

## Redistricting Roundtable.mp3

**Ron Hansn** Political cynicism abounds in America with widespread distrust in elections and fatalism about what our leaders will do to represent us. In some ways, it's easy to understand. Gerrymandering in congressional and legislative maps has turned into science. In Wisconsin, in 2018, for example, Democrats won 53% of the vote and got 36% of the seats in the state House for it.

**Mary Jo Pitzl** Massachusetts, the state where gerrymandering originated, is nearly identical in population to Arizona. About 10% of its registered voters are Republicans, 60% are independent. Yet all nine of its House members and both of its senators in Congress are Democrats. So it is that Arizona stands as one of 13 states with an independent redistricting commission intended to bring a measure of fairness and competition to our politics. Well, how is Arizona doing on that front? Welcome to the gaggle, a politics podcast from the Arizona Republic and AZCentral. I'm your host, Mary Jo Pitzl. I cover state politics and policy.

**Ron Hansn** And I'm Ron Hansen. I cover national politics for The Republic. I like to say that redistricting is the most important story in America that no one cares about. We've all heard complaints from exasperated voters from both ends of the political spectrum. That goes something like this. I can't believe that person keeps winning. Why don't they vote for someone else? Well, if the subject is the U.S. House of Representatives or the state legislature, the answer is usually this unsatisfying one, because that's the kind of person that district wants.

**Mary Jo Pitzl** Political boundaries are usually redrawn every 10 years by state lawmakers and the governor. Around the millennium, Arizona voters decided to do it differently. They approved a plan to let a five person committee with two Democrats, two Republicans and an independent chairperson redraw the political maps. And that's the system we've now used three different times. Today, we're talking to all three of the people who headed the independent redistricting commissions that drew the maps used beginning in 2004, 2012 and 2022. A lot has changed in Arizona and in the area of political redistricting since the state went to this current system.

**Ron Hansn** Steve Lynn, Colleen Mathis and Erika Neuberg each headed the commission at different times. We're asking them how they think the system works and what changes they'd like to see in the future. Steve, Colleen and Erica, thank you all for making the time to talk to us.

**Steve Lynn** Thank you.

**Colleen Mathis** Thank you.

**Erika Neuberg** Thank you.

Let's just jump right in. There are more than a dozen states that have outsourced redistricting to commission type systems. Each works a little differently. Perhaps the defining characteristic of Arizona's system is the emphasis on competitive races. That's within the vague space of considering all the other legal and constitutional considerations. I'd like each of you to talk about how you think Arizona measures up on the competitive score, not just based on the maps that you drew, but on the totality of the state's map

since we went to this system. And Steve, I'll start with you just as the first commissioner to head this approach.

**Steve Lynn** Well, we were the commission that had to test that concept in court. And as it turns out, that concept was elevated by the court in some ways based on the way the constitutional amendment was written. The difficult thing about competitiveness, at least from our perspective, was that you could attack the problem by using competitiveness first. But you had five other criteria that you had to satisfy, and many of them were in our mind of at least equal weight. No matter where you start, you're going to deal with all of them before you finish. So the question was, do you start with competitiveness or do you adjust for competitiveness or do you ensure competitiveness? And quite honestly, there are a lot of other things that matter about doing a competitive map, one of which is the split between registered Republicans and registered Democrats. In some cases, if you're going to satisfy the Voting Rights Act, for example, which has changed over time, you're going to use up a number of minority voters who, in the minds of the federal government are all Democrats. Now, that's not true, but they see it that way for the purposes of judging. And so if you use up all those Democrats early to make minority districts, you don't have a lot of Democrats left to make competitive districts with the balance of the Republicans that you have to put in a district.

**Ron Hansn** Colleen, how about you? When you look at the totality of Arizona in this era of an independent commission, do you think we've done better on creating competition in our politics than what we would have otherwise?

**Colleen Mathis** Yes, I do. I think having the competitiveness criterion to consider in weigh is inherently great. Frankly, I'm a fan of competitiveness. I know that we can't draw, you know, nine competitive congressional districts in our state. And that's because of exactly what Steve said. The Voting Rights Act really does work against competitiveness because once you comply with that, there's only so many Democrats left to go around in the state. We did benefit our commission from Steve's commission because it was litigated and because of the way it's worded in the Constitution, it was a little unclear how should competitiveness be factored in compared to all the other criteria. And it is the last one listed. And some have argued that because it's last, it's the least important. But those criterion, if you look at the Constitution, they're actually lettered, they're not numbered. It's not like it's one, two, three, four or five, six, it's ABCD. And I think the drafters were saying something there in that. And the Arizona Supreme Court ultimately ruled that competitiveness is an equal criterion to the others. And so it has to be weighed equally, but it can't be applied equally because those criteria compete with each other.

**Ron Hansn** Erika, you were the chair of the most recent commission to have to do this. Is competition last among equals. Was this something that you sort of balanced the way that Steve's commission did? How did you puzzle that out and how do you think we've done overall as a state?

**Erika Neuberg** I think we've done fabulously as a state. And I think each commission we learn and we apply the lessons. I think from a statistical perspective. Our recent maps from Arizona rank amongst the most competitive in the entire country. So a third of our congressional maps are competitive, two highly competitive, one within reach. Our legislative districts are more competitive than ever, and we didn't need to compromise communities of interest. We were able to still maintain that basic premise of one person, one vote, which means minority groups, you know, VRA related minority groups, but also minority groups like, you know, farmers in unique areas. As miners. Everybody needs to

be able to to work together to have enough political power. So we as a commission have compiled an after action report in which we would love to share with future commissions what we've learned. It's a summation of what all commissioners agree. Five of us, our legal counsel, our staff, we're putting it together, synthesizing it, and it's with our deep hope that the fourth iteration is going to take the collective of our experience and even take it to the next level. So I'm bullish on what we've accomplished. I ask our public to be patient to see how our districts perform over ten years. And when we come back, we may not want to fix what isn't necessarily broken. We always want to improve. I understand each commission can set its own definition of what is competitive. You know, how do you measure that? And that's varied across the three different commissions. So what does competitive even mean if it's not the same? In 2002 as it was in 2021, quite frankly, each commission needs to determine that for themselves. We had a robust conversation. I made the decision to allow the participants to really hash out their definition. We solicited expert advice from Princeton PhDs, you know, leaders across the country to come and educate us about all the different types of measurements. I don't want to get too much into the weeds. You can go back and see our videos. But then I allowed the four partisans to feel, you know, what they would represent, what they needed. In retrospect, I wish I took an active role because you go in and you think a district may be highly competitive, and then after the fact, some other political pundit comes in and says, Wait a minute, that's five points this other way. And so I think it's a tough issue that each commission needs to wrestle with and feel comfortable about their collective decision.

**Steve Lynn** The other piece of it, and it's evolutionary, is that the software that is now available to do redistricting is much improved over what we had and even what Colleen had in her commission, and it'll be improved for the next commission as well. One of the nice things about the way the software works these days is that when you put a district together, which doesn't exist anywhere but on a map that you're creating, you can use voting history and pretty well determine how that district that you've just drawn is going to perform in an election. What you can't do is you can't account for multiple candidates. You can't account for strength of candidates. You can't account for peripheral issues that may influence the election hot button issues that are of the moment that you can't do. But I think every commission is going to have the opportunity, not only with the help that Erika talked about, where the parties will come in and tell you what they think is competitive, but the computer will help and you'll get very close to what you think you need. I think it's almost the pornography test. You know it when it's not competitive. Clearly, if one side is very much advantaged over another, you can pretty well bet that it's an uphill battle for the party that's underrepresented.

**Erika Neuberg** And for me, competitiveness that is close to 50/50 in major party registration as you could get. So to me, a competitive, truly competitive district would be 50% registered R and 50% registered D's. And that was a very basic way to look at it. But it served my purpose as well, because to me, how you define it is just so crucial in terms of claiming competitiveness and even just a few percentage difference. You know, it's it's pretty tough to overcome that unless you just have a really excellent candidate. Does the growing ranks of independent voters, though, you know party not a stated. Does that complicate that? It does. And in fact, we talked to our mapping consultant about that. How do we bring the independent voice into this? Because really it's changed so much since Proposition 106 was passed. I think we all know it was 18% registered independents at that time in 2000. Now, it just looked earlier this year and it's up to 34% independent registration. So that voice is just getting more and more important and it needs to be factored in to the equation. And how you do that? Well, I don't know. I don't have a good answer for that. But that's a great opportunity for some smart academics to come up with

some ways to measure competitiveness. That brings in third party voters. We're all talking about the value of competitiveness. I'd like to to just issue some warnings about that when we seek 5050. Representation that's taking one of the criteria and putting it at such a high level to the detriment of others, where when you're really balancing all of them all the time, to have that 5050 goal, I think complicates some of the art of what we need to do. Competition in and of itself doesn't equal representation. If it did, we wouldn't need the VRA at all because all we would need to do is put minorities in competitive districts. Competitive districts can take a group of people and marginalize them. That was actually the basis of L.D. 17. In our arguments about does it, you know, just pure competitiveness, is that sufficient to address the minorities need for development in an agricultural area? So you have to be careful that the Constitution, as it's written, the communities of interest are so prime because it's the people's needs that need to be represented, not just put them all, all in competitive districts and just, you know, have everybody compromise on everything.

**Steve Lynn** So let's talk let's talk about communities of interest for a second, because that is an interesting piece of what we had to do, which is also, by the way, undefined in the Constitution. And if you go back to where it was generated, it was a Supreme Court case in the nineties that Sandra Day O'Connor coined the phrase community of interest when she was sitting on the Supreme Court and I had the opportunity to talk with her after she retired from the court was here in Phenix. And I said, Madam Justice, what you mean by what you said in this case where you said communities of interest? And her answer was, I have no idea. And she didn't. But she thought at the time it was the appropriate thing to be saying about a group of people who self-identify as being together. I mean, we had that kind of thing where you you always have it because you can't always keep communities, however you define them together in a map. But knowing how to divide a community in terms of either physical barriers or other things that are natural divisions of a community, give you some clue as to how you might go about it.

**Ron Hansn** I want to zoom out for a moment and just take an empirical look at how we've done in the legislature in the independent commission era. We have seen Republicans maintain control of both chambers for the entirety of that period of time. Their majorities have ranged from as much as 40 seats in the House to as few as 31 where it presently sits. We've seen it in the Senate as well, where Republicans have never lost their majority in the Senate. What is your sense of how the maps have performed at the legislative level? And also note on the congressional side. We saw congressional seats change hands, by my count, five times on your commission maps, Steve, and I believe three times under yours, Colleen. Yours just went into effect for the first time, Erica. As you look at those kinds of metrics. Are we getting what the public voted for? Is that the appropriate measure or is it just the closeness of Election Day results?

**Steve Lynn** Well, the prime reason the people who put the proposition on the ballot in the first place, what they wanted was to take it out of the hands of the legislature and put it in the hands of somebody who ostensibly wasn't going to make the partisan political decisions on every district that's out there. I mean, if you go back, just just think of where we were historically. Since Arizona became a state in 1912, every single redistricting that was done by the legislature wound up in court with a judge drawing the districts. That's how badly they were gerrymandered by the legislature. Now, even though we've had court battles as a part of our responsibility, our districts have been held up and have been used in the case of Colleen's and mine. And our expectation is Erika's will as well. So just from that standpoint alone, where you don't have people in the basement of the Capitol exchanging this map for that map, we did this all in the open. We did it where everybody could see what we were doing. We did it in open meetings where people could comment.

We held public hearings all over the state. And so the sunshine rule, I think, in and of itself is better.

**Colleen Mathis** It's a great question. I didn't live in Arizona in 2000. I moved here in 2001 right after independent redistricting passed. But I've read the preamble to the ballot proposition that was put in front of voters. And it says that this commission, it's related to ending the practice of gerrymandering and to oversee the mapping of fair and competitive districts. And so when I walked into this job, there's no guidebook other than what the Constitution says as to how to do it. So I thought, what's the best way to do this? As the Independent? I don't have a constituency of folks that I can go to and say, you know, what do you think? What how do I do this? What's the best way? Because independence, there is no, you know, formal political party for that. So I thought the best thing to do is to look at what the voters voted on. And I decided that language is going to guide me and it's to oversee the mapping of fair and competitive districts. So that's how I approached it. I think that's what voters wanted because they passed it with 56% of the vote. And so to me that it doesn't mean competitiveness is more important, but it's the reason and it's the spirit of independent redistricting and why it passed in Arizona.

**Erika Neuberg** Yeah, I think Arizonans are going to be very well-served each iteration. So, look, redistricting cannot solve all of the extremism that goes on in our society and some of the people in our state, we all deserve representation. And so it's appropriate for there to be some dissension and some friction in the state legislature. Truly, this past election, it could have gone either way with leadership in the state legislature and on the congressional side. Next election, the difference is really probably the wind with just the R or decide that's going to be slightly biased. That was the difference between the candidate who won in CD6 and CD1 with such a narrow margin that it's actually less than what the national congressional difference was. I think it was about an hour plus two. So if there's a Democratic wave. I think it's reasonable to expect both those seats will turn. And I am aware that the Democratic Party on the national level plans to handle these seats dramatically differently. Last time, they did not engage, did not support the candidates, and they're already on it now.

**Mary Jo Pitzl** You know, there are at least two really big issues that complicate this business of drawing new political boundaries. And one is our demographics in Arizona, which change all the time. And the other is the legal guardrails that states have to consider when they're putting together a map. So let's look at these one at a time. First on demographics. Got a lot of numbers here. Since 2000, Arizona's population has grown by 2.2 million people to 7.4 million. So that's a little less than a 50% jump. Hispanic residents grew from about 25% at the beginning of this century to about 32% today. In 2000, 18% of Arizona voters were independents. Today, it's 35%. And the Republican Democratic registration edge has shifted just a little bit. Republicans still holding the majority, but, you know, slightly, just very slightly more than the number of Democratic voters. So when you look at these kind of factors on population and on demographics, talk a little bit about what your commissions could do to create competitive districts, given those changing demographics and those changing numbers. Like Erika, for example, Arizona sort of got blindsided and 2021 when we found out that we weren't going to get a 10th congressional seat, as was widely expected. How do you think that impacted the map that your commission had to draw?

**Erika Neuberg** The first point is I would recommend that the state get a little bit more proactive with getting representation with the Census Bureau. So the commissions have no legal authority or ability to alter just the data that's presented to us where we're

obligated by law to use that data. And on top of that, it is not appropriate for us to subjectively say, because we think the data is deficient, we alone will determine how to correct that. And so we had to make a just very firm decision that we had to use the science that was available to us. You know, look, we studied the demographic makeup of our state. And I think that the districts really do represent our state well. There was some very significant change. I think the VRA played a very big role in this. I think, you know, under Colleen's tenure, it was customary where you just submitted the maps to DOJ and you kind of deferred so much to that heavy weight, the government and almost maybe that you didn't have as much of a hand to play for us. We were equally concerned that, first of all, we didn't have to clear those hurdles on the DOJ side. But also we were equally as concerned about racial gerrymandering being accused that we were going too far with, you know, leaning in to create districts for minorities as well. So we were able to look at it from my perspective as much from a scientific framework. And we, you know, created minority districts. If we had been less concerned about the VRA, I actually think so. I think our minorities would have been better served. We were so concerned about meeting thresholds for what was Ruben Gallego's old district, Grijalva's district. You know, there needs to be a performance that is demonstrated by voters, and we're responsible for that as a commission. So you you need to maybe have maybe even more of a Latino Democratic base there than otherwise you would ideally like. And that changes what you could do in other districts.

**Colleen Mathis** I think our commission, we were blessed to actually get a ninth congressional district, so we went from 8 to 9. And that's an important consideration to to just think about. With independent redistricting, we're required to start over with a fresh, clean slate each 10 years. So I couldn't take what Steve's commission had drawn and, you know, adjust the lines and just factor in a new ninth district. We we start all over. Each commission did that and we were able to draw a ninth district. And I actually challenged our commission to come up with a competitive district. Could we make that ninth one a competitive one? Because if you read the language of the Constitution, it does say that we are to favor competitive districts when no significant detriment to other goals. So let's try to do a competitive district up in the Tempe area or in central Phoenix. There are only so many places in the state you can produce a competitive district. It's not to say we're engineering competitive districts where there shouldn't be one. There's only certain places you can go. And also. So as we discussed earlier, because of the Voting Rights Act, that also takes away the ability to draw competitive districts. So regardless, we we drew what we thought were three competitive districts. And as has been noted, the data is what's handed to you. The Census Bureau gives you this package of data and you work with it with what you have, and it's out of date on arrival. It's not a perfect tool, but we, you know, do the best we can. And you draw these districts basing it on data that's imperfect and you don't know until there's an election how it's going to really perform. And so that's always the thing. So we really I think the jury's still out on the maps that this commission just drew. They've only gone through one election. It'll be interesting to see how the rest of the decade plays out.

And Steve, as the heading up the first commission, you took Arizona from six congressional seats to eight. When we look at how there's been some fluidity in the political makeup of our congressional districts, but the legislature still pretty much stayed GOP controlled, very narrow currently as it was for the last four years. Is it easier to try to reach some of these redistricting goals when you have a smaller number of districts to create in your case, Steve, eight versus 30 for the legislature.

**Steve Lynn** I don't know that it's any easier. I mean, the volume, the sheer volume makes it harder. Is it easier to do an eight piece puzzle than a 30 piece puzzle? Yeah, it's easier because the pieces are bigger and you can fit them together a little better because you have more territory to work with. Just remember, Arizona is a lot of land with a few people on it. And when you start looking at the state and try to draw a district that has, first of all, equal population, which is the paramount thing you're trying to do, is to get in the congressional districts down to the last person of equal population. You have a lot of work to do just to put geography together in a way that you've got the population right. But even when you do that, we had our consultant do a study. You talked earlier about a slight Republican edge back then in registration. Let's just assume for the sake of argument that the current state of affairs would be that the Republicans never mind independence for a moment, but that Republicans own a 2% edge in in the state. And let's assume for a moment that you could take the number of districts you were trying to draw and draw them so that every district had no more than a 2% Republican bulge. Now, one might say that that's a reflective of the electorate, which means it sounds like it would be okay if you look then at the way those districts would perform based on history, you wouldn't have one Democratic representative anywhere, because Democratic districts tend not to perform as well as Republican districts do. That's not a slam on anybody. That's history. And so you have to take that into account, along with who's running into account, along with all sorts of other things into account. But clearly, the fewer districts you have to deal with, the easier it is to put it together.

**Colleen Mathis** Related to that, because I think it goes back to your question, which I didn't exactly address. The more districts you have, though, the more ability you have to represent people of Arizona. And so had we gotten another district, we probably could have represented another community of interest. Might it have been a Latino district? Might it have been more of the Asian district in Chandler or wherever it could go on the congressional side? I think that the fewer districts you have, the more compromise people need to make because you are merging different communities of interests together and having a little bit of all of it is what makes a government healthy, in my opinion.

**Kaely Monahan** Hey gaggle listeners, this is producer Kaely Monahan. Are you enjoying this episode of the gaggle? If so, make sure to subscribe to us on your favorite podcasting app. Also, our sister podcast Valley 101 is also available. And coming up in the month of June daily, one on one is exploring bioscience stories from understanding our genes to monitoring sharks and so much more. Find it all this June on AZCentral.com And on your podcasting app. Now back to The Gaggle.

**Ron Hansn** We talked about the demographic curdle. I want to change now to the legal landscape because there's been a lot of action on that front that seems to impact what you all try to do with redistricting. Colleen, I know this is a sensitive subject for you. The U.S. Supreme Court affirmed the commission's role in redistricting when the legislature tried to take that back. But we've also seen important rulings from the courts on the role of race and partizanship as considerations. We've seen that Arizona and other states are no longer required to get the Justice Department pre-clearance ahead of big election changes. So my question, I guess, is for all of you, starting with Colleen, how much has the legal landscape changed and is in a way that makes the commission's role more important or easier? Is it something that has created more confusion in trying to juggle all the balls that are in the air with this? Have the courts been, on balance helpful to your task?

**Colleen Mathis** Wow, that's a huge question. And our commission definitely worked with a lot of lawyers throughout its ten years. It has changed significantly. I think the biggest change at least is the fact that Steve's commission and our commission, my commission had to contend with preclearance and and that Section five of the Voting Rights Act. And once in 2013, there's a case called Shelby County versus Holder. And that case essentially gutted the coverage requirement that determined which states were subject to pre-clearance. And because of that decision, states are no longer required to submit their maps to the Justice Department as an example to be pre-cleared before use. And I know for our commission that was one of our stated goals. In fact, all five commissioners agreed we wanted Arizona to pass pre-clearance on the first try. It had never been done before on both maps, and so we all agreed what a great goal. We're going to save taxpayer money by getting this through the gate the first time, do the work right and get it done. And that's what happened. And we were so grateful when both those letters came that told us that, yes, both maps had been approved since that time. And because of that Shelby County decision, it did change the landscape significantly. Erika's commission didn't have to comply with that requirement anymore. So I had wondered what that would do. Would it free them up and give them more latitude, frankly, to be able to, you know, draw more competitive districts or, you know, just change the map in some way significantly? That that would be kind of an interesting thing to follow. I don't know that it did or did not. But I do know there's a lot fewer lawsuits now because that whole situation has been removed from the equation.

**Ron Hansn** Speaking of fewer lawsuits, that's something that your commission has not yet faced at this point. How do you interpret that? Is it because we've taken down so many of the restrictions that had been important to the consideration of these things previously? Is it because we've just figured out how to play this game appropriately in the eyes of the courts? How do you interpret what has happened or not?

**Erika Neuberg** I think that it's the accumulation of knowledge and applying that in addition to having the courts having settled so many of the legal challenges. So the previous court cases really had to do with two different issues, one being, you know, commission, behavior, procedure, responsibility to adhere to, you know, the state guidelines. The other has to do with just the constitutional language of can a commission exist and who has the power. So our commission had the benefit of learning from all of those lawsuits. And so we deliberately came into the process with the intention of we want to mitigate, you know, the potential for lawsuits. It was a top priority for us to hire two law firms so that it was a bipartisan collaboration, people that we felt could get along and something where all five of us could feel confident in the joint legal representation. We were able to do that. And I want to credit our attorneys. They did a remarkable job of doing, you know, legal research and training us and presenting it to the community to help us understand how to constitutionally work and draw the maps. So every single step of our drawing was done in the public eye. Every single step was documented with what constitutional criteria was used to evaluate that. They led us through each decision such that all five of us always agreed on the right legal strategy and path. That's just unique, and I think that we were able to learn from the. Balls that came before us. And on top of that is our very first attorney general, a person assigned to us before we were able to hire our own attorneys, really scared us and trained us to have no contact with each other and observe the public record laws and open meeting laws to such an extreme level that we were so paranoid that I think we were really, for the most part, very well behaved. The we've seen other states adopt independent redistricting commissions. So sort of a wide open question. Are there things that you've seen being done in other states that you think would benefit Arizona's process? Start with Steve.



**Steve Lynn** Well, you know what they say. If you've seen one independent redistricting commission, you've seen one. Yeah, they're all very, very different. And California has a very bizarre selection process. Other states get retired justices involved in selecting members of commissions, size of commissions. They're very different state to state. But I'll cut to a couple of cases, and I'm I'm going to guess that there might be some convergence of ideas here. The two things I would like to see different in the way we do business. One, reflecting that increase in independent population, I think that increasing I'm not for increasing the size of the commission, by the way, just to increase it. I don't think there's any reason to do that. I mean, I'm a communications person and the complexity of five people coming to a decision is exacerbated when you add it to seven or nine or some other number. But I do think that there is a case to be made for there to be equal numbers of independents, as with the two prominent parties. And even though the chair should continue to be an independent, there should be more than one independent voice on that commission to talk about that point of view representing a third of the state. The other thing that I think would be helpful is I don't think a simple majority should pass those maps, and I would hold the commission to a higher standard and say that at a minimum, representatives of all three constituencies should be voting in favor of maps before they're adopted. Now, let me take more work. But so what? I mean, you know, we get we get the big bucks anyway. It doesn't matter whether it takes more time where you could double our pay and still have no charge. So the point is, if you're going to make an effort to represent all three portions of the electorate, let's have all three agree that the maps the right thing to do.

**Mary Jo Pitzl** I see some nodding there, Colleen.

**Colleen Mathis** Yes. I agree.

**Mary Jo Pitzl** What would you add?

**Colleen Mathis** I agree wholeheartedly with both of those. I do think the commission should reflect the composition of the state. And essentially it's a third, a third, a third. Right now. I would like to see three Democrats, three Republicans and three independents on that body. I would also even support maybe some geographic requirement because for our commission, we only had Pima County and Maricopa County represented the rural communities. I would argue that we paid more attention to the rural communities because we didn't have that voice on our commission officially. But I think that it would be a great thing to have people from around the state on the Commission as well, because none of us can know every corner of this vast state. It's just too big for any one person to really fully understand. So I think having a geographic requirement could add some great diversity to the commission.

**Erika Neuberg** Yeah, I think this is a tough, tough call. And I think that that things have worked really well for our state. So I don't want to go begging for change. So I wouldn't recommend change. You know, I understand the need for more independence, but the more people you bring in, the more room for bad behavior, more factions, less compromise. The difficulty of identifying the right type of independence because very few independents are truly independent. But what I am intrigued by is requiring maybe a 4-1 vote. I would have loved that there were times that I was going crazy. But our maps were both our draft maps and the final maps were approved. Doesn't mean everybody was happy afterwards and maybe didn't change their mind and maybe didn't have people in the public appreciate it. Well, this is a political podcast, so I'm going to get into some of the

real political weeds. But to talk about how we even get to the commissioners being appointed, you know, that's a process that's outside of the control of the commission. Currently, there's a governor appointed commission. They vet judicial nominees, so they now vet independent redistricting commission candidates and then the political leaders of the legislature, all four of them each gets to pick a commissioner. And then those four pick somebody from the pool of independent candidates. So sort of a yes or no question. But should that process stay or should it be changed?

**Steve Lynn** I don't think it's inherently bad, but I will say that in recent times. I'm sorry, Mary Jo. I mean, it's not it nothing's as easy as yes or no. But in this instance, the Commission on Appellate Court appointments, the one you referred to for the last year and a half, has had a number of vacancies. And how interesting that all those vacancies were other than Republicans. And I'm not making any comment about that other than to say that when you start with a group that is supposed to be balanced and it isn't, everything that follows can't be balanced. So in the best of worlds, if that group is a balanced group with full representation. And here's another--you remember, Colleen, How many applied in your round?

**Colleen Mathis** 79.

**Steve Lynn** And we had 141. And so just the pool of people who are willing to to offer themselves up vastly different one to another. So the commission really has a lot of work to do to take that larger group or however many apply and ferret out the ones that they know are, you know, not necessarily telling the truth if they're saying they're independent or whatever, or the ones that are saying they're definitely a Republican or a Democrat who just aren't suited to playing well with others or whatever the criteria is. And coming up with that list of 25, that makes it difficult. It was our case, and I think in years to calling that the list of five independents was shrunk from the beginning because people dropped out when they made the list. And so the choices were less than they should have been. And the commission didn't go back and replace the people who dropped out. So I'm sorry to take a long answer, but if the process were to work, it's fine and you can navigate around it. I don't know what else should do with it.

**Colleen Mathis** I do think there's reform that could take place or at least, you know, at least be investigated. The Commission on Appellate Court Appointments is the vetting entity for the commission currently. I think it would make some sense to you know, is that the best group to do that? I think in Michigan, there's much more randomness associated with the commissioner selection process. And I love that idea of injecting some random forces into who gets selected. Maybe there's a vetted pool, and that vetted pool then is is then selected randomly. I think there's things that could be looked at there. Instead of having majority and minority leadership, appoint four of the five commissioners. I think that's a problem. You know, I've talked I'm an evangelist for independent redistricting. I've talked to a lot of groups around the country. And I was kind of taken aback when some of them would push back and say, yeah, but you guys aren't independent. And I said, Yes, we are. We're very independent. And I said, No one was pulling our strings. And they said, Oh, wait. Four of the five commissioners are appointed by majority and minority leadership. And I guess I hadn't really truly considered that. But, you know, I think some commissioners would take umbrage at that suggestion and say, we're not representing our parties, we're representing the people of Arizona. Some may view it that way, some may not. And the point is four of the five are appointed by the legislature, though the legislature does need to have a role in. That's my understanding. And I don't know legally how this works, but I my understanding is there needs to be some role for the legislature, whether

they get striking authority, you know, maybe they are able to nix candidates that they don't want from the vetted pool or maybe they have to appoint some whatever. There probably has to be some role. It can't be completely independent. But I think there I think in Arizona, it could be looked at, may be that we could balance that out a little more.

**Erika Neuberg** I think our system relies too heavily on good faith of our political leaders. I think there have been some demonstrations of very good faith, but it's uncomfortable having to rely on that. I am deep, deeply uncomfortable with the four partizan commissioners being picked by one explicit party leader. For me, it was no doubt that my colleagues had pressures that I never faced. I felt like I was truly the only one that was beholden to nobody. And I know that they got pressure that I didn't get well, I got pressure from everybody, but it was on all sides, and so I was able to drown it out for them. It was pressure and a sense, I think, of accountability. So for me that would be the area I would like to see more.

**Colleen Mathis** I would agree with Erika on that.

**Ron Hansn** We want to turn to one final area of questions here. One of the things that has definitely changed alongside demographics and the legal landscape is something that's pretty troubling. And that is just the state of our politics nationally and here at home. Steve, there was no social media to speak of when you first took up this task, the intensification of political partizan, tribalism. We now have widespread belief, especially on the right, that elections are rigged. How do each of you view the public trust in the commission and in the underlying mission that you've taken up? Steve, I'll start with you.

**Steve Lynn** Well, I haven't done a study to get any sense of public view of the commission. I think the only the only judgment we can make, I think from inside the organization is how much criticism we get not only during the process but after, and where people are clamoring for change or revision or whatever, which I don't see, by the way. I mean, I don't see a huge effort out. They're in the public to do things differently now. Maybe that's a resignation on the part of the political parties that we've done it this way for three rounds, and perhaps they don't think they can do anything different from that. But Erika brought up the point, and I think this is where it really hurts. I can't imagine the kind of pressure that comes from social media to members of the commission, because you're right, we did not have that and thankfully we did not have it. There was plenty of other I mean, both. I mean, I got invitations from both the state party, Democratic chair and the Republican Party chair to go have lunch. And I indicated that I'd be happy to talk with them, but that didn't mean I was going to do anything differently than I was already doing. But the partizan members of the commission and I say that I'm a partizan really selected. I don't I'm not trying to impugn their their integrity of how they operated. But the four who were who were who came through party selection, leadership selection, they had to be under enormous pressure. And going forward, I can't imagine the amount of pressure they're going to be under. I don't know what the impact is going to be. I will only say that some of the other reforms that we thought about and talked about are some of the ways that you could have a little bit of a buffer against that if you had more people to influence than the five who are there now? I don't know. I just think that I think your introductory comment, Ron, is absolutely an indictment of where we are as a nation politically. And if we don't fix it, I worry that we are not going to be able to maintain the kinds of democratic institutions that we've enjoyed for 200 years.

**Colleen Mathis** Yeah, I loved your use of the word intensification because frankly, I didn't think it could get more political politically charged from when I went through this ten years

ago. And yet it seems to have gotten that way. We were in the room with with a lot of these people yelling at us because there was no pandemic. So it wasn't online. And we were, you know, right in in the room with them. And there were times where it was really supercharged and so unfortunate because you want to bring people together. You want first of all, you want everybody to come to the table and express what they want to see and who they want representing them from a lines perspective, a drawing of lines perspective.

**Ron Hansn** Colleen, I want to stop you for a moment, because you've talked about how much more intense it is now. Can you, in brief discuss the intensity of anger that you personally went through back in your era as the chair?

**Colleen Mathis** It was very intense. How do I express that?

**Ron Hansn** Did you ever receive threats?

**Colleen Mathis** Yes, we did.

**Ron Hansn** How serious did it get?

**Colleen Mathis** It got serious enough that we decided to report what had happened to the FBI. We went to Washington and on our own dime and just wanted to make sure. Hey, just make sure you're watching us here in Arizona, because things have gotten pretty crazy. And we were concerned for our lives. We tried to select venues, you know, where there were magnetometers. And that's a really sad state of affairs when you need to do things like that. But that's the level of intensity it got. People were being bussed into meetings to represent a certain point of view. These weren't just average citizens who were sitting in their houses and wanted to come down and give the redistricting committee their input. The they were political activists, many of them. You know, that's unfortunate. And initially you you're taken aback by it. But then you start to realize, oh, I'm seeing a pattern and now I get it. And then you start to adjust your behavior in ways to control the meeting. For instance, having public comment come at the end of the meeting instead of at the beginning, because we learned quickly that if we had it at the beginning, they would hijack the meeting and then we couldn't proceed with the rest of our business. So there are things we had to do to adjust, but we learned and we were able to prevail ultimately. And really you want the public to come and give their input. Public comment is a vital piece of independent redistricting, so you don't want to squash that in any way, but you also don't want people to with a partizan agenda too, or an agenda of any kind, frankly, to take over the meeting in a way that is unproductive, I might add, just for the historical record that you were also removed from the chairmanship by the governor, I would assume that that was a fair amount of pressure as well. Yes, it was. But, you know, the governor didn't like our draft maps and that is why she opted to do the escape route where there are some provisions in the Constitution that allow for the removal of a commissioner. And it's for very specific reasons like gross misconduct and inability to serve in the role. And I was kind of charged with all three of them in combination. And, you know, fortunately, I wanted to fight. Frankly, there was no way I was going to let this stand. And I'm very grateful that there was a third branch of government since I had the executive branch and the legislative branch were. Against me. And the third branch of government came forward and were very courageous, frankly. It was a majority Republican appointed Supreme Court at that time. Three of the five justices were appointed by a Republican administration, two of whom were appointed by the governor herself. So it was very unclear how that would unfold. And we were very grateful and heartened that it was a unanimous decision to reinstate me.

**Ron Hansn** Erika, this worsened political climate that we are hearing about is the one that you inherited for this most recent iteration of the Commission. How bad did that get? Did the pandemic in some ways make it at least more manageable just because people had to necessarily be removed, at least at the beginning? How did you navigate all that? How bad was it?

**Erika Neuberg** Yeah, I think, again, it's a situation where we collectively, not only as a commission, but even with the community, learned about what healthy dialog looks like and what a good structure would be to engage dialog with the pandemic, we were able to do quite a bit more virtually, but we were still on the road. We had well over 100 plus meetings in person. You know, I was on the road for at one point a 15 day stretch just traveling all over the country. So we didn't you know, we we had sensitive issues in the Native American communities when we wanted metal detectors and they were uncomfortable. And I'd say that was the most difficult issue that we had. But it was a remarkable display of civil discourse. I remember like a five hour zoom call with hundreds of participants and our staff let the chat feature on. So let hundreds of people talk about the districts. It was a remarkable exchange and in fact, something that I'd be proud to show the whole country. So I think that it's possible to do it well. There was an audit going on maybe that also, I think, sucked some of that extreme partizan energy in a different area. Having said that, a lack of trust permeated everything from day one, even before any of US commissioners were selected. There were campaigns out there to malign people to present you in a certain way. There are organization and you know what? It worked. So there's something to be said for repetitive social media, you know, messages. Eventually people will just believe what they hear over and over, and then it creates a lack of trust and it harms the ability of people in our state to try to work together. But I'm hopeful. I think we have competitive districts. Look, some of the extremism is because we have extreme people who want very different things in our country and they deserve representation as long as they follow the democratic law.

**Ron Hansn** We want to end with a really important question that I'm not sure anybody could have guessed. Back in 2000, we would even be asking in America. But what is the health of democracy in Arizona as you see it? As someone who has participated in helping shape elections and this whole experiment in democracy. Erika, I'll start with you.

**Erika Neuberg** I have to be honest. I really feel I don't have the expertise to speak about elections more broadly in Arizona. I'm not an attorney. And my my experience is so narrow on redistricting. I have deep concerns about the democratic process. I'd say actually, my my deepest concern has to do with media and and people not being exposed to reliable information that had information, counter proposals, counter ideas and some brainwashing, quite frankly. So I have deep concerns about political parties following the whims of masses and not having a political infrastructure that's rewarding. I think the more pragmatic adults in the room, but. I'm going to fight to be bipartisan. I'm going to fight to understand the system and bring sides together and foster trust as best as I can. But other people are going to have to lead that fight because I don't have that expertise.

**Ron Hansn** Colleen?

**Colleen Mathis** That's a tough question to answer. I come from Peoria, Illinois, which is a red district and a very blue state, and I'm related to many people. My mother and brothers and sister who probably won't hear those podcasts, but they you know, they have different political views than I do. And they're definitely getting their news source now from places

that I I don't get them from their nontraditional news sources, I would say. And that's tough. It's tough to have a conversation with them about anything in the current day. And in fact, just on Mother's Day, I wished my mother a happy Mother's Day. And and she told me about some news stories she's hearing that there are people who are against Mother's Day and you know, that we shouldn't be buying cards. And she said, You're not one of those people, are you? And I'm like, Mom, no, no, I sent you a card. So it is alarming, frankly, that this kind of question would even be asked. And it's it's upsetting to me as a daughter, but just as a citizen in the country. And. I would hope that the pendulum is going to swing back and be more moderate. I think most of America really is, you know, between the 40 and 60 yard lines. And to the extent we can all try to stay there and and try to engage those people who aren't and talk to them and and try to understand where they're coming from, we need to. But, boy, it's hard when, you know, you get some of these kind of comments. So I'm not an expert either in the political process. I'm a citizen who really is also very bipartisan. I started out as a Republican and converted to be an independent back in Illinois. And when I moved to Arizona 20 years ago, I just stayed independent. And I love bipartisanship. I think that's the strength of the country. So to the extent we can work together, we can start a club, maybe the three of us as independents that work to foster that, I think it would be a good thing.

**Ron Hansn** Steve. Way back when you began this, we were at the dawn of the post-9-11 era. In some ways when America felt united, at least for a moment, and trying to work for a common good and understanding in some ways some sort of political reconciliation. When you look at where we are today, how do you assess it?

**Steve Lynn** I'm not a social scientist, so I can't give you any sort of. Empirical data that suggests one thing or another. But what it appears to me. Is that with the reduction of the middle class, which I think everybody agrees has happened over time. That we have those people who are unfortunately dropped down into a lower class where they struggle and those who have been elevated to a class where they have no needs anymore, they're covered. That we have an awful lot of people who have. Taken the mantle of victimhood and have grown anger because of it. And I think it's our own doing because we haven't paid attention to the kinds of jobs and and outcomes that all people should have available to them in this country. So when we have all these folks who are aggrieved one way or another, it doesn't take much for them to go from aggrieved to excited to insurrectionists given the opportunity. And that's dangerous. It's extraordinarily dangerous. Couple that with the lack of behavioral health available generally for people who have. Gone beyond just being victims and either are victims of PTSD or some other stressful circumstance where they can't get assistance in writing their own ship. And we've got a powder keg. And it doesn't take much for people to set that powder keg off. I don't think I ever heard the concept of alternative facts until recently. I grew up in an era where we had facts and we had myths. But not alternative facts. And apparently your facts and my facts aren't the same facts. We have an election process that I think should be the envy of the world and I think is by all fair evaluations, as fair and complete as it could be. Lots of checks and balances, lots of people watching what's being done. And for people two and three years past the election to hold it up as being some sort of a fraud or some sort of a huge cabal that has taken away my rights as a as a candidate or as an individual, I think is just unhealthy. So that's a long winded answer. But I'm telling you, I don't know the road back, but I wish somebody would put a sign up because I'll follow it.

**Erika Neuberg** I'd like to give a plug for actually the press and particularly local media. I felt that most journalists were my best friends during the redistricting process because they were the local journalists. They were motivated to get the accurate, factual information out

to the public. And that's so incredibly helpful and that's necessary and vibrant to a democracy. So something that we all, I think, need to invest in and make sure that it doesn't go away. I would second that it was vital in our situation for the accurate word to get out. And even editorial boards at this paper and others across the state came to the rescue. Frankly, there's no other way to describe it for our commission. Well, thank you all for all the time that you've given us to share your thoughts on redistricting and where we're going as a state. If people want to keep up with you online or on social media work, they find you.

**Steve Lynn** They can't.

**Erika Neuberg** Steve Lynn is inaccessible.

**Steve Lynn** I don't have a social media account, nor do I want one.

**Erika Neuberg** Colleen?

**Colleen Mathis** I have a Twitter: it's @CCMathis.

I have a Twitter handle that I think is just @ErikaNeuberg, and I also have a professional website at ErikaNeuberg.com.

**Ron Hansn** Well, thank you all for coming in here and for your service with the commissions. We appreciate it and thanks for sharing your thoughts.

**Everyone** Thank you.

**Erika Neuberg** That's all we have time for today, Gaggle listeners. Do you have questions you want us to answer or topics you'd like us to cover? Reach out to us at The Gaggle@ArizonaRepublic or give us a call at 602-444-0804. And if you like the show, please leave us a review and share it with a friend to ensure you never miss an episode. Follow the gaggle on your favorite podcast app. You can follow me on Twitter at @MaryJPitzl.

**Ron Hansn** And you can follow me @RonaldJHansen. Today's episode was edited and produced by Kaely Monahan and Amanda Liberto. Thanks for listening to the gaggle. A podcast from The Arizona Republic and AZCentral.com. We'll see you next week.