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

STATE OF ARIZONA, ex rel. THOMAS C. HORNE, Attorney General,

v.

COMMISSIONER COLLEEN MATHIS,
COMMISSIONER LINDA McNULTY,
COMMISSIONER JOSE HERRERA,

Respondents.

ARIZONA INDEPENDENT REDISTRICTING COMMISSION, an
Independent Constitutional Body,

v.

THOMAS C. HORNE, in his official capacity
as Attorney General of the State of Arizona,

Defendant.

Case No.: CV2011-016442
(Consolidated with No. CV2011-017914)

PETITIONER’S STATEMENT OF FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO MOTION FOR SUMMARY JUDGMENT

(Assigned to Honorable Dean M. Fink)

The Petitioner, State of Arizona, ex rel. Thomas C. Horne submits these facts in support of its Motion of Summary Judgment and its Response to the Independent Redistricting
Commission’s (the “Commission”) Motion for Summary Judgment:

1. In response to an investigation to assure the Commission is conducting its business in open, the Commission argues that it and its conduct is above any investigative review. (Plaintiff Arizona Independent Redistricting Commission’s (the “Commission”) Consolidated Response to Motion to Dismiss and Motion for Summary Judgment (“Motion”) at Section II).

2. The Commission asserts that private serial deliberations and votes by the Commission are permissible so long as the Commissioners never meet in the same room. (Commission’s Motion pg 8, lines, 8-13)

3. The Commission’s asserts that Commission openness requirements including public access and transparency (Commission’s Motion pg 6, lines 20 through pg 7 Ins 3) are fulfilled by having meetings in remote parts of the State (Commission’s Motion pg 6, Ins 20 through pg 7 lines 3)

4. That everything that the Commissioners or Commission does is legislative and thus cannot be challenged. (Commission’s Motion, pg 11, line 3 through pg 14 line 9).

5. That every Arizona citizen could bring an action to enforce Article IV, Part 2, §1(12) of the Constitution but qualifies this statement with the vague requirement of “who has standing”. (Commission’s Motion, pg 10, lines 1-4).

6. On June 29, 2011, the Commission awarded what has been referred to as the “mapping consultant contract”. (Commission’s Statement of Facts, pg 7, lines 1-4)

7. On March 24, 2011, the Commission received training in which it was cautioned that no Commissioner should speak to more than one other Commissioner about substantive matters that, by law, must be discussed in an open meeting. The Commission was told:

Also, the Open Meeting Law can be circumvented by what we call splintering the quorum. That means one person talks to less than a quorum but does so one at a time then passes on information from one to the next. So you, essentially, achieve a quorum just not all in the same place. That has also been held to be an Open
Meeting Law violation. I don’t see that happening intentionally very much anymore. Must public servants are honorable and don’t do that ... I would definitely keep it only to one person and never try to talk to a third person about it (Affidavit of David Lakey. Exhibit A, paragraph 6; Transcript of Commission March 24, 2011 meeting, pgs. 20-21).

8. During that Commission meeting prior to going into executive session to evaluate “mapping consultant contract” proposals, Respondent Mathis stated to those in attendance:

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

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

We would love to be conducting as much as we can in front of you. We view this as a very transparent process and we want input. (Affidavit of David Lakey, Exhibit A, paragraph 7; Transcript of June 29, 2011 Commission meeting at pg 27).

9. During the June 29th Commission meeting, the Department of Administration delegated procurement authority to the Commission. (Affidavit of David Lakey, Exhibit A, paragraph 7; Transcript of June 29, 2011 Commission meeting at pg. 31 lines 5-10)

10. During the June 29th Commission meeting the Commission voted to grant the Executive Director authority to negotiate the Strategic Telemetry contract. (Affidavit of David Lakey, Exhibit A, paragraph 7; Transcript of June 29, 2011 Commission meeting at pg. 35 lines 8-13 and pg 47, lines6-16.)

11. Commission agendas specifically cite to the Open Meeting Law for substantive authority for an action. (Affidavit of David Lakey, Exhibit A, paragraph 4).

12. During the August 3, 2011 Commission meeting which was, open to the public, the Commissioner’s counsel informed the Commission that:

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One issue that was raised with respect to the Open Meeting Law, the Attorney General obviously has the authority to conduct an Open Meeting Law investigation. The relevant statute is 38-431.06. And through that process he may issue – he may administer oaths or affirmations to any person for testimony. In other words, he can interview you all under oath as he’s trying to ascertain whether or not an infraction has, in fact, occurred. (Affidavit of David Lakey, Exhibit A, paragraph 9; Transcript of August 3, 2011 Commission meeting at pg. 109, lines 5-14).

13. Commission agendas contain the following language:

Call for Public Comment. This is the time for the public comment. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H)(the Open Meeting Law] action taken as a result of public comment . . . will be limited to . . . (Affidavit of David Lakey, Exhibit A, paragraph 4).

14. Three times during the June 30th meeting Commission’s counsel specifically stated that a Commissioner could not respond to the public calls for explanations and the last time clearly stated: “As indicated on the agenda we can’t – the Commission can’t discuss issues that were raised or action taken . . . .” (Affidavit of David Lakey, Exhibit A, paragraph 8; Transcript of June 30, 2011 Commission meeting at pgs 36, 44 and 91).

15. Since September 7, 2011, the Commission has posted 20 agendas, which provided for executive sessions. (Affidavit of David Lakey, Exhibit A, paragraph 4).

16. The Attorney General initiated this investigation pursuant to A.R.S. §38-431 et. seq. after receiving information that possible violations of the Open Meeting Law occurred. (Petition for Enforcement of Written Demands, pg 7, lines 12-13)

17. Pursuant to that investigation, Commissioner Stertz and Commissioner Freeman testified under oath. (Exhibits B and C respectively).

18. On August 24, 2011, Commissioner Stertz testified that he was contacted twice outside of a public meeting (once on June 28th and once on June 29th) by Respondent Mathis prior to the vote to award the contract. During the June 28th conversation, Respondent Mathis told Commissioner Stertz that she hoped for a 5-0 vote the next day. Following this initial
conversation, Commissioner Stertz described the June 29\textsuperscript{th} conversation as follows:

[R]eiterated that her goal for the day was a 5-0 vote and she wanted to – she was asking me for her – for the vote in the affirmative for Strategic Telemetry.

I then answered the – I then asked her this question. I said, Colleen, is this a quid pro quo?

And her answer to me was, there will come a time down the road when you will – there will be a tough decision to be made and you will need my vote.

And I asked her again to make sure that it was clear, Colleen, is this a quid pro quo?

And she said – she reaffirmed the answer…

I said, if you are looking for a 5-0 vote, am I the fifth vote? And she said she did not have an answer from Commissioner Freeman: (Stertz Transcript, Exhibit B, pgs. 12-13).

19. On August 24, 2011, Commissioner Stertz testified concerning the length of his conversation with Respondent Mathis:

It was – approximately a half hour conversation, and it was a continued attempt to persuade me that a 5-0 vote was imperative … So I now knew that at least that there was three no and an unknown [ie. 3 “yes” 1 “no” 1”unknown”]. (Stertz Transcript, Exhibit B, pgs. 15-16)

20. This conversation with Respondent Mathis occurred while Respondent Mathis was on a speaker telephone in the presence of her husband (Stertz Transcript, Exhibit B, pg 12 line 5 through pg 17, line 14 and pg 32, lines 10 through 25).

21. On September 1, 2011, Commissioner Freeman testified he also had conversations with Respondent Mathis concerning the mapping consultant contract. Commissioner Freemen testified:

To the best of my recollection, as I sit here right now, the conversation concerned Commissioner Mathis expressed her support of Strategic Telemetry and she desired – she expressed a desire for a unified front; that the Commission vote unanimously in favor of the award, the contract award to that firm. And she wanted my support on that, and I did not tell her how I – how I would vote.
However, I did say that — I do recall saying that that was a very tough thing to ask me to do, which is about as far as I went on that score.

The — I recall that she said that she did not know how Commissioners Herrera or McNulty would vote. And I recall that I told her that I did not know how Commissioner Stertz would vote. I recall that, although I don’t remember the words exactly, I recall developing an understanding that I believe she was going to call Commissioner Stertz before the hearing. And I recall that I expressed reservations about that because we would be meeting as a Commission in just a couple of hours and thought that that would be the most — more appropriate time to do that. (Freeman Transcript, Exhibit C, pg 8, lines 5 through 16).

22. During the June 29, 2011 Commission meeting, Respondent Herrera stated that his vote had been negotiated. ((Affidavit of David Lakey, Exhibit A, paragraph 7; Transcript of June 29, 2011 Commission meeting pg 41 lines 7 - 22)

23. On September 1, 2011, Commissioner Freeman testified that in addition, to the conversations that occurred on June 29th, Respondent Mathis contacted Commissioner Freeman two times by telephone almost a week earlier, on the day before the Commission meeting to interview potential vendors and requested his vote for a contract award to Strategic Telemetry. Commissioner Freeman replied that he wanted to see how the four companies performed in their interviews. (Freeman Transcript, Exhibit C, pg 22, line 22 through pg 27 line 17).

24. On September 1, 2011, Commissioner Freeman testified that during his conversations with Respondent Mathis, Respondent Mathis explained to Commissioner Freeman that Commissioner Freeman might need a vote in a future matter as she was requesting his vote for Strategic Telemetry. (Freeman Transcript, Exhibit C, pg 11 line 14 through pg 12 line18).

25. During the June 29, 2011 Commission meeting, Respondent Mathis read from a prepared statement explaining the Commission’s vote to award the contract to Strategic Telemetry. (Affidavit of David Lakey, Exhibit A, paragraph 7; Transcript of June 29, 2011 Commission Meeting, pg 47 lines 14 through pg 54, line 16).

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26. On August 24, 2011, Commissioner Stertz testified that he did not observe Commissioner Mathis preparing the written statement after the Commission vote and understood the statement to have been created prior to the vote (Stertz Transcript, Exhibit B, pg 23, line 25 through pg 24, line 10).

27. At the June 29, 2011 Commission meeting, after the June 29th mapping consultant vote, Respondent Herrera stated:

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

The proposed time line was very realistic. You know they proposed a collaboration with IRC’s legal counsel.

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

So I – they would be my number one choice.

However, in the spirit of cooperation and negotiation, I’m willing to support Strategic Telemetry. (Affidavit of David Lakey, Exhibit A, paragraph 7; Transcript of June 29, 2011 Commission meeting, pg 41).

28. On August 24, 2011 Commissioner Stertz testified that he was able to recall being present during any negotiations between Commissioner Herrera and another Commissioner concerning the mapping consultant contract. (Stertz Transcript, Exhibit B, pg 19, line 16 through pg 20, line 20)

29. On September 1, 2011, Commissioner Freeman testified that he was unable to recall being present during any negotiations between Commissioner Herrera and another Commissioner concerning the mapping consultant contract. (Freeman Transcript, Exhibit C, pg 19, line 17 through pg 20 line 6).

30. Commissioner Herrera’s scoring sheets scored Strategic Telemetry’s proposal as the top proposal granting Strategic Telemetry 100% of the possible points on all categories he evaluated. (Petition for Enforcement of Written Investigative Demands, pg 10 lines 20 - 23)
31. In addition to Respondent Herrera, the two other Respondents, Mathis and McNulty, also awarded Strategic Telemetry 100% of the points for all categories they evaluated. (Petition for Enforcement of Written Investigative Demands, pg 10, lines 24-26).

32. On August 24, 2011 Commissioner Stertz, testified that:

“I find it strangely odd that there were three perfect scores for this particular consultant, and I am concerned that knowing how the RFP was crafted and knowing the skill set of the consultants that were proposing that the ability to have a perfect score would if – not being intellectually dishonest, okay, would be impossible to achieve.

And I say that because in the request for the proposal there are certain criteria that needed to be met where if a particular consultant could not provide that it would have provided a reduction in score.” (Stertz Transcript, Exhibit B, pgs. 34-35)

33. On August 29, 2011, the Commission objected to the Attorney General’s written investigative demands. (Petition to Enforce Written Investigative Demands, Exhibit 1)

34. On August 3, 2011, Commissioner Herrera made public statements that he refused to testify:

But there is nothing like it is – what it is going on here, meaning politicians getting involved.

And it shouldn’t be that way.

It shouldn’t be that way that we have politicians trying to intimidate individuals, and trying to – you know, basically intimidate.

And I will – I refuse to be intimidated, and I will refuse to be put under oath. (Affidavit of David Lakey, Exhibit A, paragraph 9; Transcript of August 3, 2011 Commission meeting at pg. 122, lines 10-17).
RESPECTFULLY SUBMITTED this 25th day of October, 2011.

THOMAS C. HORNE
Attorney General

/s/ Thomas C. Horne

Thomas C. Horne
Attorney General
Mark D. Wilson
Assistant Attorney General
Attorneys for Petitioner

ORIGINAL e-filed October 25, 2011.

COPIES e-mailed October 25, 2011, to:

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

STATE OF ARIZONA, ex rel. THOMAS C. HORNE, Attorney General,

Petitioner,

vs.

COMMISSIONER COLLEEN MATHIS,
COMMISSIONER LINDA McNULTY,
COMMISSIONER JOSE HERRERA,

Respondents.

ARIZONA INDEPENDENT
REDISTRICTING COMMISSION, an
Independent Constitutional Body,

Plaintiff,

v.

THOMAS C. HORNE, in his official capacity
as Attorney General of the State of Arizona,

Defendant.

Case No.: CV2011-016442
(Consolidated with No. CV2011-017914)

AFFIDAVIT OF
David Lakey

(Assigned to the Honorable Dean M. Fink)
STATE OF ARIZONA  
County of Maricopa

I, David Lakey, being first duly sworn upon my oath depose and say:

1. I am over eighteen (18) years of age.

2. I am a Special Agent with the Arizona Attorney General’s Office and one of the individuals assigned to investigate whether the Arizona Independent Redistricting Commission (the “Commission”) and/or its Commissioners violated the open meeting law.

3. In my capacity as Special Agent, I reviewed the Web Site for the Arizona Independent Redistricting Commission found at the following web address: www.azredistricting.org.

4. During my review of the web site, I reviewed Commission agendas that were for Commission meetings that occurred after September 7, 2011. I have attached the June 29, 2011 agenda and 20 agendas posted for meetings that occurred or were to occur after September 7, 2011 that contained language that stated that the Commission might vote to go into executive session. These agendas are attached as Exhibit 1 to this affidavit.

5. During my review of the web site, I reviewed the information posted related to the Commission meeting that occurred on June 29, 2011. This information includes a written statement described as being from Commissioner Mathis. A true and correct copy of the statement is attached as Exhibit 2 to this affidavit.

6. During my review of the web site, I reviewed the information posted related to the transcript of the March 24, 2011 Commission meeting. A true and correct copy of excerpts of the March 24th transcript is attached as Exhibit 3 to this Affidavit.

7. During my review of the web site, I reviewed the information posted related to the transcript of the June 29, 2011 Commission meeting. A true and correct copy of excerpts of the June 29th transcript is attached as Exhibit 4 to this Affidavit.
8. During my review of the web site, I reviewed the information posted related to the transcript of the June 30, 2011 Commission meeting. A true and correct copy of excerpts of the June 30th transcript is attached as Exhibit 5 to this Affidavit.

9. During my review of the web site, I reviewed the information posted related to the transcript of the August 3, 2011 Commission meeting. A true and correct copy of excerpts of the August 3rd transcript is attached as Exhibit 6 to this Affidavit.

David Lakey

SUBSCRIBED AND SWORN to before me this 25th day of October, 2011.

SUSAN L. HILL
Notary Public

2374237
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner
Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: State Library Conference Room, Ste. 200
Historic Capitol, 1938 addition
1700 W. Washington Street, Phoenix, AZ 85007

Date: Wednesday, June 29, 2011

Time: 12:00 P.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)) or reviewing confidential documents (A.R.S. §38-431.03 (A) (2)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I. Call to Order

II. Call for Public Comment. This is the time for the public to comment. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
III. Discussion and consideration of confidential documents associated with the evaluation of responses to the mapping consultant RFP and a review and ranking of submitted proposals after consideration of interviews. The Commission may take action to award a contract to a selected firm. The Commission may vote to go into executive session, which will not be open to the public for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)) or reviewing confidential documents (A.R.S. §38-431.03 (A)). Staff from the State Procurement Office will be present.

IV. Discussion and possible action on presentation by the Arizona Competitive District Coalition (Ken Clark).

V. Executive Director’s Report
   A. Announcements by Executive Director and summary of recent events.
   B. Budget report.
   C. Update on outreach staffing.

VI. Presentation by staff, discussion and possible action concerning logistics for first round of public meetings, timeline and preliminary discussion for second round of public hearings.

VII. Discussion and possible action on the process for receiving public input such as maps, email and other submittals.

VIII. Agenda items and dates of future meetings.

IX. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (Evans House), Phoenix, Arizona 85007.

Dated this 27th day of June, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:
Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner

Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Fiesta Resort – Galleria Ballroom
2100 S. Priest Dr.
Tempe, AZ 85282

Date: Thursday, September 8th, 2011

Time: 2:30 P.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Map Presentations
(Estimated Time 20 minutes)

III. Discussion with mapping consultant and legal counsel and possible action regarding prison inmate population and the appropriate methodology to use in mapping.
(Estimated Time 20 minutes)

IV. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Congressional grid map based on constitutional criteria.
(Estimated Time 60 minutes)
V. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to legislative grid map based on constitutional criteria. (Estimated Time 60 minutes)

VI. Discussion and possible action regarding incorporating 2004 and 2006 election results into redistricting database. (Estimated Time 20 Minutes)

VII. Discussion and Possible Action concerning transparency for Commissioners, Staff and Legal Counsel. (Estimated Time 30 minutes)

VIII. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
   ➢ On line mapitude
   ➢ 2nd round of Public Hearings update
     (Estimated Time 15 minutes)

IX. Discussion of Future meetings and Future Agenda items. (Estimated Time 15 minutes)

X. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)). (Estimated Time 60 minutes)

XI. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 45 minutes).

XII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 6th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director

Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Colleen Coyle Mathis, Chair

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Viscount Suite Hotel Conference Room
4855 E. Broadway
Tucson AZ 85711

Date: Friday, September 9, 2011

Time: 3:00 P.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Map Presentations
   (Estimated Time 15 minutes)

III. Discussion with mapping consultant and legal counsel and possible action regarding prison inmate population and the appropriate methodology to use in mapping. (Estimated Time 20 minutes)

IV. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Congressional grid map based on constitutional criteria. (Estimated Time 60 minutes)
V. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to legislative grid map based on constitutional criteria. (Estimated Time 60 minutes)

VI. Presentation and public training session on the use of the on-line mapitude program. (Estimated Time 30 minutes)

VII. Discussion and possible action on retaining a voting analysis expert to review analyze, and recommend action on voting rights issues including polarized voting and conduct analysis regarding competitiveness and other state constitutional criteria as needed. (Estimated Time 30 minutes)

VIII. Executive Director’s Report
➢ The Executive Director will summarize recent staff activities and answer questions. (Estimated Time 10 minutes)

IX. Discussion of Future meetings and Future Agenda items. (Estimated Time 15 minutes)

X. Report, legal advice and direction to counsel regarding Attorney General Inquiry and related litigation, including discussion and possible action regarding expenditures for legal representation. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. § 38-431.03 (A) (3) and (4)). (Estimated Time 60 minutes)

XI. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 45 minutes).

XII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.
Dated this 7th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director

Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner
Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Holiday Inn Commerce/Cotton Banquet Room
777 N. Pinal Avenue
Casa Grande, AZ 85122

Date: Monday, September 12, 2011

Time: 9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Map Presentations
(Estimated Time 15 minutes)

III. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Congressional grid map based on constitutional criteria. (Estimated Time 60 minutes)

IV. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to legislative grid map based on constitutional criteria. (Estimated Time 60 minutes)
V. Discussion and possible action on retaining a voting analysis expert to review
analyze, and recommend action on voting rights issues including polarized
voting and conduct analysis regarding competitiveness and other state
constitutional criteria as needed. (Estimated Time 30 minutes)

VI. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and
     answer questions.
   ➢ Update on recent citizen input
     (Estimated Time 10 minutes)

VII. Presentation and public training session on the use of the on-line mapitude
     program. (Estimated Time 30 minutes)

VIII. Discussion of Future meetings and Future Agenda items.
      (Estimated Time 10 minutes)

IX. Report, legal advice and direction to counsel regarding Attorney General
    Inquiry and related litigation, including discussion and possible action
    regarding expenditures for legal representation. The Commission may vote to
    go into executive session, which will not be open to the public, for the purpose
    of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
    (Estimated Time 60 minutes)

X. Call for Public Comment. This is the time for the public to comment on items
   on the agenda or redistricting maps. Members of the Commission may not
   discuss items that are not specifically identified on the agenda. Therefore,
   pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment
   on matters not on the agenda will be limited to directing staff to study the
   matter, responding to any criticism or scheduling the matter for further
   consideration and decision at a later date.
   (Estimated Time 45 minutes).

XI. Adjournment.

A copy of the agenda provided to Commission members (with the exception of
material relating to possible executive sessions) is available for public inspection at
the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans
House) Phoenix, Arizona 85007.

Dated this 9th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

2
Colleen Coyle Mathis,
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director

Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location:  Holiday Inn Commerce/Cotton Banquet Room
           777 N. Pinal Avenue
           Casa Grande, AZ 85122

Date:     Wednesday, September 14, 2011

Time:     9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Map Presentations
    (Estimated Time 15 minutes)

III. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Congressional grid map based on constitutional criteria. (Estimated Time 60 minutes)

IV. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to legislative grid map based on constitutional criteria. (Estimated Time 60 minutes)
V. Discussion and possible action on retaining a voting analysis expert to review analyze, and recommend action on voting rights issues including polarized voting and conduct analysis regarding competitiveness and other state constitutional criteria as needed. (Estimated Time 30 minutes)

VI. Executive Director’s Report
   - The Executive Director will summarize recent staff activities and answer questions.
   - Update on recent citizen input
     (Estimated Time 10 minutes)

VII. Discussion of Future meetings and Future Agenda items.
     (Estimated Time 10 minutes)

VIII. Report, legal advice and direction to counsel regarding Attorney General Inquiry and related litigation, including discussion and possible action regarding expenditures for legal representation. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
     (Estimated Time 60 minutes)

IX. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
     (Estimated Time 45 minutes).

X. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 12th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:
Raymond F. Bladine, Executive Director

Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner

Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location:  Heard Museum, Phoenix
           2301 North Central Avenue,
           Steele Auditorium
           Phoenix, AZ 85004

Date:  Thursday, September, 15, 2011

Time:  12:00 P.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3) and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I.  Call to Order.

II.  Map Presentations
     (Estimated Time 15 minutes)

III.  Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Congressional grid map based on constitutional criteria. (Estimated Time 60 minutes)

IV.  Meeting with Tribal Leaders to receive information regarding congregational and legislative districts and other matters of concern to the leaders. There will
be discussion and possible action on the information presented. (Anticipated start time 1:30 P.M. estimated length 60 minutes)

V. Executive Director’s Report
  ➢ The Executive Director will summarize recent staff activities and answer questions.
  ➢ Update on recent citizen input
    (Estimated Time 10 minutes)

VI. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to legislative grid map based on constitutional criteria.
    (Estimated Time 60 minutes)

VII. Discussion of Future meetings and Future Agenda items.
    (Estimated Time 10 minutes)

VIII. Report, legal advice and direction to counsel regarding Attorney General Inquiry and related litigation, including discussion and possible action regarding expenditures for legal representation. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
    (Estimated Time 60 minutes)

IX. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
    (Estimated Time 45 minutes).

X. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 13th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:
Raymond F. Bladine, Executive Director

Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location:  Fiesta Resort – Galleria Ballroom
           2100 S. Priest Dr.
           Tempe, AZ  85282

Date:  Friday, September 16, 2011

Time:  10:00 AM

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I.  Call to Order.

II.  Map Presentations
     ➢  Coconino County Board of Supervisors Chair Lena Fowler will provide a brief presentation relating to congressional and legislative districts.
     ➢  Other Presentations
          (Estimated Time 20 minutes)

II.  Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Congressional grid map based on constitutional criteria.
     (Estimated Time 60 minutes)
III. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to legislative grid map based on constitutional criteria. (Estimated Time 60 minutes)

IV. Discussion and Possible Action on Transparency Policy regarding contact with members of the public for the Commission and the Commission’s Staff.

V. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
   ➢ Budget Overview
     (Estimated Time 10 minutes)

VI. Discussion of Future meetings and Future Agenda items.
     (Estimated Time 15 minutes)

VII. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)). (Estimated Time 60 minutes)

VIII. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 45 minutes).

IX. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 14th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:
Raymond F. Bladine, Executive Director

Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location:  Wild Horse Pass Hotel and Casino (Ocotillo Conference Room)
           5040 Wild Horse Pass Blvd.
           Chandler, AZ  85226

Date:      Thursday, September 22, 2011

Time:      9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I.     Call to Order.

II.    Map Presentations
       (Estimated Time 30 Minutes)

III.   Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Congressional grid map based on constitutional criteria.  (Estimated Time 60 minutes)

IV.    Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Legislative grid map based on constitutional criteria.  (Estimated Time 60 minutes)
V. Lunch Break  
(Estimated Time 60 Minutes) 

VI. Presentation on Competitiveness. Discussion and Possible action on constitutional requirement of competitiveness.  
(Estimated Time 30 minutes) 

VII. Discussion and Possible Action on Transparency Policy regarding contact with members of the public for the Commission and the Commission's Staff. 

VIII. Executive Director's Report 
- The Executive Director will summarize recent staff activities and answer questions.  
- 2nd round of Public Hearings 
  (Estimated Time 10 minutes) 

IX. Discussion of Future meetings and Future Agenda items.  
(Estimated Time 15 minutes) 

X. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).  
(Estimated Time 60 minutes) 

XI. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes). 

XII. Adjournment. 

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission's office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007. 

Dated this 20th day of September, 2011 
ARIZONA INDEPENDENT REDISTRICTING COMMISSION 

Colleen Coyle Mathis,  
Chairman, by:
Raymond F. Bladine, Executive Director

Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Wild Horse Pass Hotel and Casino (Acacia C-D Conference Room)
5040 Wild Horse Pass Blvd.
Chandler, AZ 85226

Date: Friday, September 23, 2011

Time: 9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3) and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Map Presentations
   Arizona Minority Coalition
   Other
   (Estimated Time 45 Minutes)

III. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Congressional grid map based on constitutional criteria. (Estimated Time 60 minutes)
IV. Review, discussion and direction to mapping consultant regarding ideas for possible adjustments to Legislative grid map based on constitutional criteria. (Estimated Time 60 minutes)

V. Lunch Break (Estimated Time 60 Minutes)

VI. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
   ➢ Public Input statistics
   ➢ 2nd Round of Public Hearings (Estimated Time 15 minutes)

VII. Discussion of Future meetings and Future Agenda items. (Estimated Time 15 minutes)

VIII. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)). (Estimated Time 60 minutes)

IX. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

X. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 20th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:
Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Holiday Inn Commerce/Cotton Banquet Room
          777 N. Final Avenue
          Casa Grande, AZ 85122

Date: Monday, September 26, 2011

Time: 12:00 P.M. to 7:00 P.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3) and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Map Presentations
   (This item is for the presentation of maps for consideration by the Commission, not general public comment).
   (Estimated Time 30 Minutes)

III. Review, discussion and direction to mapping consultant regarding the development of a Congressional draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map.
    (Estimated Time 90 minutes)
IV. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)

V. Executive Director's Report
   - The Executive Director will summarize recent staff activities and answer questions.
   (Estimated Time 10 minutes)

VI. Discussion of Future meetings and Future Agenda items.
(Estimated Time 15 minutes)

VII. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
(Estimated Time 60 minutes)

VIII. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

IX. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission's office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 23rd day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director
Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: DoubleTree by Hilton Hotel Tucson - Reid Park
445 S. Alvernon Way,
Tucson, Arizona, 85711-4198

Date: Tuesday, September 27, 2011

Time: 9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess from approximately 1:00 P.M. to 3:00 P.M.

The agenda for the meeting is as follows:

I. Call to Order.

II. Map Presentations
   (This item is for the presentation of maps for consideration by the Commission, not general public comment).
   (Estimated Time 30 Minutes)

III. Review, discussion and direction to mapping consultant regarding the development of a Congressional draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map.
   (Estimated Time 90 minutes)
IV. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)

V. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
     (Estimated Time 10 minutes)

VI. Discussion of Future meetings and Future Agenda items.
     (Estimated Time 10 minutes)

VII. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
     (Estimated Time 60 minutes)

VIII. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

IX. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 23rd day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

Raymond F. Bladine, Executive Director
Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location:  Fiesta Resort – Galleria Ballroom
           2100 S. Priest Dr.
           Tempe, AZ  85282

Date:  Wednesday, September 28, 2011

Time:  9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Map Presentations
   (This item is for the presentation of maps for consideration by the Commission, it is not a time for general public comment).
   (Estimated Time 30 Minutes)

III. Review, discussion and direction to mapping consultant regarding the development of a Congressional draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map.
    (Estimated Time 90 minutes)
IV. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)

V. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
     (Estimated Time 10 minutes)

VI. Discussion of Future meetings and Future Agenda items.
     (Estimated Time 10 minutes)

VII. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
     (Estimated Time 60 minutes)

VIII. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

IX. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 26th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director
Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

**Location:**  Fiesta Resort – Galleria Ballroom
                2100 S. Priest Dr.
                Tempe, AZ  85282

**Date:**  Thursday, September 29, 2011

**Time:**  9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission.

The agenda for the meeting is as follows:

I.  Call to Order.

II.  Map Presentations
     (This item is for the presentation of maps for consideration by the Commission, it is not a time for general public comment).
     (Estimated Time 30 Minutes)

III. Review, discussion and direction to mapping consultant regarding the development of a Congressional draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)
IV. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)

V. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
   (Estimated Time 10 minutes)

VI. Discussion of Future meetings and Future Agenda items.
    (Estimated Time 10 minutes)

VII. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
    (Estimated Time 60 minutes)

VIII. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

IX. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 26th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director

2
Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location:  Fiesta Resort – Galleria Ballroom
2100 S. Priest Dr.
Tempe, AZ 85282

Date:  Friday, September 30, 2011

Time:  9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission.

The agenda for the meeting is as follows:

I.  Call to Order.

II.  Map Presentations
   (This item is for the presentation of maps for consideration by the Commission, it is not a time for general public comment).
   (Estimated Time 30 Minutes)

III.  Review, discussion and direction to mapping consultant regarding the development of a Congressional draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map.
   (Estimated Time 90 minutes)
IV. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)

V. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
     (Estimated Time 10 minutes)

VI. Discussion of Future meetings and Future Agenda items.
    (Estimated Time 10 minutes)

VII. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
    (Estimated Time 60 minutes)

VIII. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

IX. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 26th day of September, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

Raymond F. Bladine, Executive Director
Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Fiesta Inn Resort Galleria Ballroom
          2100 South Priest Drive
          Tempe, AZ  85282

Date: Monday, October 3, 2011

Time: 9:00 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Review, discussion and direction to mapping consultant regarding the development of a Congressional draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)

III. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)
Lunch break  
(Estimated Time 60 minutes)

IV. Executive Director’s Report  
   ➢ The Executive Director will summarize recent staff activities and answer questions.  
   (Estimated Time 10 minutes)

V. Discussion of Future meetings and Future Agenda items.  
   (Estimated Time 10 minutes)

VI. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).  
   (Estimated Time 60 minutes)

VII. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

VIII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this, 2011  
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,  
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director

2
Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Colleen Coyle Mathis, Chair

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Fiesta Resort – Galleria Ballroom
2100 S. Priest Dr.
Tempe, AZ 85282

Date: Wednesday, October 5, 2011

Time: 2:00 P.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)

III. Review, discussion and direction to mapping consultant regarding the development of a Congressional draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 90 minutes)
IV. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions. (Estimated Time 10 minutes)

V. Discussion of Future meetings and Future Agenda items.
   (Estimated Time 10 minutes)

VI. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)). (Estimated Time 60 minutes)

VII. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

VIII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 3rd of October, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director

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ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

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

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location:     Fiesta Resort – Galleria Ballroom
              2100 S. Priest Dr.
              Tempe, AZ 85282

Date:         Friday, October 7, 2011

Time:         9:30 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission.

The agenda for the meeting is as follows:

I. Call to Order.

II. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 120 minutes

III. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
   (Estimated Time 15 minutes)
Lunch break  
(Estimated Time 60 minutes)

IV. Discussion of Future meetings and Future Agenda items.  
(Estimated Time 10 minutes)

V. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. § 38-431.03 (A) (3) and (4)).  
(Estimated Time 60 minutes)

VI. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

VII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 3rd of October, 2011  
ARIZONA INDEPENDENT REDISTRICTING COMMISSION  

Colleen Coyle Mathis,  
Chairman, by:

Raymond F. Bladine, Executive Director

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ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner

Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Sheraton Phoenix Airport Hotel
1600 S. 52nd Street
Tempe, AZ 85281

Date: Saturday, October 8, 2011

Time: 9:30 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission. If a draft Legislative Map is adopted at a prior meeting this meeting will be most likely be canceled.

The agenda for the meeting is as follows:

I. Call to Order.

II. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 4 hours)

III. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
IV. Discussion of Future meetings and Future Agenda items.  
(Estimated Time 10 minutes)

V. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).  
(Estimated Time 60 minutes)

VI. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

VII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 6th of October, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

[Signature]

Raymond F. Bladine, Executive Director

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ARIZONA INDEPENDENT REDISTRICTING COMMISSION
NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner

Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: sheraton Phoenix Airport Hotel
          1600 S. 52nd Street
          Tempe, AZ 85281

Date: Sunday, October 9, 2011

Time: 1:00 P.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission. If a draft Legislative Map is adopted at a prior meeting this meeting will be most likely be canceled.

The agenda for the meeting is as follows:

I. Call to Order.

II. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 4 hours)

III. Executive Director’s Report

➢ The Executive Director will summarize recent staff activities and answer questions.
IV. Discussion of Future meetings and Future Agenda items.
   (Estimated Time 10 minutes)

V. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. § 38-431.03 (A) (3) and (4)).
   (Estimated Time 60 minutes)

VI. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

VII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 6th of October, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

Raymond F. Bladine, Executive Director

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ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Colleen Coyle Mathis, Chair

José M. Herrera, Vice Chair
Richard P. Stertz, Commissioner

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Four Points by Sheraton Tucson University Plaza
1900 E. Speedway Blvd.
Tucson, AZ 85719

Date: Monday, October 10, 2011

Time: 9:30 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3) and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission. If a draft Legislative Map is adopted at a prior meeting this meeting will be most likely be canceled.

The agenda for the meeting is as follows:

I. Call to Order.

II. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 4 hours)

III. Executive Director’s Report
   ➢ The Executive Director will summarize recent staff activities and answer questions.
IV. Discussion of Future meetings and Future Agenda items. (Estimated Time 10 minutes)

V. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)). (Estimated Time 60 minutes)

VI. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

VII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 6th of October, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

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Raymond F. Bladine, Executive Director

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ARIZONA INDEPENDENT REDISTRICTING COMMISSION

NOTICE OF PUBLIC MEETING

Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner

Jose M. Herrera, Vice Chair
Richard P. Stertz, Commissioner

Colleen Coyle Mathis, Chair

Notice is hereby given to the members of the Arizona Independent Redistricting Commission and to the general public that the Commission will hold a meeting open to the public at the time and location listed below for the purpose of hearing Citizen Comments and discussing and acting on the items listed below:

Location: Four Points by Sheraton Tucson University Plaza
1900 E. Speedway Blvd.
Tucson, AZ 85719

Date: Tuesday, October 11, 2011

Time: 9:30 A.M.

The Commission may vote to go into executive session, which will not be open to the public, for any item listed on the agenda, for the purpose of obtaining legal advice (A.R.S. §38-431.03 (A) (3)and (4)). One or more of the members may participate via telephone or video conferencing.

All matters on the agenda may be discussed, considered and are subject to action by the Commission. The Commission may take a recess during the day to allow time for the mapping consultant to develop information for the Commission. If a draft Legislative Map is adopted at a prior meeting this meeting will be most likely be canceled.

The agenda for the meeting is as follows:

I. Call to Order.

II. Review, discussion and direction to mapping consultant regarding the development of a Legislative Districts draft map based on constitutional criteria. The Commission may also take action to adopt portions or all of a draft map. (Estimated Time 4 hours)

III. Executive Director’s Report
   The Executive Director will summarize recent staff activities and answer questions.
IV. Discussion of Future meetings and Future Agenda items.
   (Estimated Time 10 minutes)

V. Report, legal advice and direction to counsel regarding Attorney General Inquiry. The Commission may vote to go into executive session, which will not be open to the public, for the purpose of obtaining legal advice and providing direction to counsel (A.R.S. §38-431.03 (A) (3) and (4)).
   (Estimated Time 60 minutes)

VI. Call for Public Comment. This is the time for the public to comment on items on the agenda or redistricting maps. Members of the Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment on matters not on the agenda will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. (Estimated Time 30 minutes).

VII. Adjournment.

A copy of the agenda provided to Commission members (with the exception of material relating to possible executive sessions) is available for public inspection at the Arizona Independent Commission’s office, 1100 W. Washington St. (The Evans House) Phoenix, Arizona 85007.

Dated this 7th of October, 2011
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Colleen Coyle Mathis,
Chairman, by:

Raymond F. Bladine, Executive Director

Any person with a disability may request a reasonable accommodation, such as sign language interpreter, by contacting 602-542-5221. Requests should be made as early as possible to allow time to arrange accommodations.
My goals in chairing this commission are pretty straightforward. They are to comply with the Arizona Constitution, the U.S. Constitution and the Voting Rights Act and to achieve preclearance, ideally on our first try, from the Justice Department. I understand that there are partisan feelings and passions on all points on the political spectrum and I'm sensitive to that. However, the proposition passed by the voters of the state of Arizona and now incorporated into our state Constitution has resulted in the chair of the IRC being an Independent both times we’ve done this so far. As it happens, Independents are the fastest growing voting bloc in the state. So it makes sense to have an Independent voice on this commission and I am the Independent that my fellow commissioners in their wisdom, however questionable in this case, unanimously chose. This puts me smack dab in the middle of all partisan disputes and that is how Proposition 106 was designed. All I can do is honor my colleagues’ choice by working as hard as I can, using my best judgment, listening to my conscience and making what I believe are the best decisions for our commission and for the people of Arizona.

We had only seven responses to our mapping consultant Request for Proposal. From those initial seven, we chose to interview four firms. None of those firms is free from partisan connections. In fact, it seems it is in the very nature of this kind of technical work that, over the course of a career, a firm has partisan affiliations themselves and is hired by partisans or partisan officeholders to do the kind of work that they do. As in any kind of business, if you do a good job, you tend to get referrals and follow up business from the people with whom you do business. And over time a partisan pattern often develops. I think it is important to note that all of the mapping consultants we interviewed, whatever their partisan stripe, either personal or work related, are first and foremost business people who are in business to earn a living and give the best possible service to their clients. From my own perspective as an Independent, it might have been nice if we had four firms that had only ever worked for or been associated with Independents but apparently firms like that either don’t exist or don’t read Requests for Proposal which require summer work in the remote corners of Arizona. Who knows?

Of the four firms we interviewed, there were three that, to varying degrees, appeared to have closer affiliations with Democrats and one that appeared to have closer affiliations to Republicans. For the sake of fairness and balance, I would have preferred to have two of each and I’m sure that having at least two options clearly perceived to be on the Republican side would have been the preference of our Republican commissioners. But that was not the result of our RFP response. In fact, only one perceived Republican leaning firm even applied and we had no control over that somewhat surprising result. So that was the hand we were dealt.

It is very important at this point to note that we carefully considered many aspects of each firm’s experience, capacity and technical skill and it is on these painstakingly developed criteria that our selection is based. But I know that, in the minds of some members of the public and press, the partisan connections are the main focus. To that end, of the four firms we interviewed today, two, though each had considerable experience, also had more strongly perceived direct political ties to and past involvement with our state. Understandably, the commissioners of the opposite party to those perceived ties had
strong objections to each and I had my own concerns. Of the two remaining, one, while skilled and Arizona based, lacked statewide redistricting and preclearance experience which I viewed as absolutely essential. The other made a markedly stronger case than anyone else and instilled full confidence. That firm was Strategic Telemetry.

It is true that Strategic Telemetry’s principal, Ken Strasma, has done the bulk of his work for Democrats. He has been completely forthright about this in both his Request for Proposal and his interview. He has also, notably from my perspective as an Independent, worked for Mayor Mike Bloomberg of New York, perhaps the best known Independent in the country and someone with the wherewithal to hire the best possible technical help. I’d also like to point out that Strategic Telemetry's Public Input Manager, who will attend mapping hearings and focus on all public input issues is a Republican and former Texan who served in the White House as Associate Director of Political Affairs for President George W. Bush, where she was, among other things, the primary political contact to grassroots folks in eight states. Speaking of Presidents, I must say the fact that Mr. Strasma played a key technical role in what has been widely viewed as the single most technically advanced Presidential campaign in American history is not something I view as a negative. I liken this kind of technical political work to playing major league baseball. In order to play at that level, you have to play in either the National or the American League. Otherwise, you don’t play at all. There are only two options. Also, to best judge a player’s ability, you look at his stats, not where he plays. Mr. Strasma has played in the majors with great distinction.

I understand that reasonable people can differ on this selection, as Mr. Freeman and Mr. Stertz have, but I would encourage members of the public to watch the presentations from our Friday, June 24th meeting on our website at azredistricting.org and judge for yourselves.

As has been noted, the role of a mapping consultant is a technical one. The consultant works solely at the direction of this commission. Period. If our experience thus far has shown anything it is that this commission takes its role extremely seriously and is paying very close attention to the process at every step. If there is any perception by me or my fellow commissioners that maps are being drawn in a way that is counter to our express direction or if the consultant is acting in anything beyond a technical capacity, we won’t hesitate to let the consultant and the other commissioners know. This is not a shy group.

As Mr. Strasma has said, it is inevitable that not everyone will be one hundred percent happy with this or any similar commission’s final plans but with a highly skilled technical consultant, and an open, transparent and fully documented process, any dissatisfaction can at least be minimized—and to the extent that a member of the public feels dissatisfied with the maps, they will know the reasons for each decision and should not have any cause to question the fundamental soundness of the process.

So we need to keep our eyes on the ball, which means complying with the Constitutional requirements and the Voting Rights Act. Our goal is also to achieve preclearance with
our maps on the first try and avoid the additional taxpayer expense and delay that would result from an objection.

We’ve chosen the firm which we think has the best ability to help us achieve that outcome and, in my view, that choice was abundantly clear. Also, by choosing the firm with the least amount of direct, prior in-state involvement, I believe we have a fresh start with minimal baggage related to anything that has happened here previously.

As for our commission, I have great respect for Vice Chair Freeman, Vice Chair Herrera, Commissioner McNulty and Commissioner Stertz and I’ve enjoyed getting to know and working with each of them. They are an outstanding group of dedicated Arizonans who sometimes have principled and heartfelt differences. That is to be expected given the way the voters of Arizona and now our Constitution have designed this commission. Nevertheless, I will continue to strive for agreement and consensus. And I know we will continue to treat each other as we would like to be treated. Even though we come from varied backgrounds and perspectives, we all want to do the best possible job, serve the public in an honorable and open manner and leave a positive legacy for our great state.
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC MEETING

Date: March 24, 2011
Time: 1:00 p.m.

Location: Medical Examiner's Room
9535 East Doubletree Ranch Road
Scottsdale, Arizona

MEMBERS PRESENT:
Colleen Coyle Mathis, Chairperson
Scott Day Freeman, Vice Chairperson
Jose M. Herrera, Vice Chairperson
Linda McNulty, Commissioner
Richard Stertz, Commissioner

Also present: Christopher Munns
Assistant Arizona Attorney General

INDEX

<table>
<thead>
<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 I</td>
<td>CALL TO ORDER</td>
<td>3</td>
</tr>
<tr>
<td>4 II</td>
<td>APPROVAL OF 2-24-11 MINUTES</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Page 1</td>
<td></td>
</tr>
</tbody>
</table>
Letterman except not as funny and only half.
So the first thing, probably one of the most
important things you need to remember as commissioners, is
not to talk about commission business outside of an open
meeting with a quorum of your fellow commissioners. All
discussions, deliberations, proposals for legal action
with the quorum of the board need to happen at a
commission meeting. So anything outside the meeting
between the quorum violates the open meeting law. And for
this commission, the quorum is three people.
Also, the open meeting law can be
circumvented by what we call splintering the quorum. That
means one person talks to less than a quorum but does so
one at a time and then passes on information from one to
the next. So you, essentially, achieve a quorum just not
all in the same place. That has also been held to be an
open meeting law violation. I don't see that happening
intentionally very much anymore. Most public servants are
honorable and don't do that.
But we do caution public officers that it
can happen unintentionally a lot, because sometimes

conversations just happen, and before you know it, you
might have -- something might have slipped out that
someone told you and you unknowingly created a quorum of
the commission. So we encourage commissioners not to talk
to other commissioners outside of the meeting about
commission business.
We do that, first, because of what I just
mentioned with the possibility of an unintentional
03-24-11 AZ Independent Redistricting Commission.txt

violation. And, second, our open meeting law enforcement
team gets tons of complaints all the time about the public
seeing people talking to each other outside the meeting if
even it's not a quorum, so it undermines public
confidence. They think that there's a lot of backroom
negotiation going on and they're not getting full access.
So we always encourage public officers, members of the
commission, to be very sensitive to that and not to talk
to other commissioners outside of a meeting.

Now, I know I'm sensitive to the fact that
sometimes there are -- conversations are necessary. It's
an appointed political position, so keeping in mind my
first encouragement, I would definitely keep it only to
one person and never try to talk to a third person about
it. I mean, you just don't want to run that risk. Even
if you're intending to keep it compartmentalized, you
never know when something might slip out. So that's one

of the hardest things I've had to deal with public
officers on, is trying to keep that -- keep everything
just for the meeting and have all these discussions at
that point.

Now, there's been a change in law a couple
years ago. I'm sure a lot of you remember maybe
Scottsdale had a training where they talked about what
board members can say to the public, and it was very much
"Please don't talk to the public about any of your
business." So the legislature actually changed the law on
that, so now commissioners can speak to the public in
other venues than in a commission meeting about positions
on sort of commission-related business. You can talk to
EXHIBIT 4
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

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

Location

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

Attending

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

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

Joseph Kanefield, Legal Counsel

Reported By:
Marty Herder, CCR
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through all the Request to Speak forms, we will move on to Agenda Item Three, which is discussion and consideration of confidential documents associated with the evaluation of responses to the mapping consultant RFP, and the review and ranking of submittal -- submitted proposals. And after consideration, the Commission may take action to award a contract to a selected firm.

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

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

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

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

Joe, did you want to --

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

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

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

CHAIRPERSON MATHIS: Thank you, Joe.

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

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

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

This is a highly specialized and unique
it was a tough decision for the rest of you.

CHAIRPERSON MATHIS: Thank you, Mr. Herrera.

Other comments from other Commissioners?

(No oral response.)

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

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

CHAIRPERSON MATHIS: Is there a second?

VICE-CHAIR HERRERA: I second that.

CHAIRPERSON MATHIS: Any discussion?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Mr. Freeman.

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

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

They both appeared personable, motivated to do
this, and certainly their presentation demonstrated a
hand, which is re-crafting the lines of the State of
Arizona.

CHAIRPERSON MATHIS: Thank you, Mr. Stertz.

Other discussion?

VICE-CHAIR HERRERA: Madam Chair.

CHAIRPERSON MATHIS: Mr. Herrera.

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

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

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

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

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

CHAIRPERSON MATHIS: Thank you, Mr. Herrera.

Any other comments, discussion?

COMMISSIONER McNULTY: Madam Chair, I'd like to
talk a little bit about each of the candidates.
So I think the public should be assured that we are doing our jobs.

CHAIRPERSON MATHIS: Thank you.

Other comments?

(No oral response.)

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

COMMISSIONER McNULTY: Aye.

VICE-CHAIR HERRERA: Aye.

CHAIRPERSON MATHIS: Aye.

CHAIRPERSON MATHIS: Any opposed?

COMMISSIONER STERTZ: Nay.

VICE-CHAIR FREEMAN: Nay.

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

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

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

My goals in sharing this Commission are pretty straightforward. They are to comply with the Arizona Constitution, the U.S. Constitution, and the Voting Rights Act. And to achieve pre-clearance ideally on our first try from the Justice Department.
I understand that there are partisan feelings and passions on all points on the political spectrum, and I'm sensitive to that.

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

Both times we've done this so far.

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

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

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

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

None of those firms is free from partisan connections. In fact, it seems it is in the very nature of
this kind of technical work, that over the course of the
career, a firm has partisan affiliations themselves, and is
hired by partisan or partisan office holders to do the kind
of work that they do.

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

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

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

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

For the sake of fairness and balance, I would have
preferred to have two of each, and I am sure having at least
two options clearly perceived to be on the Republican side, would have been the preference of our Republican Commissioners. But that was not the result of our RFP response. Only one perceived Republican firm even applied. And we had no control over that somewhat surprising result.

   So that was the hand we were dealt.

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

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

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

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

   The other made a markedly stronger case than
anyone else, and instilled full confidence. And in my view, gave the best written proposal as well as interview.

And that firm was Strategic Telemetry.

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

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

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

Speaking of presidents, I must say the fact that Mr. Strasma played a key technical role in what has been the -- what has been widely viewed as the single-most technically advanced presidential campaign in American history, is not something I view as a negative.
Since it's summer, I liken this kind of technical political work to playing major league baseball. In order to play at that level, you have to play in either the National or American league. Otherwise, you don't play at all. There are only two options.

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

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

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

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

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

If there is any perception by me or my fellow Commissioners that maps are being drawn in way that is counter to our express direction, or if the consultant is acting in anything beyond a technical capacity, we won't
hesitate to let the consultant and other Commissioners know this is not a shy group.

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

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

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

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

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

As for our Commission, I have great respect for
Vice-Chair Freeman, Vice-Chair Herrera, and Commissioner McNulty and Commissioner Stertz. And I have enjoyed getting to know and working with each of them. They are an outstanding group of dedicated Arizonans, who sometimes have punched holes in heartfelt differences.

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

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

Thank you.

(Applause.)

CHAIRPERSON MATHIS: Thank you.

Are there any other comments from Commissioners?

VICE-CHAIR FREEMAN: Madam Chair.

CHAIRPERSON MATHIS: Yes, Mr. Freeman.

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

JOSEPH KANEFIELD: Madam Chair, Commissioner Freeman, I think the motion was to direct Mr. Bladine to
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Thursday, June 30, 2011
1:14 p.m.

Location
Pima Community College - District Office
4905 East Broadway Boulevard
Building C, Room #105
Tucson, Arizona 85709

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

Raymond F. Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist
Mary O'Grady, Counsel, Osborn Maledon

PREPARED BY:
AZ Litigation Support, LLC
Michelle D. Elam, CR
Certified Reporter
CR No. 50637

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MS. O'GRADY: I'm sorry?

MR. SLENTZ: Was the contract let yesterday?

MS. O'GRADY: At this point, this is just your time to make comments and then if you have additional questions, you go follow up with that after. But this is just your time to make comments.

MR. SLENTZ: I am very, very upset that this panel would consider that no one in the state of Arizona is capable of redistricting. That you would have to go out of state to Washington to get people in here to do that job.

Recognizing the type of company that Strategic Telemetry is, how in the world can you consider them?

The reason why I would like to see the cost benefit analysis and how you came to that conclusion, because I'm not sure there's something funny that's not going on here. A company outside of the state, not in the state, winning an award, there usually has to be some very, very significant reasons why that company is selected.

My next comment would be if you have let the contract -- I wrote contracts for a major aerospace company for 30 years and administered those contracts. You can issue a stop-work notice
Bissett -- I'm sorry, Alex Bissett. He's a professional engineer, title -- sorry, representing Sun City Vistoso, subject is mapping company selection.

MR. BISSETT: That's close enough.

A-1-e-x, Bissett, B-i-s-s-e-t-t, Oro Valley, Arizona.

I'll be very brief because all of the stuff I wrote down has been said before. But there were a couple of things that jolted me in the last 24 hours. One was a phone call I got last night telling me about the decision of this Commission.

What came to mind was this is the worst decision I have heard in years, since O.J. Simpson was acquitted.

Now, I have a very simple question to ask the Chairperson -- Chairman Mathis. I hope you will answer it. This requires a yes or no.

When you examined the qualifications of the five companies considered, did you really believe that Strategic Telemetry was unbiased? A yes or no.

MS. O'GRADY: And again, this is the time for public comment and so the Commissioners' role at this point is limited to listening.
improve our situation.

    Thank you.

CHAIRPERSON MATHIS: Thank you.

No more request to speak forms?

Okay. And Mary, is it okay if I can

address just some of the criticisms since that's one

of the things --

MS. O'GRADY: Yes. As indicated on the

agenda, we can't -- the Commission can't discuss the

issues that were raised or take action, but at the

close of the public comment, you can do what's

indicated on the agenda, and one of which is respond

to criticisms. You can also refer matters to staff,

schedule them for some further consideration at a

later date.

CHAIRPERSON MATHIS: Thanks, Mary.

First of all, I really appreciate

everyone coming out and taking time out of their day

to come and address us and give us your feedback.

I know that the decision yesterday was

not a popular one, by the majority of the comments

here and that many of you don't agree with my

decision on that.

And I can only tell you I would ask you

please to read my statement from yesterday which was
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

Wednesday, August 3, 2011
1:35 p.m.

Location
Executive Tower - Pharmacy Board Meeting Room 312
1700 West Washington
Phoenix, Arizona 85007

Attending
Colleen C. Mathis, Chair
Jose M. Herrera, Vice Chair
Scott Day Freeman, Vice Chair
Linda C. McNulty, Commissioner
Richard P. Stertz, Commissioner
Raymond F. Bladine, Executive Director
Kristina Gomez, Deputy Executive Director
Buck Forst, Information Technology Specialist
Joseph Kanefield, Legal Counsel
Mary O'Grady, Legal Counsel

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could, but we felt it was necessary to advise the Commission. Again, this was July 21. It's now August 3rd.

This is the first opportunity we've had to meet with you all.

One issue that was raised with respect to the open meeting law, the attorney general obviously has authority to conduct an open meeting law investigation.

The relevant statute is 38-431.06.

And through that process he may issue -- he may administer oaths or affirmations to any person for testimony.

In other words, he can interview you all under oath as he's trying to ascertain whether or not an infraction has, in fact, occurred.

There's an issue that we raised, and one that we wanted to talk with the Commission about, and that is legislative privilege and whether or not the commissioners could invoke legislative privilege in response to an inquiry of this nature.

We shared that with the Attorney General's Office, that we are looking at that.

Your predecessors' former colleagues spent a good number of years in court litigating that exact question, and were ultimately successful in defining this body as a legislative body that enjoys legislative immunity and may
I think we -- I would not recommend that you waive your legislative immunity.

We're all volunteers, just trying to do the best we can.

And when I volunteered, I was assured that we would have protection from -- from partisan, you know, individuals. Because I didn't -- I was told last time there was -- you know, obviously there were some issues. People disagreed with certain things.

But there is nothing like it is -- what it is going on here, meaning politicians getting involved.

And it shouldn't be that way.

It shouldn't be that way that we have politicians trying to intimidate individuals, and trying to -- you know, basically intimidate.

And I will -- I refuse to be intimidated, and I will refuse to be put under oath.

Because I have nothing to hide.

What I said before, that everything was done in the open.

And as I mentioned to my attorney, and I mentioned to my attorney, Mary O'Grady, or our attorney, excuse me, that everything was done according to SPO.

And so there's no reason for them to interview me. None at all.
STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL

In the Matter of Your Appearance and Attendance Before the Attorney General or His Authorized Delegate.

EXAMINATION UNDER OATH OF RICHARD STERTZ

Phoenix, Arizona
August 24, 2011
9:03 a.m.

COPY

BY: LILIA MONARREZ, CSR, RPR
Certified Reporter
Certificate No. 50699

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INDEX

RICHARD STERTZ

EXAMINATION

Page 4

BY MR. WILSON

EXHIBITS

Page

(None offered.)
EXAMINATION UNDER OATH OF RICHARD STERTZ,

was taken on August 24, 2011, commencing at 9:03 a.m. at
ARIZONA ATTORNEY GENERAL'S OFFICE, 1275 West Washington
Street, Phoenix, Arizona, before Lilia Monarrez, a
Certified Reporter of the State of Arizona.

* * *

APPEARANCES:

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and
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(602) 798-5400

Also Present:
David L. Lakey, Special Agent
Office of the Attorney General
Phoenix, Arizona  
Wednesday, August 24, 2011  
9:03 a.m.

RICHARD STERTZ,

a witness herein, having been first duly sworn by the  
Certified Reporter to speak the truth and nothing but  
the truth, was examined and testified as follows:

EXAMINATION

BY MR. WILSON:

Q. Commissioner, could you state your name for the  
record, please?

A. Richard Stertz, S-T-E-R-T-Z.

Q. Okay. And are you represented by counsel today?  
A. I am not.

Q. Have you ever had your deposition or ever given  
a statement under oath before?

A. Yes, I have.

Q. So you know the basic ground rules as far as  
you've got to speak verbally, yes, no, answer in  
sentences or in words as opposed to uh-huh, huh-uh?

A. Yes.

Q. Nodding your head?

A. Yes, I do.
Q. Okay. Okay. If you listen to my questions carefully if you don't understand them, let me know.
If you do understand them -- or if you do answer them I'm going to assume you understood them. So anything I'm saying that isn't crystal clear to you, let me know.

For the purposes of this interview I'm going to be using the term communication or communicate numerous times. When I use that word, I mean it in the broadest sense of the word. I mean verbal, written, email, telephone, telephone messages, text messaging -- hang on just a second.

(Whereupon, there was a pause in the proceedings.)

BY MR. WILSON:

Q. So I'm going to mean it in -- mean it in the broadest sense of the word, you know, verbal, written, email, telephone, telephone messages, text messaging, anything else, any other form of communication between any two people for the purposes of conveying information.

With that I'd like to -- I understand that on June 29th --

MR. CABOU: I'm sorry, Mr. Wilson. If I can just -- it's just I wanted to clarify a few things
if that's okay with you just because of the nature of
the commissioner not having personal counsel here. So
if you permit me just a moment to make clear for
everybody some things that I think are important to Joe
and to me and to the commission.

I just want to confirm that myself and Mr.
Kanefield are here as counsel for the Arizona
Independent Redistricting Commission. Commissioner
Stertz is here without counsel. Commissioner Stertz is
here pursuant to a civil investigative demand issued by
your office and delivered to us as counsel for the
Commission on August 11. I also, because there may be
some privilege issues, I want to lay out our
understandings about that so that we can be clear.

Commissioner Stertz has informed us and we
have previously informed you that Commission Stertz has
agreed to a limited waiver of his legislative privilege
in order to answer questions here today. We understand
and have also told you that Commissioner Freeman has
agreed to a similar waiver and we're working with you
to schedule that interview.

We've also informed your office that
Commissioners Mathis, Herrera and McNulty have agreed
to be interviewed so long as your office provides
additional information, including information about the
scope of the interview, the length of the interview, the basis for the interview and some ground rules about the interview. None of these commissioners have fully waived their legislative privilege.

MR. WILSON: You know, I've let you go on for a second or two, but we're here to talk to the commissioner today and we can talk about other commission stuff at another time. Okay?

MR. CABOU: I appreciate that a hundred percent.

MR. WILSON: So let's limit it -- let's limit it to Commissioner Stertz, what's relevant to the commissioner. I'll let you go on with that. I don't really feel like talking about or want to talk about the other commissioners right now.

MR. CABOU: I understand, but I think -- I think actually what I'm about to say is going to -- is going to clarify where we stand on some of these things.

ATTORNEY GENERAL HORNE: It's all right. Let him go.

MR. CABOU: Which is that for the purposes of today's discussion Commissioner Mathis has agreed that she will allow her legislative privilege to be waived so as not to impede Commissioner Stertz's
answering of any questions about conversations or communications, to use the phrase you used earlier, between the two of them. And I want to be clear about that so that we don't have a back and forth. She's agreed to a limited waiver for that purpose for today.

I also want to be clear that by proceeding here today the commission -- and we've discussed this with your office before -- does not waive its ability to raise any objections to these proceedings, including the authority of the Attorney General's Office to proceed in this action. Our goal is to hopefully have these proceedings and have them reach a mutually agreeable resolution with your office as soon as we can.

Anything? Okay. Thank you. I appreciate the time.

THE WITNESS: May I ask a question?

BY MR. WILSON:

Q. You may.

A. I have a concern about the release of the transcript of this prior to the interview of the other four commissioners, and I wanted to have an understanding about -- in a court proceeding it would be considered sealing of the document or the request for a seal.
And in an attempt that I want to not -- I want to be able to be free flowing with our conversation today, answer any of the questions that you may have for me as completely as possible, but I'm hoping that this transcript will not be released so that other commissioners may be able to use it for coaching or reflecting of their own personal interview answers, as I'm the pioneer in this and I'm coming in freely and willingly to answer any and all questions that you might have.

ATTORNEY GENERAL HORNE: Let me say we don't want it to be used for coaching either and we'd be happy to discuss it with you, but there may be some circumstances where at least parts need to be disclosed, for example, in court proceedings or for other purposes. So --

THE WITNESS: Sure.

ATTORNEY GENERAL HORNE: It's something to best talk about later other than the fact that we agree that we don't want it to be used for coaching either.

THE WITNESS: Thank you, sir.

MR. WILSON: And I'm not sure what form of agreement you've got, if any, with the commission's lawyers that are sitting here right now. There's numerous ways that information can get out of this
room. One is on this side of the table and one is on that side of the table, and I can't do anything to control that side of the table. So we'll have to talk to you yourselves about things, but I don't know if or what the commission lawyers may say.

ATTORNEY GENERAL HORNE: We're not agreeing that it will be sealed, but we'd certainly be happy to talk about ways of avoiding the coaching effect that you are concerned about.

THE WITNESS: Okay.

BY MR. WILSON:

Q. Okay. So as I understand the situation, on June 29th of 2011 there was a commission meeting and at that commission meeting there was a vote in which a mapping consultant contract was awarded to Strategic Teleme -- Telemon -- I can't pronounce that one.

MR. KANEFIELD: Telemetry.

BY MR. WILSON:

Q. Telemetry. I cannot pronounce it at any time. Is that correct?

A. That is correct.

Q. Prior to that vote on June 29th, did you have any communications with anyone about the award of the contract or your vote?

A. Yes.
Q. And can you tell me about those communications?

MR. CABOU: I'm going to interpose an objection here to the extent that it calls for answers protected by other commissioners' legislative privilege. The selection of a mapping consultant is a core part of the commission's mission. It is a legislative act and while Commissioner Stertz is free to discuss his own speech and actions and deliberative process, the legislative privilege of other commissioners prevents him from discussing their speech, deliberations and deliberative process.

MR. WILSON: Their speech with him?

MR. CABOU: Yes.

ATTORNEY GENERAL HORNE: We don't agree with that, and you can go ahead and answer the question.

THE WITNESS: Thank you.

There was a -- the night before on the 28th there was a discussion. In the afternoon of the 28th there was a discussion between myself and Colleen Mathis, the chair of the commission. There was also a discussion between myself and Commissioner Freeman regarding the qualifications of the mapping consultant. The following morning on the morning of the 29th there was -- I received a phone call approximately 10:25,
10:30 on -- I forgot if I have the exact time in my telephone records -- that -- from Chairman Mathis and she asked -- and we had a discussion.

BY MR. WILSON:

Q. Okay. Tell me about the conversation with Chairman Mathis on the 28th which I think was the first one you mentioned.

A. The first conversation was the afternoon of the 28th which was a -- an attempt to outline her desires to have a better outpouring or an outcome to the selection of the mapping consultant, more of a -- and I'm saying that she was hoping to have a 5-0 vote.

Q. And she said that she was hoping to have a 5-0 vote or how did you reach that understanding?

A. She says, I would like to have a 5-0 vote.

Q. Okay. What else did she say?

A. That conversation is less -- because I did not take notes during that conversation, it was more congenial and discussive about what the actions of the following day were going to be. The following morning the conversation is -- which was the morning of the 29th, I was -- I received a phone call from Chairman Mathis where she reiterated that her goal for the day was a 5-0 vote and she wanted to -- she was asking me for her -- for the vote in the affirmative for
Strategic Telemetry.

I then answered the -- I then asked her this question. I said, Colleen, is this a quid pro quo?

And her answer to me was, there will come a time down the road when you will -- there will be a tough decision to be made and you will need my vote.

And I asked her again to make sure that it was clear, Colleen, is this a quid pro quo?

And she said -- she reaffirmed the same answer.

And I said, Colleen, I now -- I will tell you what my concerns are and I have five points of concerns about Strategic Telemetry, and I outlined what those five concerns were and that she would not -- she should not expect me to be a supporter of this mapping consultant for those five reasons.

Q. Okay.

A. As she was going through that I asked her whether or not -- how she started the conversation as we moved through that, I asked her what her prior thoughts were or if she had discussed this with other commissioners, and she had said she had just hung up the phone with Commissioner Freeman. I said, if you are looking for a 5-0 vote, am I the fifth vote? And she said she did not have an answer from Commissioner Freeman.
And that's the best of my recollection because during the course of that conversation I was taking notes to try to get a clear understanding as we were entering into what the next phase of the discussion would be which was going to be the selection of the mapping consultant.

Q. Do you still have those notes?
A. I do.

Q. And I think those notes would fall within the description of records in the investigative demand, but could I get a copy of those notes?
A. And they will be -- our -- the counsel for the commission has requested that all of my notes and documents be submitted through them for potential redaction of any information that may not pertain to this testimony.

MR. CABOU: I also want to be clear that counsel for the commission has asked all commissioners to submit their documents to us and we have not gotten any documents from Commissioner Stertz.

BY MR. WILSON:

Q. Okay. Other than what you've told me so far about the phone conversation on the 29th, was there anything else said, to your recollection?

MR. CABOU: Can you be a little more
specific as to when anything else might have been said?

MR. WILSON: During the phone conversation of the 29th.

MR. CABOU: Okay. Thank you.

THE WITNESS: It was a -- approximately a half an hour conversation, and it was a continued attempt to persuade me that a 5-0 vote was imperative. And I outlined five -- my five significant reasons about what the outcome would be from the perception of the -- not only the perception of the public but the -- what my views of this consultant would be which included that they -- the value of their proposal was twice as much as the second contractor; that they had already told us that they were going to be doing -- writing the maps -- designing the maps out of state in Washington, D.C. and their office is there; that this was a consultant that primarily dealt with -- almost one hundred percent of their -- of their client list were -- were heavily partisan; that they were in the middle of working for the DNC and the DNCC in the recall of micro targeting in the state of Wisconsin which is the state that I'm from, so I have to take -- I take sort of a personal issue with what's going on in Wisconsin, among other things.

So it was a -- it was a conversation that
was -- that started in a particular way and then ended
with me continuing to reiterate that there are five
specific issues that I wanted to -- that were
preventing me from moving down the path that I was
being asked.

BY MR. WILSON:

Q. And then during that phone conversation either
you or she mentioned Commissioner Freeman.

Is that correct?

A. She mentioned Commissioner Freeman.

Q. And what did she tell you about Commissioner
Freeman?

A. Well, I had asked her the question. I said, have you spoken to the other commissioners?

And she says, well, I just got off the phone
with Scott.

And I said, did you -- did you get -- did Scott
give you any information about how he was going to
vote?

She said, no, that she did not expect that he
was going to -- she did not give -- she did not convey
to me that he gave her a yes or a no of how he was --
how he was going to be voting.

Q. Okay. Is that -- go on.

A. I said -- I then went on to ask her, how did we
determine that this was going to be a 5-0 vote if
you're only talking to Scott and myself, if you haven't
talked to the other two commissioners? That question
she did not answer.

Q. Did you have an understanding at that time of
what the vote would be?

A. I had an understanding that I was voting no;
that there was an unknown vote for Mr. Freeman because
she had -- she had said that there was an unknown vote
from Mr. Freeman and that she was asking me the
question with the anticipation of a 5-0, which means
I'm now -- there's now an unknown and a no. So I now
knew that at least that there was three no and an
unknown.

Q. In the process of awarding the contract, as I
understand the situation -- and I'm not going to ask
you about the particulars of what I'm getting into
right now, but I'm going to ask you generally about
communications regarding it. I understand that the
commissioners filled out scoring sheets on the various
vendors.

A. That's correct.

Q. Would anyone have a reason -- when did you
disclose your scoring sheet to the other commissioners?

A. There were -- there were two sets of scores that
were done. Under authorization of the commission the
State Procurement Office managed the request for
proposal process. I was intimately involved in the
crafting of the request for proposal as well as the
scoring sheet. The scoring sheet was developed and was
sent along with the request for proposal to -- out on
to their State Procurement Office program which is an
online delivery system for proposals.

The proposals were expected to be returned by
June 9th at which time the commission was to -- which
was to receive those proposals. We each received them
electronically. I received mine via overnight mail on
a weekend so I had the weekend to peruse these. They
were delivered to me on a secure confidential disc. I
reviewed them. The scoring sheet that we were also
provided was provided -- the scoring sheet that we were
using was approved by the commission to score.

We then brought our -- it was the agreement with
the State Procurement Office to send those scoring
sheets along with our comments to the State Procurement
Office the night of the 14th of June, at which time on
the 15th of June the results of the compilation of
those scores would be revealed during our executive
session in anticipation of bringing the scores together
and defining and selecting what would be considered a
short list of consultants or mapping consultants for interview.

Q. Did anyone discuss with you your scoring sheet outside of a regularly scheduled meeting?

A. No.

Q. Okay. I believe that Commissioner Herrera at the June 29th meeting during the open session made a statement. I think it's on page 41 of the transcript, and in that statement he was talking about how Strategic Telemetry was not his first choice but through negotiation and compromise he decided to vote for Strategic.

Do you know who Commissioner Herrera was cooperating with? Do you have any reason to know?

A. Could you clarify the question, please?

Q. He -- Commissioner Herrera in his public statement during the meeting of the 29th on page 41 stated, I want to state for the record that Research Advisory Services was my Number 1 choice. I thought the proposal was impeccable. Every RAS districting plan that has been precleared -- plan has been -- that has been precleared DOJ on the first submittal. Their interview was top notch. I think Mr. Sessions answered every question honestly and was very detailed. The proposal time was very realistic. You know, they
proposed a collaboration with IRC legal counsel.

Everything -- every question we asked of RAS was
answered, was answered well even during the tough
examination. So I -- they would be my Number 1 choice.

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

Do you know of any -- any negotiations?

A. To answer that question specifically -- may I
answer --

Q. However you feel appropriate.

A. I want to extrapolate a bit because I recall
the -- as you are reading that statement that was made,
it's contradictory to his public score, both -- his
public score actually did not select RAS. The score
that was actually placed public and is on the
commission's website right now, it does not have RAS as
his first choice. So I am now recalling that he had
said that RAS was his first choice.

Q. But you have no knowledge of any negotiation?

A. No, I do not.

Q. How about compromise? Any knowledge of any
compromise?

MR. CABOU: I'm going to object again on
the grounds of legislative privilege. He's being asked
to speculate about what Commissioner Herrera may have
said to whom.

MR. WILSON: I'm just asking him what he knows about it.

MR. CABOU: And to the extent that he's testifying about someone else's deliberative process the commission maintains that it is a legislative privilege and that he can't talk about it.

ATTORNEY GENERAL HORNE: They make objections for the record, but you can still answer the questions.

THE WITNESS: I understand. And, again, because I don't know -- I don't know what was going on in Mr. Herrera's head, I was not -- the answer to the question is I was not a witness to any compromise or collaboration that was taking place.

ATTORNEY GENERAL HORNE: Okay.

BY MR. WILSON:

Q. Have you --

MR. WILSON: If we can take a couple minute break.

(Whereupon, a recess was taken in the proceedings.)

MR. WILSON: If we can go back on the record.

///
BY MR. WILSON:

Q. Commissioner, just a few more brief questions and I think we'll be done for the day.

You mentioned a couple of minutes ago Commissioner Herrera's scoring sheets and that he gave 100 percent, I think you said, of the score to Strategic.

Do you have any --

MR. CABOU: I'm just going to object. I don't think he said that, but you are free to characterize his comments anyway.

MR. WILSON: Okay.

BY MR. WILSON:

Q. Do you have any reason to know why three of the commissioners scored 100 percent for Strategic?

MR. CABOU: I'm going to object to that.

MR. WILSON: 100 percent of the points?

MR. CABOU: I'm going to object to that again on the grounds that it calls for an answer that's protected by the legislative privilege. It also calls for him to speculate about what three other people were thinking. It's clearly within the bounds of the legislative privilege.

ATTORNEY GENERAL HORNE: You can answer.

THE WITNESS: In open session Commissioner
Herrera went on the record and said that he has -- he
had concern that he was going to give his score high to
offset any potential low ball scoring by the Republican
commissioners. So my speculation is not mine. It's a
statement that he put on the record.

It was -- it was disconcerting to me as a
commissioner in a citizen's commission to after the
deliberations were complete and after the scoring
sheets were completed and I read them on -- they were
actually not released to us to review inside of
executive session. Until the contract was actually
awarded they did not become public and when they were
public, I had the opportunity to go back and to review.

And knowing how intimately I was involved
in crafting the request for proposal and the scoring of
the request for proposal, I was -- I was surprised
that -- by the -- by three perfect scores that were
given by the chair and the two Democrats on the
commission for this particular firm based on the
criteria on the request for proposal. I do not know
how they deliberated. I do not know if they
deliberated together or alone. I was just purely and
frankly surprised.

BY MR. WILSON:

Q. In reviewing the statement from -- or the
transcript from June 29th, Chairperson Mathis comes out of executive session and she makes a statement. I've been led to believe that that statement may have been read from a prepared statement. You were at the commission meetings.

Was it read from a prepared statement?

A. Yes, it was.

Q. Did you see Commissioner -- or Chairperson Mathis preparing that statement in executive session?

A. No, sir. It was pre-prepared.

Q. Thank you.

Strategic Telemetry gets a vote that awards the contract to them on June 29.

A. That's correct. May I correct that?

Q. Yes.

A. There was a motion made on June 29th to give the authority to the executive director to negotiate -- to enter in negotiations with Strategic Telemetry on June 29.

Q. And then what happened?

A. Subsequent to that the executive director believed that -- believed that he had authority to negotiate and enter into a contract with Strategic Telemetry prior to bringing that contract and those revision terms back to the commission for review or
approval.

Q. And to your knowledge, when was the contract actually entered into?

A. Sometime between the 29th and the 6th of July. It was done over the holiday weekend.

Q. So on June 29th the commission votes to allow the executive director to start negotiation or finish up the contract, whatever the appropriate characterization is in that -- in that case, and then there's a meeting the next day in Tucson, the 30th, where Strategic is at the meeting.

Is that correct?

A. The meeting was in Tucson. The meeting was -- I'd have to recall if there was -- whether the representatives of Strategic Telemetry were there or not. The -- I'd have to go back to look at my notes for the 30th. I wasn't prepared to look back on the 30th.

Q. You don't recall? Okay.

A. It would be in the minutes of the -- of the 30th. They -- to the best of my recollection, there was no presentation that I recall. There was a large crowd that was unhappy about the decision that was made.

Q. Okay. We have been undertaking a process to try
to -- we, the Attorney General's Office, have been undertaking a process to try to determine what has happened as to the award and any open meeting law issues that may have happened.

Are you aware or have any knowledge of any situation or any facts that would indicate there's been an effort to hinder or delay of that investigation, hide facts?

ATTORNEY GENERAL HORNE: Or cover up facts.

THE WITNESS: Could you --

BY MR. WILSON:

Q. We've been --

A. -- expand on that? I will -- I'll answer in a couple of ways. I received an email the day before I left on a ten-day vacation of a delivery of service that was addressed to the -- one of the -- one of the attorneys for the commission, Mary O'Grady.

MR. CABOU: I'm going to just ask that you proceed cautiously in discussing any communications that are protected by the commission's attorney-client privilege which Commissioner Stertz is not authorized to waive. That's a privilege held by the commission.

THE WITNESS: The delivery of service -- maybe you can explain to me where I would be walking on thin ice speaking about a delivery that was made from
Mr. Wilson to our attorney that was then emailed to me.

MR. CABOU: And the fact -- the fact that you received it shortly after counsel received it is certainly fine. We don't claim a privilege over the fact that you were given the documents that were delivered to commission counsel the day it was given to us.

THE WITNESS: Okay. So I received that as we were -- and actually read it -- read that while I was on the way to Durango with my -- with my -- which was the request of a list of documents that you've provided and a request to be interviewed last week, Wednesday at 1:00 o'clock.

BY MR. WILSON:

Q. Okay. So that was the formal written investigative demand --

A. Correct.


A. Correct. I subsequently during the course of that notified our counsel to advise -- to make the request that I was unavailable to deliver those documents; that I -- there was two things that I had a question about was whether or not --

MR. CABOU: I'm going to -- I have concern that we are going to discuss attorney-client privileged
communications which he can't do and which he can't
waive and which we can't allow him to answer.

THE WITNESS: And I don't -- and I don't
think that I'm going to.

MR. CABOU: Okay.

THE WITNESS: I will walk very cautiously
and I understand that the discussions that we have are
privileged even though as a commissioner and as you are
representing the commission. My discussions right now
are as an individual citizen, and my first question was
whether or not an attorney representing the commission
has the authority to act as my statutory agent for
receipt of -- of these documents. That was a question
that I've asked. I don't think that that's -- I don't
think that's in conflict or any release of
attorney-client privilege.

MR. CABOU: To the extent that question was
posed to commission counsel in its role as commission
counsel it's protected by the commission's
attorney-client privilege.

THE WITNESS: Okay. So I'll speak as an
individual and say that I received these as an email
delivery to me, and I requested that the -- that some
latitude and some flexibility be given along with the
fact that not only I was going for ten days but, also,
we had a -- a very -- a very full and complete
schedule.

I also said -- have said numerous times we
can -- I will meet at whatever time and place that we
can that's convenient as best as we can to coordinate
it and I've come forward as the -- as an individual to
say it is -- it is really important, I think, from the
public's perception, from the public's perspective to
get some transparency and clarity to the -- to the
cloud that is -- that is hovering and the faster that
we get to whatever the end result is, okay, the better.
Whatever that -- whatever that result is.

And, therefore, I have put myself out there
to say I am here to come talk to you; I will get you
the documents after they go through the proper
procedures to be delivered to you, but as a -- as a
citizen's commission we're also doing other things in
our lives other than this. Their attorneys working for
the commission, they've taken this file on pretty much
as their individual books for this. You not so much,
but Mr. Kanefield is spending a lot -- an enormous
amount of time on this.

So from my perspective even though it was
intimated earlier that I'm not delivering documents
to -- I actually honestly took a little bit of -- I
felt that that was a bit of a rub and I don't -- and
I'm not looking for that. I know that you are stating
a fact, but there's also -- there's other -- there's
other issues involved.

I wanted to have this conversation so that
I had a clear understanding and I also wanted to get a
feel for what you guys -- what your intentions were
going to be of whether or not the commission -- the
attorneys for the commission were going to be working
in -- how we were going to be working together. So I
need to -- so that's why I am where I am right now.
So --

BY MR. WILSON:

Q. I think I understand.

A. Thank you.

Q. So a copy of the written investigative demand is
forwarded to you.

Prior to that time, did you know that the
Attorney General's Office wanted to speak with you?

A. Yes.

Q. Do you know of any efforts to cover up any
facts?

A. Can you --

Q. Slowing the process down intentionally,

destroying documents, not delivering documents that
people have, anything.

A. As it pertains to which aspect of this investigation?

Q. The open meeting law, issues that we've talked about today related to the mapping consultant contract and then the mapping consultant contract award.

A. Are we talking about from the 29th forward or are we talking about from the 15th of June forward?

Q. Let's go from the 15th of June to the 29th.

A. Okay.

Q. Or let's just go prior to the 29th.

A. Has there been a review of the transcript of the 29th done by the AG's office yet of the executive session?

Q. There has.

A. Then you are aware that in the -- in the June 15th that there's a discussion, a statement by the Chair saying that -- that documents have been shredded and we're back in open session or we're back in executive session.

Q. Okay. Anything else?

A. That's the best of my knowledge.

Q. Okay. And those documents were the procurement records related to the review of the proposals?

A. On behalf of myself I did not move my documents
forward to be destroyed.

Q. So you still have all of yours?
A. I still have all of my documents.
Q. And if would you provide those to counsel so they can provide those to us as well, I would appreciate it.
A. I will do so.
Q. Okay. After the 29th or the 29th and after?
A. Not to the best of my knowledge.
Q. Is there anything -- I know you haven't had much time to think about this, but now that we've gone through this process is there anything that you said previously that you'd like to change, say it a little different, add something to, thinking back on your answers?
A. Well, there are two things. During the -- during the discussion of -- during the telephone discussion that I was having on the morning of the 29th with Chairwoman Mathis, there was -- it was on speakerphone and I was aware there was another party that was -- that was listening to the conversation.
Q. And do you know who that was?
A. Because I was -- happened to be watching, I was in the -- in my car and they were in their car, it was -- it was herself and her husband Chris.
Q. Okay.

A. So it was the -- and subsequently to my conversation with Chairwoman Mathis, I called Scott Freeman because I was surprised by the tenor of the conversation. I wanted to ask him whether or not he had actually given her a vote or -- you know, I was uncomfortable with what had just taken place and I wanted to share that with him.

I have not had any conversation with either Linda McNulty, who is my -- actually, she's my neighbor. We live two blocks from each other and our daughters went to middle school together so we've known each other for a long time. I've had no conversation outside of hearing, other than being cordial, with either her or Commissioner Herrera.

Q. Is there -- hang on for just a second.

Is there anything else that I should have or could have asked you today that I haven't asked you that would be relevant to the topic of the meeting on the 29th, any sorts of conversations about the meeting prior to or after, anything like that -- the procurement, anything that I should know about that I haven't been smart enough to ask you about?

A. In a broader -- in a broader view, my involvement of getting involved with this commission
was to -- was to do something that is not altruistic. I don't believe in altruism. I believe that that's a misnomer in the world. I believe in fairness, and I believe in the independence of this body. And I believe that giving everybody a clear and precise and concise understanding of what is right and what is wrong is part of what my personal DNA has evolved to over my life.

And when I get concerned about how certain things become -- instead of being result oriented become -- the determination is made prior to, I get concerned, and that's not what the intent of this commission was. I don't think that that's -- what the crafters had written in 1999 when this was put together. I don't believe that that's what the State of Arizona voted on, and I don't -- so from my perspective as we move forward, it is incumbent upon this commission to become as clear and as transparent and as participatory and as fair knowing that there is no way that somebody isn't going to like the outcome of our work product, but at least if everybody doesn't -- doesn't like it then the job that we did was fair.

Q. Very good.

MR. WILSON: I think that's --

ATTORNEY GENERAL HORNE: Wait a minute.
(Whereupon, there was a pause in the proceedings.)

BY MR. WILSON:

Q. Do you know of any indications of decisions being made prior to the actual vote than what you testified to today?

I don't know if that question is as clear as I should make it.

Do you have -- well, if you understand it --

A. I understand the question. I'm surprised that Jay isn't objecting.

MR. CABOU: I'm not sure I understand the question so maybe I should ask for it to be rephrased.

BY MR. WILSON:

Q. Is there any indications of any decisions being made prior to the vote on June 29th regarding the mapping consultant contract? Do you know of any indications?

ATTORNEY GENERAL HORNE: You can answer the question.

THE WITNESS: I will.

MR. WILSON: You can answer.

MR. CABOU: That's a yes-or-no question.

THE WITNESS: Yeah.
BY MR. WILSON:

Q. Other than what you've testified to.

A. Well, not -- it's actually not a yes-or-no question.

MR. CABOU: Well, the question is do you know of any.

THE WITNESS: The answer would be yes.

BY MR. WILSON:

Q. And what do you know?

MR. CABOU: And to the extent that that answer would violate any other commissioners' legislative privilege, we object. If you're about to reveal the internal deliberations, the deliberative process or legislative acts of another commissioner I'd ask that you not answer the question and respect the privilege of those commissioners.

ATTORNEY GENERAL HORNE: But you can still answer.

THE WITNESS: And the question is is that when -- that the score sheets that were turned in were predetermined and were three identical score sheets of -- and those are not privileged and they are public record. So I'm not disclosing anything that the public doesn't already know. The public knows that there were three 100 percent, you know, 700 out of 700 points
scored for by three commissioners on one particular consultant.

You can -- it is -- it is impossible for me as an individual to know what goes through the minds and the individual deliberations of anybody else. I do not -- my crystal ball is broken. I don't know what goes through their minds. I find it strangely odd that there were three perfect scores for this particular consultant, and I am concerned that knowing how the RFP was crafted and knowing the skill set of the consultants that were proposing that the ability to have a perfect score would be if -- not being intellectually dishonest, okay, would be impossible to achieve.

And I say that because in the request for proposal there are certain criteria that needed to be met where if a particular consultant could not provide that it would have provided a reduction in score.

MR. WILSON: Okay.

THE WITNESS: So therein lies my dilemma.

I do not -- I do not and will not ever try to reflect back on the contemplation of anyone else, only -- I can only give testimony based on what I know and what I've heard or seen that would not conflict with what was taking place in private deliberations.
MR. WILSON: Very good. Thank you.

Anything else?

ATTORNEY GENERAL HORNE: That's it. Thank you very much.

MR. WILSON: Thank you. That's it.

(Whereupon, the proceedings concluded at 9:52 a.m.)
STATE OF ARIZONA

COUNTY OF MARICOPA

BE IT KNOWN the foregoing examination under oath was taken by me pursuant to stipulation of counsel; that I was then and there a Certified Reporter of the State of Arizona, and by virtue thereof authorized to administer an oath; that the witness before testifying was duly sworn by me to testify to the whole truth, pursuant to A.R.S. Section 41-324(B); pursuant to request, notification was provided that the examination under oath is available for review and signature; that the questions propounded by counsel and the answers of the witness thereto were taken down by me in shorthand and thereafter transcribed into typewriting under my direction; that the foregoing pages are a full, true, and accurate transcript of all proceedings and testimony had and adduced upon the taking of said examination under oath, all done to the best of my skill and ability.

I FURTHER CERTIFY that I am in no way related to nor employed by any of the parties thereto nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 29th day of August, 2011.

LILI MONARREZ, RPR, CR #50699

Coash & Coash, Inc. 602-258-1440
EXHIBIT C
STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL

In the Matter of Your Appearance
And Attendance Before the
Attorney General or His
Authorized Delegate.

EXAMINATION UNDER OATH OF SCOTT DAY FREEMAN

Phoenix, Arizona
September 1, 2011
3:29 p.m.

Reported by: Deborah Cleary, RPR/CR
Certified Reporter
Certification No. 50663

(COPY)

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INDEX

WITNESS

SCOTT DAY FREEMAN

Examination by Mr. Wilson


**  **  **

EXHIBITS MARKED

EXHIBIT

DESCRIPTION

(No Exhibits were marked)
THE EXAMINATION UNDER OATH OF SCOTT DAY FREEMAN was
taken on September 1, 2011, commencing at 3:29 p.m. at the
Office of the Attorney General, State of Arizona, 1275
West Washington, Phoenix, Arizona, before Deborah Cleary,
RPR, CR, a Certified Reporter in the State of Arizona.

* * *

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Coash & Coash, Inc. (602) 258-1440
SCOTT DAY FREEMAN,
a witness herein, having been first duly sworn by the
Certified Reporter to speak the truth and nothing but the
truth, was examined and testified as follows:

EXAMINATION
BY MR. WILSON:
Q. Commissioner, could you state your name, please.
A. Scott Day Freeman.
Q. And are you represented by counsel today?
A. Well, no. There were two lawyers here representing the commission. I am not individually represented.
Q. As I understand it, aside from being a commissioner, you're also a lawyer?
A. Yes, sir.
Q. So you understand the basic rules of testifying and giving sworn statements?
A. Yes.
Q. Verbal answers, no shaking of the head yes and no and that kind of stuff?
A. Yes.
Q. The one thing I will mention in that line -- I'll skip over the others since you're familiar with them -- but for the purposes of this interview, I'm going to be
using the term "communicate" frequently. When I use that
term, I'm going to mean it and use it in the broadest
sense of the word. So I'm going to use it for any verbal,
written, e-mail, telephone, telephone messages, text
messaging, any other similar forms of communication where
you're attempting to convey information or two people are
attempting to convey information to each other.

A. I understand.

Q. I understand that on June 29th --

MR. CABOU: I'm sorry to interrupt. But lawyers
being lawyers and having to do what we have to do, I just
want to confirm a few things for the record.

First of all, as Commissioner Freeman mentioned
earlier, Mr. Kanefield and I are here as counsel for the
Independent Redistricting Commission. Commissioner
Freeman is here without counsel. He is here pursuant to a
civil investigative demand that was delivered to
commission counsel on August 11th, and we certainly want
to say that we appreciate the flexibility in scheduling
this around Commissioner Freeman's schedule.

Commissioner Freeman has informed us, and we've
previously informed you, that he's agreed to a limited
waiver of his legislative privilege in order to answer
questions today. And we also want to confirm that
Commissioner Mathis has agreed to a limited waiver of her
legislative privilege to the extent that it would be implicated by any of your questions or Commissioner Freeman's answers we've previously covered in the examination of Commissioner Stertz and won't cover before the current status of the interviews of Commissioners Mathis, Herrera, and McNulty.

Finally want to confirm to you -- confirm that the commission through counsel has previously expressed our desire to work through this and get the commission back to its goal of drawing lines for our state.

Our goal is to continue unimpeded with that work, and we have not sought any judicial review of this process and these interviews only because of your office's assurance that the commission waives no objections by having one of its members testify today or in the testimony of Commissioner Stertz.

Specifically, and notwithstanding his presence here today, the commission objects now and reserves the right to object later to these proceedings including the authority of the attorney general to conduct this investigation to the applicability of the open meetings law to the commission. We understand those are open questions, and we simply want to make clear for the record that those are open questions and by participating today, we are still reserving our right to object to those things
later in an appropriate forum. Thank you.

Q. (By Mr. Wilson) Commissioner, as I understand it, on June 29th, 2011, the commission had a vote to award the -- what I know as the mapping consultant contract; is that correct?

A. The vote was to authorize the executive director to negotiate a contract with Strategic Telemetry as the mapping consultant.

Q. Now prior to that vote, outside of the open -- of an open meeting setting where you've got an agenda and things have been posted outside of that open meeting setting, has anyone -- has any commissioner talked to you about your vote previous to that meeting?

A. When you say "my vote," you mean --

Q. How you would vote.

A. -- how I would vote?

Q. Or how they would want you to vote.

MR. CABOU: Why don't we take this one question at a time.

A. I'm thinking about it because I want to get the answer right. I think the answer to that is yes.

Q. (By Mr. Wilson) And who would that be?

A. That would be Commissioner Mathis.

Q. And when was this to the best of your recollection?
A. To the best of my recollection, it would have been the morning of June 29th before our hearing.

Q. Was it done in person or on the telephone?

A. Telephone.

Q. And what was said during that conversation to the best of your recollection?

A. To the best of my recollection, as I sit here right now, the conversation concerned Commissioner Mathis expressed her support of Strategic Telemetry and she desired -- she expressed a desire for a unified front, that the commission vote unanimously in favor of the award, the contract award to that firm. And she wanted my support on that, and I did not tell her how I -- how I would vote. However, I did say that -- I do recall saying that that was a very tough thing to ask me to do, which is about as far as I went on that score.

The -- I recall that she said that she did not know how Commissioners Herrera or McNulty would vote. And I recall that I told her that I did not know how Commissioner Stertz would vote. I recall that, although I don't remember the words exactly, I recall developing an understanding that I believed she was going to call Commissioner Stertz before the hearing. And I recall that I expressed reservations about that because we would be meeting as a commission in just a couple of hours and
thought that that would be the most -- more appropriate
time to do that.

And as I sit here right now, that's probably the
limits of my recollection. If I think of something later,
I'll let you know, but that's about what I recall from
that conversation.

Q. Did you convey to Commissioner Mathis that you
thought it was inappropriate for her to be calling
Commissioner Stertz at that time?

A. I don't recall whether I used the word
"inappropriate." But I did convey that I thought that --
I definitely conveyed that I was unsettled by that that
she was going to -- it was my understanding she was going
to have that subsequent phone call with her. And that's
why I told her that -- that I thought it would be better
that since we were just going to be meeting in a couple of
hours that the conversation take place then.

Q. Did you explain to Commissioner Mathis why you
were unsettled?

A. Beyond what I've related to you, I don't think
so. And as I sit here right now -- well, I -- that's the
limit of my recollection is what I've told you --

Q. Okay.

A. -- in terms of why I was unsettled.

Q. How long was the conversation?
A. I don't recall specifically, but I would -- I would -- it was certainly less than 30 minutes, probably closer to a 15-minute conversation.

Q. And the only thing that you discussed during that conversation was the vote on the contract, or were there other topics?

A. To the best of my recollection, the conversation, the subject matter of the conversation was focused on the upcoming hearing that day in which the commission was going to be considering the vote on the mapping consultant, so it was focused on that issue.

Q. Exclusively or --

A. I recall something else about --

Q. Okay.

A. -- another detail, just to complete my answer. I recall that Commissioner Mathis told me that I could vote for Strategic Telemetry and explain my vote and say that -- express reservation, whatever reservations I had, and that I -- I would state to the public that I would be a commissioner that would be watching the mapping consultant carefully because I had those reservations but because I wanted the commission to proceed in unity that I was nevertheless going to vote for the Strategic Telemetry.

Q. Did Commissioner Mathis make any suggestion to you that you might need her vote in the future?
A. I don't recall it being said like as you stated it. Something similar to that was said but not quite the way you stated it.

Q. And how do you recall it being stated?

A. That -- it was simply that by proceeding uniformly that in the future the commission would have -- be making lots of decisions and potentially making -- taking other votes and that -- that there might be times in the future where, you know, I needed a third vote. And I'm probably not capturing it exactly the way it was stated, but that's the best. To the best of my recollection, it was -- it was something fairly vague along those lines.

Q. But your understanding was that she was suggesting if you helped by voting unanimously on this issue, there would be a time in the future you'd need that third vote and she would help you by making that vote?

MR. CABOU: I think that misstates the testimony, but I understand you're asking him to clarify.

MR. WILSON: I'm trying to figure -- make sure I understand it.

A. Right, and that's not quite that way.

Q. (By Mr. Wilson) Then say it -- then say it the way it's appropriate.

A. And I'm trying to, and I hope you understand I'm
just trying to articulate my memory accurately as best I can.

It was that in the future there would be other votes the commission would take and that there might be times when -- when -- when I might need a third vote. I think that's kind of the way I said it before, but basically the impression -- it was a very -- it was a very -- it was a vague comment that was made. But the impression I took away from it was by proceeding in a unified front now with a 5-0 vote with me expressing whatever reservations I might have concerning the political background of the mapping consultant that there might be votes in the future where I would need -- I would be on the side of an issue where I was looking for at least a third vote and that I guess the impression I had was that there would be a greater willingness to listen to me, not a commitment to vote with me, but a greater willingness to listen to me on those issues.

Q. I don't want to ask you right now about the -- or at all about the substance of what you placed on your scoring sheet. Okay? So as I understand it, each commissioner filled out a scoring sheet on each of the four vendors that had proposals?

A. Prior to the June 29th hearing?

Q. Prior to the June 29th hearing. I'm sorry. Is
that correct? You filled out a scoring sheet?

A. I filled out -- yes, that's correct.

Q. And, again, I don't want to know or ask you about the substance of what you did or why you did it on the scoring sheet. But when did you turn in your scoring sheet?

A. Turn in, sent?

Q. To the commission, to anyone other than yourself. When did you turn it in to the -- whoever was collecting the scoring sheets from commissioners?

A. I want to say the day before, but it might have been after midnight on the 29th. Sometimes I have to do this work in the middle of the night.

Q. When did you have an opportunity to review the scoring sheets from the other commissioners?

A. The actual physical sheets?

Q. Or learn information that was on them. Let's start with the actual physical sheets.

A. I don't believe I saw the actual physical sheets until much after -- after there was a public records request.

Q. After the -- okay. So some time after the meeting of the 29th?

A. Correct.
A. 
Q. 
A. 
Q. 
03:45:27 1
03:45:29 2
03:45:29 3
03:45:35 4
03:45:36 5
03:45:37 6
03:45:41 7
03:45:46 8
03:45:50 9
03:45:52 10
03:45:54 11
03:45:56 12
03:45:58 13
03:46:00 14
03:46:02 15
03:46:04 16
03:46:06 17
03:46:08 18
03:46:10 19
03:46:12 20
03:46:14 21
03:46:16 22
03:46:18 23
03:46:20 24
03:46:22 25

MR. CABOU:
THE WITNESS:
MR. CABOU:
THE WITNESS:
A.
Q. (By Mr. Wilson) Prior to the June 29th meeting, did you discuss scoring sheets with any other commissioner outside of an open meeting?

A. Discuss scoring sheets, that's --

Q. What would be --

A. -- very broad.

Q. I'm asking it in a very broad sense right now, so outside of an opening meeting. If it occurred in an opening meeting, that's one thing and let's put that aside. But other than in an open meeting, did you discuss the scoring sheets or scores with any commissioner?

A. Well, let's start just broadly with the scoring sheets. I have no doubt that I had a conversation or
conversations with Commissioner Stertz about the format of
the approach that should be taken in evaluating the
vendors basically. Should it be a general approach?
Should it be a specific approach to, you know, broken down
by categories. But the specific conversations, I don't
recall.

In terms of what my scores were, my scores, I did
not decide on until midnight or whenever it was when I
reviewed it and sent it off to SPO. And I don't recall
hearing about any other commissioners' scores. In fact, I
can say definitively I did not know any other
commissioner's scores until after that June 29th hearing
until they were made public.

THE COURT REPORTER: What was the last part?

THE WITNESS: Until they were made public.

Q. (By Mr. Wilson) Which would be after the June
29th meeting?

A. Correct.

Q. During the June 29th meeting, Commissioner
Herrera stated on the record, I guess on page 41, and I
can read it to you if you don't remember, he stated on the
record that Strategic Telemetry was not his first choice,
but he was voting for Strategic in a spirit of cooperation
and negotiation.

Do you remember that statement on the record, or
should we read the transcript?

A. I don't remember the specific statement, but I do recall him using the word "negotiation" or some variant of the word "negotiation." That stuck with me.

Q. On page 41 of the June 29th transcript of the commission's open proceedings, Vice Chair Herrera says:

"I want to state for the record that Research Advisory Services was my number one choice. I thought the proposal was impeccable. Every RAS district plan that has been precleared DOJ on the first submittal, their interview was top notch. I think Mr. Sissons," Sissons, S-i-s-s-o-n-s,

"answered every question honestly and was very detailed.
The proposed time line was very realistic. You know they proposed a collaboration with IRC's legal counsel.

Everything, every question" was -- "we asked of RAS was answered, was answered well, even during tough examination. So I -- they would be my number one choice.

However, in the spirit of cooperation and negotiation, I'm willing to support Strategic Telemetry."

Do you have any knowledge of who Commissioner Herrera was cooperating with?

MR. CABOU: We're objecting to that.

Commissioner Herrera hasn't waived his legislative privilege if his cooperation was -- if there was any cooperation, he presumably had it with someone. And we
Q. (By Mr. Wilson) Okay. You can go ahead and answer the question.

MR. CABOU: That's okay.

A. I don't recall.

Q. (By Mr. Wilson) Do you have any knowledge of who Commissioner Herrera was negotiating with?

MR. CABOU: Same objection.

A. No.

Q. (By Mr. Wilson) Were you in any open meeting where Commissioner Herrera negotiated with other commissioners over Strategic and RAS?

A. Not that I can recall.

Q. Were you in any open meeting where Commissioner Herrera, through discussions or otherwise, was cooperating with other Commissioners in his selection of Strategic over RAS?

MR. CABOU: I'm going to object on the grounds that if he was in an open meeting, the transcript says what it says. And I think we're just having a little bit of difficulty characterizing what someone else was doing.

MR. WILSON: Okay.

Q. (By Mr. Wilson) Go ahead and answer it.

A. And I'm sorry. Could you repeat the question.
Q. Were you in any open meeting where you observed Commissioner Herrera and other commissioners cooperating in reaching a decision between the choice of RAS and Strategic?

MR. CABOU: The same objection.

A. I don't recall.

Q. (By Mr. Wilson) After the vote on June 29th, Commissioner Mathis read a statement -- or I believe made a statement. I believe she read it off of a prepared document. Did Commissioner Mathis read from a prepared statement after the vote?

A. I recall that she had a piece of paper with writing on it, typed. And there were some -- I believe I noted some handwritten notations on the document, and she appeared to be reading from that document.

Q. Did you observe Commissioner Mathis preparing that document during the course of the meeting?

A. No.

Q. Do you know of any other discussions or communications, going back to the term we talked about earlier, between any commissioners and other -- any commissioner and other commissioners or commissioners and third parties about what votes would be -- what their votes would be at the June -- what ended up being the June 29th meeting?
MR. CABOU: To the extent that that answer calls for a response that's implicated by the legislative privilege of someone other than Commissioner Freeman, Commissioner Stertz, or Commissioner Mathis, we object.

A. And I'm sorry. I lost -- I lost it there. Is it --

Q. (By Mr. Wilson) Did you --

A. -- am I aware of communications by other commissioners between?

Q. Themselves or third parties concerning the vote or a vote that was going to occur on the mapping consultant contract?

A. Between themselves and another commissioner or --

Q. Or --

A. -- a third party?

Q. -- themselves and a third party.

A. I'm not aware of that.

Q. Either one?

A. Correct.

MR. WILSON: If we can take just a quick break, and then I think we'll finish up. We'll be right back.

(A recess ensued from 3:37 p.m. until 4:02 p.m.)

MR. WILSON: Back on the record.

Q. (By Mr. Wilson) Just to clarify on the last line of questioning we had, we talked about whether you knew of
any third party -- commissioner talking to another

commissioner about a vote or a commissioner talking to a

third party about a vote. Do you remember that line of --

A. Right.

Q. Do you know of any commissioner talking to

another commissioner about how to score --

A. No.

Q. -- the procurement? How about the commissioner
talking to a third party about how to score?

A. No.

Q. Is there -- we're in the process right now of

investigating whether or not there's been an open meeting

law violation in the way that the commission has or the

commissioners have conducted the business. Understanding

that that's the scope of what we're doing here today, is

there anything else I should have asked you or you would

like to tell me about what's occurred from --

A. The --

Q. -- concerning this contract?

A. Yes.

Q. Go ahead.

A. You asked me some broad questions about

communications between commissioners. There -- there

was -- there were two other communications I had with the

chair the day before the Friday hearing -- I forget the
date -- during which the commission interviewed the four finalists. That occurred on a Friday. I can't remember what day that was. I think maybe the June 24th, whatever that Friday turned out to be.

Q. So it would be the --
A. So the Thursday, the day before.

Q. The day the commission interviewed?
A. The day before the commission -- it was an all-day interview on that Friday. And originally it was contemplated that the commission might immediately after those interviews vote on who would be the mapping consultant. I had two conversations with the chair on the telephone that day. And I recall -- what I recall about those conversations was that the chair expressed her support for Strategic Telemetry, that -- and I recall telling her that I thought that I wanted to see how the four companies performed the following day.

I recall telling her that -- that if Strategic Telemetry were selected by the commission, that would be a highly controversial choice given the political background of that firm. And I recall suggesting to the chair that if she -- that if she was a part of that decision, you know, an affirmative decision in favor of Strategic Telemetry that --

THE COURT REPORTER: Affirmative decision?
THE WITNESS: Yes, affirmative decision in favor of Strategic Telemetry.

A. -- that what she had to say following that vote would be very important for the commission.

Q. (By Mr. Wilson) And that was -- that's one conversation. You said you had two?

A. Yes. That would be my recollection of both conversations.

Q. I'm sorry?

A. I can't split the conversations because I believe they were within probably the hour, same hour, on that Thursday afternoon. I don't recall the difference between one conversation or the other.

Q. So you had two conversations, but those two conversations covered generally -- not generally. Those two conversations in total covered those topics; is that --

A. Yes.

Q. Is that fair? How long did the conversations last?

A. I don't recall. I would say that both conversations put together would not be more than an hour.

Q. Did you discuss anything other than the choice of Strategic Telemetry?

A. I believe there were -- yes. Yes.
Q. What did you discuss?

A. I believe there was a very -- there was a somewhat, I would characterize, superficial conversation with the chair trying to convince me of the virtues of Strategic Telemetry and why they were a superior candidate. I will say that there was nothing that she told me that I hadn't heard before in a prior commission hearing.

There was, again, a rather superficial and perfunctory response by me. I did not attempt to engage in any form of deliberation with her. I was just simply repeating concerns I had about Strategic Telemetry and stating in a very cursory fashion the merits of another applicant.

And that was kind of the -- again, it was very, very brief on that subject. And she was -- most of the conversation was from her to me, and she initiated these conversations, these phone calls, explaining in her mind -- what I took away from it was her -- her opinion regarding the superiority of Strategic Telemetry over the other applicants.

Q. And other than those conversations, can you recall anything else that was discussed during those two conversations, those two topics?

A. I'm not -- two topics meaning?
Q. I understand superficially you talked about
Strategic, and then she spent some time just telling you
the virtues of Strategic -- and "virtues" is my word. I
don't remember exactly the word you used.

A. Right.

Q. -- where she was telling you why she thought they
were the best.

A. Right.

Q. That's what I understand the two areas of
communication --

A. She -- she was touting Strategic Telemetry which,
again, it was nothing that hadn't been said before and
that I hadn't heard before. So it was nothing new.

And there was a response by me that was also,
again, repeating what had been said before but very
cursory fashion that I had while I agreed that they had a
very good proposal or a very good looking proposal that I
had concerns about the political background of that firm
and that I repeated what I thought about another firm,
National Demographics Corporation, that I thought they had
superior experience and had worked for other jurisdictions
and bipartisan -- bipartisan basis, that they'd worked in
Republican and Democratic jurisdictions and that I thought
that that made them an excellent candidate and that I did
express -- to me, I had -- there was some disappointment
that I had because we were about to interview those four
companies the next day.
And I believe that they all deserved a fair
opportunity to be heard. And I did say that I wanted to
see what happened on Friday. I recall saying that to her.
That's about what I can recall from those two
conversations.
Q. From those conversations. Do you know if any of
them --
A. I'm sorry.
Q. No. Go ahead.
A. And also I said if -- if we were to go -- if the
commission were to go with Strategic Telemetry, I did say
again what I'd said before, that I thought that would be a
very controversial decision and that what she had to say
coming out of that decision, if that's what the commission
did, would be very important.
Q. Do you know if she had similar conversations
before the interview commission meeting with any other
commissioner?
A. No.
Q. Anything else I should have asked you?
A. I would usually object to that question, but I
will say no.
Q. Well, I -- I think that's all I have then.
04:10:47 Commissioner. I appreciate your time.
04:10:49 A. Thank you.

04:10:49 MR. WILSON: Thank you.
04:10:50 THE WITNESS: Thank you. Thank you all for working with me on my schedule, too.
04:11:00 MR. WILSON: Off the record.

(Examination under oath concluded at 4:11 p.m.)

SCOTT DAY FREEMAN
STATE OF ARIZONA
COUNTY OF MARICOPA

BE IT KNOWN that the foregoing examination under oath was taken by me, Deborah Cleary, RPR, a Certified Reporter, Certificate #50663, for the State of Arizona, and by virtue thereof authorized to administer an oath; that the witness before testifying was duly sworn by me to testify to the whole truth; that the questions propounded by counsel and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to print by computer-aided transcription under my direction; that pursuant to request, notification was provided that the examination under oath is available for review and signature; that the foregoing pages are a full, true and accurate transcript of all proceedings and testimony had and adduced upon the taking of said deposition, all to the best of my skill and ability.

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

DATED at Phoenix, Arizona, this 1st day of September, 2011.

[Signature]

Deborah Cleary, RPR/CR
Certified Reporter
Certificate No. 50663

Coash & Coash, Inc. (602) 258-1440