



NEVADA LEGISLATURE

SUMMARY MINUTES OF THE PUBLIC HEARING BY SPECIAL MASTERS TO RECEIVE TESTIMONY CONCERNING REDISTRICTING OF LEGISLATIVE AND CONGRESSIONAL DISTRICTS

The second of two Public Hearings by Special Masters to Receive Testimony Concerning Redistricting of Legislative and Congressional Districts was held on Tuesday, October 11, 2011, at 9:30 a.m. in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of “Summary Minutes of the Public Hearing” including the “Meeting Notice and Agenda” ([Exhibit A](#)) and other substantive exhibits are on file in the Research Library of the Legislative Counsel Bureau (LCB), Carson City, Nevada. You may contact the Research Library online at <http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm>; or telephone: 775/684-6827. An audio record may be purchased through the LCB’s Publications Office (e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

SPECIAL MASTERS PRESENT:

Thomas R. Sheets, Esquire, Chair
Robert E. Erickson
Alan Glover, Carson City Clerk-Recorder

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Brian L. Davie, Legislative Services Officer, Administrative Division
Tracey L. Wineglass, Senior Research Secretary, Research Division

CALL TO ORDER AND OPENING REMARKS

- Thomas R. Sheets, Chair and Special Master, introduced Special Masters Robert E. Erickson and Alan Glover. Chair Sheets stated the Special Masters have been appointed pursuant to Rule 53, “Masters,” of the *Nevada Rules of Civil Procedure* by Judge James Todd Russell to consider certain matters relating to Case No. 11-OC-00042-1B, which has been filed in the First Judicial District Court of the State of Nevada, in and for Carson City. He noted the matter is a judicial proceeding. Mr. Sheets further stated that the Special Masters’ hearings were noticed in accordance with the State’s Open Meeting Law and asked if anyone wished to comment regarding the noticing of the proceeding.

In response to Nancy Scott, League of Women Voters of Northern Nevada, Chair Sheets stated that at the bottom of the agenda there is a statement that lists the locations in Carson City and Las Vegas where notice of the hearing was posted and that it was also posted on the Internet through the Nevada Legislature’s website. He commented that the hearing is a judicial proceeding and, technically, not subject to Nevada’s Open Meeting Law.

- Chair Sheets asked the parties involved in the litigation to identify themselves and the individuals or entities they represent.
 - Mark A. Hutchison, Attorney, Hutchison & Steffen, on behalf of the Nevada Republican Party.
 - Kevin J. Hamilton, Attorney at Law, Perkins Coie LLP, for the Plaintiffs Dora J. Guy, private citizen; Leonel Murrieta-Serna, private citizen; Edith Lou Byrd, private citizen; and Samantha Steelman, private citizen. Mr. Hamilton introduced Co-Counsel Matthew M. Griffin, Griffin, Rowe & Nave LLP, and Guy Louis Rocha, who would be appearing as an expert witness.
 - Daniel H. Stewart, Attorney, Koch & Scow LLC, on behalf of the Plaintiff-Intervenor Alex Garza.
 - K. Kevin Benson, Deputy Attorney General, Office of the Attorney General, on behalf of Ross Miller, Secretary of State, State of Nevada.
- Chair Sheets discussed the background of the appointment of the Special Masters. He noted that the 2011 Regular Session of the State Legislature ended without redistricting being accomplished and the Governor indicated he would not call a special session of the Legislature for the purpose of further consideration of redistricting matters. Chair Sheets explained that the litigation that ensued is resident in the First Judicial District Court before Judge Russell, who asked Special Master Glover,

Special Master Erickson, and him to serve as nonpartisan Special Masters in the redistricting case.

Continuing, Chair Sheets explained that no objection had been received from any party to the proceeding to either the use of Special Masters or the appointment of three specific individuals as Special Masters. He further noted that material guidance was provided to the Special Masters regarding the items to be considered in performing the redistricting work, and they were advised to engage in public hearings. Chair Sheets stated that the Nevada Supreme Court has concluded that the Special Masters process should continue on a dual track with the Supreme Court's consideration currently being undertaken of certain legal and procedural issues. He concluded by quoting the Supreme Court:

Strong public policy reasons dictate that the parties concerned are subordinate to the general public's interest in having this redistricting matter resolved expediently so as to avoid continued and ongoing disruption to Nevada's election process.

Chair Sheets asked the Special Masters to provide information about their background and qualifications, and to make any necessary disclosures.

- Special Master Glover, previously identified, stated that he is a native of Carson City and is a graduate of the University of Nevada, Reno. He noted that he served five terms in the Nevada Assembly and one term in the State Senate; and in 1981, he was Chair of the Assembly Committee on Elections, which redistricted the State and created Congressional District 2. Continuing, Special Master Glover commented that in his capacity as the Clerk-Recorder of Carson City he has twice handled the redistricting of the Carson City Board of Supervisors, and the Carson City School Board; created the hospital district, which has since been abolished; and is currently in the process of redistricting the Board of Supervisors.
- Special Master Erickson, previously identified, reported that in January 2004, he retired after 30 years of full-time employment with the State of Nevada, the last 25 years of which were with the Research Division of the Legislative Counsel Bureau, the central nonpartisan staff arm of the Legislature. He noted he served as the Research Director for the last 20 years of his service and since his retirement has returned every session to assist legislators with constituent issues. Special Master Erickson commented that in the 2011 Session he also worked with the redistricting work station and software. He stated that during his full-time employment with the Legislature, he worked on the redistricting efforts in 1981, 1991, and 2001 with the Senate and Assembly Elections committees. Special Master Erickson remarked that he was also an active participant in the redistricting task force of the National Conference of State Legislatures, where he learned about the technical and legal issues involved with redistricting. He stated that he received both a bachelor's

and master's degree in geography from Fresno State University, and is well trained in cartography. Special Master Erickson concluded by stating that he has resided in Carson City since 1973, with a second home in Las Vegas since 2004.

- Chair Sheets stated that he is a partner in the Las Vegas office of the Nevada law firm of McDonald Carano Wilson LLP, and his primary activities in the firm are in the area of energy law. Prior to joining the law firm, Chair Sheets stated that he was the General Counsel for the Federal Energy Regulatory Commission in Washington, D.C., and before that he spent 24 years with Southwest Gas Corporation in Las Vegas, retiring as the company's Senior Vice President and General Counsel. Chair Sheets noted that, as a registered Democrat, he was appointed by Republican Governors as a member, and then Chair, of the Nevada Tax Commission and Nevada's Commission on Ethics. Chair Sheets said that he and his family came to Nevada 30 years ago.

Continuing, Chair Sheets disclosed that his law firm employs Nevada State Senator Ben Kieckhefer as its Director of Communications. Chair Sheets stated he had disclosed this information to the Court and advised that he and the firm would take all steps necessary to separate his activities as a Special Master from any contact with anyone in the firm, including the firm's Director of Communications.

OUTLINE OF PROPOSED SCHEDULE AND PROCESS TO BE USED BY SPECIAL MASTERS

- Chair Sheets stated the Special Masters intend to act in a nonpartisan fashion and are committed to considering all the information presented to them, including the public statements made at the October 10, 2011, hearing. He said they will do their best to construct for the benefit of all Nevada constituents, fair and representative legislative redistricting recommendations for submission to the Court. He outlined the proposed schedule and order of presentation for the public hearing, and called on the individuals who had signed in to testify at the hearing.

PUBLIC COMMENT

- Forrest Darby, the Grassroots Team, Las Vegas, provided written testimony ([Exhibit B](#)). He discussed his interest in the redistricting and the Grassroots Team's process in drawing its proposed map. Mr. Darby noted that latitude and longitude lines were used and said the United States Census Bureau encourages that the lines be changed to latitude and longitude.

Mr. Darby reported that the Grassroots Team has filed a motion for reconsideration, asking that Judge Russell follow *Abrams v. Johnson*, 521 U.S. 74 (1997), but if not, he would like the Special Masters to start with the map presented by the Grassroots Team.

He further requested that the congressional districts be designated first. Mr. Darby stated that the Grassroots Team's presentation ([Exhibit B](#)) provides details about communities of interest, but the Hispanic Republicans and Hispanic Democrats disagree on where the lines for communities of interest should be drawn. Concluding, he noted that the last 12 U.S. Supreme Court cases have ruled that Special Masters will not be overturned.

- Special Master Erickson stated that he would like to clarify a statement that was made in the Grassroots Team's written testimony. He noted that his suggestion to split one rural county instead of two or three counties in creating the northern district was strictly his technical observation to Mr. Darby when the Grassroots Team was drafting its maps. Special Master Erickson commented that he is open minded to all of the suggestions that have been received and all suggestions will be considered and discussed.
- Chair Sheets advised that the Special Masters assured Judge Russell they would begin the hearings with no preconceived notions and they would hear all the positions and take all the alternatives into consideration. He stated they will do what is fair in terms of the whole, applying their professional backgrounds and rationale, based upon all the information given to them.

Responding to a question from Special Master Glover regarding how communities of interest fit into his plan, Mr. Darby said communities of interest were not considered because there was so much disagreement. He noted that the Grassroots Team's Hispanic District in Clark County is almost 35 percent Hispanic.

In response to Chair Sheets' request for his opinion on the concept of nesting in terms of the Senate and Assembly districts, Mr. Darby said nesting is a good idea because it is helpful to both the election officials and the voters.

- Chair Sheets thanked Mr. Darby for his comments and stated that all the materials he presented will be reviewed and taken into consideration.
- Senator James A. Settelmeyer, Capital Senatorial District, thanked the Special Masters for their work. He noted that in the hearings with Judge Russell there was discussion of a starting point, since the Legislature decided not to agree on redistricting plans for Nevada's seats in the U.S. House of Representatives or the Nevada Senate and Assembly. Senator Settelmeyer discussed Assembly Bill 570 (Chapter 276, *Statutes of Nevada 2011*), which revises the districts from which the members of the Board of Regents of the University of Nevada are elected, and urged the Special Masters to consider the information in A.B. 570 as a potential starting point towards the creation of fair representative maps.

Senator Settlemeyer stated that he personally likes the concept of one man, one vote and the idea of trying to get the deviation as low as possible.

- Special Master Glover pointed out that the redistricting bills of 1981, 1991, and 2001 consisted of 1, 2, and 119 pages, respectively.

In response to Special Master Glover, Senator Settlemeyer stated that, although one particular county cannot be guaranteed consideration as a community of interest, he would prefer that Douglas County be preserved. He added there are other areas he represents that do constitute communities of interest such as the Lake Tahoe Basin; however, he noted this would be problematic because it would divide three counties.

Responding to a question from Chair Sheets about his opinion regarding nesting Assembly districts inside of Senate districts, Senator Settlemeyer said it is an interesting concept, especially within the rural areas, if it can be done.

- Chair Sheets noted there has been testimony that suggests there are significant savings to the State and political subdivisions by nesting Assembly districts in the Senate districts.

Responding to Chair Sheets regarding his knowledge or opinion about the economic efficiencies that might be obtained by nesting, Senator Settlemeyer stated that the overall savings would be in the printing of the paper ballots. He commented that the issues of having multiple ballots due to county officers, municipalities, and general improvement districts would remain.

- Bernard (Bernie) Anderson, former Nevada Assemblyman, recognized the integrity and work of the Special Masters. He opined that the Special Masters do not have the authority to perform the redistricting as it is a question of separation of powers and stated it is a legislative issue.

Continuing, Mr. Anderson discussed the importance of nesting, and the issue of splitting counties. He stated that Sparks seems to be losing its political identity because it is continually being fractured, and asked that Sparks remain a community of interest.

- Chair Sheets discussed the question of jurisdiction to accomplish redistricting, and the events leading to the appointment of the Special Masters.

In response to Chair Sheets' request for his comments on the appointment of the Special Masters, Mr. Anderson stated that redistricting is a legislative responsibility and the Governor should ensure it remains a legislative function.

Responding to a question from Special Master Glover about whether there are any pitfalls that should be considered when the Special Masters review the Sparks-Washoe County

area, Mr. Anderson said that using natural geographical lines that are readily identifiable to the community makes sense, and would enable the public to follow the landmarks that describe a district, rather than by district numbers.

PRESENTATION OF ARGUMENTS AND EVIDENCE BY PARTIES TO LITIGATION

- Chair Sheets announced that all public comments are appreciated and will be taken into consideration. He discussed the procedure for the presentation of arguments and evidence by the parties to the litigation.
- Kevin J. Hamilton, previously identified, presented a statement from Hispanic Legislative Caucus Chair Senator Moises Denis ([Exhibit C](#)), and turned the hearing over to Co-Counsel Matthew M. Griffin, to discuss some of the factors included in redistricting, with a specific focus on the northern part of the State.
- Matthew M. Griffin, previously identified, discussed the benefits of nesting. Mr. Griffin opined that the Special Masters should not spend an inordinate amount of time trying to nest every district in the State, but, to the extent there can be nesting, it is beneficial. He stated that he was the Nevada Secretary of State's Elections Deputy for four years. Mr. Griffin described the process to produce ballots, noting there are costs at the State and county levels based upon the number of ballot styles. He stated that when jurisdictions are nested the number of ballot styles is reduced.

Continuing, Mr. Griffin recommended that, as a starting point, the Special Masters consider the maps adopted by the 2011 Session of the Legislature in Senate Bill 497. He stated that Guy Louis Rocha was asked to come before the Special Masters to offer his thoughts regarding communities of interest and topographical considerations as proposed in S.B. 497, based upon his career and involvement in the State.

Responding to Chair Sheets' inquiry regarding Mr. Rocha's background and credentials, Guy Louis Rocha stated that he is Azorean Portuguese, and until February 2, 2009, was the State Archivist for 28 years. He provided his educational background and employment history. Mr. Rocha said he considers himself a Nevada historian and an expert in Nevada history, and has lived in both northern and southern Nevada.

- Chair Sheets stated that the Special Masters will consider Mr. Rocha's testimony in the context of his background and experience as they deliberate.

Responding to Mr. Griffin's request that he comment on a statewide representation of the congressional map found in S.B. 497 ([Exhibit D](#)), Mr. Rocha stated that when considering hinterland, in terms of commute to work, media coverage, services, et cetera, Churchill County and Mineral County are in the Reno hinterland and Lincoln County, particularly, and White Pine County and eastern Nye County are in the Las Vegas hinterland.

In response to a statement by Mr. Griffin that his basic assumption is that there would be two congressional districts wholly within Clark County and one that includes Washoe County and some rural representation, Mr. Rocha agreed and commented that the hinterland concept in terms of where the people live, where they receive their news and services, and where they work is important in who represents them.

In response to Mr. Griffin's request for his comments on the State Senate Districts ([Exhibit E](#)) as proposed in S.B. 497, specifically Washoe County Senate Districts 16, 17, and 18 ([Exhibit F](#)) and the benefits of nesting within that community, Mr. Rocha stated that the Senate districts in the map, including the nesting concept, fit reasonably well with the communities and, given his analysis, both the proposal and the nesting work. He added there may be some details that have to be explored given other testimony, but it is a viable template to work from.

- Mr. Rocha suggested that the Special Masters consider Storey County. He stated that even though it is rural in character, Storey County's community of interest is with Washoe County and the U.S. Census identifies it that way. He asked the Special Masters to consider that as they draw their lines.

Mr. Rocha also requested that the Special Masters consider where Tonopah fits into the Senate and Assembly districts, since Tonopah resides in two counties (principally in Nye County, but also in Esmeralda County). He noted that if the lines are drawn by county lines, part of Tonopah is broken up, and he questioned if some exception should be made and Tonopah be considered a community of interest.

Discussion ensued among Special Master Erickson, Mr. Rocha, and Chair Sheets regarding Goldfield as a satellite of Tonopah and if the same rationale should be applied as Pahrump's relationship to Las Vegas is considered.

In response to Mr. Griffin's request for Mr. Rocha's comments on the maps for the Assembly districts in S.B. 497 ([Exhibit G](#) and [Exhibit G-1](#)) and whether the lines for the Reno-Sparks area accurately reflect the neutral redistricting principles, Mr. Rocha opined that the maps for Reno-Sparks are reasonable. He commented that he views the districts in terms of who comprises them and where the people reside and it is his opinion they represent communities of interest, particularly in the Truckee Meadows.

- Mr. Rocha suggested that the Special Masters pay attention to Mason Valley in Lyon County, noting that the county may have to be broken up, but the community of interest there is Mason Valley. Mr. Rocha noted the importance of the concept of who is Hispanic or Latino, and he read his prepared statement "Who Is Hispanic or Latino" for the record. (Please see [Exhibit H](#).)

Responding to Mr. Griffin's question if the Nevada Congressional District plan dated October 9, 2011, presented at the October 10, 2011, hearing of the Special Masters as

Map G ([Exhibit I](#)) is his preferred proposal, Mr. Hamilton remarked that the plan was presented as an alternative, and the preferred alternative would be the map passed by the Legislature in S.B. 497.

In response to Chair Sheets' request for his thoughts on the proposal in [Exhibit I](#), Mr. Rocha stated that the proposal closely mirrors what he had just proposed and takes into consideration most of his concerns. He noted he has not had any involvement in the preparation of the proposal.

In response to Special Master Erickson's question regarding the plan presented at the October 10, 2011, hearing, Mr. Hamilton responded that the map is similar to the one in Assembly Bill 566, but it is not the same.

- Justin Gilbert, private citizen, Henderson, Nevada, described the differences between the map submitted to the Special Masters on October 10, 2011, as a conceptual map, and the map contained in A.B. 566.

Responding to Special Master Erickson's request for clarification on what the Special Masters are being asked to use as their starting point, Mr. Hamilton stated that S.B. 497 was passed by the Legislature and the Plaintiffs' position is that S.B. 497 be used as the starting point. He said the second bill that was passed (A.B. 566) contains some minor variations and the Special Masters might also consider that or the third alternative presented during the hearings if they determine it is a better fit for the neutral criteria identified by the Court and the testimony they have received. Mr. Hamilton reiterated that S.B. 497 should be the starting point.

- Chair Sheets requested that the Special Masters be provided copies of the maps contained in A.B. 566. (Please see [Exhibit J](#).)

Responding to a question by Special Master Glover about the importance of preserving the African American portion of Clark County, Mr. Rocha stated that, although the community has expanded and become more diverse, it is important that it be retained.

- Mr. Hamilton made the following six points in rebuttal. (Please see [Exhibit K](#).)
 1. A community of interest is more than race, and the Hispanic population should not be packed into a single congressional district, ignoring the testimony of community leaders before the Legislature;
 2. Showing shaded maps illustrating a greater than 35 percent Hispanic population, as presented at the October 10 hearing in Las Vegas by Ron Steslow, Redistricting Director, Fund for Nevada's Future, is misleading when one is arguing for a 50 percent majority-minority district;

3. Citizen voting age population is easily available;
4. There is no standard for representational fairness because it is not measurable;
5. There is no white bloc voting in Nevada; and
6. The focus of the presentation by the Intervenors at the October 10 hearing was on race defined by maps presented as communities of interest and did not address the traditional redistricting principles the Court instructed the Special Masters to apply.

In response to Special Master Glover's request, Mr. Hamilton stated he would provide a map showing the voting age population. He commented that "packing" Hispanic noncitizens into a district to make it look Hispanic, without actual citizen Hispanic voters, is a disfavor to the Hispanic community and is misleading, improper, and would be a significant error.

- Daniel H. Stewart, previously identified, stated that most of his rebuttal is explained in the briefs filed with the Court. He noted that the topics converged on in the testimony by the witnesses and the public were fairness and communities of interest. Mr. Stewart stated that not a single map that was presented had any identification of districts based on citizen voting age population (CVAP).

Mr. Stewart stated that his client supports the use of traditional districting criteria: preservation of municipal boundaries, compact lines, contiguous lines, and protecting incumbents. He said they have no objections to nesting but it becomes difficult to keep incumbents in their districts.

Mr. Stewart further discussed the concept of racial gerrymandering, the Voting Rights Act of 1965 (VRA), and where the Hispanic community of interest lies. He voiced his concern with the use of the term "packing."

Continuing, Mr. Stewart said his client endorses the map presented by Mr. Jose Solorio at the October 10 hearing ([Exhibit L](#) and [Exhibit L-1](#)). He noted there may be some minor changes, but he supports that it preserves the minority community of interest. Mr. Stewart said he has not taken a position on representational fairness, but noted that it is often minority communities that suffer when partisan interests come first.

Responding to Chair Sheets regarding the disagreements about the Latino community's representation, Mr. Stewart stated that the Special Masters should consider where there is agreement on the communities of interest in the maps that have been presented. He opined that the concept of influence districts helps elect more Democrats, and noted that influence districts are not supported as a means to maximize minority voting strength.

- Mark A. Hutchison, previously identified, expressed his concern that the Special Masters have been “pushed” by the Plaintiffs to use S.B. 497 as the starting point in their deliberations.
- Chair Sheets explained that the Special Masters will take all the plans into consideration.
- Mr. Hutchison commented that nesting is not a traditional redistricting criterion. He agreed that it is a viable idea as long as it does not subordinate any of the traditional redistricting principles and added that it gives less flexibility to an already difficult challenge.

Continuing, Mr. Hutchison stated that communities of interest is a point of disagreement at various levels in terms of redistricting criteria. He noted it is undisputable that there is a community of interest within Las Vegas, particularly, of a Hispanic community and that is readily identifiable. Mr. Hutchison stated that the Democrats fracture that community of interest unnecessarily and put it within three different congressional districts and multiple other districts at the legislative level. He noted that the Republican maps attempt to preserve communities of interest. Mr. Hutchison said there is some disagreement whether minority-majority districts could be drawn at the congressional level, but that there is no disagreement in terms of whether minority-majority districts can be drawn at the State legislative level.

- Ron Steslow, previously identified, responded to a question by Special Master Erickson regarding the number of Senate and Assembly minority-majority districts that could be drawn and whether they would be contiguous. He stated that three Senate districts and six Assembly districts could be drawn as minority-majority districts and they would be contiguous. Mr. Steslow noted that the disagreement is about which measurement to use—percentage of total population or percentage of the CVAP. Mr. Steslow added that after the nine districts are drawn, by lowering the standard to total population, an additional majority district could be drawn.
- Mr. Hutchison stated the districts can be drawn under the VRA, or they can be drawn to protect the community of interest and it is his opinion that is what should be done. He commented that the testimony and maps presented by the Hispanic community at the October 10 hearing supported preserving the Hispanic community of interest, and he urged the Special Masters to not fracture that community. Mr. Hutchison said that the touchstone of the VRA is whether the minority community has the opportunity to elect a candidate of its choice.

Mr. Hutchison further discussed the CVAP and stated it should not be used because it is not reliable and is not legally required. Mr. Hutchison addressed representational fairness, and stated it should be considered by the Special Masters.

Mr. Hutchison noted that he was asked to review the map that was provided as Map G at the October 10 hearing of the Special Masters ([Exhibit I](#)). He pointed out that more time was needed in which to analyze the data and prepare a written response. Mr. Hutchison stated it will be provided by October 12.

- K. Kevin Benson, previously identified, commented on the nesting issue. He said it makes sense to employ nesting where possible because it could provide significant cost savings and benefits to the voters.

PUBLIC COMMENT

- Michael Garabedian, Water Keepers, a Nevada nonprofit corporation, stated that the Water Keepers' theme is how rural representation is determined. He reported that Water Keepers was formed in 2008 to keep water in the rural areas by opposing interbasin transfers of water. Mr. Garabedian stated that 14 rural counties comprise about 86 percent of the State.

Discussion ensued between Mr. Garabedian and Chair Sheets regarding the State's population and land mass.

- Mr. Garabedian referred to the first page of his handout ([Exhibit M](#)), which contains a list of the data needed for redistricting, and discussed each item. He stated that maintaining rural representation is key. Mr. Garabedian expressed support of the other factors that are required by law and that the Special Masters are being asked to take into account.

Continuing, Mr. Garabedian next referred to the sheet on rural population in Nevada contained in his handout ([Exhibit M](#)). He explained it is a list of the rural population in Nevada, by county, according to the U.S. Census Bureau.

Mr. Garabedian stated that other factors are more important than nesting, and that the numbers are essential. He stated that the goal of Water Keepers is solely focused on the question of interbasin transfers and he asked that the Special Masters increase the numbers in the rural districts.

- Forrest Darby, previously identified, stated that he anticipates that when the maps are drawn they will be nice-looking maps with clean, straight lines that will be recognized as a credit to Nevada.

Continuing, Mr. Darby asked that the Grassroots Team's maps ([Exhibit B](#)) be considered along with those of the Republicans and Democrats.

- Chair Sheets stated that all the maps that have been submitted will be considered, and the Special Masters will decide where to start, based upon their background and experience.

Discussion ensued regarding whether the parties wanted to have a roundtable discussion. Chair Sheets stated that the positions are fairly well defined and are not likely to change.

- Special Master Erickson stated his opinion that further debate does not appear to be necessary. He asked the parties if further minimizing the splitting of rural counties would be valuable for the Special Masters to review.
- Daniel H. Stewart, previously identified, stated that his client favors minimizing the splitting of rural counties. He noted that with the population shift and moving a seat in both the Senate and the Assembly to southern Nevada, it would be difficult to preserve the incumbents in rural areas.
- Mr. Hamilton commented that the Special Masters have been directed by the Court to respect political boundaries and his clients did their best to accomplish that. He stated if there is a way to split fewer counties, it is appropriate and should be considered.

In response to Special Master Erickson's query about contiguous districts earlier in this hearing, Mr. Hamilton noted that information can be found on page 18 of the report provided by Stephen Daniel Ansolabehere, Ph.D., Professor of Government, Harvard University, at the October 10 hearing. (Please see [Exhibit N.](#))

- Chair Sheets stated that the Special Masters will endeavor to be fair and produce a lawful and proper recommendation that will be submitted to Judge Russell as their attempt to contribute to an orderly resolution of a difficult situation.

The following is a list of persons who submitted written testimony after the hearing. All written testimony provided is included in the public record as an exhibit.

- Javier Trujillo, private citizen ([Exhibit O](#));
- Forrest Darby, the Grassroots Team ([Exhibit P](#));
- Daniel H. Stewart, Esquire, Koch & Scow LLC ([Exhibit Q](#)); and
- Kevin J. Hamilton, Esquire, Perkins Coie LLP ([Exhibit R](#)).

ADJOURNMENT

There being no further business to come before the Special Masters, the hearing was adjourned at 2:49 p.m.

Respectfully submitted,

Anne Vorderbruggen
Senior Research Secretary

Brian L. Davie
Legislative Services Officer

APPROVED BY:

Thomas R. Sheets, Esquire, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Lorne J. Malkiewich, Director, Legislative Counsel Bureau.

[Exhibit B](#) is a packet of information submitted to the Special Masters with a letter dated October 11, 2011, from Forrest Darby, the Grassroots Team, Las Vegas, which includes:

- A document titled “Forrest Darby’s October 11th Presentation to the Redistricting Panel”;
- A letter dated October 11, 2011, addressed to the Special Masters in Case Number 11-OC-0042-1B regarding the League of Women Voters of Las Vegas Valley;
- A letter dated October 11, 2011, addressed to the Special Masters referencing *Abrams v. Johnson*, 521 U.S. 74;
- A document dated September 16, 2011, titled “[Proposed] Directives of the Court to the Redistricting Special Masters Panel Regarding Legal Issues” signed by Denise Pifer, Esquire, Attorney for Plaintiff-Intervenor League of Women Voters of Las Vegas Valley;
- A letter dated October 11, 2011, addressed to “Special Masters,” containing a description of the boundary lines shown on the maps presented by the Grassroots Team;
- A map of the Grassroots Congressional Plan for the State of Nevada, dated May 24, 2011; and
- A map of the Grassroots Congressional Plan for Clark County, Nevada, dated May 24, 2011.

[Exhibit C](#) is a document titled “Statement from Hispanic Legislative Caucus Chairman Senator Moises Denis” submitted by Kevin J. Hamilton, Esquire, Perkins Coie LLP, Seattle, Washington.

[Exhibit D](#) is a map titled “State of Nevada, United States House of Representatives, Proposed Plan,” referenced by Matthew M. Griffin, Esquire, Griffin, Rowe & Nave LLP, Reno.

[Exhibit E](#) is a map titled “State of Nevada, Senate Districts, Proposed Plan,” referenced by Matthew M. Griffin, Esquire, Griffin, Rowe & Nave LLP, Reno.

[Exhibit F](#) is a map titled “State of Nevada, Senate Districts, Reno/Sparks Detail, Proposed Plan,” referenced by Matthew M. Griffin, Esquire, Griffin, Rowe & Nave LLP, Reno.

[Exhibit G](#) is a map titled “State of Nevada, Assembly Districts, Proposed Plan,” referenced by Matthew M. Griffin, Esquire, Griffin, Rowe & Nave LLP, Reno.

[Exhibit G-1](#) is a map titled “State of Nevada, Assembly Districts, Reno/Sparks Detail, Proposed Plan,” referenced by Matthew M. Griffin, Esquire, Griffin, Rowe & Nave LLP, Reno.

[Exhibit H](#) is a document dated October 11, 2011, titled “Who Is Hispanic or Latino,” submitted by Guy Rocha, private citizen, Carson City.

[Exhibit I](#) is a map titled “Nevada Congressional District Plan Draft (10092011),” provided by Bradley S. Schrager, Esquire, Jones Vargas, Las Vegas, as Map G at the October 10, 2011, Hearing of the Special Masters, referenced by Matthew M. Griffin, Esquire, Griffin, Rowe & Nave LLP, Reno.

[Exhibit J](#) consists of three maps from Assembly Bill 566 of the 2011 Legislative Session, titled as follows:

- “State of Nevada, United States House of Representatives, AB566, 2nd Reprint, Proposed Plan”;
- “State of Nevada, Senate Districts, AB566, 2nd Reprint, Proposed Plan”; and
- “State of Nevada, Assembly Districts, AB566, 2nd Reprint, Proposed Plan.”

[Exhibit K](#) is a Microsoft PowerPoint presentation titled “Plaintiffs’ Rebuttal” provided by Kevin J. Hamilton, Esquire, Perkins Coie LLP, Seattle, Washington.

[Exhibit L](#) is a map titled “Solorio Map, Public Proposal: Jose Solorio, Option 2,” mentioned by Daniel H. Stewart, Koch & Scow LLC, Henderson.

[Exhibit L-1](#) is a document titled “Congressional Redistricting: Solorio Map” dated October 10, 2011, mentioned by Daniel H. Stewart, Koch & Scow LLC, Henderson.

[Exhibit M](#) is a document dated October 11, 2011, titled “Needed redistricting data,” submitted by Michael Garabedian, Water Keepers, Ely.

[Exhibit N](#) is page 18 of a report dated September 12, 2011, titled “Report on the Demography and Voting Behavior of Racial and Ethnic Groups in the State of Nevada,” provided by Stephen Daniel Ansolabehere, Ph.D., Department of Government, Harvard University, Cambridge, Massachusetts, at the October 10, 2011, Hearing of the Special Masters.

[Exhibit O](#) is a letter received on October 12, 2011, regarding Nevada’s Hispanic population, to Special Masters Thomas Sheets, Robert Erickson, and Alan Glover from Javier Trujillo, private citizen, Henderson.

[Exhibit P](#) is an electronic mail correspondence dated October 12, 2011, from Forrest Darby, the Grassroots Team, Las Vegas, titled “A Final Report to the Special Masters.”

[Exhibit Q](#) is a letter dated October 12, 2011, to Thomas Sheets, Esquire, Alan Glover, and Robert Erickson, from Daniel H. Stewart, Koch & Scow LLC, Henderson, regarding “New Plaintiff Map and CVAP Data in *Guy, et al v. Miller* Case No. 11-0C-00042-1B.”

Exhibit R is a letter dated October 11, 2011, to Thomas Sheets, Esquire, Alan Glover, and Robert Erickson, from Kevin J. Hamilton, Esquire, Perkins Coie LLP, Seattle, Washington, regarding “Census Block CVAP Data.”

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.