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13 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
14 IN AND FOR THE COUNTY OF MARICOPA

15 ARIZONA INDEPENDENT) No.
16 REDISTRICTING COMMISSION, an)
17 Independent Constitutional Body,)
18 Plaintiff/Petitioner,)
19 vs.)
20 THOMAS C. HORNE, in his official)
21 capacity as Attorney General of the State of)
22 Arizona,)
23 Defendant/Respondent.)

**VERIFIED COMPLAINT
FOR DECLARATORY,
INJUNCTIVE, AND SPECIAL
ACTION RELIEF**

24 The Arizona Independent Redistricting Commission (“IRC” or the
25 “Commission”) was created by the voters in 2000 for the purpose of drawing Arizona’s
26 congressional and legislative districts in a fair, open and transparent manner. After each
27 decennial census, five citizen-volunteers are appointed as Commissioners of the IRC;
28 they donate hundreds of hours of time and effort to Arizona’s more than 6.5 million

1 other citizens by undertaking the difficult, intricate task of redistricting.

2 At present, Arizona Attorney General Tom Horne – at the behest of a handful of
3 partisan critics of the IRC – is using the substantial powers of his office to investigate
4 the IRC’s commissioners for alleged open meeting violations, which have distracted the
5 Commission from its work, and deprived Arizona voters of the independent redistricting
6 process they created over a decade ago. Regrettably, the IRC now needs the assistance
7 of the courts to carry out its mission and to order the Attorney General to refrain from
8 exercising authority he does not possess.

9 Therefore, for its Verified Complaint for Declaratory and Injunctive Relief,
10 Plaintiff Arizona Independent Redistricting Commission states as follows:

11 **INTRODUCTION**

12 1. This action seeks a judicial declaration as to whether the IRC is truly
13 independent, free from interference by politics and politicians, except as explicitly
14 provided in the Constitution.

15 2. In November 2000, Arizona voters chose to amend our State’s
16 Constitution by creating an Independent Redistricting Commission in order to remove
17 the singular task of redistricting from the legislature and place it into the hands of an
18 independent group of citizen-volunteers.

19 3. Among other things, the ballot initiative establishing the IRC, “Prop. 106,”
20 called for the IRC to be composed of five citizen-volunteers: one member nominated by
21 each of the President of the Arizona Senate, the Minority Leader of the Arizona Senate,
22 the Speaker of the Arizona House of Representatives, and the Minority Leader of the
23 Arizona House of Representatives. The four nominated commissioners are then tasked
24 with selecting a chairperson of the Commission, from a pool of eligible, non-partisan
25 applicants.

26 4. The IRC is composed of Commissioners Richard Stertz and Scott Freeman
27 (Republicans) and Jose Herrera and Linda McNulty (Democrats). These four
28 commissioners unanimously selected Chairperson Colleen Coyle Mathis.

1 20. This is only the second redistricting cycle being conducted pursuant to
2 Prop. 106. No court has ever been asked to decide whether the Attorney General can
3 wield his investigative and enforcement powers under Arizona's generally applicable
4 Open Meeting Law to investigate the IRC.

5 21. The language of Prop. 106 makes clear that the business of the IRC is to be
6 conducted in public; the IRC has always done that:

7 a. During its mapping work, the IRC conducts frequent public
8 meetings, often several times per week.

9 b. Its meetings, including its executive sessions, are transcribed by a
10 certified court reporter.

11 c. Its meetings are, whenever technologically possible, streamed live
12 via the internet on the IRC's website.

13 d. Meeting transcripts and recordings are archived and available to the
14 public continually on the IRC's website.

15 22. The language of Prop. 106 also makes clear, though, that the IRC's
16 primary quality is its independence. Whereas the work of redistricting was previously
17 done by the state legislature, Prop. 106 hands this important work over to citizen-
18 volunteers. Prop. 106 requires, among other things, that IRC commissioners not be
19 current or recent holders of public office. It also requires that they not be current or
20 recent lobbyists, members of a political party committee, or campaign committee.

21 23. The Arizona Constitution requires that all candidates for appointment to
22 the IRC must demonstrate a commitment to performing the Commission's charge in an
23 honest, independent and impartial fashion and to upholding public confidence in the
24 integrity of the redistricting process. Ariz. Const. art. IV, Pt. 2, sec. 1(3).

25 24. In short, IRC members are to be citizen-volunteers, not politicians. And it
26 is to these independent, impartial citizen-volunteers alone that Arizona's voters entrusted
27 redistricting by enacting Prop. 106.

28 25. In addition to setting forth in detail the qualifications of the IRC's

1 commissioners, Prop. 106 also sets forth a specific, uniquely tailored, exclusive check on
2 the power of the IRC's commissioners: "a member of the independent redistricting
3 commission may be removed by the governor, with the concurrence of two-thirds of the
4 senate, for substantial neglect of duty, gross misconduct in office, or inability to
5 discharge the duties of office." Ariz. Const. Art. IV, pt. 2, sec. 1. (10).

6 26. The power to remove an IRC commissioner is thus, by the terms of the
7 Constitution, shared by the Governor and the Senate; the Attorney General has no role in
8 that voter-approved, constitutionally-mandated process.

9 27. Operating outside of this initiative-approved, constitutional process, the
10 Attorney General has begun an investigation (the "Investigation") of this independent
11 body using powers granted to him under Arizona's general Open Meeting Law.

12 28. He has made many public statements about the Investigation.

13 29. He has made public statements critical of the IRC, its work, and its
14 individual members.

15 30. He has drawn comparisons of the commissioners' alleged misconduct to
16 the criminal defendants indicted during the Watergate scandal.

17 31. And he has served investigative demands purporting to compel the IRC's
18 commissioners to produce documents and to sit for examinations under oath.

19 32. The IRC and its commissioners have nothing to hide. The IRC has told
20 the Attorney General and has stated publicly that it is willing to publish (subject to
21 redactions for its previously recognized legislative and attorney-client privileges) the
22 transcripts of all executive sessions relating to the hiring of its mapping consultant,
23 Strategic Telemetry, which appears to be the sole focus of the Attorney General's
24 investigation.

25 33. The IRC, however, was set up by the voters to be independent. It cannot,
26 without guidance from the courts, give up that independence by yielding to a process
27 that is not specifically authorized by the constitutional amendment that created it.

28 34. To be clear, if Arizona's courts decide that the Attorney General, under the

1 Open Meeting Law, is both empowered and qualified to enforce that law against the
2 IRC, then the Commission and its commissioners will comply. But one person—an
3 elected, executive branch official being overtly urged on by partisan critics of the
4 Commission—should not be allowed to unilaterally make that decision.

5 35. In short, this is a textbook case for a declaratory judgment; the
6 Commission therefore has invoked the jurisdiction of this court to provide guidance
7 regarding the respective roles of the Attorney General and the IRC under the Arizona
8 Constitution.

9 **B. The Recent Work of the Commission.**

10 36. In order to perform the complicated work of drawing districts in
11 conformity with Article IV, pt. 2, § 1 of the Arizona Constitution, the IRC selects a
12 mapping consultant. In this redistricting cycle, the IRC solicited proposals, conducted
13 interviews, and held numerous public meetings before selecting a mapping consultant.

14 37. On June 29, 2011, the IRC voted 3-2 to select Strategic Telemetry as the
15 mapping consultant. The Arizona Constitution provides that three or more affirmative
16 votes are required for any official action. Ariz. Const. art. IV, Pt. 2, sec. 1 (12).
17 Consequently, the decision was final in accordance with the constitutional authority
18 vested in the IRC.

19 38. The very next day, organized opposition began a campaign of attacks on
20 Strategic Telemetry, the IRC, and Chairperson Mathis. The transcript of the IRC's
21 public meeting on June 30, 2011, reflects roughly 90 pages of public comments
22 criticizing the selection of Strategic Telemetry and the conduct of Chairperson Mathis.

23 39. Upon information and belief, many of the individuals making comments
24 did so by using same set of talking points.

25 40. In the days and weeks that have followed the selection of the mapping
26 consultant, criticism of that decision and of Chairperson Mathis have remained a
27 constant theme among a vocal minority of followers of the IRC's actions.

28 41. This vocal minority has been organized and abetted, in large part, by email

1 and other communications from recognized Arizona partisans and politicians exhorting
2 their followers to contact elected officials, including Attorney General Horne, and ask
3 those officials to impede the work of the Commission.

4 42. In early July, media reports noted that the Attorney General had been
5 asked to investigate the IRC and its mapping consultant decision using the powers given
6 to him under Arizona’s Open Meeting Law, A.R.S. § 38-431 *et seq.*

7 43. Throughout July, various elected officials and members of the public
8 continued their public attacks on the IRC, its mapping consultant, and its Chairperson.
9 Some of these attacks—largely from officials and supporters from one side of the
10 political spectrum—took the form of comments at IRC meetings, statements in media
11 reports and programming, and strident letters and emails to the Attorney General.

12 **C. The Commission’s Requirement of, and Commitment to, Public Meetings.**

13 44. Prop. 106, and now the Constitution, requires that “[w]here a quorum is
14 present, the independent redistricting commission shall conduct business in meetings
15 open to the public, with 48 or more hours public notice required.” Ariz. Const. Art. IV,
16 pt. 2, sec. 1. (12).

17 45. As partially explained in Paragraph 21 above, the IRC goes to great length,
18 and significant expense, to ensure that its business is open to the public, and to public
19 scrutiny, as required by the Constitution.

20 46. The requirements of the Constitution, however, are plainly different,
21 imposed using different words, from those set forth in the generally applicable Open
22 Meeting Law.

23 47. For example: The Open Meeting Law requires that notice of meetings,
24 including agendas for meetings, for bodies governed by that Law be “posted **twenty-**
25 **four hours** before the meeting.” A.R.S. § 38-431.02(G).

26 a. But the Constitution requires the IRC to ensure that “**48 or more**
27 **hours public notice**” is provided before a meeting. Ariz. Const. Art. IV, pt. 2,
28 sec. 1. (12).

1 48. By way of further example:

2 a. The Open Meeting Law applies to gatherings of a subject body “in
3 person or through technological devices, of a quorum of members . . . at which
4 they discuss, propose, or take legal action, including any deliberation by a
5 quorum” A.R.S. § 38-431.02(G).

6 b. The Constitution requires that the IRC “where a quorum is present .
7 . . . conduct business in meetings open to the public” Ariz. Const. Art. IV, pt.
8 2, sec. 1. (12).

9 49. Thus, while the Open Meeting Law may provide a convenient and helpful
10 reference for procedures of the IRC, it is, by its terms, different from the constitutionally
11 prescribed requirement of openness for the IRC.

12 50. While providing other enforcement mechanisms through other
13 constitutional officers, neither Prop. 106, nor Article IV, Pt. 2, Sec. 1 of the Constitution,
14 explicitly empower, or even mention, the Attorney General with respect to any
15 enforcement or investigative power over the acts of the IRC or its Commissioners.

16 51. Instead, the Constitution provides a check on the actions of IRC
17 commissioners by setting up a process whereby commissioners can be removed from
18 office upon action by the Governor, with the concurrence of two-thirds of the Senate, for
19 “substantial neglect of duty, gross misconduct in office, or inability to discharge the
20 duties of office.” Such conduct could include an intentional violation of the
21 Commission’s constitutional mandate of openness.

22 52. The Constitution further provides that the IRC is subject to fiscal oversight
23 from the Department of Administration, which of course reports to the Governor.

24 **D. The Attorney General’s Investigation.**

25 53. On July 21, 2011, Attorney General Horne, whose office had previously
26 represented the IRC on issues including its compliance with open meeting rules and on
27 procurement, announced via press release that he had begun to investigate the
28 “Commission’s compliance with Arizona’s Open Meeting Law and procurement laws

1 when it recently entered into a contract with Strategic Telemetry to provide mapping
2 consultant services.” **Exhibit B.**

3 54. When subsequently asked by counsel for the IRC to provide the supporting
4 documents and basis for the investigation, the Attorney General responded with a cover
5 letter attaching numerous news/gossip clips from *The Yellow Sheet Report*, emails from
6 citizens, and blog posts, raising, in often vitriolic, partisan, intemperate language,
7 frustrations with the IRC, complaints about Strategic Telemetry, and complaints (often
8 of an intensely personal nature) about Chairperson Mathis. **Exhibit C.**

9 55. For example, among the materials enclosed with the Attorney General’s
10 cover letter were emails and letters stating:

11 a. “Please ask Attorney General Horne to file an injunction.” From
12 Bev Rutt, June 30, 2011.

13 b. “Why are [*sic*] allowing a left leaning firm that customarily works
14 with Democrat Causes like the Obama Campaign to be placed in charge of
15 redrawing district lines? . . . Can we demand the Redistricting Commission [*sic*]
16 make a more neutral selection?” From Larry Templeton, June 30, 2011.

17 c. “It is vital that your office look into the make-up of the re-
18 districting commission. The so called ‘independent’ commission chairwoman is
19 anything but independent She must be replaced with a truly independent, fair
20 and impartial person. And it would be nice if you could do something about this
21 radical, progressive democrat mapping company this democrat commission hired
22 from Washington DC to re-draw the lines in the State of Arizona.” From Ray and
23 Mona Moehring, July 1, 2011.

24 d. “REMOVE COLLEEN MATHIS NOW PLEASE!” From
25 Malcolm Randall Pavey, July 1, 2011.

26 e. “The current chair, Colleen Mathis, of the AZ Legislative
27 Redistricting Commission has proven to function as a biased, not independent,
28 objective manner. Please file an injunction under Article 4, of the AZ. State

1 Constitution for her removal as chair of this commission immediately. It is
2 critical an injunction for her removal be filed before the contract with the
3 Washington, D.C. mapping firm is signed.” From John A. Tirrell, July 1, 2011.

4 f. “I would encourage you to use your influence on the Arizona
5 Independent Redistricting Commission to make sure not just one map is
6 developed and presented to the commission...” From John A. Tirrell, July 2,
7 2011.

8 g. “We need to take this lady out and replace her.” From Mikki
9 Niemi, July 3, 2011.

10 h. “Tom: I can’t believe this happened. I worked hard helping you get
11 elected and also on another campaign to unseat Raul Grijalva. I am outraged at
12 the fact our Redistricting ended up being given to the Liberal Democrats and Ken
13 Strasma and his company Strategic Telemetry, who by the way is in Obama’s
14 back pocket. I want to know how in the world did this happen?” From Doug
15 Woods, July 3, 2011.

16 i. “Why pick this campaign company which clearly has a conflict of
17 interest? It is evident there is much more to this than meets the eye! Our State
18 Government needs to investigate what is going on with this exteme [sic] conflict
19 of interest. Please stop this disgrace.” From Roger Loy, July 3, 2011.

20 j. “I urgently request that an injunction be issued preventing the
21 contract to Strategic Telemetry and that Colleen Mathis be dismissed from the
22 Commission and an individual be appointed who actually is an INDEPENDENT
23 and also meets ethical standards.” From Susan K. Norman, July 4, 2011.

24 k. “I’d like to know if you plan on filing an injunction to stop the
25 Independent Redistricting Commission from gerrymandering our voting districts
26 in Arizona? I’m tired of politicians cheating every time the voting majority
27 doesn’t vote their way. I hope to see/hear a public announcement from you on
28 this soon.” From Terry Toman, July 4, 2011.

1 l. “I am a Paradise Valley resident and proud supporter of your
2 political campaign during the 2010 election While I do support Strategic
3 Telemetry’s right to have a political agenda, I strongly disagree with the Arizona
4 Independent Redistricting Commission’s decision to employ such a firm when
5 mapping our state’s congressional and legislative districts As a political
6 supporter, I ask that you please investigate the matter immediately, and ensure the
7 continued integrity of our electoral process.” From T.J. DeMark, July 5, 2011.

8 m. “Colleen Mathis needs to be removed as chair of the Independent
9 Redistricting Commission Please use your influence or office to investigate
10 and remove her as soon as possible.” From Art and Susan Whittemore, July 6,
11 2011.

12 n. “Thank you for looking into the situation involving the Arizona
13 Independent Redistricting Commission (AIRC) Chairman Colleen Mathis and for
14 getting back to me so quickly. I appreciate your sentiment on the issue and
15 understand the limits of your office Attorney General Horne, you are aware
16 as much if not more than anyone of the damage that can be done by having the
17 redistricting in the hands of individuals as well as contractors that have political
18 agendas. I am sure you will do what you can to expose the lies of Ms. Mathis and
19 correct the situation as much as you can.” From Alex Bissett, July 9, 2011.

20 o. “Please do all you can to remove Colleen Mathis from the Arizona
21 Independent Redistricting chairmanship. The liberal bias is so very obvious.
22 This is not what the founding fathers had envisioned. The redistricting is so one-
23 sided and it is unfair to us consumers!” From Carolyn Willits, July 2, 2011.

24 56. Although the cover letter from the Attorney General invoked his authority
25 under the Open Meeting Law, not a single complaint made in this material—the only
26 material provided to the IRC by the Attorney General—contains information sufficient
27 to suggest any actual violation of the Open Meeting Law. Rather, the emails are nakedly
28 partisan appeals, to an audience the writers plainly see as sympathetic to their efforts to

1 oppose the hiring of Strategic Telemetry and to remove, because of her vote,
2 Chairwoman Mathis from her constitutional office.

3 57. The Attorney General has now announced that he is no longer pursuing an
4 investigation for any alleged violation of the procurement law, presumably because the
5 Commission was advised by his office that the procurement code does not apply to the
6 IRC.

7 58. In an effort to avoid litigation and to reach a compromise with the
8 Attorney General's Office, the IRC wrote letters to the Attorney General raising
9 concerns about, among other things, the constitutionality of his investigation. **Exhibit**
10 **D.**

11 59. In a letter of August 29, 2011, the IRC explained in detail its objections
12 and invited further dialogue with the Attorney General aimed at reaching a mutually
13 agreeable resolution of the present dispute between him and the IRC. He did not
14 respond to that letter. He sued instead, signing the court petition personally.

15 **E. The Attorney General's Prejudicial Media Campaign.**

16 60. Attorney General Horne did more than simply bring legal action to resolve
17 a dispute between four constitutional officers.

18 61. The day of his lawsuit, he engaged in a media blitz, granting print,
19 television, and other interviews in which he discussed the details of his ongoing
20 investigation. Among the statements he made during his day-long press junket, Attorney
21 General Horne repeated his previous refrain likening the decisions of Commissioners
22 Mathis, McNulty and Herrera to stand firm in their constitutional convictions to the
23 behavior of the criminal defendants in Watergate.

24 62. Two days after his suit, Attorney General Horne again sought to
25 sensationalize the dispute between his office and the three defendant commissioners by
26 releasing the transcripts of the sworn interviews of Commissioners Stertz and Freeman
27 to the media after pledging on the record not to release the transcripts before the
28 initiation of any legal proceeding. (See Transcript, Examination Under Oath of Richard

1 Stertz, at p. 9.)

2 63. Upon information and belief, although one member of the media had filed
3 a public records request seeking these transcripts, the Attorney General affirmatively
4 made contact with several members of the press, making sure that the transcripts were
5 released as widely as possible.

6 64. The transcripts themselves make clear that the interviews were granted
7 under certain conditions mutually agreed upon between the Attorney General and the
8 IRC. Among those conditions was that the Commission preserved its objections to
9 object to the questions on the grounds of legislative privilege. Those objections have not
10 been ruled on by a court, yet for no legitimate reason relating to his investigation and
11 contrary to his own pledge, the Attorney General distributed the transcripts to the press.

12
13 **F. The Attorney General's Use of the Investigation for Political Purposes.**

14 65. The Attorney General has also discussed the Investigation, its specifics, its
15 merits, and his conclusions, at partisan political gatherings. Such conduct trenches upon
16 basic constitutional guarantees of due process.

17 66. On September 8, 2011, the day after he filed his suit against the individual
18 commissioners, Attorney General Horne was the featured speaker at a political
19 committee meeting held at 3839 N. Drinkwater Blvd., Scottsdale, Arizona. **Exhibit E.**

20 67. While the nominal topic was "the redistricting process and how it affects
21 the structure of our Congressional and Legislative Districts in Arizona," the actual
22 topics on which the Attorney General spoke were the details and press coverage of
23 Investigation.

24 68. The Attorney General began his remarks by stating: "I thought I would
25 start off with this morning's news. How many of you saw the story this morning about
26 *me going after the redistricting commission?* Just about everybody." **Exhibit F** at 1

1 (emphasis added).¹

2 69. The Attorney General further explained, incorrectly, that his Investigation
3 has obtained “testimony now from the two Republicans on the Independent Redistricting
4 Commission that the Chairwoman had called them and said that she wanted a unanimous
5 vote for Strategic Telemetry....She wanted to buy a vote....” *Id.*

6 70. The transcripts of the interviews of Commissioners Stertz and Freeman –
7 transcripts released to the media by the Attorney General as described above – belie the
8 Attorney General’s claim.

9 71. The Attorney General did more at this political meeting than discuss and
10 mischaracterize the facts of the Investigation. He also discussed his conclusions, while
11 also insisting that he had reached no conclusions.

12 72. For example, after making the statements described above in Paragraphs
13 66 and 67, the Attorney General said, “That’s a blatant violation of the Open Meeting
14 law.”

15 73. Later in the meeting, after discussing scoring procedures used by the IRC,
16 the Attorney General told the crowd, “So that’s additional evidence that the Open
17 Meeting law was violated.” *Id.*

18 74. The Attorney General also noted that his findings could be used as the
19 basis for removal of a commissioner under the constitutional removal process for a
20 commissioner.

21 75. Near the end of his remarks, the Attorney General employed a refrain that
22 has become common for him during the course of the Investigation. He said “...some of
23 you may have seen, I have heard you [*sic*] saying, it didn’t work for Watergate, and it’s
24 not going to work here.” *Id.*

25 76. Finally, the Attorney General acknowledged that “... as the Attorney

26 ¹ A transcription of his remarks is provided in Exhibit F. The Clerk of the Court
27 discourages the filing of multimedia exhibits, and thus the audio recording has not been
28 filed with the Court. The audio file is maintained in undersigned counsel’s files and is
available upon request.

1 General, [he] shouldn't reach a conclusion until the investigation is over but..." *Id.*

2 77. The Attorney General's own actions, and his rhetoric, demonstrate that he
3 has reached a conclusion, a conclusion carefully calculated to appeal to audiences and
4 voters like those to whom he spoke on the day after he filed his petition.

5 **G. The Need for Relief from the Courts.**

6 78. This redistricting cycle is only the second since the enactment of Prop.
7 106. And while the Constitution itself provided the first IRC with specific guidance as
8 to many issues of its function and governance, that IRC still found itself litigating such
9 important issues as:

10 a. The level of judicial review afforded Commission enactments.
11 *Ariz. Minority Coalition for Fair Redistricting v. Ariz. Indep. Redistricting*
12 *Comm'n*, 220 Ariz. 587, 208 P.3d 676 (2009).

13 b. Its nature as a legislative body and entitlement to legislative
14 immunity. *Ariz. Indep. Redistricting Comm'n v. Fields*, 206 Ariz. 130, 75 P.3d
15 1088 (App. 2003).

16 c. The proper role of "competitiveness" in its work and the process by
17 which its maps were made public. *Ariz. Minority Coalition for Fair Redistricting*
18 *v. Ariz. Indep. Redistricting Comm'n*, 220 Ariz. 587, 208 P.3d 676 (2009).

19 d. The extent to which the IRC can consider the locations of
20 incumbents during the redistricting process. *Ariz. Minority Coalition for Fair*
21 *Redistricting v. Ariz. Indep. Redistricting Comm'n*, 211 Ariz. 337, 121 P.3d 843
22 (App. 2005).

23 e. Whether the commissioners are prohibited from using personal
24 knowledge and experience in the redistricting process. *Id.*

25 79. In the last cycle, no question was raised regarding whether the Attorney
26 General could seek to impact the work and independence of the IRC by, to use the words
27 of the Attorney General himself, "going after the redistricting commission" under the
28

1 guise of enforcing the Open Meeting Law. Now, as a result of the Attorney General's
2 investigation, that question must be answered, and it must be answered by the courts.

3
4 **COUNT ONE**

5 **For Declaratory and Injunctive Relief and for Special Action Relief Confirming**
6 **That the IRC Is Independent, and Exclusively Subject to Voter-Approved**
7 **Measures Designed to Ensure Both Openness and Separation of Powers**

8 80. The preceding paragraphs are incorporated herein.

9 81. The Constitution provides a specific, tailored, voter-approved process to
10 ensure that the IRC is both open to the public and at the same time independent of the
11 partisanship that occasioned its creation in the first place.

12 82. That process is embodied in two paragraphs of Ariz. Const. Art. IV, pt. 2,
13 sec. 1:

14 a. Paragraph (12), mandating that "where a quorum is present" the
15 IRC "conduct business in meetings open to the public," and

16 b. Paragraph (10), providing no mechanism for punishing an
17 individual commissioner of the IRC except that if the conduct of that
18 commissioner rises to the level of "substantial neglect of duty [or] gross
19 misconduct in office," the commissioner may be subject to a removal proceeding
20 by the Governor and the Senate.

21 83. The IRC, while it may refer to and adopt as needed provisions of the Open
22 Meeting Law, is independent and the Open Meeting Law cannot be enforced against it
23 by the Attorney General, a partisan, elected official.

24 84. The general powers of the Attorney General to investigate and enforce
25 violations of the Open Meeting Law do not apply to the meetings and members of the
26 IRC, which was formed by citizen-initiative and designed to be independent from
27 political pressure and partisan influence.

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WHEREFORE, Plaintiff prays for the following relief:

I. A judgment declaring:

a. That, as concerns the need for its business to be publicly conducted, the Independent Redistricting Commission is subject only to the specific constitutional provisions of Article IV, Part. 2, Section 1, requiring that, “where a quorum is present” it “conduct business in meetings open to the public.”

b. That the exclusive vehicle in which to raise alleged violation of the IRC’s constitutional “open to the public” mandate is a civil action brought by any citizen with standing against the IRC to enforce Article IV, Part 2, Section 1(12) of the Arizona Constitution.

c. That no mechanism for punishing an individual commissioner of the IRC for violating the “open to the public” mandate exists, except that if such a violation rises to the level of “substantial neglect of duty [or] gross misconduct in office,” the commissioner may be subject to a removal proceeding under Article IV, pt. 2, sec. 10.

d. That the Open Meeting Law, while a permissible reference for the conduct of the IRC, is unenforceable against the IRC.

e. That the Attorney General lacks the power to investigate members of the IRC for alleged violations of the Open Meeting Law.

II. A judgment declaring that:

a. The mapping work and deliberations related thereto, including the deliberations regarding the hiring of a mapping consultant, are covered by legislative privilege.

b. The Investigation, by intruding on the legislative privilege of the members of the Commission, is unlawful and in excess of the authority granted to the Attorney General by the Constitution and laws of Arizona.


III. An order for injunctive relief prohibiting the Attorney General from investigating the IRC or its commissioners under the Open Meeting Law.

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IV. Other relief as the Court may deem just and appropriate.

DATED this 27th day of September, 2011.

OSBORN MALEDON P.A.



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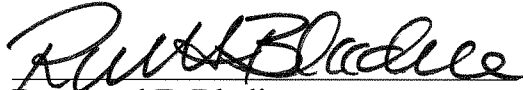
VERIFICATION

I, Raymond F. Bladine, Executive Director of the Arizona Independent Redistricting Commission, verify under penalty of perjury that:

1. I have read the foregoing Verified Complaint and know the contents thereof.

2. To the best of my knowledge and recollection, I know the matters stated in the Verified Complaint to be true and correct, except matters stated on information and belief, which matters I believe to be true.

Executed this 26th day of September, 2011.


Raymond F. Bladine

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MARTHA

September 3, 2011

Arizona Redistricting Panel Is Under Attack, Even Before Its Work Is Done

By MARC LACEY

TEMPE, Ariz. — Even before the drawing of new political boundaries, Arizona's redistricting commission has faced a barrage of criticism and a chorus of boos, not to mention a state investigation. Next up, a lawsuit.

Arizona voters sought to take the raw politics out of redistricting with the passage of a ballot measure in 2000 that created an independent citizens' group to handle the process. No longer would politicians retire to back rooms, the thinking went, to draw their own maps after every census.

But the Arizona Independent Redistricting Commission, with two Republican members, two Democratic members and an independent chairwoman, has found itself subject to such fierce attacks that its work is being questioned even before that work has been done. The stakes are high — explosive population growth over the last decade, especially among Latinos, entitles the state to one more Congressional seat, its ninth.

Conservative critics, including members of various Tea Party groups, have taken to the microphone at meetings to denounce the commission as biased. What infuriates them most is that the commission voted 3 to 2 (with the Republicans voting no) to hire a mapping consultant based in Washington that has ties to President Obama's first presidential campaign.

Similarly convinced that the commission is skewed toward the left, conservative politicians have pushed for the ouster of the panel's chairwoman, Colleen C. Mathis, who is a registered independent but whose husband, Christopher, worked on the losing campaign of a Democratic state representative.

"To me, this commission and its work is tainted," State Senator Al Melvin, Republican of Tucson, said at a recent meeting as he faced down Ms. Mathis.

“If guilt by association is the idea, as it seems to be for some, then Democrats should perhaps be more uncomfortable with me than Republicans,” Ms. Mathis said recently, pointing out that her husband was a Republican for most of his life and has worked for Republicans on Capitol Hill. She and her husband even attended the 1988 Republican National Convention, she said.

Joining in the scrutiny, the Arizona attorney general, Tom Horne, has started an inquiry into whether the panel violated open meeting and procurement laws when it considered applications from mapping consultants behind closed doors. The commission gave the job to Strategic Telemetry, whose president, Ken Strasma, crunched data for the Obama campaign in 2008.

In an interview, Mr. Horne said his office would file a motion in court this week to compel Ms. Mathis and the two Democrats on the panel, Jose M. Herrera and Linda C. McNulty, to cooperate with his investigators. Until now, they have refused.

“They’re stonewalling,” said Mr. Horne, a Republican. “And as I’ve said before, it didn’t work in Watergate and it won’t work now.”

Others, though, consider the real scandal to be an effort to discredit the commission before it completes its work — or really even started it.

“Obviously, some Arizona politicians do not like anything that is outside their control,” Terry Goddard, a former Democratic state attorney general, wrote in a recent letter published in *The Arizona Republic*, in which he was joined by Paul Johnson, a registered independent and former mayor of Phoenix. “They might lose some of their power if the commission creates districts that are fair and competitive.”

Although Republicans currently dominate Arizona politics, the state’s voters are an independent lot. Jan Brewer, a Republican, became governor after Janet Napolitano, a Democrat, was named to a cabinet post in the Obama administration. Of Arizona’s eight House seats, Democrats held five after the 2008 election but lost two in 2010, a strong year for Republicans nationwide.

The redistricting commission has been proceeding with the task of carving up the population of 6.4 million. It held numerous public hearings around the state and took initial steps toward producing new maps. But the public comment periods at its meetings have been vicious, with commissioners being likened to cockroaches and lawbreaking being alleged at every turn.

Arizona has a checkered history when it comes to redistricting. Given past discrimination against Latinos, it is one of 16 states required to submit its revised political boundaries to the Justice Department for approval. The state has seen its last three redistricting plans, all during Republican administrations, rejected in whole or in part by Washington.

Mr. Horne recently filed a lawsuit challenging the Voting Rights Act's requirement that Arizona clear its redistricting maps and voting changes with the federal government. Attorney General Eric H. Holder Jr. responded in a statement that he would fight to uphold the law.

After the 2000 census, Bruce L. Adelson was one of the Justice Department lawyers who rejected Arizona's redistricting plan for failing to adequately protect the voting rights of ethnic minorities. Now in private practice, Mr. Adelson was hired by Arizona's redistricting commission to help it navigate the process.

At a recent meeting, he warned the commissioners that the state's application would be subject to intense scrutiny and that Justice Department lawyers were likely to be closely following the controversy.

"Clearly I have no doubt the department is aware of the various articles and controversies," Mr. Adelson said. "Nine years ago, I was aware."

Meanwhile, Republican lawmakers have met with Ms. Brewer to urge her to begin the process of trying to oust Ms. Mathis, although that idea seems to be losing steam. Other Republicans are pushing for a special election that would allow voters to restore the Legislature's right to draw political lines.

"The gun is loaded, and it's just figuring out what target to point it at and when to pull the trigger," State Senator Frank Antenori, a Republican, told The Yellow Sheet Report, a publication for Arizona political insiders, in July. His mention of guns was metaphorical, but it nonetheless drew alarm in some quarters and was reported to the Justice Department.

"I spent 20 years in the Army, so I use military analogies," Mr. Antenori said. "It wasn't about targeting anybody, and it's sick anyone would try to twist my words."

Watching the process from the sidelines — with concern — has been Sandra Day O'Connor, the retired Supreme Court justice, who was a Republican state senator here earlier in her career and is well respected by members of both parties.

Lamenting the increase in partisan rancor, she said, "What we have not seen enough of is thoughtful, civil discussion on the issues that divide us and an attempt to really develop a consensus."

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Thursday, July 21, 2011

Press Release
For immediate Release
Contact: Amy Rezzonico (602) 542-8019
www.AZAG.gov | [Facebook](#) | [Twitter](#)

HORNE AUTHORIZES PROBE INTO INDEPENDENT REDISTRICTING COMMISSION

PHOENIX (Thursday, July 21, 2011) -- Attorney General Tom Horne has authorized his office to conduct an initial investigation of the Arizona Independent Redistricting Commission based on reports that raise questions about the Commission's compliance with Arizona's Open Meeting Law and procurement laws when it recently entered into a contract with Strategic Telemetry to provide mapping consultant services.

"I need to emphasize very clearly that this is an initial investigation that will attempt to determine if any violations actually occurred," Horne said. "I am concerned about reports that have raised questions about some of the procedural actions taken by the commission, and I am committed to finding out whether those concerns warrant any further investigation. If this initial investigation finds that laws have been violated, we will proceed accordingly."

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AUG - 9 2011

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TOM HORNE
ATTORNEY GENERAL

PUBLIC ADVOCACY DIVISION
CONSUMER PROTECTION & ADVOCACY SECTION

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August 9, 2011

Mary O'Grady, Esq.
Osborn Maledon
2929 North Central Ave.
Phoenix, Arizona 85012

Re: Independent Redistricting Commission Documents
Received by the Attorney General's Office

Dear Mary:

As mentioned in my email of August 5th, attached are various documents that the Attorney General's Office has received concerning the Independent Redistricting Commission. Once again, the Attorney General's Office is undertaking its open meeting law investigation on its own initiative as allowed by A.R.S. § 38-431.06.

If you have any questions, please contact me.

Very truly yours,

Mark D. Wilson
Senior Litigation Counsel

MDW/rh
Enclosures

kwiktag®

026 457 832



IN THE DARK UNTIL IT'S TOO LATE

With the vast majority of the pro-business lobby either backing Pearce or sitting on the sidelines for the recall, it is unknown whether Jerry Lewis will be able to raise the money needed to mount a viable campaign. But it will be nearly impossible to determine with any certainty how much money any candidate or independent expenditure committee has raised until less than two weeks before Election Day and long after early ballots go out.

According to the secretary of state's office, the first campaign finance reports in the race aren't due until Oct. 27, only 12 days before the Nov. 8 election and two weeks after early ballots are sent to voters. That pre-election report, which will cover all financial activity from a committee's inception through Oct. 19, is the only

report due before the recall. A post-election report covering Oct. 20 through Nov. 28 must be filed by Dec. 8. The reason for the lack of reporting is because state law mandates that special elections and recalls follow the typical reporting schedule laid out in ARS 16-913(B), which calls for reports filed at specific times before and after elections. While normal legislative campaigns must report both before and after the primary and general elections—allowing observers to get a better sense of fundraising progress—there is no primary for the recall, and thus only one pair of reports are required. Another quirk of the recall process is the deadline for candidates to qualify for Clean Elections funding. (So far, only GOP candidate Olivia Cortes has registered to run with public funding.) Under ARS 16-961(B)(6), the qualifying period for a recall begins the day the election is called and lasts for 30 days. In this case, that means the qualifying period began July 13 and ends Aug. 11—the second day candidates are allowed to file their nominating petitions. All \$5 qualifying contributions must be submitted to the secretary of state's office by Aug. 18.

THINGS THAT MAKE YOU GO HMMMMMMMM...

Dept of Administration records shed some light on the working relationship between the IRC and the State Procurement Office, which cut its ties with the redistricting panel just before the IRC selected its mapping consultant in June. A host of emails obtained through a public records request with DOA raises the strong possibility that the department feared the IRC mapping consultant contract would be protested by a losing bidder and that the state could be vulnerable to the challenge. Just prior to the commission's June 29 meeting at which Strategic Telemetry was awarded the contract, State Procurement Administrator Jean Clark asked whether DOA Director Scott Smith would like his name on the official document handing procurement authority to the IRC. Smith replied, via email, that he didn't care either way, which brought the following response from Clark: "OK. I'll handle [it] and leave you with the appeal, if there is one." Clark ultimately signed the letter. The records also show that, the following day, IRC Director Ray Bladine asked SPO officials to issue a second letter, as he objected to a phrase from the letter that said the IRC "frequently pursued direction other than that offered by SPO" and he provided a suggestion of his own. "I am afraid that will be the press story, and if I am right it won't benefit anyone. I think that one sentence will be the focus. Clearly you are helping to expedite the process by delegating authority to the commission to complete the process and contract. Just a



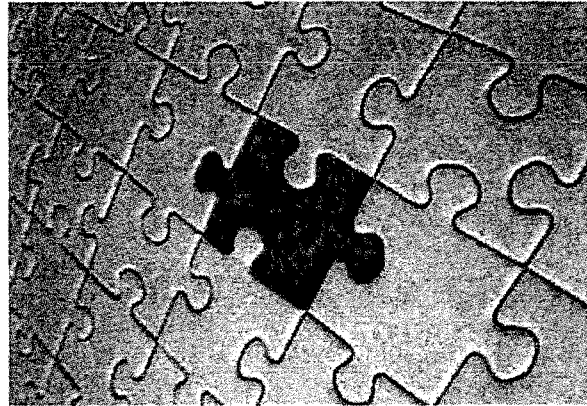
thought,” read Bladine’s June 30 email to Clark. Bladine’s plea was considered by Clark, Smith and DOA lobbyist Alan Ecker, and Smith even advised he’d be willing to see the sentence removed if IRC members and staff committed to “stop throwing ADOA under the bus in their comments to the press.” That reference may have alluded to some commission griping about how slow the state procurement process is. However, DOA did not return multiple calls made earlier this week until late yesterday afternoon, and then cited Horne’s investigation as reason to not comment on the matter. Ultimately, the original letter stood. In a July 1 email to Clark, Bladine acknowledged a second letter may not have changed anything: “I am not sure that changing anything now buys us much since it is all public record, and if this is the biggest issue we will have to deal with we will all be lucky!” Despite the fact that DOA’s procurement office split from the IRC in late June, their interest in the contract remained constant. Procurement officer Christine Fruitman checked with Bladine in mid-June to see if any losing bidders had filed a protest. None had.

NO FINE PRINT NEEDED

Prop 106 grants the IRC the ability to conduct its own procurement, but DOA Director Smith was pleased to announce by email that DOA and IRC decided to skip one remaining legal question: Whether the IRC could contract without abiding by the state procurement code. In mid-April, Smith told procurement officials (and cc’d Mathis, Assistant AG Jim Barton and then-DOA Chief Counsel Joe Sciarotta) that Mathis and Barton “made it very clear that the IRC intends to follow state procurement code” even though it “may not be entirely clear” whether the panel was subject to state procurement code. “Thus, the dialogue about whether or not they have to use the Code or can develop an alternative is irrelevant at this time. So I think everyone is on the same page,” Smith wrote.

AND A LITTLE ABOUT THOSE EVALUATIONS

The DOA records, which consist of dozens upon dozens of emails between procurement officials and IRC members and staff, makes multiple references to scoring sheets presumably used to evaluate all proposals on the IRC mapping consultant contract. SPO officials and the IRC spent months working on the request for proposal and work on the evaluation forms began in May. A June 3 document laid out the evaluation process, which began with commissioners receiving the proposals and the evaluation score sheet. Other steps called for discussing evaluation scores and comments on a SPO-created summary evaluation. Additionally, the commission’s June 6 meeting agenda included examining “confidential documents” associated with evaluating the bids for the mapping consultant RFP,



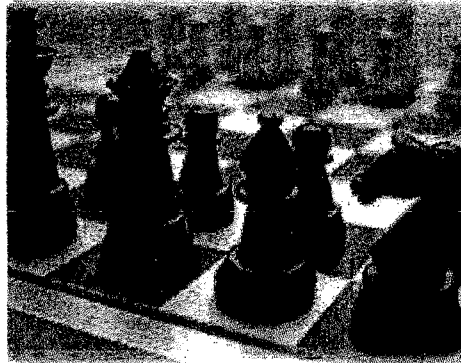
which was done in executive session. The agenda for the commission’s June 15 meeting in southern Arizona also included a time for commissioners to evaluate the offers of seven firms that bid on the contract. The commission spent roughly four hours in executive session doing that and named four mapping consultant finalists. Only two IRC members – Republicans Scott Freeman and Richard Stertz – acknowledge that they conducted initial evaluations that trimmed the list of seven applicants down to the finalists. Mathis this week told our reporter that she couldn’t remember whether a first round of scoring was conducted, while Herrera said he made his own notes about the original list of applicants but was never asked by procurement officials to hand them over for the public record. On the question of whether each commissioner conducted evaluations and whether the evaluations were shown to other commissioners, Herrera said he couldn’t answer comfortably, as he could not recall what did and what did not transpire in executive session. McNulty refused to answer any questions.

YELLOW SHEET REPORT

NEWS NOTES AND GOSSIP

IRC MOVE GETS GOP'S WAR NERVES FIRED UP

Republicans remain on high alert after the IRC last week hired a Democrat firm as a mapping consultant, but they are still lacking actionable intelligence that would warrant an attempt to remove IRC Chair Colleen Mathis. Tobin, who has already sounded the alarm bells about Mathis, was scheduled to meet with Brewer today, but a Republican source with knowledge of the situation said the discussion likely wouldn't involve the commission's mapping consultant decision, as a move against Mathis would be a bit premature and unwarranted. Although the Constitution allows for the removal of an IRC member, the reasons for doing so are specific: "substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office." The source, who has knowledge of a Republican leadership meeting yesterday to address the topic, said that, while Mathis' leadership is causing many Republicans to question her political leanings, it's doubtful anything she's done yet warrants her removal. "I'm not sure that anything that's happened really meets those definitions. I don't think anything so far meets that threshold and is grounds for removal," the source said. Noting that the panel hasn't even begun drawing lines, the source added: "For right now, I just think we have to play out the hand we're dealt." Still, getting the governor's ears perked up would at this point be an important step, as Prop 106 dictates that a governor can remove an IRC commissioner with the approval of two-thirds of the Senate. While the GOP source downplayed the meeting as routine, other Republicans are becoming quite nervous that the latest Dem/Mathis vote could be proof of a fixed game. Pierce offered a "where there's smoke there is fire" hunch, but said Senate Republicans haven't started to count supporting votes or look for Brewer to initiate the Prop 106 removal process. "I personally am concerned. I am getting a lot of emails from people asking that something be done," he said, explaining that he has received about 15-20 emails from people in his district and county. Still, he allowed that moving to replace Mathis could bring its own problems, as a replacement would still have to come from a list of three independents screened by the Commission on Appellate Court Appointments. "Do you go from good to bad or bad to worse? I don't know if it would be any better," he said. Pierce's caution isn't shared by Antenori, who told our reporter he believes the IRC selected Strategic Telemetry to comply with orders from the DNC, which he said has also already drawn lines for all 50 states that will be quickly approved by Obama's Department of Justice. He told our reporter he would like to see a special session called to put a measure on the November ballot to abolish independent redistricting so the Legislature could draw lines in November and December. If the stated deadlines from the Pearce recall hold true for a statewide November election, lawmakers would be required to approve a referendum by Aug. 10.



OFF WITH THEIR HEADS

Brewer told our reporter this afternoon she has not heard of complaints being directed against any IRC commissioners, but she gave every indication that she wasn't enamored with the current process. "This is my third redistricting, and I've always thought that the Legislature did a fine job. There are only so many ways that you can cut [districts] up," she said, adding that she has kept up with IRC affairs only through media reports. "That sounds like a beheading," she said, speaking of the prospect of calling for the removal of a commission chairman.

WE'LL DO IT LATER

The IRC has put out an agenda for its Friday meeting, and it has one noticeable difference from previous agendas: The time allotted for public comment is at the end of the meeting. The move appears to be a direct response to the flood of public comments that were given at the beginning of the June 30 meeting in Tucson – more than two hours' worth, primarily from Republicans complaining about the choice of mapping consultant – and in anticipation of another deluge of commenters. Republicans have already been circulating requests to the party faithful to get them to attend the meeting and voice their displeasure at the hiring of Strategic Telemetry. And the Democratic Party has reportedly sent an email to supporters to marshal a counterforce to praise the commission for its work thus far. One GOP consultant derided the IRC's decision to delay public comment until the end of the meeting and said the panel will likely limit the amount of time for each speaker: "Who do they think they are, the Quartzsite City Council? What they are doing is pretty lame. This whole process is supposed to be about taking comment from the public and putting an end to backroom deal-making."

SIGNED, SEALED AND DELIVERED

The IRC and Strategic Telemetry finalized a contract today. IRC Executive Director Ray Bladine said the mapping consultant will be paid a \$600,000 base fee – a reduction from the \$985,000 the firm quoted on its bid. However, the total cost for the commission will be higher than the base fee, as the IRC will take on additional expenses. While Strategic Telemetry had originally proposed purchasing multiple types of mapping software and being reimbursed for it, the commission will instead be purchasing the software on its own. Bladine said commissioners will decide Friday between two main programs, plus two additional applications that can be added to the agency's website. "I would not see a reason for the commission to buy more than one," Bladine said. Additionally, the IRC will provide its consultant with free office space and will pick up travel expenses. Bladine said the commission also has the option of purchasing additional census data for \$25,000. One GOP observer was not impressed with the steps the IRC took to negotiate a lower fee with its consultant: "It's really just a smoke-and-mirrors way to make it look like they talked Strategic Telemetry down to a fee that's more in line with the other bidders," the source said.



ONE OR THE OTHER

Douglas Johnson, head of National Demographics Corporation, took to an election law blog to gripe about his firm being passed over by the IRC. The firm wasn't selected to do the commission's mapping work, despite the urging of both the commission's Republicans, Scott Freeman and Richard Stertz. On an election law blog operated by the University of California at Irvine, Johnson said the commission went with Strategic Telemetry because of "unspecified allegations that [NDC] is too Republican." That is likely a reference to previous statements made by Dem Commissioner José Herrera, who voiced his concerns with NDC's ties to the conservative Rose Institute at Claremont McKenna College. Johnson shrugged off the partisan allegation, noting that Bruce Cain, NDC's expert on competitive district drawing, has now effectively been castigated as both a right- and a left-winger. "Yes, you read that correctly, Dr. Cain's now been treated as a Democratic boogeyman in California and as part of a Republican boogeyman team in AZ," wrote Johnson, referencing an earlier contracting dust-up in California. According to the *Sacramento Bee*, California's redistricting commission this year offered a no-bid contract to Q2 Data and Research, which Cain is also tied to. However, the no-bid deal drew heavy criticism due to Cain's role as the chief Democratic advisor in what the paper described as a gerrymandering effort in 1981. The contract was opened to competitors, although Q2 was ultimately hired after the commission disqualified the only other

YELLOW SHEET REPORT

NEWS NOTES AND GOSSIP

LOOKING TO DRAW THE WILD CARD

Senate GOP leaders spoke with Brewer's staff yesterday to discuss their problems with IRC Chair Colleen Mathis, and a Senate source said the Ninth Floor was receptive to the request that she be removed. "I think they're open to the idea," the source said. The response from Eileen Klein and Michael Hunter, the source said, was that the senators should compile a list of offenses they believe Mathis has committed that warrant her removal. "We're doing that now, so it's looking good. I think you're going to see the ball star to move," the source said. Already, there are reports that GOP leaders in the Senate have begun polling members to see if they would vote to remove Mathis. Were Brewer to elect to begin the removal process – Prop 106 dictates the removal of a commissioner to be initiated by the governor, then approved by two-thirds of the Senate – the source said it would open the door to a compromise with Mathis. One such deal could be an agreement from Mathis to hire a Republican mapping consultant – presumably National Demographics Corporation – that would work alongside Strategic Telemetry, said the source. "I think that's a reasonable thing to consider. It would show that the chair is trying to be impartial," the source said. Of course, the wild card from the Senate's perspective is Brewer, who must be convinced to insert herself into the process. One railbird didn't think that was likely: "For any governor to do that, they'd be thrusting themselves out in front of the issue. This governor doesn't like to do that." Brewer this morning told our reporter she wasn't yet prepared to take action against Mathis. "I don't have a lot of information about that situation. I did speak to Mr. Tobin yesterday. He briefed me a little bit [on] it. Other than that, [I have] no basic, strong information other than what I have briefly read in the newspaper and in the media. I have no idea," she said. Tobin did not ask her to initiate Mathis' removal, and she said she needs more information before deciding whether she's open to the possibility. "I'm open to information," she said. Yesterday, Pierce told our reporter that the Senate was considering filing a lawsuit, on what he loosely described as a constitutional claim to remove Mathis. "If she's carrying water for the Democrats, she needs to go. The Senate is pissed," he said.



PUTTING THE SHOE ON THE OTHER FOOT



One Dem political consultant said the reaction from Republicans to the IRC's actions thus far is tantamount to a child throwing a temper tantrum. "You mean to tell me the fix is in because you didn't get your way?" the source said. Rather than the commission being tilted heavily to the Dems, as the Republicans have complained, the consultant said it is merely a more moderate panel than 10 years ago. "What you're getting is a fairer shake. Ten years ago, the Dems got screwed. This time, they're not. That's not rigged, it's just more fair," the source said. All of the wailing from Republican circles, the consultant said, is merely misdirected frustration at not being prepared for redistricting: "They got caught not paying attention.

They've been out-manuevered every step of the way. That's what they're really upset about." On top of that, it remains to be seen just how much damage the IRC can do to Republicans, both the Dem consultant and a GOP railbird said. "It seems a little too early to take the approach that Republicans are doomed," the

Republican source said, adding: “The Voting Rights Act is what it is, and the voter registration numbers are what they are. The only way for the Democrats to screw Republicans is to also screw the Hispanics – and I don’t think the Hispanics are going to let that happen. There just isn’t any way to draw a Democrat map.” The issue, the GOP railbird continued, boils down to one of perspective: While competitive districts aren’t in the best interest of Republicans, a push to create them isn’t a sign that the fix is in and there’s a conspiracy to rig the map to help Democrats.

ANYBODY FEEL LIKE WE’RE GETTING AHEAD OF OURSELVES?

While the Senate is champing at the bit to remove Mathis from the IRC equation, the House is taking a wait-and-see approach to the situation. One House GOP source told our reporter it was too early to begin seriously looking at removing Mathis – especially since no one is quite clear on how an appointment would be named. The Constitution requires the Commission on Appellate Court Appointments to “nominate a pool of three candidates within the first thirty days after the vacancy occurs,” but says nothing about where those candidates come from. The House source noted that it could be as simple as the commission nominating three of the independents who were passed over earlier this year – assuming any of them would still want the job – or it could entail a whole new round of applicants and interviews. “Without having any idea on what that process would be, I just don’t see why we would go down that road,” the source said.

ASBA GEARING UP FOR STUDENT ‘EMPOWERMENT’ ACCOUNTS

The Arizona School Boards Association hasn’t filed suit against S1553 (Laws 2011, Chapter 75), which creates “education empowerment accounts” for disabled students, but an attorney representing the group is asking Horne to take legal action to stop the law from going into effect. Attorney Don Peters sent Horne a letter on June 28 asking him to “enjoin the illegal payment of public monies pursuant to Senate Bill 1553.” Peters argued that the law violates sections in the Arizona Constitution that prohibit state fiscal aid to private schools or religious causes – arguments that Peters successfully used to sink a previous voucher system for disabled students. He also said in the letter that the law is unconstitutional because it requires parents to “waive their



children’s fundamental right to attend a public school” in order to get an empowerment scholarship, which equals 90 percent of the money that the student’s school would have received. “Because Senate Bill 1553 is unconstitutional, any disbursement or funds pursuant to its authority would be illegal,” Peters wrote. Horne told our reporter that he wasn’t familiar with the law in question, but he vowed to defend it as part of the duties of his position. If push comes to shove, it wouldn’t be the first time Horne and Peters have litigated against each other. Horne defended the old voucher program that Peters sued over in 2009 (*Cain v. Horne*). And the Institute for Justice, which also defended the voucher program in 2009, vowed to defend S1553 in court. IJ attorney Tim Keller told our reporter ASBA asked the AG to enjoin the law instead of filing a suit outright because, under ARS 35-213, any Arizona taxpayer can ask the AG to “enjoin the illegal payment of public monies,” and if the AG refuses to do so after 60 days, the state must award attorney fees to the plaintiffs if they prevail. “I would not in any shape or form expect the AG’s Office to take any action on this,” Keller said. “The letter is a precursor to the lawsuit (by ASBA).”

Meanwhile, Department of Education spokesman Andrew LeFevre said the agency has received between 25 and 30 applications for empowerment accounts, and another 50 people attended a standing-room-only information session at ADE yesterday afternoon. LeFevre said ADE will begin awarding the scholarships on July 20, the day the law goes into effect. And it doesn’t look like ASBA’s potential lawsuit will be filed

in time to put a halt to the disbursement. Peters' letter was dated June 28, which means ASBA can't sue until Aug. 28 if it wants to get automatic attorney fees if it wins the case.

GOP CAN'T CLOSE EYES AND MAKE IT GO AWAY

One of the big fights among Republicans in next year's session will likely be about "Obamacare." More specifically, the battle will be about whether to set up a health insurance exchange, which will ultimately be a web portal through which individuals and small businesses can purchase health plans. While no Republicans like the federal health care overhaul, some believe that having Arizona run the insurance exchange is better than letting the federal government run it. Folks like McLain, whose H2666 (health insurance; exchange) failed to get heard on the floor, argue that Arizona can't afford to wait for the results of the pending lawsuits against the federal law. By then, it will be too late to set up the exchange, paving the way for the feds to run it. On the flip side, Biggs said the best approach is to continue the resistance. "We haven't lost yet. The fight is on and we need to fight the fight," he said. Absent a clear indication from the courts about the constitutionality of the reforms, the view in some corners is that it's more likely that lawmakers will ultimately decide to swallow hard, establish the exchange and operate it – a point Biggs concedes. "For me, Option A is to explore every way possible to opt out and get out of Obamacare. Option B – and this is a guiding principle – is you never let the feds do anything, if at all possible, because they will find a way to screw it up," he told our reporter.

DID I FORGET TO GIVE YOU THAT MESSAGE?

Brewer chided the feds for not notifying her ahead of time about Napolitano's trip today to the Arizona-Mexico border, saying it's the most recent example of a long-running trend. "I am a little bit further frustrated by the fact that, every time I find out anything about our border, I read about in the paper or I hear it on television or I hear about it on the radio," the governor told reporters following a tour of an Amazon.com facility in Phoenix. Brewer said she learned of Napolitano's visit this morning when her husband showed her a newspaper article over breakfast. "I thought, 'Well isn't this interesting. I had no idea that she was going to the border. I had no idea she was going to move forward or make an announcement,'" the governor said. When a reporter asked Brewer for her thoughts on the "gun-walking" scandal, Brewer described the incident as "absolutely outrageous," but said she didn't know whether U.S. Attorney Dennis Burke was to blame. "I don't have enough information to know who should be held responsible, but certainly something has gone awry and it's wrong and it's outrageous," she said after a reporter asked whether Burke should lose his job over the scandal.



SOME OF US HAVE A DAY JOB, YA KNOW?

Republican IRC Commissioner Rick Stertz told our reporter he wasn't thrilled that the commission scheduled time for public comment at the end of tomorrow's meeting. He said that, by calling for comments at the end – and not at the beginning, as has been the norm up to this point – the public endures an added hardship by not being able to effectively plan for when they can address the commission. "People don't have all day to sit around. They want to put their point on the record," he said. IRC Executive Director Ray Bladine told our reporter today that the commission agenda order was requested by Chairwoman Colleen Mathis, but was also suggested by Dem Commissioner Linda McNulty to ensure that the "work that needs to be done gets done." That sentiment was no doubt influenced by the two-plus hours of angry comments delivered to the commission last week by people upset about the IRC's 3-2 vote to award its mapping consultant contract to Strategic Telemetry. However, the purpose of tomorrow's IRC meeting is different, said Bladine, who characterized it as informative. "It makes sense to have it at the end

of the meeting, so people can talk about what they heard," he said, adding general public comments can also be delivered via email or letters. Tomorrow's agenda includes one item sought by Stertz: A review of state open meeting and public records laws. He requested the item be placed on the agenda during last week's meeting. Mathis did not return calls for comment.

GET IT STRAIGHT NEXT TIME, WILL YA?

One Dem reader griped about an item in yesterday's report that referred to Strategic Telemetry, the mapping consultant hired by the IRC, as a "Democrat firm," noting both that the syntax was incorrect and the assessment of the company was not accurate. "Perhaps there's a Democrat Party that I'm unaware of, and this firm works for them," the source quipped yesterday, rapping our reporter's knuckles for failing to use the proper nomenclature of "Democratic." The Dem also disputed that Strategic Telemetry has a political bias: "It's not a Democratic firm. They may have had Dem clients, but they've also had Republican clients. They're not an exclusive Democratic firm."

ONE FATAL FLAW TO THE PLAN

Tuesday's item about Ableser eyeing a mayoral bid in Tempe prompted one reader who is well-versed in the state Constitution to point out the obvious flaw in the story: Ableser is constitutionally prohibited from becoming mayor. Article 4 Part 2 Section 5 prohibits legislators from holding any other elected office during the term he was elected to serve, regardless of whether he resigns his legislative seat. (The provision also bars lawmakers from being employed by the state or its subdivisions, except for teachers.) Because Tempe municipal elections are held in the spring, the winners will be sworn in during the summer of 2012. With his elected term not expiring until the end of 2012, Ableser is precluded from becoming mayor. "That *Republic* story was funny, because Ed knows that," the railbird said.

DEM SENATE SPOKESMAN HEADING TO D.C.

Jeanette Tejada de Gomez, the Senate Dem communications director since late 2007, is leaving later this month to move to D.C., where her husband has lived for the past year. Her husband, Nathan Gomez, got a consulting job in D.C. last spring and since then the couple has endured a long-distance relationship. "We've obviously been waiting to put our family back together in the same location," she told our reporter today. Her last day at the Senate is July 22. Schapira said she'll be missed. "Jeanette has been great. She's not only been widely respected by her colleagues in the Legislature that she works with but I think by the press as well," he said. Tejada de Gomez's departure leaves a hole in the Senate minority office, and Schapira said they're working on a replacement. They have some people in mind and they are also seeking out those who might be interested to fill the post, he said.

·PRESS RELEASES AND NEWS CLIPS·

Brewer, Amazon.com Celebrate Company's Investment in Arizona

Fourth Facility to be Opened in Phoenix This Fall

PHOENIX – Governor Jan Brewer and Amazon.com officials today celebrated the online retailer's creation of more than 3,000 jobs and combined investment of approximately \$150 million in Arizona, including a new facility in Phoenix scheduled to open this fall.

"Amazon is a quality employer, so I'm proud they've chosen to invest in Arizona," said Governor Brewer. "The company's newest facility means even more jobs for Arizona citizens, and is one more sign that our economy is on the

YELLOW SHEET REPORT

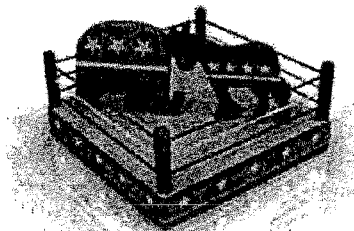
NEWS NOTES AND GOSSIP

IT'S OFFICIAL: PEARCE RECALL WILL BE IN NOVEMBER

The recall against Pearce was certified today by Maricopa County elections officials, and Bennett formally notified Brewer that an election in LD18 needs to be called. The governor now has 15 days to issue an order calling the special election, which will take place in November. Challenges to the 10,365 signatures deemed valid by the county must be filed within the next 10 days. State law also allows Pearce five days in which to resign, which would cancel the need for a special election and instead initiate standard legislative vacancy procedures.

PARTISAN CLASHING RIGHT FROM THE GET-GO

Members of the IRC this morning wasted no time splitting down partisan lines on how to manage public comments. The commission's agenda placed public comments at the end – and not the beginning – of the meeting, which bothered the IRC's Republicans Scott Freeman and Richard Stertz. Freeman got things going shortly after the meeting started at 9:30, asking Chairwoman Colleen Mathis to schedule at least an hour for public comments, leading Mathis to deadpan, "I would prefer, frankly, not to do that," as the agenda was lengthy. Stertz chimed in to "reinforce" Freeman's request, "to give some relief for the people who have schedules." IRC Democrat José Herrera came to Mathis' defense, telling the crowd of approximately 125 people in the room (and the 50 or so that were in an overflow room in the League of Cities and Towns building) that the "agenda is fine. I encourage [the crowd] to stick around." Sensing defeat, Stertz pressed Mathis, asking her if putting public comments at the end of meetings would become "typical," and whether Mathis would also be seeking to put a "cap" on individual speaking time. Mathis responded: "It depends how things go. I don't intend to stop people from giving public discussion," before adding that people can still leave their comments in writing. That drew groans from several members of the audience, which was primarily made up of senior citizens. The reaction also prompted Herrera to call for the removal of people who boo, hiss or are being "disrespectful" and "unprofessional" towards the commission. Throughout the day, a police officer kept watch at the door of the Executive Tower's 3rd floor meeting room. Nobody was asked to leave the hearing.



FINALLY, THE PUBLIC COMMENTS



Eager to give their comments, the anxious audience first was forced to endure presentations on Prop 106, the Voting Rights Act and relevant case law, as well as very detailed discussions on mapping software and commission staffing issues. The discussions, which at times were quite advanced, put several members of the crowd to sleep and left others struggling to stay awake. By the time public comments were heard around 1:30 p.m., much of the audience had dispersed, including redistricting die-hard Ken Clark and Harper, who had signed in to represent the "Constitution and laws of Arizona." But the decrease in numbers didn't translate to a decrease in emotions, as several members of the public ripped the commission's

decision to hire Strategic Telemetry – a firm they said was a shill for Dems – as a mapping consultant. Mathis was also a frequent target, as she was accused of deliberately not disclosing her husband's paid service on Nancy Young Wright's campaign. "Do you agree that one of your goals is to contract with a non-biased mapping consultant?" asked Kelly Townsend of the Greater Phoenix Tea Party, who chided what she regarded as the firm's history of "political activism." "I asked for a fair deal, not a stacked deck," said Richard Breyer, a Scottsdale resident and tea partier who said Mathis' political affiliations don't match up with her independent registration. Several in attendance also were on hand to praise the commission and its decision to hire the mapping firm, and noted that the previous IRC's consultant, National Demographics Corporation, was sued and had districts initially rejected by the DOJ. Mathis, after public comments were heard, delivered a prepared statement that declared she accidentally neglected to mention her husband's political work. She asked IRC counsel whether her application could be retroactively amended. After the meeting, Stertz told our reporter that he grew tired of the treatment Mathis received. "I'm sick of Colleen sitting here, getting beat up... We have a lot of work to get done in a short amount of time, so that issue can hopefully go to rest."

IRC CRITICS GIVING BREWER AN EARFUL

Brewer hasn't committed to helping legislative Republicans oust Mathis, but it isn't for a lack of public input. From June 30 to July 6, the Governor's Office of Constituent Services received 201 phone calls, emails, letters and faxes complaining about the IRC, Mathis, Strategic Telemetry and other redistricting-related issues, according to Brewer spokesman Matthew Benson. The governor's office has not received any messages supporting Mathis or the IRC, he said.

ALLEN OFFERS PATH TO FORGIVENESS



Allen didn't hide her displeasure at the IRC and told our reporter today she's open to moves to check the commission's supposed errors, including removing its chairwoman, Mathis, if that can be legally accomplished. She said she's told leadership as much. "That commission is being blatantly, right-out-in-the-open extremely partisan and being sure that they use the national Democrat party's lawyers and the mapping people, and making no efforts at all to try to make this as non-partisan as possible and hire companies who have no political connections to anybody and lawyers who have no connections to anybody," she said. Still, she said she's willing to give Mathis and the IRC a second chance – but only if they

reconsidered their decision in hiring Strategic Telemetry. "They need to correct the position they've taken," she said.

COMING SOON TO A CITY NEAR YOU?

Americans for Prosperity-Arizona is looking to run a bill next year that would require cities to hold their elections at the same time as November regular elections, which Director Tom Jenney said would loosen the control that "special interests" – primarily public employee unions – have historically enjoyed. Jenney said the low voter turnout that results from spring and off-year elections allows candidates to win with only small minorities of the voting public and allows unions to exert extraordinary influence over major spending issues and multibillion-dollar budgets that ultimately benefit the unions themselves. Higher turnout, he said, would weaken the unions' grip and will lead to city governments that are more representative of taxpayers' interests. "We believe that there will be greater oversight of municipal spending and greater oversight, especially, of government employee contracts," Jenney said. Based on voter registration numbers and past turnout, the *Republic* recently reported that the Aug. 30 Phoenix mayoral race will likely be decided by less than 20 percent of the city's 600,000 registered voters. The

YELLOW SHEET REPORT

NEWS NOTES AND GOSSIP

HAVE GUN, WILL POINT IT AT THE PRESS

Klein grabbed the attention of a *Republic* reporter and the Dems when she recently brandished her pink .380 caliber handgun and pointed it at the reporter. Klein, according to a story in yesterday's *Republic*, pointed the loaded firearm at reporter Richard Ruelas' chest as he interviewed her in the Senate members' lounge for a story that was part of a package examining the role of firearms in Arizona politics, commerce and life. This was how Ruelas described what happened in Sunday's article: "She showed off the laser sighting by pointing the red beam at the reporter's chest. The gun has no safety, she said, but there was no need to worry. 'I just didn't have my hand on the trigger,' she said." The bizarre display wasn't lost on Democrats, who seized on the article today to hammer away at Klein and call on Pearce to ban firearms in the Senate. "The number one responsibility of a gun owner is gun safety," Gallardo said in a news release. "It is unconscionable that a state senator would knowingly aim a loaded gun at another human being. This exhibit of irresponsible gun ownership is how gun deaths and accidents happen." Calling for a ban on all firearms in the chamber, Gallardo said, "Pearce is the one allowing Lori Klein special privileges to carry her loaded gun in the Senate. The Senate ethics committee should seriously look at this situation before someone gets killed." Gallardo also renewed his call to close a "loophole" in the state's gun laws, referring to people's ability to easily buy firearms during gun shows. Gould told our reporter he doesn't plan to conduct an ethics investigation and has no knowledge of any complaints being filed regarding the incident, though he said what Klein did was a clear breach of gun safety rules. "I kind of cringed when I read that she had done that. She wasn't brandishing the weapon. I think she just thought it would be cute to shine the laser sight on the reporter. I personally don't like seeing that kind of thing—because that's how people get killed," he said. "When I see Senator Klein next time, I will remind her of the first rule of gun safety." Klein told our reporter via email that the story is being pushed "by a few individuals who never miss the opportunity to advance an anti-2nd Amendment agenda." She said she wasn't granting any interviews on the subject, but gave her version of events. After a photographer wanted to take photos of her with the gun, she "ensured that the chamber was clear before displaying the weapon." While demonstrating the laser sight on the gun, Klein said she pointed it at a wall: "During this demonstration, the reporter came and sat down in the sofa in front of me, placing himself in the line of the laser sight. He noticed the light, then I noticed the light, then I turned it off. I apologized and let him know that he was safe because I keep my finger out of the trigger guard."



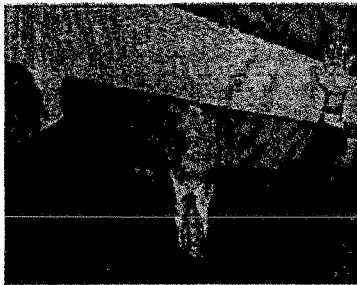
IT'S A BIRD, IT'S A PLANE...



At the end of last Friday's redistricting commission meeting, independent chairwoman Colleen Mathis took a few minutes to once again read from a prepared statement defending herself against criticism. This time, however, she was also defending her husband and asked the public to be patient while she and the commission's legal counsel figure out if they can amend Mathis' initial application, filed last October, which omitted her husband's work as an attorney. Part of that work included serving as the treasurer for Nancy Young Wright's re-election bid in 2010, for which he was paid \$2,500. The criticisms about omitting that work from her application had been trickling

into the public comment portions of the commission meetings since the previous week, but lately some commenters have suggested that the slip is part of a pattern of lies. Last Thursday, IRC attorney Joe Kanefield, told Mathis that the omission (which Mathis characterized as “an unfortunate mistake”) was a technically inaccurate answer to the question. On Friday, Mathis’ requested that the public have patience with the commission while they try to make a formal amendment to her initial application, she also offered some information that she hoped would help quell the perception in some circles that she has Democratic allegiances. Mathis spoke about how her husband had been a registered Republican from when he was 18 years old until he was 40, and she said that he had worked for both U.S. Reps. Bob Michel, R-Ill., and Chuck Hagel, R-Neb. She also noted that the best man at their wedding has been a prominent member of the Federalist Society and that the two of them had attended the inauguration of George W. Bush, as well as the 1988 Republican Convention. Colleen Mathis’ husband, Christopher Mathis, told our reporter after the meeting that he wouldn’t comment about the situation, and the chairwoman said she wasn’t sure whether her appeal would satisfy her critics. Republican commissioner Rick Stertz said he was beginning to tire of the line of attacks Mathis has been subjected to, and said the “issue can hopefully go to rest.”

HORNE ASKED TO PROBE IRC, MATHIS



Brewer’s office isn’t the only one to receive a landslide of complaints of the IRC’s recent hiring of Strategic Telemetry or Mathis, whose vote was critical in securing the services of the firm. Horne’s office has also received dozens of letters on the subject, many of which called for investigations or lawsuits to suspend the contract and remove Mathis. The application omission in the above item prompted Southern Arizona Republicans to organize efforts to cry foul that the commission is chaired by a stalking horse. “This vote was unconscionable and unethical for an independent member of the commission and particularly as the commission chair,” wrote one Tucson resident. “Please do what you can to correct this intolerable situation and keep the redistricting process from becoming more contentious than it already is,” wrote another. While Mathis’ application was silent on the subject of her husband’s past political affiliations, she did tell the *Republic* in May that her husband’s work with Michel and Hagel got her more interested in politics. Horne’s office did not respond to questions on whether the AG’s Office is investigating or will investigate the IRC or Mathis. A copy of the complaints filed with Horne’s office and his response can be viewed in the “documents” section. Those who write Horne are receiving a letter describing that the state Constitution “explicitly designates” IRC commissioner-removing authority to the governor and the Senate. “The provision similarly deals with the alleged conflict of interest raise about Ms. Mathis’s husband. A good time to have raised it would have been during the selection process when she was elected by unanimous consent of all four Commissioners who were themselves appointed by political office holders,” reads Horne’s letter.

IF IT WALKS LIKE A DUCK...

Democrats have bristled in recent weeks at pronouncements that Strategic Telemetry is a Dem firm, with the general response being that, although the company has done work for some prominent Democrats, it isn’t right to label them as partisan. However, the facts seem to tell a different story: Strategic Telemetry has long been labeled a Dem consultant by national media outlets, the firm itself has said it works with progressive candidates and federal campaign spending records show it has not taken money from any Republicans since at least 2003. In a Feb. 28 press release about poll it conducted that found Wisconsin Gov. Scott Walker vulnerable to a recall effort, Strategic Telemetry described itself as providing consulting “for progressive candidates and labor organizations.” The firm also appears to have tried to deflect some of the criticisms leveled at it by GOP critics, scrubbing references to its work with progressive clients from its Facebook page and rearranging a list of services on its website to make redistricting more prominent. As

recently as June 30, the company described itself on its Facebook page as providing “data analysis, strategic advice and statistical modeling of individual-level voting behavior to progressive organizations and campaigns.” The page now says the company provides “statistics, data analysis and mapping services for corporations, government, campaigns, and non-profit organizations.” The Facebook page also sports a new list of services: According to a cache of the page from June 30, Strategic Telemetry was advertising “Microtargeting, Data Entry Automation, Mapping, Campaign Plans.” Now, the page says the firm provides “Marketing, New Media, Data Entry Automation, Mapping and Redistricting Services.” The Facebook changes were made after the conservative blog Sonoran Alliance publicized the firm’s Facebook description on June 29. (Its Twitter page, @StratTelem, still notes that the company “helps progressive campaigns target the right voters with the right messages.”) Additionally, the list of services on the company’s website was re-ordered to put “redistricting services” at the top, ostensibly to combat criticism that Strategic Telemetry doesn’t have experience in redistricting work. Previous versions of the website dating back five years consistently show “redistricting services” listed third, following “campaign plans” and “mapping.” The firm’s website now lists its services in this order:

- *Redistricting support
- *Mapping
- *Census demographics (previous 6th)
- *Population projections (previous 7th)
- *Campaign plans

Finally, a search of campaign finance documents filed with the Federal Elections Commission since 2003 show the company has been paid \$1,136,293 by Democratic candidates, Democratic Party committees and other liberal groups. In the same time, it received no payments from Republican candidates or groups. Aside from the Kerry and Obama presidential campaigns, Strategic Telemetry also provided services for: Democratic National Committee, Democratic Congressional Campaign Committee, Florida Democratic Party, North Carolina Democratic Party, Wisconsin Democratic Party, Washington Democratic Party, Rep. Nick Lampson (D-TX) and Reshma Saujani (Dem congressional candidate from NY). The firm also worked for the MoveOn.org PAC, and was paid \$134,000 by the liberal advocacy group in the 2006 election cycle for political consulting.

NO IRC HEARINGS THIS WEEK

The IRC will not meet on Wednesday, as had been tentatively planned and announced at its last meeting. IRC Executive Director Ray Bladine told our reporter that he and Mathis decided this week would be better devoted to working out the logistics to prepare for a two-week statewide commission tour to take public comments. Those meetings, he said, are expected to begin next week.

NOT MUCH PROOF IN THE PUDDING

FAIR Trust, the group put together by the congressional delegation and GOP legislative leaders to protect Republican interests in the redistricting process, was slated to meet today to discuss the latest IRC happenings. But one Republican who has participated in past meetings said he was disappointed that the group has so far been ineffective and it doesn’t appear that will change. “It’s really become just an attorney-retention program. These attorneys are going to walk away with several hundred thousand dollars in donor money that was intended to get results,” the source said. Part of the problem, according to the source, is that the group is playing everything “so close to the vest” that it has not been able to exert any influence that would help Republicans.

THAT WHOLE PLACE IS GOING TO POT

by pointing constituents to ARS provisions mandating the duty to report abuse or neglect of minors, violations of which have punishments ranging from class 1 misdemeanors to class 6 felonies. Brophy McGee is also advising constituents to read ARS 11-593, which creates a class 2 misdemeanor for failing to notify law enforcement of deaths. Other topics of recent interest to her constituents have been Internet sales tax, the IRC and unemployment – in that order, she said.

IRC ISSUES WILL SPLIT JUST ABOUT EVERYBODY

Friday's Arizona Supreme Court opinion that explained its previous ruling that allowed ASU professor Paul Bender to remain an IRC nominee provided a rare split decision. Both of Brewer's appointees, justices Robert Brutinel and John Pelander, were in the minority, finding that Bender's service as a volunteer tribal judge amounted to a "public office" that left him ineligible for IRC service. However, the pair was outnumbered by justices Scott Bales and Andrew Hurwitz (Napolitano appointees) and retired Hull appointee Michael Ryan, who filled in for Berch. (The chief justice serves as chairwoman of the Commission on Appellate Court Appointments, which screened the IRC applicants, and recused herself because of the conflict of interest.) The majority said in its decision that no use of the terms "public office" or "public officer" in state law includes tribal officers. The minority found that the term "any other public office" has a broad, unqualified meaning and should have been afforded as much when determining whether Bender was eligible. A copy of the ruling can be viewed in the "documents" section.

·PRESS RELEASES AND NEWS CLIPS·

Sinema to deliver Fund Our Schools First signatures to Brewer

STATE CAPITOL, PHOENIX – Sen. Kyrsten Sinema, D-Phoenix (District 15), will hold a press conference Wednesday to discuss the results of her Fund Our Schools First petition and deliver its signatures to Gov. Jan Brewer's office.

Sinema also will demonstrate the new social media tool – Postcard Petitions – which allows her Facebook fans to send a real postcard to Brewer for free, asking her to fund our schools first.

Press Conference

When: Wednesday, July 13 at 10 a.m.

Where: Senate Democratic Caucus Room

Sinema's Fund Our Schools First campaign, launched in May, urges Brewer and the legislature to put every penny that comes into the state treasury above projections into education first.

For more information about the petition, go to www.ksinema.org/fundourschoolsfirst.

-30-

Congressman Flake Votes to Prevent Ban on Uranium Mining in Northern Arizona

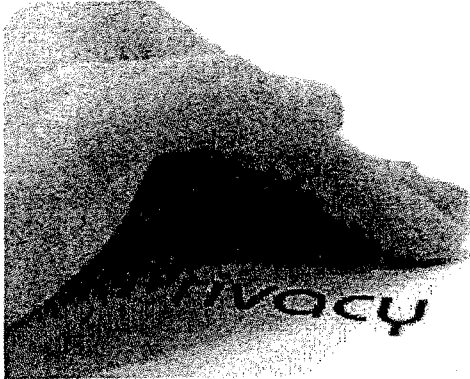
Mining Can Stimulate Economy without Jeopardizing Natural Beauty of the Grand Canyon

Washington, D.C. – Republican Congressman Jeff Flake, who represents Arizona's Sixth District, today voted against an amendment in the House Appropriations Committee that would have removed language from the Interior Appropriations bill which blocks a moratorium on uranium mining in northern Arizona. The amendment failed 23-26.

YELLOW SHEET REPORT

·NEWS NOTES AND GOSSIP·

PLEASE RESPECT OUR PRIVACY

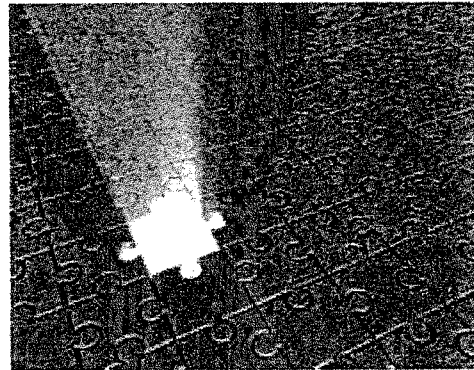


Late last month, just moments before awarding its mapping consultant contract to Strategic Telemetry, the IRC announced it had parted ways with state procurement officials. In announcing the split, IRC Chairwoman Colleen Mathis praised SPO for “all the work they’ve done” and said the commission felt “it was best to go ahead and proceed on its own” in making its consultant selection. The statement was accurate, but a letter from State Procurement Administrator Jean Clark – and not the IRC – formally announced the break-up. Clark’s letter, which was presumably handed over to the commission during the three-hour executive session, noted the commission has “frequently pursued direction other than that offered by SPO” and that she would delegate procurement

authority to the IRC to “facilitate and respect” IRC autonomy. Exactly what caused the split isn’t known, as Mathis told our reporter she didn’t know why SPO dumped the IRC. Other commissioners, IRC staff and attorneys have either cited laws barring the disclosure of issues discussed in executive session, or referred to Clark’s letter. Clark has been unavailable for comment this week. A copy of the letter can be viewed in the “documents” section.

MISSING PIECES TO THE MAPPING CONSULTANT PUZZLE

The last minute parting of ways didn’t interfere with the IRC using documents bearing the seal of the Department of Administration’s procurement office to inform Strategic Telemetry it had the job. That fact was addressed by Republican IRC Commissioner Scott Freeman at the IRC meeting on Friday. With a slight smirk, Freeman told IRC Executive Director Ray Bladine that the July 5 document gives the impression that SPO was part of the decision to award the contract. “What we tried to do was accept the SPO process as much as we could,” Bladine responded. That statement prodded Freeman to state that the commission would have to “agree” on the final evaluation scores that were presented on the IRC documents distributed to Strategic Telemetry if SPO



was used. Freeman’s statements, which were left unexplained, appear to be an inside reference to separate, and original, evaluations commissioners completed in mid-June when the commission culled the four final mapping consultant finalists from the original list of seven. The IRC’s official procurement file includes statements from Freeman and Stertz that reference an initial round of scoring, though documents provided by the IRC in response to a public records request seeking the procurement file only included the final round of scoring. Stertz’s file includes evaluations for three responses limited to the RFP, while the other commissioners’ files show evaluation scores that reflect a grading of the RFP and interviews conducted before the commission. Similarly, Freeman’s procurement record was titled “Revised evaluation supplementing evaluation prepared for the June 15 meeting in Oro Valley,” and he included a footnote noting that he recorded a higher score than that “provided on the initial evaluation sheet the commissioners

completed in advance of the June 15, 2011, hearing.” The commission’s June 15 agenda includes Item IV, which reads: “Discussion and consideration of confidential documents associated with the evaluation of responses to the mapping consultant RFP and a review and ranking of submitted proposals.”

Apart from Freeman and Stertz, who both told our reporter last week that two evaluations were conducted, the IRC commission, staff and attorneys didn’t provide a solid answer on the evaluation process for mapping consultants. Mathis on Friday told our reporter some commissioners may have taken notes, but she wasn’t aware of formal scoring. Linda McNulty has yet to return calls for comment since being named to the IRC. Herrera yesterday said he didn’t think he completed an initial evaluation, and he wasn’t aware if other commissioners did. He also went as far as to say that the commissioners on June 15 agreed to “make it simple” by not preparing written evaluations when winnowing the list of seven applicants to four finalists. “There was no individual scoring. A scoring sheet was not appropriate. It didn’t fit in. It was more of a conversation and us talking about the firms, and then getting feedback from [state procurement officials]. We felt that we could eliminate three firms, without giving scoring,” he said. The Department of Administration, which oversees SPO, was short on details. Spokesman Alan Ecker wrote in an email that three bids were deemed “not susceptible” and were “set aside.” Ecker did not explain how or by what rubric the bids were critiqued. Freeman, Stertz and IRC Executive Director Ray Bladine cited state law that prohibits disclosing discussions that occur during executive session, and refused to comment on IRC mapping consultant evaluations.

DEM COMMISSIONER: ‘I HAD TO’ GIVE A PERFECT SCORE



The official summary score sheet included in the IRC’s procurement file indicates Strategic Telemetry was given the highest average score. They received 815 points out of a 1,000, with commissioners responsible for weighing 700 points and state procurement charged with providing up to 300 points for bidders’ estimated cost and conformance to the demands of the RFP. Research Advisory Services took second place with 666 points, while National Demographics Corp., which was heavily-favored by Freeman and GOP Commissioner Richard Stertz, placed third with 573 points. The last place firm, Terrasystems Southwest, received 450 points. The scores reflected commissioners’ impressions of the bids and the firms’ interviews. Mathis, Herrera and

McNulty each gave Strategic a perfect 700 of 700 points, and they panned Republican-favorite NDC. (McNulty gave the firm, which worked for the first IRC, 125 of 700 points. Herrera: 150. Mathis: 200.) Mathis told our reporter last Friday that there was no collusion among the commissioners, and that it was fairly easy to predict which commissioners favored which firms. Herrera (pictured) said the same, but offered that his scoring was also indicative of how he felt Republican commissioners would vote. “I had to,” he told our reporter yesterday when asked why he gave Strategic Telemetry, despite professing to prefer Research Advisory Services the most. Only one firm – TerraSystems Southwest – received lower scores than NDC from Mathis, Herrera and McNulty, who each gave the firm 100 of 700 points. The same firm received substantially higher scoring from Freeman (400) and Stertz (350). The lowest Republican score was issued by Stertz, who gave Research Advisory Services 203 points.

LET’S NOT RUSH INTO THINGS

Amid calls to remove IRC chairwoman Colleen Mathis, suggestions that the Legislature go into special session to send a referral to the ballot asking voters this November to get rid of the IRC altogether, and a chorus of anger and disappointment at the commission’s work thus far, Biggs is urging caution. Emerging from a meeting with other Senate leaders this morning, he told our reporter he, too, is upset at the

commission's decisions. "But is it time to go to a nuclear option? No. And that would be going to the ballot," Biggs said. While there aren't many options for Republicans, he said there's simply not enough time to do it right if the proposal were to repeal the commission or modify it via a ballot measure. "When you do something like that, you want to make sure you don't have unintended consequences. Right now, there are things that really bother me and concern me personally, and there are things that concern our caucus. And how do you know that you don't — if you rush through something with this magnitude — create even bigger problems?" he said. Biggs suggested that legislators show up at IRC meetings and bring the issues to people's attentions in district meetings, which will let the IRC know that it's being closely watched. And if that doesn't assuage GOP fears about the new lines, Biggs said a lawsuit would be likely.

BREWER NOT CHOMPING AT THE BIT, EITHER

Brewer spokesman Matthew Benson threw a little cold water on the growing chorus of GOP lawmakers calling for a special session on the IRC. "The governor has no imminent plans to call legislators into a special session on redistricting," he told our reporter on Wednesday, adding it would be "speculative" to comment on whether she would be open to a special session if circumstances changed. "The governor is aware of some of the concerns among legislative members and she shares some of those concerns. She wants to make sure that the redistricting process is carried out fairly and in accordance with the law. That really is her top priority here," he said. Even if Brewer called the special session, Antenori said Republican lawmakers haven't yet figured out the best



plan of action anyway. Some want to oust IRC Chair Colleen Mathis and others want to put Prop 106 on a special election ballot in November – Antenori said they should do both – while some would prefer to duke it out in court after the districts are drawn, he said. "Not to drag in a Lori Klein analogy, but the gun is loaded and it's just figuring out what target to point it at and when to pull the trigger," Antenori said.

ONLY THE FUTURE OF THE REPUBLIC IS AT STAKE

Among some Republicans, there is a feeling that, given the IRC's perceived direction, what's at stake is Arizona's way of life. Gowan told our reporter he loves the freedoms afforded to residents here and the laws that protect those freedoms. He didn't verbalize it, but the implication was clear: Republicans have been good stewards of the state, and that will change if IRC's actions give Democrats the political upper hand. He told our reporter he supports convening a special election to refer a ballot measure asking the public to repeal the IRC, an idea that Antenori (who has made no secret of his desire to run for Congress in a district currently represented by a Dem) has been pushing. If such a question were on the ballot, Gowan said it would be incumbent on his party-mates to treat it as if they're campaigning for the fate of Arizona itself. Like many other Republicans, he argued that the best body to draw Arizona's political boundaries is the Legislature, which he said is subject to the influence of voters. Currently, he noted, there's no way for the public to check the IRC's actions if it disapproved them. Unable to contain his displeasure, Gowan also called Colleen Mathis an "absolute left-winger."

CHILL OUT, MAN

Today, the second day of Corporation Commission evidentiary hearings for the Mohave waste-to-energy plant, began on a sour note with more bickering between Chairman Gary Pierce and Paul Newman, this time regarding how long the commission should spend on the hearings. Pierce began today's meeting by announcing that there would be ten-minute time limits enforced for witnesses, prompting an objection from

ITCHING FOR A FIGHT

Antenori disagreed and said the situation is urgent. The former Army Ranger stood by the military planning acronym PACE – primary, alternate, contingency and emergency – for what he believes should be the Legislature’s plan of action. The primary plan, he said, should be to urge Mathis to commit to a more transparent process and bring on another mapping consultant, with the alternate plan being to oust and replace Mathis. The contingency plan is to put Prop 106 back on the ballot, Antenori said, and the emergency plan is to fight the IRC’s maps in court. He said some of his colleagues seem to favor the emergency plan before trying the first three. “If all of that fails, then bring on the judge,” he said, adding that he doesn’t think a special session would be an intolerable delay. As long as the maps are finished by March so candidates have 60 days to collect signatures, he said, things will be fine.

ETHNIC STUDIES APPEAL DATE SET

Administrative Law Judge Lewis D. Kowal set Aug. 19 and 23 as the hearing dates for Huppenthal to prove the TUSD Mexican American Studies program is in violation of state law. Huppenthal will be deposed on Aug. 4.

CONGRESSIONAL FUNDRAISING



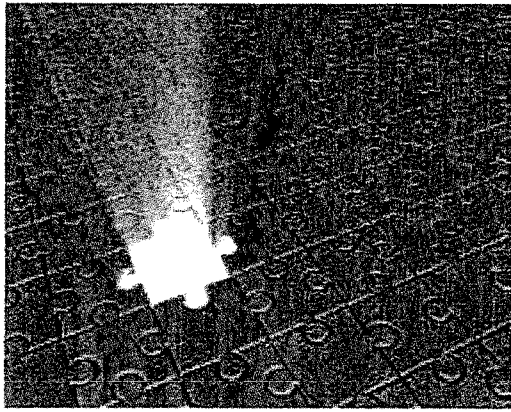
When Gosar announced his second quarter fundraising numbers last week, campaign spokesman Max Fose said he didn’t know how much cash the campaign had on hand. However, with campaign finance reports for the quarter due on Friday, we now know Gosar has \$138,392 in cash – significantly less than the \$215,723 that Kirkpatrick has on hand, a fact her campaign trumpeted this morning in a press release. Gosar’s cash on hand situation likely would be better were it not for nearly \$50,000 in debt that he paid down during the second quarter. He still owes more than \$34,000 for work done on his 2010 campaign. (Detailed reports for the second quarter haven’t yet been posted to the FEC website, but a report from April showed most of the money was owed to Fose’s firm, Integrated Web

Strategies, and another firm that helped Gosar raise money.) While Gosar performed better in the second quarter than he did in the first, he still raised far less than his fellow GOP freshmen: Quayle raked in \$285,029 during the quarter, and Schweikert pulled down \$268,142. The other striking detail from the fundraising totals was that Adams and Salmon sucked the air out of the room in CD6, effectively killing whatever momentum Chuck Gray had. His receipts dropped from an already paltry \$22,637 in the first quarter to a mere \$3,300 in the second. He also has the ignominy of being the only candidate to have less on hand after the second quarter than he did after the first: his cash on hand dropped from \$18,581 to \$16,444. Fundraising details for all candidates are below.

	<u>1st Quarter</u>	<u>2nd Quarter</u>	<u>Total raised</u>	<u>Cash on hand</u>
CD1				
Gosar	\$91,013	\$169,112	\$260,125	\$138,392
Kirkpatrick	3,435	239,956	243,391	215,723
Baldenegro		8,446	8,446	3,631
CD2				
Franks	19,630	59,664	79,294	41,068
CD3				
Quayle	212,023	285,029	497,052	370,277

July 18, 2011

THERE WERE LEGAL WAYS TO SKIN THAT CAT

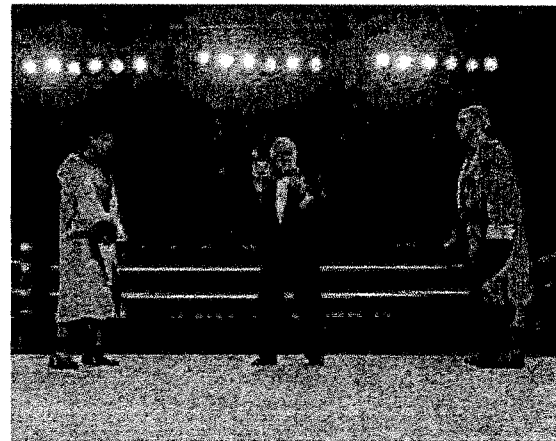


One Republican observer found recent IRC procurement contract revelations and Dem Commissioner José Herrera's statements to be signs of highly suspect commission dealings. Herrera's admission that he "had" to give Dem-leaning Strategic Telemetry a perfect score to defend against Republican commissioners' interests stood as proof of an illegal intent to achieve a predetermined outcome, said the source. State procurement code dictates that offers and proposals can only be evaluated on the criteria contained in the request for proposal. Procurement evaluators also "shall not modify evaluation criteria or their relative order of importance after offer due date and time," according to code. "It's like golf: Firms don't compete amongst themselves, they compete against par –

and par is a perfect score on the evaluation sheet," said the Republican, who also had misgivings about the IRC maintaining an incomplete procurement file. (Yesterday's *YS* reported that IRC records reflect only commissioners' final RFP and interview evaluations, and they do not include earlier evaluations that presumably should be recorded and maintained.) It is true that state procurement officials terminated their procurement guidance to the IRC late in the process, but that fact wouldn't lessen the IRC's legal responsibility to put together or maintain a complete evaluation file, the source said. Evaluation records are maintained to allow losing bidders to file appeals, if desired. "Constitutional and statutory due process rights give losing bidders the right to protest the award. How can those due process rights be enforced with no written record?" said the source, who also offered some advice, in hindsight: Had the Dems and Mathis wanted to eliminate the Republican-favored firm, National Demographics, from contention, they could have simply written the RFP to prohibit prior IRC contractors from applying.

TALE OF THE TAPE

Any thought that Adams was keeping a lid on his fundraising numbers because they weren't very good was dashed yesterday when the former speaker announced he had raised \$230,775 in the second quarter, about \$60,000 more than Salmon had announced raising on Tuesday, despite Salmon entering the race about two weeks earlier. Adams' \$203,000 cash on hand also surpasses the \$155,744 Salmon's campaign said it had. One GOP railbird said the take-home message from the campaigns' fundraising totals was clear: "What it tells me is that Matt got out-hustled. That's the story for me." Given Salmon's greater name ID and his strong ties to D.C. through both his previous congressional service and his lobbying business, the source said he was widely



expected to out-raise Adams. That he didn't reinforces the long-held perception among many Republicans that Salmon is a poor campaigner. "One of the raps he has always had is that he didn't campaign hard and is kind of lazy – that he took things for granted. These numbers feed into that idea," the source said. A Republican lobbyist added that, while it's human nature to use the first round of fundraising numbers to gauge the campaigns and determine winners and losers, it's premature to draw any solid conclusions: "It's like weighing the fighters for a championship fight a year before the bout." One thing to look for when the

Thursday, July 14, 2011

Terri Proud has joined the anti-Independent Redistricting chorus on the right. Like **Frank Antenori** and **Jack Harper**, she seems to think that griping, stomping and whining about the process, established by a constitutional amendment passed by voters in 1998, will make it go away and they will somehow be in charge the way God and the Founders intended.

Here is how Proud and some of her colleagues seem to think this will work:

- The governor will call a special session of the legislature so they can put a referendum on the ballot. This assumes that Jan Brewer is overly enamored with Proud's legislative colleagues and will kowtow to them just because they are having an infantile snit.

- This will pass the legislature. She's assuming here that a majority of her colleagues will disregard the will of the voters and pass a referendum resolution for the most partisan and petty reasons. Oh wait, that is a good assumption.

- Once this resolution makes the ballot, it will get a majority of voters to go along and vote yes. Yep, there is clearly a majority of voters that thinks that politicians should be allowed to draw their own safe districts so they can be elected in perpetuity. Wake me when you can find a message that doesn't sound like "We don't want to have to talk to people that disagree with us to get re-elected, it's just not right."

- This all can happen with enough time for the legislature to draw districts so candidates can be filed by next June. Unless this process includes a resolution adding two months to the calendar, I don't see how this can happen.

Thinking that the governor and voters would go along with such a proposal is frankly delusional. It's the sort of delusion politicians get when they are in a bubble surrounded only by people they agree with and they have become unaccountable to the electorate. Yep: it's the arrogance of power you get when your system lacks the accountability produced by, you see this coming, competitive districts.

In all the complaining from Republican legislators and activists about the process, I haven't heard anything about what they'd like to see in terms of a fair map. Do they want competitive districts (the reason why the IRC was created in the first place) or not?

NB – Among Proud's complaints is that Chairman **Colleen Mathis's** husband worked on the campaign of a Democratic legislator. Of course, he's worked for Republicans too. Why does this particular campaign stick in her craw? It was Proud's opponent in the last election, Nancy Young-Wright. (D)

Rum, Ruminism

It's actually the Democrats who should be unhappy with the IRC

There is much wailing and gnashing of teeth in Republican circles over the activities of the "Independent" Redistricting Commission. The first sign of trouble was when the IRC decided to chose lawyers. The group decided to chose two law firm--one Democratic and one Republican. The Democratic firm was chosen by the Democrats on the Commission together with the support of the Independent on the Commission. Then the Republican firm was chosen by...the Democrats on the Commission together with the support of the independent on the Commission.

That outrageously partisan move awakened every Republican elected official, media outlet and Precinct Committeeman in the state and was followed by an even more outrageously partisan move....the "Independent" commission hired a Democratic map consulting firm that is to draw the lines.

These moves suggested that the Independent on the Commission--Collene Mathis--isn't actually Independent and is actually a Democrat in disguise. Indeed, a little further investigation by the newly awakened blogosphere and media showed that Mathis has history of Democratic connections that she conveniently left off of her application.

Republicans are threatening to use their two thirds majority in the Senate to remove Mathis and it doesn't help that Democrats--rather than claiming that Mathis can be fair--are blaming Republicans for being asleep at the switch during the committee formation stage.

However, outraged Republican would do well to remember that the first step to really screwing someone is feigned courtesy. If Mathis really has it in for Republicans, she should be siding with them on every procedural issue. Vote with them on their attorney selection; vote with them on their mapping selection. Smother them with due process...you want some extra public comment sessions in Sun City? No problem. You guys doing ok on staffing? Can I get you a cup of coffee? Is the AC in your office working well enough? Cable? We can get FOX news piped into the lobby if you want.

There are only two votes that count--final legislative map and final congressional map. Everything else is window dressing.

Mathis's outrageously partisan votes so far have awakened the Republican infrastructure, allowed them to raise funds for a legal defense, hire attorneys, look for ways to remove Mathis and even managed to get the press aware of the possibility that the IRC really isn't fair. So when the real votes come, Mathis will have to be completely fair in order to avoid looking completely partisan.

Mathis may be a Democratic in disguise, but if so, she ruined her advantage by taking off the disguise too early. It's looking like this may be the third decade in a row that Democrats have blown the redistricting process.

Espresso Pundit 7/18/2011

From: Bev Rutt
Sent: Thursday, June 30, 2011 1:19 PM
To: Lugo, Adria
Subject: Bev Rutt - redistricting hire

Please ask Attorney General Home to file an injunction.

Bev

From: Larry Templeton [mailto:lt@aginfo.com]
Sent: Thursday, June 30, 2011 11:44 PM
To: AGInfo
Subject: Redistricting

Why are allowing a left leaning firm that customarily works with Democrat Causes like the Obama Campaign to be placed in charge of redrawing district lines? Strategic Telemetry reputedly specializes in microtargeting groups of voters. Could a Democrat sympathizing group doing the redistricting influence the outcome of some contests in the next election? Can we demand the Redistricting Commission make a more neutral selection?

From: Moehring Mona
Sent: Friday, July 01, 2011 10:19 AM
To: AGInfo
Subject: re-districting commission

Dear Mr. Attorney General Horne:

It is vital that your office looks into the make-up of the re- districting commission. The so called "independent" commission chairwoman is anything but independent. Her husband is an activist democrat and that alone should have disqualified her to be in independent on the re-districting commission.

This "independent" chairwoman has been openly against the Republican commissioners in every word, deed and vote.

She must be replaced with a truly independent, fair and impartial person.

And it would be nice if you could do something about this radical, progressive democrat mapping company this democrat commission hired from Washington DC to re-draw the lines in the State of Arizona

Sincerely,

Ray and Mona Moehring

From: M. P.
Sent: Friday, July 01, 2011 11:15 AM
To: ConsumerInfo; AGInfo
Subject: REMOVE COLLEEN MATHIS NOW PLEASE!

Mission: The Independent Redistricting Commission's mission is to administer the fair and balanced redistricting of the Congressional and Legislative districts for the State of Arizona.

I believe it is a definite conflict of interest that the mapping company is drawing lines so that Colleens husband, who was on the campaign staff for Carol Wright can get Carol Wright elected. Am I to believe the mapping company is a political campaign consulting company!!!?? The opening statement on their website states: "Strategic Telemetry is dedicated to providing individual-level micro-targeting, data analysis, strategic consulting and other services to help enable campaigns to successfully reach their target audiences and have their message heard." In today's evolving landscape where each vote is more important than ever, making sure that your campaign is running as efficiently and effectively as possible is critical to your success. When I go to <http://strategictelemetry.com/> I see we have a campaign consulting company mapping our Congressional and Legislative districts!!! Is this what the founding fathers meant when they wrote Article 1 Section 2 of the U.S. Constitution? "The specific purpose, and the subsequent redistricting, of the decennial census requirement in the Constitution was to ensure a true and fair representative government." There is nothing RIGHT or ETHICAL going on here!!! Is S.T. going to run the campaigns for all these new democratic districts they draw? It's a fact that S.T. was the HIGHEST PRICED company and took the longest time to actually produce a map!! Commissioner Herrera has stated that S.T. was not his first choice but that he "went with the Independent"! So this means Colleen Mathis wanted this group all along! The BEST line goes to Lee who said, "If you're an independent, then I'm a French Fry!"

REMOVE COLLEEN MATHIS NOW PLEASE!

Respectfully,

Malcom Randall Pavey

From: whitney malone
Sent: Friday, July 01, 2011 11:26 AM
To: AGInfo
Subject: Colleen Mathis

Colleen Mathis should be removed and the Redistricting should not go forward.

Thank You
Patricia Malone
Cochise County

From:
Sent: Friday, July 01, 2011 4:13 PM
To: AGInfo
Subject: Redistricting Commission

Just spoke with the AG's office and asked "How do we go on record with two requests regarding the Redistricting Commission? She gave me this email address and your name.

My husband, Richard, and myself want to be counted in the calls and emails for:

1. Remove Colleen Mathis, Chair, Redistricting Commission - conflict of interest.
2. Put an Injunction against Strategic Telemetry - political campaign consulting company is its primary function and they're based in Washington, D.C. Seems like in today's lack of jobs here in AZ that a commission for AZ would have selected, even if not as high tech, an AZ company. This way, keep the jobs here and the money here. Washington, D.C. is getting enough of our money. Also, the Commission did state that S.T. was the HIGHEST bidder. Isn't that rather against how most contracts are let?

Thank you,

The Lockwoods

From: John A.
Sent: Friday, July 01, 2011 7:38 AM
To: AGInfo
Subject: AZ Legislative Redistricting Commission

Dear Attorney General Horne:

The current chair, Colleen Mathis, of the AZ Legislative Redistricting Commission has proven to function as a biased, not independent, objective manner. Please file an injunction under Article 4, of the AZ.

State Constitution for her removal as chair of this commission immediately. It is critical an injunction for her removal be filed before the contract with the Washington, D.C. mapping firm is signed.

Her behavior has included gross misconduct, neglect of duty, and flagrant conflict of interest. Her blatant conflict of interest stems from the fact her husband was on the campaign staff for Carol Wright.

It appears the mapping company was hired to get the district lines redrawn to allow Carol Wright to win the next election.

Thanks your for responding swiftly by filing this injunction now.

Sincerely,

John A. Tirrell

11

Sent: Friday, July 01, 2011 11:15 AM

To: Rezzonico, Amy

Subject: Redistricting Letter to Attorney General Tom Horne -- please deliver

The attached letter to Attorney General Tom Horne concerns severe improprieties within the Arizona Independent Redistricting Commission that is almost guaranteed to turn into a political firestorm if no action is taken. I would very much appreciate it if you copy and deliver the letter to Mr. Horne.

July 1, 2011

Fax to: Attorney General, Tom Horne

7602

Dear State Officials

Yesterday I attended a public hearing held by the Independent Redistricting Commission in Tucson. What I learned in listening to many concerned citizens of Pima County who spoke during the hearing is deeply disturbing because it is apparent the outcome of the Commission's work will be biased to favor the Democratic party. Here is what prompts me to write to you.

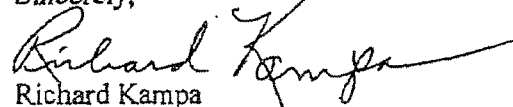
The vendor selected to do the mapping Strategic Telemetry is an organization that extensively supports Democratic campaigns. The list press of coverage on its web site - <http://www.strategiclelemetry.com/index.php?pid=6> - clearly shows this. How the Commission could decide to select this Washington D.C. company is hard to understand. Strategic Telemetry's pedigree is steeped in Progressive ideology so their ability to make impartial judgment is impaired. With their biases so plain to see, the results of the redistricting process will be open to fair criticism of prejudice which will shake the voters' faith in the fairness of this expensive project. A different mapping vendor should be selected.

There were three other mapping vendors and one of them is an Arizona company. This firm may not have the experience in redistricting as Strategic Telemetry but lack of experience could have been used to discount this vendor who may be perfectly capable to provide the service called for in the RFP. A local vendor has more incentive to perform well because it can more easily be held accountable for its work output. They may also have a much lower price tag. A local award will put millions of Arizona taxpayer dollars beneficial to the local economy.

The other concern is about the neutrality of the commission's chair. Mrs. Mathis is the spouse of the man in charge of fund development for Nancy Young Wright, a Democrat candidate for state office in the last election. Mrs. Mathis may be a fine person but not the right choice for this position. Many voters will have a hard time accepting that she is or can be truly independent in her judgment in deciding on the redistricting plan the commission will create. She should be replaced.

Please do what you can to correct this intolerable situation and keep the redistricting process from becoming more contentious than it already is. The taxpayers deserve an outcome that they believe was fairly arrived at.

Sincerely,



Richard Kampa
Tucson, AZ

From: John A. "Jack" Tirrell
Sent: Saturday, July 02, 2011 8:09 AM
To: AGInfo
Subject: AZ Independent Redistricting Commission Chair

Dear Attorney General Horne:

Yesterday I sent you an email regarding the Arizona Independent Redistricting Commission's chair, Colleen Mathis. The information I had concerning the affiliation of Ms. Mathis' husband was incorrect. Her husband was the campaign treasurer for Nancy Young Wright, a Democrat, and not Carol Wright.

Her last partisan vote resulted in the hiring of Obama's campaign company Strategic Telemetry from Washington, DC for mapping our Arizona districts. This vote was unconscionable and unethical for an independent member of the commission and particularly as the commission chair.

Please use your good office to remove Ms. Mathis from the commission and see that she is replaced with a truly independent member and chair.

Sincerely,

John A. Tirrell

From: John A. "Jack" Tirrell
Sent: Saturday, July 02, 2011 9:48 AM
Subject: AZ Independent Redistricting Commission Mapping

Dear Arizona Leaders:

Earlier I sent you emails regarding the Arizona Independent Redistricting Commission. I probably should have mentioned I have a little experience with redistricting. In 1968 I was part of a team the Bridgeport Connecticut school board contracted to create a recommended redistricting map. As a team we suggested we should create several maps based on different assumptions so the board would have sufficient information by which to make the best decision. We developed 10 to 12 maps based on various assumptions but only presented 5 or 6 maps to the board (the other maps not presented were not sufficiently distinct from the maps we presented).

I would encourage you to use your influence on the Arizona Independent Redistricting Commission to make sure not just one map is developed and presented to the commission but a series of distinct maps are created based on assumptions the mapping firm develops so the commission has a selection of maps from which to make redistricting decisions. This should assist in keeping the process as objective and independent as is possible. The charge given to the mapping firm is critical to keep the input from the firm to be as impartial and non-subjective as possible.

Any assistance you can provide to make sure the results from the commission are in the best interest of all Arizonans (Democrats, Republicans, and Independents) will be appreciated greatly.

Sincerely,

John A. Tirrell


From: Mikki Niemi ;
Sent: Sunday, July 03, 2011 8:13 AM
To: AGInfo
Subject: FW: AZ Redistricting Commission Meetings (!02 Tucsonans Attended, 52 Spoke) July 7 & 8 Tentatively Scheduled Somewhere

Mr Horne

We need to take this lady out and replace her.

Mikki Niemi

Opinions and Facts!
<http://tucsonpoly.blogspot.com>


 D.P. Niemi

From:
To:
Subject: FW: AZ Redistricting Commission Meetings (!02 Tucsonans Attended, 52 Spoke) July 7 & 8 Tentatively Scheduled Somewhere
Date: Sun, 3 Jul 2011 08:06:43 -0700

We need to put a stop to this, call Horne, legislators, Governor send this to your friends

Mikki Niemi

Opinions and Facts!
<http://tucsonpoly.blogspot.com>

 D.P. Niemi

Date: Sun, 3 Jul 2011 07:49:19 -0700
Subject: AZ Redistricting Commission Meetings (!02 Tucsonans Attended, 52 Spoke) July 7 & 8 Tentatively Scheduled Somewhere
From:
To:

All,
What a miraculous meeting we had because of everyone who showed up at the Tucson meeting and spoke out publicly against the leftist, progressive campaign firm that has been hired to create Arizona's Congressional and Legislative lines. Several of you were even on Fox 11 News and many articles have been written and blogged about what YOU DID!

At the end of the meeting, it was clear that the contract for this company had not been written and so it had not been signed. In fact, the State Procurement Office has bowed out of working with the contracting of this company and so the Administrator, Ray Bladine, has to write the contract himself. A little weird to say the least.

The commission also set their next "tentative meeting dates" as Thursday and Friday, July 7 and July 8. As you know, this means we probably won't know where or when until sometime Tuesday, July 5.

From: Doug Woods
Sent: Sunday, July 03, 2011 6:11 PM
To: AGInfo
Subject: Redistricting

***Tom: I can't believe this happened.
I worked hard helping you get elected and also on another campaign to unseat Raul Grijalva. I am outraged at the fact our Redistricting ended up being given to the Liberal Democrats and Ken Strasma and his company Strategic Telemetry, who by the way is in Obama's back pocket. I want to know how in the world did this happen?***

From: Jack Heald j
Sent: Sunday, July 03, 2011 7:15 PM
To: AGInfo
Subject: Re-districting

Please stop the wrong actions of Chairwoman Colleen Mathis and the contracting of a very biased Chicago company(DNC mafia).

They disqualified one possible committee candidate(Chris Gleason) because he is a christian!! Do I hear lawsuit?

Thanks,Dr. Jack Heald Tucson

From: Roger Loy [mailto:rl@aginfo.com]
Sent: Sunday, July 03, 2011 7:55 PM
To: AGInfo
Subject: Redistricting Commission Anything but Independent

Dear Mr. Horne,

It has come to my attention that Arizona's Independent Redistricting Commission announced Wednesday that the bid for the mapping process of Arizona's congressional and legislative districts had been awarded to Strategic Telemetry, a campaign consulting firm for left-wing candidates. The company's president, Ken Strasma, was President Obama's national target director.

America needs to be aware of what is happening in Arizona. Our Independent Redistricting Commission has just selected a Democrat campaign company, to redistrict our state.
Arizona voters want fair and impartial lines for their new districts.

Why pick this campaign company which clearly has a conflict of interest? It is evident there is much more to this than meets the eye!

Our State Government needs to investigate what is going on with this extreme conflict of interest. Please stop this disgrace.

Thank You,

Roger Loy

From: Tom Miller
Sent: Monday, July 04, 2011 4:02 AM
To: AGInfo
Subject: Independent Redistricting Commission (IRC)

Dear Mr. Horn,

I have been made aware of this commission's intent to hire Strategic Telemetry, Ken Strasma, President to redistrict/remap Arizona. Mr. Strasma has deep roots and ties with the DNC and Obama administrations. If impartiality is a prerequisite, how can this organization be considered for the task at hand?

While the chairman of the IRC supports this action, there may also be a conflict of interest and failure to disclose husband's role as treasurer for Nancy Young Wright bringing into question her commitment to impartiality. Please look into these issues to determine if improprieties exist and help get the process back on track.

Thank You,
Thomas Miller

From:
Sent: Monday, July 04, 2011 9:13 PM
To: AGInfo
Subject: Fwd: Redistricting

Used old add. for Dept/Ed. - sorry 'bout that. John Colvin

From:
To: azgov@az.gov, tom.horne@azed.gov
CC: [jv](#)
Sent: 7/4/2011 9:06:14 P.M. US Mountain Standard Time
Subj: Redistricting

One man, one vote. **NO preferential treatment or discrimination!!** LEGAL AZ residents only. Keep the new commission "*honest*"?? Thanks -

John Colvin

From: D E
Sent: Monday, July 04, 2011 8:08 PM
To: AGInfo
Subject: Redistricting

Dear Attorney General Tom Horne,

The Strategic Telemetry and Ken Strasma is linked to several democratic campaigns. I have learned that Mr. Strasma's has been directly involved with the DNC. (Democratic National Committee). Mr. Strasma has been very involved with NECE (National Committee for an Effective Congress) . As stated directly on their web site: an organization that would pool the resources of small contributors from across the country and spend those funds in the most efficient way to elect progressive candidates to the U.S. Senate and House.

NCEC also talks specifically about Arizona on their web page. Indicating that our 2010 Census data could "alter democratic presidential strategy".

As stated in the Democratic Underground, you can find Mr. Strasma listed on this web page, identified as a trainer from NCEC for a Democrat training group.

In addition to these things being uncovered, it was brought to my notice that the contract for this company has not yet been written or signed. In fact, the Arizona State Procurement Office has bowed out of working with the contracting of this company and so the Executive Director, Ray Bladine, has to write the contract himself.

It was also brought to my attention that the chairman of the redistricting commission has a conflict of interest that she did not disclose. Her husband was the Treasurer for Nancy Young Wright, who was an incumbent in LD26 until she was ousted by voters last election cycle.

According to Article 4 of the Arizona State Constitution, Colleen Mathis needs to be removed as chairman of our Independent Redistricting Commission for Gross Misconduct, Neglect of Duty and Conflict of Interest. Her vote was the deciding vote in bringing in the Liberals to Map the Congressional Districts here in Arizona.

There are two Republicans that sit on the redistricting commission that have been fighting this and I thank both of them to keep up the good fight for the people of Arizona. I am sure I am not alone when I say NO party affiliation when it comes to mapping is acceptable in this State. Republican or Democrat.

From: RAYMOND NEWTON [rr
Sent: Monday, July 04, 2011 5:58 PM
To: AGInfo
Subject: [SUSPECTED SPAM] Redistricting contract

Dear Attorney General Horn,

We have heard that the Redistricting Commission intends to contract with Strategic Telemetry to redistrict Arizona. It appears that the process by which this decision was reached may be suspect, as we are informed the Chairman of the Redistricting Commission appears to have an undisclosed conflict of interest. Her husband was the Treasurer for Nancy Young Wright, a Democrat, who was an incumbent in LD26 until she was ousted by voters last election cycle.

It seems to us that both Strategic Telemetry and its President, Ken Strasma, have an obvious, blatant conflict of interest. We understand that both have been linked to several democratic campaigns. It seems that Mr. Strasma has also been directly involved with the Democratic National Committee and NECE (National Committee for an Effective Congress) an organization devoted to electing "progressive" candidates to the U.S. Senate and House. A casual check of www.democraticunderground.com searching for Strategic Telemetry and/or Ken Strasma verified the above.

We understand that the contract for with Strategic Telemetry has not yet been written or signed. Please do everything in your power to see that it is not. Both Strategic Telemetry and Ken Strasma appear to be highly involved in Democrat politics and are too partisan to serve as redistricting agents. To allow this organization and individual to redistrict this State *would give the appearance of gross impropriety and would further erode the confidence of many of the public in our governmental officials.*

Thank you for your attention to our concern.

Sincerely,

Raymond Newton and Marianne Newton

From: Susan Norman
Sent: Monday, July 04, 2011 3:44 PM
To: AGInfo
Subject: Chairman of the Arizona Re-Districting Commission

July 4, 2011

State of Arizona
Attorney General
Tom Horne

Dear Attorney General Horne,

The Chair of the Arizona Re-Districting Commission, Colleen Mathis, was appointed as an Independent to the Commission. Ms. Mathis has demonstrated not only that she is NOT an Independent member, but, in my opinion, has pursued a Conflict of Interest position as well as committed misconduct in her official capacity. The company, Strategic Telemetry, has been involved with her family in political campaigns for Democratic candidates. Ms. Mathis has picked Strategic Telemetry to be given the contract for mapping the State of Arizona Districts. I believe this is a planned-out strategy to skew the District Mapping in favor of the Democratic Party.

I know you will agree with me that in order for fair elections to be held, it is absolutely vital that the District Mapping Process be done using the highest possible standards and the appointed Commission Members demonstrate ethical caliber.

I urgently request that an injunction be issued preventing the contract to Strategic Telemetry and that Colleen Mathis be dismissed from the Commission and an individual be appointed who actually is an INDEPENDENT and also meets ethical standards.

Sincerely,

Susan K. Norman

.

From: Terry Toman
Sent: Monday, July 04, 2011 9:07 AM
To: AGInfo
Subject: Redistricting

Dear Mr. Horne:

I'd like to know if you plan on filing an injunction to stop the Independent Redistricting Commission from gerrymandering our voting districts in Arizona? I'm tired of politicians cheating every time the voting majority doesn't vote their way. I hope to see/hear a public announcement from you on this soon.

Thank you,
Terry Toman (One of the less-than 50% citizenry who still pays taxes.)

"I can respect those who's views are different...I can't those who's views are hypocritically inconsistent!"

From: Christopher Carns |
Sent: Monday, July 04, 2011 8:52 AM
To: AGInfo
Subject: AZ Redistricting
Attachments: Redistricting.docx

What happened to the "Independent" redistricting Committee? It sure looks like the dumoRats threw in a ringer who LIED about her ties to their party to claim the Independant seat. Ken Strasma's company may be awarded the contract to draw up the new maps? What are these people smoking?

#1 - Everyone trying to pass this fraud off as "independent" should be drug tested.

#2 - Charges should be brought against Colleen Mathis for Fraud on her application tot the committee.

#3 - If this committee cannot find a non-politically connected company to draw up the new maps - maybe someone should just draw squares on the current state map and let the chips fall where they do.

See my research below - also attached as a word doc with google search results. The information is out there if people just look.

Christopher L Carns

Google search:

Strategic Telemetry and Ken Strasma

<http://www.strategictelemetry.com/index.php?pid=6>

The Atlantic

February 28, 2011: Dem Pollster Raises Possibility of Walker Recall. **Strasma** extrapolated (based on district-level microtargeting indices for progressivism and willingness to engage in political action) to find that ample voters would be willing to sign recall petitions for eight Republican state senators.

San Francisco Chronicle

January 10, 2011: Overseen by Ken Strasma, the lauded national target director of Barack Obama's 2008 presidential campaign,

July 4, 2011

To: Attorney General Tom Horne

Subject: Proposed Award of Voter Redistricting Mapping Contract

Dear Attorney General Horne,

I am advised that the Arizona Independent Redistricting Committee has selected the firm of Strategic Telemetry to conduct Arizona's voter district mapping. A review of both their history and web-site clearly reveal that the company and their President, Ken Strasma have a history of activist partisanship on behalf of the Democratic Party and progressive causes.

This proposed selection of the Independent Redistricting Committee clearly represents an unacceptable one that can only lead to a partisan gerrymandering of Arizona's voter re-distribution.

It was also brought to my attention that the chairman of the redistricting commission has a conflict of interest that she did not disclose. Her husband was the Treasurer for Nancy Young Wright, who was an incumbent in LD26 until she was ousted by voter's last election cycle.

According to Article 4 of the Arizona State Constitution, Colleen Mathis needs to be removed as chairman of our Independent Redistricting Commission for Gross Misconduct, Neglect of Duty and Conflict of Interest. Her vote was the deciding vote in bringing in the Liberals to Map the Congressional Districts here in Arizona.

I urge that your office exert every effort to intervene in this matter and assure that this selection is overturned and that this contract is not awarded to Strategic Telemetry, or any other, who might be influenced by their political leanings or affiliations. The question of Colleen Mathis's eligibility to serve on the redistricting committee must also be called to question as it would appear that an unacceptable conflict of interest exist. Arizona voter deserve nothing less.

Cordially,
George McK...

62

From: m
Sent: Tuesday, July 05, 2011 6:50 PM
To: AGInfo
Subject: AZ Independent Redistricting Commission

Dear Attorney General Horne:

We encourage your office to file an Injunction against the Arizona Independent Redistricting Commission.

According to Article 4, AZ State Constitution, Colleen Mathis needs to be removed as Chairman of the AZ Independent Redistricting Commission for gross misconduct, neglect of duty, and conflict of interest. (Her husband was Treasurer for Nancy Young Wright's campaign that narrowly lost but she did not declare his relationship to this Democrat campaign on her application for this position). Her vote has determined that the G. Soros/Obama leftist campaign company (what is independent about that?) would redraw AZ Congressional and Legislative District lines for the next 10 years.

An Injunction needs to be filed ASAP to stop this from proceeding further.

We appreciate any help you can give.

Thank you,

Mrs. Dianne Wisda

From: T.J. DeMark [mailto:tdemark@ag.state.az.us]
Sent: Tuesday, July 05, 2011 6:34 PM
To: AGInfo
Subject: Concern regarding Arizona's redistricting efforts

Hello Attorney General Horne and staff,

I am a Paradise Valley resident and proud supporter of your political campaign during the 2010 election.

I am writing in response to an email I received from 2010 U.S. House Candidate Ruth McClung describing recent actions taken by Arizona's Independent Redistricting Commission. Apparently, this past Wednesday, June 29, the Commission announced that the bid to remap Arizona's congressional and legislative districts was awarded to a Washington DC company named Strategic Telemetry. According to the information contained in the email, as well as my own review of the company's website, Strategic Telemetry identifies itself as a firm that caters to Progressive campaigns and organizations. Its president, Ken Strasma, has been directly involved with the Obama campaign, the Democratic National Committee, and other left-wing organizations that work to elect Progressive candidates to the U.S. House and Senate. This includes groups such as the National Committee for an Effective Congress, who outlined the strategic importance of Arizona's redistricting for Democrats in a web posting from July 2010.

While I do support Strategic Telemetry's right to have a political agenda, I strongly disagree with the Arizona Independent Redistricting Commission's decision to employ such a firm when mapping our state's congressional and legislative districts. I do not believe that a Progressive advocacy group based in Washington DC, nor any ideologically-driven organization for that matter, should be permitted to make unilateral decisions on behalf of a state's constituents. This is even more egregious considering their stated goals are diametrically opposed to the wishes of Arizona's majority.

As a political supporter, I ask that you please investigate the matter immediately, and ensure the continued integrity of our electoral process.

Thank you for your assistance.

Sincerely,
T.J. DeMark

From: Susan Litvak [mailto:susanlitvak@springer.com]
Sent: Monday, July 04, 2011 1:20 PM
To: CivilRightsInfo
Subject: Complaint about Redistricting Process in Arizona

Dear Attorney General Horne:

As a result of the recent census, there will be redistricting in Arizona affecting legislative/congressional seats.

However, we want to voice our concerns about the wholesale railroading of this process by the Democrat party and how the Chairman of the Arizona Independent Redistricting Commission did not divulge her loyalties and relationships to the Democrat party on her application for this position. Trying to hire a company to help with the redistricting process that has similar loyalties is ridiculous.

This process has to be stopped!

Thank you.
Susan Litvak

From: Ellie Burney |
Sent: Tuesday, July 05, 2011 4:44 PM
To: AGInfo
Subject: Independent Redistricting Commission

Dear Arizona Attorney General Tom Horne,
My husband & I have heard that the Redistricting Commission intends to contract with Strategic Telemetry to redistrict Arizona.

It appears that the process by which this decision was reached may be suspect, as we are informed the Chairman of the Redistricting Commission appears to have an undisclosed conflict of interest.

According to Article 4 of the Arizona State Constitution, Colleen Mathis needs to be removed as chairman of our Independent Redistricting Commission for Gross Misconduct, Neglect of Duty and Conflict of Interest. Her vote was the deciding vote in bringing in the Liberals to Map the Congressional Districts here in Arizona. In addition, her husband was the Treasurer for Nancy Young Wright, a Democrat, who was an incumbent in LD26 until she was ousted by voters last election cycle.

It seems to us that both Strategic Telemetry and its President, Ken Strasma, have an obvious, blatant conflict of interest. We understand that both have been linked to several democratic campaigns, and Mr. Strasma has also been directly involved with the Democratic National Committee and NECE (National Committee for an Effective Congress) an organization devoted to electing "progressive" candidates to the U.S. Senate and House. A casual check of www.democraticunderground.com searching for Strategic Telemetry and/or Ken Strasma verified the above. This would be considered prejudicial and biased in redistricting fairly.

We understand that the contract with Strategic Telemetry has not yet been written nor signed. Please do everything in your power to see that it is not.

Both Strategic Telemetry and Ken Strasma appear to be highly involved in Democrat politics and are too partisan to serve as redistricting agents. To allow this organization and individual to redistrict this State would give the appearance of gross impropriety and would further erode the confidence of the public in our governmental officials.

Thank you for your attention to our concern.
Sincerely,
Jerry M. Burney & Eleanor J. Burney
Yuma, AZ

el/

The fullness of life does not come from the things outside us;
we ourselves must create the beauty in which we live.....C. E. Cowman

From: n [mailto:
Sent: Friday, July 01, 2011 2:24 PM
To: Crime Fraud & Victim Resource Center
Subject: Injunction

Dear Mr. Horne,

Fraud is being committed on our state by Colleen Mathis. I am appalled that Colleen Mathis, Chairman of the Az. Independent Redistricting, has chosen Strategic Telemetry a political consulting firm to decide the new boundaries. This is not an impartial group, Ms. Mathis should be removed immediately from office for derelict and neglect of duty and an injunction needs to be filed to prevent this contract from being allowed to go through.

Thank you,

Marv Grace Leon

From:
Sent: Tuesday, July 05, 2011 9:50 AM
To: AGInfo
Subject: FW: Arizona Independent Redistricting Commission

From: Gary Gomez [mailto:[mailto:](#)]
Sent: Thursday, June 30, 2011 8:39 PM
To: CivilRightsInfo
Subject: Arizona Independent Redistricting Commission

Please assist me in complaining about this commission. It is apparant they are not non-partisan. I understand that the Procurment Office has withdrawn their support for contracting with a Mapping consultant as the commission has failed to meet State procurement procedures. They are attempting to contract a firm with no experience in redistricting, a firm that only works on Democratic, progressive, candidates and causes. They have worked for the Obama '08 campaign, the DNC, Labor Unions and now are working on the re-call efforts against Republicans in Wisconsin. They are a Wisconsin - Washington D.C. firm that bid twice what the last firm that did our 2000 redistricting mapping. Another firm, from Arizona, also bid 1/2 of the "winning" bid. At first blush they appear to be not working within the State Constitution.

--
Gary B. Gomez

RECEIVED

JUL 05 2011

ATTORNEY GENERAL
EXECUTIVE OFFICE

July 2, 2011

Jan Brewer, Governor

Re: "Independent Redistricting Commission Mapping Contract"

Dear Governor Brewer:

I strenuously object to the selection of Strategic Telemetry as the mapping service for re-districting the State of Arizona.

This company is clearly not impartial or independent.

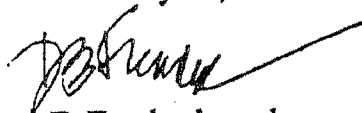
Ken Strasma, the company's president, was President Obama's national "target" director.

If you doubt his political stance, just look at his Facebook page - <https://www.facebook.com/ken.strasma> - "movie - The election of Barack Obama".

This is an affront to Arizona voters.

I respectfully request that the Commission be required to honor their commitment to fair and impartial re-districting by selecting a company that is clearly independent.

Thank you,



D. Fredenburgh
Voter SE Arizona

Cc: T. Horne, Attorney General Arizona

Dear Governor Brewer:

This is NOT impartial, independent mapping, this is campaign politics. Strategic Telemetry is NOT a neutral company.

From their web site: <http://www.strategictelemetry.com/>

Welcome to Strategic Telemetry

Strategic Telemetry is dedicated to providing individual-level microtargeting, data analysis; strategic consulting and other services to help enable campaigns to successfully reach their target audiences and have their message heard.

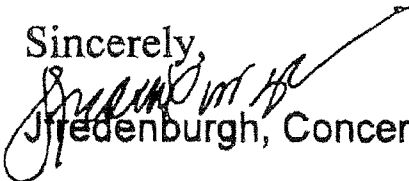
In today's evolving landscape where each vote is more important than ever, making sure that your campaign is running as efficiently and effectively as possible is critical to your success.

Whether your campaign's needs are big or small, contact us today to learn how we can provide a custom-solution for all of your outreach management needs.

The selection of this company is a travesty for the voters of Arizona.

I respectfully request that the Commission HONOR its' commitment to fair and impartial re-districting by selecting a company not tied to campaign politics.

Sincerely,



Jredenburgh, Concerned Voter

Cc: Tom Horne, Az. Attorney General

An interesting note - I wrote this letter on July 2, 2011. I looked at the Strategic Telemetry web site (cited in my letter), and copied the 'home page' introduction into my letter.

On July 4, when I viewed the home page again, the message had changed.

Thank you.


J. Freudenthal

Dear Attorney General Tom Horne,

This is a follow-up to my letter of yesterday concerning recent actions of the Arizona "Independent Redistricting Commission." JUL 05 2011

ATTORNEY GENERAL
EXECUTIVE OFFICE

According to Article 4, AZ State Constitution, Colleen Mathis needs to be removed as Chairman of the AZ Independent Redistricting Commission (AIRC) for gross misconduct, neglect of duty, and conflict of interest. (Her husband was Treasurer for Nancy Young Wright's campaign that narrowly lost but **she did not declare his relationship to this Democrat campaign on her application for this position.** Her vote determined that Strategic Telemetry, Inc., a Washington D.C. leftist campaign company would redraw AZ Congressional and Legislative District lines for the next 10 years).

An Injunction to stop further action by the AIRC should be filed as soon as possible before this becomes a national scandal.

Sincerely,

Alex Bissett

From: Susan Lee Whittemore
Sent: Wednesday, July 06, 2011 4:05 PM
To: AGInfo
Subject: CONFLICT OF INTEREST under Article 4 of the Arizona Constitution

TO ATTORNEY GENERAL TOM HORNE:

As we cannot find a category in which this concern neatly fits according to your menu options, we send this message to the general email message center of the Attorney General's office and hope our comments will reach his ear.

Colleen Mathis needs to be removed as chair of the Independent Redistricting Commission. She failed to disclose a conflict of interest regarding the fact that her husband was treasurer for Nancy Young Wright in the last election cycle. Please use your influence or office to investigate and remove her as soon as possible. The future of Arizona depends on a nonpartisan redistricting effort. This type of shoddy politics continues when unopposed.

Art and Susan Whittemore

From:
Sent: Wednesday, July 06, 2011 12:25 PM
To: AGInfo
Subject: FW: For AZ State Attorney General -- Redistricting

Importance: High

-----Original Message-----

From: Tom Bush [mailto:...] -1
Sent: Friday, July 01, 2011 3:03 PM
To: Rezzonico, Amy
Subject: For AZ State Attorney General -- Redistricting
Importance: High

For the Arizona State Attorney General:

Colleen Mathis needs to be removed as Chairman of the Az. Independent Redistricting Commission for gross misconduct, neglect of duty, and conflict of interest.

I demand an injunction be instituted immediately.

Tom Bush

From:
Sent: wednesday, July 06, 2011 10:13 AM
To: AGInfo
Subject: (no subject)

The Independent Redistricting Commission seems to be quite a scam, why is it no one is looking into this? Someone really needs to oversee this, and clean up all these lying deceitful people that this board seems to consist of. Ms. Matthews is the perfect example in all this. Is it not the job of your office to oversee this?
Thank you for your time.

Sincerely,
Tina Grinnell _____ 7

From:
Sent: Wednesday, July 06, 2011 8:27 AM
To: AGInfo
Subject: FW: Strategic Telemetry - Re-Districting

From: Jere Fredenburgh [[mailto:](#)]
Sent: Tuesday, July 05, 2011 8:33 AM
To: CivilRightsInfo
Subject: Strategic Telemetry - Re-Districting

I have tried twice to send this to the "general" email address, and it has been "unsuccessful"...thus I am attempting to use another AG email for this correspondence. Thank you.

Dear Mr. Horne:

I respectfully request that the contract with Strategic Telemetry, for the mapping of new districts in Arizona, not be allowed to go forward.

Mr. Strasma, president of the company, IS partisan, an active member of the 2008 Obama campaign. This would not be an impartial re-districting.

I understand the Commission is an independent body, but allowing this contract to proceed would be a travesty.

Thank you for your consideration,

Jfredenburgh
voter

From:
Sent: Wednesday, July 06, 2011 8:26 AM
To: AGInfo
Subject: FW: Arizona Redistricting Contract

From: Sandy Brown [mailto:om]
Sent: Tuesday, July 05, 2011 9:55 AM
To: CivilRightsInfo
Subject: Arizona Redistricting Contract

AG Horne,

I have been unable to locate a link on your website to address my specific concern, so I trust that whoever receives my e-mail will see that it gets to the appropriate office.

It recently come to my attention that the Arizona Redistricting Commission announced last week that the bid for the mapping process of Arizona's congressional and legislative districts was awarded to Strategic Telemetry, a campaign consulting fund firm for left wing candidates.

The company's president, Ken Strasma, was Obama's national target director.

Do you believe that Arizona will receive fair and impartial lines for our new districts with this firm? Selecting this firm clearly is a conflict of interest.

This company specifically talks about Arizona on their web page, indicating that our 2010 Census Data could alter democratic presidential strategy.

Information received also indicates that the chairman of the commission has a conflict of interest that was not disclosed.

All of this needs to be addressed, sooner rather than later.

If not already, I am asking that you become educated and involved in this situation and do everything possible to rectify what is shaping up to become a major disservice to the citizens of Arizona.

Sincerely,
Sandra Brown

From: .
Sent: Wednesday, July 06, 2011 8:25 AM
To: AGInfo
Subject: FW: Redistricting

-----Original Message-----

From: _____ : [mailto:_____]
Sent: Tuesday, July 05, 2011 10:57 AM
To: CivilRightsInfo
Subject: Redistricting

Dear Attorney General Horne,

As I consider our right to vote to be one of our most fundamental and basic civil rights, I am writing you today to ask if there is anything you can do to prevent the hijacking of our states political process by clearly partisan interests. I have just learned about the involvement of Strategic Telemetry and Ken Strasma in our states redistricting process and I must say I am appalled. How can someone with such strong ties to one political party be allowed to carry out these duties? It also appears that there is a conflict of interest with Colleen Mathis as chairman of our Independent Redistricting Commission. She cast the deciding vote in bringing in Strategic Telemetry to Map the Congressional Districts here in Arizona even though her husband was the Treasurer for Nancy Young Wright, who lost her seat in the last election. This blatant subversion of our political process must be stopped immediately and Colleen Mathis must be made to step down as chairman of the commission. Please do all that you can to bring this out into the open and see that this process is carried out in a fair and just manner by an independent party.

Thank you,
James McGarrahan

From:
Sent: Wednesday, July 06, 2011 8:24 AM
To: AGInfo
Subject: FW: Redistricting

From: Cherie Scott [mailto:[mailto:](#)]
Sent: Tuesday, July 05, 2011 9:25 PM
To: CivilRightsInfo
Subject: Redistricting

I wish to voice my concerns regarding the redistricting commissions choice of Strategic Telemetry to handle the redistricting of our state.

Arizona would be better served by choosing a company free of strong political ties to any particular party. Strategic Telemetry does not meet this standard.

Of the companies reviewed Terra Systems of National Demographics Corp appear to be much better choices.

Please support the choice of a company that will carry out this important task free of political bias.

Sincerely,
Cherie Scott

From:
Sent: Wednesday, July 06, 2011 8:24 AM
To: AGInfo
Subject: FW: Redistricting AZ

From: Darlene/Judie [mailto:
Sent: Tuesday, July 05, 2011 6:47 AM
To: CivilRightsInfo
Subject: Redistricting AZ

Attention: Attorney General Tom Horn

What is going on here? This is unacceptable. What can you do about it? Per Ruth McClung, according to Article 4 of the Arizona State Constitution, Colleen Mathis needs to be removed as chairman of our Independent Redistricting Commission for Goss Misconduct, Neglect of Duty and Conflict of Interest. Her vote was the deciding vote in bringing in the Liberals to Map the Congressional Districts here in Arizona. I would appreciate some action on this. Note: I have Ruth McClung's research and I assume you can get it.

Juanita C. Williams
Yuma, AZ

**AZ REDISTRICTING MAPPING BID GOES TO
LIBERAL CAMPAIGN STRATEGIC COMPANY**

RUTH MCCLUNG
For Immediate Release
Friday, July 1, 2011.

Tucson, AZ -- Arizona's Independent Redistricting Commission announced Wednesday that the bid for the mapping process of Arizona's congressional and legislative districts had been awarded to Strategic Telemetry, a campaign consulting firm for left-wing candidates.

The company's president, Ken Strasma, was President Obama's national target director. When asked about this Ruth McClung said, "America needs to be aware of what is happening in Arizona. Our Independent Redistricting Commission has just selected a Democrat campaign company, to redistrict our state.

Arizona voters want fair and impartial lines for their new districts.

Why pick this campaign company which clearly has a conflict of interest? It doesn't take a Rocket Scientist to figure out there is much more to this than meets the eye!"

Ms. McClung went on to say, "The people of this country need to stand up against this type of political bias when it comes to mapping our political districts, not just in Arizona, but all over the country."

~~###~~

From: Owner1
Sent: Thursday, July 07, 2011 8:50 AM
To: AGInfo
Subject: Colleen Mathis/Redistricting Council

Mr. Attorney General

Please investigate Ms Colleen Mathis regarding the incomplete information she supplied on her application.

While she may be registered as an Independent, she has very strong links to the Democratic party through her husband.

Her incomplete information on the application is not only dishonest, it is cause for removal from the Commission.

Thank you for your consideration.

Vince Leach

From: jan thalberg
Sent: Thursday, July 07, 2011 10:38 AM
To: AGInfo
Subject: AZ Redistricting Commission Meetings (102 Tucsonans Attended, 52 Spoke) July 7 & 8 Tentatively Scheduled Somewhere

Dear Tom Horne,

It is imperative that Coleen Mathis be removed as chairman, and an injunction filed. According to Article 4, AZ State Constitution, Colleen Mathis needs to be removed as Chairman of the AZ Independent Redistricting Commission for gross misconduct, neglect of duty, and conflict of interest. (Her husband was Treasurer for Nancy Young Wright's campaign that narrowly lost but she did not declare his relationship to this Democrat campaign on her application for this position. Her vote determined that this leftist campaign company would redraw AZ Congressional and Legislative District lines for the next 10 years).

An Injunction needs to be filed ASAP to stop this from proceeding further.

**Janet Thalberg
Tucson**

From: Tucson Smart Girl Politics <[_____](#)>
Subject: AZ Redistricting Commission Meetings (102 Tucsonans Attended, 52 Spoke) July 7 & 8 Tentatively Scheduled Somewhere
To:
Date: Sunday, July 3, 2011, 11:06 PM

Thanks to Lynne St. Angelo and Christine Bauserman for their tireless work on this very important issue!

From Lynne:

All,
What a miraculous meeting we had because of everyone who showed up at the Tucson meeting and spoke out publicly against the leftist, progressive campaign firm that has been hired to create Arizona's Congressional and Legislative lines. Several of you were even on Fox 11 News and many articles have been written and blogged about what YOU DID!

At the end of the meeting, it was clear that the contract for this company had not been written and so it had not been signed. In fact, the State Procurement Office has bowed out of working with the contracting of this company and so the Administrator, Ray

From: Jim O'Conno
Sent: Thursday, July 07, 2011 3:42 PM
To: AGInfo
Cc: 'Jim O'Connor'
Subject: Removal of Colleen Mathis from her position on Redistricting Commission

Dear Mr. Home,

Please take immediate action necessary to remove Colleen Mathis from her position and get her replaced with a truly "independent" non-partisan Chairman of this redistricting commission.

Jim O'Connor

July 9, 2011

COMPLETED

The Honorable Tom Horne
Arizona Attorney General

Dear Attorney General Horne:

Thank you for looking into the situation involving the Arizona Independent Redistricting Commission (AIRC) Chairman Colleen Mathis and for getting back to me so quickly. I appreciate your sentiment on the issue and understand the limits of your office.

You should know, however, that important additional information has recently surfaced that would raise the issue to a new level of concern and quite possibly involve issues of conspiracy. Legislative-District 26 residents have uncovered proof that Ms. Mathis blatantly lied on her application to be considered for the Independent Chairman of the AIRC.

On **October 12, 2010**, Ms. Mathis applied, by signed application form, to serve on the AIRC as the "Independent." I believe she deliberately lied on that application form specifically on questions 1, 6, and 8. A copy of that form with the answers submitted by Ms. Mathis is attached.

The key to understanding the deliberate lying by Ms Mathis lies in Question 8, which required Ms. Mathis to list the names of employed parents, siblings, **spouse**, children etc. and the names and addresses of their employers. Now we know that on the date Ms. Mathis signed the application, her husband, Chris Mathis, held a key paid position as Treasurer for the Nancy Young Wright legislative campaign in LD 26 which Ms. Wright lost by a narrow margin. Ms. Mathis only listed the names of two brothers and I believe she left out the name and position of her husband because she knew that disclosing that information would preclude her from ever sitting on the Commission. If one understands the seriousness of her deliberate omissions on Question 8, then the lying on Question 6 and even Question 1 becomes apparent. It should be noted that even though the other four commissioners may have had access to Ms. Mathis' application, there was no way they tell from it the situation regarding her husband.

If we connect all the dots, it is easy to believe Ms. Mathis had her eye on the Chairman's spot on the AIRC for quite a while, for reasons other than political neutrality.

Attorney General Horne, you are aware as much if not more than anyone of the damage that can be done by having the redistricting in the hands of individuals as well as contractors that have political agendas. I am sure you will do what you can to expose the lies of Ms. Mathis and correct the situation as much as you can. I have not copied this email to Governor Brewer but will if you suggest I do.

Respectfully,
Alex Bissett

COMPLETED 7-7-11

By Attorney General Tom Horne
1215 - W Washington
Phoenix Az. 85807-2926

RECEIVED

JUL 11 2011

ATTORNEY GENERAL
EXECUTIVE OFFICE

Re Arizona Redistricting Commission

On June 29 Arizona Redistricting Commission voted to hand off the task of mapping the new electoral district map to leftist firm called Strategic Telemetry.

The president of this firm was the national target director for Obama 2008 presidential campaign

I demand an injunction be filed
We are not being represented by
this commission

I appreciate your attention to this
matter.

Sincerely
Maris Pearson
District 6



From: Linda Stacey]
Sent: Sunday, July 10, 2011 10:38 AM
To: AGInfo
Subject: Redistricting Commission

Dear Attorney General Horn,
Please ensure that the AZ Independent Redistricting Commission is truly independent. It certainly sounds as if Democrats have highjacked or attempted to highjack the process. How is it possible that a Democrat-leaning mapping consultant was selected? Chairwoman Mathis definitely needs to resign. I am so disappointed that Republicans did so well in 2010 elections but can't get a neutral redistricting commission.
Linda Stacey

7/10/2011

From:
Sent: Monday, July 11, 2011 1:30 PM
To: AGInfo
Subject: Redistricting Commission

Dear Mr. Horne,

I totally object to the redistricting commission's selection of Strategic Telemetry which has ties to the Democratic Party and the Obama campaign. In addition, the so called Independent Colleen Mathias has ties to the Democratic Party.

There were a choice of 3 companies to use for the redistricting map, 2 of which are located here in AZ. But the Chair, Colleen Mathias, requested a unanimous vote for the out of state company, Strategic Telemetry.

Several meetings are being held behind closed doors.

This is suppose to be a fair and unbiased panel. It is not and we ask that Colleen Mathias step down from this panel.

Sandi Bartlett

From: Crime Fraud & Victim Resource Center
Sent: Monday, July 18, 2011 10:07 AM
To: AGInfo
Subject: FW: Report Fraud in the IRC

From: John Merrill [mailto:john.merrill@ag.state.arizona.gov]
Sent: Monday, July 11, 2011 2:13 PM
To: Crime Fraud & Victim Resource Center
Subject: Report Fraud in the IRC

TO:

Tom Horne

Arizona State Attorney General

SUBJECTS:

Fraud in the Independent Redistricting Commission

The Strategic Telemetry contract is illegal.

Chairman of the IRC, Colleen Coyle Mathis is Not Independent & Lied on Application

THE STRATEGIC TELEMETRY CONTRACT IS ILLEGAL

The Strategic Telemetry contract is illegal because the State Procurement Office withdrew. Strategic Telemetry is NOT non-partisan. The company has spent their entire existence advising and managing progressive candidates like Obama, Kerry, Jerry Brown, SEIU, Move On, AFL-CIO, other state Democratic parties, etc. Strategic Telemetry's specialty is

"mining "voter data and right now our Arizona GOP Voter Vault info is being downloaded.

Strategic Telemetry is NOT an experienced mapping consultant. They still have to learn how to use mapping software. A Phil Gordon' guy named as Executive Director, (Ray Bladine) after state procurement office withdrew stated at an IRC meeting that he now has the authority to write and sign the contract with Strategic Telemetry. This sounds like something corrupt. The Procurement Office has to review/sign contracts. Why did they refuse to continue with the Commission?

Here are reasons why Strategic Telemetry is NOT eligible to do the contract. One of ST's clients was the National Director for the 2008 Obama for President Campaign. On the website, RedistrictingOnline: Strategic Telemetry-"groundbreaking work for Obama presidential campaign 2008 merging voter info w/ other demographic & marketing data. Helped Jerry's Brown's gubernatorial (CA) ... by mining through 800 data points on info about voters. (RO 7-01-11)

They worked for the Policy Director for DNC redistricting, an extremely partisan group.

Strategic Telemetry was part of the Recall effort of the Wisconsin-Governor and Republican Legislators. Strategic Telemetry's website states that they work for progressive candidates.

· The President of Strategic Telemetry is a former Director Natl Committee for Effective Congress (NEC). Website states "one of the most influential political organizations having helped elect hundreds of progressive candidates to congress". NEC is a progressive LOBBYING GROUP and the president, Ken Strasma, NOW heads targeting efforts for Barack Obama's campaign. Strategic Telemetry worked on John Kerry's campaign. Daily Kos 3-1-11: Strategic Telemetry - Pres Obama's 2008 campaign micro-targeter now working on Wisconsin recall. Strategic

Telemetry's Facebook page: "strategic adviceto progressive organizations and campaigns".

- Strategic Telemetry is not a Mapping Consultant-they are Progressive Campaign Managers/Advisors/LOBBYISTS for the DNC and Obama
- Sources: Sonoran Alliance and Cholla Jumps

STRATEGIC TELEMETRY'S CONTRACT

AZ State Procurement Office resigned from working on the contract with Strategic Telemetry so the Executive Director, Ray Bladine, wrote the contract. At Friday's meeting, Blandine said he has the authority to write and execute the Strategic Telemetry Contract even though SPO is the correct agency. Blandine was Phil Gordon's former City Manager

The two legal firms selected as co-counsel for the IRC represents Democrats. Mathias refused a counsel for each party. Source: Associated Press 7-9-11

Previous IRC commissions have kept the money in Arizona for doing IRC work by using Glendale's National Demographics Corp. Strategic Telemetry has to spend a week learning how to use the mapping software, which is a standard in the industry. If Strategic Telemetry truly was a mapping consultant and not just a "tracker" (read "data mining" info) then why are they not expert's on this software?

CHAIR COLLEEN COYLE MATHIS

The IRC Chairman, Colleen Coyle Mathis lied on her application by not stating that she and her husband were big donors to Democrat causes including Obama. Mathias lied on questions #1, #6 and #8 on her application. Please check the completed, signed Mathias application on the Sonoran Alliance blog 6-29-11 (article "AZ 'Independent' Redistricting Commission Picks Leftist Progressive Firm to Map Arizona Lines").

Here are the questions and her lies:

#1-"independent and impartial"-yes FALSE

#6-"possible conflict of interest"-no FALSE

#8-List parents, spouse, siblings-only siblings mentioned FAILED TO MENTION HUSBAND

Husband not mentioned on Application: Husband, Chris Mathias was the PAID Treasurer for a Tucson Democratic candidate

Husband is an attorney and Democrat activist

- Both contributed to Andrei Cherney (head of AZ's Democratic Party)
- Both contributed to Arizona List PAC-progressive PAC
- Husband gave \$500 to Barack Hussein Obama's 2008 campaign

Source: Sonoran Alliance blog 6-29-11 plus reader comments from Campaign Finance Reports

- Colleen (Chair) current occupation is the Government Funding Manager for University Physicians HealthCare. Her job is to get Funds from the ARR Act-stimulus funds. Colleen was given her position at University Physicians in 2009. (last page Application)
- Colleen hand-picked Strategic Telemetry. When the Commission split 2/2 along party lines, Colleen was the deciding vote for Strategic Telemetry.

Commission Has Provided No Minutes-2 Months Late. There Are No Agendas for Most Meetings on IRC's Website. (<http://www.azredistricting.org/>) Meetings Not Open and Transparent. More than half of the meetings have been behind closed doors. The Chair refuses to put some items other commissioners requested on the Agenda so public may not be allowed to respond. The Chair changed format so Public Comment put at end of meeting instead of the beginning as the

norm. Few people can wait 4-5 hours. Meetings should be in the evenings or weekends for working people. The Website has NO BLOG. IRC should be on Facebook and Twitter to receive comments from the public

Quick History: Respective state legislators in each party select their 2 Republicans and 2 Democrats. Of course, the vote will almost always be tied so the 5 person is an Independent. Janet Napolitano selected the "Commission on Appellate Court Appointments" and they are all Democrats posing as Independents. If we force Mathias to step down, another progressive will be selected.

From: GREGG WILLITS _____
Sent: Saturday, July 02, 2011 8:12 AM
To: ConsumerInfo
Subject: [SUSPECTED SPAM] REMOVE COLLEEN MATHIS

Attorney General Horne:

Please do all you can to remove Colleen Mathis from the Arizona Independent Redistricting chairmanship. The liberal bias is so very obvious. This is not what the founding fathers had envisioned. The redistricting is so one-sided and it is unfair to us consumers!

Regards,

Carolyn Willits, Tucson, Az

From: Carl Foster [
Sent: Wednesday, July 27, 2011 9:58 AM
To: AGInfo
Subject: Redistricting Commission Possible Illegal Activity

Dear Mr. Horne,

I am deeply concerned that the independence of the Redistricting Commission has been compromised, and that the open meetings statutory requirements were not followed. The Arizona State Procurement Officer submitted a letter stating that the selection process for Strategic Telemetry was in violation of state procurement operations.

I urge you to investigate the commission and the methods they used to select a subcontractor to draw the new legislative district lines. There is abundant evidence of wrongdoing, and perhaps criminal activity.

Carl Foster

D

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Mary R. O'Grady

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August 15, 2011

Via U.S. MAIL AND EMAIL

Mark Wilson
Senior Litigation Counsel
Arizona Attorney General's Office
1275 West Washington
Phoenix, AZ 85007

Re: Independent Redistricting Commission—Open Meeting Law Investigative Demands

Dear Mark:

As I've mentioned previously, we remain eager to sit down with you to discuss in detail the concerns of the Attorney General's Office and to explore mutually acceptable solutions to those concerns. That said, this letter is to address some of the issues raised by your investigative demands served on the members of the Independent Redistricting Commission ("Commission") August 11.

Documents. As Joe Kanefield advised you by email, the Commission could not provide you with the documents that you requested by 4:00 today. As you know, we received your request for extensive documents from each of the five Commissioners Thursday afternoon, August 11. Apart from any other issues that your investigative demand raises, two business days is not enough time to collect responsive documents from the five Commissioners and review them for, among other things, responsiveness and privilege. We have started the process of collecting responsive documents from Commissioners, but you will not be receiving the documents today.

Interviews. As a courtesy, we also wanted to let you know that, apart from any other issues raised by the proposed interviews, the interview schedule specified in the investigative demands will need to be modified because it conflicts with the Commission's work this week.

Timeframe for Objections. The investigative demands specified this Wednesday, August 17, and Thursday, August 18, as the deadlines for objections. We briefed the

Mark Wilson
August 15, 2011
Page 2

Commission about the inquiry this morning, and it will also be on the Commission's agenda for meetings later this week. The statute requires a "reasonable time" for responses to investigative demands. A.R.S. § 38-431.06(C)(3). We will need additional time to prepare appropriate objections and receive guidance on these issues from the Commission. Therefore, we respectfully request an extension until Wednesday, August 24, to provide you with objections to the investigative demands.

Service/Representation. I wanted to be clear with regard to our role as counsel. Joe Kanefield and I, assisted by others at our respective law firms, are counsel for the Commission. You began questioning whether we represented the Commission or the individual Commissioners when I objected to your investigator's attempt on July 29 to schedule interviews for the Commissioners by contacting Commission staff rather than working through Joe or me. Because Joe and I represent the Commission, any contacts regarding your investigation of the Commission should go through us, as counsel for the Commission pursuant to Ethical Rule 4.2. This does not mean that we represent the Commissioners as individuals. The Commissioners are significant constituents of our client, the Commission, but our client is the Commission. Consistent with ER 1.13, Joe and I can accept service for the Commissioners on matters within the scope of their responsibilities as Commissioners. The acceptance of service form that you provided with the investigative demand identified me as counsel for the individual Commissioners. I am authorized to accept service on behalf of the Commissioners, but I am doing so as part of my role as counsel for the Commission. I will modify the acceptance of service forms accordingly.

Commission Cooperation. Your August 11 letter incorrectly suggests that the Commission has not cooperated with the Attorney General's three-week old inquiry into procurement and open meeting law matters relating to the Commission's mapping consultant contract. As you know, we first learned of the Attorney General's inquiry when reporters informed us of the Attorney General's press release announcing the inquiry the morning of July 21. The Commission's immediate response was to attempt to cooperate. As soon as you were assigned to the case, we asked to meet with you so we could work cooperatively to address any concerns, and you never agreed to such a meeting.

Our overarching interest has always been that any legitimate concerns of your Office be addressed fairly and efficiently and in a manner that respects the Commission's constitutional authority and responsibilities. As you know, the Commission is made up of five citizen volunteers who have significant, time-sensitive constitutional tasks to perform—and full-time jobs. The Attorney General's Office announced its procurement and open meeting law inquiry on the first day of the Commission's first round of fifteen public hearings throughout the State. Those hearings just ended Saturday, August 6, and the Commission's work developing legislative and congressional district maps really begins this week. We would like to work cooperatively in a manner that does not impede the important work of the Commission and does not place unnecessary burdens on the citizens who have volunteered their time to serve as Commissioners.

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August 15, 2011
Page 3

At the risk of repeating myself, in closing, I want to confirm that our overriding goals are to understand and address any concerns of the Attorney General's Office while proceeding with the Commission's work. We will put every effort into finding acceptable solutions once we fully understand what those concerns are. We thus would like to meet with you as soon as possible about how to bring your inquiry to a prompt conclusion. We feel strongly that such an approach is preferable to one in which we exchange written demands and responses. To ensure that the Commission's important work continues unimpeded, I am receiving assistance from my partner Jean-Jacques Cabou on this matter, and I encourage you to contact him at 602-640-9399 or Joe Kanefield at 602-798-5468 to discuss how the Attorney General and the Commission can work together to resolve this matter.

Sincerely,


Mary R. O'Grady

cc: Joe Kanefield (via email)
Jean-Jacques Cabou

3799915

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Mary R. O'Grady

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August 29, 2011

VIA E-MAIL AND U.S. MAIL

Mr. Mark Wilson
Senior Litigation Counsel
Arizona Attorney General's Office
1275 West Washington
Phoenix, AZ 85007

Re: Independent Redistricting Commission – Objections to Investigative Demands

Dear Mark:

We write on behalf of the Arizona Independent Redistricting Commission (the "Commission") to respond to the written investigative demands that your office served. Since the Attorney General announced via press release July 21 that he was opening an inquiry into the Commission's compliance with open meeting and procurement laws, the Commission's concern has been that any legitimate questions be addressed fairly and efficiently and in a manner that respects the Commission's constitutional responsibilities. Although the investigation purportedly covers both procurement and open meeting law issues, the investigative demands are based solely on the Attorney General's investigative authority under the Open Meeting Law.

The Attorney General issued his investigative demands pursuant to A.R.S. § 38-431.06(B)(1) on August 11, 2011. The demands required that objections be filed by August 17 and 18, 2011. You agreed that we may file the objections to these investigative demands today. The objections to the investigative demands are set forth below along with comments directed toward a prompt resolution to this matter.

1. *The Attorney General's Statutory Authority Under the Open Meeting Law Does Not Extend to the Commission.*

As a threshold matter, there are serious questions whether the Attorney General can use the statutory procedures under A.R.S. § 38-431.06 to investigate the Commission, a legislative body governed by Article IV, part 2, § 1 of the Arizona Constitution, and, therefore, the Commission objects to the investigative demands. The Commission was created to remove the Legislature from the redistricting process and reassign that important responsibility to an

independent Commission made up of citizen volunteers. The constitutional provision governing the Commission emphasizes that the Commission is to be both independent and open to public scrutiny.

To further these purposes, Proposition 106, the citizen initiative that created the Commission, included its own open meeting requirement that, like the other provisions of the initiative, is self-executing. The Constitution requires that “[w]here a quorum is present, the independent redistricting commission shall conduct business in meetings open to the public, with 48 or more hours public notice required.” Ariz. Const. Art. IV, pt. 2, § 1(12). To fulfill this constitutional mandate, the Commission follows the procedures set forth in the Open Meeting Law but provides the additional public notice that is constitutionally required. The Commission goes to great length to ensure that its business is open to the public, and to public scrutiny. For example, its meetings are transcribed by a certified court reporter. Whenever technologically possible, its meetings are streamed live via the internet on the Commission’s website. Meeting transcripts and recordings are archived and available to the public continually on the Commission’s website. While the Open Meeting Law provides a convenient reference for procedures of the Commission, it is, by its terms, different from the constitutionally prescribed requirement of openness for the Commission.

Notably absent from Article IV, part 2, § 1 of the Constitution is any reference to the authority of the Attorney General to enforce this constitutional requirement of openness. Applying the statutory provisions for the investigation and enforcement of Open Meeting Law complaints to the Commission is contrary to the language of Proposition 106 and creates a serious risk to the Commission’s independence. *See, e.g., Ariz. Independent Redistricting Comm’n v. Fields*, 206 Ariz. 130, 75 P.3d 1088 (App. 2003) (establishing that the Commission is a legislative body and that its “commissioners, who are constitutional officers, are cloaked with legislative privilege”); *Hughes v. Speaker of the New Hampshire House of Reps.*, 876 A.2d 736, 744 (N.H. 2005) (“[W]hether a legislature has violated the procedures of a state right-to-know law is not justiciable.”) (collecting cases); *Ozanne v. Fitzgerald*, 798 N.W.2d 436, 440 (Wis. 2011) (also refusing to enforce state open meeting law against legislature citing separation of powers concerns).

We recognize that this issue has not been addressed by Arizona courts, but we believe that it is important to the Commission as an independent legislative body to object to the investigative demands on this basis. This objection does not mean that the Commission cannot be held accountable for its constitutional obligation to conduct its business in open meetings. On the contrary, it simply requires that the constitutional open meeting requirements be addressed by the courts, rather than through an enforcement proceeding initiated by the Attorney General under the Open Meeting Law.

2. *The Attorney General Has Not Established Reasonable Cause for the Investigation.*

The facts surrounding this investigation illustrate the problems with permitting the Attorney General to conduct statutory Open Meeting Law investigations against the Commission. This inquiry was not initiated based on a signed, written complaint under A.R.S. §

38-431.06(A), but was opened on the independent initiative of the Attorney General, as is permitted by statute. The Attorney General's press release announcing the investigation indicated that it was based on reports of wrongdoing, and when the Commission asked for copies of those reports all that your office provided were numerous emails from citizens, blog posts, and Yellow Sheet articles raising frustrations with the Commission, partisan complaints about Strategic Telemetry, and complaints (often of an intensely personal, partisan nature) about Chairperson Mathis.

None of the complaints made in these materials provides reasonable cause to believe that a violation of the Open Meeting Law has occurred. Indeed, the subject of the Open Meeting Law is raised only three times in these materials and none of these provide any specific allegation that an Open Meeting Law violation has occurred.

Even if the Attorney General had statutory authority to conduct an investigation of the Commission, any investigation must be supported by reasonable cause and all information must be relevant to the alleged violation. A.R.S. § 38-431.06(D). You have failed to establish either and, therefore, the Commission objects to the investigative demand.

3. *The Attorney General's Office is Operating Under a Disqualifying Conflict of Interest.*

As you probably know, before the Commission hired its own legal counsel, the Attorney General's Office provided the Commission with legal advice. Until approximately May 13, 2011, when the Commission selected retained counsel to represent it, the Attorney General and his Office represented and advised the Commission with respect to various legal issues. For instance, during the period of its representation the Attorney General's Office ("AGO") provided advice and training to the Commission through Assistant Attorney General Jim Barton, Assistant Attorney General Christopher Munns, and other members of the AGO regarding the Open Meeting and the procurement laws. Also during the period of the AGO's representation of the Commission, the AGO provided specific advice to the Commission during executive sessions regarding the procurement of a mapping consultant. Under these circumstances, the AGO cannot continue the Investigation.

Arizona Rule of Professional Conduct ("ER") 1.9(a) states: "A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client...." ER 1.10(a) states: "While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by ERs 1.7 or 1.9, unless the prohibition is based on a personal interest of the prohibited lawyer and does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm."

Quite simply the AGO is currently investigating its former client, the Commission, regarding the very same issues on which the AGO previously provided legal advice to the Commission, specifically the open meetings laws, the procurement laws, and the request for proposals regarding a mapping consultant. There is substantial risk that, during the period of the

AGO's representation of the Commission, lawyers in the AGO learned confidential factual information that would be relevant to the AGO's current investigation. See E.R. 1.9 cmt. 3. Consequently, the AGO is disqualified from continuing its Investigation.

4. *The Investigative Demands are Otherwise Objectionable on Their Face.*

Beyond the constitutional and ethical prohibition to the AGO continuing the Investigation, the Commission asserts the following additional objections to the investigative demands.

The Commission objects to each of the written demands, and the demand for testimony under oath from the Commissioners, to the extent that they call for the disclosure of information or documents protected by the attorney-client privilege, the legislative privilege, and/or any other applicable privilege. The demands for the production of documents related to Commission meetings and communications between the Commission and/or individual Commissioners (Requests for Production Nos. 1, 3, 4, 5) all potentially implicate protected attorney-client communications.

These same requests, also call for the production of information and documents covered by the legislative privilege afforded to the Commission. The Arizona Court of Appeals has explicitly stated that "the Commission commissioners, who are constitutional officers, are cloaked with legislative privilege for actions that are 'an integral part of the deliberative and communicative processes' utilized in developing and finalizing a redistricting plan, and 'when necessary to prevent indirect impairment of such deliberations.'" *Arizona Independent Redistricting Commission v. Fields*, 206 Ariz. 130, 137, 74 P.3d 1088, 1095 (App. 2003) (quoting *Gravel v. United States*, 408 U.S. 606, 616 (1972)). In addition, the Court has held that the privilege extends to protect against "disclosure of documents in appropriate circumstances" because "their mere disclosure could 'chill' legislators from freely engaging in the deliberative process necessary to the business of legislating." *Id.* at 140, 74 P.3d at 1098. Thus, the Commission, and the individual Commissioners, are not required to testify or produce any documents related to their development of a redistricting plan, including the selection of the mapping consultant for the purposes of creating that plan.

In addition, your demands for communications between the Commission and/or individual Commissioners and "any other person" (Requests for Production Nos. 3 and 4) are overbroad, irrelevant to an inquiry regarding a potential Open Meeting Law violation, and therefore the Commission objects to these demands. The only communications that might be relevant to such an investigation would be communications between Commissioners; communications between an individual Commissioner (or the Commission itself) and a third-party would have no bearing on whether an Open Meeting Law violation occurred. Your demand for "[c]opies of all telephone and/or cell phone billing records" (Request for Production No. 6) is similarly overbroad. Your office has not disclosed either reasonable cause or relevance of the Commissioner's personal cell phone records. In addition, two of the commissioners are practicing attorneys, and their attorney-client confidentiality obligations pursuant to ER 1.6 prohibit the wholesale disclosure of their phone records.

5. *The Commission Wants to Continue Working Toward a Resolution Notwithstanding the Concerns Detailed Above.*

Despite the serious concerns referenced above, the Commission remains willing to resolve any legitimate concerns about the openness of the Commission's processes. As you know, we promptly provided you with the sole executive session transcript that you requested—from the meeting of June 29—and have asked you to advise us if the transcript raises any concerns. To date, you have not notified us of any concerns about the transcript. That Executive Session was conducted so that the Commission could receive legal advice and discuss procurement documents that were confidential at the time. Following the executive session, the Commission selected a mapping consultant in a public session, and the Commissioners explained their votes. They also reaffirmed that decision at a public meeting earlier this week.

In previous meetings, the Commission, working with the State Procurement Office, provided as much information as possible to the public about the procurement process. The names of all the companies submitting proposals were announced at a public meeting June 15 and the names of the companies to be interviewed were announced at that meeting following a discussion of the confidential proposals in executive session with representatives of the State Procurement Office. Interviews of four of the seven applicants were conducted in a public meeting June 24, and the Commission selected its mapping consultant at another public meeting June 29. The fact that the Commission's meeting in Tucson June 30 included three hours of public testimony criticizing the Commission's decision that it had made in Phoenix less than 24 hours earlier illustrates the very public nature of this particular procurement.

The Commission's chair has long supported releasing the executive session transcripts about the mapping consultant procurement so that the public can be informed about those discussions. Although the Commission believes it has the independent constitutional authority to release those transcripts in its discretion, it prefers to get your office's approval of such a release because of the Attorney General's position that the Open Meeting Law provisions apply to the Commission. Please let us know if you would approve of the release of any executive session transcripts regarding the selection of a mapping consultant.

In addition to the executive session discussion, you have told us that you were concerned about communications among Commissioners about the mapping consultant contract out of properly noticed meetings. As mentioned previously, nothing in the materials that your Office has provided to us to support your investigation provides any basis for this concern. Nevertheless, despite these concerns, as we have previously mentioned, we believe that with the release of the executive session transcripts and perhaps some additional training on communications out of public meetings, this matter should be closed.

6. *Conclusion.*

The Commission, its staff, and its five, unpaid, citizen-volunteer commissioners are presently engaged in time-sensitive, technical work of tremendous importance to Arizona. With

Mr. Mark Wilson
August 29, 2011
Page 6

that in mind, Commissioners Stertz and Freeman have agreed to speak with you and the other Commissioners have also expressed a willingness to speak with you if you agree to provide the reasonable cause upon which you have opened this investigation and disclose the remedies you intend to seek should you determine that an infraction occurred. Prudence, and the integrity of the Commission, however, demand that the objections discussed above be raised and preserved.

We hope that your Office will accept the Commission's proposal to resolve this matter with the release of executive session transcripts and additional training on communications outside of public meetings. We look forward to hearing from you soon.

Sincerely,



Mary R. O'Grady
Osborn Maledon, P.A.



Joseph A. Kanefield
Ballard Spahr, LLP

cc:Jean-Jacques Cabou

3818047

E

LD8 Meeting

posted by *nachbar* on **Sat, 08/20/2011 - 9:50pm**
Arizona Attorney General Tom Horne on Redistricting

The meeting will be held at the Civic Center Library Auditorium located at 3839 N. Drinkwater Blvd., Scottsdale, AZ Networking starts at 6:30pm. Meeting begins at 7:00pm.

Our speaker for the meeting is Arizona Attorney General Tom Horne. He will be discussing the redistricting process and how it affects the structure of our Congressional and Legislative Districts in Arizona.

This is a hot topic in Arizona and promises to be a very interesting program. All are welcome to attend.

Contact: Chairman Jim Ward at jameskward1@mac.com or Secretary Doug Little at doug@douglittle.com or 480-686-5387.

TIME:

Thursday, September 8, 2011 - 6:30pm to 8:00pm

LOCATION:

Scottsdale Civic Center Library Auditorium

F

DECLARATION

I, Karen Smith, declare as follows:

1. I am a Word Processor at Osborn Maledon, P.A.
2. On September 19, 2011, I transcribed the attached audio of Attorney General Thomas Horne¹ from the LD8 Redistricting Meeting held on September 8, 2011.

I declare under penalty of perjury that the foregoing is accurate to the best of my professional ability.

Executed this 22nd day of September, 2011.



Karen Smith

¹ See **Exhibit 1**, attached hereto.

1



A PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

MEMORANDUM

TO: File

FROM: Karen Smith

DATE: September 19, 2011

RE: Transcription of Attorney General Thomas Horne speaking at the LD8 Redistricting Meeting on September 8, 2011

Well, it's great to be with you guys. I've always loved coming to District 8 because, this part of District 8, since this part of District 8 is part of my old District 24 that I represented in the legislature. And I thought I would start off with this morning's news. How many of you saw the story this morning about me going after the redistricting commission? Just about everybody. As you know, the Open Meeting law says that all boards, commissions in Arizona, school boards [inaudible] must do its business in open meetings so the public can see the deliberations. And so it's an open meeting law obviously if they, or a majority of the members meet in private, but it's also a violation even if they don't meet if somebody rounds up votes by talking to people serially because it has the same effect. They arrived at the meeting and then they just rubber stamp it and it's a big sham and the public doesn't get to see the deliberations or the discussions. And so I have testimony now from the two Republicans on the Independent Redistricting Commission that the Chairwoman had called them and said that she wanted a unanimous vote for Strategic Telemetry. She wanted to buy a vote and they would need her vote later on so she wanted their vote to make it unanimous and if their vote would make it unanimous it means she, most probably she already had the two Democrats and so she knew she had the majority of three. That's a blatant violation of the Open Meeting law.

We have substantial other evidence. For example the two Democrats and the Independent gave Strategic Telemetry a perfect, a score of 700 points on a scale of 1 to 700 and one of the Republicans testified that that is not possible if you're being intellectually honest because you can get deductions for information you don't supply and so on. Knowing the scale, it's just not possible being intellectually honest and give somebody a perfect vote and here you have all three of them doing it. So it's highly unlikely that they did that independently and coincidentally. It's most probably that that was pursuant to an agreement that they, they got together and agreed they would all give a perfect vote to Strategic Telemetry. So that's additional evidence that the Open Meeting law was violated.

And then Commissioner Herrera spoke at an open meeting and said that he really preferred a different consultant but out of negotiations he was agreeing to vote for Strategic Telemetry. Well, no such negotiations occurred in public so that's an indication again that there were secret negotiations going on outside the public view which would indicate a violation.

Now, the two Republicans have testified, the two Democrats and the Independent have refused to testify. And so I went to court to compel them to testify and one of the things I cited was case law that said unlike the criminal case this is a civil case. It has significant penalties but they're not criminal penalties, they're civil penalties. Unlike a criminal case we can't hold it against them if they decide not to testify. In a civil case there's case law that says that you can hold it against them and you can have an assumption that the accusations made against them are true if they won't testify and negate them because normally if you're innocent you want to say something. You want to say, no I didn't do this. If you refuse to testify there's implication there that you are guilty and that's why you're not testifying.

So we've got rather substantial evidence. As many of you know, the Independent Chairperson has sided with the Democrats in rather bizarre ways. For example, in the very beginning there's let's say one lawyer for the Democrats and one lawyer for the Republicans. The Democrats decided what lawyer they wanted. The two Republicans said, "Well, we want Lisa Hauser and the Independent and the two Democrats voted together to say, "No, you don't get Lisa Hauser, you get Joe Kanefield." Now, Joe Kanefield's a good guy. I like him, but you'd think the two Republicans ought to be able to choose the Republican.

And then the big issue, it really is Strategic Telemetry, which is a company that has done work in the past only for Democrats, and with that objective, and this is the choice that has been made according to evidence that we have, we at least have reasonable cause to believe as a result of illegal dealings.

If we can, we're going to appear before the court on October 3rd to compel testimony. If we can establish that there was a violation of the Open Meeting law the possible remedies are, occupy a wide range – from additional education for them although I must tell you that they got an education from our office. We specifically told them that you can't line up votes in private. You can talk to one other person but you can't talk to two other people because that constitutes a forum even if you don't want it at times. So they did get – there's a transcript of the training they got from our office about what not to do which is exactly what it appears they went ahead and did.

And, but at the other end of the spectrum, would be removal from office or the Governor and two-thirds of the senate could remove a member from office and there are two-thirds that are Republicans so we have all those prospects so if we try to. So that's the status of our investigation today and my actions especially strong actions to not permit stonewalling or cover-up.

And some of you may have seen, I have heard you saying, it didn't work for Watergate, and it's not going to work here. And as the Attorney General, I shouldn't reach a conclusion until the investigation is over, but I will not tolerate stonewalling here. And strange, some of you may

have seen in the Republic, Terry Goddard, of all people, tried to intimidate me. He wrote an article attacking my investigation.

[inaudible] so I was, I don't know. Maybe you have seen it on Horizon. Any of you guys watch it on Horizon? I said that I sent a message to Goddard that you can't intimidate me. So he should think twice and that he, as the former attorney general, should not participate in the government. So that's the story so far in redistricting.

The other recent case that I think might be interesting to you is a case [end of clip].