ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC SESSION

Friday, April 28, 2017
1:30 p.m.

Location

4000 North Central Avenue
Phoenix, Arizona 85012

Attending

Colleen C. Mathis, Chair
Cid R. Kallen, Vice Chair (via teleconference)
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner (via teleconference)
Richard P. Stertz, Commissioner (via teleconference)

Ray Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Ana Garcia

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

Reported By:
Jennifer Honn, RPR
Certified Court Reporter #50885
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PROCEDINGS

(Public session commenced at 1:34 p.m.)
CHAIRPERSON MATHIS: So good afternoon, everyone.

It's 1:34 in the afternoon.
And we're here in the heart of Maricopa County today.

This is Chair Mathis, and we are going to proceed with our 80th meeting of the Arizona Independent Redistricting Commission. I counted and had my count double checked by the staff and confirmed that it is the 80th meeting. We did have a bunch of other hearings as well, but in terms of business meetings, it's eight-zero.

So welcome. Today is April 28, 2017. The time is 1:34 now.

If everyone would please rise, we'll start with the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON MATHIS: Great. Thank you.
We have a few folks in the room today, which is great. And if anyone would like to fill out a request to speak form, we'll have public comment at the end of the meeting. So please be sure to do that. I think I have one right now.

So we'll move ahead with our roll call.

Vice-Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Commissioner Kallen.

COMMISSIONER KALLEN: Here.

CHAIRPERSON MATHIS: Commissioner McNulty.

COMMISSIONER MCNULTY: Here.

CHAIRPERSON MATHIS: Commissioner Stertz.

COMMISSIONER STERTZ: Here.

CHAIRPERSON MATHIS: We have a quorum.

Other participants in the room today include our Executive Director Ray Bladine, our Deputy Executive Director Kristina Gomez.

We also have legal counsel with us today, Joe Kanefield and Mary O'Grady and Kristin Windtberg.

And our court reporter today, in the absence of Marty Herder, is Jennifer Honn.

And we have other staff as well, Ana Garcia. And is Lisa Schmelling here?

KRISTINA GOMEZ: No.
CHAIRPERSON MATHIS: Okay. Anybody else I'm missing who's officially with the Commission?

Okay.

And I'll just remind everyone that we're being transcribed by Jennifer, so if you're going to do a request to speak, please spell your name and speak clearly so that she can get an accurate transcription. And same goes for all the commissioners on the call. Let's be mindful of that.

So this brings us to the second item on the agenda. Legal briefing, discussion, and possible action relating to pending litigation in Leach versus Arizona -- versus the Arizona Independent Redistricting Commission. The Commission may go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel.

So with that, I'll turn it over to legal counsel.

JOSEPH KANEFIELD: Thank you, Madam Chair, members of the Commission.

This is Joe Kanefield.

What I thought I would do is give the Commission a brief overview of the recent ruling from Judge Brodman in the Leach versus Arizona Independent Redistricting Commission case.
I had previously sent a summary to the Commission, so some of this may sound familiar. But we thought for the benefit of the public and for the record, if you'd indulge me, I'll read the summary into the record.

So on Thursday, March 16, Judge Brodman issued a 19-page ruling on cross motions for summary judgement in the Leach versus AIRC case, A-I-R-C.

Ultimately, Judge Brodman's ruling denied plaintiffs' motion for summary judgment and granted the Commission's motion for summary judgment on all of the remaining counts in the case, being counts 2, 3, 4, 5, and 6.

Judge Brodman's ruling paralleled the structure of the February 10th oral argument setting forth analysis in three categories: first, the Commission's compliance with constitutional requirements; second, the Commission's compliance with the open meeting law; and, third, the equitable defenses and standing.

With respect to the constitutional challenges, Judge Brodman limited his review to procedure, not discretionary or judgmental decisions made by the Commission. Judge Brodman, therefore, only asked whether the Commission followed the constitutionally required procedure in adopting its redistricting plan.
Judge Brodman analyzed each of the legally established four steps or phases of the redistricting process identified by the Arizona Supreme Court in its 2009 decision involving the Commission.

A large portion of the ruling focused on whether the Commission appropriately adjusted the Grid Map to accommodate the constitutional redistricting goals. Judge Brodman acknowledged the latitude granted to the Commission in adjusting the Grid Map, noting that the Constitution does not prohibit the use of What-if Maps to explore possible adjustments before adopting any particular adjustment, nor does it require discrete, iterative steps at making adjustments.

He also rejected the plaintiffs' argument that the Commission failed to show its work, holding that the record was sufficient to establish as a matter of law that the Commission followed the mandatory constitutional procedure by adjusting the original Grid Map to accommodate the competing constitutional goals when it prepared the Draft Map.

He also held that the official record conclusively demonstrates that the Commission engaged in a deliberative effort that all of the constitutional goals before advertising the Draft Map.

Judge Brodman further found as a matter of
undisputed fact that the Commission did engage in the
required deliberative process in receiving and
considering the legislature's recommendations. Judge
Brodman went on to note that whether the Commission
considered the legislative reports to plaintiffs'
satisfaction is not for the courts to decide.

With respect to plaintiffs' allegations
that the Commission violated the open meeting law during
the selection of Strategic Telemetry, the Commission's
mapping consultant, and during the creation of the
Everything Bagel Map, Judge Brodman said -- was unable to
find sufficient evidence to create a triable issue of
fact in either of these points. He noted that while he
could imagine circumstances in which serial
communications could result in an open meeting law
violation, the evidence did not support a claim that such
communications occurred in connection with the selection
of Strategic Telemetry as the Commission's mapping
consultant.

In addition, Judge Brodman agreed with the
Commission that the open meeting law claims are barred by
laches, ruling them, "If plaintiffs thought the Draft Map
was invalid, they should have taken steps sooner to
challenge it, not wait until the Final Map was approved
and then attempt to invalidate the map."
With respect to the other defenses raised by the Commission, the court found them moot given the court's ruling granting the Commission's motion for summary judgment on Counts 2, 3, 4, 5, 6. The court held that plaintiff had standing to raise their claims but noted that the standing argument was also moot in light of this court's decision to grant the Commission's summary judgment motions.

Judge Brodman went on to give his final observations of the case which were consistent with his approach during the oral argument. He noted his serious concerns about the practical realities of this expensive, largely taxpayer-funded litigation and the futility of an appeal concluding in this court's view -- this is a quote -- "It makes no sense to begin the redistricting process anew."

We have drafted a proposed form of judgment and filed that at the request of the court. We also filed our statement of costs. And we have stipulated with the plaintiffs' counsel to give them until May 17 to file a response to our proposed order and our statement of costs.

Madam Chair, Commissioners, at this point, we would recommend the Commission consider going into executive session so we may brief you on our recent
communications with counsel for the plaintiffs.

CHAIRPERSON MATHIS: Thank you, Mr. Kanefield.

Does anyone have any comment?

VICE-CHAIR FREEMAN: Madam Chair.
CHAIRPERSON MATHIS: Commissioner Freeman.
VICE-CHAIR FREEMAN: If I can ask Mr. Kanefield, were the communications with plaintiffs' counsel confidential?

JOSEPH KANEFIELD: Madam Chair, Commissioner Freeman, yes.

CHAIRPERSON MATHIS: Any other questions? Okay, hearing none, I think that means we'll go out of public session now. The time is 1:42 --

RAY BLADINE: Vote on it.
CHAIRPERSON MATHIS: Forgot about that. I'm so rusty that I actually forgot to use my gavel, too, to call the meeting to order, and I brought it. Gives you a sense of things.

And I'll also note we never met last year, amazingly. The Commission didn't meet in 2016, which I find shocking.

But, anyway, so apologies, everyone, but we will now vote to -- or take a motion, first of all, to go into executive session.
Do I hear one?

COMMISSIONER McNULTY: So moved.
This is Linda McNulty.

CHAIRPERSON MATHIS: Thank you.

Is there a second?

COMMISSIONER KALLEN: This is Commissioner Kallen. I second.

CHAIRPERSON MATHIS: Great.

Any discussion?
Okay. We'll go ahead and go out of public session now. The time is 1:4- --

RAY BLADINE: No --

CHAIRPERSON MATHIS: Oh, you guys.

VICE-CHAIR FREEMAN: Can I be the chair for a day?

CHAIRPERSON MATHIS: I'm so sorry. I'm used to Vice-Chair Freeman managing this from Maricopa County. But sorry about that. We do have to vote on that as well.

So may I hear a vote? We have a motion on the table that's been seconded to go into executive session.

VICE-CHAIR FREEMAN: Aye.

CHAIRPERSON MATHIS: Aye.

COMMISSIONER KALLEN: Aye.
COMMISSIONER STERTZ: Aye.

CHAIRPERSON MATHIS: I heard four ayes. Can we go through the people on --

COMMISSIONER STERTZ: -- Madam Chair?

CHAIRPERSON MATHIS: I did.

COMMISSIONER STERTZ: There was an aye from me.

CHAIRPERSON MATHIS: I heard -- I heard Commissioner Stertz.

Commissioner McNulty?

COMMISSIONER KALLEN: Okay. This is Commissioner Kallen. Aye.

CHAIRPERSON MATHIS: Is Commissioner McNulty there?

COMMISSIONER McNULTY: Yes. Aye.

CHAIRPERSON MATHIS: Great. We have five ayes.

COMMISSIONER McNULTY: Can you hear me?

CHAIRPERSON MATHIS: We can now. We'll go into executive session now -- out of public session first.

And the time is 1:44 in the afternoon.

And I apologize to the public, but we'll have to clear the room, I believe, in order to have the executive session here.
(Whereupon, the Commission went into executive session.)

* * * * *

(Whereupon, the public session resumed.)

CHAIRPERSON MATHIS: Okay. Welcome back. We'll enter back enter public session now. The time is 2:03 p.m.

Thank you, public, for sticking with us. We weren't gone too long.

So after this executive session that we had, is there anything any commissioner wanted to say, or did anyone have a motion resulting from our executive session discussion?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Vice-chair Freeman.

VICE-CHAIR FREEMAN: I make a motion that the Commission direct counsel to enter into a settlement with the plaintiffs in the Leach versus AIRC case on the terms proposed by plaintiffs' counsel which essentially constituted a walk-away settlement whereby plaintiffs would forego the right to appeal in return for the Commission foregoing its right to pursue its anticipated award of taxable costs and that Counsel enter and incorporate the stipulation to terminate the litigation.

CHAIRPERSON MATHIS: Is there a second?
COMMISSIONER STERTZ: This is Stertz. I second the motion.

CHAIRPERSON MATHIS: The motion's been seconded.

Any discussion?

COMMISSIONER McNULTY: This is Linda McNulty.

I would like to clarify that we would be foregoing approximately $18,000 in costs and recording a judgment in favor of the Arizona Independent Redistricting Commission in accordance with the judge's order as the plaintiff would be foregoing an appeal.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Commissioner Freeman.

VICE-CHAIR FREEMAN: I'll further clarify that we would be foregoing a claim of taxable costs in the approximate amount of $18,000. That has not been awarded to the IRC at this time.

CHAIRPERSON MATHIS: Commissioners, do you have any comments or questions?

COMMISSIONER McNULTY: So just to summarize, we would forego a claim of taxable costs? Is that the correct way to describe it, Scott?

VICE-CHAIR FREEMAN: I only said that because we don't have that judgment for taxable costs.
entered. We're applying for that amount of money. That doesn't mean that would necessarily be awarded to the Commission.

COMMISSIONER McNULTY: Joe and Mary, is that your perspective also?

MARY O'GRADY: That's right. We submitted our application, but the judge hasn't entered an award for that amount.

COMMISSIONER McNULTY: Okay. So in exchange for not pursuing that, the plaintiffs would agree that -- in exchange for our not pursuing that, the plaintiffs would agree that they would not dispute our form of judgment and they would, in exchange, not appeal?

MARY O'GRADY: That's right. And so --

COMMISSIONER McNULTY: So in terms of the judgment itself, the judgment that you have prepared and submitted to the court, it would be changed only to eliminate that claim, $18,000, but it would otherwise remain essentially intact?

MARY O'GRADY: That's correct. And I was just turning to the proposed form of judgment that we entered that -- so -- and I think what your point is that we would get a judgment that is in favor of the Commission and against plaintiffs on all claims. That was part of the judgment -- form of judgment that we
entered, and that would be part of the form of judgment that is agreed upon and entered, you know, that we would submit to the board.

COMMISSIONER McNULTY: Yeah. And that's the way I read the letter from the plaintiffs. That's what I read the letter that was circulated as opposing.

MARY O'GRADY: That's right.

VICE-CHAIR FREEMAN: So I accept all those clarifications to the proposed motion.

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

Okay. Hearing none, I think we'll go ahead and call a vote on this seconded motion, which I think I'm going to need some help if I need to repeat what that motion is.

Vice-chair Freeman, do you want to -- or do we go back to the court reporter and have her restate that?

VICE-CHAIR FREEMAN: Why don't we just call a vote on the motion on the table?

CHAIRPERSON MATHIS: Is everyone comfortable with that, or do they need to hear it again?

COMMISSIONER McNULTY: As long as, Joe and Mary, it's clear to you that the motion has been clarified and that the record reflects all of our
comments, I'm okay with what Scott suggested that we just vote on the motion on the table.

MARY O'GRADY: Yes, Joe and I -- Joe's nodding. We are clear on our instructions.

CHAIRPERSON MATHIS: Okay. With that, we'll go ahead and call a vote on the motion.

VICE-CHAIR FREEMAN: Aye.

COMMISSIONER KALLEN: Aye.

COMMISSIONER McNULTY: Aye.

COMMISSIONER STERTZ: Aye.

CHAIRPERSON MATHIS: Aye.

So we have a unanimous decision to move forward with that motion.

Did anyone have any comments?

Okay.

That takes us to agenda item three.

Request by Executive Director for approval to reclassify the position filled by the current Deputy Executive Director to a proper Deputy Executive Director class. Her current class, Administrative Services Officer IV, does not accurately reflect her responsibilities. There will be no financial impact.

So I'll turn it over to Mr. Bladine.

RAY BLADINE: Thank you, Madam Chair.

The -- really, that paragraph describes
what I'd like to do. As this Commission proceeded
towards the end of the goal of getting the work done,
more and more, Kristina has taken on all of the
responsibilities that I used to do. In fact, at one
point, I was hoping that I could actually turn into a
consultant and have her be the Executive Director, but I
wasn't able to get it all worked out in time we could do
it. So I think at least it would be recognition of her
extra duties that fulfilled beyond the class of
Administrative Assistant or Officer IV. And, simply, it
would not be a pay change at all but would be a job title
to make her an official deputy position in the state. So
I would recommend the approval of my request.

CHAIRPERSON MATHIS: Thank you, Mr. Bladine.

Do any commissioners have any questions or
comments for Mr. Bladine?

Let me just check --

COMMISSIONER KALLEN: I apologize. This is
Commissioner Kallen. I got cut off.

CHAIRPERSON MATHIS: Oh, I'm sorry,
Commissioner Kallen.

Do you need us to repeat? I don't know
when you fell off, so we can -- Mr. Bladine just
explained agenda item three to us in a little more
COMMISSIONER KALLEN: Yes.

CHAIRPERSON MATHIS: -- was there.

COMMISSIONER KALLEN: No, Madam Chair, I don't need further explanation. I did -- and I'm holding the draft memorandum that was prepared by Mr. Bladine; therefore, I think I'm up to speed on what we're talking about.

CHAIRPERSON MATHIS: Perfect.

Okay. Any questions or comments for Mr. Bladine?

COMMISSIONER McNULTY: Would this be an appropriate time just to say thank you so much to both of you, Ray and Kristina.

RAY BLADINE: I guess it would be an appropriate time.

CHAIRPERSON MATHIS: I would say it's appropriate.

COMMISSIONER McNULTY: One of the best decisions we've ever made as a group, and it's been a privilege to work with you both --

RAY BLADINE: Well, thank you very much.

COMMISSIONER McNULTY: -- and with the staff that you gathered together --

CHAIRPERSON MATHIS: Hear, hear.
COMMISSIONER McNULTY: -- Lisa, Ana.

CHAIRPERSON MATHIS: I agree. And I thought you already were a Deputy Executive Director. You've certainly been acting as one, if not an Executive Director at times. So we're really --

COMMISSIONER McNULTY: You know, I thought so, too. I didn't --

RAY BLADINE: Well, I sure fooled you guys.

CHAIRPERSON MATHIS: You did.

So do we need to do anything else on that?

RAY BLADINE: Just approve my recommendation.

CHAIRPERSON MATHIS: Great. And we can vote for that?

RAY BLADINE: Uh-huh.

CHAIRPERSON MATHIS: So we'll go ahead and -- do we need a motion, I think, from somebody?

COMMISSIONER STERTZ: So moved.

COMMISSIONER McNULTY: Second.

COMMISSIONER STERTZ: So moved.

CHAIRPERSON MATHIS: Thank you. So we have Commissioner Stertz making the motion; Commissioner McNulty seconding.

And any discussion?

All in favor?
VICE-CHAIR FREEMAN: Aye.
COMMISSIONER McNULTY: Aye.
COMMISSIONER KALLEN: Aye.
COMMISSIONER STERTZ: Aye.
CHAIRPERSON MATHIS: Aye.

Unanimous. Yay, Kristina.

RAY BLADINE: Do you want to stand up or sit?

KRISTINA GOMEZ: Do you want a chair?
RAY BLADINE: Sure.

See how well it's worked?

VICE-CHAIR FREEMAN: You don't mess around.
Of course, if you sit there, you have a new assignment in that room.
RAY BLADINE: Really? I'll move over here so I can watch my charge. He's doing good.

CHAIRPERSON MATHIS: We have a commissioner-want-to-be in the room today with us. Commissioner Freeman brought his son, who I think is five, did you say?

VICE-CHAIR FREEMAN: Yes.
CHAIRPERSON MATHIS: Five years old, so --
VICE-CHAIR FREEMAN: Born during the mapping.

COMMISSIONER McNULTY: So he wasn't even
VICE-CHAIR FREEMAN: He was born during the mapping, and he came to the -- he came to the vote --

COMMISSIONER McNULTY: This is the boy who was born during the -- oh, my gosh.

VICE-CHAIR FREEMAN: That's right. He came to -- he actually did come to our meeting where we had the final vote on the maps. He's returned.

CHAIRPERSON MATHIS: Well, it's a treat to have him here, so thank you for bringing him.

So we have agenda item four now, executive director's report. So I'll turn it over to Mr. -- we have Deputy Executive Director Gomez helping us with this today. Go ahead.

KRISTINA GOMEZ: Thank you so much.

Madam Chair, Commission members, if you can go ahead and turn to the spreadsheet.

Now, this is the monthly spreadsheet that we submit to the Commission each month. We also submit this information to the Governor's Office each month, the Joint Legislative Budget Office, as well as the General Accounting Office.

So this spreadsheet is developed by the State Boards Office, and they send it over to us each month so that we can just go ahead and review for
accuracy.

So I just wanted to remind everyone that the starting FY 17 appropriation was 1.1 million. The actual set that we've spent for this month have been $878,000.

Our remaining balance for FY 17 is 345,000. Of that 345,000, we still have 116,000 that has been allocated for operating costs, and the State Boards Office still hasn't invoiced us for their services yet, so we still owe them $20,000. So I'm sure they'll send us an invoice by the end of this fiscal year because they'd like to get paid.

The next item on the executive director's report is technology. After going back and forth with the Archives office, because they've developed this new -- they actually have a vendor now who images and who takes snapshots of over 500 State agencies so that they can preserve that, they thought that may be this would be helpful for us whenever we do sunset. However, after talking to our technical expert, Buck, he did remind me -- because I was pretty excited about that -- but he did remind me that we have an interactive website with videos, with the district locator, and also with active maps. So that's not going to work for us. So our next step would be to talk to Michael Brown with Legislative
Council to see if he would be kind enough once again to go ahead and just take care of our website, just have our website until the next Commission is formed. So Ray and I will be sending him an e-mail asking if we can speak with him about that, and we'll keep you posted on that.

Appropriation. We did ask for the same appropriation that we received for the past four years. We do work on the projections with the State Boards Office, and that goes to the Governor's office so that the governor can go ahead and produce his budget that comes out in January. So we went ahead again and asked for the same appropriation as last fiscal year, the 1.1 million.

Commissioners records. As we've said, we -- sure, go ahead.

VICE-CHAIR FREEMAN: If I could interrupt.

CHAIRPERSON MATHIS: Go ahead, Commissioner Freeman.

VICE-CHAIR FREEMAN: On the request for appropriation, though, that is coupled with a proviso that if the Leach litigation should terminate -- and we just directed counsel to do that -- that requested appropriation would revert to the general fund; correct?

KRISTINA GOMEZ: Correct.

VICE-CHAIR FREEMAN: Okay.
KRISTINA GOMEZ: So we did meet with the Library and Archives staff on April 14th, and we did alert them at that time of the possibility of us eventually closing down shop. So we have worked with them, and we have told them what we've -- what we have so far boxed up. Some of the items we do have boxed up are meeting transcripts, sign-in sheets, meeting agendas, speaker forms, public input binders, media binders, DOJ submission, the final congressional and legislative maps and Harris exhibits.

Right now in our files we do have several things that are -- that we're organizing and just doing a final audit on these items to make sure that they are put in boxes and sent over to Library and Archives. These items consist of court filings, all of the maps on the website, PowerPoint presentations from Commission meetings and from public hearings, contracts, appropriation and budget letters, Commission notes, Commission applications, appropriation logs, public records logs, and the map request log. Senate and House legislative bills regarding redistricting will also be in the boxes. And all of Ray's correspondence.

The next item are the financial records. So just so that everyone knows that the State Boards Office, they're the official record keepers of all of the
financial and invoices that come into the office, so they
follow their own schedule. Once again, we'll go ahead
and let them know what's going on with our Commission.
So they have archived some items already, but we'll let
them know the latest developments of this Commission so
they can proceed with archiving their documents as well.

And the last item is the legislative voter
database update. We'll go ahead and we'll ask for a copy
of this -- of this data, and we will keep you posted on
if or when we receive this information.

CHAIRPERSON MATHIS: Is that the end?
KRISTINA GOMEZ: Sorry. That's the end.
CHAIRPERSON MATHIS: Okay, great.

I would just want to comment that there is
nobody in the state who is better equipped to manage this
process of Commission records and putting everything into
order so that the next Commission can take over than
Deputy Executive Director Gomez. She did this for the
last Commission and so knows this process fully, and
we're really grateful that you're managing this for us.
So thank you.

KRISTINA GOMEZ: Thank you.
CHAIRPERSON MATHIS: It's a ton of work.

Any questions or comments?
COMMISSIONER McNULTY: This is Linda
McNulty.

I just have one question/comment.

CHAIRPERSON MATHIS: Okay.

COMMISSIONER McNULTY: We will put all this in motion once the judgment has been recorded; is that correct?

CHAIRPERSON MATHIS: That is my understanding.

MARY O'GRADY: It's in motion now.

COMMISSIONER McNULTY: Joe and Mary, will you -- will you please ensure that that's the case?

MARY O'GRADY: Yeah. It's all in motion now, and we'll make sure that it continues.

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Vice-Chair Freeman.

VICE-CHAIR FREEMAN: And just so I think we're all clear, once the Leach litigation terminates, there will be no active litigation involving the Commission, and constitutionally, the only thing we can do is spend money to close the Commission. Correct?

MARY O'GRADY: That's right. That's right. That'll be the focus. It will be closing it up and trying to wrap it up by the time that the usual appeal time would expire.

VICE-CHAIR FREEMAN: And then maybe
question for Ms. Gomez is -- or Mr. Bladine, you switched
places. She's without microphone.

How long do you anticipate the wrap-up
process will take?

RAY BLADINE: We will clearly be done
within the 30 days from when the filing is. And part of
that is because Kristina started a long time ago. And as
the chair pointed out, she has been getting along, so she
started working with Library and Archives several months
ago to try to be in a position -- if you go in our joint
office and you look at that wall, all those are documents
that'll go to the archivists. So I don't see any problem
with us by within 30 days of the judgment of getting
everything to the appropriate agency.

Solving some of the issues like what do we
do with the webpage so it can stay active, we've got some
technical issues there that Kristina and I need work out
with budgeting and -- so, anyway, but, clearly, we'll be
done by the necessary time frame.

And we will -- Mr. Vice-Chairman, we will
also work with the attorneys to give you more information
about what personally you need to provide and not
provide. But my general sense is is that most of the
things that individual commissioners have, we have in
some other form, but I'll have the -- the attorneys will
work with us to make sure we do that correctly also.

VICE-CHAIR FREEMAN: Thank you.

CHAIRPERSON MATHIS: Any questions or comments from other commissioners?

Okay. Hearing none, thank you very much, Deputy Director Gomez.

KRISTINA GOMEZ: Thank you.

CHAIRPERSON MATHIS: And now, we continue with the executive director's report? Is there more, or is that it?

KRISTINA GOMEZ: That's it.

RAY BLADINE: I think we really -- I think we really did it, so --

CHAIRPERSON MATHIS: Great. Thank you.

RAY BLADINE: I just would like to have a point of privilege and say --

CHAIRPERSON MATHIS: Of course.

RAY BLADINE: -- thank you for thanking us, but I got to tell you that we've been through some tough times together. The commissioners have all treated us with respect and dignity and professionalism. And I know I speak for the staff to say thank you. This year-and-a-half job was a lot longer than all of us thought. But I personally wouldn't change it for the world. It was fun working with all of you. And I didn't
have to go through the trial and tribulations you all
did, but thank you for treating the staff nicely like you
did and professionally. Thank you, Madam Chair.

CHAIRPERSON MATHIS: Thank you,
Mr. Bladine.

Okay. With that, I think we have public
comment. I think that's the next item on the agenda.
Just making sure. Yes, agenda item five is public
comment.

I have one request to speak form. If
anyone else would like to say anything, they're welcome
to fill out a request to speak form in the back. But my
sole one right now is Pete Bengtson, representing self,
and the subject is Maps.

RAY BLADINE: Pete, there's a mic here.

PETE BENGTSON: Hi. My name is Pete
Bengtson. That's B-e-n-g-t-s-o-n.

I've been up to this Commission many times
mostly in drawing the maps, so I guess I wrote maps down
just out of habit.

But I wanted to come up today. I really
appreciate all the work the Commission has done. You've
done a real service to the state and the citizens. So
thank you.

That's all I have.
CHAIRPERSON MATHIS: Woo, thank you.
You're making me verklempt. So thank you.

Just a note, Mr. Bengtson and his wife Betty came to many of our hearings and meetings and provided public comment throughout the whole process. So it's great to see you here.

Okay. During public comment, I understand commissioners can say anything they'd like to say as well. Is there anything that anyone on the phone or Commissioner Freeman would like to say?

VICE-CHAIR FREEMAN: How much time do we have?

CHAIRPERSON MATHIS: Got all afternoon.

COMMISSIONER McNULTY: Let me just say 15 seconds worth. It's really hard for the public to get involved in this process that's so complicated, and I know we've all learned a great deal. But I so appreciate folks like Pete and Betty Bengtson who really did hang -- get involved and learn to understand the complexities of this issue and what it means. And it meant a lot to me to know that there were members of the public who were really tracking the process and taking away from it an understanding of how important redistricting is. So I'd like to thank Pete also, and Betty if she's there, or if she's not, when he gets home.
CHAIRPERSON MATHIS: Thank you, Commissioner McNulty.

Any comments from anyone else?

VICE-CHAIR FREEMAN: In light of Commissioner --

COMMISSIONER KALLEN: This is Commissioner --

VICE-CHAIR FREEMAN: Go ahead, Commissioner Kallen.

COMMISSIONER KALLEN: Thank you.

Madam Chair, just as the latest addition to the Commission, I'd just like to thank you for your leadership. Thank all staff, Ray and Kristina and staff members, for your help and guidance getting up to speed and then throughout the process of just helping out and handling all of this business has been -- it's been stellar. And in my opinion, the work they do is just so outstanding.

I'd also like to thank all other commissioners which -- whom I really haven't had much of an opportunity to speak to, but, again, I do thank you for the unbelievable amount of work that was involved and that you all put in when the maps were drawn. I feel kind of I was lucky to come in after the fact just to sort of be a placeholder, but I can appreciate the great
deal of work and sacrifice that must have been involved
with getting all this done. So thank you.

CHAIRPERSON MATHIS: Thank you,
Commissioner Kallen.

Anyone else?

COMMISSIONER McNULTY: This is Linda.

Thank you, Cid, for jumping into this.

Some day, I hope I get to meet you. Kind of crazy, isn't
it, get involved in something like this and we've never
even met? That's sort of our commission.

COMMISSIONER KALLEN: Very true.

CHAIRPERSON MATHIS: Any other comments?

COMMISSIONER McNULTY: I thought Scott was
going to go, but if he's not, I'll say one more thing,
and that is to thank all the commissioners. We didn't
agree, but I think we all put our heart and soul into
this. Colleen Mathis found herself in an extraordinary
position and did an extraordinary service. And each in
our own way, I think we tried to do that as well. So
hear, hear.

CHAIRPERSON MATHIS: Thanks, Commissioner
McNulty.

Commissioner Freeman.

COMMISSIONER STERTZ: Madam Chair.

CHAIRPERSON MATHIS: Sorry. Commissioner
COMMISSIONER STERTZ: Does this -- does this certainly feel like this is going to be the end of our tour?

CHAIRPERSON MATHIS: It kind of does to me.

COMMISSIONER STERTZ: Okay. So with that being said, I've been -- I've enjoyed the roundabouts that we've all had together. I think that the State has -- will suffer the slings and arrows of our debates. It's a strong state. Whether or not we agree with the outcome of how we debated or whether or not we agree with the outcome of the courts, that is not relevant as we honor and respect those organizations and those divisions in our government to be able to hold the place that they hold and have to hold respect for those decisions that are made.

I've enjoyed the -- I've enjoyed the camaraderie, the competition, the friendships that I've built with you, and certainly have got the highest level of respect for each one of you. And I'm looking forward to the next time when we all get a chance to cross paths together.

Madam Chair, you should certainly schedule, after all this is done, a reunion for us all so that we can all tip a glass together and say to the next
Commission, "Good luck," and thank each one of the other for the time that we spent together.

CHIEF COMMISSIONER MATHIS: I think that's a fine idea, Commissioner Stertz. Noted.

Commissioner Freeman.

VICE-CHAIR FREEMAN: In light of all those nice comments, I will reserve my 30 minutes of commentary I had prepared and join in all those comments. I really -- this has been a privilege, perhaps the privilege of my life. I want to thank the people of the State of Arizona. I want to thank all the public who showed up at our hearings. Whoever's calling me, I'll thank as well. And the Commission staff --

CHIEF COMMISSIONER MATHIS: It's your son.

VICE-CHAIR FREEMAN: -- Ray and Kristina, and you've been great to work with. My fellow commissioners, each and every one of you, I really want to thank, and respect you all as Commissioner Stertz said.

I also want to thank former Speaker of the House Kirk Adams who it was my privilege to meet, and I was shocked to have been picked for this position. But he put a lot of trust in me, and I hope I discharged my duties faithfully and kept my promise, which was to follow the Constitution in my charge as a commissioner.
And a special thank you to Commissioner Stertz, too, who I got to know. I'd never know him before serving on this Commission. But he's a great guy. He's been a great friend. And I really appreciate the times we had together.

And perhaps we all will meet again. I hope it's not at the request of speakline for the first hearing of the next Commission, but it might be.

CHAIRPERSON MATHIS: Okay. Great.

COMMISSIONER STERTZ: Thank you, Scott. The feeling is mutual.

CHAIRPERSON MATHIS: Any other comments from commissioners?

Okay. I have some prepared comments, too, because I was wondering if this was going to be our last Commission meeting, and I have a lot of people I just want to recognize and thank.

So I'm going to start with staff, and we've talked about how exemplary our staff has been. And they have been. And in honor of that, I had some Commission -- what I'm calling Commission Medals of Freedom made. And they look like this, and no state dollars were expended, but they have their names on them and AIRC and are just a token of my appreciation for all you've done.
RAY BLADINE: Thank you.

CHAIRPERSON MATHIS: So -- and this goes to -- let me read their names, too. Ana Garcia, Executive Administrative Officer who's in the room, and she joined us in June of 2011.

Lisa Schmelling, who's not here. She's our Community Outreach Representative. She's probably in the community somewhere. And she started with us July 2011.

And Kristina Gomez joined us in May 2011, and as I mentioned earlier, she also was with the previous Commission and just came very highly recommended and rightfully so.

And then Ray -- sorry, you guys. You know that I cry, so this shouldn't be a surprise for anyone. But let's say that Ray auditioned for my job but was promptly given a promotion to be our Executive Director. And he was unanimously approved by all of us, and very grateful.

RAY BLADINE: Thank you.

CHAIRPERSON MATHIS: You've done so much for this State and the City of Phoenix in your prior career. And we're very grateful. You're an extraordinary person.

RAY BLADINE: Thank you.

CHAIRPERSON MATHIS: So I'm going to try
not to cry anymore.

Now, former staff I just want to recognize Buck Forst, who's our Chief Technology Officer. Even today, sometimes he comes and helps us, but he's moved on already. Christy Olsen, Stu Robinson, Shane Shields all helped this Commission from the beginning and at various times, and we appreciate everything they did.

I also want to recognize Marty Herder, who also is going to be receiving one of these Commission Medal of Freedom medals. He's a really great guy. And on the back of his metal, I put, "Always ready," because we had a little ongoing joke throughout all the Commission meetings where -- I would fall for it every time. I just would forget, and I would say, "Marty, are you ready?" And he'd say, "Always." And it was just such a great line, and I love him for it. So thank you, Marty, out there wherever you are.

Next up are the folks the Commission retained to help and accomplish its mission. We'll start with our legal counsel who are in the room. Osborn Maledon, Mary O'Grady, sitting right here, has been with the Commission through it all. Former Solicitor General for the State of Arizona. She's argued in front of the U.S. Supreme Court, and an all-around open meeting law expert.
Colin Campbell, who's not with us today but also works with Mary. He's a former judge in Maricopa County Superior Court and represented the Commission in Harris versus IRC in front of the three-judge panel in federal court, and has provided superb counsel as well.

And Kristin Windtberg went the distance with us to a zillion hearings around the state, and also with Osborn Maledon.

And Joe Roth I know helped as well, and I don't know if he's still at Osborn Maledon, but please thank him.

The other firm we retained was Ballard Spahr, and Joe Kanefield is here in the room. Former elections director for the State of Arizona and general counsel to a former governor of Arizona. And recently Brian Schulman, his colleague, has been helping the Commission. And both represented the Commission very well.

And part of Joe's presentation back when he was vying for this position was to retain a voting rights expert because at the time the Commission needed to pass preclearance. And so we wanted to make sure we did that well, and Joe had the brilliant idea to include a voting rights expert as part of his package. And so he suggested Bruce Adelson. He's a former DOJ attorney who
was on the receiving end of the Commission's submission last time and so knew a lot about what the DOJ -- how they think. And Bruce provided a lot of expert counsel. And we appreciate his help, and that was a great idea. So thank you for doing that.

Thanks to all of these people, we were able to achieve preclearance on the first try, which is a huge honor and first time for the State of Arizona on both maps. And so it was really kudos to this brilliant team.

I also want to recognize a number of other attorneys that represented the Commission along the way or provided counsel in some way. Jim Barton from the A.G.'s office a while back was our first attorney and did a great job for us. Beau Roysden formerly worked with Joe at Ballard Spahr and moved on to the A.G.'s office. Jay Cabou who used to work at Osborn Maledon and moved on to Perkins Coie. Kiersten Murphy who used to work at Gallagher & Kennedy and then moved on to a private firm. And all of these people helped me or the Commission in some way, and they were excellent.

I also want to mention a couple other guys who helped me through some dark times, and those were former Arizona Supreme Court Chief Justice Tom Zlaket. And last, but certainly not least, former U.S. Attorney for Arizona, Paul Charlton and his colleague Quinton.
Cushner. I can't say enough about their willingness to represent me when the chips were down, and I will always be grateful.

Also, finally, two U.S. Supreme Court specialists deserve special recognition from this Commission. Seth Waxman and Paul Smith. They, along with their teams at Wilmer and Hale and Jenner & Block respectively, each represented the Commission pro bono in our two cases that went before the U.S. Supreme Court, and we are very grateful for all that they and their teams did.

I'd like to thank everyone in the third branch of government who took the time to review this Commission's record -- it's an extensive one -- and that includes the Arizona Supreme Court, the Maricopa County Superior Court, the U.S. Supreme Court, and the Ninth Circuit. And I'd also like to thank everyone who wrote an amicus brief in the Commission's support. There were many of them, and we would be definitely till five if I did that, so not doing that.

So next up, the other major decision that the Commission made was the mapping consultant, and the Commission chose the firm that was best suited to do the job and they did it. So principal Ken Strasma, you're out there somewhere, along with Willie Desmond, who is an
Arizona citizen and I thought we might see him here today. But Andrew Dreschler is on the phone and also with that firm. And I want to thank all of them and other people they worked with at their firms for being there with us through thick and then, though, maybe it was all thin. And your humor, intelligence, and professionalism made the day, frankly.

So with that, I'd also like to thank Gary King and Benjamin Schneer from the Harvard Institute for Quantitative Social Science for their work on the Racially Polarized Voting analysis and other statistical analysis that they did on our maps that helped us achieve preclearance and ensure that those would pass muster with the DOJ.

And, finally, I'd like to thank anyone in the Fourth Estate, the press, who took the time to understand the Commission's process and report accurately or constructively opine on what we were doing. I don't see any members of the press here today. I think the story has jumped the shark, as they say, but at least I want to give special recognition to a few people.

Mary Jo Pitzl at the Arizona Republic reported on us frequently. Bobbie Jo Buel and Tim Steller at the Arizona Daily Star covered us extensively. Paul Davenport at the Associated Press. Steve Lemons at
Marc Lacey at the New York Times. Mike Bailey at the
Peoria Journal Star.

And, finally, a man I thought we'd see here
today, Steve Muratore of the Arizona Eagletarian. Many
of you probably know him, but he followed the
Commission's every move and wrote about it for its entire
existence.

And I will also note that the Yellow Sheet,
which is published by Arizona Capitol Times, provided
some important information and levity at key moments
along the way.

I'm getting close to the end here.

I'd like to thank my fellow commissioners
as well -- and I appreciate everyone's comments today;
those were very nice -- as well as former Commissioner
Jose Herrera, for the sacrifices they made to serve on
this volunteer Commission. And along with their
families, some of whom are here today, and that includes
my husband Chris as well, who helped me throughout and
was the best driver a chairlady could have ever asked
for.

And I'd be remiss if I didn't thank the
people who started independent redistricting in Arizona.
Bart Turner, Ann Eschinger, and Dennis Burke are three
people who helped cowrite the Proposition 106 way back in 2000. And so thanks to them, the concept of independent redistricting came to Arizona, and I'm grateful for that. And I'd also like to thank the voters in Arizona who participated in this process like the Bengtsons and others, those who provided sincere and helpful input to us to make our maps better. And that's what they did. We couldn't have done this without you.

And, finally, I'd like to thank the Arizona Legislature because it was their lawsuit against the Commission that ultimately resulted in an opinion in the U.S. Supreme Court which solidified independent redistricting commissions as constitutional and paves the way for other states to experiment with this important reform mechanism. And I mean that sincerely. Many states now are exploring this concept and thinking that an independent commission is the better way to go, and I'm grateful that they're able to do that.

So I think that's everyone, and if I forgot anyone, please don't take it personally because many, many people were behind the scenes helping and writing supportive notes and letters and things and giving the Commission great advise. So to all of you, I'm very grateful.

And as Bugs Bunny would say, "That's all,
folks." So thank you.

Is there any other public comment that we need to address at this point?

Okay. I think that really is all, folks. So with that, I think I'm going to try to use my gavel. I remembered.

It is now -- I guess is there any -- I'm going to go ahead and motion to adjourn. Do we -- does anyone have a -- okay, great. We can go to the next agenda item and just adjourn.

And now, at 2:45 in the afternoon on a Friday in Phoenix, I am going to go ahead and adjourn the meeting.

Thank you, everyone.

(Whereupon, the meeting was adjourned at 2:45 p.m.)
STATE OF ARIZONA  ) ss.
COUNTY OF MARICOPA  )

BE IT KNOWN that the foregoing proceeding was taken before me, Jennifer Honn, a Certified Court Reporter, RPR, No. 50885, State of Arizona; that the foregoing 44 pages constitute a true and accurate transcript of all proceedings had upon the taking of said meeting, all done to the best of my skill and ability.

DATED at Phoenix, Arizona, this 3rd day of May, 2017.

Jennifer Honn, RPR
Certified Court Reporter
Certificate No. 50885