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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER' S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
February 13, 2001
9:13 a.m.

ARIZONA INDEPENDENT
REDISTRICTING
COMMISSION

LISA A. NANCE, RPR
Certified Court Reporter
Certificate No. 50349

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THE STATE OF ARIZONA INDEPENDENT REDISTRICTING
COMMISSION convened in Public Session on
February 13, 2001, at 9:13 a.m., at the State of
Arizona Secretary of State's Office, 1700 West

5 Washington, 7th Floor, Phoenix, Arizona, in the
6 presence of:

7

8 APPEARANCES:

9

10 SECRETARY BETSEY BAYLESS,
Arizona Secretary of State

11 CHAIRMAN STEVEN W. LYNN
12 (Appeared as Nominee until voted into office
as reflected herein.)

13 COMMISSIONER JAMES R. HUNTWORK

14 COMMISSIONER JOSHUA MARK HALL

15 COMMISSIONER ANDI MINKOFF

16 COMMISSIONER DANIEL R. ELDER

17

18 SCOTT BALES, Solicitor General

19 JOSEPH KANEFIELD, Assistant Attorney General

20 JAN McLEMDRE, Legal Secretary

21 LISA A. NANCE, RPR, CCR, Court Reporter

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AGENDA DESIGNATED SPEAKERS:

2

STEVEN LYNN, Chairman Nominee (elected)

3

WILLIAM GRESSER, Chairman Nominee

4

DONALD JEROME, Chairman Nominee

5

BRUCE MacARTHUR, Chairman Nominee

6

7

SPEAKERS FROM CALL FOR PUBLIC COMMENT:

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RUDOLFO H. PEREZ, JR.

ANTHONY SISSONS

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Phoenix, Arizona

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Open Session
Phoenix, Arizona
February 13, 2001
9:13 o'clock a.m.

P R O C E E D I N G S

SECRETARY BAYLESS: Good morning,
everyone. I'm Betsey Bayless, Arizona Secretary of
State.

I now call to order the first
meeting of the Arizona Independent Redistricting
Commission.

13 Let me start by introducing the
14 Commissioners.

15 We have Daniel Elder who just came
16 off the Broadway curve from Tucson.

17 COMMISSIONER ELDER: Thank you.

18 SECRETARY BAYLESS: Joshua Hall
19 from St. Johns; Andrea Minkoff.

20 MS. MINKOFF: Andi, please.

21 SECRETARY BAYLESS: Andi Minkoff
22 from Phoenix, and James Huntwork from Phoenix.

23 So thank you for being with us
24 today.

25 We also have, on this side of the

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1 table, we have Scott Bales and Joe Kanefield with
2 the Attorney General's Office who will be assisting
3 the Commissioners today.

4 In November, Arizona voters
5 approved Proposition 106 amending our State
6 Constitution and creating the Independent
7 Redistricting Commission. The Commission is tasked
8 with drawing Arizona boundaries for legislative and
9 congressional districts after each US Census.

10 We just finished the 2000 Census,
11 and we have learned that Arizona has two additional
12 Representatives in Congress.

13 We are here today as part of the
14 structure outlined in an amendment to our
15 Constitution which reads, in part, "At a meeting
16 called by the Secretary of State, the four
17 Independent Redistricting Commission members shall

18 select by majority vote from the nomination pool a
19 fifth member who shall not be registered with any
20 party already represented on the Independent
21 Redistricting Commission and who shall serve as
22 Chair. If the four Commissioners fail to appoint a
23 fifth member within 15 days, the Commission on
24 Appellate Court Appointments or its designee,
25 striving for political balance and fairness, shall

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6

1 appoint a fifth member from the nomination pool who
2 shall serve as Chair."

3 Now I will administer to you the
4 oath of office.

5 Would you please stand, the four
6 Commissioners.

7 Raise your right hand and repeat
8 after me, stating your own name at the appropriate
9 place.

10 I, and state your name.

11 COMMISSIONER ELDER: I, Daniel
12 Elder.

13 COMMISSIONER HALL: I, Joshua
14 Hall.

15 COMMISSIONER MINKOFF: I, Andi
16 Minkoff.

17 COMMISSIONER HUNTWORK: I, Jim
18 Huntwork.

19 SECRETARY BAYLESS: Do solemnly
20 swear.

21 COMMISSIONER ELDER: Do solemnly

22 swear.

23 COMMISSIONER HALL: Do solemnly

24 swear.

25 COMMISSIONER MINKOFF: Do solemnly

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1 swear.

2 COMMISSIONER HUNTWORK: Do

3 solemnly swear.

4 SECRETARY BAYLESS: That I will

5 support the Constitution of the United States.

6 COMMISSIONER ELDER: That I will

7 support the Constitution of the United States.

8 COMMISSIONER HALL: That I will

9 support the Constitution of the United States.

10 COMMISSIONER MINKOFF: That I will

11 support the Constitution of the United States.

12 COMMISSIONER HUNTWORK: That I

13 will support the Constitution of the United States.

14 SECRETARY BAYLESS: And the

15 Constitution and laws of the State of Arizona.

16 COMMISSIONER ELDER: And the

17 Constitution and laws of the State of Arizona.

18 COMMISSIONER HALL: And the

19 Constitution and laws of the State of Arizona.

20 COMMISSIONER MINKOFF: And the

21 Constitution and laws of the State of Arizona.

22 COMMISSIONER HUNTWORK: And the

23 Constitution and laws of the State of Arizona.

24 SECRETARY BAYLESS: That I will

25 bear true faith and allegiance to the same.

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1 COMMISSIONER ELDER: That I will
2 bear true faith and allegiance to the same.

3 COMMISSIONER HALL: That I will
4 bear true faith and allegiance to the same.

5 COMMISSIONER MINKOFF: That I will
6 bear true faith and allegiance to the same.

7 COMMISSIONER HUNTWORK: That I
8 will bear true faith and allegiance to the same.

9 SECRETARY BAYLESS: And defend
10 them against all enemies.

11 COMMISSIONER ELDER: And defend
12 them against all enemies.

13 COMMISSIONER HALL: And defend
14 them against all enemies.

15 COMMISSIONER MINKOFF: And defend
16 them against all enemies.

17 COMMISSIONER HUNTWORK: And defend
18 them against all enemies.

19 SECRETARY BAYLESS: Foreign and
20 domestic.

21 COMMISSIONER ELDER: Foreign and
22 domestic.

23 COMMISSIONER HALL: Foreign and
24 domestic.

25 COMMISSIONER MINKOFF: Foreign and

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1 domestic.

2 COMMISSIONER HUNTWORK: Foreign

3 and domestic.

4 SECRETARY BAYLESS: And that I
5 will faithfully and impartially.

6 COMMISSIONER ELDER: And that I
7 will faithfully and impartially.

8 COMMISSIONER HALL: And that I
9 will faithfully and impartially.

10 COMMISSIONER MINKOFF: And that I
11 will faithfully and impartially.

12 COMMISSIONER HUNTWORK: And that I
13 will faithfully and impartially.

14 SECRETARY BAYLESS: Discharge the
15 duties.

16 COMMISSIONER ELDER: Discharge the
17 duties.

18 COMMISSIONER HALL: Discharge the
19 duties.

20 COMMISSIONER MINKOFF: Discharge
21 the duties.

22 COMMISSIONER HUNTWORK: Discharge
23 the duties.

24 SECRETARY BAYLESS: Of the Office
25 of Commissioners.

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1 COMMISSIONER ELDER: Of the Office
2 of Commissioners.

3 COMMISSIONER HALL: Of the Office
4 of Commissioners.

5 COMMISSIONER MINKOFF: Of the
6 Office of Commissioners.

7 COMMISSIONER HUNTWORK: Of the

8 Office of Commissioners.

9 SECRETARY BAYLESS: Of the
10 Independent Redistricting Commission.

11 COMMISSIONER ELDER: Of the
12 Independent Redistricting Commission.

13 COMMISSIONER HALL: Of the
14 Independent Redistricting Commission.

15 COMMISSIONER MINKOFF: Of the
16 Independent Redistricting Commission.

17 COMMISSIONER HUNTWORK: Of the
18 Independent Redistricting Commission.

19 SECRETARY BAYLESS: According to
20 the best of my ability.

21 COMMISSIONER ELDER: According to
22 the best of my ability.

23 COMMISSIONER HALL: According to
24 the best of my ability.

25 COMMISSIONER MINKOFF: According

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1 to the best of my ability.

2 COMMISSIONER HUNTWORK: According
3 to the best of my ability.

4 SECRETARY BAYLESS: So help me
5 God.

6 COMMISSIONER ELDER: So help me
7 God.

8 COMMISSIONER HALL: So help me
9 God.

10 COMMISSIONER MINKOFF: So help me
11 God.

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COMMISSIONER HUNTWORK: So help me

12 God.

13 SECRETARY BAYLESS:

14 Congratulations and please be seated.

15 That being done, I will turn the
16 meeting over to the Commission members. And
17 anything we may do for you while you are here in
18 this conference room, please let us know.

19 Your attorneys are with you. We
20 will have people available for anything that you
21 might need.

22 The Commission meeting is yours.

23 COMMISSIONER MINKOFF: Thank you.

24 COMMISSIONER HUNTWORK: May I ask

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1 a question of our counsel?

2 At this moment we have no
3 Chairman, and we are not allowed to elect a Vice
4 Chairman until after we have elected a Chairman, if
5 I read the procedures correctly. How should we
6 proceed? Would it be appropriate for us to
7 designate a Chairman Pro Tem of this meeting so
8 that we can proceed in an orderly fashion?

9 MR. BALES: I think you certainly
10 have that authority and it would be appropriate in
11 helping things along.

12 COMMISSIONER MINKOFF: Certainly.

13 MR. BALES: That would probably be
14 the first order of business.

15 COMMISSIONER HALL: I would like
16 to make a motion to nominate Mr. Huntwork as Pro

17 Tem Chairman.

18 COMMISSIONER MINKOFF: Second.

19 COMMISSIONER ELDER: Call the

20 question?

21 MR. BALES: Call the question.

22 COMMISSIONER ELDER: All those in

23 favor?

24 (Vote taken.)

25 COMMISSIONER ELDER: You've been

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1 railroaded for the first time.

2 COMMISSIONER HUNTWORK: Very well.

3 Does anyone have a copy of the

4 agenda?

5 According to the agenda, then, the

6 next item of business is interviewing the nominees.

7 I believe that we have the option

8 of going into executive session at this point for

9 the purpose of conducting the interviews as well as

10 for the purpose of deliberating at a later time.

11 Is that legally correct?

12 MR. BALES: Mr. Huntwork, it is

13 generally correct, the Board would have the option,

14 the Commission would have the option. It is also

15 the right of the applicant, if they choose, to have

16 the interview and discussions concerning them in

17 public session.

18 COMMISSIONER HUNTWORK: The first

19 question I would ask is does any member of the

20 Commission wish to go into executive session for

21 the purpose of interviewing the applicants?

22 COMMISSIONER MINKOFF: Not for the
23 interview, I don't think.

24 COMMISSIONER HUNTWORK: Very well.
25 Just a point of information. Have

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1 any of the applicants indicated a preference or any
2 opposition to going into executive session?

3 MR. KANEFIELD: We sent a letter
4 last week, Friday, all have received it, and told
5 them they need to contact me before the meeting if
6 they wish the interview to be held in open session.
7 None of them have contacted me.

8 I spoke with Don Jerome, and he
9 told me he did not wish to execute that.

10 COMMISSIONER HUNTWORK: Interviews
11 will be considered in open meeting and considered
12 later if we wish to go into executive session to
13 deliberate.

14 The order of the interviews is
15 indicated on the agenda. And the first interview
16 is Steven Lynn.

17 Is Steven Lynn present?

18 COMMISSIONER HALL: Before we deal
19 with Mr. Lynn, would it be appropriate for us to
20 correlate with respect to questions we'll ask to
21 avoid overlap in that respect or feel that out as
22 we go?

23 COMMISSIONER HUNTWORK: Perhaps.

24 COMMISSIONER HALL: In light of
25 the fact we've been unable to have any

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1 communication relative to that, if we'll each have
2 three or four questions, would it be more
3 expeditious and efficient to maybe compare a few
4 notes quickly?

5 COMMISSIONER HUNTWORK: Certainly.

6 COMMISSIONER HALL: Or I guess we
7 kind of go --

8 COMMISSIONER MINKOFF: Maybe just
9 take it and see?

10 COMMISSIONER HALL: Shall we do
11 that and see --

12 COMMISSIONER HUNTWORK: Yeah,
13 yeah. Then after the first interview, we can
14 compare notes.

15 COMMISSIONER MINKOFF: I have some
16 questions I thought of. If somebody else asks a
17 similar question, I'll pass on that one.

18 COMMISSIONER HUNTWORK: Very well.
19 Should we take turns?

20 COMMISSIONER HALL: Great.

21 COMMISSIONER HUNTWORK: Andi,
22 would you like to go first?

23 MR. LYNN: I hate to inconvenience
24 you. If you slide down one seat, I think that
25 would be --

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1 MR. SCOTT: For the court

2 reporter, I should say it's important when people
3 begin talking, if they've not previously identified
4 themselves, to say who they are and also to try to
5 speak loudly enough that she'll be able to hear
6 what is being said.

7 COMMISSIONER MINKOFF: Good
8 morning, Mr. Lynn.

9 CHAIRMAN LYNN: Good morning.

10 COMMISSIONER MINKOFF: Thank you
11 for coming.

12 If you are selected, yours is an
13 interesting role, not just a regular member of the
14 Commission but Chairman of the Commission. I'd
15 like to ask what you see as the role of the Chair
16 as a member of this Commission.

17 MR. LYNN: First and foremost, I
18 think The Chair of this Commission has a
19 responsibility to seek a consensus on issues where
20 consensus can be achieved.

21 This Commission is going to work
22 in hopefully a very collaborative way in going
23 about its business and in making some significant
24 decisions that will affect voter participation for
25 the next 10 years. To the extent that the

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1 Commission can be unanimous in its deliberations
2 and it's conclusions, I think it would serve the
3 people of Arizona well.

4 So I think the first point would
5 be work toward consensus.

6 The second would be to show

7 leadership and to make the meetings as efficient
8 and effective as they can be, whether they are open
9 meetings, or hearings, or however the Commission
10 decides to proceed through its deliberations.

11 Thirdly, the role of the Chair in
12 speaking on behalf of the Commission needs to be
13 someone who has that experience, I think, and also
14 someone who would consult with all members of the
15 Commission prior to making public statements so
16 that the feelings and wishes of every member of the
17 Commission are taken into account.

18 This is a collaborative effort,
19 and it would be my hope that that would be done in
20 a very collaborative way.

21 COMMISSIONER MINKOFF: Thank you.

22 COMMISSIONER HALL: Going this
23 way?

24 COMMISSIONER HUNTWORK: I think
25 so, yes.

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1 COMMISSIONER HALL: Great.
2 Perfect.

3 Mr. Lynn, what would you
4 anticipate would be the single most important
5 attribute you would bring to the Commission?

6 CHAIRMAN LYNN: I think the single
7 most important attribute would be fairness and
8 impartiality, if those are parts of the same issue.

9 It is very clear that this
10 Commission serves the people of Arizona in a very

11 special way. And certainly it is going to be
12 looked at very carefully in terms of how it does
13 what it does. My background, in terms of not being
14 affiliated with either party in a very stringent
15 way at any period of my life, at least the last 10,
16 15 years, I think helps me to bring a balance and a
17 fairness that, hopefully, will be viewed by all as
18 an attribute not only of the Chair but of the
19 Commission in general.

20 COMMISSIONER HALL: Thank you.

21 COMMISSIONER ELDER: Mr. Lynn, I
22 think I'll pose a question that was posed to me by
23 the caucus that interviewed me and see how you
24 respond and what your perspective is. The question
25 was centered around: If you had an area that was

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1 going to be divided into three separate districts,
2 would you attempt to bring an equal balance to all
3 three districts, between Republican, Democrat, or
4 would you try to make a strong Democratic, strong
5 independent, strong Republican district, or how
6 would you see those coming together?

7 CHAIRMAN LYNN: Obviously a
8 question that bears the need for a significant
9 amount of discussion among the Commission, but let
10 me speak only for myself at this point. And in
11 speaking for myself, it would be a position I would
12 raise with the Commission, debate with the
13 Commission, discuss, and come to conclusion.

14 One of the things that I think is
15 extremely important in this process is building

16 what I would call competitive districts, districts
17 in which all people who live in the district feel
18 if they wish to serve publicly, that they would
19 have an opportunity to run and be elected.

20 And I think in that context, the
21 more districts that are created where the balance
22 is closer to even rather than significantly in one
23 direction or another, would certainly support that
24 notion.

25 Again, that's one criterion. And

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1 there are others that have to be imposed or
2 superimposed on those kind of decisions,
3 communities of interest. There are other criterias
4 such as compactness of districts, and so on. So I
5 think it's one of many that needs to be considered,
6 but that's my view on that one.

7 COMMISSIONER ELDER: Okay.

8 COMMISSIONER HUNTWORK: Clearly
9 you have given this a good deal of thought, and I'm
10 interested in your answers so far.

11 The tools that we're going to use
12 are fairly technical in nature. We're going to
13 have to look at statistics and demographics. Can
14 you tell me about your background and any expertise
15 that you might have or educational background that
16 you might have in that area?

17 CHAIRMAN LYNN: Well, certainly if
18 you talk to my math teachers in high school, they
19 would not be here supporting my position. On the

20 other hand, in my professional life for a number of
21 years, Mr. Huntwork, I was the owner of an
22 advertising and public relations firm. My job in
23 the agency was strategic planning that went into
24 the account work that we did. In that context, I
25 have myself conducted a significant amount of

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1 primary research, both in terms of survey research
2 and focus group research. I have distilled numbers
3 that other people have amassed as primary research
4 and used it as secondary research for the work that
5 was done in account planning. That gives me some
6 insight as to how that statistical information can
7 and should be used.

8 I'm not a demographer. I don't
9 profess to be one. But I do understand how
10 demographics are portrayed.

11 It's also the case that I have
12 worked in a significant number of political
13 campaigns over the years, usually as a strategist.
14 And in that regard, I'm certainly familiar with how
15 that information comes to be used in a political
16 sense. So I think all of those things would aid in
17 that regard.

18 COMMISSIONER HUNTWORK: Thank you.

19 COMMISSIONER MINKOFF: One of the
20 areas to be considered in drawing up districts
21 according to the initiative that has just been
22 adopted is communities of interest.

23 Would you tell me what you view as
24 a community of interest or communities of interest?

25 How do you see that term being defined?

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1 CHAIRMAN LYNN: More than my
2 definition, I think we have others that will be
3 looking very closely at what we do and defining
4 those things for us, Department of Justice being
5 one.

6 I have not done, I will admit, a
7 great deal of study into the technical definitions
8 of community of interest. I understand that it is
9 a consideration. Let me try to share what I think
10 that might include. Certainly it would include
11 groups that are aligned culturally. Certainly it
12 would include groups that are geographically in a
13 couple cases isolated and thereby become a
14 community of interest because of that isolation.

15 It certainly also could include
16 other demographic information: age, ethnicity,
17 other kinds of things that we might consider that
18 would fall into the category of a community of
19 interest.

20 Again, not knowing the full extent
21 of the technical definition, I would certainly make
22 my definitions, or at least my comments on it,
23 subordinate to any of those formal definitions that
24 we would come in contact with.

25 COMMISSIONER HALL: As you know,

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1 there's been some concerns expressed by a variety
2 of members of the community that represent
3 minorities in our state. And if you were nominated
4 Chairman of this Commission, how would you address
5 some of those concerns?

6 CHAIRMAN LYNN: Well, Mr. Hall, I
7 think that's clearly one of the issues that is
8 going to be foremost for the Commission.

9 There is no question that the
10 points of view raised by certain members of the
11 Arizona community, particularly the minority
12 community, which constitutes a significant
13 percentage of our population, are concerns that I
14 take very seriously.

15 What I would suggest, however, is
16 that we not prejudge but rather wait to see how
17 well we respond to the challenge of being fair and
18 inclusive to all groups as they are represented in
19 the community that we serve. And we serve the
20 entire State of Arizona.

21 I would suggest that if we have an
22 open process that allow for a significant amount of
23 input from all groups, if we have a process that
24 openly discusses and debates issues before
25 decisions are made; and if we strive to reach a

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1 consensus which ultimately will have to pass muster
2 by a number of other authorities outside the
3 Commission, not the least of which is public
4 scrutiny, that I think the members of groups who
5 wish to be fairly represented in the process will

6 find us to be their ally, not their enemy.

7 I'm reminded of one of the more
8 famous quotes that Martin Luther King used. And I
9 will paraphrase it for fear of misquoting it
10 specifically. But I would like the Commission to
11 be judged by the content of its character and work
12 product, not necessarily the complexion of the
13 Commission as it begins its work.

14 COMMISSIONER ELDER: Mr. Lynn,
15 would you favor having the entire deliberations and
16 discussions of the Commission be open to the public
17 or do you favor having executive sessions, if you
18 will, to where the major work is done there and
19 then it's open to the public more as a review of
20 what we had accomplished over a particular period
21 of time?

22 CHAIRMAN LYNN: Again, stating
23 personal opinion, but again understanding the
24 Commission will decide those matters, for me the
25 more work that can be done in public is better. My

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1 feeling is we are about the public's work, that is
2 to say we serve the State of Arizona. If we are to
3 do that in that fashion, we need public confidence,
4 we know, in not only what we do but how we do that.
5 I think open meetings are the best to do that. I
6 expect whatever staff work is done in isolation be
7 brought to open meeting and shared in that fashion
8 so they can react and give us input in a way we
9 could use.

10 COMMISSIONER HUNTWORK: You appear
11 to have a very important and responsible job, and I
12 would just like to ask if you are certain that you
13 would have the time available to devote to the work
14 of this Commission which will undoubtedly be quite
15 intense over the next several months.

16 CHAIRMAN LYNN: It's a valid,
17 certainly a valid question, and one I've asked on
18 three occasions with my employer: before I
19 submitted an application and through the process as
20 my name continued to be in consideration.

21 I've been assured by my employer
22 that the time would be made available, because
23 public service is something that our company values
24 very highly.

25 I have a very competent staff of
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1 people who are independent workers and will, if
2 necessary, take whatever direction I can give them
3 through a call from Phoenix should I not be in the
4 office at any given time.

5 So the shorthand answer,
6 Mr. Huntwork, is my employer has assured me that
7 they support my candidacy and would support my
8 serving as Chair.

9 COMMISSIONER HUNTWORK: Thank you.

10 COMMISSIONER MINKOFF: How would
11 you see managing, coalescing, integrating public
12 comment in the redistricting process?

13 CHAIRMAN LYNN: Procedurely?

14 COMMISSIONER MINKOFF: Yeah.

15 CHAIRMAN LYNN: Again, back to the
16 open meeting concept and the fact that the
17 Commission could solicit public input at various
18 stages of the process, I don't think it would be a
19 bad idea, again, subject to the will of the
20 Commission in total, to begin with a public input
21 process so that we understand where various
22 segments of the Arizona community stand with
23 respect to the process that we're embarking upon.
24 I think it would also be a good opportunity for us
25 to share with the public those kinds of guidelines

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1 and mandates that we will be operating under,
2 either through federal or state law, and give a
3 better understanding of what we are able to do to
4 the public so that they can hold us accountable for
5 doing it just that way. And I think that's
6 important.

7 COMMISSIONER HALL: I don't have
8 any more questions.

9 COMMISSIONER ELDER: I would like
10 to ask one more question about the process.

11 Do you feel the role of the
12 Commission is to ask questions, provide directions,
13 review results, and then prepare in another round,
14 review any results and questions from a consultant
15 that would be hired to provide data,
16 manipulation -- I guess manipulation isn't a good
17 word -- data crunching or data processing, maybe
18 processing is the correct term, to prepare a plan

19 and the plan graphics, or do you feel the
20 Commission should be more hands on and actually sit
21 there and try to make outlines and make decisions
22 in the meetings?

23 CHAIRMAN LYNN: To the extent that
24 it is feasible, this is a process that can be
25 driven by a number of things, technology being one

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1 of them.

2 The technological advances that
3 have been made even since the last redistricting
4 was done 10 years ago are significant. The
5 software that I'm aware of that works the various
6 kinds of demographic and other information that
7 would be important to us exist, are out there, and
8 can be used.

9 I think it's very important, also,
10 that we employ significant staff support, whether
11 that is indigenous staff or consultant staff, to
12 help make that happen.

13 Again, I'm not a demographer. I
14 don't know that anyone here is. Perhaps that's
15 help that we need; and that, again, is to be
16 decided by the Commission.

17 I would hope that we would utilize
18 appropriate staff and technology to give us options
19 and that those options, then, be fully discussed
20 and debated in open session by the Commission. And
21 once we've had an opportunity to have input from
22 all quarters on those options, to then sit
23 deliberatively and make those decisions which we

24 ultimately have the responsibility to make.

25 COMMISSIONER HUNTWORK: I have one

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1 last question, for myself, at least. It's my
2 toughest question.

3 The rest of us on the Commission
4 have been identified as Republicans or Democrats
5 and we have been appointed by Republicans or
6 Democrats. The statute in its wisdom decreed that
7 the last member would be elected by us. And
8 although it didn't say so, it essentially required
9 that that member be an independent.

10 It's our responsibility to try
11 to -- maybe our most important decision, certainly
12 our first important decision -- is select the right
13 person.

14 Is there anything in your
15 background that could be called forth by any party
16 to call into question your independence in carrying
17 out your duties as the Chairman of this Commission?

18 CHAIRMAN LYNN: I'll concur it's a
19 tough question.

20 Let me give you a very
21 straightforward answer. Some members of -- I
22 should say it's been reported in the press, various
23 press, that I'm really -- I'm really a Republican
24 masquerading as an independent. I'll make that
25 statement because it's appeared in print and I want

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1 to be clear about the genesis of that kind of
2 comment and what my reaction to that is.

3 I grew up in a household that
4 was -- was very and is still very Democratic. My
5 father has always voted that way and that was the
6 influence that I was brought up in as a young
7 person. He was for many years a member of a union,
8 and that was an appropriate position for him to
9 take.

10 As a young person at the
11 University of Arizona, I was involved in student
12 politics, was involved in the sixties in some
13 interesting political issues regarding war and
14 peace and a number of other things. And as I've
15 gotten older, I've come to realize that the
16 political label, and I mean that with all due
17 respect to the four members of the Commission who
18 are now sitting, was not as comfortable for me to
19 wear on either side of the spectrum as it was to
20 talk more about issues and more about people.

21 So over the years what I've done
22 is I have registered with the party, and this was
23 prior to open primaries, registered with the party
24 where I had an interest. That is to say if I was
25 interested in a particular race, I would reregister

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1 so as to be able to vote in the primary. I've been
2 a registered Democrat on a number of occasions and
3 a registered Republican on a number of occasions.
4 Always after the primary I reverted to open status.

5 I'm fiscally conservative,
6 socially liberal. Socially I'd be happy to discuss
7 those. More importantly, the fact I have
8 association with the business community in Tucson
9 has led to some speculation I might be a Republican
10 masquerading in independent's clothing. I do know
11 a number of business people in Tucson who aren't
12 Republican.

13 I know that might be a shock to
14 many people in the room. The business community in
15 Tucson is made up of Republicans, Democrats, and
16 independents. I'm proud of my association with the
17 business community, in fact, will assume a
18 leadership position in the business community next
19 year.

20 I believe in leading the entire
21 spectrum of political thought, not one group.

22 I maintain independent thoughts,
23 Mr. Huntwork, and don't think anything in my
24 background will cause any problem with that.

25 COMMISSIONER MINKOFF: I have one
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1 last question which is probably a technical and
2 legal question relating to something that you
3 disclosed in your application, and that is the
4 issue in the initiative that members of the
5 Commission should not have been registered, paid
6 lobbyists within the last three years. And you
7 indicated you did that at one time.

8 Could you tell us about that?

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CHAIRMAN LYNN: Happy to.

9
10 There were two issues with respect
11 to lobbying, one was on a paid basis; one was an
12 unpaid basis.

13 As a member of the board of
14 directors of a nonprofit organization, we often
15 register as lobbyists so our discussions with
16 legislators about certain issues they're
17 considering are not misconstrued in any way. I
18 indicated I was a nonpaid lobbyist for such an
19 organization, and that was not an issue.

20 With respect to being a paid
21 lobbyist, I've only done that once. It was longer
22 ago than the statute indicates it needs to be, and
23 the Secretary of State's Office confirmed that. It
24 was for a single client, a church in Tucson, that
25 had an issue before the State Legislature. I did

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1 perform that function over one session of the
2 Legislature over three years ago and have not done
3 so since.

4 COMMISSIONER MINKOFF: The
5 application says two and a half.

6 CHAIRMAN LYNN: It was over three
7 years ago as we checked with the Secretary of
8 State.

9 COMMISSIONER MINKOFF: Okay.

10 COMMISSIONER HUNTWORK: Okay.

11 Does anyone have any further questions?

12 COMMISSIONER ELDER: I'd like to
13 just make one statement, so it's clear. Steve Lynn

14 had mentioned that he had been working with various
15 business and community people in Tucson. For the
16 record, I do consulting work for Tucson Electric
17 Power. I'm a consultant in relation to
18 environmental issues.

19 To tell you the truth, I don't
20 know whether Steve Lynn is a part of Unisource or
21 part of Tucson Electric Power, or whatever; but our
22 paths have never crossed from a business
23 standpoint.

24 I wanted to make sure that was in
25 the record so there wasn't any conflict from my

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1 position.

2 COMMISSIONER MINKOFF: Okay.

3 COMMISSIONER HUNTWORK: Okay.

4 No further questions?

5 Thank you very much.

6 COMMISSIONER HALL: Thank you.

7 COMMISSIONER HUNTWORK: We are, at
8 the moment, slightly ahead of schedule, I believe.

9 And --

10 COMMISSIONER ELDER: Seems like we
11 have the next candidate ready to go.

12 COMMISSIONER HUNTWORK: Shall
13 we -- firstly, let's just talk about the
14 questioning for one moment. I thought that well
15 enough. I was very satisfied.

16 COMMISSIONER MINKOFF: Absolutely.

17 COMMISSIONER HUNTWORK: If you

18 agree, let's just proceed.
19 COMMISSIONER HALL: Great.
20 COMMISSIONER HUNTWORK: And also,
21 I would prefer, and I take it from what you are all
22 saying that you would also prefer, to wait to talk
23 to everybody before we compare any notes, like a
24 jury deliberating.
25 COMMISSIONER HALL: Right. I

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1 would agree.
2 COMMISSIONER HUNTWORK: Is William
3 Gresser present?
4 MR. GRESSER: Yes.
5 Good morning.
6 COMMISSIONER ELDER: Good morning.
7 COMMISSIONER HALL: Morning.
8 COMMISSIONER MINKOFF: Good
9 morning.
10 COMMISSIONER HUNTWORK: Good
11 morning.
12 I think you --
13 Were you here when we started the
14 first interview?
15 MR. GRESSER: Yes, I was.
16 COMMISSIONER HUNTWORK: I suppose
17 we don't need to do any introductions or
18 explanations. We can probably just proceed.
19 MR. GRESSER: Sure.
20 COMMISSIONER HUNTWORK: Andi, do
21 you want to start off again?
22 COMMISSIONER MINKOFF: It may seem

23 like deja vu. Obviously a lot of us have the same
24 questions for all applicants.

25 I would like to ask you the same

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1 question I started out with with Mr. Lynn, and that
2 is how you view the role of the Chair of this
3 Commission and how you would fulfill that role if
4 you were selected.

5 MR. GRESSER: It's somewhat
6 difficult, perhaps, when the batter before you just
7 hit a home run to come up at the plate and take up
8 the bat. But I can't disagree with anything that
9 has already been said here at this table; but I
10 would like to point out that in looking at the
11 Ballot Proposition 106, it was defeated in seven
12 counties. And also looking at the total vote, the
13 yea vote in Maricopa and Pima County was greater
14 than the total nay vote in the state; so that
15 basically Maricopa and Pima County passed
16 Proposition 106. And I think that that indicates
17 somewhat of a dissatisfaction with representation.

18 I can't imagine why seven counties
19 would not want to have a less political
20 redistricting. And you would think that most of
21 the voters in those counties would feel it would be
22 to their advantage.

23 But again, the role of the Chair
24 is not to dictate. The role of the Chair is to
25 moderate. The role of the Chair is to achieve

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1 consensus where possible; if a tie vote, the
2 breaking tie vote is necessary, then you break a
3 tie vote. However, in a perfect world, the Chair
4 will not be the fifth vote either in favor or
5 against any particular issue that comes before the
6 Commission. If that doesn't happen, then the Chair
7 will have to exercise its prerogative of its Chair.

8 COMMISSIONER HALL: Good morning.

9 MR. GRESSER: Good morning.

10 COMMISSIONER HALL: How about -- I
11 noticed on your application you spent much of your
12 time with the Racing Commission.

13 MR. GRESSER: Yes.

14 COMMISSIONER HALL: There are some
15 of the opinion that's a significantly politically
16 influenced realm. Would you comment on your
17 position there, how you feel that may or may not
18 affect your role if you were to be nominated as
19 Chairman?

20 MR. GRESSER: For 10 years I was
21 president of American Greyhound Racing, a company
22 that operates Greyhound racetracks in Arizona,
23 operated the racetrack at Phoenix, Black Canyon
24 City for a short period of time, and the racetrack
25 in Apache Junction.

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1 I don't believe that it has any
2 effect other than the fact that it gave me an
3 opportunity to travel throughout the state, to

4 learn to love the state, and to meet and deal with
5 a great number of business people as well as
6 politicians because, as you indicate, the racing in
7 this state is a very, very highly regulated
8 industry.

9 And in order to be involved in
10 racing, at least at that time, I really can't
11 comment on what is happening in the last 10 or so
12 years, but at that time you had to be, you know,
13 like Caesar's wife, you certainly were completely
14 clean. And you did get to know the members of
15 government, because a lot of your business depended
16 upon whatever the legislation and regulations and
17 rules were that came down.

18 So I was somewhat politically
19 active at that time but simply from an internal
20 business standpoint.

21 COMMISSIONER HALL: Thank you.

22 COMMISSIONER ELDER: I noticed in
23 your resume that -- application, or resume -- that
24 there were considerable ties to Maricopa County.

25 In your opening statement, you

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1 made the comment that there were seven counties
2 that voted against the proposition. As the
3 composition stands right now, there appears to be
4 three commissioners from highly urban areas, Tucson
5 and Maricopa County, or Pima and Maricopa County,
6 and one that is not.

7 How do you see your role as

8 relating to the smaller, less populous and
9 nonurbanized counties?

10 MR. GRESSER: Well, I'm not sure
11 that that is really what we're about. I think we
12 are about representation throughout the state.

13 Maricopa County has grown some 40
14 percent in the last 10 years. And in a perfect
15 world, I think we would take the state and divide
16 it into seven congressional districts, and 30
17 legislative districts, and there would be blocks,
18 and you would know your local representative or you
19 would know your local senator.

20 That isn't, unfortunately, the
21 case because we have one, really, I guess, two
22 major urban areas. And in spite of the desire of
23 rural Arizona for greater representation, the
24 numbers will dictate that the majority of seats are
25 going to be centered around those population

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1 centers. That is just a fact of life.

2 Everyone who goes to vote on
3 election day has -- is voting for a representative
4 that will represent basically the same number of
5 people as every other member.

6 You can't take Gila Bend and give
7 Gila Bend a legislative seat. There just isn't
8 enough people. It would be nice to do, but you
9 just can't do it.

10 So the important thing is to first
11 recognize the numbers and then make whatever
12 balance is possible.

13 COMMISSIONER HUNTWORK: That's a
14 good segue for my first question, which again I
15 want to ask you about the technical tools that
16 we'll be working with.

17 The reality is that we have to
18 make up those districts with equal population, but
19 the statute requires us to take a lot of other
20 factors into consideration. And we will have to be
21 working with the data bases, and consultants, and
22 so on.

23 Do you have any background in that
24 type of process or do you anticipate that you would
25 need to have any greater training or background

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1 than what you bring to the table?

2 MR. GRESSER: No. I don't think
3 the Commissioners will have to be intimately
4 involved in the use of whatever software is
5 available for creation of the districts. I don't
6 think that the Commission is in the -- has the role
7 of either electing or unelecting or protecting or
8 unprotecting anything.

9 The Commission has the role of
10 creating districts so that on election day when I
11 go to the polls, I feel that there is the
12 possibility that my candidate can be elected,
13 assuming that he's run a good race.

14 I don't think that you can -- if
15 you take that away from the voter, you are in a
16 position where you are now, where people don't feel

17 they are represented, may not feel they are
18 represented, may not understand they are being
19 represented.

20 Again, I think open meetings and
21 bringing the public into as many deliberations as
22 possible and certainly getting public input before
23 any decisions is going to be a vital role of the
24 Commission.

25 COMMISSIONER MINKOFF: About the
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1 fourth interview, I think people will be telling me
2 what my questions are, I'll have asked them so many
3 times.

4 I want to repeat a question I
5 asked Mr. Lynn, which is what you see as the role
6 of public comment and how it will be integrated
7 into the process.

8 MR. GRESSER: Once again, I think
9 the public has commented to a great degree in its
10 vote. And we can see that people in the outlying
11 areas don't necessarily agree.

12 I believe that they may feel that
13 with the growth of Maricopa and Pima Counties that
14 they will have less representation. And it's going
15 to be the role of the Commission to see that at the
16 end of the process that they don't feel that they
17 have been slighted and shorted.

18 So I don't think that you need
19 additional public comment until such time as you
20 have some plans of your own for them to comment on.

21 In other words, I think when the

22 various districts are drawn, I think that is the
23 time for public comment and certainly should be
24 part of the deliberations of the Commission.

25 COMMISSIONER HALL: As you know,

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1 there's been some concerns expressed by some groups
2 in our great state, specifically minorities. And
3 how would you, if you were nominated Chairman, how
4 would you propose to address some of those concerns
5 that have been expressed?

6 MR. GRESSER: Again, everything
7 that happens here is, will be, reviewed by the
8 Justice Department. And we have to see that what
9 we do is complied with, every federal and state
10 law, and that we don't create districts that
11 will --

12 I think there's two things in
13 creating districts. Number one, if you know that
14 your candidate doesn't have a chance, you won't go
15 out and vote. And if you know that your candidate
16 is an absolute landslide, you won't go out and
17 vote. And unfortunately, we have a great number of
18 our citizens who even though registered don't vote
19 and even a greater number eligible to vote that
20 don't vote.

21 I think that the fruit of this
22 labor should be that we become more inclusive and
23 get more people involved in the political process.

24 It's interesting, coming in this
25 morning in the car, listening to the radio, and I

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1 hear about all of the concern about where the
2 stadium is going to be. And the front page of the
3 newspaper, it's about the stadium. And what is
4 happening here in this room will affect the average
5 Arizonan to a far greater degree than the stadium,
6 but that's what is getting all the play. That
7 doesn't mean that we -- our deliberations and
8 findings are going to go unnoticed, but it would be
9 interesting if we get more people involved in the
10 political process, for their own good as well as
11 the common good, than simply where a stadium is
12 going to be.

13 COMMISSIONER ELDER: Question.
14 You know, I think -- there was a comment made
15 earlier about compactness and the demographics and
16 demographic process.

17 When we look at the state
18 political areas now, we find there is quite a
19 diversity from compactness to the central area to
20 the center of a mass of population, and then find
21 other areas, find masses in a couple areas with a
22 neck that leads over. And in part of my looking
23 at, you know, what has happened and where we stand
24 today before we start and where, you know, the law
25 and the standards and the practice that we may be

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1 involved in, and the process, it indicates that
2 those shouldn't occur.

3 Can you give some idea how you
4 might look at those and determine whether we should
5 be doing something like that on the basis of either
6 race, socioeconomic, type of areas, agriculture,
7 we're tying together here so there's a common
8 representation, any of those kind of
9 considerations?

10 MR. GRESSER: It's difficult to be
11 specific in answering that question; however, I
12 think, again, in the best of all worlds you would
13 know personally who you voted for. He would be --
14 we have a somewhat loose, perhaps, now, but a
15 citizen representation.

16 We have citizen government where
17 people come out of private life; and many, many
18 people, elected officials, are not professional
19 politicians, the rest of the world know him, like
20 him, don't like him. Two candidates here
21 locally -- I can tell you, for example, in Yuma, I
22 know all our Representatives, know the Senator,
23 know people who have been and perhaps will be in
24 those positions.

25 And it's very nice to be able to

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1 relate to them and to vote for them or against them
2 with a certain amount of confidence.

3 We have to address the federal
4 requirements. The worst thing that can happen is
5 that we finish our deliberations, publish our
6 findings, set up our districts, and have it all

7 thrown out. I don't think any of us wants to go
8 through the exercise simply to say: Well, we did
9 it.

10 I think we want to make sure that
11 what comes of it is a workable solution and is
12 workable from the standpoint of inclusiveness in
13 the state as well as being able to satisfy the
14 requirements of the Justice Department.

15 COMMISSIONER HUNTWORK: You have
16 addressed, in answering some of the questions, some
17 of the things I wanted to talk to you about. But
18 let me jump to my toughest question for you, too.

19 Again, is there anything in your
20 background that could be used against you to
21 question your independence when we get down to the
22 task of making hard judgments here? Is there a
23 fact or a circumstance that might be brought up to
24 make you vulnerable to an ad hominen argument that
25 you acted --

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1 MR. GRESSER: When I listened to
2 Mr. Lynn's answer, my family was for -- well, and
3 still is --

4 I'm originally from New York City.
5 And they were very heavily involved in Democratic
6 politics. My -- going back to my
7 great-grandfather, my grandfather, my father, my
8 brother, my sister-in-law, who is next year running
9 for Borough President, Queens County, New York,
10 similar to Chairman of the Board of Supervisors;
11 more like the Maricopa, really. And at the same

12 time I recall my mother practically crying on the
13 phone and asking me not to vote for Ronald Regan.

14 And I can tell you that in the
15 last election I voted for many Democrats and many
16 Republicans and some that were neither.

17 I'm sure that anyone can make a
18 case about anybody, if you want to bring up
19 something and say, "Sure." But I have done nothing
20 that I would be ashamed to defend. And I think
21 that my history has been very fair and very honest.

22 I guess the answer that you want
23 is no.

24 COMMISSIONER HUNTWORK: Thank you.

25 COMMISSIONER MINKOFF: I have a

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1 question which is sort of a follow-up to
2 Mr. Elder's last question in terms of compactness
3 and common concerns in the districts that we're
4 going to be creating.

5 This term, community of interest,
6 is one that we have heard and that we're going to
7 be hearing a lot as the process goes forward. And
8 other than a minority ethnic group which the
9 Department of Justice has basically said is a
10 community of interest that we are obviously going
11 to have to be concerned about, are there any other
12 things that you see as communities of interest that
13 we should be looking at in terms of creating
14 districts?

15 MR. GRESSER: Certainly geographic

16 is a community of interest. I think that as -- if
17 you are able to draw the lines with as little
18 reaching out and snaking -- real gerrymandering, I
19 think we want to avoid that as much as possible.

20 But I guess the answer goes back
21 to something I said earlier, and that is to -- if
22 the community of interest will bring people in, it
23 includes people. And it's not our role as
24 commissioners to exclude anyone. It's to be as
25 inclusive as possible.

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1 You don't take a district, take
2 two ends of the community. You don't link Sun City
3 and Guadalupe. That just doesn't make any sense.

4 So I don't know what the specific
5 definitions they use in the Department of Justice,
6 but I certainly think that geographic has a lot to
7 do with it.

8 COMMISSIONER HALL: As you know,
9 the Chairman requires leadership. So I ask what
10 one characteristic or attribute do you bring to the
11 table that you think is your most valuable asset?

12 MR. GRESSER: Well, I've been very
13 successful in business. I'm now -- I've created my
14 own business. I'm probably the only Japanese
15 restaurateur you'll talk to today.

16 COMMISSIONER HALL: We were hoping
17 you'd bring something.

18 COMMISSIONER MINKOFF: Aren't you
19 catering lunch?

20 MR. GRESSER: Commission meetings,

21 sushi will be de jour.

22 When I moved to Arizona, I became
23 socially, specifically, very widely accepted, I
24 became involved in a number, I think my application
25 indicates, pretty widespread and diverse background

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1 from the standpoint of reaching out and meeting
2 with people.

3 I was Chairman of the United Way
4 Campaign about two-and-a-half years after I moved
5 here, just a number of things like that, that in a
6 sense speak for themselves.

7 I think that -- go back to the
8 Army, you know, officer in the Army, and so on.

9 I have never shirked from the
10 mantle of leadership and moving up. At the same
11 time, I don't think -- it doesn't become a
12 Napoleonic thing. It's a collaborative,
13 dictatorial role.

14 COMMISSIONER ELDER: One of the
15 questions that was posed to me, again in the
16 interview, was would I be willing to go out after
17 the process had sort of evolved and discuss and
18 talk with various citizens and groups around the
19 state to open the process up, give them some
20 insights to what our deliberations, trials,
21 tribulations, however you might want to phrase it,
22 might be to come up with a plan.

23 Would you be involved? Would you
24 be interested in doing that sort of outreach to the

25 communities?

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1 MR. GRESSER: Sure. Within
2 whatever legal framework that is possible, sure.
3 Sure.

4 COMMISSIONER HUNTWORK: I don't
5 have any other questions.

6 Does anyone else?

7 COMMISSIONER MINKOFF: No.

8 COMMISSIONER HALL: I don't.

9 COMMISSIONER ELDER: No.

10 COMMISSIONER HUNTWORK: Thank you
11 very much.

12 COMMISSIONER HALL: Thank you very
13 much, Mr. Gresser.

14 COMMISSIONER HUNTWORK: We
15 continue to be ahead of schedule. In fact, we're
16 even a little more ahead of schedule than we were
17 before.

18 COMMISSIONER MINKOFF: A good
19 harbinger of things to come. We'll be redistricted
20 next week.

21 COMMISSIONER ELDER: One question.
22 Do you have a hundred thousand hours to donate to
23 the committee? If we're ahead, that may be a good
24 omen.

25 MR. GRESSER: I have the time.

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1 COMMISSIONER HUNTWORK: Well, I
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2 would like to suggest we use a couple of our
3 minutes to take a brief recess and come back here,
4 say at quarter after 10:00, and resume.

5 COMMISSIONER ELDER: 10 minutes
6 away?

7 COMMISSIONER HUNTWORK: Yes, sir.

8 COMMISSIONER MINKOFF: Sounds
9 good.

10 COMMISSIONER HUNTWORK: Okay.

11 (Recess taken.)

12 COMMISSIONER HUNTWORK: Ladies and
13 gentlemen, I'd like to ask everybody to bring their
14 conversations to a close, see if we can get back
15 all the time we saved earlier.

16 Mr. Jerome?

17 MR. JEROME: Right here.

18 Good morning.

19 COMMISSIONER ELDER: Good morning
20 to you.

21 COMMISSIONER HUNTWORK: Were you
22 present earlier when we --

23 MR. JEROME: Yes. I've been here.

24 COMMISSIONER HUNTWORK: All right.
25 Great. Well, then, without further adieu, I think

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1 we can get started.

2 One thing I thought of we might do
3 is offer an opportunity to make a brief opening
4 statement. We're on a roll now, but do you think
5 that would be a good addition to the process or

6 should we continue as we've been going?

7 COMMISSIONER ELDER: I would leave
8 it up to you. If you would like to make an opening
9 statement. I don't know that it will modify what
10 Mr. Lynn and Mr. Gresser have done as far as our
11 review.

12 MR. JEROME: Okay. My only
13 opening statement would be that it's really tough
14 to come to bat after two home runs.

15 No. I don't have any opening
16 statement. The questions you've asked, if you ask
17 me all the same questions, then we're in business.

18 COMMISSIONER HUNTWORK: Okay.
19 Then let us proceed.

20 COMMISSIONER MINKOFF: Maybe my
21 first question should be what is my first question,
22 see how carefully you've been listening.

23 I'll ask my first question which
24 has been what you see as the role of Chairman, what
25 the Chairman brings to the Commission.

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1 MR. JEROME: Couple of things.
2 This chairmanship is different, or even unique, as
3 this Commission is unique, which resembles in its
4 composition and the way the Constitution says it
5 comes together is unlike anything else in State
6 government. And it's chairmanship, which the
7 Constitution says shall be different than the first
8 for members.

9 This is not exactly a Commission
10 of exact colleagues or peers. It's partisan,

11 remember, two partisan Democrats, to some extent,
12 two partisan Republicans. So it's somewhat
13 different. So the chairmanship I think is somewhat
14 different, too.

15 A little bit management, make sure
16 the staff has meetings scheduled correctly when
17 people can be here, because you all have other
18 responsibilities. I think as part of the
19 management thing, I think the chairmanship, as any
20 really good manager, would be someone who kind of
21 clears the way for the people to do the work and
22 makes things easier on yourselves.

23 There's this sport called curling
24 that they do in Canada where they throw stones
25 along the ice. And the guy that throws the stone,

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1 he has to be really good, or she, to score the
2 points. But he has a helper. There's a person
3 that goes in front of him with a broom, cleans
4 little microscopic things off the ice right in
5 front of the stone. That's my idea of what a
6 manager or Chairman should be, someone who helps
7 clear the way.

8 Other duties might be, depending
9 upon what Commissioners say, the Chairman could be
10 a spokesman or -- if that's necessary, we don't
11 hire a commercial, public relations person or
12 spokesman, could be a spokesman for the Committee.

13 I think in some ways the
14 Commission Chairman should not be a leader in the

15 sense that he's telling anybody else what to do.
16 This is an Independent Redistricting Commission.
17 Four of you partisans. The Chairman is supposed to
18 be independent. Chairman is undoubtedly
19 independent. Independent of independent. And to
20 keep in mind, to take into consideration, all the
21 thoughts and desires of you people but at the same
22 time to not necessarily agree with you or disagree
23 with you, or anything like that. Just to be the
24 most independent of independent, that's the
25 primary, most important job.

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1 I'm sorry if I went too long, but
2 . . .

3 Mr. Hall?

4 COMMISSIONER HALL: Good morning.

5 MR. JEROME: Good morning, sir.

6 COMMISSIONER HALL: I pinpointed
7 an item from Mr. Gresser's resume, so if it's all
8 right, I'll do the same for you.

9 I noticed here that you were a
10 broadcaster for 37 years and essentially very much
11 involved here in the Phoenix community and resided
12 here in Phoenix at least that amount of time and
13 then retired to Flagstaff in 1998, right?

14 MR. JEROME: Yes, sir.

15 COMMISSIONER HALL: So obviously
16 you are very much involved in probably a variety of
17 political activities by reason of your employment.

18 I wonder if you would address,
19 some could say that really you are a Maricopa

20 transplant to Flagstaff for a couple years or --
21 MR. JEROME: True, very true.
22 Moved here when six. My parents moved to Tolleson.
23 I went to Tolleson High. Moved simply to go to a
24 different state. Worked in the Phoenix area 1959
25 to 1987, and moved to Flagstaff in -- to 1996, I

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1 should say. Moved to Flagstaff in '98.
2 So I basically was raised, spent
3 most of my life in Metro Phoenix.
4 COMMISSIONER ELDER: The question
5 about the relationship, then, of the metropolitan
6 areas to the rural areas, what role do you think
7 you play in the addressing of the concerns of both
8 rural people of the state as well as I suppose we
9 could go into microcosms of the ethnic minorities
10 or the different constituent groups within the
11 state.
12 How would you as Chairman address
13 or focus the Commission or Committee on that?
14 MR. JEROME: Two ways. I would
15 propose that -- one of the very first things that
16 this Commission could do, after a couple
17 housekeeping measures, Attorney General and staff,
18 the first major thing the Commission could do, I
19 would propose to you that we form a -- if the
20 Attorney General's staff says it's a proper thing
21 to do -- a citizens' advisory committee, informal
22 or ad hoc committee, made up of persons from all
23 parts of the state and persons who believe they

24 represent a so-called community of interest. I
25 would propose a community of 98. We have 90

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1 legislators. We will have eight representatives in
2 the house. And I think we could come up -- there
3 be 98 people around this state who would like to
4 have some input. And those people, they could be
5 political people. They could be staff people,
6 like, for instance, the County Manager of La Paz
7 County. He understands something about La Paz
8 County.

9 And I think we should hit the
10 road, some of us or all of us, and tour the state
11 as soon as possible, take the stenographer with us
12 and someone from the Attorney General's Office to
13 explain what the law is, and solicit comments,
14 especially on those things that are in the
15 Constitution which are not explained, community of
16 interest.

17 I don't know whether that is a
18 term of art in federal or state law. I don't know
19 what that means. There's probably a lot of people
20 out there that think they know what it means that
21 would like to tell us.

22 There's also a term in the
23 Constitution called competitive districts, but it
24 does not explain what that means.

25 Some people think that means, a

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1 lot of people think that means a district being
2 exactly 50 percent Republican, 50 percent
3 Democrats. Some might think half rural, half
4 urban. Some others might think a district that is
5 half more men, half Catholic, or half farmer, half
6 city worker, Motorola.

7 I don't know what that means. I'd
8 like to find out what the people think it means.
9 At the same time we solicit comments, the Attorney
10 General staff, or whoever we have as counsel, could
11 explain what the law is.

12 To jump to another question you
13 asked Mr. Gresser, about the concerns of people in
14 out counties who think they may not be getting a
15 fair representation, in some ways I think they may
16 have a legitimate complaint. I don't know. It's
17 worth listening to. One of the people whose vote
18 comments in the Voter Guide concerning Proposition
19 106 complained about small towns being sliced in
20 half by legislative or congressional districts.
21 This person complained Bullhead City was in three
22 legislative districts. Maybe there's a good reason
23 for that or maybe there isn't. At first glance, it
24 appears that person has a legitimate complaint.

25 Now if it were -- if Gila Bend

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1 thinks it's going to get its own congressman, it's
2 wrong. The Constitution says that it shall be done
3 by equal population.

4 In the list of things that the

5 Constitution says we shall do, and use of that
6 legal word "shall," it uses it five times. They
7 shall be compact. They shall, as much as
8 practical, follow County lines. It shall do this.
9 It shall do this. Then it has a should. And then
10 it has a maybe.

11 Well the shalls obviously are much
12 more important than the maybe. And equal
13 population, compact districts, following county
14 lines when possible, those things I think are part
15 of it.

16 I'm sorry if I've digressed away
17 from your question, sir.

18 COMMISSIONER HUNTWORK: I'm going
19 to continue with my usual questions here.

20 I think you, to put it into
21 perspective, you make a very good point about
22 getting input from as many sources as possible. As
23 we -- as we do our work and begin to make hard
24 decisions, one of the most important tools that we
25 will have to use in order to carry out the policies

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1 and principles that we decide on, we'll be looking
2 at statistical data in trying to understand it and
3 make the right decisions.

4 And I think, I don't think people
5 of Arizona wanted a computer program to do that or
6 wanted to hire consultants. They wanted us to do
7 it.

8 So the question really is, you
9 know, what training and experience, background, do

10 you have in that or what skills do you feel you
11 have in that area to be able to do that
12 successfully?

13 MR. JEROME: I -- a little bit.
14 I've drawn a few maps in the days before computers.
15 When I was -- after I left Channel 10, formed a
16 company and applied to the Federal Communications
17 Commission to open a new radio channel.

18 To do that, I had to prove to the
19 Commission there were people far west of the White
20 Tank Mountains between Tonopa and California that
21 had no radio service. To do that, I had to draw
22 giant circles, four-foot square maps, and count the
23 numbers of little people, people in little
24 districts and obscure precincts, census districts,
25 in Western Arizona. And not being able to afford

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1 demographers or cartographers, I did this myself.

2 I have a little understanding of
3 this. The newer computer generated maps, and so
4 forth, are a great help. I have discovered two
5 computer programs where you punch it in and it
6 cranked you out a map, how to get to grandma's
7 house, with lots of errors, lots of errors. My
8 neighborhood north Flagstaff, it shows streets that
9 do not exist, shows people's driveways as streets.

10 The job of the Commission, I
11 think, here is to keep an open mind about the maps
12 and keep an eye on the professionals that we hire,
13 and you hire, and -- but let them do their work but

14 demand really high quality work that we're paying
15 for, the people are paying for.

16 COMMISSIONER MINKOFF: My question
17 may be stealing part of one you've been asking but
18 I'm going to do it anyway.

19 COMMISSIONER HUNTWORK: I'll steal
20 your next question.

21 COMMISSIONER MINKOFF: The
22 Chairman of the Commission must be an independent,
23 and all four of you who are here today are
24 registered as independents.

25 You state in your application that

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1 essentially you changed your registration to
2 nonpartisan primarily because of your profession,
3 because as a journalist you felt that it was
4 important to be nonpartisan.

5 How would you describe your
6 political orientation? Is the independence a
7 professional decision, philosophical decision, a
8 personal decision?

9 MR. JEROME: It's both. The fact
10 that I was a working journalist starting about full
11 time about 1970, that was one of the reasons I
12 decided to register as a nonpartisan. And I've
13 been a nonpartisan for that 31 years now.

14 The other reason was that
15 observing politics all these years, not being
16 involved but observing, obviously there are good
17 ideas that come from both sides of the table, both
18 sides of the aisle at the Legislature. I was

19 fortunate over the years to interview some awfully,
20 awfully good people, names you people would
21 remember.

22 I was really a big fan of Burton
23 Barr, really a big fan of Burton Hamilton.

24 There are good people with good
25 ideas on both sides of the aisle.

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1 My personal, own philosophy, one
2 people called me, "You are a right wing leftist."
3 I said, "No, I'm a left wing rightist."

4 I'm really a big supporter of the
5 first amendment, all parts of it. I'm a big
6 supporter of the second amendment. That makes me a
7 liberal, because the support the first amendment;
8 conservative, I guess, because I support the second
9 amendment. I also like the fourth, fifth, 10th.
10 10th, I like the 10th very much.

11 But in many ways, I call myself
12 nonpartisan because that describes me, I think.

13 As you know from my application, I
14 said my parents were Republicans, though I don't
15 know why. They never discussed politics at home,
16 never discussed politics.

17 I registered Republican on my 21st
18 birthday because they were Republicans, typical
19 college student, did it as a joke, register, went
20 to the office of Ernest W. McFarland, a famous
21 Democrat and Governor, to register.

22 My wife is Republican. I think my

23 in-laws are Republicans. I don't know what my
24 children are or brothers and sisters. My eldest
25 brother, Lawrence Jerome, was Libertarian, don't

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1 know if he still is, ran for Arizona Secretary of
2 State 30 years ago, or something. But I have no
3 idea what he is today.

4 So there's no political history or
5 part of my history or anything in my family.

6 If I may keep on going, I was
7 interviewed by minority -- the House Minority
8 Leader Mr. Chevront some weeks ago. And he asked
9 me about my family's political dealings. And I
10 said "Well, it's quite possible somebody might have
11 a photograph of me pounding into my front lawn in
12 Flagstaff a J.D. Hayworth reelection poster."

13 My wife, somebody came by, gave my
14 wife a J.D. Hayworth sign. And she had me pound it
15 into our front yard. I believe that was the fall
16 of '98. And that was the extent of my political
17 activity is pounding in that sign board.

18 I was not opposed to that because
19 I had known J.D. in Phoenix broadcasting. He came
20 to work here in Phoenix as a sports broadcaster as
21 I was leaving, so we became acquaintances. But
22 that was long before he was involved in politics.

23 Mr. Hall.

24 COMMISSIONER HALL: As you know,
25 some of the minority representatives in our state

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1 expressed concerns with respect to the make-up of
2 this Commission. And I'm wondering if you were
3 nominated Chairman how it is you would propose to
4 address those concerns or --

5 MR. JEROME: Well, first, I
6 mention there's a couple housekeeping things I
7 think this Commission needs to do right off the
8 bat. I would propose to you, very, very first
9 thing to do, we have legal counsel do us that
10 seminar on the open meetings law and conflict of
11 interest laws, and bribery, things like that,
12 excuse me. And then the second thing they would do
13 or provide us with are people that could tell us
14 what the, what the Federal Voting Rights Act
15 actually says and how the courts have held on it,
16 what they have -- the courts have said about it in
17 the last 35 years, and especially what the courts
18 have said about it in the last 10 years as courts
19 tend to change their opinions over time, and give
20 us some guidance and direction along those lines.
21 Because obviously the Federal Voting Rights Act
22 very much addressed ethnicity and race. So give us
23 some guidance on where to go with that and what it
24 means.

25 Last Sunday there was a story in

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1 the New York Times that talked about the problems
2 of racial gerrymandering between two diverse
3 states, state of New York and state of Mississippi

4 with recent changes in court decisions as courts
5 have flipped and flopped.

6 We need up-to-date legal advice on
7 what that means.

8 Another segment to your question,
9 Mr. Hall, my feeling is that if we're fair to every
10 Arizonan, we'll be fair to people who call
11 themselves Hispanics or call themselves blacks or
12 Native Americans or Mormons, Catholics, or out
13 county people.

14 If we're fair to everybody, go by
15 the law, go by the book, and we are independent and
16 impartial, I think we're going to be okay.

17 That doesn't mean the people won't
18 still complain or wish to have their views heard.
19 I think we should hear peoples' views right off the
20 top.

21 Obviously after we draw
22 preliminary maps, the Constitution requires us to
23 advertise and have hearings and take comments at
24 that point as well. And some of the comments that
25 have been made already and some that will be made,

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1 I'm sure, are comments from people who want to get
2 re-elected. And that's fine.

3 Everybody has probably not
4 necessarily an axe to grind, but they have their
5 own agenda. Some may want to get re-elected.
6 Somebody may want to feel that their group or their
7 community of interest didn't get a fair deal 10
8 years ago or 20 years ago or something and they

9 want to be sure they do now.

10 Arizona is a diverse place.

11 There's no doubt about it. Just like America is a
12 diverse place, Arizona surely is.

13 Some people think that the rural
14 interests are different than urban interests. And
15 some people think that farming and agricultural
16 interests, shall we say, are a lot different than
17 others.

18 And the big thing is just to let
19 everybody tell us their interests and then, with
20 the advice of our counsel, we follow the law. And
21 some people won't be happy with that, and some
22 people will. So be it.

23 Mr. Elder?

24 COMMISSIONER ELDER: If you took a
25 pure statistical look at the state and find that

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1 one party or the other has a numerical advantage,
2 might be 60/40, 51/49, do you believe the
3 Commission should attempt to divide or redistrict
4 the state to where the two major political parties
5 end up with majorities within that 52/48 range or
6 are we looking to redistrict to where one man, one
7 vote, and the distribution or demographics of each
8 one of the graphics is balanced on that 52/48,
9 60/40, whatever the numbers actually show?

10 Because the results are if you do
11 it that way, you end up with a hundred percent
12 being majority in any one district throughout the

13 state. And I just -- it's been a conflict in my
14 mind of how we do that. The same thing as can't
15 have retrogression in the advances minorities have
16 made in various and sundry districts around the
17 state.

18 We have a whole lot of seemingly
19 conflicting goals.

20 How would you as a Chairman
21 resolve or attempt to resolve those with the
22 Commission?

23 MR. JEROME: I would be sure, as I
24 said before, that we have legal counsel that can
25 give us some explanation, like the term

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1 "retrogression" you used and other people have
2 used, and how that cuts.

3 At the same time, I'm not sure
4 that we can't satisfy everybody, especially off the
5 top. Earlier I mentioned the five shalls, we shall
6 do this, "Shall have compactness." At the bottom
7 it says we "may take into consideration
8 registration information." That's a "may," and
9 that's the bottom of the list.

10 And to me, being independent or
11 nonpartisan, how many Democrats are in Gila Bend, I
12 don't care. And if our counsel tells us at the end
13 we should care, okay. But off the top, the
14 political registrations of people, I don't think --
15 that's not our priority. I don't think it's your
16 priority.

17 Let's go by the Constitution
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18 and -- obviously it says compact districts. That's
19 wishful thinking to some extent, sure.

20 You are correct some of the shalls
21 contradict with each other. It's impossible to
22 have a compact congressional district in Western
23 Arizona or Northern Arizona. That's why they have
24 the "as much as practicable" line in there.

25 So I think that you folks being

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1 partisans, I think the people that wrote 106 think
2 that part of your job is to be independent, but
3 then look out for the interests of your parties.
4 But that's lower on the list. It's not on my list.
5 It may be at the bottom, but it's not at the top of
6 my list.

7 Mr. Huntwork.

8 COMMISSIONER HUNTWORK: Well, once
9 again, I think you are -- between your resume and
10 answers to the questions that have already been
11 asked, I think most of my questions have really
12 been answered.

13 I just want to ask you, just to be
14 sure --

15 MR. JEROME: Yeah.

16 COMMISSIONER HUNTWORK: -- if your
17 present circumstances allow you to devote the
18 hundreds, maybe thousands of hours that will be
19 necessary over the next year, especially the next
20 few months, to this very important job.

21 MR. JEROME: Well, I'm fortunate

22 in that I'm retired and I have no other duties or
23 heavy civic responsibilities. Sunday duties at my
24 church, but that's it.

25 I could essentially take on a
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1 full-time job. However, at the same time, it's not
2 my job to do all the work and leave you people out.
3 You are the Commissioners. And this is not a
4 one-man show. Although I have a lot of time to
5 devote to this, it's not my job to rule or take it
6 on.

7 So I would -- I don't expect to be
8 in Phoenix all the time, every day, harassing the
9 staff.

10 I have plenty of time to see what
11 is going on, to report to you people about what is
12 going on and what I think might need your attention
13 and obviously your advice.

14 I have never Chaired a Commission
15 such as this. And you people have far, far much
16 more business experience than I do. So I don't
17 bring a tremendous amount of business experience to
18 this or political service experience to this. I
19 bring experience in being able to talk to people
20 and elicit what is on their minds and being able
21 to --

22 I don't think -- one of the other
23 people mentioned a consensus. I don't think I can
24 necessarily twist your arm, your arm, your arm,
25 your arm, to do what I want to do. I think I have

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1 the ability to elicit from all of you which way you
2 think this thing should go and find some middle
3 ground there perhaps I could present back to you.
4 I might be able to do that.

5 COMMISSIONER HUNTWORK: Thank you.
6 Does anyone have any further
7 questions?

8 COMMISSIONER HALL: Just one final
9 question I've asked the other applicants. What --
10 as Chairman, it requires some leadership. What one
11 attribute or characteristic do you think you bring
12 to the table that would be most valuable to the
13 Commission?

14 MR. JEROME: I think my
15 independence, independence from political winds
16 that blow, independence from you. Although I may
17 enjoy working with you, I will try very hard to
18 elicit what your thoughts are and which way you
19 want to go, that doesn't necessarily mean I'm going
20 to buy your ideas lock, stock and barrel.

21 As I said at the very beginning, I
22 see the job as really an independent type thing.
23 And my independence and my ability to elicit what
24 your thoughts are I think would be my strengths.

25 COMMISSIONER HALL: Thank you.

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1 COMMISSIONER HUNTWORK: Okay.
2 Thank you very much.

3 MR. JEROME: Thank you.

4 COMMISSIONER HUNTWORK: Are the
5 members of the Commission ready to proceed?

6 COMMISSIONER MINKOFF: Yeah.
7 We're on a roll.

8 COMMISSIONER HUNTWORK: Very well.
9 Is Bruce MacArthur here?

10 COMMISSIONER HALL: I thought I
11 saw him come in a minute ago.

12 MS. McLEMORE: He did. Let me go
13 see.

14 (Discussion off the record.)

15 COMMISSIONER ELDER: Let me ask a
16 naive question. Can we have lunch together, get to
17 know each other, without violating a regulation or
18 law?

19 MR. BALES: So long as you are
20 careful not to discuss anything that might be
21 considered action by the Commission.

22 COMMISSIONER HALL: Could order
23 lunch in in executive session.

24 COMMISSIONER MINKOFF: Have lunch
25 ordered in so we don't have to spend time getting

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1 it and go to work.

2 COMMISSIONER HALL: Please, have a
3 seat.

4 COMMISSIONER HUNTWORK: Jim
5 Huntwork.

6 COMMISSIONER HALL: Joshua. Nice
7 to meet you.

8 COMMISSIONER ELDER: Dan. Nice to
9 meet you.

10 COMMISSIONER HUNTWORK: Well,
11 let's proceed.

12 Bruce, have you been here for the
13 previous interviews?

14 MR. MacARTHUR: No, just came in
15 about 15 minutes ago. So I missed a little bit of
16 the last part.

17 COMMISSIONER HUNTWORK: Let me
18 explain very briefly that we've completed about a
19 half-hour interview apiece for the three previous
20 candidates. And we've asked somewhat the same
21 questions with slight variations as we went along.
22 We came upon the idea with the last candidate of
23 suggesting that you might want to make an
24 initial -- short initial statement of some sort.
25 He declined to do so.

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1 At this point none of the others
2 have actually taken advantage of that opportunity.
3 You may if you want to. If not, we'll just start
4 in asking questions as soon as you are done.

5 Is there anything?

6 MR. MacARTHUR: I think I'll have
7 the chance to explain myself as we go through.

8 COMMISSIONER HUNTWORK: Okay.
9 Very good.

10 COMMISSIONER MINKOFF: I'll ask my
11 traditional first question.

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MR. MacARTHUR: Sure.

COMMISSIONER MINKOFF: The role of the Chairman of this Commission, I think, is going to be slightly different than the four of us who are the other members of the Commission. I wanted to ask what you view as the role of the Chairman and, should you be selected, how you would carry out the duties of that position.

MR. MacARTHUR: In preparing for this interview and the possibility of serving on the board, I've taken the liberty of calling some of the other states that have a Redistricting Commission which is similar to ours. You may know that Washington does have one, and they've been

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doing it since 1983. And I talked to the person up there who is in charge of their administrative work on the Redistricting Commission.

They essentially have a board like ours. The four members are chosen by the respective caucuses in the Legislature, and then the independent, or the Chairperson, is actually selected but without a right to vote.

So in 1991, they completed their redistricting effort. And they actually succeeded in avoiding a lawsuit.

COMMISSIONER MINKOFF: Huh.

MR. MacARTHUR: In large measure, I think because the board reached consensus. They were either happy or equally unhappy with the result. And they avoided a lawsuit, which was rare

17 around the country, to do -- to succeed in drawing
18 boundaries which represented the people of their
19 state and yet avoided a lawsuit.

20 So I think that is the strength
21 that I would bring to this Commission. My emphasis
22 would be on finding consensus, on building it. And
23 I think in that way, you know, we can avoid
24 litigation and we can get after what I think we all
25 probably have as a goal in this bipartisan effort,

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1 to draw districts which represent the people of
2 Arizona.

3 I'll tell you what I think is some
4 common ground just right off the bat. I doubt
5 that -- I'm confident that everybody at this table
6 truly loves this state and cares much for its
7 people. I'm not ashamed to admit that I do.

8 I'm a native of this state, and I
9 love this state.

10 I suspect that we all want to get
11 the state off to a good start in this venture. And
12 that I see as a bipartisan goal. So that is a
13 bunch of common ground right off the bat.

14 I'm sure we are all hard workers.
15 And I think that we probably have a commitment to
16 the underlying goal, which is to draw boundaries
17 which represent the people of Arizona. That's a
18 bipartisan goal.

19 That's a lot of common ground.
20 And that's enough common ground, I think, to

21 succeed and to draw districts which I think we'll
22 be proud of and which will withstand scrutiny from
23 all interests.

24 My role will be to try to build
25 that consensus.

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1 COMMISSIONER HALL: I note that
2 you are an attorney; is that right?

3 MR. MacARTHUR: Yes.

4 COMMISSIONER HALL: Are you aware,
5 is there any law against two attorneys being on the
6 same --

7 MR. MacARTHUR: It's a good
8 question.

9 COMMISSIONER HUNTWORK: Probably a
10 lot of jokes about it.

11 COMMISSIONER MINKOFF: My daughter
12 and son-in-law are attorneys.

13 MR. MacARTHUR: Two too many.

14 COMMISSIONER HALL: I didn't say
15 that.

16 I would like to focus on your
17 profession, if that's okay. In light of the fact
18 you are working for the Attorney General's Office
19 and we are receiving input from the Attorney
20 General's Office and -- do you perceive that as a
21 conflict, something that may, whether in reality or
22 rather even from a perception standpoint, do you
23 see that as a concern?

24 MR. MacARTHUR: I don't.

25 And before I made this

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1 application, I checked with the people in the
2 Attorney General's Office who handle conflicts of
3 interest and asked whether I was treading on thin
4 ice or about to venture into something that was
5 going to get me into trouble.

6 No, in fact that's not a problem.
7 I actually talked with Scott Bales at that time and
8 was assured that this would not present a conflict
9 from that point of view.

10 I think it fair to say many people
11 at the Attorney General's Office work in public
12 service. They are interested in the particular
13 area of public service for which they work. They
14 are there not for political reasons but are there
15 for interest in their work. That's why I'm there.

16 I started when Grant Woods was in
17 office. I don't know Grant Woods, don't know Janet
18 Napolitano, either. I'm sure if walking down the
19 street I might recognize them. They wouldn't know
20 who I am, I'm sure.

21 I don't see that as a conflict.

22 I also think, back to your initial
23 comments, that one of the joys, and you may be able
24 to second this, I'm not sure, Jim, but one of the
25 joys of my professional life is I can walk down the

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1 hall and actually get some second opinions about a

2 particular issue. So it's easy for me to get a
3 clear picture of an issue, maybe some honest
4 criticism of my idea, or if I don't have some idea
5 at all, some groundwork. That has been a benefit
6 to me as a lawyer.

7 I think when lawyers are on the
8 same team, there's no harm in having two. It's
9 probably the case that two heads are better than
10 one.

11 COMMISSIONER ELDER: A question
12 from the standpoint of public relations and
13 relations with the other citizens within the
14 community and within the state.

15 How would you view your role as
16 furthering that process from the standpoint of
17 either speaking to schools, speaking to public
18 service groups, and trying to either develop an
19 outreach process for the Commission, as your role
20 as a Chairman? Would you be willing to do that
21 and, if so, in what respect?

22 MR. MacARTHUR: Well, I think we
23 would all have to agree about the kind of input we
24 want to receive from the community and the kind of
25 comment that we want to provide to the community,

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1 particularly given the area of work that we're --
2 that we are about to engage in, speaking in terms
3 of work just generally.

4 But this is an area which is ripe
5 for legal proceedings and challenges and lawsuits.
6 There's attention right now, as you know, between

7 the last decade's worth of -- the last decade worth
8 of Supreme Court decisions and the Voting Rights
9 Act.

10 With the best of intentions, the
11 results of actual districts created by boards or
12 legislators are challenged.

13 I think we need to be careful
14 about what comment we provide to the community in
15 the context of our work. I think that's something
16 we need to comment on and outline and put thought
17 into.

18 It's certainly a great opportunity
19 from an educational standpoint, if that may be what
20 you are driving at to, you know, to encourage voter
21 participation and openness in the process, that
22 kind of thing. But I do anticipate open meetings
23 where we would receive comment from all interest
24 groups, and such.

25 I'm not sure if I'm responding,

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1 but I think -- if you are asking about educational
2 programs that we might undertake after --

3 COMMISSIONER ELDER: No, not
4 necessarily educational programs but in
5 relationship to the outreach as in relationship to
6 being able to elicit comment from the public, to
7 have them understand the processes that we've gone
8 through, either after the fact or during the course
9 of the deliberations.

10 MR. MacARTHUR: Okay.

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COMMISSIONER ELDER: So that they

11
12 have a sense that we have honestly, hopefully,
13 fairly, and independently tried to develop a
14 redistricting that represents the goals of the
15 state.

16 MR. MacARTHUR: Gotch you. Right.
17 This is for the opera, as my
18 mother would say, only a suggestion, but my
19 suggestion would be that we have open meetings and
20 we invite all communities of interest to those
21 meetings and invite them to tell us what they think
22 defines their particular community, what
23 participation they want to have in this process,
24 what results they would like to see, the whole
25 gamut of their cares and concerns I think should be

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1 open to them at those public meetings. And we
2 should listen. We should listen.

3 COMMISSIONER HUNTWORK: Bruce, I
4 note that you have an important job with the
5 Attorney General's Office. And I don't know if you
6 have any kids at home or not.

7 MR. MacARTHUR: I don't.

8 COMMISSIONER HUNTWORK: It may be
9 none of my business even if you do. But the
10 question really is: Do you have the time to devote
11 to this project? It's going to take hundreds,
12 maybe thousands of hours over the next year.

13 MR. MacARTHUR: If you were asking
14 my wife that question, you'd get a different
15 answer.

16 I do have the time. I'm fortunate
17 to work with the Attorney General's Office in an
18 office where volunteer work encouraged.

19 It's understood in our office, and
20 this is an idea that cuts across political lines,
21 but it's understood that volunteer work is
22 worthwhile work and it's encouraged.

23 They understand, in my office, in
24 particular, that this is going to take some time.
25 And they are prepared to work with me to allow me

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1 to have that time, whether it be that I take annual
2 leave or what have you. I am able to do that.

3 My wife also works. So from a
4 financial standpoint that doesn't present a
5 hardship to us. I wouldn't have made the
6 application if I didn't think I was going to be
7 able to devote the time. I do think I can.

8 COMMISSIONER MINKOFF: One of the
9 terms that we're going to be dealing with is the
10 term that you've mentioned previously, community of
11 interest. And if you ask the four of us what is a
12 community of interest, you might get four different
13 answers. I'm going to ask you for the fifth.

14 MR. MacARTHUR: All right.

15 COMMISSIONER MINKOFF: What do you
16 see as a community of interest and how do you see,
17 other than what you've said so far, incorporating
18 communities of interest into the process?

19 MR. MacARTHUR: Well, I think

20 traditionally the definition is community of
21 interest is a collection of people who might have
22 lived together a long time, share social and
23 economic matters that are part of their life. I
24 think you can also look more broadly to help to
25 find an answer. No answer is written in stone.

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1 Contrast the rural and urban community, college
2 town with retirement community, contrast rich and
3 poor. I think a feature of a community of interest
4 is race, undoubtedly. So I'd work to contrast that
5 way.

6 And we would probably want to sit
7 down and listen at various communities -- at
8 various open meetings and hear from people in
9 communities and work out definitions along the way,
10 criteria which we think helps to establish those
11 communities.

12 Those are my initial thoughts.

13 COMMISSIONER HALL: A community of
14 interest in our area is -- there's been some
15 concern expressed relative to the make-up of this
16 Commission by minorities of the state. And I've
17 asked all the other applicants and I'll ask you
18 what you would propose to do to address some of
19 their concerns.

20 MR. MacARTHUR: I think my answer
21 is the one I've given. We should hold open
22 meetings. We should invite all communities. And
23 we should listen. That's, I think, the most direct
24 way of getting to the bottom of whichever

25 communities' concerns, you know, are provided to us

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1 at the meeting. Be able to write those down and
2 work with them.

3 And again, we have to be, you
4 know, sensitive to all the requirements of the
5 Articles of the Constitution. Community of
6 interest is one. We want to work with building a
7 definition of that.

8 I think that is the way to go. We
9 certainly want to provide for participation from
10 all communities of interest. That's probably a
11 bipartisan goal, in my view, anyway.

12 That's what I would like.

13 COMMISSIONER ELDER: I think I got
14 two shots in on the last one. I'll ask question in
15 relation to your profession. We're going to have
16 the Attorney General's Office providing counsel on
17 what we can do, what we can't do, what the
18 ramifications of decisions or actions we take may
19 be. Do you see any conflict between, in effect,
20 their opinion and your opinion as an attorney and
21 being the Chairman of the Commission?

22 MR. MacARTHUR: No, I don't. I
23 think the Attorney General's Office, the Solicitor
24 General's Office, in particular --

25 I note there's a fire out the

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1 window there.

2 COMMISSIONER ELDER: I thought it
3 was just standard Phoenix.

4 MR. MacARTHUR: Unusual.

5 But that office has always been
6 regarded among the legal community as outstanding.
7 And again, that cuts across the offices that
8 have -- that is the political -- that cuts across
9 the actual Attorney General that has held the
10 office. The Solicitor General's Office has always
11 been very strong.

12 When I worked in Mohave County, I
13 would often take advantage of the Attorney
14 General's Office. In my work, I represented the
15 Board of Supervisors there. I represented all
16 Mohave County when I worked for the Mohave County
17 Attorney General. Board of Supervisors, try keep
18 on task, always call the Attorney General's Office.

19 It was my hope when I came down to
20 Phoenix to work with them. I think very highly of
21 the office and I think it will provide very
22 competent advice. I'm also confident if there is
23 an area of legal expertise which the office doesn't
24 think it has a handle on, that it will let us know,
25 be honest about it. And if we need to seek outside

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1 assistance, we can do that.

2 COMMISSIONER HUNTWORK: One of the
3 key questions in my mind goes to, really, your
4 independence. I think that it's important to
5 recognize that the other four members of the

6 Commission disclosed political affiliation and were
7 specifically appointed by the majority and minority
8 leaders in the Legislature. The constitutional
9 provision says that we will select the final
10 member. And although it doesn't say an
11 independent, it is essentially that is what it
12 means.

13 This is the first decision that we
14 make, and it may be the most important one that we
15 make the whole time. So it's vitally important to
16 us to know if there is anything in your background
17 or life experiences that could be brought up
18 against you by anybody looking at what we do that
19 would make you vulnerable to a challenge to your
20 independence one way or the other.

21 Can you give us any information or
22 reassurance about that?

23 MR. MacARTHUR: Well, I've been an
24 independent since I started to vote. I haven't
25 been affiliated with either party. I haven't

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1 donated to political campaigns. I haven't been
2 active in politics.

3 I've been active in some volunteer
4 capacities over the years, and my career has been
5 devoted to public service; but it hasn't been
6 partisan.

7 I can tell you this, that most
8 importantly for me, politics is an attempt to find
9 that common ground. And I think that the strength

10 of independence is its focus on the middle ground,
11 on the ground that, you know, both parties can
12 stand upon to actually find a solution to whatever
13 problem is before it, whether it be local
14 communities, state, or national communities. So
15 that's the way I see this Commission working as
16 well.

17 I think that we need to remember
18 that the common ground here is the desire to do --
19 to create districts which represent Arizona and to
20 really do a bang-up job, really do a bang-up job.
21 And this is an opportunity to do something for
22 Arizona.

23 It's great volunteer work. I
24 don't know about you. The reason I applied is
25 because I -- I think this is actually going to be

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1 fun. The nuts and bolts of redistricting I think
2 is going to be a kick in the pants. I think we're
3 going to enjoy it. I'm sure you are here for
4 similar reasons.

5 We have a common goal to do
6 something the state can be proud of.

7 There's no way to do it, no way to
8 do it unless there's consensus here.

9 The last thing we want is
10 litigation from one side or the other at the end of
11 the process.

12 That's what sums up my political
13 view is really a kind of practical approach to
14 problem solving. That's why I applied.

15 COMMISSIONER MINKOFF: When Prop
16 106 was passed, a plan, by pretty sizable majority,
17 I'm presuming it was because the voters felt they
18 wanted to do things differently than had been done
19 in the past. Other than the fact there are going
20 to be five people doing it rather than 90 people
21 doing it, how do you see the process being
22 different and how do you see the end result or do
23 you see the end result being different in terms of
24 districts we have?

25 MR. MacARTHUR: The process

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1 clearly is different. Not to consider residency of
2 incumbents or candidates, that's a difference, big
3 difference. That's a flat prohibition in the law
4 that specifies that.

5 I think the reason for it is
6 natural. Traditionally that was one of the
7 criteria that was acceptable. That was not
8 prohibited under the law. And the Supreme Court
9 considered incumbency as a valid criteria by which
10 to establish districts. So the only way to change
11 that was through a proposition such as this. And I
12 think that is what was the intent of the voters.

13 So that would be the change. And
14 the effect of that I think is that we will follow
15 the criteria, most of which is traditional
16 criteria, compactness, contiguous, the list there,
17 respect communities in interest, and the boundaries
18 of political subdivision, body census tract. All

19 that is traditional criteria now with the exception
20 of incumbency.

21 So I'm not sure how that will
22 look, but it's possible it will look entirely
23 different, districts we create will look entirely
24 different. I'm not sure. It might look similar as
25 well. I guess we'll just have to wait and see.

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1 As you know, the first step is to
2 get the data from the Census Bureau and put it on a
3 map and start with a grid system that we work with
4 and apply that specific criteria to, the Commission
5 would.

6 COMMISSIONER HALL: What do you
7 consider your most valuable asset, attribute, or
8 characteristic that you would bring to the table as
9 a Chairman of this Commission?

10 MR. MacARTHUR: Well, I work day
11 to day with very a contentious issue, and that is
12 abused and neglected children and the balance
13 against the right of the parents to provide care
14 and control for the children. So when CPS removes
15 children because of abuse or neglect, we end up in
16 litigation immediately. And if the parents are
17 interested in reunification, then we proceed to a
18 trial. And along the way we mediate and we find a
19 common ground there.

20 And the common ground there is in
21 the best interests of the kids and the right of the
22 parents to provide care and control.

23 So when we sit down, typically a

24 group like this, those are the various interests
25 that are brought to the table.

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1 So that's part and parcel of my
2 day-to-day life, that kind of mediation setting.
3 And I think I can bring those skills to the table
4 in making sure that we work with a consensus and
5 find a common ground.

6 I mentioned my work up in Mohave
7 County. I have had the good fortune to live and
8 work in both rural and urban Arizona. I think
9 that's beneficial as well.

10 I do speak Spanish. I don't know
11 how that would benefit the Commission.

12 Those are my strengths.

13 COMMISSIONER HALL: Thank you.

14 COMMISSIONER ELDER: None here.

15 COMMISSIONER HUNTWORK: One other
16 question on my mind is the way in which we will try
17 to use computers, statistical data, demographics, a
18 complex of technical skills to implement our
19 decisions after we have received input and decided
20 what we're trying to do.

21 MR. MacARTHUR: Uh-huh.

22 COMMISSIONER HUNTWORK: And I
23 think it's going to be our responsibility to
24 exercise some independent judgment and not just
25 necessarily rubber stamp what our consultants are

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1 advising us to do.

2 What education, experience, or
3 background do you have in those areas?

4 MR. MacARTHUR: Well, what I've
5 done in that way is just by way of preparing for
6 this work. I haven't ever drawn maps before. But
7 I did put the question to the Director of the
8 Washington Redistricting Group. And he told me
9 that he is using, that their Commission is using a
10 computer program called autoBound, gave me the web
11 site. I looked it up. It's consistent, actually,
12 with what the Secretary of State is using here, or
13 maybe it's Maricopa County Elections.

14 I also talked with Karen Osborne
15 along those lines, too. She makes use of programs
16 like that.

17 Those are tools, like the pencils
18 in our hand. And they are unbiased tools. That's
19 all they are. But I was encouraged to learn that
20 they are much more reasonable in price than they
21 used to be.

22 He said 10 years ago they were
23 very expensive. Now this program is available for
24 three, four thousand dollars, greatly provides
25 technical expertise, comes in, let us know how to

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1 put it together and use it.

2 Some nice features of it, it can
3 be private and public. So if we were using a
4 particular program, whatever it might be, you know,

5 we could do our work; and if we decide we want
6 public comment on a portion, we can disseminate it
7 that way.

8 There may well be things I don't
9 have a great handle on.

10 He recommended it. It turns out
11 to be widely used. I think a tool like that would
12 be very important for us, helpful.

13 That would be one of the first
14 things the Commission would want to do is decide
15 what tools to use. I was encouraged to find out
16 that they are available and it's easy to look them
17 up and learn about them.

18 COMMISSIONER HUNTWORK: Thank you.
19 Anybody have any further
20 questions?

21 Bruce, thank you very much.

22 MR. MacARTHUR: Thank you.

23 COMMISSIONER HUNTWORK: Okay.

24 Well, let's talk about a couple of things. I think
25 we need to address the question of whether we want

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1 to talk about this in open session or in executive
2 session.

3 COMMISSIONER ELDER: I would like
4 to proceed -- that we continue on with the agenda.
5 And if there is anybody that wished to speak from
6 the audience, now that we've heard the four people
7 make their comments and address our questions, that
8 if there is any other people that would like to put

9 their comments on the record, so that we can
10 consider those during the process of evaluating and
11 selecting the fifth member.

12 COMMISSIONER HUNTWORK: Of course.

13 COMMISSIONER HALL: Do we have any
14 requests for people to speak? The agenda says
15 they'll fill out a slip, speaker slips.

16 MR. BALES: I don't know they had
17 speaker slips available. People were asked to sign
18 in.

19 If people wish to speak, make sure
20 they signed in so we have a record of who is here.

21 COMMISSIONER HALL: Mr. Chairman,
22 I like to recommend we limit the length of those.
23 Can we come to agreement two minutes is sufficient
24 or what?

25 COMMISSIONER HUNTWORK: In my mind

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1 it would matter how many would like to make
2 comments.

3 Is there anyone here who would
4 like to make a comment?

5 Just one?

6 COMMISSIONER HALL: Then I don't
7 think that is relevant.

8 COMMISSIONER HUNTWORK: Five?

9 Well --

10 Very well, would you please
11 perhaps stand at the podium.

12 MR. PEREZ: At the podium, sure.

13 COMMISSIONER HUNTWORK: Just

14 identify yourself.

15 MR. PEREZ: Rudolfo Perez, Jr.,
16 Director of the Phoenix Program Office for the
17 Mexican American Legal Defense and Educational Fund
18 and Coalition for Latino Action here in Maricopa
19 County.

20 I'm here today, first of all, to
21 express our extreme disappointment and concern with
22 the selection process thus far. As many of you are
23 aware of and mentioned this morning, if we had
24 known that we would not have a seat at the table
25 and not be directly involved in the redistricting

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1 process, the Latino community would not have
2 overwhelmingly supported Proposition 106 this past
3 election.

4 That being said, we also realize
5 the need to move forward with members of the
6 Redistricting Commission so independent
7 districts -- legislative districts and
8 congressional districts are drawn up fairly and
9 justly.

10 We are here in support as a fifth
11 member for Commission Chairman of the Redistricting
12 Commission Bruce MacArthur.

13 We believe Mr. MacArthur is the
14 most independent of the four candidates interviewed
15 this morning. We also believe Mr. MacArthur is the
16 most sensitive to needs and interests of all
17 communities in Arizona.

18 So we strongly support
19 Mr. MacArthur as the fifth member and the Chairman
20 of this Commission.

21 COMMISSIONER HUNTWORK: Thank you
22 very much.

23 MR. PEREZ: Thank you.

24 COMMISSIONER HUNTWORK: I
25 understand that there is no one else wishing to

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1 comment at this time. And --

2 COMMISSIONER HALL: I would like
3 to make a motion.

4 Do you have anything else?

5 COMMISSIONER HUNTWORK: No. Next
6 item on the agenda is election itself.

7 COMMISSIONER HALL: I would like
8 to make a motion that we see if we can persuade
9 someone to order lunch and we adjourn to executive,
10 or whatever the appropriate term is, go into
11 executive session and have a working session right
12 here while we have an opportunity in executive
13 session right here to discuss the applicants.

14 COMMISSIONER MINKOFF: I second
15 it.

16 COMMISSIONER HUNTWORK: There's a
17 motion made and seconded.

18 Any discussion?

19 All in favor, say "aye."

20 (Vote taken.)

21 COMMISSIONER HUNTWORK: The "ayes"
22 have it.

23 We're now going into executive
24 session.

25 Counsel will explain to us exactly

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1 what that means and how we proceed. I presume
2 everyone except the Commission and counsel must
3 leave.

4 Does the reporter stay?

5 MR. KANEFIELD: Reporter does
6 stay. And you can deliberate in executive session.
7 When you come to the point of actually taking
8 action, you need to come back into public session
9 when you do that.

10 COMMISSIONER HUNTWORK: Okay.

11 Do we need to set a time now for
12 coming back into public session so the reporters
13 and other interested parties know when to come
14 back?

15 COMMISSIONER HALL: If you think
16 you can estimate when you would be concluded, that
17 might be a good idea.

18 I understand also once you've
19 identified who your choice is that you want to
20 continue on with the meeting a bit after that and
21 address other agenda items.

22 You probably do want to give those
23 people an idea of when they should be back here to
24 know what the rest of the day is going to bring.

25 COMMISSIONER MINKOFF: By 1:00

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1 o'clock? Hour and a half?

2 COMMISSIONER ELDER: I didn't
3 hear. How long --

4 COMMISSIONER HUNTWORK: How long
5 did you think?

6 COMMISSIONER HALL: Hour and a
7 half too long, long enough?

8 COMMISSIONER ELDER: I would hope
9 it's long enough.

10 COMMISSIONER MINKOFF: Yeah.

11 COMMISSIONER ELDER: Depends how
12 hungry we are.

13 COMMISSIONER MINKOFF: Depends
14 when we get lunch. I'm not going to compromise my
15 lunch.

16 COMMISSIONER HUNTWORK: We will
17 reconvene the public session at 1:00 o'clock.

18 COMMISSIONER ELDER: Yeah. We
19 wish to go off the record while we address dietary
20 considerations.

21 (Whereupon, the Commission
22 recessed for Executive Session at approximately
23 11:30 a.m. and reconvened in Public Session at
24 1:13 p.m.)

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Open Session
Phoenix, Arizona

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APPEARANCES:

SECRETARY BETSEY BAYLESS,
Arizona Secretary of State

CHAIRMAN STEVEN W. LYNN
(Appeared as Nominee until voted into office
as reflected herein.)

COMMISSIONER JAMES R. HUNTWORK

COMMISSIONER JOSHUA MARK HALL

COMMISSIONER ANDI MINKOFF

COMMISSIONER DANIEL R. ELDER

SCOTT BALES, Solicitor General

JOSEPH KANEFIELD, Assistant Attorney General

JAN McLEMDRE, Legal Secretary

LISA A. NANCE, RPR, CCR, Court Reporter

SPEAKERS FROM THE PUBLIC:

ANTHONY SISSONS

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P R O C E E D I N G S

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COMMISSIONER HUNTWORK: Very well.
All the members of the Commission are present, and
it's a little past the time set to reconvene.

I'd like to thank everyone for
your patience and persevering.

8 The open session is back in
9 session, and I would like to invite any member of
10 the Commission to make an appropriate motion at
11 this time.

12 COMMISSIONER ELDER: Mr. Vice
13 Chairman, or Mr. Chairman, or whatever our term is,
14 I would like to make a statement before we make any
15 motions in that both in reviewing the applications
16 and in reviewing the presentations, I wish to thank
17 all of the applicants who have come this morning to
18 give us better insight as to what your goals and
19 perspective on the Commission were. And part of
20 the reason we ran over was because of the
21 discussions we were having about the relative
22 merits of every one of the people that commented
23 and brought to the table their perspectives of what
24 the goals of the Commission are, what their
25 strengths and what their, in some cases, weaknesses

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1 might be.

2 So with that said, I would like to
3 make a nomination of Steve Lynn to be our new
4 independent person on the Commission and act as our
5 Chairman.

6 COMMISSIONER HUNTWORK: Is that --
7 By nomination. Do you mean motion
8 to elect him as Chairman?

9 COMMISSIONER ELDER: Motion to
10 elect or nominate him, whatever the appropriate
11 term is.

12 COMMISSIONER HUNTWORK: Is there a
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13 second to that motion?

14 COMMISSIONER MINKOFF: I'll second
15 it.

16 Would it be appropriate before we
17 vote on the motion to ask if there's any additional
18 public comment on the vote that we're about to
19 take? I've never done this before, so I don't
20 really know how it works.

21 COMMISSIONER HUNTWORK: The
22 procedure would be a little bit out of
23 parliamentary procedure.

24 MR. BALES: Parliamentary
25 procedure would be you could ask Mr. Elder if he

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1 wants to withdraw his motion and offer that up as
2 an alternative before you actually address a vote
3 on the motion. Technically, with that motion
4 pending --

5 COMMISSIONER ELDER: I guess I
6 don't know enough about Robert's Rules of Order,
7 whether I need to withdraw the motion, or table the
8 motion, whatever the procedure is.

9 Yes, it would be acceptable for me
10 to elicit the comments and input from various
11 people that may wish to comment.

12 COMMISSIONER MINKOFF: If there
13 are any.

14 COMMISSIONER HUNTWORK: Tell you
15 what. At this point, the motion has been made and
16 seconded that we elect Steve Lynn to be the

17 Chairman of this Commission.
18 All those in favor --
19 Is there any further discussion of
20 the motion by the commissioners?
21 All those in favor, say "aye."
22 (Vote taken.)
23 COMMISSIONER HUNTWORK: The vote
24 is unanimous.
25 At this point, it would seem
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1 appropriate to me if, since Mr. Lynn is present, if
2 we could have him sworn in and ask him to assume
3 his role as Chairman of the Commission.
4 COMMISSIONER MINKOFF: With our
5 congratulations or condolences.
6 COMMISSIONER ELDER: That seems to
7 be --
8 COMMISSIONER MINKOFF: Whichever
9 you want, you've got.
10 COMMISSIONER HALL: I, too, would
11 like to thank the four members who applied for
12 their efforts and those that traveled and for their
13 comments and appreciate all of those that were
14 willing to participate on the Commission.
15 COMMISSIONER MINKOFF: I would
16 like to add my sentiments to that.
17 One of the reasons it took so
18 long, you all gave us a lot to talk about. It's
19 tough when there are four good candidates trying to
20 make a choice. But we thank you all and we hope
21 that you'll all stay involved in the process and

22 give us your thoughts as it goes forward.

23 COMMISSIONER HUNTWORK: I think we
24 can take a brief recess here while we find the
25 appropriate officials to swear in Mr. Lynn.

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1 COMMISSIONER ELDER: Is that what
2 they're doing now?

3 COMMISSIONER MINKOFF: I think
4 they're finding someone.

5 (Discussion off the record.)

6 SECRETARY BAYLESS: We think we
7 should have a formal swearing in rather than a
8 private one, so if I might have your attention.

9 Mr. McCloy.

10 COMMISSIONER HUNTWORK: Since I'm
11 acting as Chairman Pro Tem of this meeting, I'll
12 call it back to order and turn it over to the
13 Secretary of State.

14 SECRETARY BAYLESS: Thank you very
15 much, Commissioner Huntwork.

16 Would you raise right hand.

17 I, and state your name.

18 CHAIRMAN LYNN: I, Steven Lynn.

19 SECRETARY BAYLESS: Do solemnly
20 swear.

21 CHAIRMAN LYNN: Do solemnly swear.

22 SECRETARY BAYLESS: To uphold the
23 Constitution and laws of the State of Arizona.

24 CHAIRMAN LYNN: To uphold the
25 Constitution and laws of the State of Arizona.

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1 SECRETARY BAYLESS: That I will
2 bear true faith and allegiance to the same.

3 CHAIRMAN LYNN: That I will bear
4 true faith and allegiance to the same.

5 SECRETARY BAYLESS: And defend
6 them against all enemies.

7 CHAIRMAN LYNN: And defend them
8 against all enemies.

9 SECRETARY BAYLESS: Foreign and
10 domestic.

11 CHAIRMAN LYNN: Foreign and
12 domestic.

13 SECRETARY BAYLESS: And I will
14 faithfully and impartially.

15 CHAIRMAN LYNN: And I will
16 faithfully and impartially.

17 SECRETARY BAYLESS: Discharge the
18 duties.

19 CHAIRMAN LYNN: Discharge the
20 duties.

21 SECRETARY BAYLESS: Of the Office
22 of Commissioner.

23 CHAIRMAN LYNN: Of the Office of
24 Commissioner.

25 SECRETARY BAYLESS: Of the

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1 Independent Redistricting Commission.

2 CHAIRMAN LYNN: Of the Independent

3 Redistricting Commission.

4 SECRETARY BAYLESS: According to
5 the best of my ability.

6 CHAIRMAN LYNN: According to the
7 best of my ability.

8 SECRETARY BAYLESS: So help me
9 God.

10 CHAIRMAN LYNN: So help me God.

11 SECRETARY BAYLESS: Thank you very
12 much.

13 We have a loyalty oath for you to
14 sign, and a notary is on the way. So you have to
15 swear something else in a moment.

16 CHAIRMAN LYNN: Those that know me
17 know I'm not adverse to swearing, unless in special
18 circumstances.

19 COMMISSIONER ELDER: I wish you
20 all the congratulations and condolences, all the
21 things we said when we were appointed.

22 CHAIRMAN LYNN: I wish to thank
23 the Commission for the vote of confidence and very
24 much appreciate the unanimity with which it was
25 given. And it is a position that I feel very

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1 strongly about, as I hope you could tell from my
2 comments this morning. And I trust together we'll
3 do some good things and that you will be more than
4 vindicated in your decision today. So I look
5 forward to that.

6 I think I can proceed without

7 signing the loyalty oath.

8 COMMISSIONER HUNTWORK: You've
9 taken it and you are on the record.

10 CHAIRMAN LYNN: That will work. I
11 can go forward.

12 Next order of business on the
13 agenda.

14 First, I'd like to thank
15 Mr. Huntwork for serving as Chairman Pro Tem. I
16 think he did a terrific job.

17 One of the things I didn't get to
18 say this morning, because the question wasn't
19 asked, part of my past training, I served for 30
20 years with groups as parliamentarian. I use it as
21 much as makes sense and as little as I have to. I
22 get to procedure.

23 Item six, presentation by the
24 Attorney General's Office regarding redistricting
25 time line.

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1 I'd ask the staff Attorney
2 General's Office to proceed with that, and I'll get
3 a pad and take notes.

4 MR. BALES: Mr. Chairman, thank
5 you. Would you prefer I stand at the podium or is
6 it acceptable to sit here?

7 CHAIRMAN LYNN: Sitting is fine.

8 MR. BALES: I'm Scott Bales from
9 the Attorney General's Office, and with me is Joe
10 Kanefield. We're two people in the Attorney
11 General's Office who, over the last year, worked

12 with the administration in enforcement of the
13 Attorney General's laws, generally. And part of
14 the reason we've been working over the last several
15 months is to try to help with the establishment of
16 the Commission.

17 The reason this agenda item was
18 included today was partly to help you identify
19 particular things you want to include for your
20 agenda at your next meeting which will be your
21 first real substantive meeting.

22 The time tables include two
23 different things. There are some fixed dates that
24 you have to comply with, or you have to respond to,
25 and then there are other dates that you can

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1 identify for yourselves as your goals.

2 Let me talk about the latter,
3 though, first. I suggest that your goal should be
4 to have plans adopted and precleared not later than
5 the end of this year. And I say that for several
6 different reasons.

7 First, once you identify new
8 legislative districts, the various counties will
9 then have to redraw precinct boundaries so
10 precincts fall entirely within legislative
11 districts. Under existing law, counties do that
12 beginning September 1st.

13 As legislative bodies, you draw
14 other consequences for elections, for example, are
15 there sufficient signatures on a ballot? For

16 purposes of primaries, candidates need signatures
17 from districts which is one determination
18 necessary. Signatures are calculated based on the
19 number of registered members of a particular
20 candidate's party as of March of next year.

21 So once the precinct boundaries
22 are drawn in, legislative boundaries, that has a
23 consequence for what the significance are of
24 nominations.

25 Another similar boundary driven

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1 requirement is under the Clean Elections Act, that
2 law, as you know, provides public financing for
3 candidates who elect to participate. In order to
4 qualify, a Clean Elections candidate can only take
5 \$5 contributions from persons that live within that
6 person's district. For legislative candidates,
7 knowing district boundaries will determine from
8 whom they can get appropriate contributions.

9 And then finally, there is the
10 reality that any plan that you come up with, and
11 this is true with regard to both the legislative
12 and the congressional districts, but any plan that
13 you come up with must be precleared by the
14 Department of Justice before it can be implemented.

15 And it's possible and perhaps
16 likely that wholly apart from preclearance, any
17 plan you come up with may be challenged in Federal
18 Court.

19 So if you recognize those
20 possibilities, it suggests that your plan, your

21 plans, rather, ideally would be precleared by late
22 this year so that the things that can be done to
23 actually implement our state's election laws can be
24 cleared and also to leave yourself some leeway if
25 in fact there's court challenge once a plan is

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1 announced.

2 Preclearance can take anywhere
3 from 60 to 120 days in most cases.

4 I've identified those dates, but
5 the department, as a general matter, has 60 days to
6 respond to a request for preclearance once
7 submission is made. However, it's frequently the
8 case, particularly with regard to redistricting,
9 that once a submission is made, the Department will
10 request additional information. That automatically
11 gives them another 120-day period.

12 COMMISSIONER ELDER: Beyond the
13 hundred?

14 MR. BALES: Beyond the 60 part.

15 COMMISSIONER ELDER: Okay.

16 COMMISSIONER MINKOFF: Gives
17 another 120 or 60?

18 MR. BALES: I misspoke if I said
19 120. It's 60.

20 CHAIRMAN LYNN: Another 60 for a
21 total of 120.

22 MR. BALES: If your target is to
23 have the plan precleared December 2001 and work
24 backwards from that recognizing it may take 120

25 days to get preclearance, August would be an

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1 appropriate goal to aspire to for submission of
2 your plan.

3 You also have a deadline under the
4 amendment. You may recall that what Prop 106 says
5 regarding draft plans is that once you identify and
6 advertise a draft plan, you will allow at least 30
7 days for public comment including comment by the
8 Legislature.

9 Again, if you are working back
10 from an August submission date, that would suggest
11 that your draft plan probably should come out
12 sometime in June; because you then will need to
13 allow 30 days after the publication of that draft
14 plan for input and you'll want to leave yourself
15 some time to adjust your plans based on that input.

16 Now let me identify an earlier
17 date, one that is out of your control. That's the
18 release of the census data.

19 As you know, for apportionment
20 purposes, some aggregate census data has come out.
21 That's what has determined we'll have eight
22 congressmen instead of six.

23 But the more detailed census data
24 you'll actually need to draw new boundaries is
25 expected to come out early in March.

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1 So it's only once you have that
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2 data that you can begin to really work with drawing
3 new boundaries that will conform to the one person,
4 one vote requirement.

5 And in Arizona, that's going to be
6 a very significant and in many respects overriding
7 factor in your decisions. Because when we last
8 redistricted after the 1990 census, population was
9 only 3.6 million people, roughly. We've grown 40
10 percent since then, so we now have more than 5.1
11 million people. It means with regard to
12 legislative districts, the average size would
13 increase from something over 120,000 to over
14 171,000.

15 It means with regard to new
16 congressional seats, you'll be working with a
17 target of something on the order of 640,000 people.

18 But it's the census data that
19 comes out in March that will identify to you on a
20 very detailed level where those new people live in
21 the state and which of the existing districts have
22 gained population or lost population.

23 Now one course you might take,
24 given the remarks that people made earlier today
25 about the importance of public input, one course

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1 you might take is once that census data is
2 available, you might run it through the existing
3 legislative boundaries and use that as an
4 opportunity before you ever draw up a draft plan
5 yourself to seek input from different parts of the

6 state and different communities of interest.

7 So if you were working with that
8 timetable in March, once the census data is
9 available, you would have consultants or staff, if
10 you choose to use staff, overlay the existing
11 legislative boundaries onto that data. And then
12 you would use that as a starting point when you go
13 around one way or other soliciting public input.

14 That would suggest in April and
15 May you would be soliciting public input before you
16 ever in June circulated what would be the draft
17 plan under the Constitution.

18 Now what I've just described to
19 you is a very ambitious schedule; but I think you
20 have to have an ambitious schedule, if your goal is
21 to have legal plans in place by the end of the
22 year.

23 COMMISSIONER ELDER: Scott, is
24 there an existing data base or is there an existing
25 document that would describe the base line

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1 condition as it was in 1990 when the previous
2 redistricting occurred so we can see where that was
3 and be ready with that when we get the new data for
4 the '99-2000 Census, we'd see where the shifts,
5 where the growth were, the various characteristics
6 of the state have changed?

7 MR. BALES: There are -- there is
8 existing data in the sense of the submissions the
9 State made with regard to the legislative districts
10 after the last go-round.

11 The State Legislature passed a
12 plan that was submitted to the Department of
13 Justice. And the submission identified by district
14 the population and also talked generally about the
15 boundaries. The Justice Department objected to
16 that. Some minor changes were made. Justice
17 Department objected again. The State requested
18 reconsideration. Justice Department refused to
19 reconsider and minor changes were made again.
20 These related to southeastern districts, Santa Cruz
21 County, I believe.

22 The short answer is if you want to
23 know what the populations were at the front end for
24 legislative districts after 1992, that information
25 is available. For the congressional districts, it

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1 was a slightly different process. The Legislature
2 deadlocked and was unable to come up with a plan,
3 so the US District Court actually went through the
4 congressional districts after the last census.

5 Now I need to go beyond all that a
6 little bit. Technically, it's a relatively simple
7 process to, once the census data comes out this
8 go-round, to overlay the old legislative boundaries
9 onto that data so you would see, for instance, what
10 the existing population, the new data is for any
11 given legislative district or for the congressional
12 districts. And some work related to that technical
13 process has been under way.

14 The Legislature actually has an

15 intergovernmental agreement of sorts with the
16 Maricopa County Elections Department to begin some
17 of the integration of the computer data related to
18 the boundaries. So when the census data is
19 available, that can all be munched together.

20 COMMISSIONER ELDER: In all cases,
21 will that information be specific to location and
22 quantity? One of the things we're tasked to do is
23 know this much population on this side, this much
24 population there. So there has to be a geo
25 reference or it has to be in relation to the

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1 geography, where are the constituents or where are
2 the people.

3 It wouldn't do us much good to say
4 this county in 1990 had a hundred -- 640,000 people
5 and it's got 725,000 people now, if all of them are
6 concentrated in urbanized area.

7 COMMISSIONER MINKOFF: They know
8 that. They have it by census block and area.

9 COMMISSIONER ELDER: I wanted to
10 make sure we get location and quantity.

11 MR. BALES: One of the things you
12 might want to do for the next meeting, our office
13 can do part of it, have a presentation on the
14 census data, how the breakdown from the aggregate
15 level is at the state down to smallest census
16 block. And similarly, you might want to have
17 someone from Maricopa County come in and show you
18 the kind of computer technology that they use,
19 because it would answer your question in a very

20 visual way about how you can now see where the
21 population is.

22 COMMISSIONER ELDER: And that's
23 statewide, not necessarily Maricopa County data.

24 MR. BALES: Right.

25 CHAIRMAN LYNN: Are you aware,

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1 Scott, of any other counties that use similar
2 computer modeling as Maricopa or are you just
3 familiar because you've worked with them?

4 MR. BALES: I believe Pima uses
5 some kind of modeling, but I'm not familiar with
6 the specifics.

7 COMMISSIONER MINKOFF: But
8 Maricopa County apparently has the entire state in
9 their data base.

10 CHAIRMAN LYNN: Got it.

11 COMMISSIONER MINKOFF: Not just
12 Maricopa County. So that's a big advantage that
13 they have.

14 CHAIRMAN LYNN: Absolutely.

15 MR. BALES: A related issue I
16 suggest you include on the agenda for your next
17 meeting is how you are going to basically update
18 and pull together the different kinds of data that
19 ultimately you need in the redistricting process.

20 The census population data is part
21 of it. What I've referred to in terms of
22 overlaying existing boundaries in terms of precinct
23 or legislative district boundaries is another part.

24 Another thing at the end of the process you'll need
25 is some historical data about election results.

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1 And that's because for, among other things, the
2 Justice Department reviewing preclearance
3 submissions, they will look at that with regard to
4 particular districting or redistricts, what the
5 history has been in terms of electing minority
6 candidates and other outcomes.

7 COMMISSIONER MINKOFF: A question
8 relating to that.

9 Since district lines change every
10 10 years and precinct boundaries also change as a
11 result of that, can we get data that tells us what
12 we need to know in terms of historical trends?

13 MR. BALES: Well, there will be an
14 issue about how far back you want to go in terms of
15 historical data and what kind of races you want to
16 look at. Some of the counties, Maricopa County
17 particularly, have predrawn their precinct lines
18 several times since 1990. And it may be that it
19 only makes sense to go back, say, three general
20 elections.

21 But that's something that you will
22 want to get some advice from technical people
23 and --

24 COMMISSIONER MINKOFF: But the
25 district boundaries have not changed.

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1 MR. BALES: No. No.

2 COMMISSIONER HALL: Scott, can you
3 or have your staff or whatever put in memo format
4 that time line you just described starting with the
5 goal, end goal date at the bottom of the page, and
6 working up the page with specific annotations
7 relative to the time line?

8 Is that all right?

9 MR. BALES: Certainly.

10 COMMISSIONER HALL: Is that all
11 right, Mr. Chairman?

12 CHAIRMAN LYNN: It would be most
13 helpful.

14 With respect to looking at
15 historical data vis a vis results, thinking about
16 DOJ at the end, and this is a question, should we
17 go beyond or is it reasonable to stick with, I
18 guess is the right way to put it, state legislative
19 and congressional elections as opposed to
20 considering any other elections that might have
21 occurred during that time, since those are the
22 primary boundaries that we're about deciding?

23 MR. BALES: The answer partly
24 depends on what the new districts you identify look
25 like. And I'm not trying to avoid answering you

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1 directly.

2 The historical data is significant
3 because it may help show whether cohesive blocks of
4 minority voters that are able to choose candidates

5 of their choice under the existing boundaries are
6 under a new plan being fragmented in ways.

7 And what the Justice Department
8 will sometimes do is look at a history of candidate
9 success not just at the level of statewide or
10 legislative district races but also at lower level
11 races to try to gauge in a rough way whether
12 minority voters tend to vote cohesively as blocks
13 or whether in some districts for various seats
14 minority candidates can be elected even if it's not
15 a minority district. And the department, in some
16 cases, will look at very local level races for
17 those purposes.

18 CHAIRMAN LYNN: Just so I'm clear,
19 we could do our job and go through a clearance
20 process with Department of Justice and have our
21 plan approved and then when, let's say,
22 supervisorial districts are subsequently drawn,
23 because we don't draw them, some of those
24 inequities could pop up. My point is: I don't
25 know how helpful reviewing prior supervisorial

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1 races would be given that is a subsequent process
2 to ours. Is that clear?

3 MR. BALES: It is clear.

4 CHAIRMAN LYNN: Okay. Thank you.

5 MR. BALES: I will tell you the
6 last submission that the State made, initially they
7 sent historical data just for statewide and
8 legislative races. The Justice Department made a
9 subsequent request asking for additional historical

10 information at the county level.

11 Maricopa County, in its most
12 recent submission regarding supervisory districts,
13 used not only historical data for that race but
14 also went down to the level of JPs and other
15 precinct level candidates.

16 CHAIRMAN LYNN: Okay.

17 Any other questions?

18 COMMISSIONER ELDER: Yeah.

19 Question -- you expressed a very linear process.
20 Many times we can make submittals at a government
21 level to one agency and be paralleling that process
22 to another agency.

23 Do we have to have draft review
24 submitted for 30-day review in the State completed,
25 modifications made, before we submit for

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1 preclearance to the federal?

2 MR. BALES: Yes. The department
3 won't consider a preclearance submission until it's
4 final for purposes of state law.

5 So actually, simultaneously when
6 you certify the plan to the Secretary of State
7 under Section 17, that would be when the submission
8 would be made to the Justice Department.

9 COMMISSIONER ELDER: I guess where
10 I was going is that if they review the plan and
11 they say "but we would like to see this data," it
12 seems as though, knowing that, that we can be
13 collecting, preparing, or presenting that data when

14 we make the final submission, almost like a
15 preclearance preclearance.

16 CHAIRMAN LYNN: Anticipate their
17 question.

18 COMMISSIONER ELDER: We say this
19 is what we're going to submit. We submitted it to
20 the State for review and comment. But if you see
21 something here that is going to be a red flag, oh,
22 no, you have to be able to justify it, we make sure
23 we include it in the formal submittal.

24 MR. BALES: I'm not sure if I
25 understood you.

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1 If you are asking if at the time
2 you send out for public comment you can send
3 something to the Justice Department for their
4 comment --

5 COMMISSIONER ELDER: Yes.

6 MR. BALES: No. The answer is no.
7 They won't review things until they are final state
8 law.

9 To give you something somewhat
10 analogous, even though everyone knows once voters
11 approve a ballot proposition it will become law, it
12 technically doesn't take effect until proclaimed by
13 the Governor. Even after being passed by the
14 state, the Justice Department will refuse to accept
15 the thing, a proposition, even though everyone
16 knows it's inevitable it will become law.

17 That came up with Prop 106. We
18 knew this would be the law in Arizona, but we

19 couldn't submit to the Justice Department until the
20 Governor actually made the proclamation.

21 CHAIRMAN LYNN: Other questions.

22 Joshua?

23 COMMISSIONER HALL: So the major
24 change with Proposition 106, if I understand
25 correctly, was there can be no consideration of

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1 residency, of residency of incumbents or
2 candidates, is that correct, one of the major
3 changes?

4 MR. BALES: Certainly that was a
5 major change what could enter into redistricting
6 decisions.

7 COMMISSIONER HALL: I'm saying
8 with respect --

9 That change is different from what
10 is allowed under federal law. Is that correct?

11 MR. BALES: Correct.

12 COMMISSIONER HALL: Is there any
13 other change on the state level pursuant to this
14 proposition that is allowed under federal law or
15 not allowed under federal law?

16 MR. BALES: Well, I think the way
17 the amendment was drafted, it sets up a sort of
18 hierarchy of the different considerations that can
19 go into the redistricting decision.

20 The first requirement that the
21 plans conform to the Constitution and the Voting
22 Rights Act is an unqualified directive. But if you

23 look at the other things that the amendment says
24 may be considered, compactness, protecting
25 communities of interest, promoting competitive

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1 districts, those are all things you do to the
2 extent practicable.

3 COMMISSIONER HALL: Now, I'm
4 getting to my question. I want to make sure I
5 understand the premise.

6 When we submit to the Legislature,
7 obviously their first point of input will be
8 residency of incumbents and candidates. I guess
9 I'm looking down the road looking at a potential
10 conflict wondering if you could in your mind
11 reconcile those for me.

12 CHAIRMAN LYNN: Legislative review
13 is without result.

14 COMMISSIONER HALL: I understand.
15 We're saying we can't consider that yet we'll go
16 solicit that.

17 COMMISSIONER HUNTWORK: May I
18 interject that just to pile onto that?

19 Is it crystal clear in everyone's
20 mind we can't ever consider it?

21 COMMISSIONER MINKOFF: Uh-huh.

22 COMMISSIONER HUNTWORK: In the
23 provision that deals with --

24 COMMISSIONER MINKOFF: It says you
25 can't consider it, in the law. It's the one thing

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1 that it says you can't consider.

2 COMMISSIONER HALL: That was my
3 first question. But the follow-up -- then we go
4 and say, "Please help us consider it."

5 COMMISSIONER MINKOFF: No.

6 CHAIRMAN LYNN: "Or please react
7 to what we've done."

8 COMMISSIONER MINKOFF: Yeah.

9 COMMISSIONER HALL: I'm not trying
10 to criticize whoever drafted the language of 106.
11 I'm trying to get you to help me recognize --

12 COMMISSIONER HUNTWORK: I thought
13 there was possibility in the law to interpret it --

14 COMMISSIONER MINKOFF: I have a
15 copy of it.

16 COMMISSIONER HUNTWORK: I could be
17 wrong. I think we might want to start out with a
18 clear --

19 MR. BALES: I think what you are
20 both referring to is Section 15 of the proposition,
21 two parts to it, which says, "Party registration,
22 voting history data, will be excluded from the
23 initial phase of the map making process but may be
24 used to test maps for the above criteria." That
25 sets that stuff aside.

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1 COMMISSIONER HALL: Till later.

2 MR. BALES: At the first step.

3 Second sentence, "Places of

4 residence of incumbents or candidates shall not be
5 identified or considered. "

6 And that exclusion isn't limited
7 by its terms to only the first phase of the
8 process.

9 COMMISSIONER HUNTWORK: Might be
10 limited by its position.

11 COMMISSIONER MINKOFF: I don't
12 think so.

13 COMMISSIONER HALL: Well, that --

14 COMMISSIONER HUNTWORK: In its
15 paragraph that deals with --

16 COMMISSIONER HALL: We agree
17 Scott -- I agree that's not a negotiable issue.
18 But my point is then it says, "Now present this to
19 the Legislature. "

20 Now, I'm just trying to take a
21 realistic approach here. What is the Legislature
22 going to say?

23 COMMISSIONER MINKOFF: We don't
24 like it.

25 COMMISSIONER HALL: "By the way,

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1 know where I live?"

2 MR. BALES: If the Commission made
3 it clear, consistent with the language of the
4 amendment, they are not going to consider residency
5 of incumbents or candidates in decision making, the
6 Legislature in commenting on a draft plan would
7 probably not focus on those issues. The
8 Legislature would probably focus on things like

9 communities of interest.

10 CHAIRMAN LYNN: To make the same
11 point.

12 COMMISSIONER HALL: Right.

13 COMMISSIONER MINKOFF: Get the
14 same result.

15 MR. BALES: As a realistic
16 assessment, if you were a sitting Legislator right
17 now and looking at this, you'd probably be
18 thinking, Boy, I hope my district happens to
19 coincide with a community of interest that should
20 be considered in the redistricting process.

21 COMMISSIONER HALL: I do not
22 suggest we blatantly reference that.

23 Are we in agreement there's an
24 inherent conflict and we deal with it the best we
25 can?

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1 MR. BALES: Part of the background
2 to this, and you see this in some of the comments
3 in the publicity pamphlet and you also see it in
4 the court decisions that came out with regard to
5 congressional districts after the last restricting,
6 but part of the background, if you view the
7 legislative boundaries in the last redistricting
8 effort, they were partly dictated by where
9 incumbents lived. And this in part is a reaction
10 against that.

11 I don't think that the statement
12 that you don't consider place of residence of

13 candidates or incumbents is inconsistent with the
14 directive that you do give consideration to such
15 things as whether a particular town should be kept
16 within one legislative district.

17 COMMISSIONER HALL: I agree with
18 that, yeah.

19 COMMISSIONER MINKOFF: The other
20 thing that I think relates to this but is going to
21 come up even earlier than that is that I have been
22 informed by a number of people that we are going to
23 receive draft plans before we've even sat down to
24 develop one of our own.

25 We're going to get a lot of input.

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1 We're probably going to get even more when we go
2 out and solicit comment. We'll get draft
3 redistricting plans from the Senate and House
4 before we sit down to do ours, get them from other
5 communities of interest, interest groups, et
6 cetera. And they're not going to have red dots
7 saying "This is where I live," but they are
8 obviously going to take that into consideration.

9 We will look at those plans and
10 either be guided by them or not as we choose.

11 But we're going to get them. And
12 we're going to get them before the 30 days of
13 public comment on whatever we come up with.

14 CHAIRMAN LYNN: Well, in truth,
15 given the fairly aggressive time frame, I think our
16 public stance should be we welcome all input from
17 whatever quarter it comes and we'll do the best we

18 can to judge it fairly and do our best to judge it.

19 COMMISSIONER MINKOFF: The more we
20 get before we publicize our draft, probably to some
21 extent, we will minimize some of the criticisms
22 afterwards.

23 COMMISSIONER HALL: I think we
24 need to be clear here. Any plan that would infer
25 or identify that issue that is exclusively excluded

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1 in this proposition we need to ignore, reject
2 categorically.

3 COMMISSIONER ELDER: Well --

4 Mr. Chairman, or how formal --

5 CHAIRMAN LYNN: I'd like to run as
6 informally as we can get away with.

7 COMMISSIONER ELDER: One of the
8 things that may be valuable here, with that process
9 of having plans from whatever quarter they come
10 from, is if we requested that they identify the
11 basis of how they have generated the districts,
12 what the issues were as they saw them, so we could
13 look as we go out to various public groups or as we
14 get input from public groups, okay, these are
15 issues we need to make sure we address so when
16 somebody reviews our drafts as it's submitted for
17 review and comment they understand we did take into
18 account we had access to their concerns and, you
19 know, we attempted to draw the lines to reflect
20 those concerns.

21 COMMISSIONER MINKOFF: I think

22 that --

23 COMMISSIONER ELDER: So rather
24 than just a plan, if there's a plan with an
25 executive summary, or something.

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1 COMMISSIONER MINKOFF:

2 Explanation.

3 COMMISSIONER ELDER: What these
4 were based on. That would be very helpful to me,
5 in any case.

6 COMMISSIONER HUNTWORK: I think
7 that I would like to request, perhaps, a formal
8 opinion from the Attorney General that at no time
9 in this process, and even to a very limited extent,
10 can we take residency into consideration. The
11 ambiguity I see is it's in a paragraph that deals
12 with another issue that was put in that paragraph,
13 I think, possibly for a reason. And I just want to
14 make sure. Because in my mind, it doesn't stand to
15 common sense and it doesn't reflect what I think
16 the people of Arizona were trying to accomplish to
17 take such rigid interpretation of that
18 interpretation. If we must, we must. We've sworn
19 to uphold the law, and I will.

20 If we find ourselves in a position
21 of forcing the top leaders of the state, whether a
22 member any community, to run against each other
23 because they both represent the same community and
24 live next to each other, without doing violence to
25 any other principles, talk about running a fine

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1 line here, but we could have run here, or could
2 have run this way a block without changing anything
3 else so as to allow, for example, Hispanic
4 Legislators to represent the same districts they do
5 now, or two of any other group, I think we should
6 have the flexibility to do that, if possible, under
7 the law.

8 CHAIRMAN LYNN: Notwithstanding
9 the result of the request, without objection, let's
10 ask the Attorney General's Office to offer a
11 specific opinion on that section of the legislation
12 that you referenced to clear up any ambiguity that
13 may exist as to whether and how we might consider
14 residency.

15 COMMISSIONER HUNTWORK: Yes,
16 please.

17 CHAIRMAN LYNN: Without objection.

18 COMMISSIONER HUNTWORK: My
19 advocacy is certainly we can't consider it
20 initially. And the way it's worded, it's clear we
21 can only consider it as a very last item, can't let
22 it drive the process. But it is not clear to me
23 that we can't ever consider it at all under any
24 circumstances.

25 CHAIRMAN LYNN: And I think that

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1 kind of ambiguity, as significant as that question
2 will ultimately be, requires we get an opinion and

3 go from there.

4 So if we may, Scott.

5 MR. BALES: I need to ask a
6 question so I understand clearly what kind of
7 opinion you are asking for.

8 The Attorney General by statute is
9 authorized to give written, formal opinions at the
10 request of Legislators and different state
11 officials. And I think Mr. Lynn as Chairman of
12 this body could certainly request a formal Attorney
13 General's opinion. Those, generally speaking, take
14 some time to be generated. We issue something on
15 the order of 30 of them a year. It's an elaborate,
16 formal process.

17 We, on a much more frequent basis,
18 issue informal opinions to virtually every agency
19 in the state regarding their office and
20 responsibilities.

21 I'm unclear from what Mr. Huntwork
22 said and others said whether you are asking for a
23 formal opinion or just an Attorney General's
24 opinion.

25 COMMISSIONER HUNTWORK: I would

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1 like a formal opinion. The more I think about it,
2 the more -- this is really going to be one of the
3 most critical issues.

4 CHAIRMAN LYNN: While we're at it,
5 are there other parts of the law -- again, we're
6 dealing with a initiative. By nature, all
7 legislation is somewhat imperfect as it sits. It

8 is what it is and it passed. We're bound by the
9 language that is there subsequent to interpretation
10 from legal authority.

11 So my question would be, as long
12 as we're going to ask for formal opinion, do we
13 wish to limit it to this section only or are there
14 any other sections that are simply ambiguous and we
15 could include in the request so as not to make it
16 more difficult for the Attorney General to respond?

17 COMMISSIONER MINKOFF: The one
18 term, I think it's clear there's some uncertainty
19 about this from the four people that, you among
20 them, we talked to earlier today, and that's the
21 term "community of interest." I don't know we need
22 a formal opinion, but I would really like some kind
23 of statement from the Attorney General's Office as
24 to what does and does not constitute a community of
25 interest.

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1 MR. BALES: Yeah. The nature of
2 that question is such I think we simply provide you
3 some kind of legal memo.

4 COMMISSIONER ELDER: Or any
5 federal case law they'll be asking a judge, or
6 looking at this plan that we end up with that so we
7 get an idea what the thought process was and we
8 make sure we, one, conform.

9 COMMISSIONER MINKOFF: I think
10 we're all pretty clear certain racial ethnic groups
11 do absolutely constitute a community of interest.

12 Others, rural, urban interests, retirement
13 communities, that kind of thing. And I'd like to
14 know if those are communities of interest that we
15 really need to consider or if they're not.

16 CHAIRMAN LYNN: Those specific
17 questions were part of the vetting process we all
18 went through in terms of being asked by those
19 appointing. And it would be helpful to have those
20 clarified, I agree.

21 I was hopeful -- again, at this
22 point I don't know how much we can ask for and how
23 much the Attorney General is willing to give in
24 terms of staff and at what point we need to engage
25 our own staff for work to be done.

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1 One of the things I would find
2 extraordinarily helpful, if you will, is a binder
3 of information that includes the language, any
4 opinions that will be issued, any overlay language,
5 the Voting Rights Act, other standards to which we
6 will be held, a reference document, if you will,
7 each Commissioner could have so as we proceed if we
8 have a question in our own minds about some phase
9 of this, we have a good reference document to be
10 using.

11 MR. BALES: Actually, Mr. Lynn, by
12 virtue of you being the last chosen you probably
13 have the least information.

14 CHAIRMAN LYNN: Then I withdraw
15 everything I just said.

16 COMMISSIONER ELDER: My dog ate

17 it.

18 MR. BALES: Perhaps your
19 colleagues on the Commission are already saying
20 that of things we already sent in terms of
21 documentation.

22 COMMISSIONER MINKOFF: No.

23 MR. BALES: Let me tell you a few
24 things we'll give today and a few other things.
25 These are good things to address in terms of the

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1 agenda for your next meeting.

2 There is, first of all, a pamphlet
3 that relates open meeting law we've given to each
4 of the other Commission members, a booklet
5 published by ABA about the general law on
6 redistricting, which we made available to each
7 Commissioner, and then two documents from the
8 Justice Department, their letter preclearing the
9 actual creation of the Commission and a document
10 they published a couple weeks ago in the Federal
11 Register explaining generally how they'll review
12 redistricting plans for purposes of preclearance.

13 Two other things we're going to
14 make available today to all Commission members are
15 a memo, or a brief article, rather, by one of the
16 attorneys for the state of Minnesota and entitled
17 How to Draw Redistricting Plans That Will Stand Up
18 in Court. It's similar to the ABA book, gives a
19 very clear, brief overview of applicable law.

20 And the last thing I'll mention,

21 this thing, Arizona Political Maps. These are
22 existing legislative, congressional districts. I
23 made copies for everybody.

24 Beyond that, when we move to the
25 agenda setting part of today's meeting, you might

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1 want to consider if you want a presentation by us
2 or other counsel in terms of just an overview of
3 the law.

4 We mentioned the census data
5 process. I think that's something that would be
6 good to have some kind of presentation on. And I'm
7 sure there's a number of other issues you and other
8 Commissioners might want to include kind of in the
9 nature of orientation in the first meeting.

10 CHAIRMAN LYNN: Okay.

11 Joshua, I'm sorry, you had your
12 hand up.

13 COMMISSIONER HALL: That's fine.

14 I agree with Mr. Bales.

15 I was ready to move to the next.

16 We are moving to where we actually
17 set some agenda items. I was going to say with all
18 due respect to everybody here who is an attorney, I
19 have no desire to become one. Subsequently, I just
20 think that -- I think it's going to be pertinent as
21 we -- I think we need to set this agenda item,
22 Steve. I think we need in addition to the Attorney
23 General, will need to have some independent
24 counsel. Because these legal issues are going to
25 crop up every step of the way.

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1 I think we just, in connection
2 with the Attorney General's Office, we need to have
3 someone who is going to be -- has extensive
4 experience in this area.

5 I would like to suggest on an
6 agenda item the proper process, whether send out an
7 RFP, request for proposal, to identify someone who
8 would be appropriate to be the independent counsel
9 for this Commission.

10 CHAIRMAN LYNN: Without objection,
11 we'll add that to the agenda for next meeting.

12 COMMISSIONER MINKOFF: I'd like
13 suggest something different related to that next
14 meeting, that at the next meeting we need to begin
15 to decide what staff to hire, if we're going to be
16 up and running by the time we receive the census
17 data. There's no time to waste in getting office
18 space and staff, and we need to make decisions.

19 COMMISSIONER HALL: I think that
20 pursuant to Mr. Bales' recommendation, next
21 meeting, probably the initial part of the meeting
22 should be a presentation by the Department of
23 Administration.

24 MR. BALES: Correct. Department
25 of Administration has an orientation for new State

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1 employees or board members, a presentation on open

2 meeting laws, conflict of interest, ethics. The
3 next regularly scheduled program would not be until
4 April. I think at their request they would
5 themselves provide a program like that or perhaps
6 contract with someone who could do it on a more
7 timely basis and probably on a more abbreviated
8 basis. Their programs typically run most of the
9 day.

10 COMMISSIONER HALL: They'd address
11 issues such as space, provide assistance with
12 respect to staffing, reimbursement of expenses and
13 those kind of parameters?

14 COMMISSIONER MINKOFF: Another
15 issue but important one.

16 MR. BALES: They can help on all
17 those things as well.

18 Maybe we should -- if you think
19 it's appropriate, you might want to spend a little
20 time on each today.

21 For example, on office space, the
22 Department of Administration, consistent with
23 language in the amendment, they've identified some
24 vacant space they have in the Capitol Mall area.
25 But if you gave them a different direction in terms

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1 of where you wanted your location to be or the kind
2 of space you want it to be, they then would come up
3 with different ideas. They haven't, because since
4 this is a new Commission, they haven't had
5 direction.

6 Similarly, once you identify the

7 kinds staff people you want, for example, if you
8 conclude you want an executive director, they can
9 help draw up a job description and then go forward
10 with publishing the notice of vacancy and, even, if
11 you want them to, they can do preliminary screening
12 of applications.

13 CHAIRMAN LYNN: I certainly think
14 with the ambitious time line we have, all those
15 things need to happen concurrently.

16 COMMISSIONER HALL: Absolutely.

17 CHAIRMAN LYNN: So move ahead.
18 Absolutely.

19 I haven't given thought what kind
20 of staff we'll require. Certainly independent
21 counsel is something I had given some thought to.

22 So without objection, we'll have
23 to ask if the Department of Administration can come
24 for an abbreviated and more timely presentation at
25 our next meeting. We'd appreciate that.

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1 COMMISSIONER MINKOFF: And I think
2 it would be helpful if they could provide us with
3 information from some of the other boards,
4 commissions that have been established recently,
5 Clean Elections Commission, for example, on what
6 kind of staff did they hire, what kind of staff
7 other boards, commissions hire, so we don't have to
8 make it for ourselves.

9 COMMISSIONER HALL: Boil it down
10 to counsel, executive director. That's why we'd

11 have an executive director, to make some of the
12 more minutia decisions, if you will. That's the
13 point here.

14 So I think if we could, like you
15 say, simultaneously have them start to do RFPs for
16 those, do preliminary screenings, bring five
17 applicants apiece, whatever -- the point is, folks,
18 we have to move.

19 COMMISSIONER MINKOFF: We want to
20 get moving on this by our next meeting.

21 Other than counsel, I would see
22 one additional post besides executive director.
23 Executive director would be more a public person,
24 being, you know, the person available when you are
25 not available, when some of us aren't available to

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1 interface with the public, to meet with them, to
2 represent the Commission, to be our chief executive
3 officer, let's say.

4 I think we also need a chief
5 operating officer, somebody to run the office, do
6 things, arrange telephones, stationery, publishing
7 of notices, and compliance kinds of things. And
8 beyond that possibly those people could decide who
9 else they need.

10 I would think those two things
11 ought to maybe go out simultaneously.

12 COMMISSIONER ELDER: I agree to
13 some extent. Executive director, whatever title
14 you put to it, should be going out and start the
15 process for now. But I think probably the

16 executive director should be the person that could
17 also either screen or brings to us, say I can work
18 with these three people or five people.

19 COMMISSIONER MINKOFF: We could
20 start getting applications.

21 COMMISSIONER ELDER: Yes,
22 applications, and then their perspective on who
23 they want to be with day in and day out, doing the
24 job, which ones, which strengths are important.

25 I'd say look at executive director

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1 first and follow up with recommendations as to who
2 and what.

3 CHAIRMAN LYNN: For that person,
4 anyone else to make a determination as to size and
5 scope of staff, what we really need to put together
6 is a program of work so someone can look at it and
7 say this is something that can be handled by one
8 person, a receptionist, one person and clerical
9 support, or whether it needs others down the road.

10 My sense is, without knowing any
11 more than I know, and I know four of you had a head
12 start, I don't know that this is much of a -- of a
13 bureaucracy we're trying to create. I don't mean
14 that term negatively.

15 I simply mean with counsel and
16 with an executive and a program of work, we might
17 very well be able to exist with consulting
18 contracts for other than those four things that we
19 may need that are very specific rather than

20 building a staff structure that -- and again, you
21 know, after one year of this, I don't know what our
22 duties are for the other nine years of the term.

23 COMMISSIONER ELDER: You said nine
24 years.

25 CHAIRMAN LYNN: I hope it's time
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1 off for good behavior.

2 In the event there are other
3 things that need to happen, it seems prudent to
4 have the least staff possible in terms of long-term
5 commitment.

6 Scott?

7 MR. BALES: What you might want to
8 consider as an agenda and action item for the next
9 meeting is this sort of basic question about what
10 kind of staff structure you think is appropriate.
11 And as input for your decision on that, one thing
12 we could help with or I imagine DOA could help with
13 is getting information on other states used,
14 commissions in the past, in terms of how they
15 structured it and the number of staff that is
16 necessary.

17 My impression, from talking with
18 people in a few states, is that there's a basic
19 choice that you can make as a Commission. You can
20 choose to employ your own temporary staff to do the
21 data work and the technical side of things, and my
22 impression from talking to other states is you
23 could probably do that with probably half a dozen
24 people. I'm including, in the half dozen,

25 executive director, office administrator, someone

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1 that keeps track of meetings and things like that.

2 A different route would be to try
3 to contract all that out to one of the major
4 consultants around the country that provides
5 basically redistricting plans for states. For
6 example, in Rhode Island this year, they not only
7 had redistricting but reducing the size of the
8 Legislature by about a third. They contracted with
9 a national consulting firm that basically is just
10 going to come up with a package and have someone
11 there the whole time.

12 That can be a very expensive
13 proposition, but it seems to me you have --

14 CHAIRMAN LYNN: A fork in the
15 road.

16 MR. BALES: -- a fork in the road
17 early on to address.

18 CHAIRMAN LYNN: Any comments from
19 the Commission about that fork, initial impression?

20 COMMISSIONER HALL: My gut is
21 there are not only two roads. I think it needs to
22 be a combination of the two. I think we'll have to
23 have someone answer the phone and taking messages,
24 and whatnot.

25 I think we need to have some legal

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1 counsel.

2 I don't think that the voters had
3 in mind for us to put five people up here to rubber
4 stamp whatever a consulting firm places in front of
5 us.

6 Obviously, I think we'll have to
7 identify some people, some consultants, with
8 respect to data processing, cartography, whoever
9 knows what else. But I --

10 So I'm -- what I'm suggesting is a
11 combination. I agree we don't want 10 people on
12 staff. On the other hand, I don't think we want to
13 turn this over to a consulting firm and say "Let's
14 meet in a month and see what you have got."

15 I think our role is to solicit
16 input, do what we can to utilize expertise, or
17 information, or whatever skills we may or may not
18 bring to the table to help make that process the
19 best for all Arizona.

20 While I'm talking, I apologize,
21 other than those administrative items for the next
22 meeting; I'd like to add two more items. One would
23 be Mr. Bales suggested a presentation from census,
24 get census data in front of us. And I also would
25 be interested to hear sub -- from a substantial

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1 standpoint from -- there have been those that have
2 expressed some concerns. I'd like to make sure we
3 have a public comment in there and not just say we
4 have some concerns; say if you have some specific
5 concerns, I think we ought to hear those right out

6 of the gate.

7 For example, if Mr. Perez, is that
8 right, if his organization wanted to come in and
9 say here's some of our issues, let's hear those
10 right of the gate, hear what those issues are, so
11 we make sure we understand all the questions before
12 we go to devising answers to them.

13 CHAIRMAN LYNN: Part of that would
14 be covered. And I think my intent would be to not
15 only encourage that, allow it every time we meet,
16 have a portion of the meeting be for the public,
17 gain input when and if anyone had something to give
18 us in the form of public input. I certainly
19 support that.

20 COMMISSIONER HALL: Sorry. Last
21 thing. The last thing, also, if we have a Maricopa
22 County person, whoever that is, the computer guru.

23 CHAIRMAN LYNN: Elections person.

24 COMMISSIONER HALL: Here's what we
25 got. Here's what we're doing. Here's what we've

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1 done. We have to make a tremendous effort to get
2 up to speed.

3 CHAIRMAN LYNN: And soon.

4 COMMISSIONER HUNTWORK: I want to
5 second that one, that idea.

6 If we play our cards right here,
7 we can use all the resources available throughout
8 the country; but we definitely want to be left with
9 enhanced ability to handle this right here in

10 Arizona.

11 Maricopa County obviously has a
12 very advanced program of this kind; but I have the
13 impression most of the other counties in our state
14 do not. And to the extent that we can help build
15 up the resources throughout the state, I think that
16 would be a double benefit for the money we end up
17 spending on this.

18 COMMISSIONER MINKOFF: Yeah. I
19 think the more we can do locally without bringing
20 in outside consultants, the better ongoing support
21 we have for whatever we do. We have continuity.

22 COMMISSIONER HALL: No doubt.

23 It's a fine line there. I think
24 we need to insure we utilize whatever we can
25 locally and simultaneously insure we don't have

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1 individuals so tied to the process they are
2 representing their own personal agenda.

3 CHAIRMAN LYNN: On the other hand,
4 if we find, hear a consultant had particularly good
5 luck at drawing districts, at passing DOJ muster,
6 at being that kind of assistance we ultimately have
7 to come down to in terms of our plan, we certainly
8 shouldn't reject that kind of assistance, if it's
9 there.

10 There's an awful lot we need to do
11 in a short period of time.

12 Our next agenda is quite full. So
13 having --

14 COMMISSIONER MINKOFF: Let me ask

15 a question about that before we go on.

16 One thing you brought up. We need
17 some kind of presentation from Department of
18 Administration or somebody they contract with in
19 terms of complying with open meeting laws,
20 conflicts of interest, ethics, et cetera, which I
21 understand is very time consuming.

22 Is that something we can do at the
23 next meeting or is that something that we can just
24 learn about and have to schedule for another time?

25 COMMISSIONER HALL: Is that

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1 something we can get an abbreviated version?

2 COMMISSIONER MINKOFF: Even an
3 abbreviated version.

4 CHAIRMAN LYNN: Asking if there's
5 homework?

6 COMMISSIONER MINKOFF: I talked to
7 somebody that does that kind of thing. He said he
8 can do it in four hours, which he thought was
9 terrific. Four hours is a lot of time with all the
10 other stuff we have to do. It's not two days
11 but --

12 COMMISSIONER ELDER: Invite him
13 for lunch on four different occasions.

14 MR. BALES: I think if you wanted
15 to set aside a certain amount of time that DOA, or
16 again, if -- I suspect we're talking about the same
17 individual, a person, Tim Delaney, who was Chief
18 Deputy at the AG's Office for a number of years and

19 Solicitor General under Grant Woods.
20 He's given programs to the State
21 Senate and other public bodies in the nature of
22 what DOA does. However, DOA came up with a
23 presentation. I think they can give it to you. If
24 you wanted them to compress it into two or three
25 hours, they think they respond to whatever

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1 direction you give.

2 CHAIRMAN LYNN: Sounds like a
3 weighty agenda next time. The next agenda looks
4 like a full day meeting, first, if not more than a
5 full day meeting, gauging from the agenda. We want
6 to keep on track.

7 Anything else you think should be
8 added to the first agenda?

9 COMMISSIONER MINKOFF: What do you
10 have?

11 CHAIRMAN LYNN: Consideration of
12 independent counsel and other staffing
13 considerations; presentations from the AG's Office
14 on specific points that we've either raised here or
15 points they wish to make us aware of; a Department
16 of Administration briefing on items such as open
17 meeting law and conflict of interest.

18 COMMISSIONER HALL: And office
19 space and reimbursement expenses.

20 CHAIRMAN LYNN: And anything they
21 feel we need to know.

22 Census presentation; presentation
23 by Maricopa County election group on what software,

24 what capabilities they have.

25 I think that is everything I

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1 heard.

2 COMMISSIONER MINKOFF: And public
3 comment.

4 CHAIRMAN LYNN: Which will be part
5 of all our meetings, hopefully.

6 COMMISSIONER HALL: I thought RFP
7 for executive director. I want to add that.

8 CHAIRMAN LYNN: I think that's all
9 part of the Department of Administration, how we go
10 about hiring.

11 COMMISSIONER HALL: Perfect.

12 COMMISSIONER ELDER: Do we have
13 time in that schedule for census data from 1990 or
14 overlays of election results we discussed earlier?

15 COMMISSIONER MINKOFF: That's in
16 there.

17 COMMISSIONER ELDER: Okay. As
18 long as that is part of it.

19 CHAIRMAN LYNN: Historical
20 presentation, use historical as well as current.

21 Any other items to be added?

22 COMMISSIONER HALL: If I can make
23 a comment with respect to meeting times and
24 schedules.

25 CHAIRMAN LYNN: Sure.

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1 COMMISSIONER HALL: I think I
2 automatically qualify as the furthest away.

3 What are you, three blocks, Jim?

4 COMMISSIONER HUNTWORK: Yeah. A
5 little further than that.

6 COMMISSIONER MINKOFF: I'm a
7 couple miles further than he is.

8 COMMISSIONER ELDER: Tempe curve
9 or whatever doesn't affect them.

10 COMMISSIONER HALL: In an effort
11 to -- my home is four hours to here. In an effort
12 to minimize -- if --

13 Ideally, I need to get specific
14 times. There is an airline that flies where I work
15 and I can pop into Sky Harbor. If I can do that
16 early morning, it leaves at 6:30, or something, I
17 have to identify specifically, if we start meetings
18 around 10:00, that gives me time to fly down in the
19 morning. And even if we didn't finish that
20 evening, went later in the evening, I can still
21 catch one first thing in the morning and still
22 basically only spend one day versus two full days.

23 CHAIRMAN LYNN: Certainly helps
24 us. Dan and I have to come up from Tucson. 10:00
25 o'clock start is easier to make than 9:00.

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1 COMMISSIONER HALL: I think I can
2 do it by 10:00. I'd, when I land, catch the
3 schedule.

4 CHAIRMAN LYNN: Anything about

5 that schedule, 10:00, and to go later into the
6 evening?

7 COMMISSIONER HUNTWORK: We
8 certainly don't have to have all the meetings here,
9 either. Maricopa County being on the agenda, we
10 ought to have the next meeting here.

11 CHAIRMAN LYNN: Do you each have
12 calendars available so you might be able to
13 calendar the next meeting?

14 Mr. Bales, legal notice, 24 hours?

15 MR. BALES: Two-day notice.

16 CHAIRMAN LYNN: Two full days.

17 If we schedule a meeting, today is
18 Tuesday, the earliest we could meet is Thursday of
19 this week?

20 COMMISSIONER MINKOFF: Can't do
21 that, if we start at 10:00 in the morning.

22 MR. BALES: 48 hours.

23 CHAIRMAN LYNN: Friday would be my
24 first opportunity. We're either looking at Friday
25 of this week or early next.

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1 I was hoping we'd get another in
2 pretty quickly. We really need the head start.
3 What is your pleasure?

4 COMMISSIONER HUNTWORK: Friday
5 this week.

6 COMMISSIONER MINKOFF: I prefer
7 maybe this Monday.

8 COMMISSIONER HALL: Next Monday is

9 a holiday.

10 COMMISSIONER MINKOFF: Monday is a
11 holiday.

12 CHAIRMAN LYNN: Not for everybody,
13 but some.

14 COMMISSIONER HALL: For
15 presidents, which includes chairmans.

16 COMMISSIONER MINKOFF: Government
17 holiday.

18 You are Friday?

19 Tuesday?

20 COMMISSIONER ELDER: Is Friday not
21 a good one?

22 COMMISSIONER MINKOFF: I can do
23 Friday. I'd have to reschedule some things, but I
24 could do it.

25 COMMISSIONER ELDER: Either that

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1 or Monday or Wednesday.

2 COMMISSIONER MINKOFF: I can't
3 make Wednesday.

4 COMMISSIONER HUNTWORK: I have
5 problems Tuesday, Wednesday of next week. Monday
6 I'm free but --

7 COMMISSIONER MINKOFF: We can't
8 meet on Monday, can we?

9 MR. BALES: I don't think the fact
10 it's a holiday precludes you from meeting so far as
11 you've satisfied the notice requirements.

12 COMMISSIONER MINKOFF: Except if
13 asking people to come make presentations to us and

14 it's a holiday for them, we might run into trouble.

15 MR. BALES: I shouldn't presume to
16 speak on behalf of Maricopa County.

17 COMMISSIONER MINKOFF: Or
18 Department of Administration.

19 MR. BALES: True.

20 CHAIRMAN LYNN: I wonder if we
21 might slip one in Friday. I understand the
22 concerns. I'd have to do some moving around as
23 well.

24 Might we convene again Friday?

25 COMMISSIONER HUNTWORK: That would

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1 be good for me.

2 CHAIRMAN LYNN: I think the more
3 we get out of the way and get started.

4 I think after next meeting, we'll
5 have several processes in motion that will take
6 awhile to unfold. At least if we could meet, again
7 respecting everybody's schedules and their
8 commitments -- shall we say 10:00 o'clock Friday?

9 And Scott, in terms of a location,
10 do we have a permanent home or a temporary home?

11 MR. BALES: Well, you don't have
12 either yet.

13 We could certainly help you in
14 making meeting space available. The Capitol Center
15 building, which is where my offices are, has
16 meeting rooms available. There are meeting rooms
17 in the basement of the Office of Administrative

18 Hearings Building, 1400 West Washington. We
19 could -- I don't know if the Secretary of State
20 could make this room available again. We could
21 check about that, if you like.

22 We could work to actually identify
23 the meeting place and to prepare the notice for the
24 meeting. We did that for this meeting.

25 CHAIRMAN LYNN: That would be

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1 fine. I think any of those locations, as long as
2 they're accessible to the public, would be
3 acceptable. Since it's so small a group, we can
4 fit almost anywhere. I would want to be very
5 considerate of the public that wish to come address
6 us that there be sufficient room so they can be
7 comfortably accommodated.

8 MR. BALES: Sure.

9 CHAIRMAN LYNN: Without objection,
10 Friday at 10:00. And we'll plan to meet throughout
11 the day and, with any luck, close by 5:00 p.m. or
12 earlier, if we can.

13 Is that acceptable?

14 Are there any other items to come
15 before the Commission at this meeting?

16 MR. BALES: Mr. Chairman, two
17 other logistical matters. One is to make a
18 determination of where you'll be posting notice for
19 your meetings. And the Secretary of State's Office
20 is one readily available option. But you do need
21 to make a determination of where you'll post
22 notice.

23 And second, for purposes of this
24 meeting and, I would expect, your next meeting as
25 well, at least until you have some staff, you need

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1 to make some determination of who you would like to
2 designate to keep minutes. One of our staff
3 people, Jan McLemore, has been present today. And
4 she's able to do that, if you wish. But that's a
5 loose end you need to resolve.

6 CHAIRMAN LYNN: Any thoughts?

7 COMMISSIONER HALL: Is recording
8 sufficient or do we need to have --

9 What is your official title?

10 THE REPORTER: Court reporter.

11 MR. BALES: I'm distinguishing
12 just between minutes of the meeting, formal minutes
13 of the meeting to reflect in an accessible way what
14 you did and considered as opposed to the full-blown
15 record the court reporter has.

16 COMMISSIONER MINKOFF: We need
17 both?

18 COMMISSIONER HALL: Are you the
19 one that coordinates this fine lady for us?

20 MR. BALES: Until you have other
21 staff.

22 CHAIRMAN LYNN: We appreciate
23 that.

24 I want to express that to the
25 Attorney General. We appreciate that support until

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1 we're able to do that on our own with our own staff
2 support.

3 If that's acceptable with the
4 Commission, we'll ask the Attorney General's Office
5 to provide the same staff support to get through
6 the next meeting, at least, and see where we are.

7 COMMISSIONER HUNTWORK: Scott, a
8 question about where we post notice. Is there
9 any -- any trick to that? I think if we simply
10 post notice here --

11 MR. KANEFIELD: The first floor of
12 this building where most boards and commissions
13 post notice.

14 COMMISSIONER HUNTWORK: Do we need
15 to adopt a resolution about that, henceforth we
16 shall post?

17 I move, henceforth, this
18 Commission will post notice of its open meetings on
19 the first floor of the Capitol building.

20 CHAIRMAN LYNN: Let me see if
21 there's a second for that before we discuss it.

22 COMMISSIONER ELDER: Second.
23 Now I get to talk?

24 CHAIRMAN LYNN: I will try to be
25 as unobtrusive about parliamentary rules as we can.

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1 When we do things formally, we need to do them
2 formally.

3 COMMISSIONER ELDER: My sense is I

4 like the State Capitol as being the location for
5 posting rather than the Attorney General's Office.
6 If you asked me where is the Attorney General's
7 Office, I couldn't tell you. If I said, "Where do
8 go if I want to know what is going on in a state,
9 community? The Capitol."

10 CHAIRMAN LYNN: Speaking in favor
11 of the first floor.

12 COMMISSIONER MINKOFF: Is that
13 sufficient or are there legal publications we also
14 need to put the meeting notice in?

15 MR. BALES: I think this next
16 meeting you can make your public notice by, in
17 addition to posting it, sending copies, for
18 instance, to the major media outlets. And then
19 once you are set up, one thing you might consider
20 is having a website, which DOA can help you set up,
21 and have it accessible there.

22 And once you have some kind of
23 staff, they, presumably, on a more regular basis,
24 will be sending copies of the notice to interested
25 parties. We could also help with that, if you

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1 like. We assisted the Appellate Courts Appointment
2 Commission, to some degree, in their publicizing
3 application process.

4 We have contact lists. And this
5 notice, if you wish, we could make a point of
6 faxing that to those groups.

7 It's probably a good thing to make

8 an affirmative outreach effort for public input.

9 CHAIRMAN LYNN: I'd like to be as
10 affirmative in outreach as we can be.

11 COMMISSIONER MINKOFF: I'd rather
12 tell too many than not enough.

13 CHAIRMAN LYNN: And the ability to
14 accommodate.

15 COMMISSIONER HUNTWORK: I amend
16 the motion so the official posting be here but we
17 will also provide press releases to all major news
18 outlets.

19 CHAIRMAN LYNN: Is that acceptable
20 to the second?

21 COMMISSIONER ELDER: So moved or
22 seconded.

23 CHAIRMAN LYNN: The motion as
24 amended is on the floor.

25 Any further discussion?

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1 If not, all in favor say "aye."
2 (Vote taken.)

3 CHAIRMAN LYNN: Opposed, say no.
4 Motion carries unanimously.

5 Scott, if you will accommodate
6 that.

7 Any further business to come
8 before us today?

9 COMMISSIONER HALL: Let me
10 confirm. You guys will do a memo on the time line,
11 discuss that with us?

12 CHAIRMAN LYNN: Yes. That's part

13 of it.

14 COMMISSIONER MINKOFF: Do you have
15 fax numbers?

16 COMMISSIONER ELDER: And/or
17 e-mails if electronic.

18 CHAIRMAN LYNN: You should.

19 COMMISSIONER MINKOFF: I've
20 received faxes.

21 MR. BALES: E-mails I've not seen.
22 Fax numbers are on a phone list. If not, we can
23 circulate a list.

24 CHAIRMAN LYNN: Are we all on
25 e-mail?

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1 MR. BALES: You need to be
2 sensitive in e-mail communications to requirements
3 of the open meeting law. Don't vicariously have a
4 meeting if you are all in a chat room.

5 CHAIRMAN LYNN: One-way
6 communication, or you communicate with us.

7 There is a gentleman, you wish to
8 be recognized?

9 State your name for those that may
10 not know you.

11 MR. SISSONS: Tony Sissons, and
12 I'm a geodemographics consultant in Phoenix.

13 The public comment section of the
14 agenda earlier was for purposes of making public
15 comment on candidates for chairmanship.

16 Would you -- there wasn't really,

17 I don't think, anything on the agenda about
18 receiving other kinds of public comment before you
19 adjourn.

20 I would pose a question. Would
21 you allow other public comment?

22 CHAIRMAN LYNN: I'd ask the
23 Commission if they have any objection.

24 We might ask you join us Friday,
25 if you could, where there will be a public comment

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1 opportunity without specific agenda. And if that
2 would suit your purposes, perhaps that would be a
3 better opportunity for you to say what you would
4 like to say.

5 Let me ask the Commission.

6 COMMISSIONER HUNTWORK: No
7 objection. He's here now.

8 COMMISSIONER MINKOFF: No problem.

9 CHAIRMAN LYNN: Are you ready?

10 MR. BALES: Mr. Lynn, just so it's
11 consistent, the posted terms in the notice for this
12 meeting, comments probably should be directed for
13 things to the agenda for the next meeting as
14 opposed to any --

15 CHAIRMAN LYNN: You are saying we
16 do have a public agenda issue here.

17 MR. BALES: Yes.

18 CHAIRMAN LYNN: We don't have open
19 comments noticed. Comments were specifically for
20 candidates.

21 MR. BALES: You do have on today

22 the agenda for your next meeting. You have
23 discretion if it's directed to that.

24 CHAIRMAN LYNN: Keep it directed
25 to an agenda item for next meeting.

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1 MR. SISSONS: I'll do that. Thank
2 you, Mr. Chairman.

3 What I want to bring to your
4 attention is a concern I have, and that is given
5 the tight time schedule, the census data and census
6 maps are all sort of making their way towards you
7 and will arrive at appropriate times. But there is
8 one data set that has been talked about earlier
9 today, and that is the prior election results data
10 base that is unfortunately in not a very usable
11 shape, at the moment.

12 Let me sort of quickly explain
13 that, if I may. In the consulting work that I've
14 done for counties over this decade, I have bought
15 copies of that prior elections data base from the
16 Secretary of State's Office. And about 80 percent
17 of those, of those data files, are not in the shape
18 that can be -- or not in a format that can be read
19 by the redistricting software. They are largely
20 text files, or they are scanned -- scanned copies
21 of paper documents that can't be -- basically can't
22 be read by -- can't be attached by redistricting
23 software.

24 And another I thing found with
25 many files is individual precinct vote counts in

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1 those files don't add up to the vote totals that
2 were transmitted to the Secretary of State's
3 Office.

4 Now, this is an issue I've been
5 dealing with for about half a decade as I've done
6 my consulting for counties. And I've found ways
7 to -- every defect in every one of these files is
8 correctable, but it takes a little bit of time.

9 I wanted, absolutely, the earliest
10 opportunity to bring this problem to your
11 attention. And if you wish, on Friday, I could
12 bring more details or -- I'm sort of open to your
13 pleasure.

14 CHAIRMAN LYNN: Given what I know
15 about open meeting laws and open meetings, it would
16 be inappropriate for us to comment on your comments
17 at this time.

18 What I would suggest is that you
19 stay in touch with our progress. And you now know
20 ahead of everyone else we're having a meeting on
21 Friday where there will be an opportunity for
22 further comment.

23 MR. SISSONS: Okay.

24 CHAIRMAN LYNN: We appreciate very
25 much your comments today.

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1 MR. SISSONS: Thank you.

2 CHAIRMAN LYNN: Any further

3 business to come before the Commission?

4 Mr. Bales, anything else from you?

5 MR. KANEFIELD: What time is the
6 meeting to start?

7 CHAIRMAN LYNN: 10:00 a.m.

8 MR. BALES: Nothing further.

9 MR. McCLOY: Between now and the
10 next meeting, issues may come up I'll write about
11 as a reporter. If people want to contact this
12 group in the meantime, is there a specific place,
13 the Secretary of State's Office, for instance?

14 CHAIRMAN LYNN: I don't know if
15 the Secretary of State is appropriate. Perhaps the
16 AG's Office, at this point, if you allow that. I
17 don't know where else to send them in the days
18 between now and Friday or we get our permanent
19 home.

20 COMMISSIONER HALL: I thought we
21 agreed we'd send them to you.

22 CHAIRMAN LYNN: I have your home
23 phone, thought about giving that out.

24 COMMISSIONER MINKOFF: He's
25 changing the number.

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1 CHAIRMAN LYNN: Would that be
2 appropriate, Mr. Bales?

3 MR. BALES: That's acceptable, if
4 that's how you would like to proceed until you've
5 identified --

6 CHAIRMAN LYNN: Until we make the

7 transition, to keep things as consistent as
8 possible from where we are now to a more permanent
9 residence, if you will, for the Commission.

10 So does that answer your question?

11 MR. McCLOY: Yes.

12 CHAIRMAN LYNN: Thank you very
13 much. Again, anything to come --

14 COMMISSIONER HALL: Did we
15 determine the location? Meeting here --

16 CHAIRMAN LYNN: That's at the call
17 of Mr. Bales. He'll notify us and tell us where
18 we're meeting, find us a place.

19 COMMISSIONER HALL: Can you draw
20 us country boys a map?

21 MR. BALES: We can get you a map.

22 COMMISSIONER HALL: I circled the
23 building four times.

24 MR. BALES: I was going to ask if
25 it caused problems logistically.

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1 CHAIRMAN LYNN: This is my
2 preference. We're familiar being here.

3 MR. BALES: We'll see if the
4 Secretary of State's Office can make this
5 available. If not, we'll let you know where else.

6 COMMISSIONER MINKOFF: Scott,
7 could you put in memo form and give to us, instead
8 of five business cards, if we need to have
9 one-to-one, how to contact everybody?

10 MR. BALES: Sure.

11 COMMISSIONER HALL: I'd like to

12 say in closing, I consider it an honor to work with
13 you folks. I enjoyed the day. I feel like the
14 proverbial mule at the Kentucky Derby.

15 It's good to be with you, and I'm
16 excited for the opportunity to serve. No doubt
17 we've outlined a tremendous challenge in front of
18 us, and I feel confident about the quality of
19 individuals I have an opportunity to work with.

20 CHAIRMAN LYNN: Thank you.

21 Any other comments from

22 Commissioners?

23 COMMISSIONER MINKOFF: I'd like to
24 second what Joshua said.

25 COMMISSIONER ELDER: Indeed.

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1 CHAIRMAN LYNN: I, too.

2 The Commission will stand
3 adjourned until 10:00 o'clock on Friday the 16th.

4 The Commission is adjourned.

5 Oh, elect a Vice Chairman.

6 MR. BALES: We'll put that on the
7 agenda for next meeting.

8 (Whereupon, the hearing concluded
9 at approximately 2:45 p.m.)

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA) ss.

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BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, Certified Court Reporter, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 178 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 23rd day of February, 2001.

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