

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Wednesday, June 29, 2011
12:05 p.m.

Location

**State Library Conference Room
Suite 200
Historic Capitol, 1938 Addition
1700 W. Washington St.
Phoenix, AZ 85007**

Attending

Colleen C. Mathis, Chair
Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Richard P. Stertz, Commissioner

Raymond F. Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist

Joseph Kanefield, Legal Counsel

Reported By:
Marty Herder, CCR
Certified Court Reporter 50162
www.courtreportersaz.com

Phoenix, Arizona
June 29, 2011
12:05 p.m.

P R O C E E D I N G S

CHAIRPERSON MATHIS: This meeting of the Arizona Independent Redistricting Commission will now come to order. The time is 12:05 p.m. despite what the clock on the wall says. It's 103 degrees. And let's all rise for the Pledge of Allegiance.

(Pledge recited)

CHAIRPERSON MATHIS: It's great to see so many of the public here today, and I'd like to remind anyone who would like to speak to fill out a Request to Speak form in the back and give to that to our Executive Director, Ray Bladine.

And I have a few so far, and there's still time to do that, so feel free.

Let's have roll call.

Vice Chair Freeman.

VICE-CHAIR FREEMAN: Here.

CHAIRPERSON MATHIS: Vice-Chair Herrera.

VICE-CHAIR HERRERA: Here.

1 CHAIRPERSON MATHIS: Commissioner McNulty.

2 COMMISSIONER McNULTY: Here.

3 CHAIRPERSON MATHIS: Commissioner Stertz.

4 COMMISSIONER STERTZ: Here.

5 CHAIRPERSON MATHIS: We have a quorum.

6 I'd also like to acknowledge our legal counsel
7 today, Joe Kanefield, and our Executive Director, Ray
8 Bladine.

9 And we have a court reporter today, Marty, who's
10 going to be taking an accurate record of things, so I'd like
11 to remind everyone to speak one at a time so that he gets
12 and can hear what we're saying.

13 I think that takes us to item two on the agenda,
14 which is the call for public comment.

15 I've got a handful so far, and you can still feel
16 free to fill out a Request to Speak form and give it to Ray,
17 but we'll go ahead and get started with this.

18 I'd like to ask the people speaking if they could
19 limit their comments to five minutes today, that would
20 really be helpful in terms of time.

21 Our first speaker is actually a distinguished
22 guest, Mr. Steve Lynn, who's the former Chair of the IRC.
23 He's representing himself, and he'd like to talk about the
24 consultant selection and other.

25 STEVE LYNN: Madam Chair, Members of the

1 Commission, good afternoon.

2 I will certainly do my best to keep my comments to
3 five minutes, however, I did prepare some remarks, and I
4 will try to go through them as quickly as I can.

5 As I indicated, my name is Steve Lynn, and I am
6 former Chair of the Commission. Until the first of you was
7 selected, I spent ten years doing what you're doing.

8 And in that capacity, I come before you today,
9 particularly to address some comments that were made last
10 meeting by a colleague of mine, Andi Minkoff.

11 When the new commission was impaneled, I decided
12 very early on that I would not be a part of the process. I
13 didn't think it was appropriate. I didn't think it was
14 appropriate for old dogs to teach new dogs any tricks unless
15 the new dogs ask.

16 And so I come here today not in that capacity to
17 try to teach you anything, but rather I come to respond to
18 some comments that were made last time.

19 And, it is very difficult for me to do this,
20 because I think retired Commissioners should stay retired.

21 That's my point.

22 So, you have long fought for discretion as a
23 Commission. You can do a lot of things any way you want to
24 do them. And with that discretion comes an awful lot of
25 responsibility.

1 The discretion is quite broad, but so is the
2 responsibility that goes with it. And the responsibility is
3 to make sure that there are no abuses of discretion, and no
4 unwise or excessive exercise of the power that you have
5 under the constitution.

6 But Ms. Minkoff's comments at the last meeting
7 cannot and should not go unchallenged.

8 Let me be clear.

9 I am not here today to promote or support any one
10 of the candidates to be your mapping consultant.

11 I am simply here today to clear up some
12 misconceptions based on her comments at the last meeting.

13 While Ms. Minkoff is entitled to her own opinion,
14 and certainly I have heard her opinions for almost ten
15 years, she is not entitled to her own set of facts.

16 And so I take issue with many of her statements to
17 you last week, as being untrue, inaccurate, misleading,
18 defamatory, and in some cases just preposterous.

19 In her zeal to discredit one of your applicants,
20 Ms. Minkoff would have you believe that that applicant
21 manipulated the mapping process throughout the work that we
22 did as a Commission, and that that applicant infused their
23 bias into the maps that were drawn.

24 I would simply remind the Commission that our
25 mapping consultants only drew maps at our direction,

1 including the now famous Hall-Minkoff plan favored by
2 Ms. Minkoff and the plaintiffs in the five-year legal battle
3 that we fought.

4 That map, NDC drew, like every other map they
5 drew, at our direction and our agreement.

6 In fact, NDC drew every map and every test that we
7 ever considered as a Commission, the ones we adopted and the
8 ones we rejected, like the Hall-Minkoff plan.

9 Or, the Congressional map that Ms. Minkoff, along
10 with the other members of the Commission, voted in favor of.
11 And were there bias in that map, she certainly would have
12 voted against it, as well, as she did with the legislative
13 map.

14 And if you think about it, the stakes are much
15 higher on a Congressional map than they would be on a
16 legislative map, so if you had an addenda you certainly
17 would do something to bias the Congressional map as well.

18 Now, if I sound incredulous, it is because I am.

19 I am saddened and embarrassed by these unfortunate
20 and untrue comments that have been made as a part of your
21 record.

22 I can assure you that the other members of the
23 Commission did not feel manipulated by NDC, and have never
24 expressed anything but high regard for their work.

25 As she indicated to you, Ms. Minkoff felt so badly

1 served by NDC that she went out of her way to send a letter
2 to the California IRC urging them not to engage NDC as their
3 mapping consultant.

4 What she didn't tell you is that two other members
5 of the former Commission, my Commission, also sent letters
6 to the California Commission urging just the opposite,

7 And let me share with you some comments from those
8 letters.

9 Jim Huntwork, a Republican member of the
10 Commission, wrote as follow.

11 Quote: "One of the first, and in retrospect, one
12 of the best decisions made by our Commission was to hire
13 Douglas Johnson and his colleagues at National Demographics
14 Corporation as our primary consultant. I've never had the
15 opportunity to work with a more highly qualified, hard
16 working, dedicated professional, and classy individual or
17 group than Mr. Johnson and the associates at NDC." Unquote.

18 Unless you think that because of the bias inferred
19 that that's what the Republicans thought and the Democrats
20 felt differently, Joshua Hall, a Democratic member of the
21 Commission, wrote as follows.

22 Quote: "Doug Johnson and his staff were
23 absolutely outstanding. They were always very responsive to
24 whatever request we made. Their desire was to always serve
25 us. Throughout the process, Doug was impartial and

1 unbiased. He never seemed to have an agenda, other than to
2 make us happy. His demeanor and actions were always polite,
3 courteous, professional and productive. When it came to the
4 nuts and bolts of redistricting, Doug's technical knowledge
5 and expertise were without match.

6 When comparing the analysis completed by Doug and
7 his staff, to that of other consultants presenting special
8 interests -- representing special interests, the difference
9 was often dramatic in the level of depth and detail.

10 In addition to his technical expertise, Doug has a
11 keen sense of how to help navigate the complexities of the
12 process. He understands redistricting better than any
13 person I know. He has a unique ability to synthesize that
14 which is very complicated and make it very understandable
15 for the public. He frequently would do so." Unquote.

16 So, it isn't a matter of Republicans or Democrats
17 feeling that NDC did a good job. It is, in fact, a
18 consensus of everyone, apparently, other than Ms. Minkoff.

19 Now, I'm not going to go into all of the detail of
20 things that she told you that weren't quite accurate, but I
21 will tell you that if you review the record, there are
22 several, and I mean several inaccuracies that were a part of
23 her statement.

24 Let me sum up my discussion with Ms. Minkoff's
25 unfortunate comments by saying that her opinions are not

1 held by anyone else ever associated with the Commission, its
2 staff or consultants.

3 And, since I have the floor, Madam Chair, and I
4 understand I'm abusing the time limit, and I apologize for
5 that, but after ten years, give me some discretion.

6 CHAIRPERSON MATHIS: Granted.

7 STEVE LYNN: I am grateful for the indulgence of
8 the time, and I would be remiss if I did not also comment on
9 what appears to be this Commission's desire to reject any
10 association with the former IRC.

11 Now that's an opinion. And I am entitled to that.

12 Legal counsel, consultants, first and foremost,
13 let me tell you that the discretion that has been long
14 fought for is absolutely yours, and you are entitled,
15 perfectly within your rights, to reject any or all
16 association with anything that happened in the last ten
17 years.

18 The question is, is it wise to do so.

19 We have been roundly criticized for not -- not
20 creating a sufficient number, whatever that means, of
21 competitive districts. And the number that is thrown around
22 is four.

23 That the final maps that we produced, the
24 legislative map, in particular, had four competitive
25 districts.

1 Well, if you use the narrowest definition and the
2 most conservative methodology of determining
3 competitiveness, the answer is four.

4 By judges, that's statistical analysis that we
5 employed as a Commission, there were only four competitive
6 districts in the legislative map prior to the map going into
7 effect.

8 However, an honest review of the effectiveness of
9 the districts as they performed over the last decade, will
10 show you that, at minimum, seven, and generally nine of the
11 districts performed in a competitive manner.

12 That is to say, that over the last ten years,
13 those nine districts produced legislative representatives
14 from the -- for the State, from both political parties, over
15 that period of time.

16 And just for the record, you can check, districts
17 five, ten, 11, 17, 20, 23, 24, 25, and 26. Check the record
18 for the last ten years and you will see that they have
19 represented both parties in the State Legislature.

20 So when the inevitable challenge comes in court,
21 and it will come, I hope that you are well served by your
22 consultants, as we were by ours.

23 Remember, our maps were used for the last decade,
24 and we drew every one of them. No court, no special master,
25 no third party drew maps for us.

1 Our maps were the ones that were used, and that
2 was our first and most important criteria, with the
3 exception of upholding the constitution and the laws of
4 Arizona.

5 And I hope you remember the words of the
6 philosopher, George Santayana, who in a volume entitled
7 Reason And Commonsense, Volume One, said, quote: "Those who
8 cannot remember the past are doomed to repeat it." Unquote.

9 I don't want you to repeat five-and-a-half years
10 of litigation. No one should have to do that.

11 Madam Chair, Members of the Commission, I thank
12 you for your time. I hope this is the last opportunity that
13 I, or any member of the former Commission, will have to
14 address you on the issue of consultants or anything else of
15 substance, unless you ask us.

16 Thank you very much.

17 CHAIRPERSON MATHIS: Thank you, Mr. Lynn. You're
18 welcome to come any time.

19 STEVE LYNN: Thank you.

20 CHAIRPERSON MATHIS: Okay. The next speaker slip
21 I have, Marilyn Rego, representing Sun City Club. The
22 subject is AZredistricting.com.

23 MARILYN REGO: Madam Chair and Commission, I am
24 Marilyn Rego, of the Sun City Club.

25 And I've been following these proceedings based on

1 the posted minutes and videos, and it appears that the
2 Commission has already made a very partisan decision on
3 selection of the attorneys.

4 I hope that the choice of the Commission today for
5 a mapping company who will collect and give information back
6 to the Commission from the public, will be a choice that is
7 obviously beyond reproach.

8 Surely one of these four companies comes into the
9 process without an agenda.

10 If that is the case, then the Commission should
11 choose that company so the public can have confidence that
12 the public voice will be fairly represented.

13 That is the very least that the Commission can do.

14 On the agenda today, there is a group that appears
15 to be getting preferential treatment already. This group
16 supposedly represents the general public, but on a closer
17 inspection is linked to progressive liberals and progressive
18 liberal organizations, and that group is
19 AZredistricting.com.

20 There have already been groups coming forward with
21 maps that have been drawn, but they also have been able to
22 present their maps for a few minutes as a public input part
23 of the meeting.

24 For a group like AZredistricting.com to be given
25 special treatment by the Commission, shows that they had

1 political connections and are not a neutral group.

2 Or can any group ask the Commission to present
3 their maps in a separate presentation?

4 The entire purpose of having a Commission, which
5 is spending huge taxpayer money, was so there could be
6 confidence that the process is fair.

7 If a group of citizens is given preferential
8 treatment over other groups, is that fair?

9 Thank you.

10 CHAIRPERSON MATHIS: Thank you.

11 Next speaker is Geri Ottoboni, representing Petot,
12 I think, P-E-T-O-T.

13 And if I'm incorrect, you can correct me, Geri,
14 and the subject is mapping companies.

15 GERI OTTOBONI: Yes, Commissioner.

16 Excuse me.

17 Strategic Telemetry and Research Advisory Systems
18 should be disqualified from consideration because of their
19 obvious conflict of interest issues.

20 Strategic Telemetry, with its president, Ken
21 Strasma, being Obama's 2008 National Director for Targeting,
22 is sort of like Chicago politics coming to Arizona.

23 Even Strasma's response to the Commissioners'
24 questions on how he would respond to those concerned about
25 his perceived bias, was right out of Obama's play book,

1 namely, his transparency, a meticulous documentation as to
2 how he would dispel the bias accusations.

3 Research Advisory Systems, Tony Sissons, had
4 troubling association with the SEIU, but another huge red
5 flag was his definition of "Communities of Interest."
6 According to his definition, the Hopi Nation would not be
7 considered a community of interest because it's too big
8 geographically.

9 The largest community of interest that he thought
10 would be acceptable was a neighborhood watch that would be
11 covering a few little streets.

12 His explanation was equally revealing of his
13 political bias, stating that the term Communities of
14 Interest as a code for safe district.

15 This is simply not true, as can be seen by the
16 example of the Hopi Nation and other groups like ranchers.

17 Sissons felt the competitive districts should be
18 much more important because of the problem with communities
19 of interest, but competitive districts must play a lesser
20 role, according to the Redistricting Commission's own RFP,
21 as well as the State Supreme Court.

22 2.2.6, to the extent practicable, competitive
23 districts should be favored where to do so would be great --
24 I'm sorry -- would create no significant detriment to the
25 other goals.

1 One has to wonder how either of these companies
2 made it into the final consideration.

3 But TerraSystems does not seem to have any
4 baggage. They are an Arizona company. And so the money
5 will stay in the state. And they were the only company that
6 came up with a process to get the public involved.

7 We also like their response to the role the
8 mapping company should take in developing the maps.
9 TerraSystems said that the data and the public need to drive
10 the process, not the mapping company.

11 Now, that really makes sense with no agenda.

12 Thank you.

13 CHAIRPERSON MATHIS: Thank you.

14 Next speaker, Gary Gomez, representing self. And
15 the subject is mapping consultants.

16 GARY GOMEZ: Let me get my glasses on. It's an
17 age thing.

18 Madam Chairman, Commissioners, my name is Gary
19 Gomez. I'm a citizen, a concerned citizen.

20 I attended your meeting last Friday and listened
21 to all the proposed mapping consultants presentations.

22 Redistricting is a daunting task, and I do not
23 envy you your mission.

24 The many laws, mandates, and court decisions often
25 create roadblocks to common sense solutions.

1 As was pointed out Friday, the population
2 distribution in Arizona is also challenging.

3 I learned much about the proposed process.

4 Your own outline, the RFP, lays out much of the
5 restrictions on the bidders for the mapping consultant.

6 One part of your RFP states that the offer shall
7 have no personal, family, or financial relationships or
8 commitments that a reasonable person would consider likely
9 to improperly influence someone making a redistricting
10 decision.

11 Now, what each consultant says, none of them can
12 absolutely keep from making mapping decisions that will
13 affect the resulting maps.

14 If they start with assumptions and preferences
15 that are in conflict with your own RFP and/or have financial
16 ties to one party or the other, they should not be
17 considered.

18 First, Strategic Telemetry should not be
19 considered. Simply, they do not pass the smell test. How
20 can they be impartial if nearly 100 percent of their clients
21 are, and continue to represent, are Democrats.

22 These, by their own admission, include the Obama
23 campaign, DNC, labor unions, Kerry For President campaign.

24 As one public speaker pointed out after the
25 session, they are currently aiding Democrats in Wisconsin on

1 the recall efforts against Republicans.

2 Does it not give you pause that they could -- that
3 they mention no Republican clients in their presentation.

4 They admitted most of the firm are Democrats.

5 I would also strongly remind you that they will,
6 by their own words, take most of the money out of the state.

7 They will do their mapping behind closed doors in
8 Washington, D.C. and New York.

9 They also have not begun loading data in their
10 database as the other firms. This could affect your
11 schedule.

12 Last, they know nothing about Arizona. They
13 admitted this. And as I said, would take the money out of
14 the state.

15 Second, Research Advisory Services are strongly
16 committed to the concept of competitive districts.

17 As you're aware, and stated in the RFP,
18 competitive districts should be favored, where to do so
19 would create no significant detriment to other goals.

20 In other words, competitive districts are
21 considered after all the other criteria goals are met.

22 Last, though they lean Democratic and Mr. Sissons
23 admitting he was progressive, they are an Arizona company,
24 and would keep the money mostly in Arizona.

25 But I found it troubling when he spoke of

1 ideology like it was the primary focus of communities of
2 interest.

3 To me, and I'm just a layman, communities are
4 people, culture, commerce, religion and lifestyle.

5 They are more than their voting history.

6 If I had a vote, it would be to keep the money in
7 Arizona. I was impressed with TerraSystems, their
8 presentation, their lack of agenda, and I felt their lack of
9 experience with statewide redistricting to be an asset.

10 They had the best proposal for public input
11 through social media, the web, the cloud, Android aps, and
12 any way that a person wanted to send input, including
13 hand-drawn maps and snail mail.

14 They were the only firm that had a public
15 relations firm onboard to help get public input.

16 They were the only firm that proposed a manual to
17 help citizens and citizen groups with their input.

18 I liked what they said, the data should drive the
19 process, the public should drive the process, and the
20 Commission should drive the process.

21 They also know our state.

22 Let's keep the money in Arizona. Please focus on
23 more than the letter of the law. Keep in mind the intent of
24 the law.

25 Thank you.

1 CHAIRPERSON MATHIS: Thank you.

2 Our next speaker is John Gallagher, representing
3 self, and the subject is importance of competitive
4 districts.

5 JOHN GALLAGHER: Thank you, Madam Commissioner,
6 Members of the Commission.

7 I probably don't need to explain to any of you the
8 importance of competitive districts.

9 When I was -- I got here a little bit early today,
10 and I took a quit tour through the old Capital Museum, and I
11 saw an exhibit by the Secretary of State's office saying --
12 proclaiming: Your vote counts.

13 Well, the sad thing is, that for many Arizonans,
14 their vote doesn't count, because they live in lopsided
15 districts where the result of the election is determined in
16 the primary. If you belong to the wrong party in one of
17 those districts, your vote actually doesn't count. So, it
18 is important that people retain faith in our political
19 system, and I am afraid a lot of people are losing faith. A
20 lot of people don't bother to vote because they tell me
21 there's nobody to vote for.

22 And we need to change that. We need to give
23 people a choice, and that, they just don't have right now.

24 The alternative is more recalls, more initiatives,
25 more attempts of citizens to take government into their own

1 hands if government doesn't represent them.

2 And I've heard it alleged that the last mapping
3 consultant treated competitiveness as an afterthought.

4 We can't allow that to happen again.

5 If that's true. And I'm not sure that it is.

6 But if they treated competitiveness as an
7 afterthought, they didn't weight it equally with the other
8 criteria that the courts have told us we must do, then that
9 consultant shouldn't be given another chance.

10 Thank you.

11 CHAIRPERSON MATHIS: Thank you.

12 Our next speaker, Rene Guillen. You can correct
13 my pronunciation. Legislative assistant representing League
14 of Arizona Cities and Towns, and the subject is outreach.

15 RENE GUILLEN: Madam Chair and Commissioners, good
16 afternoon. My name is Rene Guillen. Don't worry it's
17 pronounced no way like it's spelled.

18 CHAIRPERSON MATHIS: Thank you.

19 RENE GUILLEN: But, hopefully, I will be the most
20 boring presenter here during the public comment period.
21 I've actually already met with the staff behind the scenes
22 and I just wanted to formally introduce myself to the
23 Commission, and to just let you know that we are available,
24 not on any sort of opinion or agenda, but actually just as
25 you do your outreach to get out to the state, to take

1 feedback and look at the maps, and tour the state.

2 And we just wanted to let you know that we can be
3 a resource to help you get in contact with some of the 91
4 municipalities across the state. If you're looking for
5 locations to host meetings. I know you've spoken of having
6 an interest in using higher education facilities because of
7 the technological capabilities, while many, you know, cities
8 and towns stream their council meetings, and they record
9 them, and put those on the web. So they're already sort of
10 pre-wired, hopefully, to meet some of your needs.

11 And so we've actually received some positive
12 feedback, active feedback from Chandler, Avondale, Prescott
13 Valley, and, in particular, Flagstaff, in their willingness
14 to host the Commission and help them in their duties.

15 So I just wanted to formally introduce myself, and
16 say, you know, we're here. We have contacts. I know you
17 guys already met in Oro Valley. And so we're thankful they
18 were willing to accommodate you, and look to help you in the
19 future.

20 CHAIRPERSON MATHIS: Thank you for facilitating
21 that meeting, too. Thanks.

22 Our next speaker, Michael Liburdi, an attorney
23 with Fair Trust. And the subject is mapping consultant.

24 MICHAEL LIBURDI: Good afternoon, Madam Chair,
25 Members of the Commission, legal counsel.

1 I'll be brief.

2 I just want to reiterate what has been said
3 before. The State Constitution requires that this
4 Commission and the individual Commissioners exercise
5 impartiality, and make decisions that uphold public
6 integrity in this process. And that's very clearly spelled
7 out in the Constitution. It's part of the legislative
8 history.

9 And if this Commission and the Commissioners
10 decide to choose a mapping consultant that is closely
11 aligned with one particular political party, this
12 Commission's ability to uphold that public confidence will
13 be irreparably harmed.

14 Thank you.

15 CHAIRPERSON MATHIS: Thank you.

16 CHAIRPERSON MATHIS: And our last speaker for
17 public comment is David Braun, representing self. And the
18 subject is 2001 redistricting experience.

19 DAVID BRAUN: Good morning.

20 CHAIRPERSON MATHIS: Good morning.

21 DAVID BRAUN: Good to be back in front of all of
22 you.

23 I have no dog in this fight in reference to who
24 you're going to choose as your mapping consultant.

25 But I did have some experience in the 2001, 2009

1 redistricting litigation, and when I heard Mr. Lynn speak a
2 few minutes ago, I felt some of the factors that I observed
3 might be of consideration for your Commission when you make
4 your decision in this matter.

5 And the most obvious point I would make is that
6 the Department of Justice rejected the very first set of
7 maps that was prepared by the Commission, with apparently
8 the help of NDC, in their submission in 2002.

9 I've yet to hear either from NDC or from the
10 Commission itself over the years, as to exactly the history
11 behind why that was rejected, and how those decisions were
12 made.

13 The Commission at the time apparently made a
14 decision that they weren't going to allow themselves to be
15 deposed and nor allow individual testimony from the
16 Commissioners that might help explain that variance.

17 Apparently there was some deficiency in the
18 initial presentation of the maps to DOJ, and while there may
19 have been four competitive districts on the initial
20 submission, there's no surprise in recognizing that in
21 response to the DOJ rejection, the Commission reworked its
22 decision, and, in fact, drafted what was regarded as five or
23 six competitive districts by most observers.

24 The second matter I've noticed, and I did look at
25 a substantial portion of the lengthy meeting last time in

1 reference to the different mapping companies that you're
2 considering, and there was a certain amount of confusion
3 concerning exactly what the goal of competitive districts is
4 in relationship to the constitution the way it's drafted.

5 And while the constitution does appear on its
6 straight language to present some issue as to whether
7 competitive districts should be regarded as a lesser goal
8 than the other five goals that the Commission is obligated
9 to consider, I think your legal counsel, Mr. Kanefield, and
10 a very quick review of the case law, the Arizona Supreme
11 Court has said, especially the 2009 case, has made it
12 absolutely explicit, these are six equal goals.

13 You can consider them in any order that you want,
14 but the value or the strength of each one is to be
15 considered equal to the other, the others, in your
16 consideration.

17 And the Supreme Court has made that decision, and
18 that's what we're all stuck with at this point, as far as
19 the interpretation of that section of the constitutional
20 provision.

21 Thank you very much.

22 CHAIRPERSON MATHIS: Thank you, Mr. Braun.

23 Unless there's anyone else who would like to
24 speak, those are all the public comment sheets I have.

25 I have one more coming up.

1 Thank you.

2 Our next speaker is Vicki Davis, representing
3 self, and Citizens For Common Sense Redistricting.

4 The subject is choice of mapping companies and
5 complaint about disorganization.

6 VICKI DAVIS: Okay. I just got notification about
7 this meeting yesterday with your e-mail. And it said 1:00
8 o'clock.

9 We've been traveling around trying to find where
10 to park because there's no instructions. It seems like you
11 just don't want us to participate.

12 We need you to schedule some of these meetings so
13 that ordinary citizens can get here in the evening, after
14 they work. So it just seems like -- I just don't trust that
15 you're trying to involve the citizens very well, at least
16 from my experience, what little bit I found out so far.

17 Also, I wonder on your final four choices that
18 you're supposed to decide on today, two of the companies,
19 one is based in Washington, D.C.

20 Why on earth are we even considering someone from
21 there? They've done a lot of DNC work.

22 I don't understand that.

23 Then Research Advisory Services, evidently wants
24 to make a -- the first consideration, competitive districts,
25 which is just crazy.

1 I don't even know who belongs to what in my own
2 area. I don't determine where I live by that sort of stuff.
3 I go by where I can shop, the views, whatever, a lot of
4 other reasons.

5 My son works for Raytheon, and he just finished
6 building his home between Benson and Saint David. And they
7 do almost all their shopping in Tucson.

8 We travel back and forth a lot.

9 He says almost half the people that he knows in
10 his area work in Tucson.

11 So there's a real tight connection there, as far
12 as I'm concerned.

13 So I just would wish that you'd make this a little
14 bit more modern, and schedule your meetings far enough ahead
15 so us ordinary people can figure out how to get here.

16 And, number two, that you figure out how to make
17 if so people can call in, or we see you on You Tube or
18 something, so it makes it more accessible to ordinary
19 people.

20 Thank you.

21 CHAIRPERSON MATHIS: Thank you.

22 Is there anyone else that would like to speak
23 during public comment?

24 (No oral response.)

25 CHAIRPERSON MATHIS: Hearing none, and we're

1 through all the Request to Speak forms, we will move on to
2 Agenda Item Three, which is discussion and consideration of
3 confidential documents associated with the evaluation of
4 responses to the mapping consultant RFP, and the review and
5 ranking of submittal -- submitted proposals. And after
6 consideration, the Commission may take action to award a
7 contract to a selected firm.

8 Commission may vote to go into Executive Session,
9 which will not be open to the public, for the purpose of
10 obtaining legal advice or reviewing confidential documents.
11 Staff from the State Procurement Office will be present.

12 And I would just like to say for everyone, because
13 I know it's frustrating when you see the Commission go into
14 Executive Session, and it seems like that's all we're doing
15 is going into Executive Session, or coming out of it. And I
16 know I speak for all the Commissioners on this.

17 We would love to be conducting as much as we can
18 in front of you. We view this as a very transparent process
19 and we want input.

20 Unfortunately, or fortunately or unfortunately, we
21 chose a path because we didn't have our own procurement
22 process set up, we decided to follow State Procurement
23 Office's procurement process, because they have a very solid
24 one that's in place, and thought that that would be the most
25 expedient way forward, frankly, is to use their process in

1 terms of securing legal counsel and for these mapping
2 consultants.

3 So, the way the process works, though, is those
4 proposals that these firms submitted, first of all, the
5 Request for Proposal that we all crafted had to be done in
6 Executive Session and behind closed doors, because we didn't
7 want to give advantage to everyone knowing exactly what we
8 were providing. Everyone who needed to know, get the same
9 information at the same time.

10 So during the crafting process, a lot of that was
11 conducted in Executive Session.

12 And then once the responses were submitted,
13 they're all considered confidential until an award is made.
14 That's why these proposals are still confidential.

15 At some point they'll, as soon as the award is
16 made, they will be available for all of you to read on the
17 Internet. I hope that a lot of you were able to watch
18 either online or come to our meeting on Friday, where we did
19 interview four of the firms in public session, because it's
20 a really instructive thing to do for everybody. And I
21 encourage all of you to go to our website
22 AZredistricting.org, and click on the link, and you can
23 watch the entire proceedings of those four firm interviews.

24 And soon you'll be seeing the documents, the
25 actual proposals that the seven firms submitted to us.

1 So that's all forthcoming, and I just apologize in
2 advance, but that's the way the rules are. And, so, did any
3 Commissioners want to say anything on that, or any other
4 thoughts or comments?

5 COMMISSIONER STERTZ: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Stertz.

7 COMMISSIONER STERTZ: I wanted to make everyone
8 aware that there is another hearing scheduled for tomorrow,
9 if you are unaware of it, and I believe that we are live
10 streaming today.

11 CHAIRPERSON MATHIS: Yes, I believe so.

12 COMMISSIONER STERTZ: So anybody that is watching
13 online, would also be aware that there's a meeting tomorrow
14 scheduled for 1:00 o'clock at the Pima Community College
15 District Office at 4905 East Broadway Boulevard in Tucson,
16 in Building C, Room 105.

17 And part of the agenda for tomorrow includes a --
18 any carryover of any work that we're not completing today.

19 But also includes a presentation by the mapping
20 consultant and discussion and possible action on the
21 presented information.

22 I want to make sure that the public is aware of
23 that public meeting. It was posted. And if you have not
24 had a chance to see it, you are now aware of it.

25 CHAIRPERSON MATHIS: Thank you, Mr. Stertz.

1 COMMISSIONER STERTZ: Thank you.

2 CHAIRPERSON MATHIS: Any other comments or
3 thoughts?

4 You can ask questions too, I guess.

5 Well, in order to proceed in terms of discussing
6 our thoughts on these mapping consultants, do I hear a
7 motion to go into Executive Session?

8 VICE-CHAIR HERRERA: I make a motion to go into
9 Executive Session.

10 CHAIRPERSON MATHIS: Thank you. Is there a
11 second?

12 COMMISSIONER McNULTY: Second.

13 CHAIRPERSON MATHIS: All in favor?

14 (Multiple ayes.)

15 Any opposed?

16 (No oral response.)

17 CHAIRPERSON MATHIS: Okay. Hearing none, we will
18 enter into Executive Session. The time is 12:43 p.m.

19 (Whereupon, public session recessed, and executive
20 session ensued.)

21 CHAIRPERSON MATHIS: Okay. The time is 3:44 p.m.
22 and we'll enter back into public session now.

23 Thank you public, for all of you being here. This
24 is an impressive turnout.

25 And our apologies for being so long in Executive

1 Session.

2 Joe, did you want to --

3 Oh, I'm sorry. Joe' not ready yet. Sorry to put
4 you on the spot.

5 JOSEPH KANEFIELD: Madam Chair, I wanted to let
6 the Commission know that I've spoken with Jean Clark from
7 the State Procurement Office. She's informed me that as the
8 State Procurement Officer, she will be delegating her
9 authority over the procurement of the mapping consultant to
10 the Commission in accordance with ARD 41-2112.

11 So that means the Commission can proceed with the
12 procurement selection on its own, and can make its selection
13 without having to go through the State Procurement Office.

14 CHAIRPERSON MATHIS: Thank you, Joe.

15 I first would like to thank ADOA and State
16 Procurement Office for, all of us would, frankly, for all
17 they've done. They've been with us through every step of
18 the process.

19 Our Commission happens to have the authority to
20 hire anyone it wants on its own, and we chose to follow the
21 State Procurement Office guidelines, as everyone knows. We
22 talked about that earlier.

23 And they've been wonderful to work with and have
24 been with us every step of the way.

25 This is a highly specialized and unique

1 procurement or selection.

2 And in this case, the Commission felt it was best
3 to go ahead and proceed on its own in making its selection.
4 To that end, do any Commissioners have any thoughts or
5 things that they wanted to say.

6 (No oral response.)

7 COMMISSIONER McNULTY: Madam Chair.

8 CHAIRPERSON MATHIS: Commissioner McNulty.

9 COMMISSIONER McNULTY: I'm not sure my microphone
10 is working or not.

11 My understanding, Mr. Kanefield, please correct me
12 if I'm incorrect, in taking a delegation of the procurement
13 authority, we would complete the procurement process. We
14 would also be retaining our separate constitutional
15 authority to make this hiring decision as a legislative
16 body, based on a majority vote of the five Commissioners; is
17 that correct?

18 JOSEPH KANEFIELD: Madam Chair, Commissioner
19 McNulty, that is correct.

20 CHAIRPERSON MATHIS: Thank you for that
21 clarification.

22 Any other thoughts, comments?

23 (No oral response.)

24 CHAIRPERSON MATHIS: Hearing none, do we want to
25 proceed with making our selection for the mapping

1 consultant?

2 Did anyone want to discuss anything now, or did
3 anyone have any motions to proceed.

4 I'm open either way.

5 COMMISSIONER McNULTY: Mr. Stertz is giving me an
6 expectant look. So I will begin with my thoughts.

7 We have, I believe, as a group, learned a great
8 deal from the four consultants who took the time to submit
9 proposals that we ultimately interviewed.

10 This is a very complicated process and it involves
11 a lot of parts, when you put together a lot of different
12 pieces.

13 My -- my essential -- the bottom line of my
14 perspective on the proposals is that -- is that there's one
15 proposal that got an A, one proposal that got a B plus, and
16 two proposals that were low C's or Ds.

17 And they were based solely on their responses to
18 the Request for Proposals that we sent out.

19 We had a very detailed Request for Proposal that
20 required them to respond to a lot of the -- in great detail,
21 to different parts of the work that we needed.

22 Three of the firms responded in great detail, and
23 gave us step-by-step proposals about what they would do.

24 One of the firms took a more generalized approach
25 and talked about experience, but didn't give us the

1 step-by-step detail about how they would address each of the
2 issues that we raised.

3 So that's my overview of the proposals.

4 CHAIRPERSON MATHIS: Thanks for your thoughts.

5 Other Commissioners?

6 Anyone want to say anything else.

7 VICE-CHAIR HERRERA: Madam Chair.

8 CHAIRPERSON MATHIS: Mr. Herrera.

9 VICE-CHAIR HERRERA: I agree with Commissioner
10 McNulty's comments. I think we learned a lot these past
11 couple months, especially going through the proposals in
12 great detail, reading them over and over again, listening to
13 their interviews. I learned a great deal, a lot. I may
14 apply in ten years as a mapping consultant here. I hear
15 it's a good gig.

16 But they're all four good applicants, but some of
17 them stood out more than others.

18 But they all had their strong points, and their
19 weaknesses. But in the end, we ended up -- I ended up
20 deciding, based on the criteria that was set forth by SPO on
21 the evaluation and methodology on the capacity of offer.
22 And I had two of them, in my opinion, that stood out
23 greatly, and then two that were good, but not quite as good
24 as the first two that I saw as my top two.

25 But it was a tough decision for me, and I am sure

1 it was a tough decision for the rest of you.

2 CHAIRPERSON MATHIS: Thank you, Mr. Herrera.

3 Other comments from other Commissioners?

4 (No oral response.)

5 CHAIRPERSON MATHIS: There is a motion to move
6 forward with a given consultant, any of the four that we
7 interviewed.

8 COMMISSIONER McNULTY: Madam Chair, I would move
9 that we direct Mr. Bladine to negotiate a contract for
10 providing us with mapping services with Strategic Telemetry.
11 I would move that we direct our Executive Director, Ray
12 Bladine, to negotiate a contract for mapping services with
13 Strategic Telemetry.

14 CHAIRPERSON MATHIS: Is there a second?

15 VICE-CHAIR HERRERA: I second that.

16 CHAIRPERSON MATHIS: Any discussion?

17 VICE-CHAIR FREEMAN: Madam Chair.

18 CHAIRPERSON MATHIS: Mr. Freeman.

19 VICE-CHAIR FREEMAN: Madam Chair, Strategic
20 Telemetry submitted a comprehensive proposal in response to
21 our RFP. And they had a good interview.

22 Mr. Strasma and Mr. Drechsler made fine
23 presentations last Friday.

24 They both appeared personable, motivated to do
25 this, and certainly their presentation demonstrated a

1 certain fundamental knowledge and technical and otherwise
2 related to the redistricting process.

3 I understand and appreciate the reasons that
4 certain Commissioners have favored that firm.

5 I would also believe and certainly would hope that
6 all Commissioners would recognize and appreciate some
7 justifiable concerns about the retention of that firm.

8 These concerns are fairly patent in my book and
9 infuse every aspect of their response to the RFP, but I'm
10 not going to belabor them here.

11 What I would rather do is put forward certain
12 salient reasons why I favor the retention of National
13 Demographics Corporation as the Commission's first mapping
14 consultant.

15 I favor the Commissioners' retention of that NDC,
16 that's why I cannot support the retention of Strategic
17 Telemetry.

18 Foremost, in my view, NDC is unmatched in terms of
19 its statewide experience and experience with voting rights,
20 Voting Rights Act compliance issues.

21 NDC has undertaken statewide redistricting efforts
22 in Mississippi, Washington State, and in Arizona. NDC has
23 undertaken redistricting efforts in numerous other counties
24 and localities in Arizona, California, and numerous other
25 places, including Clark County, Nevada.

1 NDC is the only firm with statewide redistricting
2 experiences in Arizona and with an independent Commission
3 such as ours. NDC is familiar with the challenges we face
4 and the decisions that the Commission may make and
5 undertake, and understands very well its proper role as a
6 mapping consultant.

7 Indeed, what I was struck by during the
8 interviews, is one of the things that I respected, in some
9 of Mr. Strasma's responses to questions by Commissioners, is
10 how they resembled the responses that Mr. Johnson gave us to
11 similar questions on behalf of his company NDC.

12 And that is to say, in this case, the proper role
13 of a mapping consultant, which is to take our direction, and
14 to provide us with options, and not to ply us with answers,
15 and not to lead us down any path toward any preferred
16 answer.

17 I also think NDC is -- stands unmatched really in
18 terms of the experience and credentials of its key
19 personnel.

20 They are recognized as the redistricting experts
21 in the country. They are looked to as national authorities.

22 Mr. Johnson is asked to speak before the National
23 Conference of State Legislators, and in a non-partisan
24 capacity on voting and redistricting issues.

25 I also think that NDC has a 32-year history that

1 demonstrates that it can -- that demonstrates political
2 balance and fairness.

3 Those jurisdictions, I mentioned some of them, you
4 could characterize as Republican, others as Democrat --
5 Democratic. They've done it all.

6 They have a demonstrated history there.

7 My sense is that going forward here today,
8 Strategic Telemetry is going to be our mapping consultant.
9 And I want to work with them and all the Commissioners.

10 And virtually all of our work is before us now.

11 We have not drawn a single map and that's really
12 what we're here to do. And I hope to be able to work with
13 confidence with Strategic Telemetry and my other fellow
14 Commissioners. And I hope that this, this, our vote here
15 today does not serve as a further distraction for the
16 Commission going forward.

17 CHAIRPERSON MATHIS: Thank you, Mr. Freeman.

18 Any other comments?

19 COMMISSIONER STERTZ: Madam Chair.

20 CHAIRPERSON MATHIS: Mr. Stertz.

21 COMMISSIONER STERTZ: I, as well, will not be
22 supporting this motion.

23 National Demographics has been involved in the
24 designing of state, county, and municipal districts across
25 the country in various capacities for over 32 years.

1 The work that National Demographics has done has
2 had significant experience in developing public outreach
3 data, focus group management, is almost unmatched.

4 The applicant, National Demographics, is also the
5 only applicant that has, out of the applicants that we've
6 interviewed, is the only one that has had actually performed
7 and prevailed successfully in multiple statewide
8 redistricting applications with the Department of Justice
9 pre-clearance process.

10 The schedule that National Demographics put
11 forward also put the Department of Justice submittal in late
12 October and early November of 2011. Which would allow the
13 State to begin its -- and the County's and municipalities
14 throughout the state, to begin their work that happens after
15 we get done.

16 National Demographics has been involved in the
17 political arena, as it pertains to municipal mapping, for
18 the majority of the last 32 years.

19 Mr. Johnson, as well as his firm, are considered
20 to be the national authority as pertains to national
21 redistricting. And although because Mr. Johnson's a Fellow
22 of the Rose Institutes of Claremont College, it was my
23 opinion after review of careful documentation researching
24 this, that this relationship that he has, I find that it is
25 neither a conflict of interest nor a detriment to

1 Mr. Johnson's ability to perform under this -- under our
2 Request for Proposal.

3 And neither the Rose Institute nor Claremont
4 College are party to this application.

5 As pertains to Strategic Telemetry, I was --
6 frankly, I'm looking forward to working with Strategic, as
7 it appears as though they will be the selection that's going
8 to be made today.

9 In my opinion, Strategic was an applicant that did
10 prepare a thorough and complete application and was a well
11 considered team at the interview.

12 And I -- it's my opinion that I was both impressed
13 by mostly the applicant's willingness to defer the decision-
14 making process to the Commission, and it was incumbent upon
15 Strategic to live up to that willingness that was so
16 forthrightly put forward not only in his proposal but in his
17 interview.

18 And I, for one, will be one that will be holding
19 him accountable, and their team accountable, to making that
20 happen.

21 It is incumbent upon the five Commissioners to
22 direct the mapping consultants for their work, not the
23 mapping consultants to direct the Commission.

24 So I'm looking forward to this vote, to move on
25 with this process, so that we can get onto the business at

1 hand, which is re-crafting the lines of the State of
2 Arizona.

3 CHAIRPERSON MATHIS: Thank you, Mr. Stertz.

4 Other discussion?

5 VICE-CHAIR HERRERA: Madam Chair.

6 CHAIRPERSON MATHIS: Mr. Herrera.

7 VICE-CHAIR HERRERA: I want to state for the
8 record that Research Advisory Services was my number one
9 choice. I thought the proposal was impeccable. Every RAS
10 districting plan that has been pre-cleared DOJ on the first
11 submittal. Their interview was top notch. I think
12 Mr. Sissons answered every question honestly and was very
13 detailed.

14 The proposed time line was very realistic. You
15 know, they proposed a collaboration with the IRC's legal
16 counsel.

17 Everything -- every question we asked of RAS was
18 answered, was answered well, even during tough examination.

19 So I -- they would be my number one choice.

20 However, in a spirit of cooperation and
21 negotiation, I'm willing to support Strategic Telemetry.

22 CHAIRPERSON MATHIS: Thank you, Mr. Herrera.

23 Any other comments, discussion?

24 COMMISSIONER McNULTY: Madam Chair, I'd like to
25 talk a little bit about each of the candidates.

1 I agree with what Mr. Herrera just said about
2 Research Advisory Services. I thought they did an extremely
3 thoughtful and detailed proposal.

4 They have experience in Arizona that's unmatched,
5 and Mr. Sissons, I think, also understands the nuances of
6 our particular situation in Arizona in a way that I don't
7 think anyone else did.

8 With regard to TerraSystems, I would like to say
9 that their proposal was extremely well done, very detailed.
10 If we needed -- if we didn't have the huge redistricting
11 overlay here and needed a GIS firm, they would be the go to
12 firm.

13 Unfortunately, we're private citizens and we're
14 not redistricting experts, and we really need the experience
15 that an experienced redistricting consultant can bring us.
16 But I expect ten years from now that TerraSystems is going
17 to be sitting here with a lot more redistricting experience
18 and definitely be in the running.

19 As to National Demographics Corporation, I had to
20 make my decision based on the proposal that they submitted.

21 And when I refer to a company that talked more
22 about generalities than specifics, of course, that's who I
23 am referring to.

24 Their proposal relied very heavily on general
25 statements about general self praise sort of, rather than

1 telling us exactly how they were going to go about doing the
2 work.

3 And that it was very important to me to have a
4 consultant that could tell me in great detail, what they
5 were going to do to achieve each of the objectives.

6 The training that they offered to us in my view
7 was inadequate.

8 The software that they proposed for us to use was
9 not responsive to what we had requested.

10 The detail that they provided about compiling and
11 categorizing public input, even though that is something
12 clearly that they're focused on and interested in, I applaud
13 them for that. The detail about the methodology in doing
14 that wasn't as great as some of the other offers.

15 There was carelessness of details throughout their
16 proposal, I felt. And their methodology just lacked clarity
17 that some of the others had.

18 As to Strategic Telemetry, you have to bear with
19 me while I turn to my summary about that.

20 I felt that their proposal was very responsive to
21 what we had asked them to do. It was to the point, it was
22 meticulously thorough.

23 As I said, they gave us a step-by-step description
24 of the methodology for each question.

25 They emphasized they would give us the information

1 and know how to make decisions for the State.

2 They acknowledged that the interpretation is our
3 job and that they would not advocate for any position.

4 They encouraged us and the public to present them
5 with what ifs in our public hearings so that they could show
6 us different ways of going about them.

7 They told us they would give us, as Commissioners,
8 a how-to guide, in order to be able to access and better
9 understand the database.

10 They had excellent methodology for collecting,
11 compiling and categorizing the public input.

12 They talked about how they would go about
13 responding to public comments, not just gathering them.

14 They stress the importance of the public here and
15 insuring that the public had input and felt their concerns
16 were being heard and addressed.

17 They said they would elaborate with us the IRC and
18 legal counsel. That they would be available to us seven
19 days a week.

20 They had a very precise and detailed methodology
21 for documenting the development of the map, including pros
22 and cons for each decision. And how the six constitutional
23 factors would be addressed with each decision.

24 They would take hourly automatic snapshots of the
25 maps as the maps were developed.

1 They also had methodology for analyzing and using
2 social media input.

3 So their proposal didn't just say they would do
4 it, they talked about exactly how they would do it.

5 And they have very specific explanation of the
6 security systems they would use.

7 They had six experienced hands-on team members
8 presented in their proposal, and they gave us a complete
9 menu of technology options.

10 They also made full disclosure of their clients
11 they'd work for and their political contributions.

12 CHAIRPERSON MATHIS: Thank you, Ms. McNulty.

13 Any other comments?

14 VICE-CHAIR FREEMAN: Madam Chair.

15 CHAIRPERSON MATHIS: Mr. Freeman.

16 VICE-CHAIR FREEMAN: None of the Commissioners
17 here today have been elected by the people of this state.
18 We've been appointed. We've been appointed to exercise
19 certain specific duties and responsibilities set forth in
20 the Constitution.

21 One of the very most important concerns is
22 involvement of the public, and building public confidence in
23 the process and the result.

24 And certainly, I would say that with respect to
25 Strategic Telemetry, I do have concerns. I do think there

1 are going to be concerns raised by the public. I hope that
2 I am proven wrong.

3 I hope that we have a transparent process, and I
4 hope that we, none of us here, are led to believe that any
5 of the maps or options that are put before us have a
6 specific result in mind.

7 And I hope that each of us, as Commissioner, I
8 hope that for the public, as well, because that's one of our
9 essential constitutional roles, is to build confidence with
10 the public in the process.

11 CHAIRPERSON MATHIS: Thank you, Mr. Freeman.

12 Any other comments?

13 VICE-CHAIR HERRERA: Madam Chair.

14 CHAIRPERSON MATHIS: Mr. Herrera.

15 VICE-CHAIR HERRERA: I would agree with
16 Mr. Freeman's comment that if we, as Commissioners, didn't
17 do our job. But we will be doing our job, regardless of who
18 is the mapping consultant. We will be doing our process.
19 We'll make sure that the public has input. So if it's
20 Strategic Telemetry or RAS, or NDC, I -- I think the public
21 should be assured that we are doing our jobs. And that they
22 have input. They can attend. All the meetings are open.
23 If they can't attend in person, they can do it
24 through the -- not Skype - but whatever we're doing, and
25 also during public comment.

1 So I think the public should be assured that we
2 are doing our jobs.

3 CHAIRPERSON MATHIS: Thank you.

4 Other comments?

5 (No oral response.)

6 CHAIRPERSON MATHIS: Then I guess we'll take the
7 vote. All in favor?

8 COMMISSIONER McNULTY: Aye.

9 VICE-CHAIR HERRERA: Aye.

10 CHAIRPERSON MATHIS: Aye.

11 CHAIRPERSON MATHIS: Any opposed?

12 COMMISSIONER STERTZ: Nay.

13 VICE-CHAIR FREEMAN: Nay.

14 CHAIRPERSON MATHIS: For the record, Vice-Chair
15 Herrera, Commissioner McNulty, and I, all voted aye.
16 Vice-Chair Freeman, Commissioner Stertz voted no.

17 I would like to now make a statement myself. I
18 hope you'll indulge me this.

19 And I've listened to everyone and I really
20 appreciate everyone's comments just now.

21 My goals in sharing this Commission are pretty
22 straightforward. They are to comply with the Arizona
23 Constitution, the U.S. Constitution, and the Voting Rights
24 Act. And to achieve pre-clearance ideally on our first try
25 from the Justice Department.

1 I understand that there are partisan feelings and
2 passions on all points on the political spectrum, and I'm
3 sensitive to that.

4 However, the proposition passed by the voters of
5 the State of Arizona, and now incorporate into our State
6 Constitution, has resulted in the Chair of the IRC being an
7 independent.

8 Both times we've done this so far.

9 As it happens, independents are the fastest
10 growing block in the state, so it makes sense to have an
11 independent voice on the Commission. And I am the
12 independent that my fellow Commissioners, in their wisdom,
13 however questionable in this case, unanimously chose.

14 This puts me smack dab in the middle of all
15 partisan disputes, and that is how Proposition 106 was
16 designed.

17 All I can do is honor my colleagues' choice, by
18 working as hard as I can, using my best judgment, listening
19 to my conscience, and making what I believe are the best
20 decisions for our Commission and for the people of Arizona.

21 We had only seven responses to our mapping
22 consultant Request for Proposals. From those initial seven
23 we chose to interview four firms.

24 None of those firms is free from partisan
25 connections. In fact, it seems it is in the very nature of

1 this kind of technical work, that over the course of the
2 career, a firm has partisan affiliations themselves, and is
3 hired by partisan or partisan office holders to do the kind
4 of work that they do.

5 As in any kind of business, if you do a good job,
6 you tend to get referrals and follow-up business from the
7 people with whom you do business.

8 Over time, a pattern often develops. I think it's
9 important to note that all of the mapping consultants we
10 interviewed, whatever their partisan stripe, either personal
11 or work related, are first and foremost, business people who
12 are in business to earn a living and give the best possible
13 service to their clients.

14 From my own perspective as an independent, it
15 might have been nice if we had four firms that only ever
16 worked or been associated with independents, but apparently
17 those firms don't exist, or they don't read requests for
18 proposals which require summer work in the remote corners of
19 Arizona. Who knows.

20 But of the four firms we interviewed, there were
21 three that, to vary degrees, seem to have closer affiliation
22 to Democrats, and one that appeared to have closer
23 affiliations to Republicans.

24 For the sake of fairness and balance, I would have
25 preferred to have two of each, and I am sure having at least

1 two options clearly perceived to be on the Republican side,
2 would have been the preference of our Republican
3 Commissioners. But that was not the result of our RFP
4 response. Only one perceived Republican firm even applied.
5 And we had no control over that somewhat surprising result.

6 So that was the hand we were dealt.

7 It's very important, at this point, to know that
8 we carefully considered many aspects of the firm's
9 experience, capacity, and technical skill. And it's on
10 these painstakingly developed criteria that our selection is
11 based.

12 But I know that in the minds of some members of
13 the public and press, the partisan connections are the main
14 focus. To that end, of the four firms we interviewed, two,
15 though each had considerable experience, also had more
16 strongly perceived direct political ties to and past
17 involvement with our state.

18 Understandably, the Commissioners of the opposite
19 party to those perceived ties had strong objections to each,
20 and I had my own concerns.

21 Of the two remaining, one, while skilled and
22 Arizona based, lacked statewide redistricting and
23 pre-clearance experience, which I viewed as absolutely
24 essential.

25 The other made a markedly stronger case than

1 anyone else, and instilled full confidence. And in my view,
2 gave the best written proposal as well as interview.

3 And that firm was Strategic Telemetry.

4 It is true that Strategic Telemetry's principal,
5 Ken Strasma, has done the bulk of his work for Democrats.
6 He has been completely forthright about this in both his
7 Request for Proposal and his interview.

8 He has also notably, from my perspective as an
9 independent, worked for Mayor Mike Bloomberg of New York,
10 perhaps the best known independent in the country, and
11 someone with the wherewithal to hire the best possible
12 technical help.

13 I'd also like to point out that Strategic
14 Telemetry's public input manager, who will attend mapping
15 hearings and focus on all public input issues, is a
16 Republican, and former Texan, who served in the White House
17 as Associate Director of Political Affairs for President
18 George W. Bush, where she was, among other things, the
19 primary political contact to grass roots folks in eight
20 states.

21 Speaking of presidents, I must say the fact that
22 Mr. Strasma played a key technical role in what has been the
23 -- what has been widely viewed as the single-most
24 technically advanced presidential campaign in American
25 history, is not something I view as a negative.

1 Since it's summer, I liken this kind of technical
2 political work to playing major league baseball. In order
3 to play at that level, you have to play in either the
4 National or American league. Otherwise, you don't play at
5 all. There are only two options.

6 Also, to judge a best player you look at his
7 stats, not where he played.

8 Mr. Strasma has played in the majors with great
9 distinction, in my opinion.

10 I understand that reasonable people can defer on
11 the selection, as Mr. Freeman and Mr. Stertz have, but I
12 want to encourage members of the public to watch the
13 presentations from our Friday, June 24th meeting on our
14 website at AZredistricting.org, and judge for yourselves.

15 As has been noted, the role of a mapping
16 consultant is a technical one. The consultant works solely
17 at the discretion of the Commission, period.

18 If our experience thus far has shown anything, it
19 is that this Commission takes its role extremely seriously,
20 and is paying very close attention to the process at every
21 step.

22 If there is any perception by me or my fellow
23 Commissioners that maps are being drawn in way that is
24 counter to our express direction, or if the consultant is
25 acting in anything beyond a technical capacity, we won't

1 hesitate to let the consultant and other Commissioners know
2 this is not a shy group.

3 As Mr. Strasma has said, it is inevitable that not
4 everyone will be 100 percent happy with this or any similar
5 Commission's final plans. But with the highly skilled
6 technical consultant, and an open, transparent, and fully
7 documented process, any dissatisfaction can at least be
8 minimized. And to the extent that a member of the public
9 feels dissatisfied with the maps, they will know the reasons
10 for each decision, and should not have any cause to question
11 the fundamental soundness of the process.

12 So we need to keep our eyes on the ball, which
13 means complying with the constitutional requirements and the
14 Voting Rights Act.

15 Our goal is always to achieve pre-clearance with
16 our maps on the first try, and avoid the additional taxpayer
17 expense and delay that would result from an objection.

18 We've chosen the firm that we think has the best
19 ability to help us achieve that outcome, and in my view,
20 that choice was abundantly clear.

21 Also, by choosing the firm with the least amount
22 of direct prior in-state involvement, I believe we have a
23 fresh start with minimal baggage related to anything that
24 has happened here previously.

25 As for our Commission, I have great respect for

1 Vice-Chair Freeman, Vice-Chair Herrera, and Commissioner
2 McNulty and Commissioner Stertz. And I have enjoyed getting
3 to know and working with each of them. They are an
4 outstanding group of dedicated Arizonans, who sometimes have
5 punched holes in heartfelt differences.

6 That is to be expected, given the way the voters
7 of Arizona, and now our Constitution, have designed this
8 Commission.

9 Nevertheless, I will continue to strive for
10 agreement and consensus, and I know we will continue to
11 treat each other as we would like to be treated. Even
12 though we come from varied backgrounds and perspectives, we
13 all want to do the best possible job, and serve the public
14 in an open manner, and leave a positive legacy for our great
15 state.

16 Thank you.

17 (Applause.)

18 CHAIRPERSON MATHIS: Thank you.

19 Are there any other comments from Commissioners?

20 VICE-CHAIR FREEMAN: Madam Chair.

21 CHAIRPERSON MATHIS: Yes, Mr. Freeman.

22 VICE-CHAIR FREEMAN: Perhaps this question is for
23 counsel. In order to move forward, what's the next step?

24 JOSEPH KANEFIELD: Madam Chair, Commissioner
25 Freeman, I think the motion was to direct Mr. Bladine to

1 work with negotiating a contract with Strategic Telemetry.

2 That would be the next step, and we begin that
3 process.

4 VICE-CHAIR FREEMAN: To be clearer, then, there is
5 no additional steps for this Commission to make with respect
6 to the retention of a mapping consultant?

7 JOSEPH KANEFIELD: That's correct.

8 CHAIRPERSON MATHIS: Any other comments?
9 Questions?

10 (No oral response.)

11 CHAIRPERSON MATHIS: Hearing none, it's 4:20 p.m.
12 Unless there's anything else to address on Agenda
13 Item 3, I think we'll move on to Agenda Item 4.

14 Discussion and possible action on presentation by
15 the Arizona Competitive District Coalition.

16 Is Ken Clark here?

17 KEN CLARK: Madam Chair, Commissioners, given the
18 length of the deliberations, I imagine you're pretty tired.
19 If you would like us to present tomorrow in Tucson, or, you
20 know, would that help at all? You seem all pretty tired at
21 this point.

22 CHAIRPERSON MATHIS: I'm happy to proceed as
23 anyone would like. Do you want to proceed with our meeting?

24 VICE-CHAIR HERRERA: How long is the presentation?

25 KEN CLARK: Under 20 minutes.

1 COMMISSIONER STERTZ: You're here, it's up.

2 CHAIRPERSON MATHIS: Bring it on.

3 KEN CLARK: Madam Chair, Commissioners, thank you
4 for allowing me the time to cover this important issue.

5 Can you all hear me in the room?

6 The Arizona Competitive Districts Coalition is
7 something that was created with really two missions in mind.

8 And it's grown a little bit since we started Ray.

9 We really have two missions that are concurrent.

10 I suppose you would have to say, one is to educate the
11 public in Arizona about the importance of competitive
12 congressional legislative districts in the Democratic
13 process, and protect the Voting Rights Act districts of the
14 same type. Something we do not believe is mutually
15 exclusive.

16 And the second is to give interested individuals,
17 groups, and partners, the tools needed to communicate to the
18 Redistricting Commission.

19 Now, one of these mission statements is somewhat
20 normative, in that we have an agenda in that part of our
21 role. And that is, we believe that we could have created a
22 greater number of competitive districts, and the competitive
23 districts are good for Arizona.

24 The second part is, we believe objective, and more
25 of a public service is what we are attempting to do. This

1 is what drives us.

2 That is not to go into too much detail, but if you
3 count up everybody who lives in the district, Republican or
4 Democrat, in which that district is overwhelmingly
5 gerrymandered for one party or the other, that's 660,000
6 registered voters. You count up all the independents who
7 live in districts where the independents are not likely to
8 bridge the district between the Democrats or the
9 Republicans, that's 775,000 registered voters.

10 All told, 46% of the voters live in a district
11 where their voice is not heard after the primary election.

12 Now, obviously, we as a group, believe you can
13 have ten out of 30 competitive districts and four out of
14 nine. We believe the numbers are there, it's just a
15 question of whether the -- the willpower is there to have
16 that happen.

17 If I could, before we -- Go to the next slide,
18 please.

19 I want to address something that was brought up
20 earlier, and last Friday as well, about competition.

21 This is a quote from the Arizona Supreme Court
22 ruling, Arizona Minority Coalition versus Independent
23 Redistricting Commission in 2008.

24 And I want to read this for you. The direction
25 that competitiveness should be favored unless one or two

1 conditions occurs, we added emphasis, does not, contrary to
2 the Commission's assertion, mean that competitiveness goal
3 is less mandatory than the other goals, can be ignored, or
4 should be relegated to a secondary role.

5 Next, please.

6 In other words, in English, competition is not
7 first, as the plaintiffs wanted to be. They wanted to be
8 higher up the list of six criteria. But it is certainly not
9 last.

10 So we believe that it is not mutually exclusive.
11 That you can have a greater number of competitive districts
12 while still attending to the desires of people to attend to
13 their communities of interest.

14 Next slide, please.

15 The other part, our other hat that we wear, is
16 that of public participation.

17 Now, ten years ago we know that if you wanted to
18 use Maptitude, if you wanted to have that level of
19 sophistication, and not just draw your district lines on the
20 back of a napkin and submit it the Commission, you had to
21 get the software.

22 And that cost you \$1500 back then, and then you
23 had another thousand dollars worth of training.

24 I just heard today that if you wanted to contract
25 for the multi user version of Maptitude, that's a \$10,000

1 bill.

2 What we, our goal was to create something that was
3 accessible to the public.

4 Next, please.

5 The only barrier now to entry is having a personal
6 computer and having Internet access.

7 If you've got those two things, you can access
8 what we've created, called Redistrict Arizona, and do your
9 own mapping. You can share your ideas with other people,
10 you can build coalition, you can do that public
11 participation that the last Department of Justice very
12 clearly said they wanted.

13 They said they wanted, quote, broad stakeholder
14 support for different maps.

15 And we believe that that's the best way to get
16 through Department of Justice pre-clearance.

17 Go ahead, Ray.

18 So we created a contest. And the goal of the
19 contest was to see who could do the best job of meeting all
20 six of the redistricting criteria.

21 Somebody earlier suggested that we have an agenda
22 to put a map forward. It could not be further from the
23 truth.

24 Our goal is, in the contest, to put forward two of
25 the best congressional maps that are submitted to us, and

1 two of the best legislative maps.

2 We are not attempting to do the Commission's job.

3 Our goal was just to demonstrate on our agenda
4 side, demonstrate that we can create more competitive
5 districts while protecting Voting Rights Act districts. But
6 from the purpose of the public service side, to generate
7 ideas, whether those ideas agree with us or not.

8 I've spoken to groups that are to the left, and
9 I've spoken to Tea Party groups. I've spoke to all kinds of
10 folks, and said to them: Use this as a platform to speak to
11 the Commission. Use this as a way to get your ideas across.

12 We don't care whether you agree with us or not, we
13 think that that participation is good.

14 We've' tried to demonstrate how the software
15 works. We have a free webinar. If you go through our
16 website, it's on You Tube, and you can watch it. It takes a
17 little less than an hour. And we have these things we call
18 Mapathon, where we get people together in coffee shops and
19 try to use the system.

20 Right now there are over 450 profiles on our
21 system where people have gone on, logged on, created a
22 profile, and there are close to 900 maps, where somebody has
23 started doing some mapping.

24 They may not have finished, but they started doing
25 that. And we think that's a huge step forward from where we

1 were ten years ago.

2 And we also wanted to generate a public record, so
3 that we can demonstrate to the Department of Justice, and
4 hopefully, get pre-clearance the first time through, that
5 there were people who were very involved in the process, and
6 it was broad stakeholder support.

7 Next, please.

8 After the contest is over, we want to be a service
9 to the IRC. We want to provide a platform and a medium for
10 people to share ideas with the Commission.

11 Help them build their communities of interest
12 case; help them build a case for competition; help them
13 support the Voting Rights Act districts. You got the
14 boundaries, exactness, whatever they think is the most
15 important aspect.

16 In doing that, we will be watching the IRC and
17 whatever decisions you make, and your consultant makes,
18 regarding criteria that are used in the software, and we
19 will want to mirror that.

20 For instance, right now, we measure
21 competitiveness and you can see by the way all of our
22 definition are all on our website, we measure
23 competitiveness as an average of the performance of that
24 census track area in two previous elections, averaged over
25 the statewide races.

1 We couldn't use what was used ten years ago,
2 because the same rules didn't seem to apply.

3 And I won't try to go into too much detail.

4 But, basically, the gentleman who was consulting
5 with the Commission ten years ago, Michael MacDonald from
6 George Mason University, helped us put together this measure
7 of competition.

8 My point being, the Commission here will adopt new
9 definitions for these.

10 How do you measure exactness?

11 We will attempt to adopt those. And since the
12 software's already out there, and people are already using
13 it, we will make it available so they can put their ideas
14 toward the Commission.

15 Now, I know there was some mapping consultants who
16 were talking about vague public participation component.

17 Well, we never predicted that when we started this
18 effort.

19 But we're here for whoever wants to use it. If
20 you want to have us work with that mapping consultant,
21 that's what we're happy to do.

22 Next, please. And that's it.

23 So, if you all have any questions about what we're
24 doing, I'm happy to answer them.

25 Like I said, we're here. We want to be helpful to

1 whatever direction you want to go.

2 VICE-CHAIR HERRERA: Thank you.

3 VICE-CHAIR FREEMAN: Thank you.

4 KEN CLARK: I was just reminded of something. We
5 were judging maps.

6 The League of Women Voters, who is on our Board,
7 put together a panel of three judges, and they're the ones
8 who were judging the maps, based on the criteria that are
9 listed on our website, to see who does the best job of
10 meeting all six criteria.

11 I have not seen any of the maps specifically.
12 I've helped the judges download them, one Republican, one
13 Independent, and one Democrat.

14 I'm going to have to leave it at that.

15 CHAIRPERSON MATHIS: Thank you, Ken.

16 CHAIRPERSON MATHIS: I've been informed that we
17 need to be out of this room by 5:00 p.m., completely out, so
18 the next item on the agenda is the Executive Director's
19 report. I don't know if you want to cover any pieces of
20 that, or how long that might take, or you could do that.

21 RAY BLADINE: Tomorrow.

22 CHAIRPERSON MATHIS: We can do it tomorrow.

23 RAY BLADINE: That would be better for me, because
24 I know how long it takes. Buck and I have to get the stuff
25 out of here, if that's okay with the Commission.

1 CHAIRPERSON MATHIS: I think that's good.

2 So maybe we table the rest of these items agenda
3 -- on the agenda, five through eight, to tomorrow's meeting
4 and we'll cover them at that time, so that we can give
5 everybody time to dismantle this room.

6 VICE-CHAIR HERRERA: Madam Chair.

7 CHAIRPERSON MATHIS: Yes, Mr. Herrera?

8 VICE-CHAIR HERRERA: Can you state the time and
9 location of tomorrow's meeting.

10 CHAIRPERSON MATHIS: I would be happy to, but I do
11 not have that information on me. If anybody does.

12 COMMISSIONER STERTZ: We do have a speaker here
13 that we have the opportunity for, Marshall. It would be
14 nice while he's here.

15 CHAIRPERSON MATHIS: Oh, yeah. We have time for
16 that. Where is Marshall?

17 We did receive a Request to Speak form.

18 It's, if we could do that now, that would be
19 great. Marshall Hamingha, from the Hopi tribe, representing
20 the Hopi Tribal Council in the matter of redistricting.

21 COMMISSIONER STERTZ: According to the
22 notifications for tomorrow, that tomorrow's meeting starts
23 at 1:00 o'clock, at the Pima Community College District
24 Office, which is at 4905 East Broadway, Building C. Room
25 105.

1 It is essentially at Broadway and Schwan in
2 Tucson.

3 CHAIRPERSON MATHIS: Thank you, Mr. Stertz.

4 MARSHALL HAMINGHA: Madam Chair, I'm Marshall
5 Armstrong Hamingha. I'm here representing the Hopi tribe,
6 in particular, the Hopi Tribal Council.

7 I'm here to listen and gather information and take
8 it back and report to the Tribal Council.

9 They ultimately will have to make the decision as
10 to which districts we wish to be included in.

11 Right now we are actively seeking input from our
12 people. And we hope to have our -- all the information and
13 we will present it to the Commission soon. Because we know,
14 you know, time is short.

15 Thank you for allowing me to address you all.
16 Thank you.

17 CHAIRPERSON MATHIS: Thank you for coming.

18 CHAIRPERSON MATHIS: I think that concludes our
19 meeting for today. The rest of the items on the agenda that
20 weren't covered will be covered tomorrow. And so...

21 VICE-CHAIR FREEMAN: Madam Chair, I'll move that
22 we table for tomorrow's agenda items five, six, seven, and
23 eight.

24 CHAIRPERSON MATHIS: Is there a second?

25 COMMISSIONER STERTZ: Seconded.

1 CHAIRPERSON MATHIS: All in favor?

2 (Aye, unanimous.)

3 CHAIRPERSON MATHIS: Any opposed?

4 (No oral response.)

5 CHAIRPERSON MATHIS: Thank you for that motion.

6 We'll go ahead and plan on covering those items

7 tomorrow. It's 4:35 in the afternoon. I declare this

8 meeting adjourned.

9 Thank you.

10 (Whereupon, the meeting adjourned.)

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

3 BE IT KNOWN that the foregoing proceeding was
4 taken before me, Marty Herder, a Certified Court Reporter,
5 CCR No. 50162, State of Arizona; that the foregoing 176
6 pages constitute a true and accurate transcript of all
7 proceedings had upon the taking of said meeting, all done to
8 the best of my skill and ability.

9 DATED at Chandler, Arizona, this 12th day of
10 July, 2011.

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Marty Martin Herder, CCR
Certified Court Reporter
Certificate No. 50162