

**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

Reported By:  
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P R O C E E D I N G S

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

1 Kanefield and Mary O'Grady, our Executive Director Ray  
2 Bladine, and our mapping consultants Ken Strasma and Andrew  
3 Drechsler.

4 Thank you all for being here.

5 VICE-CHAIR FREEMAN: Madam Chair.

6 CHAIRPERSON MATHIS: Yes, Mr. Freeman.

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

14 I would suggest that maybe we take agenda item  
15 nine, which is the call for public comment, at least perhaps  
16 60 minutes worth, and maybe get as many comments as we can  
17 within the next 60 minutes, and then we can return to it at  
18 the end of the agenda as it's laid out, and capture the rest  
19 of the public comment. I don't know if I need to do that by  
20 motion or draft. That's the Chair's discretion. I'll  
21 direct that question to counsel.

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

24 (Vice-Chair Herrera enters.)

25 CHAIRPERSON MATHIS: Did anyone else have

1 discussion on that item, comments?

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

4 I appreciate your suggestion.

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

11 COMMISSIONER STERTZ: Madam Chair.

12 CHAIRPERSON MATHIS: Yes, Mr. Stertz.

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

19 If you would be able to cap that at a one-hour  
20 period, it would at least give the opportunity to give some  
21 relief. And for people that have got schedules that might  
22 have scheduled their day around being able to come,  
23 typically, for the rest -- even though this was a 48-hour  
24 posting of these -- of the agenda for today, typically our  
25 meetings have opened in the order that we currently have

1 had, and then went right into public comment.

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

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

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

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

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

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

23 It's a good agenda.

24 CHAIRPERSON MATHIS: Okay. Any other comments?

25 COMMISSIONER STERTZ: Madam Chair, will it be

1 typical that we will no longer have public comment at the  
2 beginning of any of our open sessions?

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

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

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

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

23 CHAIRPERSON MATHIS: It kind of depends on how far  
24 we get, and what time it is, and when we have to exit the  
25 room. But, if we get to the point where there's two hours

1 left in the day, and there's time for public comment, we'll  
2 look through the slips and kind of figure out if everyone is  
3 talking about the same one or are there some that, you know,  
4 could speak on behalf of a group of people, for instance.

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

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

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

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

21 RAY BLADINE: Madam Chair.

22 CHAIRPERSON MATHIS: Mr. Bladine.

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

25 Later on the agenda. there is an item that talks

1 about how we will receive information.

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

6 COMMISSIONER STERTZ: Madam Chair.

7 CHAIRPERSON MATHIS: Mr. Stertz.

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

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

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

17 COMMISSIONER STERTZ: Okay.

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

23 CHAIRPERSON MATHIS: I agree.

24 (Applause.)

25 VICE-CHAIR HERRERA: Before we begin, and I remind

1 the people that were in the Tucson meeting, that, you know,  
2 that the hissing, the laughing, when it's not appropriate,  
3 it really -- I would discourage that.

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

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

11 CHAIRPERSON MATHIS: Any other comments before we  
12 start?

13 VICE-CHAIR FREEMAN: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Freeman.

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

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

1 CHAIRPERSON MATHIS: Okay. Fair enough.

2 Other comments?

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

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

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

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

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

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

1 deliberations.

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

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

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

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

10           I apologize.

11           The last thing I will say.

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

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

22           Then I'm going to get into the redistricting  
23 process, the four phases of redistricting as characterized  
24 by the Arizona Court of Appeals that you're about to embark  
25 upon. Part of that discussion will involve the one person,

1 one vote rule, and then I will then talk about the scope of  
2 judicial review, should any of your plans be challenged.  
3 And then I'll cover gerrymandering, a hot topic with respect  
4 to redistricting, both in terms of racial and political.

5 I'll then turn it over to Mary.

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

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

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

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

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

24 No more than two of you can be from the same --  
25 affiliated with the same political party, and the fifth

1 Commissioner and Chair may not be registered with any party  
2 represented -- already represented by one of the other four  
3 Commission members.

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

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

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

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

19           I need my morning coffee bolt.

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

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

24           The four-phase process that is set forth by the  
25 Court of Appeal in interpreting the Arizona Constitution, is

1 to create a grid, adjust the grid, advertise the map, and  
2 then certify the lines.

3 I'll go through each one of those processes.

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

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

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

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

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

18 There's a little bit of a different standard for  
19 Congressional versus Legislative, and that's because  
20 Congressional Districts must comply with Article 1,  
21 Section 2 of the United States Constitution, as nearly as  
22 practicable, to the Arizona Constitution. What that means  
23 is to ensure there's almost equal population in each  
24 district with very little variance between the districts  
25 themselves.

1           And any variance would have to be justified by  
2 very high -- be held to a very high standard to establish  
3 why there is a variance.

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

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

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

25           During phase two, this is when you will adjust the

1 grid to accommodate the six goals set forth in the  
2 Constitution. And those goals are as follows:

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

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

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

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

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

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

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

24           Finally, the six goal competitiveness, to the  
25 extent practicable, competitive districts should be favored

1 where to do so would create no significant detriment to the  
2 other goals.

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

10           Next phase is the actual advertising of the map.

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

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

20           Finally, in phase four, is establishing the final  
21 boundaries. After the public comment period is ended, the  
22 Commission shall establish the final district boundaries.  
23 It will then certify them to the Arizona Secretary of  
24 State's office, and then the process of -- the counsel will  
25 begin the process of preparing an application for

1 pre-clearance. Again, Mary will cover that with the  
2 Department of Justice.

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

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

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

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

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

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

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

25 The court will ask if the party challenging the

1 district, the districting plan, has demonstrated that no  
2 reasonable redistricting Commission could have adopted the  
3 redistricting plan at issue.

4           So it's a reasonable person standard.

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

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

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

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

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

1 process.

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

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

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

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

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

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

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

24           And the court will want to know that you undertook  
25 this process.

1           Let me speak quickly to the competitiveness,  
2 because I know there has been questions raised about the  
3 meaning of the sixth factor, which is competitiveness, and  
4 that was an issue that was debated in the courts during the  
5 last round.

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

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

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

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

22           So that again is telling us that the court is  
23 going to be very differential to you in deciding how you  
24 choose to define competitiveness. And there's different  
25 ways to do it.

1           The last Commission had used two or three methods,  
2 different methodologies, including a computer analysis, as  
3 well as analyzing certain past election raises.

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

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

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

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

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

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

23           And it will, frankly, also assist the Commission  
24 and your counsel in preparing your pre-clearance submission  
25 which is a whole other set of analysis.

1           So, continuing with scope of judicial review, I'll  
2 make one last note before I transition to the next topic of  
3 gerrymandering.

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

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

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

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

22           So, transitioning on to gerrymandering, I'm going  
23 to cover briefly racial gerrymandering and partisan  
24 gerrymandering. There are two different issues that come up  
25 with respect to it, and what this means in terms of a legal

1 challenge.

2           Racial gerrymandering is defined as a deliberate  
3 and arbitrary distortion of district boundaries for racial  
4 purposes. Deliberate, arbitrary distortion for district  
5 boundaries for racial purposes.

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

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

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

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

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

21           The plaintiff must prove that the plan was  
22 racially gerrymandered, and if proved, the court will  
23 determine whether there was a compelling government interest  
24 and whether the district was narrowly drawn to achieve that  
25 interest.

1           It's not that its impermissible, but the court is  
2 going to take a very close look at districts and want to ask  
3 questions about, like, was the distinction between being  
4 aware of race and being motivated by race, was race the  
5 predominant factor?

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

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

11           The testimony and correspondence considered by the  
12 Commission.

13           And then the nature of the data used.

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

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

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

24           Partisan gerrymander, political gerrymandering,  
25 this is the practice of dividing a geographical area into

1 electoral districts of highly irregular shape to give one  
2 political party an unfair advantage by diluting the opposing  
3 political party's strength.

4 I didn't make that up.

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

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

12 When the courts review these cases, the United  
13 States Supreme Court has struggled with these cases.

14 They have tried to decide whether these cases are  
15 what we call justiciable, meaning can the court resolve a  
16 case involving an allegation that a district has been  
17 unfairly gerrymandered for partisan purposes. And what are  
18 the standards that the court's going to apply in making that  
19 determination.

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

23 That opened the door for challenges to be made on  
24 these grounds, and allowed the courts to hear and rule on  
25 these claims that a race -- that a redistricting plan

1 impermissibly discriminates against a political party.

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

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

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

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

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

19 In 2004, the case -- the issue got back to the  
20 U.S. Supreme Court in a case called Vieth v. Jubelirer. A  
21 lot of us election law geeks were watching that case  
22 closely, wondering what the court would do with the  
23 different Justices, and there was some thought that the  
24 court might just strike the -- overrule the prior case of  
25 Davis versus Bandermere, but it didn't.

1           It revisited the issue of what the standard should  
2 be in partisan gerrymandering cases. But again it was  
3 unable to settle on a working standard. Four of the nine  
4 Justices indicated that because no judicial discernable and  
5 manageable standard for adjudicating these claims exempt,  
6 that they would have overruled *Bandermere*, and held these  
7 claims to be not justiciable. On the U.S. Supreme Court  
8 there are nine Justices and you need five. Only four said  
9 that, but there are four that would have struck it down.

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

15           So it still exists. It still can be made.

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

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

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

25           At this point I will conclude my overview, and I

1 think I'll turn it over for Mary to pick it up with the  
2 Voting Rights Act.

3 CHAIRPERSON MATHIS: Joe, can I ask a question?

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

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

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

19 COMMISSIONER STERTZ: Madam Chair.

20 I do have a question for Mr. Kanefield.

21 Mr. Kanefield, in regard to your clarification of  
22 the 2009 Arizona Supreme Court decision regarding  
23 competitiveness, you had, am I clear, am I clear in my  
24 understanding that they simply reinforced through their  
25 opinion the language as it currently exists in the

1 Constitution; is that correct?

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

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

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

14 JOSEPH KANEFIELD: You're correct.

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

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

25 End quote.

1 COMMISSIONER STERTZ: Thank you.

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

4 CHAIRPERSON MATHIS: Any other questions?

5 Okay.

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

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

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

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

21 There's a litigation oriented process through the  
22 District Court in D.C., but the typical process and the one  
23 that I'll focus on is a pre-clearance administrative process  
24 through the Department of Justice. So where the United  
25 States Attorney General, and actually he delegated that

1 authority to the voting section of the Civil Rights  
2 Division, they make the decision in terms of whether a plan  
3 will be pre-cleared.

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

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

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

17           Now, how do we go about proving this?

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

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

24           So we'll do the analysis of the new plans and  
25 compare them to our benchmark, which will be the plans that

1 DOJ pre-cleared for the last decade that have been used  
2 since their pre-clearance.

3           So that's what the analysis will focus on.

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

7           Now, in terms of that discriminatory effect.

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

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

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

20           So they'll look at the justifications for the for  
21 the change, they'll look at whether we gave members of  
22 racial language minority groups an opportunity to  
23 participate in the decision-making process. They'll look at  
24 the extent to which the Commission considers and take their  
25 concerns into account in making the changes that they make.

1           They'll also look at, again, the extent to which  
2 you follow objective guidelines.

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

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

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

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

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

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

23           They'll look at the alternative plans, and the  
24 differential standard that Joe described, that applies to  
25 the judicial review of our State constitutional standard,

1 really doesn't apply when the IRC has the burden of proof in  
2 front of DOJ.

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

6 Let me see.

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

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

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

16 So what's the process?

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

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

22 And, so, really the process has started.

23 When the Department of Justice starts looking at  
24 the work, is when we'll prepare, Joe and I, we'll work to  
25 prepare a submission.

1           We'll do a submission for the legislative plan,  
2 and a submission for the congressional plan, once this group  
3 approves the final maps.

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

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

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

14           They don't just take our word for it.

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

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

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

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

25           Again, and there focus is, particularly, things

1 focused on the interest of the Voting Rights Act, and the  
2 rights of minority voters that come into play.

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

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

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

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

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

23           That's a very common part of the process.

24           We also -- part of it is that the Commission has  
25 to make submissions publicly available. And provide notice

1 to folks that it's publicly available for review so anyone  
2 has an opportunity to look at the submission, because the  
3 DOJ will also accept comments from anyone interested in this  
4 process.

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

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

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

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

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

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

21           They can, however, that time can be extended. And  
22 we saw that in Arizona's submissions last decade and the  
23 decade before, actually. That can be extended by a written  
24 request for supplemental information, where they look at  
25 your -- they're not persuaded yet that the State has

1 satisfied its burden of proof. They have questions.

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

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

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

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

21           And my experience has been they'll typically give  
22 you a chance, through a request for supplemental  
23 information, to satisfy your burden of proof before just,  
24 you know, entering an objection without giving you that  
25 opportunity.

1           In addition to the written request for  
2 supplemental information that do extend the time, they often  
3 will make phone calls, and that don't -- and those oral  
4 requests for additional information don't extend the time,  
5 just asking for clarification or asking for sometimes  
6 contacts, if they want a contact that we don't have, who can  
7 explain a certain change to them.

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

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

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

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

24           So that's an overview of what's ahead in terms of  
25 Section 5.

1           Section 2, it is also, again, protects minority  
2 voting rights. Makes sure that -- makes sure that any laws  
3 that are enacted don't abridge the rights of minority  
4 voters.

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

9           It doesn't foreclose litigation under Section 2.

10          And there again, looking to make sure that our  
11 political processes are equally open to everyone, regardless  
12 of race or language.

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

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

23          When you meet the threshold test, there's a  
24 threshold Section 2 claim, but you still need to look at the  
25 totality of circumstances to figure out whether this plan

1 really does have the effect of giving minority voters less  
2 opportunity to participate in the political process and  
3 again elect a candidate of their choice.

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

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

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

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

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

22           So we need to be aware of those as well.

23           I note we do have, as some of you may be aware, a  
24 State constitutional requirement for official English, and  
25 requires official actions be taken in English. But the

1 analysis is, obviously, it doesn't. It explicitly does not  
2 and could not, as a matter of legal principles, have any  
3 effect on our obligations under Federal law to comply with  
4 these language assistance requirements.

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

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

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

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

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

22 CHAIRPERSON MATHIS: Go ahead, Mr. Freeman.

23 VICE-CHAIR FREEMAN: I had a couple questions.

24 Thank you for that presentation.

25 I know it was from 10,000 feet.

1 I've dipped my toe into these waters and it's  
2 really complicated, and I appreciate your help with this.

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

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

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

15 MARY O'GRADY: Well, the reasons I focus on the  
16 administrative process is because that is the typical route.

17 But I want to make it clear there is another  
18 route, and I suggest that that might be one of those  
19 downstream issues when we're farther along that we can vet  
20 more thoroughly.

21 The different is, the burden of proof is the same.  
22 The State has the burden of proof that we've met the Section  
23 5 obligations.

24 It's positioned differently because there we're in  
25 an adversarial proceeding with DOJ on the other side,

1 instead of the administrative where they're not on the other  
2 side. You have the judge, rather than DOJ's voting section  
3 folks.

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

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

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

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

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

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

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

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

1 districts.

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

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

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

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

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

20           VICE-CHAIR FREEMAN: Sure. Thank you.

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

24           Any other comments?

25           COMMISSIONER STERTZ: Madam Chair.

1           CHAIRPERSON MATHIS: Mr. Stertz.

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

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

9           Am I interpreting that correctly?

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

14          Now, frankly, I haven't traced that thread from  
15 '65 to all the subsequent amendments, but certainly the law  
16 as we are concerned about it, is, you know, it covers any  
17 change that affects voting. And certainly redistricting is  
18 squarely and undeniably affects voting.

19          It's at the heart of the concern.

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

25          So it's at the heart of what the Voting Rights

1 Act, the harms that the Voting Rights Act is intended to  
2 prevent.

3 I don't know if that's responsive.

4 COMMISSIONER STERTZ: It's on the right track.

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

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

13 COMMISSIONER STERTZ: Including Arizona?

14 MARY O'GRADY: That's correct.

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

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

25 There has been some history of DOJ compliance

1 orders in some counties, if that's what you're referring to,  
2 like Navajo, Apache County.

3 And we--

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

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

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

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

20 COMMISSIONER STERTZ: Thank you.

21 CHAIRPERSON MATHIS: Comments from anyone else?

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

25 People had requested a review on open meeting law.

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

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

14           So we have to post meetings.

15           State law is 24-hour notice.

16           We give a 48-hour notice by the Constitution.

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

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

24           So in drafting the agendas, we do try to work with  
25 staff to make sure that the Commission's business can be

1 accomplished, you know, within the parameters of what's  
2 expressed in the agenda.

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

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

15           No meetings can occur unless it's properly  
16 noticed.

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

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

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

1 meeting law.

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

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

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

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

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

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

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

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

24 Terms of the other aspects of the open meeting  
25 law, obviously the purpose is to make sure -- ensure

1 transparency that the public's business is done in public,  
2 and that people have a right to the open meeting law  
3 permits, all persons so desiring to attend and listen to  
4 deliberations and proceeding of a public body.

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

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

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

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

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

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

21           You can have public comment on agenda specific  
22 items, and then the open meeting law has a specific  
23 provision that permits the -- in the public body's  
24 discretion, there can be what is an open call, which is what  
25 this body has chosen to do, where people can talk about any

1 issue, generally related to the Commission's business, but  
2 it doesn't have to be on a specific agenda item.

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

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

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

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

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

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

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

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

23           There are drafts like when we have draft agendas.  
24 When you have the final agenda you can get rid of your  
25 drafts and that sort of thing.

1           But the official, the public records have to --  
2 all that retention is done pursuant to State law, pursuant  
3 to established retention schedules, and then when we get  
4 requests for public records, as we've also had experience  
5 with, it's staffs obligation to follow up with them  
6 promptly, to provide that information, because we need to  
7 make the information available for inspection or copying.

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

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

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

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

25           CHAIRPERSON MATHIS: I have a quick one.

1           Saturdays, and whether that counts in the 48-hour  
2 notice.

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

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

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

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

15           CHAIRPERSON MATHIS: Thank you.

16           COMMISSIONER STERTZ: Madam Chair.

17           CHAIRPERSON MATHIS: Mr. Stertz.

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

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

23           More typically, complaints are filed with the  
24 Attorney General's Office, although County Attorneys also  
25 have jurisdiction over open meeting law complaints.

1           The Attorney General's Office has a tradition of  
2 handling these statewide through what's called their open  
3 meeting law enforcement team, and the sanctions, if there is  
4 a violation, the statutes provide a wide range of sanctions.

5           Action taken at that meeting may be null and void  
6 if there's an open meeting law violation.

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

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

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

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

19           But they can include removal from office.

20           COMMISSIONER STERTZ: Madam Chair, I want to  
21 compliment both counsels on putting together a terrific  
22 package here, and would recommend that this, along with the  
23 other materials that we have been continuing to place into  
24 the -- into our website, are made available on the website,  
25 so that the public can continue to be made abreast, and they

1 can read it at their leisure rather than trying to revisit  
2 the compressed version that you both put together.

3 CHAIRPERSON MATHIS: Thank you very much.

4 MARY O'GRADY: Thank you very much.

5 CHAIRPERSON MATHIS: Thank you. Good idea.

6 Any other questions or comments for counsel on the  
7 presentation?

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

13 I notice agenda item four is selection of mapping  
14 software.

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

19 KENNETH STRASMA: Okay.

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

1 selection of mapping software.

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

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

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

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

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

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

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

23 The things we're going to cover here, what is  
24 redistricting? The difference between reapportionment and  
25 redistricting. Why we have to redistrict. And the

1 guidelines that need to be followed in drawing the  
2 districts.

3           Redistricting is quite simply the process of  
4 redrawing any district.

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

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

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

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

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

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

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

24           Even if the State had not gained a district, the  
25 line would still have to be redrawn to account for changes

1 in population. The concept of one person, one vote,  
2 mandates that we need to adjust the lines to take into  
3 account the fact that population does not grow at the same  
4 rate statewide.

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

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

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

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

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

17 Must have equal population.

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

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

24 They must be compact and contiguous.

25 And this is one of the issues I'll address

1 further. Compactness is one of the many different criteria  
2 that has to be balanced, and there are different measures of  
3 compactness.

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

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

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

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

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

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

25           That may or may not be something that the

1 Commission this time will choose to adopt a formal  
2 definition.

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

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

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

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

23           And the sixth criteria is to create competitive  
24 districts.

25           So how do we get there?

1           The process starts with the grid map.

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

4           That's not the case in Arizona.

5           In Arizona we start with a clean slate.

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

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

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

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

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

22           And this is where the real work begins.

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

25           And when it's inherent in a process where we're balancing

1 six different criteria, then there are going to have to be  
2 subjective choices made between those.

3           You might do something that makes a district more  
4 compact at the expense of splitting a community of interest.

5           And many other examples like that.

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

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

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

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

23           In that process -- I know I'm going to get this a  
24 little more in schedule, but we're hoping to start that with  
25 the first next round of public hearings the week of the

1 18th.

2 We'll have folks in town to be covering those  
3 hearings, and at the same point, we hope to set up  
4 one-on-one trainings with any of the Commissioners who are  
5 interested in learning the mapping software and having it on  
6 their personal computers that they'll be using.

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

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

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

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

25 And in a process that I'll be getting into in a

1 little bit more detail in a bit, we've begun going through  
2 some of the past testimony, flagging where people are  
3 bringing up actual specific definitions of their communities  
4 of interest.

5 Next slide, please.

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

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

17 So if people can define those.

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

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

1 interest.

2 And, of course, as I said before, there's not  
3 currently an officially adopted standard defining that.

4 It's something that the Commission may or may or  
5 may not choose to do at a future point.

6 Next.

7 Let's go to schedule.

8 Okay.

9 This is a -- just an overview of the overall  
10 schedule we've -- we have a much more detailed step by step.

11 The Commission has asked us to do a revised  
12 schedule from our original proposal that would allow for  
13 final map approval on October 31st, and the start of the DOJ  
14 pre-clearance process at that point.

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

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

21 Here in July, we have finalized the schedule.

22 Obtained software, which is the next discussion  
23 item on the agenda, discussion on which software to use.

24 Start one-on-one training with the Commissioners.

25 As I mentioned before, for any of the

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

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

9           We've begun that process for our purposes.

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

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

15           ANDREW DRECHSLER: August.

16           KENNETH STRASMA: I'm sorry. In August.

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

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

25           In September we would present the first draft of

1 the adjusted map to the grid map, then changed to meet all  
2 of those six criteria.

3 That starts a 30-day window for public comment.

4 The map has to be advertised, made public so  
5 everyone can see it, and we're proposing a second round of  
6 public hearings starting in September, tentatively September  
7 18th, that would coincide with that 30-day public comment  
8 window.

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

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

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

23 I should also reiterate that during that 30-day  
24 period is the timing in which the Legislature may also  
25 comment on the maps, so revised map as directed by the

1 Commission based on legislative and public input.

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

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

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

11 The redistricting database is sort of the over  
12 arching term for all the data that's going to be used in  
13 drawing these districts.

14 And there's two broad categories.

15 One of them is public input from meetings and  
16 hearings.

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

1 better, et cetera.

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

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

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

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

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

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

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

25           The parts that do go into the database that's used

1 to draw these maps, a census population, you know, in the  
2 redistricting we refer to it as a P.L. data, P.L. 94171,  
3 named after the public law that mandates it, that's the  
4 official census population for population equality numbers.  
5 That's what's used to measure if the districts have met the  
6 ideal population for population equality.

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

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

21           I mentioned before publicly defined communities of  
22 interest. If someone speaks at one of the public hearings,  
23 and defines an area that they feel should be a community of  
24 interest, that will be digitized and available on the  
25 mapping software, so someone will be able to see it, you

1 know, if they want to turn on the layer for publicly defined  
2 communities of interest, that will be available and seen.

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

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

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

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

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

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

24           They're only looked at when the grid map is  
25 adjusted to meet the six criteria, and they come into play

1 for two of those.

2 One, for DOJ voting rights issues.

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

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

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

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

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

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

25 We want to validate that as soon as mapping

1 software is selected. That's one of the first things we'll  
2 be looking at on the platform we end up using.

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

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

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

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

22           Before 2006 the election geography was changing,  
23 especially in a state like Arizona with very fast population  
24 growth, municipalities had to draw new wards and precincts.  
25 Sometimes to accommodate population growth, and oftentimes

1 they would be drawn in an area that might have been a vacant  
2 lot or a cornfield, whatever, in 2000, and there were no  
3 streets. And suddenly it's subdivided into ten different  
4 blocks and the precinct line goes down the middle of it.

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

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

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

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

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

24 And that's another process that we want to have  
25 meticulously documented, and the data available on the

1 website for anyone else doing the same analysis, so we're  
2 talking apples and apples, and so that there's no questions  
3 that come up in the DOJ pre-clearance, or any other steps  
4 along the way, where someone might be confused as to how we  
5 came up with the numbers for past vote totals applied to the  
6 geography.

7 Any questions?

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

10 I just have a question regarding the grid map.  
11 What is the importance of the grid map?

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

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

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

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

23 KENNETH STRASMA: I would hope not. And let me  
24 describe the process that I hope to follow, and acknowledge  
25 also that the Commission last time had a very detailed set

1 of steps for making the grid map.

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

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

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

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

24 VICE-CHAIR HERRERA: Thank you.

25 COMMISSIONER STERTZ: Madam Chair.

1 CHAIRPERSON MATHIS: Mr. Stertz.

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

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

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

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

15 COMMISSIONER STERTZ: Okay. Thank you.

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

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

1 adjacent grid cell.

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

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

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

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

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

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

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

24           COMMISSIONER STERTZ: But the location and how  
25 that original grid would be crafted, do you see that as

1 having, as a basis of a starting point, having more or less  
2 relevance to what the final product will be.

3 KENNETH STRASMA: I say relatively less.

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

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

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

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

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

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

25 So the grid map does have -- does have a level of

1 fairly significance about how -- how and where it begins and  
2 ends, where the central points are, because the accumulation  
3 of population to create 30 equal blocks, and nine equal  
4 blocks, can come in many many different configurations.

5 KENNETH STRASMA: That is correct.

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

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

13 KENNETH STRASMA: I am happy to proceed either  
14 way.

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

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

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

24 KENNETH STRASMA: My understanding of the  
25 definition, yes, it could.

1           COMMISSIONER STERTZ:  So, it might be my  
2 recommendation that we would be able to at least give some  
3 guidance to the mapping consultant about what a grid map  
4 might -- what the criteria of that might be from a starting  
5 point.

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

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

15           KENNETH STRASMA:  Right.

16           COMMISSIONER STERTZ:  Thank you.

17           CHAIRPERSON MATHIS:  Other comments, questions?

18           (No oral response.)

19           Did we want to talk about mapping software then?

20           KENNETH STRASMA:  Certainly, if you like.

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

24           In our proposal, we outlined pricing and  
25 availability of the two market leading packages for desktop

1 redistricting software. They are Maptitude and Autobound.

2 I've worked with both. They're both very, very  
3 good pieces of software. Users are generally quite happy  
4 with them.

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

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

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

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

17 COMMISSIONER STERTZ: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Stertz.

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

24 RAY BLADINE: I'm sorry. I'm so far away to just  
25 tell you that I don't know. We would have to look and

1 whichever way would be cheaper, it seems to me, is what we  
2 do.

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

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

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

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

22 COMMISSIONER STERTZ: Madam Chair.

23 CHAIRPERSON MATHIS: Mr. Stertz.

24 COMMISSIONER STERTZ: Is there a recommendation  
25 that Strategic has for the selection of the software?

1           KENNETH STRASMA: Yes, I would recommend  
2 Maptitude, given the installed database.

3           COMMISSIONER STERTZ: I have no other questions.

4           CHAIRPERSON MATHIS: Any other people comfortable  
5 with Maptitude.

6           VICE-CHAIR FREEMAN: I am.

7           VICE-CHAIR HERRERA: Madam Chair.

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

14          CHAIRPERSON MATHIS: I agree.

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

18          VICE-CHAIR HERRERA: I second the motion.

19          CHAIRPERSON MATHIS: Yes.

20          VICE-CHAIR HERRERA: I second that.

21          CHAIRPERSON MATHIS: Any discussion?

22          COMMISSIONER STERTZ: Madam Chair.

23          Commissioner McNulty, will you amend it to say  
24 that we will make the -- all opportunities available to us  
25 for cost savings as part of that motion?

1 COMMISSIONER McNULTY: Definitely.

2 COMMISSIONER STERTZ: Okay.

3 CHAIRPERSON MATHIS: All in favor?

4 ALL COMMISSIONERS: Aye.

5 CHAIRPERSON MATHIS: Any opposed?

6 (No oral response.)

7 CHAIRPERSON MATHIS: Okay. The motion carries.

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

11 KENNETH STRASMA: Yes.

12 CHAIRPERSON MATHIS: Okay.

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

15 CHAIRPERSON MATHIS: Okay.

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

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

20 (No oral response.)

21 CHAIRPERSON MATHIS: Thank you very much for your  
22 presentation.

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

25 JOSEPH KANEFIELD: Madam Chair, Members of the

1 Commission.

2 I think that there was a question about the online  
3 component of the mapping software.

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

6 CHAIRPERSON MATHIS: Sure. Good thought.

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

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

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

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

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

25 CHAIRPERSON MATHIS: Arizona redistricting.

1           COMMISSIONER McNULTY:  Arizona Competitive  
2 Districts.

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

11           COMMISSIONER McNULTY:  Madam Chair.

12           CHAIRPERSON MATHIS:  Ms. McNulty.

13           COMMISSIONER McNULTY:  Is this working?

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

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

21           CHAIRPERSON MATHIS:  Other questions on that?

22           COMMISSIONER STERTZ:  Madam Chair.

23           CHAIRPERSON MATHIS:  Mr. Stertz.

24           COMMISSIONER STERTZ:  Mr. Strasma, the object of  
25 this online is that through a portal that will be either

1 advertised or linked through the AZredistricting.org  
2 website, that people will be able to access the maps as they  
3 are being drawn, and make adjustments themselves, which will  
4 be then recorded and cataloged by Strategic Telemetry; is  
5 that correct?

6 KENNETH STRASMA: With some clarification.

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

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

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

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

19 COMMISSIONER STERTZ: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Stertz.

21 COMMISSIONER STERTZ: Mr. Strasma, as what was  
22 performed under the AZredistricting dot-com site, that they  
23 were working from a blank slate in which they were  
24 adjusting, they could do the exact same thing, adjust at  
25 will, either by small areas or by statewide, either

1 Legislative or Congressionally, I would recommend that we  
2 would have the grid map being placed where the public would  
3 have the beginning access to.

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

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

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

13 Does it make some sense to have a software be  
14 uniform in order to make your tracking of comments uniform?

15 In other words, does it make sense to have  
16 Maptitude available for the public so that, to the extent  
17 the public is interested in presenting their proposals and  
18 drawing maps, it's on the same format?

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

24 So if there was a compelling reason to go with one  
25 of the other packages, we could certainly make that work.

1           Things will be slightly easier if it's the same  
2 platform.

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

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

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

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

12           COMMISSIONER McNULTY: Thank you.

13           CHAIRPERSON MATHIS: Other questions or comments?  
14 (No oral response.)

15           CHAIRPERSON MATHIS: Okay. Thank you,  
16 Mr. Strasma.

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

20           Do we want to take a brief recess?

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

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

25           What's your pleasure?

1 VICE-CHAIR FREEMAN: I'm good with 15.

2 COMMISSIONER STERTZ: Yep, me too.

3 COMMISSIONER McNULTY: 15.

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

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

8 We'll want to take another break in two hours.  
9 So, it may be.

10 Okay. So we'll take a brief recess.

11 The time is 11:31.

12 (Recess taken.)

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

15 The time is 11:52.

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

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

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

24 Madam Chair, Kristina and I will kick this off.  
25 But we've had a lot of good dialogue with both the attorneys

1 and the mapping consultants. Most of it happening yesterday  
2 concerning the process we should go through to receive  
3 public input starting July 18th. That was mentioned.

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

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

23 Before I turn it over to Christina, I guess I'm  
24 looking at the mapping consultants and legal. Did I miss  
25 any big overview?

1 (No oral response.)

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

4 KRISTINA GOMEZ: Good afternoon.

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

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

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

14 And I will explain this shortly.

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

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

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

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

25 And at this point, too, people can also submit

1 their written documentation. That's extremely important,  
2 and I encourage folks if you have documentation, to please  
3 submit it to our office, and especially during these public  
4 hearings.

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

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

12 There can be two. There can be three.

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

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

17 And also the mapping consultant.

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

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

25 So I submitted to the Commission a list of hearing

1 dates and locations as well. So at this point, what we need  
2 to move forward is for your feedback on this. We would like  
3 to hear any suggestions you may have to help us guide --  
4 guide us through this first hearing schedule, so that we can  
5 publish this schedule.

6 CHAIRPERSON MATHIS: Thank you, Kristina.

7 I actually have a question.

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

11 KRISTINA GOMEZ: Madam Chair, yes.

12 CHAIRPERSON MATHIS: Okay.

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

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

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

23 If we have too many sites listed, then those folks  
24 may not want to stay the entire period to listen to public  
25 comment.

1           So there may be a high number of people who may  
2 want to speak, possibly in Tucson, so we're just thinking of  
3 people's time.

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

7           KRISTINA GOMEZ:  Correct.

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

10          KRISTINA GOMEZ:  We can do that.

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

13          KRISTINA GOMEZ:  Sure.

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

16          Any thoughts from other Commissioners on that or  
17 other things?

18          VICE-CHAIR FREEMAN:  Madam Chair.

19          CHAIRPERSON MATHIS:  Yes, Mr. Freeman.

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

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

25          VICE-CHAIR FREEMAN:  Do you have any sense as to

1 the level of turnout that we're looking at between 6:00 and  
2 9:00 p.m. in some of these? You know, we've got one in the  
3 Tucson offices.

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

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

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

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

16 KRISTINA GOMEZ: Not this round.  
17 Possibly second round.

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

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

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

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

25 KRISTINA GOMEZ: Yes, sir.

1 VICE-CHAIR FREEMAN: Thank you.

2 COMMISSIONER McNULTY: Madam Chair.

3 CHAIRPERSON MATHIS: Commissioner McNulty.

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

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

10 COMMISSIONER STERTZ: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Stertz.

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

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

24 And it's our goal to be as inclusive as absolutely  
25 possible. So, if we got that list to you no later than,

1 let's say, end of day Monday, would that give you enough  
2 time to reconcile a first and second round schedule.

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

6 COMMISSIONER STERTZ: Terrific.

7 KRISTINA GOMEZ: That would be helpful.

8 COMMISSIONER STERTZ: Thank you.

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

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

15 The schedule was actually longer.

16 The original schedule, it was almost three weeks.

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

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

23 VICE-CHAIR HERRERA: Madam Chair.

24 CHAIRPERSON MATHIS: Mr. Herrera.

25 VICE-CHAIR HERRERA: Ms. Gomez, you had sent this

1 information weeks back, so we had an opportunity to provide  
2 you with some feedback. Whether the feedback is, you should  
3 include this town, not this town, you should include, so  
4 essentially I want to make people aware that this  
5 information was passed around weeks back.

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

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

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

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

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

22 Thank you very much for that.

23 KRISTINA GOMEZ: Thank you.

24 CHAIRPERSON MATHIS: Ms. Gomez, you were involved  
25 in this last time. I think maybe the only person.

1 I'm curious how many people were showing up at  
2 some of the hearings? I'm sure it varied by location, but  
3 in some of the larger hearings.

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

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

8 This was a new process.

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

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

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

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

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

23 CHAIRPERSON MATHIS: Thank you.

24 Any other questions for Ms. Gomez?

25 (No oral response.)

1 Thank you very much for your work on this.

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Yes, Mr. Herrera.

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

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

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

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

15 CHAIRPERSON MATHIS: Okay.

16 Any other comments or questions?

17 (No oral response.)

18 Thank you, Ms. Gomez. Appreciate it.

19 KRISTINA GOMEZ: Thank you.

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

24 RAY BLADINE: This is another Ray and Kristina  
25 show.

1           CHAIRPERSON MATHIS:   Okay.

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

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

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

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

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

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

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

23          We'd like to try to all get this put into one  
24 system, so that we're not having to go back later and pull  
25 things together.

1           So I think it would take another perhaps week to  
2 two weeks, to figure out the best way to capture the data,  
3 both electronic that we're doing from e-mail or submittals  
4 to the web page, letter submissions, telephone calls.

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

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

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

15           Did I cover it? I'm sorry.

16           Legal counsel, mappers, did I miss anything?

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

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

25           RAY BLADINE: I guess I would have to let Kristina

1 know more specifically how the comments come in.

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

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

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

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

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

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

23           COMMISSIONER STERTZ: Madam Chair.

24           CHAIRPERSON MATHIS: Mr. Stertz.

25           COMMISSIONER STERTZ: Mr. Strasma, what are the

1 key data points that you would want to collect at this time  
2 from the public in this public outreach?

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

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

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

21 But for people that we want to make an outreach  
22 to, the broadest amount of people that we can, make the  
23 broadest amount of data collection, wouldn't it be incumbent  
24 upon us to sort of give a really easy way to fill in the  
25 blanks?

1           I think that's what the Chairman is referring to,  
2 to say that that form that you got says, okay, here's a  
3 check box. What is this? How does that mean? And then  
4 that gives a little easier more user friendly capacity for  
5 you to be able to, one, from the public's point of view, to  
6 fill it out, to give what their consideration is, okay?  
7 Whatever is -- whatever falls on their heart or desire to be  
8 able to fill out, then for you to be able to assimilate that  
9 data.

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

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

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

25           Who manages that data that comes in?

1           Are we going to be setting those pages up for  
2 download so that we can actually collect that data on an  
3 ongoing basis.

4           What is the strategy behind that at this point?

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

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

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

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

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

23           COMMISSIONER STERTZ: Madam Chair, again indulge  
24 me. It seems to me that prior to having our very first  
25 outreach meeting, that we want to be able to have some sort

1 of social media out there to be able to communicate to say  
2 at least that there is information out there. That it's  
3 posted.

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

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

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

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

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

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

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

23 And I think that one of the things that we really  
24 need to do is hire a public information officer to be doing  
25 that kind of thing. And that's in my next item to talk to

1 you about. We need somebody that knows how to do it.

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

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

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

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

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

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

19           KENNETH STRASMA: Thank you, Commissioner.

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

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

25           I do think social media should be thought of as

1 media, as a traditional press is, and coordinated with them  
2 to the extent that that can be done without slowing down the  
3 time line.

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

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

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

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

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

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

22 I think for -- it would be difficult to have a  
23 blog that represented the official positions of the  
24 Commission, just given the steps that have to be gone  
25 through for something to be the voice of the Commission.

1           I would be hesitant to suggest having an  
2 individual blogging as the Commission.

3           COMMISSIONER STERTZ: I'd have to agree.

4           Thank you.

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

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

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

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

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

23           CHAIRPERSON MATHIS: That would be great.

24           Other questions or comments?

25           COMMISSIONER McNULTY: Madam Chair, Mr. Strasma.

1 I do have a comment on the public input sheet  
2 which I have not yet reviewed.

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

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

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

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

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

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

24 KENNETH STRASMA: Commissioner, I agree and we'll  
25 make that happen.

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

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

13           So I think those are my comments.

14           CHAIRPERSON MATHIS: Thank you.

15           Other comments?

16           VICE-CHAIR FREEMAN: Madam Chair.

17           CHAIRPERSON MATHIS: Commissioner Freeman.

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

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

23           KRISTINA GOMEZ: Yes, sir.

24           VICE-CHAIR FREEMAN: And also attached was the  
25 spreadsheet as well.

1           Are all these documents now available on our  
2 website?

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

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

7           KRISTINA GOMEZ: Yes.

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

11          KRISTINA GOMEZ: For now, yes.

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

15          KRISTINA GOMEZ: We can do this.

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

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

20          Also, too, this is the same system that we used in  
21 2001.

22          VICE-CHAIR FREEMAN: Okay.

23          Thank you.

24          KRISTINA GOMEZ: Thank you.

25          CHAIRPERSON MATHIS: Any other questions or

1 comments?

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

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

11 CHAIRPERSON MATHIS: Any other questions?

12 Ms. O'Grady.

13 MARY O'GRADY: Madam Chair, just a comment on  
14 blogging. If there are open meeting law implications there,  
15 and so I would be -- if any of you are concerned --

16 My thing is not working. Sorry about that. Its  
17 beeping red at me rather than green.

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

25 CHAIRPERSON MATHIS: Okay.

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

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

6           Because we can certainly do it.

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

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

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

16          RAY BLADINE: Well, that's a good question, too.

17          But, the question, and I think we need to know  
18 that. But the question was -- the suggestion was to place  
19 written comments we've already received that have gone to  
20 Commissioners on the web page.

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

24          I was giving my own legal interpretation, which  
25 isn't good to do, that they probably were public documents

1 when submitted to us.

2 JOSEPH KANEFIELD: Madam Chair, Members of the  
3 Commission.

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

12 RAY BLADINE: Thank you, Madam Chair.

13 CHAIRPERSON MATHIS: Thank you.

14 Questions or comments from anyone else?

15 (No oral response.)

16 CHAIRPERSON MATHIS: Thank you both.

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

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

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

1 on the web page.

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

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

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

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

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

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

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

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

24           I'm hopeful that soon we can hire a public  
25 information officer, and hopefully, someone with experience

1 in dealing with electronic media and web page. Besides the  
2 standard type of information you need from a public  
3 information officer in terms of relating to press questions  
4 and so forth.

5 So I think we can improve that.

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

10 I think that's probably the recent events.

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

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

19 And that should catch us up.

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

1           Those items that were approved or acted on.

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

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

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

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

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

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

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

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

25           The mapping consultant is onboard. We did work

1 diligently with them and with legal counsel to get the  
2 contract signed, and to make sure that we would be getting  
3 the services that we need as a Commission.

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

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

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

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

13           We did negotiate an overall reduction in the fee  
14 for the basic service. And that was a reduction from  
15 686,000 to 600,000.

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

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

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

25           And that we would come out ahead and have a known

1 cost if we were to exceed the 20 public hearings.

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

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

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

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

12 Did I miss anything, Mr. Strasma?

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

15 RAY BLADINE: Thank you, election result data.

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

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

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

21 RAY BLADINE: Correct.

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

25 RAY BLADINE: I think that's also correct.

1           CHAIRPERSON MATHIS: I think everything else you  
2 covered.

3           COMMISSIONER STERTZ: Madam Chair.

4           CHAIRPERSON MATHIS: Yes, Mr. Stertz.

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

8                   Is this a public hearing?

9                   Is this the first one?

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

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

15                   That's my recollection from how we discussed it.

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

24          RAY BLADINE: I don't remember the exact number  
25 from my head, but in their proposal they had more meetings

1 than the 20. And at a cost.

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

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

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

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

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

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

19 RAY BLADINE: 450 a day.

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

21 COMMISSIONER STERTZ: Is that correct? 450 per  
22 day?

23 KENNETH STRASMA: 750 for a half day.

24 RAY BLADINE: I'm sorry, 750.

25 COMMISSIONER STERTZ: For a four-hour public

1 hearing, and again, I'm just trying to look as we look  
2 forward to our budget, it's obvious, based on what took  
3 place in the first go-around, and what we already know in  
4 front of us now, that we're going to exceed the 20 that  
5 we've allocated, correct?

6 RAY BLADINE: Correct.

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

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

13 KRISTINA GOMEZ: 24 and 19?

14 COMMISSIONER STERTZ: So 43 public outreach  
15 meetings?

16 KRISTINA GOMEZ: Yes.

17 COMMISSIONER STERTZ: So if that were the case,  
18 then we had 23 additional outreach meetings, would those be  
19 -- this would be a question for Mr. Strasma.

20 Would those be considered full day meetings or  
21 half day meetings?

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

25 I should also add one thing, if I may, about our

1 discussions.

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

5 COMMISSIONER STERTZ: Okay.

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

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

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

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

23 But you're right, the total cost, as it was last  
24 time, ended up being a lot larger than what was originally  
25 thought of in the proposal.

1           And it's just very difficult right now to know how  
2 many meetings you're going to have, and how many longer  
3 sessions to put it together.

4           But your point is correct.

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

7           COMMISSIONER STERTZ: Very good. Thank you.

8           CHAIRPERSON MATHIS: Other questions?

9           VICE-CHAIR FREEMAN: Madam Chair.

10          CHAIRPERSON MATHIS: Mr. Freeman.

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

14          RAY BLADINE: Yes, sir.

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

17          RAY BLADINE: Correct.

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

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

23          VICE-CHAIR FREEMAN: Because the document asserts  
24 that the procurement was pursuant to the Arizona  
25 Administrative Code and the Arizona Revised Statutes

1     pertaining to procurements via SPO.

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

3             It could be misleading.

4             RAY BLADINE:   Madam Chairman and Commissioner  
5 Freeman, we were delegated by SPO to carry out the contract  
6 under their rules and regulations.

7             We have always asserted our separate  
8 constitutional authority, and what we tried to do was to  
9 follow the SPO process as much as we could, which we do by  
10 accepting the delegation and citing that statute as being  
11 our authority to do it.

12            And I do have a letter I should send you that is  
13 the delegation from the State Procurement Officer,  
14 delegating me the authority to do that under the code.

15            VICE-CHAIR FREEMAN:  I haven't seen the letter.  I  
16 was surprised that I didn't see the constitutional provision  
17 cited to in the letter.

18            RAY BLADINE:  This also includes some scoring  
19 numbers.

20            VICE-CHAIR FREEMAN:  Correct.  If we had been  
21 following the procurement code, those would have had to have  
22 been agreed final numbers; is that your understanding?

23            RAY BLADINE:  I don't know that I understand it  
24 that way.

25            I'm under the impression that as a procurement

1 officer, and one of the issues we had, you're looking for  
2 some form of consensus.

3 We couldn't get to a consensus in awarding the  
4 contract. So the contract was awarded by a vote.

5 And what that's -- showing that documentation was  
6 the best documentation I had as to what the Commission felt  
7 about each one of the individual firms, and would be the  
8 best documentation to provide as to how the decision was  
9 made.

10 Now, I'm not sure that that answered your  
11 question, and it may be something that we have to talk to  
12 legal counsel. But we were trying to, as best we could, fit  
13 this within still the authorization from the Procurement  
14 Office, knowing that we would always have the option of  
15 asserting the constitutional requirement. That's my  
16 understanding.

17 VICE-CHAIR FREEMAN: So these numbers, then, came  
18 from our June 30th meeting where the selection was made?

19 RAY BLADINE: Yes, sir.

20 VICE-CHAIR FREEMAN: Thank you.

21 RAY BLADINE: Let me just -- they came from those  
22 meetings as provided to us by SPO.

23 I didn't go back to specifically verify, but  
24 that's what they had on their sheet, so I believed it to be  
25 correct.

1 VICE-CHAIR FREEMAN: Thank you.

2 CHAIRPERSON MATHIS: Other questions? Comments?

3 (No oral response.)

4 CHAIRPERSON MATHIS: Okay. Thank you very much  
5 for all your work.

6 RAY BLADINE: Thank you.

7 CHAIRPERSON MATHIS: And Kristina, too.

8 Agenda Item 8, agenda items and dates of future  
9 meetings.

10 We have been cutting it really close in terms of  
11 our schedules and planning these meetings. And to the  
12 extent possible, I know one of the public comments made at a  
13 previous meeting was that we at least provide notice of some  
14 sort, even if we don't have the venue for the exact time,  
15 but just to let people know there will be a meeting on, you  
16 know, July 18th or whenever it is.

17 And I think you're following that procedure, but  
18 I'd love to here.

19 RAY BLADINE: Madam Chair, I think we've been able  
20 to do that at least once. But we have not been able to do  
21 that on a continuous basis because the meetings have come so  
22 quickly, and it has been hard to fix when we're actually  
23 going to meet.

24 And I think the way we can improve this is, if we  
25 know a good period of time ahead when you're going to meet,

1 then we can tell people and work out the arrangements.

2 But one of the difficulties we've had has been the  
3 same difficulty all you have, is that these things come up  
4 and they're very hard to plan for.

5 I think we're moving into a phase where we plan  
6 better to have meetings. And if you could tell me when the  
7 next three meetings are, I could then put them on the  
8 schedule and say, you know, this is what we need.

9 I think the best way to get there is we do have  
10 some specific things we know that the mapping consultant is  
11 going to need, and we can try to identify those as possible  
12 agenda items, get them out to you, and ask you for some  
13 feedback on when we could have these next two or three  
14 meetings prior to the start of the public hearings, and then  
15 we could notify the public right away and start working on  
16 the location.

17 So, unless someone has a better idea, I know when  
18 we met the other day, there was at least two or three things  
19 we felt we needed to get Commission direction on.

20 We could list those out, send those out to you,  
21 and then say, okay, let's get two meetings, let's schedule  
22 three meetings.

23 And I think at this point, unless, and there may  
24 be other ways to do it, but it is hard to do much more than  
25 meet the 48-hour notice, which is, I understand people don't

1 feel is reasonable and soon enough, but it is what we need  
2 to do as a minimum, and we do our best to try to get it out  
3 as early as possible.

4           And I won't tell you that I think we have figured  
5 out that system.

6           CHAIRPERSON MATHIS: Commissioner McNulty.

7           COMMISSIONER McNULTY: Madam Chair, Mr. Bladine, I  
8 would just note that we -- I think we have one week and a  
9 weekend before we start this public hearing schedule. And  
10 that we need to be thinking about how we're going to get the  
11 work done that you just described before that begins, or in  
12 conjunction with that, because this is a pretty immediate  
13 schedule.

14           I think many of us are going to want to be  
15 participating in some of these hearings. So we're going to  
16 need to figure out both. Because we don't have a couple  
17 weeks ahead of us for three meetings.

18           We've got, you know, with the 48-hour requirement,  
19 I think we're already down to a few days.

20           RAY BLADINE: Very good point.

21           CHAIRPERSON MATHIS: So thoughts from other  
22 Commissioners?

23           And I would think that we need to meet next week,  
24 at a bare minimum.

25           Today is the 8th.

1           Can we synchronize our calendars and pick a date?  
2           The 13th and 14th are really good. Just throwing  
3 that out there.

4           VICE-CHAIR FREEMAN: Those work for me.

5           VICE-CHAIR HERRERA: Yeah.

6           CHAIRPERSON MATHIS: Okay.

7           Any preferences on one of those days?

8           COMMISSIONER STERTZ: Fourteenth.

9           COMMISSIONER McNULTY: Fourteenth.

10          CHAIRPERSON MATHIS: Okay.

11          So it would be Thursday, July 14th.

12          The hearings would begin on the 18th. Is that  
13 what the calendar said?

14          So the agenda items for that meeting are going to  
15 be about the hearing schedule, I'm sure. And we'll have  
16 gotten the idea from Kristina for the second round of public  
17 hearings by then, and have provided our input back to her.

18          Other agenda items for that day?

19          RAY BLADINE: Madam Chair, I think the main focus  
20 at this point, you've already brought it up, is to make sure  
21 we're ready to go on the mapping -- not on the mapping -- on  
22 the public hearings.

23          I'm not sure with the timing when the consultants  
24 need the decisions, but I'm going to guess, as I think about  
25 it, it's probably not next week. But what we need to do

1 next week is get going on the hearings and then start  
2 getting the decisions they may need for the mapping.

3 But I'll let them speak directly to that.

4 KENNETH STRASMA: And if I may, Madam Chair, we  
5 will not be available for the 14th. If it's discussions,  
6 the hearing schedule, we can just be filled in later. But  
7 we do have a software setup and training scheduled following  
8 the vote this morning, for the 14th and 15th.

9 CHAIRPERSON MATHIS: Okay. Does that work for  
10 people?

11 COMMISSIONER McNULTY: Madam Chair, I think it  
12 would be useful to have available, so that we could talk  
13 about any information that we need from the law firm and the  
14 steps she needs us to take. Are you available on the 13th?

15 KENNETH STRASMA: I would be available on the  
16 13th.

17 CHAIRPERSON MATHIS: I'm available on the 13th as  
18 well.

19 That's Wednesday.

20 And in terms of a venue, are we -- is Phoenix  
21 what people are thinking? Up here.

22 I know what you're thinking.

23 I'm looking at the Tucson based folks.

24 COMMISSIONER STERTZ: Fine.

25 Madam Chair, am I correct on the 14th and the 15th

1 it is your anticipation of doing training on the software in  
2 Phoenix at Evans House?

3 KENNETH STRASMA: No. That would be beginning the  
4 week of the 18th. That we're doing set up and training on  
5 the software from the Maptitude vendor on the 14th and 15th.

6 COMMISSIONER STERTZ: Okay. All right. But then  
7 are we to agenda items on the 13th?

8 CHAIRPERSON MATHIS: Yes.

9 COMMISSIONER STERTZ: I'm going to suggest that  
10 there's going to be an introduction of your PIO.

11 RAY BLADINE: I deserve that.

12 COMMISSIONER STERTZ: I also need to reinforce  
13 that we are -- I know, Ray, that you are trying to get your  
14 arms around our meeting Minutes.

15 And it's really incumbent upon us to get our  
16 meeting Minutes in order.

17 We're a month, almost two months behind right now  
18 in meeting Minutes.

19 And being able to track historically based on my  
20 -- my notes, and looking back at critical dates, times, and  
21 decisions, is very challenging.

22 So it is incumbent upon us to get our meeting  
23 Minutes. An if you can't get them all, let's start clipping  
24 them away from the oldest to the newest so that we can get  
25 them up in draft form and start to review them.

1           If not, I don't want to go down the path of having  
2 to deliver to the five Commissioners the software that we're  
3 going to need to do tracking analysis based on the verbatim  
4 Minutes that are being taken.

5           We need to catch up not only for ourselves but for  
6 other members of the general public.

7           That just needs to happen.

8           The last thing I'd like to make sure that we have,  
9 is a clear and concise understanding of what a -- as the  
10 following Monday we're going to be starting a public hearing  
11 at some city, at some location.

12           And I think that it's going to be incumbent to  
13 know what that location is going to be, if it's the City of  
14 Glendale, where it's going to be, and the time that we know  
15 when it's going to start, and what the anticipation of what  
16 it's going to look like. What's that hearing going to look  
17 like?

18           Is it going to be 15 minutes of presentation by  
19 the mapping consultant? Is it a collection of data? Is  
20 there going to be a general Q and A? I'd like to get a  
21 briefing on what those hearings are going to look like.

22           Because each one of us is going to be -- we're  
23 going to be able to meet this schedule. We're going to be  
24 breaking these up, and we're -- each one of us is going to  
25 have to have a mini training about how we're going to make

1 best use of our skills and being able to capture that best  
2 data.

3 RAY BLADINE: Madam Chair, we will have that.

4 COMMISSIONER STERTZ: Thank you.

5 CHAIRPERSON MATHIS: A question on the Minutes.

6 We've all talked about Minutes numerous times, and  
7 it's been kind of the bane of our existence.

8 We talked about Minutes, not posting draft  
9 Minutes, I think, but I'm not sure. And I wanted to ask all  
10 of you what your thoughts are on that.

11 I think we had talked about having legal counsel  
12 look at the transcript at least before it gets posted, just  
13 to make sure that it's accurate and can be posted.

14 But then on Minutes, I thought we had discussed  
15 that as a group, but I don't know.

16 I'm looking to all of you.

17 COMMISSIONER STERTZ: Madam Chair, we did discuss  
18 that. It's a dangerous precedent to post the draft Minutes,  
19 because the public gets an impression that those Minutes  
20 are -- are -- we haven't a chance to distill them back  
21 against the record.

22 But as it sits right now, in the absence of any  
23 Minutes, the public is -- I've gotten people asking what's  
24 -- what happened? Where can I go back to look for  
25 something?

1           And I am at the same place that they are.

2           We need to get our Minutes caught back up, and,  
3 again, start clipping them off one at a time and get  
4 ourselves reviewed. Let counsel review them. Let us review  
5 them.

6           Let us vote them back in so they can be voted as  
7 part of the permanent record.

8           We're going to be compressing way too much and  
9 collecting way too much data going forward to be trying to  
10 revisit Minutes from two months ago.

11           RAY BLADINE: Madam Chair, as a piece of  
12 information.

13           I looked at a document this morning, again I left  
14 it over there, but, if I recall, we're in a position where  
15 all but maybe two Minutes are -- we have in draft form.

16           And my thought was to send them out all to you on  
17 Monday, and then on the next agenda approve them, and we'll  
18 put on the page right now, all of the transcripts. I think  
19 we have all of those except the very last few meetings.

20           We have been able to go back this last week and  
21 resurrect all but two Minutes, two meeting Minutes, and  
22 those were early ones where they were done by someone other  
23 than the person we have doing them now, or the clerks.

24           But I really think that by Monday, we can get all  
25 of you a draft of the Minutes to look at and then put them

1 for you to approve.

2 That way we'll post the approved meeting Minutes  
3 hopefully very soon.

4 I know it puts a lot on you to go through the  
5 drafts in less than a week.

6 COMMISSIONER STERTZ: Mr. Bladine, you may or may  
7 not have been onboard at the time, but Commissioner Freeman  
8 had worked at great length to develop a consistent format  
9 for Minutes, so that we would have a very consistent, that  
10 would be very typical, and it would be good if you had one  
11 of those draft sets to at least give -- send one of them to  
12 Commissioner Freeman to see whether or not -- because we had  
13 all, as Commissioners, had looked at that draft set. He had  
14 spent an enormous amount of time preparing it.

15 We all felt very comfortable the way it was  
16 formatted, and would like to make sure that we respect the  
17 hard work he put into that, leading up to that.

18 RAY BLADINE: Okay. Madam Chair.

19 CHAIRPERSON MATHIS: One comment on that.  
20 Mr. Bladine mentioned earlier today the idea of using I  
21 think the agenda, and just putting action items that  
22 occurred under that agenda item.

23 RAY BLADINE: That's correct.

24 CHAIRPERSON MATHIS: Are there any thoughts on  
25 that from the Commissioners?

1           VICE-CHAIR FREEMAN: Madam Chair, I mean, it  
2 sounds like Mr. Bladine and his team has already assembled  
3 most of the draft Minutes. So are you able to tell us  
4 whether they resemble Minutes approved by this Commission  
5 early on.

6           RAY BLADINE: Not to a degree of 100 percent  
7 certainty.

8           I have read them, and I didn't compare -- I didn't  
9 specifically look to compare them with what you put out  
10 before. But I felt they were pretty similar.

11           But I did not say, okay, this is the format, and  
12 we're following it.

13           I looked at them and I remember having looked at  
14 what you had done earlier on and thought, okay, we're in the  
15 ballpark.

16           CHAIRPERSON MATHIS: But I guess going forward, do  
17 we want to consider Mr. Bladine's idea? Anybody have  
18 thoughts on that?

19           COMMISSIONER McNULTY: Madam Chair, fellow  
20 Commissioners, I do, I think, in the interest of meeting our  
21 schedule and focusing our efforts on what -- using our time  
22 most efficiently, that it makes sense to look at that.

23           I'm looking at the website from the last  
24 Commission and I do see that at one point -- at some point  
25 they began posting transcripts rather than Minutes.

1           And I think now the transcripts are, if I  
2 understand it, they're indexed and also searchable.

3           If coupled with action items, I think that might  
4 save all of us some time and also provide the information  
5 that people need.

6           CHAIRPERSON MATHIS: Any thoughts from others?

7           VICE-CHAIR HERRERA: Madam Chair, maybe I'd add  
8 that they have the video, we do the transcripts, and the  
9 agenda and the action items. I think we do I pretty good  
10 job doing that, I think it would save us some time.

11          CHAIRPERSON MATHIS: Others? Okay.

12          That might be something to move forward.

13          RAY BLADINE: That's the direction that I'll go,  
14 then, because we can't vote, but I think I hear your  
15 direction.

16          CHAIRPERSON MATHIS: Other agenda items for that  
17 July 13th meeting? We should talk about a start time, too.

18          Today we started at 9:30.

19          Is that a reasonable time for everybody?

20          VICE-CHAIR HERRERA: Madam Chair, for the agenda  
21 item, are we going to be getting any training on what will  
22 be expected of us, as Mr. Stertz mentioned, at these public  
23 hearings?

24          Are we going to be discussing that on the 13th?

25          CHAIRPERSON MATHIS: It sounds like a good idea.

1           COMMISSIONER McNULTY:  An outline of the format  
2 for the public hearings.

3           CHAIRPERSON MATHIS:  Uh-hmm.

4           COMMISSIONER McNULTY:  We already have on the  
5 agenda item for that date from the consultant for  
6 information they require for the progress on the time line  
7 and any information or steps they need us to take in order  
8 to assist them.

9           RAY BLADINE:  Madam Chair, what I would see  
10 happening as quickly as we can before the 13th, is to have  
11 discussions with the mapping consultant about what the  
12 presentation would be at those hearings.

13                   We've started to talk a little bit about it  
14 yesterday.

15                   Work with legal counsel, put that by the 13th, we  
16 kind of have an agenda for you, and we certainly could talk  
17 through what your role would be, besides going through the  
18 agenda, and give them a minor training that way.

19                   Your right, it's not fair to all of a sudden turn  
20 you loose in a meeting without knowing what it is that  
21 you're going to do.

22                   We'll get something together.

23                   Although you've had worse happen to you, you know.

24           CHAIRPERSON MATHIS:  Other ideas?  Thoughts?

25                   So the 13th we would be starting at 9:30 somewhere

1 in Phoenix and Ray will be working on that location for us.

2 RAY BLADINE: We will. We'll look for a bigger  
3 location, and we will get on the web page first thing Monday  
4 that 13th date, so people will be aware. If we can do it  
5 this afternoon we'll do it this afternoon.

6 CHAIRPERSON MATHIS: I asked Commissioners do you  
7 see a need to meet again even before the hearings, meaning I  
8 guess the 15th, which would be Friday?

9 Do we need to hold that day for any reason or do  
10 you think we can get that accomplished on the 13th?

11 COMMISSIONER STERTZ: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Stertz.

13 COMMISSIONER STERTZ: I think we should do our  
14 best to fill the 13th, and personally hold our calendars  
15 open, and that by virtue of a recommendation from the --  
16 from the Executive Director leading into the 13th, we will  
17 know whether or not he believes it will be able to  
18 accomplish these tasks. Because we've asked -- we just  
19 asked for a lot. We've asked for training sessions, we've  
20 asked for informational input.

21 We're going to have public input at that day.

22 We have to have set aside time for.

23 If by the time that you've compiled us -- and  
24 Madam Chair, this leads into the conversation that began our  
25 meeting today.

1           Not knowing the length of time, it's very  
2 incumbent upon -- it's really helpful to know from the  
3 Executive Director and his team, as the agenda is being  
4 compiled, what the anticipated presentations are going to  
5 be. So if we know that the presentation from Strategic  
6 Telemetry, for example, was going to be a 45-minute  
7 presentation today, which it was, rather than a four-hour  
8 presentation, which I anticipated, it might have changed our  
9 original discussion.

10           So we -- if we're allowed, if we're looking at  
11 this and get some anticipation of time, it's not only going  
12 to be able to help us in our scheduling to see whether or  
13 not we have enough time in the day, it's also going to be  
14 able to give some help to the public to know what they  
15 should be seeing, when they should anticipate coming in,  
16 what bears interest for them, because I think this has been  
17 very informative to everybody that's been in this room  
18 today.

19           At the same time, it was a little bit different of  
20 an approach, that they're wanting to give some public  
21 testimony, but they're also learning about some of the  
22 process as well.

23           Both things are both important.

24           CHAIRPERSON MATHIS: So, if you can let us know in  
25 the future estimated times that you think for various...

1           RAY BLADINE: We can certainly do that.

2           I'm aware of other jurisdictions putting estimated  
3 time, but making it clear they are estimated.

4           COMMISSIONER STERTZ: Absolutely. I would expect  
5 nothing more than that, Mr. Bladine. Just that we  
6 anticipate that this is going to be a 20-minute presentation  
7 by legal counsel, for example.

8           RAY BLADINE: I understand that you understand  
9 that. Sometimes the public doesn't. And we'll just have to  
10 keep trying to explain that we are trying our best to give  
11 you an outline.

12           COMMISSIONER STERTZ: That's why there is the  
13 asterisk key on our keyboard.

14           RAY BLADINE: We can certainly do that and we  
15 will.

16           CHAIRPERSON MATHIS: Thank you.

17           RAY BLADINE: One more question.

18           Did you want us to post a tentative meeting on the  
19 website for the 15th, a meeting for the 13th, and a  
20 tentative for the 15th at this time? Or would you rather we  
21 wait?

22           CHAIRPERSON MATHIS: Well, I'm open to doing that.

23           We're all going to hold it on our calendars open,  
24 so put tentative and see if we end up needing that.

25           It sounds like we might, given the amount of

1 things we have to cover.

2 RAY BLADINE: Okay. Thank you.

3 CHAIRPERSON MATHIS: Any others?

4 Thank you Mr. Bladine.

5 Agenda item nine, call for public comment.

6 I'm just checking the time. It's 1:04 p.m. I  
7 agree with Mr. Stertz. I thought it might go longer today  
8 than that, so we're early.

9 Does anyone -- do we need to give the court  
10 reporter a break briefly?

11 You're good? Okay. We can just start.

12 I don't have the request.

13 We have a number of slips here, and so we're just  
14 going to take a recess to go through them, and maybe just a  
15 brief break for five minutes. So we'll be back shortly, and  
16 start the public comment. The time is 1:05.

17 (Brief recess taken.)

18 CHAIRPERSON MATHIS: The meeting will now come to  
19 order.

20 We're back in public session.

21 The meeting will now come to order.

22 The time is 1:22 p.m.

23 And we are on agenda item nine, call for public  
24 comment.

25 This is the time for the public to comment.

1           Members of the Commission may not discuss items  
2 that are not specifically identified on the agenda,  
3 therefore action taken as a result of public comment on  
4 matters not on the agenda will be limited to directing staff  
5 to study the matter, responding to any criticism or  
6 scheduling the matter for further consideration and decision  
7 at a later date.

8           So I'm very impressed that there's this many  
9 people for public comment. We really appreciate your  
10 patience and sitting with us today and listening to the  
11 other presentations.

12           Since we have so many Requests to Speak forms, I'm  
13 going to ask that we try to limit each of you. Try to limit  
14 your comments to two minutes each, and Buck over here, our  
15 chief technology officer, will be keeping track for us.

16           I'd also ask that people not, if you're not at the  
17 podium, please don't speak or clap or make any comments  
18 while that person is speaking or when they're done.

19           We'd like to move through this as efficiently as  
20 possible.

21           With that, my first form, and we've try to  
22 organize these based on topics or subjects, Jack Harper,  
23 State Representative, representing the Constitution and loss  
24 of Arizona, and the subject is competitive districts.

25           Mr. Harper?

1 (No oral response.)

2 We'll see if he comes back, he might just be out  
3 of the room.

4 And I should also state, please, when you come up  
5 to the microphone, if you could state your name and spell it  
6 so that the court reporter can get an accurate spelling of  
7 your name, and also the group that you're representing.

8 I think that's it. That would be helpful.

9 Oh, and if -- if you're representing just  
10 yourself, if you could say what town or county you live in,  
11 that would be great.

12 Matthew Capalby, representing Greater Arizona  
13 Success, and the subject is Rural/Greater Arizona  
14 redistricting.

15 MATTHEW CAPALBY: Good afternoon Madam  
16 Commissioner and/or Madam Chair and Commissioners.

17 My name is Matthew Capalby and I reside in  
18 Flagstaff, Arizona.

19 Excuse me.

20 I represent a non-partisan group of concerned  
21 citizens from greater Arizona, and thus our group is called  
22 Greater Arizona Success.

23 We are formed out of concern for the communities  
24 outside of our state's two major metropolitan areas, Phoenix  
25 and Tucson.

1           As you're well aware, greater Arizona is rather  
2 under represented on the Commission. Thus, a group of  
3 concerned citizens, both Democrats and Republicans, business  
4 elected officials, et cetera, throughout Mohave, Yavapai,  
5 Apache, Navajo, and Coconino Counties, have been working and  
6 communicating together for the last several months regarding  
7 this upcoming process.

8           And we come up with some specific points that we'd  
9 like to advocate for.

10           Thus, we advocate for the maintenance of eight  
11 Legislative Districts outside of the Phoenix/Tucson  
12 metropolitan areas.

13           We also advocate for the creation of two  
14 Congressional Districts that constitute the areas of eastern  
15 and western regions of greater Arizona.

16           And lastly, we advocate for the competitive  
17 districts when and where practicable.

18           In regards to communities of like interest, it is  
19 our general philosophy that a community of like interest in  
20 greater Arizona, is any community or municipality that is  
21 not located in Pima or Maricopa County.

22           So, but we are working right now throughout  
23 greater Arizona, primarily the 12 outlying counties. We've  
24 been working and communicating with a number of the  
25 community -- sorry -- Council of Governments, the Central

1 Arizona Association of Governments, et cetera, to come up  
2 with a general consensus of what we would like to see happen  
3 at the local level.

4 I do thank you for your time and consideration.

5 We will be frequently at these meetings as you  
6 travel the state. We look forward to talking with you and  
7 we actually do have some maps and concepts that we would  
8 like to see at the county and regional levels.

9 Thank you very much.

10 CHAIRPERSON MATHIS: Thank you.

11 Next speaker is Wayne Manske, representing self.  
12 And the subject is Mesa redistricting.

13 WAYNE MANSKE: Wayne Manske, Mesa, Arizona. My  
14 Legislative District, Legislative District 18, Mesa, has  
15 always had lopsided politics that has frequently raised  
16 gerrymandering suspicions.

17 I appreciate the efforts of the Arizona  
18 Independent Redistricting Commission is taking this year  
19 respecting open meeting law and the sunshine law which  
20 allows me to observe your handling of the important  
21 redistricting issues that are before you.

22 Your model of portraying respect, fairness,  
23 charity and integrity is commendable.

24 I appreciate your dedication and determination to  
25 be fair and civil with your decision making regarding the

1 important issue before us. Redistricting.

2 Thank you.

3 CHAIRPERSON MATHIS: Thank you.

4 Next up is Ken Clark, co-chair representing  
5 Arizona Competitive District Coalition. Subject is public  
6 mapping.

7 VICE-CHAIR HERRERA: He's not here.

8 CHAIRPERSON MATHIS: Okay.

9 Next speaker is Pete Bangtson -- Bengtson. Sorry.  
10 Representing self. Subject is competitive districts.

11 PETE BENGTSON: Hello. My name is Pete Bengtson.  
12 I'm from Pima County, Legislative District 26.

13 I was at the last meeting in Tucson, and was  
14 really amazed at all the responsibility that you folks had.

15 So I spent some time this last week learning more  
16 about the redistricting Commission and Proposition 106, and  
17 I want to commend all of the Commissioners for the time  
18 you're taking attending the meeting today. It's a lot more  
19 difficult than I thought it was. And thank you for your  
20 efforts.

21 I'd like to speak in support of competitive  
22 districts. I think that's one of the most important of the  
23 six criteria.

24 I'd also like to speak to in support of the  
25 criteria that says follow city and county lines.

1           I certainly appreciate it if LD 26, or whatever  
2 Legislative District it is in the next redistricting, just  
3 includes Pima County.

4           I'd rather have my district just include Pima  
5 County.

6           And thank you.

7           VICE-CHAIR HERRERA: Thank you.

8           CHAIRPERSON MATHIS: Thank you.

9           Next speaker is Betty Bengtson, representing self.  
10 Subject is competitive districts.

11           BETTY BENGTON: I'm Betty Bengtson. I have to  
12 bring the mic down now.

13           I'm Betty Bengtson, B-E-N-G-T-S-O-N, from Pima  
14 County. And this is my first IRC meeting.

15           I have come up today from Tucson. Got up early  
16 and came up the freeway.

17           And I'd like to first thank you, the Commission,  
18 for the efforts that you're making at a legal and open  
19 process.

20           I've been quite impressed today to hear the civil  
21 discussion, to see that you have your lawyers available, so  
22 that you are following the letter and the spirit of the law.

23           As I said in my note, I do want to speak about  
24 competitive districts.

25           I'm particularly interested in the issue of

1 competitive districts as it relates to communities of  
2 interest.

3           Those are certainly difficult, perhaps, balances  
4 to make, but within the State of Arizona, I've read that  
5 recently our political registration among parties is roughly  
6 30, 30, 30, Democratic, Republican, and Independent.

7           And the -- it seems to me that we have people who  
8 are leaving political parties who are becoming Independents  
9 because I think they're dissatisfied with their ability to  
10 reflect the direction that Arizona takes through the  
11 political process.

12           And that's directly related to a lack of  
13 competitive districts.

14           Many of us feel that we're in districts where  
15 there are large voting blocks that we might define as a  
16 community of interest, and that so over balance, or affect  
17 the voting patterns in one direction or the other, that many  
18 of us don't feel that we have a voice in a political  
19 process.

20           So I really urge you to look at the issue of  
21 competitiveness, and to ensure that those of us who are out  
22 voting feel that we have some say in the outcome of the  
23 process.

24           Thank you very much.

25           CHAIRPERSON MATHIS: Thank you.

1           Next speaker is Michael Conway, representing self.

2           And the subject is redistricting, competitive  
3 districts, respect in the process.

4           MIKE CONWAY: Mike Conway, Mesa, Arizona.  
5 C-O-N-W-A-Y.

6           I actually came today to see what all the hoopla  
7 was about, and first I want to commend the Members much the  
8 Commission who are volunteering their time to fulfill the  
9 constitutionally mandated process that was passed  
10 overwhelmingly by a majority of Arizonans.

11           Yesterday I received an e-mail that stated I  
12 needed to come to this meeting because Obama has his hands  
13 all over our redistricting process.

14           Considering all that that man is dealing with, I  
15 rather doubt that Arizona redistricting's process is really  
16 on his plate or even on his mind.

17           If you truly believe in American democracy, you  
18 would strive for 30 competitive districts.

19           Because every voter should have a choice, a choice  
20 between two or three or four quality candidates. Not one  
21 district should be decided in the primary.

22           I believe today we may have five or six truly  
23 competitive districts.

24           That's a shame. And that is not democracy.

25           I know there's people in this audience who want to

1 maintain the system as it is, because they hold a lot of  
2 political power.

3           That's not what America's founders had in mind,  
4 and it's certainly not the American ideals which I discuss  
5 with children daily.

6           Your job is one that I don't want, actually. Your  
7 job is to take a map, take some consultant's information and  
8 make the best decision that you can for every single person  
9 who resides in this state. Not people who wear blue. Not  
10 people who wear red, and not just people who wear yellow.

11           It needs to be everybody.

12           This is our redistricting Commission. It does not  
13 belong to any one group of people.

14           And if that is what you keep in mind, I have  
15 absolutely no doubt you will come out with a wonderful  
16 solution for every citizen in this state.

17           Thank you.

18           VICE-CHAIR HERRERA: Thank you.

19           CHAIRPERSON MATHIS: Thank you.

20           Next up is Kelly Townsend, co-founder Greater  
21 Phoenix Tea Party, representing LD 22. And the subject is  
22 the LD 22 lines.

23           KELLY TOWNSEND: My name is Kelly Townsend.  
24 K-E-L-L-Y, T-O-W-N-S-E-N-D, Greater Phoenix Tea Party from  
25 District 22, and the co-founder of Greater Phoenix Tea

1 Party.

2 I'm very pleased to speak here on behalf of our  
3 group.

4 We have a very large group throughout this county,  
5 and there are many additional Tea Parties throughout the  
6 State.

7 We've received some information that's concerning.

8 And so what I want to do is ask questions rather  
9 than tell you how I feel about the information.

10 My first question is: Do you agree that one of  
11 your goals is to contract with a non-biased mapping  
12 consultant?

13 Do you agree to that? Anybody disagree?

14 MARY O'GRADY: Madam Chair, this is the time for  
15 public comment, so it's not really the time for you to  
16 respond to the comments.

17 KELLY TOWNSEND: May I ask a question of  
18 Mr. Strasma?

19 MARY O'GRADY: No. Actually it's the time for you  
20 to talk and us to listen.

21 KELLY TOWNSEND: I have information that says a  
22 more recent client of Mr. Strasma'S Strategic Telemetry was  
23 a 2008 Obama for president campaign.

24 I have information that says that entities that  
25 you have been involved with are involved with a recall of

1 Governor Scot Walker in Wisconsin, as well as State  
2 Legislators who voted for reform for the State collective  
3 bargaining.

4           And I have information that you are former Policy  
5 Director for the National Committee of Effective Congress.  
6 And that on your website it states this is one of the most  
7 influential political organizations, having helped hundreds  
8 of progressive candidates to Congress.

9           My question is, what type of consulting has  
10 Mr. Strasma done for other political parties to include the  
11 Republican party?

12           And further, if public confidence is so important  
13 to this Commission, how can you accomplish this goal with  
14 Mr. Strasma's political activism? And how much will it cost  
15 the State in lawsuits.

16           Thank you.

17           CHAIRPERSON MATHIS: Thank you.

18           Our next speaker is David McKaler, representing  
19 self. And the subject is competitive districts.

20           (No one comes forward.)

21           CHAIRPERSON MATHIS: Next speaker is David  
22 Cantelme, representing Fair Trust. And the subject is  
23 competitiveness.

24           DAVID CANTELME: Madam Chair, Members of the  
25 Commission. My name is David Cantelme, C-A-N-T-E-L-M-E,

1 representing Fair Trust.

2           And I rise to respectfully disagree with my  
3 colleagues with respect to the Supreme Court's holding on  
4 competitiveness.

5           It held that the competitiveness clause is as much  
6 a part of the Constitution as any other clause.

7           And with that nobody can disagree.

8           But the Constitution plainly says that  
9 competitiveness is to be considered only to the extent it  
10 causes no significant detriment to the other criteria.

11           And those, of course, are complying with the  
12 United States Constitution, complying with the Voting Rights  
13 Act, equal population, respecting county and city  
14 boundaries, contiguity and compactness, and communities of  
15 interest.

16           So that if increasing competitiveness has a  
17 significant detriment on these other criteria, the increase  
18 would violate the State Constitution.

19           I'd also like to speak for just a minute on the  
20 Voting Rights Act, and we agree that maximizing majority  
21 minority districts is not required by the Voting Rights Act.

22           But we disagree, or at least we would add and we  
23 would supplement the comments to say that, majority minority  
24 districts should be achieved equivalent to the state's --  
25 their share of the state's population.

1           As a result, we strongly urge that our citizens  
2 who are Native-American or African-American or Asian-  
3 American or Latino-American, be given districts with weight  
4 equal to their strength in our state's population.

5           And with that, I would thank you again.

6           I also commend you all for the time you've given  
7 this process. Thank you so much.

8           CHAIRPERSON MATHIS: Thank you.

9           Our next speaker is James Kelly, Chairman LD 29,  
10 Pima GOP, representing LD 29. And the subject is  
11 Congressional redistricting.

12           JAMES KELLY: Madam Chair, Commissioners.

13           Thank you very much for this opportunity to  
14 address the Commission.

15           Again, today I would like to talk about  
16 Congressional Districting as from the grid system that we're  
17 looking at.

18           It is my hope that we maintain, as much as  
19 possible, three on top, three in the middle, three on the  
20 bottom.

21           I am a proponent of three Congressional Districts  
22 on the border.

23           I am also a proponent of three Congressional  
24 Districts south of the Gila River as a geographic location.

25           For a number of different reasons.

1           Barring the drinking liberal club at the Shanty in  
2 Tucson that came up with the idea of Baja Arizona, from the  
3 terms of economic interest, economic centers, government  
4 centers, military installations, geographic centers,  
5 communities of interest, particularly when we - when we  
6 weigh this with greater Arizona, we have Pima County, which  
7 is in the middle and surrounded by more rural areas on the  
8 other side.

9           And we end up giving our money either north to  
10 Phoenix, or south to Mexico.

11           That's where our money goes. We don't get to keep  
12 it. Our Social Services money, our infrastructure money, we  
13 don't get to keep it in Pima County.

14           Greater Arizona that surrounds us is also not kept  
15 up to date with regards to infrastructure, with regards to  
16 Federal expenditures and/or State expenditures.

17           So for our purposes, three Congressional Districts  
18 on the border, that is a reflection of the communities of  
19 interest, a reflection of the geographic centers. I believe  
20 that there is good cause to maintain those three districts  
21 or to, excuse me, to get three districts on the border.

22           Thank you very much for your time.

23           CHAIRPERSON MATHIS: Thank you.

24           VICE-CHAIR HERRERA: Thank you.

25           CHAIRPERSON MATHIS: Our next speaker is Tony

1 Sissons, representing self. The subject is three quick  
2 issues.

3 (No one comes forward.)

4 CHAIRPERSON MATHIS: I don't see Mr. Sissons.  
5 We'll put that in that pile.

6 Our next speaker is Mohur Sidhwa, representing  
7 self. And the subject is competitive districts.

8 MOHUR SIDHWA: This is the third time I'm speaking  
9 TO the Commission. The first time I think I was one of  
10 three speakers. Last time we had 50 odd. It took three  
11 hours.

12 I'm glad we holding this at the end of the agenda  
13 rather than at the beginning, that forces people to actually  
14 hear what you're doing and listen to the process and the  
15 procedure. Because the process is important. Not just  
16 jumping to conclusions.

17 I speak for competitiveness.

18 It is -- I mentioned this before, but it is the  
19 essence of democracy.

20 It is not democracy if we are not given a choice  
21 with regards to whom to vote for.

22 In my District 28, it's heavily Democratic, and  
23 the Republicans more often than not don't even field a  
24 candidate.

25 And the result of which, critical thinking

1 disappears on both sides of the aisle if we do not have a  
2 competitive district.

3           It's almost like people are like walking around,  
4 around with talking points in their heads, and they don't  
5 know what else to say beyond those talking points. That  
6 does not serve our politics well. It doesn't serve the  
7 people well, and certainly does not take care of our  
8 problems.

9           And so I would say one more thing. After last  
10 time, stay strong, the five of you. You are strong people.  
11 That's why you are here.

12           You would not have been appointed by your people.  
13 Stay strong.

14           Do not let the intimidators intimidate you.

15           There will be times when I may or may not agree  
16 with you, but you have to ultimately agree with who you are  
17 and what you are, and what you represent to yourself.

18           And that may not agree with what I -- basically,  
19 I'm not asking you to think like me, but just think for  
20 yourselves and don't let the intimidators intimidate you.

21           Thank you.

22           CHAIRPERSON MATHIS: Thank you.

23           Our next speaker is Randall Holmes, Board Members,  
24 Arizona Advocacy Network, representing self. And the  
25 subject is competitive district.

1           RANDALL HOLMES: Thank you, Madam Chair. I  
2 represent only myself today, although I'm a member of  
3 various political and social organizations.

4           Competitive districts are --

5           CHAIRPERSON MATHIS: Do you mind stating where you  
6 are from?

7           A. I am from Tempe. R-A-N-D-A-L-L, H-O-L-M-E-S.

8           We need a Legislature and a congressional  
9 delegation that looks like Arizona.

10           Statewide our statewide elections are often  
11 competitive, sometimes not so much for U.S. Senate, but for  
12 statewide office they are.

13           Statewide the voters have passed things like the  
14 Independent Redistricting Commission. Clean elections.  
15 Kids First. And finally, the Voter Protection Act, to keep  
16 the Legislature from messing with the voters' will, because  
17 the Legislature, unfortunately, doesn't really reflect the  
18 people of Arizona as a whole. It's kind of tilted one way  
19 because of badly drawn districts.

20           As Mr. Conway and others stated, in a primary  
21 election often only the true believers, the activists of  
22 both parties turn out, and they choose the person that's the  
23 most ideologically pure.

24           And if the district isn't competitive between the  
25 parties, then, of course, the general election is merely a

1 formality.

2 I would associate myself with the remarks of all  
3 the other folks who want to remind you that you don't answer  
4 to anyone. We don't want the Legislature picking their  
5 voters. We want the voters picking the Legislature.

6 You don't answer to anybody, the Legislature or  
7 Governor or anybody but the people of Arizona.

8 So I represent the great silent majority, the  
9 great community of interest, which is the people of Arizona.

10 There's a lot of people that care about what's  
11 going on but they're not yelling at you. I wanted to remind  
12 you that you're in the driver's seat and we all depend on  
13 you. Thank you.

14 CHAIRPERSON MATHIS: Thank you.

15 VICE-CHAIR HERRERA: Thank you.

16 CHAIRPERSON MATHIS: Our next speaker is Wes  
17 Harris, representing self, LD 6, original North Phoenix too  
18 Tea Party. Subject, choice of mapping contractor.

19 (No one comes forward.)

20 CHAIRPERSON MATHIS: Okay, we'll go to the next  
21 one.

22 Anne Heinz.

23 You'll have to tell us who you're representing.  
24 The subject is mapping consultant process and developing  
25 redistricting agenda item three.

1 ANN HEINS: Ann Heins, H-E-I-N-S, Tempe,  
2 representing myself.

3 I'm addressing agenda two and seven, regarding  
4 fair and unbalanced redistricting which is your mission, and  
5 you mentioned no unreasonable standards, competitiveness.

6 I too question how Obama's presidential campaign  
7 person can be a mapping consultant for us, and they're not  
8 even a mapping consulting company. They're a campaigning  
9 company, now working for getting recall of the governor of  
10 Wisconsin, Republican Legislature.

11 He has been the director for the National  
12 Committee for Effective Congress, which is, quote, to elect  
13 hundreds of progressive candidates.

14 Number two, the Chairman of the session has failed  
15 to disclose that her husband worked as Treasurer for a  
16 liberal progressive campaign, and unfortunately was elected.

17 Number three, the State Procurement Office, as you  
18 mentioned, refused to deal with this contract and has now  
19 bowed out.

20 So we have three areas of illegality, and I hear  
21 -- I had to sit through an hour, and what, hour-and-a-half  
22 hearing terms of fair and balanced, no unreasonable  
23 standards, competitive measures, comments from the public.  
24 So you make us wait for three-and-a-half hours, and 50  
25 percent of your meetings are in Executive Sessions.

1           Shame on you.

2           CHAIRPERSON MATHIS: Thank you.

3           Our next speaker is Mason Arrowsmith, representing  
4 self. The subject is mapping consultant.

5           (No one comes forward.)

6           CHAIRPERSON MATHIS: Our next speaker is Payton  
7 Davies, representing self. And the subject is agenda item  
8 two, State open meeting laws and public record laws.

9           PAYTON DAVIES: My name is Payton Davies,  
10 P-A-Y-T-O-N, D-A-V-I-E-S.

11           And I am representing myself.

12           I'm from Oro Valley.

13           I was going to speak about the Minutes not being  
14 taken or submitted, but I believe that's been covered. I  
15 hope that you will be getting them out, because we think  
16 it's very important. We thank you for your efforts to get  
17 them out.

18           I was going to talk about the Procurement Office  
19 bowing out. I think that's been covered.

20           I do think that the Chairman of the committee, who  
21 has said she's an independent, should resign before the lies  
22 by omission on her application become scandal.

23           I think its right and I don't think it's going to  
24 stop.

25           I would appreciate a person that could vote truly

1 in an unbiased way on a Commission of five people.

2 Thank you.

3 VICE-CHAIR HERRERA: Thank you.

4 CHAIRPERSON MATHIS: Thank you.

5 CHAIRPERSON MATHIS: Our next speaker is Alex  
6 Bissett, representing self. And the subject is agenda item  
7 two.

8 ALEX BISSETT: Thank you, Madam Chair and  
9 Commissioners.

10 I have a five-minute speech here to talk, that I'm  
11 going to try to get down to two minutes.

12 I'm a mining engineer, and in the course my work  
13 I've had to over the years deal with conflicts of interest.

14 CHAIRPERSON MATHIS: Could you say where you're  
15 from? Where you reside? City or town or county where you  
16 reside?

17 ALEX BISSETT: LD 26. Okay? All right?

18 I know what a conflict of interest is.

19 A conflict of interest simply is when a person has  
20 two interests and one of those interests conflicts with  
21 another one.

22 I believe there have been blatant conflicts of  
23 interest in the events leading up to, as well as the actual  
24 appointment of Chairman Colleen Mathis, and with certain  
25 actions she's taken.

1           On October 12, 2010, Ms. Mathis applied by  
2 application form to serve on this Commission as the, quote,  
3 unquote, Independent.

4           Evidence shows that she deliberately lied on that  
5 application form, specifically on questions one, six, and  
6 eight.

7           In the interest of time I'm only going to talk  
8 about question eight. Which really read as an instruction.

9           Words to the effect, list on an attachment, any  
10 sponsors, siblings, children, parents, that are currently  
11 employed and their addresses and companies that they work  
12 for.

13           On hers, where she answered attachment question  
14 eight, she listed two people, that I believe are relatives,  
15 siblings. Robert Michael Coil and Peter Thomas Coil.

16           Somehow she forget to mention her husband.

17           Because at the time she had signed that  
18 application, her husband, Chris Mathis, held a key position,  
19 paid as treasurer for Nancy Young-Wright's campaign. A  
20 campaign which Ms. Wright lost by a narrow margin. I live  
21 in LD 26 so I'm quite interested.

22           Question one and question six deal with ethics.  
23 When she asked -- when she was asked a question was there  
24 anything in her background that could be considered conflict  
25 of interest, she said no.

1           When she was asked if she would serve as an  
2 independent, unbiased member of this Commission, she said  
3 yes.

4           She couldn't answer those two questions that way.

5           VICE-CHAIR HERRERA: Madam Chair, the two minutes  
6 is up.

7           ALEX BISSETT: I have a half minute to go.

8           So now we have the Commission Chair who lied on  
9 her application, pushing for a leftist contractor who has  
10 the power to influence district changes so her husband's  
11 associate, Nancy Young-Wright, will have a better chance in  
12 the upcoming national election. A blatant conflict of  
13 interest.

14           I believe it's like the proverbial fox guarding  
15 the hen house.

16           Thank you.

17           CHAIRPERSON MATHIS: Thank you.

18           VICE-CHAIR HERRERA: Thank you.

19           CHAIRPERSON MATHIS: Okay. Our next speaker is  
20 Joe Murphy, representing self. And the subject is  
21 redistricting history.

22           JOE MURPHY: Hello. My name is Joe Murphy. I'm  
23 from Phoenix. I've been here about 31 years now. In the  
24 '80s we had fairly competitive districts. In the '90s  
25 things got a little blackie, and with the corruption,

1 trials, which the Committee, you all remember, we all of a  
2 sudden as citizens decided we should have a Commission to  
3 create the districts.

4           Unfortunately, those districts went from  
5 competitive to mostly non-competitive.

6           I think right now there's only three competitive  
7 districts.

8           One of the things we learned from history is, in  
9 single party states you get corruption and a lot of bad  
10 laws.

11           I think that's what we have.

12           So I support having more competitive districts,  
13 not fewer.

14           I'd like to thank you all for serving.

15           This has got to be tough.

16           I'd like to also thank you for hiring an attorney  
17 firm that say they're election law nerds. I prefer that to  
18 election law hacks.

19           Having to deal with some computer companies, I  
20 know they don't represent -- they don't work for one group  
21 or another. They work for people that pay them to do a good  
22 job.

23           And so if they work for some people that won  
24 elections, I think that's a good thing, not a bad thing.

25           I also tend to be someone who believes that a

1 spouse isn't controlled by their other spouse, so it doesn't  
2 matter what any of your spouses do. It matters what you do.

3 And I appreciate your serving, and good luck with  
4 this.

5 I'm going to come back for more of these because  
6 it's kind of fun sitting out here.

7 CHAIRPERSON MATHIS: Thanks.

8 VICE-CHAIR HERRERA: Thank you.

9 CHAIRPERSON MATHIS: Our next speaker is Jeff  
10 Smith, representing self. The subject is redistricting.

11 JEFF SMITH: Thank you.

12 I would like to address actually a couple of  
13 things. The first thing I want to address is the --

14 CHAIRPERSON MATHIS: Can you state where you're  
15 from?

16 JEFF SMITH: I am from Gilbert. Sorry.

17 I want to talk about competitiveness as several  
18 others have spoken to.

19 I would like to agree that as a general principle  
20 I do think that voters should pick their legislators rather  
21 than have Legislature pick their voters.

22 I am concerned that this principle of  
23 competitiveness might take priority over the other goals,  
24 possibly to their detriment.

25 My concern is that communities of interest be

1 honored and respected, and I urge you to make sure that the  
2 final map allows the will of the people of this state to be  
3 manifest in the electoral result, whatever they may be.

4 Many of us will be watching closely to make sure  
5 the final map does not impose an artificial electoral result  
6 that is not reflective of the true will of the voters.

7 I think competitiveness is a worthy goal to the  
8 extent it actually reflects the makeup of the citizens in  
9 that district.

10 But doing unnatural things like breaking up  
11 communities of interest, or violating the other goals of  
12 compactness, continuity, and so forth, in the name of  
13 creating artificial competitiveness, would be unacceptable  
14 and a clear violation of the purpose for which this  
15 Committee -- this Commission was created.

16 I also do want to register my disagreement with  
17 the choice of the mapping consultant.

18 This consultant's strong ties to leftist  
19 candidates and causes are well documented, including his  
20 history of having worked for the redistricting of the arm of  
21 the Democratic National Committee.

22 Regardless of whatever other qualifications he may  
23 have had, this selection makes a mockery of the process and  
24 of a Redistricting Commission that calls itself independent.

25 VICE-CHAIR FREEMAN: Thank you.

1           CHAIRPERSON MATHIS: Our next speaker is Richard  
2 Breyer, representing 2012 Project. Subject is  
3 redistricting.

4           RICHARD BREYER: My name is Richard Breyer,  
5 B-R-E-Y-E-R. I'm affiliated with the 2012 Project and the  
6 Arizona Freedom Alliance, which is a group of 30 some Tea  
7 Parties across the State of Arizona.

8           CHAIRPERSON MATHIS: Would you mind stating where  
9 you're from?

10          RICHARD BREYER: Scottsdale, Arizona.

11          I would like to thank the legal counsel. I'm kind  
12 of a political novice. I've voted since I've been able to  
13 vote, but just recently got involved in the political  
14 process. Thank you for enlightening me on the Prop 106.

15          The balance called for in Prop 106, what is what I  
16 would like to address today, specifically, Madam Chairman,  
17 your history of political affiliations, don't seem to match  
18 up with your registration as an Independent.

19          And secondly, the selection of the Committee or  
20 the Mapping Committee. But, again, I have to use the word  
21 allegations of ties with past -- of ties with progressive  
22 and liberal causes and known affiliation with the Democratic  
23 Party.

24          Once again, the balance is what we're asking for.

25          And again, I ask for a fair deal, and not a

1 stacked deck.

2           Again, thank you very much for your time.

3           CHAIRPERSON MATHIS: Thank you.

4           Our next speaker is Robert Weeks, representing  
5 self. And the subject is redistricting.

6           (No one comes forward.)

7           CHAIRPERSON MATHIS: Next is Lauren Kuby,  
8 representing self. And the subject is redistricting.

9           LAUREN KUBY: I'm Lauren Kuby from Tempe, Arizona,  
10 District 17 Democrats.

11           I just want to applaud the Commission for taking  
12 new direction from the choices that led to so much  
13 controversy and lawsuits ten years ago. I really support  
14 this direction, and I think it's critical that we have  
15 fairness and transparency in the process.

16           I support what you're doing and the choices you've  
17 made, and I want to remind the Commissioners Freeman and  
18 Stertz that the NDC mapping consultants that were hired ten  
19 years ago led us to a lot of pain and angst and prepared  
20 pretty unfair districts.

21           So I want us to keep in mind that I think our  
22 decisions to go with the present consulting company was the  
23 proper one.

24           Thank you.

25           CHAIRPERSON MATHIS: Thank you.

1           Our next speaker is Margaret Gallagher,  
2 representing self. And the subject is redistricting.

3           MARGARET GALLAGHER: My name is Margaret  
4 Gallagher, G-A-L-L-A-G-H-E-R. I'm from Scottsdale.

5           And I want to thank this Commission for your work  
6 so far. It's not an enviable task.

7           I want to thank this Commission for your work so  
8 far and your commitment to fairness in the process, and to  
9 the accuracy of the data analysis that will commit us for  
10 the next ten years.

11           I urge you to maintain your commitment to all of  
12 the goals of the process, including competitiveness,  
13 allowing everyone's vote to count in Arizona.

14           I also urge you to ensure you have adequate  
15 administrative staff and legal advice to help you get your  
16 job done. You have an enormous amount of work to do in a  
17 very short time.

18           And also to use this administrative staff and  
19 legal advice to minimize the opportunities for frivolous  
20 challenges later on.

21           Thank you.

22           CHAIRPERSON MATHIS: Thank you.

23           Next speaker is Richard Van Dyne, representing  
24 self. And the subject is redistricting.

25           RICHARD VAN DYNE: My name is Richard Van Dyne.

1 That's V-A-N D-Y-N-E.

2 I am District 19, Mesa.

3 To the Commission, thank you for the work that you  
4 have done, for the work that you will do. It is an  
5 important task that you have taken on.

6 Over my many years in Arizona, too often I have  
7 heard not from people like us. We're all political  
8 activists, but from neighbors that have said: My vote  
9 doesn't count. It doesn't make any difference.

10 It is my hope that the results of your work will  
11 encourage as many Arizonans as possible to participate in  
12 the political process.

13 Democracy was never meant to be a spectator sport.

14 Thank you.

15 CHAIRPERSON MATHIS: Thank you.

16 Our next speaker is Gary Jordan, representing  
17 self. And the subject is redistricting.

18 (No one comes forward.)

19 CHAIRPERSON MATHIS: Okay.

20 Our next speaker is Terry Schwan, representing  
21 self. And the subject is process.

22 (No one comes forward.)

23 CHAIRPERSON MATHIS: Our next speaker is Henry  
24 Ola, representing self. And the subject is redistricting.

25 (No one comes forward.)

1           CHAIRPERSON MATHIS: And I may have mispronounced  
2 that. It may be Elka.

3           The next speaker is Catherine Kladis, representing  
4 self. And the subject is Redistricting Commission.

5           CATHERINE KLADIS: Madam Chair, Members of the  
6 Commission.

7           I want to thank you so much for allowing me to  
8 speak today.

9           You have an important job ahead of you and there's  
10 a lot of work to be done.

11           My name is Catherine Kladis, Catherine with a C,  
12 K-L-A-D-I-S, from Mesa, Arizona.

13           I live in a very non-competitive district.

14           I have been living here since 1985, long enough  
15 probably to be called a native.

16           And I have seen time after time, my vote not  
17 counting simply because of the non-competitiveness in our  
18 district because of the way the redistricting used to be,  
19 with politicians getting involved, and special interests.  
20 We had many lawsuits that were because of that.

21           An now we have a new open and transparent process.

22           My one worry when we started this process was that  
23 we would have politicians again sticking their nose into the  
24 process and gerrymandering the lines so that their seat in  
25 Congress or Legislature would be safe.

1           With the vote in 2000 for Proposition 106, the  
2 voters, through their vote, amended our State Constitution  
3 to get the politicians out of the process.

4           The Commission now follows set guidelines, six  
5 criteria. And by court ruling they have stated that not one  
6 of these is more important than the other.

7           This will bring competitiveness and diverseness to  
8 our districts.

9           Around 2007 I was on a committee, and I was asked  
10 to look at the different Commission's in the State of  
11 Arizona.

12           Through looking those different Commission's over,  
13 I found the redistricting committee to be the most fair, and  
14 the least partisan of all the committees.

15           Even the public is now able to get involved by  
16 going to your website and following the criteria, and  
17 participating and drawing the lines and submitting what they  
18 think the map should look like for your consideration.

19           And I applaud you for that.

20           Districts must be competitive.

21           I was going to speak mostly to this, but I think  
22 the attacks on the Chair and on the Commission itself are  
23 unwarranted and unnecessary. You are doing the job you were  
24 set out to do. It's a hard job. And following the criteria  
25 that has been set out for you.

1           If parties or special interest groups or political  
2 wings of parties started to interfere with the process, then  
3 I am afraid that you may be swayed by that and forget the  
4 criteria that has been set out for you to follow.

5           I urge you to continue the good work that you are  
6 doing. Stick by the six criteria, and please make our  
7 districts competitive.

8           Thank you.

9           CHAIRPERSON MATHIS: Thank you.

10           Our next speaker is Doreen Mauro, representing  
11 self. And at the subject is redistricting.

12           DOREEN MAURO: Thank you. Hello Chair Mathis and  
13 Commissioners.

14           My name is Doreen Mauro. I'm a voter and resident  
15 of Mesa, Arizona.

16           I'm also an Italian American, and also what is  
17 called a second generation immigrant. And my parents  
18 actually stopped at Ellis island -- excuse me -- my  
19 grandparents stopped at Ellis Island.

20           I'm here, again, as the Chairman mentioned,  
21 representing myself.

22           And I care about all individual voters.

23           This should be about not just where you're from,  
24 but that you have a voice in elections in Arizona. That's  
25 important to me that everybody have a voice.

1           In my opinion, political extremists,  
2 unfortunately, wish to disrupt this fair process, and draw  
3 voting districts that favor special interests.

4           But a fair redistricting process is mandated by  
5 the Arizona Constitution since voters approved Proposition  
6 106 in 2000.

7           All Arizona voters should play an important part  
8 in our election outcomes.

9           Special interests don't seem to like that.

10          They have used gerrymandering to draw unfair  
11 voting districts.

12          That disenfranchises many, many voters.

13          But fair redistricting means that all Arizonans  
14 decide who governs the state.

15          I ask the Commissioners to hold fast to a fair,  
16 non-partisan, excuse me, non-partisan process and outcome,  
17 and to ensure that each Arizonan's vote counts.

18          Thank you.

19          CHAIRPERSON MATHIS: Thank you.

20          Our next speaker is James Cook, representing self.  
21 And the subject is easy access to information.

22          JAMES COOK: James Cook from LD 26, down in Oro  
23 Valley, a couple hours away.

24          Thank you, the Commission, for this difficult job.  
25 And I'm very impressed with how all the speeches and intent

1 seem to be fairness. I just hope that's the outcome.

2 Most of my concerns have been addressed already.

3 But I would like to mention that I am displeased  
4 to have to wait this long after the drive, couple hours each  
5 way and so forth, for the public comment.

6 I -- this is important to me. I want to hear what  
7 other people say, but as you can tell by the response, many  
8 of the people have left because they ran out of time.

9 So it's my displeasure with the Commission's  
10 decision to move the public comment section of the meeting  
11 from the beginning to the end of the meeting. This appears  
12 on the part of the Commission to dissuade and discourage any  
13 person who wishes to be heard.

14 Furthermore, it is discourteous to the folks who  
15 must make arrangements at the last minute to attend these  
16 meetings, and be expected to sit through the entire process  
17 with no idea what time they will be heard, and free to  
18 continue their personal lives.

19 So many well spoken positions today. I support  
20 most of them.

21 We'll know the results of what this Commission  
22 does when we see the turnout at elections.

23 Most people say there's no use going, the power  
24 structure will do what they want.

25 When it's all over, they'll fly home in their jets

1 and the taxpayer will get another brick in their backpack.

2 So I just encourage you to do the right thing.

3 CHAIRPERSON MATHIS: Thank you.

4 Our next speaker is Raquel Cook, representing  
5 self. And the subject is impartiality.

6 RAQUEL COOK: My name is Raquel Cook, R-A-Q-U-E-L,  
7 C-O-O-K. I reside in Oro Valley.

8 I have a matter that troubles me greatly, and I  
9 wish it wasn't an issue. But I must say what I have heard,  
10 upsets me.

11 I have in my hand a notarized legal copy of the  
12 application, including attachments, for the Independent  
13 Redistricting Commission filed on October 12th, 2010, by  
14 Colleen Mathis.

15 On the application there are 22 questions that are  
16 to be completely answered.

17 At this time, I refer to question number eight,  
18 which reads: "If your parents, siblings, spouse, or  
19 children, are employed or engaged in any business or  
20 profession, state by attachment their names and the name and  
21 address of their employer, or the business in which they are  
22 engaged.

23 Her answer to question eight listed only her  
24 brothers.

25 There was no mention of her husband, Christopher

1 Mathis, who was at the time of the filing of the document a  
2 paid employee of Democrat Nancy Young-Wrights' campaign for  
3 State House Representative for the 2010 election held on  
4 November 2nd, three weeks after Mrs. Mathis filed her  
5 application.

6 I now refer to question six, which asks: Is there  
7 any possible conflict of interest or other matter that would  
8 create problems or prevent you from fairly and impartially  
9 discharging your duties if appointed to the Independent  
10 Redistricting Committee.

11 To which your answer was no.

12 Keeping in mind that Mrs. Mathis was appointed to  
13 the Commission as an Independent, I'm keeping in mind her  
14 failure to disclose her husband's job as campaign treasurer  
15 for Democrat Nancy Young-Wright.

16 I now refer to question number one, which asks:  
17 Are you committed to applying the provisions of the Arizona  
18 Constitution Article 4, Part Two, Section One, in an honest,  
19 independent, and impartial fashion? And to uphold the  
20 public confidence in the integrity of the redistricting  
21 process.

22 To which she answered yes.

23 With this answer, I must strongly disagree. And I  
24 put forward that Mrs. Mathis is, at the very least, guilty  
25 of failure to disclose, or at worse, lying by omission, and

1 has, in my opinion, she forfeited her right to serve as a  
2 Commissioner to the Redistricting Committee.

3 CHAIRPERSON MATHIS: Thank you.

4 Mary, Joe, can I respond to that now, or no?

5 Because there's been lots of comments whether that  
6 was known. I don't know if this is appropriate or not.

7 JOSEPH KANEFIELD: Madam Chair -- the microphone  
8 is not working.

9 According to the open meeting law with respect to  
10 public comment, it says that at the conclusion of an open  
11 call to the public, individual members of the body may  
12 respond to criticism made by those who addressed the public  
13 body, if that answers your question.

14 CHAIRPERSON MATHIS: Thank you.

15 Moving on then, our next speaker is Emmett Bryan,  
16 representing self. And the subject is IRC.

17 (No one comes forward.)

18 CHAIRPERSON MATHIS: Our next speaker is Niles  
19 Dunnells, representing self. Subject, contracting conflict  
20 of interest, failure to disclose conflict of interest by  
21 Commission Chairman.

22 NILES DUNNELLS: Thank you.

23 My name is Niles Dunnells, N-I-L-E-S,  
24 D-U-N-N-E-L-L-S, representing the people of Arizona. I'm  
25 from Avondale, Arizona.

1           And I want to remind the Commission that the name  
2 of this Commission is the Arizona Independent Redistricting  
3 Commission. And I was saddened to hear that the contract  
4 for the mapping commission had been awarded. I know it had  
5 been a contentious issue, and as a number of people already  
6 stated, the company, and Mr. Strasma himself, have numerous  
7 ties to the Democratic National Committee.

8           Mr. Strasma is a trainer on the Democratic  
9 National Committee, which makes him a, actually, a strong  
10 Democrat himself.

11           The committee Chairman has failed to disclose that  
12 her husband was the treasurer for Nancy Young-Wright's re-  
13 election committee in LD 26.

14           So now we have, counting the mapping commissioner,  
15 or mapping committee member, four Democrats, two  
16 Republicans. We no longer have an independent committee.  
17 We have a Democrat Redistricting Commission. So the State  
18 is not being served with what it's suppose to have, an  
19 independent Commission.

20           While we're on the subject of redistricting, on  
21 that portion, I live in Avondale.

22           Avondale is in the district with Tucson. Does  
23 that make any sense?

24           CHAIRPERSON MATHIS: Thank you.

25           Our next speaker is Bill Mitchell, representing

1 self and LD 4. Subject is need for transparency, fairness,  
2 and independence.

3 (No one comes forward.)

4 CHAIRPERSON MATHIS: Okay.

5 Our next speaker is Lyle McCurdy, Professor  
6 Emmeritus, representing self. And the subject is board  
7 activity.

8 LYLE McCURDY: Good afternoon, Madam Chair,  
9 Commissioners, and legal advisers.

10 My name is Lyle McCurdy, L-Y-L-E, M-C capital  
11 C-U-R-D-Y.

12 I represent myself. I'm from Marana, Arizona.

13 And I'm a precinct committeeman in LD 25.

14 I recognize that your work is very important and  
15 highly partisan. The mapping outcome of the Commission will  
16 impact the State of Arizona, in my opinion, for years to  
17 come, and could even turn the State from conservative to  
18 liberal.

19 This could be a significant change of events for  
20 the State, and in my opinion, it could even affect the  
21 outcome perhaps of the national elections in 2012.

22 Your work is exceedingly important.

23 And it has to be unbiased.

24 I used to live in Arizona about 25 years ago, and  
25 the state was solidly Republican at the time.

1           It seems to have changed significantly. If that  
2 is the will of the voters, then so be it.

3           But, this Commission should not be involved in  
4 helping the process along one way or the other.

5           To do its task properly, the Commission must be  
6 neutral in everything it does. The presumed bias in  
7 selecting the Strategic Telemetry is so blatantly obvious  
8 that I cannot figure out for a moment how this decision was  
9 made, especially when the company is known to be  
10 progressively left leaning. The two out of four split was  
11 up to Chairperson, the highest single vote, resulting in a  
12 three to five split along party lines.

13           From what I can tell, not one Republican voted for  
14 the company.

15           I think a four out of five vote could have been  
16 better or even 100 percent vote of all the Commissioners for  
17 a given company, no matter how difficult that would have  
18 been. At least votes would have been equal.

19           The way it looks now, it sure looks like the  
20 Commission is interested in nullifying the conservative  
21 vote in the State.

22           I think a formal investigation should be  
23 conducted.

24           Thank you.

25           God bless America and God bless Arizona.

1 CHAIRPERSON MATHIS: Thank you.

2 Our next speaker is Bill Roe, representing self.  
3 And the subject is fair and rapid process, if needed, it  
4 says.

5 BILL ROE: Good afternoon. Thank you.

6 I'm Bill Roe, R-O-E, from Tucson. And most  
7 everything has been said.

8 One thing that has only been commented on once is  
9 an enormous number of demands placed on staff.

10 I would urge you to think about bulking up staff  
11 very quickly.

12 I'm trying to figure out how many hours it would  
13 take to do all the things you've asked staff to do today,  
14 and it's literally impossible with the small staff you've  
15 got.

16 I think you need to expand that. You need to push  
17 immediately to get your PIO, and I agree that the website  
18 needs a lot of help.

19 I've just been looking at it, and it does need a  
20 website expert to look at it, and beef it up a little bit.  
21 It would help enormously with public access and transparency  
22 for the Commission.

23 But thank you very much for your work.

24 It is, as I told you last time, I could  
25 potentially have been there. I'm almost glad I'm not.

1           But keep up the good work, and remember that we  
2 need to end up with a final and fair result.

3           But also in fairness to Mr. Bladine, you really do  
4 need to find a way to get some more money and more staffing.

5           Thank you.

6           CHAIRPERSON MATHIS: Thank you.

7           Our next speaker is Philip Hettmansperger,  
8 representing self. And the subject is support of  
9 Commission.

10           PHILIP HETTMANSPERGER: Madam Chair and  
11 Commissioners.

12           My name is Philip Hettmansperger. I'm a 30-year  
13 resident of Arizona, and I've been a retired teacher, former  
14 Board member in the City of Chandler.

15           Also I'm a HOA Board of the treasurer.

16           I'm here to support your efforts, because you're  
17 obviously going to be maligned at times.

18           Independent people like me believe that every  
19 Arizonan deserves to have a choice for each elective office.  
20 You have the responsibility to ensure that democracy  
21 prevails with the unenviable task of drawing the district  
22 lines in the atmosphere of vitriolic, political rhetoric.

23           In 2001 the National Democratic Corporation was  
24 disqualified from the California redistricting process due  
25 to failures to disclose connection to the Rose Institute.

1           In 2002, our maps developed by the same  
2 organization were criticized by the Department of Justice  
3 for deleting minority votes.

4           I commend the leadership of the Chairman, and the  
5 Commission's wise decision to seek fresh counsel and mapping  
6 consultants.

7           As an independent minded Arizonan, I admire your  
8 efforts to ensure that Arizona will have districts that will  
9 not fail Department of Justice scrutiny or judicial  
10 challenges. The voters of Arizona will be thankful for your  
11 devotion to service and handling this complex  
12 responsibility.

13           Further, today's discussion led me to a query for  
14 you to think about.

15           What would be -- is there a need to identify  
16 public comments from persons outside of Arizona, who through  
17 social media may be commenting on what we're doing?

18           Or to avoid possibly undue outside influence.

19           Something just to consider, and maybe of import.

20           Thank you.

21           CHAIRPERSON MATHIS: Thank you.

22           VICE-CHAIR HERRERA: Thank you.

23           CHAIRPERSON MATHIS: Our next speaker is Jeffrey  
24 Rich, representing self. And the subject is Commission  
25 process.

1           JEFFREY RICH: Madam Chair, Commissioners.

2           My name is Jeffrey Rich, R-I-C-H. I'm from  
3 Avondale.

4           And I'd like to take this opportunity to thank the  
5 Commission, the staff, and the contractors, for all of your  
6 work.

7           This Commission has professionally discharged it's  
8 duties. However, in place of respect and appreciation, this  
9 Commission has been met with unfounded allegations, threats  
10 of intimidation, threats of lawsuits, and emotional  
11 outbursts from groups who don't care for the agreed upon  
12 decisions that were achieved after detailed and appropriate  
13 deliberation.

14           As we've heard, the exercise is governed by U.S.  
15 Constitution, and the State Constitution. Additionally, the  
16 process was approved by the voters of this state.

17           As a citizen, I would expect everyone to respect  
18 those mandates, and again, I thank you for your efforts.

19           CHAIRPERSON MATHIS: Thank you.

20           Our next speaker, I believe she's spoken, is  
21 Margaret Gallagher? Is this a second?

22           MARGARET GALLAGHER: I did already.

23           CHAIRPERSON MATHIS: Thank you.

24           Our next speaker is Vera Anderson, title,  
25 community leader, representing self. Concerns that this is

1 truly independent.

2           VERA ANDERSON: Vera Anderson, LD 6, Precinct  
3 Committee-person, State Committee-person, Tea Party leader  
4 in Anthem.

5           And my concern, a lot of things have already been  
6 said, but I'm very concerned about what I see as a lot of  
7 conflict of interest. And I would ask that you be fair in  
8 your judgments. I'm very concerned about the mapping  
9 company and our Chairman. So if you would please consider  
10 those, thank you.

11           CHAIRPERSON MATHIS: Thank you.

12           Our next speaker is Richard Tracy, representing  
13 Arizona. Subject is free speech at issue.

14           RICHARD TRACY: Madam Chair, Members of the  
15 Council, I want to compliment you on a very well run  
16 meeting. I want to compliment the audience.

17           This is the kind of audience that should stay on  
18 until the meeting takes place.

19           I've gone to so many committee meetings where they  
20 want the comment at the first part of the meeting so those  
21 people can get out of the way and they can conduct business  
22 in private.

23           And that's what often happens.

24           We have a very limited free speech in Arizona.

25           Your task is probably greater than any other state that I

1 know of.

2 We have a county with about 45 percent of the  
3 population that has one court that was selected because it  
4 was convenient for the County Supervisors.

5 The Constitution refers to courts. And as you  
6 deliberate, think of the fact that in some of these  
7 communities a J.P. who may have been a coach at the high  
8 school and has never gone to law school, is the most  
9 important person in that particular community.

10 The courts should come into your consideration.

11 In Maricopa County we have judicial selection.

12 Half the people do not vote for either judge.

13 More than half vote for all the judges, and  
14 slightly less than half of that group vote against all  
15 judges, so judges and courts should be uppermost in your  
16 consideration.

17 I said free speech was to be my topic.

18 I'm complimenting the audience because they  
19 brought a lot of points that should be considered, but it's  
20 very important to recognize that some of our generation  
21 remember the Brown Shirts who disrupted meetings and took  
22 over Germany.

23 Whether they're brown or yellow, we want a group  
24 that comes and speaks and given an opportunity for the  
25 opposition to speak.

1 Thank you very much.

2 CHAIRPERSON MATHIS: Thank you.

3 Our next speaker is Bob Thomas, representing LD  
4 15. The subject is fairness.

5 (No one comes forward.)

6 CHAIRPERSON MATHIS: Our next speaker is Russ  
7 Wittenburg, representing self. And the subject is  
8 background of all Commission members.

9 (No one comes forward.)

10 CHAIRPERSON MATHIS: Okay.

11 Next speaker is Michelle Melchiore. You can  
12 correct me when you get to the microphone. Representing  
13 self. And the subject is fairness in redistricting.

14 MICHELLE MELCHIORE: My name is Michelle  
15 Melchiore, and I am from Fountain Hills, actually.

16 And I wanted to say to all of you I really  
17 appreciate the process, and especially want to talk about  
18 the independent part of process, because my mother is an  
19 Independent.

20 And the thing about what I understood of her  
21 decisions to be that way, was that sometimes she voted for  
22 Democrats, sometimes she voted for Republicans, and  
23 sometimes she voted for people like Ross Perot.

24 So she made a distinction in why she choses to be  
25 an Independent.

1           And I think when we have a Commission and we ask  
2 the person at the helm of it to be that designation, then we  
3 can't really call them out on whether they voted for  
4 Democrats or Republicans or Libertarians or Green Party  
5 people.

6           So I really appreciate that we have someone at the  
7 helm that is in that way.

8           I also want to say that I just pulled up, because  
9 I'm kind of a nerd for numbers, of the registered voters  
10 according to April of 2011.

11           We have 1,707,124 Dems, we have 1,147,045  
12 Republicans, and we have 1,030,500 Independents right now  
13 that are registered to vote in our state.

14           So I take offense at the gentleman that said this  
15 was a conservative state. I actually think this is a state  
16 of all kinds of folks.

17           I am a progressive and very happy that I can be in  
18 the room with people that identify with the Tea Party, and  
19 know that we can all vote. And that you guys have the  
20 opportunity, you guys, to give us districts where actually  
21 my voice means something, and also their voice means  
22 something.

23           Because I'm not right and they're wrong, and  
24 they're not wrong and I am right. But we just have  
25 different things that we hold dear.

1           One thing I know about all of us here right now is  
2 that we love the State of Arizona and we really really want  
3 the best for our families.

4           And we want our kids to go to school, and we want  
5 our people to be taken care of. And you guys have this sort  
6 of sacred trust to make that reality.

7           Now, I don't know very much about redistricting,  
8 but I did see a map that shows that possibility.

9           Some for one side, some for the other, and a whole  
10 bunch of competitiveness.

11           And I just urge you, each one of you, to please  
12 look at that as the reality that you put forth for us in  
13 2012, and you know what? Let's see who gets it. Let's go  
14 all up there and vote and have candidates, and whoever wins,  
15 wins.

16           Thank you very much.

17           (Applause.)

18           CHAIRPERSON MATHIS: Our next speaker is Carlos  
19 Galindo Elvira. Subject, fairness and adhering to the  
20 quorum process.

21           (No one comes forward.)

22           CHAIRPERSON MATHIS: Next speaker, Debbie Lee.

23           Title, Gold Star Mother, and representing Americas  
24 Mighty Women Warriors and Tea Party Express.

25           DEBBIE LEE: She got part of that right. I don't

1 know which part.

2 My name is Debbie Lee, spelled D-E-B-B-I-E, L-E-E,  
3 and I'm a Gold Star Mother. I'm the president and founder  
4 of America's Mighty Warriors, and also a national speaker  
5 for the Tea Party Express.

6 I'm probably a little different than everybody  
7 else in the room today, in that my passion is derived from  
8 my son, Mark Allen Lee, who was the first Navy Seal killed  
9 in Iraq.

10 That young man willing gave up his life for the  
11 freedoms that we enjoy each and every day in America.

12 He stood up in the direct line of fire three  
13 different times that day, and gave his life away to save his  
14 buddy. And he did that for the freedoms that each one of  
15 you enjoy and that everyone in America. He didn't do it for  
16 the Independents, he didn't do it for the Democrats, he  
17 didn't do it for the Republicans. He did it for America,  
18 and I am so proud of him.

19 My concern today is that this is not an  
20 independent process.

21 Madam Chair, I agree with the others that have  
22 spoke today, that you have a conflict of interest. You have  
23 lied on your application, and I feel that you need to resign  
24 from your position so we can keep this independent.

25 I also have concern with the mapping company,

1 their past affiliation. As I said, this is not independent.  
2 This is not Democratic. This is not a Republican thing.

3 This is to make sure that the process in this  
4 state that my son invested his life for is carried out and  
5 is done in a fair and balanced way.

6 I do not believe, according to our Constitution,  
7 that it's being done honestly and independently.

8 And I charge each one of you to look within  
9 yourself, and make the choice that's best for America.

10 As we were sitting here today, I received  
11 notification on my phone of two more troops that we lost in  
12 Iraq and Afghanistan today, just while we're here in this  
13 meeting today.

14 Our men and women are willing to give their lives  
15 for the freedom that we have, and on my watch, I'm going for  
16 make sure that those freedoms are not taken away from us by  
17 our government.

18 I'm from Surprise, Arizona.

19 CHAIRPERSON MATHIS: Thank you.

20 Our next speaker is Patrice Kraus,  
21 Intergovernmental Affairs Coordinator for the City of  
22 Chandler. The subject is meeting locations.

23 PATRICE KRAUS: Madam Chair and Members of the  
24 Committee.

25 For the record, my name is Patrice Kraus,

1 P-A-T-R-I-C-E, K-R-A-U-S.

2 And I am here on behalf of the City of Chandler  
3 today.

4 I want to talk a little bit about logistics.

5 It's very hard to get into the meeting room. It's  
6 very hard to watch these meetings on the web.

7 I know your staff is working very hard.

8 One thing that worked enormously well in the last  
9 redistricting, is the Commission decided on one location.

10 And it was a hotel off of I-10.

11 It was easy to get to.

12 Everybody knew where it was.

13 You know, a lot of groupies that came to all of  
14 the meetings.

15 It had a lot of access for computers, and you  
16 could sit out in the lobby if they were talking about things  
17 that you weren't particularly interested in.

18 But the thing about it was everybody knew where it  
19 was. So it's easy to get to. You figured out the parking.  
20 You figured all of this stuff out.

21 At future meetings I'll be talking about more  
22 important things like my community of interest, the City of  
23 Chandler, and how important this process is to us.

24 But I just urge you, I don't care if the meeting  
25 is in Tucson every time, other than those public hearings

1 that you're going to hold around the state, I would just  
2 urge you to have one place, big enough for everybody to get  
3 into, comfortable for everybody to stay, to watch the  
4 process.

5 Thank you very much.

6 CHAIRPERSON MATHIS: Thank you.

7 Our next speaker is Richard Travis from the City  
8 of Flagstaff. Subject, community hearing in Flagstaff.

9 RICHARD TRAVIS: Good afternoon.

10 Richard Travis, representing the City of  
11 Flagstaff.

12 Madam Chair, Commissioners, and staff, the City of  
13 Flagstaff would like to host, at a minimum, a community  
14 hearing in Flagstaff.

15 We believe it's important to give the people of  
16 northern Arizona an opportunity to participate in the  
17 process and have their voice heard.

18 It will also give the opportunity for several  
19 large Native American communities to participate in the  
20 process.

21 Thank you.

22 CHAIRPERSON MATHIS: Thank you.

23 Our last speaker, unless I get some more, is Diane  
24 Landis. Title, City Councilman, representing self. And the  
25 subject is incumbents.

1           DIANE LANDIS: Thank you very much.

2           I'm also a LD 12 PC, and my family has been here  
3 -- came here over 130 years ago, so I think we have a great  
4 state, I love our country, and what a wonderful place where  
5 we can come and speak our mind. And thank you for that, and  
6 thank you for your service.

7           First of all, I'm very disappointed with the  
8 mapping consultant. I just want you to know that.

9           Secondly, I ask you to please be honorable, as  
10 required. Please do not take the incumbents' residences  
11 into account.

12           I know there's some concern about that, so I ask  
13 you to please be true to that.

14           And thank you again for what you're doing.

15           CHAIRPERSON MATHIS: Thank you.

16           CHAIRPERSON MATHIS: I might just read through  
17 those folks that didn't come up in case they're in the room  
18 now.

19           Carlos Galindo Elvira.

20           Russ Wittenburg.

21           Bob Thomas.

22           Bill Mitchell.

23           Emmett Bryan.

24           Henry Ola.

25           Terry Schwan.

1 Gary Jordan.

2 Robert Weeks.

3 Nathan Arrowsmith.

4 Wes Harris.

5 Tony Sissons.

6 David McCallen.

7 Ken Clark.

8 And Jack Harper.

9 And that is the extent of the public comment  
10 slips.

11 Is it okay if I give a few remarks now to respond  
12 to the criticism.

13 MARY O'GRADY: Yes, you may respond to criticism.

14 But, again, the limit at this time are responding  
15 to criticism, asking staff to review a matter or asking that  
16 it be placed on future agendas.

17 CHAIRPERSON MATHIS: It was pointed out to me last  
18 night actually, by our legal counsel, that on my  
19 application, as some of you have pointed out, there was an  
20 omission. And it's my fault.

21 And that is on, regarding question number eight:  
22 If your parents, siblings, spouse, or children are employed  
23 or engaged in any business or profession, state by  
24 attachment their names and the name and address of their  
25 employer or the business in which they are engaged.

1           And I would be happy to correct this by amendment,  
2 if that's possible to do.

3           I completely did not see this item spouse, which  
4 was the third one in.

5           My parents are in their '80s, so I didn't include  
6 them. They're not working anymore.

7           My siblings, two brothers. I have two sisters but  
8 they're not employed.

9           And then, I have a spouse. And I neglected to  
10 indicate that he is an attorney. His office is a law office  
11 of Christopher H. Mathis. If you Google that, you will find  
12 him on that application.

13           His name is listed on the application.

14           I did manage to get that right.

15           Spouses name, Christopher Haley Mathis is on line  
16 2 of the application.

17           And, but I did not indicate that he is an attorney  
18 in private practice as a solo practitioner.

19           And I will look to legal counsel to help me, if  
20 it's possible, to make that amendment, and I apologize for  
21 that omission.

22           It was not a lie or anything that I was trying to  
23 hide.

24           I've been pretty forthright about my husband.  
25 He's actually with me today. He's been with me pretty much

1 at all these meetings.

2           And I think it's fair to address this issue that  
3 he is a Democrat. So I prepared a few remarks that I hope  
4 you'll just listen to.

5           I know the facts are often beside the point in  
6 these things, but I did want to address this.

7           It is true, he is now a Democrat.

8           It is also true that he served as treasurer in a  
9 recent State House campaign.

10           He is 43 years old. To the best of his  
11 recollection, from the time he was 18 until the time he was  
12 40, he was a registered Republican.

13           And if he could have registered as a Republican  
14 before that, he would have.

15           Some of his earliest memories are from 1972 when  
16 his grandfather ran for Governor of Illinois as a  
17 Republican, and self-proclaimed Ronald Reagan conservative,  
18 against the incumbent Republican who he felt was taxing too  
19 much and spending too much.

20           He lost, but given the fate of so many Illinois  
21 governors, that may have been just as well.

22           And aside from being a Republican for nearly all  
23 his life, my husband worked in Congress with Bob Michaels,  
24 the former Republican Leader of the House of  
25 Representatives, and Chuck Hagel, the former Republican

1 Senator from Nebraska.

2 He also worked for a conservative member of the  
3 British Parliament.

4 Both of us attended the 1988 Republican National  
5 Convention in New Orleans, where George H. W. Bush and Quail  
6 were nominated. And we both attended George W. Bush and  
7 Dick Cheney's inauguration in Washington, and watched the  
8 inaugural parade from the offices of Baker Botts, former  
9 Secretary of State, Jim Baker's law firm.

10 The best man at our wedding and his wife are both  
11 fairly distinguished members of the Federal Society. So is  
12 the Republican U. S. Supreme Court Justices Rehnquist and  
13 Kennedy, and they both held very high ranking positions in  
14 the Bush Administration.

15 I mention all this because I think it's important  
16 to have a full picture.

17 And if guilt by association is the idea, as it  
18 seems to be for some, then Democrats should perhaps be more  
19 uncomfortable with me than the Republicans.

20 As to my application, I did not view any of this  
21 history as a conflict. And while I mentioned my husband on  
22 line two, but did not mention that he's a lawyer elsewhere,  
23 I will remedy that situation via amendment, if that's  
24 allowed.

25 I'd also like to say a bit how I've approached our

1 three major staffing decisions. Those being for Executive  
2 Director, legal counsel, and mapping consultant.

3 I've approached each one individually and solely  
4 on the merits and on the basis of which candidate I thought  
5 would best serve this Commission.

6 My role is not of an umpire or tie breaker. I am  
7 an Independent who represents the Independent voice in the  
8 state, and I am a moderate.

9 The major difference between me and the  
10 Republicans and Democrats on this Commission is that there's  
11 only one of me and there are two each of them.

12 And that is by design, since the Constitution  
13 effectively limits the number of Republicans and Democrats  
14 to two each.

15 The fifth members of this Commission could be a  
16 member of the Libertarian party or the Green Party or any  
17 other party besides the Republicans or the Democrats.

18 I happen to be a registered Independent.

19 The main constitutional significance of that, for  
20 the purposes of serving on this Commission, is that I'm not  
21 a registered Republican or Democrat.

22 It's not that Democrats and Republicans get to  
23 have an opinion and I don't.

24 I fully realize that whatever vote I make is  
25 viewed as, after the fact, as siding with one party or the

1 other.

2           As I approach each decision, that is absolutely  
3 not how I view it. If I did, and I voted on the basis of  
4 score keeping, or how my vote would look to partisans on one  
5 side or the other, I would not be giving the people of  
6 Arizona my best judgment.

7           I make each decision based on the facts in front  
8 of me.

9           Thank you.

10          (Applause.)

11          MARY O'GRADY: No clapping, please.

12          Thank you.

13          CHAIRPERSON MATHIS: Unless there's any other  
14 items, did any other Commissioners want to respond to  
15 criticism today?

16          VICE-CHAIR FREEMAN: Madam Chair.

17          CHAIRPERSON MATHIS: Commissioner Freeman.

18          VICE-CHAIR FREEMAN: I'd like to both respond to  
19 some criticism and suggest a future agenda item, which, I  
20 believe, I can do both of those.

21                 There is some criticism leveled today at the  
22 Commission's selection of the mapping consultant. We heard  
23 criticism at our June 30th hearing as well. We did again  
24 today.

25                 And I think there is a justifiable concern out

1 there that needs to be acknowledged.

2           And I know we've debated -- the Commission debated  
3 this at length, and there was a vote. It was a 3-2 vote in  
4 favor of retaining Strategic Telemetry, and they are our  
5 mapping consultants.

6           The vote was to authorizes our Executive Director  
7 to enter into negotiations with them.

8           And this is something that I mention, that I was  
9 hoping we could have an agenda item for today's hearing that  
10 would allow the Commission the opportunity to weigh in and  
11 have comment, perhaps take action, on specific terms of that  
12 contract.

13           Now, over the weekend I was on vacation, and our  
14 Executive Director called me, and did not mean to intrude,  
15 and I didn't take it as an intrusion about that. But he ran  
16 some of those terms by me, and I was really -- in the  
17 position I was in, I couldn't respond to him, given that I  
18 had two small kids running around in front of me.

19           But what I did, what I was able to take away from  
20 the conversation, was that there were some constructive  
21 terms that were offered.

22           But I hoped to talk with him more on Tuesday.

23           As it turns out, I was traveling on Tuesday, so I  
24 sent him an e-mail that morning, again urging that we put  
25 this on today's agenda. This being an opportunity for the

1 Commission to be heard and take action on the Strategic  
2 Telemetry contract.

3 I was out of touch for most of the day Tuesday  
4 traveling, and I learned later that night that we had  
5 entered the contract.

6 Now, one of the terms addresses where the maps  
7 will be drawn, and they will be drawn in Arizona, with  
8 support from Strategic Telemetry's other offices.

9 I think that's constructive.

10 I would, if I were to raise that, and if we were  
11 to discuss that in a future hearing, I would like to know  
12 what is meant by support by other offices.

13 But I think there are other things that perhaps we  
14 can do to at least attempt to allay some public concern.

15 And we may not be able to eliminate it.

16 Of course, I was outvoted three to two.

17 I would like to re-visit the whole decision with  
18 no disrespect intended.

19 But perhaps there are ways to, given Strategic  
20 Telemetry's involvement with Democratic entities, we could  
21 approach them, and they might want to do this, but offer to  
22 discontinue working for those entities during the term of  
23 this contract.

24 Or coming from a legal background that I do, when  
25 law firms acquire -- hire new lawyers from other firms, they

1 run what's called a conflict check. They look at what other  
2 cases that new lawyer has worked on for the other law firm.  
3 Sometimes the conflicts cannot be reconciled and the lawyer  
4 can't be hired.

5 Other times the lawyer can be hired. But there's  
6 kind of an archaic term that's used to describe this. It's  
7 called erecting a Chinese wall. And, basically, what that  
8 means is a memorandum is sent out to all the lawyers in the  
9 firm that says we're hiring this new lawyer. They've worked  
10 on this other matter that may be in conflict with some of  
11 our clients' interest.

12 Nobody talk to them about that.

13 Now, perhaps we could have an agenda item to  
14 discuss that. Maybe we could erect such a wall with  
15 Strategic Telemetry, so that the team members don't have  
16 interaction with other members of the company that do work  
17 for these other Democratic organizations. That there isn't  
18 information or maps which would be a concern being changing  
19 hands.

20 Like I said, I don't think that would completely  
21 address the concerns, specific concerns that were raised  
22 today, but I think it's a worthwhile thing for the  
23 Commission to discuss.

24 So that's my response to today's criticism and my  
25 request again for a future agenda item on that matter.

1 CHAIRPERSON MATHIS: Okay.

2 Other comments?

3 VICE-CHAIR HERRERA: Madam Chair.

4 CHAIRPERSON MATHIS: Mr. Herrera.

5 VICE-CHAIR HERRERA: You know, I can thank the  
6 audience for sticking around.

7 I think somebody made a comment about the  
8 rationale or the benefit of having comments at the end,  
9 where -- whether it be a Commission or a Board or a counsel,  
10 gets the business of public comments out of the way then  
11 they can go on their own and proceed with a meeting with the  
12 majority of the people leaving because they already made  
13 their comments. So I like the idea of having comments at  
14 the end.

15 I think the people that stayed around learned  
16 something, as well as we did from them, so I applaud those  
17 people that stuck around.

18 I applaud the differences in opinion. I think  
19 they were very respectful this time around. I appreciate  
20 that.

21 A big difference from the last time.

22 So I thank the audience. Very passionate.

23 And I also want to address some of the comments  
24 that were said recently.

25 The issue with Strategic having other clients,

1 it's not an issue for me.

2           If the tables were turned and it was NDC, we  
3 would not be asking NDC to give up their clients that we  
4 felt would have a conflict of interest. That would not be  
5 brought up.

6           They have money to make. They're business people  
7 If they get hired by Michelle Bachman to run her campaign, I  
8 have a feeling you would take that money. I have no doubt.

9           And that wouldn't bother me, if they were running  
10 Michelle Bachman's campaign or some other conservative.

11           That has no bearing in Arizona, even if they're  
12 working on it, it has no bearing what's going on here.

13           So I want us to respect the work that they're  
14 doing.

15           It doesn't affect us. And I don't think it will.  
16 This is a professional organization.

17           Although they weren't my first choice, I said this  
18 before, they were our second choice.

19           And the reason they came to be one of four, we all  
20 agreed on the four that we were going to move forward, and  
21 there was seven that applied, if I remember correctly. And  
22 we all agreed, all of us. I don't think anyone disagreed on  
23 the four we were going to move forward.

24           And there was three that had Democratic leanings  
25 and one that had a Republican leaning.

1           I mean, I'm not a mathematician, but you're going  
2 to end up probably with a Democrat leaning company based on  
3 the numbers.

4           I don't know who did the leg work encouraging  
5 firms to apply, but you, if you have anybody to blame,  
6 meaning the Tea Party members or people that are  
7 dissatisfied with the selection, blame the Republican Party  
8 and the leaders of the Republican Party for not doing their  
9 job. They didn't ask enough people to apply. It was NDC  
10 that applied, and only NDC that had Republican leanings.

11           We did our job by vetting all four of them. And  
12 they came out on top.

13           So I hope we can move forward and agree to  
14 disagree respectfully, but they're not a boogie man.

15           The word progressive, liberals have thrown around  
16 like it's a bad word.

17           And I said this to friends, that I hope in my  
18 lifetime that that word will be a word just like  
19 conservative. I don't look at it as a bad word. It's like  
20 being called a conservative. I love being called a liberal  
21 and proud of it, because that's what I am.

22           That's all I wanted to say.

23           CHAIRPERSON MATHIS: Other comments.

24           VICE-CHAIR FREEMAN: I just wanted to expand my to  
25 comments, not respond to Commissioner Herrera.

1           I made my comments earlier because I respect the  
2 Chair's role, constitutional role, to be fair and bring  
3 political balance to this Commission.

4           Because as the Chair mentioned, the Chair could be  
5 a member of a different party. Someone other than -- could  
6 be a Libertarian, could be a Green Party member. The  
7 constitutional role is to bring political balance.

8           So I'm making that response and request for an  
9 action item to, I think, help the Chair, and help the Chair  
10 fulfill her role. And that is there's a big perception that  
11 the Commission right now, I feel, is tilting in one  
12 direction. Perhaps there are constructive things that we  
13 could do to try to balance it out.

14           CHAIRPERSON MATHIS: I'm very open to that, to  
15 constructive ideas.

16           COMMISSIONER STERTZ: Madam Chair.

17           CHAIRPERSON MATHIS: Mr. Stertz.

18           COMMISSIONER STERTZ: As a response to potential  
19 criticism and comments that have been made earlier, there  
20 was certain comments made about transparency and openness.

21           I feel saddened that, by the choice of the Chair,  
22 that there is a stack of individuals that were not able to,  
23 by virtue of their schedule, not able to give their  
24 testimony today, and not having the willingness to take a  
25 portion at the beginning of this meeting to give that

1 testimony.

2           Second, the concern that I have that I heard also  
3 about the transparency of documents, I welcome everyone to  
4 visit the AZredistricting.org website.

5           The proposals of each one of the applicants for  
6 the mapping consultants are posted, as well as the contract  
7 for the mapping consultant is posted.

8           I'm going to -- will also -- we also know that the  
9 scoring documents of the Commissioners' individual scoring  
10 documents are now part of the public record.

11           And I am going to encourage that we also extend  
12 backwards and say that in a statement of transparency  
13 regarding legal counsel, that we also post the applications  
14 for legal counsel, and scoring for legal counsel, in an open  
15 and transparent fashion as well.

16           So that our -- the public's viewing of this, they  
17 can have a clear and concise understanding of what the  
18 Commission was asked to review, how they were reviewed, and  
19 what the actual scoring was for each one of those  
20 individuals.

21           And thank you very much Commissioner for your  
22 indulgence.

23           CHAIRPERSON MATHIS: Okay.

24           Anything else?

25           (No oral response.)

1           CHAIRPERSON MATHIS: Okay. I think that's the  
2 last item on the agenda. Yes.

3           The time is 3:00 p.m. and I declare this meeting  
4 adjourned.

5                           (Whereupon, the meeting adjourned.)

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1 STATE OF ARIZONA            )  
  )  
2 COUNTY OF MARICOPA        )        ss.  
3

4                    BE IT KNOWN that the foregoing proceeding was  
5 taken before me, Marty Herder, a Certified Court Reporter,  
6 CCR No. 50162, State of Arizona; that the foregoing 220  
7 pages constitute a true and accurate transcript of all  
8 proceedings had upon the taking of said meeting, all done to  
9 the best of my skill and ability.

10                   DATED at Chandler, Arizona, this 22nd day of July,  
11 2011.

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C. Martin Herder, CCR  
Certified Court Reporter  
Certificate No. 50162

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