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Comments re: R-20-0035 PETITION TO AMEND THE PROCEDURES FOR NOMINATIONS FOR THE INDEPENDENT REDISTRICTING COMMISSION

Justices of the Arizona Supreme Court:

I am writing as a committed voter and very interested citizen to ask that you rescind the Arizona Supreme Court's April 3, 2020 emergency amendment of Supreme Court Rule 131 (previously Rule 132) as they apply to the procedures of the Commission for Appellate Court Appointments (CACA) for nomination and review of commissioners for the Independent Redistricting Commission (IRC).

Arizona's IRC was established by a citizen initiative to create an open, fair and independent process for drawing legislative and congressional districts for the state. The State Constitution calls for IRC appointees to be committed to applying the provisions of the redistricting commission section "*...in an honest, independent and impartial fashion and to upholding public confidence in the integrity of the redistricting process.*"

The creation of new confidential information sections on the IRC application form, as specified in the Revised Rule 131, brings into question the integrity of the process at its very beginning.

Rule 131(d) allows applicants to provide confidential information beyond the previously confidential names and contact information for people serving as references for the applicant. The public will not know IF confidential information is provided and what it concerns. Citizens should have all the information necessary to judge the qualifications and intentions of the applicants for themselves.

Rule 131(e)(1) would allow third parties to submit information and comments about applicants and declare it to be confidential. Even the names of individuals making confidential comments would not be available to the public. This is truly extraordinary. It would permit undue influence by dark money and special interests and open the door for untrue and unsubstantiated statements to be made by anyone. Neither the applicants nor the public would know who had said what about an applicant. Such a provision should not be part of the process to create electoral maps which must be transparent and trustworthy.

Rule 131(e)2)-(3) places personal notes and procedural emails by CACA members into a confidential category. This circumvents public records laws and allows CACA members alone to judge that their emails are procedural and not substantive. Procedures can be used to manipulate and distort the process. This provision is another blow against the fairness and openness of the appointment process.

Taken separately and together the new confidentiality rules threaten the integrity and impartiality of the nominating and review process for IRC commissioners. Especially in today's climate of mistrust and division, the transparency of the redistricting process must be maintained and protected.

I strongly urge that you rescind these rules.

Respectfully submitted,

Betty Bengtson