

Date: June 19, 2020

“Rule Comment”

to:

Clerk of the Supreme Court
1501 West Washington St., Room 402
Phoenix, Arizona 85007

From:

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**Comment Re: R-20-0035 PETITION TO AMEND THE PROCEDURES FOR
NOMINATIONS FOR THE INDEPENDENT REDISTRICTING COMMISSION**

Honorable Justices of the Arizona Supreme Court:

I urge you, PLEASE DO NOT ADOPT the proposed rule change in procedures for nominations for the Independent Redistricting Commission. These rule changes will significantly affect the transparency of the Independent Redistricting Commission and erode public trust.

The public voted overwhelmingly for the formation of the Arizona Independent Redistricting Commission, with the expectation of public participation and input in the work of the commission, including transparency and independence in all aspects of the Independent Commission, from the nomination of candidates to selection of commissioners to the actual work of the commission. This rule betrays the trust of Arizona citizens, and denies them full knowledge of one of the most significant aspects of the IRC, the nomination and subsequent selection of Independent Redistricting Commissioners.

The public has a right to know what is being decided by the Commission and how the individuals who are to serve the citizens of Arizona were appointed. This public knowledge must include not only the qualifications submitted by the Candidates, but also any external commendations or denigrations, that would exert undue influence from individuals with special interests who do not reflect the will and interests of the majority of the citizens of Arizona.

My objections to this rule are:

- The proposed revisions create “confidential” (i.e., shielded from the public) information in three areas:
 - (1) a new confidential section on the application form (Revised Rule 131(d));
 - (2) information designated by third parties as “confidential” (Revised Rule 131(e)(1);
and
 - (3) personal notes and procedural emails created by members of CACA (Revised Rule 131(e)(2)-(3)) .

- These proposed rules make it more difficult for the public to trust the candidate review process and to be confident that the best qualified candidates have been included in the pool of nominees.
- The purpose of the new confidential section on the application is undefined. It raises suspicions among the public that they are not hearing the full story from applicants about their qualifications and why they are applying. Is something damaging in their backgrounds being concealed?
- The ability of any third party to submit comments and to designate them as confidential is alarming. It opens the door to influences by unknown organizations and individuals. Untrue and unsubstantiated comments could be submitted about a nominee and concealed from the public. Even the names of third parties submitting comments would be held secret.
- Placing personal notes and procedural emails into a confidential category makes the process less open and transparent and circumvents Arizona public records law. It leaves the CACA commissioners free to decide what is procedural and what is substantive.
- Secrecy is antithetical to democracy. An open, transparent, public process is essential to the fair redistricting of Arizona.

Sincerely
Pinny Sheoran