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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona
May 5, 2002
9:00 a.m.

ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

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

1 The State of Arizona Independent Redistricting
2 Commission convened in Public Session on May 5, 2002, at
3 9:00 o'clock a.m., at the Independent Redistricting
4 Commission of Arizona Offices, 1400 West Washington,
5 Suite B-10, Phoenix, Arizona, in the presence of:

6

7 APPEARANCES:

8

9 CHAIRMAN STEVEN W. LYNN
10 (Present telephonically)

11 VICE CHAIRMAN ANDI MINKOFF
12 (Present telephonically)

13 COMMISSIONER JAMES R. HUNTWORK
14 (Present telephonically)

15 COMMISSIONER DANIEL R. ELDER
16 (Present telephonically)

17 COMMISSIONER JOSHUA HALL
18 (Present telephonically)

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Phoenix, Arizona

3

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2 ADDITIONAL APPEARANCES:

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- 4 LISA T. HAUSER, Commission Counsel
(Present telephonically)
- 5
- 6 JOSE de JESUS RIVERA, Commission Counsel
(Present telephonically)
- 7
- 8 MARGUERTIE LEONI, Counsel
(Present telephonically)
- 9
- 10 ADOLFO ECHEVESTE, IRC Executive Director
(Present telephonically)
- 11
- 12 DR. ALAN HESLOP, NDC, Consultant
(Present telephonically)
- 13
- 14 DR. FLORENCE ADAMS, NDC, Consultant
(Present telephonically)
- 15
- 16 ROBERT WALTERS, NDC, Consultant
(Present telephonically)
- 17
- 18 DOUG JOHNSON, NDC, Consultant
(Present telephonically)
- 19
- 20 LOU JONES, IRC Staff
- 21
- 22 KRISTINA GOMEZ, IRC Staff
- 23
- 24 LISA A. NANCE, RPR, CCR, Court Reporter
- 25

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4

- 1 Public Session
- 2 Phoenix, Arizona
- 3 May 5, 2002
- 4 9:00 o'clock a.m.

- 4
- 5 P R O C E E D I N G S
- 6

7 THE OPERATOR: I'll take roll.
8 Dan Elder?
9 COMMISSIONER ELDER: Here.
10 THE OPERATOR: Steve Lynn?
11 CHAIRMAN LYNN: Here.
12 THE OPERATOR: Andi Minkoff?
13 COMMISSIONER MINKOFF: Yes.
14 THE OPERATOR: Adolfo Echeveste?
15 MR. ECHEVESTE: Here.
16 THE OPERATOR: Lisa Hauser?
17 MS. HAUSER: Here.
18 THE OPERATOR: Marguerite Leoni?
19 MS. LEONI: Here.
20 THE OPERATOR: Jose Rivera?
21 MR. RIVERA: Here.
22 THE OPERATOR: Florence Adams?
23 DR. ADAMS: Here.
24 THE OPERATOR: Bob Walters?
25 MR. WALTERS: Here.
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5

1 THE OPERATOR: Alan Heslop?
2 DR. HESLOP: Here.
3 THE OPERATOR: Joshua Hall?
4 COMMISSIONER HALL: Here.
5 THE OPERATOR: Jim Huntwork?
6 COMMISSIONER HUNTWORK: Here.
7 THE OPERATOR: Lou Jones?
8 MS. JONES: In person, here.
9 CHAIRMAN LYNN: Thank you, Operator.

10 We'll be back to you shortly to do this again.

11 Lisa Nance, are you ready?

12 THE REPORTER: Yes.

13 CHAIRMAN LYNN: We'll call the meeting to
14 order.

15 Lisa, were you able to get roll call?

16 THE REPORTER: Yes.

17 CHAIRMAN LYNN: Thank you very much. We
18 know who's here.

19 Let me ask first, Ms. Hauser, Mr. Rivera,
20 any change to the order of the agenda you'd like to see
21 this morning or can we go in order?

22 MS. HAUSER: I think we can go in order.

23 Is the NDC report listed first?

24 CHAIRMAN LYNN: Yes. Fine with that?

25 MR. RIVERA: Yes.
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6

1 CHAIRMAN LYNN: Item II, report from
2 consultants.

3 May we have a report from NDC on the
4 progress in dealing with the data situation? I don't
5 know who would be giving that report --

6 DR. ADAMS: I will, Mr. Chairman, members
7 of the Commission.

8 Last Sunday you instructed us to check,
9 verify five data bases the Commission used in creating
10 its plan to assess them for accuracy. In addition, you
11 instructed us to develop an accurate registration data
12 based on the Secretary of State's April 1, 2001,

13 recorded numbers. In each case, you wanted to know the
14 difference between the data used and what we've
15 ascertained and believe to be the correct data.

16 We've worked very hard to do this and are
17 able to report we've completed our review of three data
18 bases, namely the Census data base --

19 COMMISSIONER MINKOFF: Didn't hear. The
20 first one?

21 DR. ADAMS: The Census data base.

22 COMMISSIONER MINKOFF: Okay.

23 DR. ADAMS: -- AQD, and registration data
24 base.

25 We are still working on the racial block
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7

1 voting data base and elections portions of the Judge It
2 data base, but we hope our review will be completed by
3 close of work Wednesday. This is pending tracking down
4 one or two missing source documents. We didn't discover
5 they were missing until we were checking discrepancies,
6 but they are minor items to track down.

7 NDC asked Robert Walters to perform all
8 the necessary data checks for us. He has more than 30
9 years of experience in building data bases at this time.
10 We're thoroughly confident in his expertise and his
11 accuracy.

12 In performing the data review, Bob worked
13 directly with Tim Johnson of Maricopa County Elections
14 Office. I must say, Bob was impressed, as we all have
15 been, with Tim's knowledge. And we're grateful for his

16 willingness and hard work to help with short notice and
17 rather stressful circumstances. As you all know, those
18 circumstances have kept him from the meeting today. I
19 think you all got his e-mail Eric was on the way.

20 CHAIRMAN LYNN: Eric arrived.

21 DR. ADAMS: Has Eric arrived.

22 Bob's comments will be focused solely on
23 the issue of the accuracy of the data. We're not in a
24 position at this stage to comment on reasons or possible
25 responsibility for the inaccuracy we've identified, but

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8

1 we will continue to investigate the matter.

2 What we've given priority to is
3 establishing accuracy of the data bases.

4 Now I'd like to turn it over to Bob. I
5 think he can cover the subject in about five or ten
6 minutes.

7 It might be helpful if you hold your
8 questions until he finishes.

9 CHAIRMAN LYNN: All right. Mr. Walters.

10 DR. ADAMS: I'll ask Bob to speak now.

11 MR. WALTERS: Mr. Commissioner,
12 Commissioners, since the last meeting in Phoenix, I've
13 performed the following tasks:

14 First, I've conducted a careful initial
15 review of all five data bases you are interested in
16 looking at closely for the information that you wish to
17 test in your plans. The purpose of this initial review
18 was to familiarize myself with the data and its formats

19 in each of the data bases.

20 Second, I obtained a number of source
21 materials for each of these data bases. These sources
22 include the official PL94-171 year 2000 Census release,
23 official source documents from each county used by the
24 Secretary of State to create their data base, county by
25 county source documents for the primary and general

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9

1 election, precinct results for the years 1996, 1998, and
2 2000. These documents came from the Maricopa County
3 archive as received from EDS or collected by them,
4 source documents used by EDS in creating the original
5 registration data base. This was provided by EDS, from
6 the Secretary of State. I received the official
7 registration report of April 1, 2001. Also from the
8 Secretary of State of the State of Arizona, official
9 canvasses, county district totals for the 1998 primary
10 and general elections, 2000 primary general elections.

11 Third, the following files were provided
12 to me: The original registration file by precinct, AQD
13 election data base, racial block voting data set, the
14 Judge It data set, and a newly created registration file
15 by precinct and by block created from the above data to
16 do a cross track on the registration data. The result
17 of this work can be summarized as follows:

18 First, the Census data base is accurate in
19 all respects and is fully in accordance with PL94-171
20 Census documents.

21 Second, the AQD data base has test of

22 three components, Census component, accurate usable,
23 conforms with PL94-171 Census; registration component
24 data set is very inaccurate as we'll -- I'll explain a
25 little later.

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10

1 The following data was comprised,
2 Corporation Commissioner, Governor, Attorney General
3 races, accurate except counties Gila, Graham, La Paz,
4 and Santa Cruz. There appear to be minor rounding
5 errors in a few other counties. Once we have accurate
6 data we can determine this more easily.

7 In those four counties I just mentioned,
8 each of the races was short, shortages ranging from
9 1,450 votes down to one depending on the race.

10 Also discovered that a few precincts are
11 missing vote data in Gila, Graham, La Paz counties. I
12 believe these data bases can be fixed entering missing
13 precincts.

14 A process of going from precinct level
15 data set down to block level data, six blocks, Census
16 blocks, ended up with a small negative number for
17 several candidates. This I believe can be attributed to
18 rounding errors.

19 Once we have precinct level corrected
20 block level data, it needs to be recreated again with a
21 more accurate allocation factor. At that point we can
22 determine if this was a rounding error or if we need to
23 do further investigation. Again, this is a small, small
24 error.

25

Rc050502.txt
Third, I have just begun investigation of
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11

1 racial vote data.

2 The Census component of the data base is
3 accurate and usable. I only checked Congressional races
4 at this point, and they are accurate. I will continue
5 this work on validation.

6 Fourth, the registration data base has a
7 number of major problems, inaccuracies. I've spent many
8 hours trying to duplicate the differences between this
9 data base and the one created this week by Tim Johnson
10 and verified by myself. The majority of errors can be
11 attributed to one of use of both active and inactive
12 voter counts, that this was not consistent, and, two,
13 voter registration files other than April 1, 2001, were
14 used.

15 I spent a great deal of time trying to
16 recreate the problems with the data base to see if it
17 could be salvaged. The process took more time than we
18 estimated last Sunday. For that reason, work on the
19 racial Judge It block voting data bases took further
20 time.

21 Let me explain further problems,
22 inaccuracies of the registration data base.

23 First, files gathered from the counties by
24 EDS appeared to have been of time frames around April
25 1st, anywhere from January 1st of 2001 to later in the
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1 year.

2 Secondly, in some cases it's not easy to
3 determine if a voter is active or inactive from the
4 files. Additional details have been gathered from the
5 counties.

6 It should be noted that most of these
7 documents regarding votes and files have been received
8 from the counties at this point so we can do further
9 checking. Several of the counties in the original
10 registration precinct file have party counts and
11 precincts that are not anywhere near what they should
12 be, in fact, they're as much as 200 percent off. This
13 has made it almost impossible -- has made it impossible
14 to determine the source of the error in these counties.

15 I have worked closely with Tim Johnson to
16 develop a new and fully aggregated registration data
17 base.

18 I want to echo Florence's comments about
19 what a great asset Tim has been.

20 Tim and I are both confident of the
21 accuracy and completeness of the new data base. I
22 believe this data base should be used in place of the
23 original registration file for any work done by the
24 Commission from now on.

25 At this point, I'd like to turn it back
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1 over to Florence.

2 Thank you.

3 DR. ADAMS: Mr. Chairman and
4 Commissioners, let me quickly summarize Bob's report
5 under three headings. First, we are still at work on
6 the Judge It and racial block voting data bases but
7 expect to have results on Wednesday. Second, we have
8 identified minor isolated errors in the AQD data base
9 and know how to correct them. Third, we've identified
10 errors of such magnitude in the registration data base
11 we believe the Commission should now abandon it and use
12 the new data base that has been created.

13 Now, our understanding of the Commission's
14 discussion last week is you may wish to move forward
15 with the use of the newly established accurate data
16 bases to run the competitiveness test the Commission
17 applied to its final plan. If it is the Commission's
18 instruction to do this, NDC will run these tests. We
19 can rerun the adopted plan in a day, but we'd like a
20 second day to cross-check and verify.

21 If we rerun all the tests that were
22 subjected to Judge It, and there were roughly a dozen,
23 just under a dozen, it would take approximately a week
24 to run those tests.

25 If you wish all 80 tests to be rerun, it
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Phoenix, Arizona

14

1 would take three to four weeks.

2 So, as you can see, the time change, or
3 the time frame changes depending on what you request.

4 The Judge It tests also would be rerun by

5 Dr. McDonald. But that would be delayed a few days
6 until Mr. Walters completes verification of the Judge It
7 data base.

8 At this time it does not appear the racial
9 block voting analysis will need to be rerun. We will
10 confirm that report when we've completed our analysis.

11 So, Mr. Chairman, Members of the
12 Commission, we stand ready for your questions and
13 instructions.

14 CHAIRMAN LYNN: Thank you.

15 Dr. Adams, one quick question so I'm clear
16 on where the data base is with respect to the
17 registration data base.

18 Am I to understand that when you say the
19 registration data base, new one, is in place, does that
20 mean we have a fully accurate geocoded file or does it
21 still need to be geocoded?

22 MR. WALTERS: The file that I used was
23 precinct by precinct, party by party counts. Then we
24 disaggregated it down to the block level. Then that
25 data set was checked and reagggregated back up without
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Phoenix, Arizona

15

1 any rounding errors to do a cross set.

2 CHAIRMAN LYNN: So, it is geocoded.

3 MR. WALTERS: Down to block level, yes.

4 DR. ADAMS: It's a different approach to
5 geocoding.

6 MR. RIVERA: I know Lisa Nance is a
7 miracle worker. Before you speak, identify yourself

8 please.

9 CHAIRMAN LYNN: Sorry. Mr. Walters and
10 Dr. Adams were responding to that.

11 Questions from the Commission?

12 COMMISSIONER ELDER: This is Dan Elder.

13 Seemed to be there was a fairly large
14 number active inactive voters identified for Maricopa
15 County, 300 some odd thousand. Where does that stand?

16 MR. WALTERS: This is Robert Walters
17 again, sorry, Commissioner.

18 The original data, data base used at the
19 precinct level and at the block level, included inactive
20 voters for the county of Maricopa. The detailed
21 analysis with new the data set of Maricopa, very, very
22 close one, looked at the active, inactive counts. New
23 data sets that we've created has by precinct and by
24 block both active and inactive voters broken out one can
25 aggregate the data to include just active voters or it

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Phoenix, Arizona

16

1 can be aggregated to just do the inactive or can be
2 aggregated to include both active and inactive. So the
3 data set has active versus inactive broken out to
4 summarize accurately.

5 CHAIRMAN LYNN: Statewide or just Maricopa
6 County?

7 MR. WALTERS: Statewide.

8 COMMISSIONER MINKOFF: Mr. Chairman, this
9 is Andi Minkoff.

10 I'm wondering if you can give us any

11 indication at this point in the process whether the new
12 data base is going to give significantly different
13 results than the old data base or is it too early to
14 tell?

15 DR. ADAMS: This is Florence Adams,
16 Commissioner Minkoff.

17 It is too early to tell because of the
18 inconsistencies in the registration data base.

19 COMMISSIONER MINKOFF: At what point would
20 we have that information?

21 DR. ADAMS: Actually, I think, rerunning
22 the test will be the most accurate way to get that
23 information.

24 COMMISSIONER MINKOFF: Okay. We'll have
25 it depending on how many tests we ask you to run.

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Phoenix, Arizona

17

1 DR. ADAMS: Yes.

2 CHAIRMAN LYNN: Other questions of NDC or
3 Mr. Walters?

4 COMMISSIONER HALL: Mr. Chairman, this is
5 Joshua Hall.

6 CHAIRMAN LYNN: Mr. Hall.

7 COMMISSIONER HALL: Mr. Walters, I assume
8 you'll provide a summary of what discrepancies you've
9 found between the two data bases?

10 MR. WALTERS: Commissioner Hall, yes. I
11 do have that analysis done, looking at the differences
12 precinct by precinct, party by party, for the original
13 data set versus active voter summation and active plus

14 inactive. So I have two reports that show that by
15 precinct.

16 COMMISSIONER HALL: Without objection,
17 Mr. Chairman, can we request those are e-mailed to each
18 member of the Commission?

19 CHAIRMAN LYNN: Is there any discussion or
20 objection to that suggestion?

21 COMMISSIONER ELDER: Mr. Chairman, this is
22 Commissioner Elder.

23 Is it broken down actually by precinct? I
24 mean that can be 80, 90 pages. Are we looking for
25 something larger than by precinct?

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Phoenix, Arizona

18

1 MR. WALTERS: Sir, Commissioner, Robert
2 Walters. It's about 50 pages each.

3 COMMISSIONER MINKOFF: I couldn't
4 understand that response. Say it again, please.

5 MR. WALTERS: The report is about 50 pages
6 long for the active versus the original, and the other
7 report, again, approximately 50 pages of active plus
8 inactive versus original for a total of a hundred pages
9 for the two reports.

10 MR. RIVERA: I don't want e-mail. E-mail
11 has been killed twice. Have it mailed Federal Express.
12 Federal Express, messenger to all Commissioners.
13 E-mail, computers have problems.

14 COMMISSIONER HALL: This is Joshua. I
15 don't care if it's pony express.

16 Without objection, I'd like the report

17 provided to every member.

18 CHAIRMAN LYNN: There is no objection.

19 I'd ask Mr. Walters make that available to the attorneys
20 and they can then distribute it in the most efficient
21 manner possible to the Commissioners.

22 DR. ADAMS: Yes, we will do that. This is
23 Florence.

24 COMMISSIONER HUNTWORK: Steve, Jim
25 Huntwork.

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Phoenix, Arizona

19

1 Can I ask you a question? I would like to
2 ask what tests would would be most diagnostic of whether
3 we have a significant problem or not. Are there some
4 discrete number of tests you can run that would indicate
5 to us whether we need to run all the rest of the tests
6 or how would you recommend that we proceed to try to get
7 some meaning out of this last raw data?

8 CHAIRMAN LYNN: Dr. Adams, do you want to
9 handle that one?

10 DR. ADAMS: Let me ask Mr. Johnson to
11 handle that one.

12 CHAIRMAN LYNN: Wait.

13 DR. ADAMS: Certainly adopted plans.

14 MR. RIVERA: Hold on. I don't want
15 Mr. Johnson answering that.

16 MS. LEONI: Let me answer.

17 Sorry, Florence.

18 I think the minimum the Commission wants
19 to do is this: Obviously, in short turnaround, you can

20 have a read on your adopted plans compared to the data
21 base you believed was accurate at the time. That can be
22 quickly provided to you. The Commission chose a certain
23 number of plans that they also wanted subjected to the
24 Judge It analysis. It would seem to me that that number
25 of plans that were identified for their particular

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Phoenix, Arizona

20

1 interest to the Commission should be rerun. At this
2 point I would not recommend you launch into rerunning
3 all 80 plans, but you would have a universe at that
4 point of about a dozen to 13. And I think that may be
5 giving the Commission an adequate sampling to know what
6 differences and changes would be.

7 CHAIRMAN LYNN: Mr. Huntwork?

8 COMMISSIONER HUNTWORK: Did I understand
9 the Judge It tests would take four weeks to complete?

10 MS. LEONI: No, Mr. Huntwork. Judge It
11 tests, once completed, the Judge It data base we're
12 anticipating done by next Wednesday will run about four
13 to five days.

14 COMMISSIONER HUNTWORK: Okay. One more
15 question, Steve, if I may.

16 I want to focus on whether we should use
17 or not inactive voters for this analysis. One thing I
18 would say is that clearly I think we should be
19 consistent in either using them or not. It may be we
20 need to run both ways to see if there's a significant
21 difference.

22 COMMISSIONER HALL: What did we do last

23 time?

24 COMMISSIONER HUNTWORK: Didn't. All mixed

25 up. Didn't focus on it specifically. Some data had
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Phoenix, Arizona

21

1 inactive voters and some didn't, depending on which part
2 of the state, and so on.

3 COMMISSIONER MINKOFF: I'm not sure it was
4 an issue we were aware of.

5 CHAIRMAN LYNN: Just asking, Ms. Leoni,
6 just to be clear, does it take significantly more time
7 with the new data base disaggregated and aggregated the
8 way it is, as Mr. Walters described it, to run the test
9 both ways, just active and a combination active,
10 inactive voters?

11 MS. LEONI: It will double the time,
12 Commissioner Lynn. That's because we'd be running the
13 adopted plan under two scenarios.

14 CHAIRMAN LYNN: Instead of one week for
15 the early test, two?

16 MS. LEONI: No. Go back.
17 Running the adopted plan, a day; a day for
18 verification. Move that up to three days.

19 MS. HAUSER: Mr. Chairman, this is Lisa.
20 It would also, seems to me, require
21 creating another data base.

22 MS. LEONI: That's already created.

23 MS. HAUSER: You've created a data base
24 that cleans up, so we remove the active versus inactive
25 discrepancy. Do we at this point have two data bases,

1 one combines, one separate?

2 DR. ADAMS: Ms. Hauser, that's correct,
3 two data bases.

4 MS. HAUSER: All right.

5 DR. ADAMS: One, as Mr. Walters explained,
6 has active. We have one that has inactive. And we have
7 one combine -- actually three data bases, one
8 combination. One data base. We can run things
9 separately and give you the result so you have active
10 and inactive.

11 COMMISSIONER HALL: Mr. Chairman, this is
12 Joshua Hall.

13 CHAIRMAN LYNN: Mr. Hall.

14 COMMISSIONER HALL: My question, Florence,
15 maybe this is not something you can answer. Does the
16 algebraic formula, or whatever formula has been
17 designed, does it have a variable for both of those or
18 have a component for both of those variables of one for
19 inactive and one for active or are you saying that
20 they're either plugged into the formula combined or
21 without one another?

22 DR. ADAMS: Let me ask Mr. Walters to
23 answer that.

24 MR. WALTERS: Commissioner, I did not take
25 part in any analysis. Normal analysis would be ones

1 with registration figures being just active summations,
2 run again registration figures, active plus inactive.

3 COMMISSIONER HALL: Well, I guess my
4 question is, that's what is confusing, certainly if you
5 throw inactive into the same formula, that doesn't seem
6 to be an accurate representation of competitiveness.

7 MR. WALTERS: I'll tell you, Commissioner,
8 we can run it either way. Somebody needs to make that
9 decision.

10 DR. HESLOP: I wonder if we suggest run it
11 both ways, take the extra day and a half, run both ways,
12 report both runs.

13 CHAIRMAN LYNN: That was Dr. Heslop.

14 COMMISSIONER HUNTWORK: Mr. Chairman,
15 Mr. Huntwork.

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: I think at this
18 point we need to do that.

19 My concern is the State statute does make
20 it very clear if anybody on the inactive list appears at
21 the polling place, they must be allowed to vote. So
22 those are registered Arizona voters. And I'm not sure
23 that we would have a valid analysis if we didn't include
24 them. I think it's a question we need to maybe face
25 after we see what the results of the analysis might be.

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Phoenix, Arizona

24

1 MS. HAUSER: This is Lisa.

2 Can I ask a question at this point?

3 CHAIRMAN LYNN: Ms. Hauser.

4 MS. HAUSER: If we -- and Jim is
5 absolutely correct about the fact inactive voters have
6 to be allowed to vote when they show up and present
7 their residence identification.

8 My question is wouldn't it make a lot of
9 sense, as Jim said, to do it both ways but have someone
10 analyze, because I think we have the time, we can afford
11 to do this, have somebody analyze, factor in frequency,
12 the frequency voters vote, somebody like Dr. McDonald
13 look at that, determine the level of impact? Much the
14 same way he's able to factor in or out certain things
15 like incumbency, factor in or out the frequency with
16 which the inactive voters show up and vote.

17 CHAIRMAN LYNN: Is that also a number or a
18 percentage or a figure that we might get from counties
19 as well, what their experience is with people on that
20 list showing up? Or is that something that has to be
21 extrapolated from --

22 MS. HAUSER: It would have to be, my
23 understanding is, Mr. Chairman, it would have to be
24 extrapolated, Mr. Chairman. You can do that because the
25 voter file shows for each voter the turnout. You --

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Phoenix, Arizona

25

1 CHAIRMAN LYNN: Each code, yeah.

2 MS. HAUSER: If somebody were to pull up
3 your registration for the past four elections, four
4 major elections, it would show whether you voted.

5 CHAIRMAN LYNN: Right. I understand.

6 COMMISSIONER HUNTWORK: Well, Jim Huntwork
7 here again.

8 My understanding is there are actually two
9 separate lists at the polling place, an active list and
10 an inactive list.

11 MS. HAUSER: Let me also, in response to
12 Department of Justice, Mr. Chairman, this is Lisa, we
13 produced, because the Department of Justice wanted to
14 trust Hispanic voting patterns, we've actually got for
15 1998 and 2000 primary and general the actual signature
16 rosters, at least Maricopa, Pima, and Pinal counties.
17 We certainly don't have them for the others. But you
18 can --

19 You are right, Jim. There are two
20 different lists.

21 On voter registration, on the voter file,
22 that signature roster information is what is used to
23 update the voter file with respect to whether or not you
24 turned out to vote. So once the inactive voter turns
25 out to vote, I assume --

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Phoenix, Arizona

26

1 COMMISSIONER HUNTWORK: Lisa, my thought,
2 since on separate lists, computers have all that way, it
3 might be easy for counties to tell us what percentage of
4 inactive voters turn out.

5 MS. HAUSER: Right. The only
6 qualification, once the inactive voter turns out to
7 vote, the inactive voter gets moved to the active list.

8 COMMISSIONER HUNTWORK: I understand.

9 Before we complicate, we might ask the
10 counties and they might be able to peel off a number
11 just like that.

12 CHAIRMAN LYNN: If inactive average is per
13 election three percent inactive list, what moves to
14 active by showing up, an interesting number to know.

15 MR. RIVERA: Right. Mr. Chairman, this is
16 Jose.

17 My suggestion, I think we're talking about
18 in the dark. I think Jim Huntwork's, Commissioner
19 Huntwork's, get a percentage from the county, we'll be
20 able to talk more intelligently when that comes back.

21 MS. HAUSER: Yep.

22 CHAIRMAN LYNN: No question. We're trying
23 to formulate exactly what we want to have done and the
24 breadth of what we'd like to have done given various
25 time frames attached to each request.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

27

1 So in this instance, we're saying with
2 very little extra time we can run it both ways and
3 simultaneously get some information both from counties
4 and perhaps from Dr. McDonald as to what the impact of
5 using one data base versus the other might be.

6 MR. RIVERA: Right.

7 COMMISSIONER HALL: Mr. Chairman, that was
8 my point. I agree with the idea that somehow that
9 variable has to be treated differently in the formula.
10 I'm not suggesting at all --

11 We definitely need to consider every voter
12 regardless of their status. Obviously to just throw
13 into the same formula, give a different result, doesn't
14 have the same level, weight, if you will, from a
15 factoring standpoint. That's really my question.

16 What can Dr. McDonald offer with respect
17 to amending the formula to insure the proper weighting
18 for each voter is given to the extent we can determine
19 what it is?

20 MS. LEONI: Mr. Chairman, this is
21 Marguerite.

22 CHAIRMAN LYNN: Speak up, Marguerite.

23 MS. LEONI: I might suggest two steps to
24 project. The first step Commissioner Huntwork
25 identified, simply identifying where this information

ATWOOD REPORTING SERVICE
Phoenix, Arizona

28

1 can be most quickly obtained. And it may be --

2 COMMISSIONER ELDER: Sorry, Ms. Leoni, I
3 can't hear.

4 MS. LEONI: The first step in this aspect
5 of the project is ascertaining whether the data can be
6 obtained that indicates the number of voters, inactive
7 voters that show up on average. And then the second
8 step of that is factoring that into the competitiveness
9 formula.

10 I -- I think that Dr. McDonald might be
11 the wrong person to do the first step of that. But he's
12 certainly the person we'd go to on the second.

13 I might recommend that we treat them as

14 two separate steps and perhaps assign the project in
15 that manner.

16 COMMISSIONER ELDER: Ms. Leoni, only -- I
17 don't know if it's an objection or not. I'd like to
18 have Dr. McDonald involved ascertaining how the first
19 step be given to him to make sure the way he uses it or
20 can use it will yield results from his end.

21 MS. LEONI: All right. I might ask
22 Florence Adams if she has any idea right now, based on
23 the research of Dr. Walters, as well, as to whether that
24 data is going to be quickly -- going to be quickly
25 assembled can be presented for analysis by Dr. McDonald.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

29

1 DR. ADAMS: Marguerite, it's very
2 difficult to hear you. If you speak up or get closer to
3 the phone, it would help.

4 MS. LEONI: I will. I'll do that.

5 DR. ADAMS: At this point, no, we'd not
6 have that kind of information, the number of inactives
7 that show up at the poll. It's not something that we
8 would have. I would recommend that we use as a resource
9 Karen Osborne at Maricopa County to obtain that and to
10 see how we can ascertain that information from each
11 county. I think she would be a good beginning point to
12 find out that information, how it's kept.

13 COMMISSIONER HALL: Mr. Chairman?

14 CHAIRMAN LYNN: Mr. Hall.

15 COMMISSIONER HALL: What is confusing to
16 me is certainly this issue has come up in another state,

17 right? How has the issue been handled in other areas?

18 CHAIRMAN LYNN: Dr. Adams.

19 DR. ADAMS: I am not familiar with that
20 issue coming up in other areas. Dr. Heslop may be.

21 DR. HESLOP: Not many states make the kind
22 of distinction that Arizona uses as between an active
23 and an inactive voter file.

24 COMMISSIONER HALL: Not many or any?

25 DR. HESLOP: Not many, that I know of.
ATWOOD REPORTING SERVICE
Phoenix, Arizona

30

1 It is possible in most states to get a
2 propensity factor for voting. But we're talking here
3 about a distinction in the registration files that, in
4 my experience, I haven't previously encountered.

5 MS. HAUSER: Mr. Chairman, what is also
6 different, of course, is that, I think, this is the
7 first Commission to -- or any legislative body, for that
8 matter, to have a Constitutional requirement of
9 competitiveness. So in terms of looking at
10 competitiveness and determining what data we are going
11 to look at, it's not surprising that no one else has
12 dealt with it. So the issue of whether you look at
13 active or inactive voters in that context is probably
14 one of first impression. And --

15 COMMISSIONER HUNTWORK: Mr. Chairman?

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: I would just like
18 to add that mathematically, at least, it's very possible
19 that Dr. McDonald's formulas already would take this

20 into consideration.

21 In any array of voters, registered voters,
22 there will be a range of their likelihood to vote. And
23 the fact we have a bright-line distinction between
24 active and inactive voters by statute in Arizona doesn't
25 really affect the propensity of this marginal -- not

ATWOOD REPORTING SERVICE
Phoenix, Arizona

31

1 marginal voters, but likelihood of least-likely voters
2 to vote. So it's very possible he'll need to add a
3 factor to deal with this. It's also possible his
4 formula already covers it.

5 I just think, I guess my point is, we do
6 need to involve him in this discussion as early on as
7 possible to find out what kind of data he needs to make
8 his formulas work properly.

9 CHAIRMAN LYNN: Understood.

10 Ms. Minkoff.

11 COMMISSIONER MINKOFF: I have a question,
12 I guess, for Jose and Lisa.

13 I'm wondering if, in the provision that
14 counties have to keep lists of both active and inactive
15 voters, that there's anything in the law or court
16 decisions, or whatever created this requirement, that
17 gives us some guidance as to how these two groups are to
18 be treated.

19 MS. HAUSER: Commissioner Minkoff, no, not
20 really. It's just exactly what Commissioner Huntwork
21 has talked about before. You get on the inactive list
22 because -- you may be familiar. There are purge

23 systems --

24 COMMISSIONER MINKOFF: Right.

25 MS. HAUSER: It actually used to be done
ATWOOD REPORTING SERVICE
Phoenix, Arizona

32

1 with more frequency. At this point counties have to
2 send certain pieces of first class mail out
3 periodically. When two pieces of certified mailing to
4 the registered voter registration address, if those are
5 returned to the recorder, then that voter goes on the
6 inactive list. If they don't show up to vote during the
7 course of two federal elections, which, of course, are
8 every two years, then you are removed all together from
9 the rolls. After those two pieces of certified mail --
10 excuse me, first class mail are returned, you go on the
11 inactive list. Beyond that, there is no indication.

12 But it's a fact, as Jim said, if any of
13 those voters while on the inactive list pop up and turn
14 out to vote, you know, they provide proof of where they
15 live, they're allowed to vote. The registration address
16 gets straightened out. It doesn't tell you anything
17 about anything else about how to deal with them.

18 COMMISSIONER MINKOFF: Uh-huh.

19 COMMISSIONER ELDER: Lisa, this is Dan
20 Elder.

21 If I moved from, say, Maricopa to Pima
22 County.

23 COMMISSIONER MINKOFF: But why would you
24 want to?

25 COMMISSIONER ELDER: Pardon?
ATWOOD REPORTING SERVICE

1 COMMISSIONER MINKOFF: Why would you want
2 to?

3 COMMISSIONER ELDER: I register in Pima
4 County, does the Pima County Recorder's Office notify
5 Maricopa County I should be removed from that roll?

6 MS. HAUSER: Yes.

7 One other thing, Mr. Chairman. When
8 counties all report to the Secretary of State, a
9 cross-check is done at that point for duplicate
10 registration among the counties.

11 MR. JOHNSON: This is Doug Johnson. Let
12 me throw in a technical point. Essentially counties
13 tell us if they keep track, somebody moves active,
14 inactive status. If they don't, there's really nothing
15 we can do on this question.

16 MS. HAUSER: Right.

17 MR. JOHNSON: If they do, bring in
18 Dr. McDonald, work out what information they can give
19 us, how that would factor into his analysis.

20 CHAIRMAN LYNN: To summarize where we are,
21 make some decision on this point, move forward, and I
22 don't mean to cut off other questions or comments
23 Commissioners have, it seems to be, based on discussion,
24 there's consensus around doing a couple of things:
25 First, to rerun the tests on the existing maps using the

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Phoenix, Arizona

1 new data base in both the aggregated form, meaning both
2 active and inactive voters, and in the disaggregated
3 form using only active voters, and to get from counties
4 some information regarding their assessment as to how
5 often voters move from one list to another to use in the
6 subsequent analysis of the figures that we would get; to
7 talk with Dr. McDonald early on so that the tests being
8 run create information that he can easily use for his
9 subsequent evaluation using his formula; and that those
10 same tests then be applied to a certain number of test
11 maps that we had looked at throughout the process, that
12 number of test maps yet to be determined. Ms. Leoni, I
13 think, suggested, Marguerite, about a dozen?

14 MS. LEONI: Commissioner Lynn, I was
15 suggesting that based on the number the Commission
16 suggested of the more sophisticated Judge It analysis,
17 interpolated, these are the ones the Commission are most
18 curious about.

19 CHAIRMAN LYNN: Replicate any tests the
20 more sophisticated test be done on.

21 MS. LEONI: Correct.

22 CHAIRMAN LYNN: That's a summary of where
23 we are.

24 Further discussion from the Commission?

25 MS. LEONI: May I have a point of
ATWOOD REPORTING SERVICE
Phoenix, Arizona

35

1 clarification, Commissioners?

2 CHAIRMAN LYNN: Please.

3 MS. LEONI: You had said to rerun the test
4 on the existing plans. Is your intent they be rerun on
5 the adopted plan?

6 CHAIRMAN LYNN: Yes.

7 MS. LEONI: And existing?

8 CHAIRMAN LYNN: Two plans adopted by the
9 Commission.

10 MS. LEONI: Okay.

11 CHAIRMAN LYNN: I like refer to them as
12 the existing plans. I think they are.

13 Any further comment from the Commission on
14 that summary? If not, a motion to execute that?

15 COMMISSIONER HUNTWORK: Steve, Jim
16 Huntwork. I's just like to ask how long that
17 instruction would take to carry out.

18 DR. ADAMS: Commissioner Huntwork, this is
19 Florence Adams.

20 To run the tests on the, on the -- the
21 test to replicate the test where we had the more
22 sophisticated testing from Dr. McDonald, approximately a
23 dozen tests, plus the adopted plans, we would be looking
24 at about two weeks.

25 We said it would be about a week if we
ATWOOD REPORTING SERVICE
Phoenix, Arizona

36

1 just ran the one set of tests. If we're running both
2 active and inactive, we'd want two weeks to do that.

3 MR. RIVERA: Mr. Chairman, Jose.

4 Florence, Dr. Adams, is this after we've
5 gone through what Mr. Huntwork talked about finding out,

6 active, inactive components, find out whether -- how
7 often switch over, how often inactive people come in and
8 vote? Seems to me we don't want Dr. McDonald running
9 tests until we find that component. Throw his tests
10 off, the Commission might want his tests to go
11 differently.

12 DR. ADAMS: That's absolutely right.

13 First of all, we need to complete analysis
14 of all data bases we said we'd complete by roughly
15 Wednesday. We will have to do some research on an
16 assessment of how many voters move from inactive to
17 active. So that will take some time. I need -- I can't
18 really give you a time frame on that.

19 CHAIRMAN LYNN: Jose --

20 DR. ADAMS: We'll start on it immediately.

21 MR. RIVERA: Seems to me --

22 DR. ADAMS: From the time we've compiled
23 all this information, then we can go ahead and run our
24 tests. It would still take two weeks if we have
25 everything completed by Wednesday to run our tests.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

37

1 Then you have another component that is Dr. McDonald. I
2 think we'd have to check with him to see how long it
3 would take once we've ascertained the number of inactive
4 voters go back to active rolls and how he can
5 incorporate that into his formula, how long it would
6 take him to run his tests.

7 MR. RIVERA: Mr. Chairman, this is Jose.

8 Top of my head, I don't want rush into a

9 test problem down the line, off the top of my head, it
10 seems to me McDonald running two other tests doesn't
11 have the impact if you decide to use active, inactive
12 voters.

13 DR. ADAMS: Correct.

14 MR. RIVERA: Seems to me, trying to look
15 at all contingencies we have, seems to me you may not
16 want to have Dr. McDonald run the two other tests until
17 you get those results and then the Commission can make a
18 decision whether they still want to run both tests or
19 one test.

20 MS. HAUSER: Mr. Chairman, Lisa. I
21 completely agree.

22 CHAIRMAN LYNN: Suggestion be NDC complete
23 work on data base analyses, that we collect data from
24 county officials as to the nature of the move from
25 inactive to active, and that we meet again prior to
ATWOOD REPORTING SERVICE
Phoenix, Arizona

38

1 ordering anything beyond that point based on the
2 information that we gather to determine whether or not
3 there's a significant impact of running it both ways.

4 MS. LEONI: Commissioner --

5 CHAIRMAN LYNN: Ms. Leoni.

6 MS. LEONI: -- this is Marguerite. I
7 fully support that.

8 MR. JOHNSON: Mr. Commissioner, I --

9 MR. RIVERA: Doug, I don't want you
10 talking.

11 MR. JOHNSON: Want us to run registration,

12 not McDonald test, registration, McDonald plans both
13 ways, or wait on doing that?

14 CHAIRMAN LYNN: I think the key question
15 that has been raised, the impact of inclusion or
16 exclusion of inactive file on the assessment that
17 ultimately is made for the information that we're
18 putting together. We need, it appears, more information
19 from another source on what the impact might be before
20 we decide which way, how many tests to run.

21 MS. LEONI: Commissioner, I --

22 CHAIRMAN LYNN: Ms. Leoni.

23 MS. LEONI: I support that suggestion.
24 I'm concerned without factoring crossover, we're
25 producing an inaccurate picture people may rely on.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

39

1 CHAIRMAN LYNN: Mr. Hall wanted to get in.

2 COMMISSIONER HALL: Yes.

3 CHAIRMAN LYNN: Mr. Hall.

4 COMMISSIONER HALL: Mr. Chairman, I would
5 like to make a motion we instruct NDC to complete their
6 analysis of the data bases and to further attempt to
7 identify a factor on a county level of the impact or the
8 turnout, I should say, of inactive voters; and then we
9 can meet again for further instruction.

10 CHAIRMAN LYNN: Is there a second to that
11 motion?

12 COMMISSIONER MINKOFF: I'll second.

13 CHAIRMAN LYNN: Thank you.

14 Discussion on the motion?

15 MS. HAUSER: Mr. Chairman.

16 CHAIRMAN LYNN: Ms. Hauser.

17 MS. HAUSER: I can speak with Karen
18 Osborne about that today.

19 CHAIRMAN LYNN: All right. And obviously
20 to the extent you or she can touch base with other
21 county officials, we'd like to know if there's any or
22 not any. We'd like to know what the variance might be
23 county to county, the difference how each county
24 approaches it.

25 MS. HAUSER: She'd know methodology of the
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Phoenix, Arizona

40

1 transfer of inactive to active. In addition to the fact
2 of roll of inactive voters onto the active voter list,
3 whether able to track the number of times that occurs.

4 COMMISSIONER HUNTWORK: Mr. Chairman.

5 CHAIRMAN LYNN: Mr. Huntwork.

6 COMMISSIONER HUNTWORK: I'd like to echo
7 at this point what I think Mr. Hall or someone said
8 earlier about including Professor McDonald in the
9 analysis at an early stage. I think we need to get the
10 information from the counties that will be useful to him
11 in conducting his analysis. I don't know what that
12 would be. It may just be the raw number turns over. He
13 may need to know how many are Republicans, how many
14 Democrats. He may need to know by precinct or more
15 specificity in order to do anything meaningful rather
16 than a county-wide basis.

17 CHAIRMAN LYNN: Mr. Hall, in the motion,

18 might we include in the motion: Early on communicate
19 with Dr. McDonald in anticipation of possible future
20 tests being run what requirements he has to complete
21 tests appropriately?

22 MR. RIVERA: Tell him, just in general, to
23 take any steps to insure that the accuracy of data and
24 tests wanting to be done are accurate. That way we're
25 not limited to Dr. McDonald. Could be somebody else we
ATWOOD REPORTING SERVICE
Phoenix, Arizona

41

1 may want to use. I'd rather have a general term.
2 Rather than put it all on Dr. McDonald's shoulders, let
3 NDC make the determination.

4 CHAIRMAN LYNN: Not accuracy type nature.
5 Need to collect in order to allow tests be done.

6 MS. HAUSER: Mr. Chairman, I'll contact
7 Karen today to get her started thinking about that with
8 the understanding that we will want to have a larger
9 conversation with her before moving off into other
10 counties. At least we can bring in those people who
11 have instructions or information as to more detailed
12 information they need from counties to construct the
13 question to the counties the right way.

14 CHAIRMAN LYNN: Mr. Hall?

15 COMMISSIONER HALL: I assume you'd
16 obviously contact whoever for finding the right question
17 before seeking an answer.

18 I'm more than happy to amend my motion to
19 include contacting whatever and whomever --

20 CHAIRMAN LYNN: Thank you.

21 COMMISSIONER HALL: -- they need to to get
22 a determination the information they obtain will
23 satisfy.

24 CHAIRMAN LYNN: I think, among others,
25 Ms. Minkoff was a seconder to the motion.
ATWOOD REPORTING SERVICE
Phoenix, Arizona

42

1 COMMISSIONER ELDER: I was. That's fine.

2 CHAIRMAN LYNN: Mr. Elder as well.

3 Acceptable to either?

4 COMMISSIONER MINKOFF: All the above.

5 CHAIRMAN LYNN: Thank you very much.

6 Further discussion on the motion?

7 If not, all those in favor of the motion,
8 signify by saying "aye."

9 (Vote taken.)

10 CHAIRMAN LYNN: Chair votes "aye."

11 Opposed say "no."

12 Motion carries unanimously.

13 It's so ordered.

14 Other motions with respect to report on
15 data from consultants?

16 Are there any other matters with regard to
17 specific instruction from the Commission regarding the
18 data report we should be considering at this time? And
19 that's a question either to NDC or to the attorneys.

20 COMMISSIONER ELDER: This is Commissioner
21 Elder.

22 One thing for Dr. Walters, if possible, if
23 you can give us county summaries instead of a hundred

24 pages by precinct, a summary that tells us something,
25 I'd appreciate that also.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

43

1 MR. WALTERS: A county summary, but the
2 real eye opener is the detailed data itself.

3 I'll do a quick one-page summary for you
4 on both reports, sir.

5 CHAIRMAN LYNN: Without objection.

6 Other motions we need to make relative to
7 the data report?

8 COMMISSIONER HUNTWORK: Mr. Chairman.

9 CHAIRMAN LYNN: Mr. Huntwork.

10 COMMISSIONER HUNTWORK: I don't know this
11 is a motion. I do think it's important to finish
12 analysis of racial block voting immediately, or as soon
13 as possible. I think if there is any discrepancy in
14 that, we need to know it immediately, because we still
15 do have plans pending at the Justice Department.

16 CHAIRMAN LYNN: And I believe, if I
17 understood Dr. Adams, the completion of that analysis
18 would be done by Wednesday of this coming week.

19 DR. ADAMS: Yes, that is correct.

20 CHAIRMAN LYNN: That is, I think, as close
21 to immediately as we can get.

22 MR. RIVERA: Let me clarify something on
23 that.

24 Can you have a conversation with
25 Marguerite and I about that aspect of this after we get

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 off of this? There's a couple things.

2 MS. HAUSER: Can I be included also?

3 MR. RIVERA: I'm sorry.

4 DR. ADAMS: You may be included.

5 May I ask, Mr. Chairman, one question: To
6 whom do you want me to send the data report Mr. Walters
7 is preparing so it can be distributed?

8 CHAIRMAN LYNN: At this point, given the
9 circumstances we're in, all communications need to go
10 through the attorneys.

11 DR. ADAMS: Okay. I'll send to
12 Mr. Rivera, Ms. Hauser.

13 CHAIRMAN LYNN: Ms. Leoni.

14 MR. JOHNSON: Wednesday is when NDC
15 analyzed the election data. If there's a discrepancy
16 between that, what we used, it will take additional time
17 for Dr. Handley to rerun those. If no discrepancy --

18 MR. RIVERA: Doug, I don't want you
19 talking. I'm serious. At this point in time I don't
20 want you talking. This is Jose.

21 CHAIRMAN LYNN: Let's move on.

22 I think Mr. Huntwork's point on the
23 accuracy of the data base we're concerned about, those
24 need to be done as quickly as possible. And we'll look
25 for those toward mid week.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 Other comments or questions about the data
2 report? If not, I'm about to move to Item III, unless
3 we have something more from consultants at this point.

4 Other consultant reports we need to
5 consider?

6 DR. ADAMS: Commissioner Lynn, not that
7 I'm aware of at this point.

8 CHAIRMAN LYNN: All right. Pursuant to
9 Item III, pursuant to A. R. S. 38-431.03(A)(3) and A. R. S.
10 38-431.03(A)(4), is there a motion to convene in
11 Executive Session?

12 COMMISSIONER HUNTWORK: So moved.

13 CHAIRMAN LYNN: Is there a second?

14 COMMISSIONER MINKOFF: Second.

15 CHAIRMAN LYNN: Discussion on the motion?
16 If not, all those in favor signify by
17 saying "aye."

18 (Vote taken.)

19 CHAIRMAN LYNN: Opposed, "no."

20 Motion carries unanimously.

21 The procedure will be as follows, as I
22 understand it. Correct me if I'm wrong. At this point
23 we need to all hang up. The operator will contact just
24 those involved in Executive Session one more time. At
25 the conclusion of Executive Session, then, when we

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Phoenix, Arizona

46

1 reconvene Executive Session, I think we need to have the
2 operator address those that have been disconnected, that

3 is if they wish to rejoin us.

4 Is that accurate?

5 MS. HAUSER: That's correct.

6 CHAIRMAN LYNN: All right. We'll all hang
7 up at this point and await the call of the operator.
8 We'll assume at the same time we're being recontacted
9 those not allowed in the Executive Session in the office
10 itself will vacate the office area or the phone there
11 will not be active during the Executive Session.
12 Actually, it needs to be active. That's where Lisa
13 Nance is. It needs to be kept on.

14 MS. JONES: Understood.

15 DR. HESLOP: Alan Heslop. In the interest
16 of going forward, if the Commission has no further
17 questions of us, perhaps it would be appropriate for
18 Florence, Bob Walters and I not to be contacted again so
19 we can move forward?

20 CHAIRMAN LYNN: Item V, possible
21 instructions to NDC and Commission staff. If those
22 instructions could go through Ms. Leoni, I have no
23 problem with your instruction.

24 MS. LEONI: Be available.

25 DR. ADAMS: That's fine. If you find you
ATWOOD REPORTING SERVICE
Phoenix, Arizona

47

1 do need to recontact, I'll let Bob Walters move on with
2 work. He can be reached at the same number.

3 CHAIRMAN LYNN: All hang up. Await the
4 call from the operator for the Executive Session.

5 (Whereupon, at 10:10 a.m. Public Session

6 was recessed and the Commission convened in Executive
7 Session from 10:25 a.m. until 10:50 a.m. at which time
8 Public Session resumed.)

9 CHAIRMAN LYNN: We'll reconvene the open
10 meeting of the Commission.

11 Item IV, possible discussion, possible
12 decision on Legislative and/or Congressional plans.

13 Is there an affirmative motion on this
14 item?

15 Hearing none, we'll move to Item V:
16 Instructions to NDC and/or attorneys or Commission
17 staff.

18 Any instructions the Commission wishes to
19 direct toward NDC or Commission staff?

20 Hearing none, Item VI: Discussion and
21 possibility on waiver of conflict regarding Joseph
22 Kanefield.

23 Ms. Hauser.

24 MS. HAUSER: Before Jose and I represented
25 the Commission, the Attorney General did. We've sued
ATWOOD REPORTING SERVICE
Phoenix, Arizona

48

1 the Secretary of State in federal court. The Secretary
2 of State is represented by the Attorney General,
3 specifically Joseph Kanefield.

4 Mr. Kanefield requested a waiver of any
5 possible conflict of interest that might exist given his
6 previous representation of the Commission so he can
7 continue to represent Secretary Bayless.

8 CHAIRMAN LYNN: You want us to take formal

9 action with respect to our agreeing to a waiver of
10 conflict for Mr. Kanefield?

11 MS. HAUSER: Correct.

12 CHAIRMAN LYNN: Is there an affirmative
13 motion in that regard?

14 COMMISSIONER HUNTWORK: Mr. Huntwork.
15 I'll make the motion.

16 COMMISSIONER MINKOFF: Second.

17 CHAIRMAN LYNN: Ms. Minkoff seconds.

18 Discussion on the motion?

19 If not, all in favor signify by saying
20 "aye. "

21 (Vote taken.)

22 CHAIRMAN LYNN: Chair votes "aye. "

23 Opposed "no. "

24 Motion carries unanimously.

25 So ordered.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

49

1 CHAIRMAN LYNN: Report from Executive
2 Director. Not a weather report.

3 MR. ECHEVESTE: I have no report at this
4 time.

5 CHAIRMAN LYNN: Thank you very much.

6 Item VIII, recess or adjournment.

7 Ladies and gentlemen, no need to recess.

8 We'll adjourn in a moment with the understanding some of
9 time frames we discussed earlier relate to mid week of
10 this coming week when other information may be available
11 to us, so it would not be unreasonable to expect by mid

12 week or shortly thereafter we may wish to schedule an
13 additional meeting to discuss additional reports.

14 I suspect the staff will be in touch to
15 get your availability from midweek to the end of next
16 week and where you might be able to be contacted.

17 MS. HAUSER: Mr. Chairman?

18 CHAIRMAN LYNN: Ms. Hauser?

19 MS. HAUSER: Yes. If, if anyone desires
20 to do this, we can return to the instructions to staff
21 portion of the agenda. If anyone wants us to go ahead
22 and just schedule some meetings out of an abundance of
23 caution, we can cancel as necessary, we can do that. I
24 don't know if you want us to go ahead and do that or
25 wait until the need arises.

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50

1 COMMISSIONER HALL: Mr. Chairman.

2 CHAIRMAN LYNN: Mr. Hall.

3 COMMISSIONER HALL: I'll be flying back in
4 on Wednesday. Seems we should have a report back by
5 Wednesday. Why not meet sometime Wednesday afternoon or
6 evening?

7 CHAIRMAN LYNN: What I'd hope to do is, if
8 you would like, let us get a little further into the
9 process. There's the 48-hour requirement, need to
10 notice such meeting by Monday afternoon. That's
11 tomorrow afternoon. In the event for any reason it may
12 take another day or portion of a day for NDC to be
13 ready, rather than scheduling a series of meetings and
14 cancel them, see how progress is going. Soon as we know

15 a time certain material will be available to us, we'll
16 schedule at that point.

17 COMMISSIONER MINKOFF: Okay.

18 Mr. Chairman, the only time I know I'm not
19 available is Friday until about midafternoon, something
20 I cannot change.

21 CHAIRMAN LYNN: Earlier in the week you'd
22 have availability?

23 COMMISSIONER MINKOFF: Yeah.

24 CHAIRMAN LYNN: Anyone else have a
25 scheduling problem mid to late next week?

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51

1 MS. HAUSER: Can I clarify on Andi's
2 availability? Is it no good Friday until midafternoon?

3 COMMISSIONER MINKOFF: Until 2:00.

4 COMMISSIONER HUNTWORK: Steve, I don't
5 have my schedule with me. I'll have to report.

6 CHAIRMAN LYNN: No problem, Mr. Huntwork.

7 When are you, in terms of days, when are
8 you due back to Phoenix?

9 COMMISSIONER HUNTWORK: Flying back
10 tonight. I'll be in the office 7:30 tomorrow morning
11 and for the duration.

12 CHAIRMAN LYNN: And on in.

13 Is there anything else on the agenda we
14 had not covered that --

15 (A dial tone is heard in the background of
16 the call.)

17 CHAIRMAN LYNN: I don't know what that is.

18 COMMISSIONER ELDER: I don't know. That's
19 your attitude, Commissioner Lynn.

20 CHAIRMAN LYNN: Could be time to end the
21 conference call quickly.

22 Any further business to come before the
23 Commission?

24 MR. ECHEVESTE: My suggestion, Joshua, if
25 he's coming in from Washington, if a Thursday or Friday
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52

1 meeting, that he stay in Phoenix so he doesn't have to
2 drive all the way back up here. And certainly we'll
3 schedule him in.

4 CHAIRMAN LYNN: We'll communicate to him,
5 soon as we figure out how the meeting will take place.

6 MS. HAUSER: Joshua's no longer on the
7 phone.

8 COMMISSIONER ELDER: Is it more
9 appropriate to have the meeting at Mr. Echeveste's
10 place?

11 CHAIRMAN LYNN: Thank you, Mr. Elder.

12 Any further business?

13 If not, a motion for adjournment?

14 COMMISSIONER MINKOFF: So moved.

15 COMMISSIONER ELDER: Second.

16 CHAIRMAN LYNN: Discussion?

17 All in favor of adjourning the Commission
18 meeting, signify by saying "aye."

19 (Vote taken.)

20 CHAIRMAN LYNN: Opposed, "no."

21 Motion carries unanimously.
22 We're adjourned.
23 If there are reporters present in Phoenix
24 that would like to have further discussion with me, I'll
25 be happy to stay on the line for that purpose. I'll
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53

1 need to know that, whenever they make that available.
2 I'll not hang up for a moment and see if anybody needs
3 to talk with me.

4 Otherwise, thanks, Lisa Nance.
5 Be in touch next week.
6 (Whereupon, the hearing concluded at
7 approximately 11:58 a.m.)

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54

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2 STATE OF ARIZONA)
3 COUNTY OF MARICOPA) ss.

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6 BE IT KNOWN that the foregoing hearing was
7 taken before me, LISA A. NANCE, RPR, CCR, Certified
8 Court Reporter in and for the State of Arizona,
9 Certificate Number 50349; that the proceedings were
10 taken down by me in shorthand and thereafter reduced to
11 typewriting under my direction; that the foregoing 53
12 pages constitute a true and accurate transcript of all
13 proceedings had upon the taking of said hearing, all
14 done to the best of my ability.

15 I FURTHER CERTIFY that I am in no way
16 related to any of the parties hereto, nor am I in any
17 way interested in the outcome hereof.

18 DATED at Phoenix, Arizona, this 9th day of
19 May, 2002.

20

21

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate Number 50349

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