

Minutes of Meeting

ARIZONA INDEPENDENT REDISTRICTING COMMITTEE

February 24, 2011

The organizational meeting of the Arizona Independent Redistricting Committee was called to order in the State Library Conference Room at 2:30 p.m. by Ken Bennett who then led the Pledge of Allegiance.

Members present:

Richard Stertz, Commissioner José M. Herrera, Commissioner
Scott D. Freeman, Commissioner Linda McNulty, Commissioner

Mr. Bennett explained that, under the Arizona Constitution, the Secretary of State is required to lead the first meeting of the IRC, which is comprised of four appointed members, two Republicans and two Democrats. The purpose of this meeting is to interview five Independent candidates who have been recommended to serve as the fifth member of the Commission and as Chairman.

Secretary Bennett administered the Oath of Office to all four Commissioners. Commission members were then provided printed copies of the loyalty oath, which will be on file in the Secretary of State's Office.

Secretary Bennett explained that five candidates will be interviewed for the independent position and he asked if the Commissioners would like to do the interviews in public or in private. It was agreed that the interviews would be conducted in the public meeting.

The meeting recessed at 2:40 p.m. since the agenda noted the first interview was scheduled for 3:00 p.m.

The meeting reconvened at 3:00 p.m.

Mr. Freeman asked if it would be proper to ask the other nominees to step out of the room while they conducted individual interviews. Jim Barton, Assistant Attorney General, agreed that would be appropriate

Mr. Freeman also asked if the Commission would need to keep to the schedule on the public notice or if they could move ahead with the interviews as time allowed. Mr. Barton said that since the interviews did not begin until 3:00 p.m., they could move forward with the subsequent interviews without waiting for the scheduled time.

Secretary Bennett introduced the three candidates who were present at 3:00 p.m., which included Kimber Lanning, Colleen Mathis and Ray Bladine.

A motion to ask the other candidates to step out of the room while individual interviews were conducted was made and passed unanimously.

Mr. Herrera asked the first nominee to introduce herself and then respond to questions from the Commissioners. Mr. Bennett also noted that there were speaking slips available for those who wished to make comments to the Commission.

Kimber Lanning introduced herself, pointing out that she was born in Okinawa and that her dad was later stationed at Luke Air Force Base. She grew up in Glendale, graduating from Apollo High School and attending Arizona State University to study architecture. She owns a music store in downtown Phoenix, which she has operated for over 23 years. She has another business, Local First Arizona, a non-profit organization dedicated to raising public awareness of the economic and cultural benefits provided by locally owned businesses. There are approximately 1800 members of this coalition, mainly focusing on small and independent businesses.

Ms. McNulty asked what Ms. Lanning felt the priorities of the Commission should be. Ms. Lanning responded that she felt all of the Commissioners working together should determine the priorities and move forward. She noted the importance of meeting the rules and guidelines in the law.

Mr. Freeman stated that the first four Commissioners were appointed by politicians, but the law requires them to pick someone that will strike a balance and ensure fairness. He asked what Ms. Lanning would bring to the Commission to accomplish that goal.

Ms. Lanning responded that she would bring fairness to the Commission in that over the last 7 years she has worked with both Republicans and Democrats, and she is able to bring both the right and the left to the table, often for different reasons. At the end of the day she had been able to get both sides to cooperate and get to the task at hand.

Mr. Stertz asked why Ms. Lanning was an Independent. She responded that she had found herself being placed in a box too often and wanted to make decisions about who she was going to support without a backlash from one side or the other.

Mr. Herrera noted that it was important to know if they could get along and asked about Ms. Lanning's management style. She responded by giving an example of the way she treats her employees. In 24 years of operating a business, her music store has had only 12 employees. She noted that one of her strongest points is that she leads by example and does not expect anyone to do something she would not do herself. She added that she takes commitment very seriously, is a hard worker and takes a long-term view.

Ms. McNulty asked what she thought the public expected of the Commission and what they should expect. Ms. Lanning responded that the public expects and deserves for the Commission to interpret the law and bring back boundaries that will create competitive districts that make sense to the future of Arizona. She noted that she would be the first to see that she would be one

of five Commissioners and only a part of the plan. She hoped they would be able to make decisions as a team.

Mr. Freeman pointed out that this is the second round for the IRC and asked Ms. Lanning to comment on her evaluation of the work done by the last Commission. Ms. Lanning commented that 10 years ago they had a \$6 million budget, which is not the case this year. She stated she could not bring judgment against the first Commission because she knows some of the Commissioners and believes they did the best they could. She hoped the second Commission could avoid some of the pitfalls that befell the first group.

Mr. Stertz asked who Ms. Lanning viewed as a hero. She answered that one of her heroes was her martial arts teacher. She met him when she was just 21, and he transcended generations and sometimes challenged her view points, causing her to look at things differently. He is still a positive influence in her life today.

Ms. McNulty stated that the Commission hoped to be proud of both the Commission's process as well as its product. She asked what Ms. Lanning would bring to the group to help accomplish that. Ms. Lanning responded that they are going to have to ask some hard questions. There will be some very hard issues that will have to be dealt with and challenges to be faced, but her goal would be to overcome them as a team.

Mr. Stertz asked if Ms. Lanning had any preconceived ideas of how the Commission should run. She responded that knowing the difficulties encountered by the last Commission and the lawsuits that arose from that work, when she applied for the position of Commissioner she had to ask herself if she was up to the task. She said she was somewhere between being terrified and not wanting to look at the process too naively.

Colleen Mathis introduced herself as a Pima County resident from Tucson and stood ready to answer questions from the Commissioners.

Mr. Freeman asked about her thoughts on the time commitment that will be involved. Ms. Mathis responded that she had spoken with Steve Lynn, who chaired the first IRC, and while many hours will be required, this Commission is starting from different parameters. She explained that she does have a full time job, but that is not a conflict of interest as her employer is very supportive of public service. She assured Mr. Freeman that she would make the time available.

Mr. Stertz asked Ms. Mathis what she would bring to the Commission and also asked when and why she chose to register as an Independent. Ms. Mathis responded that she moved to Arizona in 2001 and viewed it as a fresh start. Having been interested in learning about other people and places and having visited Tucson for a number of years, they settled there. Because she did not know the area or the people, she registered as an Independent and has not regretted that decision. She noted that she is the only candidate from Pima County. Not having a rural representative on the Commission is difficult and although Tucson is urban, outlying areas still have the feel and concerns of rural communities. She has traveled around Arizona and is originally from Illinois so she has an appreciation for their issues.

Ms. McNulty asked what she felt the priorities and demands should be on this new Commission. Ms. Mathis answered that she did not want to get ahead of the Commission but her first concerns were following the letter of the law and being as open as possible in the process.

Mr. Herrera asked about heroes in her life or who she admired, living or dead. Ms. Mathis said she had a number of heroes, beginning with her dad, who took a strong leadership position in his family, even as a young man. He struck out on his own, had a successful career and always comported himself admirably. At age 53, he started his own insurance organization and even though he has had some health issues, she has the greatest respect for him.

Mr. Freeman pointed out that this is the second IRC and asked what she thought the first one did well. Ms. Mathis stated that she had discussed this with Steve Lynn, and he said it was important to have a very consistent process throughout. There will need to be compromise and you cannot be biased or have an agenda. The first Commission travelled around the state but that may be a challenge for this Commission because of the lower budget.

Mr. Stertz asked about Ms. Mathis' business style and how she reacts to the word NO. Ms. Mathis said she did not feel she had an agenda. She likes to have as much input as possible from all quarters and sees herself as a kind of sales person, probably because of her work experience. When hearing the word NO, she likes to think it may be moving toward a yes. She does not take no for an answer and tries to get people to see her side of things.

Mr. Herrera asked what qualities Ms. Mathis would bring that they would like to see. Ms. Mathis answered that she has a strong private sector background from small start-ups to Fortune 500 companies bringing a wide variety of experience. She stated that she would bring some "fresh eyes" to this process having been in Arizona only 10 years. She felt her gender would be an advantage in some ways because the Commission has an opportunity to make it similar to the population which is closer to equal parts men and women.

Ms. McNulty commented that the Commission is going to go through a long process and the want to be proud of the process as well as the resulting product. Ms. Mathis agreed and added that it will be important for the Commission to be very open and that the public should have access. She felt that understanding the amendment as it was written and also looking at the Supreme Court decision, it is clear that the six goals outlined in the amendment all have equal standing. That may be a difficult challenge but important for the Commission to achieve.

Mr. Freeman stated that as political appointees they are looking for a chairman that would bring balance and fairness to the Commission and asked if Ms. Mathis had anything in her background that could call into question her ability to provide this. She responded that there is nothing in her background that would limit her ability to be fair and as long as she did not have to make decisions about buying heavy equipment, she felt she would be okay.

Ms. McNulty noted her varied background and asked Ms. Mathis about her management style. She responded that in her experience she has worked with businesses that receive funding from public and private sources and feels that people view her as middle-of-the-road. She can bring

together private sectors, business sectors and other stakeholders and would like to create an environment where people feel they can trust her and are comfortable with what she is trying to do. It is important to be open and impartial and achieve the end result by consensus.

Mr. Stertz commented that this Commission is “under the radar” and asked how Ms. Mathis got here. She explained that she was aware of the process and happened to be at a conference where there was a one-page explanation of the IRC. She has a strong record of community service in Tucson and because of the affect on voters and the political environment; she was interested and decided to go for it.

Ray Bladine addressed the Commission stating that he grew up in Seattle but has lived in Arizona since 1968. He raised four children here and worked for the City of Phoenix a number of years before doing some local government consulting.

Mr. Bladine stated that, like the members of the Commission, he feels this is a very important roll in our state and he would like to be a part of it. He indicated that if the Commission does its work right, some people will not be happy; however, he is committed to the provisions set forth in the Constitution and feels he can work well with people. He tries to be a team player but can make touch decisions when necessary. He sees himself as a consensus builder and can offer that to the Commission.

Mr. Herrera asked about his management style. Mr. Bladine responded that he believes if you involve people in the decision, implementation is much easier. As a manager he also believes you need some guidelines and objectives and conflict resolution is a skill that is helpful. Strategic planning is also important. He noted that the other benefit he would bring to the Commission is his experience in administrative work. There will be issues involving staffing and consultants as the process begins.

Ms. McNulty asked his thoughts on priorities for the Commission. Mr. Bladine said it will be important to move forward with great integrity and be open and approachable, to listen intently. The public has a poor perception of government and finds it inefficient. The Commission will need to overcome that.

Mr. Stertz asked what irritates Mr. Bladine about other people and how does he respond to the word NO. He said his wife would say he does not respond well to NO but he does not get irritated with people easily.

Mr. Herrera asked if Mr. Bladine were chosen as a Commissioner, what role he would take if they did not reach consensus. He responded that it would be better to have consensus but he was not naïve enough to believe that will happen all the time. He said he can clearly make a decision when he needs to and it would be based on what is best for the state. When you are willing to listen to people, a lot of things come up that you may not have even thought of.

Mr. Freeman asked Mr. Bladine to discuss his role in redistricting in while working for Phoenix. Mr. Bladine explained that while he was not directly involved, he was familiar with the process used by the city.

Ms. McNulty asked where Mr. Bladine would look for guidance and input on redistricting. He stated that it would be good to sit down with the former chairman and learn from his experience, hoping to avoid pitfalls the first Commission encountered. Realizing the process can be very stressful he also felt it would be important to have some expectations as to how the Commissioners would treat each other.

Building on that, Mr. Freeman asked if Mr. Bladine had any comment on the amount of time they would need for this work. Noting that the prior chairman had mentioned hundreds of hours over 9 months, Mr. Bladine was not sure why it took so long but felt this Commission can do better. He hoped to avoid some of the things the first Commission ran into and hoped to be more efficient.

Mr. Stertz asked who Mr. Bladine saw as his heroes. He responded that Martin Luther King was a modern hero because he worked to provide a nonviolent way to bring change, which was a very great service. He saw Abraham Lincoln as a not-so-modern hero; at a time when the country was being torn apart he took action to bring the country back together.

Mr. Herrera asked what Mr. Bladine felt he could contribute to this process that would be important. He responded that he is a good listener and has good problem solving abilities, because he's willing to look at the issues and alternatives. He said he does not take himself too seriously, enjoys working with people, and has a good sense of humor.

Mr. Freeman noted that the Commission is comprised of two Republicans and two Democrats and asked Mr. Bladine if he could bring balance and fairness to the Commission. He responded that because he has been a Republican and a Democrat and is now an Independent he should be able to be impartial. He stated that his goal would be to do what was best for the state.

Mr. Herrera asked what it means to be an Independent in Arizona. Mr. Bladine responded that he feels it is more important to look at the issues and the people rather than the philosophy of the political parties they represent. He pointed out that as an Independent you can vote in the Republican or a Democrat primary and vote for who you feel is the best person, and it's not about the party.

There was a motion at 4:10 p.m. to recess the meeting until 4:30 p.m. The motion carried.

The meeting reconvened at 4:30 p.m.

Paul Bender told the Commission he has been teaching at Arizona State University Law School since 1984, primarily teaching U. S. Constitutional Law and Arizona Constitutional Law. He took a leave for a brief time in the early 1990's and served as Principal Deputy Solicitor General of the United States dealing with litigation concerning civil and constitutional rights among other subjects.

Ms. McNulty asked about his leadership style and how he would implement that as chairman of the IRC. Mr. Bender stated he thought the most important thing is to get along with people in

order to reach consensus. He felt the Commissioners should get to know one another in order to work well together.

Mr. Freeman pointed out that there four appointed members of the Commission and the fifth member selected would be chairman. He felt it would be important for that person to bring balance and fairness to the Commission and asked Mr. Bender if there was anything in his background that could call into question Mr. Bender's ability to do so.

Mr. Bender responded that he has always been independent. He worked in the Justice Department during the first Clinton administration. That was a political appointment but he was there to do a job. He did not have political pressure and if he had, he would have rejected it. He stated that he considers himself nonpartisan. Mr. Bender said he would not care if a decision was helpful to Republicans or Democrats. The proper function of the Commission is to get as many competitive districts as possible or, stated another way, to have as few non-competitive districts as possible. He added that considering communities of interest will also be important. The idea of the voters who adopted this law was to create more competition in political elections because they wanted their votes to matter.

Mr. Herrera asked if Mr. Bender thought having competitive districts was possible considering all the criteria. He responded that he thought it was possible but it would be a difficult job.

Mr. Stertz asked Mr. Bender to outline his personal mission statement and to explain how he felt about the word NO. Mr. Bender quickly admitted he did not like the word NO. He said that his ambitions in life have been met and he is at the end of his career, teaching just one semester a year. At this point he tries to use whatever abilities he has to try to make the world a better place.

Ms. McNulty opined that redistricting would be a long process and she would like to be proud of the end product. She asked how he envisioned the process. Mr. Bender answered that one way would be to find people with expertise in redistricting and learn from them. He commented that there is also a lot of software available that was not in use when the first Commission undertook this task.

Mr. Bender said some things would need to be settled early on, asking what is meant by "competitive". You will have to have some very firm ideas of what that is and how to do it. This is the second Commission and the first one did not give the results that were hoped for.

Mr. Freeman commented that some of the work of the Commission will be compiling data and figures. Mr. Bender answered that the criteria is taken very seriously in the redistricting law and as physics major in college he was comfortable with numbers.

Mr. Stertz commented that this is going to be a group of five and they are going to get to know themselves and each other very well. Other than the obvious people in your life, who are your heroes and what is the last book you read? Mr. Bender responded that Moby Dick was the last book he read. As for heroes, he clerked for Justice Learned Hand and Justice Felix Frankfurter on the Supreme Court. He also mentioned famed litigator Ralph Spritzer, who died recently at

93, adding that he was the best advocate he had ever seen because he was able to present things to the Supreme Court in the most reasonable way and drew on their common sense.

Mr. Herrera noted that, if selected, Mr. Bender would serve as Commission chairman and asked how he saw that role. Mr. Bender answered that he would see them all as equals in how much they would contribute to the process, although the chair probably would have to do some administrative work. He felt he could bring a completely nonpartisan view and would hope they could reach agreement and ultimately do what they all think is right.

Ms. McNulty asked Mr. Bender about communities of interest and how they should be viewed. He commented that some things will be very easy but that might be more difficult. He felt some cities should not be split; other communities of interest are harder to define and change over the years. He felt they would have to deal with the geography, decide what the traits are that make a community of interest and see how that works. In some cases you will find that does not work without looking at other issues.

Margarita Silva explained that she is an attorney in Phoenix and a lifelong Arizonan and looked forward to answer questions from the Commissioners.

Mr. Stertz referred to the makeup of the Commission of two Republicans and two Democrats and asked Ms. Silva if she has always been registered as an Independent and why she made that choice. Ms. Silva responded that she has not always been an Independent, explaining that she was a Republican for a handful of years and in the 1990's registered as a Democrat. When she moved in 2002 and had to reregister, she changed to Independent. Since she was not a party-line voter she decided it made more sense to register Independent and feels it was the right choice for her. She pointed out that recently Independent registration has swelled.

Mr. Freeman commented that this is the second IRC and asked what Ms. Silva thought was right and wrong in the first efforts. She responded that the first Commission was a test Commission working with a new process that resulted in numerous lawsuits. She expressed hope that this Commission can learn from their experience and have better results.

Mr. Herrera asked what Ms. Silva's priorities would be if she were appointed chairman. She said it would be to get the maps done and achieve a result that will be fair and acceptable and not result in a lawsuit.

Ms. McNulty asked what in her professional background would be helpful to the Commission. Ms. Silva stated that as an attorney, she is a mediator. When you work with someone with problems you need to analyze the problem and figure out a path to the goal, also planning for contingencies. You need someone that can look at new material and is willing to take on a new topic, pointing you that this is something she does regularly for her clients.

Mr. Herrera asked what her passions are in life. Ms. Silva stated that although she works a lot she lives in Laveen and considers herself an outdoor person. She mentioned biking South Mountain.

Mr. Stertz noted that Ms. Silva chose to be an Independent and asked for an example in the last couple of elections. She responded that she believes it is important to be politically engaged and to weigh in on issues in which she is interested. As an example she mentioned e-mailing her legislators to make her thoughts known on proposed legislation.

Mr. Freeman commented that Ms. Silva is one of the name partners at her law firm and pointed out that the work of the Commission is going to require a lot of time. She responded that she is in partnership with four other attorneys and they work well together because all of them have outside interests. Most serve in some type of community service requiring them to leave the office in the middle of the day to attend meetings of boards and commissions. She added that her schedule can be very flexible and, if necessary she has made the decision to resign some of her commitments to free up her time to serve on the IRC.

Mr. Herrera asked her to name some of her heroes, other than family, living or dead. Ms. Silva responded that she sees civil rights leaders as heroes, mentioning Martin Luther King and Cesar Chavez. Mr. Herrera asked what book she was reading and she answered *Sense and Sensibility*.

Ms. McNulty asked Ms. Silva to talk about the criteria and what that entails. Ms. Silva stated that the Commission is going to be required to analyze data and to take into account the concepts that at times may seem to be at odds with each other. The last Commission resulted in lawsuits and it was her hope this Commission would be able to draw on the experience of the last one and avoid that consequence.

Mr. Stertz commented that the five Commission members are going to get to be good friends and asked Ms. Silva what irritates her and how she deals with the word NO. Ms. Silva responded that she is a mover and often very direct and to the point, and hoped that would not irritate others. She added that when someone tells her NO, her reaction would depend on the context. Everyone on the Commission is at a high level and no one likes to hear NO, so we would need to look for ways to accomplish our goals and perhaps seek a compromise.

Mr. Freeman stated that this process will include vast amounts of data and material. Ms. Silva responded that she has no technical background but felt her skill as a lawyer and dealing in new areas, as well as her use of resources to help learn about that area would serve her well. She also indicated that the staff hired by the Commission would be invaluable.

Ms. McNulty asked how Ms. Silva saw the role of chairman. She responded that as a mediator she did not see herself as a tie breaker but as a moderator, someone seeking consensus.

Having completed the interview of the five candidates for chairman of the IRC, Secretary Bennett allowed an opportunity for public input.

Philip Carlson, currently a priest in Scottsdale, explained that prior to his ordination he was President and CEO of the Scottsdale Chamber of Commerce and Visitor Bureau. He noted that he had been around the public process for many years and has a love for it. He expressed his support for Colleen Mathis having known her since she was a child. He said she is extremely intelligent but she is also smart, and there is a difference. She has an independent but tenacious

curiosity and is an engaging person at the dinner table. Colleen is a person of integrity, someone he would trust in the area of public policy and public relationships.

Lucia Howard, a Phoenix Attorney and O'Connor House President, thanked the Commissioners for the time they will put in on redistricting stating that what they are embarking on will affect political life for the next 10 years. There are many factors involved including being familiar with the federal and state constitutions and the fact that the first Commission had a budget of \$6 million while this Commission will have only \$500,000. Ms. Howard noted that the federal government plays a huge role in Arizona's redistricting and encouraged the Commission to engage the Department of Justice early in the process, before the maps are drawn. She said that O'Connor House would be happy to convene a nonpartisan group to do training on the federal and state constitutions.

Leonard Gorman, Executive Director, representing the Navajo Nation Human Rights Commission spoke about priority issues. He noted that there are not only state regulations and laws in the interest of minorities but there are federal laws as well and stressed that voter rights need to be addressed. He said he was one of the litigants against the last Commission. Since the agenda for the meeting mentions setting dates and times for future meetings, Mr. Gorman said he would be obliged to have the Commission come up and hold a public hearing in Window Rock.

Norris Norvold, a consultant, spoke in strong support of Ray Bladine for the open position on the Commission. He noted that because he worked with him at the City of Phoenix he is well aware of Ray's leadership abilities and went on to say that because he is retired, he would have the time that will be required to serve. He also observed that there is \$500,000 in the Joint Legislative Budget Committee's budget this year for the IRC and in next year's budget there is a place holder for \$500,000. It was his opinion the Commission would have to make good progress in order to get the other \$500,000.

Jim Huntwork, who has been through the process as a member of the first Commission, wished Commission members good luck and offered his thanks in advance for their service. He offered this advice:

- Make it their goal to be friends with each other, adding that to do that you do not have to always agree but you do have to respect each other and play by the rules.
- The most important decision to be made is the one you are dealing with now. The chairman has the ability to control the agenda of the Commission. He added that they were very fortunate to have Steve Lynn serve as their Chairman.
- Be independent. You want to bring political balance as a member of the IRC but you have to make your own decisions for your own reasons and be able to articulate those.

Mr. Huntwork pointed out that Proposition 106 uses the term independent many times but it says no one in political office or who has run for political office can serve on the Commission. That eliminates a lot of people and it shows how serious the people were to make this Commission independent.

Jim Barton, Assistant Attorney General, spoke regarding the process of choosing a chairman in public or in executive session.

Mr. Herrera stated that he would prefer to be as transparent as possible.

Mr. Barton explained that executive session can be used to get legal advice or to discuss personnel matters, which this is since they are choosing a Commission chairman.

Mr. Freeman asked if there are minutes in executive session and was assured there are.

Ms. McNulty asked if they were to go into executive session, would all the discussion be in executive session. Mr. Barton responded that they would have to come out to take official action and make their decision known.

Mr. Stertz moved to go into executive session for legal counsel and then reconvene to have the recommendation and the vote made in public.

Ms. McNulty noted that they have been provided with a lot of information and she wanted to be able to process that and perhaps look over the applications again before she would be ready to make a decision on her recommendation.

The motion was called for and the meeting recessed at 5:40 p.m. to allow Commission members to go into executive session.

The meeting of the open session reconvened at 6:20 p.m.

Mr. Herrera explained that he was somewhat confused before he came here and is still confused. Each candidate was well spoken and it was the agreement of the Commission members that they would like to further reflect on this decision.

Mr. Stertz thanked all the applicants and stated the Commission members have agreed they need some quiet time to reflect, independently, and in their hearts and will meet again on Tuesday, March 1, 2011 at 1:00 p.m. in the State Library Conference Room.

Secretary Bennett stated that since the Commission would not be selecting a fifth member today it would be inappropriate to continue with most of the other items on the agenda. However, since Helen Purcell, Maricopa County Recorder, and Karen Osborn, Maricopa County Elections Director, were present Ms. Osborn was asked to give the Commission an overview of the county timing requirements.

Ms. Osborn stated that she has spoken with other election officers around the state and explained that the Boards of Supervisors have a responsibility to have local redistricting done and sent to the Department of Justice by December 1, 2011. That being the case, the Commission will have to have their work on legislative and congressional redistricting completed no later than October 1, 2011. Ms. Osborn said Mr. Lynn had asked her to share this information with the Commission because the counties have other elections and deadlines as well.

A motion was made and passed to table the remaining of the items on the agenda.

By unanimous consent the meeting adjourned at 6:30 p.m.