THE STATE OF ARIZONA INDEPENDENT REDISTRICTING

COMMISSION convened in Public Session on October 11, 2001, at 8:30 o'clock a.m., at the Sheraton Airport Resort, 1600 South 52nd Street, Tempe, Arizona, 85281, in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER JOSHUA M. HALL
COMMISSIONER ANDI MINKOFF
COMMISSIONER DANIEL R. ELDER

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Phoenix, Arizona
ADDITIONAL APPEARANCES:

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SPEAKERS FROM CALL TO THE PUBLIC:

PAUL ECKSTEIN
MAYOR JAY TIBSRAENY
MARGARET KENSKI
MAYOR JOSEPH DONALDSON
LEONARD GORMAN
RUDOLFO H. PEREZ, JR.
FRANK SEANEZ

AGENDA DESIGNATED SPEAKERS:

DR. ALAN HESLOP
DR. FLORENCE ADAMS
DOUG JOHNSON
CHRIS HUTCHISON

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CHAIRMAN LYNN: Ladies and gentlemen, I'd call the meeting to order. I apologize for the lateness and change in rooms, this morning's change of room. We'll be in this room this morning and the Arizona room after lunch. It's a larger room, nicer room, for afternoon.

Today is the one-month anniversary of really a change in the way we live in America. A month ago, America was attacked, devastatingly unprovoked, and it will change our lives probably for the foreseeable future. In deference to the lives lost a month ago, in deference to those lost lives, in deference to the 2000 lost lives, I wonder if we can all observe a moment of silence.

(Whereupon, everyone joined together in a moment of silence.)

CHAIRMAN LYNN: Thank you. Thank you.

Today our agenda concerns the Congressional districting. And our first order of
business, as is always the case, is call to the public. This is the time for consideration and discussion of comments and complaints from the public. Those wishing to address the Commission shall request permission in advance by filling out a speaker slip. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date unless it is the subject of an item already on the agenda.

Several have filled out speaker slips. I'll ask my fellow speakers, I'm in receipt of a letter overnight from the Mayor of Tempe, Neil Giuliano.

COMMISSIONER HALL: No.

CHAIRMAN LYNN: I'll pass it around for everyone to take a look at at the meeting, make it part of the record.

The first speaker is Paul Eckstein, a representative of the Arizona Democratic party.

Mr. Eckstein.

MR. ECKSTEIN: Good morning, Mr. Chairman, Members of the Commission. I'm Paul Eckstein. I want to speak primarily of the Downtown District on behalf of Democratic party, then I have a few remarks personal to C, not on behalf of the Democratic party.
Before doing that, I think it useful, at
the risk of repeating several points and positions of
the Voting Rights Act that are applicable and people
have voiced as reasons why a competitive Downtown
District cannot be created, Sections Two and Five of the
Voting Rights Act. There are three parts of the Gingles
Test that can be met, three parts of the Gingles test
that can be met, that go to the basis of the totality of
the circumstances, and determine if the minority has
less of an opportunity than the minority to elect
representatives of their choice.

Point number, one under Section Two,
failure to maximize minority dilution. The Supreme
Court said it said clearly in Bush vs. Rivera: Packing
can impermissibly sacrifice minorities, nonminority
districts, sacrifice their vote. That's exactly what
has been done with regard to the district, what they
did. Minorities can influence districts without being
the majority in the district.

Under Section Two, the Supreme Court has
said minority influenced districts are to be favored.
Under the plan that the group I'm representing has
submitted, I'll hand out data that confirms this, I
think you already have, not only are two
majority-minority districts preserved, G and D, minority
influenced district, a 39 percent minority vote is
created in a so-called downtown central city district in
District B.

Turning to Section Five, I think you all
know a lot better than I do that Section Five is
designed to assure a range of election on here. Talking
about redrawing lines. Does not have the purpose, will
not have the effect of denying or abridging the right of
the minority, protected minority, to vote.

Of course, the test is under the effects
of the clause, whether there is retrogression. Section
Five however does not require maximization of minority
ing power.

I want to read to you from the Miller
Johnson case, a US Supreme Court case that is absolutely
critical given what I understand the concern to be with
preclearance with the Justice Department.

Utilizing Section Five requires the states
to create minority-minority districts expanded with what
we upheld. Department of Justice is not the final word
on interpretation of Section Five. Where it has, as in
the Millet (phonetic) case, overstepped authority, the
state court has not been reluctant to slap it with Five.

The second point, Section Five, the key
point is where you have an increase in districts, that's

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what we have, six to eight, Section Five does not
require newly created districts, majority created
districts, the Abrams Johnson case, a case out of
Georgia, where the argument was made African Americans
in one minority-majority district out of 10, in other
words, 10 percent, were not given a new minority Georgia
district. Georgia increased 10, 11. One out of 11, or
nine percent. The Supreme Court said that is not
retrogression.

What we have is the exact opposite under
any plan you are considering. We're going one out of
six majority districts, 16 and a sixth percent, to two
out of eight, which is 25 percent.

However you calculate it, whatever
mathematical system you use, however poor or good you
are in mathematics, that is not retrogression.

If there is someone in the Justice
Department saying that is retrogression, I suggest to
you that would not stand up in court.

Paragraph The third point, under Section
Five, it is not designed to support the electoral
success but rather be an opportunity to support the
electoral success of Bush vs. Rivera, 1977 Supreme
Court, success of nonretrogression is not a license for
a state to do whatever it deems necessary to assure
continued electoral success; merely mandates the
minorities' opportunity to elect candidates of it's
choice be not diminished directly or indirectly by it's
representatives. Here, not diminishing, 16 and 16
percent to 25 percent.

Now these principles, this is not new
stuff. These principles applied to this jurisdiction in
1992, in the Symington case. The argument was in part
over the current Congressional District, number two,
which has parts of Districts D and G, and roughly those
two districts. And what the Court was asked to do in
that case was say District 44.77 percent voting age
population and 50.46 percent Hispanic population was in
violation of the voting age population.

No, that is not in violation of the voting
age population. That is baseline, absolute age
baseline.

You have an increase, and we probably
ought to say again, it's a basic increase,
majority-minority increase. We have districts we're
introducing, increase in majority-minority districts.

Let me hand out the charts, and I think we
can illustrate it. I have enough copies for everyone:

MR. ECKSTEIN: First page, what I call the
working IRC proposal, Arizona Coalition for Downtown

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Districts, the proposal made in which you have -- I made several weeks ago. I gray-lined certain numbers there.

COMMISSIONER HALL: Mr. Eckstein, you don't mean, the top is IRC not adopted draft B, or is it?

MR. ECKSTEIN: Is it -- what we're working with, adopted what is circulated.

COMMISSIONER HALL: Competitive B.

CHAIRMAN LYNN: The draft map widely circulated, draft Congressional map.

COMMISSIONER HALL: Yes. The one circulated.

CHAIRMAN LYNN: August 17.

COMMISSIONER HALL: I apologize.

MR. ECKSTEIN: Don't apologize. I hope you have questions. When you have questions, you ask them.

So what we you have, we're talking about shifting, primarily shifting populations between D and B preserving majority-minority status, number one; two, more competitive, by our lights, keep it more competitive, District B; three, creating minority influence district in District B.

Focusing on the last point, the column in the minority under the map circulated by the IRC, see

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minority population, 11.8 percent. When you make the
adjustment we suggest, you have minority population of
39.35 percent, 28.86 percent Hispanic, 28.83 percent
ing voting age Hispanic, voting age population, which in any
terms is competitive in terms of performing. Hence, you
see, the district becomes more competitive than it was
before from 59.13 percent Republican performance to
59.15 percent performance, spread the of 19 points to a
little over five points, five percentage points.

COMMISSIONER ELDER: Mr. Eckstein, maybe
I'm not so sure on classifications. Minority, 11.78
percent B.

MR. ECKSTEIN: Yes.

COMMISSIONER ELDER: Hispanic, 39.35; and
B, 70.34; and D, 65, 65.67.

MR. ECKSTEIN: Numbers may be switched.

Obviously in error.

CHAIRMAN LYNN: Probably the last four.

Correct those. Illustrations. We have numbers as well.

MS. HAUSER: Mr. Chairman, I also have a
question, Mr. Chairman.

The Republic performance columns, can you
tell us what is the measure of performance you used in
this analysis?

MR. ECKSTEIN: I believe the measure used
by the IRC. I'm not sure of the measure used by the 
IRC. I can pin that down.

MS. HAUSER: We had a number of them.

MR. ECKSTEIN: District D. The objective 
is to preserve the minority-majority status. If you 
look, that's preserved as well. Starts off at 60.99, 
ends up at 59.42, a de minimis number change.

With respect to minority population, it 
starts off at 70.34 percent. I think, if it isn't 
packing, it certainly borders on packing, and would drop 
some amount, basically four-and-a-half percent, to 65.67 
percent, a very healthy number, to allow for compliance 
with Sections Five and Two of minorities over age 18.

A similar set of numbers starts over 64 
percent, ends up at nearly 64 percent, 60 percent 
minority voting age population.

In most districts, most criteria, that is 
a whole lot more than what is required by law.

Now, if you break down Hispanic, I think 
data showed this eight years ago when we argued the case 
for creation of districts in the Phoenix Union High 
School Coalition voting between African Americans, no, 
it isn't that it never happens. You'd ignore reality to 
think it's only Hispanics that count, still, to have 
53.59 percent Hispanic population and 48.32 percent when
you make these shifts.

Go back to Symington. What Symington approved, 47.44, Symington, voting age population,
43-and-a-half plus higher than received the judicial stamp of approval 92. 53.99 percent is three plus percent higher than -- in terms of total Hispanic population approved in '92.

MS. HAUSER: Is that the bench mark you referred to previously?

MR. ECKSTEIN: That's a bench mark.

What we have here, you created another majority bench mark. When you look at bench mark, you look at two together. You can't just look at District Two.

I know we're working on the assumption here that current district number two is really a substitute for or proxy for District D, or the other way around, proxies for one another. That is not the case. The assumption is District G is a new district. Well, the fact of the matter is District D is a new district. District G is the old district. That's the way it started out. Started out that the Tucson district came into Phoenix and picked up the votes in Phoenix. I think if you look at it in terms of geography, District D is a new district, District G is not.

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I know everyone assumed here District G
District C is new districts. I suggest District G is a
new district. But, but, when looking at base lines in a
Congressional situation, when we added a district, we
can't look at one district. We look at the increase in
majority-minority districts.

MS. HAUSER: My question was with respect
to the number. I think I missed that.
Did you, in your previous reference to
bench mark in general, reference from the last time for
current Congressional two.

MR. ECKSTEIN: 1992 numbers, not 2000
numbers, numbers approved, and the district created on
the basis those numbers.

MS. HAUSER: You've not infused 2000 data
per the 2000 Census guidelines?

MR. ECKSTEIN: You'd have to do that with
District D and G. It doesn't apply.

You are creating, under the plan under
consideration, two majority-minority districts. The
only question is whether they are also a minority
district in Phoenix, Scottsdale, and Tempe, and whether
that district is more competitive. That's the issue
before you.

CHAIRMAN LYNN: Mr. Eckstein, so everybody
is clear, Ms. Minkoff found a problem with the minority
category, a typo on the 21.78 percent. We did the math.
All the other numbers make sense.

MR. ECKSTEIN: I tried to do the math last
night. I missed it last night.

Any other numbers on the first chart?

COMMISSIONER MINKOFF: I have a question
about your discussion of what is an existing district
and what is a new district.

Having lived in Arizona long as you have,
about as long as you have, I remember the creation of
that district, original District Two. It was a Tucson
district. If you look now, it is a Maricopa County
district.

Would the Justice Department look at that,
wouldn't they look at that as exhibiting a majority
district, forgetting the numbers, the territory makes up
existing districts, where the most territory ends up in
a new plan?

MR. ECKSTEIN: They won't look at it in
that sense, in the sense to say minorities or Hispanics,
say, number one, regressed, the ability to elect
representatives of choice regressed Hispanics, to elect
representatives of choice.

The first thing they'll see is not one but
two minority-majority districts. The percentage has gone up 6 to 25 percent, almost 9 percentage points. And you can't just isolate one district, when somebody says "this is my district," like the person owns this district. None of these people owns a district. None of these people lay claim to a particular territory. When somebody lays claim to a particular territory, that current particular territory goes into Tucson, Pima County, and Pinal County. One cannot just look at one district and say minorities are being retrogressed or denied equal opportunity to participate in the election. One look at population, Hispanics' representation.

COMMISSIONER MINKOFF: I think I didn't make the question clear. The Justice Department will look at benchmarks. Currently there's one majority-minority district population, whatever it is. I'm not sure what it is.

MR. ECKSTEIN: 25 percent, in terms of Hispanic population. Somewhat higher than that. In terms of your remarks, if we present a plan, there's no intention to go through with it, if the Commission were to present a plan with one majority-minority district, the Justice Department would not reject one factor.

Under Abrams Johnson, one now, let me emphasize we're not planning to do that.
I don't think anyone that's spoken suggested that.

COMMISSIONER MINKOFF: I'm trying to understand the issue. Adding an additional minority issue, we recognize that's the appropriate thing to do. Justice looks at issues of preclearance, looks at additional issues, and a particular district has to meet the benchmark or do they look at the two new districts we've created and the benchmark gets set aside? How does the benchmark gets set aside to do that, apply one of the two districts, or not apply either one?

MR. ECKSTEIN: I can't say how justice looks at it. This precise issue has not been litigated. One close gives a clue how the Supreme Court comes out, Abrams vs. Johnson, where they said in Georgia one need not increase the majority minority by one to avoid retrogression.

I think what justice ought to do is take the two districts together. I don't think you get to that. You, by definition, don't have retrogression if you increase the representation in Congress 16 to 25 percent.

CHAIRMAN LYNN: Mr. Eckstein, I hope you don't mind interruptions.

MR. ECKSTEIN: This is -- I don't mind it.
I welcome it.

MS. LEONI: Thank you.

Tuesday this week, we received a message orientation from Danny Ortega. He pointed out the facts like have you addressed the fact, if you might, pointed out one of the reasons for protecting percentages of a particular district, District D, is because of the fact it falls within the measure of voting strength. He pointed out in their analysis there's been a 10 percent drop, based on lack of citizenship.

What I'd like to ask is a twofold question, ask you both at, once if you would address them both: Have you looked citizen rates in the Hispanic community, proxy citizenship? Have you been able review citizen rates, make some citizenship level, whether they really do have an opportunity, and, number two, has your group had an opportunity to do any polarized analysis of voting patterns in the current district?

MR. ECKSTEIN: The answer to both questions is no.

To direct your attention to the second sheet, particularly to G, the gray line for District G under the maps circulated by the IRC, where you, by your studies, have created what everyone recognizes is a

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majority-minority district, 50.87 percent total Hispanic percentage population and 50.87 voting age population, is there any evidence in the record anyone seriously believes that compilation or what was proposed in District D is any different compilation, different than D?

I suppose if anything, I believe it's not based on any empirical data, non citizens District G, than there would be in the Central Phoenix district. Yet by your determination you've said, at least tentatively, 44.8 percent Hispanic voting age population sufficient, confirmed, at the time done, court found 44.66 percent was sufficient. If sufficient to create a majority-minority district, District G, I have a hard time even contemplating how it could not be sufficient in District D until someone demonstrates that the minority populations are so different in focusing on Hispanic populations in District G and D.

What you are doing, what you would be doing if you accepted our suggestion, or something reasonably close to it, is lower the numbers somewhat in District D. But they would still be above the numbers in District G.

Turn to the next page --

CHAIRMAN LYNN: Mr. Eckstein, we're rife

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with attorneys.

COMMISSIONER HUNTWORK: This certainly is not a legal question. I wanted to ask and I think you'll see the question. I appreciate your answer you have. It's how you get the Hispanic population up in proposed District G. There's the suggestion we've somehow limited that district, which is simply not factually correct. We sought every way possible to increase the Hispanic population.

MR. ECKSTEIN: If you took my remarks, it's not a sufficient minority district.

COMMISSIONER HUNTWORK: I took your remarks.

MR. ECKSTEIN: My point was if G was sufficient, 44.8 percent Hispanic voting age population, clearly D is sufficient at 48 percent, which drops it to --

COMMISSIONER HUNTWORK: I took your remarks to mean we satisfied District D and stopped trying to improve the demographics because we were satisfied with it. The fact is we tried to improve the demographics every way we could think of. It doesn't mean we can't do better in District D. I'm suggesting to you in our perspective that district is a non sequitur.

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MR. ECKSTEIN: I understand what you are saying. I think it's an absolute non sequitur. If you have determined, and I haven't heard anyone say, any group say District G is not a majority-minority district, anyone come up and say it's not a majority-minority district, it is, and has 48.4 percent voting age population. Would you like to find -- boost that number somewhat? I understand why you might want to do it. Not that it's a perfect minority-minority district.

When you compare G to D and compare the small diminution in percentage we propose still for a percentage higher than what which was deemed satisfactory by this group, and -- I think in terms of everyone, I haven't been here, haven't heard anyone say G is an inadequate minority district.

In part -- this isn't necessarily case law. People recognize, may well get in case law. They don't just look at percentages, but registration in districts. One of the reasons District G is a very strong majority district, there's strong registration in the district. Whoever wins the Democratic primary has an outstanding chance, not a deadbolt lock cinch, but an outstanding chance to get elected.

MS. HAUSER: More to the point, perhaps

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the most significant difference between G and D is
inclusion of the Native American population, such as the
Tohono O'odham, very similar to those. The Tohono
O'odham, and similar to those. In fact, included in the
44.8 percent number of Hispanic voting age population,
it includes other minorities I spoke of.

Basically, total minority voting age
population, 54.8. Wanted make clear for the record that
the conclusion, perhaps, people are making with respect
to District G may be based more on the 54.8 percent
number rather than 44.8 percent number.

MR. ECKSTEIN: Same with respect to D. As
currently proposed, it's made up most importantly of
Hispanics but also includes Native Americans, includes
African Americans, some Asians, 70.34 percent. Ends up
being diminished 7.6 percent, 7 percent points.

MS. HAUSER: Mr. Chairman.

Mr. Eckstein, would you please explain
that? Have not analyzed voting patterns shown blacks,
Hispanics vote different than blacks and Native American
Hispanics? Have you looked at it at all?

MR. ECKSTEIN: I have looked at it in
terms of data.

1992, when we filed the action asking that
the Phoenix Union High School District method of
electing members of the board be found unconstitutional,
we looked at it at that point. We were able to
demonstrate to the satisfaction of the high school board
that African and Hispanics in sufficient numbers, voting
block, and otherwise, though not able to persuade them
and, ultimately the court, five districts and two people
at large. We did have trouble then.

The answer is I haven't done that kind
analysis. I know from that work in fact elections were
analyzed in 1991 showing sufficient voting block between
African Americans and Hispanics.

Again, you have eight points margin there,
District D and G. I think that is without the empirical
data to back it up, from my understanding of the voting
practices.

CHAIRMAN LYNN: Mr. Hall has a question,
Mr. Huntwork has another.

COMMISSIONER HALL: My, along with legal,
heaven forbid.

Mr. Huntwork on my current train of
thought. I plan on switching gears.

COMMISSIONER HUNTWORK: I don't know how
legal-minded.

CHAIRMAN LYNN: Go ahead.

COMMISSIONER HUNTWORK: I want to come

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back to the point of finding a way to strengthen G. I
don't disagree. If you or anybody else has suggestions
as to how to do that within further provisions of
Proposition 106, I'd welcome those suggestions. It
questions the mind pretty deeply. We've done the best
we can.

MR. ECKSTEIN: I agree with you,
absolutely agree.

COMMISSIONER HUNTWORK: I'll tell you, the
tests and studies we've looked at are not as good as
we'd like them to be in District D.

MR. ECKSTEIN: Not as good in D or G.

COMMISSIONER HUNTWORK: G. In G, not --
also may not be as be as good as one would like them to
be as it stands right now. The Question on my mind is
whether there's a feasible way to lengthen them. The
argument you are making strengthens G. The argument, D,
strength the district, waiting for votes in D. Numbers
I'm looking at don't show that. I'm saying disconnect.
You can go on with the argument like you wish to.
Actually it doesn't match what I've seen.

CHAIRMAN LYNN: Let me say two things.
Both districts have heavily Democratic registration and
performance. Whoever wins the Democratic primary 99
times out of 100 is elected if one really looks at the

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ability to influence an election. One doesn't look at
the general. One looks the primary.

   If you break numbers down, look minority,
Democratic primary, you'll read that. You'll see
numbers we don't have here, and it wouldn't surprise me
to see numbers in the 70, 80 percent range.

   Looking in terms of practical politics,
meeting the standards of Section Two, ability to
influence an election, a very high percentage of the
time, 99 percent of the time, Hispanics elect a
candidate of choice. A high percentage of the time
they'll be able to elect a candidate of choice.

COMMISSIONER HALL: Thank you.

   As you well know, Proposition 106 says
competitive should be favored long as it doesn't
influence, it is their opinion, to the detriment of the
community, influence other goals.

   Would you respond to that general sense
and maybe you haven't heard some of that influence does
cause detriment to communities of interest and other
goals as stated in 106.

MR. ECKSTEIN: I heard that, read that.

Numbers stated are not a significant detriment in the
ability of minorities and Hispanics to elect
representatives of choice. Now, is there a detriment to

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creation of communities of interest. To the extent that
means something other than Hispanic minority block
voting, if it means the same thing I think we
demonstrated through data, there's no significant
detriment.

The argument, as I understand it is, at
its most basic level, all Hispanics are part of the same
community. Divide Hispanics into different communities,
you violate the planning of 106.

I don't think it can be demonstrated all
Hispanics are part of the same community, only one
community. All of us are parts of different communities
of interest. If someone is a Hispanic person lives and
in rural Arizona, he may have a stronger attachment to
rural Arizona than a person does to -- a person that's
Hispanic in Central Phoenix.

What you have, M, the enhancement of
District B, or changes in District B, changes --
recognition of a different kind of recognition. Clearly
changes, recognition of the Voting Rights Act, will
trump the Voting Rights Act. All of this complies with
the Voting Rights Act. There are different communities
of interest, among the communities of interest written
down here, that create communities of interest, all
Tempe, south half of Scottsdale, to that Glendale
border. There's some suggestion they include Glendale, what kind community of interest. And what do you have, redevelopment, transportation, crime. Those are significant communities of interest. I know there has been questions about it. Is there significant detriment to other goals? Compactness? No. If it's not the most compact, it's probably not as compact as the East Valley district. It can certainly compare to the proposed District C compact district.

CHAIRMAN LYNN: There are several states more compact than District C.

MR. ECKSTEIN: 25 states smaller than District C.

CHAIRMAN LYNN: We all function with Arizona's demography and geography.

MR. ECKSTEIN: -- I

COMMISSIONER HALL: Alaska is not one of them.

MR. ECKSTEIN: Montana is not one.

I think when one looks at these numbers, I just wanted to take a look, the third page of the charts I handed out, and I alluded to it, District B, you go up in terms of Hispanic voting age population from 12 percent to 23 percent. That creates a Hispanic influenced district. At the same time, moving down
District D, three and a half percent points, 48.74 to 48.23 in terms of voting age population, that is more than required by-law. I know people said if you don't stick with these numbers. I'm saying you are on sound ground staying with these.

CHAIRMAN LYNN: Follow-up number.

MR. ECKSTEIN: I want it absolutely clear we think that District G is an effective majority-minority district. We not only respect the job you've done, we believe it's the best job that can be done. It's a very, very good job.

One of the reasons you haven't heard people criticize the district is because you did a good job.

CHAIRMAN LYNN: Follow-up on communities of interest. I'm intrigued in competitive of interests, I'm mindful other goals. I'm in receipt of a letter from the Mayor from Tempe. First is he'd like his district kept whole within a Congressional District. The district you propose does that. Goes on, didn't find much community interest between the cities of Tempe, Scottsdale, or City of Phoenix, infers there may have been issues in the past or future of a federal nature, competition for funding that are problematic where the Mayor feels things might be detrimental and
brought up.

MR. ECKSTEIN: We know one issue, airplanes, airports, sports arenas. I'm not aware of any other issue.

What we're talking about here are issues involve people every day. Football arenas and planes don't involve people every day.

Crime is something that involves people every day. Unity of interest, crime is a common interest. I'd defy him or anyone else to say Tempe and Central Phoenix don't have common interest in transportation. That's probably a pretty good example of not a conflict of interest but in unity. Everyone has an interest in minimizing traffic, easing transportation.

Rehabilitation, refurbishment, all three areas have areas undergoing refurbishment.

Tempe has done a better job than others in all phases of the issues. In any, district, 6,040 plus people find some issues people don't agree go, it's the own nature of people talking in communities of interest, people kind of coming together in communities of interest. I don't think a community of interest is race, ethnicity, or language group. If it is, the answer is easy, it's right here in these numbers.
I'll throw out something radical we talked to you about. If you are concerned about, if you think the Justice Department is not going to give you a fair shake, you know the options. First, submit to Justice Department. If disagree with their decision, preclearance, appeal to the United District Court, District of Columbia. If you truly believe, I don't have a view on this, if you truly believe that the Justice Department is not going to comply with the Supreme Court, for whatever reasons, the Supreme Court, and it is going to say one majority-minority district to two, increasing 16 to 25 percent is retrogression, and turn the thing down, you have the option to file immediately your maps with the United States District Court for the District of Columbia.

I understand the advantages and disadvantages of it. The advantage and disadvantage, it's in the District of Columbia, not Arizona. One of the chances for the preclearance process and anticipated litigation.

You've had numerous people threaten litigation if you move an inch off one map or another.

Take people seriously. If you are concerned, not enough time, and concerned you can't get the Justice Department to act fairly, there is a way to
deal with it, while less convenient, and that's to
litigate in the District of Columbia, preclearance and
litigation at the same time, and the process would end
sooner. Approval would end sooner.

But I don't assume Justice will ignore
Miller vs. Johnson or Bush vs. Rivera or Abrams vs.
Johnson. They can read the cases, and I'd like to
operate on the assumption they'll read them fairly.

I think it's a given, if you'd like me to
talk about competition, I think people will believe, I
think the map we've suggested as an alternative map is
truly one that creates an District B. If there is any
question about that, I would be happy to answer those
questions.

CHAIRMAN LYNN: Mr. Elder has a question.

COMMISSIONER ELDER: Mr. Eckstein, you
brought up a couple good points. One you reiterate for
the record, I believe I'm speaking for the entire
Commission, community of interest, ethnicity or race;
you have viewed community of interest and race have been
viewed different. The question to you on District Two,
not Two, B, what percentage have you used to view
competitiveness?

MR. ECKSTEIN: Roughly five.

COMMISSIONER ELDER: Five.
MR. ECKSTEIN: I read something about minority competitiveness of districts and the move to District K, state previously for myself, Law Professor J Gerald Herbert. He's the author of the book All Giving, Realistic Guide to Redistricting, Avoiding Legal Pitfalls. Updated that. In that Law Review Article, in the George Mason Law Review published last year, here he's talking about this issue about minority influenced districts, so apropos for the District B, District D issue, creating, talking blacks, African Americans, not Hispanics, creating a minority opportunish 45 percent black, continuing to provide minority voters with effective opportunity to elect a preferred candidate and protect neighboring offerers a better option for a reasonably compact 60 percent black district. Find you here are talking about that 65 percent minority district as redrawn and almost a 54 percent Hispanic district. The reason for that packed 69 district, it undermines voters, undermines chances for victory in joining the district. 45 percent black provides the voting district a chance to elect the preferred candidate preferable. 45 percent black district, a better advance representational input, advanced voters. That's, I think, where you've gone a long way to creating two majority minority districts. You
had the option, and that was to create more -- I don't 
think an option, really, favor, legal, to put more 
Hispanics into either G or D, one majority district, one 
strong minority district. I know you made right choice. 
But there are sufficient numbers in District D to 
accommodate all of the goals of Proposition 106. 
I think everyone understands very well, 
don't dwell very long, that Proposition 106, because the 
people State of Arizona wanted a more competitive 
district, every statement in the voter pamphlet 
commented on increasing more competitive districts. If 
you can convince yourself without significantly harming 
other goals, I believe you can and urge yourself to do 
that.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Words you are 
using are important and of course very important to us. 
The question is whether we have put enough Hispanics 
into a district to satisfy the Voting Act requirements, 
too many to violate the essence of what we've been 
trying to use carefully.

Using the same vocabulary and stating 
conclusions, packing, cracking, do you have statistical 
analysis of voting history, as we've performed it, with 
respect to voting performance, as we share it with

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regard to the record we developed that you can share
with us?

MR. ECKSTEIN:  I haven't done voting a
report myself, and can't share it, other than what your
consultants have done.

A Large part of D, the Phoenix Union High
School District.  That's eight years old, almost 10
years old now, I think it is at least relevant.  Whether
it's the most relevant information, I do not know.  I
know looking at these numbers the Democratic
registration is twice that of the Republic registration
of G.  Republican registration is twice higher.  We've
Done this, but we haven't done an empirical study at
this time.  But the vast majority of Hispanics, the
majority of registered Democrats not Republicans, that
tells me the Hispanics vote with the Democratic primary
in District D as configured by us with a 3.5
diminishment, that is not a significant diminishment or
detriment to the requirement of the Voting Rights Act.

CHAIRMAN LYNN:  Ms. Hauser.

MS. HAUSER:  Two questions, Mr. Eckstein.
One is the Commission is familiar Mr. Hebert's work,
including the George Mason law review article.  It
quoted his work at 60 percent, roughly 60 percent work.
Are you making an argument at the 60 percent level, that
is always packing?

MR. ECKSTEIN: I don't know it always is.

A lot of majority-minority districts at 60 percent, no times one can't avoid it. I think it's suspect at that high. I wouldn't say always packing. Clearly suspect.

MS. HAUSER: It clearly depends on voting patterns.

CHAIRMAN LYNN: Not 60 percent, 70 percent. Even we, under our total, still above 65 percent.

MS. HAUSER: Second question, a day or two ago, Neil Wake was here and presented information from the campaign literature from the Proposition 106 campaign, read the following, a question and answer in the literature, "Can all districts be political?"

"Answer: No. Many members heavily populated, by one or another party, those representatives, have the right to be reverse in their believe, reverse gerrymandering. This preserves against that gerrymandering. That can apply to other conducts where one of these do tend to be registered.

MR. ECKSTEIN: As Hebert recognizes, McDonald recognizes, the study he did for you, the virtue of the party registration geography, Arizona is not the easiest state in the union, and also 80 percent
of the population of Maricopa County, not the easiest
state in the union. We have districts B and D. This is
the perfect opportunity to do it. It's more difficult,
I agree. Northwest Maricopa opportunity, or southeast,
talking about making adjustment there, it's all the
difference in the world.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Eckstein.

CHAIRMAN LYNN: You head it.

COMMISSIONER MINKOFF: Talking about
majority-minority districts, you cited an example about
black majority-minority districts and blacks,
referenced citizenship levels between blacks and
Hispanics. We also some information we received in
certain areas of our state regarding turn-out levels.
Do you comment on what that level might have been, the
effective turn-out level, D primary turn-out level
Hispanic?

MR. ECKSTEIN: I can. I come back to a
Hispanic population. District G is significantly more
citizens, more likely to vote with higher registered
voters than District G. I haven't heard it, don't think
anyone can register it. 44 percent, District G. That
you believe, everyone believes, I believe, is sufficient
because of percentage party vote that that represents to

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allow Hispanics to elect a representative of their choic
or party, at 48 percent, though I recognize there are
significant numbers of people who are counted in the
Hispanic surname as citizens and can't register to vote.
That's reflected in part in what you've done in the drop
out. Part of it is people in the under age 18. Clearly
that's reflected in under age 18. Clearly compare D and
G. Ought to be good enough for G, what we suggest, and
the map circulated, 58 percent.

I don't see a significant enough
difference, 58 to 54 percent, trigger voting age
population.

CHAIRMAN LYNN: We've been generous with
time.

Let's move to District C, if you would.

MR. ECKSTEIN: I'm not representing the
party on this. This is difficult.

This is one I don't envy you solving. D
and G, the relative solution, one fairly obvious
solution. I don't know about an obvious solution. We
recognize there are not sufficient voters unless you
make a district that wraps around three-quarters of
Arizona and includes Mohave and Yavapai counties.

Here's my suggestion. I got involved when
my senior partner ran a campaign, what was then District
4, covered the northeast part of state, Gila, Apache, Graham, and Greenlee counties. And that district pretty much stayed that way, changed a little bit since 1972. It's been clearly known as District 4 during the '70s, '80s; '90s, District Six. It is a district dominated by Phoenix districts. One creates a district going slightly into Maricopa and Phoenix districts, some thought going into Pinal County. I think that's not as good a solution.

If one determines Mohave and Yavapai ought to be removed, your analyst Mr. McDonald, it is only competitive, that was looking, leaning Republican doesn't take the fast growth of Yavapai, Mohave, that looks Republican in two years and certainly frees development where it is, it is, have no competitive districts in 2002, certainly in 2004. You are off that, how to deal with it. I don't know that there is a real good solution.

I know if you went into certain areas of Maricopa County with fairly high growth areas, 641,000 people in a Congressional District, it leaves 550,000 in rural Arizona, I think a rural district. That violates all rural county principles. If one really wants to create a district, go straight down the border pick up Cochise County. I've not suggested that, because there
has been a core district there. If one recognizes that
principle, try to keep a district reasonably close to
what it was, I think what do K, District H, a district
that has been a workable District for 20 years, apply
the same District to District C, and want to satisfy
Mr. Huntwork's concerns and not make District G more
problematic, take the votes of Pinal County and put them
into C, pick out an area of Maricopa County that's not
growing quickly. Salt River, Fort McDowell expressed a
district, wanted to be with a quote, Congressman. I
guess, I guess I understand the point, the Congressman
would not be there forever, not a whole lot of votes,
7,000 votes.

I think you have to do what is right and
what makes the district more compact. I think taking
Mohave Yavapai County, out moving it somewhat, makes it
more compact. Going into Pinal, it's losing
compactness. That's my point on that. It's a personal
observation of being in part of the district founding
the district in the seventies.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: So when I'm in
Maricopa county.

MR. RIVERA: You are a resident.

MR. ECKSTEIN: Have to get car your

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inspected when you have been here long enough.

Not such a good deal.

CHAIRMAN LYNN: Paying for the stadium.

MR. ECKSTEIN: You've just been paying for part of the stadium.

COMMISSIONER HALL: Everywhere I go, I see new construction. Where is Maricopa County on the edges of low or no growth.

MR. ECKSTEIN: No per acre, one per acre. Fountain Hills is available for development, at least one per acre. The area east of the McDowells is clearly picking up about 90,000 people there. We're not saying no growth. Mountain preserves. Slower growth.

CHAIRMAN LYNN: Follow up on growth. I'm not sure about Pinal. Pinal is faster growing. Pinal meets the definition. Pinal is asking, go on this now, and contemplated it's really a bedroom community of Tucson, what people anticipate. I'm not sure that's considered a rule.

Comments are more extemporaneous than previous ones. There's not a lot of study behind these.

Wouldn't you be guessing to specific areas, if you made a switch, you would be substantially changing the competitive character of C, making that switch?
MR. ECKSTEIN: No. You'd improve competitiveness, be trading one group for another group of Republicans. Slower growth than Mohave and Yavapai County. That's the answer to it. I don't think you are going to increase the Delta between Democrats and Republicans, make it less competitive, but you'll give the rural areas an opportunity to maintain domination but make it more competitive, because of the fast growth of Mohave County and Yavapai County, probably the first election and probably the second.

What really happened, that's what happened in district five, the district created, was marginally Democrat, Jim McNulty one, the major part pulled along strong races in '94 Deconcini, and '94 Babbitt, Jim Culburt won ever since. Shifted a little bit and won ever since. That's what would happen ever since.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: We're committed in District C to remaining rural, if not totally rural, primarily rural. Population is 170,000 plus. All population centers are currently in C. Black Canyon City, Yavapai Y, if we pull the rest of Yavapai County out of Y.

MR. ECKSTEIN: Pull line I-17.

COMMISSIONER MINKOFF: Still talking
hundred thousand people.

COMMISSIONER MINKOFF: Then look at Mohave County, already in District C. Lake Havasu city is, the southern portion of it. Bullhead City, New Kingman, currently in District C. I imagine we're talking 60, 7,000 people there, at least, maybe more than that. What we're talking about is moving close to 200,000 people out of that district, according to your suggestion, into Maricopa County.

Can you talk about C remaining a rural district?

MR. ECKSTEIN: To one rural.

COMMISSIONER MINKOFF: Growth patterns, facets of growing areas in C. Flagstaff is the only major area of C. Would that growth area match what was pulling in?

MR. ECKSTEIN: I don't know. It's an almost intractable problem, and one of those districts that can't be created the way you want to create it. 80 percent of the population lives in Maricopa County. Bonus to move Maricopa County. That's just the reality of the numbers in the State of Arizona. One clearly, to create districtings La Paz, it wraps around, goes all the way down to Cochise. That is, I think, a district that is very difficult to represent. Even though it is
quote, "rural," to say that the interests of people on
the Navajo reservation, like interests on Lake Havasu
City, is real stretch.

It goes back to the definition of
community of interest. While being a part of rural
Arizona is kind of a community of interest, I think some
communities of interest are more dominant and more
important.

I know early on you voted to have all that
district, one district, totally rural. You are
prisoners of that vote. I suggest you may want to
reconsider. I'm not suggested my suggestion is perfect.
I'm just suggesting.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I don't want to
cut off any questions anyone has.

I've found Mr. Eckstein's testimony very
thought-provoking, very helpful. I feel he's made a
real contribution to this process and assure you we'll
take your comments very seriously and give them full
consideration.

MR. ECKSTEIN: Look, you've had a very
difficult task. Whatever you do, there will be people
unhappy people. No one can say you didn't try to comply
with the proposition. Good faith is not at issue.

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There can be and is honest disagreement about some of the issues. I don't think you want to be known as the Commission that basically left the competitiveness goal out of the picture when all is said and done, whenever you got to that. I know you don't want those comments. I don't have comments on the competitiveness issue. It would make it less of a competitiveness issue. No competitiveness -- no competitive issues are competitive. Your legacy ought not to be a continuation of that. You ought to strive mightily, and I know you will, to create as many competitive districts as you can. I think when you strive mightily well, you will create one. I think whatever you do, create, C will be competitive.

CHAIRMAN LYNN: Mr. Eckstein, there comes a competitive time, I mean it, for a comfort break for our reporter.

We'll be back in 10 minutes.

(Recess taken from 10:32 a.m. to approximately 10:46 a.m.)

CHAIRMAN LYNN: Commissioners are all back, along with legal staff, consultants, and IRC staff.

We'll continue with public comment.

Mayor Tibshraeny.

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MAYOR TIBSHRAENY: I'll be brief.

Addressing Legislative, maps, working with Congressional, looking at Apache Junction, option H, our probably one part of the state, other problems, other parts of the state, the East Valley is satisfied with districts drawn, the current draft, 4G.

4G reflects our community interest, districts 4H, on the record, supporting the draft. 4G was drafted by all four Mayors, Pinal, Apache Junction, four supervisors, the largest city in Pinal County. The reason there's Pinal County communities of interest, East Mesa fought for the community with them. Option H may alleviate one problem of the state for you, a domino effect with other problems in the state, especially when the state reconfigures that. It's been involved since the beginning, and we appreciate the work for us. Hopefully this input will be helpful for you as you end this difficult task.

CHAIRMAN LYNN: Quick question.

COMMISSIONER MINKOFF: Mr. Mayor, one question, specifically, what is it that troubles you in terms of trouble that you don't do with H, another draft? What harm to your community?

MAYOR TIBSHRAENY: Couple things. One of the districts, another plan a good chunk of citizens for

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each of the districts, good about not one district, divide, plan. Divide, such as H shows, 25,000 or less. Not good for my community, the way 4G is, all recognizing something better than 4G is. Let's not be selfish. The support for 4G is, honors the request 4G.

CHAIRMAN LYNN: Next speaker, Margaret Kenski, Arizona Opinion.

MS. KENSKI: Thank you for giving me time to speak. Tangentially to redistricting efforts, I said I'd never have anything to do with it again. It's the hardest job on the face of the earth, politically speaking.

Polling in Arizona for 25 years, I have access to other kinds of data sources I think is pertinent to the work you're doing, or you started off doing. Working with Moe Udall, funding to do all the polling you ever want to do, polster paradise, Jim McNulty and your Jim Colby. And I have a lot of data in the base. As I sat and listened this morning and read editorials in the newspaper, saw the data used, my life, margins like that: Hey, that's how life works. Comments that relate to District H, as an example, talking about, basic here party registration figures, party data, don't often give a complete picture underlies competitiveness of races.
Polling in Arizona for 25 years, if it weren't for the factor of incumbency, District H, District 5, I'm old enough to know had you had to always be competitive. I'm not speaking about a competitive polster's job was to keep people in office. You don't go buy party registration figures, quite frankly. It's more like indicating why they believe that, a party ID weekend. 20 percent plus voters aren't registering Republican or beyond that.

Beyond the simple fact of one's own voting data, I had the opportunity last year Anna Burring Center at the University Center of Pennsylvania. One of the things I found, 13 percent aren't a member of the party to which registered. Shifting was going back and forth, which really casts doubt about party guidance and competitiveness.

Arizona used to opine lack of Democrats. Republican at the same time whined the breed was not reliable. Shifting goes around.

The second thing is personality trumps party. You see that in crossover. 40 years ago I worked my first campaign for Moe Udall. The first big race. Moe got -- it was a special election stewart, went to become interior, Moe got 11 percent of the Republican vote, a typical thing that happens in

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Southern Arizona. Dennis vote gotten vote. Goldwater got Democrats. Jim Colby consistency gets 25 percent of Democratic vote. It's a given. Reenforces the notion districts are competitive, look beyond registration, calculus changes, things enormously.

In any given election, voters in district refer primarily to what H would be, pick and choose candidates based upon issues and personality.

They like to point out, give you sheets, data from the last come elections I was looking at. Jim Colby, 175 elections, Hull, 184 percent, Napolitano, 195 percent. '92, Peru got one-quarter vote, something people forget. Last year, 2000, Colby 125 percent this time. Bush, .5 percent, Bill Mundel 5 percent. A race, more typical if behind with registration patterns.

I think the other thing that happens, I've seen year after year, turn out rates in years underlines districts.

We knew District 2 at the time, 40 percent minority in population. We knew 30 percent, give or take a point or two in voting age, percentage of voting age population.

Election day, 11, 12 percent variance in voting turnout factor, the kind of thing we always look at. Incumbency is a tremendous force here. It applies
to all districts. Understand, it make districts safe.

It's important to realize in the polling I do, I do a number of districts. If not competitive relative to that one particular office, it could be people are satisfied with the representation they are getting. I don't think you want to legislate away these things clearly. Don't care if republican, 90 percent chance stay in, that's true across the country.

I gave you a data sheet that shows one of the ways we look at things. It's that second sheet that says descriptive statistics. And what we do all the time is calculate, this one is done from a Republican perspective. A Democratic client used it to do it the other way. The margin, the edge in a district, by which the registration, Republican, and Republican candidates win over Democrats, created a seven point index based upon total marginal difference. The mean edge is what we call it, in the seven races.

Look toward the bottom of the page there. Republican voter edge, the edge for Colby in '98, 2000, so on and so forth. I think it demonstrates the power of incumbency.

Once Gene Jim's margin, 64,000, two races. Bush had 7,000. Clearly someone in office awhile would have advantage. May think contradictory when I said
it's contradiction. We figure he's not running wide
open again. Absolutely we know it's a wide open
district. I think the same Ed there. He'll stay unless
something awful happens. If he's not there, things will
be different in terms of who the incumbent will be.

Across the state, a number of districts
are safer than others, clearly, as Mr. Eckstein was
pointing out this morning. Some are safe. I don't
think it's a safe district at all, don't consider it
such. Power of incumbency is the difference. Scale of
things, indices each candidates get, one being very
Democratic, seven being very Republican, Colby's edge
always higher by about a point than the average
Republican, he's a little over five, the district itself
sort of in the middle. I think that is another thing to
keep in mind. You can't legislate out incumbency. It's
not going to happen. Some districts, should incumbents
step down that are more open than others?

Another thing, problems with party
registration has to do with changing population
demographics. Both CD five and CD six plurality,
demographic of districts, after the last redistricting.
Plurality of Democrats, the edge for Democrats.
Population changes all the time. District G proposed
right now, for example, is likely to change somewhat,
although I think it's safe to say district Democrats,
what we're going to see in Tucson, and something I think
happening this other parts of the state, the north side
development is seriously locked. There's going to be
relative balance between the local parties. You can't
deal that one. No one can, apparently.

The bottom line, all this seems to me is
that these districts, District H is a swing district,
competitive district. Seems to me rather than looking
at the party register, pollster, I have to look at this.
I have to look at candidate qualities as we go through
this, a good candidate gem to political party.

One year Jim Colby ran against someone,
someone that stole a motorcycle. That year he had spent
time in Cochise. That doesn't happen too often, unless
you have an overwhelming factor. We needed an
overwhelming, sense of what was competitiveness. Didn't
need to be too narrowly served or do disservice to the
communities we serve.

CHAIRMAN LYNN: Question not so much
Congressional, but Legislative.

If it were the case of drawing 30 new
Legislative Districts, some close calls, districts drawn
clean, straight. Any closeness, somewhat coincidence.
In any case, in none that you reside you've made a case,
incumbents running in new districts don't have relationship with voters. What is the take?

MS. KENSKI: Open seed. An open seed situation. My remarks. We call them open seed. I'll address it with what that name represents. It's hard for political junkies, if not in the district you were in, and you are moved over, maybe one or two percent, you wouldn't know your name. Basically that would be an open seed situation.

CHAIRMAN LYNN: Ms. Hauser has a question, so does Mr. Elder.

With respect to the trend, we do see away from party registration, either independent, third party, or new preference.

MS. KENSKI: Yes.

CHAIRMAN LYNN: Could you impact that trend in the political arena.

MS. KENSKI: In instances, it legitimates something under law that a long time ago, back in '80s, doing polling largely out of Michigan, in parts 23 to 30 percent were independent. Structures, legal structures at the time encouraged you to go one way or other, were beginning to be on a role then. People had to remember the '60s and the presidential primaries back in 1960. It was very important to be a member of a political
party so you could do that.

Now days people are open, not identifying
with a political party. They don't want to give way.
Both have parts of the coalition to worry about, and
they're really more independent minded. Now they're
open, I don't know if respectable is the right word, but
I people think have a badge of honor to be independent.
Who wants to be narrow, partisan, if you put it like
that.

CHAIRMAN LYNN: Mrs. Hauser.

MS. HAUSER: Ms. Kenski, during the
campaign for 106, which the primary focus was to create
the Commission and let people draw lines instead of the
Legislature, a number of arguments contained reference
to competitiveness, not letting incumbents draw the
lines, that if incumbents were not drawing lines,
districts would naturally be -- the result would create
more competitive districts.

MS. KENSKI: Seems like that's what you
are commenting on. People saying that may be different
than people at large. I did polling on this at the
time. I think that people saw some ethical situations.
I think people saw definitely conflicts of interest
there, which is why you all are having a fun job. I
think they thought that anyone looking at old maps would

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have a childhood gone crazy with a pen on some of them. I think some very clearly picked that up a little in the polling, some had drawn a benefit to the individual. I don't know that you could deny it. I don't know what people thought about outcomes. Based on communities of interest, socioeconomic and communities of interest, that one party or another would do better. I'm not sure about that. I think they saw it as antigovernment, an ethical thing, and a situation where a more common sensical maps could be drawn by a group such as yourself.

MS. HAUSER: To follow up on that a moment, if, for example, in the situation Commissioner Lynn asked you about, a situation where you have an incumbent who is left to his or her own devices, his previous devices with give or take.

MS. KENSKI: Value to that.

MS. HAUSER: And an incumbent happens to reside where there's some shifting population of that district you have, maybe some people they currently represent but others as well, and a loss of some previous constituency, I think you indicated in that scenario, that creates more what you consider an open seat.

MS. KENSKI: From a campaign perspective.
New populations.

MS. HAUSER: Since the Commission is not allowed to consider residence of incumbents, and voters are made aware of that, in creating districts, they cannot know what incumbent is in them, or as I understand likely to happen through this process, multiple incumbents placed together in districts, what is read on how that affects incumbents, incumbents playing a large role?

MS. KENSKI: More open seats, a more competitive process. Two incumbents running against each other, that enhances competitiveness, also.

MS. HAUSER: Thank you.

MS. KENSKI: Thinking Congressional populations, that happened frequently. Liz Hallman was forced to run against other incumbents.

CHAIRMAN LYNN: Mr. Elder then Ms. Minkoff.

COMMISSIONER ELDER: A couple questions, one was alluded to by Ms. Hauser.

COMMISSIONER ELDER: What statistical key or advice to a client, something to look for or ask a consultant to look for, advice, no incumbency, dual incumbency, or no incumbency.

MS. KENSKI: Go through the data bank,

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what they did.

COMMISSIONER ELDER: What percentage, all over the board? What percentage?

MS. KENSKI: Five percent is too narrow. Something like 10, 12. That's my comfort level after 25 years of doing this stuff. I've won elections from behind by 15. Mayor in Tucson. I don't like to take it on if much over that, tell you the truth.

CHAIRMAN LYNN: How much does nonpreference third party registration shift bear on that kind of range?

MS. KENSKI: I think it has quite a bit to do with it. Republican vs. Democrat, the basic assumption is old Republicans and no party, shift. Mr. Lynn, we do know from data those that are no preference, and this is from national data, from exit polling done in 2000, independents don't have a common agenda at all. You can't split them down the middle. They're composed of people, traditional, intimidated, left behind, dot com people, terribly left at all, miserable from a polster's perspective to apportion relevant to one kind of outcome;

CHAIRMAN LYNN: Of course not. I am independent. Wouldn't be able to answer.

COMMISSIONER MINKOFF: And a riddle.

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CHAIRMAN LYNN: Inside a conundrum, that's me.

COMMISSIONER MINKOFF: My question related to that, the issue of independents, or nondesignated party assessing independents. Certainly any time independents are 50 percent registration of a political party, that's a competitive district. Really in fact it is not.

MS. KENSKI: It may not be at all. Most districts do not have 40 percent registration with either of the two major parties.

COMMISSIONER MINKOFF: Other complicated scenarios we're getting data from our consultants, you do have to identify where we factor in, we're looking at numbers trying to understand our consultants' numbers, understand AQD, Arizona Quick and Dirty, and factor numbers determining: What are numbers?

MS. KENSKI: I can tell you what I do in factoring numbers. 45 percent Democratic, 35 percent Republican, the rest independents. I probably, as a rule of thumb, start off doing a split of that vote in the same -- first of all, okay, you look to see if, let's see, of that, of the independent third party, if 15 percent, the whole Libertarian, tell you one thing, sit down, party by party, assign mentally, 80 percent

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Libertarians go Libertarian. That's what we do. I
realize. Might go down as independents, Libertarians
hold, as starting point. Frankly, I don't know what
else you could do.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Do you have an
opinion you can state as a whole? All other things
being whole? All other factors, ignoring incumbency,
state as a whole, everything else?

MS. KENSKI: It's a misunderstood state,
tilting to the Republican party overall, and the
impression is that the state is a very conservative
state. My own personal view is that that is
exaggerated.

I think there is a Republican advantage
and attitudes. This is among Republicans highly
individualized, close to a majority -- plurality party.
I think that overall there is, can be a high level of
competition.

Democrats can win statewide depending on
the issue of the package. Take Janet Napolitano. Issue
packages make a difference in all of this, statewide.
Okay? I think strength of the candidate and quality of
the campaign determine the outcome more than the
campaign. It's competitive enough for that.

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By the way, there are bad campaigns on both sides, may I say.

CHAIRMAN LYNN: Thank you very much for coming this morning. We appreciate time.

Next speaker, Mayor Donaldson, Mayor of the City of Flagstaff.

MAYOR DONALDSON: Thank you for the moment of silence for those that lost their lives September 11th.

Thank you in response to the requests I made to the City Council of Coconino County and other regional partners.

I reiterate the issues I raised previously, the need for the wholeness of Flag and the Flagstaff Planning Area. The community is rural entities, including the Verde Valley Planning Community.

We appreciate the time and consideration given that.

CHAIRMAN LYNN: Thank you.

Steve Olson, Government Relations Director for City of Scottsdale.

Leonard Gorman, Chief of Staff Assistant, Navajo Nation.

MR. GORMAN: My name is Leonard Gorman, I'm Assistant Chief of Staff to the Speaker of the

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Navajo Nation.

I just wanted to cover several issues or information, comments issued in yesterday's session of this week.

The first one looks at discussion from yesterday evening regarding tests elected on number H, I believe is the correct term, looking at the relationship between the Navajo Nation and Hopi Tribe in that respect. There is -- perhaps were legal issues brought to you during Executive Session, and Navajo believes legal advice given to you, that turned that direction, so we appreciate that in that respect.

Navajo believes the necessary review of recommendations is still falling short based on comments made yesterday, for example, that stated that the map H has not been thoroughly reviewed, how far the recommendations been reviewed by the Commission, to go further and further reviewing recommendations of the Navajo Nation surrounding where the Navajo Nation is located.

For example, the F2 map is closely related to the Navajo Nation and the revised recommendation, the submitted map, the Commission did not direct one area studied, although it mentioned a number of times in yesterday's hearings, it was not unfold had, F2 H, how

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the Commission had not fully explored, examined what the Navajos recommended.

One wanted to comment on the community of interest issues. There were a lot of discussions on the Congressional plan, District B, in the Phoenix Metropolitan area. Lot of critique of the proposal about that, called a dumbbell district, referred to as the dumbbelled proposed district. It was ridiculed.

The consistency between those type of comments and proposed District A, I think there's some connections and commonalty between proposed District B and District A.

I don't see how the neck of the flying giraffe is not gerrymandered in A. I don't want to see the distinction in comments between proposed District B and the proposed District A district. The proposed District A district, proposed ample information, northern Arizona, those communities, those areas, I ask the question to the Commission what they see as a community of interest, community of ethnicity and, say, for example Peoria? What is the community of interest? I don't see any at all. Comments between communities of Scottsdale, Tempe, Mesa. Example given was traffic. I don't see community of interest. Traffic issues exists in the City of Peoria, and City of Peoria, none at all.
No traffic issues in that area. This, there is a lot of commonalty that exists in the northeastern area, the level of prime issues, again, violence and how much communities interacted, bus routes, transportation issues. There is a lot of community of interest, issues in that regard.

I think you are on the right track when you criticize proposed District B iterations. That is a gerrymandered proposal.

I figure the same gerrymandered proposal in number A.

Comments of sovereign nations provided on their own, that's very good. Indian Nations on their own. Not communities of their own. When it comes to the Supreme Court about jurisdictions, it tends to be all Indian Tribes. More often than not, Navajo is the leader in how to address those decisions, damaging decisions. Damaging issues. Tomorrow there will be a decision of the Hicks case, outcome of the Atkinson case with the Inter Tribal Council of Phoenix. Navajo is not a part of the coalition. Navajo will directly impact with Navajo, the rest of Native American, New Mexico, in that regard. Navajos have community of interest.

There is a community of interest in the northeastern area.

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I would like you to look to those type issues and into others with community of interest.

Another thing, again stated yesterday, the high level of voter turnout. Our numbers seem to differ from those type turnouts. As you know should be aware, at the present time the Navajo Nation is made out of 110 communities and states, three states along I 10, Utah Arizona, California. The hierarchy, chapters being at the lowest level, national chapter the highest level, middle level we call agencies.

Agencies are made up of various chapters.

The Chinle agency is located entirely in Arizona. In the Chinle agency, for the year 2000 primary election, the chapter primary election done early election, primary election in fall, last year 2000, Chinle agency, total number was 12,268. 8,380 did not vote. 3,888 voted. That translates to a 32 percent voter turnout.

So with that kind of data, we have a difficult time accepting the data Navajo have a good turnout. Overall turnout, three states overall, 87,044 Navajos register. Only 31 percent came out to vote for that primary election. This just Navajo election. That's information we have in Navajo election.

Proposed B we have, dumbbell gerrymandered, will not continue, would be

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gerrymandered.

Navajo continue to be vocal on how ugly it is, how gerrymandered, and it should not be continued to be reviewed. And two tribes are not similar. Those comments continue. And it's referred to as the tribes. Numbers surrounding Moenkopi, Native American, it doesn't breakdown which Native American they belong to. Doesn't say Hopi. Doesn't say Paiute. But one thing I want to come across with. When we look at those numbers, knowing where some of these numbers reside, we know for a certainty that Navajos do live on the Hopi area.

So when you -- if you are going to utilize that Hopis are different than the Navajos, Navajos are different living on Navajo land. Be very, very careful on that respect. I don't think you want to go down that alley, separating down that alley separating down racial ethnicity, people living down the alley by ethnicity. What you want to do is follow what is going on in the State of Arizona at the present time.

Yes, lives changed with the September 11th incident. We've all decided to unite because of that devastation. I think that same motive is in order for your review.

Our lives have changed. We need to move

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on under an all-united plan. That's where the Hopi-in plan is more favorable. The Navajo presented in the past a plan that is a Hopi-in plan, although stated in the past as a Navajo standard flexible, came back as D and F, a possible way for the Legislative District and came with the back Legislative draft. How could it be changed? Numbers of 6,000, 43,643 plus .04 percent, Native American 144, 24.06 percent. Even with Hopi in, it's 23 percent. So we've made recommendations and offered comments regarding these matters.

I appreciate you listening to me again.

CHAIRMAN LYNN: A couple questions.

Ms. Minkoff has one start to with.

COMMISSIONER MINKOFF: Voter turnout figures you gave me were in chapter elections, correct?

MR. GORMAN: Yes.

COMMISSIONER MINKOFF: Do you have similar statistics for state primary elections or is that a difference?

MR. GORMAN: Presently we're looking, at the present time, have staff back in Window Rock, looking into that process.

CHAIRMAN LYNN: In testimony, it's very difficult when people use words different ways, intimate things to perhaps make a point. You refer to different

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mappings, Navajo, Hopi, gerrymandering, gerrymandering
to include or exclude other parts. It's not quite
different, but odd.

No matter how we assign a shape or how it
looks to us, would you not allow in some Navajo plans in
order to get some other Native Americans in communities
you feel are communities of interest to be in the same
district as Navajo, they simply look odd? I won't
characterize odd looking. That's some other character
looking. Wouldn't you allow odd looking?

MR. GORMAN: The Navajo looking plan
satisfies the threshold, 75 percent threshold. Navajo
does not look at it as being odd. We look at as
submitted at the June 25th session. We never drew a
line as crooked, that comes from the south, central
west, south -- northeast area of Arizona.

CHAIRMAN LYNN: Ms. Leoni.

MS. LEONI: Mr. Gorman, has the Navajo
Nation developed solid figures for Native Americans
living in the Hopi Reservation area?

MR. GORMAN: We are looking at those
numbers. As we generate them, we'll present the
numbers. Several programs in the government work with
different areas. The government works with those areas.
I imagine the Governor, really appointed homeland

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security issue, how much confronted with government of
country, times of responses.

CHAIRMAN LYNN: Mr. Huntwork:

COMMISSIONER HUNTWORK: Mr. Gorman, thank

you for your thoughtful remarks. Again, we'll take them
seriously.

I wanted to correct one thing regarding
map F2. In September, F2, we were careful to compare it
to the current F3. F2 received careful statewide
analysis, and the reason for that, it was the single map
we felt most preferable for testing the consequences of
uniting the Apache Navajo. I thought you'd like to know
that and I'd share that with you.

CHAIRMAN LYNN: Mr. Gorman, as always,
it's good to hear from you.

Ladies and gentlemen, we need to vacate
this room about noon. If we do not finish public
comment at noon, we'll take the lunch break and
reconvene in the afternoon. If we get close, I'm not
sure how much time we'll need, not to impinge on the
time, rather impinge on the break.

The next speaker to join us, we're pleased
to have join us, Rudolfo Perez.

MR. PEREZ: I'm Rudolfo Perez with the
Mexican American Legal Defense Education Fund, an

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organization for Latinos to have the ability to elect
candidates of choice.

I'm here to talk about the Congressional
map, Congressional District D and G, and why we support
the present draft map, IRC draft map. It's a difficult
time, for Gs and Bs.

MR. HUTCHISON: 3PP.

CHAIRMAN LYNN: At the moment.

MR. PEREZ: The Latino population, African
American population, as cited in one, two cases, wanted
to cite differences between the African American
community and Latino. One is voting age population,
it's much younger than African population and white
Anglo. The fact there are many members younger than 18
is a factor in drawing maps. Another factor is
citizenship. There's a significant percentage
undocumented, ineligible to vote. That's another
factor.

Voter effectiveness, or performance, not
just number registered. Turnout, how effective voters
are. In certain areas, Arizona is electing candidates,
the voters choice, if you took a look analyzing any
draft map, the reason why Latino G and D is much more
effective in choice, it's a well-represented Tucson city
council, Pima County Board of Supervisors, compared to

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the City of Phoenix. The difference, it has one-third
the population. City of Phoenix, no representation, an
eight-member city council, zero. One out of a quarter
of the members.

School board members, school board
members, not effective local school board members.
Tucson, very effective Latino electorate. Southern
Arizona Tucson formed an effective partnership
coalition, if you will, Native American community, Yaqui
Indian Community, formed an effective voting block.

Again, a factor, District G, you don't
have to be as high for the same reason.

Again, we wanted to provide insight for G
with D why the numbers were different.

Voters turn out in Arizona, in Tucson in
particular. There's a much more effective Latino voice
than Phoenix, and they're able to effect candidates of
choice.

CHAIRMAN LYNN: Mr. Hall has a question,
Mr. Perez.

COMMISSIONER HALL: Mr. Perez, hopefully
sometime today we'll get to Congressional maps. I
wonder, did you have a chance look at test 4G, Central
Maricopa County, that was discussed in some detail?

MR. PEREZ: I did get a chance. No
statistics or numbers. I took a look at the photograph or map.

COMMISSIONER HALL: I assume we can get that to you today.

CHAIRMAN LYNN: Have it today.

MR. RIVERA: When we break for lunch.

COMMISSIONER HALL: I'd appreciate your input on the test. That gentleman to your right will get you whatever you need.

CHAIRMAN LYNN: He'll get it to you. We got it today.

MR. HUTCHISON: Legislative. I'm Congressional.

MS. LEONI: Yes.

CHAIRMAN LYNN: We'll get it over the lunch break, if you have sufficient time.

The last speaker slip I have --

If others wish to speak this session, this is the last speaker slip I have. It is from Frank Seanez.

This slip, it shows you are an attorney.

I don't want to limit comments, but you have five limits until we need to get out of here.

MR. SEANEZ: Thank you, Mr. Chairman.

Sorry for the title on the speaker slip. It tears it.
COMMISSIONER HALL: My apologies.

MR. SEANEZ: Some things to follow up on Mr. Eckstein's statements, supplemental reports of the AIRC consultants.

Mr. Eckstein clearly indicated in statements he was referring to Congressional Districting, not referring to Legislative Districts. That's very important for the Commissioners to note. Mr. Eckstein was referring to the effective retrogression dilution on Congressional Districts, expanding six, eight districts. The same analysis does not apply at all when you are talking about 30 Legislative Districts. You still have to be concerned about retrogression dilution, in a way, arguably, but you don't have to be looking at Congressional Districts. You're looking at Legislative Districts reports, looking at the AIRC, which indicate that there is racially polarized block voting within the State of Arizona that has not decreased. It is present in District 3.

It's present in District 3, and there's nothing as regards Dr. McDonald's supplemental report of October 7th, or Dr. Handley's one-page report of October 8, nothing in Dr. McDonald's report, her findings, contained in page two of her previous report, that three-quarters of the races within the State of Arizona
have racially polarized block voting to some extent,
one-quarter of the races greatly involved in voting
regards ones racially block voting not present, 65
percent of those races.

Excellent testimony by Ms. Kenski relative
to those incumbent sorts of races in general elections,
primary elections.

Minorities vote with minorities supporting
racially polarized block voting, the majority of
minority candidates tended to win. Nothing in the
October 7th Dr. McDonald disagrees with that.

As well, Dr. McDonald's report indicates
racially block voting, especially proposition 203, as
recently reported to the Commission would be such a
finding when the consultants finally got around to it.

Nothing in the reports right now supports
a reduction in Native American population, Congressional
nor Legislative Districts, from bench mark.

I heard recently the bench mark figure was
an artificial figure. That's not the case. Heard NDC,
and harken back to what NDC noted, the bench mark number
from their own legal consultants as late as Monday.

Other thing I'd like to point out is to
cautions the Commission in not giving too much credence
to Mr. Eckstein's statement, that any minority statement

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above 60 percent situations like we have in the northeastern part of the state, a high percentage of minorities there.

In some situations, because of that population is going to be very high and should be very high, numbers and percentages of minority populations.

Another thing I'd like to point out in closing, there was a comment in the Congressional District perhaps Lake Havasu, Lake Havasu didn't have much in common with Congressional C as a rural district. Even though you can see some truth to the comment, it may not have much in common with Lake Havasu, or Gila County has much, nor the comment about Maricopa having much in common, we're familiar with the one-acre limitation, home site leases generally being one acre.

Navajo Nation: You have a hogan dirt floor, horse trough out in front. North Scottsdale: One-acre lot, multimillion dollar house, and swimming pool.

Thank you, Commissioners.

CHAIRMAN LYNN: Thank you, Mr. Seanez.

There may be questions after we take lunch.

Will you be with us?

MR. SEANEZ: Yes.

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CHAIRMAN LYNN: All right. We'll reconvene after lunch.

(Whereupon, a recess was taken from 12:00 to approximately 1:15 p.m.)

CHAIRMAN LYNN: The Commission is now in session with all five Commissioners, consultants, legal counsel, and staff.

Any other unfinished business from counsel or questions for Mr. Seanez based on his succinct comments?

Mr. Elder.

COMMISSIONER ELDER: I guess I'll leave it as a comment rather than motion.

We have a lot of work to do in the next two days. I'm afraid it will take two days. I'd encourage comments longer than two minutes, develop a document, provide it to us so it can go into the record.

Comments and concerns do get to us. We need to try to respect the candidates and people trying to run for election here in a few months. We're not making the progress I'd like to see, if possible, I'd like to see.

CHAIRMAN LYNN: Thank you, Mr. Elder.

Presentation from NDC.

Dr. Adams, will you make a presentation?

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DR. ADAMS: I will begin it.

Mr. Chairman, Members of the Commission,
you were passed out items this morning. To make certain
you have all the items you need for the presentation
Chris will make, I'll relate to the items you received
this morning.

There's a stapled item Power Point
presentation I'm giving you. I'll hand you an
additional two items, a single page, four slides on it,
that goes with it, in addition to the Power Point, that
looks like this. You also have a packet that looks like
this. The front page, Congressional Test and
Modifications Following the October 9th Commission
Instructions delineating tests. Following that table it
gives further information behind that, maps, documents,
all in one document. The only other document is a
spread sheet. The spread sheet is revised and dated
October 10th, the other item you need to have before you
for this information.

COMMISSIONER HALL: Not attached.

DR. ADAMS: If you need one, Amy has
further ones.

DR. ADAMS: Items we'll work with this
session. Chris Hutchison is working hard.

Start the Power Point and go into the

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interactive.

CHAIRMAN LYNN: Thank you.

Mr. Hutchison, thank you.

MR. HUTCHISON: Mr. Chairman, Members of the Commission, Congressional tests, modifications. Modification, presentation of tests. The Commission instructed NDC pursue, go through each in detail, pursue each NDC interactive.

Detail, 3PP in the draft map, lifted the Biltmore area into District B, part of Biltmore District D to compensate. Biltmore District B, the rest was as approved in the draft map.

The second test, the 3AA shift, the Salt River, Fort McDowell Reservations, and the rest of rural Maricopa County into District E.

The second was a shift Sahuarita in Tucson into H.

The third test, an incorporation presented Tuesday, not incorporated that round to test FF, to see how successful we were in incorporating that.

Lastly, adjust a competitive test Tuesday, not adjust the developed Hispanic AUR, striving to develop a Hispanic test AUR.

CHAIRMAN LYNN: Pause. Is everyone comfortable the instructions given are what were given?

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COMMISSIONER MINKOFF: Was the competitive B test a square district?

MR. HUTCHISON: It is square, yes.

CHAIRMAN LYNN: Proceed.

MR. HUTCHISON: Draft map revisions.

Incorporated Biltmore 2 into 3PP and 3AA.

Shifts involving two reservations and Sahuarita area updated are in a single spread sheet, called test 3PP revised. Stuck with test 3PP, since we knew what it was.

Next, incorporation of B test into round 2 test FF. This district incorporated round 2 test FF map has the configured test B configured Tuesday night.

District D as the Commission requested, what was the impact of D, G.

District D is almost the same as Competitive B test.

As you recall, test G south, it comes into Maricopa County southwest, continues up southern Buckeye, Goodyear, takes off a portion of southern Avondale. The only portion of D was about 350 persons.

Regain population, shifting South Mountain.

Districts A compensates for its losses, 38,000 persons from G, gaining in North Phoenix, Cave Creek, and Carefree areas. District B is, of course,
competitive, of course, in shifts.

Here's statewide test FF with Competitive B included within it.

This is a close-up of Competitive B with -- this D that has been shifted with G, D shifted picking up the mountain itself.

CHAIRMAN LYNN: Mr. Hutchison wanted to check. We'll go back over it. He wanted to check the spreads for that particular map showing now the last map packet.

MR. HUTCHISON: The last map packet.

CHAIRMAN LYNN: Spreading with it.

MR. HUTCHISON: Spreads of AQD. The spread of all the other information.

To highlight what happened, AQD incorporated Competitive B, test FF. One district remains the seven percent margin we talk about.

District H is not affected in test FF. District C continues outward to become roughly 11, a 10 and a half percent spread between Democratic and Republican candidates on AQD.

COMMISSIONER MINKOFF: Chris, go back then and review for me how C has changed. You pulled -- I see, pulled Yavapai out.

COMMISSIONER ELDER: Part of Yavapai.
MR. HUTCHISON: Part of Yavapai, added eastern Pinal out --

COMMISSIONER MINKOFF: Seeing --

COMMISSIONER ELDER: The exception is the Verde Valley.

MR. HUTCHISON: Exception is Verde Valley.

The meeting as of the last table variation FF, except Verde Valley, Mohave, about the same size.

COMMISSIONER ELDER: Either a benefit on the basis of competitiveness?

MR. HUTCHISON: If looking strictly on competitiveness, C.

COMMISSIONER ELDER: You mentioned Mohave or Yavapai?

CHAIRMAN LYNN: Competitiveness, which district?

COMMISSIONER ELDER: C.

MR. HUTCHISON: Spreads AQD. Spreads AQD. Have it in incorporated E, one removes Mohave. I believe E. I haven't incorporated that. I guesstimate Yavapai is more Republican, would reduce the advantage of Republican under the current AQD spread.

COMMISSIONER HALL: Go back to that chart, Chris, will you?

CHAIRMAN LYNN: In fact, Chris, taking

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time going through this, take time the first time so we can absorb it, get us further down the road.

COMMISSIONER HALL: The point, the obvious phase, District B, the reason for the configuration, registration is essentially half, 18 to 9. change.

MR. HUTCHISON: 9.56. It is exactly the same as it was in the Competitive B test.

COMMISSIONER HALL: Current adopted draft 18 essentially cut that in half.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, it would be really helpful to have columns on here, one to show the original test.

COMMISSIONER MINKOFF: You have it on A.

COMMISSIONER HUNTWORK: Right here.

Explanatory information.

One thing we haven't gained is a competitive test.

One before the one now, we lost C as a central competitive district. This test is not motivated on communities of interest, I believe. It's a competitive test. It hasn't gained us any significant competitive benefits. It's interesting, as far as that goes. It's less competitive. It's part of an important look at what we've done. It's not a valid exercise at
looking at one district or how one looks at the whole array. I don’t see how it does that unless you have all the numbers.

COMMISSIONER MINKOFF: I think it has improved competitiveness. First of all, if you recall comments this morning, the current configuration of District C does show almost a five percent spread in AQD. That district, under Dr. McDonald’s analysis, as I recall, was pretty close to break-even. If you look at it as a break-even district, the growth taking place in the district, if it is competitive, it’s competitive at best in one election. One election, two years removed from the Census taken. I submit by September, November 2002, it will no longer be even a close Republican district.

Even though the figures don’t look like District C, under this plan it does become a very competitive district relative to the change, the district change.

I recognize the comment a day or two ago, the 58 and a half, 48 and a half split, pretty uncompetitive, 58 and 41 to 61 and 39, probably wouldn’t see a great of deal candidate’s issues, voting behavior. I don’t like to see issues with that kind of spread. That allows districts to be more competitive.
District A is not competitive, any more competitive, short of just busting voters. Any more districts, currently reside in District D, simply noncompetitive, a mirror image. That doesn't bother me. District D was never competitive. There's nothing we can do to make it competitive.

CHAIRMAN LYNN: I want to ask, the chart that follows the second page, this is the excerpt of the chart, and I'll use the numbers. Follow along, looking at District C, and understand something. Maybe this question is for the attorneys. They're dealing with AQD and other tests. Anybody can answer it.

The adopted draft District C, the spread is 52.45 to 47.47, shows Democratic, with a .06 difference, PP revised goes from Democratic to competitive.

MR. HUTCHISON: If I may comment, it's built off Microsoft Excel in that Doug Johnson built it off, not competitive, within seven percent, more than seven percent, more than seven percent help, within seven.

CHAIRMAN LYNN: .06 difference didn't take out of realm of seven percent.

MR. HUTCHISON: Took it into realm.

CHAIRMAN LYNN: Then adopted drafts C are
within range.

COMMISSIONER MINKOFF: It's 4.9 percent.

CHAIRMAN LYNN: No.

COMMISSIONER MINKOFF: It's 5.90 -- 5.96.

District C, 52.45, and isn't it 4.9? It should be yes.

CHAIRMAN LYNN: Typos make it difficult.

I'm trying to look at -- also, I mean I believe.

Adopted drafts, to competitive districts by this definition.

Two districts within seven percent.

MR. HUTCHISON: Yes.

CHAIRMAN LYNN: Thank you.

COMMISSIONER ELDER: I'd also like ask to question the adopted and 3PP revised. Both end up having two competitive districts. Why keep pushing 55, 44, on Competitive B test version 1 where we lose a competitive district.

CHAIRMAN LYNN: We don't know we lose necessarily.

COMMISSIONER MINKOFF: Can I respond?

CHAIRMAN LYNN: If you must.

COMMISSIONER MINKOFF: Looking Dr. McDonald's analysis, which we were told was a sophisticated analysis, switch AQD with Dr. McDonald's.

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AQD 52-and-a-half Democratic, 42-and-a-half.

Dr. McDonald has 42 percent Democratic and 42.3 Republican. And looking at growth patterns in the district, I submit today, a year removed from the Census --

MS. HAUSER: Dr. McDonald, he didn't do this.

COMMISSIONER ELDER: Ms. Minkoff, if I understand you, you are increasing the spread now in future, get better.

COMMISSIONER MINKOFF: No. Yes. What I am saying, if we leave the district as it is.

COMMISSIONER ELDER: Competitive.

COMMISSIONER MINKOFF: It's no longer competitive as it sits today. It become less competitive. Growth rates, various parts of the growth rates. Time of election, the district next year, it will no longer be a competitive district within the seven percent range, 6.4 -- 6.6 now, and losing rapidly.

CHAIRMAN LYNN: Logic, disenfranchise future voters, move into, and shouldn't have a voice at all.

COMMISSIONER MINKOFF: The district at best is barely, barely competitive.

If you look at Dr. McDonald's analysis,
proposed Congressional plan, one, two, three, four, five
solid Republican Districts, two solid Democratic
districts, one district temporarily competitive. Based
on his analysis, I don't think we have a single
competitive district.

COMMISSIONER ELDER: Ms. Minkoff, I'm
lost.

If going from --

COMMISSIONER MINKOFF: Not his analysis.

It's more sophisticated, they say.

COMMISSIONER ELDER: 52.45 Democrat to
45 -- 47.45 Republican, really need to get 55, 45 up now
in the future, going to have a competitive district.

COMMISSIONER MINKOFF: That's not what I'm
saying. The district is really not 52.45 and 47.45,
according to Dr. McDonald, 45.67 and 45.3. This is his
analysis.

COMMISSIONER ELDER: I understand, taking
growth into consideration. Not barely. Skin of the
teeth, none.

COMMISSIONER HALL: Which?

COMMISSIONER MINKOFF: Draft maps.

COMMISSIONER HALL: Does logic have
anything to do with it? Increase the spread three
points, assert Mr. McDonald's spread goes up.

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COMMISSIONER MINKOFF: But increasing the spread, increase the spread three percent, 49 percent Democratic, 53.7 Republican.

CHAIRMAN LYNN: Straight trade, don't input a straight trade population into that more sophisticated.

COMMISSIONER MINKOFF: Add more Democratic voters, take back a more Democratic shift, it's back more than the other direction.

COMMISSIONER HUNTWORK: Shift is a good word. I feel the sand shifting.

Be careful with definitions. Be careful with logic. Be sure anything we do has a solid foundation, has real numbers and real science to back it up.

Let's keep going and see if we come to that point.

COMMISSIONER HALL: To that point, Mr. Chairman, I appreciate the variety.

This Commission could go along and define what it's going to use to compare apples to apples. For, I guess on, one, simply party registration, two is a formula now on Excel, technique party registration.

MR. HUTCHISON: Which formula Excel?

COMMISSIONER HALL: AQD.

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MR. HUTCHISON: AQD.

COMMISSIONER HALL: AQD party registration, and McDonald.

COMMISSIONER HALL: For my clarity, I thought the request, whatever we were going to use, it was apples to apples. I think it's helpful, if comparing McDonald, AQD, and party registration to McDonald, it doesn't help me or the process. The last discussion has been indicative of that.

I'm wondering --

I'd make a motion to that effect,

Mr. Chairman.

CHAIRMAN LYNN: I'm willing to bet we could have a discussion on that motion to Sunday.

Here's what I believe.

The point on apples to apples is valid.

When, if many comparisons in a district, numbers relate one another, if we make a point to compare numbers on registration, numbers on AQD, and don't make numbers beyond that cannot be made. Each level of sophistication is lower to the higher one to themselves.

If asking, I think asking Commission Hall to engage each of us to define competition and some common definition, competitive estimation as time stands.

COMMISSIONER HALL: I concur. For the

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sake of this presentation, I think Mr. Hutchison utilized AQD as his spread.

MR. HUTCHISON: It was the easiest to input.

COMMISSIONER HALL: You don't need to justify. We just need to know what it is. Relate and then justify. At the end, we may welcome, certainly argue other more broader, total state competitiveness, potential growth, what McDonald may say. At this time, we utilize AQD for discussion of analysis.

COMMISSIONER MINKOFF: I understand the importance of apples to apples. The problem is looking at the Judge It analysis, which we all recognize is a more complex process, takes more factors into consideration, and we've been told is a more sophisticated analysis. Looking at material, we got material, got no test on FF. When the time comes to make a decision, we don't have the decision.

I'd like to recommend as quickly as possible we ask for the Judge It test on every single one of these.

If that is a better, more accurate, sophisticated analysis, we shouldn't be making a lesser mode analysis because we don't have a more sophisticated
one on some of the tests. Go back, do the Judge It
analysis on everything we consider.

CHAIRMAN LYNN: I can only say to that,
the Judge It analysis helps us with one factor, one
factor only, competitiveness.

COMMISSIONER MINKOFF: Right.

CHAIRMAN LYNN: If that were the only
difference in the maps, then that would be a very
important test to have for you all on the maps.

I assure you, each of the tests has other
implications, other goals of 106. We've explained any
alterations acceptable, then and only then we'll order
the test by McDonald. We'll see the maps, I'm guessing
today. They won't be pretty. They won't do nice
things. They wouldn't be something we'd like to have.
We'd find it simply not appropriate to order testing if
we don't have support of the Commission.

COMMISSIONER ELDER: I agree. We need to
proceed with the recommendation we use the Down and
Dirty as the relative rationale of what is competitive
and is not competitive, rational in review of plans, go
through the plans, what plan modifications of a plan we
take look at, run Judge It on a couple plans rather than
eight or nine we have permutations that we generate this
afternoon.

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COMMISSIONER HALL: For the record,
Mr. Chairman, I agree with Minkoff's point to see this
test shows what is competitive. However, I disagree the
information this on morning H was not competitive.
While I agree with many points being
stated, what I'm stating in an effort, progress, work
off numbers here, allow Mr. Hutchison to proceed.
MR. HUTCHISON: Moving off test FF,
Competitive B included, four versions of the original B
test developed. The original B test, now labeled
competitive V1, V2, V3, V4.
Competitive B tests, each test revised, B PP map. Hopi
included, excluded, in all maps. Competitive test maps
V2, V3, and V4 do not exclude the Hopi.
COMMISSIONER HALL: Hopi have to have
three very V3, they are included.
COMMISSIONER HALL: Exclude in V1.
MR. HUTCHISON: Tests V2, V3, V4,
succeeded more of developed Hispanic AUR areas north of
I-10 and east of I-10, within Phoenix. Each test
maintains greater than 50 percent voting age Hispanic
population within District D. Each test improves
competitiveness within District B. The Biltmore area
remains in District B in all tests.

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In these tests, Mesa and Tempe are split at US 60. These splits can be lifted, if the Commission so wished, to include more Tempe, less Tempe, or vice versa, districts completely contained within E and F, unless the districts came into those areas.

Focusing on competitive test B V1, it's a slightly more competitive test. I shifted rural District C out of Competitive B, got it in there. Shifted rural C out of Mesa's northeastern corner and out of Maricopa County clearly adding to E.

District C gains Fort Mojave Reservation and remaining portions of Mohave Valley CDP near Bullhead City.

District A gains 3,500 people in southern Yavapai County to balance District C. The district gains 3,500 people in northeast Phoenix to balance District E.

And this is an image of District B as it stands in test V1.

And you can see, green District A, the area we take the 3,500 people is right here. It is bounded by Bell Road on the north, Scottsdale to the east, McDowell on the south, I-17 and Glendale City limits on the west.

And this is an image of District B and D

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together. You get a sense how Phoenix plays out.

District D compensates for its losses into southern Glendale, Peoria, and El Mirage.

COMMISSIONER MINKOFF: I imagine you can't do in Power Point the way the overlay, original overlays B with boundaries in alternatives.

MR. HUTCHISON: Yes. Easily.

COMMISSIONER HALL: Yes. Sorry to interrupt. Why isn't mine not pulling up? It's giving me "file not found."

MR. HUTCHISON: If no further questions, I'll move on.

The AQD chart for competitive test B V1, H moves from 49.02 to 50.98, B moves from 45.22 to 54.78, and C goes from 52.44 to 47.56.

CHAIRMAN LYNN: And the shift on H is Sahuarita?

COMMISSIONER HUNTWORK: Chris do I have the shift on each?

MR. HUTCHISON: Mr. Huntwork, each test should be on the printout for each and the test for the entire plan.

COMMISSIONER HUNTWORK: Okay.

MR. HUTCHISON: To highlight, District B, test V1, is centered almost completely in Phoenix. The
only portion not entirely in Phoenix, Paradise Valley
cuts significantly in the developed Hispanic AUR. If I
go back, the area north of McDowell Road, east of I-17,
up to roughly Camelback, bounded by the East Biltmore
area, roughly 120 persons.

COMMISSIONER MINKOFF: Total population

or?

MR. HUTCHISON: Total Hispanic population.

Applicable test C1, applicable to every V
test, the large majority of population. Modify trading
off, more off the original draft map of Tempe,
Ahwatukee. Succeed more in Mesa down south.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I feel that's a
given. Why are we looking at tests that don't do that?
To the extent whether or not, if to change, we also have
E's configuration, couldn't be changing it.

CHAIRMAN LYNN: We didn't order it. The
instruction to the consultant was not to maintain
everything else, or to specifically maintain it in
District F, as I understand, Mr. Hutchison, maintain --

MR. HUTCHISON: All have original B tests

Tuesday night. If you recall, the genesis of that test
was originally the adopted draft map and several
variations, like 3PP and competitive H, competitive

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tests 3HH, why rural Mesa, like 3HH.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I understand that, on the face of it. Does this change, significantly impact the community of interest, change, make the East Valley? In my mind it significantly impacts the community of interest.

What I hear you say goes that way toward Phoenix, to some extent. To my thinking, it's critically important to know what that fix is and how much of a problem remains.

MR. HUTCHISON: To estimate, roughly 150,000 persons in the remaining portions of Tempe, Ahwatukee. Roughly a few more in Chandler. Every person in Ahwatukee, add back to F in Mesa.

COMMISSIONER HUNTWORK: How many were taken out of Mesa?

MR. HUTCHISON: 200,000.

COMMISSIONER MINKOFF: Most of Mesa.

COMMISSIONER HUNTWORK: Net impact is 50,000?

MR. HUTCHISON: Rough impact, 50 to a hundred thousand would be the net impact.

COMMISSIONER HUNTWORK: Okay.

COMMISSIONER MINKOFF: Can I ask.

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CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Any other splits?

Is Chandler split? Gilbert split? Any other in the East Valley?

MR. HUTCHISON: Strictly changes Gilbert, Mesa. We don't have statewide, a Power Point.

CHAIRMAN LYNN: Go through the Power Point. Work each of the maps. If that's our desire, the interactive, once we have the Power Point, then we can see the impact of each of the tests, how it impacts the rest of the Maricopa area.

Proceed.

MR. HUTCHISON: Something to note, total minority population within B C1 is 33.1 percent.

COMMISSIONER HALL: Quick question, Mr. Chairman.

CHAIRMAN LYNN: Sure.

COMMISSIONER HALL: Refresh my memory. It seems to me the testimony relative to percentages able to influence another district, was that just someone's opinion or thresholds on that issue, or high as possible by the look I'm getting.

As you were, Mr. Hutchison.

MR. RIVERA: Influence districts.

COMMISSIONER HALL: This District, 33.1.
No legal threshold.

MS. HAUSER: Depends on the situation.

MR. RIVERA: I hate to give you an answer that depends on that sort of answer.

COMMISSIONER HALL: I hate to have you say that.

MR. RIVERA: I hate to say that.

MS. HAUSER: Mr. Eckstein threw out 39 percent this morning.

COMMISSIONER HALL: I couldn't remember what he said.

MS. HAUSER: If you are looking at something for comparison.

MR. HUTCHISON: Version two of the competitive test, regain competitiveness. Regains much of Glendale, Peoria, El Mirage, Surprise, gains a portion of Phoenix just north of Indian School Road and south -- just to the west of 59th Street. District D regains population to the northeast within Phoenix bounded on the north by Bethany Home Road and Glendale. District E regains Paradise Valley and Arcadia. District A gains Phoenix communities north of Scottsdale. This is District B in this test. North boundary, most part of Bell Road. Sun City is in this area here to east of El Mirage and west of Peoria,
Thunderbird Boulevard. South of Indian School Road is the primary boundary, Bethany Home Road, Bethany Home Road until you get over -- District D, lolls closely to district D, does not go into D.

CHAIRMAN LYNN: The effect on the East Valley is the same currently.

MR. HUTCHISON: Currently.

COMMISSIONER MINKOFF: Nothing to do with the two districts.

MR. HUTCHISON: It's the effect on the East Valley Downtown District no matter how you draw it.

MR. HUTCHISON: Here, B 8.1, 8.12 spread between Republican and Democratic.

COMMISSIONER ELDER: Chris, refresh my memory. We adopted C3PP revised, whatever that is now, the base number we're working with. B came down nine, seven, eight.

MR. HUTCHISON: Original 9.56. This goes down to.

8.92 to test revised 17.28.

CHAIRMAN LYNN: One, something first test.

COMMISSIONER MINKOFF: Cut in half over the first test.

CHAIRMAN LYNN: Down one over the first.

MR. HUTCHISON: District C, two portions
of Phoenix, the Glendale portion, Peoria, and El Mirage, 
divides Surprise, Old Surprise out, divides Glendale, 
divides Peoria.

COMMISSIONER MINKOFF: Where is Surprise?

MR. HUTCHISON: Old Surprise. Old

Surprise is in B.

COMMISSIONER MINKOFF: The rest of

Surprise is in A.

MR. HUTCHISON: Surprise. The five-mile

wide north-south five-mile east-west Hispanic AUR Indian
School and Camelback Road to west of 68 Avenue, 85,000
persons, same discussion of Mesa, total minority
population is 34.0 percent.

CHAIRMAN LYNN: Increased one percent over
the former test.

Go ahead.

MR. HUTCHISON: No more questions to this
test. An attempt to increase competitiveness further
adding Tempe north of US-60. Tuesday, not felt it a
good idea. District B gains Tempe north of US-60, also
gains persons in the corridor north of 60. D gains
population to the northwest of Litchfield Park and north
within the Phoenix offset population taken away from
corridor E. Gains Phoenix communities north of Paradise
Freeway. A gains the freeway.

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This is District B. Competitive B test is southeast or west for competitiveness. This goes.

CHAIRMAN LYNN: Not an animal's name south. Decide what it looks like. Still working.

COMMISSIONER HUNTWORK: Right side up, a camel.

CHAIRMAN LYNN: Let's go on.

D looks in conjunction with it, I should look at this scenario, half of Tempe gained the equivalent, gained Mesa now, and added District F as an offset.

CHAIRMAN LYNN: Added back.

MR. HUTCHISON: Added back. AQD, 5.8 percent spread in B, retaining seven percent spreads in C and H.

E goes to draft map, 58 percent Republican to 53 in this map as well.

What's significant, about 10 percent, add both sides, increase in deviation.

B is not centered in the district, this map, connected with Tempe, El Mirage. It divides Surprise, Tempe, Glendale, Peoria, and removes the five-mile portion of the Hispanic AUR. Total minority population is 34.9 percent.

COMMISSIONER MINKOFF: Let me ask a
question, Chris. The five-mile portion of the Hispanic
AUR, is that the northern portion of D, between
Camelback and Glendale? If you had moved that to D,
that area off, run it back, would it be changed
significantly?

MR. HUTCHISON: Speaking move to B.

COMMISSIONER MINKOFF: Moving it.

MR. HUTCHISON: It's something I explored,
or have identified that, eliminated as a possibility.
Something had to be done.

COMMISSIONER MINKOFF: All right. Thank
you.

MR. HUTCHISON: Version 4, a driven
attempt to increase B's competitiveness by adding the
remaining portion of Tempe south of US-60. B gains
Tempe south of US-60. District D gains population to
the northwest of Litchfield Park, north. There is
District B, this map. The difference in 3, 4 gained the
rest of Tempe, lop off the rest of the district.

COMMISSIONER HALL: Tempe unified. This
is to the extent 3HH was presented the other night.
Very similar, more compact.

CHAIRMAN LYNN: It does not go into
Glendale. It does not go as far north as Tempe,
Phoenix, as a result.

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CHAIRMAN LYNN: Three sixties basically.

COMMISSIONER MINKOFF: Not any Scottsdale.

CHAIRMAN LYNN: Or Paradise Valley.

COMMISSIONER HALL: What was the impact on D?

MR. HUTCHISON: Every scenario thus far shown, every competitive test, the Hispanic voting age, voting age percentage dropped off, Scottsdale City limit, and goes up to Camelback. There is District D in conjunction with it. Here are AQD numbers.

District B goes to 6.5 percent spread.

You'll notice the district for Tempe to Glendale, it divides Surprise, taking Old Surprise out and Glendale, removes the same five-mile portion between Indian School and Camelback. Same results in Mesa. Total minority population is 32 percent.

That's the end of the Power Point.

We can move into interactive.

CHAIRMAN LYNN: It will be a good idea for the interactive to be shown. If you can do that, answer questions at the same time. I have one. Maybe it's a statement.

Since you've been working with these districts for the last couple days in terms of trying to make this happen, make a statement. You tell me if it's

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a fair statement for the versions shown to include a
district, they must, in order to achieve the
competitiveness goal, or work the competitiveness goal,
must go as far east as Tempe. In one instance, as far
as Tempe; one instance into Tempe. There's a direct
correlation, it seems, with the ability to move toward a
competitive district and the ability, in effect, to go
either into Tempe for the purpose to pick up voters,
Democratic voters, throw them in, and this would be a
result of voters, pattern of voters, which to me spreads
down the spread, pattern of voters and spread.
Glendale, Phoenix, Tempe have things in interest, one
might call it a community of interest. Compact
interest, may only be North Phoenix, part of Glendale;
elements of El Mirage, Surprise, get a more compact
district. Cannot be as compact by definition. There's
a certain amount of competitiveness to be achieved that
relates more to communities of interest.

From your working with it, does that
square from the challenge you see with it?

MR. HUTCHISON: That is perfectly
accurate. You are -- I believe you are speaking to test
version 2, west instead of Tempe.

CHAIRMAN LYNN: Yes.

MR. HUTCHISON: 82.1 spread, able to
achieve that limit without limiting other voting rights concerns.

CHAIRMAN LYNN: Just an observation based on the four presentations, for me a significant observation. Pits two goals against each other in a clear way. A judgment will have to be by made each of us as to which goals may or may not be made against each other.

COMMISSIONER HALL: The first test, test FF, combined a test. Focus on B 1 through 4 and go and consider other areas.

CHAIRMAN LYNN: Absolutely. If you have the tests interactively, start at the beginning.

COMMISSIONER HUNTWORK: Mr. Chairman, before we do that, I would like to look at what is proposed.

CHAIRMAN LYNN: Our draft. Highlight the valley.

MR. HUTCHISON: 3 BB as revised.

CHAIRMAN LYNN: I don't have it emblazoned in memory.

COMMISSIONER MINKOFF: Go through the options in terms of D and B. Overlay the boundaries on the districts you are considering, various alternatives.

CHAIRMAN LYNN: Mr. Huntwork, the

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configuration.

COMMISSIONER HUNTWORK: Let me highlight
in the plan, the communities of interest we identified.
Firstly, we had the East Valley together, the University
request, a request not to change it from a competitive
standpoint. There was no way to make the East Valley
competitive. Presently, a way to use the excess
Republican valley to make other ways noncompetitive, and
we've certainly resisted any temptation do that,
universally to do that, including Republicans, so that
is done.

Moving west we have, at the heart we
united Tempe and Scottsdale and growth areas of
Scottsdale, or surrounding Scottsdale. Tempe,
Scottsdale, anybody familiar with the valley understands
the communities of interest, the communities there, the
border between Tempe and Scottsdale, two major cities,
not Phoenix, non-East Valley, not East Phoenix.

In common, put Ahwatukee together, it
doesn't go anywhere else. It's a piece of Phoenix in
that district. It is a small piece, does not change the
character of that district or communities it unites.

District B would succeed, add basically in
uniting almost all of Phoenix, and isn't in a minority
District D.

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That's a Phoenix district that unites growth areas of Phoenix with established residential areas of Phoenix and keeps them pretty well together.

Moving west, united areas of the West Valley, haven't broken up, included West Valley Road districts. Also succeeded very well in allocating growth areas among these districts. So there is capacity for growth in each of those districts. And we have, I think, divided it as well as we can be while keeping other communities of interest in one map. I apologize for taking this time. Look at other maps, talk about how they might be affecting communities of interest, might be very important in keeping the bedrock we labored long and hard to get right in the first place in respect to those issues.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

With that said, if we could move to the first test, Ms. Minkoff asked, Mr. Hutchison, to superimpose B and D.

COMMISSIONER ELDER: B 1.

COMMISSIONER HALL: FF and B 1.

MR. HUTCHISON: B 1.

COMMISSIONER HALL: I think come back with a larger map and focus on B 1.

CHAIRMAN LYNN: Two Commissioners would...
1 like to see FF and B1.

2 COMMISSIONER HUNTWORK: I prefer to see
3 them separate.

4 COMMISSIONER HALL: The point is,
5 Mr. Chairman, that what is happening outside B district
6 on this map, is independent inside. For the sake of
7 flow, B1 is this B.

8 COMMISSIONER MINKOFF: One question I want
9 to ask before you change anything on this. I share
10 Mr. Huntwork's concern about the split that occurred in
11 the East Valley, the split of Mesa, Tempe, on a number
12 of versions, looking at this map, with the exception of
13 a little area of mountain you added to D, I don't see
14 how you change the boundaries of B, D, A with any impact
15 on the East Valley to figure out how that happened as a
16 result of B, D, or any other districts.

17 MR. HUTCHISON: I can speak to that.
18 Since this test, test FF is competitive, they are the
19 same as FF. District F includes much of the East
20 Valley, far western Mesa, roughly a hundred thousand
21 people. This is what I was speaking to earlier. Change
22 the dividing lines in the East Valley, taking Tempe,
23 Ahwatukee, and pushing it up into District E as done in
24 this draft map.

25 COMMISSIONER MINKOFF: Blue lines are the

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old districts?

MR. HUTCHISON: Exactly.

COMMISSIONER MINKOFF: Mesa is united under the old plan, not split.

MR. HUTCHISON: Split along the blue line.

CHAIRMAN LYNN: Western Mesa.

COMMISSIONER MINKOFF: Whatever we're doing with B and DD, unless we pick one of the options that goes into Tempe, it does not impact these districts at all, we'll have Mesa split no worse than before as a district, Tempe, a Scottsdale district like before, without doing any more damage than by the adopted draft; is that correct?

COMMISSIONER MINKOFF: That area.

COMMISSIONER ELDER: Here and here.

COMMISSIONER MINKOFF: A separate East Valley competitive district. I'm not sure there's anything to do. We don't want to chop Tempe, Mesa, Scottsdale more than anything else. It distressed me to see it as various options explained as a result of what we were doing with B. Explained some B with Tempe. One part Tempe, another all Tempe. Maybe we don't know which to try because of it. Seems others don't. How messed up the East Valley is, whether that becomes an issue on what to do with competitive District B.

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CHAIRMAN LYNN: Mr. Hutchison.

MR. HUTCHISON: Split Mesa. Other

Competitive B tests result in 3HH which did do that, split, if I recall, at Broadway.

CHAIRMAN LYNN: From curiosity, why use it as a base rather than FF?

COMMISSIONER HALL: Easier to work off of.

CHAIRMAN LYNN: Manipulated.

COMMISSIONER MINKOFF: Look at E1. Fall in love with District E and B, go back approximating something in those districts, E, F, not split along the Superstition Freeway.

MR. HUTCHISON: Close to this, draw up to be sure, impact Mesa, substituting Tempe, roughly 175,000 persons, close to this.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I apologize for not being clear earlier. It's difficult for us to solve hypothetical problems.

Let's take this sandwich a bite at a time.

As we know, I suggest, and then determine, if the Commission has direction relative to that, let's work out words, see what the impact is to other areas.

Mr. Huntwork's point is valid, all are valid. Again, for us to try and work outside in for this scenario, it
doesn't seem to make sense in light of the fact we
pushed the consultants to get maps not necessarily on
the same premise.

CHAIRMAN LYNN: It's a useful discussion,
Mr. Huntwork's premise. Parts of the map that
Mr. Hutchison has now clarified can work inside out, and
perhaps, I understand he'd need to draw it to validate
it, do no more damage outside working in. The map here,
if I understand, has useful information. In my mind
splitting any more, substantial, influence my opinion,
this helps.

COMMISSIONER HALL: Already stated it.

CHAIRMAN LYNN: Acutely stated.

COMMISSIONER MINKOFF: Sometimes it helps
to see it.

CHAIRMAN LYNN: V1.

MR. HUTCHISON: Blue ones are 3PP revised,
to be clear. Competitive test 3 V1, 3PP map. The only
competitive test does exclude Hopi, would be decided
irrespective of the Downtown District.

Let me just reiterate what B does. It
does pick up a substantial district, formally puts in B
120,000 people east of 17, north of I-10.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: The question I
recognize from that particular AUR, looking at what you
added to District D in the northwest, the portion of it
that is immediately west of District B.

MR. HUTCHISON: Yes.

COMMISSIONER MINKOFF: What does that do
to competitiveness of B, add back the area just north of
I-10 into District D? I can't see street names.

MR. HUTCHISON: The Glendale border is
here.

COMMISSIONER MINKOFF: Looks close to the
downtown border.

MR. HUTCHISON: Resembles version two.

Adds areas taken in version two. In version one, pick
up areas in two rather than version one.

CHAIRMAN LYNNE: Engage in any kind of
suggestion there's a fairly regular and extensive basis
to do this. You have the ability at some point, perhaps
not this point, to highlight by voter registration where
pockets of voters are making the district competitive.

MR. HUTCHISON: Thematic mapping,
registration, any scale you like.

CHAIRMAN LYNNE: At the same point, it may
be useful, my guess, is to highlight dramatically why
small changes or not, trading population is of no
advantage in diminishing population.

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MR. HUTCHISON: Pretty much what I used in drawing it.

CHAIRMAN LYNN: Comments or questions on this version?

COMMISSIONER HUNTWORK: Mr. Chairman, this is the only version I have seen with any integrity to it, a compact District B, somewhat what was proposed in the first place. We rejected it for various reasons, primarily wanted to put growth areas with growth areas, and so on, compactness going in, a test to begin, go into gerrymandered permutations, and pick out individual pockets. This one keeps people at home.

CHAIRMAN LYNN: It does that. It does create and includes Paradise Valley with the central part of Phoenix above I-10, which clearly they don't have a lot in common. However, Congressional Districts obviously have broader latitude because of the population necessary. I think we laid it off there.

Mr. Hall.

COMMISSIONER HALL: So we have a little history, I think it would be helpful if we started with B1, consideration of B2, the concern expressed, concern of the northwest being included in D, included previously in northeast D, significant Hispanic. Adjustments D1, B1, exchange northeast of D was more
agreeable to some representatives of the Hispanic area
to garner population to the west which allowed for
another competitive district.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I agree to some extent. Everyone knows I agree with taking growth areas into consideration. The problem leaves me back to the original proposal. Pretty well united. We're losing that. Start talking growth areas, we should follow through with that other argument.

CHAIRMAN LYNN: Comments at this time, at this moment in particular on that configuration?

Why not V2?

MR. HUTCHISON: It accomplishes that, El Mirage, Glendale, and the five-mile strip border. We approved the drafted map, five-mile wide, one-mile wide north-south streets of Indian School and Camelback.

CHAIRMAN LYNN: Competes not with B or D, A. Next to F. The notch there, that is a result of an old district, just go to the west, being squared off with this one.

MR. HUTCHISON: Scottsdale border.

CHAIRMAN LYNN: Comments on this version?

Mr. Hall?

COMMISSIONER HALL: Question: Communities

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of interest, I request from the urban Commissioners what comments are relative to some of the detailed communities of interest with respect to this particular interest.

COMMISSIONER MINKOFF: There appears less damage to the Hispanic AUR, it's compliance with the Hispanic AUR. It's a reasonably compact district, includes a lot of Glendale. Most Glendale, northwest Phoenix, a lot in common, a lot of connection, a lot of communities of interest. El Mirage, and testimony saying El Mirage in District D is not a good fit, El Mirage and Glendale are a reasonably good fit. It's not as square, as good a district. There are better things in terms of communities of interest.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I think this district, obviously B, breaks up communities of interest. I don't think it's possible Glendale considers it part of Phoenix. Put them together, there's a strong sense of independence. There just isn't. Glendale thinks of itself as a gateway, coming over as a gateway, in essence. A and B in a sense lose separate identities.

As compared to the base map, that's a
significant thing that happens with this map. I really object to it. It cuts Sun City out of the mix. In the end, there's obvious gerrymandering in the map to avoid concentration of votes and pick out other votes.

The first version, I felt there was a lot integrity. It was compact and picked up everything in the vote.

CHAIRMAN LYNN: May I, Ms. Minkoff.

COMMISSIONER MINKOFF: Sure.

CHAIRMAN LYNN: From an urban-dweller's point of view, I've spent many years dwelling here.

COMMISSIONER MINKOFF: Urban area.

CHAIRMAN LYNN: Let me emphasize several things. There's a significant tradeoff. Community interest, perceived communities of interest, you will see degradation to some degree or another, some degree it's attempting. That's a given. One of the things, it's a relative comment, not because it's relative living in the district, relative living here. There are things I like. Not as far east as Paradise Valley. I think if there's some reason to believe in a central district, you drive any streets in North Phoenix, drive west to Glendale, you certainly know you're in Glendale often by the number of car dealerships there. It is a fairly decent part of Phoenix. It's a relative comment.

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The problem with the AUR, entirely, it's a tremendous distance, that distance, there's a tremendous number of people. What this at least does do, you could not take them, unify them, at least I hope, and wait for some competitive, analytical numbers, allow minority influence at some point. They might have additional growth to them. It's less compact than one before them, no question about it. It takes a reasonable portion of the north end of it.

On balance, I'm giving you a relative assessment, favor this one or the first one for those reasons.

COMMISSIONER MINKOFF: I agree. I have a comment and question. The retirement communities AUR, I don't think this is gerrymandering up north, gerrymandering. Sun City, Sun City West, Sun City Grand, they are definite communities of interest. Matter of fact, we get a lot of opposition squared off there, boycotting into Sun City, do damage to both District A and District B.

City of Glendale, highlight City of Glendale so we see how it's highlighted.

MR. HUTCHISON: See that?

COMMISSIONER MINKOFF: See that better?

COMMISSIONER ELDER: Red worked well.

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CHAIRMAN LYNN: It's not in B at all.

COMMISSIONER MINKOFF: Okay. Yeah. I think that works.

The northern part of Glendale is very different than part of B. The northern part of Glendale subdivisions, housing developments, getting close to the Peoria ranch -- what is that area way out west? Is that Glendale?


CHAIRMAN LYNN: Yes, it is incorporated in the limits of Glendale, annexed to it.


COMMISSIONER ELDER: Is it possible to outline V1, how much further it goes to the east, how much further it goes to the west, just black, red, green, anything?

Steve, how much further goes the red line.

CHAIRMAN LYNN: One versus two. Red is one. I didn't know how much further it went into the east area, how much it would take to clean up the westerly edge. I think, in my opinion, there is detriment to District D. And it comes out, back out of -- the western part of Phoenix is probably beneficial.

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CHAIRMAN LYNN: May we move to 3, or Version 3, please?

COMMISSIONER ELDER: That's fine.

I did not mean to be inattentive. I have the beginnings of a kidney stone.

CHAIRMAN LYNN: We'll have a district for it.

COMMISSIONER MINKOFF: Came from a growth area.

Version 3. The main is I don't see any way to make it work, salvaging the East Valley, and moving on.

COMMISSIONER ELDER: So much more character.

COMMISSIONER HALL: Second that.

CHAIRMAN LYNN: How about 4, Chris? Let us be the first to say your district is ugly.

COMMISSIONER MINKOFF: Not ugly, wasn't workable.

Tradeoffs are not worth it. More competitive, but not worth it. The expense to the East Valley communities more than outweigh the benefit.

CHAIRMAN LYNN: Both districts involve Tempe. The numbers are better.

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COMMISSIONER MINKOFF: Absolutely.

CHAIRMAN LYNN: The tradeoff is very clear. If the numbers are down to levels most everybody can agree are competitive, it or some permutation.

Mr. Hutchison.

MR. HUTCHISON: The Mesa tradeoff. Unite more of Mesa. We couldn't do it. District E down, the remaining portion. We're willing to do that, bring more of Mesa down to F, in this area. Otherwise...

CHAIRMAN LYNN: That reason?

COMMISSIONER MINKOFF: If you show us what that would look like.

COMMISSIONER HALL: Ms. Minkoff, put the gun back in the holster you just pulled out.

CHAIRMAN LYNN: Not more than one person wants in the mix.

Anybody else active.

COMMISSIONER ELDER: No, not active.

Verify the numbers, correct half a percentage point gain over the previous. Horizontal.

CHAIRMAN LYNN: Both.

COMMISSIONER ELDER: Third percent, gerrymandering rigging.

COMMISSIONER MINKOFF: A little splitting of Tempe, better split one and two.
MR. HUTCHISON: Actual data spread, AQD, too, 8.12.

CHAIRMAN LYNN: Don't see any other sentiment for keeping it active.

Mr. Huntwork.

COMMISSIONER HUNTWORK: It seriously divides communities of interest.

CHAIRMAN LYNN: Let's do this: We're coming up on a break anyway. Let's take a break. Put version -- go back to 4 a while, talk about that. Do that right after the break.

(Whereupon, a recess was taken at 3:35 until approximately 4:28 p.m.)

CHAIRMAN LYNN: If I can have the Commissioners back up to the dias.

Well, that was the dinner break.

COMMISSIONER HALL: For the record, I've been in my chair for some time.

CHAIRMAN LYNN: For the record, that means you'll need a break soon.

Further discussion on these discussions of these maps.

Ms. Minkoff.

COMMISSIONER MINKOFF: Options of a competitive district, this one seems to be the best.

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It's not as competitive as I would like, not as competitive as we hoped we'd be able to achieve.

Chris I'm asking a question, and I'm not going to like the answer.

Do you see any way you can adjust the edges of this district to make it more competitive without further inroads on the Hispanic AUR in District B?

MR. HUTCHISON: To make a long story short, no.

COMMISSIONER MINKOFF: That's what I thought you'd say.

MR. HUTCHISON: I wouldn't say we couldn't improve the competitiveness a hundred percent, a few hundredths of a percent along the edges. This one is actually 46 percent Republican; this one 43.

Pretty much we're not going to make further inroads into the Hispanic AUR.

COMMISSIONER MINKOFF: This particular version is not going into Tempe.

CHAIRMAN LYNN: Mr. Huntwork then Mr. Elder.

COMMISSIONER HUNTWORK: Mr. Chairman, I am concerned, thank you, I am very concerned about a number of communities of interest all through the Phoenix

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Metropolitan area that I feel are disruptive by this particular configuration. Nevertheless, in order to give it the best test possible, I do think it's important to notice it back. As currently configured, Scottsdale doesn't go into Tempe, all the way into Scottsdale. It divides Scottsdale all the way to Pima Road.

CHAIRMAN LYNN: District A is a result of dividing B.


COMMISSIONER HUNTWORK: I think that we, in terms of criteria of Proposition 106, now are splitting cities as well as communities of interest. I do feel at least we can correct that. Hopefully we can correct it or minimize it by, one would think, coming down into Paradise Valley and maybe even Arcadia rather than taking Scottsdale. I don't know how many people are involved.

COMMISSIONER MINKOFF: District A.

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: A south rather than Scottsdale.

COMMISSIONER HUNTWORK: I'm not sure of the people south, uniting Paradise Valley. Look at the

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West Valley and Colorado River as Scottsdale, at least
in terms of dividing communities, and try to avoid
political subdivisions, avoid that.

COMMISSIONER ELDER: I'd like to ask
Mr. Huntwork a question and not lose the floor when I
get the answer.

CHAIRMAN LYNN: We'll give you the floor
as long as you like.

COMMISSIONER ELDER: The area we're
concerned with, this area of Paradise Valley, Arcadia,
get this part of Arcadia as a whole?

CHAIRMAN LYNN: Yes.

COMMISSIONER ELDER: I suppose going,
driving recently in this part of Paradise Valley, am I
still in Scottsdale? You don't know whether you are in
Scottsdale or still in Phoenix. A resort hotel
straddles the property line. There's not a lot of
difference there. I'm wondering if splitting Scottsdale
further to the south, I think, would it not be better to
put that community of interest, that the mountains
divide out from the balance, part of -- not Tucson,
Phoenix, keep that together, even if it lost part of the
split of Scottsdale to another location?

My comment is B, I guess, is probably
okay, but it does that to our plan in A which I'm not
really happy with that. Work around, maybe leave Chris
direction after we talk through about that.

The problem for me, it's not a compact,
isolated area. It's not really representative of much
of A or any other part of the state. I have a problem
with that area.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: In terms of
criteria of proposition 106, what I was basically
arguing is splitting communities of interest, anyway.
You don't have to split subdivisions. That's another
criteria, eliminate one of the violations, keeping
political subdivisions together.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I'm pretty familiar
with the area of Scottsdale for the simple reason my
grandchildren live there.

COMMISSIONER ELDER: Do you have a
picture?

COMMISSIONER MINKOFF: Yes, I do.

MR. RIVERA: Add another day.

CHAIRMAN LYNN: Ms. Minkoff adds another
day.

COMMISSIONER MINKOFF: I understand what
you're saying about not splitting subdivisions in a
perfect world. Let's try to put Scottsdale back together. Putting Paradise Valley back into District A. It's probably more a problem than that portion of Scottsdale. The boundary line of Scottsdale, Phoenix, that area is very artificial. The new area, growth area, pretty soon it's one car dealership after another. They're going up there like crazy. Scottsdale is split not in a bad way. The only way to reunite Scottsdale, Arcadia, is District A. I think I'd not favor it.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: A couple things. It's been said Scottsdale has to be split. I'm not sure it has to be split. We voted Scottsdale as an AUR. I wasn't in favor of that, simply, at the time, as it's a redundancy. Look back at our own records, a community is an AUR, community of interest, a political subdivision. If I had to make a choice on this area, keep Scottsdale whole, fill in population another way.

CHAIRMAN LYNN: Mr. Hutchison.

MR. HUTCHISON: Mr. Chairman, members of the Commission, I'd clarify I'm not entirely positive even the tradeoff of Paradise Valley, A, into Scottsdale, 30,000 persons to Scottsdale, I'm not exactly sure the numbers are there. It's something I could look at. It does exist as a possibility to add

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areas of Paradise Valley to A that are still needing to
go into Scottsdale's population.

CHAIRMAN LYNN: Another angle should be
discussion of whether or not the district is
competitive. Let me draw that to our attention at the
moment. I'll use an analogy. I don't mean to be
flippant. This is a real analogy.

If you have something not very attractive,
dress it up, it becomes more attractive, whatever it is.
It still isn't what we wanted it to be. It's more
competitive than the B we had in the Legislative map by
half.

Competitiveness of District B, the spread
in B, has been cut in half, give or take. What hasn't
been is drawn into the range where most would consider
it yet competitive. In fact, if we ordered the more
sophisticated analysis of B to be done, of course, which
surprised me before, notwithstanding the view of the
other districts, I bet Mr. McDonald would tell us it's
not competitive.

Now having said that, the judgment here is
it's ultimately going to be is it a better, more
competitive district for the central part of Phoenix,
not a competitive district, but more competitive
district, and do whatever drawing that district does to
whatever around it.

We cannot draw a district without impact,
or whether we draft a map as presented, we did do a
number of things in terms of preserving communities of
interest. Is the better choice given you can't get
where you're going with this map? Get part way there.
Use the analogy of going on vacation. We want to go to
Disneyland, wind up Yuma. Is it worth the trip?

MR. FLEISHER: Is it as good as
Disneyland?

CHAIRMAN LYNN: Those particular
communities, or anywhere else, are headed to the
destination. Halfway to the destination, that's as far
as you can go. Is it worth taking the trip?

COMMISSIONER MINKOFF: First of all, only
someone from Tucson would be talking about Yuma when
going to Disneyland.

CHAIRMAN LYNN: How unfortunate. Yuma is
a beautiful place.

COMMISSIONER MINKOFF: We don't do it that
way.

What we hope for is districts responsive
to the people living in them. The closer we get to a
competitive district, the more responsive.

Whoever was elected in that District 2,
his or her constituency can't ignore the people, 11, 8
percent spread, ignore the people at your peril. It's a
dangerous thing to do. Contests, people feel they have
a say, buy into the result of the process, believe they
truly do have a choice, submit, and the six districts,
the one most competitive in our analysis, voter
registration, is the one that has a representative, one
most central, most contests, and most responsive to both
people on both sides of the political spectrum. Can't
achieve, not willing to give up on it. I believe it's a
positive step, better for the voters of Arizona.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, ROI
there, businessman, return on investment there,
considerable time and effort redrawing downtown,
determining whether or not, to be convinced of an
extremely competitive district without touching Tempe.
Believe me, we tried. It doesn't seem possible without
abnormal, bizarre configurations.

I believe with your question, the premise
of your question is whatever collateral damage to the
existing map, is it worth what we've done in this
district.

One man said he was smart enough to know
what I don't know, defer those, have more intimate

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knowledge areas. What damage may or may not be. On the face, it appears very reasonable. I'm probably missing something.

CHAIRMAN LYNN: The other option, I could only suggest it, is perhaps what we ought to do to fully vet this issue. Two maps in front of us, one complete to our draft, one completes this option fully and takes into account what Mr. Hutchison needs to take into account around the state, to be able, if in fact our choice is between these two, the draft map and this map, this issue, we probably should make a decision on full disclosure. That would allow that to happen.

Mr. Hall's question is a great question. It may be fully answered looking side by side.

COMMISSIONER HALL: The reminder, haven't answered FF, does address external variations.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I think you asked a very probing question. I want to answer it a little differently than Mr. Hall. The way I'm reading Proposition 106, it does not allow us to even create a competitive district if the result would be to do significant detriment to other criteria. It does not appear to me to set up balancing. It's testing how much damage we do and how much competitiveness we achieve.

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I think that the threshold question is is do we do damage. And if not, then I think we're free to try to create a competitive district.

COMMISSIONER HALL: And the answer is?

COMMISSIONER HUNTWORK: I certainly have expressed my opinion. Don't want to beat my fellow Commissioners over the head.

COMMISSIONER ELDER: Mr. Huntwork, did I hear you say any damage?

COMMISSIONER HUNTWORK: The threshold test is whether what we're doing is significant damage. It isn't whether the damage we cause is worth it relative to the amount of competitiveness we achieve. It's whether we do significant damage.

COMMISSIONER ELDER: There wasn't any damage issue. It almost sounded that way.

Our responsibility is to determine what is substantial and determine where then and go down the line.

Thank you.

CHAIRMAN LYNN: Post hypothetical, at some point go through and make changes to the map comparing the full map, and I think do that regardless. I hope it's more than hypothetical.

Assume the full map damage is constant

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between the map we have, have drawn here, and our base map. And I don't know how to assess that other than city splits, a number of other things anomalous to other goals in the act. In this version we have increased the competitiveness of one of the districts and done whatever damage is done. In the other map we have done the damage and we have not increased the competitiveness of District B.

Here's the problem. What the act says is competitive districts should be favored. And indeed they should. The real issue is going to come down to whether you think this district is competitive. The real issue is it's not. I bet the test shows it's not. The test is to the extent the issue, the act is more competitive districts are to be favored when no significant damage is to be done to other districts. If that's the criterion, there's a number of districts perhaps to revisit around the state.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, we're muddying the waters.


COMMISSIONER ELDER: 4, G4.

COMMISSIONER MINKOFF: B V4, whatever

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we're calling it.

CHAIRMAN LYNN: As long as it's not BB V4.

COMMISSIONER MINKOFF: Scottsdale is not split. Tempe is not split. Mesa is split. Mesa was already split in the draft map. Does other things than that, you know, puts Tempe with Phoenix and a portion of Glendale.

Maybe we ought to look at this again.

Once again, keeping the interest together, Tempe community of interest united. Glendale community of interest. Phoenix is split regardless because of its size. None of the other east valleys are split. Only one split. Mesa is split in all the plans. Maybe you need to look at that again.

CHAIRMAN LYNN: V4?

COMMISSIONER MINKOFF: V4.

COMMISSIONER HUNTWORK: Sticking to the point you raised, I don't know how Proposition 106 would allow you combining the point Mr. Elder made. I don't know if there's any damage created by the district, noncompetitive. It does allow us to do damage as long as not substantial in order create a district that is truly competitive.

COMMISSIONER MINKOFF: This is.

COMMISSIONER HUNTWORK: That, in my mind,
would be the answer to your question.

CHAIRMAN LYNN: Then to Ms. Minkoff's suggestion, this is a district which upon testing would fair better than B2, clearly areas Ms. Minkoff articulated, some goals we're dealing with, also fairs well. Let's take some. Also goals of contiguous, compact, probably compact, significantly noncontiguous or noncompact, just enough noncontiguous, noncompact. Can't draw this district as noncompetitive or noncompact without drawing that this goes, goes where it goes, to be --

What is the spread?

MR. HUTCHISON: 6.5 percent.

CHAIRMAN LYNN: AQD.

Mr. Huntwork.

COMMISSIONER HUNTWORK: All the testimony we compiled in two rounds of hearings around the state, I don't recall anybody, anybody, maybe there were one or two people, voices certainly were lost in the crowd, I think it's great idea bringing into a district completely dominated and controlled by Central Phoenix. Testimony we heard fairly convincingly by the Mayor of Tempe, I think Mr. Hallman yesterday, and just our own common sense about what we know about the valley and one of the reasons Prop 106 calls for geographic diversity
of Members of the Commission, is common sense about things. There's no community of interest between Tempe and north Central Phoenix. It doesn't serve an interest for either one of the areas to put the two together of these. Not downtown Tempe or downtown Phoenix.

    All Tempe residential areas, what I recall, north Central Phoenix was artificially connected, artificially put together, and, you know, to me, there was no sense of community of interest analysis.

    CHAIRMAN LYNN: The flip side of the argument, things we agree on, a differing point of view, to the extent we established major AURs in the state, Hispanic AUR, everywhere else in the state Native American AUR, we've not ever split a reservation.

    Would we agree there's substantial damage to a Hispanic AUR, that that is not acceptable regardless of the result of a competitive test? Then the question is, as we look at the central area of Phoenix, or the valley, for each of us, what substantial damage is or the detriment to B, and draw a competitive damage heartbeat. If we took all the resources of B and D put together, no predetermined issues with an AUR any other community of interest. I could do it. Chris wouldn't have to do it. The problem is do we have the
principle, the principle we're able to go on. Is it
important to us? The AUR is important. Each of us can
determine how much damage is within the tolerance limit
we're able to draw distinct, drawn sufficiently
competitive to warrant what we did to two AURs. It
seems to be the district at hand.

COMMISSIONER MINKOFF: Mr. Chairman, the
response, interestingly, this version, according to
statistics, there's less damage to the Hispanic AUR and
it's a more competitive district:

COMMISSIONER HUNTWORK: Don't know about
the Mayor of Tempe.

CHAIRMAN LYNN: It's short enough. Happy
to have you do it. Alluded to it while talking to
Mr. Eckstein.

COMMISSIONER HUNTWORK: In the letter
addressed October 10th, Neil Giuliano offered comments
about the downtown district, reaffirm the first priority
was to remain with the City of Tempe, have it retain one
Congressional District. They had done this test,
additionally there were some similarities in the
downtowns of Scottsdale, Tempe, not cities with large
downtown districts, but share communities of interest.
Not Mayors of Phoenix, Scottsdale. And the topic,
advancement, once again, the priority of the City of

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Tempe was one Congressional District.

This particular test, we have all downtown Tempe, none of downtown --

CHAIRMAN LYNN: Any downtown Scottsdale.

MR. HUTCHISON: Chairman Lynn, did not include Scottsdale in different 3HH, did include 3HH, had downtown Scottsdale.

CHAIRMAN LYNN: 3HH, the case downtown together, constituted downtowns, constituted community areas, or construes, correctly points out one downtown, all Tempe, none of Scottsdale, and none of downtown Phoenix. Up, down Phoenix.

COMMISSIONER MINKOFF: Downtown Glendale.

Two downtowns.

1.4, getting communities of interest.

There's an obligation to keep communities of interest together to the extent practicable.

The City of Tempe is an AUR, a community of interest where about -- a little over 160,000 people less than five percent of any Congressional District might be contained. Obviously this particular AUR will be a minority in any Congressional District and is going to be, because of size of a Congressional District, areas are not completely like it.

We have respected the Tempe AUR. I think
that we have an obligation to do it.

I had a problem with the other version that split Tempe down the middle. I don't think we can stay here, down the middle.

Put every AUR down in the state, it just doesn't work like that.

CHAIRMAN LYNN: I'm glad someone logged on.

Thank you very much.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I think that is true. And it needs to be kept carefully in mind. The trick here is to combine communities of interest with which they are compatible. There's a clear understanding of this in the area minority, minority districts.

The discussion this morning, you know, was alignments and voting patterns of Native Americans, Hispanics, in southern districts, a case in point rather than polarized voting.

We've had examples of District 2 in Tucson, retirement communities, fixed mining communities. Even though they might not have minority-majority issues, the interests are so completely polarized, what emerges from that dialogue
may not be essentially a candidate where one side wins completely, one side loses completely, and you don't get what you want.

Looking at the positive, to create competitive, not throwing two unconnected explanations together, I don't know how to characterize this, while I suggest political and municipal interests of tomorrow, we would be served at this time in history perhaps worst of all in subsuming Tempe district controls entirely by Phoenix.

CHAIRMAN LYNN: Where would you like to go next, dinner?

I didn't hear any objection to maps side by side here, impact, nonimpact of this, the other district, do both, all three. This option in play for discussion. It's probably a matter of time on task. Time on task, all three. Full impact, state known corrections. Hopis, valley, other test? Is that something you would like to do?

Let's try again.

Part of the problem is focusing on two districts, dealing on the Hispanic AUR, competitive district, trying to create one. It's been pointed out by more than one Commissioner the impact of this map, drawing the East Valley and other locations, because the
particular test used to draw the map, that being HH.

What we ought to do, in fairness to the base map, is use
the adopted map. We ought to use another map, probably
PP.

Keep nodding at the map.

MR. HUTCHISON: Revised.

CHAIRMAN LYNN: 3PP revised, as to

solutions we're discussing, a clear picture, two
discussions impact options for the state. We need to do
that anyway, order that at some point.

At a future point, also order one or both

of those maps be tested to garner two pictures of
districts, I think. I mean, that's my opinion.

Mr. Hall.

COMMISSIONER HALL: I agree, Mr. Chairman.

We have something similar to that with another test run.

We may well want to examine that in addition. We

previously indicated it does indicate what configuration

of the East Valley will not change.

CHAIRMAN LYNN: We don't know. Chris is

not absolutely certain. Doesn't think it will.

COMMISSIONER HALL: Configuration FF map,

it's essentially identical, represents what will be

under both B maps.

COMMISSIONER HUNTWORK: Mr. Chairman, B2

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yes. B4 takes Tempe out of the mix.

MR. HUTCHISON: Unless the Commission were willing to take out Ahwatukee and the remaining portion used before.

COMMISSIONER MINKOFF: Add to B.

MR. HUTCHISON: Add to E.

If you recall, Ahwatukee, western Mesa, was taken out of the blue lines on the draft map.

CHAIRMAN LYNN: Part of the collateral damage. E laterally wraps around.

MR. HUTCHISON: An option, if we wanted to keep it the same.

COMMISSIONER HALL: Collateral damage or improvement.

CHAIRMAN LYNN: Collateral impact. Could be an improvement.

COMMISSIONER ELDER: Mr. Chairman, I would like to find out if there's any support for this map to stay in the game.

COMMISSIONER HALL: Looking at me, I'm assuming, for a response?

I'll go on a limb. I guess you and Mr. Huntwork don't support it.

COMMISSIONER ELDER: I have to take the position Mr. Huntwork, irrespective, for compactness.
issues, community of interest between Tempe and Phoenix,
the disaster places of Scottsdale, Ahwatukee linkages, I
don't see much merit.

CHAIRMAN LYNN: Want to respond, Mr. Hall?
COMMISSIONER HALL: Yes.
CHAIRMAN LYNN: I'll let you respond, then
get to Mr. Huntwork.

COMMISSIONER HALL: No question from a
compactness sense, we created some other amebic animal.
COMMISSIONER ELDER: Haven't labeled it yet.
COMMISSIONER MINKOFF: No joke.
COMMISSIONER HALL: On the face of B2,

it's something I worked on. It's certainly something, a
much more aesthetically pleasing picture. The concern I
have, I guess, is what I'm hearing is a technical strict
interpretation of competitive. I'm trying to remember
in the process where that seven percent became a magic
number, who dedicated the seven percent magic number. I
guess if it's a feeling of the rest of the Commission,
if not quote, unquote, seven, it quote, unquote, is not
competitive, therefore, quote, unquote, not considered
or favored, that strictness of interpretation concerns
me, frankly.

My reaction, gut reaction, certainly at

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this time, seems to be diversity with respect Tempe and Phoenix. I read Tempe, Mayor Giuliano's letter. On its face, it sends a message.

Is the community of interest a detriment to that community of interest? I stated openly I don't know I'm qualified to make that desertion. I think there are issues on both sides. Quite frankly, that's why I've been listening for significant relative input on that issue.

COMMISSIONER ELDER: I think the historical standpoint started off at five, the Delta Democrats, Republicans forty-two thirty-seven, that range, a letter back. Mr. McDonald, he used seven, now looking at eight, nine. Going further from where we started. I have no objection to that as long we understand what we're doing.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: What I intended to say has been said.

COMMISSIONER MINKOFF: Mr. Chairman in an attempt to kind of move us forward.

COMMISSIONER HALL: Thank you.

COMMISSIONER MINKOFF: I would like to suggest to look at, especially because there are more competitive other versions we're examining, I like the

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redesigned Ahwatukee, connected, more concerned, looks
like a delegation, has the looks of a district.

Ahwatukee, Mesa have redesigned unifying Ahwatukee.

Let's get the Judge It analysis of this.

Get the same thing for B V2, or whatever we're calling
it, with whatever analyses we decide around the state.

Keep it on the table.

CHAIRMAN LYNN: Motion.

Seconded?

COMMISSIONER HALL: I'll second it.

CHAIRMAN LYNN: One question. Have you
been able to determine how long a Judge It review take.

MS. LEONI: We have not heard back from

Dr. McDonald. He's been reasonably responsive.

MS. HAUSER: Yes.

CHAIRMAN LYNN: Might we expect if we sent
it, the files today, we'd receive the Judge It tomorrow?

MS. LEONI: Yes. I hope -- turnaround,
turnaround test requested, several hours. Substantially
larger files. Hoping to hear from him fairly shortly.

He's not online at this point.

CHAIRMAN LYNN: Discussion on the motion.

Hearing --

COMMISSIONER HUNTWORK: Again,

particularly if the test can be done quickly, I'll vote

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in additional tests, not including B1, that one said
before more integrity, closer to the original test,
compact. We had found a compact population in the midst
of all else. That one we could reasonably argue stayed
home, created a district.

CHAIRMAN LYNN: I'd invite you to make a
motion subsequently. To go, add a third. Perfectly
appropriate you do so, rather than get maker, seconder,
to do so unless readily able to do so.

V1 had a worse percentage as far as
competitive, not much, point and a half.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Further discussion on the
motion?

If not, different roll call today.

MS. HAUSER: Restate the motion.

COMMISSIONER MINKOFF: B V2, no
redesignation. B V2 has no redesign. Just tested as --

CHAIRMAN LYNN: No.

COMMISSIONER MINKOFF: B V2 needs
reunification of Tempe, Ahwatukee in Tempe.

CHAIRMAN LYNN: No, Andi. B V2 needs to
be shown on the map as 3PP revised. That's what B V2
needs. B V4 needs to be shown also on B V2 revised,
needs to be altered so that --
Finish the thought.

COMMISSIONER HALL: In the interest of a result, I thought I said first, overlay the central districts inside the map, depending on what we did in the rural areas.

COMMISSIONER MINKOFF: Develop central district tests and add some rural areas to them, yeah. I don't know what the rural area tests are yet.

Actually, the clear way of saying what I intended to say, actually right, take test B V2, superimpose it on 3PP revised; take V4, superimpose it on 3PP revised, with the connection of Ahwatukee to the rest of District E, and of course finding adjustment of District F.

CHAIRMAN LYNN: With that adjustment are you still seconding it?

COMMISSIONER ELDER: I have no idea what it is.

COMMISSIONER HUNTWORK: I second it.

COMMISSIONER MINKOFF: Unifying it.

COMMISSIONER ELDER: I understand. Long way there.

CHAIRMAN LYNN: Ms. Hauser, clear on the motion?

MS. HAUSER: We all are. Thank you.

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Further discussion on the motion?

If not, roll call.

Mr. Elder?

"Aye."

Ms. Minkoff?

"Aye."

Mr. Hall?

"Aye."

Mr. Huntwork?

"Aye."

Chair votes "Aye."

(Motion carries.)

Talked me out of it.

Revisions V1, V2, very interested parties surrounding the areas, not to mention more competitive.

I agree and feel that V1, not being a competitive district, it's not worth it to make a test on.

Where would you like to go next?

Can I recommend we look at map FF?
COMMISSIONER HALL: Probably so appropriately titled.

CHAIRMAN LYNN: From the beginning of the process in February until now, I've chosen not to speak at length on issues. First, oftentimes one or another of the Commissioners expressed views on issues, so I felt the issue was expressed and I it did not need additional support by me.

Now decisions are made and maps are drawn from the product. I don't want anybody to misconstrue my inserting opinions into the mix more at this stage of the process. I, like each of the Commissioners, am responsible for one of the votes on the Commission and will make sure as I vote on the final maps my position is very clear before my vote is taken and will continue to give every Commissioner more than ample time as well.

COMMISSIONER HALL: I didn't know you were lacking of opinion earlier.

COMMISSIONER ELDER: I've always known he wanted to play to a big room.

CHAIRMAN LYNN: We've had bigger rooms than this. I'd have played three times a day to South Mountain. That was a bigger room than this.

COMMISSIONER HALL: Comment on this test, central, this incorporates V1, outside areas, an attempt
really to make this district not only a rural area but
all the citizens we heard from, significant testimony,
Native Americans, they want insurance they'd have
adequate representation.

Our desire, my desire, is not only a case
of the number of tribes included in the district, all
citizens of native Arizona, to that point, the southern
portion, light blue area portion of Pinal County. Zoom
out. Then go back in. To the exclusion of Pinal
County, division of Verde Valley at Mingus Mountain.

Pros and cons to this. You may recall we
had another test on that one occasion, it excluded
significant portions of the exchange down in Pinal. All
of us knew, wonder what the test is about.

CHAIRMAN LYNN: Mr. Hall, if we use the
analysis test FF, Competitive B, we're interested in a
test outside the Phoenix area, refer to a test that
doesn't border Phoenix with all the right answers; is
that correct?

MR. HUTCHISON: In terms of this test, it
didn't have an impact on rural.

CHAIRMAN LYNN: Didn't have an impact on
rural districts, Chris?

COMMISSIONER HALL: It did.

MR. HUTCHISON: The Competitive B insert.
CHAIRMAN LYNN: Representation of numbers, adopted drafts, overlaid.

CHAIRMAN LYNN: Two sheets to PP, Competitive B V1 portion, interior Phoenix. If I want to know what happened in District C, I can look at C to see.

MR. HUTCHISON: Entirely correct.

CHAIRMAN LYNN: Gives me a fair amount of looking.

For example, Mr. Hutchison, District C, we have a, in the adopted draft revised, total minority population of 36.8 percent. I should be able to compare that to total minority population in FF of 40.1.

MR. HUTCHISON: That is correct.

CHAIRMAN LYNN: Okay. I understand how to compare those two. Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Some things I like, some I don't.

One thing I like, it unites the Colorado River two districts. One thing I dislike is it divides Pinal County in a very bad spot.

I tried to zoom in on my map.

CHAIRMAN LYNN: Central valley, Casa Grande west, and leaves Eloy east.
COMMISSIONER HUNTWORK: With those lines on it, it's not as bad as I thought, not with the cities, community clearly identified to us.

The other thing I don't like about this map, the numbers I'm looking at, it has a competitiveness page, and it has noncompetitive. More sophisticated may say it's competitive. The essence was to take, make this a Democratic district, or so it seems to me.

There was another test we did, if going to go this way, test E, that we never followed up on. Test E also united the Colorado River because there were test rivers in the portion of -- Mohave County brought into A to allow -- brought it further across to unite, I believe, the overall competitiveness of that district, leave a little competitive leaning, better than this. If we leave it this way, it's a better test than this one. This has side effects.

CHAIRMAN LYNN: Mr. Hutchison.

MR. HUTCHISON: Something to keep the members aware, C is competitive against BB V1. District C, the spread sheet is 10 and a half, spread sheet for registration of District C. Gila County didn't include the 15,000 Democrats in the numbers, identifiers of every party, but they are Democrat.
CHAIRMAN LYNN: Do you have a factor?

MR. HUTCHISON: Added the number of Democrats listed on the side there, something that shows Libertarians, other reforms, divide the new total, it's probably a more accurate registration.

COMMISSIONER HUNTWORK: How many?

MR. HUTCHISON: Increase independents, increase absolute numbers. Increase absolute numbers.

COMMISSIONER HUNTWORK: How many Democrats?

MR. HUTCHISON: 141,169.

COMMISSIONER HUNTWORK: Gila County?

MR. HUTCHISON: 15,142.

COMMISSIONER HUNTWORK: How many Independents?

MR. HUTCHISON: Little more than 3,000, actually.

COMMISSIONER HUNTWORK: 50-50. You have 16,500 additional. Say you don't, includes Independents, well that's another three percent change. That's been there in every map we've had. I don't want to take the one competitive map we have, make it noncompetitive. It boggles the mind.

COMMISSIONER MINKOFF: AQD, Dr. McDonald,

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did more than voter analysis, probably corrected that omission of the Gila County figures.

Test FF has a real positive. I believe if groups don't want to be together, we should not force them to be together.

Classic county, don't want to be in the Northern District, don't think of ourselves as the Northern District, have been with Western Maricopa, then representatives of the northern county, not part, don't want to be with them. Clearly two parties or areas don't want to be together. If there's a way to listen to them, make it work, I think we should do so.

Yavapai would be much happier with this district and the Northern District, or rural district, much happier with this configuration.

In terms of competitiveness, PP revised, this, I don't think we can deal with this. Every analysis Dr. McDonald has done in that northern area has shown party registration, AQD analysis, showed much higher percentage of Democratic voters than his analysis did. Before we analyze competitiveness of District C, out of the analysis, ask him to run the test for us.

Then we'll have real numbers to look at.

CHAIRMAN LYNN: Further discussion.

Anyone wish to offer a motion?

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COMMISSIONER HALL: Mr. Huntwork offered another alternative we're hunting for.

CHAIRMAN LYNN: Back a ways.

MR. RIVERA: Day one.

COMMISSIONER HALL: We've been stuck in reverse before.

Test EE.

COMMISSIONER MINKOFF: Second round.

MR. HUTCHISON: Accurately reflected what is in your binders.

COMMISSIONER HALL: That's it.

No question about Mr. Huntwork's point on Pinal County being much improved, C is much more compact.

CHAIRMAN LYNN: What about Yavapai?

COMMISSIONER HALL: Yavapai is in.

CHAIRMAN LYNN: Completely?

COMMISSIONER HALL: Completely.

COMMISSIONER MINKOFF: Completely.

COMMISSIONER ELDER: Yep.

CHAIRMAN LYNN: Mr. Hutchison, bring the Commission's attention to something. Putting Casa Grande into C, G goes to Phoenix, takes more of the Hispanic AUR.

COMMISSIONER HUNTWORK: It does.
MR. HUTCHISON: I have it up on R.

COMMISSIONER HALL: District D, in this test, is negatively impacted.

MR. HUTCHISON: No.

COMMISSIONER HALL: What did you say?

Avondale, Tolleson, portions of Phoenix nearby.

CHAIRMAN LYNN: I think the difficulty is matching. Matching, a zero sum game, make changes on the periphery, it will affect the interior. Can't impose on them these kind of exterior maps, V2, and look at the maps entirety by and large. We can look at the general effects, ask the consultants to give input on different maps. Each and every one will have consequences.

MR. HUTCHISON: Spread sheet EE, District D, maintains the vast bulk of minority communities percentagewise. I caution moving north, you take more of the Glendale Hispanic communities, other communities negatively impacted by a downtown competitive district.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Is G still maintained as a majority-minority district?

CHAIRMAN LYNN: I believe so.

COMMISSIONER MINKOFF: FF or E?

MR. HUTCHISON: EE.
COMMISSIONER ELDER: Next question, look for numbers.

The influence of Maricopa County on this one, seemed like a hundred thousand before.

MR. HUTCHISON: A hundred thousand, test 3, K, C, 40,000 in test FF.

CHAIRMAN LYNN: You may not have run. It will be done in minute.

COMMISSIONER MINKOFF: Majority-minority district. 61 percent. It's 50.7 one Hispanic and 61 percent total minority.

COMMISSIONER ELDER: G.

MR. HUTCHISON: G, same percentagewise, incorporation of Maricopa County, a hundred thousand again. It does take in all of Tolleson and all of Avondale.

COMMISSIONER HUNTWORK: Effect of D.

MR. HUTCHISON: Effect of D, quarter effect lower. You are compensating more -- the demographic base area, taking the effect to create any demographic base.

COMMISSIONER HUNTWORK: If we do a demographic base, this is off the table.

If there's a downtown competitive base, this is off the table.
CHAIRMAN LYNN: What is your pleasure?
Mr. Elder?

COMMISSIONER ELDER: My question, maybe Commissioner Huntwork or Commissioner Minkoff can answer. How much damage with configuration D have we done to the AUR working there? We lopped off an area west that was tested and shown in presentations and propositions, how they voted by a continuity, with the reason for the blue AUR, it took to the west. Here we're not. Is there significant damage to the AUR?

It's something in previous comments I know we want to maintain that has been hindered.

CHAIRMAN LYNN: Both have been asked.

Chris can answer or you.

COMMISSIONER HUNTWORK: There was a piece of Glendale, an important part of the Hispanic AUR, added to make up for the difference. That was really a fairly central part, central -- strong part of the original AUR.

MR. HUTCHISON: Two things. As an additional AUR, the Biltmore area is added in this plan.
It was compensated for in the past. With regard to the Hispanic AUR, test FF, 40,000 persons out of Maricopa County, Goodyear, 350 persons in District D, 100,000 persons, roughly 60,000 persons out of the Hispanic AUR.

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COMMISSIONER MINKOFF: Western areas of Tolleson, Avondale, if they wanted to be in District G, it's a resounding "No." They are part of the western Phoenix Metropolitan area, and they looked to an area linked with, in District D. Frankly, I'm amazed you had to add so little geographic area to B in the northeast and northwest.

CHAIRMAN LYNN: It's very dense in Central Phoenix.

COMMISSIONER ELDER: To question more, the cultural, social, what glue holds the area together, population, and becomes major parties along the river, had along the river, something we don't want to do. There are parties both ways.

COMMISSIONER MINKOFF: What kind of parties are you talking about?

CHAIRMAN LYNN: Discussion on the map.

COMMISSIONER HUNTWORK: The issue on raising no thought to do, until we decide what to do about the downtown competitive district, or call it what you will, the district in Central Phoenix.

CHAIRMAN LYNN: It seems clear to me, at least, because of the inter-relationships of the maps if in the future test the decided central district is not an option, for whatever reason, there should be more
consideration for features in this map that do not
impact negatively the final map. That seems clear.

I think the scenario is correct. We ought
to make that decision first unless we think these
changes take precedence over those, I suspect.

COMMISSIONER MINKOFF: Both scenarios, DD
and FF.

MR. HUTCHISON: DD, FF --

COMMISSIONER MINKOFF: FF.

Yavapai County, there's less impact. I'm
wondering if there's a way to make some change in
Northern Arizona and still work with a competitive
district in Maricopa County.

Let's just take the test FF examples.
Currently it doesn't have a Downtown District in it.

COMMISSIONER HALL: Yes, it does.

COMMISSIONER MINKOFF: One Competitive B
one we acknowledged, a Hispanic AUR.

COMMISSIONER HALL: Any competitive
districting, test FF.

COMMISSIONER MINKOFF: Yes.

COMMISSIONER HALL: Not E, FF.

COMMISSIONER MINKOFF: Good reason, FF.

MR. HUTCHISON: Good reason FF. Cannot do
it. If you want a downtown competitive district, it's

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hard to do it. If you change the outside, you know,
outside Phoenix areas, in such a way we can't grab extra
Democrats, because there aren't enough to go around.

CHAIRMAN LYNN: Mr. Fleisher can attest to
that, trying to correct that as best he can.

COMMISSIONER MINKOFF: Given the attempts
to correct, I'd like to proceed, suggest we proceed with
FF.

COMMISSIONER HALL: E is already off the
table. I wanted to pull it up, refresh my memory. E is
off.

COMMISSIONER MINKOFF: Have we asked for
tests on FF?

COMMISSIONER HALL: Mr. Huntwork has
requested tests on FF.

COMMISSIONER MINKOFF: Not McDonald on FF?

CHAIRMAN LYNN: We only want to do it if
everything about FF is worth incorporating.

COMMISSIONER HALL: And I'm concerned
about the Pinal split. I'm hunting for solutions. I'd
say I agree with the solution. We need to proceed to
see if we proceed with the district, meanwhile we can
see what other opportunities there may be in an effort
to improve this district.

COMMISSIONER MINKOFF: All we need to do
in Pinal County is move Casa Grande, Pinal, Casa Grande,
options for a switch.

COMMISSIONER HALL: Casa Grande is
comprised of significant Hispanics which affects the
majority-minority of G, affects the Hispanic
majority-minority of G.

We're all hungry.
CHAIRMAN LYNN: We can stay here long as
you like. We're going on fumes.

COMMISSIONER HALL: Send them and go back.

(A candy bar is given.)

COMMISSIONER HALL: Fun size.

CHAIRMAN LYNN: Excellent. Not much fun
here.

COMMISSIONER HALL: Run the requested
tests as shown. This map doesn't impact what occurs
here in significant detail, in my opinion, unless you
get real radical. Meanwhile, consider other details.

CHAIRMAN LYNN: We already voted for that.

At this point, what is suggested, we not
order any further tests, full analysis, on the Downtown
District viable option that would affect anything else
we want to do. I tend to agree with that, no other
testing other than the ones already ordered.

Any other ideas relative to Congressional
maps you want take up this evening or is it appropriate
to break for the evening and revisit these tests when we
get back?

COMMISSIONER ELDER: One quick question.

On the McDonald map, there was the same level of
requesting here.

CHAIRMAN LYNN: Apples to apples.

COMMISSIONER HALL: My opinion, the answer
to my question where are we on Legislative, bounce back
headway, I saw an appropriate wag of the head. I'd be
willing to be done by Friday. That's what my goal is.
No lucid information forthcoming.

CHAIRMAN LYNN: Anything anyone else would
wish to do this evening on Congressional mapping?

What I'm hearing is at this point we've
ordered additional testing, one to tie large Gordon
knots that deal with the Downtown District, and we can't
go further until we get them answered.

Anything else to answer on the
Congressional, Legislative until tomorrow?

Mr. Hutchison?

MR. HUTCHISON: No.

Anything from legal counsel to address
this evening?

No one is listening to me.

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MS. HAUER: We are.

No.

CHAIRMAN LYNNE: Then without objection, we'll recess until 8:30 tomorrow morning, here.

(Whereupon, the hearing concluded at approximately 5:50 p.m.)

* * * *

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STATE OF ARIZONA )
     ) ss.
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 162 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 23rd day of November, 2001.

________________________________
LISA A. NANCE, RPR
Certified Court Reporter
Certificate Number 50349

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