

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Wednesday, August 31, 2011
1:48 p.m.

Location

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

Attending

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

Ray Bladine, Executive Director
Kristina Gomez, Assistant Executive Director
Buck Forst, Information Technology Specialist

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

Reported By:
Marty Herder, CCR
Certified Court Reporter #50162

Phoenix, Arizona
August 31, 2011
1:48 p.m.

P R O C E E D I N G S

(Whereupon, the public session commences.)

CHAIRPERSON MATHIS: This meeting will come to
order of the Arizona Independent Redistricting Commission.

Today is Wednesday, August 31st. The time is
1:48 p.m.

If you can all rise for the pledge of allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Hopefully we're all
(inaudible) -- a little bit better.

(Brief pause.)

CHAIRPERSON MATHIS: Let's go -- (inaudible.)

VICE-CHAIR FREEMAN: We're getting feedback,
Colleen.

CHAIRPERSON MATHIS: Okay. Let's see.

I turned them down -- (inaudible.)

VICE-CHAIR FREEMAN: We're getting an echo, and
the court reporter can't get it until it's resolved.

CHAIRPERSON MATHIS: Should we switch it to
telephonic?

1 VICE-CHAIR FREEMAN: Like I say, we don't have a
2 conference call.

3 We had the Skype connection working a minute ago,
4 but now there's an echo introduced that makes it very hard
5 for us to hear you.

6 CHAIRPERSON MATHIS: Got it.

7 VICE-CHAIR FREEMAN: Colleen, why don't we take a
8 break -- brief recess and go off the record and see if we
9 can resolve the problem.

10 CHAIRPERSON MATHIS: Okay. Great.

11 We'll take a brief recess. It's 1:50 p.m.

12 (Brief recess taken.)

13 CHAIRPERSON MATHIS: Our recess has ended. I hope
14 everyone had fun.

15 The time is 1:56 p.m. We'll go ahead and start
16 the call to order.

17 Vice Chair Freeman.

18 VICE-CHAIR FREEMAN: Here.

19 CHAIRPERSON MATHIS: Vice Chair Herrera.

20 VICE-CHAIR HERRERA: Here.

21 CHAIRPERSON MATHIS: Commissioner McNulty.

22 COMMISSIONER McNULTY: Here.

23 CHAIRPERSON MATHIS: Commissioner Stertz.

24 COMMISSIONER STERTZ: Here.

25 CHAIRPERSON MATHIS: We have a quorum.

1 I'm sure there are many others in the room. I
2 know I saw some staff there today helping us out. We're
3 bumping up the limits of our abilities to do this
4 technologically, but thanks to your chief technology officer
5 Buck Forst for getting us at least all communicating through
6 audio.

7 And our executive director Ray Bladine.

8 Other staff, Kristina Gomez and Anna Garcia and
9 Stu Robinson, I believe are all there today.

10 Thank you all for being there.

11 Our legal counsel today is Joe Kanefield and
12 Mary O'Grady.

13 And we also have with us our mapping consultant.
14 I believe Willie Desmond is in the room and Ken Strasma is
15 on audio.

16 And I believe that's all our introductions. So
17 we'll go ahead and get to the first item on the agenda,
18 which is agenda item two, discussion and possible action
19 regarding modifying contract amendment with Strategic
20 Telemetry that requires documentation of contacts regarding
21 the Redistricting Commission.

22 We're all pretty familiar with this agenda item,
23 been on our agenda the last two times. And I believe our
24 legal counsel drafted some language with three options for
25 our consideration that everyone should have received ahead

1 of time.

2 JOSEPH KANEFIELD: Madam Chair, this is Joe
3 Kanefield. I'm happy to cover this one if you're ready.

4 CHAIRPERSON MATHIS: Great. Thank you.

5 JOSEPH KANEFIELD: As you mentioned, I sent
6 everyone a document had has three options, which is really
7 two options with a sentence thrown in. I'll explain.

8 This was done at the direction of the Commission
9 at the last meeting.

10 The first option would add language to the
11 contract that would specify that contacts made by -- made
12 with Strategic Telemetry and government officials for the
13 purpose of facilitating compliance with the contract and
14 personal contacts unrelated to the contract would not have
15 to be logged.

16 Option two contains the same language, but I added
17 an additional sentence in which says a contractor shall log
18 all media contacts and refer media inquiries to the IRC's
19 public information officer. That, of course, is optional.
20 We discussed that. I mention that as a possible option the
21 Commission would like, I thought I would include it.

22 And then the third option was also requested to be
23 put before the Commission which would exempt contacts with
24 the media from having to be logged.

25 Happy to take any questions.

1 VICE-CHAIR HERRERA: Mr. Kanefield, no, I don't
2 have any questions. If just for expediency, I'd like to
3 make a motion.

4 I'd like to make a motion that we replace the
5 current amendment with option number three, which I think we
6 all have the -- all five commissioners have the wording, so
7 I would like to -- is someone else talking?

8 BUCK FORST: Colleen, when you're not talking you
9 need to mute.

10 VICE-CHAIR HERRERA: So it says contractor shall
11 maintain the log describing all contacts, oral or written,
12 with persons other than IRC staff, attorneys, and
13 commissioners regarding the contract. The log shall include
14 the name of the person, the organization the person
15 represents, the date, and the topic addressed. This does
16 not apply to contacts made while attending a public hearing
17 or meeting of the AIRC or contacts from members of the
18 media.

19 So that is my motion.

20 CHAIRPERSON MATHIS: Is there a second?

21 COMMISSIONER McNULTY: I'll second it.

22 CHAIRPERSON MATHIS: Any discussions?

23 VICE-CHAIR FREEMAN: Madam Chair, this is Scott
24 Freeman.

25 CHAIRPERSON MATHIS: Vice Chair Freeman.

1 VICE-CHAIR FREEMAN: Madam Chair, I cannot support
2 the motion. I think it undoes the amendment that the
3 Commission previously agreed to.

4 I think the Commission should go with option one.
5 And once we dispense with this motion, I would move that
6 option one be adopted.

7 It simply requires contractor to log outside
8 contacts unrelated to its work on the -- for the Commission.
9 And I think the purpose for having to do that was to attempt
10 to allay some of the public's concern about the work this
11 contractor does for other entities -- progressive and
12 Democratic entities that it has disclosed.

13 And, in the interest of transparency, would simply
14 required to log those contacts and the Commission could make
15 them available to the public.

16 The contractor has already said it has no problems
17 doing that and has, in fact, been doing that.

18 So, I don't think we should be exempting media
19 from that as, like I said, in previous hearing that really
20 is not my term and really is an exception that could swallow
21 up the intent of the amendment. For that reason I oppose
22 the motion.

23 VICE-CHAIR HERRERA: Mr. Kanefield, there was a
24 motion made and a second. Did you want to comment?

25 JOSEPH KANEFIELD: Madam Chair, members of the

1 Commission, just before we get too far along, there is a
2 small typo I want to bring to your attention before you vote
3 on the amendment.

4 Option one and option two, the word "or" appears
5 twice before the number three. One of those ors has to come
6 out.

7 I apologize for that.

8 VICE-CHAIR HERRERA: That's fine.

9 And let me say a couple words before we vote.

10 There's a reason why when we discussed this
11 particular amendment last time there was all intended
12 consequences were raised at the last meeting, which made it
13 necessary for us to go ahead with option number three if
14 the -- you know, it wasn't that amendment, I think it was
15 not intended to do what we wanted it to do in the meetings,
16 obviously have the contractors log all the calls they make
17 to vendors, outbound calls, and also didn't mean to include
18 members of the media.

19 As I stated before, I'm all for freedoms and I
20 don't want government overreaching and making -- having
21 members of the public having to, you know, having to log,
22 you know, give information to Strategic Telemetry, all their
23 contact information.

24 Again, if my fellow commissioners are for freedoms
25 like I am, they would vote for option number three.

1 And so I would encourage you to do that.

2 Again, we had a nice conversation last time where
3 there were all these issues raised because of that
4 amendment, and this is why we're doing this.

5 I prefer not to have it, but if we are going to
6 have an amendment, I prefer option three.

7 I think there was a second on the motion.

8 Madam Chair --

9 COMMISSIONER McNULTY: Madam Chair.

10 CHAIRPERSON MATHIS: Commissioner McNulty.

11 COMMISSIONER McNULTY: Option three, as I look at
12 it, does not address contacts with vendors or government
13 officials and personal contacts.

14 Is that correct, Mr. Kanefield?

15 JOSEPH KANEFIELD: Madam Chair,
16 Commissioner McNulty, that is correct. I apologize for
17 that.

18 COMMISSIONER McNULTY: So if we would need to
19 include that, Mr. Commissioner Herrera, I think, with the
20 exclusion of the members of the media in order to make this
21 option address all of the issues that we were concerned
22 about.

23 VICE-CHAIR HERRERA: I would agree with that, that
24 we forgot the contacts made with vendors or government
25 officials in compliance with the contract.

1 And that would include members of the media.

2 JOSEPH KANEFIELD: Madam Chair, members of the
3 Commission, thanks to my co-counsel's suggestion, an easy
4 fix would be if the Commission was so inclined is to simply
5 take option number one and add the language of option number
6 three as the last or.

7 VICE-CHAIR HERRERA: Okay.

8 I would be okay with that.

9 CHAIRPERSON MATHIS: So there's -- go ahead.

10 COMMISSIONER McNULTY: Madam Chair, I have one
11 more comment with that change.

12 This has concerned me largely because the whole
13 notion of amending the contract I think has been derived
14 from a false premise and worry in effort to -- part of an
15 overall campaign to suggest that Strategic Telemetry may not
16 have been the right choice.

17 And I don't agree with that.

18 But, on the other hand, I don't want to put
19 Strategic Telemetry in the position where folks can question
20 their transparency.

21 I think my own feeling is they're willing to log
22 these calls. Hopefully they aren't getting a lot of these
23 calls, because they need to be doing mapping, not talking to
24 the media.

25 But, but having said that, because of my overall

1 concern about the issue, I'm inclined to vote for the
2 amendment Mr. Herrera has proposed.

3 VICE-CHAIR HERRERA: That would be option number
4 three?

5 COMMISSIONER McNULTY: Option number one with the
6 language from option number three added in it, if your
7 comments indicated that you were amending your motion.

8 VICE-CHAIR HERRERA: That is correct. I was
9 amending my motion to include -- still option number three
10 with some of the wording of option number one.

11 If that's okay, I want to address some of the
12 issues.

13 The issue that was raised by Commissioner McNulty,
14 that perception that we, the Commission, picked the wrong
15 mapping consultant, it is just to me a -- that perception
16 from certain people.

17 We heard from at the last -- I think on
18 August 18th, from Sandra Day O'Connor, who happens to be a
19 Republican, was appointed to the Supreme Court by Ronald
20 Reagan, I think who voted for George W. Bush, a split of
21 five to four.

22 I don't think they would question her conservative
23 credentials. I certainly wouldn't. And it was honor to
24 hear from her.

25 And let me just quote some of things that she said

1 during the meeting, if I could do that quickly, because I
2 think it's relevant to that issue of perception that the
3 public is concerned about a few of the things that have been
4 happening with the IRC.

5 What she did, she cited the increased polarized
6 political climate in our country, and encouraged the members
7 of the AIRC to work together to develop consensus on fair
8 and appropriate redistricting.

9 She talked about, you know, the -- to expect
10 criticism and unwanted publicity. So she said this is not a
11 popularity contest.

12 And, so she knew the things that we were going
13 through, and but she still told us that, you know, we need
14 to persevere, go ahead.

15 I think that she said -- let me quote.

16 I think voters in Arizona sent a special message
17 that we want to take partisan politics out of the
18 redistricting process and we want to create fair
19 representation in our legislative and congressional
20 districts. The citizens of Arizona have confidence in you
21 that you won't draw boundaries that will not favor any
22 political -- any particular official, political party, or
23 special interest. Don't give up. Do it well. We will
24 thank you later. Good luck to all of you.

25 These are the comments from a Republican.

1 We also received a letter that was sent to -- I
2 mean, all five commissioners received this letter that was
3 sent to Governor Brewer, and I'll read a little bit.

4 When Arizona voters overwhelmingly passed Prop 106
5 in 2000, they amended our constitution to remove the ability
6 of politicians to gerrymander districts for the benefit of
7 themselves or their political party. The intent of voters
8 was to distance elected officials from the process,
9 entrusting the decision-making to a fair and independent
10 process, represented by our current IRC.

11 We the undersigned are disturbed by recent
12 attempts to interfere with and intimidate the members of the
13 Arizona Independent Redistricting Commission, attempts that
14 seem driven by a small group of incumbent politicians and
15 others with an inherent self-interest in fighting against
16 independent redistricting process and fair and competitive
17 districts.

18 The letter continues.

19 And I just want to say some of the people that
20 signed this letter, again, a bipartisan effort.

21 Senator Carolyn Allen, Donald Budinger, Paul Johnson,
22 Jennifer K. Burns, Paul Eckstein, Lattie Coor, Peter
23 Hershberger, Jane Strain, and Lucia Fakonas Howard.

24 I'm just listing some of the names that signed
25 this letter that was sent to the governor's office. Again,

1 a bipartisan effort.

2 And we can't say -- I don't think we can say that
3 about the individuals that are not happy with the way things
4 are going with IRC. It is pretty much one sided, but this
5 report is coming from both sides.

6 So if people in the Commission, our fellow
7 commissioners, feel that there's a perceived bias or that
8 there are things that are going on that people in the public
9 don't approve, I'm just giving you some information that
10 would disapprove what people -- that perception that you
11 have, which, I think, is incorrect. There's more people
12 that approve of what we're doing --

13 (Audience member interrupts laughing.)

14 VICE-CHAIR HERRERA: So, again, there are people
15 that approve of what we're doing. And, again, this is a
16 bipartisan effort that support us.

17 And, you know, I just wanted to -- I think we've
18 been talking about the issue of perception. I think this is
19 a good opportunity for me to bring this up, and I want the
20 public to hear the comments from people.

21 So, that was it. That was a little long winded,
22 but I wanted to say this.

23 CHAIRPERSON MATHIS: Comments from other
24 commissioners?

25 I have a question.

1 Mr. Freeman, did you make a substitute motion when
2 you made your remarks, or no?

3 VICE-CHAIR FREEMAN: Madam Chair, I did not, but
4 I'd happy to make a substitute motion for the adoption of
5 option one with the typographical error corrected.

6 CHAIRPERSON MATHIS: Is there a second?

7 COMMISSIONER STERTZ: There's a second.

8 CHAIRPERSON MATHIS: Okay. It sounds -- that was
9 Mr. Stertz seconding.

10 Okay. So we have the two motions now on the
11 table.

12 Mr. Herrera's and Mr. Freeman's.

13 I believe we vote on the substitute motion first.

14 Is that correct, or is that incorrect?

15 Can I get counsel to advise?

16 JOSEPH KANEFIELD: Madam Chair, members of the
17 Commission, give us one moment. We want to consult on this
18 one.

19 VICE-CHAIR HERRERA: Mr. Bladine, I want to make
20 sure while they're consulting that these letters sent from
21 these individuals that they be entered as a part of the
22 record, if they haven't been already.

23 (Brief pause.)

24 CHAIRPERSON MATHIS: Mr. Kanefield.

25 JOSEPH KANEFIELD: Here's how we believe that the

1 Commission should proceed.

2 And Counsel O'Grady will correct me if I'm wrong.

3 As we understand it, there's a motion on the table
4 and a second.

5 And then there's a motion to substitute and
6 there's a second.

7 We believe at this point it's the chair should ask
8 the Commission whether to substitute the second motion for
9 the first motion and take a vote on that.

10 And if that survives the majority vote, then the
11 Commission would then vote on the substituted motion.

12 So there's two votes under Robert's Rules as we
13 understand it. First is whether or not to substitute the
14 second motion for the first, and then a vote on the new
15 substituted motion.

16 If it's defeated, then we'll --

17 VICE-CHAIR FREEMAN: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Freeman.

19 VICE-CHAIR FREEMAN: Then I would move that my
20 substitute motion be voted upon first.

21 CHAIRPERSON MATHIS: Okay. Is there a second?

22 (No response.)

23 CHAIRPERSON MATHIS: Am I not hearing a second?

24 VICE-CHAIR HERRERA: I didn't hear any.

25 BUCK FORST: I think Rick went off line.

1 Mr. Stertz, are you on there?

2 (No oral response.)

3 BUCK FORST: Mr. Stertz, are you with us?

4 (No oral response.)

5 (Brief pause, followed by Skype alert bell.)

6 BUCK FORST: Commissioner Stertz, are you with us?

7 COMMISSIONER STERTZ: I am.

8 VICE-CHAIR HERRERA: Madam Chair, did Mr. Stertz
9 second the motion or was it not seconded? Can we move on?

10 COMMISSIONER STERTZ: Madam Chair, I had dropped
11 off the call. My bad.

12 CHAIRPERSON MATHIS: I can hear you now,
13 Mr. Stertz.

14 Yeah, you missed a little bit of information, so
15 I'll ask Mr. Freeman to restate his motion.

16 VICE-CHAIR FREEMAN: I want to ask counsel whether
17 a second motion is required for the substitute motion to be
18 voted upon.

19 MARY O'GRADY: Madam Chair, Commissioner Freeman,
20 no further motion is needed at this point. There is a
21 substitute motion that's been made and seconded. So if
22 there is no discussion, then it would be a vote on whether
23 to substitute the Freeman motion for the Herrera motion.

24 And then depending on that, the result of that
25 motion, we get to the merits of whatever motion we're left

1 with.

2 Does that make sense?

3 So no further motion is necessary.

4 CHAIRPERSON MATHIS: Great. Okay.

5 So, our first vote is to substitute the Freeman
6 motion for the Herrera motion.

7 VICE-CHAIR FREEMAN: That's right.

8 CHAIRPERSON MATHIS: Any discussion?

9 All in favor?

10 VICE-CHAIR FREEMAN: Aye.

11 COMMISSIONER STERTZ: Aye.

12 CHAIRPERSON MATHIS: Aye.

13 Any opposed?

14 COMMISSIONER McNULTY: Nay.

15 VICE-CHAIR HERRERA: Nay.

16 CHAIRPERSON MATHIS: So hearing three ayes,
17 Commissioner Stertz, Vice Chair Freeman, Chair Mathis in the
18 ayes, and Commissioner McNulty and Commissioner Herrera in
19 the nos.

20 So given that result, do we still need to vote on
21 Mr. Herrera's motion or is that now --

22 JOSEPH KANEFIELD: Madam Chair, this is Joe
23 Kanefield.

24 Now, as we understand it, the Commission has voted
25 to replace Commissioner Herrera's motion with

1 Commissioner Freeman's motion.

2 So what is on the table is option one, which
3 without the typo corrected.

4 So now the Commission can debate and choose
5 whether to adopt or not option one.

6 CHAIRPERSON MATHIS: Okay. Is there any
7 discussion on Mr. Freeman's suggestion to adopt option one
8 with the correction of the typo?

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE-CHAIR HERRERA: Yeah, Commissioner McNulty
12 said it well. That this is really -- you know, now, we're
13 not really truly being sincere. I mean, if we really -- as
14 I said, if they truly cared about transparency and public
15 perception, then we would be listening to the majority of
16 the people that support what we're doing, and also for us
17 to disclose -- or the staff or the attorneys or maybe even
18 us to disclose the people that try to lobby us.

19 Because, you know, we're the ones that are going
20 to be lobbied. It's not the mapping consultants. It'll be
21 us.

22 And I would probably say that the majority of you,
23 if not all of you five -- four commissioners, my colleagues,
24 would agree that we're the ones going to be lobbied.

25 You know, the end result was, you know, you guys

1 didn't like -- there's two people on the Commission that
2 didn't like who we chose, and their supporters agree with
3 them, and, you know, that's fine.

4 But that doesn't mean we have to start, you know,
5 changing or amending their contract because we don't like
6 who we -- you know, there's certain people who don't like
7 who we chose.

8 And that's, you know, that's not what we're here
9 to do.

10 And, again, if you really cared about public
11 perception, we would listen to the people that are
12 supportive of us.

13 And I mentioned it's a bipartisan effort.

14 I would love it if people that are disagreeing
15 with the progress we're making and the direction we're
16 headed could be able to provide information that says, you
17 know what, there's a bipartisan effort that disagrees with
18 what you're doing. But you will not find that.

19 And these people that I mentioned are, you know,
20 well known in the community, and they support the direction
21 that we're headed.

22 And I would urge the Commission to stop playing
23 these games and just move forward.

24 And that's it. So before we vote on -- I guess we
25 don't have to vote, do we, on option one? We do.

1 So I guess I want to make my thoughts known that
2 this isn't really about transparency or public perception.

3 Which, it saddens me that we're doing this,
4 because we're really wasting our time.

5 CHAIRPERSON MATHIS: Thoughts from other
6 commissioners?

7 VICE-CHAIR FREEMAN: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Freeman.

9 VICE-CHAIR FREEMAN: Madam Chair, I'm not going to
10 repeat and say again and repeat again what I said before in
11 support of this.

12 What I heard from Commissioner Herrera saddens me,
13 because apparently I'm not -- by supporting this motion, I
14 am not for freedoms, I'm somehow not for transparency. And
15 that certain members of the public and their perception of
16 the selection of this mapping consultant, given all of
17 these -- virtually exclusive work they've done for Democrats
18 and Progressive interests, that those concerns should simply
19 be discarded.

20 And I don't think that's right.

21 I think this is just a small step, I think a
22 reasonable step. It's a step that the Commission already
23 voted on without opposition and approved.

24 Now we're simply modifying that language to make
25 it -- to improve it somewhat.

1 It's a small step in trying to allay public
2 concern and add transparency to the process.

3 And I think we should just go ahead and vote.

4 I agree with Commissioner Herrera in that respect.

5 CHAIRPERSON MATHIS: Discussion from other
6 commissioners?

7 COMMISSIONER McNULTY: Madam Chair, I'll just add
8 that I do think it's -- (inaudible.)

9 BUCK FORST: Ms. McNulty. Ms. McNulty, please
10 speak up.

11 COMMISSIONER McNULTY: I'm speaking right into
12 this little microphone. Can you not hear me?

13 BUCK FORST: Not very loud, no.

14 COMMISSIONER McNULTY: I'm going to turn up my
15 volume and hope this doesn't cause an echo problem.

16 Is this better?

17 I'll turn my volume all the way up now.

18 BUCK FORST: A little better.

19 COMMISSIONER McNULTY: I'll just vote.

20 CHAIRPERSON MATHIS: Any other comments from
21 commissioners?

22 (No oral response.)

23 CHAIRPERSON MATHIS: Okay. Well, hearing none, I
24 would like to just say that I think this has gone on way
25 longer than I had ever dreamed imaginable.

1 And I appreciate everyone's passions on it and
2 hear them all.

3 I have to say though that I feel that it's
4 important to be as transparent as possible and also make it
5 as simplistic as possible.

6 I did speak with Mr. Strasma about this, because
7 another one of my primary concerns was that this not be too
8 much of a burden on Strategic Telemetry. And he assured me
9 it wasn't, if we did do -- if we left it as it was
10 initially.

11 And, so with that, that's my rationale on why I'm
12 voting the way I am.

13 And we'll go ahead and take the vote.

14 All in favor?

15 VICE-CHAIR FREEMAN: Aye.

16 COMMISSIONER McNULTY: Aye.

17 CHAIRPERSON MATHIS: Aye.

18 Any opposed?

19 VICE-CHAIR HERRERA: Nay.

20 CHAIRPERSON MATHIS: Okay. Sounded like there
21 were four ayes.

22 VICE-CHAIR HERRERA: No, only three ayes.

23 CHAIRPERSON MATHIS: There were three?

24 THE REPORTER: I didn't hear Stertz.

25 COMMISSIONER STERTZ: Aye.

1 (Prolonged Skype feedback.)

2 RAY BLADINE: The last item was voting, and I
3 don't know how you voted.

4 COMMISSIONER STERTZ: I voted in the affirmative.

5 RAY BLADINE: Thank you.

6 I will now butt out of the meeting.

7 VICE-CHAIR HERRERA: Madam Chair, Madam Chair, for
8 the record, can you state the names of who voted for it?

9 BUCK FORST: Your microphone is not on.

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Freeman -- I mean,
12 Mr. Herrera. Sorry.

13 VICE-CHAIR HERRERA: Just for some clarification,
14 could you read the names of the people that voted in
15 affirmative state their name, because I had a hard time
16 hearing people so I don't know who voted for what.

17 I know Commissioner Freeman voted for it, and I
18 think Commissioner Mathis. Who are the other two?

19 CHAIRPERSON MATHIS: I thought I heard
20 Commissioner McNulty and Commissioner Stertz vote in the
21 affirmative.

22 VICE-CHAIR HERRERA: Okay. Thank you for
23 clarifying.

24 CHAIRPERSON MATHIS: Okay. Can everyone hear?

25 It sounds like we'll be adopting option one, with

1 correction of the typo, based on a vote of the four to one.

2 Okay.

3 Moving on to item three on the agenda.

4 The discussion of possible action on retaining a
5 voting analysis expert to review, analyze, and recommend
6 action on voting rights issues including polarized voting
7 and conduct analysis regarding competitiveness.

8 This we talked briefly about last time, and our
9 legal counsel did some research for us.

10 And so I'll turn it over to either Joe or Mary to
11 address this one.

12 MARY O'GRADY: Thank you, Madam Chair,
13 commissioners.

14 As you know, we are doing some work on trying to
15 identify a social science expert to assist on these issues.

16 Although most of the analysis can be done by
17 Strategic, we did want the academic-type expert who could
18 also assist in the package that we present to DOJ.

19 We're not ready to present a recommendation to the
20 Commission today, so I would ask that this be placed on
21 future agendas for discussion.

22 We are making progress, but not ready to make a
23 full report yet, just yet.

24 CHAIRPERSON MATHIS: Okay. Thank you,
25 Ms. O'Grady.

1 Do any commissioners have any questions for
2 counsel on this?

3 VICE-CHAIR HERRERA: No.

4 CHAIRPERSON MATHIS: Okay.

5 COMMISSIONER McNULTY: Madam Chair.

6 CHAIRPERSON MATHIS: Oh, Ms. McNulty.

7 COMMISSIONER McNULTY: Ms. O'Grady, when would you
8 anticipate being able to make a recommendation?

9 MARY O'GRADY: Madam Chair, Commissioner McNulty,
10 we talked to the executive director about putting it --
11 keeping it on the agenda for the meetings the end of this
12 week and also next week.

13 So hopefully within the next week or so we'll wrap
14 this up, but we do need a little more time.

15 COMMISSIONER McNULTY: Is the issue an inability
16 to contact folks or an inability to arrive at a solution
17 about who would be best suited?

18 MARY O'GRADY: I'm not sure I heard the entire
19 question.

20 I don't think we have a recommendation yet as to
21 who would be best suited to assist with this project.

22 And also want to, in addition to the right person,
23 also work on any budget-related issues, so we just have more
24 work to be done before we bring it to the Commission.

25 And we have been -- we're still in the process of

1 contacting some of the folks that we're interested in, and
2 so that process is ongoing.

3 COMMISSIONER McNULTY: I would from my perspective
4 say this needs to be a very high priority.

5 CHAIRPERSON MATHIS: I agree with
6 Commissioner McNulty.

7 Any other comments from commissioners or questions
8 for counsel?

9 VICE-CHAIR FREEMAN: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Freeman.

11 VICE-CHAIR FREEMAN: Just some more questions for
12 counsel.

13 Do you -- is this something that could be on the
14 agenda for Saturday's hearing or would it be later next
15 week, would be my first question.

16 MARY O'GRADY: Well, Commissioner Freeman, we
17 talked about putting it on Friday's and Saturday's and also
18 next week, just in case we're ready.

19 We are making good progress. We're just not ready
20 to make a recommendation yet.

21 VICE-CHAIR FREEMAN: Okay. Is it on Friday's
22 agenda? Because I think it's already been published.

23 RAY BLADINE: Yes. I talked to counsel this
24 morning, and so I did include it on Friday's. I haven't
25 posted Saturday's yet, but I intend to do that this

1 afternoon.

2 VICE-CHAIR FREEMAN: And then once we retain this
3 person, what's your estimate -- how quickly could the
4 analysis be performed afterward?

5 MARY O'GRADY: Commissioner Freeman, I don't
6 really -- a lot of the analysis is being done now with
7 Strategic Telemetry. And this person just provides that
8 overlay of with an eye toward future use of, yes, this is
9 why this methodology is appropriate, et cetera. So I don't
10 see this as holding up the analysis at all, because for that
11 we're working on that now.

12 And I -- based on the conversations we've had with
13 folks already, I don't see, you know, really quickly, and I
14 wouldn't see this person involved with all every line that
15 we're, that we're dealing with.

16 But more the broader analysis of the benchmark
17 districts and what we land on what the districts will look
18 like, doing that sort of analysis.

19 VICE-CHAIR FREEMAN: Thank you.

20 CHAIRPERSON MATHIS: Any other questions or
21 comments?

22 (No oral response.)

23 CHAIRPERSON MATHIS: Okay. Thank you, Mary. And
24 we'll look forward to learning more hopefully at our next
25 meeting on Friday.

1 Our next agenda item is number four, presentation
2 and discussion of competitiveness and compactness and how
3 they are measured.

4 This is an item that was on our agenda a few weeks
5 ago and Mr. Strasma was ready to give us that presentation,
6 but we were running short on time so we postponed it. And
7 so he'll be giving that today for us.

8 You all should have received it electronically,
9 too, in your e-mail today. If you didn't check that yet,
10 so. . .

11 KENNETH STRASMA: Thank you, Madam Chair,
12 commissioners.

13 I'm told that the Power Point is not going to be
14 visible on the live stream. So for people who do not have
15 it, just wanted to let you know that it will be available on
16 the AIRC website under the meeting section.

17 If I can direct your attention first to the Power
18 Point for compactness measures, I'll address that first, and
19 then competitiveness.

20 Again, I'm not sure if it's following Buck in the
21 meeting room.

22 Slide number two, please, on why is compactness
23 important.

24 This slide number two, you'll see the very
25 familiar original gerrymander. The state senate district in

1 Massachusetts in 1812 was described as being similar to a
2 salamander, named after Governor Gerry. That was the
3 original gerrymander. That's why it's popularly referred to
4 now as gerrymander.

5 One of the reasons that so many states have
6 compactness as one of their criteria is to make it harder to
7 have districts like this that don't pass the smell test.

8 It's difficult to be gerrymandering districts to
9 achieve political consequences if there's a requirement that
10 they have to be compact and contiguous.

11 There are also -- there are other reasons why
12 compactness is important that have been brought up at the
13 public hearings.

14 One of the common themes that people brought up is
15 how difficult it is both for candidates and for constituents
16 to travel the length of a long, spread out district, for
17 candidates to campaign effectively in an entire district and
18 for constituents to make it to the legislators' listening
19 sessions and candidate debates.

20 So there is another reason for wanting to favor
21 compact districts.

22 With that in mind though, a more nuanced measure
23 of compactness could be heeded district by district. It's
24 possible that a district be mathematically considered to be
25 quite compact, but parts of the district would be separated

1 by a river or a mountain range without a road connecting
2 them.

3 So while on the map it looked compact, it would
4 not be possible for a voter to get from one part of the
5 district to another without driving long distances outside
6 the district.

7 So that is one of the reasons why there does need
8 to be a nuanced look district by district when we're talking
9 about competitiveness.

10 Another consideration to be taken into account,
11 many of these measures of compactness are based on the
12 concept of a circle being the most ideally compact shape.

13 It's possible to draw a district that is close to
14 circular in shape for a single district, but obviously you
15 can't make an entire planet of circular districts because
16 they don't fit together nicely.

17 So that has to be taken into account as well.

18 I wanted to go through a few of the common
19 measures of compactness that are used and show how even
20 these common measures can yield some fairly different
21 results.

22 For these examples, we're going to discuss the
23 current congressional grid map option that we're working
24 under.

25 So just wanted to remind you that these numbers

1 are based on the grid map, not the existing congressional
2 districts.

3 If we could go to the next slide, please, slide
4 three.

5 One of the measures of compactness is what's
6 called the perimeter test, where the overall perimeter of
7 all districts in the state is compared between two plans.

8 Now, this measure cannot be used to compare the
9 compactness of two individual districts because obviously a
10 district in a dense urban area as going to have a much
11 smaller perimeter than a large sparsely populated rural
12 district.

13 However, if the total perimeter of the districts
14 across the state are compared, there's a school of thought
15 that the land with the lowest total perimeter among all the
16 districts would be considered more compact because there
17 were fewer zigzags or squiggles among the district
18 boundaries.

19 If we could go to the next slide, slide four,
20 please.

21 The Reock test, it's an area-based measure that
22 compares each district to a circle.

23 For each district it compares the area of the
24 district to the area of the minimum enclosing circle of the
25 district.

1 At this point perhaps I should discuss a few of
2 the concepts, the mapping concepts that are used in these
3 measures.

4 The enclosing circle, as the name suggests, is the
5 smallest circle that fits entirely around the district.

6 Some of the other measures use the largest
7 inscribed circle. That's the largest circle that you can
8 fit inside a district.

9 And a third concept is the convex hull. That's
10 the smallest convex polygon that can be fitted around a
11 district.

12 One of the best ways I've heard to describe the
13 convex hull is if you imagining stretching a rubber band
14 around the outside of a district to make the smallest shape
15 entirely convex that fits around a district.

16 Anyway, under the Reock test where you compare the
17 area of the district, the area of the minimum enclosing
18 circle, grid map CD 1 has the best compactness score.

19 Its range is from zero to one, one being the
20 considered most compact.

21 So CD 1 is the best. CDs 5 and 8 are considered
22 the worse.

23 Next slide, please.

24 You'll see on CD 1, because we're comparing this
25 shape to a circle, the district isn't that different from

1 circular in shape, hence the good score on the Reock test.

2 CDs 5 and 8 are considered the worst.

3 CD 5, you'll see popping up as the worst under a
4 lot of these different measures.

5 The very tall narrow portion of the district means
6 that the minimum enclosing circle is going to be fairly
7 large compared to the overall district size.

8 And CD 8, the long diagonal distance from the
9 southwest to the northeast corner means that the enclosing
10 circle also is fairly large.

11 Hence these two districts having the worst
12 measures under the Reock test.

13 Next slide, please. Going to slide number seven.

14 The Polsby-Popper test, this was the measure that
15 was adopted by the last Commission as their definition of
16 compactness.

17 The Polsby-Popper test compares the area of the
18 district to a circle with the same perimeter as the
19 district.

20 One good way to think about this is if you imagine
21 taking the perimeter of the district and stretching it out
22 until it was circular in shape. And then comparing those
23 two.

24 Again, this is a measure that ranges from zero to
25 one, with one being considered the most compact.

1 And this is a measure where the squiggly zigzaggy
2 lines on the border will adversely affect the district's
3 compactness score because those lines when stretched out
4 form a larger circle.

5 One of the drawbacks of this measure is that
6 natural boundaries which, you know, rivers, mountain ranges,
7 et cetera, which are sometimes not perfect straight lines,
8 will adversely impact the score.

9 On the grid map, the best district is grid CD 9
10 and the worst CD 5.

11 If you go to the next slide, please, slide eight.

12 You'll see CD 9 does not have that many squiggles
13 or zigzags and has large portions that are perfectly
14 straight lines.

15 Hence, the fairly small difference between the
16 circle that can be drawn with the same perimeter and the
17 district's actual area.

18 The CD 5, which is as I mentioned before we'll see
19 cropping up a lot, has the very jagged lines in the southern
20 part of the district, making for a much larger circle that
21 can be draw in the same perimeter.

22 And CD 5 having the worst compactness score of
23 under the Polsby-Popper test.

24 If we can go the next slide, slide ten.

25 This begins a couple measures that will not just

1 have the area of a district compared to one or more
2 potential ideal districts, as has been the case in the
3 previous tests --

4 (Whereupon, the court reporter interrupted, again
5 requesting that a member of the audience lower her voice.)

6 KENNETH STRASMA: These next couple measures take
7 into account where the population is distributed within a
8 district.

9 The population polygon test compares the range
10 field of the district's population to the population of the
11 convex hull district.

12 As you remember my mentioning before, convex hull
13 being basically the shape you get if you stretched a rubber
14 band around the outside of the district.

15 Under this measure, CD 6 is considered the most
16 compact, CD 3 the least compact.

17 Next slide, please.

18 Slide 11.

19 So you see here, CD 6 is the best under the
20 population polygon test.

21 Next slide, please.

22 CD 3 is considered the worst under the population
23 polygon test.

24 One of the reasons for this is because density of
25 the population just to the north of CD 3 where it stretches

1 up into Maricopa County.

2 Hence the big difference when you look at the
3 population of the convex hull surrounding CD 3.

4 Next slide, please.

5 A very similar test is the population circle test.

6 This one compares district population to the
7 approximate population of the minimum enclosing circle of
8 the district.

9 So if you were to draw the smallest circle that
10 would fit around a district and compare that district
11 population to the population of the districts, you'll find
12 there's a tie for the best compactness scores between CD 6
13 and 9. And that the worst is considered CD 4.

14 CD 6 and 9 in the grid map are both very dense
15 urban districts in mid Maricopa County, where the density of
16 the population within the district is quite similar to the
17 density of the population outside of the districts.

18 Hence the good score.

19 CD 4 is in the northeastern corner of the state,
20 but a southern portion of the district's border does border
21 on Maricopa County. So when you draw the smallest circle
22 that can surround CD 4 -- excuse me, if we could go to the
23 next two slides, slide 14.

24 I skipped -- shows the shapes of the two most
25 compact under the population circle test.

1 And then the next slide is slide 15. You'll see
2 CD 4.

3 The smallest circle that can surround this
4 district, it extends out into neighboring states. And under
5 these tests, neighboring states are considered to have zero
6 population because only the population of voters in Arizona
7 is taken into account.

8 But really what causes CD 4 to have such a low
9 score is in the south central portion of the district it
10 borders right on Phoenix. So while it's generally a fairly
11 sparsely populated district, there is very dense urban
12 population right next to the border.

13 Go to the next district, please.

14 Here the Ehrenburg test.

15 Compares the ratio of the largest inscribed
16 circle, so that's the largest circle that you can draw
17 within the district, to the area of the district.

18 And here CD 4, which we saw on the previous
19 measure, the population circle, was the worst, is now the
20 best under this measure.

21 Next slide, please.

22 You'll see that it's possible to draw a circle
23 which includes a very large ratio of the district's overall
24 population.

25 Next slide, please. Slide 18.

1 The two -- the worst one under the Ehrenburg test
2 is CD 5.

3 The largest circle that you can draw is, sorry, in
4 the southern central portion of the district.

5 And the entire tall narrow portion and the western
6 portion of the district are not a bad circle. So the ratio
7 of the smallest -- or largest inscribed circle to the
8 overall district population, it's quite low. Hence the
9 worst measure.

10 These are some of the common measures.

11 If the commissioners are interested in seeing any
12 of the other measures of compactness that you may have read
13 about or that you are interested in exploring on your own,
14 by all means we would be happy to pursue that.

15 Some of the overall takeaways from this in my mind
16 are that the population-based measures are not really going
17 to fit Arizona.

18 They penalize districts that straddle or are
19 adjacent to areas of big difference in population density.

20 And given that this is a state with large tracts
21 of zero population, desert areas, right next to very dense
22 urban areas, I think that leads to unintended consequences
23 if we look at some of these population-based measures.

24 I also further recommend that a combination of
25 different measures be used, because as we see here in the

1 same map, different measures can yield radically different
2 results, that it might be best to look at a combination of
3 measures.

4 I would suggest Reock, the Polsby-Popper that was
5 used by the last Commission, and overall perimeter test be
6 three of the standard measures that we begin using when
7 we're discussing draft maps and what-if scenarios.

8 And then, of course, any others that the
9 Commission might recommend.

10 The last Commission, in addition using the
11 Polsby-Popper test, had a specific threshold, which I don't
12 have in front of me, that they used to define whether a
13 district was compact or not.

14 An additional recommendation I would make would be
15 that the Commission not adopt any kind of bright line yes or
16 no measure of compactness, but rather look at these
17 districts as being more or less compact and favor where
18 possible the districts that are more compact rather than
19 saying that there is a certain category of districts that
20 are compact and a certain category that are not.

21 We have a second presentation addressing
22 competitiveness, but I'd like to ask are there questions on
23 the compactness measures before we move on to
24 competitiveness.

25 CHAIRPERSON MATHIS: Thank you, Ken.

1 Any questions from commissioners?

2 VICE-CHAIR HERRERA: Madam Chair.

3 CHAIRPERSON MATHIS: Mr. Herrera.

4 VICE-CHAIR HERRERA: Yeah, this is a message for
5 Mr. Strasma. What kind of impact does the Voting Rights Act
6 have on compactness?

7 KENNETH STRASMA: Thank you. It definitely does
8 have an impact.

9 I mentioned at the beginning about compactness
10 being intended to prevent gerrymandering, districts that
11 don't pass the smell test.

12 One of the things I should have added at that
13 point is oftentimes there are compelling and overriding
14 reasons why a district cannot be compact, and foremost among
15 those is compliance with the Voting Rights Act.

16 It may be possible -- it may be necessary to have
17 a district that's not ideally compact in order to comply
18 with the Voting Rights Act.

19 There are also other criteria. For example,
20 keeping geographic features, like counties, minor civil
21 divisions, census tracts, and census block groups whole, or
22 keeping communities of interest whole, which are often
23 competing criteria that will lead to less than ideally
24 compact districts.

25 VICE-CHAIR HERRERA: Thank you.

1 CHAIRPERSON MATHIS: Any other questions?

2 (No oral response.)

3 CHAIRPERSON MATHIS: All right. We'll discuss
4 competitiveness.

5 KENNETH STRASMA: Okay.

6 If it's possible to get the competitiveness Power
7 Point up in the room.

8 And, again, I realized that this will not be
9 visible on the live stream for people who are watching from
10 elsewhere. The Power Point will however be available on the
11 AIRC website.

12 If we could go to slide number two, please.

13 Competitiveness is an issue that came up
14 frequently in the public hearings and in other public input
15 to the Commission.

16 And one of the common themes that people brought
17 up was that they did not consider the districts competitive
18 if the outcome was preordained.

19 Very often people would describe districts in when
20 the primary decided the outcome of the election. The
21 general election electorate was so overwhelmingly Democratic
22 or Republican that whoever won the majority party primary
23 was virtually guaranteed to win the general election.
24 Hence, the general election contests weren't very seriously
25 contested, voters lost interest, turnout suffered, and as

1 many, many people said, in their minds the quality of the
2 candidates that were recruited in those districts suffered
3 as well.

4 So we're looking for ways to define whether or not
5 the outcome of a district is in question. And that's the
6 general consensus as to what makes a district competitive or
7 not.

8 Now, how we determine that about districts in
9 which there have not been elections run yet is the subject
10 of this presentation.

11 The current district lines have been in use for
12 four elections, from 2004 through 2010. Each district, of
13 course, has one senator and two representatives, which means
14 that we have a nice mix of 12 legislative elections that
15 have been run in each district under the current lines and
16 that no one dominant personality will be overly skewing the
17 election results in these districts, because there are at
18 least three different members who have represented these
19 districts for a combined total of 12 elections.

20 When we look at the elections that were run under
21 these existing lines, 13 of the districts have elected
22 Republicans in all 12 of those past elections.

23 Eight of the districts have elected Democrats in
24 all 12 of those elections.

25 Nine districts have elected both Democrats and

1 Republicans.

2 Three of those nine that have elected
3 representatives from both parties have elected one or the
4 other in 11 out of those 12 elections.

5 And all except three districts have elected one
6 party or the other at least 75 percent of the time.

7 If we could go to the next slide, please.

8 So the question arises -- it's fairly easy to look
9 at past districts and know to at least degree or another
10 whether or not they're competitive.

11 One would generally assume that districts that
12 have elected the same party in all of the last 12 elections
13 do not seem very competitive, but the question arises how do
14 we measure that when we're drawing new districts.

15 It would not work to look at past legislative
16 results when looking at the new districts, because new
17 districts are going to have to take in territory from
18 multiple old districts, which means that we may be combining
19 election results from some races that were seriously
20 contested and others that weren't, thus skewing the results.

21 Therefore both going forward and also the approach
22 that was taken by the last Commission has to be to look at
23 some other processes for the legislative vote in order to
24 predict how these districts are likely to vote.

25 The last Commission used two different measures

1 for competitiveness, and they're both designed to identify
2 districts where the projected vote would be -- between the
3 two major parties would be within seven percent.

4 The first method and the one that was adopted in
5 the official criteria was to use the JudgeIt program, which
6 simulates future elections and vote for districts where the
7 projected major party vote was within seven percent of the
8 Democratic and Republican candidate.

9 The second was to use the AQD score, short for
10 Arizona quick and dirty, which was the average of the vote
11 cast for Corporation Commission in 1998 and 2000.

12 This score was used because it was possible to do
13 very quick analysis as changes were made to districts,
14 compared to the JudgeIt program that had to run overnight
15 and did not lend itself to analyzing changes as maps were
16 become drawn.

17 If we could go to the next slide, please.
18 Slide four.

19 Here you'll see the congressional districts in the
20 state sorted by the AQD score used by the last district.

21 I should mention the congressional districts have
22 been used for one more election. They've been used from '02
23 through 2010, so the congressional lines have been used for
24 five elections.

25 The red and blue bars show the number of elections

1 that have been won by each party.

2 I should point out, in case it's confusing, these
3 are not chronological. It's just the total number.

4 So you see at the top of the chart, these are
5 sorted by the AQD Republican score percent Republican, so we
6 have two districts that are 35.9 and 36.4 percent.

7 These are CD 7 and 4, which are the two voting
8 rights Hispanic -- majority Hispanic districts.

9 So those have the lowest average Republican
10 percent underneath AQD score and have elected Democrats in
11 all five of the last five elections.

12 At the bottom of this chart you'll see the three
13 districts there. They are CDs 2, 3, and 6.

14 That have AQD scores of 58.4, 58.8, and 62.4.

15 All three of these districts have elected
16 Republicans in all five of the last five elections.

17 And the middle three districts have elected a mix
18 of Democrats and Republicans.

19 I should point out also that CD 5 has the exact
20 same AQD score as CD 2. Although CD 5 elected a Democrat
21 twice and a Republican three times, and CD 2 elected a
22 Republican five times, so that shows it can have, you know,
23 the exact same partisan makeup based on a particular score
24 and a different outcome.

25 Although in congressional elections because, you

1 know, bound to which they are personality driven and high
2 budget races, they may deviate more from a district's
3 underlying partisanship than a legislative race might, as
4 we'll see shortly.

5 If we could go to the next slide, please.
6 Slide five.

7 Under the definition of competitiveness used by
8 the last Commission, only the one district, the current
9 Congressional District 8, was considered to be competitive.

10 So we'll see that this definition definitely
11 succeeded in that the district being defined as competitive
12 is very clearly competitive, having been won by a Democrat
13 three times and a Republican twice over the last decade.

14 However, the definition may have been overly
15 restrictive given that the districts just above and just
16 below CD 8, CDs 1 and 5, have also elected a mix of
17 Democrats and Republicans.

18 So that's a look at what was requested at an
19 earlier meeting at how the previous definition fared.

20 Now, looking at how we would analyze districts
21 going forward.

22 If I could go for the next slide, please.

23 This is the congressional districts ranked by the
24 average percent Republican in statewide races from 2008 to
25 2010.

1 As was discussed at a previous meeting, we
2 currently have access to 2008 and 2010 election results in
3 form that can be matched to census.

4 We may or may not have to go back and do the line
5 changes necessary to load the '04 and '06 election results
6 in a format that can be used.

7 So for this analysis we are only using 2008, 2010
8 election results.

9 We ran the correlation analysis between the
10 percent Democratic Republican in each of the statewide
11 partisan races and the number of congressional and
12 legislative seats won by each party. And found some
13 interesting results.

14 Generally speaking there was a relatively high
15 correlation between 80 percent and the mid 90s, or .8 and .9
16 some, indicating that there's a very strong relationship
17 between these average partisan percents and electoral
18 outcome in the congressional districts and legislative
19 districts.

20 You can think about correlation as if you had a
21 chart where on one axis you show the percent Republican and
22 on the other you showed the percent of times that Republican
23 candidate has won the congressional or legislative district.

24 A perfect correlation, a perfectly straight line
25 would have a correlation of one.

1 So in these instances where it's ranging from .8
2 to .94, there's a fairly strong correlation. Interestingly
3 though, the races with the lowest correlation were the
4 Corporation Commission races, the ones used by the last
5 Commission, suggesting that there may have been a change in
6 the nature of these elections over the last ten years and
7 indicating that you probably don't want to use the exact
8 same measure as was used before, but rather an average of
9 all the statewide partisan races.

10 I definitely do suggest using a combination of the
11 2010, 2008 election results. That way we have the most
12 recent two elections. And given the changing nature of the
13 electorate in Arizona and elsewhere, it makes sense to look
14 at recent results.

15 Also we have both a presidential year and
16 non-presidential year election. Changes in turnout between
17 presidential year and off year elections affect the
18 electorate voting in congressional and legislative races, so
19 it's good to have a combination of both of these.

20 So, anyway, that's, that's how we arrived at this
21 approach of using the average of all these races.

22 We did look at the correlations of each race
23 individually and concluded that the best predictor was the
24 average of all of them.

25 You'll see here that, again, just as with the AQD

1 score of the three congressional districts that have elected
2 a mix of Democrats and Republicans are clustered in the
3 middle of the range between 50 and 59 percent Republican on
4 the average of the statewide races.

5 Next slide, please. Slide seven.

6 Another approach, different from looking at the
7 electoral outcomes, would be to look at party registration.

8 And so in this case we looked at the percent
9 Republican as a percent of the major party vote.

10 So Republican of the total Republican and
11 Democratic vote.

12 And, again, see that the three congressional
13 districts in the middle of this score are also the three
14 that have elected a mix of Democrats and Republicans.

15 We'll address the question of looking at major
16 party only registration as opposed to major party and
17 Independent when we look at the legislative race.

18 For a second, I just wanted to underscore that we
19 will be looking at that issue soon, given the fact that so
20 many voters in Arizona are registered Independents.

21 If you could go to the next slide, please.
22 Slide eight.

23 This is a look at legislative election outcomes
24 based on the AQD score used by the last Commission, so the
25 average of the Corporation Commission elections from 1998

1 and 2000.

2 And you'll see, although there is a -- there is
3 some more local district effects going on here, generally
4 speaking it's the same thing that we saw with congressional
5 districts, that the closer we get to the middle ground on
6 the scores, the more likely the district is to have elected
7 a mix of Democrats and Republicans over the last few
8 elections.

9 Whereas at the top and the bottom of the chart,
10 you'll see the districts that have elected only Democrats or
11 only Republicans.

12 Next slide, please. Slide nine.

13 Here you'll see the three districts that were
14 defined as competitiveness under the former Commission's
15 definition.

16 Again, as with the congressional map, they appear
17 to have correctly assessed these three districts that they
18 have all elected a mix of Democrats or Republicans over the
19 last year.

20 And, again, it's possible that other districts
21 could be considered competitive that were not captured by
22 this particular definition.

23 Next slide, please. Slide ten.

24 Here we've looked at the average percent
25 Republican in statewide races, again, just as we did for the

1 congressional map.

2 And you'll see here that with the exception of one
3 outlier, we see most of the races that have elected a mix of
4 Democrats and Republicans clustered between the 43.6 and
5 57.1 percent.

6 The eight districts with less than a 35 percent
7 average Republican vote, Democrats won 12 of last
8 12 elections.

9 Districts that would not be considered
10 competitive.

11 And in the six of the districts with 65 percent or
12 above, Republicans have won 12 of the last 12.

13 This below 35 and above 65 percent range is fairly
14 commonly used to define safe districts for one party or
15 another, so I do believe that the middle ground between
16 35 and 65 is likely to be where we will be finding the bulk
17 of districts that where the general election outcome is in
18 question.

19 I should highlight the outlier you'll see there at
20 63.2 percent. That's LD 5.

21 There's a fairly large gap between the last
22 district that's elected a mix of Democrats and Republicans,
23 the one at 57.1, down to LD 5, which is the most Republican
24 district under of this measure that has elected both
25 Democrats or Republicans over the last ten years.

1 You can go to the next slide, please. Slide 13.

2 This is another approach as discussed with the
3 congressional lines.

4 We looked at existing legislative districts ranked
5 by percent Republican registration among the major party
6 registration.

7 And, again, here we'll see that the competitive
8 districts, those that have elected a mix of Democrats and
9 Republicans, tend to be clustered in the middle ground.
10 Districts that are closer to 50/50 to a percent Republican
11 on the major party registration.

12 The final slide that I'd like to draw your
13 attention to, if I could, slide 14, is where we looked at
14 the percent Independent based on voter registration.

15 A few people spoke at public hearings about the
16 question of looking at registered Independents as a measure
17 of competitiveness in a district.

18 And the general theme was that although there may
19 be people in an area that are registered as Independents,
20 they tend to vote with the majority of party registration
21 in their particular area, that registered Independents
22 may be more conservative or more liberal depending on the
23 area that they're in and not necessarily be a block of
24 swing voters that necessarily mean a district is more
25 competitive.

1 You'll see based on this chart it's sorted from
2 most to -- from the highest to the lowest percent
3 Independent as party registration.

4 Then there really isn't any pattern to -- that you
5 might expect foreseen, more mixed outcomes among the
6 districts with higher Independent registration.

7 In fact, when we ran the correlation analysis on
8 this, as I mentioned before, where one is a perfect
9 correlation where every time the percent Independent went
10 higher the mix of Democrats or Republicans would also be
11 higher.

12 In this case, there's actually an inverse
13 correlation. So a district is slightly less likely to elect
14 both Democrats and Republicans as the percent of Independent
15 voter registration goes up.

16 So based on those numbers, I do not recommend
17 using percent Independents as one of the ways of defining a
18 competitive district.

19 The main takeaways I would have from this are that
20 it probably does not make sense to have a bright line
21 definition, just as I said with compactness.

22 I believe the previous Commission did succeed in
23 defining districts that were competitive, but there were
24 others that were near the borderline of that definition that
25 did end up electing both Democrats and Republicans.

1 So rather I would suggest as a competitiveness
2 that this be on a scale, where districts would be defined as
3 more or less competitive, with either or both the party
4 registration or the average of the last two elections being
5 used and the distance from 50/50 being the measure of how
6 competitive or not a district is. So the closer they are to
7 50/50 on those two measures, the more likely it is that they
8 would be electing members of both parties going forward.

9 I'd be happy to take any questions on this one.

10 CHAIRPERSON MATHIS: Sorry, I'm going to use my
11 microphone.

12 This is Colleen.

13 Ken, on slide nine, do you happen to know just out
14 of curiosity I'm wondering the three competitive --
15 (inaudible.)

16 KENNETH STRASMA: One moment, please. I'll see if
17 I have that.

18 I do not have that right in front of me.

19 VICE-CHAIR HERRERA: Commissioner -- excuse me,
20 Madam Chair, could you repeat what you said? We couldn't
21 hear you here.

22 CHAIRPERSON MATHIS: Oh, I'm sorry.

23 I was asking Mr. Strasma about slide number nine.
24 I was just curious to know if he knew which legislative
25 districts were deemed competitive by the last Commission

1 that it looked like it turned out they indeed were.

2 KENNETH STRASMA: And those districts were LDs 5,
3 17, and 24.

4 CHAIRPERSON MATHIS: Thanks.

5 That was a very informative presentation. Thank
6 you, Ken, for pulling that all together for us.

7 Any questions or comments from other
8 commissioners?

9 COMMISSIONER STERTZ: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Stertz.

11 COMMISSIONER STERTZ: This has been a tremendous
12 amount of data that we're needing to distill for both the
13 mapping and competitiveness. I'd like the opportunity to
14 continue this conversation during Friday and Saturday's
15 mapping session as it appears it applies to the
16 applicability of data to our process.

17 CHAIRPERSON MATHIS: I agree.

18 Any other comments from other commissioners?

19 (No oral response.)

20 CHAIRPERSON MATHIS: I wonder if we might all
21 agree that it would make sense to do what Mr. Strasma
22 suggested with regard to compactness, to begin looking at
23 maybe those three, Reock, Polsby-Popper, and perimeter, a
24 combination of measures on some of our what-if maps just to
25 see what, you know, is coming out once he applies those

1 measures.

2 I don't know if that takes a lot of time,
3 Mr. Strasma. I don't want to be adding a ton of work.

4 If it is, you know, if it is easy to apply those
5 to some of our what-ifs, it might be informative for us.

6 KENNETH STRASMA: We can certainly do that for the
7 next meeting.

8 CHAIRPERSON MATHIS: Thank you.

9 Other comments or questions?

10 VICE-CHAIR HERRERA: Madam Chair.

11 CHAIRPERSON MATHIS: Mr. Herrera.

12 VICE-CHAIR HERRERA: We have a couple people that
13 want to make comments about item -- or agenda item number
14 four.

15 So if it's okay with you, do you want to have them
16 speak now?

17 CHAIRPERSON MATHIS: Sure. That would be great.

18 VICE-CHAIR HERRERA: What we'll do is we'll go
19 ahead and limit it to four minutes.

20 Mr. Forst, if you don't mind keeping the time.

21 BUCK FORST: I don't mind.

22 If I can remind the commissioners to mute your
23 speakers when you're not talking, we're getting a lot of
24 feedback.

25 VICE-CHAIR HERRERA: We have a couple of people

1 that want to speak on competitiveness and compactness. So
2 when you come up to speak, make sure that you stick to this
3 agenda item. Don't speak about anything else that is not --
4 that we haven't spoken to the agenda yet. This is the time
5 for you to speak on number four.

6 If you want to speak on something else, you can
7 address the Commission during public comments the end of the
8 meeting.

9 So this is about competitiveness and compactness.

10 And Ann Heins is the first speaker. I want to
11 make sure that --

12 ANN HEINS: I'll wait for others. Thank you.

13 VICE-CHAIR HERRERA: We have Julie Pastrick.
14 Again, limit our comments to four minutes.

15 JULIE PASTRICK: Thank you very much.

16 Julie Pastrick, P-A-S-T-R-I-C-K, 101 West Route
17 66, Flagstaff, Arizona, president and CEO of Flagstaff
18 Chamber of Commerce.

19 Thank you, Madam Chair, and members of the Arizona
20 Independent Redistricting Commission, for the opportunity to
21 comment.

22 I will be brief.

23 The Flagstaff Chamber has worked with a consortium
24 of community leaders over the past few months to unite
25 around redistricting concepts that we feel would be

1 beneficial for our city and region.

2 And we recognize that Flagstaff benefitted a great
3 deal over the last ten years by having two legislative
4 districts in our region, helping us create alliances with
5 legislators and leadership who represent or who have
6 represented parts of our Flagstaff proper area and whom are
7 in communities of interest.

8 With that thought in mind, we believe that our
9 legislative districts should be as competitive as possible.
10 And we respectfully ask also that you place communities of
11 interest high on your priority list.

12 We understand that our particular situation is
13 likely to be dictated as you do by constitutional and Voting
14 Rights Act requirements that you must utilize as priorities.

15 We remain hopeful that in the end our districts
16 that we end up with will reflect our two main concerns well,
17 competitiveness and communities of interest.

18 While we've not specifically defined communities
19 of interest, we know that Flagstaff shares many
20 commonalities in rural Arizona with other rural cities and
21 towns, including as far away as Show Low and Payson to the
22 east and to the south and west our neighbors in
23 Yavapai County and Prescott and Sedona.

24 All of us watch and monitor our water consumption,
25 our growth rates with great concern.

1 We share a great need for forest thinning projects
2 to help prevent the hazardous wildfires that we have
3 experienced in the immediate past and over the last decade.

4 And our economies, as many of you know, our rural
5 economies are similar in that they have a large number of
6 small local businesses that are visitor related, and we have
7 numerous government entities.

8 We face similar transportation, health care, and
9 education, as well as labor challenges with our rural
10 communities of interest.

11 Thank you so much for your time today.

12 The Flagstaff Chamber recognizes that you have in
13 front of you a very many difficult and hard decisions. We
14 appreciate and value your commitment, your time and effort,
15 and we look forward to seeing you on a visit in Flagstaff.

16 We really appreciate what you do.

17 VICE-CHAIR HERRERA: Thank you.

18 JULIE PASTRICK: Thank you.

19 VICE-CHAIR HERRERA: The next speaker is Richard
20 Miranda, representative Richard Miranda.

21 RICHARD MIRANDA: Thank you. Good afternoon.

22 Richard Miranda, M-I-R-A-N-D-A.

23 Thank you. I represent the Arizona Minority
24 Coalition.

25 And I am going to keep my comments to the

1 presentation, compactness and competitiveness.

2 It's interesting that the presentation also
3 acknowledged that you can't have competitiveness in a
4 majority-minority area.

5 So I just want to make sure that I reflect that
6 and use that as a point that you will consider when you're
7 considering competitiveness.

8 Those two things don't go hand in hand, obviously
9 with the voting performance of some of those congressional
10 and legislative districts.

11 Speaking on compactness, I think, you know,
12 there's legal and academic precedent and information that
13 was given, and before that, before this presentation, that
14 speaks on compactness and the maps that the Arizona Minority
15 Coalition presented, which we're going to present a revised
16 map next week.

17 And it's -- we don't have the maps in front of us,
18 but speaking on compactness, you can see from -- and I'll
19 just name the colors. You can see from the colors that are
20 green, yellow, and purple that you can't get any more
21 compact than that.

22 And you create an additional majority-minority
23 district in the west side of the Phoenix urban area.

24 And I think that's important given the fact that
25 Hispanic population growth accounted for more than

1 43 percent of the total population growth here in Arizona.
2 And that's something that when considering all these
3 different aspects you're going to have to consider.

4 It's interesting also that our maps, you brought
5 up the point about density population outside district
6 boundaries. Those don't change in the maps that we
7 presented, especially in the green, yellow, and purple. And
8 I know you don't have them in front of you, but you do
9 have -- those density populations don't change.

10 In fact, they more or less remain the same.

11 So we're not incorporating desert areas. We're
12 not incorporating, you know, forest areas or agricultural
13 areas.

14 These are pretty compact.

15 And also we do use the other issue on compactness,
16 that was brought up from this presentation, is geographic
17 boundaries.

18 We do use the geographic boundaries, the
19 Salt River, and also the South Mountain Estrella Mountains.
20 And also we do use the Agua Fria River on the west side.

21 So given this presentation that was given to you
22 today, you know, the Arizona Coalition maps most definitely
23 fill some of those requirements that you're going to have to
24 consider.

25 Also it was brought up that sometimes compactness

1 doesn't really correlate with Voting Rights Acts.

2 And bringing that up again, this compactness issue
3 that we presented on these particular maps does really go
4 with the Voting Rights Act. Because it combines communities
5 of interest, minority populations that have the same
6 socioeconomic types of education, schools, income, cultural
7 values, those types of thing.

8 So when you're considering the compactness of
9 these districts, then this most definitely works within
10 that.

11 And so that's one of the other things that I just
12 want you to consider. And hopefully I'll be sticking around
13 until the very end so I can get up and say some more public
14 comments.

15 Thank you.

16 VICE-CHAIR HERRERA: We'll have next Walt Gray,
17 community activist, representing himself.

18 And I forgot to mention this.

19 If you don't mind stating -- obviously saying and
20 spelling your first and last name for the record.

21 WALTER GRAY: Walter Gray, W-A-L-T-E-R, G-R-A-Y.

22 I'm a community activist, and I'm just speaking
23 for myself.

24 I've lived in Maryvale for 30 years.

25 I've studied public administration and urban and

1 regional planning at the graduate level, worked in and
2 around that field, and also done public information work.

3 The thing that I -- you know, the presentations
4 were fast and kind of -- I don't know if I really followed
5 it all, but my feeling is that I think at the Glendale
6 meeting I did say that my feeling was that -- you know, the
7 communities of interest were a big thing at that meeting,
8 and I think communities of interest are still important.
9 And shapes and competitiveness, to me, takes a lower
10 precedence.

11 Because in Maryvale we have a lot of low income
12 people. And I think, you know, different -- I'm familiar
13 with Maryvale because that's where I've lived, but other
14 parts of the city or the county or the state have their own
15 different types of communities.

16 And so in Maryvale our communities kind of form
17 around school districts.

18 And I think school districts are very basic.
19 They're an old kind of boundary. They're a boundary that
20 doesn't change very easily.

21 And then you use that as a building block.

22 And then you measure -- and then you have very
23 diverse things that go with school districts, not only
24 education, but to travel, shopping, you know, politics,
25 social economic considerations.

1 So you have a lot of things that come into the
2 this play of communities of interest. And so I see that as
3 a building block.

4 And then also another comment is that I feel -- I
5 made this comment also in Glendale -- that I think your
6 responsibility is great, because if you create a structure
7 that -- around these communities of interest, that will
8 allow the municipalities and the counties to work within
9 those legislative districts which tend to be larger than the
10 municipal and county boundaries, district boundaries.

11 So I think that those things, the community of
12 interest, and building from the bottom up, rather than
13 worrying too much, there's going to be some that's going to
14 be all one way and all the other way.

15 I just hope that there's some balance overall in
16 the whole state.

17 Thank you.

18 VICE-CHAIR HERRERA: Thank you.

19 Our next speaker is Lynne St. Angelo on
20 competitiveness.

21 LYNNE ST. ANGELO: I'm Lynne St. Angelo,
22 L-Y-N-N-E, S-T, period, A-N-G-E-L-O.

23 I am concerned that all of a sudden it seems to be
24 the most important criteria that has risen above all the
25 others for the Commission are the Voting Rights Act and

1 competitive districts.

2 The Hispanic Coalition had the nerve to say that
3 their districts couldn't become competitive, but that all
4 the others had to be.

5 What is good for the goose is not good for the
6 gander when it comes to losing their hold on political
7 power.

8 This was exactly what the voters thought they were
9 getting away from by voting the Commission into power. The
10 old saying power tends to corrupt and absolute power
11 corrupts absolutely still holds true today in Arizona.

12 The Commission is even going to hire an expert on
13 competitiveness and already has hired a Voting Rights Act
14 expert to secure minority-majority criteria and is really
15 only seeming to be talking about those two points.

16 For Commissioner Herrera to imply that voters in a
17 coalition district did not get the candidates of their
18 choice because there was no Hispanic elected is ludicrous.
19 Hispanics voted in the hundreds for Ruth McClung in the 2010
20 election cycle in CD 7.

21 Just look at the data. Does that mean she wasn't
22 the candidate of their choice.

23 Frankly, that is very offensive.

24 I know Ruth McClung, and she is a fine,
25 intelligent, young woman who Hispanics voted for.

1 It is interesting how very careful the Commission
2 is being to keep Raul Grijalva's district intact for him.
3 You have even mentioned him by name.

4 Again, the very things that the voters thought
5 they were getting away from by voting for the Commission. I
6 guess the voters were fooled.

7 VICE-CHAIR HERRERA: Thank you, ma'am.

8 Ms. Heins, would you like to speak now?

9 ANN HEINS: No, I'll wait until the end.

10 VICE-CHAIR HERRERA: Okay.

11 Mohur Sidhwa, representing herself.

12 MOHUR SIDHWA: Thank you, commissioners, once
13 again, and to those of you who are in Tucson also.

14 I am -- I have been speaking on competitiveness.

15 And the reason I speak to competitiveness so
16 vehemently is perhaps because I don't want to see in Arizona
17 what may happen in other parts of the world, where election
18 results are a foregone conclusion.

19 And that's what happens here when elections are
20 settled in the primaries by the party apparatus.

21 I think that is my overwhelming fear.

22 Prop 106 places its final criteria for
23 redistricting requiring competitiveness unless there is a
24 substantial detriment to other criteria.

25 I would emphasize the word substantial. Just

1 something to keep in mind.

2 And that would mean something like keeping the
3 first nations together.

4 That's substantial.

5 So that's where we don't have a robotic computer
6 drawing the districts. We have five human beings doing it.

7 The other thing while you are talking about all
8 these issues, is please -- this may be off topic, but please
9 keep in mind that if inmates cannot vote, they should be not
10 be counted for the purposes of redistricting, because
11 otherwise counting the prison population as residents of a
12 district artificially inflates the population because these
13 people cannot vote.

14 I've spoken to this issue before, and I just want
15 to remind you of that. Thank you.

16 VICE-CHAIR HERRERA: Thank you, ma'am.

17 Our next speaker on -- I think those are the only
18 ones that we have on competitiveness.

19 JIM MARCH: I would like to speak on compact and
20 contiguous.

21 VICE-CHAIR HERRERA: Sure. How about I mark you
22 off?

23 JIM MARCH: It will be the only time I speak
24 today.

25 VICE-CHAIR HERRERA: You can speak again.

1 JIM MARCH: Shouldn't need to.

2 Folks, thank you.

3 I'd like to put up a couple pictures, stop at this
4 one -- my name is, sorry, Jim March representing Pima County
5 Libertarian Party. Last name spelled same as the month.

6 Let me show you some maps that are not proposed
7 district maps.

8 This one shows Arizona's tribal lands.

9 You see the big in -- like hand, the big Navajo,
10 Hopi chunk up to the right -- top right corner, the
11 Tohono O'odham in the south middle, and the two biggest
12 Apache bands in the right middle area, basically east of
13 Maricopa County, are the three biggest.

14 Now, let's go to the next map.

15 This one was produced previously. This is a
16 series of dots showing where Arizona's prisons are.

17 The different colors are present. You've got
18 yellow diamonds. You've got round -- round orange blobs.
19 Are different types. I know off the top of my head orange
20 blobs are state prisons, which is the biggest populations.

21 When you look at this map, you'll see there's
22 always federal detention centers listed, all kinds of
23 others.

24 You see right away there's a corridor running from
25 Maricopa County through Tucson, and especially Pinal County

1 in the middle, where the prisons are concentrated in the
2 state.

3 And it is -- this is from 2000. This is also
4 showing 2000 district maps. And it's gotten worse since
5 then.

6 Now let's show you what happens when we overlay
7 them. We merge them together.

8 As you can see, none of the significant prison
9 population are on tribal lands.

10 It is a starkly defined fact that the tribes
11 choses at some point in their past not to have prisons on
12 them.

13 Well, that was fine.

14 But I don't think anybody told them at that point
15 that that means your voting is going to get messed with.

16 Because, look, let me be clear about something,
17 I'm no longer here trying to push a particular map or a
18 particular plan. All I care about is the integrity of this
19 process, the transparency of this process, and I'd like to
20 help fix this.

21 Because if we don't -- if any map is applied to
22 this without factoring those prison populations, you're
23 going to get districts around Pinal County and north and
24 south of it that where each voter effectively has about
25 110 percent of a vote, each one.

1 Because if you do this wrong, some of your voters
2 will be effectively voting for some of the prisoners.

3 And the tribal lands on the other hand, each
4 member of those districts will end up with about maybe
5 .97 percent of a vote.

6 You guys are under absolute mandate to hold to the
7 constitutional principle of one person, one vote.

8 That's one of the most important mandates you've
9 got. Because that's pretty much directly in the
10 constitution when you combine the 14th, 15th, and 19th
11 Amendments. One person, one vote.

12 It was originally one man, one vote, until the
13 19th Amendment came along.

14 The good news is each of you took an oath to
15 uphold and defend the constitution when you started this
16 gig. And that's cool.

17 That means that if you're seeing something in
18 state law or in DOJ's rule book or some source other than
19 the U.S. Constitution that seems to mandate making mistake
20 in this area that seems to mandate not factoring in these
21 prison populations in some way and ending up with a
22 disparity in the power of people's vote, then you have the
23 ability to override whatever that is that's telling you you
24 need to do that.

25 So there's only two solutions.

1 New York state took the position of actually
2 assigning each prisoner a known real home district that's
3 not the prison.

4 So they decided to handle it a lot like the U.S.
5 military handles soldiers. A soldier checking into the
6 military declares where they're a resident, and they remain
7 a legally a resident of that place no matter where in the
8 world they go, literally anywhere in the planet.

9 New York state took that same procedure, except
10 they don't rely on the prisoner's word for it of where they
11 came from.

12 If you can't do that, then there's going to be --
13 then this is going to break compactness.

14 But you're going to have some weird tendrils, for
15 example, coming south out of a district, for example, Navajo
16 land, that's going to come down and grab individual prisons
17 to not geographically move them north but politically move
18 them north and balance out so that each district you create,
19 whether it's congressional or legislative, each district you
20 create should have roughly the similar prison populations.

21 You won't get it exactly right. We understand
22 that. But you're going to have to come close.

23 And if anybody tells you you can't do that,
24 they're in violation of the U.S. Constitution, and I hope
25 you'll stand your ground on that point.

1 And that's about all I've got to say.

2 I've given obviously an electronic form to him.
3 He's going to put those online.

4 Oh, there's one more picture I'll show you real
5 quick. Two seconds. Two seconds.

6 Yeah, this one shows you what kind of prisons each
7 of those blobs represents and the relative populations, so
8 there's a table showing what the blobs mean.

9 All of these are in his hands electronically, and
10 I've got some papers versions here.

11 Thank you, folks.

12 VICE-CHAIR HERRERA: Thank you.

13 Joe Murphy, wanting to speak on competitiveness,
14 representing himself.

15 JOE MURPHY: Forgot what it's called.

16 Joe Murphy. LD 15.

17 Talked about this before. And something I found,
18 each election we have different amounts of people showing
19 up.

20 People keep saying this a red state.

21 In 2008 we had 1,055,305 people voting from one
22 party, 1,021,798 voting from the other party.

23 And that was actually the Democrats getting the
24 most votes for congressional races.

25 2010 it changed.

1 But actually there was, I believe, still more
2 people who voted for Democrats in 2008 than Republicans in
3 2010.

4 The competitiveness of the districts is solely
5 dependent upon the lines you draw.

6 Since we have a purple state, not a red state, we
7 should have districts that are representative of that, and
8 not the way they've drawn currently.

9 You can look at what's happening in the
10 congressional races.

11 We had five out of the eight congressional members
12 from the Democratic party. Now we have five of the eight
13 being Republicans.

14 In a state like ours, that should be normal,
15 because we're a purple state.

16 If you draw the lines to make this a red state
17 again, then you'll disenfranchise people.

18 The Voting Rights Act was about enfranchising
19 people, not disenfranchising them.

20 Our legislative districts should reflect that.
21 Currently they do not.

22 This is not a state with two thirds of the members
23 should be from one party or the other representing people in
24 the state of Arizona.

25 It only happens because we have gerrymandered

1 districts.

2 I think we're better than that. And I hope you
3 follow through on that.

4 Thank you.

5 VICE-CHAIR HERRERA: Thank you, sir.

6 Ms. Heins, if you still want to speak on
7 competitiveness, you can now.

8 ANN HEINS: I keep saying that I will wait for the
9 end for the public comments.

10 VICE-CHAIR HERRERA: I want to make sure that I
11 understand. I don't want to be accused of not, you know,
12 allowing people to speak. So I just wanted to make sure.

13 ANN HEINS: I thank you for your courtesy.

14 VICE-CHAIR HERRERA: Not a problem.

15 That is it for the people who want to speak on
16 competitiveness and compactness.

17 Madam Chair.

18 CHAIRPERSON MATHIS: Thank you,
19 Vice Chair Herrera, for running that portion of the meeting,
20 and thanks to the public for giving us feedback.

21 Do we want to take a brief recess to give our
22 court reporter a break and come back in ten minutes?

23 VICE-CHAIR HERRERA: Sure.

24 CHAIRPERSON MATHIS: Okay. Let's take a recess.

25 It's 3:38 p.m., and come back at 3:48.

1 (Brief recess taken.)

2 CHAIRPERSON MATHIS: Okay. The time is 3:53 p.m.
3 We'll conclude recess and enter back into public session.

4 Our next item on the agenda is agenda item five,
5 discussion and future meetings -- of future meetings and
6 future agenda items.

7 And I am hoping that Mr. Bladine is near a
8 microphone and he can help guide us in this discussion.

9 RAY BLADINE: Yes, I am.

10 CHAIRPERSON MATHIS: I can hear you. Thank you.

11 RAY BLADINE: I would first start out by talking
12 about future agenda items and pointing out that I believe we
13 have copies here.

14 I did prepare a spreadsheet that we can keep track
15 of additional items as they come up, and I would encourage
16 you to take a look, and if I have missed something in this
17 first draft, please shoot me an e-mail, and I will add it to
18 the list.

19 I think probably things that I know in some
20 e-mails recently would be that we did put, on the
21 9-2 agenda, a presentation from the Pinal County
22 Governmental Alliance.

23 And we do have a tentative date on the 15th, as a
24 part of that meeting, a meeting with tribal leaders at the
25 Heard Museum.

1 That needs to still be finalized, but at this
2 point it looks like from their end it should work.

3 As for meeting times, I have gotten a few more
4 times that commissioners are not available, and I'm trying
5 to get them on my most recent calendar.

6 And, unfortunately, I'm not sure what my most
7 recent calendar is right now. But I will have that for you
8 probably by tomorrow.

9 The main change would be that Mr. Herrera on a
10 couple Saturdays has some conflicts, particularly the 10th.
11 He has a conflict that would require him to leave at 10:30
12 on that day.

13 And I think we pretty much, with the schedule we
14 looked at last time, tried to accommodate the other
15 conflicts that were possible -- the other conflicts that we
16 had.

17 However, I think as you start to go in this, it's
18 going to be very hard not to have someone not be able to
19 participate or require someone to participate by phone.

20 Anyway, Madam Chair, I will get out to you a
21 revised schedule, hopefully by the end of the day tomorrow,
22 with all of the input I've received from the commissioners,
23 so that you'll all be up to date on any changes to what we
24 had talked about last week.

25 VICE-CHAIR FREEMAN: Thank you, Mr. Bladine. And

1 thanks for compiling the future agenda item spreadsheet. I
2 think that's very helpful for everyone.

3 And it's my understanding that we're supposed to
4 review that periodically as it comes out and supply any
5 updates to Anna.

6 RAY BLADINE: Correct. That would be very
7 helpful.

8 VICE-CHAIR FREEMAN: Great. Did anyone --

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Yes, Mr. Herrera.

11 VICE-CHAIR HERRERA: Yeah, I'd just like to ask
12 Mr. Bladine, the future agenda items, when are they going to
13 be eventually taken out of the future agenda items and
14 included in the agenda?

15 RAY BLADINE: Madam Chair, Commissioner Herrera,
16 as soon as -- particularly some of these that are going to
17 require some staff time, as soon as I can get kind of an
18 estimate of staff time to do it, I will put a tentative date
19 on it.

20 I frankly just haven't had time to do that on some
21 of those items.

22 But we obviously don't want to have them hanging
23 there with no date. We will work on that.

24 VICE-CHAIR HERRERA: Thank you.

25 CHAIRPERSON MATHIS: Other comments or questions

1 for Mr. Bladine on this?

2 (No oral response.)

3 CHAIRPERSON MATHIS: Well, we are set. Our next
4 meeting is already posted. It's September 2nd.

5 And there's an agenda I think already out there.

6 It starts at 1:30 p.m. and will be in Tempe.

7 And then we're meeting on Saturday, too.

8 Correct?

9 RAY BLADINE: That's correct.

10 CHAIRPERSON MATHIS: So we may need to talk about
11 our meeting that we were talking about having I think on the
12 10th.

13 So I think we were holding a group of dates, the
14 8th, 9th, and 10th.

15 Is that right?

16 RAY BLADINE: That's correct.

17 We have a meeting tentatively on the 8th, 2:00 to
18 7:00.

19 The 9th, 4:00 to 7:00, if I read this calendar
20 right.

21 And then also on the 10th pretty much an all-day
22 meeting.

23 And I plan to put those in Phoenix at the place
24 we're using, the Tempe Fiesta Inn. They've given us a good
25 rate unless, there's an objection from the Commission to do.

1 Madam Chair, I was under -- we also have the 7th
2 also is a partial -- is a possible day, at least on the
3 calendar I have, but I'm not sure that for the time we'd
4 have, that that meeting would necessarily be worth it, and
5 we'd have one member having to participate by Skype.

6 CHAIRPERSON MATHIS: And then if we kept the meet
7 on the 10th, Mr. Herrera needs to leave by 10:30.

8 RAY BLADINE: That's correct.

9 CHAIRPERSON MATHIS: Okay.

10 RAY BLADINE: Madam Chair, as I recall we started
11 that meeting earlier on the 9th because Commissioner Stertz
12 did make arrangements so that someone else would handle his
13 morning radio obligation.

14 Kind of putting that out as a question to make
15 sure that I didn't miss something for Commissioner Stertz.

16 COMMISSIONER STERTZ: That's correct.

17 CHAIRPERSON MATHIS: Well, obviously I'd like to
18 keep, you know, as many options open as possible for us to
19 be able to meet.

20 And it's hard to know, you know, what we'll
21 accomplish at our next meeting, this Friday and Saturday.
22 So I'm hoping commissioners can at least keep open the times
23 that they've -- that we've talked about it, maybe even the
24 7th too.

25 I'm not sure who would need to participate via

1 Skype, or if that's even a possibility. But if we could at
2 least keep those options open for now until we decide when
3 our next meeting is.

4 Ms. McNulty, did you have a comment?

5 COMMISSIONER McNULTY: I did.

6 Mr. Bladine, is the Casa Grande location
7 unavailable for the 7th, 8th, and 9th?

8 RAY BLADINE: We have not checked that location
9 for those days.

10 COMMISSIONER McNULTY: I'm just concerned that,
11 you know, we're meeting three hours on the 7th, not until
12 2:00 on the 8th, not until 4:00 I have on the 9th.

13 You know, that's really tough for those of us in
14 Tucson to have to be in Tempe.

15 At least in Casa Grande we can get home and do
16 some other things.

17 I wouldn't mind if we were meeting
18 eight- or ten-hour days every day, but when we're only
19 meeting in the late afternoon, I would really strongly
20 request that we be in Casa Grande so that we can get home.

21 CHAIRPERSON MATHIS: For once, I'm actually going
22 to be in Phoenix, but I don't mind being in Casa Grande
23 either. If that's easier for Ms. McNulty, that's fine.

24 I don't think we've confirmed the 7th either.

25 Is that correct?

1 We're just kind of holding it?

2 RAY BLADINE: That's correct.

3 CHAIRPERSON MATHIS: Okay.

4 And who would need to participate by Skype that
5 day?

6 RAY BLADINE: Commissioner Freeman. He's out of
7 town on work and said he'd make himself available late
8 afternoon by Skype.

9 VICE-CHAIR HERRERA: Madam Chair.

10 CHAIRPERSON MATHIS: Mr. Herrera.

11 VICE-CHAIR HERRERA: As I mentioned to
12 Mr. Bladine, and I provided this information, the
13 Wednesdays, Mondays, and Fridays are difficult for me to
14 participate in meetings after 5:00 o'clock if they're
15 outside of Phoenix.

16 So to me, I would like to start meetings earlier,
17 and knock them out, eight-hour day, nine-hour day,
18 ten-hour day, starting early as opposed to having a 1:30,
19 2:00 o'clock, 4:00 o'clock.

20 CHAIRPERSON MATHIS: Okay.

21 And then on the 7th. Is that one that we can
22 start early in the day, even though I know Mr. Freeman
23 wouldn't have to participate via Skype? And I'm not sure
24 that's even possible for this. We'll have to see, but I'm
25 just curious.

1 VICE-CHAIR FREEMAN: Madam Chair, I have a
2 conflict on the 7th. I will be in Southern California.

3 And the problem I've had with Mr. Bladine is
4 predicting when that will clear for me.

5 I will make best efforts to be available, of
6 course, if we need to have a meeting on the 7th, but the
7 later in the day it's going to be the more likely -- the
8 later in the day, the more likely it is that I can
9 participate.

10 If we go earlier than 4:00 or 3:00 o'clock
11 earliest at best, I will not be able to participate in that
12 hearing.

13 CHAIRPERSON MATHIS: Okay.

14 Well, it's -- we'll just -- I think we're going to
15 have to punt on this until our meeting on the 2nd. I'm not
16 really hearing a lot of consensus around when we can
17 actually meet, except it sounds like the 8th is still good
18 from 2:00 to 7:00 p.m., and the 9th possibly from 4:00 to
19 7:00 p.m., but I realize that would need to be in Phoenix if
20 we are going to have Mr. Herrera there.

21 And then the 10th is still possible if we wanted
22 to have an early morning meeting on that Saturday, like, you
23 know, 7:30 to 10:30, or something like that, if that even
24 makes any sense.

25 So any other comments on this?

1 RAY BLADINE: Madam Chair, I'll update the
2 schedule, and perhaps I can talk to you about figuring out
3 how to schedule it.

4 It might be that whether we're in Phoenix or
5 Casa Grande, and if we're in Phoenix, to assist Mr. Herrera,
6 maybe we could work out like a Friday -- people who want to
7 stay overnight for an early meeting on the 10th, either
8 Casa Grande or Phoenix.

9 It really is a tight schedule.

10 You're all very busy people, and everybody has
11 given some, so all I guess I can do is try to sit down with
12 you ones I get the dates back and confirmed and see what you
13 wish to do.

14 CHAIRPERSON MATHIS: Yeah, that sounds good.

15 And maybe what we can do is maybe the 8th, you
16 know, in Casa Grande, the 9th in Phoenix, or something like
17 that.

18 So we'll talk about that more at our meeting on
19 the 2nd.

20 And, yeah, if you could send out the revised
21 schedule to all of us in the meantime, that would be great.

22 RAY BLADINE: All right.

23 We'll do.

24 COMMISSIONER McNULTY: Madam Chair, I would just
25 ask all my fellow commissioners to look at their calendars

1 and clear out whatever they can. I really think we need two
2 or three days a week where we have solid time the majority
3 of the day for the next four weeks to work on this.

4 I think it's essential.

5 CHAIRPERSON MATHIS: Thank you. I appreciate
6 that. I do too.

7 So our next item on the agenda is item six, the
8 director's report.

9 That will be Mr. Bladine.

10 RAY BLADINE: Madam Chair, I thought I would
11 summarize a few of the things that have happened this week
12 and then ask Kristina to talk about the requests you've had
13 for maps and maps online and what she's been working on in
14 that area.

15 First, we did complete the records request for
16 Christian Palmer and Senator Biggs, approximately 38 --
17 3,800 documents are in our office.

18 Christian came in and looked at some of them.

19 We haven't had any contact yet from Senator Biggs'
20 office.

21 To date, we've received 15,000 documents into the
22 office, letters, or any form of -- could include maps.

23 We've been in the process of cataloging those.
24 And I believe on Friday Kristina is going to deliver some
25 materials that will include the maps.

1 1500. I said 15,000. I'm sorry. 1500 documents.

2 I was really trying to impress you.

3 I apologize.

4 Kristina wouldn't let me do it.

5 We do have -- we have our PIO doing tweeting and
6 he's tweeted 70 -- or 97 times.

7 He has 75 followers and 13 people have come back
8 to see him.

9 Facebook is now up and operating, and we have
10 169 people that like us.

11 After today's meeting that number might change due
12 to our technical difficulties.

13 We are now producing a Spanish translated media
14 messages, thanks to Anna and Stu working together.

15 So we are in the process of continuing to
16 outreach.

17 I think budget status, I had resent out to you the
18 budget from a couple weeks ago.

19 I know Commissioner Stertz has some interest in
20 getting some additional detail, and I'll be happy to meet
21 with him or receive any input that he'd like to have any
22 time next week.

23 The figures for the end of August will be
24 available like the day after.

25 I worked last time with Megan Darian, who

1 basically handles our budget, and I think that at the end of
2 August we'll have a better sense for total expenditures that
3 have been fairly significant and what we might look like for
4 the future.

5 So my plan would get -- would be to give you an
6 update a few days after, after today's date.

7 I think with that, I'll let Kristina report on the
8 activities as they relate to the maps we've received in the
9 mapping.

10 KRISTINA GOMEZ: Commission members, we received a
11 request from last week's meeting, I believe it was the
12 meeting on Thursday, to go ahead and to start posting some
13 of the what-if maps online.

14 And if I could get Buck to help me out there.

15 What you see on the screen now are the what-if
16 maps.

17 And these are a list of six maps that the
18 Commission have -- had been discussing the past few
19 meetings.

20 So we have six maps posted online, along with the
21 KMZ files, for folks who would like to zoom in to see
22 exactly where they live within these possible scenarios.

23 Next, Buck, if you can go to the organizations.

24 These are the maps that have been submitted by the
25 various organizations that have presented during our

1 meetings.

2 We are in the process of working closely -- we
3 have been working closely with the mapping consultants to
4 expedite both the what-if maps and the mapping proposals so
5 that people have access to all of this information.

6 So in regards to the mapping proposals posted
7 online, we do have a few organizations as far as in the
8 pipeline who have submitted something to us.

9 We are waiting for -- we actually do have the
10 Navajo Nation proposal, and that will be posted by tomorrow,
11 as well an updated version of the Greater Success of Arizona
12 Group.

13 So those two should be posted online.

14 And the mapping consultants are converting these
15 maps into Maptitude, as well as the KMZ files so that people
16 have access and they can get a better view of these maps.

17 So I'd just like to thank them for putting a rush
18 on this and for helping us out, because we were able to get
19 this all online for the public and for our members. So
20 thank you.

21 Oh, thank you.

22 And also by next Wednesday we will have the online
23 mapping available for the public as well.

24 So that too will be up.

25 And also --

1 CHAIRPERSON MATHIS: I thought you were done. Go
2 ahead.

3 KRISTINA GOMEZ: And also on Friday, Commission
4 members will receive -- there was a request for a binder of
5 various maps, so the Commission will receive a small binder
6 of all of the maps submitted to the IRC, as well as hard
7 copies of all the public comments submitted.

8 So bring a cart.

9 I believe that's it. Thank you.

10 CHAIRPERSON MATHIS: Thanks, Kristina.

11 VICE-CHAIR HERRERA: Madam Chair.

12 CHAIRPERSON MATHIS: Mr. Herrera.

13 VICE-CHAIR HERRERA: The report that Mr. Bladine
14 did on the public input and our outreach to individuals,
15 whether through the tweets, Mr. Robinson's doing, Facebook,
16 our website, or streaming, I think I mentioned this before,
17 but it should definitely be a reoccurring agenda item.

18 When we talk about transparency, I think this is
19 an issue that deals with transparency, that we're trying to
20 get the public involved in what we're doing, to make sure
21 that they understand that, you know, this is important and
22 their input is important. So, again, we talked about
23 transparency. I think this deals with transparency and how
24 important it is to get public input and that they know what
25 is going on with redistricting.

1 So I want to make sure that this keeps being
2 on the agenda, updating on, you know, how many people we're
3 reaching, how they're doing it, and what the response is.

4 Thank you.

5 CHAIRPERSON MATHIS: Sounds good.

6 I have a question for Mr. Bladine.

7 RAY BLADINE: Okay.

8 CHAIRPERSON MATHIS: Did you mention, so, on the
9 public records request, that there were 3800 documents
10 produced, and that was for -- was it two public records
11 requests or was that more than that?

12 RAY BLADINE: Madam Chair, the requests were
13 pretty similar, and the total was around 38 -- 3,800.

14 I think that was the request to meet Mr. Biggs'
15 request.

16 I think perhaps Christian was a little less than
17 that, but it was a lot of overlap of those documents.

18 CHAIRPERSON MATHIS: And so you're referring to
19 Senator Biggs and to Mr. Palmer from Arizona Capital Times.
20 And those requests were completed on the date -- was that
21 August 29th? Was it Monday?

22 RAY BLADINE: The date, I'm sorry, Madam Chair, it
23 was August 19th a letter was sent to them informing them
24 that the material was available in our office.

25 And I believe it was last week that Christian came

1 in and did go through quite a few of the documents, and we
2 marked his place so he can come back any time. But the
3 documents are now there available in the office.

4 CHAIRPERSON MATHIS: Great. And you did connect
5 with someone at Senator Biggs' office so they're aware.

6 RAY BLADINE: Madam Chair, a letter was sent, but
7 I can certainly give them a call and let them know that the
8 material is available.

9 CHAIRPERSON MATHIS: Yeah, I would appreciate that
10 just so it's clear that that -- those documents have been
11 ready since the 19th, if they're not already aware of that.

12 VICE-CHAIR HERRERA: Madam Chair.

13 CHAIRPERSON MATHIS: Mr. Herrera.

14 VICE-CHAIR HERRERA: Yeah, I just want some
15 clarification.

16 How many requests did Mr. Biggs send us regarding
17 the public records request?

18 RAY BLADINE: Madam Chair --

19 CHAIRPERSON MATHIS: I think three.

20 VICE-CHAIR HERRERA: Three. So there was some
21 urgency on his part; correct? And they have been available
22 for him since the 19th and he has not picked them up?

23 RAY BLADINE: That's correct.

24 VICE-CHAIR HERRERA: I just wanted to make sure
25 that I heard correctly.

1 Any other public records requests that have been
2 made, and who has made those requests?

3 RAY BLADINE: Madam Chair, Commissioner Herrera,
4 we are putting together a spreadsheet that is being kept by
5 one of the staff members of Ballard Spahr.

6 And I don't -- I didn't send -- bring a copy, but
7 I will start making that available, where we will keep track
8 of all the public information requests and keep it updated
9 and get it to you probably every two weeks or whatever
10 period you would like.

11 VICE-CHAIR HERRERA: Madam Chair, one more item.
12 Can you make that information available to the
13 public in terms of who's requesting information?

14 I think, again, we're talking about transparency.
15 Let's be transparent who these individuals are and who they
16 represent.

17 RAY BLADINE: Certainly, Madam Chair, they would
18 be public documents, so we will, we will certainly make them
19 available.

20 VICE-CHAIR HERRERA: Now, what I mean, who they
21 represent, I don't just want the name of the organization.
22 I want who they truly represent.

23 You know, we, again, we talk about transparency,
24 and if we mean it, then we need to be able to say John Doe
25 is representing ABC Corporation, who is ABC Corporation.

1 And that needs to be pretty clear that these are
2 the individuals or organizations that are supporting ABC
3 Corporation.

4 Again, we talk about transparency. And if we
5 are -- if we're truly honest, we would be doing something
6 like this.

7 I would hope my fellow commissioners would be
8 supportive of this. If they care about transparency, this
9 would be something they would be concerned about as well.

10 So when we get -- even going back from the
11 original request and going forward, that is something that
12 we should be doing, making sure that these individuals
13 detail who they are, who they represent.

14 RAY BLADINE: Madam Chair, Commissioner Herrera,
15 I'm afraid the best we can do is give you the name that is
16 requested, you know, whoever they are, and they ask for a
17 request, that's all we can give you.

18 We really don't have any capacity to go any
19 further than accept who they are and what they have
20 submitted.

21 I guess if you all wanted to do a policy that
22 would require some disclosure, that's up to you. But
23 clearly from our point of view, we can, as administrative
24 staff, simply give you here is the request and what.

25 VICE-CHAIR HERRERA: Madam Chair, one more thing.

1 The -- I don't know how difficult it is or if it's
2 a burden to the staff, but I think it is something that the
3 public wants to know. And if the public wants to know, I
4 think we should respect that and move forward with that.

5 I think that's a legitimate request.

6 Just like we're doing for Strategic Telemetry,
7 logging who they speak, who they speak with, who those
8 individuals are, we should be doing the same thing with
9 people that make requests for public information or anything
10 else like that.

11 So if it can be done, which I don't see why it
12 couldn't, we need to move forward on it.

13 CHAIRPERSON MATHIS: Okay. Any comments or
14 questions from other commissioners?

15 VICE-CHAIR FREEMAN: Madam Chair.

16 CHAIRPERSON MATHIS: Mr. Freeman.

17 VICE-CHAIR FREEMAN: I would just ask legal
18 counsel to chime in on Commissioner Herrera's point and
19 explain who can make a public records request and what do
20 they have to do to make such a request.

21 MARY O'GRADY: Madam Chair, members, anyone can
22 make a public records request. And they aren't required to
23 give, as Mr. Bladine said, give you information about who
24 they are in submitting that request.

25 So, as Mr. Bladine said, I think the current

1 practice is the appropriate one. We take what information
2 we have.

3 To the extent that we have information, that too
4 is a public document. And the logging would make that
5 information public.

6 But any additional sort of inquiry is not
7 something that I would recommend.

8 VICE-CHAIR HERRERA: Now, it's something that you
9 don't recommend, but something that we can do if we wanted
10 to.

11 MARY O'GRADY: Madam Chair, Commissioner Herrera,
12 no.

13 You can't -- I don't think you can make compliance
14 with a public records request -- you can't say we're not
15 going to give you the information unless you give us that
16 information --

17 VICE-CHAIR HERRERA: No, I mean, I don't think I
18 said that we wouldn't give them that information, but I
19 think we would -- again, our -- my fellow
20 Commissioner Freeman cares so much about transparency that
21 it can be something that we should at least consider.

22 But if you've vetted everything and you've looked
23 at all the information and you really do think that your
24 legal opinion is you can't do it, then, okay, I'll respect
25 that.

1 But I think there's a lot of things we can do that
2 we choose not to do because we are -- for whatever reason.
3 But I think we have, again, for, for, for transparency, as
4 has been talked about so many times, we need to at least
5 address the issue seriously and not just say it can't be
6 done.

7 MARY O'GRADY: Commissioner Herrera, they can ask,
8 but they -- the person doesn't have to give them that
9 information.

10 I think that's the answer.

11 And the Commission has to provide the public
12 information regardless of whether that information is
13 provided.

14 VICE-CHAIR HERRERA: Madam Chair, one last thing
15 with this and I'll close, that we -- if we choose to ask and
16 they choose not to provide it, we can also let the public
17 know that these individuals choose not to disclose who
18 they're representing.

19 Is that correct?

20 We can do that.

21 Again, if we honor this transparency and
22 disclosure, as my fellow commissioners do, I think that
23 would be appropriate to be able to inform the public that,
24 okay, these are the individuals that requested the
25 information, and this is the information they provided us,

1 and they chose -- this is all they provided.

2 RAY BLADINE: Madam Chair, Commissioner Herrera, I
3 think the problem from a staff point of view is simply we
4 don't have an investigative staff.

5 While we can ask, we pretty much have to take
6 people on the face of what, you know, they say.

7 VICE-CHAIR HERRERA: Sure.

8 RAY BLADINE: And for us to do any more than that
9 I think would kind of take us into an area that we really,
10 we really don't want to go, because we could spend a lot of
11 staff time trying to find out who or what a person is when
12 they really have the right to ask for the information.

13 VICE-CHAIR HERRERA: Mr. Bladine, I -- all I said
14 was for us at a minimum to ask.

15 I don't think I ever said don't give them the
16 information. And if I did, I apologize.

17 But I think we should ask.

18 I think, again, the public has the right to know
19 who, who these individuals are that are asking for
20 information from the IRC. And so I think at a minimum we
21 should ask for that.

22 Whether they provide it voluntarily or not, you
23 know, we can't -- obviously we can't force them, but we can
24 definitely ask who they are.

25 STUART ROBINSON: Madam Chair,

1 Commissioner Herrera, this is Stu Robinson, the public
2 information officer.

3 As a bit of background, just as anybody can make a
4 public freedom of information request, anybody else can also
5 request who's been making requests.

6 And a number -- we have had such requests from
7 members of the media, journalists, and in their role might
8 end up accomplishing what you're going -- where you're
9 going.

10 VICE-CHAIR HERRERA: Okay.

11 CHAIRPERSON MATHIS: Okay. Thank you, Stu.

12 Any other comments or questions on what Ray
13 presented?

14 (No oral response.)

15 CHAIRPERSON MATHIS: Okay. Hearing none, I will
16 move to agenda item seven, which is a consent agenda.

17 You should have received two revised minutes from
18 April 8 and April 20th.

19 And if there's no objection, the consent agenda
20 will be adopted.

21 VICE-CHAIR HERRERA: Madam Chair, I truly did not
22 have a chance to review them, so I'd like to abstain from
23 the meeting -- from the vote, if that's okay.

24 CHAIRPERSON MATHIS: Okay.

25 Any comments from others?

1 Any objections?

2 COMMISSIONER McNULTY: Madam Chair, I would --
3 (inaudible.)

4 CHAIRPERSON MATHIS: Thank you, Ms. McNulty.

5 VICE-CHAIR HERRERA: Ms. McNulty, could you repeat
6 what you just said?

7 COMMISSIONER McNULTY: I said they look fine to
8 me. I did get a chance to look through them.

9 VICE-CHAIR HERRERA: Thank you.

10 CHAIRPERSON MATHIS: Okay. Well, hearing no
11 objections, the consent agenda will be adopted.

12 VICE-CHAIR HERRERA: And one abstaining, for the
13 record.

14 CHAIRPERSON MATHIS: Yes. Mr. Herrera is
15 abstaining.

16 Okay.

17 Moving to agenda item eight, report, legal advice
18 and direction to counsel regarding attorney general inquiry.

19 And since the Commission may go into -- vote to go
20 into executive session on this, are there other members of
21 the public who wanted to provide comment so that we could do
22 that first?

23 VICE-CHAIR HERRERA: Madam Chair, there are yellow
24 slips in front of me, and I think with your permission I can
25 go ahead and start calling these individuals to speak.

1 CHAIRPERSON MATHIS: Perfect. That's great.
2 Thanks.

3 VICE-CHAIR HERRERA: What I'll do is I'll give
4 them four minutes.

5 And, Mr. Forst, if you can keep track of time.

6 And, again, spell your name for the record.

7 And we'll start with Vince Leach, representing
8 himself.

9 VINCE LEACH: Vince Leach, 62927 East harmony in
10 Saddlebrooke. Vince, V-I-N-C-E, Leach, L-E-A-C-H.

11 Commissioners, Madam Chair, some of my bullet
12 points have been addressed already by Mr. Bladine. I will
13 go fast.

14 With all due respect to counsel at the table, I
15 would sincerely recommend that this Commission hire a
16 parliamentarian.

17 The meetings I have been at are really a disgrace
18 to the decisions that you are making that are going to guide
19 voting districts for the next ten years.

20 And for counsel to have to refer back to a
21 parliamentarian book is putting counsel in a position that
22 is not good for the Commission, and it's certainly not good
23 for counsel to do that.

24 They're attorneys. They may be parliamentarians.
25 I can't judge that. But I would say it's really putting the

1 commissioners and staff in a poor light.

2 I would really -- you seem to not have a problem
3 hiring other people. I would certainly consider hiring a
4 parliamentarian.

5 I'm wondering how letters get put into the pile of
6 pick-ups.

7 It seems like there were a number of letters that
8 came in, and 1500 letters that came into the IRC, and none
9 of those letters are back there, but there seemed to be one
10 other letter that seemed to be back there today signed by a
11 number of politicians.

12 It's just a point that may be addressed on the
13 website.

14 I'm wondering why we're approving minutes that are
15 three months old. There may be a reason, but I find that
16 interesting.

17 I'm questioning sessions on Friday and Saturday on
18 a holiday weekend.

19 I understand the goal is that you have to get
20 things done. You're under a time frame. But you're doing
21 it on a holiday weekend.

22 You want to speak to transparency.

23 I would say that brings up a transparency question
24 right there, when the rest of America is taking some days
25 off and will not be available for these types of meetings.

1 Lastly, it seems like we've talked a lot about
2 areas of common interest. We talk about competitiveness and
3 compactness.

4 I've said this again, but I'm going to say it --
5 I've said it a number of times. I'm going to say it again.

6 You're trying to decide districts, voting
7 districts, both CDs and LDs.

8 And you seem to be doing this in a vacuum that
9 looks at numbers and formulas, without giving any regard to
10 policies and procedures that come out of either party or the
11 Greens or the Libertarians or however the Independents vote.

12 You can reduce it to a mathematical equation, and
13 you all, each one of the commissioners, as well as staff and
14 the attorneys, can justify all these lines.

15 But how are you going to justify them in ten
16 years.

17 You saw, you saw a chart up here earlier this
18 afternoon, and in 2008 we had five Democrats on the
19 congressional side, three Republicans.

20 You flip flopped in '10.

21 I would submit that we're pretty competitive, and
22 I would also submit that that is a function of issues and
23 not anything that the Commission did in 2000.

24 Thank you.

25 VICE-CHAIR HERRERA: Next we'll have Wes Harris.

1 Wes Harris, please?

2 WESLEY HARRIS: Wesley Harris, H-A-R-R-I-S.

3 I live in Phoenix.

4 First I'd like to commend the commissioners for
5 volunteering to do this.

6 Once that's said, the part of the Commission, the
7 fact that you have to conduct yourself in openness, fair
8 play, transparency, and courtesy to those you work for. Us.

9 And the alleged conduct of late would indicate
10 that that's not happening.

11 The letter that just was mentioned being published
12 but yet Senator Bigg's letter is not back there. And
13 Senator Biggs brings out a couple of issues about
14 Commissioner Herrera, admitting publicly that he fudged the
15 scores politically high for Strategic Telemetry, and that
16 they were the most expensive bidder, and that they paid ST
17 special software and office space which competitive bidders
18 didn't have to pay or already had. And that they would not
19 cooperate with this investigation, and had admitted that
20 they wouldn't cooperate with that.

21 And that is hardly in keeping with transparency
22 and fair play and openness a part of this Commission.

23 Which leaves the Commission open to all kinds of
24 criticism.

25 I said this before, and I believe this is my

1 fourth meeting of this kind. And it seems to permeate
2 meeting after meeting after meeting. We always bring up
3 this issue about the hiring of our consultants.

4 Today we were talking about spending some more
5 money, because they don't have the expertise that apparently
6 they should have.

7 I find that a little hard to believe. When they
8 bid the contract, what was in the statement of work, that we
9 would have to hire somebody else to do that.

10 Right now, the way I see it, you're about
11 21 percent over budget.

12 And are you going to be able to do that? Come in
13 on budget.

14 Now, that's on this issue.

15 Can I go on with the other issues?

16 VICE-CHAIR HERRERA: Four minutes, of course.

17 WESLEY HARRIS: Okay. As far as setting up the
18 districts, I happen to be a precinct captain of Moon
19 Mountain district, it's LD 6, here in Phoenix. That was set
20 up in a terrible manner.

21 Moon Mountain denotes there's a mountain there.

22 Well, I'm on one side of the mountain, and we were
23 always part of Moon Valley.

24 That's a community.

25 Yet they split the district and put me in charge

1 of a portion, just my side of the street, then I have to go
2 over the mountain or around the mountain to get to the rest
3 of it.

4 I mean, it's absurd.

5 So when we go back to looking at that particular
6 precinct, I'd like you to look at it as a homogeneous
7 neighborhood, which is in keeping with the provisions,
8 neighborhood master plans, neighborhood associations, and
9 natural boundaries, and mountains are natural boundaries.

10 LD 6 in these maps that I've seen here has
11 disappeared.

12 I don't even know where it is.

13 I don't know why we've cut it out.

14 But I submit that perhaps in our zeal to consider
15 major parties as a factor in setting this up, that we're
16 eliminating some districts because of that.

17 So then we're starting to talk about
18 competitiveness.

19 I always thought competitiveness was a pretty good
20 thing.

21 However, the more I think about it, the less I
22 feel good about it.

23 I think that the chips should fall where they may.

24 You draw the lines based on the population and the
25 compactness in the neighborhoods and all of the other

1 provisions as laid out in the Voting Rights so we can't make
2 it less of a minority and the communities of interest.

3 So that's what I would recommend you do.

4 Forget about these who voted what way when.

5 VICE-CHAIR HERRERA: Thank you, sir.

6 Ann Heins.

7 ANN HEINS: Ann Heins, A-N-N, Heins, H-E-I-N-S.

8 Tempe.

9 Oh, let me see, going in order on your agenda.

10 First, is the voting analysis expert.

11 I would like to submit the application of
12 Strategic Telemetry attachment seven proposed subcontractors
13 of which they said, do you propose to use subcontractors to
14 perform any portion of this solicitation's work.

15 And the answer was no.

16 So I submit that.

17 And that was a major reason, that they had the
18 expertise in this field to do that.

19 And now we're looking at a database manager, we're
20 looking at a social service expert, a voting analysis
21 expert, and a legal document representative.

22 Could this be that Strategic Telemetry has no
23 mapping experience? Even if you Google, they don't even map
24 in other states.

25 They are just campaign managers for progressives

1 and doing the recall work in Wisconsin.

2 They even have admitted publicly that it's time --
3 they needed time to learn the software.

4 So I think it's time that we started over,
5 re-interviewed, and get somebody who has the competence that
6 knows what they're doing rather than spending more money.

7 On the issue of competitive and compactness, the
8 reason why I selected competitiveness on this form is that
9 we know that those are the people that you will select
10 first.

11 The ones that don't, that talk to any other
12 subject, will wait three to four hours, because you already
13 have a set selection, because someone is telling the staff
14 who to put the orders in. And today I must admit you were
15 very kind, but it must be because the other side is working,
16 and I appreciate their efforts.

17 As far as future meetings, I think if you have a
18 \$3 million budget, you can start on time. You can provide
19 videos that you didn't do in Casa Grande.

20 And, in fact, I've heard the budget is actually
21 10 million, but that isn't for me to know.

22 I think going back to 1:00 o'clock meetings is
23 unfair for people who are taxpaying working people, so all
24 you have left at this time of the day is just part of the
25 green brigade -- or gray brigade, excuse me, gray brigade.

1 I also think it's wrong to have the meetings on
2 Friday or Saturday. I don't want to have to think about on
3 a holiday. Now I have to go to the Tempe meeting because I
4 know there's something that you're going to be hiding.

5 So I think that's absolutely wrong. I really do.

6 And it's a Labor Day, for goodness sakes. Most of
7 the people normally here are from SEIU, MoveOn.org, and
8 AFL-CIO. At least respect their holidays.

9 As far as competitiveness, I think I just had to
10 say that the 2008 we people voted for hope and change.

11 Then in 2010 they found hope and change is not so
12 great. And they went conservative again.

13 So it doesn't have anything to do with
14 competitiveness. It has to do with the issues, particularly
15 with a high number of independents.

16 As far as the lawyers and all of the time, the
17 14,000 you spend in lawyers, I would just ask the three of
18 you, just answer the questions. Stop wasting taxpayers'
19 money. Just be honest, open, and just answer the questions.

20 If you have nothing to hide, then answer the
21 questions.

22 As far as social media, the other reason that
23 Strategic Telemetry was chosen was their advanced skills at
24 social media.

25 So now they've come out with a Facebook page,

1 which any child can do two weeks before the maps are due
2 out. So I tell you between not knowing how to map and not
3 knowing social media, please consider starting over with
4 openness and transparency and reviewing and finding a
5 mapping company that lives in Arizona that doesn't cost
6 twice the norm.

7 We don't have to have office and staff and four
8 other subcontractor groups to be able to have them do the
9 work.

10 Lastly, I would like to respond to Herrera's two
11 comments, perceived bias. He says only from one side. If
12 that isn't a comment of bias, I don't know what it is.

13 And last comment is perception of the public. Why
14 not be open and transparent and answer the attorney
15 general's questions.

16 Thank you for your time. And thank you for your
17 service.

18 VICE-CHAIR HERRERA: I would like to thank the
19 union for the holiday off and the 40-hour workweek, the
20 eight-hour day, and just thank you unions for that Labor Day
21 holiday.

22 Amen.

23 Okay. John Waughtal. W-A-U-G-H-T-A-L, I think
24 that's how you pronounce -- or spell his last name.

25 (No oral response.)

1 VICE-CHAIR HERRERA: No.

2 Walt Gray?

3 WALTER GRAY: I waive my right to speak. I spoke
4 earlier.

5 VICE-CHAIR HERRERA: If you want to speak again,
6 you're welcome to speak again, if you have something to
7 speak about.

8 WALTER GRAY: Okay. Just one quick thing.

9 VICE-CHAIR HERRERA: Of course. I'll give you one
10 minute, how's that.

11 WALTER GRAY: Walter Gray, W-A-L-T-E-R, G-R-A-Y.
12 6842 West Holly street, in Phoenix.

13 Did we overlook the second round of public
14 hearings update or --

15 VICE-CHAIR HERRERA: We may have, sir. What we'll
16 do is once we're done with public comment, we'll have
17 Mr. Bladine speak about that.

18 Thank you so much.

19 WALTER GRAY: Thanks a lot.

20 VICE-CHAIR HERRERA: Jim March, did you want to
21 speak again? We had you here --

22 JIM MARCH: No, no, we're good.

23 VICE-CHAIR HERRERA: Okay.

24 Pete Bengston, representing himself.

25 PETER BENGTON: My name is Peter Bengtson,

1 B-E-N-G-S-T-O-N.

2 I live in Pima County, LD 26.

3 I can't remember how many of these meetings I've
4 been to, but I come to a lot of them.

5 I want to compliment you on your service and tell
6 you I think the Commission as a whole is doing a great job.
7 As well as Strategic Telemetry.

8 I really enjoyed -- glad you distributed this
9 letter to Governor Brewer.

10 I think that's great to show support for the
11 Commission.

12 One minor topic.

13 One of the things -- one of the four goals of this
14 Commission that doesn't receive a lot of comment is the goal
15 that says follow geographic, geographic boundaries, city,
16 town, county boundaries.

17 That is just as important a goal as the
18 competitiveness, compactness, and groups of interest.

19 I really like the measure that was proposed on
20 competitiveness -- or, no, compactness of measuring the
21 perimeters of all the legislative districts or congressional
22 districts in the state.

23 Because that can be modified to identify the total
24 number of perimeters that are in city, town, and county
25 boundaries. And that way you get a measure of how close

1 you're following that particular goal.

2 Thank you.

3 Keep up the good work.

4 VICE-CHAIR HERRERA: Thank you, sir.

5 Our next speaker is Betty Bengtson.

6 BETTY BENGTON: Betty Bengtson, B-E-N-G-T-S-O-N.

7 I just have one comment. I often speak on
8 competitive districts, and I've sat through hours of these
9 meetings to get to speak, so I don't think you put my name
10 at the top of the list each time.

11 VICE-CHAIR HERRERA: Thank you very much, Betty.

12 I think that's it.

13 I can't win if I put somebody in front. I lose if
14 I put somebody in the back.

15 I think that's all the people that we have.

16 Ma'am, did you fill out a form?

17 SHIRLEY DYE: I filled out a blue form for
18 presentation.

19 VICE-CHAIR HERRERA: The blue form is comments.
20 You're welcome to read your own comments if you'd like.

21 SHIRLEY DYE: The last three public meetings I've
22 been to --

23 VICE-CHAIR HERRERA: Can you step up to the mic.

24 SHIRLEY DYE: Shirley Dye, S-H-I-R-L-E-Y, D-Y-E,
25 Payson, Arizona.

1 And the last three public meetings I've been to,
2 Prescott, Pinetop, and Flagstaff, I was asked to fill out a
3 blue form to make a presentation.

4 So that's why I did a blue form today.

5 So, anyhow.

6 I just placed on the table a presentation of
7 community of maps.

8 And I would like to show you what our presentation
9 is.

10 If you will recall, back in Flag -- in Pinetop and
11 Prescott, I submitted to you this map for Legislative
12 District 5, which was short 2100 people -- or 21,000 people,
13 I don't remember, whatever it was.

14 And we picked up -- we proposed picking up the
15 community of Casa Grande, and the little Cordes Lakes and
16 Montezuma Lakes areas, and that made us totally competitive.
17 It made us compact. It made us contiguous.

18 We met all the requirements for the Voting Rights
19 Act because we picked up more Apache Indians to go with the
20 other Apaches in Legislative District 5.

21 And I gave you a disk with all of the equivalency
22 block file information. So I submitted that.

23 There is a second disk with a submission for
24 today, which is for Legislative District 5, and it includes
25 not only the legislative equivalency blocks that you already

1 have, but it includes all of the rest of the data showing
2 the population of all of the majority-minorities and the
3 minorities and all of that stuff and all the voting block
4 stuff.

5 So that's all included now in the second disk.

6 What I am submitting today is a map of
7 four proposed legislative districts for northern Arizona
8 that meet all the redistricting criteria.

9 These four districts are fairly equal population.
10 They are compact, contiguous, competitive. They maintain
11 communities of interest. And they do not dilute the
12 majority-minority status.

13 If you will note -- all right. Here we have,
14 Legislative District 5, where I live.

15 Legislative 1 compose -- comprises the Prescott
16 area and the Winslow area.

17 Legislative District 2 is Flagstaff, the Hopi
18 Nation, the Navajo Nation, and all the northern across the
19 border.

20 Legislative District 3 is the Mohave district,
21 drops down into La Paz County.

22 So you have one, two, three. District 4, which
23 used to be mostly Yavapai County, would then become a
24 Maricopa more urban district.

25 Okay?

1 So it's one, two, three, and five.

2 In this packet you have blow-up maps of
3 Legislative District 2, Legislative District 3, Legislative
4 District 5.

5 And there is on here all of the data of the
6 populations of Districts 1, 2, 3, and 5. And all the
7 deviation, all the, you know, Hispanic and Asian and all of
8 the different things, and the percentage plus or minus, all
9 of the population comes between -- nothing is -- the biggest
10 population deviation is only 2.13 percent.

11 So we're all within the five percent allowance of
12 population, and some of them are even smaller than that.

13 So I would like to submit this to you.

14 My other comments -- oh, I want to talk about
15 competitiveness.

16 In Gila County I've been very closely following
17 the Gila County redistricting process.

18 We have three districts. And it's all rural. And
19 we have had previously two districts that run kind of north
20 and south along the eastern boundary of the state. Another
21 one that runs kind of north and south along the western --
22 not state, county. Another one that runs north and south
23 along the eastern side of the county that contains mostly
24 our Native American group. And then up at the top of the
25 county, we have our -- most of the population that is the

1 retired working -- workers who have now retired and have
2 most of the business, except for the mines, most of the
3 regular general business districts.

4 So in this, we have had three proposals that have
5 come up.

6 One is for a Tonto Apache proposal. And this is
7 where it got tricky.

8 We have been working with our department of -- a
9 guy who used to work for the Department of Justice, which I
10 understand came and talked to you a week ago Monday. And
11 maybe that's why you have decided that you need to get a
12 person that does a presentation.

13 I have heard his presentation on how all the
14 voting shifts.

15 And the -- you know, how people have voted in the
16 past things.

17 I've heard all that presentation from him that he
18 probably gave to you a week ago Monday, which is why you
19 kind of need someone who knows about it --

20 VICE-CHAIR HERRERA: Could you wrap it up in
21 20 seconds?

22 SHIRLEY DYE: I can wrap it up.

23 So, the thing is the Navajo want to shift north --
24 I mean, excuse me, the Apaches in our district want to shift
25 north.

1 And then there is a minority of Hispanics down in
2 the south part of the county. They want to stay with the
3 general Globe area people. They don't want to be a part of
4 the minority-majority.

5 So we're picking up more Apaches up here, so our
6 Apaches still have 44 percent, but the 14 percent that made
7 the 54 percent of the other, when it was the way it used to
8 be, it will dilute the minority, but the minorities don't
9 want to be together. So that is something that you have to
10 look at. Just because you have majority-minorities doesn't
11 mean, you know, whatever.

12 So then I realize that these are grid maps, but
13 they are having the Navajo and the Apache in all one Indian
14 district is something that I think a lot of people do not
15 care for because it's going to be all federal lands. We're
16 going to have very little --

17 VICE-CHAIR HERRERA: Thank you, ma'am.

18 SHIRLEY DYE: -- say.

19 VICE-CHAIR HERRERA: Thank you.

20 Madam Chair, I think those are all the public
21 comments.

22 The meeting is yours.

23 CHAIRPERSON MATHIS: Thank you, Mr. Herrera. And
24 thank you members of the public who addressed us today.

25 That concludes public comment and it takes us

1 to -- back to agenda item eight, report, legal advice and
2 direction to counsel regarding attorney general inquiry.
3 The Commission may vote to go into executive session, which
4 will not be open for the public, for the purpose of
5 obtaining legal advice and providing direction to counsel.

6 I'll ask counsel if they have anything they wanted
7 to say in public session.

8 VICE-CHAIR HERRERA: Madam Chair, there is a --
9 one of the comments or items in the public -- the director's
10 report that was not addressed, that's the update on the
11 second round of public hearings. That was brought up, and
12 that needs to be addressed.

13 And I think Mr. Bladine is ready to speak.

14 CHAIRPERSON MATHIS: Oh, I'm sorry. Great.

15 So we'll go back to agenda item six, under
16 director's report, and this second round hearings update.

17 RAY BLADINE: Madam Chair -- oh, there we go.
18 Madam Chair, I did forget to talk about second round in my
19 presentation.

20 I don't have a lot of information other than to
21 let you know our plan would be starting next week to start
22 to work on some of the first week meetings anticipating that
23 probably the first meeting would be September 26, 27.

24 And we would then proceed to schedule the rest of
25 the meetings for the next several weeks.

1 We are still trying to figure out ways that we
2 might do some consolidation, some ways that we might do some
3 screening that would allow more people to participate at one
4 time, but we don't have anything definitive on that yet.

5 So, our general plan would be to see how things go
6 this weekend, and then start making tentative arrangements
7 next week to develop specific locations for at least the
8 first week of hearings, which would start September 26th or
9 27th.

10 And that's all I have on that, Madam Chair.

11 CHAIRPERSON MATHIS: Okay. Thanks, Mr. Bladine.

12 One thing we talked about is possibly starting
13 that weekend actually, so it would be the 23rd, 24th, which
14 is a Friday, Saturday. And of course that's dependent upon
15 us having draft maps available and ready to go will at that
16 point.

17 RAY BLADINE: Madam Chair, that's correct. And
18 because we don't have a better sense how fast this is going
19 go, we decided to put it -- not to try to start anything on
20 the 23rd, 24th, unless you decide after this weekend that
21 you think we can start it earlier.

22 We did have some preliminary contact with
23 Flagstaff about them being the first weekend of -- the week
24 of the 26th, so that they're aware that their request
25 wouldn't be the first but it might be in the first week, and

1 they seem fine with that.

2 But certainly if the Commission wants to start
3 earlier, we can do that.

4 I do think we need to try to start next week
5 making the arrangements so that we can get them done.

6 CHAIRPERSON MATHIS: I agree, and advertised too.
7 So thanks, Mr. Bladine. And you read my mind. That was my
8 concern was Flagstaff, so thanks.

9 Any other questions or comments on second round
10 hearings update?

11 (No oral response.)

12 CHAIRPERSON MATHIS: Okay. Hearing none, we'll
13 jump to agenda item eight.

14 VICE-CHAIR HERRERA: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Herrera.

16 VICE-CHAIR HERRERA: You had asked our attorneys,
17 before we -- Mr. Bladine spoke, about the -- if there's
18 anything on this particular agenda item that can be
19 discussed in public.

20 CHAIRPERSON MATHIS: Correct.

21 VICE-CHAIR HERRERA: I think that's a good
22 question to ask.

23 JOSEPH KANEFIELD: Madam Chair, members of the
24 Commission, we don't have anything to offer for public
25 session.

1 We're happy to review in executive session, if
2 that would be the wish of the Commission.

3 VICE-CHAIR HERRERA: If you have new information
4 to give us, yes, then we can go into executive session.

5 CHAIRPERSON MATHIS: Okay.

6 Do I hear a motion to go into executive session to
7 obtain legal advice and provide direction to counsel on the
8 attorney general inquiry?

9 COMMISSIONER McNULTY: Do our lawyers think they
10 have something that they want to advise us about?

11 CHAIRPERSON MATHIS: Mr. Kanefield and
12 Ms. O'Grady, do you guys have anything to advise us on
13 that's new?

14 MARY O'GRADY: Madam Chair, the thought was that
15 we would update you and see if you -- if you have any
16 additional direction to provide us with. But it's not time
17 sensitive, I don't think, in terms of today's session.

18 CHAIRPERSON MATHIS: Okay. So there's nothing new
19 that you have to share with us that we would need to provide
20 guidance on?

21 JOSEPH KANEFIELD: Madam Chair, that would be
22 correct.

23 CHAIRPERSON MATHIS: Okay.

24 Any comments or questions from other
25 commissioners?

1 (No oral response.)

2 CHAIRPERSON MATHIS: Okay. Well, I guess hearing
3 none, we don't need to go into executive session. It
4 doesn't sound like there's any new information to share with
5 us on that front.

6 So we will conclude the meeting. This meeting is
7 adjourned. The time is 4:54 p.m.

8 Thanks.

9 VICE-CHAIR HERRERA: Happy Labor Day.

10 (Whereupon, the meeting was adjourned at
11 4:54 p.m.)

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1 STATE OF ARIZONA)
)
2 COUNTY OF MARICOPA) ss.

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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 122
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 12th day of
11 August, 2011.

12

13

14

C. Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162

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