Exhibit 1
State of Arizona  
House of Representatives  
Fiftieth Legislature  
Fourth Special Session  
2011

HOUSE CONCURRENT MEMORIAL 2001

A CONCURRENT MEMORIAL

URGING THE INDEPENDENT REDISTRICTING COMMISSION TO IMMEDIATELY COMMENCE A NEW MAPPING PROCESS FOR BOTH THE CONGRESSIONAL AND LEGISLATIVE DISTRICTS THAT COMPORTS WITH THE REQUIREMENTS OF ARTICLE IV, PART 2, SECTION 1, CONSTITUTION OF ARIZONA.

(TEXT OF MEMORIAL BEGINS ON NEXT PAGE)
To the Independent Redistricting Commission:
Your memorialist respectfully represents:
Whereas, pursuant to article IV, part 2, section 1, Constitution of
Arizona, the Independent Redistricting Commission shall advertise a draft map
of congressional districts and a draft map of legislative districts to the
public for comment, which comment shall be taken for at least thirty days;
and
Whereas, either or both bodies of the legislature may act within this
period to make recommendations to the Independent Redistricting Commission,
by memorial or by minority report, which recommendations shall be considered
by the Independent Redistricting Commission; and
Whereas, on October 31, 2011, the Arizona Joint Legislative
Redistricting Committee issued its final report in which it recommended that
the Senate and House of Representatives recommend to the Independent
Redistricting Commission that the process used to arrive at the draft
congressional and legislative maps is so fundamentally flawed that the
resulting maps have been unconstitutionally created and that the only remedy
is to start the process over; and
Whereas, the Joint Committee stated that its recommendation is
necessary to correct multiple violations of the criteria set forth in the
Arizona Constitution. Specifically, the Joint Committee found that the draft
congressional and legislative maps violate the constitutional criteria as
follows:
1. Compliance with the United States Constitution and the Voting
   Rights Act.
   • The draft congressional and legislative maps were drawn without the
     benefit of any racially polarized voting analysis. Without that
     analysis, and without additional analysis of the voting
effectiveness of any polarized minority populations, the
Independent Redistricting Commission has no objective basis to
assess whether its districts satisfy the Voting Rights Act.
   • It appears that none of the minority groups that participated and
     consulted with the Independent Redistricting Commission were given
the opportunity to review any racial voting analysis, including
polarized racial block voting data. Without this data and
analysis, and additional data demonstrating voter effectiveness, it
is impossible to assess whether districts satisfy the Voting Rights
Act. The Independent Redistricting Commission should have
completed this analysis before draft maps were voted on and should
have released this data and analysis with the draft maps so that
all Arizonans would have the opportunity to meaningfully evaluate
the draft maps.
   • The Independent Redistricting Commission created minority-majority
districts that have wide variations in the minority voting age
population; some are above 50% and other adjacent districts are
barely majority-minority districts. Without racially polarized voting analysis, there is no clear basis for this disparity.

2. Equal population.
   - The draft congressional maps appear to satisfy this criterion.
   - The draft legislative map is suspect at 5.6% overall population deviation given the constitutional requirement that "legislative districts shall have equal population to the extent practicable."
   - The overall population of the draft legislative districts is significantly less equal than the legislative districts established by the 2001 Independent Redistricting Commission. The 2004 legislative districts plan had an overall population deviation of 4.23%. The 2001 Independent Redistricting Commission underpopulated the legislative majority-minority districts to meet Voting Rights Act benchmarks. Without these deliberately underpopulated majority-minority districts, the overall population deviation of the legislative districts established by the 2001 Independent Redistricting Commission is 3.0% — a full two and a half points tighter deviation.

   - CD 4 violates these criteria by linking municipalities and communities of interest from the extreme northwestern parts of the state with eastern and southeastern metropolitan areas of Maricopa and Pinal counties.
   - CD 4 violates these criteria by including an "arm" that intrudes into and splits Gila County.
   - CD 1 violates these criteria by extending into Cochise County, picking up minimal population in order to create a third congressional district that includes the international border.
   - LD 7 is a huge area. It is larger than some states, three and a half times the size of the next largest draft district, and twice as large as the largest current legislative district. The enormity of the draft LD 7 is partly because of the Independent Redistricting Commission's unjustified insistence on removing Flagstaff from the district.
   - LD 6 is a large, oddly shaped district with parts of 4 counties, again caused by the Independent Redistricting Commission's treatment of Flagstaff. The draft district's driving distance from end to end is over two hundred miles.
   - LD 14 is primarily Yavapai County, but is forced all the way into the metropolitan Phoenix area as a result of the treatment of Flagstaff.
   - LD 13 is a bizarrely shaped district that starts in Yuma and ends up by a narrow neck in Litchfield Park.
   - LD 8 runs from urban northwest Tucson to Payson in rural Gila County.
• LD 1 begins in urban eastern Tucson and runs through rural areas of Graham and Cochise counties.

• The Independent Redistricting Commission failed to adopt a clear standard for "compactness" that can be objectively applied throughout the process.

4. Respect for communities of interest.

• CD 4 commits copious violations of this criterion by linking multiple communities of interest in rural Arizona with multiple communities of interest within the metropolitan areas of Maricopa County, as well as high-growth areas in Pinal County.

• CD 4 violates this criterion by unnecessarily linking multiple rural communities of interest with a metropolitan Phoenix population of over two hundred thousand, almost 30% of the population of the district.

• CD 4 violates this criterion by unnaturally dividing the town of Fountain Hills from its neighboring municipalities (Scottsdale, Carefree and Cave Creek) and linking it with multiple rural communities of interest.

• CD 1 violates this criterion by linking multiple communities of interest in rural Arizona with multiple communities of interest in high-growth areas in Pima County.

• CD 9 unnecessarily aggregates parts of several disparate communities of interest within Maricopa County.

• CD 9 is not supported by any coherent community of interest within Maricopa County. The claim that this is the "light rail district" cannot be supported, as more than one-half of the light rail runs completely outside of the district. In addition, only a very small percentage of the population in CD 9 rides the light rail on a regular basis.

• CD 9 groups two communities of interest, Phoenix and Tempe, which have diametrically opposite positions regarding the Phoenix Airport. One elected official will not be able to serve both interests.

• LD 1 places urban areas of Pima County with distinctly rural areas of Cochise and Graham Counties.

• LD 8 contains a relatively urban area of northwest Tucson and combines it with eastern Pinal mining communities and southern Gila County areas that have virtually nothing in common.

• LD 14 splits Yavapai County in order to provide a legislative district for Flagstaff to be separate from the Navajo Nation. This forces the Legislative district south all the way into the metropolitan Phoenix area.

• LD 13 is a bizarrely shaped district that runs from the north side of Yuma through a narrow neck to Litchfield Park in the
metropolitan Phoenix area. These communities have little in
common.
- LD 7 includes a huge area from the northwest corner of the state to
Greenlee County on the south. Greenlee County is hundreds of miles
away from the northwest part of this district and has nothing in
common with the Navajo reservation or Coconino County.
- LD 24 combines the Fort McDowell and Salt River Reservations into
the same district as the downtown area and 19th Avenue & McDowell.
This was done under the theory that the Voting Rights Act requires
the creation of two additional minority coalition districts.
However, the commission has no empirical data to support the
effectiveness of this district.
5. Use of visible geographic features, city, town and county
boundaries and undivided census tracts.
- CDs 1, 4, and 9 violate these criteria by making copious,
unnecessary divisions of municipal, county and census tract lines.
- These criteria are violated in multiple areas throughout the draft
congressional map as a direct result of the unnecessary decision to
place the City of Flagstaff in CD 1. Several counties could be
kept whole if Flagstaff were placed in CD 4.
- Pinal County is unnecessarily divided.
- Cochise County is unnecessarily divided.
- Gila County is unnecessarily divided.
- Maricopa County is unnecessarily divided into 8 different
congressional districts.
- CD 9 violates these criteria by gratuitously dividing
municipalities throughout Maricopa County.
- There are numerous instances in the legislative draft map where the
Independent Redistricting Commission has broken municipal, county
and census tract lines without justification and contrary to the
Constitution of Arizona.
- The Independent Redistricting Commission's treatment of Flagstaff
causes LD 6 to break four county lines.
- LDs 8 and 11 have pieces of three different counties as a result of
the manner in which the Independent Redistricting Commission has
drawn the Pima County districts.
- The legislative district map in Pima County splits several census
tracts, affecting the positioning of several incumbent legislators.
- LD 7 has pieces of six different counties as a result of the
Independent Redistricting Commission splitting Flagstaff from that
draft district.
- The City of Glendale is divided into 5 different legislative
districts.
6. **Competitiveness.**
- As a whole, the draft congressional map is less competitive than the existing congressional map.
- CD 1 is significantly less competitive than the current CD 1. It contains 80% of the area and 57% of the population from the current CD 1. However, in terms of Democrat and Republican voter registration, it is about 6% points higher in Democrat voter registration.
- The elections from 2004 and 2006 have not been taken into account in the Independent Redistricting Commission's measures of competitiveness. This makes any analysis of competitiveness by the Independent Redistricting Commission highly suspect. The 2010 election year was an aberration in that Republican candidates in Arizona received unusually strong support from voters of all types. Emphasizing 2010 election returns without smoothing data from several prior elections skews the results of any competitiveness analysis.
- CD 9 was designed with the primary purpose of being competitive in complete disregard of the other constitutional criteria.
- By failing to define the constitutional term "competitive," the Independent Redistricting Commission has made it possible for the term to have more than one meaning. Without a specific meaning for the term, it is impossible to assess whether competitiveness has a "significant detriment" on any other constitutional criteria. The Independent Redistricting Commission should create a specific definition for "competitive" so that the term can be applied in conjunction with the other constitutional criteria.

7. **Party registration and voter history.**
- While initially party registration and voting history data were not considered during the drawing of the grid map, the grid map lines were erased and replaced with lines that did take party registration and voting history into consideration. By abandoning the grid map instead of making logical incremental adjustments to it, the draft congressional map has violated these constitutional criteria.

8. **Improper consideration of places of residence of incumbents and candidates.**
- Of the eight incumbent congressmen, two Republicans have been divided from the vast majority of their current districts. No Democrat congressman has been significantly divided from the population of his or her current district.
- Two incumbent congressmen were moved into new districts over the course of a weekend. In one case the change required intricate, pinpoint mapping. The drafter of the map drafted at the block level. The two Republican incumbent congressmen were affected by a
map that was drafted over a weekend and then introduced and voted on the same day, October 3, 2011.
- The legislative draft map has numerous instances where census tract lines are broken in an apparent attempt to place incumbents in particular districts contrary to the Constitution.
- There are at least 10 legislators who are drawn in or out of districts by a distance of a few hundred feet. Several of these instances exist because the Independent Redistricting Commission has broken census tracts contrary to the Constitution.
- The most numerous examples of drafting focusing on places of residence appear to occur in Pima County where several Democrat incumbents appear to have been protected by breaking census tracts and one incumbent stays with the bulk of his district by block redistricting literally down the middle of his street.

- The Independent Redistricting Commission accepted and adopted in substantial part maps from outside sources. As a consequence, the Independent Redistricting Commission could not assess whether the constitutional criteria were followed when these maps were constructed. This is a systemic failure that potentially could have a deleterious effect on many or all of the constitutional criteria.
- The Independent Redistricting Commission has violated the constitutional comment requirement. The public and the Legislature cannot assess the draft congressional map for compliance with the Voting Rights Act without polarized racial block voting analysis and the associated voting effectiveness data. The Independent Redistricting Commission has not made this data available to the public or the Legislature. Commenting on minority districts is a meaningless exercise without the benefit of the essential data on which those districts must be based.
- The Independent Redistricting Commission did not follow the constitutionally required redistricting process by adjusting the grid maps to account for the six mandated constitutional criteria.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concuring, prays:

1. That the Independent Redistricting Commission immediately commence a new mapping process for both the congressional and legislative districts that comports with the requirements of article IV, part 2, section 1, Constitution of Arizona.
2. That the Secretary of State of the State of Arizona transmit copies of this Memorial and the report of the Arizona Joint Legislative Redistricting Committee to the Independent Redistricting Commission, each member of the Independent Redistricting Commission and to each Member of Congress from the State of Arizona.
Passed the House \textit{November 1, 2011} \\
by the following vote: \textbf{37} Ayes, \textbf{13} Nays, \textbf{10} Not Voting \\
\underline{Cheryl Lave} \\
Chief Clerk of the House \\

Passed the Senate \textit{November 1, 2011} \\
by the following vote: \textbf{21} Ayes, \textbf{4} Nays, \textbf{3} Not Voting \\
\underline{Phomena Billington} \\
Secretary of the Senate \\

\textbf{EXECUTIVE DEPARTMENT OF ARIZONA} \\
\textbf{OFFICE OF SECRETARY OF STATE} \\
This Memorial received by the Secretary of State \\
this \textit{1}st day of \textit{November}, \textit{2011} \\
at \textbf{6:29} o'clock \textbf{P. M.} \\
\underline{Jim Drake} \\
Secretary of State \\

\textbf{H. C. M. 2001} \\
Fourth Special Session
Exhibit 2
November 1, 2011

Arizona Independent Redistricting Commission
1100 West Washington Street
Phoenix, Arizona 85007

Dear Commissioners:

We submit this Minority Report for your consideration pursuant to Article 4, part 2, § 1(16) of the Arizona Constitution.

As you are aware, the Legislature created a Joint Legislative Redistricting Committee, which held seven days of public hearings and resulted in the creation of a report outlining the Joint Committee’s complaints about the draft maps. That report was later modified into a concurrent memorial (HCM 2001) and a special session was held to adopt that memorial. The Democratic members of the Joint Committee boycotted the hearings and strongly objected to the waste of taxpayer money in a time of such fiscal crisis in this state. The Joint Committee hearings and the special session on redistricting were a shocking abuse of power by the Republican Majority and Secretary of State Ken Bennett, and a travesty for the voters of Arizona who expressed their desire loudly and clearly that they wanted a redistricting process divorced from the political sphere.

As you know, Arizona voters created the Independent Redistricting Commission ("IRC") specifically to remove the redistricting process from the greedy hands of sitting elected officials. And, though the constitution allows for legislative input during the public comment period, the meetings of the Joint Committee demonstrate exactly why Arizona voters chose to have a volunteer commission, independent of any elected officials, draw those very important lines.

Much of the testimony that was presented before the Joint Committee was patently false and scripted. Many of the speakers appeared not to understand the process laid out in the Arizona Constitution for the IRC or they were willfully uninterested in seeing that the constitutional process was followed and that your obligation to fulfill the voters’ instructions in Proposition 106 was being met. The Joint Committee’s hearings were part of an orchestrated and unrelenting campaign waged over the last several months to bully and intimidate you – the volunteer, citizen members of the IRC in your effort to complete your task as the voters intended. The Joint Committee’s outcome was simply predetermined.
A casual review of the draft maps clearly shows that the Republicans are already the undeniable winners. The Republicans know full well that, under the current draft map, they are in no danger of losing their overwhelming majority in the Legislature, which they have enjoyed for decades. But apparently that guaranteed, decade-long majority is not enough for them. They are pushing instead for an entirely new mapping process, one that they hope to control by intimidating you and bullying you into submitting to the Republican will.

We Democrats take a different approach to solving our state’s problems. Arizonans are struggling. Families are having a tough time finding work and keeping their houses. To many, the American Dream has become a distant fantasy, while reality is a daily struggle. Arizona kids are packed into crowded classrooms and our small businesses are barely keeping afloat. Now is the time to set aside political agendas and work together to show the rest of the country that Arizona is still a place where good, hard-working people strive to make a better life and a brighter future for their families and for their communities and have a government that backs them up. But rather than working together to create jobs and improve the lives of Arizonans, Republicans are only working to preserve jobs for themselves.

There is an appropriate forum for legislators to express their concerns about the redistricting maps and that is at your scheduled public meetings, where legislators can present their concerns just like every other Arizona citizen. You have conducted public meetings across this great state, and many legislators have taken the time to present their concerns to you, including their concern that rural Arizona has a voice in the new maps. Rural communities want and need to stay together, and the public testimony you have received has echoed that concern. We hope you will heed those voices and make sure no rural voter is disenfranchised in these new maps.

The voters’ purpose in establishing the IRC was to create fair and competitive districts for Arizona and to keep incumbents and legislators from making power grabs at their own seats. The draft maps, however, are not as competitive as they could be. For example, draft legislative districts 6 and 28 drop in competitiveness in comparison to the current legislative districts in those areas, and the two draft districts in Pinal County, 8 and 11, likewise fail to favor competitiveness as required by the constitution. We urge you to examine those districts and make them as competitive as possible.

Some lawmakers are not used to having competition in their campaigns and thus they prefer instead to play partisan games with the redistricting process. Republicans have controlled the Legislature for nearly 40 years, and ironically, under the very draft maps they are complaining about, they will continue their grip on power at the Legislature. But that does not matter to them. They not only want to keep their control at the Legislature, but also to extend their hold onto your commission, which the voters plainly wanted to be separate and independent from Arizona politicians.
In contrast, we embrace the independent process for drawing new legislative and congressional lines and stand shoulder-to-shoulder with Arizona voters in expressing their concerns about redistricting in the way voters intended this process to succeed. We, like many Arizonans, are sick of the partisan games and bickering and instead want results for Arizonans who are fighting for their lives because they were cut off of health care, for their kids who are struggling in school because of their overcrowded classrooms, or for parents who cannot get a job after being laid off.

Not a single job was created as a result of the Joint Committee’s work. Rather, taxpayer money was wasted on seven days of public hearings, the testimony at which was entirely indifferent to the state and federal constitutions and often replete with personal attacks on elected officials, including racist and sexist accusations, false information about your proceedings, and ranting of blatantly partisan activists who merely towed the party line, all in an apparently scripted bit of theater designed to protect the Majority’s position at the Legislature. Such actions are nothing short of a witch hunt and a bare attempt to protect the Majority’s self-interest, rather than allowing you to do the job that Arizona voters entrusted you to do.

Sincerely,

[Signature]

Senator David Schapira
Senate Minority Leader

[Signature]

Representative Chad Campbell
House Minority Leader

cc: The Honorable Janice K. Brewer
The Honorable Thomas Horne
The Honorable Ken Bennett
The Honorable Andrew Tobin
The Honorable Russell Pearce