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STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Phoenix, Arizona  
April 5, 2001  
7:35 a.m.

ARIZONA INDEPENDENT  
REDISTRICTING  
COMMISSION

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

1 THE STATE OF ARIZONA INDEPENDENT REDISTRICTING  
2 COMMISSION convened in Public Session on April 5,  
3 2001, at 7:35 o'clock a.m., at the Capitol  
4 Building Executive Tower, 1700 West Washington,  
5 Governor's Reception Room, Second Floor, Phoenix,  
6 Arizona, in the presence of:

7

8 APPEARANCES:

9

CHAIRMAN STEVEN W. LYNN

10

COMMISSIONER JAMES R. HUNTWORK

11

COMMISSIONER JOSHUA M. HALL

12

COMMISSIONER ANDI MINKOFF

13

COMMISSIONER DANIEL R. ELDER

14

ENRIQUE MEDINA OCHOA, Executive Director

15

LISA T. HAUSER, Commission Counsel

16

JOSE de JESUS RIVERA, Commission Counsel

17

KIMBERLY PORTER, Acting Secretary

18

LISA A. NANCE, RPR, CCR, Court Reporter

19

JOHN ADLER, Arizona State Procurement

20

KATHERINE BABONIS, Operations Administrator  
Arizona State Procurement

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ATWOOD REPORTING SERVICE  
Phoenix, Arizona

- 1
- 2 SPEAKERS FROM CALL TO THE PUBLIC:
- 3
- 4       MARK OSTERLOH
- 5
- 6 AGENDA DESIGNATED SPEAKERS:
- 7
- 8       NORMAN PRIMUS
- 9 NATIONAL DEMOGRAPHICS CORPORATION:
- 10       FLORENCE ADAMS
- 11       ALAN HESLOP
- 12       MARGUERITE MARY LEONI
- 13 HUNTER, JOHNSTON, ELAM AND BENJAMIN:
- 14       MARSHALL HURLEY
- 15 BAKER AND HOSTETLER:
- 16       E. MARK BRADEN
- 17       ROLANDO L. RIOS
- 18       GEORGE KORBEL
- 19       DAVID WINSTON
- 20       JOHN MILEM
- 21 ELECTION DATA SYSTEMS:
- 22       KIMBALL BRACE
- 23 MARICOPA COUNTY ELECTIONS:
- 24       KAREN OSBORNE
- 25       TIM JOHNSON
- 26       SCOTT BROWN
- 27 ELLIOTT D. POLLACK AND COMPANY:
- 28       ELLIOTT POLLACK
- 29       TOM BRODERICK
- 30       JOHN LENIO
- 31 COMPUTER MANAGEMENT SERVICES:
- 32       HARRY FENNEMORE
- 33 RESEARCH ADVISORY SERVICES, INC.:
- 34       R. ANTHONY SISSONS
- 35

ATWOOD REPORTING SERVICE  
Phoenix, Arizona

1 Public Session  
2 Phoenix, Arizona  
3 April 5, 2001  
4 7:30 o'clock a.m.

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P R O C E E D I N G S

CHAIRMAN LYNN: I would like to call  
the Independent Redistricting Commission to order.

If there's anyone in the audience  
who wishes to speak during the public comment  
section, we would ask that you fill out a form and  
that if you would just drop it off at the table  
here for staff that is located, they'll get it to  
us; and we'll call you in order.

The Commission has previously  
received the minutes for the March 19th and 20th  
meeting.

Are there any additions or  
corrections to the minutes?

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I have a  
correction and request. My request is that we  
have dealt with minutes at every meeting, and most  
of them have had some minor corrections. And I  
have not received, and I don't think the other

1 Commissioners have received, a set of corrected  
2 minutes for our records. So I think it would be  
3 nice if those could be sent back to us when they  
4 are done.

5 I have a correction on the minutes  
6 of the first day, March 19th, in the public  
7 comment, first public comment by Mr. Coleman from  
8 the Arizona Democratic Party. While it isn't  
9 incorrect, I think it does not adequately express  
10 Mr. Coleman's comments. It says that he  
11 questioned their staffing selections. What he was  
12 doing was questioning the political affiliation of  
13 the proposed project manager. It's on page two of  
14 six up at the top.

15 COMMISSIONER ELDER: Two of six.  
16 You have a different set of minutes.

17 MR. OCHOA: Two of seven.

18 COMMISSIONER MINKOFF: Right here.  
19 Public comment. His remarks. "The person they  
20 proposed as the manager of the project in Phoenix  
21 was a former staff member of the prior Speaker of  
22 the House of the Arizona Legislature."

23 MR. OCHOA: Mr. Chairman, if you  
24 would like all Commissioners to be on the same  
25 page, the white tabs of the black notebook I

1 provided for you, that has a copy of the -- I  
2 think the second, not final minutes, second or  
3 third draft. I don't know which one it is. It  
4 will be page two of seven.

5 CHAIRMAN LYNN: Thank you,  
6 Mr. Ochoa. Page two of seven at the top,  
7 Mr. Coleman's comments. We'll understand your  
8 clarification of his comments there.

9 Any other additions or corrections  
10 to the minutes?

11 If not, I'll entertain a motion.

12 COMMISSIONER ELDER: So moved.

13 CHAIRMAN LYNN: A second?

14 COMMISSIONER MINKOFF: Second.

15 CHAIRMAN LYNN: All those in favor,  
16 say "aye."

17 (Vote taken.)

18 CHAIRMAN LYNN: Motion carried.

19 The minutes are adopted.

20 I'd direct staff, Mr. Ochoa, on  
21 Ms. Minkoff's comments about corrected copies of  
22 previous minutes of the Commission meetings as  
23 well as, as best we can, getting them to  
24 Commissioners ahead of time for review and  
25 correction so that they can be looked at ahead of

1 schedule.

2 MR. OCHOA: Mr. Lynn, I received  
3 this morning March 2 corrected minutes. I'll pass  
4 those out.

5 MR. OCHOA: Says March 2, 2001.

6 CHAIRMAN LYNN: March 2nd.

7 Ladies and gentlemen, this is the  
8 time to entertain public comment to the  
9 Commission. I have one request. Again, anyone  
10 interested in addressing the Commission, if they  
11 would fill out a request form. Those of you here  
12 to present as potential consultants to the  
13 Commission need not fill out those forms. We know  
14 who you are and will have a record of your  
15 comments.

16 I'd like to ask Mark Osterloh,  
17 please.

18 MR. OSTERLOH: My name is Mark  
19 Osterloh. I was one of the co-drafters of the  
20 Redistricting Commission Initiative. And I was  
21 also one of the people that helped get a lot of  
22 signatures to help qualify and get this on the  
23 ballot.

24 The proposal I have before you is an  
25 idea for setting up the districts in the state

1 based on the principle that all men should be  
2 created equal or are created equal. It was in the  
3 Declaration of Independence in 1776. It's been  
4 225 years, and in that time we still do not treat  
5 all the citizens of our state and country equal.  
6 And that's been notorious when it comes to  
7 districting and redistricting as it has been done  
8 in the past.

9                   This is a proposal to simplify the  
10 process and to truly treat everybody equal.

11                   This is the language that is in the  
12 constitution. It's paragraph 14.

13                   The commencement of the mapping  
14 process for congressional and legislative  
15 districts shall start with a grid-like pattern  
16 across the state. And the crucial words in there  
17 gives discretion, a lot of discretion how you make  
18 modifications to that. It says changes shall be  
19 made as necessary to accommodate the goals that  
20 are set forth below.

21                   These are the criteria that you are  
22 allowed to make changes with after you start with  
23 the grid pattern.

24                   I've written down here  
25 recommendations under this proposal for what

1 should be the important things that you should  
2 consider in making modifications, too, what I  
3 think are things that can be left out.

4           All the green things are things that  
5 would be taken care of in the proposal that I have  
6 there. Constitution, Voting Rights Act would be  
7 taken care of. Every person in the state would be  
8 treated equal. Each district would have the exact  
9 same population, compactness, contiguous, not  
10 bizarre shapes, communities of interest,  
11 boundaries not taken into consideration at  
12 discretion, and undivided census tracts would  
13 obviously have to be. Mr. Ochoa knows that quite  
14 well. Competitive districts are put in there as  
15 an option for trying to make them more  
16 competitive. And finally residence of candidates  
17 would not be taken into consideration as is  
18 required.

19           This is the process for doing  
20 congressional maps. Divide the state  
21 populationwise in half so half the population is  
22 on the right half, second half on the left; second  
23 half, equalize horizontal lines, move horizontal  
24 lines until each district has the same population.  
25 District criteria, don't have to worry about many

1 other things that could be involved. Dividing in  
2 half by population makes it easy. Every district  
3 would only go from the north or from the east or  
4 the west side of the state to the center of the  
5 state.

6                   Step one would be dividing it in  
7 half. Step two would be to create the, draw the  
8 equal lines so you in fact have eight districts,  
9 one, two, three, four, five, six, seven, eight.

10                   And the third step is to take the  
11 horizontal lines, simply move them up or down  
12 based on population, population alone.

13                   Obviously up in this area there  
14 would be a large area in the Phoenix area they are  
15 contracted.

16                   There's no consideration given to  
17 anything other than a person being a citizen of  
18 the state.

19                   In drawing these particular  
20 districts for the Congress, nobody could say that  
21 my particular interest group has been advantaged  
22 or disadvantaged, whether a particular party,  
23 ethnic group, or some other group. Everybody is  
24 truly treated equal as it says in the Declaration  
25 of Independence.

1                   The next map for the Legislature,  
2 four vertical and five horizontal. Second, move  
3 the horizontal lines to create six rows of equal  
4 population. And finally, move the vertical lines  
5 in each row to create 30 equal population  
6 districts. This would be the initial grid, 30  
7 districts there. Five times six would be 30.

8                   Second step is to take the  
9 horizontal lines and move them up or down so each  
10 row across has the exact same population.  
11 Districts are compact and contiguous, have  
12 geometric figure, and people understand it.  
13 There's no manipulating for one interest group or  
14 another.

15                   The final step is take and move the  
16 lines east, west; and you have a map there that is  
17 done in a very simple process.

18                   Everybody is treated equal. Nobody  
19 is discriminated against. And it takes away a lot  
20 of the hassle taking away all multiple variables  
21 you have to consider, what about this interest  
22 group, what about that.

23                   Take interest group, takes one  
24 interest group into one district; anybody not a  
25 retiree is discriminated against. Take Hispanic

1 group, anybody not Hispanic in the group is  
2 discriminated against.

3                   Do it this way, do it in short  
4 order, submit to the Justice Department. After  
5 that, want back-up planning in the typical process  
6 considering all variables, back-up process, treat  
7 everybody equal; Constitutional process, Voting  
8 Rights Act.

9                   If you go to the proposal I have,  
10 the summary of the argument for the Voting Rights  
11 Act, they published that in the March issue.

12                   Thank you for your time and for  
13 considering this.

14                   CHAIRMAN LYNN: Thank you,  
15 Mr. Osterloh.

16                   Anyone wishing to address the  
17 Commission at this time?

18                   There will be another time for  
19 public comment at the end of our meeting.

20                   If not, we'll close the public  
21 comment for this morning.

22                   The primary purpose of the meeting  
23 today is to hear from and to ultimately select a  
24 technical consultant or consultants who will  
25 assist the Commission in the redistricting

1 process.

2                   With us this morning are several  
3 consultants who have submitted previously under  
4 the State procurement procedures for this purpose.  
5 Our intent is to hear from each of the consultants  
6 present in the order in which their proposals were  
7 submitted. And that's an order that I will, I  
8 will read and then follow for the morning. And I  
9 would like to go through it once to find out which  
10 consultants are here so we know how many  
11 presentations we will have. Let me do that at  
12 this time.

13                   Norman Primus is here.

14                   EDS?

15                   Election Data Services is not here  
16 yet but may be here.

17                   Hunter, Johnston, Elam and Benjamin?

18                   Thank you.

19                   Baker Hostetler?

20                   National Demographics Corporation?

21                   Thank you.

22                   Maricopa County Elections?

23                   Thank you. And I understand there  
24 will be a combined presentation. Okay.

25                   And I believe EDS is here.

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1 EDS -- not EDS. Excuse me.

2 How about Baker and Hostetler?

3 MR. BRADEN: We're Baker and

4 Hostetler.

5 CHAIRMAN LYNN: Thank you.

6 Elliott Pollack?

7 MR. POLLACK: Here.

8 CHAIRMAN LYNN: Thank you.

9 Computer Management Services is  
10 here.

11 And Tony Sissons is here.

12 Okay. It appears if EDS joins us,  
13 there will be nine presentations.

14 What we would ask, because we have  
15 written presentations in hand and have reviewed  
16 them, is that presenters limit their comments to  
17 us to no more than 10 minutes to us.

18 I ask staff to try keep track of  
19 time so we move into the question period after 10  
20 minutes have elapsed.

21 We will give each presenter as much  
22 as a half hour total for their presentation. At  
23 that point then we'll be prepared to discuss and  
24 to decide on our consultant.

25 Any questions about the procedure?

1                   If not, let me ask a technical  
2 question.

3                   When we -- when we heard from  
4 attorneys under the same process, we asked that  
5 consultants voluntarily stayed outside the hearing  
6 room until their presentation was called for so as  
7 not to be advantaged by previous presenters in one  
8 way or another. I don't know whether that is  
9 reasonable or appropriate or even something we  
10 should consider.

11                   MR. RIVERA: You can always ask for  
12 volunteers.

13                   MS. HAUSER: With attorneys, you  
14 asked us exactly the same questions. Do you have  
15 that in mind with them?

16                   CHAIRMAN LYNN: No, different  
17 questions. I don't see that particular advantage.  
18 I think presenters are offering in their own way a  
19 unique service from their own point of view. I  
20 don't think that will be an issue.

21                   MR. ADLER: John Adler.

22                   CHAIRMAN LYNN: John, I can't see  
23 that far. I have a very annoying light in my eye.

24                   MR. ADLER: Actually I'm suffering  
25 from a bad back, actually, today. Up and down is

1 kind of hard.

2 All I suggest you not do is create a  
3 situation where you are transferring information  
4 from one firm to another, most importantly with  
5 regard to price. You're not discussing it, so  
6 it's not an issue.

7 I would prefer they voluntarily  
8 leave. You can't make them leave. But try to  
9 avoid a situation where we're giving one company  
10 an advantage over another by sharing information  
11 contained in their proposal.

12 CHAIRMAN LYNN: The preference is do  
13 it one in at a time?

14 MR. ADLER: Yes.

15 CHAIRMAN LYNN: Since you know the  
16 order, Mr. Primus followed by EDS, if they show  
17 up, Hunter, Johnston, and so on, I might ask if,  
18 voluntarily, if those presenting would leave the  
19 room, stay in the immediate area, but leave the  
20 room; and we'll call you in order.

21 MR. POLLACK: Can you provide the  
22 order again?

23 CHAIRMAN LYNN: I'm happy to do  
24 that. Roughly half-hour increments. If we go  
25 more rapidly than that, you need to be on call.

1                   Norman Primus first; EDS second, if  
2 here; Hunter, Johnston, Elam and Benjamin third;  
3 Baker Hostetler fourth; Maricopa County Elections,  
4 Elliott Pollack; Computer Management; and Tony  
5 Sissons.

6                   COMMISSIONER MINKOFF: Mr. Chairman,  
7 question: If EDS is not here by their turn, do  
8 they forfeit the right or --

9                   CHAIRMAN LYNN: We'll take them when  
10 they get here. Everyone was asked to be here by  
11 8:00 o'clock but they didn't know the order.

12                   DR. HESLOP: We'd certainly be  
13 willing to take EDS' position, have them take  
14 ours. I volunteer that. If they've not arrived,  
15 we're delighted for a number of reasons to take  
16 their position, have them take ours.

17                   CHAIRMAN LYNN: Not the least of  
18 which is a plane schedule. I understand that,  
19 appreciate that. Thank you.

20                   All right. Without further ado,  
21 then, Mr. Primus.

22                   MR. PRIMUS: Good morning, ladies  
23 and gentlemen. I appreciate very much the  
24 opportunity to participate in this meeting.

25                   My name is Norman Primus,

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1 P-R-I-M-U-S.

2 My name is Norman Primus. Did you  
3 get that?

4 I look forward to serving with you  
5 in making the State of Arizona the first state in  
6 the union to establish a method of districting the  
7 people by the people and for the people.

8 Over 27 years I've been trying to  
9 find a process of districting state, to city, and  
10 county, the school boards, that is fair to  
11 everyone, that is understood by everyone, and that  
12 everyone in the state who wishes or out of the  
13 state who wishes to can file a plan that can be  
14 considered for use by the legislation, councils.

15 In 1985, after I started in New  
16 Jersey I was -- ended up being a lobbyist for  
17 Common Cause there, was a task force chairman on  
18 redistricting. In order to testify, I had to  
19 become an expert in the law and in the manner in  
20 which it's done.

21 It took me six years before I found  
22 someone or myself was able to get to a point where  
23 I thought I had something going. I could not  
24 convince the Legislature to change in 1981 in New  
25 Jersey, but I did manage to get to a point where

1 in '82 I moved to Indiana. There was a case  
2 before the District Court relative to the  
3 Legislature on redistricting. And I became very  
4 active in that.

5                   And in 1985 when the case went to  
6 the Supreme Court, I tried out my system, which  
7 was the prototype for what I call "balanced  
8 neutral process." I'm delighted with that word in  
9 talking with everyone. I would share it with the  
10 entire country.

11                   I wanted you to know that this is  
12 what I did. I put together a map of Indiana,  
13 broke it down by all of the blocks that you need  
14 in order to build redistricting, much like a child  
15 with little blocks putting them together to make a  
16 tower.

17                   What we're doing here, taking  
18 districts, precincts, tracts, whatever we're  
19 using, put it together, all of a sudden we have a  
20 district. Tried in '85. Unfortunately the  
21 Supreme Court made the wrong decision and the  
22 attorneys prosecuting the case lost the case.

23                   The Supreme Court made the wrong  
24 decision, in my view. We know while political  
25 gerrymandering was the cause of action, the

1 Democrats had not proven they were harmed by it.  
2 They let stand the decision.

3 I should talk about both parties  
4 both equally. We have two Democrats, two  
5 Republicans. You are fighting for your beliefs.  
6 When it invades the election process, it's a very  
7 tough battle, very, very mean.

8 What happened to me, eight maps for  
9 the House, eight for the Senate. It proved to me  
10 people will participate. They were good maps.  
11 Unfortunately, when the case was dropped, they  
12 didn't use it.

13 Then I went to doing school boards,  
14 cities, towns, counties. As a result, that plan  
15 is now in use in many, in a number of counties and  
16 cities in Indiana.

17 I was an expert witness for a case  
18 in a county in Vigo, V-I-G-O, County. And I was  
19 successful there in testifying before the court.  
20 And while my attorney asked me to testify as an  
21 expert witness, he kept me within the realm of his  
22 complaint. And I did that. When I asked him and  
23 tried to consult with him and ask additional  
24 questions, he said if he did that, he would be  
25 introducing a new complaint and the court would

1 throw him out. Good point.

2 I said "When -- on my  
3 cross-examination, if the attorney asks a question  
4 that permits me to put in the information I think  
5 the court should hear, are you telling me I can't  
6 use it because it's not in your complaint?" He  
7 said, "No, absolutely not. You are the witness.  
8 You testify."

9 Within a few minutes into  
10 cross-examination, the questioner set something  
11 up, said something about tracts, census tracts.

12 "You used census tracts, didn't  
13 you?"

14 I said, "Absolutely, positively  
15 not."

16 He said, "Why not?"

17 That was the \$64,000 question. It  
18 gave me the opportunity to explain to the court  
19 how elections are run, how the census is run, how  
20 they mesh together. They don't. Not that they  
21 didn't in 1990, in Indiana, because all of the  
22 records were not up to date.

23 What I propose to you is to do it  
24 within the state. You don't need an expert. You  
25 have people within the state executive branch.

1 Put them together. I want to be here to train  
2 them to do districting in a fashion you, the  
3 state, control it. You don't need experts coming  
4 in to do it. They are very nice people. I know a  
5 number of them. But if you do it yourself, if we  
6 do it, and it's done by law, a balanced, due  
7 process, with incorporated law, staff do exactly  
8 what it says, just as --

9 I disagree with the plan presented  
10 to you. But by the same token you don't have a  
11 Commission come together every two, three, four  
12 years to conduct election law. States  
13 specifically name the duties of every single  
14 person from the Governor to every person down to  
15 the person conducting the poll? That's what is  
16 wrong. The Legislature took it away from the  
17 people.

18 I congratulate Arizona for taking it  
19 away from the Legislature and giving it back to  
20 the people.

21 It's a two-way sword. By taking it  
22 away from the Legislature, the Legislature is free  
23 from doing it and the problem of very well  
24 damaging themselves or their staff. Now they put  
25 that sword over your head. And you shouldn't have

1 it on your head.

2                   All you have to do is incorporate  
3 this process so it's in the law. And all this  
4 simply is we will -- I will work with the staff to  
5 develop a redistricting kit is a simple matter.  
6 Maps I made were on my dining room window, tracing  
7 maps. Maps are possible. I made maps, put  
8 together a kit, population in, requirements,  
9 criteria, rules, went out, got plans back, audited  
10 them, evaluated them, compared them. All of a  
11 sudden it's through the sieve. The best plan came  
12 out.

13                   In every case where this plan has  
14 been proposed, that plan has been welcomed 100  
15 percent. We can do the same thing here in  
16 Arizona. It's simple, so simple that it's  
17 ridiculous. But when you get politics into  
18 something, it then becomes a problem.

19                   The task is going to be speaking to  
20 people, meetings. Fine. You are going to find  
21 out not too many people -- nobody will want to  
22 spend 30, 40 minutes going over a map unless, like  
23 me, they like maps, like to do the numbers.

24                   It's not going to be where you --  
25 you don't have to make a federal case over the

1 whole thing.

2                   Invite people. You don't have to  
3 take more than 15, 20 maps. If you take 500, you  
4 still get the same map.

5                   If there are any questions, I'm  
6 happy to answer.

7                   CHAIRMAN LYNN: Thank you,  
8 Mr. Primus.

9                   Any questions?

10                  Mr. Elder.

11                  COMMISSIONER ELDER: Mr. Primus, you  
12 mentioned the Supreme Court, you know, the case  
13 adjudicated or something -- federal court --

14                  MR. PRIMUS: Yes.

15                  COMMISSIONER ELDER: Or state court.

16                  MR. PRIMUS: Understand the House,  
17 Senate, and state, and it went before the United  
18 States District Court in Indianapolis. They ruled  
19 that the plans were contrived by political  
20 gerrymandering. Some of the things they did, for  
21 instance, take cities, rural areas, put them  
22 together in such a way three people were running  
23 in one district. So what they did there was they  
24 made it so three Republicans get re-elected where  
25 if they split it up, three districts, one, two

1 Democrats, that type of thing.

2                   It went to the Supreme -- Democrats  
3 won the case and the court told them to do the  
4 redistricting over again. Went to the Supreme  
5 Court. It's the first time that ever appeared  
6 before the Supreme Court was a question of  
7 political gerrymandering. They said, "Yes, that's  
8 judicial."

9                   COMMISSIONER ELDER: The follow-up  
10 is what experience do you have in meeting  
11 prequalifications with the Department of Justice  
12 with the process you are suggesting?

13                   MR. PRIMUS: Sorry. I didn't hear.

14                   COMMISSIONER ELDER: What experience  
15 do you have with the process you are suggesting in  
16 meeting preclearance standards, approval  
17 standards, of Department of Justice?

18                   MR. PRIMUS: Well, fortunately or  
19 unfortunately, I've never had the case to do that.  
20 I -- let me -- March 15th I sent in my tax returns  
21 to IRS and the Connecticut Taxation Department,  
22 and sent both letters to the refund department.  
23 Last week I got a check from the Connecticut and  
24 the -- my bank notified me IRS transferred funds  
25 to my account. That's exactly what is going to

1 happen.

2                   Do this, send off plans from this;  
3 the Justice Department will accept it. Matter of  
4 fact, I bet you 10 to one, they'll accept that as  
5 a standard for all other states in the union.

6                   The problem with the Justice  
7 Department is Sections Two and Five, in my  
8 opinion, are some of the parts of the worst  
9 legislation passed by the United States.

10                   People talk about Voting Rights Act,  
11 don't know if talking about the good part or bad.  
12 That's the good part. The bad part is states have  
13 in the Constitution and in the laws of their  
14 states that you have to pay a poll tax, had to be  
15 able to read, denied voting rights to people. And  
16 the Congress sat for a long, long time, should  
17 have done it years before. Since having the civil  
18 rights movement, they passed a law in Congress  
19 striking down those acts in the Voting Rights Act.  
20 In that same Voting Rights Act they put Two and  
21 Five in to placate and patronize minorities.

22                   What happens, gave it to the Justice  
23 Department, can't find fault with the Justice  
24 Department. Congress is the problem. The Justice  
25 Department is only doing what the Congress

1 Department says has to be done. They didn't give  
2 any criteria of what constitutes unfair  
3 districting. The Justice Department does it on  
4 the fly on a case-by-case basis.

5                   If we present to them a plan  
6 absolutely, positively guaranteed to protect the  
7 citizens, they'll adopt that as standard.

8                   CHAIRMAN LYNN: Ms. Minkoff.

9                   COMMISSIONER MINKOFF: Mr. Primus,  
10 you were here when Mr. Osterloh made his  
11 presentation. We're operating under Proposition  
12 106 passed by the voters, an Amendment to the  
13 Constitution of the State which requires we begin  
14 with a grid pattern adjusting to some or all of  
15 the criteria he listed. Does your plan meet the  
16 standards of Prop 106?

17                   MR. PRIMUS: I must tell you, I  
18 think that -- I told you I think your 106 --

19                   Again, good man.

20                   Taking -- they have to be  
21 complimented to take that out of the Legislature  
22 and put it into someplace. They gave it to you.  
23 Terrific. But the rest of it is all  
24 unconstitutional and won't meet muster.

25                   This is, frankly, you decide

1 yourself, but those districts are not compact.  
2 And there must be other things. This, the plan  
3 that I have doesn't say to you what you have to do  
4 in order to draw a map. What I'm saying to you is  
5 here's a map of Arizona. Here's all the breakdown  
6 of the building blocks. You put it together  
7 whatever way you want. Want do it that way, fine.  
8 Compete against my plan where I draw nice squarish  
9 compact districts. If yours comes out more  
10 compact than mine, you may vary. It's done  
11 strictly on that. I think you are required to  
12 change the statutes again.

13 CHAIRMAN LYNN: Other questions for  
14 Mr. Primus?

15 Mr. Primus, thank you very much for  
16 coming. Thank you for submitting your  
17 application.

18 If we could -- if you would check to  
19 see if EDS is there. If not, if you'd ask  
20 National Demographics to join us.

21 MR. PRIMUS: I'd ask, you'll  
22 reconvene after? You'll continue?

23 CHAIRMAN LYNN: Yes, we'll continue.

24 Mr. Primus, once you've presented,  
25 you may stay with us, if you like.

1 MR. PRIMUS: I think that's unfair.

2 CHAIRMAN LYNN: Your choice.

3 MR. PRIMUS: If you think so. I  
4 always could learn. Thank you.

5 CHAIRMAN LYNN: Let me ask  
6 Mr. Adler.

7 After presentations are made, do you  
8 have a problem with people staying in the room?

9 MR. ADLER: I think we probably,  
10 possibly, could go into discussions or  
11 negotiations. It's probably best if they're not  
12 here.

13 CHAIRMAN LYNN: All right. Thank  
14 you.

15 Thank you, Mr. Primus.

16 CHAIRMAN LYNN: The next presenters  
17 are National Demographics Corporation. If we  
18 could have those who are presenting very slowly,  
19 so that the -- so that we can get a complete  
20 record of your name. We'll give you up to ten  
21 minutes present to us, and then we'd like to ask a  
22 series of questions.

23 DR. ADAMS: Mr. Chairman, members of  
24 the Commission, I'm Florence Adams, president of  
25 National Demographics. With me is Marguerite

1 Leoni, who is with the Nielsen, Merksamer Law  
2 Firm, and Alan Heslop with National Demographics.

3                   Mr. Chairman and members of the  
4 Commission, I would like to just state at the  
5 beginning that we understand that your time is  
6 limited, so I'm going to read a statement.

7 Mr. Heslop is going to make a statement, brief  
8 statement. And Ms. Leoni will make a brief  
9 statement. And I'll make a brief wrap-up.

10                   National Demographics is a company  
11 founded in 1979 to specialize in redistricting.  
12 As I said, I'm here with two principals of  
13 National Demographics who would be involved in  
14 Arizona state redistricting should the contract be  
15 awarded to us.

16                   Marguerite Leoni is a vastly  
17 experienced voting rights attorney. She's worked  
18 with me and NDC for the last 10 years on literally  
19 dozens of redistricting issues.

20                   Also with me is Alan Heslop. His  
21 relationship with NDC goes back even further;  
22 indeed, he was the founding president of National  
23 Demographics. Alan has been involved in a number  
24 of statewide redistrictings and worked with me on  
25 a dozen or more districtings or redistrictings

1 here in Arizona. Not with me are a number of key  
2 people in the company that have been involved for  
3 a number of years: Bob Walters, who has been with  
4 us from the beginning, who's nationally recognized  
5 for the development of redistricting software  
6 programs and Leroy Hardy whose involvement in  
7 statewide redistricting goes back to 1951.

8                   He's worked with and against  
9 Dr. Heslop in his role as the top demographic  
10 redistricting consultant in California when  
11 Dr. Heslop was a consultant to the Democrats.  
12 Both have extensive publications in the area.  
13 Both over the last 20 years have worked on  
14 redistricting reform basically abandoning partisan  
15 aspects and working on reform concepts.

16                   Years ago technology was one of the  
17 issues, really made a difference between one  
18 redistricting company and another. Today the  
19 truth is most leading companies have GIS systems.  
20 All leading companies in our field produce Power  
21 Point presentations. All of us have experience  
22 with web sites. All have up-to-date hardware and  
23 redistricting software.

24                   We think that the crucial  
25 distinction between companies is not the technical

1 capability, it is rather the experience and  
2 understanding of the problems likely to arise.

3                   So with this perspective, I'm going  
4 to ask Alan Heslop to make a short presentation.

5                   DR. HESLOP: Mr. Chairman, members  
6 of the Commission, I, too, will, in the interests  
7 of time, just quickly read some prepared remarks.

8                   You are part of an experiment that  
9 is probably not wholly popular with some people in  
10 this general area of Phoenix. Bipartisan  
11 commission redistricting faces a risk. It's a  
12 risk we know quite a bit about. It is that you  
13 come under attack, attack from one or another of  
14 the political parties, sometimes from both. And  
15 you catch all kinds of flack from powerful  
16 incumbents.

17                   The threat is once you develop the  
18 best plan of which you are capable, it immediately  
19 becomes a giant dart board at which everyone hurls  
20 criticisms both at you and at the plan.

21                   So, now, to put this issue at its  
22 clearest, you are required, as the gentleman this  
23 morning noted, to begin with an equal population  
24 grid. How do you get to that grid?

25                   What if the grid cuts through some

1 communities of interest you don't even know about?

2                   What happens if the grid grossly

3 favors Democrats?

4                   What if it grossly favors

5 Republicans?

6                   How can you defend the result?

7                   We don't think you can do so without

8 first looking at communities of interest, without

9 first seeking citizen input on what the

10 communities of interest are.

11                   We think that you have to have

12 hearings in all parts of the state as a first step

13 of your process.

14                   I think that we are probably the

15 only firm that will come before you with this kind

16 of design for a process that will save you from

17 criticism and give you a defense against that

18 criticism.

19                   How are we going to do it? Well,

20 upon award of a contract, we would immediately

21 design an instrument for citizen Power Point

22 meetings across the state. These meetings should

23 begin right away, as soon as possible; must be

24 advertised intensely to assure the greatest

25 turnout. There must be at least half a dozen of

1 them.

2                   We must ask citizens for what are  
3 true communities of interest. What are mountain  
4 ranges, freeways that must not be crossed? What  
5 are homeowners' associations that must not be cut  
6 up? What are minority communities that must not  
7 be compacted or split?

8                   Can we develop information? We know  
9 we can. We have held literally scores of such  
10 meetings of exactly this type in Arizona  
11 communities. We have developed this information  
12 before.

13                   From this information, we would  
14 begin the design of Arizona units of  
15 representation, AURs. Each of these units would  
16 be small enough to form only a fraction of a  
17 congressional or even of a legislative district.  
18 Yet each UR, each unit of representation, would be  
19 large enough to keep a community, perhaps a  
20 minority community, perhaps an urban community,  
21 perhaps a rural area, conscious of particular  
22 needs and facing the same type issues.

23                   Again, please note units of  
24 representation would be drawn up as a result of  
25 citizen testimony. You would begin with

1 information on communities of interest that must  
2 not be split in this state. Within a few days  
3 after the last of these meetings, we would come  
4 before you with a map of these AURs, these units  
5 of representation.

6                   We believe there should be a period  
7 for reaction, citizen comment on this map. I  
8 reemphasize, this is not grid. This is a map of  
9 district building blocks, AUR building blocks,  
10 number one to 108, one to 106, whatever it might  
11 be.

12                   A little feature here we think might  
13 be interesting to you here. You want to be  
14 absolutely fair about the process, we believe. To  
15 help assure that, we suggest use of a blindfold  
16 pick. Blindfold pick. That's to say each member  
17 of the Commission pick the number of an AUR and  
18 decide whether to move up the sequence or down the  
19 sequence. The number would become the starting  
20 point for a plan, starting point for the  
21 development of the grid. Each plan would be  
22 different. Have five of them. But each would be  
23 based on citizen information and each would meet  
24 all of the criteria.

25                   At this point we believe the

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1 Commission should instruct the consultant to rank  
2 order those plans so you have the very best  
3 possible grid. We'd suggest that rank order to  
4 you. If you agree, you would have a final grid  
5 composed of equal population districts also  
6 conformed to all the other criteria in the law  
7 that conformed to the citizen testimony. The best  
8 grid would be developed by provable citizen input  
9 at this stage.

10 I'll turn it over to Margaret Leoni,  
11 National Demographics' best authority on voting  
12 rights. She'll speak to you on the biggest  
13 problem, being fair, seeming to be fair. The  
14 second biggest problem is compliance with the law.

15 MS. LEONI: Thank you,  
16 Commissioners. Thank you for being with us.

17 Go back to the dart board image  
18 Dr. Heslop talked to you about. Public image,  
19 everyone shooting at you. Plenty of people are  
20 out there to. What we mean to do in the team is  
21 build out legal justifications necessary for your  
22 plan to survive Department of Justice scrutiny, be  
23 precleared, and survive subsequent legal  
24 challenges.

25 You have at least three major legal

1 issues. Obviously there are many more. We build  
2 into your plan construction of the legal  
3 justification for every one of those.

4           For example, the matter of a simple  
5 one person, one vote, you'd think it would be  
6 resolved with a hand-held calculator. However,  
7 there'll inevitably be deviations in the  
8 legislative plan. Each of the deviations needs to  
9 be justified. Justification needs to hold up  
10 legally. You cannot concoct after the fact. It  
11 must be built into the process. When you receive  
12 the plan alternatives from National Demographics,  
13 all of that will be analyzed legally and  
14 documented so it is in your public record. It is  
15 not something you come up with after the fact.

16           Secondly, you have your preclearance  
17 challenge. Preclearance is not something you  
18 start thinking about when the plan is done. You  
19 think about preclearance from day one. You need  
20 to offer to the Justice Department every set of  
21 minutes, every public hearing transcript, every  
22 plan alternative put out there to the Commission.  
23 And what we provide to you is not only public  
24 reaction to those alternatives but legal  
25 justification, if necessary, for why they were

1 accepted or why rejected. It's part of your  
2 record. You don't have to figure it out after the  
3 fact.

4           You also are going to face issues on  
5 Section Two of the Voting Rights Act. I'm a  
6 litigator as well as redistricter, legal  
7 redistricter. I've litigated many Section Two  
8 lawsuits and bring to the team a sensitivity to  
9 voting rights issues that are sound under the  
10 discriminatory branch of the Voting Rights Act in  
11 that Section Two.

12           We need to look at dilution issues.  
13 We need to look at voting patterns. And we need  
14 to make sure once we do get preclearance, it  
15 doesn't protect you from a dilution lawsuit, but  
16 we are also able to have legal protection there  
17 and defenses in the plan for if that does occur,  
18 which our goal would certainly be that not occur.

19           So what the team would hope to  
20 present to you at the end of this process is  
21 alternatives that have been publicly tested,  
22 alternatives that are fully documented, you have a  
23 complete record of why things happen, publicly,  
24 politically, and legally. When I say "legally," I  
25 mean your relationship to the public. Third, full

1 legal documentation to the public, presented to  
2 you as alternatives. That's what our team offers.

3 That's my portion of the  
4 presentation.

5 We're happy to answer any questions  
6 you may have of us.

7 CHAIRMAN LYNN: Thank you,  
8 Ms. Leoni.

9 Questions for National Demographics.

10 Ms. Minkoff.

11 COMMISSIONER MINKOFF: If you are  
12 aware of the history of Prop 106 under which we  
13 were created, it was approved by the voters in  
14 order to distance the redistricting process from  
15 the very, very partisan history of it, you know,  
16 when it was being done by the Legislature. Could  
17 you describe the political or partisan make-up of  
18 your organization both in terms of your clients  
19 and in terms of the personnel that would be  
20 staffing our project should you be selected and  
21 how that might be perceived by the people of  
22 Arizona looking at you as a consultant to the  
23 Redistricting Commission?

24 DR. ADAMS: As I mentioned  
25 previously, Commissioners, we have as two chief

1 consultants a Democratic and Republican. Alan  
2 Heslop, Republican; Leroy Hardy, Democrat. Both  
3 have been involved in redistricting for 20 years  
4 now.

5                   As I said last, 20 years ago, we  
6 were involved with reform, units of  
7 representation, bipartisan. Dr. Heslop worked on  
8 initiatives for redistricting.

9                   DR. HESLOP: Leroy Hardy, who could  
10 not be here today, he had a prior engagement  
11 today, he's a very partisan Democrat, at least I  
12 think he is. I'm, of course, not a partisan  
13 Republican. He thinks I am. We work together  
14 well.

15                   We have not been working together on  
16 partisan redistricting for 20 years. We have  
17 critiqued partisan redistrictings. National  
18 Demographics has worked on bipartisan  
19 redistrictings.

20                   I suggest if you contact our  
21 references, you'll not find any evidence of  
22 bipartisanship.

23                   You'll find this to be an advantage,  
24 I believe, having a consultant come from outside  
25 Arizona and only an hour away. We do not have any

1 ties to either party in Arizona or to any  
2 political entity in Arizona but we are extensively  
3 experienced in Arizona.

4                   We've redistricted getting on for 50  
5 percent of this state at one point or another in  
6 our process. And I think if you will talk to  
7 those for whom you know we have worked, you will  
8 find that they have no suspicion about  
9 partisanship of any sort.

10                   The great advantage of the process I  
11 described, Commissioners, is it takes away all of  
12 those charges. Each line is justified in terms of  
13 citizen input. Ordinary people will tell you  
14 about their communities. I know that to be the  
15 fact.

16                   Florence and I, Marguerite, we've  
17 done literally scores of these hearings. People  
18 will tell you "We don't want homeowner  
19 associations split." They'll tell you what  
20 freeway boundary.

21                   CHAIRMAN LYNN: For the presenters,  
22 if we keep questions and answers brief, we can get  
23 more questions in. That's my concern.

24                   Mr. Elder.

25                   COMMISSIONER ELDER: My question:

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1 We anticipate we'll be presented or receive plans  
2 generated by vested interests, Republican,  
3 Democrat, Hispanic, Native American, whatever it  
4 may be. How do those get integrated into the  
5 process?

6 DR. HESLOP: Certainly you want all  
7 interests to attend the meetings, not be alone.  
8 Ordinary people also will go there. We believe as  
9 the units of representation are defined, these  
10 interests will have a lot of difficulty in  
11 critiquing them. The units will be based on  
12 actual communities, actual geography. It's not a  
13 matter a geography, not a matter of just interest.  
14 Of course, minority groups want to see those AURs  
15 reflect their interest, and they will. Those  
16 interests will be expressed in the citizen  
17 hearings.

18 Now I'll come to the other part of  
19 the question. Do we think our plan will holdup  
20 under the criticism and attack of interests?  
21 That's the whole point of the process. Your plan  
22 will be Superior to any other, because it's based  
23 on citizen input, provable citizen input out on  
24 the website, out in the newspapers, these AURs.  
25 And if they are not critiqued, then your plan

1 cannot be critiqued.

2                   It works. We know it works. If you  
3 want to talk to some places we've done this, it  
4 really does work.

5                   CHAIRMAN LYNN: Thank you.

6                   Mr. Huntwork.

7                   COMMISSIONER HUNTWORK: Your  
8 proposal starts with considering communities of  
9 interest and other factors in order to create the  
10 grid-like pattern. If you look at the language of  
11 our Proposition 106, it can be argued that's  
12 permissible. It can also be argued you have to  
13 start with some sort of arbitrary grid then adjust  
14 to take those into consideration.

15                   My question to you would be if you  
16 did it the other way around and then adjusted  
17 based on your criteria, would it make a difference  
18 in the outcome?

19                   DR. HESLOP: I think would make an  
20 enormous difference, Commissioner. I think if you  
21 start with a grid, let's say the grid the  
22 gentleman described at the beginning of your  
23 hearing today, you would be involved in an  
24 enormous, an unstoppable series of adjustments,  
25 each of them argued, each of them a matter of

1 controversy; because each adjustment has to be  
2 defended or attacked by particular interests.  
3 It's most unwise to do it that way, in my view.

4 COMMISSIONER HUNTWORK: Can I ask a  
5 follow-up question?

6 CHAIRMAN LYNN: Sure.

7 COMMISSIONER HUNTWORK: Are you  
8 aware of any other law under which redistricting  
9 is conducted which refers to grid-like patterns in  
10 order to provide some model for redistricting?

11 DR. HESLOP: In modesty, I'd suggest  
12 you look to a books edited by Leroy Hardy and  
13 myself, Redistricting in 50 States, which appeared  
14 in 1980 and again in 1990, describing the Montana  
15 process.

16 Montana has a bipartisan Commission.  
17 And a careful review of the history of that  
18 Commission and its use of the grid sustains  
19 exactly the approach that we recommend.

20 I won't go, in the interests of  
21 time, into all of the unpleasantnesses that have  
22 accrued around that bipartisan Commission; but  
23 it's history is one I would recommend for your  
24 study.

25 MS. LEONI: Commissioner Huntwork,

1 if I may have a word on your question, I would  
2 have deep concerns that starting without the  
3 consideration of the communities of interest,  
4 whatever they may be, would lead you into legal  
5 hot water from a Voting Rights Act perspective.

6 COMMISSIONER HALL: Before Ms. Leoni  
7 sits down, maybe I can try to reconcile in my  
8 mind, I have a similar concern. I'm reading the  
9 language of 106. As Mr. Huntwork says, creation  
10 of districts. Creation. Adjustments to grids  
11 then shall be made to accommodate goals as set  
12 forth below. Goals set forth below are, as you  
13 know, communities of interest.

14 MS. LEONI: That's correct.

15 COMMISSIONER HALL: In my mind, I'm  
16 not a lawyer, that's why I'm asking the pointed  
17 question. I see that as the first step. Then the  
18 subsequent, that the adjustments come subsequent  
19 to information. Can you clarify that?

20 MS. LEONI: Yes. I think  
21 Commissioner Huntwork may have seen the same thing  
22 in Proposition 106 I did, need grids of equal  
23 population with other considerations not excluded.  
24 Once the grid is compiled, there are additional  
25 considerations to address specifics.

1                   The language of the constitutional  
2 amendment is not exclusive, does not say no other  
3 consideration.

4                   I suggest failure to take into  
5 consideration the Voting Rights Act's  
6 consideration will make the grid nearly useless.  
7 And from a Voting Rights Act perspective, if you  
8 fail to stick with it, it will put you in hot  
9 water.

10                   COMMISSIONER HALL: Can I ask about  
11 my hot water?

12                   Can you give me an example of a unit  
13 of representation, specific example?

14                   DR. HESLOP: Yes. A unit of  
15 representation would be a portion of a district,  
16 perhaps a third, or a tenth, or whatever. It  
17 would be a self-conscious, self-identified area in  
18 which citizens say, at these meetings, "We are  
19 part of a community. This community should not be  
20 broken." It might be described in terms of  
21 freeways. It might be described in terms of  
22 school districts. It might be described in terms  
23 of homeowner associations. It will differ from  
24 one area of the state to another.

25                   In rural areas, of course, they will

1 be very much large. Rural areas, too, are  
2 conscious of boundaries, conscious of limits.  
3 They would be described as a result of citizen  
4 input using instruments that we would propose for  
5 your use as a result of citizen kits.

6 I can see some skepticism here. But  
7 let me suggest, if you have doubts about this,  
8 that you contact Mesa or contact Glendale or  
9 contact Peoria where this process did produce  
10 citizen evidence with regard to clear community  
11 lines.

12 Arizona has those communities and  
13 they should be acknowledged at the beginning. You  
14 can have 10,000 equal population grids depending  
15 on exactly how you move the lines on the maps.  
16 But it would be wise, we believe, to begin legally  
17 and in compliance with citizen interests right at  
18 the beginning of the process. That's our  
19 suggestion.

20 CHAIRMAN LYNN: Let me jump into the  
21 rotation, if I may.

22 Arizona has some particular  
23 circumstances that make redistricting, let's say,  
24 a challenge beyond what might be the case in a  
25 state that is largely urban or largely more

1 compact in terms of it's population density. One  
2 of the issues that we have is dealing with Native  
3 American populations. And many of those  
4 populations simply don't respond to the normal  
5 outreach processes that would be used in any other  
6 part of the state. We have issues with written  
7 language and verbal language that are different.  
8 We have also distances that are quite severe.

9                   Have you had experience in those  
10 kinds -- addressing those kinds of communities of  
11 interest? And what suggestions would you make to  
12 enhance the outreach in terms of developing their  
13 AURs?

14                   DR. HESLOP: I would just quickly  
15 say in a couple counties, especially Apache and  
16 Navajo, you'll have to confront this issue with  
17 great sensitivity and sympathy, with particular  
18 sensitivity to their quasi sovereign status yet  
19 issues of citizenship and an outreach program with  
20 them fully and effectively involved.

21                   It's no different, from our  
22 experience, than in many other parts of the  
23 country. There are similar situations in Florida.  
24 We continually confront situations of this sort in  
25 California with very different Hispanic minority

1 populations from the suburban to the urban to  
2 rural areas requiring different approaches. They  
3 are all sensitive issues, language issues,  
4 cultural issues. Of course that's crucial.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: I'm trying to  
7 get a picture of how AURs fit into the final  
8 result. In legislative districts, we do have  
9 leeway plus or minus five percent of whatever the  
10 average population of those districts are supposed  
11 to be. In congressional districts, my  
12 understanding is we don't have any leeway at all.  
13 As I looked at the census figures, I think the  
14 population of Arizona is divisible by eight, they  
15 would all be exactly the same size. How does that  
16 mesh with the AURs when you've got to have  
17 districts that are identical in population?

18 DR. HESLOP: That's right. AURs, of  
19 course, have to be split. We suggest they be  
20 split according to clear-stated rules which  
21 include, of course, the constitutional  
22 requirements but should also, in which you have  
23 clearly stated, technical rules. Contiguity is a  
24 very important aspect of AURs. You'll want to use  
25 the same criteria in splitting an AUR, to the same

1 extent possible, in creating an AUR.

2 I think we handle this matter on  
3 the -- on pages nine and ten in our proposal. I  
4 believe that is nine, ten, yes, of our proposal.

5 So if, for example, an urban area  
6 using freeways, as would largely the Phoenix area,  
7 it's been our experience in redistricting Phoenix  
8 itself and communities such as Mesa, Glendale,  
9 Peoria, and Surprise, the freeway itself becomes a  
10 delimiter and you continue to follow that freeway.  
11 Perhaps you have to cut an AUR short. To the  
12 extent possible, you use jurisdictional lines for  
13 cutting it short, a school district. All these  
14 lines we know about as a result of our hearing  
15 process. Homeowner associations, they're not  
16 quite as intense about homeowners' associations in  
17 Arizona as they are in Florida. I tell you in  
18 Florida, they will fight over homeowner  
19 association lines. Here you'll just argue very  
20 strenuously.

21 It seems to me those are the lines,  
22 kind of lines you use to divide your AURs.

23 CHAIRMAN LYNN: Mr. Elder.

24 COMMISSIONER ELDER: I guess I'll  
25 ask a pointed question or we'll be here ultimately

1 all day. In this case we have two attorneys we  
2 acquired the services of through the Commission.  
3 If we believe that we need, based on the  
4 Proposition 106, that we need to start off with a  
5 grid system and we need to modify that, will your  
6 firm provide the counsel and say from our  
7 perspective and experience these are the pitfalls  
8 we have and then through discussions, if we decide  
9 to go this way, does that take your process  
10 approach away to where you feel it's not valid for  
11 the State of Arizona?

12 DR. ADAMS: Commissioners, I don't  
13 believe that it does. I think that we could, if  
14 it was required, use your approach. But we would  
15 still want to develop those units of  
16 representation. In other words, we would lay down  
17 a grid, but then as we made the adjustments, we  
18 would make the adjustments to the grid using those  
19 units. So we would basically follow the same  
20 process if we were required to start with an  
21 absolute grid.

22 CHAIRMAN LYNN: Let me ask a  
23 follow-up on that same question. Is it  
24 conceivable in your minds, maybe a question for  
25 Ms. Leoni, that the AURs, once determined, might

1 constitute a grid-like pattern? That is to say,  
2 one reading of the law might -- notwithstanding  
3 Mr. Osterloh's presentation earlier, obviously a  
4 grid is a grid is a grid. The intent is to have  
5 regularly shaped and a generally similar pattern  
6 across the state. Once we establish AURs, might  
7 those not constitute a grid?

8 MS. LEONI: I think they --  
9 people -- people in neighborhoods live together.  
10 And there will be similarities that will be grid  
11 like when the AURs are completed. The issue we  
12 need to be attentive to, Chairman Lynn, is equal  
13 population.

14 What we may find is where the idea  
15 of AURs will work into a grid-like pattern, it  
16 will be necessary to bring that grid into  
17 compliance with both the Federal Constitution and  
18 State's Constitution. It will provide the  
19 building blocks upon which that can be done.

20 CHAIRMAN LYNN: Mr. Hall.

21 COMMISSIONER HALL: On a different  
22 area.

23 CHAIRMAN LYNN: We're about out of  
24 time. This is the last question.

25 COMMISSIONER HALL: How do you then

1 propose, describe for me how you propose  
2 communication to be, all meetings back to -- what  
3 tool do you give the Commission to stay up with  
4 updating into the AUR process, stay updated on  
5 processes developed? Are you talking electronic  
6 tools? How would that communication occur, in  
7 your opinion?

8 DR. HESLOP: Our experience is that  
9 transcripts are crucial. Our experience is  
10 citizen kits filled out by people at the meetings  
11 handed in, if they don't want to do it, give a  
12 time limit to get them in to us. Within 72 hours  
13 of such a meeting, we have a full record with  
14 clear indicators from citizen testimony as to  
15 important boundaries. We would write up these  
16 hearings. We would design AURs for the area where  
17 the meeting had taken place. We would provide to  
18 your staff and to you, yourselves, an outline AUR.  
19 We would propose posting it on our website. We  
20 would propose announcing it to the press and  
21 asking for their involvement and publishing it in  
22 this area.

23 At the end of this process there  
24 would be publicly known in all areas of the state  
25 as a result of these hearings these boundaries.

1 And if we have, in the minds of some citizens, not  
2 followed the testimony, not followed the citizen  
3 kit, then they would be free to record, to  
4 register their complaint. And if it was soundly  
5 based, we would suggest to the Commission that the  
6 AUR be changed.

7                   So, gentlemen, yes, we would within  
8 72 hours of the end of each hearing, meeting, be  
9 able to tell you exactly what that testimony means  
10 in geographic terms.

11                   CHAIRMAN LYNN: I know one of you  
12 has to catch a plane. Are the others available to  
13 stay with us the rest of the day so if additional  
14 questions are required?

15                   MS. LEONI: Yes.

16                   DR. ADAMS: Yes.

17                   CHAIRMAN LYNN: Let me ask Lisa, can  
18 you do one more then take a break?

19                   THE REPORTER: Yes.

20                   CHAIRMAN LYNN: Let us then ask --  
21 let's now assume that EDS and National  
22 Demographics have switched places, and we'll ask  
23 Hunter, Johnston, Elam and Benjamin, please.

24                   Would you first identify yourself  
25 for the court reporter.

1 MR. HURLEY: Yes, Mr. Chairman.

2 My name is Marshall Hurley,

3 H-U-R-L-E-Y.

4 May I begin?

5 CHAIRMAN LYNN: Please.

6 MR. HURLEY: Thank you,

7 Mr. Chairman, members of the Commission.

8 Again, my name is Marshall Hurley.

9 You may be familiar with the law firm, law firm  
10 Hunter, Johnston Elam and Benjamin in Greensboro,  
11 North Carolina, where I also practice law.

12 I'm pleased to meet with you. I'll  
13 make a brief presentation.

14 I'm pleased because I understand the  
15 significance of the commission you are now  
16 undertaking. And it's really, I think, a historic  
17 moment for this state. And as I understand this  
18 new model that you are undertaking and  
19 implementing, you really have an opportunity to  
20 lead the nation in showing many, many other states  
21 how impartial and fair redistricting can be  
22 achieved.

23 When I spoke to one of your staff  
24 members about coming out here a couple of days  
25 ago, we sort of humorously decided that this could

1 be a 10-minute infomercial. That was my charge.  
2 That's really about all the information I was  
3 given in trying to supplement or explain our  
4 proposal to you. While that might be a little bit  
5 of a difficult job, you have a difficult task of  
6 choosing from what I'm confident must be a number  
7 of well-qualified applications to serve you in  
8 this important process.

9                   Again, I'm happy to be here.

10                   I want to introduce our team. We've  
11 really submitted an application that represents a  
12 team approach. This is a team that has worked  
13 together in the past successfully in other states.  
14 And we'd like to have the opportunity to earn your  
15 trust and confidence and provide you with the  
16 advice and the resources that you need to  
17 undertake the line-drawing process.

18                   First of all, we have, as the leader  
19 of this team who probably should be here but had a  
20 court conflict today, Robert Hunter. He would be  
21 the senior contact person, the senior principal of  
22 our group.

23                   Bob has been involved in some of the  
24 landmark cases that you have either heard about or  
25 will hear about in this redistricting process

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1 going back to the Gingles case which arose out of  
2 North Carolina, decided by the United States  
3 Supreme Court, and is still considered the  
4 grandfather case of voting rights and Section 5  
5 and Section Two issues.

6                   Mr. Hunter also had experience as  
7 Chairman of the North Carolina State Board of  
8 Elections and, therefore, administered election  
9 laws, knows how do to that in a fair, impartial  
10 manner. North Carolina is the 10th largest state.  
11 That's a large responsibility.

12                   He's also applied his skills in  
13 numerous states, South Carolina, Illinois,  
14 California, most recently Florida, fortunately or  
15 unfortunately.

16                   Illinois has been a focal point of  
17 voting rights litigation. Bob has been counsel in  
18 the pending case of Cromartie the Supreme Court  
19 might decide any day and that would certainly have  
20 bearing on your proceedings in the months ahead.

21                   Secondly, we're teamed with Dr. Ted  
22 Ehrington (phonetic) of Charlotte, North Carolina,  
23 a nationally recognized expert in voting rights  
24 analysis, demography, and electoral behavior  
25 deemed recognized as an expert for more than 20

1 years, served as the court's expert in New York in  
2 their last redistricting, has represented both  
3 plaintiffs and defendants, minorities and  
4 nonminorities, in other jurisdictions, Florida,  
5 South Carolina, Mississippi, and Montana. His  
6 experience is broad. He wears the title political  
7 scientist. The term "scientist" comes forefront.  
8 That's how he approaches his work, in a scientific  
9 manner.

10 My credentials are on record and I  
11 hope don't detract from any of my partners. I  
12 won't elaborate on those at this time.

13 Our team knows the law. We've  
14 established a record in representing plaintiffs,  
15 defendants, and government entities in many  
16 jurisdictions including minorities, blacks,  
17 Republicans, in some cases including, as I said,  
18 government entities.

19 Our principles have been consistent.  
20 Clients have been different. Principles have been  
21 consistent, seeking redistricting achieved on the  
22 basis of racial fairness. That's our commitment  
23 to you.

24 We are able to analyze all the  
25 appropriate data according to the Arizona

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1 standards and criteria of fairness and apply the  
2 law to those facts and advise you accordingly. We  
3 can do that without partisanship or favoritism.

4 I believe while you may have  
5 applicants from this state, I believe we can offer  
6 a fresh perspective coming with absolutely no  
7 prejudices concerning any of the groups or  
8 entities that may have interests before you.

9 We can and we will take the same  
10 oath that you took, to be fair and impartial, to  
11 favor no one but to favor everyone. And we can  
12 apply the law in a fair and impartial manner and  
13 render our advice accordingly.

14 While the goal of redistricting is  
15 simple, the task is extremely complex. The law  
16 presents conflicting and paradoxical commands. We  
17 are ready to roll up our sleeves and to work with  
18 you through those complexities.

19 Mr. Chairman, I'm trying to keep an  
20 eye on the time. Do I have a few more minutes?

21 CHAIRMAN LYNN: You have five.

22 MR. HURLEY: Thank you.

23 We're available. We came to be with  
24 you on 72 hours' notice. I'm not patting myself  
25 on the back. We're committed to being here,

1 committed to coming back when needed, committed to  
2 staying as long as necessary to assist the  
3 Commission. We're serious, committed  
4 professionals.

5                   We're a small group. We have the  
6 appropriate support staff. But your work will be  
7 performed by the principals. We will not shovel  
8 off work to an Army of unseen legal associates  
9 fresh out of law school. We will provide our  
10 assistance in plain English, and we will help you  
11 communicate with the people of the State of  
12 Arizona to bring them into this process during  
13 your public hearings.

14                   We will help you to establish the  
15 trust that you need to establish, to have an end  
16 result that people can look to as a legitimate and  
17 good result.

18                   The Voting Rights Act in your own  
19 Constitution, as you well know, places great  
20 burdens on this Commission. We can guide you  
21 through this process from the very basic  
22 principles of one person one vote through an  
23 analysis of communities of interest and analyzing  
24 the important census data that is just becoming  
25 available to us and in choosing the best possible

1 plan from among the alternative plans that will be  
2 developed during the process. And then the final,  
3 step, of course, is the preclearance process.  
4 Again, that's, of course, what you are working  
5 toward is to have this plan precleared by the  
6 Justice Department.

7                   And I would like to speak to  
8 preclearance for just a moment. The burden is  
9 always going to be on the state or jurisdiction  
10 seeking preclearance to show no intent to  
11 discriminate. That's a very difficult thing to  
12 show for many jurisdictions, proving that  
13 negative. But I want to comment to this state and  
14 this Commission that even in the face of that very  
15 difficult burden, your model of independence and  
16 impartiality already puts you ahead of the game in  
17 establishing that there is no intent to  
18 discriminate in the task that you are now  
19 undertaking.

20                   Your model of independence and  
21 nonpartisanship can and will succeed. We would  
22 like to help you to achieve that goal. And we  
23 will work with you.

24                   We will work with other firms. If  
25 you should choose to engage more than one

1 consultant, we would welcome that opportunity as  
2 well.

3                   In closing, I would just like to  
4 mention that I woke up this morning in Phoenix,  
5 and I woke up on Eastern Standard Time. And I  
6 moseyed over to the waffle house about 5:00 a.m.  
7 to get my first cup of coffee. And I walked in  
8 and it was packed. I couldn't believe how many  
9 people were in the waffle house at 5:00 o'clock.  
10 There were working people, some getting off work,  
11 some getting to work, people in work clothes,  
12 people in ties, old people, young people, Hispanic  
13 people, black people, white people. I realized  
14 why I had come across the country to meet with you  
15 today. Those are the people I'll help you work  
16 with if we're selected.

17                   I thank you. I'll be happy to  
18 submit to your questions.

19                   CHAIRMAN LYNN: Thank you,  
20 Mr. Hurley.

21                   Questions?

22                   Ms. Minkoff?

23                   COMMISSIONER MINKOFF: Thank you,  
24 Mr. Hurley.

25                   MR. HURLEY: Yes, ma'am.

1                   COMMISSIONER MINKOFF: I'm sure you  
2 know in a process like we're involved in where  
3 public acceptance of the result is so important  
4 that perception is often as important as reality.

5                   MR. HURLEY: Absolutely.

6                   COMMISSIONER MINKOFF: So I would  
7 like you, if you would, to reflect on the  
8 political make-up of your organization, of the  
9 people that would be involved, and of the clients  
10 you've represented in the past to tell us how that  
11 might be perceived by the people of Arizona if you  
12 were engaged as a consultant.

13                  MR. HURLEY: Let me be very candid  
14 with you and tell you that our group that we have  
15 put together, based on our past representation,  
16 clearly has a Republican flavor to it. I'm not  
17 going to deceive anybody here. However, in the  
18 New South, the interests of Republicans and the  
19 interests of minorities, racial minorities, have  
20 often come closely into play. We have found  
21 ourselves at the table, literally and  
22 figuratively, with the NAACP whom we have  
23 represented, Hispanic plaintiffs in South Florida,  
24 whom we've represented all the way to the United  
25 States Supreme Court in the Cromartie case,

1 represent the Governor of South Carolina allied  
2 with Democrats.

3                   Dr. Ehrington is a pure  
4 professional, registered unaffiliated. I believe  
5 his work has just -- just taking his resume and  
6 looking at the courts that he's provided helpful  
7 information to somewhat speaks for itself.

8                   But I would say that in representing  
9 those entities, and those -- excuse me, those  
10 clients in the past, our goal has always been,  
11 consistently been, racial fairness and following  
12 the law. That's -- I think that that would be  
13 perceived by anyone who took a careful look at our  
14 past work and our credentials.

15                   CHAIRMAN LYNN: Mr. Huntwork.

16                   COMMISSIONER HUNTWORK: Dr.  
17 Ehrington has a strong connection with Arizona, I  
18 can see in his resume. But my question really  
19 would be how would you staff to do this, open an  
20 office here, have -- would you have somebody full  
21 time here in Arizona that we would interface with  
22 on a day-to-day basis? Or how would you handle  
23 that problem?

24                   MR. HURLEY: Let me first answer by  
25 saying that we have responded to the procurement

1 request to the best of our ability, felt somewhat  
2 constrained by that process. If we are seen as a  
3 worthy candidate, we believe that we would have a  
4 period of negotiation and maybe a better word is  
5 understanding about your needs and your  
6 expectations. And we would do precisely what it  
7 takes to provide the staff, to provide the  
8 presence here that would be necessary to get -- to  
9 get the job done.

10 I think there are just any number of  
11 ways that those tasks and expectations could be  
12 agreed on and accomplished. And with technology  
13 as it is, I think our possibilities are greatly  
14 enhanced over the last redistricting cycle,  
15 certainly. But at the risk of sounding like I'm  
16 trying to have the best of all worlds in my  
17 response, I'll simply say we're anxious to take  
18 the next step with this Commission to develop the  
19 best plan for meeting those needs.

20 CHAIRMAN LYNN: Mr. Elder.

21 COMMISSIONER ELDER: In reviewing  
22 your application, on the one hand it says provide  
23 advice and legal ramifications between raw data  
24 and the census data; and then down below in the  
25 experience and reliability of the firm, it goes

1 into things like we'll do ethnic racial block  
2 voting analysis.

3 MR. HURLEY: Yes, sir.

4 COMMISSIONER ELDER: What it appears  
5 in looking at it, it doesn't seem like there's  
6 much hands-on public input into the process.  
7 Seems like a data crunch process. Can you clarify  
8 how that works?

9 MR. HURLEY: Well, in order to get  
10 to the result that you are trying to achieve,  
11 looking way down the road at the letter from the  
12 Attorney General approving your plans, you start  
13 with fundamental building blocks of information.  
14 And I don't have a comprehensive checklist in  
15 front of me. I'm not going to attempt a  
16 comprehensive answer. But if you'll bear with me,  
17 I suggest to you that you start with your  
18 demographic data, your racial block voting  
19 analysis, which is essential. You look to  
20 communities of interest. You look to indicia of  
21 racial fairness.

22 The Supreme Court talks about the  
23 totality of circumstances in making sure that you  
24 have a plan that complies with the law.

25 I think that it's difficult to put

1 that process into shorthand. And we may be  
2 somewhat guilty of speaking in legalese after I  
3 just told you we're going to try to speak in plain  
4 English. But those are the necessary beginning  
5 points to have plans out there that the public can  
6 react to, can make comments on.

7                   We saw an interesting Power Point  
8 presentation when we first started this morning.  
9 That is one approach. There are other approaches  
10 that the court will, the courts, plural, will have  
11 us look at and to go through in that process. And  
12 I hope that our bid reflects and imparts to you  
13 that we have been down that road many times before  
14 and have the ability to do that afresh here in the  
15 State of Arizona.

16                   CHAIRMAN LYNN: Mr. Hurley, your  
17 application is fairly long on your legal resume  
18 and qualifications and relatively short on  
19 methodology, from my reading.

20                   One of the steps in your scope of  
21 work, the ways you would approach the scope of  
22 work, in fact the first one, is identifying  
23 communities of interest as if that were an easy  
24 thing to do. As words on a piece of paper, it  
25 seems fairly straightforward. How would you

1 propose to do that?

2                   MR. HURLEY: Well, there's a variety  
3 of techniques in identifying communities of  
4 interest. First, you immerse yourself in  
5 political, historical, sociological information  
6 and data. It doesn't come from any one source.  
7 It comes from digging into history books, comes  
8 from digging into election returns. It comes from  
9 speaking with knowledgeable people. It comes from  
10 your public hearing process when people speak out  
11 about a community of interest.

12                   And that is one immediate problem.  
13 For instance, that -- or red flag, at least, if  
14 not problem, that comes with the process proposed  
15 to you when we first started this morning. It's  
16 nice and neat to talk about a geometry exercise  
17 where you can draw lines, but it may be  
18 devastating to some communities. And I believe  
19 that that is, as you say, it's easy to put down in  
20 a sentence. And it's a very difficult process or  
21 at least a process that requires a thorough  
22 approach. It doesn't happen by any one single  
23 technique.

24                   CHAIRMAN LYNN: Other questions?

25                   Mr. Hurley, thank you very much.

1                   MR. HURLEY: Thank you. Delighted  
2 to be here.

3                   May I inquire of the Chairman as to  
4 proceedings for the rest of the day? Should I be  
5 available?

6                   CHAIRMAN LYNN: We're asking each of  
7 the presenters, to the extent they can, to stay  
8 with us. We'll go through the formal process of  
9 hearing from each presenter; and then we'll have  
10 discussions which certainly are discussions that  
11 you might want to sit in on, be a part of.

12                   MR. HURLEY: Okay. Thank you.

13                   CHAIRMAN LYNN: Thank you.

14                   Let us take a very brief break. Try  
15 to keep it to five minutes, if we can. We'll  
16 maybe go to ten, if we have to.

17                   Let's take a brief break.

18                   (Recess taken.)

19                   CHAIRMAN LYNN: The next presenters  
20 are from Baker Hostetler. Any and all presenting,  
21 please give your name to the court reporter  
22 clearly.

23                   MR. BRADEN: Mark Braden.

24                   MR. RIOS: Rolando Rios.

25                   MR. KORBEL: George Korbel, Korbel

1 Research.

2 MR. WINSTON: David Winston with The  
3 Winston Group.

4 MR. BRADEN: Thank you for the  
5 invitation to make a presentation to this  
6 Redistricting Commission.

7 Why are we here? I assume we're  
8 here to do this, to slay the gerrymander.

9 A little symbol I developed with  
10 some friends about 20 years ago. We were  
11 litigating the issue of partisan gerrymandering  
12 across the country.

13 Baker Hostetler, I think, put  
14 together a team with wide experience of  
15 gerrymandering issues. Wide experience.

16 My name is Mark Braden. I've been  
17 involved in redistricting, believe it or not, this  
18 is my fourth cycle drawing lines. I'm hoping this  
19 will be a little different, this process, than my  
20 first cycle, the 1970s. We drew the congressional  
21 plan for the State of Ohio with magic marker, an  
22 adding machine, and road maps. We would propose  
23 to be a little more technically sophisticated than  
24 I was in the 1970s, most certainly more  
25 technically sophisticated than the 1980s or even

1 1990s.

2                   We've put together for the State of  
3 Arizona and citizens of the State of Arizona a  
4 team with experience from the academic community,  
5 the partisan Republican perspective of the  
6 process, partisan Democratic part of the process,  
7 and individuals involved in representing boards  
8 like yours drawing plans designed initially to be  
9 nonpartisan with no political input. I personally  
10 have been involved in states as diverse as  
11 California, Connecticut, Wyoming, Connecticut.  
12 Our team has together drawn hundreds of  
13 representation plans for large states, California,  
14 New York, to school districts and county select  
15 boards. It's unlikely you'll find a team more  
16 diverse than this one.

17                   We have a large team. Look at the  
18 proposal. 11 key individuals are identified. Why  
19 so many? The reality is it was not clear from  
20 your proposal to us, request for proposal, what  
21 level of support you will need from us. But, and  
22 also, to be candid, all the individuals involved  
23 in our proposal are very experienced, so very much  
24 in demand right now. These are all individuals  
25 who have other organizations, other municipalities

1 and states and counties desiring this type of  
2 service. We put together a large, diverse team.

3 Baker Hostetler is one of the  
4 largest law firms in the country with resources to  
5 support this.

6 In addition to the 11 key  
7 individuals identified specifically with the  
8 resumes you have available, we have internal  
9 support staff and various support staffs working  
10 in our law firm and associates from firms working  
11 for you, for example, Data One, one of the largest  
12 data companies in the United States with very  
13 substantial resources available to them, some of  
14 the most sophisticated demographic data bases to  
15 be used in the country.

16 I would very briefly like to talk  
17 about the individuals who are not here today, key  
18 individuals, and then sort of pass the baton off  
19 to the other individuals with us here.

20 Dr. Gordon Baker, who is included,  
21 not here today, Dr. Baker I think it's safe to say  
22 is one of the preeminent scholars on redistricting  
23 in the United States. He received a Gudenhiem  
24 Fellowship in the sixties, is one of the original  
25 architects of redistricting in the country.

1                   Clark Benson has expertise and  
2 experience in the area of political data. I  
3 understand political data is not necessarily used  
4 in the initial stages of the process, but there is  
5 no question sophisticated manipulation of  
6 political data and election data results is  
7 necessary for you to comply, insure the plan  
8 complies with the Voting Rights Act and also  
9 complies with your constitutional desire for  
10 competitive districts. Mr. Benson has a long  
11 history of doing that across the country. My  
12 guess is that is a bigger task than members of the  
13 Commission realize.

14                   Election data and work undoubtedly  
15 would be under the Census Bureau. The Census  
16 Bureau does a wonderful job but not a perfect job.  
17 As you evaluate the Census data, you'll find  
18 problems with it. Brian Miller with Data One has  
19 expertise in computer services, also expertise in  
20 computer data mosaic programs put together by Data  
21 One, the most sophisticated available. It's the  
22 largest data base in the country.

23                   Korbel Research is a survey  
24 research firm. We're looking as part of the  
25 proposal at at least six hearings. We believe in

1 conjunction with the six hearings, in advance of  
2 the six hearings, we'd want some opinion research,  
3 doesn't necessarily mean polling, but looking at  
4 exactly where you would go with and design a more  
5 sophisticated hearing process.

6           Only two segments of the population  
7 initially understand this whole process, and their  
8 level of understanding is for different  
9 communities. I think you have to understand that  
10 before you can design a hearing process that  
11 really actually does have input from groups and so  
12 they really have something to say, more  
13 sophisticated questions from you to the audience,  
14 and an audience and design where you can respond  
15 to them, understanding where the questions come  
16 from.

17           Now, since we have very brief time,  
18 I'll pass off to my partner in the process here,  
19 Rolando.

20           MR. RIOS: Thank you.

21           My name is Rolando Rios. I'm a  
22 voting rights lawyer, have been doing voting  
23 rights for approximately 20 years.

24           I was a past legal director,  
25 Southwest voting rights director, have done a lot

1 of voting rights registration projects here in  
2 Arizona. I'm a career voting rights lawyer, have  
3 had 200 voting rights cases in federal and state  
4 court.

5 I think what I bring to the table in  
6 this effort is familiarity with Section Five and  
7 Section Two of the Voting Rights Act we understand  
8 Arizona has to comply with.

9 It's a very worthwhile, noble effort  
10 you all are undertaking. It's very important for  
11 whatever plan you come up with to be found legally  
12 constitutional and approved by the federal courts.  
13 This is why I think our expertise in Section Two  
14 and Five of the Voting Rights Act is important.  
15 We want to go through the process and end up with  
16 a plan approved by the courts as legally  
17 constitutional. I think our expertise in that  
18 area is something that will be of benefit to you.

19 Thank you.

20 MR. KORBEL: My name is George  
21 Korbelt. I'm a former Texas regional director of  
22 the Mexican American Legal Defense Organization,  
23 regional director, MALDEF.

24 I've also been involved in  
25 redistricting for four cycles. I represented

1 Hispanic plaintiffs in the original voting case,  
2 White vs. Register, that the Section Two of the  
3 Voting Rights Act is based on.

4 I was involved in, had primary  
5 involvement in the expansion and extension of the  
6 Voting Rights Act back in the middle seventies to  
7 include Texas and Arizona which got swept in as a  
8 result of that.

9 I've worked with the Department of  
10 Justice continuously for the last 30 years and  
11 also have been involved in litigation.

12 I, myself, although I'm a lawyer, I  
13 also draw redistricting plans. And there's  
14 nowhere, as you know with lawyers, you can  
15 actually put a plan on unless you can do it  
16 yourself. You have to understand the process as  
17 well as the expert does.

18 I actually drew plans and also  
19 testified in a number of federal cases, drawing  
20 plan cases.

21 I've drawn districts as small as 200  
22 people and as large as the City of Houston, a  
23 little under two million at this point.

24 We've drawn all these plans. We can  
25 do all of it.

1                   I think the other point I really  
2 want to make here is that nonpartisan commissions  
3 I think is the direction redistricting is going  
4 and probably the direction it ought to go. And  
5 you are really going to do this thing for the  
6 first time. And you are in uncharted waters. And  
7 I think it's really important that this work.  
8 Because if it doesn't work, it's going to set that  
9 process back by a long time.

10                   I think that the people that we've  
11 got involved in our team, we can make it work. We  
12 can deal with all issues. And we can deal with  
13 everything else.

14                   I realize that you do have lawyers.  
15 We're not seeking to supplant the lawyers. But  
16 the process of redistricting is such that I really  
17 think you almost have to be a lawyer to actually  
18 draw the districts and to make sure that we're  
19 going to get preclearance by the Justice  
20 Department.

21                   I think that's really all I've got  
22 to say. I think we can do it, and we can do it  
23 well.

24                   Thank you very much.

25                   MR. WINSTON: My name is Dave

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1 Winston of The Winston Group.

2                   This is my third redistricting  
3 cycle. Again, like Mark, I'm sort of surprised to  
4 come up in the third one, but here we are.

5                   In that time I've not only focused  
6 on state, federal, congressional as to areas of  
7 expertise, in 1990 for the Republican Party I was  
8 the lead national person putting together data  
9 bases for various state parties for actually  
10 having a staff of people who actually drew lines,  
11 went out into states to actually physically draw  
12 districts for either state parties or the  
13 Republican entities in the State Legislature.

14                   I've been involved in Commission  
15 style redistricting, specifically New Jersey where  
16 we drew a plan for that Commission. The way that  
17 is set up, there's an equal amount of Republicans,  
18 Democrats, and a chief justice with the deciding  
19 vote. In that case, the chief justice in 1990, a  
20 Democrat, ended up accepting our plan, a  
21 Republican plan, over the Democrat plan because it  
22 was better under the Voting Rights Act.

23                   Presently we have staff that has  
24 been involved in every state of the country. I  
25 personally have been involved in over 20 states in

1 terms of doing redistricting at both the  
2 congressional and state legislative level.

3 MR. BRADEN: As you can tell, it's  
4 legitimate work. Everybody in this group has been  
5 working in this process a number of years. I'm a  
6 partisan Republican. My teammates range from  
7 partisan Democrats to individuals with background  
8 in nonpartisan redistricting.

9 We are a diverse group. I know how  
10 to create partisan gerrymandering, also know how  
11 to create a nonpartisan plan. Members of our team  
12 know how to do that. We know how to litigate and  
13 defend plans. We know how to create plans you can  
14 defend.

15 We have created a team to reach out  
16 to the community and stay. Our role is not a  
17 political role here. It's a technical role.

18 Issues of communities of interest,  
19 we can advise you on legal standing, talk about  
20 them. Communities of interest is a matter for  
21 this Commission and for the public hearing process  
22 to decide. How this process will move forward and  
23 details of how it will move forward frankly are  
24 not clear to me at this stage. We'll need  
25 guidance from you how that will move forward.

1                   Some issues are clear. Population  
2 deviation; no congressional deviation; we know  
3 what we need to comply with the Voting Rights Act.

4                   Many provisions are new, first-time  
5 provisions in the state. Some others I've seen in  
6 other states. Details will be different. Actual  
7 political details, in a broad, political sense,  
8 the broad sense, will come from you.

9                   We'll provide the technical  
10 political expertise to you, our vast experience in  
11 drawing lines. We can't provide logistical help.  
12 I assume the staff will provide the logistical  
13 help. Everything else we can do, if you desire,  
14 if you desire we break the pieces out and deal  
15 with various segments.

16                   We look forward to dealing with  
17 questions.

18                   CHAIRMAN LYNN: Thank you,  
19 Mr. Braden.

20                   Questions?

21                   Mr. Huntwork.

22                   COMMISSIONER HUNTWORK: I would like  
23 to ask you, as a team, how do we satisfy ourselves  
24 that we here in Arizona will have, if not your  
25 undivided attention, at least your whole attention

1 so that we can -- you will be responsive to us  
2 within the time frame necessary, which is very  
3 compact? And what assurances can you give us?

4 MR. BRADEN: Well, I can always  
5 retreat to the cliché I always think is a good  
6 starting point: If you have a big job to do, find  
7 a busy man to do it.

8 If you have people making bids to do  
9 it that are not really busy right now, they lack  
10 the experience to do this project.

11 Do not -- if you don't hire us, I  
12 understand; but do not hire someone for this  
13 project already not involved and busy doing this  
14 in a number of locations.

15 That's the reason we put together a  
16 big team of people, many of whom, 11 key  
17 individuals, the reality for us, to some degree,  
18 we are, if not totally, interchangeable pieces.

19 You will have available the  
20 individuals to do this. We have a very large law  
21 firm. We have substantial resources. That's the  
22 reason I brought so many people here. We will do  
23 the project. We have time available.

24 MR. RIOS: Technology out there  
25 allows us to give you our undivided attention you

1 need.

2                   Yesterday I was doing a  
3 redistricting plan for Houston Community College,  
4 pretty big. He mailed to me the outlying lines of  
5 the district. I put them into the computer and at  
6 the end of the day could give an analysis of  
7 three, four districts in a matter of a couple  
8 hours.

9                   Technology is there to provide  
10 whatever you need.

11                   COMMISSIONER MINKOFF: The follow-up  
12 question to that: You mentioned a large team of  
13 interchangeable parts.

14                   MR. BRADEN: Semi-interchangeable  
15 parts.

16                   COMMISSIONER MINKOFF: Which leads  
17 me to a question about continuity. If someone  
18 starts a particular project or starts dealing with  
19 a particular issue and then is unavailable and  
20 somebody else with similar skills has to be  
21 brought in, is there down time while that person  
22 gets up to speed?

23                   MR. BRADEN: The answer, you are  
24 right to be concerned about whether there will be  
25 people flowing in and out, not going to have

1 continuity. I think his response is, and the  
2 reality, is it's changed. I think certainly 20  
3 years ago I was not comfortable with us doing this  
4 type of group because of the different physical  
5 locations. Ten years ago we could have done it,  
6 but I was not as comfortable. Now we absolutely  
7 can do it. I talk to people all across the  
8 country. Frankly, a lot of clients when I offer  
9 to be physically present, "Why do you need to  
10 come? We can do this."

11                   The answer is you certainly need  
12 people physically here, certainly need the  
13 physical presence. I don't see continuity of the  
14 process as a problem. We have all worked together  
15 to some degree. I don't see that as a problem.

16                   The advantage we have, none of these  
17 will be, with a few exceptions, matters of first  
18 impression. We come from a very long background  
19 in this. In some ways this project, although  
20 difficult, involved, some technical aspects, other  
21 than data preparation, will go quicker in some  
22 ways than you think it will go, I believe.

23                   MR. WINSTON: One thing to add to  
24 that, physical communication: Digital  
25 collaboration, being able to exchange files back

1 and forth as described makes collaboration a much  
2 different item than 10 years ago. You do not need  
3 two people in a room to share information.

4                   One nice thing about the advances is  
5 the ability to share information. Having been CEO  
6 for the party last time versus this time, it's  
7 really difficult to describe just how much better  
8 it is. So that alleviates a lot of that problem.

9                   CHAIRMAN LYNN: Mr. Hall.

10                   COMMISSIONER HALL: Just a follow-up  
11 of my question to Ms. Minkoff's question.

12                   There's no question you have a  
13 large, impressive team. Who's the quarterback?

14                   MR. BRADEN: I'm the quarterback.  
15 Baker Hostetler has their name on the bottom line.

16                   COMMISSIONER HALL: Okay. With  
17 respect to community outreach and identifying  
18 communities of interest, et cetera, give me an  
19 idea how you propose you would assist this  
20 Commission in that process. Obviously crunching  
21 numbers is pretty simple in today's society; but  
22 it's the more arbitrary efforts, for lack of a  
23 better word, to assess what the community is  
24 feeling.

25                   How do you feel you can help us in

1 that respect?

2                   MR. BRADEN: I think we have in mind  
3 survey type research and focus type research. And  
4 I think we have a team of individuals that have  
5 extensive experience in the Hispanic community.  
6 I've had some experience in collaboration with the  
7 Hispanic community.

8                   MR. RIOS: One of the things, like I  
9 said, we've represented 200 redistricting offices,  
10 NAACP, the Native Americans in Arizona. In a  
11 state like Arizona, you can identify communities,  
12 the interest groups that would want to be notified  
13 about what is going on. There's national groups  
14 and then local groups. Here you have Native  
15 Americans; Latinos, probably; predominant groups  
16 I'd get to participate in Section Two and Five of  
17 the Voting Rights Act.

18                   In Texas, Arizona, everyone's plans  
19 had to get approval from the Justice Department.  
20 The Justice Department asks which community groups  
21 have been involved. We have experience doing  
22 that.

23                   MR. BRADEN: Every state, we've  
24 worked with preclearance states, nonpreclearance  
25 states; most certainly, depends not who the client

1 is, whether partisan group or nonpartisan group.  
2 You have to reach out to different groups. So  
3 we --

4                   The answer is it's not difficult to  
5 find people who are interested in this process.  
6 It is sometimes difficult to get them involved and  
7 get them to an education level is they have in  
8 reality something productive to add to the  
9 process, to really understand what is at stake in  
10 the process.

11                   Lots of groups understand this is an  
12 important process. How to influence the process  
13 is an education factor.

14                   The bottom line factor is I have  
15 names in my Rolodex and people return my phone  
16 calls. They return my phone calls because we've  
17 discussed the issues a dozen times before.

18                   CHAIRMAN LYNN: Mr. Elder.

19                   COMMISSIONER ELDER: One of the  
20 individuals, I can't remember if Mr. Rios or  
21 Korbelt said, to paraphrase, tell us who the  
22 networks and contacts are, we'll contact them in  
23 due process. Part of the public outreach is  
24 development of contacts, making sure we have  
25 public input.

1                   It seems like we're talking pretty  
2 much a law-based proposal here and the public  
3 relations, public input component, seems to be  
4 lacking.

5                   MR. BRADEN: What my concern here  
6 is, what I'm not offering to do, and it wouldn't  
7 make any sense to offer to do, we're not offering  
8 logistics, to set up hearings, you know, not go  
9 staffing the hearings, where we know nothing,  
10 where you have offices, equipment, maybe you  
11 haven't decided what you are going to do.

12                   You don't hire a consultant to be a  
13 meeting planner. I don't want and wouldn't be  
14 qualified to decide what government building in  
15 Flagstaff you ought to have this hearing.

16                   If the question is do we know what  
17 group as a starting group should be called to, as  
18 an initial point, to come to that hearing? Sure.  
19 I can go through a list. There will be other  
20 groups we will not know. Let's be candid. That  
21 most certainly to some degree is an issue of  
22 policy I to some degree will pass to you.

23                   There are clearly interested  
24 minority groups and interest groups. We ought to  
25 talk to political leaders, community leaders.

1 Here they are. I don't think or consider them  
2 very difficult to identify. You are more  
3 qualified to identify them than we are here in  
4 Arizona. I'm not -- we have experience on this  
5 team litigating in Arizona. The reality is  
6 politics in Arizona, I don't mean partisan,  
7 politics in Arizona, it's a political process.  
8 Even though nonpartisan, we'd be dependent on you  
9 to a significant degree.

10 COMMISSIONER ELDER: As part of the  
11 answer you made an answer about educating groups,  
12 being able to become effective participants. That  
13 is part of what you can do.

14 MR. RIOS: Absolutely.

15 MR. BRADEN: Absolutely.

16 MR. KORBEL: Absolutely.

17 MR. WINSTON: Absolutely.

18 CHAIRMAN LYNN: Mr. Huntwork.

19 COMMISSIONER HUNTWORK: One question  
20 I feel I have to ask, Mark. Your name is included  
21 as a consultant in another proposal we have in  
22 front of us.

23 MR. BRADEN: I know.

24 COMMISSIONER HUNTWORK: I want make  
25 sure that's all on square, if we did hire EDS,

1 that you would be part of their team as well.

2 MR. BRADEN: It will not be a shock  
3 to you there were a lot of people I knew out in  
4 the hallway. It's a tired, recycled group of us.

5 Kim is very good at what he does.  
6 I'll be very candid with you. I'm sure if you  
7 hire him to do the proposal --

8 Kim had mentioned to me before he  
9 was going to come out before. It was really at  
10 such an early period, and I've done a lot of work  
11 with Kim, Kim made, I thought, a different  
12 response to the proposal. I didn't realize I was  
13 in this with him. He didn't realize I responding  
14 to this one. As you realize, this one, coming out  
15 late, I just didn't realize Kim had made an  
16 earlier proposal to you which included me.

17 COMMISSIONER HUNTWORK: If we hired  
18 him, you are still part of the group?

19 MR. BRADEN: I would be mad you  
20 didn't hire me. I'd do it anyway.

21 CHAIRMAN LYNN: You have a long line  
22 of people to get behind that are going to be mad.

23 MR. BRADEN: You know, the real goal  
24 of redistricting is to make unhappy people. In  
25 this process you will make people unhappy. Make

1 them sullen but you don't want them litigious.

2 Keep them out of the courtroom.

3 CHAIRMAN LYNN: Other questions?

4 Gentlemen, thank you.

5 COMMISSIONER MINKOFF: I just have  
6 one very brief, quickly.

7 Because we are concerned about  
8 public acceptance of not only the result but the  
9 process leading to the result, and you had  
10 mentioned yourself your close ties to the  
11 Republican party, as I read some of other resumes  
12 I see a lot of the same thing.

13 What kind of perception would the  
14 public have of Baker and Hostetler if you were  
15 hired as consultants to the Commission in terms of  
16 your partisanship, lack of partisanship,  
17 bipartisanship, whatever?

18 MR. BRADEN: I think we've assembled  
19 a very bipartisan team. I have friends on the  
20 other side of the aisle. Our law firm, law firms,  
21 want to be. A former Democratic member from  
22 Connecticut is included in the proposal, former  
23 Democratic leader in the Colorado Legislature.

24 I think that is the best guard, and  
25 there are jobs here representing a background of

1 nonpartisan bipartisan commissions. I think it's  
2 very clear we've attempted to, and I think have  
3 been successful, in putting the same number of  
4 Republicans as to Democrats in this process.

5           The bottom line is you'll get what  
6 you ask for. If you want a nonpartisan plan  
7 without partisan considerations, they'll not let  
8 me draw a Republican plan. They'd not let me draw  
9 a Republican plan even if I wanted to. That's the  
10 better way. The reality is there is a better way  
11 to convince people of the nonpartisan/bipartisan  
12 nature. Have people involved in the process.  
13 We'll have people putting pen to paper -- well, we  
14 don't do that anymore -- have people putting mouse  
15 to computer screen on both sides of the aisle,  
16 both sides of the political aisle, at the national  
17 level, recognized nonpartisan and recognized  
18 partisan, Republican and Democrats.

19           CHAIRMAN LYNN: Thank you very much.

20           I'd invite you to stay until later  
21 today, later in the discussion, what will  
22 apparently be this afternoon. You may want to be  
23 here.

24           MR. BRADEN: Since I didn't do a  
25 Power Point, I'll give you a graphic here.

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1 Wouldn't be consultants if we didn't have a  
2 graphic.

3 MR. KORBEL: If you hire us, we'll  
4 get T shirts.

5 CHAIRMAN LYNN: We have EDS.

6 MR. BRACE: Good morning,  
7 Mr. Chairman, members of the Commission, it's good  
8 to see you again.

9 CHAIRMAN LYNN: Indeed.

10 MR. BRACE: We're going to borrow  
11 Tim Johnson's projector for a slide show, let him  
12 set up that. He follows me. Unfortunately it  
13 means doing the same thing to you I did a few  
14 weeks ago, shining that right in your eyes. It's  
15 the only thing that will work.

16 I apologize once again.

17 CHAIRMAN LYNN: No.

18 As you are setting up, let me share  
19 with you what we've asked everyone to do. We have  
20 a half hour each per consultant. If you can keep  
21 your presentation as brief as possible, it will  
22 give us more time for questions, which is really  
23 what we need to do.

24 MR. BRACE: That's fine. I will  
25 speed through some of the things.

1                   Okay. I have to operate the machine  
2 over here. I won't use the microphone. Hopefully  
3 I'll be loud enough for everyone to hear.

4                   My name is Kim Brace from Election  
5 Data Services. And we're here to present some  
6 ideas in terms of services that we can provide to  
7 the election Commission.

8                   We've always looked at ourselves as  
9 the experienced hand to guide you through the  
10 redistricting process. In terms of our  
11 presentation today --

12                   Well, let's see. That's going to be  
13 interesting. I don't know how the projector is  
14 synchronizing, because I'm running off the screen  
15 a little bit.

16                   Well, hum. Well, it will be an  
17 interesting presentation. We'll try to explain  
18 some of the words off the side.

19                   I apologize. I'll go through a  
20 little bit in terms of background in terms of  
21 redistricting as well as in terms of goals and  
22 requirements of the Commission, describe solutions  
23 we're proposing, and look at all of that.

24                   In terms of EDS, we're not the guy  
25 with the big ears. That's the other EDS. We are

1 instead a 24-year-old bipartisan consulting firm  
2 that specializes in reapportionment, in census, in  
3 election administration, and redistricting. As I  
4 say, we're more than just software providers.  
5 We're redistricting. We produce stable studies  
6 used across the country for redistricting across  
7 the country. For census, we follow closely things  
8 in the US, D.C., reapportionment for elections in  
9 D.C., provide tools to update voter redistricting  
10 using GIS.

11                   Redistricting, since 1979, has been  
12 the heart of our work. Since redistricting, be it  
13 redistricting or redistricting court cases, we've  
14 worked in and upwards of half the nation have been  
15 assisted by Election Data Services since 1979.

16                   In terms of redistricting, what  
17 we're looking at proposing to you is outlined in  
18 our proposal items. And there is a wide variety  
19 of different possibilities depending upon what you  
20 finally see as your needs. So we can provide  
21 strategy in consulting in terms of planning  
22 documents and planning things, handbooks, that  
23 sort of thing. Developing data bases is one of  
24 our keys in terms of working all that, including  
25 keypunching election returns, TIGER files, and

1 merging all that into a seamless data base, all  
2 that kind of assistance. If you look, we offer  
3 every kind of comprehensive support services and  
4 various types of assistance available.

5           You can select depending upon what  
6 your needs are for the Commission different items  
7 we have in our proposal.

8           Clearly in terms of the mandate of  
9 the Commission, the districts must be equal,  
10 geographically compact and contiguous, respecting  
11 communities of interest and geography, complying  
12 with Voting Rights Act as well as the  
13 Constitution, and communities of interest should  
14 be respected.

15           As far as the mapping process, equal  
16 population districts but making use of the  
17 grid-like system. And that can add complications  
18 to that. And then districts be adjusted from  
19 there.

20           And as your statute says, you cannot  
21 use party registration or voter history in the  
22 initial mapping, but it needs to be used for  
23 making sure that the maps comply with  
24 redistricting goals as well as the Voting Rights  
25 Act.

1                   And you are also supposed to prepare  
2 the map for public comment as you've outlined in  
3 your proposal.

4                   We look at providing a number of  
5 different services and possibilities, legal and  
6 technical assistance, acquisition of the  
7 redistricting system to make use of compilation of  
8 the geography and the information, compilation of  
9 party registration for testing purposes, and  
10 compiling additional data to measure  
11 competitiveness and compliance with the Voting  
12 Rights Act itself.

13                  In terms of legal and technical  
14 assistance, we have on staff political scientists  
15 to conduct research, statistical analysis of the  
16 GIS data base, including ones with redistricting  
17 experience, including one in Arizona before.

18                  EDS has legal experts, demographic  
19 experts, and voting rights experts to deal with  
20 the various issues before you.

21                  In terms of on site, we're prepared  
22 to have an on-site staff person here, one that  
23 knows the State of Arizona very well having lived  
24 here for a number of years already.

25                  And in terms of legal and technical,

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1 legal consulting, we include a panel of attorneys  
2 from both major parties to assist you. One just  
3 made a presentation to you from that standpoint.

4                   And because redistricting is very  
5 much dealing with constitutional, statutory,  
6 you're looking at attorney-client privileges in  
7 providing that assistance.

8                   In terms of redistricting, we make  
9 use of autoBound which has many tools dealing with  
10 various things that has to be done in terms of  
11 redistricting in terms of spread sheets,  
12 contiguity analyzers, and all those kind of things  
13 based on Arcview from ERSI.

14                   In terms of system installation,  
15 we're prepared to install the system, train staff  
16 you've already hired as well as have our staff out  
17 there to provide technical support for the system,  
18 install the data.

19                   Data is now out, as you are aware  
20 of, from last week. And we can provide training  
21 in terms of system use on that side, also. We  
22 look at the computer as there to help the process.

23                   In looking at the geography and the  
24 maps, one of the keys that we've looked at,  
25 however, is what happens when you have more

1 information you want to put on the screen to be  
2 able to see, be it political or demographic data,  
3 running totals for districts, all kind of things.

4           On GIS with a single monitor, things  
5 get covered up. You have to be careful of that.  
6 We've worked on an alternative solution which is  
7 hardware based that let's you basically have two  
8 monitors and make use of the software capability  
9 so that you can have one monitor have a map of  
10 where the districts are being drawn and on the  
11 other monitor you can have smaller maps of  
12 demographic variables or other kinds of data as  
13 well as running totals so you can make use of the  
14 full use of technology to help as well as display  
15 a wide variety of information on that side.

16           We are also heavily, as I mentioned  
17 before, involved with building the data base,  
18 which is one of the keys. So we put together this  
19 little look, what we term as the data cube in  
20 terms of a source of data being from census or  
21 political information and then the type of data  
22 being map data or tabular data.

23           Clearly, when you look at all of  
24 those, you get a cube or, in essence, what you  
25 really get is four cubes. And the question is

1 filling in those cubes.

2                   So if you look at census maps, they,  
3 of course, come from the TIGER files from the  
4 Census Bureau. They have the counties, the  
5 townships, census tracts, all of that, both for  
6 1990 and 2000.

7                   In terms of political maps, you  
8 would be looking at district boundaries for all  
9 the various districts involved as well as because  
10 you have to deal with the analytical side after  
11 the plan is drawn, you need to make sure you have  
12 precincts in there, also. And as I talked to you  
13 several weeks ago, I noted that not all of the  
14 precincts are in the TIGER files from the Census  
15 Bureau standpoint.

16                   In terms of census tabular data, we  
17 have now released the population data, both total  
18 and voting age population as well as both race and  
19 ethnic minority for Hispanic population, look at  
20 putting together both 1990 and 2000 as well as  
21 other demographic and community of interest  
22 information to come into that component.

23                   And then from political tabular  
24 data, you're looking at election results, voter  
25 registration, all of that to help on the

1 analytical side of things in order to make sure  
2 the districts comply with the Voter Rights Act.

3                   That gives a clue of what needs to  
4 come together to put districts together. It comes  
5 from TIGER files. That's part of the key of  
6 implementing a grid-like process and putting that  
7 into place to handle this large volume of  
8 multi-race data, in particular.

9                   In terms of the geographic data  
10 base, you need to have all of those kind of items  
11 in there in terms of the regions of the state as  
12 well as dealing with your grid mechanism, as well  
13 as communities such as Indian reservations, school  
14 districts, all of those kind of things, and  
15 putting that together.

16                   In terms of grids, we looked at, in  
17 fact, what grid lines are available here. But  
18 they bifurcate the block boundaries. And that  
19 will be one of the key things, being able to  
20 allocate block level population to the quadrangles  
21 of the grid. So that's part of the data base  
22 processing in terms of setting up the system.

23                   In terms of the population data, of  
24 course, for the first time we have multi-race.  
25 There's 288 columns of data, as I mentioned to you

1 several weeks ago. We've gone through a process  
2 of looking at culling down that and putting it  
3 into a shorter version. We're now down to about  
4 180 columns of data. That let's us have a wide  
5 variety of analytical capabilities of looking at  
6 that, both what OMB guidelines talk about, federal  
7 regulations, and that sort in terms of use of  
8 multi-race.

9                   In terms of communities of interest  
10 data base, it identifies households down to a zip  
11 plus four level which brings it into geography,  
12 the various demographic attitudes, lifestyles, and  
13 other behavior in order to look at communities of  
14 interest, another way of answering Sandra Day  
15 O'Connor's request that we comprehend communities  
16 of interest and clearly in terms of the voter  
17 registration data and political data, all of that  
18 for Voting Rights Act on that side, obtaining the  
19 maps and dealing with all that.

20                   We are involved with the State  
21 Legislature who has asked us to put together a  
22 similar data base for them. I will tell you that  
23 ahead of time. So some of that may in fact be  
24 available for you. And we would adjust our quote  
25 accordingly. After I leave you today I go over

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1 and meet with them this afternoon. But I just  
2 wanted to let you be aware of that circumstance,  
3 also.

4                   Clearly in terms of the racial block  
5 voting analysis, analyzing polarization,  
6 minorities ability to elect a candidate choice,  
7 we have demographers, political science experts  
8 able to be brought in to prepare reports and what  
9 is necessary for the Commission, front end  
10 analysis, some of the initial analysis, district  
11 competitiveness.

12                   And that's a quick version of the  
13 presentation.

14                   CHAIRMAN LYNN: And we appreciate  
15 that.

16                   Mind capping that?

17                   MR. BRACE: Indeed.

18                   CHAIRMAN LYNN: You've been engaged  
19 by the Legislature to do something similar? If  
20 you'd explain that project to us and explain how  
21 their engagement of EDS to do this either does or  
22 doesn't affect what we do and in what way.

23                   MR. BRACE: They have asked -- they  
24 want to put together a political data base for  
25 their own analytical purposes similar to the kind

1 of political data base that we're talking about  
2 for the Commission. We have, as I said, we have  
3 not entered into the final contract signing, but  
4 they have expressed an interest in doing that. I  
5 do not believe that that would conflict with the  
6 Commission. For their purposes, it is straight  
7 data. There is no analysis. It is simply putting  
8 together the data similar to what we've already  
9 proposed to put together for you.

10 CHAIRMAN LYNN: Specifically, is it  
11 legislative counsel? Is it part of the  
12 legislative --

13 MR. BRACE: It is the legislative  
14 counsel acting on behalf of all four caucuses.

15 CHAIRMAN LYNN: Thank you.

16 Questions for Mr. Brace.

17 Ms. Minkoff.

18 COMMISSIONER MINKOFF: Actually,  
19 this is a two-part question, because one of the  
20 things we are very, very concerned about is public  
21 acceptance of the ultimate result.

22 MR. BRACE: Absolutely.

23 COMMISSIONER MINKOFF: And also  
24 public acceptance of the process that leads to  
25 that result. One of the things we asked for in

1 our RFP you have responded to I would like you to  
2 elaborate on, how you would assist us in public  
3 comment, public input, identifying and working  
4 with communities of interest in the state. Then I  
5 have a follow-up. Respond to that and then I'll  
6 give my follow-up.

7 MR. BRACE: We have worked with  
8 Commissions before. We are also working with a  
9 Commission being set up in the State of Rhode  
10 Island where we will be staffing their Commission  
11 work. And what we would be doing there is similar  
12 to what we would be proposing to do here. They  
13 will have a number of public hearings around the  
14 state. We would be staffing those hearings and  
15 setting them up in conjunction with local  
16 individuals. Part of the key in terms of public  
17 hearings is probably a several part public hearing  
18 process: First of all, to gather information from  
19 the community. The key phraseology this time  
20 around is communities of interest. The key there  
21 is what is the community of interest.

22 We propose for you the mosaic system  
23 as one way of looking at it. But clearly what is  
24 also needed is a way that the public can  
25 communicate to the Commission in terms of what

1 they perceive the community of interest to be. In  
2 that instance, what we've ended up doing in other  
3 states and we would propose here is at the  
4 hearings that you would initially have, to have  
5 that public comment, we have maps available so  
6 someone could identify on a map the geography of  
7 what they believe parish X is or community Y is,  
8 or so forth, as a way of trying to distill from  
9 the public what their view is of a community of  
10 interest.

11                   We've found, and we've done this in  
12 a number of different states before, sometimes you  
13 get numerous conflicting different interests of  
14 community of interest. It's useful to gather that  
15 so when you get involved in line drawing itself  
16 you can take that into account.

17                   You'd also be involved in terms of  
18 your citizens' kit, putting that together. There  
19 are a variety of different things. We put  
20 together a citizens' kit in the State of Hawaii  
21 that is a series of map books that can be provided  
22 to the general public that has not only the  
23 geography and a series of maps of the state but  
24 also the population data at a single geographic  
25 level. Can't give all of it by census block from

1 the Census Bureau, obviously, but providing  
2 information from that standpoint so citizens in  
3 fact can make use of that kind of information and  
4 draw their own plans, if they so desire.

5                   We also propose in terms of the  
6 proposal to have a public terminal. We have made  
7 use of that for the past 20 years and found that  
8 to be very successful.

9                   In my earlier version of my  
10 discussion with you, we put together more public  
11 terminals out in the various universities and  
12 various parts of the state. We did not see that  
13 in our RFP, so we pulled that out in terms of the  
14 current proposal; but we're prepared to put that  
15 that back in should you decide you want that.  
16 It's another way of getting public comment.

17                   COMMISSIONER MINKOFF: My follow-up  
18 question, which actually should be here, a little  
19 bit on public acceptance of the final product.  
20 When here last time, you brought a gentleman with  
21 you proposed as being the on-site person to staff  
22 this project locally. And it's since been brought  
23 to our attention that just prior to coming to work  
24 for you he was a senior staff member for a member  
25 of our Legislature affiliated with one political

1 party. Our concern is public perception might be  
2 that there's a bias or a connection with one  
3 political party. Is that staff position open to  
4 discussion? Is there a way you would propose  
5 dealing with that issue?

6 MR. BRACE: Certainly it's open for  
7 discussion. What I would also be proposing  
8 besides Joel Wilson, how we are talking about this  
9 is I would be out here an awful lot, also. I tend  
10 to have political stripes on other side of the  
11 aisle. We are a bipartisan company providing  
12 services to both political parties. I've been  
13 steadfast in trying to provide that capability.  
14 So it is a balanced capability.

15 Clearly the redistricting process is  
16 a political process. We recognize that. But we  
17 believe by providing bipartisan support of both  
18 sides of the aisle provides you the best of both  
19 worlds.

20 CHAIRMAN LYNN: Mr. Hall?

21 COMMISSIONER HALL: So have you  
22 already started inputting TIGER files? Have you  
23 already started that process?

24 MR. BRACE: We actually have all 50  
25 states' TIGER files. We have on a daily basis as

1 the Census Bureau has been releasing population  
2 data have been downloading that and processing  
3 that.

4 Yes, we do have that -- those  
5 already available.

6 COMMISSIONER HALL: In connection  
7 with the relationship with Leg. counsel, have you  
8 already received information or information from  
9 them with respect to voting history profiles?

10 MR. BRACE: No, not yet. That's one  
11 of the reasons for going over and seeing them  
12 later today. They've proposed they have a lot of  
13 data, which is what I discussed with you  
14 previously. That might be a source of  
15 information. That's what would be gathered, some  
16 of that information, to be able to start that  
17 process.

18 COMMISSIONER HALL: So when do you  
19 anticipate you'll be completing, finished  
20 compiling data for them?

21 MR. BRACE: They are looking at a  
22 short turnaround time, as are you. If we were to  
23 do something with the Commission, the Commission  
24 would be paramount. In fact, we've talked with  
25 Leg. counsel that we may not sign the contract

1 with them depending upon the Commission. We would  
2 rather work with the Commission than only Leg.  
3 counsel, from that standpoint. But clearly in  
4 terms of your needs, of the Commission, to be able  
5 to analyze, you are going to need that kind of  
6 data.

7                   COMMISSIONER HALL: I understood you  
8 to say last time you were here you are able to  
9 offer a range, continuum of services from full  
10 scope to limited scope; is that correct?

11                   MR. BRACE: That's correct.

12                   COMMISSIONER HALL: In the event,  
13 hypothetically speaking, you were able to provide  
14 services for Leg. counsel, you'd provide that for  
15 us, also?

16                   MR. BRACE: Clearly, if retained for  
17 us by the Commission and the Commission gives the  
18 okay and we did something with Leg. counsel, we'd  
19 be providing it to the Commission. It's very --  
20 it's a data base you are going to need anyway. I  
21 think Leg. counsel saw they also wanted it. We're  
22 prepared to first prepare it for you, from that  
23 standpoint, and then you would be in the driver's  
24 seat of whether or not you want to give it to Leg.  
25 counsel.

1 COMMISSIONER HALL: I understand.

2 In any event, you are probably going  
3 to prepare it anyway, regardless of what we're  
4 going to do?

5 MR. BRACE: Yes.

6 COMMISSIONER HALL: I wonder if  
7 you'd let us know, granted we don't know what  
8 we're going to do, either, whether you can let us  
9 know what we can receive a copy of that data base  
10 for only, with respect to the specific data  
11 itself.

12 MR. BRACE: One of the things  
13 following my presentation to you last time, I did  
14 go over to meet with them, because they wanted to  
15 meet with Joel and myself in terms of the data  
16 base. And I told them of your desires and your  
17 needs of having that and said, you know, if the  
18 Commission goes ahead and does that, then are you  
19 going to provide the data that you've collected?  
20 And the indication back to me was positive that  
21 they would, certainly in terms of at least the  
22 beginning points. Now, if they went forward and  
23 built it, I would think they would also end up  
24 providing it. But, you know, you are talking  
25 about more than likely your needs coming first and

1 putting it together. But having that raw, having  
2 access to that raw data that they have already  
3 compiled, they haven't keypunched it, they haven't  
4 mapped the remaining parts of the state. All of  
5 those are something that would be necessary. But  
6 it would be necessary from your Commission  
7 standpoint, too.

8 CHAIRMAN LYNN: Mr. Elder.

9 COMMISSIONER ELDER: In the  
10 presentation, it seemed to be heavily weighted  
11 toward system setup, system software, system  
12 process. And it almost appeared as though now and  
13 in your previous presentation it's up to us to  
14 draw the lines and data is crunched out to the  
15 bottom. My sense is we want to provide criteria,  
16 direction, goals, and have the manipulation, I use  
17 that term -- management of the data -- the  
18 management of the data come back from a  
19 statistical base.

20 The data base you're doing for Leg.  
21 counsel, to me it's numbers that are --

22 MR. BRACE: Numbers are there.

23 COMMISSIONER ELDER: How does that  
24 all fit together with what our needs are, having a  
25 defensible, reflective process?

1                   MR. BRACE: Clearly, from what you  
2 have proposed in the RFP, we recognize that and  
3 are prepared to provide that, providing services,  
4 being able to provide, draw, present ideas to you  
5 with staff people out here working with you and  
6 working with the data base once it's put together.

7                   All of that, we're totally prepared  
8 to be on site and draw for you, with you, to  
9 present to you, whatever the case may be.

10                  In the state, for example, in Rhode  
11 Island, we have the process with their Commission  
12 where we're drawing districts and will be  
13 presenting ideas to the Commission, as far as  
14 different concepts, based upon the public input,  
15 again, from the public sessions, and that sort of  
16 thing; where the Commission, as you have said, and  
17 as you have said in your proposal, you would be  
18 looking at, in essence, finished plans or rough  
19 plans to give you concepts of where things are.

20                  Yes.

21                  CHAIRMAN LYNN: Mr. Brace, thank you  
22 again for being here.

23                  MR. BRACE: Thank you, Mr. Chairman,  
24 members of the Commission.

25                  CHAIRMAN LYNN: We'll invite you to

1 have your meetings with whomever. We'll be at  
2 this until sometime this afternoon and welcome you  
3 back whenever we next go into public session.

4 May we next have Maricopa County.

5 MS. OSBORNE: And we have Tim  
6 Johnson.

7 Mr. Chairman, members of the  
8 Committee, I'm Karen Osborne, Director of  
9 Elections for Maricopa County.

10 We have Tim Johnson with us.

11 As you see from information given  
12 you, if you chose to have your own hardware,  
13 internet system, your own hardware, Scott Brown is  
14 here. Scott used to be on our staff. Scott put  
15 in to be the web master for that portion.

16 What we'll have Tim do is his  
17 presentation and then be happy to answer any  
18 questions you have.

19 MR. JOHNSON: Thank you for having  
20 me here in consideration for our proposal.

21 I'll recap what we did in our  
22 proposal and show you things live. I'll leave it  
23 up there.

24 So what we've proposed to you is  
25 sort of very similar to what you've heard before

1 in that I would become, for the most part,  
2 attached to the Commission as a full-time staff  
3 member and assist you in the mapping portion and a  
4 lot of the technological issues you'll run into  
5 and data issues. I would not be consulting you as  
6 far as Title Section Five issues of the Voting  
7 Rights Act or so on. I would be assisting in your  
8 submission as far as preparing reports, maps, and  
9 paper that needs to be done but not any of the  
10 arguing or justification or data that supports  
11 someone else's justification or justification  
12 itself.

13                   We're also proposing to prepare for  
14 the Commission an internet site which would  
15 contain some elements the public may want to see,  
16 meeting notes, meeting minutes, information on how  
17 things are going to proceed, the processes for  
18 providing input and feedback, and when the  
19 Commission goes out to public meetings, where  
20 those are going to be, et cetera.

21                   We also are proposing to provide an  
22 on-line mapping component to allow the public to  
23 visit the Commission's website and see the  
24 Commission's current plan, see districts as they  
25 are now, basically have the freedom to evaluate

1 the plan as they see fit, find their house, see  
2 what district they would be in, any kind of  
3 freedom that they would so choose.

4                   Some other things we're proposing is  
5 creation of a citizens' kit and participants' kit.  
6 I'll explain quickly the difference. A citizens'  
7 kit, the Commission creates a draft plan, goes  
8 out, the public wishes to review it, maybe  
9 aren't -- wouldn't want to see it on the internet,  
10 something that could be sent out, an informational  
11 packet with numbers the plan would contain,  
12 district boundaries they could view and comment on  
13 in paper format.

14                   Participants' kit is for anybody  
15 interested enough to actually want to submit a  
16 plan which according to the Voting Rights Act they  
17 would have every right to do. It would be either  
18 a paper map and/or a software program that can be  
19 distributed to them and very intuit and  
20 easy-to-use to create their own plans or even  
21 download a plan that has been created and either  
22 view it, modify it, you know, have freedom to  
23 analyze it, however they wanted it, however  
24 they're capable and saw fit to do.

25                   And again, the other thing we are

1 proposing is the creation of all -- many of the  
2 data sets that you'll be needing throughout your  
3 task as the Redistricting Commission as it  
4 progresses.

5                   Some of that goes from making sense  
6 of the census data, reducing it from about 299  
7 fields of demographic data with multiple race  
8 responses down to about a dozen fields you can  
9 easily understand using that by standards that  
10 have been established for that process, compiling  
11 into blocks, tracts, and geography that have been  
12 established for geography and a mandate for  
13 creating a grid-like pattern.

14                   We also proposed, I cannot perhaps  
15 create a grid-like pattern, but I can perhaps  
16 identify features suitable, straight county  
17 boundaries that exist, streets, roads straight  
18 enough to be considered a valid boundary for a  
19 grid-like boundary.

20                   With that I'll go ahead into the  
21 live stuff.

22                   What we created is a prototype  
23 website for the Commission. And hopefully I can  
24 get into a little more -- it's jumping right past  
25 the screen. Well, we'll see how well I can do

1 this with minimal adjustment here.

2 MS. OSBORNE: While Tim is working  
3 on getting that set up so we can display it on the  
4 screen, one of the things we have done and are  
5 offering is to host an internet site. Tim has the  
6 internet set up, actually the -- in a home page  
7 all the information for the public they may want  
8 to see: The act as passed, maybe they don't  
9 remember what they voted on, in English and  
10 Spanish. Also able to see a little story about  
11 each of you. Just gleaned that from we what got  
12 in the newspaper. It may or may not be accurate.  
13 I know if you guys got it wrong, we got it wrong.  
14 We also have --

15 CHAIRMAN LYNN: Karen, Mike is  
16 leaving.

17 That's not our brightness, I hope,  
18 the brightness of the monitor, not making a  
19 comment how bright we are.

20 MS. OSBORNE: No. We think you all  
21 are very, very bright.

22 And we have different things on  
23 here --

24 Go ahead, Tim, when ready.

25 MR. JOHNSON: I'll work with it how

1 it is.

2 Understand obviously the screen  
3 wouldn't be cut up as it would be. It's fighting  
4 with me.

5 A prototype website was created.  
6 General content was created and we threw this in  
7 there as an example. Whether that's the final  
8 cut, as it were, it probably isn't, but there's  
9 some general links we have over here for you.

10 For example, an information link. I  
11 created a sort of logo just to have something  
12 there as a place holder; mission statement; and as  
13 Karen stated, we figured they may want to know who  
14 the Commissioners are.

15 MS. OSBORNE: But that's meant in  
16 the nicest possible way.

17 CHAIRMAN LYNN: Had to be mine,  
18 didn't it.

19 MS. OSBORNE: It gets worse.

20 MR. JOHNSON: They all have  
21 certain -- in the absence of real photographs of  
22 the Commissioners, I just used these.

23 Biographical information is pulled  
24 out of the Arizona Republic. The rest of it I  
25 don't really know. That can be inserted later.

1 Commissioner Hall.

2 Commissioner Huntwork.

3 Commissioner Minkoff.

4 So --

5 COMMISSIONER ELDER: I think there's  
6 a political bias going on.

7 COMMISSIONER MINKOFF: I think I got  
8 treated the best.

9 MR. JOHNSON: Other links under  
10 informal topics. I haven't inserted that.

11 I have inserted the entire text of  
12 Proposition 106, if they want to refer to that.

13 Inserted general frequently asked  
14 questions.

15 If I get can get the scroll bar,  
16 there are about six of these in here.

17 CHAIRMAN LYNN: Tim, we understand  
18 generally how a website would work. Rather than  
19 going into details . . .

20 MR. JOHNSON: I'll show here quick  
21 the Spanish, in Spanish as well.

22 MS. OSBORNE: They want to ask  
23 questions.

24 MR. JOHNSON: Okay. And of  
25 course --

1                   With that, I'll open it up for  
2 questions.

3                   CHAIRMAN LYNN: Thank you. If you'd  
4 cap the projector for me.

5                   Questions for Maricopa County.

6                   Mr. Huntwork, or Mr. Lincoln.

7                   MS. OSBORNE: We couldn't resist,  
8 Mr. Chairman.

9                   COMMISSIONER HUNTWORK: Of the data  
10 we will need, precisely what data would you not be  
11 able to provide for us?

12                  MR. JOHNSON: Chairman, Commissioner  
13 Huntwork, data we're not able to provide is  
14 historical election returns and registration data.  
15 That data is -- doing just that, we could do it,  
16 it's not beyond our capabilities, but the time  
17 involved would just be exclusive to doing other  
18 things we do.

19                  COMMISSIONER HUNTWORK: As a quick  
20 follow-up, other data, how would you be able to  
21 compile?

22                  MR. JOHNSON: Other data, most of it  
23 is already done, actually. I've already -- I've  
24 already aggregated the data, the multi-race.  
25 That's been done. I've attached it to the census

1 geography, not all the layers, most of them,  
2 Metropolitan statistical, not some of them you  
3 won't be concerned with right away. Census data  
4 has already been converted from text to give you  
5 two tables you can work with. The one hole that  
6 still remains is the precincts for seven counties.  
7 I can recreate that, am certainly willing to do  
8 that. It has to be dealt with in some fashion.

9 COMMISSIONER HALL: I didn't  
10 understand that. "One hole."

11 MR. JOHNSON: The one hole that  
12 doesn't exist, is not in our possession, is the  
13 voting precincts for the seven counties that  
14 didn't insert them into the census data.

15 COMMISSIONER HALL: Leg. counsel has  
16 that.

17 COMMISSIONER MINKOFF: Leg. counsel  
18 has that. If we gain access to that, is it a  
19 simple thing to plug in?

20 MR. JOHNSON: Very simple.

21 CHAIRMAN LYNN: Other questions.

22 Mr. Elder?

23 COMMISSIONER ELDER: Tim, you made a  
24 comment, aggregation process, reduced fields from  
25 280 down to 12. That would seem to tell me you're

1 doing to some extent refining, defining, or making  
2 things vanilla to where we don't have specifics.  
3 What was the process? What criteria did you use  
4 to reduce down to 12 fields?

5 MR. JOHNSON: Chairman, I followed  
6 the OMB bulletin to that effect. Direction was  
7 given a few months ago on how to deal with  
8 multi-race data. People responded one race plus  
9 another. And aggregation, what it does, to some,  
10 is people responding one race, puts them into that  
11 group of a race. For people who responded as  
12 white plus another race, puts them into the other  
13 race. And then people who responded not white and  
14 not white, and obviously did that six times, six  
15 races not white, puts another category, other  
16 multi-race. According to the bulletin, they  
17 expected the percentages to be very low, thought  
18 it acceptable, however did want access to it in  
19 case a large grouping of certain races did want it  
20 available to analyze it that way. It still is,  
21 but it's now by aggregated 12 fields, put into a  
22 format one can make more sense of.

23 CHAIRMAN LYNN: Ms. Minkoff.

24 COMMISSIONER MINKOFF: A question on  
25 the interactive website. Are you the person to

1 ask or ask Scott, ask him?

2 MS. OSBORNE: Yes.

3 COMMISSIONER MINKOFF: We've heard  
4 from others that you can have your own website or  
5 you can plug into an existing website. Can you  
6 summarize for me very, very quickly the advantages  
7 or disadvantages of either one of those?

8 MR. JOHNSON: Chairman, Commissioner  
9 Minkoff, the advantages of plugging into an  
10 existing website are you do not purchase your own  
11 website server, maintenance staff. You get going  
12 quickly. Disadvantages, the number of internet  
13 companies, it's 10, \$15 to be on the internet.  
14 What you can do with the internet is not nearly as  
15 extensive as what you may want to do in the course  
16 of your duties.

17 COMMISSIONER MINKOFF: So an  
18 independent website gives more capabilities.

19 MR. JOHNSON: Allows you to control.  
20 You're absolutely in charge of what you are doing.

21 COMMISSIONER HUNTWORK: When you  
22 describe having your own, Maricopa hosting it,  
23 we'd have the capabilities you're talking about,  
24 correct?

25 MR. JOHNSON: Chairman, Commissioner

1 Huntwork, that's correct. We are proposing to set  
2 up for you almost your own website. There are a  
3 few restrictions in that, for example, after-hours  
4 access would have to be worked out, stuff like  
5 that; but it would still be very capable to have  
6 functionality, on-line mapping which would be  
7 nonexistent, virtually nonexistent, in another  
8 established site.

9 COMMISSIONER MINKOFF: That's what  
10 you are proposing?

11 MR. JOHNSON: Yes, it is.

12 COMMISSIONER HUNTWORK: Follow-up  
13 question: How much would it cost us to buy our  
14 own equipment, set up our own independent website  
15 in our own headquarters, complete the job  
16 including power back-up, high speed transmission  
17 lines, whatever else, hardware, software,  
18 everything else?

19 MR. JOHNSON: Chairman, Commissioner  
20 Huntwork, I believe the estimate, including  
21 on-line mapping is \$24,000 plus the cost to  
22 service, to set it up under our proposal provided  
23 by Mr. Brown.

24 CHAIRMAN LYNN: Tim, Karen, thank  
25 you very much.

1 MS. OSBORNE: You are welcome.

2 CHAIRMAN LYNN: We'll be back in  
3 public session this afternoon. After all the  
4 presentations, we'll go into executive session  
5 then be back in public session.

6 MS. OSBORNE: Thank you very much.  
7 We appreciate your time.

8 CHAIRMAN LYNN: May we have  
9 Mr. Pollack?

10 Do you have visual aids?

11 MR. POLLACK: No.

12 CHAIRMAN LYNN: Before we begin,  
13 ready?

14 Ms. Minkoff.

15 COMMISSIONER MINKOFF: I just want  
16 to disclose for the record, I do have a business  
17 relationship with Mr. Pollack. I invested in one  
18 of his real estate partnerships. He testified in  
19 a case involving the real estate partnership. He  
20 was a plaintiff. I was a plaintiff in the real  
21 estate partnership. I don't think it has bearing  
22 on this proposal or my ability to evaluate.

23 CHAIRMAN LYNN: Mr. Pollack.

24 My name is Elliott Pollack. I  
25 brought Tom Broderick and John Lenio. They'll

1 address you momentarily.

2                   My company, Elliott D. Pollack and  
3 Company, is an Arizona-based economic consulting  
4 company with an element of demographic consulting.  
5 We've been involved in the Arizona economy since  
6 1969 and, quite frankly, have more experience in  
7 what goes on in Arizona than any group of people  
8 around.

9                   We are -- our staff includes  
10 economists, demographers, GIS experts.

11                   Our clientele, both public, private,  
12 range from most cities, Maricopa County, for which  
13 we are the economics department, down to doing  
14 large data base projects and GIS projects for US  
15 Steel, Crown E. Pension Plan, to something as  
16 foreign as New York Sports Club.

17                   We are again here representing  
18 ourselves as somebody who has the broad capability  
19 to do this and has probably more local knowledge  
20 than anybody to address you today.

21                   With that, I'll turn you over to Tom  
22 Broderick.

23                   MR. BRODERICK: Thanks, Elliott.

24                   Good morning, Chairman Lynn, members  
25 of the Commission.

1                   I thought I'd take a couple minutes  
2 to speak about our approach. We've looked at  
3 documents, done research, and it's very  
4 straightforward to us for to us say we'd proceed  
5 as directed and instructed.

6                   We understand Arizona has a lot of  
7 existing building blocks to work from. Those can  
8 be school districts, natural or physical physical  
9 barriers, city boundaries, county boundaries, and  
10 of course we understand there's also this goal of  
11 a grid-like pattern. We would be working with you  
12 to balance all of those. We would be working with  
13 you to understand some of the priorities.

14                  I'll speak a little bit about how we  
15 see that. That's a process issue. Obviously we  
16 think that Arizona knowledge is important to the  
17 success of this project, both economic,  
18 demographic, and simply what you get from living  
19 here.

20                  I'm a native. John is native.  
21 Elliott has been here so long, I think he feels  
22 like a native.

23                  We're willing to help the group  
24 reach a consensus. We'd work for you. I think we  
25 can work well with attorneys, with the press, if

1 you would like us to do that. We're happy to  
2 prepare presentations. We do that for a living.  
3 We can portray a positive, credible image for you.  
4                   Just to talk a little bit about some  
5 approach type issues, we take very seriously the  
6 requirement to balance the population in the  
7 districts, whether it be legislative or  
8 congressional, and see that that will have pretty  
9 significant impact on where we're starting from.  
10 Some data we have from 1991 suggests if we take  
11 the 5.1 million people in Arizona, you have about  
12 170,000 people in a balanced legislative district.  
13 That will require some pretty big increases in  
14 urban centered districts and actually have some  
15 outlying legislative districts according to  
16 information we have that more people than that in  
17 1991. The balancing of that will have an impact.  
18 We take that significantly, more significant than  
19 balancing.

20                   I'll turn it over to John. He can  
21 talk about the technical side.

22                   We looked at the trend,  
23 congressional maps three times. We see districts  
24 being urban or rural. Looked like it moved in  
25 1990 to mixed urban and rural.

1 Maricopa County is essentially  
2 broken up into five districts. Maricopa County is  
3 both, mixed, urban and rural. Maricopa County is  
4 63 percent of the population of the state.

5 So we would be asking you, we have a  
6 slight preference for breaking, approximately,  
7 Maricopa County up into four congressional  
8 districts. It looks like an urban district  
9 centered around a Tucson balance would be a rural  
10 district; a couple, two, three rural districts.  
11 We would be asking, would a Congressperson be  
12 willing to have a very large rural area, could  
13 cover a lot of counties in the north part of the  
14 state? We would be working with you trying to  
15 prioritize those.

16 Looks like some of the school  
17 districts, there are a lot of school districts.  
18 And that looks like good building blocks. Could  
19 be a decent place to put extra weight. Might get  
20 a big part of the process toward getting a more  
21 grid-like pattern.

22 I'll close by saying that we think  
23 of this as a very scientific kind of process,  
24 think if a similar group of people received  
25 identical sort of instructions from you, more or

1 less, you'd get the same kind of result. That's  
2 how we approach it.

3                   We do see there could be several  
4 good scenarios to go from where are today to where  
5 you'd like to be.

6                   With public comment, we'll ask  
7 questions. Do you want the public to have more  
8 than one scenario? Can the public handle more  
9 than one key? Can they handle a second one? We'd  
10 be in a position to produce several good  
11 scenarios. It's a position do you want provide  
12 more criteria, narrow the search.

13                   I'll turn it over to my colleague,  
14 John Lenio, for the latter part of the  
15 presentation.

16                   Thanks.

17                   MR. LENIO: My name is John Lenio.  
18 My primary expertise is data base management along  
19 with GIS software. With the advent of computers  
20 over the last 10 years, analysis basically  
21 required for this process has become very much  
22 streamlined and has become very time efficient and  
23 more accurate.

24                   With that in mind, this process  
25 compared to 10 years ago, 20 years ago, is much

1 less laborious, which is obviously a plus.

2                   We view this project as very a  
3 straightforward data base project combining  
4 advances with the mapping or GIS software. This  
5 is very important, because it eliminates a lot of  
6 duplicative work along with efficiencies.

7                   We are qualified to capture all  
8 these efficiencies available with the computer  
9 software. Our specific approach is we would use  
10 software called Arcview and autoBound, nationally  
11 recognized software specialized with the  
12 redistricting process.

13                   We have extensive previous  
14 experience with mapping programs, so this is just  
15 an everyday event for myself and for my  
16 colleagues. So this is nothing new in terms of  
17 the analysis nor the software. It's a very  
18 straightforward approach. And everything we have  
19 done for -- over the last few years, particularly  
20 what we will use the software for, is it will be  
21 combined with the census data as a tool for  
22 drawing the boundaries based on the guidelines  
23 established in the law as well as guidance from  
24 the Commission. This is how we plan on  
25 approaching redrawing the congressional and

1 legislative districts.

2                   In addition, we also share the  
3 Commission's view that the public should have  
4 immediate access to information about the Arizona  
5 redistricting process. And we feel that we have  
6 an ideal solution for you. We propose to use our  
7 company's own website, arizonaeconomy.com, Arizona  
8 spelled out, and provide a special section on the  
9 website offering an overview of the process,  
10 indicating using it for drawing the maps and  
11 throughout all public meetings as well as offer  
12 public comment on our website very live.

13                   Advantages for this is it's an  
14 already established website, which is much more  
15 time effective from a time perspective than  
16 building one from scratch. The website name  
17 itself is directly related to the process as a  
18 whole. The website name is recognizable and  
19 marketable.

20                   This is how, as I just generally  
21 described, how we plan on approaching keeping the  
22 public involved, attacking analysis involved for  
23 redrawing the boundaries.

24                   As well, I want the Commission to  
25 know I have extensive technical expertise

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1 regarding any technical questions or any technical  
2 obstacles that we may come to throughout the  
3 process, throughout the next six weeks or even  
4 next few months, we are quite capable of doing.

5 I want to assure you that everything  
6 can be taken care of to the full extent possible.

7 To wrap up, I wanted to pass it over  
8 to Mr. Pollack.

9 MR. POLLACK: Again, we appreciate  
10 the opportunity to be here. I want to end by  
11 saying we really would like this work. It's the  
12 type of thing our company was designed to do.  
13 We're local, easily accessible, here all the time.  
14 In fact, if we have a major strength with the  
15 companies here, it's that we are so accessible.  
16 So, essentially, we're eager to please in terms of  
17 getting back to people.

18 And with that, I would be glad to  
19 open up to questions, if there are any.

20 CHAIRMAN LYNN: Thank you,  
21 Mr. Pollack.

22 Questions?

23 Mr. Elder.

24 COMMISSIONER ELDER: What is the  
25 history or experience in your firm in dealing

1 with, I guess a whole series, DOJ, DOJ submittals,  
2 basis of challenges to DOJ, and the law aspect?

3 MR. POLLACK: Want to handle that,  
4 Dan?

5 MR. BRODERICK: We responded to the  
6 scope of work fairly narrowly. We didn't add  
7 legal resources to the project. I think we'd be  
8 asking for direction from you. We understand you  
9 have hired legal resources. There might be some  
10 additional available. We would be wanting to work  
11 as part of the team in addressing that.

12 CHAIRMAN LYNN: Mr. Huntwork.

13 MR. BRODERICK: We didn't bring  
14 legal resources. We didn't see that in the scope  
15 of work.

16 COMMISSIONER HUNTWORK: One of our  
17 concerns is how quickly can we get all the data we  
18 need to have access to set up in the way we need  
19 to look at it. Do I understand you already have  
20 that done or is that some additional inputting?  
21 How would you handle that? How quickly would it  
22 be handled?

23 MR. LENIO: First off, we do not  
24 have anything set up as of yet. Since we have  
25 worked on this type of work before, we know

1 exactly what it takes to put everything together.  
2 My estimate, you know, to have all the data and  
3 all of the mapping software ready for either our  
4 use or the Commission's use is we could do it  
5 within a six-week time frame very easily.

6 MR. BRODERICK: We understand census  
7 data is available to Arizona. We need, wanted a  
8 green light that the data base is -- we understand  
9 in the State of Arizona it is available  
10 officially. We don't want discrepancies. We're  
11 ready to start downloading that.

12 MR. POLLACK: To download that is a  
13 technical process, very short.

14 CHAIRMAN LYNN: Ms. Minkoff.

15 COMMISSIONER MINKOFF: I'm trying to  
16 get a handle on the response. Are you proposing  
17 by your response that you would do all of the  
18 technical consulting work for the Commission, that  
19 you would do a piece of it, or that you would do  
20 either/or at our pleasure?

21 MR. POLLACK: Essentially either/or.  
22 We would essentially bring additional expertise if  
23 needed to, especially technical expertise, but we  
24 can do either/or. We are capable of doing it. If  
25 we felt we needed additional expertise, we'd

1 immediately bring that on. There are people  
2 available, for example, Mr. Fennemore's firm. And  
3 we -- that will be part of the process.

4                   The object is to get this done in a  
5 timely manner as correctly as possible and with --  
6 in such a manner that -- so you have as little  
7 grief as possible.

8                   MR. LENIO: Just add to that, since  
9 we have such extensive experience in the Arizona  
10 economy, for example, we have access to the  
11 resources and we can make the resources, any  
12 resource we need available to accomplish the task  
13 and overcome any obstacle that comes to the  
14 surface.

15                   CHAIRMAN LYNN: Recognizing that  
16 when we're dealing with data analysis and even to  
17 the extent of mapping that the technology can be  
18 used for a variety of purposes, and technology is  
19 applicable to variety of tasks, we have a specific  
20 task in mind. With that in mind, let me ask the  
21 question: Has anyone connected with the proposal  
22 specifically done any redistricting for any  
23 entity, however small or large?

24                   MR. POLLACK: The answer is no,  
25 we've not done redistricting.

1 CHAIRMAN LYNN: Thank you.

2 Any other questions?

3 Gentlemen, thank you very much.

4 (Recess taken.)

5 CHAIRMAN LYNN: Computer Management  
6 Services is next, and they're not with us quite  
7 yet.

8 Mr. Fennemore.

9 MR. FENNEMORE: I'm Harry Fennemore  
10 representing the proposal submitted by Computer  
11 Management Services.

12 Before we get into that, I look at  
13 the Commission members sitting here and want to  
14 thank you for being willing to take this job on.  
15 I looked at the job myself when they sent out the  
16 request from the Committee on Judicial  
17 Qualifications and thought, "Gee, it would be a  
18 lot of fun," then said, "Uh-huh."

19 You have my thanks. When done, I'll  
20 still be thanking you.

21 COMMISSIONER ELDER: You are just  
22 smarter.

23 MR. FENNEMORE: My company is  
24 proposing the talents and expertise of three  
25 individuals, myself, James Merritt, and Vern

1 Booth. Collectively we've been involved in  
2 reapportionment in the State of Arizona in the  
3 1981 and '91 reapportionments. Vern Booth did  
4 cartography in the State of Arizona in '71 and  
5 '81. Jim Merritt and I did the state  
6 reapportionment in 1981 under contract.  
7 Mr. Merritt and his family owned roughly  
8 three-quarters of the company; I owned an eighth  
9 and our partner owned an eighth; and we got a  
10 contract to do the '81 reapportionment, the first  
11 one to be approved without litigation, a record  
12 we're a proud of.

13                   If you look at the districts drawn  
14 in '81, we did a good job. We did not connect  
15 little, tiny disparaging groups together with  
16 pipelines and some of the things I look at on the  
17 '91 reapportionment and shake my head.

18                   We're involved because, one, we want  
19 to do a good job. After 20 years, you forget the  
20 bitter, you remember the good, and you say, hey,  
21 this could be the time to do a good job for the  
22 State of Arizona.

23                   The talents of the three of us blend  
24 very nicely for this project. Vern, as I said,  
25 has cartography experience. He was in the state

1 cartography department, retired in 1995, has no  
2 conflict with being in state employ at this time.  
3 He has experience not only mapping all districts  
4 but working with the various counties which have  
5 to supply some of the underlying data.

6                   In that respect, I'd comment one of  
7 Vern's talents is he knows people at the lower  
8 levels. If we need information on one of the  
9 counties that did not participate, for example,  
10 with the Census Bureau, Vern probably knows the  
11 guy to talk to in that county.

12                   We bring the experience of having  
13 done these reapportionments. We bring knowledge  
14 of the State of Arizona, the idiosyncrasies that  
15 exist in the state. While not completely unique  
16 to Arizona, but they are a problem.

17                   Indian tribes in Arizona are not  
18 just Indian tribes. They are different. Some do  
19 not want to be in the same district as some of the  
20 other tribes. We recognize that. Some geographic  
21 areas are more closely knit than others. If you  
22 draw a line dividing them, they're going to get  
23 upset. Now, you may have to draw that line anyway  
24 and make them upset. At least we can tell you  
25 before we move them. Stafford is a close-knit

1 community. If you is divide Stafford down the  
2 middle, they'll complain. This is knowledge I  
3 like to call institutional memory.

4                   We were there. We've heard some of  
5 these stories. We'll provide that expertise and  
6 experience to the Commission.

7                   All of the people that I have  
8 proposed using on this project, the three of us,  
9 have worked on political campaigns in the past to  
10 some extent or another, but we have worked on both  
11 parties' political campaigns. I've worked on  
12 Democratic campaigns, Republic campaigns. Jim  
13 Merritt worked on both campaigns. Jim Merritt was  
14 an aide for Bob Stump when he was a Democrat and  
15 also when he was a Republican.

16                   We've worked together on many  
17 projects over a long period of time. I've known  
18 Jim and worked with him on projects since sometime  
19 in the 1960s. Vern has worked with him on other  
20 projects for about the same length of time. So we  
21 work together well. We have a wide circle of  
22 friends and acquaintances and business  
23 acquaintances in this state we can go to and say:  
24 I was wondering about a particular question. It  
25 doesn't matter what it's on. If it's a question

1 about computer networking, I know some of the  
2 people that know far more than I know that can  
3 tell me an answer if a simple question.

4                   We're not going to do is come out,  
5 set up your network. If want a network, you will  
6 tell me, "What is the best network?" And we'll  
7 tell you how to do it.

8                   I think that one of the things that  
9 we're looking at is we don't want to do all of the  
10 work that is involved in this project. We want to  
11 consult with whoever does the work and with the  
12 members of the Commission. I envision us being an  
13 interface between the two, simply providing  
14 expertise, exposure to both sides about some of  
15 the problems that are going to crop up no matter  
16 what we do.

17                   One of the comments that was made  
18 earlier was about all the consultants outside.  
19 Years ago when I was with IBM we always called a  
20 consultant anybody out from out of town with a  
21 briefcase. There's a lot of that out there.  
22 We're trying to consult, not from out of town.

23                   My family goes back longer than I  
24 care to think about, post Civil War, in the State  
25 of Arizona. I think we can provide some of that

1 information which can help and hopefully get the  
2 whole task over with in a more expeditious manner.

3                   If there are any questions, I'd be  
4 happy to answer.

5                   CHAIRMAN LYNN: Mr. Huntwork?

6                   COMMISSIONER HUNTWORK: The -- as  
7 you correctly point out, we have a wide range of  
8 needs that are going to be filled, we call it the  
9 consultants we are talking to. One of the key  
10 needs is just compiling data and being able to  
11 manipulate the process, and so on. Would you  
12 describe what capabilities you offer in that  
13 regard or --

14                   MR. FENNEMORE: In terms  
15 manipulating the data, basically you look down the  
16 174,000, roughly, census blocks, and start drawing  
17 lines, manipulating the data. It's a matter of  
18 somebody moves a line, and if moving that line, it  
19 causes that district, you are affecting two at a  
20 time, to start deviating populationwise. You get  
21 a ripple effect. If you move one little census  
22 block and the census block happens to be, as we  
23 happen to have in Arizona, some big population  
24 census blocks, we have square miles in Arizona  
25 that in '96, '97, when the Census Bureau made out

1 the lines for the census blocks, nobody was living  
2 there, hardly. Now there's 3,000 people in homes.  
3 And you start moving that line, the expertise we  
4 bring to it is: Hey, guys, that is a big census  
5 block. If you move it, you are moving too many  
6 people at a time. Move some other direction. Or  
7 plan on moving all the way across it, bring the  
8 other lines in, somewhere, and go pick up some  
9 census blocks that have small populations. The  
10 granularity of census blocks in Arizona is  
11 probably not unique to in the United States but  
12 it's a real problem.

13 CHAIRMAN LYNN: Ms. Minkoff.

14 MR. FENNEMORE: Go look at Anthem.  
15 Anthem has 700 people on the census data. Right  
16 now 3,000 people are there. By election, there  
17 will be five.

18 COMMISSIONER MINKOFF: I'm trying to  
19 get a handle on your proposal.

20 MR. FENNEMORE: Okay.

21 COMMISSIONER MINKOFF: It appears  
22 you stated you want to be one of the technical  
23 consultants rather than the technical consultant.

24 MR. FENNEMORE: That's a true  
25 statement.

1                   COMMISSIONER MINKOFF: You want to  
2 do quality control management. And I see this  
3 chart you have on page two of the proposal where  
4 you have different technical managers doing the  
5 mapping, doing data input, and dealing with the  
6 hardware and software. And yet on table two on  
7 page 10, you have, under your area of  
8 responsibility, developing Power Point  
9 presentations, helping us with public meetings,  
10 soliciting citizen input, et cetera.

11                   Would you help me get a handle on  
12 what piece of the job your firm would do, what  
13 piece of the job others would do?

14                   MR. FENNEMORE: The answer to that  
15 basically is I would anticipate our firm not doing  
16 any piece of the job, simply working with people  
17 that are doing the work and working with the  
18 Commission and Executive Director and attorneys in  
19 making sure that job was done in an expeditious  
20 fashion. And I don't -- by that I'm not saying  
21 we're going to just come in for five minutes and  
22 leave. It's an ongoing process.

23                   When you start moving these lines,  
24 and you will have to move them, there's no  
25 question about that, the ripple effect just --

1 it's wild. You move this line because, and the  
2 because can be any one of a number of reasons.  
3 You want to move the line to accomplish some  
4 ethnic group that has been split, but you now  
5 ripple it all over. And when that happens, I  
6 would anticipate that we will be there, we will be  
7 available to say, "Hey, guys, yeah. You move this  
8 line because, now the rest of these things. And  
9 this solution you have come up with is not optimum  
10 because one of the effects is we have combined the  
11 Hopi Tribe and the Navajo Tribe into the same  
12 district and they're real close to going to war  
13 with each other."

14                   COMMISSIONER MINKOFF: Let me ask a  
15 follow-up question then. On this table number  
16 two, you've listed "Subcontractor for preparation,  
17 deployment of Power Point, as well as conducting  
18 public meetings," another one, "technical managers  
19 for hardware, software, and cartography." Are you  
20 proposing you engage those people and supervise  
21 them or we engage the people and supervise them?

22                   MR. FENNEMORE: If you'd like us to  
23 engage them, we'd be happy to do that. You  
24 listened to a lot of people and are in a better  
25 position. I don't want to go through it. If

1 that's desired, frankly, there are some people out  
2 there that have not bid on it that if requested  
3 might be willing to do it who would be very good.  
4 There are some people that I've talked to that  
5 have bid on it, also very good. I don't want to  
6 be in a position of seeming to favor somebody or  
7 another.

8                   Basically, if we went and hired  
9 enough people to do the job and keep our own  
10 businesses running, we did not want to undertake  
11 that kind of responsibility.

12                   One of the things that happens in a  
13 project like this is we're going -- we're going to  
14 not be able to satisfy some of our existing  
15 customer base. Jim Merritt, for example, has a  
16 marketing research company, conducts polling all  
17 the time. And we're going to get tied up and he's  
18 going to have one of his clients say "I would like  
19 to poll the State of Arizona on whatever it might  
20 be." He'll say, "I can't get it done for three  
21 weeks, four weeks, five weeks," and they'll go  
22 somewhere else. But what we didn't want to get --  
23 if we do the whole thing, we stop that business.  
24 We stop his polling business; we stop my data  
25 processing business; and when it's all over, now

1 we have to go over and start up our business  
2 again. And it's tough.

3 COMMISSIONER MINKOFF: Or wait 10  
4 years.

5 CHAIRMAN LYNN: Mr. Fennemore, would  
6 it be fair to characterize, I know it's an  
7 oversimplification, I'm trying to get a handle how  
8 the pieces fit together. Would it be fair to  
9 characterize our engagement of your proposal as  
10 buying institutional memory?

11 MR. FENNEMORE: Yes.

12 CHAIRMAN LYNN: Against which we  
13 could judge work done by others against a number  
14 of years of doing this kind of work in Arizona?

15 MR. FENNEMORE: I think that's a  
16 correct statement. And that institutional memory,  
17 as I say, is an excellent track record. We did it  
18 in '81. If you look at the '81 maps, they look  
19 good. Yes, there's some jigs and jogs and some  
20 members of the State House and State Senate that  
21 wanted a particular campaign contributor in their  
22 district that got their way, but we did I think a  
23 good job. The fact the Justice Department came  
24 back and said you are cleared, which was the first  
25 in the nation to be cleared, says we did a pretty

1 good job.

2 CHAIRMAN LYNN: Mr. Elder.

3 COMMISSIONER ELDER: Talk about  
4 institutional memory and access. You made a  
5 comment you were also involved in the '91 or '90  
6 process.

7 MR. FENNEMORE: The involvement we  
8 had in both the '71 and '91 was Vern Booth's  
9 involvement as a State employee in doing  
10 cartography.

11 COMMISSIONER ELDER: Okay.

12 MR. FENNEMORE: He was doing  
13 mapping. While sitting around waiting for them to  
14 say "Wait, go move this line to here," waiting  
15 around, he was engaged in some of the discussion.  
16 Politics was a little heavy in '91.

17 Part of the reason we were  
18 successful in '81 is we were independent. We were  
19 kind of like the Commission. We got a contract  
20 with the State of Arizona to do the job. And they  
21 appropriated the money. And every time somebody  
22 in the Legislature would come in and threaten us,  
23 we'd say, "Hey, we have a contract. You've  
24 already appropriated the money. How are you going  
25 to fire us?"

1                   We could ignore -- they had a  
2 procedure. Legislative people could come forth  
3 with ideas. Not a lot of incumbents faced  
4 problems from others in '81 or '82. We were not  
5 adverse to sitting down, showing incumbents what  
6 would happen.

7                   I had a situation with Yuma  
8 representing Sun City West. Beautiful looking in  
9 Sun City West, beautiful looking district tied  
10 together through the Gila Bend Gunnery Range.  
11 Looked good on a map. He looked at the Sun City  
12 West people and said, "Oh, I don't think I want  
13 that to happen."

14                   CHAIRMAN LYNN: Mr. Fennemore, thank  
15 you for your submission. I invite you to come  
16 back this afternoon and partake in the public  
17 discussion.

18                   MR. FENNEMORE: Thank you.

19                   CHAIRMAN LYNN: Thank you.

20                   The last presenter this morning is  
21 going to be Mr. Sissons.

22                   I'm wondering, we can probably do a  
23 couple things. We can advise the public at the  
24 conclusion of the last presentation we are going  
25 to do two things simultaneously. We're going to

1 take a break. During that break, we are going to  
2 have an executive session for the purpose of  
3 discussing matters related to these proposals that  
4 are not appropriate for public discussion, among  
5 them, pricing and other issues. At the conclusion  
6 of that executive session, which will run  
7 concurrently with lunch, we'll come back to public  
8 discussion of proposals heard this morning. So  
9 you can plan your activities accordingly.

10                   What you may want to do, Mr. Ochoa,  
11 is make arrangements to have sandwiches or  
12 something brought in to make the executive session  
13 a working lunch and work through it, in the  
14 interests of time.

15                   Mr. Osterloh, we cannot entertain  
16 questions.

17                   MR. OSTERLOH: I was wondering when  
18 to come back, the time.

19                   CHAIRMAN LYNN: We'll try to make it  
20 regular, make the executive session an hour, 12:00  
21 to 1:00, or thereabouts, whenever the break  
22 occurs, will be approximately the time.

23                   Okay. If we can have Mr. Sissons.

24                   CHAIRMAN LYNN: Mr. Sissons, good  
25 morning.

1 MR. SISSONS: Good morning, sir.

2 Shall I get started?

3 CHAIRMAN LYNN: Whenever you are  
4 ready.

5 MR. SISSONS: Thank you very much.

6 Chairman Lynn, members of the  
7 Redistricting Commission, I greatly appreciate you  
8 inviting me here this morning to make this  
9 presentation. My name is Tony Sissons with  
10 Research Advisory Services in Phoenix.

11 CHAIRMAN LYNN: If you'd try to  
12 project.

13 MR. SISSONS: I'm sorry.

14 CHAIRMAN LYNN: That will only help  
15 a little. Project more, if you could.

16 MR. SISSONS: I'll try to.

17 What I would like to do is quickly  
18 go through a little bit about my firm and then  
19 talk about some of the -- highlight some of the  
20 activities I propose in our proposal. And really  
21 that's it. So --

22 Let me tell you that we're a  
23 locally-based geodemographics consulting firm  
24 which I started in 1987. About 70 percent of our  
25 work since then has been for state and local

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1 government agencies and for school districts. The  
2 work that we do involves a lot of analysis and  
3 research and evaluation. We don't sell hardware  
4 or software or data or maps. We're basically --  
5 we bill for -- our billings are almost exclusively  
6 professional consulting hours. I call myself a  
7 geodemographer. That's my way of thinking.  
8 That's a specialty of analyzing socioeconomic data  
9 in small areas, census blocks, traffic analysis  
10 zones, voting precincts. Of course, to analyze  
11 very large sets of data about very small chunks of  
12 geography, you have to use a geographic  
13 information system.

14                   A lot of our work is GIS enabled.  
15 Not all our work is election systems. Recent  
16 projects: A business location modeling for a  
17 retail chain. We developed the models that the  
18 Arizona School Facilities' Board uses in  
19 evaluating enrollment projections. And we've  
20 analyzed the effects of welfare reform in -- on  
21 the economies of local -- of rural communities in  
22 Arizona. But really, since 1990, redistricting  
23 has been one of the mainstays of our work. And  
24 here our experience goes beyond just the computer  
25 mapping aspect of things.

1 I've maintained a library of  
2 redistricting court cases throughout the decade.  
3 I've attended redistricting conferences sponsored  
4 by the National Conference of State Legislators  
5 and the Census Bureau. I've advised legal teams  
6 and election officials on the data technical  
7 aspects of the Justice Department and Census  
8 Bureau rules. I've served as an expert witness on  
9 district demographics and statistics. And in  
10 1991, I was one of the two consultants appointed  
11 to assist the federal three-judge panel when they  
12 took over drawing Arizona's six congressional  
13 districts.

14 But, as I said to you in my  
15 proposal, lest you think that I'm all advice and  
16 no performance, I, during this decade, I have  
17 drawn nine local government districting plans.  
18 And every one of those nine has been precleared by  
19 the Justice Department on its first submission.  
20 So I know the practice as well as the  
21 philosophies.

22 Now, as we're proposing in this, in  
23 our proposal, for this engagement we consider this  
24 as much a process as a product. We're proposing  
25 to function as if we are your temporary,

1 self-contained, self-sufficient special purpose  
2 technical staff. And that approach really evolved  
3 from my company's way of doing business. We try  
4 to give a great deal of attention to a limited  
5 number of clients at one time.

6                   The kind of second major precept of  
7 my firm is meeting deadlines. You know, in this  
8 context, probably more than any, the show must go  
9 on. There can't be any excuses from this quarter  
10 as to why deadlines have been missed.

11                   And the third factor is to basically  
12 exceed clients' expectations. That's --

13                   Those three principles have kept me  
14 in business, kept my firm running, and given me a  
15 lot of repeat business. And, you know, I want you  
16 folks to invite me back in 2011.

17                   I want to do a good job.

18                   Let me get to some specifics about  
19 this assignment. I'm not going to detail each  
20 proposed task in my proposal. I want to highlight  
21 some of the specifics in issue areas.

22                   About meetings, most of the time I  
23 will be the team member attending meetings of the  
24 Commission with staff or even with individual  
25 commissioners as you have a need to individually

1 examine the way particular neighborhoods could be  
2 divided or, really, any time that you need some  
3 one-on-one time with your technical consultant. I  
4 probably will be -- well, I will be the person  
5 providing that assistance and, really, with just a  
6 little bit of advance notice that will be where  
7 and when you want that to be.

8                   Let me talk a bit about the precinct  
9 maps for those non-phase two counties. I know  
10 this may sound a little strange, but those are the  
11 ones the Legislature paid Maricopa County to  
12 prepare. And you may have already talked with the  
13 Legislature about acquiring those data files.

14                   Have you?

15                   CHAIRMAN LYNN: We've made that  
16 request.

17                   MR. SISSONS: Well, my comments may  
18 be a little moot then, in that case, then. In my  
19 proposal I'm suggesting if you do have any  
20 problems getting those files from the Legislature  
21 in a timely fashion, there are a couple of back-up  
22 plans that I talk about, which I won't go into at  
23 the moment.

24                   Let me talk a little bit about the  
25 districting principles of the starting grid. In

1 our proposal, we're recommending the Commission  
2 conduct a workshop on district design criteria,  
3 certainly the ones mentioned in the legislation,  
4 compact, contiguous communities of interest, et  
5 cetera, also take look at principles used at the  
6 state level throughout the country in other states  
7 just to basically establish a good public record  
8 of the Commission sort of looking at and  
9 discussing all of the districting principles in  
10 the context of Arizona's rather unique geography  
11 and population; and, basically, then, the public  
12 record would reflect your affirmative rejection of  
13 those principles that you don't feel are part of  
14 your responsibilities under Proposition 106; and  
15 also basically you are on record as sort of giving  
16 some order or precedence to those that do remain  
17 on your list.

18                   In -- just to talk about the  
19 starting grid for a second, in prior meetings  
20 we've heard people characterize the starting grid  
21 as some sort of oppressive barrier to getting  
22 started with the redistricting process. I feel  
23 that that grid imposes no greater barrier than any  
24 other sort of start-up instructions. One nice  
25 thing about that grid is that it undoes what is

1 described as -- what is called the starting point  
2 bias.

3                   Anybody who has ever done  
4 redistricting soon finds out that where you start  
5 drawing districts has a profound effect on the  
6 resulting overall map, and especially in terms of  
7 how many districts end up in particular  
8 metropolitan areas. With the starting grid, in  
9 essence, mappers are, in essence, starting at 30  
10 places at once on the map, or in the case of  
11 congressional, eight places at once. That really  
12 does undue that starting point bias.

13                   Zipping through here as fast as I  
14 can. I haven't really watched the time.

15                   On the matter of reviewing plans  
16 submitted by others, as plans are received from  
17 citizens, from advocacy groups, or even from the  
18 Legislature, we're proposing to incorporate them  
19 or digitize them into the software for analysis or  
20 submit a plan report, giving a submitted plan  
21 report on plans.

22                   We're recommending no limitations be  
23 placed on the form or medium of the maps  
24 submitted. If people want to turn in files from  
25 their GIS or sketches on the back of a restaurant

1 napkin, fine, send them in. We'll deal with them.

2                   10 years ago, I analyzed about 30  
3 plans submitted by 22 different organizations, and  
4 many of those were simply plan fragments just  
5 involving one or two districts. So one of the  
6 other analysis issues we had to look at was how  
7 well those plan fragments will fit into a  
8 statewide plan.

9                   Okay. I'm going to wrap up quickly  
10 now.

11                   Our firm's references are on page  
12 eight of our proposal. I hope you've noticed we  
13 have a nice balance of references from both sides  
14 of the partisan aisle.

15                   I think I may be the only consultant  
16 in Arizona who has already served as a technical  
17 consultant to a Redistricting Commission. Yuma  
18 County created a Commission in 1992, and I've  
19 staffed it ever since, including after the special  
20 census in 1995. As it happens, yesterday the  
21 County Elections Director called me to tell me the  
22 Board of Supervisors asked me to continue that  
23 duty through this coming day. I'm not at all  
24 inexperienced at providing services to a  
25 redistricting commission. All the members of the

1 team are long-standing Arizona residents, all have  
2 worked with agencies and had clients and projects  
3 all over the state.

4                   In summary, we're demonstrably  
5 experienced in this kind of work in Arizona.  
6 We're an Arizona-based firm. We can provide the  
7 highest quality of service to the Commission  
8 because we don't take on lots of clients all at  
9 the same time. We're available for meetings on  
10 very short notice every day of the week. We have  
11 experience in providing technical staffing to our  
12 redistricting staffing Commission. And, finally,  
13 all nine of the plans we've drawn have been  
14 precleared on first submission.

15                   With that, I'll be very happy to  
16 answer any of your questions.

17                   CHAIRMAN LYNN: Mr. Sissons, thank  
18 you.

19                   Questions?

20                   Mr. Huntwork?

21                   COMMISSIONER HUNTWORK: You  
22 indicated that your company's approach is  
23 basically to take on the whole project, and so on.  
24 One of our options is to divide the project into a  
25 number of different pieces. And I was just

1 wondering if you would be interested in doing a  
2 piece of the project rather than the whole thing.  
3 And I'm not sure which piece it would be, even, at  
4 this point.

5                   MR. SISSONS: Right. I anticipated  
6 that possibility, but I felt it was my obligation  
7 to present a complete package. And so I'm very  
8 open to any, you know, reasonable combinations. I  
9 would -- as a redistricting consultant, I would  
10 want a major part to play on the team, but beyond  
11 that, I'll await your judgment.

12                   CHAIRMAN LYNN: Ms. Minkoff.

13                   COMMISSIONER MINKOFF: Mr. Sissons,  
14 as you know from public comment that you've heard  
15 at many of our meetings, there's a lot of interest  
16 in the Commission and a lot of concern, actually,  
17 from both sides of the political spectrum, that we  
18 truly be independent, as we are supposed to be.

19                   You stated in your presentation that  
20 you do have references both from the Republican  
21 party and Democratic party. In reading,  
22 specifically involving the last redistricting  
23 you've done, it looked like you worked for the  
24 Senate, which at that time was controlled by the  
25 Democratic party.

1 MR. SISSONS: That is true.

2 COMMISSIONER MINKOFF: You did work  
3 later on for Republicans. You made it clear after  
4 the '92 elections, with the Republican majority,  
5 both elections, you were hired to do some things  
6 nobody else could do.

7 My concern is how do you believe the  
8 public would perceive your selection as a  
9 technical consultant, as a redistricting  
10 consultant, and how would you be perceived by the  
11 sides of the political aisle?

12 MR. SISSONS: Right. And I --  
13 certainly I feel that folks who were around 10  
14 years ago and saw the intensity of the effort I  
15 had to put in for the Senate majority caucus  
16 would, you know, might feel that that would label  
17 me as a Democratic political operative. I think  
18 anybody that labels me that way would have to --  
19 almost have to conclude I'm not a very good one in  
20 terms of being a political operative.

21 My business practice is that I work  
22 for really anybody smart enough to hire me. And  
23 the work that I've done for the -- I have to  
24 admit, the work I did for the Republican caucus in  
25 the House was kind of the happenstance of the fact

1 there was nobody else who knew how to do that  
2 work.

3 I think that certainly the -- the  
4 Republican staff at the time, you know, as  
5 indicated, you know, by two of them being very,  
6 very willing to serve as references for me, would  
7 say that my -- my political party registration is  
8 immaterial to this process. I feel that way, and  
9 I don't know what to do about people who would  
10 want to label me, you know, in some inescapable  
11 way.

12 CHAIRMAN LYNN: Mr. Elder.

13 COMMISSIONER ELDER: Mr. Sissons,  
14 if, either way, if you were the prime or the major  
15 contractor and we took the option of splitting the  
16 contract and there was a data base coming in or  
17 vice versa, you were providing a data base coming  
18 in to the majority or prime contractor, we've  
19 heard of uses of autoBound, maps, a whole series  
20 of GIS programs. Can you manage data from either,  
21 both, or either way?

22 MR. SISSONS: Yes. I have the  
23 Arcview software sort of platform for the  
24 autoBound platform. Really, as a GIS consultant,  
25 I've had to use four different GIS programs. My

1 preference for GIS is to use Maptitude for  
2 redistricting. That software can read and write  
3 Arcview files.

4                   The industry has now progressed to  
5 the point that for data files they also seem to  
6 use the D base standard, so those files can hop  
7 from platform to platform. And there are so many  
8 conversion utilities now from the conversion part  
9 of files --

10                   COMMISSIONER ELDER: After use of a  
11 particular cell, go both directions?

12                   MR. SISSONS: Absolutely.

13                   CHAIRMAN LYNN: Mr. Hall.

14                   COMMISSIONER HALL: First of all,  
15 Mr. Sissons, we should give you a hand. You are,  
16 by far, our most faithful attender.

17                   MR. SISSONS: I did miss one. The  
18 only excuse, I was having emergency root canal  
19 surgery.

20                   COMMISSIONER HALL: You are excused.

21                   CHAIRMAN LYNN: It's about the same.

22                   COMMISSIONER HALL: In one of those  
23 meetings I believe you indicated to us that there  
24 were some errors in the data, if I'm quoting you  
25 correctly.

1                   What were you referring to,  
2 specifically, in laymen's terms, and how does that  
3 affect us?

4                   MR. SISSONS: Right. Thank you for  
5 asking that question.

6                   It's a concern that has bothered me  
7 for a while. And here I'm referring to the data  
8 base of prior election results that becomes  
9 important about six weeks into the consultant's  
10 term when at the time that the plan that --  
11 preliminary plans need to be evaluated for their  
12 compliance with requirements of Proposition 106  
13 including the degree of competitiveness in terms  
14 of Republican versus Democrat.

15                   It's not so much a problem because  
16 the files that the counties have submitted to the  
17 Secretary of State's Office, the registration  
18 files, are probably in pretty good shape. The  
19 biggest problem -- now, the state law that  
20 required those files be created and turned over to  
21 the Legislature, actually to the Secretary of  
22 State, that was a wonderful idea, because 10 years  
23 ago, that whole data base was a terrible mess.  
24 Unfortunately, as good as the law was, as good as  
25 the intent was, there was very poor implementation

1 of the law, no standards as to what kind of data  
2 files would be submitted.

3           Most of the files, as they were  
4 essentially submitted from the counties, were text  
5 files in formats that almost -- well, really could  
6 not be quickly linked to a GIS kind of software.

7           You know, over the decade, you know,  
8 as the world's strangest hobby, I've been sort of  
9 going through those files and tried to put them  
10 into more of a -- a format that can be linked to a  
11 GIS. In doing so, to be sure that I was doing the  
12 work properly and not dropping populations or --  
13 I'm sorry, dropping vote counts, I had from the  
14 Secretary of State's Office the official printed  
15 canvass of results. In comparing the counties'  
16 electronic files with the Secretary -- with the  
17 data they provided the Secretary of State's  
18 office, there were many cases that -- many  
19 situations where the electronic file was just --  
20 appeared to be a partial file or file that was  
21 generated and submitted before the question  
22 ballots were resolved, just lots of bottom line  
23 totals that were off.

24           And the only way to undue that  
25 problem is go back to those counties, say the data

1 you submitted electronically doesn't add up to  
2 what you submitted on paper; we need to find out  
3 in which precincts those problems are.

4 COMMISSIONER HALL: Are you saying  
5 you have all 15 counties, the voting history  
6 profile?

7 MR. SISSONS: I've got 60 percent of  
8 the work done.

9 COMMISSIONER HALL: Do you have the  
10 original data set of all 15 counties?

11 MR. SISSONS: I have everything that  
12 is available, as far as I know, everything that  
13 was submitted to the Secretary of State by those  
14 counties. I mean -- and the program was getting  
15 slow getting started at first. Some of the  
16 counties didn't comply until after the '94  
17 elections.

18 COMMISSIONER HALL: I apologize for  
19 my confusion. We've heard, for example, Leg.  
20 counsel has seven counties, Maricopa County has  
21 eight counties. You are saying you have all 15  
22 counties of that data?

23 MR. SISSONS: No. I think we're  
24 mixing apples and oranges.

25 COMMISSIONER HALL: That was my

1 concern.

2                   MR. SISSONS: There's kind of two  
3 necessary elements. One is the geography files of  
4 the precinct shapes that have to go into the GIS  
5 map. And that's the situation where Maricopa  
6 County did its own, Cochise did its own work, and  
7 I did work for six of the counties. So those  
8 eight counties have their precincts federally  
9 recognized in the Census Bureau's TIGER file and  
10 it's very, you know, very precise. Population and  
11 race counts can be generated or have been released  
12 by the Bureau for those -- for precincts in those  
13 counties. Now, that's kind of the population and  
14 ethnicity and race side of things. Where there  
15 are some problems and issues of those other seven  
16 counties, the Legislature asked Tim Johnson at  
17 Maricopa County to digitize those remaining  
18 counties. That's kind of one issue.

19                   Separately is the whole issue of the  
20 prior election data base. And that's the matter  
21 of the vote counts by precinct for every  
22 candidate, and primary, in the general, and the  
23 propositions. And that's the file that, you know,  
24 I've sort of said in the past is in -- was in  
25 very, very terrible shape. I've sort of brought

1 to a point of about 60 percent completion in  
2 cleaning up that file and making sure that it's  
3 attachable to a GIS.

4                   As I said in the proposal, the work  
5 left to be done on that is probably more than my  
6 firm could handle if my firm is doing, you know,  
7 the major part of the redistricting consulting.  
8 And so I've recommended that maybe the approach to  
9 use at this point is to have the Commission's  
10 legal counsel review elec -- general and primary  
11 elections over the last four election cycles, pick  
12 out those races, those election contests, where,  
13 you know, at least one of the candidates has been  
14 a minority candidate so that sort of a concerted  
15 effort can be made to go after getting information  
16 on all of those races. Those are the ones that  
17 are going to be analyzed and written into the  
18 preclearance package.

19                   CHAIRMAN LYNN: To be clear to  
20 Mr. Hall's question, you have begun the work and  
21 have 60 percent of it completed. And I take it  
22 that that work does not exist elsewhere?

23                   MR. SISSONS: As far as I know,  
24 Mr. Lynn, that is correct. As I've talked with  
25 the Secretary of State staff over the years, as

1 I've gone in and bought those files from them, and  
2 I've pointed out these problems to them, and their  
3 response has always been, "We're simply the people  
4 who store these files. We don't comment on their  
5 quality." So as far as I know, nobody has really  
6 done any work to clean up those files.

7                   COMMISSIONER HALL: So in your  
8 opinion, then, would that task need to be  
9 finalized in order to have sufficient legitimate  
10 data to make appropriate decisions?

11                   MR. SISSONS: My opinion, in terms  
12 of being able to evaluate whether the plans you  
13 are proposing are, you know, do meet the criteria  
14 of Proposition 106, and here I'm going to defer to  
15 the knowledge of your legal counsel, my opinion is  
16 that you would have -- you would have to have that  
17 data base, you know, pretty cleaned up. The error  
18 rate within that data base would probably have to  
19 be less than five percent to kind of be acceptable  
20 to meet these, you know, the state standard of  
21 having the obligation to prove there's nothing  
22 untoward being done to minority participation.

23                   CHAIRMAN LYNN: Mr. Elder.

24                   COMMISSIONER ELDER: Did you find in  
25 your 60 percent analysis that there were errors in

1 excess of, say, the five percent range?

2                   What was the magnitude or range of  
3 magnitude you found?

4                   MR. SISSONS: Oh, boy. Some of the  
5 errors -- I'm sorry. Some of the files turned out  
6 to be not the actual canvass files but the  
7 validation check run that is done before the  
8 election to be sure the tabulation equipment is  
9 working, that file. In many cases in those files  
10 every candidate got two votes. They obviously  
11 sent the wrong file. In many cases, the --

12                   Let me see. I'm just trying to  
13 think of the other major reasons for differences  
14 between what is on the electronic files and  
15 what --

16                   COMMISSIONER ELDER: The primary  
17 question is were they beyond a five percent limit.  
18 For the legislative limit we have --

19                   CHAIRMAN LYNN: It's all over the  
20 map?

21                   MR. SISSONS: They were.

22                   CHAIRMAN LYNN: Mr. Huntwork.

23                   COMMISSIONER HUNTWORK: I wanted to  
24 make sure. Your concern is about the state  
25 requirements and not the federal requirements?

1                   MR. SISSONS: No. My concern is  
2 that when we get to the point of evaluating plans  
3 and preparing a preclearance package to send to  
4 the Justice Department.

5                   COMMISSIONER HUNTWORK: I  
6 understand.

7                   CHAIRMAN LYNN: Mr. Hall.

8                   COMMISSIONER HALL: So was this data  
9 available that you are referring to, was it  
10 available in '90?

11                  MR. SISSONS: The data that was used  
12 in 1990 was the results of elections throughout  
13 the 1980s.

14                  COMMISSIONER HALL: I understand  
15 that. My question was was there electronic data  
16 you are referring to specifically? That was not  
17 available in 1990, correct?

18                  MR. SISSONS: That is correct.

19                  I do have to amend that a little  
20 bit. To get ready for the 1990 redistricting, a  
21 lot of Senate and House secretaries and students  
22 were hired to spend the summer doing data entry  
23 from the paper canvass sheets from each county to  
24 create a data base that would then be attached to  
25 the legislators' redistricting computer. And the

1 big problems is that because of, you know, a rush  
2 in time, also because the instructions to those  
3 folks were not as clear as they could have been,  
4 and the fact that different counties had  
5 candidates' names in different orders, it was --  
6 that file was a mess. Every -- all four caucuses  
7 quickly discovered they could not trust that data  
8 base.

9                   COMMISSIONER HALL: The '90s data  
10 base was in worse shape than the data you are  
11 referring to?

12                   MR. SISSONS: I would agree.

13                   CHAIRMAN LYNN: Any other questions?

14                   Mr. Sissons, with our thanks, again,  
15 it's good to see you.

16                   As instructed previously, we're  
17 going to simultaneously combine a lunch break and  
18 executive session on this issue to discuss cost  
19 and other things appropriate. We'll reconvene in  
20 public session at approximately 1:15.

21                   COMMISSIONER HUNTWORK: I think we  
22 need a motion to go into executive session. I so  
23 move.

24                   COMMISSIONER MINKOFF: Second.

25                   CHAIRMAN LYNN: Those in favor, say

1 "Aye."

2 (Vote taken.)

3 CHAIRMAN LYNN: Opposed, say "No."

4 Motion carries.

5 Ladies and gentlemen, we'll see you  
6 about 1:15.

7 (Recess taken.)

8 (Whereupon, at approximately  
9 12:15 p.m., the Arizona Independent Redistricting  
10 Commission went into Executive Session.)

11 (Recess taken.)

12 (Whereupon, at approximately  
13 1:45 p.m., the Arizona Independent Redistricting  
14 Commission resumed Open Session.)

15 CHAIRMAN LYNN: We're going to wait  
16 just a moment for our legal counsel to join us.

17 I'll call the Commission back into  
18 regular session.

19 Ladies and gentlemen, we're going to  
20 continue the public process in terms of choosing a  
21 consultant or consultants to help the Commission  
22 with technical expertise.

23 The way that we are going to proceed  
24 is to first essentially do a public screening.  
25 And as painful as the process may be for some of

1 you who are here and have been with us for the  
2 entire day, without objection, the process I'm  
3 suggesting is to go through the list of offerers  
4 and ask for a hand vote of the Commission. And  
5 any consultant receiving three votes of the  
6 Commission will be, in effect, screened in for  
7 further consideration. Those consultants not  
8 receiving three votes will no longer be in  
9 consideration for the ultimate award of contract  
10 or contracts.

11                   Let me first indicate that on advice  
12 of counsel, a member of the Commission has  
13 declared a conflict. And Ms. Minkoff's  
14 relationship with one of the offerers, as she  
15 stated in open session, constitutes a situation  
16 which precludes her from participating either in  
17 the discussion or the voting until such time as  
18 that particular offeror is no longer a potential  
19 awardee. So for the purposes of this initial  
20 round of voting, Ms. Minkoff will refrain from  
21 casting votes for those in -- who are to be  
22 screened in.

23                   Having said that, I'll ask counsel  
24 and Mr. Ochoa to help me count because you can see  
25 better than I can from the panel.

1                   Let's go down the list.

2                   Votes for including, continuing to  
3 include Norman S. Primus?

4                   (No hand votes received.)

5                   CHAIRMAN LYNN: Votes for including,  
6 and I'll do the list in the order they are  
7 written, not the order presented, Election Data  
8 Services, Incorporated?

9                   (Four hand votes received.)

10                  CHAIRMAN LYNN: For including  
11 Hunter, Johnston, Elam and Benjamin?

12                  (One hand vote received.)

13                  CHAIRMAN LYNN: Votes for including  
14 Baker Hostetler?

15                  (Three hand votes received.)

16                  CHAIRMAN LYNN: Votes for including  
17 National Demographics Corporation?

18                  (Four hand votes received.)

19                  CHAIRMAN LYNN: Votes for including  
20 Maricopa County Elections?

21                  (Four hand votes received.)

22                  CHAIRMAN LYNN: Votes for including  
23 Elliott D. Pollack?

24                  (One hand vote received.)

25                  CHAIRMAN LYNN: Votes for including

1 Computer Management Services?

2 (Two hand votes received.)

3 CHAIRMAN LYNN: And votes for  
4 including R. Anthony Sissons or Research Advisory  
5 Services?

6 (Three hand votes received.)

7 CHAIRMAN LYNN: Now, those  
8 consultants who did not receive three votes,  
9 minimum, are no longer in consideration by the  
10 Commission.

11 If my numbers are correct, and I did  
12 not record every vote, with respect to the  
13 potential conflict, my understanding from the  
14 votes I did see is Mr. Pollack's firm did not  
15 receive enough votes to continue to be considered.

16 Ms. Minkoff is now able to  
17 participate.

18 Is that correct?

19 MR. RIVERA: Correct.

20 CHAIRMAN LYNN: Any consultants no  
21 longer considered that wish to catch an early  
22 plane, early dinner, plane, thank you for your  
23 consideration. I know some of you traveled long  
24 distances, and we appreciate it.

25 Those still in consideration, thank

1 you for your discussion. Thank you all very much.

2                   Could somebody, just for the record,  
3 tell us which ones are still in consideration?

4                   MR. OCHOA: Mr. Chairman, Election  
5 Data Services is still in consideration, Baker  
6 Hostetler is still in consideration, I have  
7 National Demographics, Economy --

8                   COMMISSIONER MINKOFF: No.

9                   MR. OCHOA: No. Number six.  
10 Maricopa County -- I'm sorry, Maricopa County is  
11 still in consideration, and then Mr. Sissons is  
12 still in consideration.

13                   CHAIRMAN LYNN: Thank you,  
14 Mr. Ochoa.

15                   What is the pleasure of the  
16 Commission?

17                   COMMISSIONER ELDER: I would like to  
18 open the meeting for discussion of consultants.

19                   I'll take the first shot at some of  
20 the things.

21                   I'd like to thank the consultants  
22 for the presentations and submittals we had here  
23 this morning as well as what was submitted in  
24 response to the request for proposals from the, I  
25 guess, Administration Department that sent out

1 these for the Commission.

2                   Election Data Services, we had more  
3 of, I want to say, a computer generated  
4 presentation, covered a lot of pieces and sounded  
5 as though Mr. Brace was very interested or would  
6 be interested in providing all or part, there was  
7 a shopping list of items that could possibly done  
8 or used by the Commission in presentation by the  
9 Commission in their plans which gave flexibility  
10 in determining what issues were important to me in  
11 choosing, as a Commissioner, and how I might  
12 choose those.

13                   Baker Hostetler, that one was more  
14 legal oriented. I want to say it had the sizzle,  
15 the best and brightest, I guess, a lot of things  
16 there that would be used to make decisions on  
17 finite issues that will be presented to DOJ.  
18 Seemed maybe a little bit light on data  
19 management, but that may have just been shortness  
20 of the presentation.

21                   National Demographics fell somewhat  
22 in the same position in that maybe of all of the  
23 ones I listened to, my sense was that they  
24 probably provided us with, or at least me, with  
25 the best understanding of what the Arizona process

1 was with the exception of the grid system. I  
2 asked the pointed question in the discussions, or  
3 question period, you know, if we came about and  
4 said we have to deal with the proposition grid  
5 first, can the process or your process be  
6 developed to where it will address those issues.  
7 And the answer was yes in that respect.

8                   And then Maricopa County Elections  
9 really gave us the support of an existing data  
10 base that may very well be there, be processed to  
11 a great extent, but didn't give us any kind of  
12 overview of how they may be able to address the  
13 overall big picture issues. And I don't know that  
14 that was part of what they were presenting. I  
15 think they were presenting a support role as  
16 opposed to major position role.

17                   And Mr. Sissons, maybe just because  
18 we've seen Mr. Sissons in just about every meeting  
19 we've had, he's been sitting back there listening  
20 and appearing or at least making comment during  
21 the public meeting period, presented for the whole  
22 package. My feeling is the strong point is his  
23 historical background in Arizona from the  
24 redistricting issues, historical issues,  
25 challenges that we've had, and his familiarity

1 with the network for acquiring data bases; where  
2 that would be maybe the most important piece of  
3 the package he would provide or could provide  
4 would be that level of understanding of, A, where  
5 data is and, B, where historical issues came from.

6                   So that's my sort of evaluation of  
7 the presenters that we had. And I'd like to just  
8 let it go on around the table, see where it goes  
9 from there and then take a look at it.

10                   CHAIRMAN LYNN: Thank you,  
11 Mr. Elder.

12                   Anyone else wishing to be heard?

13                   Mr. Huntwork?

14                   MR. HUNTWORK: Mr. Chairman, I saw  
15 in our request for proposals and the proposals  
16 submitted to us what appeared to me to be four  
17 different categories of services. One has to do  
18 with just the collection, compilation, processing  
19 of data, Census data and historical data, in  
20 particular.

21                   Number two was legal services. Some  
22 of our consultants made the point that we're all  
23 well aware of that what we're doing is very  
24 heavily involved with legal issues at all levels.  
25 And although we have a realm of -- area of

1 discretion, it is bounded by law on all sides and  
2 we need to be guided through that by the best and  
3 brightest at all stages. So it's a point  
4 well-taken.

5                   Number three is what I would call  
6 political signs. This is the collection and  
7 interpretation of information relating to  
8 communities of interest in our state and the  
9 implementation of that through helping us to draw  
10 maps and draw lines.

11                   And the final point would be  
12 community relations, relationships with groups  
13 within our state and making sure that they are  
14 included in and participate actively in the  
15 process.

16                   I saw -- I saw strengths and  
17 weaknesses in each of these areas among the  
18 different consultants. So my inclination would  
19 very much be to break this up into pieces, if we  
20 can. That may involve some back and forth with  
21 the consultants to find out how willing they are,  
22 in some respects, to carve off pieces or to  
23 subcontract with designated parties for parts of  
24 the work, perhaps, if we choose to go with one  
25 general contract.

1 I think I'll just stop there. Maybe  
2 I'll have the opportunity to be more specific  
3 about who I thought was a leading candidate in  
4 each of these areas later on.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: It's a  
7 pleasure to be able to speak again. I think this  
8 is the longest I've been quiet since I learned to  
9 talk.

10 CHAIRMAN LYNN: And in spite of the  
11 ribbing you took in executive session, it's nice  
12 to have you back.

13 COMMISSIONER MINKOFF: Thank you. I  
14 did want you to tell my husband I was able to keep  
15 quiet when I was told to.

16 At any rate, I agree with a lot of  
17 what has been said so far. I want to take it and  
18 maybe refine it maybe a little bit more.

19 I think that we've really got two  
20 categories here. We've got the local people and  
21 we've got the national consultants. And in terms  
22 of the local presenters, I think both of the local  
23 presenters really bring vital and critical skills  
24 and information to the table.

25 I think that Maricopa County

1 Elections Department has shown us that in terms of  
2 the GIS function, in terms of possibly website  
3 support, in terms of the real -- you know, we're  
4 talking about technical consultants; but only part  
5 of it is really strictly technical. The rest of  
6 it is strictly interpretive.

7                   The part strictly interpretive, they  
8 excel. They would be absolutely invaluable to the  
9 work we have to do in that area.

10                   I think Mr. Sissons has a block of  
11 information and he has the capacity to develop and  
12 other information that is truly local in  
13 character, not the kind of stuff that we're going  
14 to get from the Census Bureau but historical  
15 information about behavior and activities in  
16 Arizona that he is very, very well-qualified to  
17 present to us. And I think that he brings a lot  
18 to the table in that area.

19                   In terms of the three national  
20 consultants, I think they all bring very, very  
21 different strengths and very different focuses in  
22 their presentations. But while I believe that  
23 both Research Advisory Services and Maricopa  
24 County can provide functions to this Commission, I  
25 believe of the three national consultants, this

1 may be the difficult part of it, I really believe  
2 probably the decision should boil down to one of  
3 the three. If we come to that point, I would be  
4 glad to speak on which of these three I think have  
5 particular strengths and weaknesses. But that's  
6 the way I really see it breaking down.

7 CHAIRMAN LYNN: Mr. Hall.

8 COMMISSIONER HALL: Well, I'd like  
9 to make a motion. How is that?

10 CHAIRMAN LYNN: A motion is in  
11 order.

12 COMMISSIONER HALL: Is that all  
13 right? Good.

14 I feel like we're going to need  
15 more -- I agree with what has been stated. I  
16 agree we need more than one of these applicants to  
17 utilize the strengths of the variety of -- that  
18 remain on the list to benefit this Commission.

19 And, therefore, I would make a  
20 motion that we restrict the list a little bit more  
21 and then at the Commission's pleasure determine  
22 how it would be best to proceed.

23 With respect to the three national  
24 consultants, I would like to make a motion that we  
25 go ahead and utilize -- determine or restrict the

1 three national consultants to National  
2 Demographics Corporation and Election Data  
3 Services.

4 CHAIRMAN LYNN: Is there a second?

5 COMMISSIONER MINKOFF: I'll second  
6 that.

7 CHAIRMAN LYNN: Discussion?

8 COMMISSIONER ELDER: Yes,  
9 Mr. Chairman.

10 I would like to include or make an  
11 amendment. I would like to include Baker  
12 Hostetler in that group. I know it doesn't take  
13 it down, only takes maybe one -- I guess that's  
14 really all the national.

15 I think in the presentation, I know  
16 we've got -- we've made the comments all the way  
17 through the process that we -- whether it be image  
18 or fact, we have to present an impartial, unbiased  
19 Commission for the redistricting. In the  
20 presentation for Baker Hostetler, Republican  
21 representing Hispanics traditionally Democratic, a  
22 whole series of people, Republicans here,  
23 Democrats there.

24 I think there should be further  
25 discussion before they are eliminated on

1 qualifications and how they'd fit into the overall  
2 picture. I think they may fit in as well if not  
3 better than the other two at times. I'd like to  
4 include them, not limit discussion at this time.

5 CHAIRMAN LYNN: Mr. Elder, just in  
6 terms of keeping this straight, the motion is to  
7 reduce the national consultants, essentially, by  
8 one. Your amendment would actually not achieve  
9 that. I'll call the amendment out of order. It's  
10 not been seconded.

11 You are speaking against that  
12 motion?

13 COMMISSIONER ELDER: That's correct.

14 CHAIRMAN LYNN: Thank you.

15 Other discussion?

16 Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Mr. Chairman,  
18 I would like to also speak against the motion.

19 Firstly, I want to point out, as we  
20 noted this morning in discussion, that Baker and  
21 Hostetler was in effect a subcontractor to one of  
22 the other candidates, EDS. And one of the  
23 possible ways in which we might end up skinning  
24 the cat, so to speak, is by simply, you know,  
25 contracting with both and including explicitly

1 that Baker and Hostetler would review all plans  
2 and give us specific direct advice in its own  
3 capacity and not as a subcontractor. Certainly  
4 one of my points in breaking down and identifying  
5 the fact legal services was a separate category  
6 was to create flexibility for that possibly to  
7 happen. So I don't -- I don't want to eliminate  
8 them from consideration at this stage.

9 I think we have to give -- I think  
10 we should proceed with discussion, not eliminate  
11 them from consideration, see where the chips fall.  
12 Otherwise we're precluding one, you know, one  
13 possible -- possibly very favorable outcome.

14 CHAIRMAN LYNN: Ms. Minkoff.

15 COMMISSIONER MINKOFF: It's true  
16 Baker Hostetler was listed, specifically  
17 Mr. Braden, in EDS' proposal. They were listed as  
18 representing the Republican point of view and also  
19 a Democratic attorney was listed as representing,  
20 presumably, the Democratic point of view, if there  
21 can be said to be such a thing.

22 I had a few concerns. Number one,  
23 looking at the Baker Hostetler proposal, while  
24 they make the point that they do represent clients  
25 of all political persuasions, the resumes are

1 very, very closely tied with one political party,  
2 which is something we are really trying not to do  
3 in this Commission.

4                   The other thing I think is a real  
5 strength of both National Demographics and EDS is  
6 in the public outreach. In National Demographics,  
7 they are almost data and redistricting first and  
8 legal as back-up and consultants; whereas Baker  
9 Hostetler puts the legal position first, which we  
10 already have with our own very capable counsel,  
11 and has the technical aspects, data management,  
12 and so on, almost as subdivisions of the legal  
13 lead partner in the partnership. And that's why I  
14 felt much more comfortable with National  
15 Demographics and EDS.

16                   If you ask me to pick between the  
17 two of them, I'll have trouble because I think  
18 they are both outstanding. But I really believe  
19 that they are -- their framework, the position  
20 from which they attack the task, the things they  
21 emphasize in their presentation in terms of  
22 community outreach, in terms of dealing with  
23 communities of interest, in terms of incorporating  
24 them into the data, et cetera, was much stronger.  
25 And that's the reason I really favor these two

1 among the national consultants.

2 CHAIRMAN LYNN: Further discussion?

3 COMMISSIONER HUNTWORK: Mr. Chairman.

4 CHAIRMAN LYNN: Mr. Huntwork.

5 COMMISSIONER HUNTWORK: I think we  
6 have to keep in mind that we are, at this stage,  
7 we are talking about eliminating somebody from  
8 consideration not on the relative merits of the  
9 three, of the three parties. And the -- if we're  
10 going to eliminate Baker and Hostetler because of  
11 a perception that they are too slanted in one  
12 political direction, then I would think that it  
13 would be appropriate to, number one, fully  
14 evaluate whether that is true in terms of the team  
15 that they put on the table and, number two, apply  
16 those same criteria as best we can to the other  
17 parties that are left.

18 So I think we either need to go  
19 through that discussion as part of this motion or  
20 I would perhaps request the motion be withdrawn.  
21 If we can't -- if nobody is going to do that, I  
22 will proceed with the rest of that discussion.

23 CHAIRMAN LYNN: Mr. Hall, are you  
24 inclined to withdraw your motion?

25 COMMISSIONER HALL: Mr. Chairman,

1 with respect to Mr. Huntwork's comments, the firm  
2 of Hostetler and -- Baker and Hostetler is not a  
3 subcontractor of EDS. I think the reference was  
4 simply to Mr. Braden as supplemental legal  
5 services as he clarified in his statements made  
6 before this Commission. And in the event that we  
7 were to want to utilize some of the legal services  
8 of Baker Hostetler, I would assume that they would  
9 be willing to enter into negotiations, if that was  
10 deemed to be appropriate.

11 I think our purpose here is to  
12 identify a consultant for the benefit of this  
13 Commission in an effort to handle all of the or at  
14 least a significant portion of the requirements  
15 that we will need to fulfill our mission.  
16 Therefore, I think that the two remaining national  
17 consultants I'm proposing would remain would best  
18 fit the overall scope of what we intended in our  
19 initial RFP. So I would -- my motion stands.

20 CHAIRMAN LYNN: Thank you, Mr. Hall.

21 Further discussion?

22 Mr. Elder.

23 COMMISSIONER ELDER: Mr. Chairman,  
24 in the earlier discussions where we were  
25 discussing the characteristics of the local firms.

1 They were characterized as being very strong in  
2 historical, data collection management, or have it  
3 in place at this time. If that, and our concept  
4 may be to split the contract, where we have a firm  
5 doing the overall management, the issue,  
6 clarification, the direction, things like that,  
7 and then acquire the services, either they are  
8 subcontracting or we having multiple contracts,  
9 then the objection on Baker Hostetler as far as  
10 saying they are biased or unbalanced toward the  
11 law and legal would be offset because we'd have  
12 the data base, you know, developed within that  
13 team. So I would still like to maintain them as a  
14 viable candidate for at least further discussion.

15 CHAIRMAN LYNN: Mr. Huntwork.

16 COMMISSIONER HUNTWORK: Mr. Chairman,  
17 it is my understanding that while EDS is a broadly  
18 based firm and represents different interests and  
19 includes different interests on the team, so is  
20 Baker and Hostetler. It is my understanding that  
21 while Mr. Braden, who is the self-avowed  
22 quarterback of the Baker and Hostetler team, is a  
23 strong Republican and has been counsel to the  
24 Republican National Committee, by the same token,  
25 the quarterback of the EDS team is a Democrat and

1 as recently as a few months ago was, if I  
2 understand correctly, was testifying on behalf of  
3 Vice President Gore in the State of Florida to try  
4 to explain demographically why the Democrats  
5 really won the election.

6                   My point here would be that I can  
7 readily see a way of achieving neutrality by  
8 having a strong Democratic member of the team  
9 balanced by a strong Republican member of the team  
10 at co-equal levels, which is why I said I could  
11 consider EDS if Baker and Hostetler was not a  
12 subcontractor to them but a prime contractor to us  
13 for the purpose of maintaining balance.

14                   I can't -- I cannot see in my own  
15 mind eliminating Baker and Hostetler without in my  
16 own mind also eliminating EDS. So, therefore, I  
17 suppose what I would do is amend the motion to  
18 eliminate both of them.

19                   I move we amend the motion to  
20 eliminate both of them if my Democrat colleagues  
21 will not be kind enough to amend the motion to  
22 eliminate one of them.

23                   CHAIRMAN LYNN: Is there a second?

24                   Hearing none, motion to amend dies  
25 for lack of a second.

1 Further discussion on the motion?

2 COMMISSIONER ELDER: Call the  
3 question.

4 CHAIRMAN LYNN: Question has been  
5 called for.

6 All those in favor of the motion  
7 effectively limiting the national consultant  
8 consideration for consultant services signify by  
9 saying "Aye."

10 (Vote taken.)

11 CHAIRMAN LYNN: Opposed, "No."

12 (Vote taken.)

13 (Tie vote, two to two.)

14 CHAIRMAN LYNN: Did you vote?

15 Interesting.

16 Chair votes: No.

17 (Motion defeated.)

18 CHAIRMAN LYNN: I think it would be  
19 productive to have discussion on the national  
20 consultants to settle on one rather than eliminate  
21 one.

22 What I'd like to do is entertain an  
23 affirmative motion for contracting with someone,  
24 which I think is a better way to approach it. For  
25 that reason I will put us back in discussion on

1 national consultants.

2                   COMMISSIONER ELDER:  If I may  
3 explain my motion, Mr. Chairman, we my need to  
4 divide up the work we need to have performed.  And  
5 in my mind I would see more than one of these  
6 entities utilized in this process.  Therefore, I  
7 figured it was simpler, in an effort to try to  
8 work -- in other words, I can see, of the five we  
9 have remaining, more than one of these entities  
10 providing services to this Commission and -- in a  
11 variety of ways.  Therefore, I felt like we could  
12 move in a direction to identify which is best to  
13 do that.

14                   If it's the Chair's pleasure, we  
15 could make motions to identify parties we feel  
16 would be of benefit to the Commission in a variety  
17 of arenas, I guess specify particular parameters  
18 or scope of services they'd perform and perhaps  
19 entertain negotiations.  I'm open for input with  
20 that respect.

21                   If that is the Chair's pleasure, I  
22 make a motion then.

23                   CHAIRMAN LYNN:  Let me -- before we  
24 do that, Mr. Hall, let's hear from Ms. Minkoff and  
25 get to that.

1 THE REPORTER: May I clarify the  
2 outcome of the motion?

3 CHAIRMAN LYNN: The motion died,  
4 three to two.

5 COMMISSIONER MINKOFF: If in order,  
6 I'd make a motion to deal with something I feel  
7 does have a level of consensus.

8 I'd make a motion, we can deal with  
9 it, and then deal with national consultants.

10 Would you rather deal with national  
11 consultants first? Are you proposing we deal with  
12 national consultants --

13 CHAIRMAN LYNN: Let me ask a  
14 question first.

15 There seems to be, if I can be so  
16 bold as to try to summarize what we do have  
17 consensus on, I think there's reasonable consensus  
18 on the Commission that the employment of multiple  
19 consultants, national and local, is something we  
20 would like to pursue, in some fashion, some  
21 combination.

22 And I'm wondering, Mr. Adler, is it  
23 appropriate at this point to direct a question to  
24 the consultants who are still with us, because --  
25 it's kind of like searching for a cure for which

1 there is no known disease. If you find a cure,  
2 there's not much use for it. That is to say if  
3 some or all of the consultants aren't interested  
4 in sharing the work, we should know that before we  
5 fashion a group of consultants to serve the  
6 Commission.

7                   Is that an appropriate question to  
8 ask?

9                   MR. ADLER: I think it's appropriate  
10 to ask the remaining offerers if they're willing  
11 to take a portion of the scope work rather than  
12 all. Nobody offered an all-or-nothing proposal  
13 that I can see.

14                   CHAIRMAN LYNN: Just on the record,  
15 because we're about to get down to some fairly  
16 specific determinations, I would like to pose the  
17 question to the national consultants first. And  
18 I'll ask any one of the presenters to speak on  
19 behalf of their group.

20                   Based on the discussion you've heard  
21 and the apparent consensus to employ a group of  
22 consultants, do you have an objection to that and,  
23 if so, would you state what that objection is so  
24 we can understand it?

25                   Let's just go down the list. Let's

1 start with EDS listed first.

2 Mr. Brace?

3 MR. BRACE: Yes, Mr. Chairman. We  
4 stand ready to work with any of the consultants  
5 that you have identified as remaining. In fact, I  
6 passed a note to my esteemed colleague sitting  
7 next to me it would be fun to work with them, too.

8 CHAIRMAN LYNN: Thank you,  
9 Mr. Brace. Appreciate that.

10 CHAIRMAN LYNN: Mr. Braden, would  
11 you speak for your group?

12 MR. BRADEN: I was going to make my  
13 Democratic partner speak for the group.

14 Initially, in our response to the  
15 proposal, it was clear to us that there were a  
16 number of different steps. Within reason, we're  
17 more than happy to work with a local group.

18 CHAIRMAN LYNN: Dr. Adams?

19 DR. ADAMS: National Demographics  
20 would be willing to work arrangements with other  
21 consultants.

22 CHAIRMAN LYNN: Would work with  
23 other consultants.

24 Is Maricopa County still here?

25 COMMISSIONER HALL: Karen is in

1 back.

2 CHAIRMAN LYNN: Karen is in back.

3 Tim is there, too.

4 Tim, Karen, or both, are you  
5 confident you could work with any or some  
6 combination of the national consultants as well as  
7 another local consultant?

8 MS. OSBORNE: We're confident we can  
9 work with whoever you choose.

10 CHAIRMAN LYNN: Mr. Sissons?

11 MR. SISSONS: Mr. Chairman, I may be  
12 in a kind of more unique situation than the other  
13 proposers. One of them, one of the other  
14 proposers, local proposer, is, in essence, a unit  
15 of government and, you know, doesn't have, I would  
16 say, the sort of business concerns, you know, in  
17 their answer. And possibly the national  
18 consultants are all, you know -- I can imagine  
19 that they would find it easy to sort of, you know,  
20 be willing to pick up a part of this contract  
21 because they've got lots of other contracts in  
22 other states and other jurisdictions.

23 For a small, Arizona-based  
24 consultant firm, such as mine, you know,  
25 redistricting season does not come along that

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1 often. I'm thinking to myself I have to make hay  
2 while this sun is shining. And -- which is one  
3 reason that I sought, in essence, the -- to go  
4 after all elements that were on your request for  
5 proposals.

6                   Now, while I may, you know, while it  
7 may be, you know, a good thing to pick up a part  
8 of this work, one of my concerns would be that  
9 other people who have -- other groups have  
10 approached me about representing their -- you  
11 know, if I didn't get any of this work, have  
12 approached me about representing their interests  
13 in, you know, looking at maps and examining things  
14 that possibly could be submitted to this  
15 Commission for review. And I would think that if  
16 I -- I could see a great conflict of or potential  
17 conflict of interest if I were to sort of -- if I  
18 were to agree to pick -- to do a certain amount  
19 of, you know, work for this Commission. It would  
20 almost seem as though I would be precluded from  
21 doing any work from -- for other clients who might  
22 be submitting things for your consideration,  
23 which, I mean, is sort of a business limiting  
24 position for me to be in. And I -- I'm not quite  
25 sure what to do about this.

1                   CHAIRMAN LYNN: Is there an answer  
2 in there somewhere, Mr. Sissons?

3                   MR. SISSONS: I apologize for not --  
4 well --

5                   MR. RIVERA: Mr. Chairman.

6                   CHAIRMAN LYNN: I understand your  
7 point. I don't mean to make light of your point.  
8 It's clearly in your economic best interests to  
9 keep your interests open. I understand that.  
10 Maybe that's your best interests.

11                   COMMISSIONER HUNTWORK: Mr. Chairman,  
12 may I ask more a specific question? It would be  
13 helpful to me, anyway, the way I'm thinking.

14                   Mr. Sissons, would you be willing on  
15 our behalf to complete compilation of historical  
16 data and provide it to us potentially with the  
17 understanding, I guess, it's a public record so it  
18 would be available, then, to anyone?

19                   MR. SISSONS: Sure.

20                   COMMISSIONER HUNTWORK: And I  
21 suppose with or without -- your point would be you  
22 would not want to have any further strings  
23 attached in terms of then being able to represent  
24 someone else in interpreting that data and  
25 applying it to our work product.

1                   MR. SISSONS: I think that's very  
2 close to the position I'm sort of feeling at the  
3 moment. Yeah.

4                   COMMISSIONER HUNTWORK: So we could  
5 consider buying that piece of the puzzle from you  
6 as a separate item with no strings attached.

7                   MR. SISSONS: If I'm understanding  
8 you correctly such that that would not prohibit me  
9 from taking assignments from other clients who may  
10 want to present maps to you.

11                  COMMISSIONER HUNTWORK: Right.

12                  MR. SISSONS: I have no problem with  
13 that.

14                  MR. RIVERA: Mr. Chairman.

15                  CHAIRMAN LYNN: Mr. Rivera.

16                  MR. RIVERA: I'm not sure that's  
17 sufficient to eliminate any potential conflict he  
18 may have. He may want to speak to his attorney,  
19 see if he has any comment he may have. We don't  
20 know who he's speaking with. I'd hate to give the  
21 impression from this Commission by simply doing  
22 that for us alone it eliminates any conflict.

23                  CHAIRMAN LYNN: Thank you,

24 Mr. Rivera.

25                  That's advice you need to consider

1 yourself.

2                   COMMISSIONER HALL: May I ask  
3 Mr. Sissons, Mr. Sissons, this is a rather simple  
4 question. Mr. Sissons, every member of this  
5 Commission feels you have expertise with respect  
6 to not only institutional memory, to borrow a term  
7 utilized before, but also with respect to  
8 experience with Arizona data, voting data, and a  
9 variety of other. We feel like that certainly  
10 your expertise in that area could be of benefit to  
11 this Commission and something we want to utilize,  
12 probably want to utilize in the event you want to  
13 come to -- I'm speaking for myself, I realize --  
14 come to some type of agreement.

15                   In event that occurs, say we want  
16 your assistance in that respect, meaning that the  
17 scope would be limited from, you know, doing  
18 outreach where we feel like maybe some other folks  
19 may be more suited in that respect, the question  
20 is: Is that something you have an interest in or  
21 is it something you don't -- if you don't, see, I  
22 make a motion and take you off the list.

23                   MR. SISSONS: I understand.

24                   COMMISSIONER HALL: If it is, you  
25 say yes, I maintain an interest in it. I

1 apologize for being so pointed. We'll be here  
2 with five names until Christmas. I just -- what  
3 would you say?

4 MR. SISSONS: Well, in that case, I  
5 have to say that I wish to remain in consideration  
6 for any portion of the work that the Commission  
7 would like to assign to me.

8 COMMISSIONER HALL: Thank you.

9 CHAIRMAN LYNN: Thank you,  
10 Mr. Sissons.

11 What is your pleasure, ladies and  
12 gentlemen?

13 COMMISSIONER MINKOFF: Can I make a  
14 motion on local consultants?

15 I move that we engage in  
16 negotiations with Maricopa County and with  
17 Research Advisory Services to provide services to  
18 the Commission in the areas of GIS support,  
19 website support, and collection and presentation  
20 of historical data about voting history in  
21 Arizona.

22 CHAIRMAN LYNN: I wonder if you  
23 could bifurcate -- bifurcate that motion. Do --  
24 work assignments are different.

25 COMMISSIONER MINKOFF: I just

1 withdrew it.

2 CHAIRMAN LYNN: Do one at a time.

3 COMMISSIONER MINKOFF: Okay.

4 CHAIRMAN LYNN: What I'm getting to  
5 there is the specific instruction for the  
6 procurement department in terms of the nature of  
7 negotiations with the consultant. You're onto  
8 something, just do them one at a time.

9 COMMISSIONER MINKOFF: Okay. Let me  
10 move we engage in negotiations with Maricopa  
11 County Elections Department for the provision of  
12 GIS services and website management to the  
13 Commission.

14 COMMISSIONER ELDER: Second.

15 CHAIRMAN LYNN: Moved and seconded.

16 Is there discussion?

17 COMMISSIONER HALL: May I amend that  
18 motion, Ms. Minkoff?

19 COMMISSIONER MINKOFF: A work in  
20 progress.

21 COMMISSIONER HALL: And any other  
22 services as we may deem may be appropriate for  
23 them to provide.

24 COMMISSIONER MINKOFF: I accept  
25 that.

1 CHAIRMAN LYNN: Mr. Huntwork.

2 COMMISSIONER HUNTWORK: Clarify.

3 What is included in "GIS services"?

4 COMMISSIONER MINKOFF: Tim?

5 COMMISSIONER HALL: That's why I  
6 made the amendment, Mr. Huntwork.

7 CHAIRMAN LYNN: To clarify it, Tim,  
8 I think there's some, some sense that that -- we  
9 have a couple ways to go. We could employ our own  
10 GIS specialist as a staff person. Or, as offered  
11 in your proposal, we could utilize your services  
12 to perform that function for us and carve that  
13 out. I think, please correct me if I'm wrong,  
14 what Ms. Minkoff meant when she said "GIS  
15 services," provide the Commission with that kind  
16 expertise locally for whatever purposes the  
17 utilization of the Geographic Information Systems  
18 might require in order for us to do our work,  
19 that's in a local sense.

20 COMMISSIONER HUNTWORK: Does this  
21 include all the Census data and compiling it and  
22 putting it into local maps and so on? Is that all  
23 part of GIS?

24 CHAIRMAN LYNN: Well, let me ask --

25 CHAIRMAN LYNN: To the extent

1 someone else is not performing that.

2                   COMMISSIONER HALL: I think that's  
3 why we're -- it's all part of the negotiations,  
4 Mr. Huntwork.

5                   We know -- we have a sense of the  
6 players we'd like to have involved in the game and  
7 certainly we'd like to identify what the specific  
8 roles would be of each player as we move through  
9 each process.

10                  COMMISSIONER ELDER: Mr. Chairman, I  
11 guess this relates to Tim, also relates to the  
12 national consultants. I want to make sure that  
13 either -- that the national consultants gives  
14 directions and attributes of the GIS system are  
15 transferable back and forth so analysis,  
16 conceptual, whatever, can be done by the national  
17 consultants as well as locally. You know, it  
18 can't be something where we take the national  
19 consultants, say review this plan, and you've done  
20 all the data crunching and all the  
21 characterization, evaluation, and input of the  
22 attributes of the cell system, and GIS. That  
23 should be the purview of the national consultant  
24 or whoever we hire as the primary consultant to  
25 define those attributes and the GIS person to do

1 management of we want to weight this attribute and  
2 see how it comes out with other attributes, how it  
3 comes down.

4                   Can you integrate with a national  
5 consultant in that manner?

6                   MR. JOHNSON: 100 percent. We can  
7 transfer stuff back and forth 100 percent.

8                   COMMISSIONER MINKOFF: Mr. Chairman,  
9 I want to make sure as Commissioners we don't get  
10 involved in micromanagement of contracts. I'm  
11 getting a sense of the players involved. One of  
12 the things we'll need to do as we sit down and  
13 negotiate contracts is have input from all of  
14 them. And negotiation is a back and forth kind of  
15 thing. And we will see what kind of relationships  
16 need to be established in order to make the  
17 process work.

18                   But I just think very, very strongly  
19 that we want Maricopa County at the table on the  
20 basis of presentations they've made to us of what  
21 they can do, on the basis of what Tim Johnson can  
22 provide us in terms of his technical expertise.  
23 That's essentially addressed in my motion.

24                   COMMISSIONER HUNTWORK: To be clear,  
25 has the amendment "and other services" been

1 accepted?

2 CHAIRMAN LYNN: It has.

3 COMMISSIONER MINKOFF: I accepted  
4 it.

5 Did the second?

6 CHAIRMAN LYNN: Second accepted it.

7 COMMISSIONER HALL: Call the  
8 question.

9 CHAIRMAN LYNN: The question has  
10 been called for. All in favor of the motion,  
11 signify "Aye."

12 (Vote taken.)

13 CHAIRMAN LYNN: Chair votes: Aye.

14 Motion unanimously carries.

15 One of the consultants will be  
16 Maricopa County.

17 COMMISSIONER HALL: I'll make an  
18 identical motion for services for Research  
19 Advisory Services, Inc.

20 CHAIRMAN LYNN: Scope of work?

21 COMMISSIONER HALL: Scope of work,  
22 providing technical services to this Commission  
23 and any other services we may deem necessary.

24 CHAIRMAN LYNN: Second?

25 COMMISSIONER MINKOFF: I second it.

1 CHAIRMAN LYNN: Discussion?

2 Mr. Huntwork.

3 COMMISSIONER HUNTWORK: I would like  
4 to -- I would like to hire this company but really  
5 only with respect to the development, presentation  
6 of historical data.

7 COMMISSIONER HALL: Again,  
8 Mr. Huntwork, I think that's something we will  
9 discuss when we get everyone involved to sit down,  
10 iron out the details of what the parameters are.  
11 I think it's probably premature to identify  
12 specifically in a motion what those are.

13 COMMISSIONER HUNTWORK: By the same  
14 token, Mr. Chairman, if I may, this company made a  
15 proposal to do the whole thing. And I think that  
16 a motion which says that we will hire them to do  
17 anything and everything that we determine could  
18 include everything because of the proposal that  
19 they made. I would vote in favor of a more  
20 limited proposal, but -- if we could define it in  
21 some way. I would have to vote against a proposal  
22 as general as the one on the table.

23 COMMISSIONER MINKOFF: Mr. Chairman,  
24 I propose an amendment to the motion similar to  
25 the one we had for Maricopa County. I would

1 propose to amend it that we engage Research  
2 Advisory Services to provide information on  
3 historical data and voting trends in Arizona and  
4 such other services as the Commission may require.

5 CHAIRMAN LYNN: Is that amendment  
6 acceptable, Mr. Hall?

7 COMMISSIONER HALL: Great. Perfect.

8 COMMISSIONER MINKOFF: Focus in  
9 primarily on what we want.

10 CHAIRMAN LYNN: Discussion on the  
11 motion as amended?

12 Mr. Huntwork.

13 COMMISSIONER HUNTWORK: Do you mean  
14 other related services?

15 COMMISSIONER MINKOFF: What -- I  
16 think this allows us flexibility that if something  
17 comes up that Mr. Sissons is uniquely qualified to  
18 do -- there are a lot of things Mr. Sissons is  
19 uniquely qualified to do -- we can go to him and  
20 work it into the contract without an entire  
21 separate procurement process. We know generally  
22 what we're talking about. We're talking about  
23 historical data. He seems agreeable, subject to  
24 getting advice from counsel which allows him to do  
25 other things.

1                   COMMISSIONER HUNTWORK: That answers  
2 my question. Thank you.

3                   CHAIRMAN LYNN: I think what  
4 we're -- let's be clear about the intent, intent  
5 of the motion. We're creating a team. Let's be  
6 very clear about this. We're creating a team of  
7 both national and local consultants, trying to  
8 pick the best of each category, as we see it, for  
9 use in this process. We expect the team members  
10 to coordinate activities so there is no  
11 duplication. Each brings to the table unique  
12 expertise in the area they have to represent and  
13 that collectively they represent for the State of  
14 Arizona the best opportunity to get the best  
15 result. I think that's the intent of what we're  
16 doing here. I think in that context is how these  
17 motions are being made.

18                   Discussions on the motion.

19                   COMMISSIONER ELDER: Call the  
20 question.

21                   CHAIRMAN LYNN: If not, all those in  
22 favor of the motion as amended signify by saying  
23 "Aye."

24                   (Vote taken.)

25                   CHAIRMAN LYNN: Opposed, "No."

1 Chair votes: Aye.

2 "Ayes" have it unanimously.

3 What is your pleasure?

4 COMMISSIONER HALL: I make a motion,  
5 Mr. Chairman, that we employ the services of EDS  
6 to provide technical services and other related  
7 services to this Commission.

8 CHAIRMAN LYNN: Is there a second?

9 COMMISSIONER MINKOFF: I'll second  
10 it.

11 CHAIRMAN LYNN: Discussion?

12 Mr. Huntwork.

13 COMMISSIONER HUNTWORK: Mr. Chairman,  
14 I -- once again, for the reasons that we discussed  
15 earlier, I do not consider EDS to be the  
16 appropriate candidate for our primary national  
17 consultant. But I believe there are some limited  
18 services for which they would be -- which they  
19 could provide and may be the best candidate. This  
20 motion, in particular, would require  
21 clarification, in my mind, before I could --  
22 before I could support it. I know that EDS is  
23 talking to Legislative counsel about some data  
24 services. And I certainly wouldn't want to --  
25 would want to be able to take advantage of that

1 relationship in order to obtain the data as  
2 quickly and inexpensively as possible. But beyond  
3 that, I would need to know specifically what we're  
4 talking about.

5                   COMMISSIONER HALL: Again,  
6 Mr. Chairman, if -- I think at the time that we  
7 sit down and do specific negotiations is the time  
8 we identify the specific role of all the parties.  
9 If I understand correctly, our purpose here is to  
10 bring folks on the team. And I hesitate to be  
11 very specific in a motion as to what we're going  
12 to do with them in light of the fact that we -- I  
13 think we're still working through this process and  
14 identifying where the boundaries are; therefore,  
15 to say specifically, you know, provide "data," I'm  
16 not sure that's the appropriate restriction, or  
17 whatever. I -- the motion didn't state that "as  
18 primary national consultant." The motion said to  
19 provide technical services to this Commission and  
20 any other services we may deem to be appropriate.

21                   I think we ought to and it behooves  
22 us to allow ourselves a certain amount, as much as  
23 possible, flexibility and opportunity to draw  
24 those lines as we begin to more fully understand  
25 each person's specific role in this process.

1 CHAIRMAN LYNN: Thank you.

2 Mr. Elder.

3 COMMISSIONER ELDER: Mr. Hall, I  
4 tend to disagree. At some point we are going to  
5 have to have a focus. And we're going to have to  
6 have a leader of who this team is going to be.  
7 And we've talked about perception. Mr. Braden  
8 said he was going over to talk to Legislative  
9 counsel.

10 CHAIRMAN LYNN: Brace.

11 COMMISSIONER ELDER: Excuse me,  
12 Mr. Brace, was going over to talk to Legislative  
13 counsel about a data base. There's linkage at  
14 that point.

15 If we look at a perception of  
16 fairness, at that point I almost tend to think we  
17 shouldn't be associated with a firm providing  
18 counsel to the Legislature painted with the brush  
19 during proposition discussions and voting as being  
20 maybe one of the reasons why the legislative  
21 redistricting in '90 didn't go that well and  
22 judicial came up with the redistricting.

23 With that in mind, I think we ought  
24 to belly up to the table, fish or cut bait, all  
25 the things we say, that we want to hire a firm

1 that's going to take us on down the line  
2 integrating whatever data bases we need, not go on  
3 and say we want a motion that allows us to get  
4 services, whatever services, this firm's services,  
5 this firm, now five, six firms.

6                   Who's going to manage and how do we  
7 manage that? That's my concern. I think we pick  
8 a firm, negotiate with them and other people we  
9 discussed, and say here's how it fits together.  
10 You folks are the leader of the pack. That's my  
11 opinion.

12                   CHAIRMAN LYNN: Ms. Minkoff.

13                   COMMISSIONER MINKOFF: Mr. Elder, I  
14 agree with a portion of what you said and some of  
15 it I disagree.

16                   I agree I think we're at the point  
17 now where we need one other contractor. And I  
18 think it's a national consultant. And I think our  
19 choice is from among the three that we still have  
20 before us. I feel very, very comfortable with  
21 EDS. I also feel comfortable with National  
22 Demographics. I feel maybe a little more  
23 comfortable with EDS.

24                   A couple things. I recall Mr. Brace  
25 said yes, he's going to talk to Legislative

1 counsel; depending on what we decided, they may or  
2 may not accept that commission.

3           I think if that were an issue, we  
4 could eliminate that conflict saying you work for  
5 us and that's all you are going to do in Arizona  
6 redistricting this year. I don't know that they  
7 would agree to it. I got the sense from what he  
8 said that Leg. counsel was just kind of a back-up  
9 position.

10           I believe that they are a very, very  
11 broad-based firm, that looking at the kinds of  
12 things they have done and kinds of things they're  
13 prepared to do, they meet the qualifications we  
14 need in a national consultant. They provide us  
15 what we need in terms of public outreach, not  
16 necessarily to go do the outreach, in terms of  
17 providing support to do outreach, citizens' kits,  
18 Power Point presentations, doing all that.

19           They are extremely experienced in  
20 doing national data, the kinds of stuff we'll be  
21 getting from the Census Department, a little  
22 different from the kind of information we're  
23 hoping Mr. Sissons will provide for us.

24           They have an outstanding track  
25 record. They are probably the best known,

1 certainly a well-respected national consultant in  
2 the area of redistricting.

3                   While the lead person, Mr. Brace, is  
4 a Democrat, he is proposing a Republican as the  
5 major in-house concern local in Arizona, which I  
6 think may deal with that issue.

7                   I just -- I've been very impressed  
8 with the presentations that they have done for us.  
9 I would be very, very comfortable bringing them on  
10 board as the national consultant among whose  
11 responsibilities would be the coordination of the  
12 entire project.

13                   CHAIRMAN LYNN: I want to clarify at  
14 this point, because I did not take from Mr. Hall's  
15 original motion that his motion was intended to  
16 have this be the lead consultant. But . . .

17                   COMMISSIONER HALL: That's correct,  
18 Mr. Chairman.

19                   CHAIRMAN LYNN: But we were going  
20 through, in effect, a number of consultants with  
21 whom we wanted a contractual relationship. Again,  
22 notwithstanding your comments, Ms. Minkoff, which  
23 I certainly understand and appreciate, I would  
24 suggest voting for this motion does not  
25 necessarily preclude offering a partial contract

1 to another national consultant, if I understand  
2 Mr. Hall's motion correctly. And he concurs I do.

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: Mr. Chairman,  
5 I would feel more comfortable discussing this  
6 motion if we had already selected our primary  
7 national consultant.

8 COMMISSIONER HALL: Mr. Chairman,  
9 may I expedite the process a little?

10 CHAIRMAN LYNN: Give it a go.

11 COMMISSIONER HALL: I withdraw my  
12 motion. I move --

13 CHAIRMAN LYNN: Will the second  
14 withdraw before you make --

15 COMMISSIONER HUNTWORK: Second?

16 COMMISSIONER HALL: I withdraw the  
17 motion.

18 COMMISSIONER HUNTWORK: Who  
19 seconded?

20 COMMISSIONER MINKOFF: Who seconded?

21 If you're withdrawing your motion,  
22 I'll withdraw my second.

23 CHAIRMAN LYNN: Now, since we don't  
24 have a motion on the table, Mr. Hall, make your  
25 motion.

1                   COMMISSIONER HALL: Thank you,  
2 Mr. Chairman.

3                   I'd like to make a motion we employ  
4 National Demographics Corporation as our primary  
5 consultant and the firm which will, in essence,  
6 for lack of a better word, oversee the process,  
7 the whole process, that we plan on utilizing in  
8 obtaining the final maps that we're going to  
9 prepare.

10                  CHAIRMAN LYNN: Is there a second?

11                  COMMISSIONER ELDER: Second.

12                  CHAIRMAN LYNN: Discussion?

13                  Mr. Huntwork.

14                  COMMISSIONER HUNTWORK: Mr. Chairman,  
15 I think that there are possible advantages to  
16 selecting two firms, each of which has a strong  
17 party affiliation; but that all things considered,  
18 it is more consistent with our charge as being an  
19 independent redistricting commission to try to  
20 select one firm that does not have that type of  
21 aura attached to it and that perhaps more fully  
22 reflects the intent of the people of Arizona in  
23 creating our Commission. For that reason, I think  
24 I'm persuaded that the best approach is the one  
25 represented by this motion.

1 CHAIRMAN LYNN: Thank you.

2 Other discussion?

3 COMMISSIONER ELDER: Call the  
4 question.

5 CHAIRMAN LYNN: The question has  
6 been called for.

7 The motion, so everyone is clear, is  
8 to engage National Demographics Corporation as our  
9 primary consultant to oversee the process.

10 All those in favor of the motion,  
11 signify by saying "Aye."

12 (Vote taken.)

13 CHAIRMAN LYNN: Opposed say "No."

14 The Chair also votes: Aye.

15 Unanimously, then, National  
16 Demographics Corporation is retained as the  
17 primary consultant for this process.

18 Are there other motions?

19 COMMISSIONER HALL: I'd like to  
20 reenter my motion, Mr. Chairman, we employ EDS,  
21 Election Data Services, for technical services and  
22 other services as we may deem appropriate.

23 CHAIRMAN LYNN: Is there a second?

24 COMMISSIONER ELDER: Second for  
25 purposes of discussion.

1 CHAIRMAN LYNN: Discussion?

2 Mr. Huntwork.

3 COMMISSIONER HUNTWORK: Mr. Chairman,  
4 my question is simply this: Will the entire  
5 Commission make the decision as to what these  
6 additional services will be?

7 CHAIRMAN LYNN: That's a great  
8 question. I'm persuaded to ask another question:  
9 And again, tell me when I get out of line because  
10 we're all new at this.

11 Dr. Adams, having been selected as  
12 the primary consultant, and having had an  
13 offhanded comment with Mr. Brace, during the time  
14 that you've spent together here on Fantasy Island  
15 today, is there the possibility that an  
16 arrangement between National Demographics and EDS  
17 might be worked -- might best be worked out  
18 between the two of you rather than having us  
19 jerry-rig it from this end of the table?

20 DR. ADAMS: Well, that's a rather  
21 difficult question because I think it depends on  
22 what your needs are and what needs you feel that  
23 National Demographics is not fulfilling for the  
24 Commission. So I think that needs to be defined  
25 by you; and then we would be happy to work that

1 out with Mr. Brace once we understand what it is  
2 that you would like us to subcontract or --

3 CHAIRMAN LYNN: Thank you.

4 DR. ADAMS: -- or to jointly  
5 contract.

6 CHAIRMAN LYNN: Discussion.

7 COMMISSIONER HALL: Well,  
8 specifically, I think that EDS is going to have a  
9 complete and all-inclusive data base probably  
10 within a relatively short time frame. And I don't  
11 think there's any question with respect to EDS'  
12 technical prowess. And, you know, it's one  
13 opinion, but I think that they technically are  
14 just outstanding.

15 So, speaking for myself, I would  
16 feel like they would already, having -- probably  
17 are already going to go down the road of compiling  
18 that data, and as they do so in an outstanding  
19 fashion, that we would utilize that service rather  
20 than duplicate the service and then come to you  
21 folks and say, "Here it is. Here you go," because  
22 it's all the same format. And -- then you folks  
23 would, as the primary consultant, utilize that in  
24 the process of starting with a grid pattern,  
25 public outreach, draft maps, et cetera.

1 I'm speaking again, but that's --  
2 CHAIRMAN LYNN: I think it also  
3 should be said that one of the pieces of the  
4 proposal from National Demographics that I think  
5 resonated certainly with me and I think with  
6 others was the public outreach process and the  
7 attention to the identification of communities of  
8 interest through the use of self-identification.  
9 That clearly is something that we feel very  
10 strongly about. And it was represented in the  
11 unanimous vote to have that process be a part of  
12 what we do in fashioning the answer to the overall  
13 question of congressional and legislative  
14 districts.

15 To Mr. Hall's point, the data which  
16 any of the national consultants could and would  
17 take from the Census and put into a format that  
18 would be utilized by us in doing what we need to  
19 do, it could be done by anyone is the argument.  
20 And there were aspects of Mr. Brace's proposal  
21 that suggested to the Commission that the manner  
22 in which they choose to do that portion of their  
23 work was particularly appealing to us. And we  
24 didn't want to lose that opportunity, if we had  
25 the opportunity to include it.

1                   If Mr. Hall -- if that's supportive  
2 of what you are saying.

3                   COMMISSIONER HALL: Right.

4                   CHAIRMAN LYNN: That's sort of the  
5 nature of the relationship we're looking at.

6                   DR. ADAMS: I think I would ask  
7 Mr. Brace to speak to that, how he feels about  
8 that.

9                   MR. BRACE: I guess I'm -- I'm in a  
10 quandary not totally unlike Mr. Sissons here in  
11 terms of we have -- you have sought to retain him  
12 in terms of some of the data base, and yet you are  
13 saying in terms of us preparing the data base.  
14 I'm not sure which one is going to do which,  
15 because it doesn't seem that we've gotten  
16 clarification from you.

17                  CHAIRMAN LYNN: Mr. Sissons'  
18 particular expertise and his work, from the  
19 standpoint of the Commission, revolved around  
20 historical voting data, historical, not current  
21 census data, in our judgment, historical voting  
22 data, as well as other historical data that needs  
23 to be added for review purposes. And it's in that  
24 context that, you know, Mr. Sissons' help is  
25 invaluable because he's been doing that and we

1 take it he's been doing that almost exclusively;  
2 there aren't any others that have done that kind  
3 of work.

4 MR. BRACE: Okay. Our proposal also  
5 included that in terms of presenting to you. And  
6 given our expertise in doing that across the  
7 country, it is something that we do. So I'm  
8 puzzled in terms of the relationship there.

9 CHAIRMAN LYNN: Mr. Hall.

10 COMMISSIONER HALL: Mr. Brace, a lot  
11 of these issues I think would be addressed in the  
12 specific negotiations.

13 Are you saying with respect to  
14 Arizona historical voting data you have already  
15 entered into the process of compiling and  
16 annotating and even, if the case may need be,  
17 correcting that data? Have you already started  
18 that process?

19 MR. BRACE: We have not started  
20 that. We have done that in previous times.

21 COMMISSIONER HALL: I think that  
22 speaks to our point is that Mr. Sissons has.

23 MR. BRACE: Yes.

24 COMMISSIONER HALL: To a significant  
25 degree. Therefore, what we're -- we're under a

1 time crunch.

2 MR. BRACE: I certainly agree with  
3 you.

4 COMMISSIONER HALL: Everyone would  
5 agree with that. What we're trying to do is get  
6 not only most the efficient, the best available,  
7 and get up to speed. We're saying we want to  
8 utilize not only his work expertise, we want to  
9 buy, pay Mr. Sissons for what he can do and  
10 immediately append current data, whatever  
11 historical data is there with work he's already  
12 performed, plug it into your expertise with  
13 compiling a comprehensive data base.

14 MR. BRACE: Okay. Then in terms of  
15 your communities of interest, we also had a  
16 proposal to you in terms of some communities of  
17 interest information, mosaic data information I  
18 mentioned to you before. Are you saying that's  
19 not there given National Demographics had some  
20 expertise you saw in them?

21 We're partly disadvantage in that  
22 you've seen all the proposals and we've only seen  
23 our own. We're not certain what -- what other  
24 people have been proposing; therefore -- so I  
25 apologize.

1                   CHAIRMAN LYNN: No need to  
2 apologize. It's clearly an issue and one I'm not  
3 sure we can resolve in this forum.

4                   MR. BRACE: Sure. Sure. I'm  
5 certain.

6                   CHAIRMAN LYNN: That's the problem.

7                   MR. BRACE: I'm willing to sit down,  
8 have more intense discussions with my esteemed  
9 colleagues and other colleagues in working out a  
10 joint effort. It seems if your intent is having a  
11 lot of us on board, fine, that's your prerogative;  
12 and we can certainly pull together and look at  
13 everybody's expertise.

14                   As I mentioned several weeks ago,  
15 working with Tim we have no problem in terms of  
16 that, in terms of Maricopa. Now Tim is offering  
17 autoBound. We are, too. And so we're trying to  
18 figure out what is the relationship. There's no  
19 problem in terms of the website. Tim's very  
20 capable on that. We're also doing the  
21 redistricting site, too. I'm just trying to  
22 figure out where you want each of us to be.

23                   CHAIRMAN LYNN: Dr. Adams.

24                   DR. ADAMS: One comment in terms of  
25 the data base. The more layers you have in it,

1 the better off you're going to be, actually.

2 MR. BRACE: Sure.

3 DR. ADAMS: If Mr. Brace does have  
4 one approach to communities of interest, we have  
5 another, both layers of data certainly will  
6 enhance the process, certainly not detract from  
7 it.

8 CHAIRMAN LYNN: Thank you.

9 MR. BRACE: It's going to cost a  
10 little more money buying some things, in essence,  
11 in combination, but that's your prerogative.

12 CHAIRMAN LYNN: That's one way of  
13 looking at it. The other way of looking at it, to  
14 Dr. Adams' point, if we want to insure that we've  
15 gone as far as we can, not only budgetarily but  
16 reasonably go in identifying, being open to, and  
17 taking into account all of the issues that will  
18 not only create preclearance but will create a  
19 feeling in the State of Arizona that this was the  
20 most inclusive, open process we could engage in,  
21 then it may be worth spending some incremental  
22 amount --

23 MR. BRACE: Sure.

24 CHAIRMAN LYNN: -- to insure that's  
25 the case, to the extent that's practical.

1 MR. BRACE: Right.

2 CHAIRMAN LYNN: Mr. Huntwork?

3 COMMISSIONER HUNTWORK: My level of  
4 confusion, if you will, was this: I felt in  
5 looking at the proposals that EDS would be  
6 outstanding as a technical consultant to review  
7 all data, to present data to us in the most usable  
8 format, just in terms of manipulating data. They  
9 seem to be the outstanding candidate. I think  
10 that is what Mr. Hall is driving at. And that  
11 even with the input from others, they still might  
12 provide a unique overlay and some unique  
13 information, additionally, that we wouldn't be  
14 getting from any other source. So I -- I'd love  
15 to have them as a member of the team for that  
16 purpose, as I was trying to say previously.

17 CHAIRMAN LYNN: Okay.

18 Mr. Elder.

19 COMMISSIONER ELDER: One thing, I  
20 don't know whether it's an admonition or what it  
21 might be, with the vote I think we just took, and  
22 in my comments earlier, that we need to have one  
23 person or one firm in responsible charge; that, in  
24 my opinion, is National Data --

25 CHAIRMAN LYNN: National

1 Demographics.

2                   COMMISSIONER ELDER: I don't want to  
3 set up an animal doing this and lose time. We  
4 don't have time to do that.

5                   CHAIRMAN LYNN: Mr. Alder.

6                   MR. ALDER: We have Mr. Elder and  
7 Alder here.

8                   I understand where you are going,  
9 Mr. Elder. You are looking really for a  
10 contractor-subcontractor relationship here.

11                   You can make a choice at this time  
12 whether to go with multiple prime contractors,  
13 which means you have to administer, or your agency  
14 has to administer three different contracts. At  
15 times they can conflict and scopes can overlap.  
16 And -- which you can deal with it, but it's always  
17 a challenge, or have one general contractor  
18 overseeing a group of subcontractors. That way  
19 when you negotiate, you're negotiating with one  
20 firm, not negotiating with three. When there's a  
21 problem, the general contractor is responsible  
22 regardless of who is underneath them.

23                   COMMISSIONER ELDER: That's my  
24 preference as long as we don't run into a time  
25 crunch with state administration saying that we

1 can't acquire the services of Mr. Sissons or  
2 Mr. Braden -- I called him Braden twice --  
3 Brace -- excuse me, Mr. Brace, in the future. If  
4 it's going to require a 10-day process, we don't  
5 have 10 days to do that. Once we start the  
6 negotiation process, we need that flexibility.

7                   Are you saying that we can -- I  
8 guess I'm not -- that we can request that National  
9 Demographics come back with a proposal that says  
10 this is how the whole thing fits together, this is  
11 how we enter into a contract, and leave it to  
12 subcontract with the other two players?

13                   MR. ALDER: Mr. Elder, I think we've  
14 invented a somewhat new process for this entire  
15 new program. What I suggest we do, in fact, or if  
16 the Commission determines they want to go with a  
17 general and subs, using construction terms, you  
18 can certainly do that; then go back to the general  
19 and say here's our idea, our vision for the scope  
20 and how the services should be delegated out or  
21 divvied out; and we'd like for you to come back to  
22 us at the next public meeting with a proposal, do  
23 that, or designate somebody to do that on your  
24 behalf.

25                   CHAIRMAN LYNN: There's a motion on

1 the floor, I should remind us, a motion to engage  
2 EDS for a portion of the services.

3 COMMISSIONER MINKOFF: I have a  
4 question.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: I guess the  
7 question is for Dr. Adams at National  
8 Demographics.

9 I understand your comment that it's  
10 good to have a lot of minds working on the  
11 process. Is it going to bog things down to have  
12 this many players at the table? My concern is  
13 about getting this done quickly. I think you all  
14 have incredible skills to bring to the project.  
15 But is it going to make it more difficult if you  
16 are doing part of it, EDS is doing part of it,  
17 Mr. Sissons is doing part of it, Maricopa County  
18 is doing part of it, or will it make the end  
19 result stronger?

20 DR. ADAMS: I think as long as tasks  
21 are clearly defined, it should not be a problem.

22 I think one entity could be building  
23 the data base; purchase a portion of the data base  
24 from another entity. I hear that you want the  
25 website run out of Maricopa County. Just as with

1 the website, as long as we have it spelled out, it  
2 shouldn't be a problem.

3 COMMISSIONER MINKOFF: Do you think  
4 there should be one company or person in charge  
5 overseeing the whole thing or that it should be  
6 separate contracts? Or maybe that's not fair to  
7 ask that question, but I'm asking it anyway.

8 CHAIRMAN LYNN: Since you are the  
9 one likely to administer it, I think it is fair.

10 DR. ADAMS: Let me say I could work  
11 with it either way. I think if you -- you've  
12 already specified National Demographics as the  
13 lead contractor. If you contracted with a couple  
14 other entities, you could specify that those  
15 entities are going to be working with National  
16 Demographics as the lead contractor or you could  
17 have us be the lead contractor and subcontract.  
18 Again, it's just having those roles defined. And  
19 we could work either way and ask the other  
20 contractors as well how they feel about it.

21 CHAIRMAN LYNN: There's a motion on  
22 the floor.

23 Further discussion?

24 COMMISSIONER MINKOFF: What is the  
25 motion?

1                   CHAIRMAN LYNN: The motion is to  
2 engage, also contract with EDS to provide certain  
3 services as well.

4                   COMMISSIONER MINKOFF: Okay.

5                   CHAIRMAN LYNN: And those services  
6 relate to the creation of data base material.

7                   Mr. Huntwork.

8                   COMMISSIONER HUNTWORK: I have  
9 related to the discussion becoming concerned about  
10 how we define these roles, because I understand  
11 the answer to be clearly it will delay us if we  
12 have a large team without defining roles. And so  
13 the next step is going to be to define the roles.

14                   If we -- if we were setting this up  
15 as a prime contract with subcontracts, and the  
16 first charge we gave our contractor was to go work  
17 out those roles in a manner consistent with the  
18 principles that we, and rationales that we've been  
19 discussing, and come back to us at the earliest  
20 opportunity with a concrete proposal, I would  
21 understand that and I think I would vote in favor  
22 of it. But that's not exactly what we have on the  
23 table here in front of us at the moment.

24                   CHAIRMAN LYNN: No. But the concern  
25 I have about that comment is the "come back to us

1 with." I mean we are under a time crunch. What  
2 we need to do is as best we can define these roles  
3 so if one of us represents the Commission with the  
4 procurement department sitting down with the prime  
5 contractor, if that's the way we choose to go, and  
6 parceling out roles as we see them, I think that's  
7 the most expeditious and probably the best way to  
8 solve the problem.

9 COMMISSIONER HUNTWORK: Okay.

10 CHAIRMAN LYNN: I'm assuming that  
11 that is a process we can make happen in a short  
12 period of time.

13 MR. ADLER: I'll be back in my  
14 office about 6:00 tonight.

15 CHAIRMAN LYNN: Mr. Huntwork.

16 COMMISSIONER HUNTWORK: I can  
17 certainly live with that. But it goes back to my  
18 previous concern which was just the lack then lack  
19 of specificity in the motion about what the role  
20 is. Can we be more specific?

21 COMMISSIONER HALL: The fact of the  
22 matter is I don't think we know. That's part of  
23 what will occur in the negotiation process. We  
24 may sit down with these folks and talk about --  
25 they know more about it than we do. Let's be

1 frank. We may sit down and say, "This is what we  
2 envision." They say, "Here's the problems with  
3 that vision." As we move through the process,  
4 they may educate us about the process, that it may  
5 not be best to include all parties. We're not  
6 obligated to do so. Let's leave the options to do  
7 so.

8                   From our limited perspective, given  
9 this one day, what we've seen, I'm saying we feel  
10 like Mr. Sissons, Maricopa County, EDS, and NDC  
11 have certain skills and expertise and information  
12 that would benefit this Commission and we'd like  
13 to see all four heads, if you will, on the team.  
14 In the event that is not feasible, so be it. I  
15 think that's the purpose of another meeting, for  
16 us to sit down around a round table and work it  
17 out, you know, with staff, or whatever, those  
18 particular issues. I think the purpose of this  
19 meeting is to identify who we're going to utilize.

20                   CHAIRMAN LYNN: Mr. Brace.

21                   MR. BRACE: Let me ask a question,  
22 if I could, to help clarify in my own mind as well  
23 as yours.

24                   As you know, we proposed a number of  
25 different services. Your motion, Mr. Hall, has

1 been to provide technical services. And it  
2 appears to be data base related. Does that mean  
3 that once we have prepared the data base then  
4 somebody else takes over? Are you also seeking us  
5 to propose plans, draw plans for you, or not? Do  
6 you propose that we be at your Commission hearings  
7 or not? Those kind of things.

8 COMMISSIONER HALL: I don't speak on  
9 behalf of the whole Commission, Mr. Brace.

10 I envision that would be the role of  
11 the primary consultant; that we're wanting to  
12 utilize your services with respect to the  
13 compilation and analysis of the data base and your  
14 expertise in that area as you've amply  
15 demonstrated and, thereby, then, work with that  
16 and give that then to our primary consultant who  
17 then would work with us with respect to public  
18 outreach, drafting of plans, and continuation of  
19 the process. That's my personal vision.

20 We may well have our staff or  
21 whomever sit with you all folks involved and you  
22 may say -- point -- poke holes in that and  
23 determine a better way to proceed. We're open for  
24 that, obviously. That's why we want consultants.

25 MR. BRACE: Sure.

1                   COMMISSIONER HALL: I'm just  
2 speaking for myself.

3                   MR. BRACE: Okay.

4                   CHAIRMAN LYNN: Does that help,  
5 Mr. Brace?

6                   MR. BRACE: A little bit, yes. I'm  
7 just trying to figure out where we are.

8                   CHAIRMAN LYNN: Further discussion  
9 on the motion?

10                  Mr. Huntwork.

11                  COMMISSIONER HUNTWORK: Mr. Chairman,  
12 if Mr. Hall's last remarks were part of the  
13 motion, I would vote in favor of it. That is what  
14 I was trying to say. But I was --

15                  COMMISSIONER HALL: Mr. Huntwork, if  
16 you can give me the language and amend it, I'll  
17 amend it. What is the language?

18                  COMMISSIONER ELDER: If we're going  
19 down this road, I don't agree with it. I'd like  
20 to keep it as open and flexible so it gives the  
21 prime consultant opportunity to work with and mold  
22 and shape, put together a team that functions and  
23 don't limit it to say no, don't print it; yeah, do  
24 copy this; do process that; no, you don't. Get  
25 down to that level, I'm expecting the prime

1 consultant to manage, organize, and put that  
2 together. I'd rather leave it general as opposed  
3 to specific.

4 CHAIRMAN LYNN: Are you ready for  
5 the question?

6 Mr. Huntwork?

7 COMMISSIONER HUNTWORK: Mr. Chairman,  
8 no. I apologize. No. I'm now not sure of the  
9 legality of what we're doing. Are we creating a  
10 contract? In voting to accept a proposal or --  
11 what we're doing is voting to authorize --

12 COMMISSIONER HALL: Negotiate.

13 COMMISSIONER HUNTWORK: Further  
14 negotiations.

15 So who are we delegating to do that?  
16 Is it the Chairman or is it our prime contractor?

17 CHAIRMAN LYNN: And that has yet to  
18 be determined. I think the motion on the floor,  
19 the sense of the motion is to round out, if you  
20 will, those with whom negotiations will occur.

21 COMMISSIONER HUNTWORK: Okay.

22 CHAIRMAN LYNN: That's the sole  
23 purpose of the motion, as I see it.

24 COMMISSIONER HUNTWORK: Okay.

25 CHAIRMAN LYNN: We are rounding out

1 that team, if you will, with this motion. There  
2 may be subsequent motions to add to the team. I  
3 understand at the moment that's where we are.

4 Further discussion on the motion?

5 All those in favor, signify by  
6 saying "Aye."

7 (Vote taken.)

8 CHAIRMAN LYNN: Opposed, say "No."

9 (Vote taken.)

10 CHAIRMAN LYNN: "Ayes" appear to  
11 have it.

12 Let's take a roll call vote to be  
13 sure.

14 Mr. Huntwork?

15 COMMISSIONER HUNTWORK: Aye.

16 CHAIRMAN LYNN: Ms. Minkoff?

17 COMMISSIONER MINKOFF: Aye.

18 CHAIRMAN LYNN: Mr. Elder?

19 COMMISSIONER ELDER: No.

20 CHAIRMAN LYNN: Mr. Hall?

21 COMMISSIONER HALL: Aye.

22 CHAIRMAN LYNN: Chair votes: Aye.

23 Four to one.

24 EDS will be included in the  
25 negotiations process.

1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: A couple  
3 different models have been proposed, one that  
4 National Demographics be our contractor and that  
5 National Demographics subcontract with the other  
6 people we've approved. The other is we have  
7 separate negotiations and National Demographics be  
8 the lead contractor. If we do that, which is what  
9 I prefer, I guess I'm asking a question, can we  
10 still look to National Demographics rather than  
11 managing all of these contracts ourselves?

12 What we're trying to do is get it  
13 done quickly but also get it done efficiently so  
14 that at the end we can go to one entity,  
15 presumably National Demographics, and ask them to  
16 be responsible for supervising the other  
17 contracts.

18 MR. ADLER: Okay. It's a matter of  
19 liabilities is what we're talking about. If you  
20 have one firm responsible for everything, that  
21 firm has -- is liable for everything, is -- cannot  
22 say that another firm caused me to be late,  
23 cannot -- they're coordinating everything, so,  
24 therefore, they're are responsible for it. If you  
25 go to multiple contractors with a lead, you still

1 have multiple sources of responsibility. One firm  
2 can say: Well, I was reliant on this other firm.  
3 They didn't come through on time. So you get a  
4 mishmash of liabilities. Something like trying to  
5 build a house with, you know, and being your own  
6 prime contractor and the electrician says I  
7 couldn't do that because the carpenter didn't do  
8 this. So it's a matter of taste.

9                   But there is a lot -- you pay more  
10 when you have a general contractor; however, you  
11 are paying for some services you don't have when  
12 you do it yourself.

13                   I don't know if I have given an  
14 answer.

15                   COMMISSIONER MINKOFF: Would you  
16 have a recommendation?

17                   MR. ADLER: If that's appropriate, I  
18 would probably recommend a prime.

19                   COMMISSIONER MINKOFF: Prime and  
20 subcontractors?

21                   MR. ADLER: Prime with subcontracts.

22                   CHAIRMAN LYNN: Mr. Huntwork.

23                   COMMISSIONER HUNTWORK: Mr. Chairman,  
24 I want to put our legal counsel on the spot for a  
25 minute and ask them if they have any

1 recommendations in which way we should consider  
2 going.

3 CHAIRMAN LYNN: Ms. Hauser.

4 MS. HAUSER: Mr. Chairman, members,  
5 I think that the one caveat I would offer is with  
6 respect to Maricopa County, although they  
7 participated in the procurement process to be  
8 treated the same as everyone else in the  
9 evaluation phase, technically speaking, you can  
10 enter into an inter-governmental agreement with  
11 Maricopa County for whatever services I assume --  
12 basically Tim and the website. And it's more  
13 appropriate I think to do that than have Maricopa  
14 County be a subcontractor to National  
15 Demographics.

16 MR. RIVERA: If I can add a couple  
17 things based on what has been brought up already.

18 There's always the question of  
19 liability in terms of responsibility from here. I  
20 guess whatever the general contractor is going to  
21 undertake the liability of, all the subcontractors  
22 under her insurance, or whatever liability  
23 contract she has, that's one problem.

24 The second problem you have to worry  
25 about is if we, if you as a Commission, start

1 giving independent advice or requests --  
2 independent requests to each subcontractor, then  
3 you are acting as a general contractor with the  
4 subcontractor and it runs into problems in terms  
5 of taking responsibility away from the general  
6 contractor. You have to worry about that aspect.

7                   The third aspect I guess is, having  
8 discussed all this, is you have to decide whether  
9 you as a committee want to negotiate this new  
10 contract or want to have the general contractor  
11 draw up the delineation of duties to bring back  
12 either to committee or to someone designated by  
13 the committee to see how significantly that  
14 changes it.

15                   Those would be my three areas just  
16 in general overview of how you -- some of the  
17 pitfalls of going with a subcontractor-contractor,  
18 some pitfalls of maintaining too much control,  
19 some pitfalls of proceeding without some kind of  
20 doctrine in terms of delineating what duties they  
21 have on an individual basis.

22                   CHAIRMAN LYNN: What is your  
23 pleasure?

24                   COMMISSIONER ELDER: Mr. Chairman, I  
25 would like to propose and will put it in the form

1 of a motion after little bit of discussion, would  
2 like to propose we use the general-subcontractor  
3 mode. I would like to recommend that we have a  
4 meeting of the participants or people we've  
5 identified we wish to have in the process, we want  
6 to have as a Commission, give direction as to how  
7 we want the process to be structured, and in a  
8 dialogue we want to have them come back and say we  
9 would recommend this because; that we modify that  
10 so we can provide a general scope of work in that  
11 meeting as a Commission and then let the general  
12 contractor negotiate the okay, you are going to  
13 provide me this by this date, put a schedule  
14 together. We have a schedule issue and product  
15 issue. That's my recommendation.

16 MS. HAUSER: Mr. Chairman, may I --

17 CHAIRMAN LYNN: Let me see if  
18 that's --

19 Was that a motion?

20 COMMISSIONER ELDER: That's  
21 discussion. A motion?

22 CHAIRMAN LYNN: Let's hold off and  
23 hear comment.

24 MS. HAUSER: Let me add a comment.

25 With Maricopa County, have them in a

1 subcontractor mode by reporting to whomever you  
2 direct.

3 CHAIRMAN LYNN: As part of the IGA.

4 MS. HAUSER: It's a technical  
5 document, inter-governmental agreement, rather  
6 than contract with someone else.

7 CHAIRMAN LYNN: Ms. Minkoff?

8 COMMISSIONER MINKOFF: I have a  
9 question related to the sense of Mr. Elder's  
10 comments.

11 And once again, Dr. Adams, the  
12 question is for you.

13 If you were to function in the role  
14 of general contractor, my concern is that as I saw  
15 your proposal, you are going to be operating  
16 everything out of California. Is there going to  
17 be somebody who is here on site?

18 DR. ADAMS: Oh, absolutely. We --  
19 our understanding internally was that if we were  
20 awarded the contract, that we would have a  
21 presence here in Arizona, Phoenix, probably.

22 COMMISSIONER MINKOFF: So the  
23 contract would not be managed out of California.  
24 If something needed to be done, there would be  
25 somebody local to get it done?

1 DR. ADAMS: That's right.

2 CHAIRMAN LYNN: Further discussion?

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: I second the  
5 motion.

6 COMMISSIONER MINKOFF: It was not a  
7 motion.

8 COMMISSIONER ELDER: I thought about  
9 a motion, got shortcuted.

10 CHAIRMAN LYNN: Mr. Elder, go ahead.

11 COMMISSIONER ELDER: Motion: I  
12 would like to move that we develop the process --  
13 that we provide a structure of prime consultant  
14 with subconsultants as the structure for the  
15 administration of the technical services contract.

16 COMMISSIONER MINKOFF: With Maricopa  
17 County --

18 COMMISSIONER ELDER: With all  
19 participants.

20 COMMISSIONER MINKOFF: Maricopa  
21 County has to be handled separately.

22 CHAIRMAN LYNN: We'll handle that  
23 through an IGA. The process would be as a  
24 contractor dealt with through an  
25 inter-governmental agreement who would be working

1 under the general direction of our general  
2 consultant for those services.

3 COMMISSIONER HALL: Well --

4 COMMISSIONER ELDER: Is there a  
5 second?

6 COMMISSIONER HUNTWORK: Second.

7 CHAIRMAN LYNN: Moved and seconded.  
8 Discussion?

9 COMMISSIONER HALL: Is that -- is  
10 that what we anticipated would be the role of  
11 Maricopa County, working under them? I envisioned  
12 Maricopa County or Tim's technical expertise  
13 really to be under the auspices of Mr. Ochoa. I  
14 don't -- my visualization is that we would utilize  
15 his expertise really as part of the Commission,  
16 quote unquote, "staff," versus under the umbrella  
17 of consultant. I think it's pretty clear with  
18 respect to the other two we discussed they'd work  
19 as subcontractors for NDC.

20 I'm just posing the question. I  
21 don't have an answer, necessarily.

22 CHAIRMAN LYNN: I'm not so sure that  
23 isn't right. I mean -- that may be more akin  
24 to -- in other words, we have a staff position  
25 proposed as a GIS person. And it seems to me that

1 Mr. Johnson fills that role as opposed to hiring  
2 staff and that, that that --

3 COMMISSIONER HALL: The IGA would  
4 address that.

5 CHAIRMAN LYNN: It would, along with  
6 website function, could be handled out of the  
7 office.

8 Mr. Elder.

9 COMMISSIONER ELDER: I guess my  
10 concern is I want to make sure, going back again,  
11 that National Demographics makes sure that we have  
12 the linkages and have the things in place to where  
13 we don't have Tim running off one direction  
14 developing plans, revised plans based on input  
15 from the public, whatever we get from the  
16 Commission, and it doesn't go through that point  
17 of responsibility.

18 COMMISSIONER HALL: That's not Tim's  
19 role.

20 COMMISSIONER ELDER: To evaluate it.  
21 Talking me personally, I don't want  
22 to go downstairs, go to Tim downstairs, say "Move  
23 a line here. Tell me the ramification." No. It  
24 goes to them. It could be deficient in that  
25 aspect, fulfill these aspects, don't recommend

1 because or do recommend because, and then gets  
2 integrated into the process.

3 CHAIRMAN LYNN: There's a motion on  
4 the floor.

5 Further discussion?

6 COMMISSIONER HALL: Well, I agree  
7 with the motion with the proviso I don't think  
8 Maricopa County is part of the motion. I think  
9 that the other three would be, but I think that --

10 CHAIRMAN LYNN: Mr. Elder, did you  
11 include Maricopa County as part of the motion?

12 COMMISSIONER ELDER: I envision  
13 Maricopa County as part of the motion. Website  
14 might, going to interactive qualities, might go,  
15 get out. Back to the process, data base  
16 management, data crunch, attributes management,  
17 areas of interest, might give other information we  
18 might want to code, coding that would happen there  
19 or coding that would happen with Mr. Sissons. I  
20 want an integrated process, and whether an IGA  
21 with us then attached to National Demographics, I  
22 don't know how the contractual arrangements with  
23 the State functions.

24 CHAIRMAN LYNN: The shorthand answer  
25 is you did envision Maricopa County as being part

1 of the motion.

2 COMMISSIONER ELDER: May work for  
3 us, but --

4 CHAIRMAN LYNN: In considering the  
5 motion, you need to understand it is part of the  
6 motion.

7 Further discussion.

8 COMMISSIONER HUNTWORK: Mr. Chairman,  
9 since Maricopa County is here, I would like to ask  
10 them how they feel about that and whether it  
11 creates legal or practical difficulties for them.

12 CHAIRMAN LYNN: Ms. Osborne.

13 MS. OSBORNE: We're very pleased to  
14 have so many people want us.

15 It's purely a choice you would make,  
16 whether we report -- Tim reports to your executive  
17 director or to your contractor. It's a management  
18 style for you. We're happy to do whatever you  
19 choose. Either is fine. I do think an IGA can be  
20 worked out through the Commission. And then  
21 whichever point of reporting you choose to have  
22 done, we'll be happy to do that, either style you  
23 choose.

24 CHAIRMAN LYNN: Seems to me the IGA  
25 is a funding mechanism and the reporting

1 requirements, for example, we could, if we chose  
2 to, we could ask our executive director to report  
3 through National Demographics, not that we want to  
4 do that; I mean in managing the process, we can  
5 make those assignments as we see the process  
6 needing to work.

7                   So from the standpoint of having  
8 Maricopa County provide specific services under an  
9 IGA but having those services directed, if you  
10 will, with respect to the process, through  
11 National Demographics, that would work.

12                   You are saying that's fine with you?

13                   MS. OSBORNE: Fine with us.

14                   It's not only a funding mechanism,  
15 there are aspects of insurance, those type of  
16 things, which is our contract between Maricopa  
17 County and the State of Arizona.

18                   CHAIRMAN LYNN: I understand.

19                   MS. OSBORNE: And however you have  
20 us report.

21                   CHAIRMAN LYNN: The motion, the  
22 motion as I remember it, is to have a general  
23 consultant-subconsultant relationship in play with  
24 National Demographics acting as the general  
25 consultant and the other consultants in the

1 subconsultant role.

2 COMMISSIONER ELDER: That is  
3 correct.

4 CHAIRMAN LYNN: Mr. Adler?

5 MR. ADLER: I like your motion. And  
6 it has a sufficient amount of flexibility built  
7 into it to allow to us take advantage of various  
8 contracting mechanisms to get the best value for  
9 the State.

10 CHAIRMAN LYNN: Thank you,  
11 Mr. Adler.

12 Further discussion?

13 If not, all those in favor, signify  
14 by saying "Aye."

15 (Vote taken.)

16 CHAIRMAN LYNN: Opposed, "No."

17 Chair votes: Aye.

18 Motion carries unanimously.

19 Mr. Huntwork.

20 COMMISSIONER HUNTWORK: Mr. Chairman,  
21 when will there be the follow-up meeting to  
22 discuss the roles or when --

23 CHAIRMAN LYNN: I didn't hear a  
24 follow-up meeting in the motion. What we --

25 COMMISSIONER ELDER: That's part of

1 discussion.

2 CHAIRMAN LYNN: What we --

3 discussion took place before the motion.

4 COMMISSIONER HUNTWORK: How will we  
5 handle it?

6 CHAIRMAN LYNN: My next question is  
7 how then does the department and either a  
8 representative of the Commission or the Commission  
9 as a whole proceed to, in effect, get these  
10 contracts in place or this single contract and IGA  
11 in place so we understand who's performing what  
12 role and what the delineations are?

13 Mr. Adler, you want to give us an  
14 opinion on how that might work so we work off that  
15 opinion?

16 MR. ADLER: I believe it probably,  
17 as a matter of practicality, you could designate  
18 somebody to represent the Commission and work with  
19 me to negotiate a contract with them. You've  
20 given enough general information, I believe, for  
21 us to be able to -- no?

22 I believe -- I believe you've given  
23 enough general information for us to at least  
24 start negotiations with these contractors.

25 CHAIRMAN LYNN: Mr. Elder.

1                   COMMISSIONER ELDER: Mr. Adler, when  
2 you say "start negotiations," will this be for  
3 just general contract, identify rates, and so  
4 forth, or scope of work?

5                   MR. ADLER: So far, it's a minimal  
6 scope of work. I believe we can, together with  
7 the executive director, put together a complete  
8 scope of work, if you like. With that, we would  
9 put together additional services at hourly rates  
10 unless you prefer fixed-priced scopes. Keeps  
11 things organized. Can't do it for everything, use  
12 fixed-price scopes.

13                  COMMISSIONER ELDER: I have an  
14 objection to that process. We may or may not have  
15 time for another meeting. I believe we need to  
16 take time for another meeting. The structure and  
17 form of that scope of work will drive the rest of  
18 the process until we submit to DOJ. I do not want  
19 to go in with a general or undefined scope that is  
20 based on general conditions. I want to sit down,  
21 discuss ways, approaches on how to accomplish our  
22 goals; once we do that, then define the scope of  
23 work and however, whether it's hourly, not to  
24 exceed fixed fee, whatever it might be, that we go  
25 from there. That's my opinion.

1                   CHAIRMAN LYNN: Mr. Huntwork.

2                   COMMISSIONER HUNTWORK: Mr. Chairman,  
3 our consultants would have to work together as a  
4 team. Perhaps we can at least shorten and  
5 simplify the process by asking them to get  
6 together as soon as possible and attempt to work  
7 out among themselves specific scopes of work for  
8 each of the subcontractors that are responsive to  
9 the ideas that we've expressed here today and  
10 hopefully, I would expect they would be successful  
11 in doing that. And then, I would think, either we  
12 would have to authorize one of us to approve that,  
13 as a final result, or we could have a telephonic  
14 meeting or something like that on relatively short  
15 notice confirming the result.

16                  CHAIRMAN LYNN: Mr. Adler.

17                  MR. ADLER: The standard way, what  
18 we normally do, is give directions, go back, like  
19 with an architect agreement, much like that, given  
20 direction given them on scope of work, ask them to  
21 go back, delineate roles, make a proposal to you,  
22 pick that apart at the next meeting or designate  
23 to us we could pick that apart.

24                  CHAIRMAN LYNN: Mr. Hall.

25                  COMMISSIONER HALL: I think as

1 indicative by the confused look on the  
2 consultants' faces that we have, we still have a  
3 significant amount of gray area. I think it would  
4 behoove, in my opinion, at least two members of  
5 this Commission, along with our executive  
6 director, and along with Mr. Adler and the  
7 consultants, to have a meeting to try and iron  
8 through the gray areas and ask questions and  
9 fetter some of these issues out; at that point  
10 then say okay, we think we all understand what  
11 we're trying to do and what the best situation is  
12 as far as integrating all of the parties and then  
13 at that point maybe instruct those folks to then  
14 amend their cost proposals with respect and we try  
15 and clarify in some format what the scope is not  
16 only in writing but also what the charges would be  
17 for that scope; then present that to this  
18 Commission and allow the Commission to go ahead  
19 and as a body endorse that procedure.

20 CHAIRMAN LYNN: How long do you  
21 think that might take?

22 COMMISSIONER HALL: The meeting?

23 CHAIRMAN LYNN: The point at which  
24 we can actually have the consultants begin work?

25 COMMISSIONER HALL: I would --

1 COMMISSIONER ELDER: Tuesday.

2 COMMISSIONER HALL: Is it  
3 appropriate for us to meet telephonically as a  
4 Commission?

5 CHAIRMAN LYNN: Yeah, as long as the  
6 public has access to the public telephonic.

7 COMMISSIONER HALL: Mr. Brace, how  
8 long are you in town?

9 MR. BRACE: Since I missed my plane  
10 five minutes ago . . .

11 COMMISSIONER HALL: Dr. Adams?

12 DR. ADAMS: I have actually a  
13 commitment in California tomorrow. I could try to  
14 change that. Monday would be a better day for me,  
15 but --

16 CHAIRMAN LYNN: Mr. Sissons?

17 MR. SISSONS: Unfortunately I'm in  
18 Merced, California, on Monday, so -- I really  
19 cannot get out of that.

20 COMMISSIONER HALL: Where are you --

21 MR. SISSONS: I'm here in town  
22 tomorrow.

23 COMMISSIONER HALL: I'm just  
24 searching for options, Mr. Chairman.

25 CHAIRMAN LYNN: I know.

1                   COMMISSIONER HALL: These folks, two  
2 are from out of town. In light of the distance I  
3 must drive, I'm here tonight.

4                   COMMISSIONER ELDER: I'm not.

5                   COMMISSIONER HALL: I'm saying at  
6 least a couple members of this Commission could  
7 sit, maybe have a dinner meeting and iron out some  
8 of these issues and probably by the end of next  
9 week meet, probably telephonically, more  
10 specifically.

11                   CHAIRMAN LYNN: Mr. Brace?

12                   MR. BRACE: I think Mr. Hall's  
13 recommendation is a very good one. I think there  
14 does need to be a meeting in terms of roles. I  
15 think one thing that also needs to take place is  
16 letting us review each others' proposals so that  
17 we understand what different people were  
18 proposing, similar to what you are, and that we  
19 have some clarification of possible different  
20 roles and how we can fit in, and Tony can fit in,  
21 or whatever the case may be.

22                   COMMISSIONER HUNTWORK: Mr. Chairman,  
23 a couple questions, quickly. Number one, I  
24 think -- if there is any confidentiality  
25 associated with the proposals --

1                   Is there any confidentiality  
2 associated with the proposals? Can consultants  
3 waive those, their confidentiality? Can they  
4 waive that?

5                   MR. ADLER: I'll have to defer and  
6 talk to lawyers on this. This is breaking new  
7 ground.

8                   COMMISSIONER HUNTWORK: If we waive  
9 it, they agree to waive it, is there anyone else  
10 that might have an interest in keeping it  
11 confidential?

12                   MR. ADLER: Mr. Huntwork, I don't  
13 know if we can waive that. That's why I need to  
14 check.

15                   COMMISSIONER HUNTWORK: Second  
16 question is is there an adjournment process  
17 whereby we could adjourn until a certain time?

18                   CHAIRMAN LYNN: Recess.

19                   COMMISSIONER HUNTWORK: Recess  
20 without having to call another meeting, per se,  
21 just -- so there's no problem calling another  
22 meeting?

23                   CHAIRMAN LYNN: Assuming we have a  
24 quorum later today.

25                   COMMISSIONER HUNTWORK: Later today,

1 or tomorrow morning --

2                   CHAIRMAN LYNN: I'm not sure you'll  
3 have a quorum. We wouldn't be able to notice a  
4 meeting by tomorrow, if we were to --

5                   COMMISSIONER HALL: Right.

6                   COMMISSIONER HUNTWORK: If we  
7 recess, we have to renotify.

8                   MR. RIVERA: I think you have to  
9 give notice. I think you can come back today. If  
10 you go beyond today, you have to renotify.

11                   COMMISSIONER ELDER: Mr. Sissons,  
12 would you be available by telephone on Monday?

13                   MR. SISSONS: Unfortunately, I think  
14 not. In that engagement I'm the prime contractor  
15 on that work and I've got to really focus on those  
16 folks for that day.

17                   CHAIRMAN LYNN: Mr. Brace?

18                   MR. BRACE: I'm supposed to be in  
19 Virginia Beach on Monday and Chicago on Tuesday.

20                   MR. RIVERA: How about Saturday?  
21 You only need one, two Commissioners to speak with  
22 about this. This many people, weekdays are always  
23 difficult. Weekends always seem to be available.

24                   COMMISSIONER HALL: How about do it  
25 tonight or first thing in the morning, just two

1 people?

2                   CHAIRMAN LYNN: I don't know that  
3 two people is necessarily acceptable. We haven't  
4 gotten to that point yet. I'm getting a sense  
5 others want to be involved.

6                   COMMISSIONER HALL: I see.

7                   CHAIRMAN LYNN: I'm trying to be  
8 fair.

9                   Let me just suggest something. We  
10 have tried very hard to get the best of what we  
11 thought were all of the proposals that came in.  
12 And in trying to do that we've created a  
13 circumstance that is not a usual circumstance.  
14 I'm not trying to back off from where we want to  
15 be, which is to try to get the best team together  
16 that we can. I mean as far as I'm concerned there  
17 has been enough discussion in terms of general  
18 areas of responsibility. Frankly, I can cite them  
19 in terms of:

20                   Mr. Sissons' availability to do  
21 historical data with respect to the State of  
22 Arizona; Maricopa County's ability to host the  
23 website and to provide local GIS support;  
24 Mr. Brace's ability to prepare the data bases  
25 short of the historical voting data which would be

1 prepared by Mr. Sissons; and National Demographics  
2 to utilize those pieces in wrapping the entire  
3 process together, particularly utilizing the  
4 outreach process that they outlined for  
5 identification and delineation of communities of  
6 interest. That's the way I see it. That's the  
7 way I see the pieces sort of coming together.

8 I don't know that that is sufficient  
9 to get you to a contract negotiation, but I do  
10 think that's the general intent of what we've been  
11 talking about for the last several hours. It may  
12 be more detailed than that. And it may require  
13 that the consultants get together and figure out  
14 how each of those pieces is going to effectively  
15 come together. But I don't know that we're  
16 necessarily going to be helpful in that process.  
17 It seems as though what has to happen on whosoever  
18 time frame it is, consultants need to get together  
19 to figure out how to bring that together in a  
20 singular proposal with a singular kind of  
21 approach, those pieces included, and then present  
22 that to us, telephonically or in some other way so  
23 we can consider it and to bless it and to move  
24 forward with it. I have no idea how long that  
25 will take and no idea how complex that process is.

1 DR. ADAMS: I think National  
2 Demographics can certainly take the lead on that  
3 to contact the other contractors, either meeting  
4 this evening and see if we can iron that out, come  
5 back to you with a proposal, and then let you  
6 discuss it via telephone.

7 CHAIRMAN LYNN: All right. We'll  
8 need two days' notice to properly notice the  
9 meeting. And then I don't know how we would  
10 arrange to have people listen in on a conference  
11 call or how that works, but that would be --  
12 probably be the preferable way to handle it.

13 DR. ADAMS: You suggest possibly  
14 meeting Wednesday next week, something like that?

15 CHAIRMAN LYNN: To the extent --

16 COMMISSIONER ELDER: Tuesday.

17 CHAIRMAN LYNN: -- extent we get a  
18 time everybody can be there.

19 DR. ADAMS: That would work for me.  
20 What I would plan on doing is seeing if  
21 Mr. Sissons and Mr. Brace could maybe meet this  
22 evening, a representative from Maricopa County  
23 could meet this evening. We could sit down and  
24 discuss it. And then I would come back to you  
25 with a master proposal.

1                   CHAIRMAN LYNN:  And I'd certainly  
2 suggest Mr. Adler be included in your meeting.

3                   DR. ADAMS:  Yes, yes.

4                   CHAIRMAN LYNN:  If a member of the  
5 Commission wishes to join you, certainly that's  
6 possible as well.

7                   CHAIRMAN LYNN:  Mr. Elder?

8                   COMMISSIONER ELDER:  I was going to  
9 say as far as scheduling, Wednesday, Thursday, and  
10 Friday next week is fine from that aspect.  If we  
11 take a few moments and identify and address areas  
12 of concern or issues we want to make sure are  
13 reflected in the proposal before we adjourn this  
14 evening or this afternoon, we could do that to  
15 make sure that the proposal or scope of work is  
16 responsive to what we would like.

17                   CHAIRMAN LYNN:  If that's your  
18 pleasure, I'll be happy to hear each of you on  
19 that subject.  What I'd like to do is hear  
20 Ms. Minkoff first.  She has a time commitment that  
21 necessitates her leaving us.  I want her to have  
22 an opportunity to do that.

23                   COMMISSIONER MINKOFF:  In terms of  
24 my schedule?

25                   CHAIRMAN LYNN:  In terms of any

1 specific concerns to give the consultant group.

2 COMMISSIONER MINKOFF: I'm

3 comfortable with the way it's laid out.

4 Are we proposing a teleconference  
5 meeting?

6 CHAIRMAN LYNN: Yes, next week, at a  
7 time convenient.

8 COMMISSIONER MINKOFF: Okay. Fine.

9 Can we set that before I leave then?

10 COMMISSIONER MINKOFF: Not likely.

11 I'd ask staff to poll us when we have time  
12 available.

13 COMMISSIONER MINKOFF: You are not  
14 available Tuesday or Thursday.

15 COMMISSIONER ELDER: Tuesday and  
16 Thursday mornings are not -- telecommunication is  
17 fine any day next week as long as it's not  
18 mornings Monday or Wednesday. I have a commitment  
19 Tuesday and Thursday.

20 CHAIRMAN LYNN: Your earliest is  
21 Monday?

22 MS. MINKOFF: Monday is fine,  
23 Tuesday is fine. Wednesday and Friday are not  
24 good.

25 Any time Monday, Tuesday, or

1 Thursday I'd make myself available.

2 CHAIRMAN LYNN: Hang with us. One  
3 more point out of the way, then we'll try to take  
4 a quick break for you.

5 Mr. Elder?

6 COMMISSIONER MINKOFF: May I be  
7 excused?

8 (Commissioner Minkoff leaves.)

9 COMMISSIONER HALL: Mr. Chairman.

10 COMMISSIONER ELDER: Concerns or  
11 issues --

12 CHAIRMAN LYNN: Concerns or issues  
13 for consultants to discuss.

14 COMMISSIONER ELDER: From my  
15 perspective in the proposals this morning, one of  
16 the key factors is National Demographics' areas of  
17 concern for communities of interest. The  
18 integration of various other factors, voting  
19 rights law, compactness, the five or six in the  
20 proposition as well. My concern is, and we asked  
21 the question, or I asked the question, we are  
22 mandated by our Proposition 106 to start with the  
23 grid process. We need to make sure that grid  
24 process is reflective in the scope of work in the  
25 process. And I'd like a suggestion, both in time

1 frame and how it's managed, how it may fit into  
2 the overall process. Can't go into the process  
3 without abiding by our state law and that. So  
4 that's my, you know, primary concern there.

5                   I would also like, I don't know how  
6 it fits in, but EDS does have some background in  
7 the analysis of data. To the extent that if there  
8 are certain questions asked, and it may be  
9 questions asked by, don't know whether we want to  
10 call it competing proposals, plans, or maps, maybe  
11 we get one from the Legislature, maybe get one  
12 from Native American, maybe one from the Hispanic  
13 community, and evaluation, evaluation of data  
14 processing, where we have concurrence, where we  
15 have issues that may be reflective that we have an  
16 issue here and why is that, that can be integrated  
17 into the process. And whether that's keying in  
18 additional information or whether that's  
19 integrating that person or EDS into the process at  
20 that level, also, to provide us with the best of  
21 all world's would be the second item.

22                   The third item is Mr. Sissons also,  
23 besides historical data, may have networks that  
24 would be valuable in the community and in the  
25 state as far as who, where, what. And he may

1 already have data.

2                   As long as we can make sure we make  
3 best use of consultants possible we can.

4                   Then with Maricopa County, I would  
5 like to make sure the process is set up, not  
6 necessarily they bypass Enrique, go to you, or  
7 that process of our executive director where Tim  
8 may very well be in office in-house doing things  
9 with management of th website, doing management of  
10 the GIS process locally, processes to techniques  
11 he uses and outcomes so we don't get stuff being  
12 developed here locally that you haven't reviewed  
13 and approved or say yes, we can disseminate that  
14 to the public for public information, or however  
15 it might go. Those are concerns I have.

16                   Thank you.

17                   CHAIRMAN LYNN: Mr. Huntwork.

18                   COMMISSIONER HUNTWORK: Mr. Chairman,  
19 I'm going to be looking as much as possible for  
20 specificity. We've been talking very generally.  
21 I want to see as many details as possible pinned  
22 down. I want to avoid overlap and duplication to  
23 the extent possible. And I would like you to  
24 focus on cost-effectiveness. At least if we have  
25 two people doing the same thing for different

1 prices, let's be sensitive to price.

2 CHAIRMAN LYNN: Thank you.

3 Mr. Hall?

4 COMMISSIONER HALL: Mr. Chairman,  
5 I'd like to attend the meeting whenever they  
6 arrange that. I feel it's in our best interests  
7 to have at least one if not two members at that  
8 meeting. I'll be here anyway. I volunteer to  
9 attend. I agree with Mr. Elder's points he made  
10 and agree with Mr. Huntwork's points he made. It  
11 would behoove us to have at least some  
12 representation there.

13 CHAIRMAN LYNN: Any other motion you  
14 have regarding consultants before we close that  
15 issue?

16 Hearing none, we will take a break,  
17 five, no more than 10 minutes, and continue.

18 I want to thank all the consultants  
19 here today for being with us.

20 (Recess taken.)

21 (Commissioner Elder leaves.

22 Kimberly Porter leaves. Commission members now

23 present: Chairman Lynn, Commissioner Hall,

24 Commissioner Huntwork.)

25 CHAIRMAN LYNN: Let's go back on the

1 record at 4:30. And let's indicate that both  
2 Mr. Elder and Ms. Minkoff are excused. We still  
3 have a quorum of the Commission.

4                   And the next item on the Commission  
5 agenda is discussion on additional staffing and  
6 office space requirements.

7                   I would ask Mr. Ochoa if he has  
8 anything in that category that is absolutely  
9 pressing.

10                   MR. OCHOA: Mr. Chairman, in regards  
11 to the staffing and what I, what I presented was  
12 just to let you all know the direction that we're  
13 taking, that I'm taking in terms of how to  
14 structure the office. There are, I had some  
15 individuals in mind, and some of them are coming  
16 through, some are not. So I've still got to work  
17 with it.

18                   Now that we've talked about the  
19 interfacing of Maricopa County, we'll make some  
20 changes. We'll make those adjustments.

21                   Looks like overall, it goes in the  
22 direction I was going. It's going in the same  
23 direction. Now it's a matter whether I staff them  
24 as a position where they're going to sit there at  
25 the offices or a position I'm going to have to

1 supervise on a part-time basis. It may be I'll do  
2 that as a GIS position, may do that for the  
3 outreach position. After further discussions, we  
4 may do outsourcing in the way we've been doing  
5 with the technical consultants.

6 I wanted to mention in addition to  
7 Maricopa County situation where we may have an  
8 individual office at our location, if, if you  
9 like, I can also speak with one, I think the  
10 primary contractor, I don't know if they have  
11 offices here.

12 CHAIRMAN LYNN: No.

13 MR. OCHOA: Maybe --

14 CHAIRMAN LYNN: I'd like to have  
15 them office with us.

16 MR. OCHOA: I think that would be  
17 great. We have enough space to expand or house  
18 them there, if necessary. That would make it a  
19 lot easier for us.

20 CHAIRMAN LYNN: Absolutely.

21 MR. OCHOA: Let's see.

22 We did talk, maybe one of the things  
23 we should talk about, we did talk about protocol,  
24 requests for meetings, those kind of things. We  
25 had lunch.

1 I think the consensus was basically  
2 we want to accommodate everybody as much as  
3 possible; want to get as many requests in writing  
4 prior to making any decisions. And, what is it we  
5 were discussing. Don't remember.

6 Talked about protocol. Thought we  
7 should respond to all of the requests, number one.  
8 And they felt, I think, legal counsel felt --

9 MS. HAUSER: Need to clarify  
10 requests for meetings from outside.

11 MR. OCHOA: Protocol for meetings  
12 and request for meetings from the community for  
13 meetings with community organizations is what  
14 specifically I'm addressing. Basically they would  
15 like to get involved if there are some meetings  
16 that would be wise to document for purposes of  
17 preclearance at a later day. That would be  
18 meeting with minorities or other communities of  
19 interest.

20 That's about it, really. I think  
21 those are the major activities I planned to  
22 address.

23 Unless there are some questions?

24 CHAIRMAN LYNN: Mr. Hall.

25 COMMISSIONER HALL: Have you ordered

1 stationery already?

2                   MR. OCHOA: In the package, by the  
3 way, I put a sample.

4                   COMMISSIONER HALL: I saw it. Did  
5 you order it?

6                   MR. OCHOA: Yes, I ordered it.

7                   COMMISSIONER HALL: Can we get a  
8 sheet like this having all the Commissioners  
9 including Ms. Hauser, Mr. Rivera, and yourself?

10                  MR. OCHOA: Of course.

11                  COMMISSIONER HALL: Can we get a  
12 copy of the Capitol Directory?

13                  MR. OCHOA: Of course. I'll get  
14 you -- in regards -- in addition to stationery, I  
15 think one of the letters I wanted to recommend, I  
16 put number one, I wanted to draft a letter for the  
17 Chairman or members of the Commission for  
18 Mr. Hernandez and other members of the Commission  
19 to date, maybe to present at the next meeting, a  
20 thank you and indicating appreciation of some  
21 sort.

22                  CHAIRMAN LYNN: I'm going to --  
23 would like to do that. I also want to be sure  
24 that we also write a specific letter, not only to  
25 them, but to Elliott Hibbs for the help from the

1 Department of Administration. And I do want to  
2 write a letter to Attorney General Napolitano and  
3 thank her for the --

4 MR. OCHOA: Would you like me to  
5 draft those? Would you like me to draft those  
6 letters and get them over to you?

7 CHAIRMAN LYNN: If you would, get  
8 them over to me. E-mail them to me. And I'll get  
9 them over to you.

10 MR. OCHOA: The last thing you have  
11 in the package is cards, business cards. You have  
12 mine as a sample. I can get them done in a week.  
13 There's a format. If you look in there, let me  
14 know if you want me to include a cell number. I  
15 don't think you want me to include home numbers,  
16 naturally. Put the numbers or information you  
17 would like for me to put on the card.

18 Formatwise, it's pretty much a  
19 standard format, the card I have.

20 In case you are particular like me,  
21 I like to be capital and smaller fonts, but they  
22 go both ways on that. That's the way they are  
23 delivered.

24 COMMISSIONER HALL: Looks fine to  
25 me. I prefer my middle initial M instead of the

1 full name Mark. I don't want my cell number on  
2 it, I can guarantee that.

3 CHAIRMAN LYNN: I guess the question  
4 is if we want any number other than the office  
5 number.

6 COMMISSIONER HALL: What is your  
7 opinion?

8 CHAIRMAN LYNN: If you want to  
9 entertain phone calls at your own office, then you  
10 are going to list those numbers.

11 COMMISSIONER HALL: I prefer to have  
12 them go through him.

13 MR. OCHOA: No problem.

14 CHAIRMAN LYNN: The purpose of using  
15 the card is to direct people to the process. I  
16 think we want to use these numbers.

17 MR. OCHOA: Excellent.

18 CHAIRMAN LYNN: Same with me, middle  
19 initial, Steven W. That's fine with me.

20 COMMISSIONER HALL: Perfect.

21 CHAIRMAN LYNN: Mr. Huntwork?

22 COMMISSIONER HUNTWORK: Fine.

23 COMMISSIONER HALL: Phone number  
24 list, we have new folks, names --

25 MR. OCHOA: Yes.

1                   COMMISSIONER HALL:  It's nice to  
2 turn to one or two sheets when you try to make  
3 calls.

4                   MR. OCHOA:  Send a hard copy and  
5 electronically as well.

6                   CHAIRMAN LYNN:  Anything else,  
7 Mr. Ochoa?

8                   MR. OCHOA:  No, unless you have  
9 questions.

10                  CHAIRMAN LYNN:  Any other questions?

11                  Ms. Hauser.

12                  MS. HAUSER:  Can I just stay right  
13 here?

14                  CHAIRMAN LYNN:  You can stay  
15 anywhere you like.

16                  MS. HAUSER:  I gave you two things.  
17 One is the sort of historical analysis you  
18 requested.  In part, it's a little bit of a  
19 comment on the article that you received from  
20 Mr. Cantelme.  I think it clears up maybe one or  
21 two things with that concerning the 1990  
22 redistricting I think were inaccurate in that  
23 summary.  And in other respects, that particular  
24 summary was fairly accurate but details  
25 essentially how in prior times it was one person

1 one vote that seemed to be the issue; as we moved  
2 into the '80s, it became voting rights issues,  
3 primarily not splitting Indian reservations and  
4 dealing with Department of Justice concerns with  
5 respect Hispanics in Southern Arizona.

6                   And as far as the lessons for 2001,  
7 I think this identified the concerns that took  
8 place in the past. If you looked at the  
9 redistricting criteria that are in the proposition  
10 and how those fit with the neutral criteria that  
11 has been recognized in the courts and the problems  
12 that we encountered before, all of those, really,  
13 should be covered.

14                   So as far as the places where  
15 Arizona ran into big trouble in the past, you  
16 know, assuming all goes well through this process,  
17 they should be covered. And that is really  
18 oversimplifying the entire situation. But in the  
19 interests of time, that's what I'll do.

20                   The other thing that I gave you is  
21 an article that was written by Senate counsel in  
22 the State of Minnesota. It's I think a very good  
23 analysis of how to draw redistricting plans that  
24 will stand up in court and pretty well marches  
25 through all criteria.

1                   Since I know you are all in search  
2 of reading material, I thought I'd give you that  
3 for now.

4                   Anything else?

5                   MR. RIVERA: Only to look at the  
6 historical analysis I think discussed before. The  
7 issue seems to be coming up in Arizona continually  
8 of Native American issues, how we treat Native  
9 American communities. We ought to be sure that's  
10 addressed in all our hearings and in our -- the  
11 experts that we've hired are cognizant of that.  
12 That is always a uniquely Arizonan issue.

13                   Arizona is unique in the way the  
14 Indian population is done. And that's probably  
15 the biggest handicap we've had in the past in  
16 drawing up districts.

17                   CHAIRMAN LYNN: Any questions of  
18 legal counsel?

19                   Thank you both very much.

20                   Next is public comment. Any members  
21 from the public wish to be heard?

22                   A stalwart bunch, I will say,  
23 though, right to the end.

24                   The next meeting will be telephonic.  
25 We determined that. It will be next week, we

1 don't know exactly when, when the consultants have  
2 had an opportunity to put a plan together. We  
3 will meet telephonically to hear that plan.

4                   What we haven't done is discuss  
5 future meeting dates. What I'm hoping to do is to  
6 ask Mr. Ochoa to check, first of all, summer  
7 availability. I want to check over the summer  
8 months if there are planned vacations by  
9 Commissioners, to take those into account as best  
10 we can in scheduling meetings. If you would share  
11 those with Mr. Ochoa, he can put together a list  
12 of available weeks and days for us to continue to  
13 meet.

14                   The other thing that seems to me is  
15 going to be important is that once we have maps  
16 that people will be asked to react to, it may very  
17 well be appropriate for the entire Commission to  
18 schedule meetings around the state. I think the  
19 information-gathering portion of the process can  
20 be done with a member or two present, and we can  
21 then, the rest of us can then rely on transcripts  
22 and minutes of those meetings to get the flavor of  
23 what was said and who was present.

24                   But I do think once we have a draft  
25 plan in place with maps available to the public

1 that we hold formal public hearings on those maps  
2 and we do so taking into account both rural and  
3 urban areas of the state to schedule that. And it  
4 seems to me that that is going to occur sometime  
5 in the, let's say, July, early August time frame  
6 so that once those hearings are completed, staff  
7 and consultants will have an opportunity to make  
8 final adjustments to the plan, to write the  
9 submission to the Department of Justice, and to  
10 have all that completed by, let's say, the end of  
11 August or sometime in August. I'm just guessing  
12 at that time frame.

13 I know we need to have as soon as  
14 possible a revised time frame based on what the  
15 consultants can do for us and moving up to that  
16 end time, which we still have certain.

17 Are there any other comments with  
18 respect to agenda items and dates?

19 MR. RIVERA: I don't know who will  
20 deal with consultants for the next hearing.  
21 Whoever does, I suggest you tell them anything  
22 handwritten, a typed-up proposal, to get to us  
23 before the meeting to review before the meeting.

24 CHAIRMAN LYNN: Mr. Ochoa, I'd ask  
25 you do that. You'll attend the meeting tonight at

1 6:00 or were you?

2 MR. OCHOA: I didn't know about a  
3 meeting at 6:00.

4 CHAIRMAN LYNN: The consultants are  
5 meeting with Mr. Hall at 6:00 this evening.

6 MR. OCHOA: Okay.

7 CHAIRMAN LYNN: To work out sort of  
8 the details of a proposal to come back to us next  
9 week prior to that telephonic meeting that we will  
10 hold.

11 MR. OCHOA: All right. As I  
12 car-pooled with a real good-looking young lady  
13 this morning, I'll have to ask her permission. I  
14 don't mean to be -- we have kids, and so forth.

15 COMMISSIONER HALL: If he's not  
16 there --

17 CHAIRMAN LYNN: You might convey to  
18 him we need to have that information.

19 MR. OCHOA: Okay.

20 Okay. Anything in writing --

21 COMMISSIONER HALL: I'll tell them  
22 to give to you.

23 I'll ask, without objection, in  
24 light of our discussions, they'll need to submit  
25 revised cost proposals.

1                   CHAIRMAN LYNN: Absolutely, because  
2 we have picked and chosen pieces from what they  
3 submitted before.

4                   COMMISSIONER HALL: I'll ask them to  
5 submit a time line summary, ask National to do a  
6 summary of how they see all of the roles  
7 interweaving and revised cost proposals.

8                   MR. RIVERA: Mr. Chairman, you might  
9 also ask for a timetable.

10                  CHAIRMAN LYNN: Yes. Let's ask for  
11 a timetable from them.

12                  In talking with the consultants  
13 informally, they felt they could stick pretty  
14 closely with the timetable anticipated originally  
15 and within a matter of a very few weeks they would  
16 be able to begin drawing maps.

17                  What that means is that the outreach  
18 portion of the process needs to begin as rapidly  
19 as we can schedule it and to make sure that we  
20 have the outreach component of our staffing taken  
21 care of so that those outreach meetings are  
22 handled as broadly in terms of press and public as  
23 possible.

24                  We expect to have large numbers of  
25 people participate. That's the -- precisely what

1 we're after is large numbers of participants.

2                   COMMISSIONER HALL: So, if I am  
3 correct, understanding correctly, after we meet  
4 and come back, telephonically come back, we agree  
5 with the generality, I'm assuming we'll authorize  
6 yourself and Mr. Ochoa to sit down, or  
7 Mr. Adler --

8                   CHAIRMAN LYNN: Adler.

9                   COMMISSIONER HALL: -- and finalize  
10 negotiations as far as contracts?

11                   CHAIRMAN LYNN: Mr. Adler will do  
12 that with Mr. Ochoa and Mr. Rivera, Ms. Hauser, or  
13 both.

14                   Ms. Hauser?

15                   MS. HAUSER: Do you want counsel  
16 present at the meeting at 6:00? Mr. Rivera can't  
17 do that. I can. I don't want to spend your money  
18 unnecessarily.

19                   CHAIRMAN LYNN: I don't think that's  
20 necessary.

21                   COMMISSIONER HALL: I think we'll  
22 just arm wrestle a bit.

23                   MS. HAUSER: I'm too tired for arm  
24 wrestling.

25                   CHAIRMAN LYNN: I don't think it's

1 necessary. Thank you for the offer.

2 MS. HAUSER: Second thing, do the  
3 members of the Commission want me to follow up by  
4 writing a letter on your behalf to Legislative  
5 counsel? I have discussed with them, know who to  
6 send it to and who to copy, and everything, so we  
7 don't step on anybody's toes and who to pursue in  
8 obtaining the precinct equivalency data they have.

9 CHAIRMAN LYNN: Without objection,  
10 we need to formalize that request.

11 MS. HAUSER: Yes. We need to get  
12 that out. I'll get that out in writing tomorrow.

13 COMMISSIONER HALL: I need to visit  
14 with you, also.

15 CHAIRMAN LYNN: Anything else to  
16 come before the Commission?

17 Anything else to come before the  
18 Commission?

19 If not, we're adjourned.

20 (Whereupon, the hearing concluded at  
21 approximately 4:46 p.m.)

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1

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

4

5

6 BE IT KNOWN that the foregoing hearing  
7 was taken before me, LISA A. NANCE, RPR, CCR,  
8 Certified Court Reporter in and for the State of  
9 Arizona, Certificate Number 50349; that the  
10 proceedings were taken down by me in shorthand and  
11 thereafter reduced to typewriting under my  
12 direction; that the foregoing 285 pages constitute  
13 a true and accurate transcript of all proceedings  
14 had upon the taking of said hearing, all done to  
15 the best of my ability.

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

19 DATED at Phoenix, Arizona, this 12th  
20 day of April, 2001.

21

22

23

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

