure that any laws that are enacted don't abridge the rights of minority voters.

This is something that even if you get -- even if a plan is pre-cleared under Section 5, which means it can be used for future elections, we could still get sued under Section 2.

It doesn't foreclose litigation under Section 2. And there again, looking to make sure that our political processes are equally open to everyone, regardless of race or language.

And they will look -- this is a totality of circumstances type analysis to make that determination. And, typically, in the redistricting context, they're talking about a vote dilution claim, and there they first will look at whether there's enough minority members to constitute a majority in a single member district, in a compact area.

Whether that minority group votes cohesively typically, and whether there's a history of racial block voting.

When you meet the threshold test, there's a threshold Section 2 claim, but you still need to look at the totality of circumstances to figure out whether this plan
really does have the effect of giving minority voters less
opportunity to participate in the political process and
again elect a candidate of their choice.

So that's an overview of sort of Section 2
obligations.

It's real important to be aware that that's the
sort of record, the record that is being made now, DOJ will
be interested in everything, and their focus and their
congressional mandate is to, you know, analyze minority
voting rights.

Also mention another aspect of Federal law. There
is language assistance requirements Arizona is subject to,
and I think there's been some reference to this earlier.

That there are protections to make sure that
information, voting information is available in the language
of the minority groups when there's a sufficiently large
group that's relevant to a sufficiently large number of
people.

In Arizona, Spanish is statewide a consideration.
And then we have certain counties where the native American
languages are a consideration under Federal law.

So we need to be aware of those as well.

I note we do have, as some of you may be aware, a
State constitutional requirement for official English, and
requires official actions be taken in English. But the
analysis is, obviously, it doesn't. It explicitly does not and could not, as a matter of legal principles, have any effect on our obligations under Federal law to comply with these language assistance requirements.

COMMISSIONER McNULTY: What is the timing of a Section 2 claim? Does that get filed after the maps are certified or after they're pre-cleared, or how does that fit in?

MARY O'GRADY: Madam Chair, Commissioner McNulty, whenever a plaintiff decides to sue, I think is fair, if it hasn't been pre-cleared yet, we would have legal defenses of rightness. At that point, we would also probably have questions of standing, has anybody really been injured.

So we have -- but, I would think anytime someone may try to file a suit, whether it holds up in court and whether we can get rid of it on a Motion to Dismiss, we'll wait and see.

So that's what I wanted to cover on the voting rights.

I don't know if there's question before I leave that topic.

CHAIRPERSON MATHIS: Go ahead, Mr. Freeman.

VICE-CHAIR FREEMAN: I had a couple questions. Thank you for that presentation.

I know it was from 10,000 feet.
I've dipped my toe into these waters and it's really complicated, and I appreciate your help with this.

With respect to your presentation on Section 5 compliance, almost the entirety of it assumed we were submitting our map to the Justice Department.

At the very end you mentioned there's a possibility of submitting to U. S. District Court, District of Columbia. I don't think the majority of districts do that, but there are some districts that choose to take that route. In fact, I believe there might even be some, or at least one, where they've taken a dual track approach and submitted to DOJ and the D.C. court.

What about your presentation would change if this Commission wanted to dual track or submit to the D.C. court?

MARY O'GRADY: Well, the reasons I focus on the administrative process is because that is the typical route. But I want to make it clear there is another route, and I suggest that that might be one of those downstream issues when we're farther along that we can vet more thoroughly.

The different is, the burden of proof is the same. The State has the burden of proof that we've met the Section 5 obligations.

It's positioned differently because there we're in an adversarial proceeding with DOJ on the other side,
instead of the administrative where they're not on the other side. You have the judge, rather than DOJ's voting section folks.

VICE-CHAIR FREEMAN: Potentially on the other side with DOJ submittal.

MARY O'GRADY: True. They're initially captioned on the other side, but perhaps they would, you know, after it was filed, they could take the position that they agree with us and should be pre-cleared.

But it's set up, as are all litigation, it's set up as an adversarial proceeding.

VICE-CHAIR FREEMAN: And that's with respect to the submittal to the D.C. court that's a three judge panel that hears those. Are those given priority?

MARY O'GRADY: Let me check that in terms of how fast they really move through the process. And I can follow up on that if there's interest in that angle.

VICE-CHAIR FREEMAN: My other question concerned the interplay between Section 2 and Section 5 compliance.

As you mentioned, on Section 2 there is a potential for a vote dilution claim being made by certain groups, a lawsuit to be inserted.

And your discussion of Section 5, you noted that it is not incumbent upon the Commission necessarily to draw maps that maximize the number of minority majority
districts.

Could you -- is there an interplay there between those two requirements that you could discuss?

MARY O'GRADY: I would say yes, there is interplay, I think.

And -- and I think -- so the State's defense on the Section 2 claim is similar to, you know, the things we explained on our Section 5 claim. And it might help.

And what I'm not prepared to do today is kind of go into some of the cases that have brought, you know, Section 2 claims, and maybe walk you through how those have played out, if that's helpful, to see that interplay with Section 5 and Section 2.

I think in particular recent litigation out of Texas from the last cycle is helpful to do that, but I think since Joe and I are trying to coordinate, and we both wanted to give our high level overview and then work together on more of the detail, if I could put that with those detailed discussions for later.

VICE-CHAIR FREEMAN: Sure. Thank you.

CHAIRPERSON MATHIS: Mr. Freeman asked one of my questions, the first one, so he just articulated it a lot better. So I'm covered.

Any other comments?

COMMISSIONER STERTZ: Madam Chair.
CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Ms. O'Grady, the original, my understanding of the original intent of the pre-clearance process had to do with voter registration and actual voting.

But there was the decision-making about the 50 percent of the population that was of age, was actually registered and/or 50 percent of the people that were registered could actually -- would actually vote.

Am I interpreting that correctly?

MARY O'GRADY: Madam Chair, Commissioner Stertz, it really chain affects voting. Annexation and redistricting are part of Section 5, the voting rights universe.

Now, frankly, I haven't traced that thread from '65 to all the subsequent amendments, but certainly the law as we are concerned about it, is, you know, it covers any change that affects voting. And certainly redistricting is squarely and undeniably affects voting.

It's at the heart of the concern.

Because people have, and can draw districts that effectively do precisely the kinds of damage that the Voting Rights Act is designed to prevent, by some of the things that we talked about. Packing minorities, cracking minorities.

So it's at the heart of what the Voting Rights
Act, the harms that the Voting Rights Act is intended to prevent.

I don't know if that's responsive.

COMMISSIONER STERTZ: It's on the right track.

So during the course, there has been a significant amount of litigation that's taken place, and case law that's been written both specific to all the different states, different counties, townships, municipalities around the country, that were initially affected by the Voting Rights Act of '65, correct?

MARY O'GRADY: Yes, lots of litigation in the Voting Rights Act.

COMMISSIONER STERTZ: Including Arizona?

MARY O'GRADY: That's correct.

COMMISSIONER STERTZ: So there have been adjustments to multiple counties that we should be made aware of very early on in the process?

MARY O'GRADY: Madam Chair, Commissioner Stertz, I'm not sure specifically what you're referring to there in terms of changes to particular -- I think what is most important is to at some point we'll get a good understanding of our benchmark that you're working from, and, then, so that you can use that benchmark to analyze the plans that you're adopting.

There has been some history of DOJ compliance
orders in some counties, if that's what you're referring to, like Navajo, Apache County.

And we--

COMMISSIONER STERTZ: Correct. Coconino, Pinal County, Cochise County.

MARY O'GRADY: To the extent that those things may, you know -- but they may be relevant to the analysis of history of racial block voting, or some of those other factors, that's good to be aware of as the process works forward.

So at the bottom line, it's not just comparing the numbers. It's looking to make sure that there's no possibility that they can effectively still elect candidates of choice, and that takes a real understanding of the voting patterns in that district, to make sure that, you know, if the map was at 60 percent and now it's at 57 percent, do you still have an effective minority district.

And so you do have to understand the facts of the specific situation that you're talking about.

COMMISSIONER STERTZ: Thank you.

CHAIRPERSON MATHIS: Comments from anyone else?

MARY O'GRADY: Madam Chair, I just had a couple of other topics that I was going to touch on real quickly, actually.

People had requested a review on open meeting law.
I know the Commission has been already trained on that issue, so I just have a quick overview on kind of a refresher course. Sometimes things make more sense if you've been using it for a while. You've received written materials previously from Chris from the Attorney General's office, and if you don't remember where those are, I am happy to forward you additional copies, because he did send me a copy yesterday.

The quick review course, again, this is relevant to our Department of Justice work because it's all part of that open process that they're going to be interested in, to make sure that we had listened to folks, particularly when it comes to minority voting rights.

So we have to post meetings.

State law is 24-hour notice.

We give a 48-hour notice by the Constitution.

And the agenda needs to include the items that are going to be discussed.

So the public body at that meeting, in discussing -- discuss, consider, only make decisions on matters as listed on the agenda. Or other matters reasonably related thereto, which is language for lawyers to argue about things to some extent.

So in drafting the agendas, we do try to work with staff to make sure that the Commission's business can be
accomplished, you know, within the parameters of what's expressed in the agenda.

The Commission also needs to give notice of where they're going to be posting their agendas, and we post our agendas at the Evans House, at the Commission's office, that's the physical location, and they also post them on their website, and they also have a place on their website where people can click to subscribe to meeting notices, so that's not legally required. That's sort of going above and beyond. But the open meeting law does encourage people to give other notices if it would be helpful to provide notice of the meetings.

And the website itself gives notice of where the notices are. So, as the State law requires.

No meetings can occur unless it's properly noticed.

As you all know, that means a quorum of the Commissioners can't be talking about Commission business outside of an officially noticed public meeting.

And -- and that includes e-mail communications that propose, you know, legal action.

You can certainly, you know, do meeting schedules and staff can provide written information, but there's no discussion among a quorum on e-mail, and there's no serial discussions among a quorum that would violate the open
meeting law.

   I note that everyone already knows that because of the prior training.

   We've had experience with Executive Sessions. Executive Sessions are permitted under open meeting law. But they have to be for one of the specified purposes.

   We've had Executive Sessions, as you all know, for legal advice, and review of confidential documents as part of a procurement phase of this Commission's work.

   And those were all noticed under the Executive Session provisions of the open meeting law.

   Minutes are -- well, Minutes, what's required is that they keep Minutes, organizations keep Minutes or a recording of all meetings, including Executive Sessions.

   And then the statutes spell out requirements if the -- if the public body chooses to use Minutes, rather than a recording.

   Minutes or a recording have to be available within three working days after the meeting.

   And as you know, the practice of this Commission has been, since we're live streaming and have the recording, that recording is available, and that satisfies the statutory requirement for three days.

   Terms of the other aspects of the open meeting law, obviously the purpose is to make sure -- ensure
transparency that the public's business is done in public, and that people have a right to the open meeting law permits, all persons so desiring to attend and listen to deliberations and proceeding of a public body.

And as the Attorney General's agency handbook explains, this language doesn't provide members of the public the right to speak at public meetings.

Because the focus of the open meeting law is transparency for the business that the Commission is conducting. The business that any public body is conducting.

So that, you know, they call it sunshine laws.

The sun shines on the business that you're trying to accomplish.

And so people do have the right to be present and to listen to the deliberations.

A public body may, as has been the practice of this Commission, and certainly when you consider it in context of the Voting Rights Act, it's a good practice when you're doing redistricting. It does permit public comments.

You can have public comment on agenda specific items, and then the open meeting law has a specific provision that permits the -- in the public body's discretion, there can be what is an open call, which is what this body has chosen to do, where people can talk about any
issue, generally related to the Commission's business, but it doesn't have to be on a specific agenda item.

During that open call, if the public body chooses to include that, the members of the body can't discuss those actions, or those topics, because it's not on the agenda.

But you can respond to criticism. You can ask staff to review the matter. You can ask issues to be placed on future agendas.

So I know that that's been the practice and we've had experience with that provision as well.

That's sort of the refresher course of things that I know have come up, and we've been dealing with in terms of the open meeting law.

We also indicated we would talk briefly about public records. I don't know that there are really issues to resolve there.

Certainly, the Commission as a public body produces public records.

And we follow -- are obligated to retain our public records pursuant to appropriate retention schedules.

That doesn't mean that every piece of paper, you know, we touch gets retained.

There are drafts like when we have draft agendas. When you have the final agenda you can get rid of your drafts and that sort of thing.
But the official, the public records have to --
all that retention is done pursuant to State law, pursuant
to established retention schedules, and then when we get
requests for public records, as we've also had experience
with, it's staff's obligation to follow up with them
promptly, to provide that information, because we need to
make the information available for inspection or copying.

Now, there are privileges that apply, and this,
and we all -- we are obligated to obviously disclose
attorney-client information, also because this is a
Legislative body, as Joe mentioned, the courts have
determined that this body has the Legislative privilege
which also comes up. Last time it came up in the context of
litigation.

It may also come up in the context of public
records request. So there are those things that come into
play when we're talking about -- that are of consequence,
because this is a Legislative body.

We'll work with staff to the extent there are
public records requests, we work with staff to make sure
that, you know, we meet our legal obligations in terms of
those disclosures and will continue to do so.

So that's all I wanted to cover this morning,
unless there are additional questions.

CHAIRPERSON MATHIS: I have a quick one.
Saturdays, and whether that counts in the 48-hour notice.

MARY O'GRADY: I'll let Joe chime in. The Constitution says 48 hours, unlike the statute gives some guidance that they have added in recent years, an actually they added that after the enactment of Prop 106, that says Saturdays count toward their 24 hours, but Sundays don't, and holidays don't.

For our 48 hours, the approach we've been taking is because of the -- because it's in the Constitution, 48 hours means 48 hours.

And we've been complying with that 48-hour notice.

So back to your direct question, do Saturdays count? Yes.

CHAIRPERSON MATHIS: Thank you.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Ms. O'Grady, what happens if an open meeting law is broken.

MARY O'GRADY: Good question. I spent my focus on compliance because that's what we want to do. That if there are complaints, sometimes there are private lawsuits filed.

More typically, complaints are filed with the Attorney General's Office, although County Attorneys also have jurisdiction over open meeting law complaints.
The Attorney General's Office has a tradition of handling these statewide through what's called their open meeting law enforcement team, and the sanctions, if there is a violation, the statutes provide a wide range of sanctions. Action taken at that meeting may be null and void if there's an open meeting law violation.

Or there's a ratification process, too, that provides that if there's notice of a violation, the Commission can ratify or a commissioned body can ratify within the certain select set of procedures.

There's a possibility of fines for certain file violations.

A possibility of removal from office for a very egregious violation. And also equitable relief.

And that's typically how they are resolved, with focused training on particular issues to take preventative measures to make sure that the issues are remedied and not repeated.

But they can include removal from office.

COMMISSIONER STERTZ: Madam Chair, I want to compliment both counsels on putting together a terrific package here, and would recommend that this, along with the other materials that we have been continuing to place into the -- into our website, are made available on the website, so that the public can continue to be made abreast, and they
can read it at their leisure rather than trying to revisit
the compressed version that you both put together.

CHAIRPERSON MATHIS: Thank you very much.

MARY O'GRADY: Thank you very much.

CHAIRPERSON MATHIS: Thank you. Good idea.

Any other questions or comments for counsel on the
presentation?

That takes us to agenda item three, presentation
by mapping consultant and discussion regarding the
step-by-step process in developing the redistricting map,
overall project schedule, and possible meeting dates,
redistricting database.

I notice agenda item four is selection of mapping
software.

I don't know if Mr. Strasma or Drechsler will be
addressing that, but it seems like it's relevant to the
discussions, so if that needs to come to bear, that can
happen then.

KENNETH STRASMA: Okay.

I'm going to give a -- a overview of redistricting
in general, then discuss the process, the accelerated
schedule, finish, as agenda says, with discussion of some of
the more technical details in the redistricting database,
and also address some of the -- the important next steps in
order to meet this accelerated schedule, one of which is the
selection of mapping software.

Bear with me for a moment while we're going to try to get the PowerPoint up here. Is it possible to dim the lights to make this better visible?

I'll be going through pretty much everything that's -- I'll be going through all the text that is up here, if anyone is having trouble reading it.

So just a very quick overview of the redistricting process in general.

We're going to touch on what is redistricting, the difference between the terms redistricting and reapportionment that many of you have heard tossed around. Why we have to redistrict, and what guidelines need to be followed when drawing those new districts.

So redistricting is simply the process of redrawing Congressional and Legislative Districts.

Very often the two terms redistricting and reapportionment are used interchangeably. There is a technical difference between the two.

I'm going to go back a bit for the benefit of anyone watching live stream. I know sometimes it's difficult to hear.

The things we're going to cover here, what is redistricting? The difference between reapportionment and redistricting. Why we have to redistrict. And the
guidelines that need to be followed in drawing the
districts.

Redistricting is quite simply the process of
redrawing any district.

In this case, the Commission's charge is to redraw
Legislative and Congressional Districts.

There are two terms, redistricting and
reapportionment, that are very often used interchangeably,
but there is a technical difference between the two.

Reapportionment is a process that happens every
ten years after the decennial census, where Congressional
Districts are allocated or apportioned among the 50 states.

Because of the population in Arizona grew faster
than the rate nationwide, Arizona gained a Congressional
District after the 2010 census, going from eight to nine
districts.

So we'll be drawing nine Congressional Districts
this cycle. Redistricting is a process of drawing the
actual boundaries for those districts.

As I mentioned, next slide please, as I mentioned,
Arizona did gain a Congressional district.

So the Congressional lines would have to be drawn
regardless of any of the other reasons.

Even if the State had not gained a district, the
line would still have to be redrawn to account for changes
in population. The concept of one person, one vote, mandates that we need to adjust the lines to take into account the fact that population does not grow at the same rate statewide.

So, Congressional Districts will have to be redrawn for both reasons. Legislative Districts, the number doesn't change, but the district lines themselves will have to be drawn to account for one person, one vote.

So what guidelines need to be followed when drawing new districts?

Fortunately, in Arizona, there are a very specific set of guidelines that was spelled out by Prop 106.

I'll go quite briefly over these, because they were addressed in the previous presentation in some detail.

Must comply, obviously, with the U.S. Constitution and Voting Rights Act.

Must have equal population.

And as was mentioned before, the standard is much higher for Congressional Districts. They must be, you know, very close to equal for both Congressional and Legislative.

In Congressional, plus or minus one is generally what you're shooting for in equal population on Congressional Districts.

They must be compact and contiguous.

And this is one of the issues I'll address
further. Compactness is one of the many different criteria that has to be balanced, and there are different measures of compactness.

The Commission, ten years ago, adopted a standard for compactness.

The Commission may or may not choose to in this case.

My recommendation is that we get a little bit down the process so that the Commissioners have had a chance to be looking at the maps in progress, working with the mapping software, to get a feel for what these different measures mean. And adopt a standard at that point.

Generally speaking, the different measure of compactness do measure the same thing and meet a commonsense standard, what most people would expect. You don’t want a district that is, you know, a long line snaking through the state, but as close to compact as possible.

But I did want to flag the fact that there are hundreds of different measures that can be used for compactness and are sometimes in conflict with each other.

The fourth criteria, they must respect communities of interest. And this is another issue that the Commission in the last decade did adopt a formal definition of, communities of interest.

That may or may not be something that the
Commission this time will choose to adopt a formal
definition.

The fifth criteria, they must use visible
geographic features of city, town, or county boundaries, or
undivided census tracts.

The visible features, often referred to in census
language as photo identifiable features, if you think about
it, if you're flying in a plane overhead, is it something
that you could point down to it and see.

So very often a road, a stream, sometimes a
mountain range, fortunately, you know, these are criteria
that aren't often in conflict, because the census geography
and political geography like cities, counties and towns, do
very often follow those visible boundaries almost always in
terms of census blocks, which is the smallest unit we'll be
using for drawing these maps.

You could think of a census block very much like a
city block, and almost always, in an urban area, they're
bounded by four streets, which are defined in the census
TIGER files. And sometimes they're bounded by other
features, such as water or other visible geographic
features.

And the sixth criteria is to create competitive
districts.

So how do we get there?
The process starts with the grid map.

In many states the redistricting process starts with the existing lines.

That's not the case in Arizona.

In Arizona we start with a clean slate.

A grid map, so in the case of Congressional District where it's nine, you could think of it as starting with a Tic-Tac-Toe board. There's nine perfect squares. Obviously, that's not going to be meeting equal population standard, so the only adjustments that are made at this stage are adjusting the grid so that they are of equal population.

So, 40 -- 30 as close to grid-like as possible Legislative Districts, nine as close to grid-like as possible Congressional Districts.

The initial grid map will only meet criteria two and three of the ones we just went through.

They will have equal population and they'll be compact and contiguous.

Once that starting point is met, then the grid map is adjusted to meet the six criteria.

And this is where the real work begins.

As I said in my presentation two weeks ago, redistricting is a very complex and contentious process.

And when it's inherent in a process where we're balancing
six different criteria, then there are going to have to be subjective choices made between those.

You might do something that makes a district more compact at the expense of splitting a community of interest. And many other examples like that.

So the process that we described at that point will be that each decision point be documented. We'll be taking snapshots at least hourly of all the plans as they're being drawn, so the Commission will be able to go back and see any of the work in progress at that point.

And as decisions are made, they'll be documented in a change log database that will specify which one of the six criteria we are attempting to improve, and documenting whether or not that improvement was successful. Was it improved. And also any unintended negative consequence to the other criteria. And whether or not, in net, that change seemed to improve the districts. If so, that change is kept. If not, the change is rolled back.

The -- this process will -- will be going on in parallel, you know, in a lot of different places.

We will be working from the Commission's offices here in town.

In that process -- I know I'm going to get this a little more in schedule, but we're hoping to start that with the first next round of public hearings the week of the
We'll have folks in town to be covering those hearings, and at the same point, we hope to set up one-on-one trainings with any of the Commissioners who are interested in learning the mapping software and having it on their personal computers that they'll be using.

We'll have the software available in the offices, available for sessions if Commissioners want to come in. We'll be able to have a projector up on the wall to see big versions of the maps, and sit down and work through the process there.

Next, just going through the adjusting of the grid map, as I said, adjusting those. If you could go back one.

This -- up here we have the last Commission's definition of community of interest. A group of people in a defined geographic area with concerns about common issues such as religion, political ties, history, tradition, geography, demography, ethnicity, culture, social or economic status, trade or common interests that would benefit from common representation.

One of the things I had said in my presentation two weeks ago, is that I'm a big believer in the idea that communities of interest are best defined by the people who live there.

And in a process that I'll be getting into in a
little bit more detail in a bit, we've begun going through
some of the past testimony, flagging where people are
bringing up actual specific definitions of their communities
of interest.

Next slide, please.

We're recommending a draft form optional, but it
may help people as they're defining communities of interest.
I know you probably can't see it on the screen here, but it
says -- asks, you know, tell us about your community of
interest. For example, my neighborhood association should
be kept together. You know, the people north of this lake,
et cetera.

Define the geography in the testimony that I've
been watching on the live stream, and here in person two
weeks ago, you know, a fair number are described as north to
Highway 30, south to a particular place.

So if people can define those.

And also describe why you feel that the people who
live there constitute a community of interest. And equally
important, why you feel that the people beyond the boundary
defined aren't as much part of that community of interest.

These will -- this will allow us to draw those
communities that will be part of the supplemental geography,
in addition to census data that will be available on the
mapping software, will be publicly submitted communities of
interest.

And, of course, as I said before, there's not currently an officially adopted standard defining that. It's something that the Commission may or may or may not choose to do at a future point.

Next.

Let's go to schedule.

Okay.

This is a -- just an overview of the overall schedule we've -- we have a much more detailed step by step. The Commission has asked us to do a revised schedule from our original proposal that would allow for final map approval on October 31st, and the start of the DOJ pre-clearance process at that point.

That is doable. We're just going to -- it's doable but it's going to be a lot of work, and we're going to have to, you know, just keep going on it.

And there are a few things I want to highlight today that I -- I think would be important to get decided today, so we can be moving forward.

Here in July, we have finalized the schedule. Obtained software, which is the next discussion item on the agenda, discussion on which software to use. Start one-on-one training with the Commissioners.

As I mentioned before, for any of the
Commissioners who are interested, when we're in town for the first round of public hearings, tentatively starting July 18th, we'll arrange appointments with the Commissioners to sit down with them one on one, so they can get as familiar as they want to be with the software.

The start of the round of public hearings also in July, tentatively July 18th, and categorizing public input, an ongoing process, as I mentioned before.

We've begun that process for our purposes.

And in a minute I'll discuss some more of the details of how that might be tackled in a way that also meets the legal teams' needs.

In July we would aim to present the grid maps to the Commission --

ANDREW DRECHSLER: August.

KENNETH STRASMA: I'm sorry. In August.

And begin working with the Commission on objectives and public input.

So, many of these questions where we'll be looking for the Commission for direction, like exact definitions of communities of interest, guidance on balancing the six criteria, or if they're all co-equal, policy decisions like that, we would be looking for guidance from the Commission by August.

In September we would present the first draft of
the adjusted map to the grid map, then changed to meet all
of those six criteria.

That starts a 30-day window for public comment.

The map has to be advertised, made public so
everyone can see it, and we're proposing a second round of
public hearings starting in September, tentatively September
18th, that would coincide with that 30-day public comment
window.

And this is likely to be where we see the much
more detailed discussion of these plans, because there's
going to be a proposed plan out there, and people will be
able to see what happens in their neighborhood, and make the
case for why the line should move 5 miles this way or very
detailed suggestions.

And we are proposing to have the mapping software
available on laptops, traveling to those hearings, so people
will be able to, you know, not just be looking at a
statewide printout, or PowerPoint on the wall, but zoom in
on all the exact detail and get as granular as is needed.

In October the process is to continue to revise
the maps as directed by the Commission and informed by the
public input, in the 30-day period.

I should also reiterate that during that 30-day
period is the timing in which the Legislature may also
comment on the maps, so revised map as directed by the
Commission based on legislative and public input.

And then, on October 31st is the goal for submission of the final redistricting plan.

And in November starts the DOJ pre-clearance process, as was described before.

The final slide that I wanted to talk about, this gets into a little bit more technical detail, but it's some of the important things to discuss going forward. And there's a couple decision points that I want to flag coming forward.

The redistricting database is sort of the overarching term for all the data that's going to be used in drawing these districts.

And there's two broad categories.

One of them is public input from meetings and hearings.

And in that we've described the process that we'll be using for analyzing public input, such as descriptions of communities of interest, or other things where someone says, you know, this particular change will make a district more compact, et cetera, where we'll be categorizing and logging those. And also doing analysis if someone suggests move this, you know, the northern Border 5 miles to the north. We'll make those changes and be able to see on the various metrics, is it more compact, is the population equally
better, et cetera.

There are other needs, very specific needs, as addressed in the earlier presentation for the legal team. And we're talking with them about -- I know there has been at least one proposal received from a company with experience in tracking documentation for the needs of legal team.

And I just wanted to flag that. That's a conversation that's ongoing.

We may be able to use -- to leverage that program that they're using in order to avoid duplication of efforts on that point of the redistricting database.

On the other more technical end of the data that goes into making -- into drawing these maps, perhaps before I get into what is in the redistricting database, I should discuss what's not, and that is incumbent addresses.

And that's one of the things that's spelled out in the criteria, that at no point in this process do we load up the home addresses of incumbents.

I'm sure that's going to cause some angst and heartburn, but that's one of the very clear things spelled out.

We're starting from scratch with a grid map and not paying any deference to where people happen to live.

The parts that do go into the database that's used
to draw these maps, a census population, you know, in the redistricting we refer to it as a P.L. data, P.L. 94171, named after the public law that mandates it, that's the official census population for population equality numbers. That's what's used to measure if the districts have met the ideal population for population equality.

Census geography, TIGER 2000, that's the name for the geography that's defined by the census. So the census blocks, which I defined before, generally can be thought of as a city block, block groups, tracts, minor civil divisions, counties, Native American territories, MSAs, other census geography, are all updated under TIGER 2000. And also, as I'll get to in just a second, voting jurisdictions, wards and precincts, are also defined in the TIGER geography field.

Other geography, that's unofficial geography that may be deemed useful. For example, neighborhood associations. If a neighborhood association defines its territory in some public available form, we'll be digitizing that and making that available in the mapping software.

I mentioned before publicly defined communities of interest. If someone speaks at one of the public hearings, and defines an area that they feel should be a community of interest, that will be digitized and available on the mapping software, so someone will be able to see it, you
know, if they want to turn on the layer for publicly defined communities of interest, that will be available and seen.

    Media markets is another example sometimes being used to describe communities of interest to people who get their news from the same areas.

    All of that sort of unofficial non census geography we'll be compiling.

    The next area is voter files. We're hoping to obtain that from the Secretary of State, at least start the process today.

    And one of the many ways that we can learn from the experience last time, there were questions about how inactive voters were purged using different rules in different jurisdictions.

    So that's one of the things we'll want -- be wanting to check to make sure we have no active versus inactive registration causing any skews when we're looking at the partisanship, the number of registered members of the four recognized parties or independents based on voter files.

    And then finally, election results. And I should highlight the four. The election results are not included in the grid map process.

    They're only looked at when the grid map is adjusted to meet the six criteria, and they come into play
for two of those.

    One, for DOJ voting rights issues.

    We need to be able to establish that it doesn't have a retrogressive effect. That the ability of a protected category to elect a candidate of choice isn't being damaged. For that we need to be able to go back and look at actual election results.

    And then the criteria number six, the competitiveness of the districts. The voter file and the election results come into play.

    There's a technical issue here. A couple, actually.

    The 2008 and 2010 election results should, generally speaking, match the census geography.

    Those voting districts were frozen in anticipation of the census, and, you know, nationwide a custom more honored in the breach of the observance, I believe it's reasonably good in Arizona that those lines were frozen so that they are coded into the TIGER files.

    There are some issues apparently with naming of these precincts. So we are going to have to make sure that the naming and numbering as it exists in the census geography matches the naming and numbering that is used in election results.

    We want to validate that as soon as mapping
software is selected. That's one of the first things we'll be looking at on the platform we end up using.

Validate that against maps supplied by the actual counties, so that we're sure that if the census says Precinct 14 and the election results says Precinct 14, that we're actually talking about the same geography.

Once that's done, we want to make that information, the documentation behind it and the explanation of any changes to the census geography, available as widely as possible, including on the Commission's website, so that any other groups doing analysis, and eventually the DOJ doing analysis, will be using the same data that we're looking at, and that we won't run afoul of problems with the DOJ months from now looking at election results that are actually matched to the incorrect unit of geography.

Things get slightly more complicated if when we -- if we need to go back prior to 2006.

And that's another one of those issues that I just wanted to flag that may be coming up later, and, you know, we'll defer to the legal counsel on the question of if that's necessary for the DOJ pre-clearance process.

Before 2006 the election geography was changing, especially in a state like Arizona with very fast population growth, municipalities had to draw new wards and precincts. Sometimes to accommodate population growth, and oftentimes
they would be drawn in an area that might have been a vacant lot or a cornfield, whatever, in 2000, and there were no streets. And suddenly it's subdivided into ten different blocks and the precinct line goes down the middle of it.

To make things slightly more complicated, not all counties have electronic versions of those. We're lucky that major counties will.

Some of the smaller counties, it may be paper maps. They may not be available at all.

If the Commission elects that we need to look at the election results from 2004 and 2006, we'll have to begin a process of collecting and digitizing those precinct lines from past elections.

Once that's done, we'll be able to tell the census blocks that are in each precinct, and disaggregate the election results to the census blocks, because, of course, these lines are not the new Congressional or Legislative Districts are not drawn based on precinct lines. They're drawn on census blocks.

So we'll have to go through the process of disaggregating election results to the census blocks within the precincts as they existed at the time that that election was run.

And that's another process that we want to have meticulously documented, and the data available on the
website for anyone else doing the same analysis, so we're
talking apples and apples, and so that there's no questions
that come up in the DOJ pre-clearance, or any other steps
along the way, where someone might be confused as to how we
came up with the numbers for past vote totals applied to the
geography.

Any questions?

VICE-CHAIR HERRERA: Thank you. This clarification is very helpful.

I just have a question regarding the grid map.

What is the importance of the grid map?

KENNETH STRASMA: Well, it's mandated, so, it's not optional.

And I don't -- I don't wish to speculate too much.

I would guess that the point was to get away from
starting with existing districts as the baseline, as is
drawn in many states, and it gives us a clear starting point
with a blank slate.

VICE-CHAIR HERRERA: Who decides where the starting point is? How do we -- do we, as the Commission,
decide where the starting point is? Because I don't see the
grid map as being that controversial, and it shouldn't be.

KENNETH STRASMA: I would hope not. And let me
describe the process that I hope to follow, and acknowledge
also that the Commission last time had a very detailed set
of steps for making the grid map.

My sense, from individual conversations, is that there is less of a concern about that, and a desire for a fairly general grid map, and then beginning the process of adjusting to meet those six criteria.

I describe the, you know, nine Congressional Districts being, essentially, a Tic-Tac-Toe board. It's in GIS, Geographic Information Systems software.

It's possible to take a shape that doesn't exist in geography and lay it over the top, and that is precisely what we would do to create a nine-cell grid, you know, the size of Arizona. Lay it over the top, assign the population by that, and then go through to adjust for population equality, starting with the largest units of geography possible, starting first with counties, then minor civil divisions and census tracts, block groups and then blocks.

My hope is that we will be able to present a grid map drawn via that process that is non controversial and can be a consensus starting point. If for some reason there are concerns about how exactly that was done, then that would be something that I would look to the Commission for direction on how to do it more specifically than the process I outlined.

VICE-CHAIR HERRERA: Thank you.

COMMISSIONER STERTZ: Madam Chair.
CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Thank you, Mr. Strasma, for the presentation.

You mentioned that you've had conversations with certain individuals regarding the grid map. Who have those conversations been with of the unimportance of the grid map or the less of importance as it pertained to.

KENNETH STRASMA: And I don't want to mischaracterize what anyone has said.

In discussions with legal counsel, I think that was their characterization, and with committee staff, and I solicit and welcome any opinions to the contrary, especially from the Commission, because obviously you are the ones that make that decision.

COMMISSIONER STERTZ: Okay. Thank you.

The determination of a grid map, because of the constitutional requirement of the grid map, that's the reason why the grid map is crafted. The -- could you give me your interpretation of the phrase adjustment to the grid map.

KENNETH STRASMA: That when equally sized geographies are looked at in terms of population, some will be over populated, some may be underpopulated. And adjustment would be the process of moving geography from an overpopulated grid, or grid cell, to an underpopulated
adjacent grid cell.

And as I described before, we would attempt to do that using the largest possible units of geography first, that being counties and growing to smaller and smaller in order to achieve the population.

COMMISSIONER STERTZ: So as you make these adjustments of the original grid lines, to be able to make these accommodations to fill out all six of the criteria as crafted by the constitutional language, you are going to be making adjustments to the grid, the original grid lines as originally --

KENNETH STRASMA: I should clarify. I misunderstood the question. There's two levels of adjustment.

One is adjustment of the initial grid to meet equal population.

So the initial is not going to be nine perfect squares. It's going to start as nine perfect squares, and be adjusted only to meet equal population.

That's the part I'm hoping is relatively easy and non-controversial.

The much harder part and why you're all here, is then applying adjustments based on the other six criteria.

COMMISSIONER STERTZ: But the location and how that original grid would be crafted, do you see that as
having, as a basis of a starting point, having more or less relevance to what the final product will be.

KENNETH STRASMA: I say relatively less.

There is no limit on the amount of adjustment that can be made to the grid.

There is a starting point. Not everyone even has a starting point. Sometimes people will start with a literally blank slate where no geography is assigned and build districts that way.

And the, you know, that kind -- the value that there's no pre-conceived notions, it has a detriment that it makes it very easy to draw the first district and make it beautiful and the last district is very difficult to draw, because that's with the remaining population.

The grid approach alleviates that problem to some extent. It's just a slightly different approach, but it's, you know, if it wasn't, if it wasn't mandated in the Constitution, it would not be technically necessary.

COMMISSIONER STERTZ: But the word that goes back to my next phrase about adjustments.

I don't mean to belabor this point, but the word adjustments comes directly after the delivery of the grid map that we are adjusting grid lines based on the other criteria.

So the grid map does have -- does have a level of
fairly significance about how — how and where it begins and ends, where the central points are, because the accumulation of population to create 30 equal blocks, and nine equal blocks, can come in many many different configurations.

KENNETH STRASMA: That is correct.

COMMISSIONER STERTZ: Okay. So the grid itself, as how it -- where its beginning points are, does have fairly significant relevance for determination.

Did you not -- do you see that as being a direction that you would like to have the Commission deliver to you what that criteria might be before you begin the crafting of that grid map.

KENNETH STRASMA: I am happy to proceed either way.

It may be that having a sample grid map allows the Commission to get a sense of if — if it is non-controversial.

Or, if the Commission is prepared to provide direction now, then we would very happily follow that.

COMMISSIONER STERTZ: Could a grid map be configured in such a way to, for example, take a large block across the north part of the State of Arizona to be able to accommodate that in equal population, for example?

KENNETH STRASMA: My understanding of the definition, yes, it could.
COMMISSIONER STERTZ: So, it might be my recommendation that we would be able to at least give some guidance to the mapping consultant about what a grid map might -- what the criteria of that might be from a starting point.

Again, I keep going back to the Constitution language. It talks to adjusting those lines. And adjusting means you're adjusting lines that came from a starting point.

So if a starting point that we had, had the entire northern part of the State being one contiguous piece, which it certainly could be, we'd be trying to make adjustments based on that criteria. That might not be a good place to start.

KENNETH STRASMA: Right.

COMMISSIONER STERTZ: Thank you.

CHAIRPERSON MATHIS: Other comments, questions?

(No oral response.)

Did we want to talk about mapping software then?

KENNETH STRASMA: Certainly, if you like.

One of the things that I'm hoping can be decided today is the choice of mapping software in order to move ahead and meet our October 31st deadline.

In our proposal, we outlined pricing and availability of the two market leading packages for desktop
redistricting software. They are Maptitude and Autobound. I've worked with both. They're both very, very good pieces of software. Users are generally quite happy with them.

My understanding is that, you know, the last Commission used Maptitude, and Legislative staff used Maptitude.

There's a fairly significant user base here and knowledge about it, which I think, absent a compelling reason to pick one package or the other, that that would be a good argument for sticking with Maptitude.

As I said in my proposal, we're more than happy to use either one. I just hope that we can place that order today.

CHAIRPERSON MATHIS: Did anyone have any comments on those two software packages?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: The one question I have for Mr. Bladine is that in the previous Commission, the ownership of the software of Maptitude, the question would be for the economics of whether or not we would be buying upgrades to the software, rather than buying new versions.

RAY BLADINE: I'm sorry. I'm so far away to just tell you that I don't know. We would have to look and
whichever way would be cheaper, it seems to me, is what we do.

COMMISSIONER STERTZ: Because, Madam Chair, it might be an opportunity for us to have some of the economies of the previous software.

ANDREW DRECHSLER: And I did talk to Maptitude and they did indicate that there would be a discount on the first two licenses. It was my understanding that there were two licenses last time, and they would give a discount on those two.

So they don't -- do not automatically refresh if you bought it ten years ago. But there would be a discount on those first two licenses that were purchased.

KENNETH STRASMA: I should clarify that we are recommending 12 licenses rather than two. And one of the pieces of feedback that we've got in is Commissioners want to be more involved in the mapping process. So our proposal outlined seven licenses, five for the Commissioners, two for AIRC staff, three for Strategic Telemetry staff, and two that would be loaded on laptops that would be here and traveling to the public meetings.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Is there a recommendation that Strategic has for the selection of the software?
KENNETH STRASMA: Yes, I would recommend Maptitude, given the installed database.

COMMISSIONER STERTZ: I have no other questions.

CHAIRPERSON MATHIS: Any other people comfortable with Maptitude.

VICE-CHAIR FREEMAN: I am.

VICE-CHAIR HERRERA: Madam Chair.

I'm more than comfortable with Maptitude. I think -- I've heard of it and I've done some research. This is the first I've heard of Autobound, so... Not that they're not a good company, but if the mapping consultant is recommending Maptitude, and we're all comfortable with that, let's go ahead.

CHAIRPERSON MATHIS: I agree.

COMMISSIONER McNULTY: I agree with that. I would move that we direct the consultant to proceed with the Maptitude option as outlined in the proposal.

VICE-CHAIR HERRERA: I second the motion.

CHAIRPERSON MATHIS: Yes.

VICE-CHAIR HERRERA: I second that.

CHAIRPERSON MATHIS: Any discussion?

COMMISSIONER STERTZ: Madam Chair.

Commissioner McNulty, will you amend it to say that we will make the -- all opportunities available to us for cost savings as part of that motion?
COMMISSIONER McNULTY: Definitely.

COMMISSIONER STERTZ: Okay.

CHAIRPERSON MATHIS: All in favor?

ALL COMMISSIONERS: Aye.

CHAIRPERSON MATHIS: Any opposed?

(No oral response.)

CHAIRPERSON MATHIS: Okay. The motion carries.

We will be proceeding with Maptitude and pursuing all cost savings that we can, and it will be 12 licenses, correct?

KENNETH STRASMA: Yes.

CHAIRPERSON MATHIS: Okay.

KENNETH STRASMA: 12 licenses, and we'll get that process under way today.

CHAIRPERSON MATHIS: Okay.

KENNETH STRASMA: Was there anything else for me at this point?

CHAIRPERSON MATHIS: Any other questions for Mr. Strasma or Mr. Drechsler?

(No oral response.)

CHAIRPERSON MATHIS: Thank you very much for your presentation.

KENNETH STRASMA: The time is, I'm being told -- oh, I'm sorry. Mr. Kanefield?

JOSEPH KANEFIELD: Madam Chair, Members of the
I think that there was a question about the online component of the mapping software.

I don't know if this is the time to cover it or not. I thought maybe before we move on from that topic.

CHAIRPERSON MATHIS: Sure. Good thought.

KENNETH STRASMA: I have not addressed this as it's less time sensitive in terms of starting the process.

I do think it's an important part of the public input process, especially once the draft map is released, to make it easy for people to go online and make changes, experiment with what if scenarios, and present maps of their own.

In our proposal we outlined pricing from ESRI, which, with the licensing and their annual service and hosting worked out to 109,000, and from Maptitude for the web, which, with licensing and hosting worked out to 82,200 for a statewide version.

If the -- I think there would be a -- definitely an argument for going with Maptitude, being that it's the same package as being used on the desktop versions.

And then also the Commission received a proposal to assume that the remainder of the license that's used by competitive Arizona --

CHAIRPERSON MATHIS: Arizona redistricting.
COMMISSIONER McNULTY: Arizona Competitive Districts.

KENNETH STRASMA: Arizona Competitive Districts. I didn't want to get the name wrong. They had a process and a contest which has concluded at this point, and their software vendor, Xavia, would be willing to allow the Commission to assume the remainder of their license at a price of 49,651. And I know some people are familiar with that. Except for looking on the website, I have not personally worked with that package.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Ms. McNulty.

COMMISSIONER McNULTY: Is this working?

Mr. Strasma, is this a decision that if we were to use the Maptitude, if we select Maptitude, we would need to make that decision when we buy the 12 licenses, or is it a decision that, in keeping with Mr. Stertz's cost savings, that we could make later without additional cost?

KENNETH STRASMA: It can be made later without additional cost.

CHAIRPERSON MATHIS: Other questions on that?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Strasma, the object of this online is that through a portal that will be either
advertised or linked through the AZredistricting.org website, that people will be able to access the maps as they are being drawn, and make adjustments themselves, which will be then recorded and cataloged by Strategic Telemetry; is that correct?

KENNETH STRASMA: With some clarification.

When the map is published and advertised, as was spelled out in the process, and the 30-day comment period began, that would be loaded as a base map or starting point.

At the Commission's direction, we could also load the initial grid map if they wanted.

And as I discussed before, you know, members of the public would be free to start from scratch if they wished.

Mainly, the idea is just for someone to be able to submit their own ideas for maps, be it an entire statewide plan, or just suggestions for how their own district might be better drawn.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Strasma, as what was performed under the AZredistricting dot-com site, that they were working from a blank slate in which they were adjusting, they could do the exact same thing, adjust at will, either by small areas or by statewide, either
Legislative or Congressionally, I would recommend that we would have the grid map being placed where the public would have the beginning access to.

So I would like to make sure that we time our decision of the selection of the software for public access, and get the advertisement to the public and notification, so that they will be able to see and make adjustments to the grid map and make that part of the record as well.

CHAIRPERSON MATHIS: Any other comments on that, on Mr. Stertz's question?

COMMISSIONER McNULTY: I do have another question for Mr. Strasma.

Does it make some sense to have a software be uniform in order to make your tracking of comments uniform? In other words, does it make sense to have Maptitude available for the public so that, to the extent the public is interested in presenting their proposals and drawing maps, it's on the same format?

KENNETH STRASMA: There will be some efficiencies there, having it be the same package, but mapping software these days is very good at having interchangeable formats and saving files in a way that can be read by another package.

So if there was a compelling reason to go with one of the other packages, we could certainly make that work.
Things will be slightly easier if it's the same
platform.

Keeping in mind the October 31st goal, easier is
always good, from my point of view.

COMMISSIONER McNULTY: And in terms of making it
available at the juncture where the grid map is being
distributed, when would you need the decision by?

KENNETH STRASMA: Let me get back to you on that
if I could, checking with the vendors.

My guess, and I do want to verify this, is that a
week would be sufficient time.

COMMISSIONER McNULTY: Thank you.

CHAIRPERSON MATHIS: Other questions or comments?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Thank you,

Mr. Strasma.

Well, it's -- it's 11:30, and that's two hours, so
I'd like to give our court reporter, Marty, a break, and
everyone else.

Do we want to take a brief recess?

I notice there's no break within the rest of the
agenda. I know people are hungry, or whatever they wanted
to do. Any thoughts?

Do you want to take a 15, 30 minute recess?

What's your pleasure?
VICE-CHAIR FREEMAN: I'm good with 15.

COMMISSIONER STERTZ: Yep, me too.

COMMISSIONER McNULTY: 15.

VICE-CHAIR HERRERA: Madam Chair, will that be our lunch if we take a 15 minute or 30 minute?

CHAIRPERSON MATHIS: We could -- well, it depends on how long the day goes.

We'll want to take another break in two hours.

So, it may be.

Okay. So we'll take a brief recess.

The time is 11:31.

(Recess taken.)

CHAIRPERSON MATHIS: We'll enter back into public session.

The time is 11:52.

Next item on the agenda is item five. Review and discussion by staff and the mapping consultant on the logistics for first round public hearings, timelines, and preliminary discussion of second round public hearings.

So, I assume Mr. Bladine, yep, is going to be leading that.

RAY BLADINE: The mic will now be too short for anyone else. I'll try to get up close.

Madam Chair, Kristina and I will kick this off. But we've had a lot of good dialogue with both the attorneys
and the mapping consultants. Most of it happening yesterday concerning the process we should go through to receive public input starting July 18th. That was mentioned.

I think with looking at the schedule in general, we think we should have about a two-week period in which we'd have pretty much continuous hearings, and focus on all parts of the state, focus on community of interest areas, take a look at areas that were community of interest issues last time, so we can go back and try to define them at the front end. And then, of course, as we discussed before, we will try to -- well, we will use, to the extent we can, electronic means to coordinate perhaps more than one meeting at a time.

And we, of course, will be streaming the main meeting. I think as Kristina mentioned to you last time, we do not need all Commissioners at all hearings. So I think what I'll do is, I'll give Kristina a minute to talk about some of the specifics of what she's thinking we might do, then perhaps this next week we could ask all of you if you approve this kind of approach. We'll send you a sheet with locations, and ask that you tell us what you might be able to do in terms of meeting those times.

Before I turn it over to Christina, I guess I'm looking at the mapping consultants and legal. Did I miss any big overview?
(No oral response.)

I'll let Kristina kind of talk to you about what she's put together as some concepts and why.

KRISTINA GOMEZ: Good afternoon.

So we developed this first round of public hearing schedules, thinking about how to capture as much public comment as possible.

So what we did was, we took into account the U.S. Census, and we also looked as a high concentrations of minority populations as well.

So the process that we have in place is to have Commission members attend meeting locations, and then we would follow by having staff be at sites.

And I will explain this shortly.

So, for example, we would have the Commission members, let's say, in Flagstaff.

So you would be present in Flagstaff, and then we would have two other site locations, that would be Page and Tuba City.

We would have staff there to greet folks who want to come out and give their public comment.

So when it's time for these cities to give their public comment, one of the Commission members will go ahead and make a call to the folks in Tuba City or in Page.

And at this point, too, people can also submit
their written documentation. That's extremely important, and I encourage folks if you have documentation, to please submit it to our office, and especially during these public hearings.

I see public comments as the bread and butter of this Commission, because these are people's voices and they need to be heard. That's why we are here, is to hear these voices from throughout the entire state.

So as we said just a minute ago, that we would recommend to have at least one Commissioner present at each meeting.

There can be two. There can be three.

It's all up to you, because we know that you have very hectic schedules, work schedules and families as well.

So we also ask that legal counsel be present at each meeting, so we can divide up their time as well.

And also the mapping consultant.

And we would also like to stress that we want -- we would like to have these public hearings in the evenings after working hours, so that gives people the opportunity to go and testify.

Right now we have 6:00 o'clock scheduled, from six to nine, so that people can come out and give their testimony as well.

So I submitted to the Commission a list of hearing
dates and locations as well. So at this point, what we need
to move forward is for your feedback on this. We would like
to hear any suggestions you may have to help us guide --
guide us through this first hearing schedule, so that we can
publish this schedule.

   CHAIRPERSON MATHIS: Thank you, Kristina.
   I actually have a question.

   On the schedule that you gave us, if there isn't a
   bulleted city underneath, does that mean there won't be a
   satellite option for that main city?

   KRISTINA GOMEZ: Madam Chair, yes.

   CHAIRPERSON MATHIS: Okay.

   I'm wondering just about City of Tucson. You
   know, it would be nice to have maybe some -- I notice you
   have City of South Tucson, but just City of Tucson.

   I'm wondering if maybe a satellite in Green Valley
   or Sahuarita or Oro Valley, or somewhere in the region might
   be appropriate.

   KRISTINA GOMEZ: Madam Chair, we also thought
   about that as well, but we did receive a recommendation from
   one of the Commission members that that may be a bit too
   much.

   If we have too many sites listed, then those folks
   may not want to stay the entire period to listen to public
   comment.
So there may be a high number of people who may want to speak, possibly in Tucson, so we're just thinking of people's time.

CHAIRPERSON MATHIS: Would these satellites participate consecutively or simultaneously? How will that work? Will we be dealing with one satellite at a time?

KRISTINA GOMEZ: Correct.

CHAIRPERSON MATHIS: It seems like you could time it --

KRISTINA GOMEZ: We can do that.

CHAIRPERSON MATHIS: -- to provide an hour or whatever you think might be appropriate.

KRISTINA GOMEZ: Sure.

CHAIRPERSON MATHIS: So that we can maybe accommodate a few more of the outlying towns.

Any thoughts from other Commissioners on that or other things?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Yes, Mr. Freeman.

VICE-CHAIR FREEMAN: Ms. Gomez, this will be live two-way communications. People in the satellite offices can hear the public comment given in other locations?

KRISTINA GOMEZ: Madam Chair, Commissioner Freeman, yes. This will be interactive.

VICE-CHAIR FREEMAN: Do you have any sense as to
the level of turnout that we're looking at between 6:00 and 9:00 p.m. in some of these? You know, we've got one in the Tucson offices.

I don't have a good sense of how long -- how late we need to go in the evening.

KRISTINA GOMEZ: Madam Chair, Commissioner Freeman, I believe we will have a high turnout, because it's a brand-new Commission. We've had a great turnout so far during our Commission meetings.

So I anticipate a higher turnout as well during our public hearings.

VICE-CHAIR FREEMAN: I see we've got Tucson and South Tucson represented here. We've got the City of Glendale and South Phoenix, I believe. Were there going to be any other Phoenix locations?

KRISTINA GOMEZ: Not this round. Possibly second round.

VICE-CHAIR FREEMAN: Is there a reason for that?

KRISTINA GOMEZ: No, I was just actually trying to capture as many locations as possible.

But if you would like to add to this list, then we can do that as well.

VICE-CHAIR FREEMAN: And this list starts us off on July 11th. Is it intended to be slid back to the 18th?

KRISTINA GOMEZ: Yes, sir.
VICE-CHAIR FREEMAN: Thank you.

COMMISSIONER McNULTY: Madam Chair.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: We should be reading this list as if it starts on July 18th; is that correct?

KRISTINA GOMEZ: Madam Chair, Commissioner McNulty, actually, this will be with your permission, of course, this will be pushed back about a week, so starting on July 18th instead of July 11th.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I'm going to suggest that the Commissioners compile together their list of representative areas, cities that would want to be in this first and second round. That there should be a comprehensive first and second round of hearings that are looked at together, so that we make sure that cities like Gilbert, Chandler, Queen Creek, Oro Valley, Sahuarita, are not overlooked. And that we're getting comprehensive representation. That -- because it appears as though we're being selective in this.

And I don't think that that's your intent to be selective or exclusive.

And it's our goal to be as inclusive as absolutely possible. So, if we got that list to you no later than,
let's say, end of day Monday, would that give you enough time to reconcile a first and second round schedule.

KRISTINA GOMEZ: Madam Chair, Commissioner Stertz, yes, if you could submit your input by Monday, that would be great.

COMMISSIONER STERTZ: Terrific.

KRISTINA GOMEZ: That would be helpful.

COMMISSIONER STERTZ: Thank you.

KRISTINA GOMEZ: Also, there was a -- we discussed this yesterday, and we, along with legal counsel, and with our consultants, and we would actually like to have this within two weeks, a two-week window, if possible.

So if that needs to happen, then we are looking at possibly having multiple meetings on the same night.

The schedule was actually longer.

The original schedule, it was almost three weeks.

So we would like to compact this schedule into two weeks.

Also too, I also reference the 2001 redistricting public hearings to make sure that it's similar in some ways. So that's what I also looked at as well when creating this schedule.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: Ms. Gomez, you had sent this
information weeks back, so we had an opportunity to provide you with some feedback. Whether the feedback is, you should include this town, not this town, you should include, so essentially I want to make people aware that this information was passed around weeks back.

But I also want to caution with adding more, initially, in the two-week period. This is quite a bit of visits that we'll be doing.

So, I want to make sure that we'll be staffing at least one Commissioner at each of these meetings, possibly two.

So I want to make sure that we can make a commitment to at least the ones that are here, before we start adding any more. Because this is an extensive list.

I think it's very inclusive, and no further comment.

CHAIRPERSON MATHIS: I appreciate that, and also appreciate Mr. Stertz's, because I think it's important to see the second round plan so that we can look at this holistically and decide what towns and cities are covered in both.

Thank you very much for that.

KRISTINA GOMEZ: Thank you.

CHAIRPERSON MATHIS: Ms. Gomez, you were involved in this last time. I think maybe the only person.
I'm curious how many people were showing up at some of the hearings? I'm sure it varied by location, but in some of the larger hearings.

KRISTINA GOMEZ: Madam Chair, it did vary, actually.

The first round of public hearings they had a very good turnout. They -- there were a lot of people.

This was a new process.

So there were a lot of people who were actually curious on how this would all start, how it would evolve, who was involved actually.

And the best part, I believe about these public hearings is, it's a chance for communities to come out and to educate us on what's most important to them.

So I believe that the first round of public hearings in 2001 were well attended, and the second round of hearings as well.

I would also like to note that the first round of public hearings in 2001, we had 24 meetings, and the second round we had 19 meetings.

So the number of meetings were cut back during the second round.

CHAIRPERSON MATHIS: Thank you.

Any other questions for Ms. Gomez?

(No oral response.)
Thank you very much for your work on this.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Yes, Mr. Herrera.

VICE-CHAIR HERRERA: Ms. O'Grady would like to make a comment.

MARY O'GRADY: Madam Chair, I think the mapping consultant potentially had a comment on this to integrate with the overall schedule and make sure it fits all together.

CHAIRPERSON MATHIS: Do you have any thoughts Mr. Strasma or Drechsler.

KENNETH STRASMA: We appreciate having this round start July 18th. That allows us to have our people on the ground to cover the hearings. We would be happy to do that.

CHAIRPERSON MATHIS: Okay.

Any other comments or questions?

(No oral response.)

Thank you, Ms. Gomez. Appreciate it.

KRISTINA GOMEZ: Thank you.

CHAIRPERSON MATHIS: Next item on the agenda, item six. Discussion of the process of receiving and documenting public input, such as maps, letters, e-mail, and other electronic information.

RAY BLADINE: This is another Ray and Kristina show.
CHAIRPERSON MATHIS: Okay.

RAY BLADINE: We worked on it together, and again have had help from our legal staff and the mapping consultants.

The main point is that we wanted to make sure that you're aware, and I think you really already heard it a lot, that any documents that come in we are going to record and they'll be part of the record.

Kristina has already set up a spreadsheet to keep track of those materials that we've received to date.

That spreadsheet, that I think we shared a copy with you, is not a final. It is a start just to let you know that we are tracking it.

We've had considerable discussions and will have at least one more meeting with the legal staff, and also the mapping staff, to talk about what's the best system to use to record that data.

And they have a system that they had used. We're aware that there's another system of tracking public input out there that they're going to take a look at.

The legal staff is aware of tracking software for public comments that pertains to litigation.

We'd like to try to all get this put into one system, so that we're not having to go back later and pull things together.
So I think it would take another perhaps week to two weeks, to figure out the best way to capture the data, both electronic that we're doing from e-mail or submittals to the web page, letter submissions, telephone calls.

But until we get that system set up, we'll continue to track them, using a manual method of having a spreadsheet and keeping track of it, and periodically sending you copies of what additionals come in.

And our plan would also be, which we've done, we will scan all the documents so that they'll be provided to you in electronic file.

I'm sure down the road we'll have even better systems where you'll be able to zero in more on information that you'd like to have.

Did I cover it? I'm sorry.

Legal counsel, mappers, did I miss anything?

Okay. If there are any questions I'd be happy to try to cover.

COMMISSIONER McNULTY: Madam Chair, are we accepting comments on our website, and if so, would you please describe that process. And if we're planning to change our website to make it more user friendly to accept comments, will you talk about what is being done in that regard.

RAY BLADINE: I guess I would have to let Kristina
know more specifically how the comments come in.

We are trying to find ways to put more information on the website, and to do it, like, we will put the presentation that was handed out by legal counsel to the Commission.

Of course, there will be on the streaming and then recording what the presentation was here.

In terms of submitting, my understanding now is if you submit an information request, which is basically saying anything you want, we then capture that information, and make it available on our list of documents sent/received.

Now if there's some way -- if there's something I'm missing in terms of a way to make that more apparent on the web page, we certainly can take a look at that.

CHAIRPERSON MATHIS: I'm wondering if the public input form that Strategic Telemetry just showed in their presentation is something that is on our website that people can download and fill out, and either scan and mail back to us, or e-mail, or fax in, or whatever the best way is.

RAY BLADINE: Madam Chair, I think that's a great idea. We can start capturing information directly related to what the mapping consultant needs.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: Mr. Strasma, what are the
key data points that you would want to collect at this time from the public in this public outreach?

KENNETH STRASMA: There are a number of different types. I want to make sure that they're all collected and categorized, be they process, or specifics as to -- an example I raised were communities of interest, or specific suggestions for changes to district maps. Those are the types where we want to standardize how those are entered, so that we'll be able to create map versions of those suggested maps, and provide analysis to the point of the submission.

So, for example, if someone submits a suggestion for change to a map designed to make it more compact, we would be able to not only categorize that suggestion was made, but also document the effect on the map in terms of the compactness.

COMMISSIONER STERTZ: Mr. Strasma, the reason I'm asking the question is because the general public has the idea of words like data points and communities of interest and compactness and contiguity are words that might be sort of inside baseball for most people.

But for people that we want to make an outreach to, the broadest amount of people that we can, make the broadest amount of data collection, wouldn't it be incumbent upon us to sort of give a really easy way to fill in the blanks?
I think that's what the Chairman is referring to, to say that that form that you got says, okay, here's a check box. What is this? How does that mean? And then that gives a little easier more user friendly capacity for you to be able to, one, from the public's point of view, to fill it out, to give what their consideration is, okay? Whatever is -- whatever falls on their heart or desire to be able to fill out, then for you to be able to assimilate that data.

KENNETH STRASMA: Definitely. That's what we tried to start out with, the communities of interest form, and other types of input. I definitely look to you for suggestions on any way we can make that easier for the public to understand what is meant by some of these more insider baseball terms.

COMMISSIONER STERTZ: Madam Chair, if you can indulge me for a second.

Early on in our conversations among the Commission, we explored and said it was really incumbent upon us to have as many different outreach points as possible, including social media. Where are we in terms of opening a Facebook page for the Commission for dialogue on Facebook? Where are we with setting up Twitter accounts or Flicker accounts?

Who manages that data that comes in?
Are we going to be setting those pages up for 
download so that we can actually collect that data on an
ongoing basis.

What is the strategy behind that at this point?

RAY BLADINE: Madam Chair, Commissioner Stertz, we
had a good discussion about that issue with the mapping
consultants and legal counsel yesterday.

We know it's your intent to use the electronic
media as much as possible.

We're looking at alternative ways to do that,
whether it's something they can help us directly with, or
something we would look to our own PIO to do, but exploring
the best ways to be involved with that kind of media, and
capture the data. So I don't have a specific answer for
you, but it is on our radar of things that we need to
address.

COMMISSIONER STERTZ: What sort of time frame are
you looking to address this?

RAY BLADINE: I would hope we would get it
addressed in the next two weeks at a minimum, to get all
tied in with making a decision about the way to capture the
total amount of information.

COMMISSIONER STERTZ: Madam Chair, again indulge
me. It seems to me that prior to having our very first
outreach meeting, that we want to be able to have some sort
of social media out there to be able to communicate to say
at least that there is information out there. That it's
posted.

And that we could start to get, at least on that
level, some dialogue going.

Because right now, we are not. We're becoming
more user friendly, but we're a long way into the process
and not that user friendly yet.

It's the amount of notice of our public meetings
has been right down to the wire, about how much time we've
been giving the public.

If our goal is to get a great amount of outreach
out there, people then can make their schedules available
either by online, finding themselves into one of the remote
locations to be able to give public testimony, or to do it
in person.

The faster we can get our social media out there,
and our social networking out there. I think we're going to
have a greater level of public input.

RAY BLADINE: Madam Chair, I certainly agree that
that's the direction we need to go.

I don't disagree at all with sooner is better.

And I think that one of the things that we really
need to do is hire a public information officer to be doing
that kind of thing. And that's in my next item to talk to
you about. We need somebody that knows how to do it.

Unfortunately, the people that you've hired to date, don't know that. And we want to make sure we do it right.

So, clearly, I think we've done some front end things that you all encouraged us to do to reach out, and that's having the meetings streamed.

But I also agree with you that we are behind in trying to figure out how to utilize electronic media and capture that data.

So we'll move on as quickly as we can.

COMMISSIONER STERTZ: Madam Chair, one last question for Mr. Strasma.

In the experience that you've had in other work and other parts of the country, what -- how have you integrated, and who has been the coordinating body for social media? Because I know that you've utilized that in the past.

KENNETH STRASMA: Thank you, Commissioner.

Generally, that's been -- we've worked through consultants specializing in social media.

And I would second the Executive Director's suggestion that that be a role that the Public Information Officer highlights.

I do think social media should be thought of as
media, as a traditional press is, and coordinated with them
to the extent that that can be done without slowing down the
time line.

COMMISSIONER STERTZ: Again, it will be my last
question.

In regard to blogging, interactive blogging, posts
of that was also an early-on discussion that we had,
regarding making sure that there was interaction for
blogging. To be able to have commentary between parties.

How has that worked for you, Mr. Strasma, in the
past, in other areas that you've worked in?

KENNETH STRASMA: It works well with the, as long
as someone is comfortable viewing it as a conversation.

And what I'm getting at there is, there are, you
know, some rules of the road that have to be followed in
terms the Commission's work.

So I think if you felt that you wanted to blog as
an individual member here, here's what I'm saying or what
I'm thinking, what is coming up, I think that would be
appropriate and a good way for the public to get a sense of
what's going on and to provide feedback.

I think for -- it would be difficult to have a
blog that represented the official positions of the
Commission, just given the steps that have to be gone
through for something to be the voice of the Commission.
I would be hesitant to suggest having an individual blogging as the Commission.

COMMISSIONER STERTZ: I'd have to agree.

Thank you.

CHAIRPERSON MATHIS: I have a question, Mr. Strasma. In your proposal, in your RFP you mentioned we would employ an automated process to gather data from social media sites, from Facebook, and Twitter. This would allow us to gather and categorize comments about the Arizona redistricting process made outside of the official public hearing and comment system.

How does that automated process work? How does that happen?

KENNETH STRASMA: We are currently -- the term folks use is "scraping", web scraping from the live Twitter feed.

And any tweets that have the terms of AZredistricting or AIRC in them, we've been saving all of those since we were retained, and, I believe, going back six weeks, which was when the Twitter feed was available.

And we can provide a summary document to you categorizing those and the original text.

CHAIRPERSON MATHIS: That would be great.

Other questions or comments?

COMMISSIONER McNULTY: Madam Chair, Mr. Strasma.
I do have a comment on the public input sheet which I have not yet reviewed.

I think it would be important to include the six constitutional criteria as we're gathering public comment, and allow individuals to indicate which criteria they're concerned about, and then comment on each of the criteria.

KENNETH STRASMA: Thank you for the suggestion. We will implement that.

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE CHAIR HERRERA: Putting those forms on the website is probably a good idea. Making available the PowerPoint presentation you did today, I think, would be important to put on the website to make people aware that, you know, redistricting 101, click here. Then have them go through that PowerPoint.

It's pretty quick, and have the application either at the end or inform them, just go through that, and read it quickly, and fill out that form, because I think it will be helpful for a lot of people.

As much as we can put on the web that helps the public understand what we're doing, and that everything is done out in the open, I think will be helpful.

KENNETH STRASMA: Commissioner, I agree and we'll make that happen.
VICE-CHAIR HERRERA: Another comment. Although I do agree with Commissioner Stertz about the importance of social media, because we were bringing this up in the beginning, I want to caution that we prioritize things that are really important. I would hate to be throwing more stuff in the mix, and then delaying anything. So we need to come up with some type of, you know, project, whatever is on the agenda, what's a priority, what's a second priority and go from there.

I think we can come up with a lot of good ideas, if they're not doable at this time, then we probably need to know that.

So I think those are my comments.

CHAIRPERSON MATHIS: Thank you.

Other comments?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Commissioner Freeman.

VICE-CHAIR FREEMAN: Let me understand where we are now.

Yesterday afternoon Ms. Gomez sent me these attachments, all the written comment that the Commission has received to date; is that correct?

KRISTINA GOMEZ: Yes, sir.

VICE-CHAIR FREEMAN: And also attached was the spreadsheet as well.
Are all these documents now available on our website?

KRISTINA GOMEZ: They are not available on the website yet.

VICE-CHAIR FREEMAN: Is it our intention to post them on the website, including our spreadsheet?

KRISTINA GOMEZ: Yes.

VICE-CHAIR FREEMAN: And then, as I understand it, your ongoing basis, your cataloging the public comment, putting it into this spreadsheet, correct?

KRISTINA GOMEZ: For now, yes.

VICE-CHAIR FREEMAN: Can we expect to receive this on a weekly basis, so I'm not getting two, three months worth of comment?

KRISTINA GOMEZ: We can do this.

VICE-CHAIR FREEMAN: Who is actually characterizing the public comments?

KRISTINA GOMEZ: I actually did that just as a side footnote, but that was it.

Also, too, this is the same system that we used in 2001.

VICE-CHAIR FREEMAN: Okay.

Thank you.

KRISTINA GOMEZ: Thank you.

CHAIRPERSON MATHIS: Any other questions or
COMMISSIONER McNULTY: The PowerPoint that we'll use in public hearings, will be based on what you showed to us today, and will be working as we move along, to the extent it's appropriate, on updating that or modifying that to address concerns as they arise?

KENNETH STRASMA: Yes, Commissioner. That would be my intention, that what we showed today, the starting point for the redistricting based on input from the Commission.

CHAIRPERSON MATHIS: Any other questions?

Ms. O'Ogrady.

MARY O'GRADY: Madam Chair, just a comment on blogging. If there are open meeting law implications there, and so I would be -- if any of you are concerned -- My thing is not working. Sorry about that. It's beeping red at me rather than green.

But, there's a specific provision of the open meeting law. Before you consider kind of expressing your opinions on a blog, I just want to discuss those with you, so that you understand those limitations, so that it's not abused and become a tool for sort of evading the open meeting law, that there are some specific provisions that address expressing your views through other media.

CHAIRPERSON MATHIS: Okay.
RAY BLADINE: Madam Chair, also, the suggestion was made to post the information on the blog that we've received from individuals.

I guess that should also be a question we should ask our attorneys, is there any problem in doing that?

Because we can certainly do it.

But I'm not sure when people submit it to, I guess, when they submit it to you they would assume it's a public document.

JOSEPH KANEFIELD: Madam Chair, Members of the Commission, Mr. Bladine.

Was your question as people blog, post or blog, postings come to the attention of the Commission, whether they would be public record or whether the Commission should take them into consideration?

RAY BLADINE: Well, that's a good question, too. But, the question, and I think we need to know that. But the question was -- the suggestion was to place written comments we've already received that have gone to Commissioners on the web page.

And I guess I was just wanting to make sure there was no legal issue with us doing that when people submitted it to us.

I was giving my own legal interpretation, which isn't good to do, that they probably were public documents
JOSEPH KANEFIELD: Madam Chair, Members of the Commission.

Generally speaking, yes, those are going to be public record unless there's some confidential identifying information that may need to be redacted, personal information, but we would probably want to discuss the process and the procedure for putting that information on the web. If anyone makes a public records request, obviously, the Commission would comply and make that information available, subject to that type of review.

RAY BLADINE: Thank you, Madam Chair.

CHAIRPERSON MATHIS: Thank you.

Questions or comments from anyone else?

(No oral response.)

CHAIRPERSON MATHIS: Thank you both.

Next up is agenda item seven, Executive Director's report with Mr. Bladine.

RAY BLADINE: Madam Chair, just as a quick overview of a few things, and a lot we've already talked about.

We are trying to add to your web page as we can, to provide more public information. And if you had a chance to look, you'll see that all of the documentation pertaining to the award of the contract for the mapping consultant is
on the web page.

The original RFP that was issued by the State Procurement Office, the responses made by all of the offerers, each one of those are on there, and all of the attachments.

And, finally, the documents that pertained to the acceptance of the contract by both the mapping consultant and us and the State of Arizona.

I might mention when people look at the web page, you'll see -- sometimes you'll click on one of the proposers and then there'll be a whole string of items.

Sometimes you'll click on a proposer and it will all come up at once.

That's simply because some were in electronic file and some were a scanned file.

All the same data is there. But they will come forward in different information.

So in case there's some confusion, it's not -- nothing is missing. It's just different ways that we were able to capture the data.

And certainly going forward as has been suggested, we will continue to try to identify things that belong in that web page.

I'm hopeful that soon we can hire a public information officer, and hopefully, someone with experience
in dealing with electronic media and web page. Besides the standard type of information you need from a public information officer in terms of relating to press questions and so forth.

So I think we can improve that.

I certainly understand and agree with the point that Commissioner Stertz made that we need to move forward as quickly as we can in getting that electronic media type of activity put together.

I think that's probably the recent events.

We have had a brief meeting talking about office space for the mapping consultants. And they will have space in our building.

The next item I had in mind was status of the meeting Minutes postings by next Monday. Tuesday we should have all of the transcripts up, and we will then forward you a meeting Minutes that we have at this point for your review, and then we'll put them on an agenda for approval.

And that should catch us up.

I am not going to ask for a decision now, but I think it's worth us taking a look at what a lot of other jurisdictions do, particularly when we have the transcripts, we have the audio/visual required information documented, then provides -- instead of also paying to have Minutes done, is to take the agenda and record action items.
Those items that were approved or acted on.

And if you go on web pages, there's a lot of communities that do that.

It's a quick way for people to see what the decision was.

And why, you know, that item was dealt with.

But I will bring that back to you at a later time once we clean this up.

But there is a lot of staff time in getting the Minutes prepared and put together, when we already have other things. And I might mention, the transcripts we get are also in a searchable form, if you have the correct software to do that, which won't help everybody, but they are out there.

Finally, on the PIO hiring, I still have received a few more resumes. I think we have a pretty good list of candidates. Unless I would hear some objection, my plan would be to review them, and send a specific number, perhaps three, to you, and ask for your input, and then go ahead and proceed to make a decision next week.

Because I think we do need to get that person onboard to help us carry out the public information part.

And status of the mapping consultant contract. I think that's, at this point, fairly obvious.

The mapping consultant is onboard. We did work
diligently with them and with legal counsel to get the contract signed, and to make sure that we would be getting the services that we need as a Commission.

With that, I think that pretty well covers the report.

If there's some information I could provide in these items, I'd be happy to do so.

CHAIRPERSON MATHIS: With regard to the contract, Mr. Bladine, are you able to talk about some of the things that changed from the original?

RAY BLADINE: Certainly. I can do it, I think, from the top of my head.

We did negotiate an overall reduction in the fee for the basic service. And that was a reduction from 686,000 to 600,000.

And part of that reduction came about by us providing office space. Part of that reduction came about from them reducing their fees to try to help us out.

We also, then, took a look at the specific meetings that we would feel we need. And so we provided in the base contract an amount for 20 meetings, and then a specific amount for any additional meetings.

Our analysis would indicate that, and that was part of the reduction they could make in the 680,000.

And that we would come out ahead and have a known
cost if we were to exceed the 20 public hearings.

To clarify in that proposal, there was confusion because it appeared as if they were going to buy the map and the Autobound software, that was an alternative.

That's not a cost to them. That's a pass on. So that amount was left to decide, and you did that today.

We did make a $5,000 reduction in getting census data under the understanding that right now we know we need the 2006, 2008 census data. So that will be included.

And if we need any additional census data, then we have a $25,000 amount to set aside for handling that.

Did I miss anything, Mr. Strasma?

KENNETH STRASMA: If I may clarify, that was election result data, not census.

RAY BLADINE: Thank you, election result data.

May I ask, anything else that I didn't cover?

I left my notes over there, but I think I hit it.

CHAIRPERSON MATHIS: I think -- well, we talked about this during the presentation, of the revised time line, where approval of a final map by October 31st.

RAY BLADINE: Correct.

CHAIRPERSON MATHIS: And to the greatest extent practical, maps will be drawn in Arizona with support from Strategic Telemetry offices in Washington, D.C.

RAY BLADINE: I think that's also correct.
CHAIRPERSON MATHIS: I think everything else you covered.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Yes, Mr. Stertz.

COMMISSIONER STERTZ: I would like to get a clarification on what a public hearing is, and the 20 public hearings that you've included.

Is this a public hearing?

Is this the first one?

RAY BLADINE: I think my recollection is that this -- that any time they're here for a meeting, it is a public hearing.

So it would include these meetings, and then the hearings that we had on the road.

That's my recollection from how we discussed it.

COMMISSIONER STERTZ: I'm trying to get some clarity and understanding about how 20 became a recognizable number that would be an all inclusive number, when our first round of public hearings we have 16 on the current list, plus today is 17. That would make the assumption that there's only three other hearings that would be all inclusive of the second round, and all others after that. So help me out here.

RAY BLADINE: I don't remember the exact number from my head, but in their proposal they had more meetings
than the 20. And at a cost.

And one of the cost reductions, and I am looking to Mary to help me remember this, one of the cost reductions was to cut it back to the 20 meetings that would be in their base cost, and identify the cost for additional meetings.

I think when we calculated it out, if it took us up to somewhere around 50 meetings, would be break even with that cut.

After that, we would have a defined amount known beyond the base.

So it seemed like a better way for us to say, okay, we know we're going to do these.

We don't know how many others we're going to do, but if we do them, it would still be cheaper for the State to have reduced the number to 20, and then identify anything above that on a half-a-day and a day-per-day cost.

COMMISSIONER STERTZ: And the half day cost is for --

RAY BLADINE: 450 a day.

And the full day cost would be maxed out at 1,500.

COMMISSIONER STERTZ: Is that correct? 450 per day?

KENNETH STRASMA: 750 for a half day.

RAY BLADINE: I'm sorry, 750.

COMMISSIONER STERTZ: For a four-hour public
hearing, and again, I'm just trying to look as we look forward to our budget, it's obvious, based on what took place in the first go-around, and what we already know in front of us now, that we're going to exceed the 20 that we've allocated, correct?

RAY BLADINE: Correct.

COMMISSIONER STERTZ: As far as budgeting is concerned, what is your anticipation about how many meetings we anticipate actually having?

Do we have any view of that? Kristina said earlier we have approximately 40 outreach meetings? Is that correct?

KRISTINA GOMEZ: 24 and 19?

COMMISSIONER STERTZ: So 43 public outreach meetings?

KRISTINA GOMEZ: Yes.

COMMISSIONER STERTZ: So if that were the case, then we had 23 additional outreach meetings, would those be -- this would be a question for Mr. Strasma. Would those be considered full day meetings or half day meetings?

KENNETH STRASMA: My understanding is that was based on whether or not they are above or below four hours in duration.

I should also add one thing, if I may, about our
discussions.

We will cover, without it counting toward the 20, or at additional charge, via live stream. That's the decision.

COMMISSIONER STERTZ: Okay.

KENNETH STRASMA: So we wanted to add some flexibility, if the Commission decides that there are additional meetings, and that it's sufficient for us to be getting padlogging public input through the transcripts and live stream, we can do that. The additional cost is for the person on the ground.

COMMISSIONER STERTZ: I applaud the staff and the consultant for doing everything they can do to keep the cost reduction. But I don't want to mislead anyone that by just reducing the number that's in the base contract, does -- affixes us to what the actual cost is going to be, even under -- even under the base amount of services that we anticipate having.

RAY BLADINE: Chairman Mathis, that was the case with any of the ones we looked at.

There were lots of things that could change based on our actual numbers.

But you're right, the total cost, as it was last time, ended up being a lot larger than what was originally thought of in the proposal.
And it's just very difficult right now to know how many meetings you're going to have, and how many longer sessions to put it together.

But your point is correct.

It is going to be bigger, I am sure, than what's before you right now, as we get into this.

COMMISSIONER STERTZ: Very good. Thank you.

CHAIRPERSON MATHIS: Other questions?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

VICE-CHAIR FREEMAN: Mr. Bladine, one of the documents you sent the Commission is entitled July 5, 2011 Mapping Services Evaluation and Award Determination.

RAY BLADINE: Yes, sir.

VICE-CHAIR FREEMAN: And you signed that in your capacity as Executive Director for the Commission, correct?

RAY BLADINE: Correct.

VICE-CHAIR FREEMAN: Did you prepare the text on this document.

RAY BLADINE: I believe we prepared that with the help of SPO, what they had given to us earlier, and Mary and I may have made some revisions to it.

VICE-CHAIR FREEMAN: Because the document asserts that the procurement was pursuant to the Arizona Administrative Code and the Arizona Revised Statutes
pertaining to procurements via SPO.

And I am not exactly sure if that's correct.

It could be misleading.

RAY BLADINE: Madam Chairman and Commissioner Freeman, we were delegated by SPO to carry out the contract under their rules and regulations.

We have always asserted our separate constitutional authority, and what we tried to do was to follow the SPO process as much as we could, which we do by accepting the delegation and citing that statute as being our authority to do it.

And I do have a letter I should send you that is the delegation from the State Procurement Officer, delegating me the authority to do that under the code.

VICE-CHAIR FREEMAN: I haven't seen the letter. I was surprised that I didn't see the constitutional provision cited to in the letter.

RAY BLADINE: This also includes some scoring numbers.

VICE-CHAIR FREEMAN: Correct. If we had been following the procurement code, those would have had to have been agreed final numbers; is that your understanding?

RAY BLADINE: I don't know that I understand it that way.

I'm under the impression that as a procurement
officer, and one of the issues we had, you're looking for some form of consensus.

We couldn't get to a consensus in awarding the contract. So the contract was awarded by a vote.

And what that's -- showing that documentation was the best documentation I had as to what the Commission felt about each one of the individual firms, and would be the best documentation to provide as to how the decision was made.

Now, I'm not sure that that answered your question, and it may be something that we have to talk to legal counsel. But we were trying to, as best we could, fit this within still the authorization from the Procurement Office, knowing that we would always have the option of asserting the constitutional requirement. That's my understanding.

VICE-CHAIR FREEMAN: So these numbers, then, came from our June 30th meeting where the selection was made?

RAY BLADINE: Yes, sir.

VICE-CHAIR FREEMAN: Thank you.

RAY BLADINE: Let me just -- they came from those meetings as provided to us by SPO.

I didn't go back to specifically verify, but that's what they had on their sheet, so I believed it to be correct.
VICE-CHAIR FREEMAN: Thank you.

CHAIRPERSON MATHIS: Other questions? Comments?

(No oral response.)

CHAIRPERSON MATHIS: Okay. Thank you very much for all your work.

RAY BLADINE: Thank you.

CHAIRPERSON MATHIS: And Kristina, too.

Agenda Item 8, agenda items and dates of future meetings.

We have been cutting it really close in terms of our schedules and planning these meetings. And to the extent possible, I know one of the public comments made at a previous meeting was that we at least provide notice of some sort, even if we don't have the venue for the exact time, but just to let people know there will be a meeting on, you know, July 18th or whenever it is.

And I think you're following that procedure, but I'd love to here.

RAY BLADINE: Madam Chair, I think we've been able to do that at least once. But we have not been able to do that on a continuous basis because the meetings have come so quickly, and it has been hard to fix when we're actually going to meet.

And I think the way we can improve this is, if we know a good period of time ahead when you're going to meet,
then we can tell people and work out the arrangements.

But one of the difficulties we've had has been the
same difficulty all you have, is that these things come up
and they're very hard to plan for.

I think we're moving into a phase where we plan
better to have meetings. And if you could tell me when the
next three meetings are, I could then put them on the
schedule and say, you know, this is what we need.

I think the best way to get there is we do have
some specific things we know that the mapping consultant is
going to need, and we can try to identify those as possible
agenda items, get them out to you, and ask you for some
feedback on when we could have these next two or three
meetings prior to the start of the public hearings, and then
we could notify the public right away and start working on
the location.

So, unless someone has a better idea, I know when
we met the other day, there was at least two or three things
we felt we needed to get Commission direction on.

We could list those out, send those out to you,
and then say, okay, let's get two meetings, let's schedule
three meetings.

And I think at this point, unless, and there may
be other ways to do it, but it is hard to do much more than
meet the 48-hour notice, which is, I understand people don't
feel is reasonable and soon enough, but it is what we need to do as a minimum, and we do our best to try to get it out as early as possible.

And I won't tell you that I think we have figured out that system.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER McNULTY: Madam Chair, Mr. Bladine, I would just note that we -- I think we have one week and a weekend before we start this public hearing schedule. And that we need to be thinking about how we're going to get the work done that you just described before that begins, or in conjunction with that, because this is a pretty immediate schedule.

I think many of us are going to want to be participating in some of these hearings. So we're going to need to figure out both. Because we don't have a couple weeks ahead of us for three meetings.

We've got, you know, with the 48-hour requirement, I think we're already down to a few days.

RAY BLADINE: Very good point.

CHAIRPERSON MATHIS: So thoughts from other Commissioners?

And I would think that we need to meet next week, at a bare minimum.

Today is the 8th.
Can we synchronize our calendars and pick a date?
The 13th and 14th are really good. Just throwing
that out there.

VICE-CHAIR FREEMAN: Those work for me.
VICE-CHAIR HERRERA: Yeah.
CHAIRPERSON MATHIS: Okay.

Any preferences on one of those days?

COMMISSIONER STERTZ: Fourteenth.
COMMISSIONER McNULTY: Fourteenth.
CHAIRPERSON MATHIS: Okay.

So it would be Thursday, July 14th.
The hearings would begin on the 18th. Is that
what the calendar said?

So the agenda items for that meeting are going to
be about the hearing schedule, I'm sure. And we'll have
gotten the idea from Kristina for the second round of public
hearings by then, and have provided our input back to her.

Other agenda items for that day?

RAY BLADINE: Madam Chair, I think the main focus
at this point, you've already brought it up, is to make sure
we're ready to go on the mapping -- not on the mapping -- on
the public hearings.

I'm not sure with the timing when the consultants
need the decisions, but I'm going to guess, as I think about
it, it's probably not next week. But what we need to do
next week is get going on the hearings and then start
getting the decisions they may need for the mapping.

But I'll let them speak directly to that.

KENNETH STRASMA: And if I may, Madam Chair, we
will not be available for the 14th. If it's discussions,
the hearing schedule, we can just be filled in later. But
we do have a software setup and training scheduled following
the vote this morning, for the 14th and 15th.

CHAIRPERSON MATHIS: Okay. Does that work for
people?

COMMISSIONER McNULTY: Madam Chair, I think it
would be useful to have available, so that we could talk
about any information that we need from the law firm and the
steps she needs us to take. Are you available on the 13th?

KENNETH STRASMA: I would be available on the
13th.

CHAIRPERSON MATHIS: I'm available on the 13th as
well.

That's Wednesday.

And in terms of a venue, are we -- is Phoenix
what people are thinking? Up here.

I know what you're thinking.

I'm looking at the Tucson based folks.

COMMISSIONER STERTZ: Fine.

Madam Chair, am I correct on the 14th and the 15th
it is your anticipation of doing training on the software in Phoenix at Evans House?

KENNETH STRASMA: No. That would be beginning the week of the 18th. That we're doing set up and training on the software from the Maptitude vendor on the 14th and 15th.

COMMISSIONER STERTZ: Okay. All right. But then are we to agenda items on the 13th?

CHAIRPERSON MATHIS: Yes.

COMMISSIONER STERTZ: I'm going to suggest that there's going to be an introduction of your PIO.

RAY BLADINE: I deserve that.

COMMISSIONER STERTZ: I also need to reinforce that we are -- I know, Ray, that you are trying to get your arms around our meeting Minutes.

And it's really incumbent upon us to get our meeting Minutes in order.

We're a month, almost two months behind right now in meeting Minutes.

And being able to track historically based on my -- my notes, and looking back at critical dates, times, and decisions, is very challenging.

So it is incumbent upon us to get our meeting Minutes. An if you can't get them all, let's start clipping them away from the oldest to the newest so that we can get them up in draft form and start to review them.
If not, I don't want to go down the path of having to deliver to the five Commissioners the software that we're going to need to do tracking analysis based on the verbatim Minutes that are being taken.

We need to catch up not only for ourselves but for other members of the general public.

That just needs to happen.

The last thing I'd like to make sure that we have, is a clear and concise understanding of what a -- as the following Monday we're going to be starting a public hearing at some city, at some location.

And I think that it's going to be incumbent to know what that location is going to be, if it's the City of Glendale, where it's going to be, and the time that we know when it's going to start, and what the anticipation of what it's going to look like. What's that hearing going to look like?

Is it going to be 15 minutes of presentation by the mapping consultant? Is it a collection of data? Is there going to be a general Q and A? I'd like to get a briefing on what those hearings are going to look like.

Because each one of us is going to be -- we're going to be able to meet this schedule. We're going to be breaking these up, and we're -- each one of us is going to have to have a mini training about how we're going to make
best use of our skills and being able to capture that best data.

RAY BLADINE: Madam Chair, we will have that.

COMMISSIONER STERTZ: Thank you.

CHAIRPERSON MATHIS: A question on the Minutes.

We've all talked about Minutes numerous times, and it's been kind of the bane of our existence.

We talked about Minutes, not posting draft Minutes, I think, but I'm not sure. And I wanted to ask all of you what your thoughts are on that.

I think we had talked about having legal counsel look at the transcript at least before it gets posted, just to make sure that it's accurate and can be posted.

But then on Minutes, I thought we had discussed that as a group, but I don't know.

I'm looking to all of you.

COMMISSIONER STERTZ: Madam Chair, we did discuss that. It's a dangerous precedent to post the draft Minutes, because the public gets an impression that those Minutes are -- are -- we haven't a chance to distill them back against the record.

But as it sits right now, in the absence of any Minutes, the public is -- I've gotten people asking what's -- what happened? Where can I go back to look for something?
And I am at the same place that they are.

We need to get our Minutes caught back up, and, again, start clipping them off one at a time and get ourselves reviewed. Let counsel review them. Let us review them.

Let us vote them back in so they can be voted as part of the permanent record.

We're going to be compressing way too much and collecting way too much data going forward to be trying to revisit Minutes from two months ago.

RAY BLADINE: Madam Chair, as a piece of information.

I looked at a document this morning, again I left it over there, but, if I recall, we're in a position where all but maybe two Minutes are -- we have in draft form.

And my thought was to send them out all to you on Monday, and then on the next agenda approve them, and we'll put on the page right now, all of the transcripts. I think we have all of those except the very last few meetings.

We have been able to go back this last week and resurrect all but two Minutes, two meeting Minutes, and those were early ones where they were done by someone other than the person we have doing them now, or the clerks.

But I really think that by Monday, we can get all of you a draft of the Minutes to look at and then put them
for you to approve.

That way we'll post the approved meeting Minutes hopefully very soon.

I know it puts a lot on you to go through the drafts in less than a week.

COMMISSIONER STERTZ: Mr. Bladine, you may or may not have been onboard at the time, but Commissioner Freeman had worked at great length to develop a consistent format for Minutes, so that we would have a very consistent, that would be very typical, and it would be good if you had one of those draft sets to at least give -- send one of them to Commissioner Freeman to see whether or not -- because we had all, as Commissioners, had looked at that draft set. He had spent an enormous amount of time preparing it.

We all felt very comfortable the way it was formatted, and would like to make sure that we respect the hard work he put into that, leading up to that.

RAY BLADINE: Okay. Madam Chair.

CHAIRPERSON MATHIS: One comment on that. Mr. Bladine mentioned earlier today the idea of using I think the agenda, and just putting action items that occurred under that agenda item.

RAY BLADINE: That's correct.

CHAIRPERSON MATHIS: Are there any thoughts on that from the Commissioners?
VICE-CHAIR FREEMAN: Madam Chair, I mean, it sounds like Mr. Bladine and his team has already assembled most of the draft Minutes. So are you able to tell us whether they resemble Minutes approved by this Commission early on.

RAY BLADINE: Not to a degree of 100 percent certainty.

I have read them, and I didn't compare -- I didn't specifically look to compare them with what you put out before. But I felt they were pretty similar.

But I did not say, okay, this is the format, and we're following it.

I looked at them and I remember having looked at what you had done earlier on and thought, okay, we're in the ballpark.

CHAIRPERSON MATHIS: But I guess going forward, do we want to consider Mr. Bladine's idea? Anybody have thoughts on that?

COMMISSIONER McNULTY: Madam Chair, fellow Commissioners, I do, I think, in the interest of meeting our schedule and focusing our efforts on what -- using our time most efficiently, that it makes sense to look at that.

I'm looking at the website from the last Commission and I do see that at one point -- at some point they began posting transcripts rather than Minutes.
And I think now the transcripts are, if I understand it, they're indexed and also searchable. If coupled with action items, I think that might save all of us some time and also provide the information that people need.

CHAIRPERSON MATHIS: Any thoughts from others?

VICE-CHAIR HERRERA: Madam Chair, maybe I'd add that they have the video, we do the transcripts, and the agenda and the action items. I think we do I pretty good job doing that, I think it would save us some time.

CHAIRPERSON MATHIS: Others? Okay.

That might be something to move forward.

RAY BLADINE: That's the direction that I'll go, then, because we can't vote, but I think I hear your direction.

CHAIRPERSON MATHIS: Other agenda items for that July 13th meeting? We should talk about a start time, too. Today we started at 9:30.

Is that a reasonable time for everybody?

VICE-CHAIR HERRERA: Madam Chair, for the agenda item, are we going to be getting any training on what will be expected of us, as Mr. Stertz mentioned, at these public hearings?

Are we going to be discussing that on the 13th?

CHAIRPERSON MATHIS: It sounds like a good idea.
COMMISSIONER McNULTY: An outline of the format for the public hearings.

CHAIRPERSON MATHIS: Uh-hmm.

COMMISSIONER McNULTY: We already have on the agenda item for that date from the consultant for information they require for the progress on the time line and any information or steps they need us to take in order to assist them.

RAY BLADINE: Madam Chair, what I would see happening as quickly as we can before the 13th, is to have discussions with the mapping consultant about what the presentation would be at those hearings.

We've started to talk a little bit about it yesterday.

Work with legal counsel, put that by the 13th, we kind of have an agenda for you, and we certainly could talk through what your role would be, besides going through the agenda, and give them a minor training that way.

Your right, it's not fair to all of a sudden turn you loose in a meeting without knowing what it is that you're going to do.

We'll get something together.

Although you've had worse happen to you, you know.

CHAIRPERSON MATHIS: Other ideas? Thoughts?

So the 13th we would be starting at 9:30 somewhere
in Phoenix and Ray will be working on that location for us.

RAY BLADINE: We will. We'll look for a bigger location, and we will get on the web page first thing Monday that 13th date, so people will be aware. If we can do it this afternoon we'll do it this afternoon.

CHAIRPERSON MATHIS: I asked Commissioners do you see a need to meet again even before the hearings, meaning I guess the 15th, which would be Friday?

Do we need to hold that day for any reason or do you think we can get that accomplished on the 13th?

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: I think we should do our best to fill the 13th, and personally hold our calendars open, and that by virtue of a recommendation from the -- from the Executive Director leading into the 13th, we will know whether or not he believes it will be able to accomplish these tasks. Because we've asked -- we just asked for a lot. We've asked for training sessions, we've asked for informational input.

We're going to have public input at that day.

We have to have set aside time for.

If by the time that you've compiled us -- and Madam Chair, this leads into the conversation that began our meeting today.
Not knowing the length of time, it's very incumbent upon -- it's really helpful to know from the Executive Director and his team, as the agenda is being compiled, what the anticipated presentations are going to be. So if we know that the presentation from Strategic Telemetry, for example, was going to be a 45-minute presentation today, which it was, rather than a four-hour presentation, which I anticipated, it might have changed our original discussion.

So we -- if we're allowed, if we're looking at this and get some anticipation of time, it's not only going to be able to help us in our scheduling to see whether or not we have enough time in the day, it's also going to be able to give some help to the public to know what they should be seeing, when they should anticipate coming in, what bears interest for them, because I think this has been very informative to everybody that's been in this room today.

At the same time, it was a little bit different of an approach, that they're wanting to give some public testimony, but they're also learning about some of the process as well.

Both things are both important.

CHAIRPERSON MATHIS: So, if you can let us know in the future estimated times that you think for various...
RAY BLADINE: We can certainly do that.

I'm aware of other jurisdictions putting estimated time, but making it clear they are estimated.

COMMISSIONER STERTZ: Absolutely. I would expect nothing more than that, Mr. Bladine. Just that we anticipate that this is going to be a 20-minute presentation by legal counsel, for example.

RAY BLADINE: I understand that you understand that. Sometimes the public doesn't. And we'll just have to keep trying to explain that we are trying our best to give you an outline.

COMMISSIONER STERTZ: That's why there is the asterisk key on our keyboard.

RAY BLADINE: We can certainly do that and we will.

CHAIRPERSON MATHIS: Thank you.

RAY BLADINE: One more question.

Did you want us to post a tentative meeting on the website for the 15th, a meeting for the 13th, and a tentative for the 15th at this time? Or would you rather we wait?

CHAIRPERSON MATHIS: Well, I'm open to doing that. We're all going to hold it on our calendars open, so put tentative and see if we end up needing that.

It sounds like we might, given the amount of
things we have to cover.

RAY BLADINE: Okay. Thank you.

CHAIRPERSON MATHIS: Any others?

Thank you Mr. Bladine.

Agenda item nine, call for public comment.

I'm just checking the time. It's 1:04 p.m. I agree with Mr. Stertz. I thought it might go longer today than that, so we're early.

Does anyone -- do we need to give the court reporter a break briefly?

You're good? Okay. We can just start.

I don't have the request.

We have a number of slips here, and so we're just going to take a recess to go through them, and maybe just a brief break for five minutes. So we'll be back shortly, and start the public comment. The time is 1:05.

(Brief recess taken.)

CHAIRPERSON MATHIS: The meeting will now come to order.

We're back in public session.

The meeting will now come to order.

The time is 1:22 p.m.

And we are on agenda item nine, call for public comment.

This is the time for the public to comment.
Members of the Commission may not discuss items that are not specifically identified on the agenda, therefore action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

So I'm very impressed that there's this many people for public comment. We really appreciate your patience and sitting with us today and listening to the other presentations.

Since we have so many Requests to Speak forms, I'm going to ask that we try to limit each of you. Try to limit your comments to two minutes each, and Buck over here, our chief technology officer, will be keeping track for us.

I'd also ask that people not, if you're not at the podium, please don't speak or clap or make any comments while that person is speaking or when they're done.

We'd like to move through this as efficiently as possible.

With that, my first form, and we've try to organize these based on topics or subjects, Jack Harper, State Representative, representing the Constitution and loss of Arizona, and the subject is competitive districts.

Mr. Harper?
(No oral response.)

We'll see if he comes back, he might just be out of the room.

And I should also state, please, when you come up to the microphone, if you could state your name and spell it so that the court reporter can get an accurate spelling of your name, and also the group that you're representing.

I think that's it. That would be helpful.

Oh, and if -- if you're representing just yourself, if you could say what town or county you live in, that would be great.

Matthew Capalby, representing Greater Arizona Success, and the subject is Rural/Greater Arizona redistricting.

MATTHEW CAPALBY: Good afternoon Madam Commissioner and/or Madam Chair and Commissioners.

My name is Matthew Capalby and I reside in Flagstaff, Arizona.

Excuse me.

I represent a non-partisan group of concerned citizens from greater Arizona, and thus our group is called Greater Arizona Success.

We are formed out of concern for the communities outside of our state's two major metropolitan areas, Phoenix and Tucson.
As you're well aware, greater Arizona is rather under represented on the Commission. Thus, a group of concerned citizens, both Democrats and Republicans, business elected officials, et cetera, throughout Mohave, Yavapai, Apache, Navajo, and Coconino Counties, have been working and communicating together for the last several months regarding this upcoming process.

And we come up with some specific points that we'd like to advocate for.

Thus, we advocate for the maintenance of eight Legislative Districts outside of the Phoenix/Tucson metropolitan areas.

We also advocate for the creation of two Congressional Districts that constitute the areas of eastern and western regions of greater Arizona.

And lastly, we advocate for the competitive districts when and where practicable.

In regards to communities of like interest, it is our general philosophy that a community of like interest in greater Arizona, is any community or municipality that is not located in Pima or Maricopa County.

So, but we are working right now throughout greater Arizona, primarily the 12 outlying counties. We've been working and communicating with a number of the community -- sorry -- Council of Governments, the Central
Arizona Association of Governments, et cetera, to come up with a general consensus of what we would like to see happen at the local level.

I do thank you for your time and consideration.

We will be frequently at these meetings as you travel the state. We look forward to talking with you and we actually do have some maps and concepts that we would like to see at the county and regional levels.

Thank you very much.

CHAIRPERSON MATHIS: Thank you.

Next speaker is Wayne Manske, representing self.

And the subject is Mesa redistricting.

WAYNE MANSKE: Wayne Manske, Mesa, Arizona. My Legislative District, Legislative District 18, Mesa, has always had lopsided politics that has frequently raised gerrymandering suspicions.

I appreciate the efforts of the Arizona Independent Redistricting Commission is taking this year respecting open meeting law and the sunshine law which allows me to observe your handling of the important redistricting issues that are before you.

Your model of portraying respect, fairness, charity and integrity is commendable.

I appreciate your dedication and determination to be fair and civil with your decision making regarding the
important issue before us. Redistricting.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Next up is Ken Clark, co-chair representing Arizona Competitive District Coalition. Subject is public mapping.

VICE-CHAIR HERRERA: He's not here.

CHAIRPERSON MATHIS: Okay.

Next speaker is Pete Bangtson -- Bengtson. Sorry. Representing self. Subject is competitive districts.

PETE BENGTSON: Hello. My name is Pete Bengtson. I'm from Pima County, Legislative District 26.

I was at the last meeting in Tucson, and was really amazed at all the responsibility that you folks had.

So I spent some time this last week learning more about the redistricting Commission and Proposition 106, and I want to commend all of the Commissioners for the time you're taking attending the meeting today. It's a lot more difficult than I thought it was. And thank you for your efforts.

I'd like to speak in support of competitive districts. I think that's one of the most important of the six criteria.

I'd also like to speak to in support of the criteria that says follow city and county lines.
I certainly appreciate it if LD 26, or whatever Legislative District it is in the next redistricting, just includes Pima County.

I'd rather have my district just include Pima County.

And thank you.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Thank you.

Next speaker is Betty Bengtson, representing self.

Subject is competitive districts.

BETTY BENGTSON: I'm Betty Bengtson. I have to bring the mic down now. I'm Betty Bengtson, B-E-N-G-T-S-O-N, from Pima County. And this is my first IRC meeting.

I have come up today from Tucson. Got up early and came up the freeway.

And I'd like to first thank you, the Commission, for the efforts that you're making at a legal and open process.

I've been quite impressed today to hear the civil discussion, to see that you have your lawyers available, so that you are following the letter and the spirit of the law.

As I said in my note, I do want to speak about competitive districts.

I'm particularly interested in the issue of
competitive districts as it relates to communities of interest.

Those are certainly difficult, perhaps, balances to make, but within the State of Arizona, I've read that recently our political registration among parties is roughly 30, 30, 30, Democratic, Republican, and Independent.

And the -- it seems to me that we have people who are leaving political parties who are becoming Independents because I think they're dissatisfied with their ability to reflect the direction that Arizona takes through the political process.

And that's directly related to a lack of competitive districts.

Many of us feel that we're in districts where there are large voting blocks that we might define as a community of interest, and that so over balance, or affect the voting patterns in one direction or the other, that many of us don't feel that we have a voice in a political process.

So I really urge you to look at the issue of competitiveness, and to ensure that those of us who are out voting feel that we have some say in the outcome of the process.

Thank you very much.

CHAIRPERSON MATHIS: Thank you.
Next speaker is Michael Conway, representing self. And the subject is redistricting, competitive districts, respect in the process.

MIKE CONWAY: Mike Conway, Mesa, Arizona. C-O-N-W-A-Y.

I actually came today to see what all the hoopla was about, and first I want to commend the Members much the Commission who are volunteering their time to fulfill the constitutionally mandated process that was passed overwhelmingly by a majority of Arizonans.

Yesterday I received an e-mail that stated I needed to come to this meeting because Obama has his hands all over our redistricting process.

Considering all that that man is dealing with, I rather doubt that Arizona redistricting's process is really on his plate or even on his mind.

If you truly believe in American democracy, you would strive for 30 competitive districts.

Because every voter should have a choice, a choice between two or three or four quality candidates. Not one district should be decided in the primary.

I believe today we may have five or six truly competitive districts.

That's a shame. And that is not democracy.

I know there's people in this audience who want to
maintain the system as it is, because they hold a lot of political power.

That's not what America's founders had in mind, and it's certainly not the American ideals which I discuss with children daily.

Your job is one that I don't want, actually. Your job is to take a map, take some consultant's information and make the best decision that you can for every single person who resides in this state. Not people who wear blue. Not people who wear red, and not just people who wear yellow.

It needs to be everybody.

This is our redistricting Commission. It does not belong to any one group of people.

And if that is what you keep in mind, I have absolutely no doubt you will come out with a wonderful solution for every citizen in this state.

Thank you.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Thank you.

Next up is Kelly Townsend, co-founder Greater Phoenix Tea Party, representing LD 22. And the subject is the LD 22 lines.

Party.

I'm very pleased to speak here on behalf of our group.

We have a very large group throughout this county, and there are many additional Tea Parties throughout the State.

We've received some information that's concerning. And so what I want to do is ask questions rather than tell you how I feel about the information.

My first question is: Do you agree that one of your goals is to contract with a non-biased mapping consultant?

Do you agree to that? Anybody disagree?

MARY O'GRADY: Madam Chair, this is the time for public comment, so it's not really the time for you to respond to the comments.

KELLY TOWNSEND: May I ask a question of Mr. Strasma?

MARY O'GRADY: No. Actually it's the time for you to talk and us to listen.

KELLY TOWNSEND: I have information that says a more recent client of Mr. Strasma's Strategic Telemetry was a 2008 Obama for president campaign.

I have information that says that entities that you have been involved with are involved with a recall of...
Governor Scot Walker in Wisconsin, as well as State Legislators who voted for reform for the State collective bargaining.

And I have information that you are former Policy Director for the National Committee of Effective Congress. And that on your website it states this is one of the most influential political organizations, having helped hundreds of progressive candidates to Congress.

My question is, what type of consulting has Mr. Strasma done for other political parties to include the Republican party?

And further, if public confidence is so important to this Commission, how can you accomplish this goal with Mr. Strasma's political activism? And how much will it cost the State in lawsuits.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is David McKaler, representing self. And the subject is competitive districts.

(No one comes forward.)

CHAIRPERSON MATHIS: Next speaker is David Cantelme, representing Fair Trust. And the subject is competitiveness.

DAVID CANTELME: Madam Chair, Members of the Commission. My name is David Cantelme, C-A-N-T-E-L-M-E,
representing Fair Trust.

And I rise to respectfully disagree with my colleagues with respect to the Supreme Court's holding on competitiveness.

It held that the competitiveness clause is as much a part of the Constitution as any other clause.

And with that nobody can disagree.

But the Constitution plainly says that competitiveness is to be considered only to the extent it causes no significant detriment to the other criteria.

And those, of course, are complying with the United States Constitution, complying with the Voting Rights Act, equal population, respecting county and city boundaries, contiguity and compactness, and communities of interest.

So that if increasing competitiveness has a significant detriment on these other criteria, the increase would violate the State Constitution.

I'd also like to speak for just a minute on the Voting Rights Act, and we agree that maximizing majority minority districts is not required by the Voting Rights Act.

But we disagree, or at least we would add and we would supplement the comments to say that, majority minority districts should be achieved equivalent to the state's -- their share of the state's population.
As a result, we strongly urge that our citizens who are Native-American or African-American or Asian-American or Latino-American, be given districts with weight equal to their strength in our state's population.

And with that, I would thank you again.

I also commend you all for the time you've given this process. Thank you so much.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is James Kelly, Chairman LD 29, Pima GOP, representing LD 29. And the subject is Congressional redistricting.

JAMES KELLY: Madam Chair, Commissioners.

Thank you very much for this opportunity to address the Commission.

Again, today I would like to talk about Congressional Districting as from the grid system that we're looking at.

It is my hope that we maintain, as much as possible, three on top, three in the middle, three on the bottom.

I am a proponent of three Congressional Districts on the border.

I am also a proponent of three Congressional Districts south of the Gila River as a geographic location.

For a number of different reasons.
Barring the drinking liberal club at the Shanty in Tucson that came up with the idea of Baja Arizona, from the terms of economic interest, economic centers, government centers, military installations, geographic centers, communities of interest, particularly when we — when we weigh this with greater Arizona, we have Pima County, which is in the middle and surrounded by more rural areas on the other side.

And we end up giving our money either north to Phoenix, or south to Mexico.

That's where our money goes. We don't get to keep it. Our Social Services money, our infrastructure money, we don't get to keep it in Pima County.

Greater Arizona that surrounds us is also not kept up to date with regards to infrastructure, with regards to Federal expenditures and/or State expenditures.

So for our purposes, three Congressional Districts on the border, that is a reflection of the communities of interest, a reflection of the geographic centers. I believe that there is good cause to maintain those three districts or to, excuse me, to get three districts on the border.

Thank you very much for your time.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Our next speaker is Tony
Sissons, representing self. The subject is three quick issues.

(No one comes forward.)

CHAIRPERSON MATHIS: I don't see Mr. Sissons. We'll put that in that pile.

Our next speaker is Mohur Sidhwa, representing self. And the subject is competitive districts.

MOHUR SIDHWA: This is the third time I'm speaking TO the Commission. The first time I think I was one of three speakers. Last time we had 50 odd. It took three hours.

I'm glad we holding this at the end of the agenda rather than at the beginning, that forces people to actually hear what you're doing and listen to the process and the procedure. Because the process is important. Not just jumping to conclusions.

I speak for competitiveness.

It is -- I mentioned this before, but it is the essence of democracy.

It is not democracy if we are not given a choice with regards to whom to vote for.

In my District 28, it's heavily Democratic, and the Republicans more often than not don't even field a candidate.

And the result of which, critical thinking
disappears on both sides of the aisle if we do not have a competitive district.

It's almost like people are like walking around, around with talking points in their heads, and they don't know what else to say beyond those talking points. That does not serve our politics well. It doesn't serve the people well, and certainly does not take care of our problems.

And so I would say one more thing. After last time, stay strong, the five of you. You are strong people. That's why you are here.

You would not have been appointed by your people.

Stay strong.

Do not let the intimidators intimidate you.

There will be times when I may or may not agree with you, but you have to ultimately agree with who you are and what you are, and what you represent to yourself.

And that may not agree with what I -- basically, I'm not asking you to think like me, but just think for yourselves and don't let the intimidators intimidate you.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Randall Holmes, Board Members, Arizona Advocacy Network, representing self. And the subject is competitive district.
RANDALL HOLMES: Thank you, Madam Chair. I represent only myself today, although I'm a member of various political and social organizations.

Competitive districts are --

CHAIRPERSON MATHIS: Do you mind stating where you are from?


Statewide our statewide elections are often competitive, sometimes not so much for U.S. Senate, but for statewide office they are.

Statewide the voters have passed things like the Independent Redistricting Commission. Clean elections. Kids First. And finally, the Voter Protection Act, to keep the Legislature from messing with the voters' will, because the Legislature, unfortunately, doesn't really reflect the people of Arizona as a whole. It's kind of tilted one way because of badly drawn districts.

As Mr. Conway and others stated, in a primary election often only the true believers, the activists of both parties turn out, and they choose the person that's the most ideologically pure.

And if the district isn't competitive between the parties, then, of course, the general election is merely a
I would associate myself with the remarks of all the other folks who want to remind you that you don't answer to anyone. We don't want the Legislature picking their voters. We want the voters picking the Legislature.

You don't answer to anybody, the Legislature or Governor or anybody but the people of Arizona.

So I represent the great silent majority, the great community of interest, which is the people of Arizona.

There's a lot of people that care about what's going on but they're not yelling at you. I wanted to remind you that you're in the driver's seat and we all depend on you. Thank you.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Our next speaker is Wes Harris, representing self, LD 6, original North Phoenix too Tea Party. Subject, choice of mapping contractor.

(No one comes forward.)

CHAIRPERSON MATHIS: Okay, we'll go to the next one.

Anne Heinz.

You'll have to tell us who you're representing. The subject is mapping consultant process and developing redistricting agenda item three.

I'm addressing agenda two and seven, regarding fair and unbalanced redistricting which is your mission, and you mentioned no unreasonable standards, competitiveness.

I too question how Obama's presidential campaign person can be a mapping consultant for us, and they're not even a mapping consulting company. They're a campaigning company, now working for getting recall of the governor of Wisconsin, Republican Legislature.

He has been the director for the National Committee for Effective Congress, which is, quote, to elect hundreds of progressive candidates.

Number two, the Chairman of the session has failed to disclose that her husband worked as Treasurer for a liberal progressive campaign, and unfortunately was elected.

Number three, the State Procurement Office, as you mentioned, refused to deal with this contract and has now bowed out.

So we have three areas of illegality, and I hear -- I had to sit through an hour, and what, hour-and-a-half hearing terms of fair and balanced, no unreasonable standards, competitive measures, comments from the public. So you make us wait for three-and-a-half hours, and 50 percent of your meetings are in Executive Sessions.
Shame on you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Mason Arrowsmith, representing self. The subject is mapping consultant.

(No one comes forward.)

CHAIRPERSON MATHIS: Our next speaker is Payton Davies, representing self. And the subject is agenda item two, State open meeting laws and public record laws.


And I am representing myself.

I'm from Oro Valley.

I was going to speak about the Minutes not being taken or submitted, but I believe that's been covered. I hope that you will be getting them out, because we think it's very important. We thank you for your efforts to get them out.

I was going to talk about the Procurement Office bowing out. I think that's been covered.

I do think that the Chairman of the committee, who has said she's an independent, should resign before the lies by omission on her application become scandal.

I think its right and I don't think it's going to stop.

I would appreciate a person that could vote truly
in an unbiased way on a Commission of five people.

Thank you.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Thank you.

CHAIRPERSON MATHIS: Our next speaker is Alex Bissett, representing self. And the subject is agenda item two.

ALEX BISSETT: Thank you, Madam Chair and Commissioners.

I have a five-minute speech here to talk, that I'm going to try to get down to two minutes.

I'm a mining engineer, and in the course my work I've had to over the years deal with conflicts of interest.

CHAIRPERSON MATHIS: Could you say where you're from? Where you reside? City or town or county where you reside?

ALEX BISSETT: LD 26. Okay? All right?

I know what a conflict of interest is.

A conflict of interest simply is when a person has two interests and one of those interests conflicts with another one.

I believe there have been blatant conflicts of interest in the events leading up to, as well as the actual appointment of Chairman Colleen Mathis, and with certain actions she's taken.
On October 12, 2010, Ms. Mathis applied by application form to serve on this Commission as the, quote, unquote, Independent.

Evidence shows that she deliberately lied on that application form, specifically on questions one, six, and eight.

In the interest of time I'm only going to talk about question eight. Which really read as an instruction. Words to the effect, list on an attachment, any sponsors, siblings, children, parents, that are currently employed and their addresses and companies that they work for.

On hers, where she answered attachment question eight, she listed two people, that I believe are relatives, siblings. Robert Michael Coil and Peter Thomas Coil.

Somehow she forget to mention her husband. Because at the time she had signed that application, her husband, Chris Mathis, held a key position, paid as treasurer for Nancy Young-Wright's campaign. A campaign which Ms. Wright lost by a narrow margin. I live in LD 26 so I'm quite interested.

Question one and question six deal with ethics. When she asked -- when she was asked a question was there anything in her background that could be considered conflict of interest, she said no.
When she was asked if she would serve as an independent, unbiased member of this Commission, she said yes.

She couldn't answer those two questions that way.

VICE-CHAIR HERRERA: Madam Chair, the two minutes is up.

ALEX BISSETT: I have a half minute to go.

So now we have the Commission Chair who lied on her application, pushing for a leftist contractor who has the power to influence district changes so her husband's associate, Nancy Young-Wright, will have a better chance in the upcoming national election. A blatant conflict of interest.

I believe it's like the proverbial fox guarding the hen house.

Thank you.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Okay. Our next speaker is Joe Murphy, representing self. And the subject is redistricting history.

JOE MURPHY: Hello. My name is Joe Murphy. I'm from Phoenix. I've been here about 31 years now. In the '80s we had fairly competitive districts. In the '90s things got a little blackie, and with the corruption,
trials, which the Committee, you all remember, we all of a
sudden as citizens decided we should have a Commission to
create the districts.

Unfortunately, those districts went from
competitive to mostly non-competitive.

I think right now there's only three competitive
districts.

One of the things we learned from history is, in
single party states you get corruption and a lot of bad
laws.

I think that's what we have.

So I support having more competitive districts,
not fewer.

I'd like to thank you all for serving.

This has got to be tough.

I'd like to also thank you for hiring an attorney
firm that say they're election law nerds. I prefer that to
election law hacks.

Having to deal with some computer companies, I
know they don't represent -- they don't work for one group
or another. They work for people that pay them to do a good
job.

And so if they work for some people that won
elections, I think that's a good thing, not a bad thing.

I also tend to be someone who believes that a
spouse isn't controlled by their other spouse, so it doesn't matter what any of your spouses do. It matters what you do. And I appreciate your serving, and good luck with this.

I'm going to come back for more of these because it's kind of fun sitting out here.

CHAIRPERSON MATHIS: Thanks.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Our next speaker is Jeff Smith, representing self. The subject is redistricting.

JEFF SMITH: Thank you.

I would like to address actually a couple of things. The first thing I want to address is the --

CHAIRPERSON MATHIS: Can you state where you're from?

JEFF SMITH: I am from Gilbert. Sorry.

I want to talk about competitiveness as several others have spoken to.

I would like to agree that as a general principle I do think that voters should pick their legislators rather than have Legislature pick their voters.

I am concerned that this principle of competitiveness might take priority over the other goals, possibly to their detriment.

My concern is that communities of interest be
honored and respected, and I urge you to make sure that the
final map allows the will of the people of this state to be
manifest in the electoral result, whatever they may be.

Many of us will be watching closely to make sure
the final map does not impose an artificial electoral result
that is not reflective of the true will of the voters.

I think competitiveness is a worthy goal to the
extent it actually reflects the makeup of the citizens in
that district.

But doing unnatural things like breaking up
communities of interest, or violating the other goals of
compactness, continuity, and so forth, in the name of
creating artificial competitiveness, would be unacceptable
and a clear violation of the purpose for which this
Committee -- this Commission was created.

I also do want to register my disagreement with
the choice of the mapping consultant.

This consultant's strong ties to leftist
candidates and causes are well documented, including his
history of having worked for the redistricting of the arm of
the Democratic National Committee.

Regardless of whatever other qualifications he may
have had, this selection makes a mockery of the process and
of a Redistricting Commission that calls itself independent.

VICE-CHAIR FREEMAN: Thank you.
CHAIRPERSON MATHIS: Our next speaker is Richard Breyer, representing 2012 Project. Subject is redistricting.

RICHARD BREYER: My name is Richard Breyer, B-R-E-Y-E-R. I'm affiliated with the 2012 Project and the Arizona Freedom Alliance, which is a group of 30 some Tea Parties across the State of Arizona.

CHAIRPERSON MATHIS: Would you mind stating where you're from?

RICHARD BREYER: Scottsdale, Arizona.

I would like to thank the legal counsel. I'm kind of a political novice. I've voted since I've been able to vote, but just recently got involved in the political process. Thank you for enlightening me on the Prop 106.

The balance called for in Prop 106, what is what I would like to address today, specifically, Madam Chairman, your history of political affiliations, don't seem to match up with your registration as an Independent.

And secondly, the selection of the Committee or the Mapping Committee. But, again, I have to use the word allegations of ties with past -- of ties with progressive and liberal causes and known affiliation with the Democratic Party.

Once again, the balance is what we're asking for.

And again, I ask for a fair deal, and not a
Again, thank you very much for your time.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Robert Weeks, representing self. And the subject is redistricting.

(No one comes forward.)

CHAIRPERSON MATHIS: Next is Lauren Kuby, representing self. And the subject is redistricting.

LAUREN KUBY: I'm Lauren Kuby from Tempe, Arizona, District 17 Democrats.

I just want to applaud the Commission for taking new direction from the choices that led to so much controversy and lawsuits ten years ago. I really support this direction, and I think it's critical that we have fairness and transparency in the process.

I support what you're doing and the choices you've made, and I want to remind the Commissioners Freeman and Stertz that the NDC mapping consultants that were hired ten years ago led us to a lot of pain and angst and prepared pretty unfair districts.

So I want us to keep in mind that I think our decisions to go with the present consulting company was the proper one.

Thank you.
Our next speaker is Margaret Gallagher, representing self. And the subject is redistricting.


And I want to thank this Commission for your work so far. It's not an enviable task.

I want to thank this Commission for your work so far and your commitment to fairness in the process, and to the accuracy of the data analysis that will commit us for the next ten years.

I urge you to maintain your commitment to all of the goals of the process, including competitiveness, allowing everyone's vote to count in Arizona.

I also urge you to ensure you have adequate administrative staff and legal advice to help you get your job done. You have an enormous amount of work to do in a very short time.

And also to use this administrative staff and legal advice to minimize the opportunities for frivolous challenges later on.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Next speaker is Richard Van Dyne, representing self. And the subject is redistricting.

RICHARD VAN DYNE: My name is Richard Van Dyne.

I am District 19, Mesa.

To the Commission, thank you for the work that you have done, for the work that you will do. It is an important task that you have taken on.

Over my many years in Arizona, too often I have heard not from people like us. We're all political activists, but from neighbors that have said: My vote doesn't count. It doesn't make any difference.

It is my hope that the results of your work will encourage as many Arizonans as possible to participate in the political process.

Democracy was never meant to be a spectator sport.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Gary Jordan, representing self. And the subject is redistricting.

(No one comes forward.)

CHAIRPERSON MATHIS: Okay.

Our next speaker is Terry Schwan, representing self. And the subject is process.

(No one comes forward.)

CHAIRPERSON MATHIS: Our next speaker is Henry Ola, representing self. And the subject is redistricting.

(No one comes forward.)
CHAIRPERSON MATHIS: And I may have mispronounced that. It may be Elka.

The next speaker is Catherine Kladis, representing self. And the subject is Redistricting Commission.

CATHERINE KLADIS: Madam Chair, Members of the Commission.

I want to thank you so much for allowing me to speak today.

You have an important job ahead of you and there's a lot of work to be done.

My name is Catherine Kladis, Catherine with a C, K-L-A-D-I-S, from Mesa, Arizona.

I live in a very non-competitive district.

I have been living here since 1985, long enough probably to be called a native.

And I have seen time after time, my vote not counting simply because of the non-competitiveness in our district because of the way the redistricting used to be, with politicians getting involved, and special interests. We had many lawsuits that were because of that.

An now we have a new open and transparent process.

My one worry when we started this process was that we would have politicians again sticking their nose into the process and gerrymandering the lines so that their seat in Congress or Legislature would be safe.
With the vote in 2000 for Proposition 106, the voters, through their vote, amended our State Constitution to get the politicians out of the process.

The Commission now follows set guidelines, six criteria. And by court ruling they have stated that not one of these is more important than the other.

This will bring competitiveness and diverseness to our districts.

Around 2007 I was on a committee, and I was asked to look at the different Commission's in the State of Arizona.

Through looking those different Commission's over, I found the redistricting committee to be the most fair, and the least partisan of all the committees.

Even the public is now able to get involved by going to your website and following the criteria, and participating and drawing the lines and submitting what they think the map should look like for your consideration.

And I applaud you for that.

Districts must be competitive.

I was going to speak mostly to this, but I think the attacks on the Chair and on the Commission itself are unwarranted and unnecessary. You are doing the job you were set out to do. It's a hard job. And following the criteria that has been set out for you.
If parties or special interest groups or political wings of parties started to interfere with the process, then I am afraid that you may be swayed by that and forget the criteria that has been set out for you to follow.

I urge you to continue the good work that you are doing. Stick by the six criteria, and please make our districts competitive.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Doreen Mauro, representing self. And at the subject is redistricting.

DOREEN MAURO: Thank you. Hello Chair Mathis and Commissioners.

My name is Doreen Mauro. I'm a voter and resident of Mesa, Arizona.

I'm also an Italian American, and also what is called a second generation immigrant. And my parents actually stopped at Ellis island -- excuse me -- my grandparents stopped at Ellis Island.

I'm here, again, as the Chairman mentioned, representing myself.

And I care about all individual voters.

This should be about not just where you're from, but that you have a voice in elections in Arizona. That's important to me that everybody have a voice.
In my opinion, political extremists, unfortunately, wish to disrupt this fair process, and draw voting districts that favor special interests.

But a fair redistricting process is mandated by the Arizona Constitution since voters approved Proposition 106 in 2000.

All Arizona voters should play an important part in our election outcomes.

Special interests don't seem to like that.

They have used gerrymandering to draw unfair voting districts.

That disenfranchises many, many voters.

But fair redistricting means that all Arizonans decide who governs the state.

I ask the Commissioners to hold fast to a fair, non-partisan, excuse me, non-partisan process and outcome, and to ensure that each Arizonan's vote counts.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is James Cook, representing self. And the subject is easy access to information.

JAMES COOK: James Cook from LD 26, down in Oro Valley, a couple hours away.

Thank you, the Commission, for this difficult job. And I'm very impressed with how all the speeches and intent
I seem to be fairness. I just hope that's the outcome.

Most of my concerns have been addressed already.

But I would like to mention that I am displeased to have to wait this long after the drive, couple hours each way and so forth, for the public comment.

I -- this is important to me. I want to hear what other people say, but as you can tell by the response, many of the people have left because they ran out of time.

So it's my displeasure with the Commission's decision to move the public comment section of the meeting from the beginning to the end of the meeting. This appears on the part of the Commission to dissuade and discourage any person who wishes to be heard.

Furthermore, it is discourteous to the folks who must make arrangements at the last minute to attend these meetings, and be expected to sit through the entire process with no idea what time they will be heard, and free to continue their personal lives.

So many well spoken positions today. I support most of them.

We'll know the results of what this Commission does when we see the turnout at elections.

Most people say there's no use going, the power structure will do what they want.

When it's all over, they'll fly home in their jets.
and the taxpayer will get another brick in their backpack. So I just encourage you to do the right thing.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Raquel Cook, representing self. And the subject is impartiality.


I have a matter that troubles me greatly, and I wish it wasn't an issue. But I must say what I have heard, upsets me.

I have in my hand a notarized legal copy of the application, including attachments, for the Independent Redistricting Commission filed on October 12th, 2010, by Colleen Mathis.

On the application there are 22 questions that are to be completely answered.

At this time, I refer to question number eight, which reads: "If your parents, siblings, spouse, or children, are employed or engaged in any business or profession, state by attachment their names and the name and address of their employer, or the business in which they are engaged.

Her answer to question eight listed only her brothers.

There was no mention of her husband, Christopher
Mathis, who was at the time of the filing of the document a paid employee of Democrat Nancy Young-Wrights' campaign for State House Representative for the 2010 election held on November 2nd, three weeks after Mrs. Mathis filed her application.

I now refer to question six, which asks: Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties if appointed to the Independent Redistricting Committee.

To which your answer was no.

Keeping in mind that Mrs. Mathis was appointed to the Commission as an Independent, I'm keeping in mind her failure to disclose her husband's job as campaign treasurer for Democrat Nancy Young-Wright.

I now refer to question number one, which asks: Are you committed to applying the provisions of the Arizona Constitution Article 4, Part Two, Section One, in an honest, independent, and impartial fashion? And to uphold the public confidence in the integrity of the redistricting process.

To which she answered yes.

With this answer, I must strongly disagree. And I put forward that Mrs. Mathis is, at the very least, guilty of failure to disclose, or at worse, lying by omission, and
has, in my opinion, she forfeited her right to serve as a Commissioner to the Redistricting Committee.

CHAIRPERSON MATHIS: Thank you.

Mary, Joe, can I respond to that now, or no? Because there's been lots of comments whether that was known. I don't know if this is appropriate or not.

JOSEPH KANEFIELD: Madam Chair -- the microphone is not working.

According to the open meeting law with respect to public comment, it says that at the conclusion of an open call to the public, individual members of the body may respond to criticism made by those who addressed the public body, if that answers your question.

CHAIRPERSON MATHIS: Thank you.

Moving on then, our next speaker is Emmett Bryan, representing self. And the subject is IRC.

(No one comes forward.)

CHAIRPERSON MATHIS: Our next speaker is Niles Dunnells, representing self. Subject, contracting conflict of interest, failure to disclose conflict of interest by Commission Chairman.

NILES DUNNELLS: Thank you.

My name is Niles Dunnells, N-I-L-E-S, D-U-N-N-E-L-L-S, representing the people of Arizona. I'm from Avondale, Arizona.
And I want to remind the Commission that the name of this Commission is the Arizona Independent Redistricting Commission. And I was saddened to hear that the contract for the mapping commission had been awarded. I know it had been a contentious issue, and as a number of people already stated, the company, and Mr. Strasma himself, have numerous ties to the Democratic National Committee.

Mr. Strasma is a trainer on the Democratic National Committee, which makes him a, actually, a strong Democrat himself.

The committee Chairman has failed to disclose that her husband was the treasurer for Nancy Young-Wright's re-election committee in LD 26.

So now we have, counting the mapping commissioner, or mapping committee member, four Democrats, two Republicans. We no longer have an independent committee. We have a Democrat Redistricting Commission. So the State is not being served with what it's suppose to have, an independent Commission.

While we're on the subject of redistricting, on that portion, I live in Avondale.

Avondale is in the district with Tucson. Does that make any sense?

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Bill Mitchell, representing
self and LD 4. Subject is need for transparency, fairness, 
and independence.

(No one comes forward.)

CHAIRPERSON MATHIS: Okay.

Our next speaker is Lyle McCurdy, Professor 
Emmeritus, representing self. And the subject is board 
activity.

LYLE McCURDY: Good afternoon, Madam Chair, 
Commissioners, and legal advisers.

My name is Lyle McCurdy, L-Y-L-E, M-C capital 
C-U-R-D-Y.

I represent myself. I'm from Marana, Arizona. 
And I'm a precinct committeeman in LD 25.

I recognize that your work is very important and 
highly partisan. The mapping outcome of the Commission will 
impact the State of Arizona, in my opinion, for years to 
come, and could even turn the State from conservative to 
liberal.

This could be a significant change of events for 
the State, and in my opinion, it could even affect the 
outcome perhaps of the national elections in 2012. 

Your work is exceedingly important. 

And it has to be unbiased. 

I used to live in Arizona about 25 years ago, and 
the state was solidly Republican at the time.
It seems to have changed significantly. If that is the will of the voters, then so be it.

But, this Commission should not be involved in helping the process along one way or the other.

To do its task properly, the Commission must be neutral in everything it does. The presumed bias in selecting the Strategic Telemetry is so blatantly obvious that I cannot figure out for a moment how this decision was made, especially when the company is known to be progressively left leaning. The two out of four split was up to Chairperson, the highest single vote, resulting in a three to five split along party lines.

From what I can tell, not one Republican voted for the company.

I think a four out of five vote could have been better or even 100 percent vote of all the Commissioners for a given company, no matter how difficult that would have been. At least votes would have been equal.

The way it looks now, it sure looks like the Commission is interested in nullifying the conservative vote in the State.

I think a formal investigation should be conducted.

Thank you.

God bless America and God bless Arizona.
CHAIRPERSON MATHIS: Thank you.

Our next speaker is Bill Roe, representing self. And the subject is fair and rapid process, if needed, it says.

BILL ROE: Good afternoon. Thank you.

I'm Bill Roe, R-O-E, from Tucson. And most everything has been said.

One thing that has only been commented on once is an enormous number of demands placed on staff.

I would urge you to think about bulking up staff very quickly.

I'm trying to figure out how many hours it would take to do all the things you've asked staff to do today, and it's literally impossible with the small staff you've got.

I think you need to expand that. You need to push immediately to get your PIO, and I agree that the website needs a lot of help.

I've just been looking at it, and it does need a website expert to look at it, and beef it up a little bit. It would help enormously with public access and transparency for the Commission.

But thank you very much for your work.

It is, as I told you last time, I could potentially have been there. I'm almost glad I'm not.
But keep up the good work, and remember that we need to end up with a final and fair result.

But also in fairness to Mr. Bladine, you really do need to find a way to get some more money and more staffing.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Philip Hettmansperger, representing self. And the subject is support of Commission.

PHILIP HETTMANSPERGER: Madam Chair and Commissioners.

My name is Philip Hettmansperger. I'm a 30-year resident of Arizona, and I've been a retired teacher, former Board member in the City of Chandler.

Also I'm a HOA Board of the treasurer.

I'm here to support your efforts, because you're obviously going to be maligned at times.

Independent people like me believe that every Arizonan deserves to have a choice for each elective office. You have the responsibility to ensure that democracy prevails with the unenviable task of drawing the district lines in the atmosphere of vitriolic, political rhetoric.

In 2001 the National Democratic Corporation was disqualified from the California redistricting process due to failures to disclose connection to the Rose Institute.
In 2002, our maps developed by the same organization were criticized by the Department of Justice for deleting minority votes.

I commend the leadership of the Chairman, and the Commission's wise decision to seek fresh counsel and mapping consultants.

As an independent minded Arizonan, I admire your efforts to ensure that Arizona will have districts that will not fail Department of Justice scrutiny or judicial challenges. The voters of Arizona will be thankful for your devotion to service and handling this complex responsibility.

Further, today's discussion led me to a query for you to think about.

What would be -- is there a need to identify public comments from persons outside of Arizona, who through social media may be commenting on what we're doing?

Or to avoid possibly undue outside influence.

Something just to consider, and maybe of import.

Thank you.

CHAIRPERSON MATHIS: Thank you.

VICE-CHAIR HERRERA: Thank you.

CHAIRPERSON MATHIS: Our next speaker is Jeffrey Rich, representing self. And the subject is Commission process.
JEFFREY RICH: Madam Chair, Commissioners.

My name is Jeffrey Rich, R-I-C-H. I'm from Avondale.

And I'd like to take this opportunity to thank the Commission, the staff, and the contractors, for all of your work.

This Commission has professionally discharged its duties. However, in place of respect and appreciation, this Commission has been met with unfounded allegations, threats of intimidation, threats of lawsuits, and emotional outbursts from groups who don't care for the agreed upon decisions that were achieved after detailed and appropriate deliberation.

As we've heard, the exercise is governed by U.S. Constitution, and the State Constitution. Additionally, the process was approved by the voters of this state.

As a citizen, I would expect everyone to respect those mandates, and again, I thank you for your efforts.

CHAIRPERSON MATHIS: Thank you.

Our next speaker, I believe she's spoken, is Margaret Gallagher? Is this a second?

MARGARET GALLAGHER: I did already.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Vera Anderson, title, community leader, representing self. Concerns that this is
truly independent.

VERA ANDERSON: Vera Anderson, LD 6, Precinct Committee-person, State Committee-person, Tea Party leader in Anthem.

And my concern, a lot of things have already been said, but I'm very concerned about what I see as a lot of conflict of interest. And I would ask that you be fair in your judgments. I'm very concerned about the mapping company and our Chairman. So if you would please consider those, thank you.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Richard Tracy, representing Arizona. Subject is free speech at issue.

RICHARD TRACY: Madam Chair, Members of the Council, I want to compliment you on a very well run meeting. I want to compliment the audience.

This is the kind of audience that should stay on until the meeting takes place.

I've gone to so many committee meetings where they want the comment at the first part of the meeting so those people can get out of the way and they can conduct business in private.

And that's what often happens.

We have a very limited free speech in Arizona.

Your task is probably greater than any other state that I
know of.

We have a county with about 45 percent of the population that has one court that was selected because it was convenient for the County Supervisors.

The Constitution refers to courts. And as you deliberate, think of the fact that in some of these communities a J.P. who may have been a coach at the high school and has never gone to law school, is the most important person in that particular community.

The courts should come into your consideration.

In Maricopa County we have judicial selection.

Half the people do not vote for either judge.

More than half vote for all the judges, and slightly less than half of that group vote against all judges, so judges and courts should be uppermost in your consideration.

I said free speech was to be my topic.

I'm complimenting the audience because they brought a lot of points that should be considered, but it's very important to recognize that some of our generation remember the Brown Shirts who disrupted meetings and took over Germany.

Whether they're brown or yellow, we want a group that comes and speaks and given an opportunity for the opposition to speak.
Thank you very much.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Bob Thomas, representing LD 15. The subject is fairness.

(No one comes forward.)

CHAIRPERSON MATHIS: Our next speaker is Russ Wittenburg, representing self. And the subject is background of all Commission members.

(No one comes forward.)

CHAIRPERSON MATHIS: Okay.

Next speaker is Michelle Melchiore. You can correct me when you get to the microphone. Representing self. And the subject is fairness in redistricting.

MICHELLE MELCHIORE: My name is Michelle Melchiore, and I am from Fountain Hills, actually.

And I wanted to say to all of you I really appreciate the process, and especially want to talk about the independent part of process, because my mother is an Independent.

And the thing about what I understood of her decisions to be that way, was that sometimes she voted for Democrats, sometimes she voted for Republicans, and sometimes she voted for people like Ross Perot.

So she made a distinction in why she choses to be an Independent.
And I think when we have a Commission and we ask the person at the helm of it to be that designation, then we can't really call them out on whether they voted for Democrats or Republicans or Libertarians or Green Party people.

So I really appreciate that we have someone at the helm that is in that way.

I also want to say that I just pulled up, because I'm kind of a nerd for numbers, of the registered voters according to April of 2011.

We have 1,707,124 Dems, we have 1,147,045 Republicans, and we have 1,030,500 Independents right now that are registered to vote in our state.

So I take offense at the gentleman that said this was a conservative state. I actually think this is a state of all kinds of folks.

I am a progressive and very happy that I can be in the room with people that identify with the Tea Party, and know that we can all vote. And that you guys have the opportunity, you guys, to give us districts where actually my voice means something, and also their voice means something.

Because I'm not right and they're wrong, and they're not wrong and I am right. But we just have different things that we hold dear.
One thing I know about all of us here right now is that we love the State of Arizona and we really really want the best for our families.

And we want our kids to go to school, and we want our people to be taken care of. And you guys have this sort of sacred trust to make that reality.

Now, I don't know very much about redistricting, but I did see a map that shows that possibility. Some for one side, some for the other, and a whole bunch of competitiveness.

And I just urge you, each one of you, to please look at that as the reality that you put forth for us in 2012, and you know what? Let's see who gets it. Let's go all up there and vote and have candidates, and whoever wins, wins.

Thank you very much.

(Applause.)

CHAIRPERSON MATHIS: Our next speaker is Carlos Galindo Elvira. Subject, fairness and adhering to the quorum process.

(No one comes forward.)

CHAIRPERSON MATHIS: Next speaker, Debbie Lee.

Title, Gold Star Mother, and representing Americas Mighty Women Warriors and Tea Party Express.

DEBBIE LEE: She got part of that right. I don't
know which part.

My name is Debbie Lee, spelled D-E-B-B-I-E, L-E-E, and I'm a Gold Star Mother. I'm the president and founder of America's Mighty Warriors, and also a national speaker for the Tea Party Express.

I'm probably a little different than everybody else in the room today, in that my passion is derived from my son, Mark Allen Lee, who was the first Navy Seal killed in Iraq.

That young man willing gave up his life for the freedoms that we enjoy each and every day in America.

He stood up in the direct line of fire three different times that day, and gave his life away to save his buddy. And he did that for the freedoms that each one of you enjoy and that everyone in America. He didn't do it for the Independents, he didn't do it for the Democrats, he didn't do it for the Republicans. He did it for America, and I am so proud of him.

My concern today is that this is not an independent process.

Madam Chair, I agree with the others that have spoke today, that you have a conflict of interest. You have lied on your application, and I feel that you need to resign from your position so we can keep this independent.

I also have concern with the mapping company,
their past affiliation. As I said, this is not independent. This is not Democratic. This is not a Republican thing. This is to make sure that the process in this state that my son invested his life for is carried out and is done in a fair and balanced way.

I do not believe, according to our Constitution, that it's being done honestly and independently.

And I charge each one of you to look within yourself, and make the choice that's best for America.

As we were sitting here today, I received notification on my phone of two more troops that we lost in Iraq and Afghanistan today, just while we're here in this meeting today.

Our men and women are willing to give their lives for the freedom that we have, and on my watch, I'm going for make sure that those freedoms are not taken away from us by our government.

I'm from Surprise, Arizona.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Patrice Kraus, Intergovernmental Affairs Coordinator for the City of Chandler. The subject is meeting locations.

PATRICE KRAUS: Madam Chair and Members of the Committee.

For the record, my name is Patrice Kraus,

And I am here on behalf of the City of Chandler today.

I want to talk a little bit about logistics.

It's very hard to get into the meeting room. It's very hard to watch these meetings on the web.

I know your staff is working very hard.

One thing that worked enormously well in the last redistricting, is the Commission decided on one location.

And it was a hotel off of I-10.

It was easy to get to.

Everybody knew where it was.

You know, a lot of groupies that came to all of the meetings.

It had a lot of access for computers, and you could sit out in the lobby if they were talking about things that you weren't particularly interested in.

But the thing about it was everybody knew where it was. So it's easy to get to. You figured out the parking. You figured all of this stuff out.

At future meetings I'll be talking about more important things like my community of interest, the City of Chandler, and how important this process is to us.

But I just urge you, I don't care if the meeting is in Tucson every time, other than those public hearings...
that you're going to hold around the state, I would just
urge you to have one place, big enough for everybody to get
into, comfortable for everybody to stay, to watch the
process.

Thank you very much.

CHAIRPERSON MATHIS: Thank you.

Our next speaker is Richard Travis from the City
of Flagstaff. Subject, community hearing in Flagstaff.

RICHARD TRAVIS: Good afternoon.

Richard Travis, representing the City of
Flagstaff.

Madam Chair, Commissioners, and staff, the City of
Flagstaff would like to host, at a minimum, a community
hearing in Flagstaff.

We believe it's important to give the people of
northern Arizona an opportunity to participate in the
process and have their voice heard.

It will also give the opportunity for several
large Native American communities to participate in the
process.

Thank you.

CHAIRPERSON MATHIS: Thank you.

Our last speaker, unless I get some more, is Diane
Landis. Title, City Councilman, representing self. And the
subject is incumbents.
DIANE LANDIS: Thank you very much.

I'm also a LD 12 PC, and my family has been here -- came here over 130 years ago, so I think we have a great state, I love our country, and what a wonderful place where we can come and speak our mind. And thank you for that, and thank you for your service.

First of all, I'm very disappointed with the mapping consultant. I just want you to know that.

Secondly, I ask you to please be honorable, as required. Please do not take the incumbents' residences into account.

I know there's some concern about that, so I ask you to please be true to that.

And thank you again for what you're doing.

CHAIRPERSON MATHIS: Thank you.

CHAIRPERSON MATHIS: I might just read through those folks that didn't come up in case they're in the room now.

Carlos Galindo Elvira.
Russ Wittenburg.
Bob Thomas.
Bill Mitchell.
Emmett Bryan.
Henry Ola.
Terry Schwan.
Gary Jordan.
Robert Weeks.
Nathan Arrowsmith.
Wes Harris.
Tony Sissons.
David McCallen.
Ken Clark.
And Jack Harper.
And that is the extent of the public comment slips.

Is it okay if I give a few remarks now to respond to the criticism.

MARY O'GRADY: Yes, you may respond to criticism.

But, again, the limit at this time are responding to criticism, asking staff to review a matter or asking that it be placed on future agendas.

CHAIRPERSON MATHIS: It was pointed out to me last night actually, by our legal counsel, that on my application, as some of you have pointed out, there was an omission. And it's my fault.

And that is on, regarding question number eight: If your parents, siblings, spouse, or children are employed or engaged in any business or profession, state by attachment their names and the name and address of their employer or the business in which they are engaged.
And I would be happy to correct this by amendment, if that's possible to do.

I completely did not see this item spouse, which was the third one in.

My parents are in their '80s, so I didn't include them. They're not working anymore.

My siblings, two brothers. I have two sisters but they're not employed.

And then, I have a spouse. And I neglected to indicate that he is an attorney. His office is a law office of Christopher H. Mathis. If you Google that, you will find him on that application.

His name is listed on the application.

I did manage to get that right.

Spouses name, Christopher Haley Mathis is on line 2 of the application.

And, but I did not indicate that he is an attorney in private practice as a solo practitioner.

And I will look to legal counsel to help me, if it's possible, to make that amendment, and I apologize for that omission.

It was not a lie or anything that I was trying to hide.

I've been pretty forthright about my husband.

He's actually with me today. He's been with me pretty much
at all these meetings.

And I think it's fair to address this issue that he is a Democrat. So I prepared a few remarks that I hope you'll just listen to.

I know the facts are often beside the point in these things, but I did want to address this.

It is true, he is now a Democrat.

It is also true that he served as treasurer in a recent State House campaign.

He is 43 years old. To the best of his recollection, from the time he was 18 until the time he was 40, he was a registered Republican.

And if he could have registered as a Republican before that, he would have.

Some of his earliest memories are from 1972 when his grandfather ran for Governor of Illinois as a Republican, and self-proclaimed Ronald Reagan conservative, against the incumbent Republican who he felt was taxing too much and spending too much.

He lost, but given the fate of so many Illinois governors, that may have been just as well.

And aside from being a Republican for nearly all his life, my husband worked in Congress with Bob Michaels, the former Republican Leader of the House of Representatives, and Chuck Hagel, the former Republican
Senator from Nebraska.

He also worked for a conservative member of the British Parliament.

Both of us attended the 1988 Republican National Convention in New Orleans, where George H. W. Bush and Quail were nominated. And we both attended George W. Bush and Dick Cheney's inauguration in Washington, and watched the inaugural parade from the offices of Baker Botts, former Secretary of State, Jim Baker's law firm.

The best man at our wedding and his wife are both fairly distinguished members of the Federal Society. So is the Republican U. S. Supreme Court Justices Rehnquist and Kennedy, and they both held very high ranking positions in the Bush Administration.

I mention all this because I think it's important to have a full picture.

And if guilt by association is the idea, as it seems to be for some, then Democrats should perhaps be more uncomfortable with me than the Republicans.

As to my application, I did not view any of this history as a conflict. And while I mentioned my husband on line two, but did not mention that he's a lawyer elsewhere, I will remedy that situation via amendment, if that's allowed.

I'd also like to say a bit how I've approached our
three major staffing decisions. Those being for Executive
Director, legal counsel, and mapping consultant.

I've approached each one individually and solely
on the merits and on the basis of which candidate I thought
would best serve this Commission.

My role is not of an umpire or tie breaker. I am
an Independent who represents the Independent voice in the
state, and I am a moderate.

The major difference between me and the
Republicans and Democrats on this Commission is that there's
only one of me and there are two each of them.

And that is by design, since the Constitution
effectively limits the number of Republicans and Democrats
to two each.

The fifth members of this Commission could be a
member of the Libertarian party or the Green Party or any
other party besides the Republicans or the Democrats.

I happen to be a registered Independent.

The main constitutional significance of that, for
the purposes of serving on this Commission, is that I'm not
a registered Republican or Democrat.

It's not that Democrats and Republicans get to
have an opinion and I don't.

I fully realize that whatever vote I make is
viewed as, after the fact, as siding with one party or the
As I approach each decision, that is absolutely not how I view it. If I did, and I voted on the basis of score keeping, or how my vote would look to partisans on one side or the other, I would not be giving the people of Arizona my best judgment.

I make each decision based on the facts in front of me.

Thank you.

(Applause.)

MARY O'GRADY: No clapping, please.

Thank you.

CHAIRPERSON MATHIS: Unless there's any other items, did any other Commissioners want to respond to criticism today?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Commissioner Freeman.

VICE-CHAIR FREEMAN: I'd like to both respond to some criticism and suggest a future agenda item, which, I believe, I can do both of those.

There is some criticism leveled today at the Commission's selection of the mapping consultant. We heard criticism at our June 30th hearing as well. We did again today.

And I think there is a justifiable concern out
there that needs to be acknowledged.

And I know we've debated -- the Commission debated this at length, and there was a vote. It was a 3-2 vote in favor of retaining Strategic Telemetry, and they are our mapping consultants.

The vote was to authorize our Executive Director to enter into negotiations with them.

And this is something that I mention, that I was hoping we could have an agenda item for today's hearing that would allow the Commission the opportunity to weigh in and have comment, perhaps take action, on specific terms of that contract.

Now, over the weekend I was on vacation, and our Executive Director called me, and did not mean to intrude, and I didn't take it as an intrusion about that. But he ran some of those terms by me, and I was really -- in the position I was in, I couldn't respond to him, given that I had two small kids running around in front of me.

But what I did, what I was able to take away from the conversation, was that there were some constructive terms that were offered.

But I hoped to talk with him more on Tuesday.

As it turns out, I was traveling on Tuesday, so I sent him an e-mail that morning, again urging that we put this on today's agenda. This being an opportunity for the
Commission to be heard and take action on the Strategic Telemetry contract.

I was out of touch for most of the day Tuesday traveling, and I learned later that night that we had entered the contract.

Now, one of the terms addresses where the maps will be drawn, and they will be drawn in Arizona, with support from Strategic Telemetry’s other offices.

I think that's constructive.

I would, if I were to raise that, and if we were to discuss that in a future hearing, I would like to know what is meant by support by other offices.

But I think there are other things that perhaps we can do to at least attempt to allay some public concern. And we may not be able to eliminate it.

Of course, I was outvoted three to two.

I would like to re-visit the whole decision with no disrespect intended.

But perhaps there are ways to, given Strategic Telemetry's involvement with Democratic entities, we could approach them, and they might want to do this, but offer to discontinue working for those entities during the term of this contract.

Or coming from a legal background that I do, when law firms acquire -- hire new lawyers from other firms, they
run what's called a conflict check. They look at what other cases that new lawyer has worked on for the other law firm. Sometimes the conflicts cannot be reconciled and the lawyer can't be hired.

Other times the lawyer can be hired. But there's kind of an archaic term that's used to describe this. It's called erecting a Chinese wall. And, basically, what that means is a memorandum is sent out to all the lawyers in the firm that says we're hiring this new lawyer. They've worked on this other matter that may be in conflict with some of our clients' interest.

Nobody talk to them about that.

Now, perhaps we could have an agenda item to discuss that. Maybe we could erect such a wall with Strategic Telemetry, so that the team members don't have interaction with other members of the company that do work for these other Democratic organizations. That there isn't information or maps which would be a concern being changing hands.

Like I said, I don't think that would completely address the concerns, specific concerns that were raised today, but I think it's a worthwhile thing for the Commission to discuss.

So that's my response to today's criticism and my request again for a future agenda item on that matter.
CHAIRPERSON MATHIS: Okay.

Other comments?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

VICE-CHAIR HERRERA: You know, I can thank the audience for sticking around.

I think somebody made a comment about the rationale or the benefit of having comments at the end, where -- whether it be a Commission or a Board or a counsel, gets the business of public comments out of the way then they can go on their own and proceed with a meeting with the majority of the people leaving because they already made their comments. So I like the idea of having comments at the end.

I think the people that stayed around learned something, as well as we did from them, so I applaud those people that stuck around.

I applaud the differences in opinion. I think they were very respectful this time around. I appreciate that.

A big difference from the last time.

So I thank the audience. Very passionate.

And I also want to address some of the comments that were said recently.

The issue with Strategic having other clients,
it's not an issue for me.

If the tables were turned and it was NDC, we would not be asking NDC to give up their clients that we felt would have a conflict of interest. That would not be brought up.

They have money to make. They're business people. If they get hired by Michelle Bachman to run her campaign, I have a feeling you would take that money. I have no doubt. And that wouldn't bother me, if they were running Michelle Bachman's campaign or some other conservative. That has no bearing in Arizona, even if they're working on it, it has no bearing what's going on here. So I want us to respect the work that they're doing.

It doesn't affect us. And I don't think it will. This is a professional organization.

Although they weren't my first choice, I said this before, they were our second choice.

And the reason they came to be one of four, we all agreed on the four that we were going to move forward, and there was seven that applied, if I remember correctly. And we all agreed, all of us. I don't think anyone disagreed on the four we were going to move forward.

And there was three that had Democratic leanings and one that had a Republican leaning.
I mean, I'm not a mathematician, but you're going to end up probably with a Democrat leaning company based on the numbers.

I don't know who did the leg work encouraging firms to apply, but you, if you have anybody to blame, meaning the Tea Party members or people that are dissatisfied with the selection, blame the Republican Party and the leaders of the Republican Party for not doing their job. They didn't ask enough people to apply. It was NDC that applied, and only NDC that had Republican leanings.

We did our job by vetting all four of them. And they came out on top.

So I hope we can move forward and agree to disagree respectfully, but they're not a boogie man.

The word progressive, liberals have thrown around like it's a bad word.

And I said this to friends, that I hope in my lifetime that that word will be a word just like conservative. I don't look at it as a bad word. It's like being called a conservative. I love being called a liberal and proud of it, because that's what I am.

That's all I wanted to say.

CHAIRPERSON MATHIS: Other comments.

VICE-CHAIR FREEMAN: I just wanted to expand my to comments, not respond to Commissioner Herrera.
I made my comments earlier because I respect the Chair's role, constitutional role, to be fair and bring political balance to this Commission.

Because as the Chair mentioned, the Chair could be a member of a different party. Someone other than -- could be a Libertarian, could be a Green Party member. The constitutional role is to bring political balance.

So I'm making that response and request for an action item to, I think, help the Chair, and help the Chair fulfill her role. And that is there's a big perception that the Commission right now, I feel, is tilting in one direction. Perhaps there are constructive things that we could do to try to balance it out.

CHAIRPERSON MATHIS: I'm very open to that, to constructive ideas.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Mr. Stertz.

COMMISSIONER STERTZ: As a response to potential criticism and comments that have been made earlier, there was certain comments made about transparency and openness.

I feel saddened that, by the choice of the Chair, that there is a stack of individuals that were not able to, by virtue of their schedule, not able to give their testimony today, and not having the willingness to take a portion at the beginning of this meeting to give that
testimony.

Second, the concern that I have that I heard also about the transparency of documents, I welcome everyone to visit the AZredistricting.org website.

The proposals of each one of the applicants for the mapping consultants are posted, as well as the contract for the mapping consultant is posted.

I'm going to -- will also -- we also know that the scoring documents of the Commissioners' individual scoring documents are now part of the public record.

And I am going to encourage that we also extend backwards and say that in a statement of transparency regarding legal counsel, that we also post the applications for legal counsel, and scoring for legal counsel, in an open and transparent fashion as well.

So that our -- the public's viewing of this, they can have a clear and concise understanding of what the Commission was asked to review, how they were reviewed, and what the actual scoring was for each one of those individuals.

And thank you very much Commissioner for your indulgence.

CHAIRPERSON MATHIS: Okay.

Anything else?

(No oral response.)
CHAIRPERSON MATHIS: Okay. I think that's the last item on the agenda. Yes.

The time is 3:00 p.m. and I declare this meeting adjourned.

(Whereupon, the meeting adjourned.)

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

BE IT KNOWN that the foregoing proceeding was
taken before me, Marty Herder, a Certified Court Reporter,
CCR No. 50162, State of Arizona; that the foregoing 220
pages constitute a true and accurate transcript of all
proceedings had upon the taking of said meeting, all done to
the best of my skill and ability.

DATED at Chandler, Arizona, this 22nd day of July, 2011.

__________________________________________
C. Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162