STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

November 1, 2011

Commissioner Colleen Mathis, Chair
Independent Redistricting Commission
1100 West Washington Street
Phoenix, AZ 85007

Dear Ms. Mathis:

Thank you for your October 31, 2011 letter, in response to my October 26, 2011 letter, in which you were given written notice of allegations that you have committed substantial neglect of duty and/or gross misconduct in office. The Arizona Constitution is designed to ensure that Arizona's redistricting process is undertaken by commissioners committed to their constitutional duty to apply the provisions of Arizona Constitution, Art. 4, Pt. 2, §1 in an honest, independent and impartial fashion, and to transact the redistricting process in a way that upholds public confidence in the integrity of the redistricting process. To that end, the Constitution expressly confers on me the authority to remove a commission member when in my judgment, and with the concurrence of two-thirds of the Arizona Senate, there has been substantial neglect of duty, gross misconduct in office, or an inability to discharge the duties of office.

After careful review of your response and the responses of the other commissioners, I have determined that you have failed to conduct the Arizona Independent Redistricting Commission's business in meetings open to the public, and failed to adjust the grid map as necessary to accommodate all of the goals set forth in Arizona Constitution Art. 4, Pt. 2, § 1(14), including, but not limited to, the failure to consider or determine whether the creation of a competitive district is practicable or does not cause significant detriment to the other goals. The result is a failure to apply the Arizona Constitution's redistricting provisions in an honest, independent and impartial fashion, and a failure to uphold public confidence in the integrity of the redistricting process. In my judgment, the foregoing constitutes substantial neglect of duty or gross misconduct in office.

Accordingly, I hereby remove you as the fifth member of the Arizona Independent Redistricting Commission and as its Chair. This removal will be effective immediately upon concurrence of two-thirds of the Arizona Senate.

Sincerely,

Ken Bennett
Acting Governor
on behalf of
Janice K. Brewer
Governor

Cc: The Honorable Russell Pearce

1700 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007
602-542-4331 • FAX 602-542-7602

STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

November 1, 2011

The Honorable Ken Bennett
Arizona Secretary of State
1700 West Washington, 7th Floor
Phoenix, Arizona 85007

Dear Secretary Bennett:

Pursuant to the responsibility conferred on me by the Arizona Constitution, I have the responsibility to ensure that Arizona's redistricting process is undertaken by commissioners committed to applying the provisions of Arizona Constitution, Art. IV, Pt. 2, §1 in an honest, independent and impartial fashion, and to transact the redistricting process in a way that upholds public confidence in the integrity of the redistricting process. I have a duty to act when a commission member (commissioner) has committed, in my judgment, substantial neglect of duty, gross misconduct in office, or an inability to discharge the duties of office.

As you are aware, my legal team and I steadfastly believe that modern communication and other technological conveniences allow me to fully and effectively serve as Governor although I am currently out of state. However, out of an abundance of caution under the Arizona Constitution, Art. V, § 6 and due to the pressing nature of the situation regarding the Arizona Independent Redistricting Commission (Commission), I write to instruct you as Acting Governor to take the following actions:

a. Pursuant to Art. IV, Pt. 2, § 1, execute a removal letter for Commissioner Colleen Mathis. I will provide you with a letter outlining my decision regarding the aforementioned commissioner, and;

b. Call the Legislature into a Special Session pursuant to the Arizona Constitution Art. IV, Pt. 2, § 3 and Art. V, § 4 so that the subjects to be considered at the Special Session shall be:

   i. A memorial by either or both bodies of the legislature to provide comments and recommendations regarding the draft maps of congressional and legislative districts for consideration by the Commission prior to the Commission establishing final district boundaries pursuant to the Arizona Constitution, Art. IV, Pt. 2, § 1 (16); and

   ii. The Arizona Senate to consider concurrence in the removal of a commissioner of the Arizona Independent Redistricting Commission for substantial neglect of duty or gross misconduct in office pursuant to the Arizona Constitution, Article IV, Part 2, Section 1(10).

I appreciate your assistance and actions on behalf of myself and the State of Arizona.

Sincerely,

Janice K. Brewer

Janice K. Brewer
Governor

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Janice K. Brewer
Governor

Office of the Governor

PROCLAMATION
by the
GOVERNOR OF THE STATE OF ARIZONA
Calling a Fourth Special Session
of the Fiftieth Legislature of the State of Arizona

By the power vested in the Governor by the Arizona Constitution, Article IV, Part 2, Section 3, and Article V, Section 4, respectively, I, Ken Bennett, Acting Governor of the State of Arizona, call the 50th Legislature to meet in a Fourth Special Session at the Capitol on the 1st Day of November, 2011, at 4:45 p.m.

The subjects to be considered at the Special Session shall be:

1. A memorial by either or both bodies of the legislature to provide comments and recommendations regarding the draft maps of congressional and legislative districts to the Arizona Independent Redistricting Commission for consideration by the Commission prior to the Commission establishing final district boundaries pursuant to the Arizona Constitution, Article IV, Part 2, Section 1 (16).

2. The Arizona Senate to consider concurrence in the removal of a commissioner of the Arizona Independent Redistricting Commission for substantial neglect of duty or gross misconduct in office pursuant to the Arizona Constitution, Article IV, Part 2, Section 1(10).

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

ACTING GOVERNOR

DONE at the Capitol in Phoenix on this 1st day of November in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

ATTEST:

ACTING SECRETARY OF STATE