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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

No.

12 Wesley W. Harris, LaMont E. Andrews,
13 Cynthia L. Biggs, Lynne F. Breyer, Ted
14 Carpenter, Beth K. Hallgren, James C.
15 Hallgren, Lina Hatch, Terry L. Hill,
16 Joyce M. Hill, Paula J. Linker, Karen M.
17 MacKean, Sherese L. Steffens, all
18 qualified electors of the State of Arizona,

COMPLAINT

19 Plaintiffs,

20 v.

21 Arizona Independent Redistricting
22 Commission, and Colleen Mathis, Linda
23 C. McNulty, José M. Herrera, Scott D.
24 Freeman, and Richard Stertz, members
25 thereof, in their official capacities; and
26 Ken Bennett, Arizona Secretary of State,
in his official capacity,

Defendants.

For their complaint, Plaintiffs Wesley W. Harris, LaMont E. Andrews, Cynthia L. Biggs, Lynne F. Breyer, Ted Carpenter, Beth K. Hallgren, James C. Hallgren, Lina Hatch,

1 Terry L. Hill, Joyce M. Hill, Paula J. Linker, Karen M. MacKean, and Sherese L.
2 Steffens, allege as follows:

3 **OVERVIEW**

4 1. By any objective standard, the work of the majority on the Arizona
5 Independent Redistricting Commission has been a failure. It drew fewer competitive
6 districts than the number drawn in 2002. It designed bizarre-shaped districts, glaring
7 examples being Legislative District 6, which cobbles together parts of Coconino, Yavapai,
8 Gila, and Navajo Counties, and Congressional District 4, which stretches from Bullhead
9 City to Florence to Yuma. It violated section 2 of the Voting Rights Act by depriving
10 minorities of the number of legislative districts the Act required for them. It
11 systematically overpopulated Republican-plurality districts and underpopulated
12 Democrat-plurality, the obvious goal being to maximize the number of Democratic
13 districts. It packed Republican incumbents into districts to force them to run against each
14 other. The selection of the putatively independent chairperson was marred by material
15 omissions from her application and from her interview. Had the chairperson disclosed her
16 connections to the Democratic Party, she never would have been selected as chairperson.
17 The IRC unfortunately quickly polarized around party lines, with the nominally
18 independent chairperson siding with the two Democrats on every substantive issue,
19 including the selection of a partisan Democratic firm as mapping consultant. The IRC's
20 work was late, and it wasted public money. When the voters passed Proposition 106 in
21 2000 to create the IRC, they wanted to take politics out of redistricting. This IRC put
22 politics front and center – specifically to favor Democrats. In doing so, as described
23 below, it violated the one-person/one-vote requirement of the equal protection clause of
24 the Fourteenth Amendment to the United States Constitution, *Larios v. Cox*, 300
25 F.Supp.2d 1320 (N.D.Ga. 2004), *aff'd sub nom. Cox v. Larios*, 542 U.S. 947 (2004), and
26 the equal population requirement of ARIZ. CONST. art 4, pt. 2, §1(14)(B).

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NATURE OF THE ACTION

2. This action is brought by Plaintiff Arizona qualified electors to challenge the final map of Arizona legislative districts (“Final Legislative Map”) approved by the Arizona Independent Redistricting Commission (“IRC”) on or about January 17, 2012, on the grounds that the legislative districts created by the IRC violate the one-person/one-vote requirement of the equal protection clause of the Fourteenth Amendment to the United States Constitution, and violate the equal population requirement of ARIZ. CONST. art 4, pt. 2, § 1(14)(B), by systematically overpopulating Republican plurality districts and systematically underpopulating Democrat plurality districts with no lawful state interest justifying such deviations from equality of population among Arizona legislative districts.

PARTIES, JURISDICTION, AND VENUE

3. Plaintiffs are all qualified electors of the State of Arizona, registered to vote in Arizona, and members of the Republican Party. The addresses at which they are registered to vote in Arizona and the legislative districts in which they reside are as follows: Wesley W. Harris, 14802 N. Coral Gables Drive, Phoenix 85023, Legislative District 20; LaMont E. Andrews, 3366 E. Cardinal Way, Chandler 85286 Legislative District 17; Cynthia L. Biggs, 10612 S. Greenfield Rd., Gilbert 85234, Legislative District 12; Lynne F. Breyer, 7629 N. Via del Paraiso, Scottsdale 85258, Legislative District 23; Ted Carpenter, 9727 E. Twin Spurs, Florence 85132, Legislative District 8; Beth K. Hallgren, 3400 S. Ironwood Drive, Lot 236, Apache Junction 85120, Legislative District 16; James C. Hallgren, 3400 S. Ironwood Drive, Lot 236, Apache Junction 85120, Legislative District 16; Lina Hatch, 1325 W. Pebble Court, Gilbert 85233, Legislative District 17; Terry L. Hill, 2677 Arizona Highway 77, Show Low 85901, Legislative District 6; Joyce M. Hill, 2677 Arizona Highway 77, Show Low 85901, Legislative

1 District 6; Paula J. Linker, 7959 E. Desert Cove Avenue, Scottsdale 85260, Legislative
2 District 23; Karen M. MacKean, 4422 Larkspur Road, Show Low 85901, Legislative
3 District 6; and Sherese L. Steffens, 5869 W. Oasis Road, Tucson 85742, Legislative
4 District 11.

5 4. All Plaintiffs reside in an overpopulated legislative district, and the resulting
6 violations of the one-person/one-vote requirement of the equal protection clause of the
7 Fourteenth Amendment to the United States Constitution, and the equal population
8 requirement of ARIZ. CONST. art 4, pt. 2, §1(14)(B), as alleged in detail below, have
9 proximately caused Plaintiffs and each of them to suffer concrete and particular injuries,
10 *i.e.* the unconstitutional dilution of their votes, for which this Court is able to provide
11 relief.

12 5. Defendant IRC is a commission established by ARIZ. CONST. art 4, pt. 2, §
13 1(3), “to provide for the redistricting of congressional and state legislative districts.” The
14 IRC can sue and be sued under ARIZ. CONST. art 4, pt. 2, § 1 in “legal actions regarding
15 [its] redistricting plan.”

16 6. Defendants Colleen Mathis, Linda C. McNulty, José M. Herrera, Scott D.
17 Freeman, and Richard Stertz currently hold office as members of the IRC, did so at all
18 times material to this action, and are named herein as defendants solely in their official
19 capacities. All of these defendants reside within the District of Arizona.

20 7. Defendant Ken Bennett currently holds office as Arizona Secretary of State,
21 and is charged with certain official duties with respect to the conduct of elections to the
22 Arizona Legislature. Defendant Bennett is named herein solely in his official capacity
23 and as a nominal party in view of his election responsibilities.

24 8. This court has jurisdiction of this action under 28 U.S.C. §§1331, 1367,
25 2201, 2202, 2284, and 42 U.S.C. § 1983.

26 9. Venue is proper in the District of Arizona under 28 U.S.C. § 1391.

1 constitutionally prescribed order: January 31, 2011, the Republican Speaker of the
2 Arizona House of Representatives appointed Defendant Freeman, a registered Republican
3 from Maricopa County; February 2, 2011, the Democratic Minority Leader of the Arizona
4 House of Representatives appointed Defendant Herrera, a registered Democrat from
5 Maricopa County; February 9, 2011, the Republican President of the Arizona State Senate
6 appointed Defendant Stertz, a registered Republican from Pima County; and February 15,
7 2011, the Democratic Minority Leader of the Arizona State Senate appointed Defendant
8 McNulty, a registered Democrat from Pima County.

9 **SELECTION OF THE CHAIRPERSON AND**
10 **HER MATERIAL OMISSIONS**

11 17. In response to the rules or practices of the Appointment Commission,
12 Defendant Mathis submitted an application to the Appointment Commission, dated
13 October 12, 2010. A true copy of the application is attached as Exhibit 1, and is adopted
14 herein by reference. Therein Defendant Mathis omitted critical information, which, had it
15 been known, would have identified her as biased to the Democratic Party and not
16 impartial, and would have precluded her under ARIZ. CONST. art 4, pt. 2, § 1(3), from
17 being nominated to the IRC as an Independent or and from being selected to serve as the
18 Independent chairperson of the IRC.

19 18. Specifically, she failed to reveal (a) that Christopher Mathis, Defendant
20 Mathis's husband, served in the 2010 election as treasurer for the campaign of Nancy
21 Young Wright, a Democratic candidate for a seat in the Arizona House of Representatives
22 from legislative district 26 in Pima County, (b) on May 16, 2010, she donated \$100 to the
23 campaign of Andrei Cherny, then a candidate for Arizona State Treasurer in the 2010
24 election, (c) on May 4, 2010, Christopher Mathis donated \$250 to the Cherny state-
25 treasurer campaign, (d) on October 27, 2010, Christopher Mathis donated \$100 to the
26 Nancy Wright legislative campaign, (e) on August 10, 2010, she donated \$10 to the

1 Arizona List P.A.C., a committee for pro-choice democratic women in Arizona; and (f) on
2 March 3, 2010, Christopher Mathis donated \$75 to Arizona List P.A.C., and on August
3 10, 2010, donated another \$10 to Arizona List P.A.C. A true copy of a campaign finance
4 report of the Arizona Secretary of State's office reflecting such donations is attached as
5 Exhibit 2, and is adopted herein by reference. This consistent pattern of service to
6 Democratic causes and donations to Democratic candidates reveals that Defendant Mathis
7 at heart was a Democrat, though dressed in Independent clothing.

8 19. On February 24, 2011, in a meeting called by the Arizona Secretary of State,
9 the first four appointed Commissioners, constituting a quorum, met to select a chairperson
10 from among the five candidates who are not registered with either of Arizona's two
11 largest parties.

12 20. During the February 24, 2011, interviews, Defendant Freeman indicated to
13 Defendant Mathis that the IRC's political appointee members were looking for a
14 chairperson who would bring balance and fairness to the IRC and asked Defendant Mathis
15 whether anything in her background would call into question her ability to be fair.
16 According to the minutes of this meeting, Defendant Mathis answered that "there is
17 nothing in her background that would limit her ability to be fair and as long as she did not
18 have to make decisions about buying heavy equipment she would be okay." In response
19 to questioning from Defendant McNulty about her management style, the meeting minutes
20 report that Defendant Mathis responded that she liked "to create an environment where
21 people feel they can trust her and are comfortable with what she is trying to do" and that it
22 was "important to be open and impartial and achieve the end result by consensus."

23 21. This was an opportunity for Defendant Mathis to correct the material
24 omissions she had made on her application. Instead, as disclosed by her interview
25 answers, she doubled down and continued to maintain a façade of impartiality.

26 22. Although they interviewed the five candidates and then met in closed

1 session, the Commissioners did not select a chairperson that day. To allow time for
2 further reflection, the Commissioners decided to meet again on March 1, 2011.

3 23. On March 1, 2011, after meeting in closed session for a little over an hour,
4 Defendants Freeman, Herrera, Stertz, and McNulty selected Defendant Mathis, a
5 registered Independent from Pima County, to serve as IRC Chair.

6 24. Indeed, Mr. Mathis effectively became a “sixth commissioner” by closely
7 counseling Defendant Mathis on every aspect of the redistricting process and the votes
8 that were taken and interacting with stakeholders. Mr. Mathis attended virtually every
9 public meeting of the IRC, often spoke with Democratic operatives during hearings,
10 listened in on many conference calls among the IRC members, and acted on Defendant
11 Mathis’s behalf to round up votes on decisions coming before the IRC. Mr. Mathis even
12 went so far as to propose a deal to establish legislative district boundaries under which the
13 Democratic Commissioners would draw districts in southern Arizona and the Republican
14 Commissioners would draw those in northern Arizona.

15 25. Question number 6 on the application provides: “Is there any possible
16 conflict of interest or other matter that would create problems or prevent you from fairly
17 and impartially discharging your duties as an appointee to the Independent Redistricting
18 Commission? Yes () No () If your answer is “Yes,” attach an explanation. Defendant
19 Mathis answered “No.” Defendant did not disclose the information relative to her
20 Democratic-Party ties on her application in response to this question.

21 26. Although his service as a candidate campaign treasurer in 2010 would have
22 disqualified him as a candidate for appointment to the AIRC, Mr. Mathis effectively
23 became a “sixth commissioner” by closely counseling Defendant Mathis on every aspect
24 of the redistricting process, including votes taken, and interacting with stakeholders to
25 ascertain their support for various proposals. Mr. Mathis attended virtually every public
26 meeting of the AIRC, often spoke with Democratic operatives during hearings, listened in

1 on many conference calls among the AIRC Defendants, and acted on Defendant Mathis’s
2 behalf to round up votes on decisions coming before the IRC. Mr. Mathis even went so
3 far as to propose a deal to establish legislative district boundaries in which the Democratic
4 Commissioners would draw districts in southern Arizona and the Republican
5 Commissioners would draw districts in northern Arizona.

6 27. For someone constitutionally barred from service on the Commission, Mr.
7 Mathis was allowed to have unprecedented involvement in and influence on the
8 redistricting process.

9 **TURMOIL SURROUNDS THE IRC’S PARTISAN DECISIONS.**

10 28. With the selection of Defendant Mathis as its chair, the IRC was fully
11 constituted on March 1, 2011, and it almost immediately violated the Arizona
12 Constitution. 9. After selecting a chair, Article 4, Part 2, § 1(9) of the Arizona
13 Constitution mandates that “[t]he five commissioners shall then select by majority vote
14 one of their members to serve as vice-chair.”

15 29. But instead of complying with the constitution’s mandate and despite the
16 advice of counsel to the contrary, the IRC selected both Commissioners Herrera and
17 Freeman to serve as co-vice-chairs.

18 30. After the appointment of the IRC’s chairperson, the commissioners quickly
19 polarized along party lines, with the chairperson, nominally an independent, siding with
20 the Democratic members on every decision of any consequence.

21 **THE DEMOCRATS AND INDEPENDENT**
22 **SELECT REPUBLICAN COUNSEL.**

23 31. The alliance among Defendants Mathis, McNulty and Herrera first emerged
24 with the selection of the IRC’s legal counsel.

25 32. After discussion about the IRC’s procurement authority and consultation
26 with the State Procurement Office (“SPO”) of the Arizona Department of Administration,

1 the IRC Defendants decided to follow the state procurement code to retain legal services
2 from one or more law firms.

3 33. On or about April 8, 2011, SPO issued a request for proposals (“RFP”) for
4 IRC legal services. Responses to the legal services RFP were due April 28, 2011.

5 34. ARIZ. CONST. art. 4, pt. 2, § 1(12) does not authorize the IRC to meet in
6 anything but “a meeting open to the public, with 48 or more hours public notice
7 provided.” Nonetheless, the IRC met in closed sessions on May 3, 2011, for
8 approximately 5.5 hours; May 6, 2011 (telephonically) for an undisclosed amount of time;
9 and on May 10, 2011 for approximately 1.5 hours before selecting the law firms to be
10 interviewed in public session on May 10, 2011.

11 35. On May 12, 2011, the IRC met in public session and interviewed six of the
12 law firms that responded to the legal services RFP with the goal of procuring the services
13 of a Republican and a Democratic attorney.

14 36. After at least two closed sessions on May 12, 2011, and May 13, 2011,
15 totaling approximately two hours, Defendants Mathis, McNulty, and Herrera selected
16 Osborn Maledon, P.A. (Democrat Mary O’Grady) and Ballard Spahr LLP (Republican
17 Joseph Kanefield) as legal counsel. For more than 20 years, Mr. Kanefield had been a
18 registered Democrat, and only switched to the Republican Party in 2010.

19 37. The Democratic Commissioners, Defendants McNulty and Herrera, and the
20 Chairperson, Defendant Mathis, selected Republican counsel over the objections of the
21 Republican Commissioners, Defendants Freeman and Stertz.

22 38. The selection of Republican counsel against the wishes of the Republican
23 members of the IRC set off a firestorm of controversy during public comment in
24 subsequent meeting after meeting. In summary, this first glimpse of the coalition of
25 Defendants Mathis, McNulty, and Herrera raised concerns that the selection of counsel
26 would foreshadow this coalition’s commitment to something other than the application of

1 the constitutional provisions in an honest, independent, and impartial fashion and other
2 than upholding public confidence in the integrity of the redistricting process.

3 **THE DEMOCRATS AND INDEPENDENT SELECT A HIGHLY-PARTISAN**
4 **DEMOCRATIC FIRM AS MAPPING CONSULTANT.**

5 39. Further concerns emerged concerning the outcome-oriented nature of the
6 scoring of the responses to the RFP engaged in by at least one Commissioner who gave
7 perfect scores to the Democratic Commissioners' preferred candidates and an
8 unjustifiably low score to the candidate preferred by the Republican Commissioners. One
9 other Commissioner's written comments during the procurement process raised concerns
10 about the possibility that the scoring had been rigged.

11 40. Upon information and belief, Defendants Mathis, McNulty, and Herrera
12 discussed matters involving the selection of legal counsel for the IRC, including having
13 discussions that led to or were the equivalent of legal action, outside of properly noticed
14 public meetings.

15 41. On or about June 15, 2011, the IRC Defendants met in public session to
16 select four candidates to interview for the position of mapping consultant: Strategic
17 Telemetry, National Demographics, Research Advisory Services, and Terra Systems
18 Southwest. Before making their selection, the IRC Defendants held one or more closed
19 sessions to discuss the selection of a mapping consultant, including an almost five-hour
20 closed session on June 15, 2011.

21 42. Following presentations by the candidates for mapping consultant on June
22 24, 2011, the IRC Defendants met in closed session to discuss the selection of the
23 mapping consultant, and Defendants Mathis, McNulty, and Herrera all gave Strategic
24 Telemetry perfect scores despite its complete lack of redistricting experience, its lack of
25 even rudimentary knowledge of Arizona demographics and geographics, its submission of
26 the most expensive proposal, and its being headquartered at the District of Columbia.

1 43. A copy of the July 1, 2011, Yellow Sheet Report, published by Arizona
2 Capitol Reports, LLC, is attached as Exhibit 3 and is adopted herein by reference, and
3 details the irregularities surrounding the selection of Strategic Telemetry as mapping
4 consultant to the IRC. These irregularities were not limited to closed-session violations of
5 Ariz. Const. art. 4, pt. 2, § 1(12), but also included destruction of public records, *i.e.* their
6 initial scoring sheets, in violation of A.R.S. § 39-121.01.

7 44. Throughout this selection process, concerns were voiced about Strategic
8 Telemetry's highly partisan, pro-Democratic resume. Strategic Telemetry advertised
9 itself as a statistics and data analysis firm that caters to Democratic clients. Upon
10 information and belief, as a Democratic campaign strategist, Mr. Strasma specialized in
11 micro targeting and is considered to be a pioneer in the use of high-tech statistical
12 modeling in Democratic campaigns. In this vein, Strategic Telemetry's president, Ken
13 Strasma, served as the national target director for the 2008 Obama presidential campaign.
14 His work for the 2008 Obama campaign included micro-targeting, a technique for
15 identifying narrow niches of voters and targeting campaign communications to them. He
16 also worked with the 2004 John Kerry presidential campaign. Most recently, he worked
17 on efforts to recall Republican officials in Wisconsin, including Governor Scott Walker.
18 Mr. Strasma also has a long history of making substantial monetary contributions to
19 Democratic candidates. According to Federal Election Commission records, Mr. Strasma
20 has contributed almost \$15,000 to Democratic candidates in recent years. The fact that
21 Strategic Telemetry is not a mapping firm was highlighted during and AIRC meeting in
22 July 2011 when Strategic Telemetry indicated that its staff would need time to learn the
23 software that is standard in the mapping industry.

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1 further stated that “in a spirit of cooperation and negotiation,” he decided “to support
2 Strategic Telemetry.”

3 49. Upon information and belief, before the selection of the mapping consultant,
4 Defendant Mathis contacted Defendant McNulty on at least one occasion to ask her to
5 support the selection of Strategic Telemetry as the IRC’s mapping consultant.

6 50. On June 29, 2011, the IRC Defendants met to consider the mapping
7 consultant RFP. Following a closed session with State Procurement officials, the IRC’s
8 counsel announced that SPO was no longer working on the mapping consultant
9 procurement and that the project was now delegated to the IRC. Upon information and
10 belief, SPO renounced any role in the process because the process clearly was diverging
11 from long-standing principles of Arizona procurement law.

12 51. The IRC then proceeded to select Strategic Telemetry as its mapping
13 consultant by a vote of 3-2, with the Mathis-McNulty-Herrera coalition voting yes, and
14 Defendants Stertz and Freeman voting no.

15 52. In explaining her vote for Strategic Telemetry, Defendant Mathis read from
16 remarks obviously prepared in advance of the meeting, which indicated advance
17 knowledge of the outcome of the IRC’s vote.

18 53. On information and belief, Defendants Mathis, McNulty, and Herrera
19 coordinated their efforts to guarantee that Strategic Telemetry would be selected as the
20 IRC’s mapping consultant by, among other actions, agreeing that they each would award
21 Strategic Telemetry a perfect score and engaging in various non-public communications
22 designed to garner a majority of Commissioners in advance of a public meeting. These
23 *sub rosa* efforts to achieve majority consensus violated ARIZ. CONST. art. 4, pt. 2, § 1(12),
24 which required all discussions and actions to hire a mapping consultant to occur in a
25 public meeting. “Public officials may not circumvent public discussion by splintering the
26 quorum and having separate or serial discussions with a majority of the public body

1 members. Splintering the quorum can be done by meeting in person, by telephone,
2 electronically, or through other means to discuss a topic that is or may be presented to the
3 public body for a decision.” Arizona Attorney General Agency Handbook at § 7.5.2,
4 found at http://www.ag.state.az.us/Agency_Handbook/ch07.pdf.

5 54. Coming on the heels of the selection of legal counsel, the Mathis-McNulty-
6 Herrera decision to hire the highly-partisan Strategic Telemetry proved to be a flashpoint
7 that irreparably damaged public confidence in the IRC. Subsequent IRC meetings
8 featured scores of citizens expressing concerns about the ability of Strategic Telemetry to
9 remain impartial. The transcript of the IRC’s public meeting on June 30, 2011, reflects
10 roughly 90 pages of public comments denouncing the selection of Strategic Telemetry and
11 the criticizing the hack conduct of Defendant Mathis.

12 55. Additional concerns were raised about Defendants Mathis, McNulty, and
13 Herrera discussing IRC business with each other outside of public meetings and about
14 the IRC improperly conducting business during closed sessions.

15 56. On the morning of July 21, 2011, Attorney General Tom Horne announced
16 an investigation of the IRC for alleged violations of Arizona’s procurement rules and its
17 open meeting law, which is codified at A.R.S. §§ 38-431.01 through 38-431.09.

18 57. As part of this investigation, the Attorney General issued Civil Investigative
19 Demands (“CIDs”) to all five Commissioners.

20 58. Commissioners Freeman and Stertz cooperated with the Attorney General’s
21 investigation and submitted to depositions under oath.

22 59. Defendants Mathis, McNulty, and Herrera each received separate legal
23 counsel at the IRC’s expense, which violated A.R.S. § 38-431.07(B), and each refused to
24 cooperate with the Attorney General’s investigation. The Attorney General sued these
25 Commissioners in Maricopa County Superior Court to enforce the CIDs, Case no.
26 CV2011-016442.

1 60. In response to the Attorney General’s investigation, the IRC argued that it
2 was subject only to ARIZ. CONST. art. 4, pt. 2, § 1(12)’s public meeting requirement and
3 not the specific provisions of the open meeting law. But the Defendant IRC’s own
4 counsel provided training to the Commissioners on open meeting law compliance, noticed
5 IRC meetings by citing to the open meeting law’s provisions, and freely utilized the open
6 meeting law’s exception allowing the IRC to meet in closed sessions. What’s more, if the
7 IRC were only subject to ARIZ. CONST. art. 4, pt. 2, § 1(12)’s public meeting
8 requirements, it had no legal justification for the more than 40 hours spent in closed
9 sessions.

10 61. The IRC brought a declaratory judgment and special action, case no.
11 CV2011-017914, seeking in Maricopa County Superior Court to resolve the question of
12 whether the IRC was subject to the open meeting law and to protect the IRC from what it
13 argued was the Attorney General’s attempt to interfere with the IRC’s business.

14 62. The trial court ultimately removed the Attorney General from the
15 investigation based on a conflict of interest arising from the Attorney General’s
16 representation of the IRC before the hiring of the IRC’s legal counsel. The investigation
17 was then transferred to the Maricopa County Attorney’s Office. The trial court also
18 determined that (a) the IRC is subject only to ARIZ. CONST. art. 4, pt. 2, § 1(12)’s public
19 meeting requirement, and (b) that the IRC is not subject to the open meeting law. The
20 Maricopa County Attorney’s Office has appealed, and the matter is now pending in
21 Division One of the Arizona Court of Appeals, No. 1 CA-CV 12-0068.

22 63. On information and belief, Defendants Mathis, McNulty and Herrera
23 engaged in non-public communications to arrive at consensus among this majority of
24 Commissioners and then took the position that they were not subject to Arizona’s open
25 meeting law in order to avoid the consequences of their conduct.

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1 64. Early on, the stage thus was set for an outcome-driven redistricting instead
2 of the process-driven redistricting guaranteed by the Arizona Constitution.

3 **THE DEMOCRATS AND INDEPENDENT**

4 **ABANDON THE CONSTITUTIONAL PROCESS.**

5 65. ARIZ. CONST. art. 4, pt. 2, §§1(14) – (16) require the IRC to perform its
6 district-drawing work in four phases. *Arizona Minority Coalition for Fair Redistricting v.*
7 *Arizona Independent Redistricting Commission*, 220 Ariz. 587, 597, ¶ 29, 208 P.3d 676,
8 686 (2009).

9 66. The first phase is the “creation of districts of equal population in a grid-like
10 pattern across the state.” *Id.* at ¶ 30 (internal quotation marks omitted.)

11 67. Second, the “Commission must make adjustments to the grid as necessary to
12 accommodate the six constitutional goals.” *Id.* at ¶ 31 (internal quotation marks omitted.)

13 68. Third, the IRC must advertise the maps for public comment for a period of
14 30 days. *Id.* at 598-99, ¶ 31, 208 P.3d at 687-88.

15 69. Fourth, “after the public comment period has ended, the Commission must
16 establish final district boundaries and certify the new districts to the Secretary of State.”
17 *Id.* at 600, ¶ 44, 208 P.3d at 689.

18 70. On or about July 21, 2011, the IRC began to hold what it denoted as round-
19 one public hearings in various locales around Arizona to take public input on mapping
20 considerations.

21 71. The IRC concluded the round-one public hearings on or about August 6,
22 2011.

23 72. On August 18, 2011, the IRC considered two possible congressional grid
24 maps and chose Grid Map No. 2. Although the constitution requires that the IRC begin
25 the mapping process by creating “districts of equal population in a grid-like pattern across
26 the state” before making any adjustments to accommodate the six constitutional goals, the

1 IRC violated the constitution by considering factors other than equal population in
2 creating the Congressional Grid Map. A true copy of the congressional grid map is
3 attached as Exhibit 6, and is adopted herein by reference.

4 73. As reflected in the transcript of the IRC meeting of August 18, 2011, at
5 5:24-6:2, the IRC's adopted Congressional Grid Map was based not only on equal
6 population; it admittedly took the goals of compactness and contiguity into account. A
7 true copy of this excerpt of the 08.18.11 meeting transcript is attached as Exhibit 7 and is
8 adopted herein by reference.

9 74. In addition, instead of adopting a Grid Map that would serve as a neutral,
10 unbiased starting point for redistricting, the IRC's Congressional Grid Map was adopted
11 based on subjective considerations, including which Grid Map might be most likely to
12 lead to a Commissioner's desired outcome in violation of ARIZ. CONST. art. 4, pt. 2 §
13 1(14). *See* Exhibit 7 at 6:24-51:19.

14 75. On August 18, 2011, the IRC approved its option 2 legislative grid map,
15 thereby completing Phase 1 of its constitutionally-mandated work. A true copy of this
16 grid map is attached as Exhibit 8, and is adopted herein by reference.

17 76. After approval of the grid maps, the IRC entered into Phase 2 of its
18 constitutionally-mandated work, and began adjustments to the grid maps.

19 **PHASE TWO MAP DRAWING, CONTINUED POLARIZATION, BOGGING**
20 **DOWN, AND PARTIAL ABANDONMENT OF THE GRID MAP**

21 77. The IRC again polarized around party lines, with the Democratic members
22 proposing a series of legislative mapping iterations under the label of Legislative 9
23 Minority Districts Option 1, and the Republican members proposing a series of
24 legislative mapping iterations under the label of Legislative 9 Minority Districts Option 2.

25 78. Similarly, on the congressional side, the Democratic members proposed a
26 series of congressional mapping iterations under the rubric of River District, and the

1 Republican members proposed a series of congressional mapping iterations under the
2 rubric of Whole Counties.

3 79. In September 2011, the IRC began bogging down in its work on both the
4 legislative and congressional sides.

5 80. As a result, on the week-end of September 24-25, 2011, Chairperson Mathis
6 on her own at her home began to draw a congressional map, which she presented to the
7 IRC at its meeting of September 26, 2011, under the label of the “Everything Map,” the
8 effect of which was to merge the River District Map and the Whole Counties Map outside
9 of Maricopa County and to obliterate the grid map and leave a blank space in Maricopa
10 County. This Map quickly became known as the donut-hole map.

11 81. The Chairperson then turned the task of filling in the blank space in
12 Maricopa County to Commissioner McNulty.

13 82. It was apparent from this process that Ms. Mathis had (1) again sided with
14 the Democratic members on the question of drawing the congressional map, and (2) in
15 Maricopa County had forsaken the state constitutional command that the IRC begin with
16 the grid map and make adjustments only for the six goals set forth in ARIZ. CONST. art. 4,
17 pt. 2, § 1(14).

18 83. Abandoning the grid map in Maricopa County and turning the congressional
19 map drawing within Maricopa County over to Commissioner McNulty brought a
20 firestorm of public criticism down upon the chairperson.

21 **ADOPTION OF DRAFT MAPS WITH NO GENUINE**
22 **EFFORT TO SATISFY THE VOTING RIGHTS ACT**

23 84. On October 3, 2011, a three-person majority of the IRC, composed of
24 Chairperson Mathis and Democratic members McNulty and Herrera, approved a
25 congressional draft map to be published for 30-day comment.

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1 93. Acting pursuant to the authority conferred on it by ARIZ. CONST. art. 4, pt.
2 2, § 1(16), on November 1, 2011, the Arizona Legislature approved House Concurrent
3 Memorial 2001 (50th Leg. 4th Sp. Sess.) to the IRC commenting on the draft maps and
4 cautioning the IRC that, among other things, (a) the draft legislative map likely would
5 violate the one-person/one-vote rule of the Fourteenth Amendment and the equal
6 population requirement of ARIZ. CONST. art. 4, pt. 2, § 1(14)(B), (b) the IRC had not
7 performed a racial bloc voting analysis and therefore could not have made any genuine
8 determination that the legislative draft map complied with the Voting Rights Act, (c) the
9 minority voting-age population in some districts exceeded 60%, while in adjacent districts
10 barely exceeded 50%, (d) the draft legislative districts failed to respect communities of
11 interest in at least 13 instances, and failed to respect city, town, and county lines in
12 multiple instances, (e) it appeared from the packing of Republican incumbents into several
13 districts that the IRC had to have considered the residence locations of incumbents, which
14 violated ARIZ. CONST. art. 4, pt. 2, § 1(15), and (f) the IRC had not complied with the 30-
15 day comment requirement of ARIZ. CONST. art. 4, pt. 2, § 1(16), because the IRC had
16 neither the essential racial bloc voting analysis nor complete competitiveness information
17 when it approved the draft maps and therefore the maps were incomplete when published
18 to the public. A true copy of the Legislature’s memorial is attached as Exhibit 10, and is
19 adopted herein by reference.

20 **THE GOVERNOR’S REMOVAL OF THE CHAIRPERSON**

21 94. Concerned about the IRC’s patent violation of the map-drawing process
22 provided by ARIZ. CONST. art. 4, pt. 2, §§ 1(14) -- (16), the Governor gave notice to the
23 IRC chairperson and members of such violations, and requested a response by October 31,
24 2011. A true copy of the Governor’s notice letter is attached as Exhibit 11, and is adopted
25 herein by reference.

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1 95. Finding the response of the Chairperson inadequate, on November 1, 2011,
2 the Governor announced her intent to remove Chairperson Mathis, and called a special
3 session of the Arizona Legislature for the purpose of obtaining concurrence from the
4 Arizona Senate.

5 96. On November 1, 2011, the Arizona Senate concurred with the Governor's
6 removal of the Chairperson by a two-thirds majority.

7 97. The IRC filed a special action petition in the Arizona Supreme Court to
8 reverse the Governor's removal of Chairperson Mathis, the Arizona Supreme Court
9 accepted jurisdiction, and by order dated November 17, 2011, the Arizona Supreme Court
10 reversed the removal and ordered Chairperson Mathis reinstated to her office at the IRC.
11 The opinion supporting the order is *Arizona Independent Redistricting Com'n v. Brewer*, -
12 -- P.3d ----, 2012 WL 1366362, 632 Ariz. Adv. Rep. 32 (Ariz., April 20, 2012).

13 **ALL PRETENSE OF IMPARTIALITY IS ABANDONED.**

14 98. With her hand strengthened by the Arizona Supreme Court's reversal of her
15 removal, Chairperson Mathis and the two Democratic members of the IRC abandoned all
16 pretense of impartiality and proceeded to maximize the advantages in the legislative map
17 to the Democratic Party.

18 99. The IRC gave no consideration to the recommendations of the Legislature in
19 violation of the Article 4, Part 2, § 1(16) of the Arizona Constitution.

20 100. The Legislative recommendations were placed on the Commission's
21 November 29, 2011 agenda. At that meeting, Commission attorney Mary O'Grady
22 advised the Commissioners that the Legislative recommendations were in the packet of
23 materials provided to each Commissioner for their review. Ms. O'Grady stated, "I don't
24 know that it makes sense now to sort of read through [the Legislature's
25 recommendations], but maybe commit it to the Commission to makes [sic] sure that you
26 review those. And as the mapping process proceeds, you may want to – you can take

1 those into account as the work goes on.” She also stated that the Commission “might
2 want to consider” the Legislature’s comments and that “if the Commission is concerned
3 about anything [raised by the Legislature], they can consider those as they propose
4 recommended changes to the draft map.” (Tr. 11-29-11 at 144:18-146:22).

5 101. Defendant Herrera stated his understanding of Ms. O’Grady’s advice. “I
6 think as Ms. O’Grady said, we’re free to read this information and take it into account
7 when we are making changes to the draft map. So I think she was pretty clear.” Tr. 11-
8 29-11 at 148:12-15.

9 102. The Commission merely made a record that it had received House
10 Concurrent Memorial 2001, which is insufficient to satisfy the constitutional requirement
11 that the Commission “consider” the recommendations of the Legislature. Tr. 11-29-11 at
12 145:9-16.

13 103. The Commission treated its responsibility to consider the Legislative
14 recommendations as discretionary in violation of Ariz. Const. art. 4, pt. 2, § 1(16).

15 104. At no time did a quorum of the Commission consider acting upon the
16 Legislature’s recommendations, in whole or in part, and never considered accepting or
17 rejecting any or all of its recommendations. On information and belief, the Commission
18 ignored the Legislature’s recommendations and, by doing so, ignored the constitutional
19 requirement that it consider them.

20 105. In a series of IRC meetings beginning on November 29, 2011, and ending
21 on January 17, 2012, the IRC’s Democrat-polarized majority made numerous changes in
22 the draft legislative map, which can be summarized as follows:

| District | Changes |
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| 1 | Lost Camp Verde, and added New River, Cave Creek, Carefree, and Anthem |

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| District | Changes |
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| 2 | Lost Cochise County, and added Green Valley and more of Tucson |
| 3 | Added part of Marana and Democratic State Senator Cajero Bedford's house |
| 4 | Lost part of Yuma to Legislative District 13 |
| 5 | Added the Arizona strip north of the Grand Canyon |
| 6 | Added Camp Verde and Grand Canyon Village, and lost Show Low and Linden |
| 7 | Lost the Arizona Strip and added Show Low and Linden |
| 8 | Lost east Tucson foothills and Saddlebrook, and added Eloy and part of Casa Grande |
| 10 | Added southeastern Tucson |
| 11 | Lost Eloy, Casa Grande, and the Gila River reservation, and added the east Tucson Foothills |
| 12 | Added Queen Creek in Pinal County |
| 13 | Added northwest Maricopa County, including Buckeye and Wickenburg, and part of Yuma, and lost part of Surprise |
| 14 | Added Greenlee County and a portion of Cochise County, and lost part of Tucson |
| 15 | Added Phoenix west of I-17, and Lost Phoenix south of Union |

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| District | Changes |
|----------|---|
| | Hills |
| 20 | Added eastern Glendale |
| 21 | Added a portion of Surprise |
| 23 | Gained the Ft. McDowell Reservation |
| 24 | Lost northeastern Scottsdale and the Salt River Reservation |
| 26 | Gained northeastern Scottsdale and the Salt River Reservation |
| 27 | Gained the Gila River Reservation |

ADOPTION OF THE FINAL LEGISLATIVE MAP

106. On January 17, 2012, the IRC Democratic-polarized majority approved a final legislative map over the vigorous dissents of the two Republican members.

107. As reflected in the comments of Vice-Chairperson Freeman and Commissioner Stertz at the IRC meeting of January 17, 2012, the final map was stripped of all input from the Republican members and was a purely Democratic map with only pretextual effort to satisfy the six state-constitutional goals set forth in ARIZ. CONST. art. 4, pt. 2, § 1(14).

1 persons over: District 5 at 5973, District 28 at 5646, District 18 at 5100, and District 20 at
2 5100. District 14 is 4626 persons over. On average, the 16 overpopulated Republican-
3 plurality districts exceed the ideal by 4480 persons or 2.1%.

4 112. The IRC systematically underpopulated Democratic-plurality districts. With
5 two exceptions, every Democratic-plurality district falls short of the ideal population of
6 213,067 persons. These include Districts 2-4, 7, 8, 10, 13, 19, 24, 27, 29, and 30. The
7 two exceptions are District 9, which comprises north Tucson and Oro Valley, and District
8 26, which comprises much of Tempe. These districts are slightly overpopulated from the
9 ideal, respectively by 156 and 591 persons.

10 113. One Democratic-plurality district -- District 7 -- falls below population
11 equality by 10,041 persons. Four Democratic-plurality districts fall below by more than
12 8000 persons: District 4 at 8924, District 27 at 8872, District 3 at 8454, and District 2 at
13 8452. Three more fall below by more than 5000 persons: District 24 at 6408, District 19
14 at 5979, and District 30 at 5304. District 8 falls below ideal by 4645 persons. On
15 average, the 11 underpopulated Democratic-plurality districts are fall short of the ideal by
16 6461 persons or 3.03%.

17 **NO LEGITIMATE STATE INTEREST JUSTIFIES**
18 **THE IRC'S VARIANCE FROM IDEAL.**

19 114. Having achieved exact equality among congressional districts, the IRC had
20 the technical ability to achieve exact equality among legislative districts, and under the
21 circumstances of this action, no legitimate state interest justifies the IRC's variation from
22 exact equality.

23 **VOTING RIGHTS COMPLIANCE**
24 **DOES NOT JUSTIFY THE VARIANCE.**

25 115. According to the Census Bureau, the Hispanic portion Arizona's population
26 increased from 25.3% in 2000 to 29.6% in 2010.

1 116. The legislative redistricting map approved by the IRC in 2002, and pre-
2 cleared by the Department of Justice in 2003, contained seven districts in which Hispanic
3 electors could elect the candidates of their choice.

4 117. The IRC Final Legislative Map contained what purported to be no more
5 than seven districts in which Hispanic qualified electors could elect the candidates of their
6 choice, which represented no net increase from 2000 to 2010, despite the significant
7 increase in Arizona Hispanic population from 2000 to 2010. These are Districts 2, 3, 4,
8 19, 27, 29, and 30. A true copy of the IRC’s voting-age population break-down for the
9 Final Legislative Map is attached as Exhibit 15, and is adopted herein by reference.

10 118. The following chart shows the Hispanic voting-age population (“HVAP”) of
11 the seven districts according to the IRC population breakdowns. The chart also shows the
12 Hispanic citizen voting age population (“CVAP”) of the seven districts.

| Legislative District | Percentage HVAP | Percentage CVAP |
|----------------------|-----------------|-----------------|
| 2 | 52.8% | 41.29% |
| 3 | 50.1% | 43.59% |
| 4 | 55.7% | 45.38% |
| 19 | 60.4% | 46.26% |
| 27 | 52.1% | 39.82% |
| 29 | 61.9% | 43.88% |
| 30 | 50.7% | 33.01% |

21 119. By letter dated April 26, 2012, the Department of Justice declined to
22 interpose any objection to the Final Legislative Map. The April 26, 20012, letter,
23 however, stated that “we note that Section 5 expressly provides that failure of the
24 Attorney General to object does not bar subsequent litigation to enjoin the enforcement of
25 the change.” Despite the DOJ letter, these are inadequate CVAP percentages to ensure
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1 that Hispanic electors could elect candidates of their choice, and therefore violate the anti-
2 retrogression requirement of Section 5 of the Voting Rights Act.

3 120. An analysis of the retrogression of Final Legislative Map in terms of CVAP
4 is attached as Exhibit 16, and is adopted herein by reference. The analysis reveals that the
5 IRC majority of Ms. Mathis, Mr. Herrera, and Ms. McNulty deliberately diluted the
6 voting strength of Hispanic voters to protect Democratic-plurality districts. It shows that
7 the following new legislative districts retrogressed from the benchmark districts by
8 significant percentages of CVAP:

| New Legislative District | Percentage CVAP Retrogression from the Benchmark District |
|--------------------------|---|
| 3 | 0.08 - |
| 19 | 5.24 - |
| 27 | 3.29 - |
| 29 | 7.62 - |
| 30 | 11.26 - |

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14 Such retrogressions could not have taken place had the IRC built the Hispanic districts
15 first, as is the common approach to adhere to the requirements of Section 5, and as was
16 required by ARIZ. CONST. art. 4, pt. 2, §§ 1(14) and 1(16) before it could publish the
17 legislative draft map for the 30-day comment period of Phase Three.

18 121. As shown in the foregoing chart, of the seven Hispanic districts contained in
19 the Final Legislative Map, five have CVAP percentages that are retrogressed from the
20 baseline map. All but one of these districts has a population significantly under the ideal
21 district population of 213,067. The seven districts average a deviation of -4,655 CVAP.
22 The seven districts' cumulative under-population is 32,588 persons.

23 122. Yet there are a number of whole or split precincts on the boundaries of these
24 seven Hispanic districts containing about 90,000 persons and having very high
25 percentages of Hispanic adults. These highly Hispanic precincts have been deliberately
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1 fragmented off these seven districts to use their Democratic votes to shore up the partisan
2 composition of neighboring Democratic-plurality districts or to directly or indirectly
3 weaken Republican-plurality districts.

4 123. It would not have been necessary for the IRC's mapping consultant
5 Strategic Telemetry to use partisan election results to understand exactly what was being
6 done here. Factoring in the effect of under-population of both the Hispanic and adjacent
7 Democratic-plurality districts, coupled with ethnic fragmentation, creates a deliberate and
8 classic gerrymander.

9 124. Thus, these facts show that the IRC could have made up these districts'
10 shortfalls with minor adjustments in district lines, but chose not to do so to benefit
11 Democratic incumbents or to increase the number of Democratic-plurality districts.

12 125. What is worse, to the extent the IRC eventually obtained a racial bloc voting
13 analysis, the analysis made no study of the cohesiveness of minority voters, and made no
14 study of the likelihood of white cross-over voting, and therefore was incapable of
15 determining the percentage of CVAP it needed in purportedly Hispanic districts to create
16 an effective Hispanic district, meaning a district in which the Hispanic electors could elect
17 the candidate of their choice, and therefore was also incapable of determining whether it
18 satisfied either Sections 2 or 5 of the Voting Rights Act.

19 126. What is worse yet, the analysis's sampling of elections was so limited as to
20 cripple its effectiveness and usefulness. Specifically, the racial bloc voting analysis made
21 no study of primary elections, made no study of endogenous elections, meaning actual
22 legislative elections, and limited its focus to exogenous elections, meaning elections for
23 offices other than the Arizona House of Representatives or Arizona Senate. Because of
24 these deficiencies, the racial bloc voting analysis was essentially useless for determining
25 compliance with sections 2 and 5 of the Voting Rights Act.

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**RESPECTING THE COMPETITIVENESS GOAL
DOES NOT JUSTIFY THE VARIANCE FROM EQUALITY.**

127. In 2002, the IRC final legislative map achieved six competitive districts, in which a candidate of either party with a reasonably well-run campaign had a chance of winning election.

128. In 2012, the IRC retrogressed and achieved only four competitive districts. These include Districts 8-10, and 18.

129. As a result, respecting the competitiveness goal did not justify the deviations from equality in the Final Legislative Map.

**RESPECTING THE NEUTRAL GOALS
DOES NOT JUSTIFY THE VARIANCE FROM EQUALITY.**

130. Respecting city, town, and county boundaries, undivided census tracts, and communities of interest did not justify the IRC's deviation from equality among legislative districts.

131. The Final Legislative Map split five of Arizona's 15 counties twice, and split five counties more than twice. The Final legislative Map left only five counties in a single district. A true copy of the IRC's splits report is attached as Exhibit 17, and is adopted herein by reference.

132. The Final Legislative Map split three of Arizona's Indian reservations twice, and split four reservations more than twice.

133. The Final Legislative Map split the City of Glendale among seven districts, the City of Peoria among five districts, the City of Mesa among five districts, the City of Tempe among three districts, the City of Surprise among three districts, the City of Scottsdale among three districts, the City of El Mirage among three districts, and the City of Chandler among three districts.

FIRST CLAIM FOR RELIEF

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2 134. Plaintiffs adopt herein by reference all allegations of all preceding
3 paragraphs.

4 135. The one-person/one-vote requirement of the equal protection clause of the
5 Fourteenth Amendment does not permit legislative districts to deviate from the ideal
6 population except when justified by a compelling state interest. A plan with legislative
7 districts that do not exceed the ideal population by more than five percent over or five
8 percent under the ideal is presumed not to violate the one-person/one vote requirement of
9 the equal protection clause of the Fourteenth Amendment, but the presumption of
10 constitutionality is rebuttable. *Larios*, 300 F.Supp.2d at 1341.

11 136. Not compelled or justified by any legitimate state interest, such as
12 compliance with the Voting Rights Act, or the neutral districting criteria, the IRC's
13 systematic overpopulating of Republican-plurality districts and systematic
14 underpopulating of Democratic-plurality districts was arbitrary and discriminatory, denied
15 Plaintiffs, and each of them, their rights to equal protection of the laws guaranteed by the
16 Fourteenth Amendment to the United States Constitution, and deprived them of "rights,
17 privileges, or immunities secured by the Constitution and laws" of the United States, in
18 violation of 28 U.S.C. § 1983. *Larios*, 300 F.Supp.2d at 1341.

19 137. The constitutional defects in the Final Legislative Map are so
20 comprehensive that the IRC will have no choice but to abandon the Final Legislative Map
21 and begin anew.

22 138. The IRC cannot redraft a legislative map, publish it for public comment and
23 comment by the Arizona Legislature as required by ARIZ. CONST. art. 4, pt. 2, § 1(16), and
24 obtain pre-clearance from the Department of Justice in time to conduct the 2012 elections
25 in Arizona.

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1 ARIZ. CONST. art. 4, pt. 2, § 1(14)(B) for the sole purpose of maximizing the partisan
2 interests of the Democratic Party.

3 147. The Final Legislative Map therefore violates the equal population
4 requirement of ARIZ. CONST. art. 4, pt. 2, § 1(14)(B), and thereby injures Plaintiffs, and
5 each of them, and is null and void.

6 148. This is an action to compel the members of the IRC, all of whom are state
7 officers, to perform an act imposed by law as a duty on the them, and Plaintiffs therefore
8 are entitled to an award of reasonable attorneys' fees and other expenses as provided for
9 in A.R.S. § 12-2030 against the IRC and its members in their official capacities.

10 149. Plaintiffs therefore are entitled to judgment declaring that the Final
11 Legislative Map violates the equal population requirement of ARIZ. CONST. art. 4, pt. 2, §
12 1(14)(B), and therefore is null and void, enjoining Defendants and each of them from
13 implementing or enforcing the Final Legislative Map, mandating that the IRC draft a new
14 map for legislative elections following the 2012 elections, adopting an interim legislative
15 map for the 2012 election, requiring that Defendants implement the court-drawn 2012
16 interim map for the 2012 legislative elections in Arizona, and awarding Plaintiffs
17 reasonable attorneys fees and other expenses as provided for in A.R.S. § 12-2030 against
18 the IRC.

19 **DEMAND FOR JUDGMENT**

20 Plaintiffs respectfully demand that the Court award it the following relief against
21 all defendants:

22 A. Declaring that the Final Legislative Map violates the equal protection clause
23 of the Fourteenth Amendment, and 28 U.S.C. § 1983, and the equal population
24 requirement of ARIZ. CONST. art. 4, pt. 2, § 1(14)(B), and thereby injures Plaintiffs, and
25 each of them, and is null and void;

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B. Enjoining Defendants and each of them from implementing or enforcing the Final Legislative Map,

C. Mandating that the IRC draft a new map for legislative elections following the 2012 elections,

D. Adopting an interim legislative map for the 2012 election, and requiring that Defendants implement the court-drawn 2012 interim map for the 2012 legislative elections in Arizona, and

E. Awarding Plaintiffs such other relief as is just, proper, or equitable under the facts and circumstances of this case.

Plaintiffs further respectfully demand that the Court award it the following relief against the IRC only: an award of reasonable attorneys' fees under 28 U.S.C. § 1988 and A.R.S. § 12-2030, and an award of other expenses under A.R.S. § 12-2030.

DATED on April 27, 2012.

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