The State of Arizona Independent Redistricting Commission convened in Public Session on October 8,
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
VICE CHAIRMAN ANDI MINKOFF
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER JOSHUA M. HALL
COMMISSIONER DANIEL R. ELDER

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ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
DR. ALAN HESLOP, NDC, Consultant
DR. FLORENCE ADAMS, NDC, Consultant
MARGUERITE MARY LEONI, NDC Counsel
DOUG JOHNSON, NDC, Consultant
CHRIS HUTCHISON, NDC, Support Staff
MARION PORCH, NDC, Support Staff
LOU JONES, IRC Staff
CINDY LE, IRC Staff
KRISTINA GOMEZ, IRC Staff
AMY REZZONICO, IRC Press Information Officer
PAUL CULLOR, IRC Staff
TIM JOHNSON, MC, Computer Consultant
LISA A. NANCE, RPR, CCR, Court Reporter

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SPEAKERS FROM CALL TO THE PUBLIC:

SUPERVISOR MARY ROSE WILCOX
MAYOR JOSEPH C. DONALDSON
ERIC EMMERT
JIM HARTDEGEN
FRANK SEANEZ

AGENDA DESIGNATED SPEAKERS:

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

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Phoenix, Arizona
Public Session
Tempe, Arizona
October 8, 2001
8:50 o'clock a.m.

PROCEEDINGS

CHAIRMAN LYNN: We have our attorneys, so if you'll take your seats, we'll call to order the meeting of the Independent Redistricting Commission. The record should note all five Commissioners are present along with legal counsel, along with our consultants and IRC staff.

Ladies and gentlemen, this is a very difficult time for our country. And because we have a number of men and women this weekend in harms way fighting for the freedoms we enjoy, our way of life, what we believe is our right as a way of life, at least for this country, I wonder if you would join me in a moment of silence in reflection on their mission and the mission that they are undertaking on behalf of all of us.

(Whereupon, all join together in a moment of silence.)

CHAIRMAN LYNN: Thank you very much.

I want to make a couple announcements with

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respect to public comment. This is a multiple-day meeting. I don't know how many days it will go and we've noticed it all this week. In the interest of the public, I want to notice public comment will be held at the beginning of each day's meeting, then we'll have public comment at the end during the session, whatever day that comes.

What that means is the public will have an opportunity every day to address the Commission. Since we don't know how long we'll go every day, for the end of the day it will obviate the need to stay eight, nine, 10 hours wishing to speak. And you'll have that opportunity first thing the following morning. It will have the same effect. So in deference to your schedules, we'll proceed that way.

Ladies and gentlemen, today the first citizen conducted redistricting process enters the final stages to conduct the final stages on the Legislative redistricting maps.

The final stages of the Legislative grid system brings conformity of the citizens' needs and has brought us thousands of miles around the state. We've taken thousands of pages of testimony at more than 40 public hearings, received thousands of letters, e-mails, at more than five hearings. Five hearings with a very
demanding public schedule, more demanding than any
redistricting effort in history. We did so in order
involve Arizona in this process and ask you to help us
redesign the system. The real system in the districts
we'll adopt at the end meeting are citizen drawn
districts based on input we receive.

Another point to highlight is this
redistricting is being conducted under clear principles.
Our duties are to follow the mandates of Proposition
106.

When we began, some said the mandates are
so in conflict with one another we couldn't do a
principled redistricting. The suspicion was a
principled redistricting was a game of shifting mandates
from one area to one another. The public voice, among
voices, was communities of interest. That was very
significant and remains a very significant point in the
legislation.

We heard a lot of plain talk from cities
and counties, whether they wanted to be integrated or
not; heard a lot about historic areas, school boards,
neighborhoods, how one community area does or doesn't
relate to another. Of course, there are differences of
opinion. Not all information was consistent throughout.
There are differing points of view in the State of

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Arizona.

In the final stage, we have to choose among a number of alternatives, examine different proposals, improve them, find ways of making districts competitive. Then, during the most important charge at this point, in one sense, all districts are drawn in a far more competitive way than prior districts. None of the districts are tailor made for incumbents. Incumbents are not part of the process. In that sense they are all competitive. We ignored incumbency. To ignore incumbents was the guiding part of the process. 106 says we should favor competitive districts if it does not produce a significant detriment to other goals in the proposition. For example, we must not favor competitive districts if they are in conflict significantly with Voting Act requirements or do damage to either of those principles, plain enough, and apply that as we work through the alternatives.

Redistricting involves many difficult voices, many difficult decisions which have to be made, the sum total of which shape the public character of this state for years to come.

We thank many of you, most of you, who we consider to be regulars. I mean that as a term endearment. I truly mean that.

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There are those in room today that have been with us since the very first meeting of the Commission and have steadfastly been part of the process.

I hope you feel as we do it's been a process of give and take, been a process of involvement rather than pushing you away. And we are happy that we begin this last series of meetings with some people that have been with us since the beginning.

We appreciate not only the involvement but appreciate your patience.

I don't know what you did, Dan, but it's interesting.

Citizen conducted redistricting takes longer because it's out in the open. It generally creates more adversary than legislative redistricting.

In the end result, that's what counts. I'm confident the end result bears the result of principled redistricting which meets the requirements of the law, satisfies the regulations of the Department of Justice, and in the end will draw broad public support.

I now ask any other member of the Commission who wishes to make an opening comment and to be recognized to do so.

Well, I appreciate the acquiescence to my

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We'll have public comment early, brief presentation from consultants, also brief presentation from legal counsel. I stress they are brief. At that point we'll take public comment from this first session and move on to the chore of addressing the maps.

We'll do Legislative first, because in most of our opinions there is more work to do on that map and we need to begin that work as quickly as possible.

Let me ask NDC to begin that presentation.

DR. HESLOP: Mr. Chairman, Members of the Commission, I'm going to report very briefly on the citizen input from the second round of public hearings.

I think the lights should be dimmed a little, but perhaps this will show sufficiently well. As you know, you had a great deal of testimony.

As the Chairman said, there were many thousands of pages of testimony at the public hearings. While that was going on, the Commission was receiving a great many forms, letters, e-mails. We have attempted a quick summary of all of those. And I have some results for you now.

On the form, we asked respondents to state
whether or not they approved or disapproved of the Congressional draft district. This is the result. I should emphasize, as I suppose is clear, that people tend to accentuate the negative when they are writing in on a subject of this manner. So I think it's no great surprise the Congressional draft districts had a slight margin of disapproval.

When we come to Legislative draft districts, the disapproval rate climbs significantly, indeed. Indeed, I can comment beyond statistics by saying that the Legislative draft attracted more letters, lengthy letters, harsher letters, better comments, by far, than the Congressional plan. Also on the forms, there were opportunities for respondents to indicate their general opinion. And these are the major opinions as expressed on the forms on the Congressional draft districts.

The first, largest of these responses was general approval or keep the districts unchanged; second, there were comments hostile to linkages the districts established to difference areas or communities; then many comments about respecting cities and counties, keeping them together; after that, in order, competitiveness needs to be increased in the Congressional draft.
The comments on the Legislative draft had a rather different emphasis to linkage of communities on Legislative Districts. Less than a quarter of the people said keep districts as they are.

Respect for integrity of cities and counties, keeping them together, that was next.

And then competitiveness, only eight percent. So.

These were the comments on the Legislative drafts.

We have analyzed the forms and letters and e-mails. And these are the areas that were emphasized in the plan comments.

The area percentage here in terms of origin address respondent and also area of emphasize are usually the same.

Yavapai County attracted the most comment, followed by Cochise, Mohave.

The Hopi split was criticized by seven percent, and Coconino County attracted comment from four percent.

Somewhat different ordering areas with regard to the Legislative plan. Cochise, first, followed by Yavapai, followed by Carefree and Cave Creek.

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I should say we looked carefully to see if they were individually signed. There was an organized effort by Carefree, Cave Creek, but they were individually signed. Mohave, La Paz, on this issue I should say the bulk of those commenting. On Tempe, seemed to wish to keep the division in the Legislative draft map. And finally Coconino County.

Mr. Chairman, Members of the Commission, that's a brief oral report. We'll be providing more detail to the Commission in written form.

CHAIRMAN LYNN: Questions on the second round input?

COMMISSIONER ELDER: Do I get to plug in my mike now?

CHAIRMAN LYNN: I hope so. See if you can make it work.

COMMISSIONER ELDER: Yes.

Dr. Heslop, would you define or give examples of linkages between areas, say, objected to or with opposition, when it was in regard to legislative?

DR. HESLOP: Cochise, Yavapai counties, how particular communities, Cochise had been broken up or linked to or improperly linked to other areas.
Covering a wide array of opinion on other areas. That was the focus.

CHAIRMAN LYNN: Other questions?

At this point, NDC attorneys will briefly comment on a couple comments we'll be dealing with and discussing throughout the remainder of work on the maps.

I would like the attorneys to talk a little bit about the Voting Rights Act, requirements, and the issue of competitiveness.

Mr. Rivera.

MR. RIVERA: IRC.

CHAIRMAN LYNN: What did I say?

MR. RIVERA: NDC.

I'll talk on voting rights.

Arizona is subject to Section Two and Section Five. That requires us to go through preclearance of Section Five by the Department of Justice. There are a number of states under the jurisdiction that require this.

In the 1960s, the Legislature brought this in. Minority groups, Hispanic and Native Americans, had an overriding concern, and Justice, the plan, retrogression, minorities were worse off. The jurisdiction has the burden of proof of proving the absence of intent to impair the voting strength of...
minorities and retrogressive intent.

They look over the totality of circumstances, look at a variety of circumstances.

Bench mark, bench mark is what is being used. 1990 districts to 2000 Census, whether they are worse or better off than that in election history, minority voters, community support, and a variety of things. If after looking at that, if they think none of this is absence, and it meets this criteria, they go ahead and preclear it.

They have 60 days to preclear this. They can write, ask any questions at any point in time. The first question, if they ask the first question, it starts the 60 days all over again. Thereafter, any questions tolls it, asking any questions they ask.

That's a brief, brief history on Section Five.

Section Two is also a -- prohibits voting practices and procedures that deny minorities to elect, failing to unite geographically compact groups, minorities, single group minority, or constitute in a result of diluting votes; in other words, what is commonly known as cracking or packing. Cracking, to put minorities in insufficient numbers to elect a candidate of choice or overly concentrate minorities to have influence in a district. A Section Two lawsuit, that's

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a clear, brief, history, quickly. I hope that's what
you got.

Thank you.

Ms. Hauser now on competitiveness.

MS. HAUSER: Mr. Chairman, Members of the
Commission, one of the focuses of your consideration
during this set of meetings will be adjustments for
competitiveness. And as we've indicated previously,
this is something that you are not able to account for
in the draft maps.

During the initial mapping phase, the
Commission was unable to consider registration and
voting history data essential to any kind of
competitiveness analysis. So the draft maps do not
reflect any consideration based on competitiveness. We
have, however, have the draft maps analyzed for
competitiveness, as we've also had various alternatives
that are up on the wall analyzed. And what I want to
focus on for just a minute to give you some information
or highlight, again, is the different methodologies of
competitiveness that are available to us.

The first is voter registration. And a
lot of the people who have testified before the
Commission about competitiveness focus on voter
registration spreads within districts. That's an
analysis -- it's not really an analysis, basic data that

goes with the districts, no analysis of any kind of

voting patterns or, you know, whether people in various

parts of the states, rural Democrats, vote the same way

as Democrats in metropolitan areas, et cetera.

The second methodology that we have used

is -- the shorthand term is AQD. You've seen that in

your books. Charts came with the test alternatives are

AQD. That simply stands for Arizona Quick and Dirty.

That's the methodology that we first used when

competitiveness could be considered.

You are understandably anxious to have

some information at your fingertips. What we used there

was races, Corporation Commission races, Democrats

running against Democrats. And those were used because

they are less likely to be the kinds of races where you

have a lot of other variables that come into play, so it

would tend to give you an idea of how people would

usually vote with respect to Republican and Democratic

candidates.

Third is the most sophisticated of the

three, and it's called Judge It. That methodology

allows us to look at any draft district as if it was --

basically you look at the election return. You can see

how the electorate would vote in the new district. And

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it is a forecast of vote shares among the political parties, removes incumbency as a factor, which causes significant variations, otherwise.

So with that analysis, it is one that gives you an idea of what the likely vote share would be plus or minus three-and-a-half percentage points is the margin of error in the percentage vote shares on the Judge It analysis.

We also have asked for testimony from the political parties. We went to the state party chairman. We went to the district chairman, both the Republican and Democratic parties, and asked them for anecdotal information asking for what is competitive in their area, what are various factors that come into play. I would say we had sparse response to that request for information. We did have some. That information has already been provided to you through the citizen comment.

Taking all those factors together, we have a great deal of information we have developed, and in addition, as plans have come before you, proponents of plans have added relative competitiveness of those districts. The difficulty is they used difficult methodology than we do. It's difficult using apples to apples than apples to oranges. For example, some plans

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focus on different races.

Judge It, we've used all election returns for election and statewide races rather than statewide races. The more selective, it can skew results. Some proponents coming forward come forward, if within seven percentage points or 10 percentage points, consider it competitive. Our expert focused on five percentage points. We have variations there.

This is just a word of caution. "That plan is more competitive than this plan," take a good look at making sure you are comparing apples to apples whenever possible. If you have any questions, we or NDC will try to even it out for you as best we can.

CHAIRMAN LYNN: Thank you, Ms. Hauser. Unless any comments from NDC or Commission, 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.

This is the time for consideration and

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comment. If you've been with us before, your comments can be incorporated by reference. We understand pretty clearly comments in the room. We understand comments from hearings before. Unless there's been some change in position or you are offering something additional or new for us to consider, we appreciate it if you just reassert your support or opposition to whichever point you are making.

With that said, the first speaker slip I have is Supervisor Mary Rose Wilcox for the Coalition for Fair Redistricting.

SUPERVISOR WILCOX: We're here to lend support. As a resource, I have Aaron Kizer, Dora Vasquez, Rudy Perez from MALDEF who submitted a letter for clarification from MALDEF in your deliberations, who are here to serve as resources.

COMMISSIONER MINKOFF: Are there copies for each Commissioner?

CHAIRMAN LYNN: They should have been distributed.

COMMISSIONER MINKOFF: I haven't seen it.

CHAIRMAN LYNN: Next speaker, Mayor Donaldson, City of Flagstaff.

MAYOR DONALDSON: Thank you for the opportunity to speak. And thank you for the moment of
silence. My son is in the Arabian sea on the USS Carl
Vincent.

On behalf of the City of Flagstaff
Council, I thank you and the Commission for your efforts
and accomplishments in this difficult and challenging
task.

The Flagstaff Council, at its 2 October
Council meeting reviewed the test maps released at the
24 September Independent Redistricting Commission
meeting and the draft maps released 17 August. The
Council discussed alternatives, considered its previous
positions and affirmed its previous policy
recommendations including:

Number one, the Council emphasizes the
imperative of maintaining the City of Flagstaff and its
Metropolitan Planning Organization area in one
Legislative District and one Congressional District.

Number two, the Council strongly supports
Legislative District boundaries established in
recognition of our regional community of interest that
includes economic, natural resources, cultural and local
government considerations.

In consideration of these policy
decisions, the Council determined the following choices
to be in the best interest of the community.

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Number one, the Council strongly supports the configuration of District C as described in the 17 August Draft Legislative Map, because it closely meets the criteria set forth in Proposition 106 and respects our community of interest and municipal/regional boundaries. With respect to the community of interest criteria, Flagstaff and its Regional Plan area most closely identify with the incorporated cities and towns in the Verde Valley.

In consideration of the difficult task the Commission has in meeting the Proposition 106 criteria and the expectations of many interest groups, the Council would support legislative test map F2, with the specific provision that the corporate limits and the Metropolitan planning organization bounds are respected within one district.

Second, The Flagstaff Council also supports Congressional District C defined in the 17 August draft congressional map.

Again, in the spirit of cooperation, the Flagstaff City Council would support Congress test map District GG.

I understand some of our northern Arizona neighbors have requested inclusion in a legislative district with Flagstaff. I again ask that these

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requests be considered recognizing communities of interests we share; yet I understand the Commission's challenge in meeting the Proposition 106 criteria and balancing the many requests it receives.

As I stated in the 24 September 2001 meeting of the Independent Redistricting Commission, our community of interest is defined by many criteria. Among the most important is our relationship with other local governments and representation of those interests. The City of Flagstaff actively pursues and maintains strong relationships with our Northern Arizona regional partners, including Indian Nations. It is, however, important for the Independent Redistricting Commission members to recognize, as have the leaders of the Navajo Nation and the City of Flagstaff, the issues of sovereign nations are not similar to those of local governments. I believe the draft map submitted by the Navajo Nation demonstrates this principle clearly and I respect those principles.

I thank you for this opportunity to comment and request additional comments are considered should the Commission weigh other district configurations.

CHAIRMAN LYNN: Thank you.

I know I speak for everyone in wishing the

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best for your son.

Next is Mr. Emmert.

Eric Emmert, vice president of the Tempe Chamber of Commerce.

MR. EMMERT: 1,200 businesses make up the Tempe Chamber of Commerce. On the Legislative, the Chamber of Commerce, the Tempe Chamber strongly recommends US-60 as the dividing line for north and south districts. Splitting at the US freeway accomplishes dividing the north-south districts at US-60 and would adequately represent Tempe, we believe, and create competitive districts.

With regard to alternatives, earlier this year we posted a map with dividing at US-60 on the website. Although not entirely in line with the Chamber's wishes, it is much more preferable, divides at Guadalupe and Elliott Roads. To provide further specifics, it includes the entire Ahwatukee Foothills, South Tempe, Ahwatukee. In addition, these demographics would combine population to create one district. Additionally, Northern Tempe District, East Phoenix, or South Scottsdale, North Tempe, neither one of the areas would provide the needed population for a second Legislative District.

Thank you for this opportunity. I'd be

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happy to answer any question you may have.

CHAIRMAN LYNN: Thank you, Mr. Emmert.

Next speaker is Jim Hartdegen representing the City of Casa Grande.

MR. HARTDEGEN: I hope when this is all over we can meet a year from now and get up and talk.

A few comments.

Looking at the test maps presented, passed out during the meeting with the Greater Chamber of Casa Grande Farm Bureau people, I tried to explain the best I could, the one we liked the best is G4. But a very close, I mean a very close second is G. Both maps, basically, are what we presented at the very first hearings in Casa Grande. We could live with either one.

The Congressional District, to show they don't listen to me in Casa Grande, they preferred AA over on that. So that's our choice going into this then during the go-round with you folks.

I would like to bring up at this point, I know you probably discussed among yourselves or with consultants, this is the opportunity to use variants. You don't have to have exact population. The Court has given leeway there.

Maybe in the last week of go-rounds, keep population intact. You can look at it. You don't have
to have exact numbers. Leeway plus or minus. It might
be the time to look at that. I'll be here through the
end. If you need information from me, I consider myself
the common guy of the world. I'll be happy to tell you
what I think.

CHAIRMAN LYNN: Thank you, Mr. Hartdegen.

I remember when we started, your hair was another color.
I'm sorry we did that to you.

Are there other members of the public
wishing to be heard at this time?

Frank Seanez representing the Navajo
Nation.

MR. SEANEZ: Chairman Lynn, Members of the
Commission, NDC lawyers, and IRC staff.

First thing I wanted to say is happy
birthday to Amy Rezzonico. We've all grown older and
wiser.

I'd say Happy Columbus Day to you all, but
that's not something we --

CHAIRMAN LYNN: Nor we to you.

MR. SEANEZ: -- that's not something we
say up in that part of the northern part of Arizona.

What would make this a happy day is for
the Commission to really begin to consider the Navajo
Nation's proposals made back in January of this year.
The Navajo Nation, although we would consider ourselves a regular at these Commission meetings, we kind of feel we're one of those regulars recognized when they enter into the bar, however, we don't find ourselves being served.

Our concerns are severe, and they relate to Section Five of the Voting Rights Act and Section Two of the Voting Rights Act.

As advised by the IRS attorneys, the baseline is 1990 and 2000 infused data. I'm sure as I told the Commission, the initial draft did not do that. Bench mark is 75 percent for a Legislative District containing the Navajo Nation. The best you are doing in all of the tests or scenarios which have been submitted this far is around 61 percent. And that simply is not good enough. The only way you are going to get around bench mark is through adoption of the Navajo Nation's plan. If you don't have a copy still, I'll provide that. The only other one is legislative test F2. And the Navajo Nation requests, very respectfully but very urgently and strongly, the Commission consider that.

As well, the Nation continues to advocate heavily for its Congressional District proposal which was submitted to June 25th which unites the Navajo Nation and the Hopi Nation.

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The Navajo Nation has submitted an alternative to accommodate the Commission's inclusion of Fort McDowell and Salt River communities within the Congressional District. However, the Navajo Nation believes in order to stay true to principles of compactness and to avoid gerrymandering, that the Hopi Nation must be kept within the same Congressional District as the Navajo Nation. As well, we've reviewed the two reports that supplemented the knowledge of the Commission in two areas, voting rights and retrogression. The Frontier report that came in on October 3rd as well as the competitiveness from the Professor from the University of Illinois.

The Navajo Nation does not believe that the voting rights report adequately addresses the issues of polarized racial block voting affecting the Navajo Nation and its neighbors and don't believe there's anything in that report that would affect separation of the Navajo Nation and separation of the Navajo Tribe within the Legislative District or Congressional District and does not support reduction or retrogression of the Native Americans as set forth within the Legislative draft map.

Moving to the competitiveness report, I do not believe anything within that report believes...
competitiveness would be increased by either keeping the
Navajo Nation and Hopi Tribes separated nor by reducing
the number of Native Americans within either Legislative
or Congressional draft maps.

Again, it's good to be with the Commission
this week. And the Navajo Nation will be engaged with
the Commission until such time as the maps are approved.

CHAIRMAN LYNN: Thank you, Mr. Seanez.

Are there other members of the public that
wish to be heard at this time?

If not, we'll at a minimum have public
comment again tomorrow morning after 10:00 o'clock.

What I cannot tell you is when we will
complete work today. I can assure you it will be a
fairly long day unless we have to break for outside
counsel or consultants to do specific tasks in terms of
getting back to us in terms of specific information.

Let me turn to the first major task we
have this week, consideration of Legislative Districts.

I want to suggest we really have four
things to discuss with respect to each of these maps.
The first is a big picture look at what we're attempting
to accomplish, discussion of the adopted draft, test or
 permutations, alternatives or permutations to that
draft. Certainly we then need to be mindful of citizen
input on those issues. We need to be very mindful of
the competitive modifications in order to improve that
aspect of our work. And we certainly need to be mindful
of any legal adjustments that need to be made for one
legal point or another. Those are areas where we have
consideration on each.

I wonder if it would be appropriate to
have Mr. Johnson briefly go through, I mean briefly, we
have the material, briefly go through the most recent
tests and information. One in particular I want to
point out we gave the consultants an instruction with
respect to legislative districting in searching for a
more competitive map, how would district adjustments be
made in order to achieve that. The result of that test
is among those the consultants have worked on, have
those presentations and begin that presentation.

Mr. Johnson.

MR. JOHNSON: A very brief Power Point
that introduces what maps are we created in this test,
round of tests.

Mr. Chairman, Members of the Commission,
we termed this round three, the third batch of maps
presented as the process has gone forward through
different stages.

As described, the Commission gave

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different instructions to create maps at the last
hearing. This presentation is a listing of maps we
created.

Base maps were all posted to the web.

I'll define the base maps here, and you have the maps on
your computers.

Starting with Legislative, the base maps,
took the maps the Commission at the last hearing focused
on, went ahead and population balanced them, three maps:
Adopted map, Apache with Navajo, 3F2, north district
comes down on district side, and then the Flagstaff with
Navajo effort on the north, which it was 3G. The
letters F2 and G correspond, three before them define
third round. 3P means third adopted plan.

I'll go through the detail for districts,
look first as directed by, Coalition 2, changes made,
making more competitive, how similar changes but without
disruptive affects of other criteria. What you'll see
on other computers. Three similar maps. Each looks at
H, I, and Z.

H, I, Tucson, Oro Valley, Saddlebrooke
District. Within each, attempted to make competitive,
successfully. So registration, one thing H, I
competitive. District H, H, E, D competitive.
Noncompetitive state, final map computer, not binder,
increased the binder, is called a 3-I33G competitive.

We made one new competitive, less effect

on city borders.

One thing in the slide, changes in city.

On a similar front, I can show to you as a
request from citizen tests, we do each test as
requested, as Commission requests.

CHAIRMAN LYNN: Let's not deal with
Congressional at this point.

MR. JOHNSON: I'll switch over to

Maptitude so I can show you detail here.

Beginning with the adopted draft, maps on
computers and posted on the website, I can add any
additional detail as we zoom in.

Since we are looking at the adopted map,
first map we're going to show you is 3P. If we zoom in,
I'll show you detail in this one, briefly show you how
they change each other base map scenarios. I'll make
this quick. So -- what you can see is this is simply
population adjusted.

Districts are very similar to the adopted
map, north-south districts, and District L outside here.

Really, when we do population adjustments,
working with very a small level within neighbors in
order to get from -- the adopted map had up to 300

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populations, just eliminating those variations. You do
end up with squiggly lines.

Roads, putting on over here.

But essentially when you get down to,
talking exact population equality, they rarely work out
to be nice, square shapes. You get things like this in
essentially a district. Balance things, in balance Q,
and I believe balance F or O. Worked to minimize those
and find ways to make the most sense in terms of
streets.

COMMISSIONER ELDER: Mr. Johnson, the
deviation minimum, or average adopted plan and adjusted
zero?

MR. JOHNSON: Around zero, one person each
way.

COMMISSIONER ELDER: I'm wondering, one of
the public, I think maybe Mr. Hartdegen, talking
Legislative here, mentioned have some flexibility.
Making down to zero one percent, down allies and that,
doesn't make it easy to campaign, know where you are.
I'd like to know how much perhaps in this that should
happen. Maybe that's a decision. I'd rather have a
definable -- knowing the place where I know, not
something circuitous where I don't know where we are,
just to accomplice one zero deviation. I understand we

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have to do that Congressional. Legislative, one percent fine, we could clean up some things we're seeing there.

MR. JOHNSON: Commissioner, I think the approach we've taken at this point is a disruptive one-person deviation. The goals of one person, uniting neighborhoods, using major roads, other goals of one person, the slight side effect of a slight person deviation, if that's something the Commission wants.

COMMISSIONER HALL: To that point, I think it's, we have a requirement to balance all goals. It's clear to me in some respects, as we attempt to have zero deviation, in my opinion in some figures I'm looking at, District F, there's not an alignment of communities of interest, other goals as previously stated.

I think it's important we strive, this Commission, to instruct the consultants to allow for small deviations, it appears, in creating exact equality, as it disrupts communities of interest.

COMMISSIONER HUNTWORK: I think where it's a factor, we need to make our own determination. When it's a factor, we need to make own determination whether it's a factor.

COMMISSIONER ELDER: Whether it's neighborhoods, communities of neighborhoods, edges, jurisdictions, keep them together, whole counties,
edges, cities, they take precedence over having exactly
the right number. So on each basis we look at that and
say take us out half a percent on Legislative, we should
do that to keep the pieces whole and concise. If we can
do that on an individual basis, show why we made those
changes, we have a plausible plan.

CHAIRMAN LYNN: Mr. Elder --

I'm sorry, Mr. Huntwork and then

Ms. Minkoff.

COMMISSIONER HUNTWORK: I want to mention
where it comes up. Equal population comes up in two
places. It comes up, one, for criteria of apparent
equality. We shall consider it except as practicable.
And it must comply with the federal Constitution,
including the equal protection clause.

My understanding of the federal case law
to date is there is somewhat more leniency in
Legislative than with respect to Congressional cases
which have all been decided on a one man one vote. I
think it's very much up in the air on future court
rulings whether they are willing in this regard to give
some flexibility. There are other critically important
factors, also, to keep equal population a very high
priority and a close constitutional priority.

COMMISSIONER MINKOFF: I'd also remind my

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fellow Commissioners, the 19th Amendment, one person one vote.

COMMISSIONER HUNTWORK: All you had to say.

MS. HAUSER: No fighting.

COMMISSIONER MINKOFF: All the criteria of 106 require us to do is a balancing act. We understand we cannot run afoul of any federal guidelines. And the Courts have been relatively strict in terms of population deviation they'll allow. Any population deviation that we allow, be allowed only to accomplish one of the other goals of Proposition 106, and only to the limits legal counsel advised us under federal and state court standards. I don't think anybody suggesting violating any standards.

I support it.

COMMISSIONER HALL: That's clearly the intent of the motion. My intent of the motion is more specific wording needs to occur.

CHAIRMAN LYNN: I only add that I do think, to Mr. Elder's point, when he brought the subject up, it is very difficult to work with a map, particularly urban areas, that carry throughout the state, explain to someone, why a block, or corner of a municipality was not included when to do so would make a
fairly small variation in population, make people take into account the balancing act. Two points come up.

The desire for nearly equal population as possible based on the Constitutional issue, to be sure people understand communities of interest, cities, towns, other things of which we have been advised, keep communities as together as possible.

I support the notion we can, can within what we think are acceptable limits, in terms of any future test, direct you to relook at districts where making those adjustments and example does not do significant damage to variations that will work. It's much more understandable, explainable, reasonable, in terms of districts left behind.

Are we ready for the question?

COMMISSIONER HALL: I think Ms. Leoni had a question.

CHAIRMAN LYNN: I guess in terms of procedure this week, what I want to do, because the things we are doing, they need to be on the record, need to be very precise, unless deciding something, do this on a roll call vote.

Ms. Minkoff?

COMMISSIONER HUNTWORK: "Yes."

CHAIRMAN LYNN: Mr. Huntwork?
COMMISSIONER HUNTWORK: "Yes."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Yes."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Yes."

CHAIRMAN LYNN: Chair votes "yes."

The consultants are directed as it makes other adjustments to account for minor variations in population where to do so would achieve one of the other goals to protect communities of interest or make sure that jurisdictions or other variations not difficult to explain, as a practical matter, for someone to work with once the maps are adopted.

MS. HAUSER: Mr. Chairman, to that point, with respect to administrative feasibility, also, when Congressional and Legislative lines are very close to each other, that should also be taken into account, so we don't create mini precincts.

CHAIRMAN LYNN: I think perhaps again we should entertain motion one things is synch up with Congressional lines so we don't create that, by motion.

COMMISSIONER MINKOFF: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER HALL: Second.

MR. JOHNSON: Mr. Chairman?

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CHAIRMAN LYNN: I might place a request to the motion.

MR. JOHNSON: There's a difference between Congressional and Legislative lines, in administrative and time interest. It's different after you pick a base map rather than doing it on a variety of maps.

CHAIRMAN LYNN: I'm not suggesting any maps, that it take place on overall variations. After we select the base map, these are adjustments we'd wish to that.

COMMISSIONER ELDER: Mr. Chairman, so I understand, when you say a "mini precinct," what type of scale population, or scale deviation are you -- what constitutes a mini precinct?

MS. HAUSER: Mr. Chairman, Commission Elder, we have the information from Maricopa County. I can't give you the -- it's very difficult to band up a five-, 10-person precinct.

COMMISSIONER ELDER: That's the scale. Not thousands.

DR. ADAMS: Commissioner Elder, I believe in the material we received from Maricopa County, most were zero, just very sliver areas, very small, most any of the ones they commented on was 14 persons. I also received information from Coconino County and also from

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Cochise County. Traps cause these little spaces. And also it's something we definitely must look at at the end. And the direction of the Commission is appreciated.

MR. HUNTWORK: I think at a point we discussed previously, it seems Congressional population is more precise. Methodology, wait until the Congressional Districts, wait until after have Congressional Districts and have the lines.

CHAIRMAN LYNN: Clearly it makes sense, moving Congressional lines. That adjustment can be made once we have Congressional lines.

COMMISSIONER ELDER: Since Mr. Hall gave proxy while gone, I call the question.

CHAIRMAN LYNN: Ms. Minkoff has a further question.

COMMISSIONER HUNTWORK: Relative to Legislative, Congressional Districts, 15, 20 people, asking like that, want in synch, make adjustment to a Legislative District, a larger percentage of a district than a Congressional District, add or subtract people from a Legislative District? More impact because it's a Legislative District? In that concern, advocate an adjusted legislative?

MS. HAUSER: Overall, I think, given the

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fact wherever we have leeway with respect to Legislative, I suppose it's possible there could be a situation where lines are out of sync in a large enough way to make sense to trade population back and forth. I'd not draw it. I leave it to the line-drawing gurus. Also talking population small enough that it really isn't going to throw population of legislative out of wack enough. Enough population, it can be a district. It's just where close enough it created a trap of a mini precinct that it becomes an issue.

CHAIRMAN LYNN: Further discussion on the issue?

Want to vote?

Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mrs. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

(Motion carries.)

CHAIRMAN LYNN: Mr. Johnson, go ahead.

MR. JOHNSON: Mr. Chairman, Members of the

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Commission, the changes with 3G, F2, the same very small geographic. If the Commission wishes, in the interests of brevity, I'll jump ahead, switch the layers here. You can see the changes here. This is the first effort done on improving the competitiveness on registration AQD measurements H and I inspired Coalition map and other maps. Interests reduce criteria. This is first, and I'll show you the second attempt on this.

COMMISSIONER HALL: What map is this?
CHAIRMAN LYNN: 3D Competitive.

Competitiveness.

MR. JOHNSON: H, I, 3D Competitive, 3D Competitive, places those vary low spinoff affected surrounding districts.

Let me get spinning lines here.
Impact is I changes East-West District and I wraps around it.
I'll highlight the city lines here.

Glendale --

If the Commission wishes --
You can see it's divided. The north part is in the gray district up at the top. The north part is District D. J comes across, picks up a piece of it. I split Glendale and adopted the draft as well.

One thing we'll look at in the previous

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motion, this piece, population district map, we'll look
at that.

Let me show you Peoria. And Peoria gets
divided, a small piece to look at, population, if you
clean it up, one, two, three -- Peoria is the next
competitive adjustment. That gives you a sense, other
cities in here, Goodyear, Glendale -- that gives you a
sense of where these lines go and these lines go.

One thing focused on -- not impact of

Districts M, N, O, P, not affected.

Let me show you other districts.

This one, focused L2 safe.

COMMISSIONER MINKOFF: Which is this?

MR. JOHNSON: 3G, New Competitive. So

this is the map we're looking at.

This District H wraps around oddly, but
the reason for that is city borders. We're largely
following city lines. What we managed to do was the
split the City of Peoria, still sitting. Weird is Sun
City has been taken out and this also, another request
that is sitting out there, doing the test, take all
input into account, this test has the effect of uniting
El Mirage. It's not a minority district, influence
district. Because of influx --

COMMISSIONER MINKOFF: Doug, related to
that question, El Mirage link to the original mile of
Surprise, was that linked to that as well?

MR. JOHNSON: Yes. This is actually kind
of directly north of El Mirage, Old Surprise, in many
maps.

In this, we add this finger, Old Surprise,
for two reasons. Needed more population. Two,
splitting the city in one place. Take it around the
side there.

Avondale remains split as split in the
adopted map as for other reasons.

So that's the second approach to
competitive Maricopa Districts we looked at.

CHAIRMAN LYNN: Doug, what does this
version do to Glendale?

MR. JOHNSON: Glendale, it's still split
as in the other one. We could look at cleaning it up as
in the other one. The changes are fairly significant to
Glendale.

The other one, the competitive district
was Tucson. If the Commission has other questions on
this, I can answer them now or later.

CHAIRMAN LYNN: The district in the
northwest corner of that, identify that?

MR. JOHNSON: D.
CHAIRMAN LYNN: Is that D?

MR. JOHNSON: Yes. Non-Tri Cities, southern Tri County.

One thing we did not look at drawing that, where it should go in F. So this F, little weird D, both sides, and could be moved either way.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I want to ask a pretty basic question about methodology. If I'm looking correctly, you basically took two districts, pretty heavily Republican, one an 18 percent spread and another 19 percent spread, reduced them to seven percent and three percent at the expense of District L, five percent, and broadening it to a 23 percent spread, 23 and a half. My reaction, that's what we're not supposed to do. That in itself is a violation of competitiveness. Some districts are more competitive, another district much less competitive. And I think what concerns me, the focal point of the competitive is we could have made H and I less uncompetitive. Clearly we would have had to make H and I less uncompetitive but didn't have to go so far in less of any of the directions, three districts, any of which were bulletproof. That's where I thought, at least, we were supposed to stop. Apparently you have a different

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impression.

You made another district bulletproof in
order to make these two, quote, bulletproof.

MR. JOHNSON: You make a good and valid
point on making things competitive.

Our approach in making competitive is to
show what is possible and leave it to the Commission to
see if it's a good or bad idea, go all the way, if good
or bad idea. We know we can scale back halfway, if
that's the Commission's preference.

From a testing point halfway, I wasn't
sure if go all the way. Both options are still
available.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Another question,
the arm of Sun City that comes down. You have done all
this adjusting around that and left that in place, and
yet testimony from Sun City has been, clearly more
recently, people would be interested in having a split.

What would happen if you included a
noncompact finger of people throughout that area?

MR. JOHNSON: With the goals of trying to
get to close registration spreads, made that possible.
That's a way to do what you were talking about, halfway,
and something we could look at.
COMMISSIONER HUNTWORK: Make sure I have that straight. You are saying a heavily Republican way.

MR. JOHNSON: One way or another. Heavily Republican. Took it out and only took out because it made our tests fail.

COMMISSIONER HUNTWORK: What we're doing, we're -- I don't want to do it, packing Republicans into a finger of Sun City that comes down, making it 23 percent more favorable to Republicans in order to reduce Republican registration in two other districts. Is that what -- I can hardly say it -- is that correct?

MR. JOHNSON: In the first competitive map, yes. And the ones you are reading data from. L becomes a noncompetitive district. In the second one -- other one, two. H is noncompetitive. Wasn't a goal of packing Republicans or packing other ones, taking drawn and numbers. Equations here.

The other side of the equation, in order to do, we're packing Republicans so we create two competitive districts, what, a heavily Republican area.

CHAIRMAN LYNN: I'm not sure the characterization is accurate. The achievement is more competitive districts is necessarily a process of moving around registration from one party or another, among the districts. I don't think the intent is to pack or not

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to pack. The intent was to see if more competitive
districts could be created by moving populations by
looking at areas known to be heavily Democrat,
Republican, or whatever.

To your point, Mr. Huntwork, if to make
two districts competitive, we make one district
uncompetitive to an extreme, that may not be acceptable,
it's part of what we're looking at.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I want to step
back from this, step back. What party is involved,
analyze one example. I disagree that in order to create
competitive districts it is always necessary to create
more noncompetitive districts. For example, one, two
districts close to each other, one 60/40 one way and the
other is 40/60 or 60/40 the other, the -- in that case
create two competitive districts by simply balancing,
drawing the line a different way and draw the line in
the two districts. I want to say that's what I believe
we are supposed to be doing. The other is two districts
side by side one 60/40 and the other is 60/40 the same
way. Now create a 50/50 district by creating a 70/30
district. I believe that's exactly opposite of what
we're supposed to be doing. And that is I believe what
these tests actually do.

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CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, using the examples Mr. Huntwork just gave, other things came into play, looking at going into play, two districts side by side one 60/40 Republican, voting rights considerations do not allow you, there are certain adjustments can make, certain adjustments you cannot make. I believe that if you have a district that is already noncompetitive, if it's 60/40, and the adjustment makes it a major difference to voters in that district, it's a noncompetitive district before and you live in a noncompetitive district, if doing that we make it a noncompetitive district, done more benefit for people in the State of Arizona without seriously disadvantaging people in the State of Arizona. If we can do that without violating any of the other criteria of Proposition 106, I think there's some justification for doing that.

COMMISSIONER HALL: To that point, it's not just some justification, we're asked by the directive to do that. The proposition states competitive districts should be favored. It should be favored if no significant detriment to other goals. What is represented is whether or not the, for example, in Sun Cities, yes, highly populated by Republicans.
That's where they all choose to live. The fact is we should favor a district that does not cause significant detriment. They at least started down the road realizing opportunities within a central metropolitan area would increase lines in metropolitan districts.

CHAIRMAN LYNN: Mr. Huntwork and Elder.

COMMISSIONER HUNTWORK: I'll give more thought to the consider and wisdom of my fellow Commissioners.

I could not disagree more with what Commissioner Minkoff said. Hispanic, Anglo, young, old, white, Anglo, you can be packed. We're aware of issues, more sensitive to issues of the Voting Rights Act in the context in order to protect a vulnerable group of people. The federal law prohibits those things. Whoever we're doing them to, it reduces the representation of a group of people, and it is wrong to do it.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: I take objection with the characterization Mr. Hall just made in the respect it says we shall be fair --

What was the phrase?

COMMISSIONER HALL: Favored.

COMMISSIONER ELDER: Favored when it's the
same category.

COMMISSIONER ELDER: One district over another district. Competitiveness shall be taken into account not to the detriment of another. Not to the detriment. Compactness, communities of interest, areas like that. When we go in, look at saying make something that's 70/30, go 70/30 to 50/30, that stands on its own. Tested, does it do detriment to something of 106? That said, several examples can't be tested, packing, gerrymandering, noncompactness, or the almost noncontiguous areas; and when that happens, then competitiveness may have to take a back seat.

CHAIRMAN LYNN: Mr. Johnson, please proceed.

MR. JOHNSON: The other area we focused on in competitiveness was the Tucson area. Focused to see if it made it more competitive. Put it on so we -- as adopted in district Z, it takes in Saddlebrooke and northern suburbs and comes down into the Casas Adobas, Flowing Wells.

What we did is took more registration and the AQD approach, brought it further down into Tucson. You see the highlight of Flowing Wells. Flowing Wells before was in BV. It's now in district Z.

CHAIRMAN LYNN: Flowing Wells is not

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incorporated but a Census area designation.

COMMISSIONER MINKOFF: Where is it? I'm having trouble finding it.

MR. JOHNSON: It's a small area to the north -- northwest section of the City of Tucson.

MR. JOHNSON: The river area here coming down. Essentially we crossed the river a little bit south of Flowing Wells in an effort to add more competitive areas to this district, also to increase the area. It takes in Pinal County slightly to take in -- it takes in Oracle. Is with Maricopa districts, attempted to minimize, no change to voting rights districts. Changes ripple through BB, AA, and DD. Maricopa, changes were the same. 3P, 3P, 3G, F2.

Let me flip through those.

The same general approach. 3G, three series example, 3G took in Pinal. As you've seen and had printed in books, it took in this area. In order to take in registration and AQD competitiveness, it took in the area of Flowing Wells. Small area of change, it did not have nearly as much effect on the map. You have the maps in a binder, and I can zoom in on any maps.

G, picking up Flowing Wells and the immediately surrounding areas. Z, Saddlebrooke and Flowing Wells and/or D.

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CHAIRMAN LYNN: What affect did the area have on BB and DD?

MR. JOHNSON: Ripple effect is BB loses areas, so BB took over BB, picks up DD. Ripple effect is DD, Casas Adobas.

CHAIRMAN LYNN: Does DD go in and take in Sierra Vista or not?

COMMISSIONER MINKOFF: In District Z, can you tell me approximately how much population is in that part of Pinal County north of Oracle, San Manuel, Hayden, Mammoth, Kearny? I can't tell if Hayden is in or out. Just approximately.

MR. JOHNSON: I haven't added it up. If I do just towns -- population focused in just towns, 3,000 in Superior.

COMMISSIONER MINKOFF: Is Superior in Z in the map? It's right on the line.

COMMISSIONER MINKOFF: Right. Okay.

MR. JOHNSON: Superior has another 3,000. Dudleyville has 1,300. San Manuel has another 4,000.

COMMISSIONER MINKOFF: Hayden and Winkelman.

MR. JOHNSON: Those are included as well.

MR. JOHNSON: At the break I'll get an exact number for you. We're talking 10,000 or so.
CHAIRMAN LYNN: Other comments or questions?

Are those the only areas of this particular test?

Other comments or questions about this test?

COMMISSIONER MINKOFF: Since 3G is a new map we're really seeing for the first time, do you have back-up data sheets you can show individually?

MR. JOHNSON: We haven't had a chance to print them up, but we can provide them.

CHAIRMAN LYNN: Perhaps this is good time to take the first break of the day.

In recognition of the fact every time I ask for a 10-minute break it goes 15 minutes anyway, let's take 15 minutes and stick to that, reconvene at quarter of.

(Recess taken at 10:30 a.m. until approximately 10:45 a.m.)

CHAIRMAN LYNN: The Commission will come to order.

For the record, all five Commissioners are present.

Are there additional comments or questions relating to maps already removed or are we ready to move

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MR. JOHNSON: Additional information to the map of Pinal County, an additional configuration, the total in Pinal County, 25,510, 47 are in the Saddlebrooke area, 4,700 from Saddlebrooke and 20,600 from the other area.

COMMISSIONER MINKOFF: Okay. And do you know, I'm not -- I'm looking at community of interest issues here. Actually I can probably figure it out myself. I have it in terms of San Manuel and Oracle.

MR. JOHNSON: The other point, Mr. Chairman, I wanted to add, on each of the competitive issues, the Commission can accept or reject. They are separable. If the Commission likes competitive H, Competitive I, not or other one, we can draw base maps to meet those requests. As Commissioner Huntwork said, do something similar or not. The Commissioner can do each of those individually.

CHAIRMAN LYNN: Do you have additional presentation on competitive mapping?

MR. JOHNSON: No.

CHAIRMAN LYNN: Let me review just for the Commission, the concept we need to address on the legislative maps, the big picture, indicating which alternatives we wish to be pursued in some fashion,
whether or not we have a preference in terms of the
mapping that has been done, sticking with a base map or
using one of the alternatives to zero in, or
modifications necessary with one of the choices from
competitive, legal, or citizen standpoint.

What is your pleasure?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, this
is not the response you are looking for.

During the break my computer went dead and
I can't get it to come back on. Can somebody help me
get it to come back on?

CHAIRMAN LYNN: Well, while we're doing
that, that's all right. You need that. While doing
that, is there any sort of affirmative motion or
discussion with respect to choosing among the
legislative options for further consideration?

Mr. Elder.

COMMISSIONER ELDER: Want it in the form
of a motion, or discussion, or how should we proceed?

CHAIRMAN LYNN: Since unrehearsed, don't
get to discuss the form of a motion, we don't have a
plan at this point in how to move forward, zero in on
how to move forward or -- how to move forward.

COMMISSIONER ELDER: Look at the specific
My preference, 3G. We can look at specific maps. Preference then is outside in. Look at the rural areas before we look at the urban areas, just so we get a context of what the edges of the urban areas are doing.

Also, in looking at competitiveness and how the urban areas might be modified, they pretty much look like it's a rotation or management of two, three different numbers.

From that standpoint, I think we could make and come to the conclusion that we have something pretty close in the rural area and focus in on rural areas where the focus for competitiveness is pretty high.

COMMISSIONER MINKOFF: I have a question. When you say you favor scenario 3G, would that leave various modifications and permutations of 3G on the table? There are a number of those: 3G, 3G citizen, 3G Competitive, and 3G New Competitive.

COMMISSIONER ELDER: The intent is 3G and permutations, a work-around. If you see something you don't like, bring those in or bring them on board. This area resolved the issue we're talking about. If you have a dynamic back and forth between the

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plans, I don't know what that happens to do with Doug or
Chris, selected 3G, one that seems to fit most of the
issues I see in the southern part of the state. Beyond
that, if somebody else has a preference, defer to them.
It's a starting point from my position.

CHAIRMAN LYNN: From my standpoint,
selecting any of these, select permutations of any of
these. We can use a starting point for permutations, if
we stick with the southern part of the state. One of
the starting points under the G scenario, select that as
the included portion, move to another portion of the
state. It's really not there, and work it similarly.

COMMISSIONER MINKOFF: With that, I'd
support that. Although there are things in plan 3G I
find issue with, there are things in all the plans I
find issue with.

COMMISSIONER ELDER: As I do, too.
COMMISSIONER HUNTWORK: The approach, use
it as a base plan to modify, it comes closest to where
I'd like to find us to end up.

As you didn't, do you entertain a motion?

CHAIRMAN LYNN: I'd entertain anything
that moves us forward.

COMMISSIONER HUNTWORK: I'd entertain we
use 3G with permutations as our base map for moving

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forward.

COMMISSIONER MINKOFF: Second.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

Roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Aye.

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries five-zero.

I feel pretty good about this.

COMMISSIONER ELDER: Is that because the Chair hasn't had to make a decision about it?

CHAIRMAN LYNN: Possibly.

To Mr. Elder's earlier point, are you feeling good about starting with rural areas and moving into urban areas in terms of approach? That is to say, just as a suggestion, if we adopt that methodology, look at permutations in various tests that affect rural areas, suggest one or more adjustments to improve, in
effect, the 3G map we started with as a base, get some
condition of the Census on those adjustments, make a
move on to other portions of the state, other
adjustments that need to be made, and so on?

COMMISSIONER HALL: In my mind,
Mr. Chairman, of the outlying areas, two areas need some
focus. One would be previous focus on the Yavapai
County area, and I think some discussion regarding
Tucson, Cochise, eastern Pinal areas.

Are those basically the only two
categories, outlying --

COMMISSIONER MINKOFF: I think one other,
the Hopi-Navajo issue.

COMMISSIONER HALL: That's correct.

CHAIRMAN LYNN: Northern issue in general.

COMMISSIONER ELDER: Flagstaff as
remaining whole, irrespective of what district it might
be in.

CHAIRMAN LYNN: So does that methodology
work for you?

If that's the case, then let's start with
any one of those issues. Let's, just for the sake of
orderliness, let's start to the south and move north,
means we might start with Cochise in that area, move to
Yavapai, and finish up with the north district as a
method of discussion.

Let me start the discussion, because it's
an area I'm relatively familiar with, on the G issue of
discussion, a unified discussion, the Santa Cruz County,
Nogales, a border district. It goes to other important
things as far as I'm concerned. It does maintain
Cochise County whole, including Sierra Vista, which I
think is important. It also affords us the opportunity,
notwithstanding the adoption of District Y, in its
current form, I also allows us to consider some of the
competitive adjustments that were made with respect to
District Z which won't impact on this particular
problem, will impact on Tucson as we get into the
interior part of the state. I suspect we'll do that
separately as we get into Cochise, fix Tucson, how that
might work.

Ms. Minkoff, Mr. Elder, either one.

COMMISSIONER ELDER: Don't you consider
Tucson as part of the rural parts of Arizona, only the
State of Maricopa we're dealing with?

COMMISSIONER MINKOFF: I certainly agree
with that.

CHAIRMAN LYNN: Just remember the press is
here. As they do often when printing, they something
take for a serious comment when it isn't, as they
attributed too many statements to me and others at the Prescott meeting. An interesting bit of repartee.

COMMISSIONER MINKOFF: District Y as configured in this plan works. We heard a lot of different testimony from Cochise, wanted a different district, Graham and Greenlee. One thing we all were unanimous about, Cochise wanted to be united in one district. This does it. That's a big plus to my mind. We did not hear that from Santa Cruz County. Santa Cruz was happy to be divided. Pima County is rural in nature, too large for a single district.

This works.

If the Chair would entertain such a motion, I move we approve the configuration in Y as in draft map G.

COMMISSIONER ELDER: Second with discussion.

CHAIRMAN LYNN: Absolutely. Discussion.

COMMISSIONER ELDER: I'd like to ask NDC what the influence of the Hispanic minority and total is in this district.

Do we have strong influence district out of this or majority minority? I don't believe we do.

COMMISSIONER MINKOFF: Barely. It is barely majority minority. 80,000 non-Hispanic white of
Mr. Johnson: Majority basis, 18 plus, 47
and a half minority voting age. Majority minority
population, almost there.

Commissioner Elder: At worst, strong
influence.

Chairman Lynn: Further discussion on the
motion?

Mr. Huntwork.

Commissioner Huntwork: It's my
understanding we have not reduced the number of
majority-minority districts as a result of these
changes; is that correct?

Mr. Johnson: Yes. We didn't change any
of the voting rights affected districts.

Chairman Lynn: Mr. Hall.

Commissioner Hall: One of the strengths
of the district in discussion, as per request, it
unifies a lot of communities that address border
communities, and that's an important component of the
district. And I'd be in favor of the motion.

Commissioner Elder: An additional one,
for the record: Do the Tohono O'odham and Pascua Yaqui,
are they all unified in this district?

Chairman Lynn: Mr. Johnson.

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MR. JOHNSON: Commissioner, the reservations are united. The Pascua Yaqui discussed three other areas, but we did not unite those.

CHAIRMAN LYNN: For clarification, the reservation is included. Old Pascua is not. Those in Marana are not, and several families in Pascua Pueblo is not.

COMMISSIONER ELDER: Several things on record, not something we read and public, Department of Justice at least knows we considered.

CHAIRMAN LYNN: Yes. I think it should be important to know the Tohono O'odham Reservation is included.

Further discussion on the record?

Mr. Huntwork.

COMMISSIONER HUNTWORK: It's important to recognize in making other decisions about the other districts because of the ripple effect of all decisions. In that effect, taking Sierra Vista out of play, we're balancing the districts in Tucson is my comment. Seems as though we've achieved that. Maintains pretty compact districts there. Recognizes some communities of interest we've identified. There are other benefits to this besides just what it does for them, a district taken in isolation.

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CHAIRMAN LYNN: I think the tradeoff on this district is if you keep Cochise whole, you balance to the north. If you don't, you balance to the south.
If the choices were easier, balance to the south, particularly tradeoffs and permutations to the north, it's a reasonable tradeoff with Northern Pima County.

Ms. Minkoff.

COMMISSIONER MINKOFF: The other thing the draft map did, put Sierra County out of the Cochise District. What it did was take the City of Sierra Vista out. Sierra Vista is key to Cochise. It's taking a lot of population out of Cochise County.
I'm not comfortable to use Sierra Vista to balance Tucson districts, anyway.

CHAIRMAN LYNN: Other comments?

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

If we may move to Yavapai.

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COMMISSIONER HALL: I assume by reason of the fact that essentially we -- Z is okay?

CHAIRMAN LYNN: Z may change with one of the permutations. Notwithstanding Mr. Elder's comment, Tucson is more urban than rural, even though not part of the Great State of Maricopa. We'll revisit Tucson and Phoenix areas after we finish other nonurban areas of the state.

COMMISSIONER ELDER: On District W, I think that the break, along the lines where Z is, eastern edge of Pinal, makes sense. Western edges or Pinal are agrarian based. Eastern edges are retirement and mining based. Succeeded in combining urban tribes in Maricopa area. I think that all in all, that the balance of the districts fits the goals represented by the representatives of Pinal County.

CHAIRMAN LYNN: Trying to figure out what to do with Yavapai.

COMMISSIONER ELDER: Sorry. Trying to figure out -- I thought working with south.

CHAIRMAN LYNN: Like to go to Yavapai next, if we could.

COMMISSIONER ELDER: Well, never mind.

CHAIRMAN LYNN: Trying to get back at you for your other comment.

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COMMISSIONER ELDER: I'm not paying attention to the Chairman, obviously.

CHAIRMAN LYNN: Why should you be any different than anyone else?

Perhaps we need --

Would a review of the Yavapai mapping be useful?

Give a review of Yavapai, going in. May be useful.

MR. JOHNSON: Certainly.

Last meeting looked at two maps, G and G4. These are essentially identical in Yavapai County. What we looked at, called G and remains called G. Tri-Cities area, Tri-Cities are united, Census places to the south of the Tri-Cities do get split off. The reason for that is the way that the area are splits up.

C, the yellow district you see there, consists of Sedona, Verde Valley, and areas around Flagstaff but not Flagstaff, and then the Tri-Cities balanced by District D, the southern and far western portion of Yavapai. And D is a Maricopa dominated district.

The other is G4.

COMMISSIONER HALL: Can you show that, Doug?
MR. JOHNSON: Yeah.

CHAIRMAN LYNN: Maybe a side by side, if possible. I don't know if you have enough room to zero in on those. It would be helpful if you did.

MR. JOHNSON: Okay.

Wasn't sure if it would work.

On the right we have D, Tri-Cities, on the right, keeping Tri-Cities, Verde Valley. Verde Valley and Tri-Cities, remainder, and that also comes down into Maricopa. It's a tradeoff, keeping the two valleys separate and both come down into Maricopa, dividing the valley region and keeping the valleys separate, but it's a rural region.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Doug, is it a difference in the limits of Flagstaff?

MR. JOHNSON: The difference is 3G is population balanced, a couple hundred people difference. Two people in couple sense had C, D the same, the line between the two that moves.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: A couple comments.

One comment, the area Kachina Village, it's really a part of Flagstaff and is currently not in the same area as Flagstaff. There's only 1,000 people in it. I
wonder if there's some way of pulling some population from rural areas of District A somehow so we unite Kachina Village with Flagstaff. They asked for it. It's part of the Metropolitan Planning Area. It makes sense.

Are there areas where you find a thousand people from A to put into C, put into Kachina Village?

MR. JOHNSON: District A is tight. Looked at A, a similar question with Page up north. The areas in the green outside the reservation, other than Grand Canyon Village, are uninhabited. The area north of Winslow, there's a few hundred people.

We could look at it. It's pretty tight, difficult to expand it.

COMMISSIONER MINKOFF: The mission I would like you to explore, if you can, is unite Kachina Village with Flagstaff. If you can, I think that would be a major improvement.

CHAIRMAN LYNN: Do you have a preference?

COMMISSIONER MINKOFF: Whichever we end up with. Doesn't impact on either scenarios. It's the northern part of the district. In terms of either scenarios, the one on the left is a little uglier, works better. The disadvantage is both go into Maricopa.

There's a strong advantage separating Verde Valley from

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the Tri-City area, which they pleaded with us to do. They don't want to be with the Tri-City area. They have serious issues in conflict, trying to work things out. Since population is smaller, they're concerned if represented by the same legislator, legislators, their issues would not get same kind attention if in the same district. The only configuration of C, D I'd support is the one on the left, separate Verde Valley.

MR. JOHNSON: G4 is on the left.

CHAIRMAN LYNN: So G4.

COMMISSIONER MINKOFF: G4 configuration I think works best in terms of public testimony we heard.

COMMISSIONER HALL: Ms. Minkoff, both maps separate Verde Valley.

COMMISSIONER MINKOFF: No. If you zoom in, they don't.

MR. JOHNSON: Commissioner, G, right, Tri-Cities are with Humboldt.

COMMISSIONER HALL: Okay. I stand corrected.

My concern with these maps, I agree with comments of Ms. Minkoff, it's probably a better split, G4. The challenge is you've taken C and made that, if not now, certainly in the immediate future, an urban dominated district. And my sense is that the many
communities within those areas are kind of
self-contained and issues are probably more rural in
nature. In either case, D will be dominated by urban.
I don't have an idea which is the best solution. In a
short period of time, District C, under the plan
District G4, Maricopa will have it.

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork first.

COMMISSIONER HUNTWORK: I wanted to see
G4. We have insisted upon it. But if you look at G,
District C is rural. We've managed to create a rural
district there. That was one of our fundamental AURs,
three fundamental AURs equal to Hispanic, Native
American considerations. We also have more, I think
more compactness overall, I think. That's my general
sense of it. In G4 you have almost the same problem you
created with the old unamended District Y, or whatever
it was, Cochise.

CHAIRMAN LYNN: W.

COMMISSIONER HUNTWORK: I think you have
some of the same concerns there.

People in Williams, Sedona, W, people in
those places suddenly are finding themselves in a
northern Maricopa district.

I tend to favor G.

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CHAIRMAN LYNN: On that basis?

COMMISSIONER HUNTWORK: My initial reaction was G4. Much of the testimony in Prescott was to keep Prescott united with some of those areas to the south. Also in that location it was keeping it united with the Verde Valley as well. I think G would satisfy a lot of the people.

COMMISSIONER MINKOFF: In scenario G4, the testimony from people in Dewey and Humboldt was pretty strong, was not separating them. They are not separated in G, are separated in G4.

In terms of Verde Valley, I listened to what they were saying. It's clear their preference was to be in a district with Flagstaff. I don't see any way to make that work. And they are not large enough to dominate any Legislative District.

What I heard from any testimony is they'd rather be in a district dominated by Maricopa than a district dominated by the Tri-Cities. Maricopa County would not be opposing them on water issue problems. They believe the Tri-City area will. I believe if they had to choose who is going to dominate the district, from what I heard from the public issue, G would work better for them.

CHAIRMAN LYNN: Mr. Elder then

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Mr. Huntwork.

COMMISSIONER ELDER: Been able, first one, cherry pick a district. Now coming into an area where we're looking at Flagstaff on the perimeter. Soon we'll address District A. District A can affect the demographics on Flagstaff. And if Flagstaff, and testimony heard in Flagstaff and the Cottonwood area prevailed, we'd have the Flagstaff-Cottonwood area separated from Prescott, Sedona, Cottonwood.

When I asked the question of the Mayor, I can't remember his name, the Mayor, would he prefer be linked in with Cottonwood or areas there, he said rather linked in with Cottonwood, second choice was Prescott. Looking at the dynamics, rule of priority is still the strongest, and G fits that in most all instances.

We do have the water issue, the Verde and watershed eventually comes together and is managed and impacted there. One district, I think that's advantageous.

COMMISSIONER HUNTWORK: Gentlemen, I want to comment on water a minute. I think the people in Prescott, Cottonwood, Camp Verde, the main issue is to keep it from all going to Maricopa County. Once they succeed there, the subsidiary issue is how to divide it
between themselves. To the extent we disenfranchise the
people in the Verde Valley and make them a minority in a
Maricopa controlled district, I believe we've done a
disservice to it. I believe as Commissioner Elder just
said, I believe they'd recognize that.

CHAIRMAN LYNN: In terms of lesser of
evils, I think that's an instructive point, generally.
We're not going to be able to solve all difficulties in
parts of the state whether over water, or a difficulty
over something else. It's not our job or something we
can do. The best job we can do, it's thoughtful in
terms of creating a district dominated if not
immediately, immediately, soon, by a very significant
urban area versus, number one, keeping districts rural,
number two, making it abundantly clear we understand
issues and it is a matter of making choices in terms of
the way things work out.

I, too, would lean toward on the basis of,
C, rural, and doing the best we can a little better on
compactness and understanding nuances on the
relationship between communities. I'd lean toward G on
this point.

Is there a motion?

COMMISSIONER HUNTWORK: Can I ask a
question of the consultants?
Other this issue, is Dewey and Humboldt, are there a lot of people that live there really they are part of the Prescott metropolitan area? Did you examine, attempt to find out if you could unite them and find out it just wasn't possible?

MR. JOHNSON: Commissioner, definitely. I don't think there's any doubt about the strength of the feeling. And we tried hard to find options to make it come out better. These were the best.

COMMISSIONER HUNTWORK: How many live in C? And did you test G, north of I-40?

MR. JOHNSON: It would take a couple minutes, test the map, to find that. It's sparsely populated. I could run that.

Not including the parks there, four on the high side. If you like, I can take a few minutes.

COMMISSIONER HUNTWORK: If we made D ugly, a crescent around the north, add six, 10,000 into D, south of the Tri-Cities area.

COMMISSIONER MINKOFF: Doesn't help you take out from D if you it put into C, C from A --

COMMISSIONER HUNTWORK: Trade from C and D.

CHAIRMAN LYNN: Rotating C and D,

population differential of Dewey-Humboldt.
COMMISSIONER HUNTWORK: Not A and C.

Probably rather unpopulated area in the west part of C, south of I-40 to include. Just aren't a lot of people there. Probably south of I-40 as well. Parks, cutting communities. Wouldn't be so ugly perhaps.

CHAIRMAN LYNN: Before too far afield in terms of suggestions, we don't have a motion on the floor in terms of a map. Start with that.

COMMISSIONER HUNTWORK: Mr. Chairman, I don't have enough information, demographic information on G4 at this point on competitiveness. I'd like to see that before a motion. The other thing to talk about, have it in a book.

MR. JOHNSON: G4 is in the maroon book from the last hearing.

COMMISSIONER MINKOFF: I have it.

CHAIRMAN LYNN: What population north of I-40 or is that something we can direct you on and you bring back to us?

COMMISSIONER MINKOFF: Not just north of I-40, the western part of C south of I-40, make it look better, look at and bring back to us.

MR. JOHNSON: Wrapping around, primarily, for clarification asked for, include as a chance, including Williams and Park in wraparound, or those stay
in District C.

COMMISSIONER ELDER: One other concern there, go from Chino Valley to northwest, that's the beginning of a watershed. Both are concerned about the watershed. That portion is held in the same district, the whole watershed would be whole. With that, may not be able to come further to the east. If we take D, this is the right one, move the D line to the east, pick up geographic areas we don't want to pick up. The idea of picking up and taking and going north of the freeway or 40, picking up there, keep the watershed whole, more than likely.

CHAIRMAN LYNN: Mrs. Minkoff and Mr. Hall.

COMMISSIONER MINKOFF: Look again, D is or soon will be dominated by Maricopa County. If going to put communities in that district, as much as I want to put Dewey-Humboldt and Mayer with Prescott with Maricopa County, it's a better fit with Dewey, Park, and Seligman. It has no fit with Maricopa at all.

CHAIRMAN LYNN: Mr. Huntwork, are you --

COMMISSIONER HUNTWORK: Demographics, they are the same.

COMMISSIONER ELDER: Mr. Chairman, I take it C district is as represented on map G.

CHAIRMAN LYNN: Want to extend to D as
well?

COMMISSIONER ELDER: C and D on map G.

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.

COMMISSIONER MINKOFF: Can we include on

that a separate motion to try to include unification of

Kachina Village with Flagstaff?

COMMISSIONER ELDER: I'd accept that as an

amendment.

My concern would be we're looking at

critical edges with A. As long as we can start

understanding how the A dynamics affect other areas

around it -- and we probably are looking at a whole map

that's flexible until we get everything, move, the

ripple moves the framework down. That's the goal.

COMMISSIONER MINKOFF: Maybe a separate

motion.

CHAIRMAN LYNN: Probably a later motion.

It's one of the adjustments that fall in the motion

cleaning up a map, or cleaning up small pieces, if we

can.

There's a motion on the floor to accept

districts C and D as represented in map G.

Further discussion on the motion?

Roll call.

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Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

CHAIRMAN LYNN: So much for light lifting.

Let's going to a heavier issue: A.

Mr. Hall.

COMMISSIONER HALL: With respect to A, it's a real difficult issue with respect to population. The issue presently is Flagstaff is incorporated all within A, that being the large population base. Any tweaking around any edge of the border causes a split of Flag. That's the automatic choice. With respect to that, that's something we need to consider as a Commission. There is currently a total minority population of almost 75 percent. Total Native American voice in A is over 77 percent. Those are certainly strong numbers with respect to information you've seen. I think it's also important to recognize the fact our
experts have told us the Navajo turnout is astoundingly
high in previous elections and they've previously had a
good ability to elect candidates in the past. I think
those are also some important factors to consider and
look at numbers and consider ramifications of this
district.

CHAIRMAN LYNN: I'm asking a letter be
passed out we received today from Hopi Tribe impacts
specifically on this discussion. I wanted the
Commissioners to be aware of this additional testimony
prior to the time we discuss the final determination.
This is from Chairman Taylor. Hopi were prepared to
testify and then not able to testify. Perhaps we might,
in the interests of considering all points of view, take
a minute to take a look at that letter so each becomes
familiar with it.

Take a couple minutes to read it.

Members of the public, other than reading
it aloud, I apologize. The Hopi offers their
perspective on the Legislative and Congressional maps
and essentially reasserts their position on
Congressional District C and their objection to the
current configuration of District A and offers possible
solutions.

(The following letter is a written

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submittal from the Hopi Tribe dated October 1, 2001:

"Mr. Steven W. Lynn, Chairman

"Ms. Andi Minkoff, Vice Chair

"Members

"Independent Redistricting Commission

"1400 W. Washington, Suite 10

"Phoenix, AZ 85007

"Dear Chairman Lynn, Vice Chair Minkoff

and Commission Members:

"On behalf of the Hopi Tribe, I would like
to thank you once again for providing such an open
hearing and comment environment in which the Hopi Tribe
could participate. We appreciate the time and diligence
the Commissioners have committed to this process. This
letter serves to reiterate the position of the Hopi
Tribe as the Commission commences its final
decision-making. Our position is summarized in two
points;

"The Hopi Tribe supports the Congressional
District C as proposed by the IRC, which includes Hopi
with northern Maricopa County and maintains a separation
of the Hopi from the Navajo.

"The Hopi Tribe strongly opposes the
current draft legislative plan, which places the Hopi
and Navajo in the same district, 'District A, Rural

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Northern Arizona District.' Rather, the Hopi Tribe asks
the Commission to include the Hopi reservation in
Legislative District (LD) C. This can be done
successfully by moving an area of southwestern Yavapai
County to LD B. Communities to be moved would be
Seligman, Ash Fork, and Paulden. Golden Valley and
Dolan Spring (in Mohave County) would move into LD A and
out of LD B.

"Relevant population statistics for the
Commission's draft legislative district 'A', as taken
from Census and Redistricting data, are as follows:
"Total Population, 170,795 (100%)
"Racial Breakdown/Voting age: VAP (Voting Age
Population 18 and over)
"White, 50, 562 (29.60%) 37,626 (34.78%)
"Hispanic, 6,157 (3.60%) 3,602 (3.33%)
"Black/other minorities, 1,899 (1.11%) 1,165 (1.07%)
"Native Americans, 112,177 (65.68%) 65,785 (60.81%)
"Total Minority, 120,233 (70.40%) 70,553 (65.22%)
"Under the proposed district, the
legislative status quo will continue for Navajo. In
their current District 3, the Navajos hold two House
seats and one Senate seat. This would remain the case
under the new district - regardless of whether Hopi is
included or not. Therefore, there is no harm to the

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minority balance by withdrawing the Hopi. This is true if a separate population of equal size is substituted in Hopi's place or even if it is not.

"The key issue for the Hopi is one of fair representation. We are not arguing that the Hopi are being deprived of the right to vote or that the Hopi votes are not counted. Instead we would argue that 'fair and effective representation' is not possible for members of the Hopi Tribe within a Navajo Nation dominated district. No other community of interest suffers the same geographic conundrum -- landlocked by a hostile community that over hundred of years has acted repeatedly to destroy, ignore or inhibit it, depending upon the issue. Landlocked as Hopi is, meeting a compactness test indeed must be sacrificed in order to allow it to connect with a district where it can achieve fair representation. The Hopi right to 'fair and effective' representation should not be sacrificed to the desire for contiguity and clean map making.

"The purpose of Redistricting is to produce a different, a more politically fair result than would be reached under the current legislative district plan or some other plan. A redistricting plan that places the Hopi within a Navajo dominated district will not produce a politically fair result for the Hopi
people. Indeed its unfairness to the Hopi would be a step backwards from the previous legislative district configurations that have kept Hopi separate from Navajo for the last 20 years. To change that status quo would be retrogressive for the Hopi.

"We appreciate the challenge the Hopi face in electing a Hopi representative to the legislature, regardless of the district. However, this is an issue separate from fair representation. Were it included in the Navajo district, Hopi would not only have a slim-to-none chance of electing a Hopi representative, but it would also have little or no opportunity to influence the Navajo representatives to act favorably on behalf of the Hopi and their political interest.

"In the 2001 Legislative session alone, the Navajos introduced 31 bills, none of which included Hopi. All but one failed. The Hopis introduced 4 bills, all of which passed, though one was vetoed by the Governor. It was only through Hopi diligence to the critical issues concerning their people and the help of non-Navajo legislators that the bills were successful. Further, since 1995, Navajo legislators have introduced 61 bills; every single bill introduced addressed the needs of the Navajo Nation only.

"Placing the Hopi within a Navajo
dominated district will have the effect of consistently
degrading the Hopi vote and the Hopi ability to influence
the political process as a whole. The result would be
denial of the Hopi people's chance to effectively
influence the political process.

"Hopi rights are violated when a
redistricting plan serves 'no purpose other than to
favor one segment -- whether racial, ethnic, religious,
economic, or political -- that now occupy a position of
strength at a particular time, or to disadvantage a
politically weak segment of the community.' In this
case, the proposed legislative plan favors no one but
the Navajo and does so to the detriment of the Hopi, and
most probably to the detriment of other populations
included within the district. The equal protection
clause guarantees citizens, including members of Hopi
Tribe, that the will be governed impartially.
Impartiality will be an impossibility for Hopi within a
Navajo dominated district.

"Finally, the Hopi People have learned a
valuable lesson from the new political system under
which we find ourselves these past two hundred years...
the smaller the minority and community...the more
important its voice and representation and will do all
that we must to guarantee our right to fair and

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effective representation. We cannot fail in securing
the continuance of separate representation. For Hopi,
it is a matter of survival. We formally ask you one
more time, hear our concerns and adopt the Congressional
and Legislative recommendations we have made to you.
"Finally thank you once again for you
dedication to public service these past several months.
"Sincerely, Wayne Taylor, Jr.,
Chairman/CEO, The Hopi Tribe.")

COMMISSIONER HALL: Mr. Chairman, as we,
with respect to the Native American, is that number, is
that number, is not that number a relevant 3.8 percent
reduction, Doug?
MR. JOHNSON: Yes.
CHAIRMAN LYNN: Did you say "a relevant"
or "irrelevant"?
COMMISSIONER HALL: A relevant, an
extremely relevant.
CHAIRMAN LYNN: Ladies and gentlemen, what
is your preference on District A?
Mr. Huntwork?
COMMISSIONER HUNTWORK: District A raises
the most serious, most sober issues that I think we have
to deal with. The complexity and difficulty of the
issues does not relieve of us in any way from my ability

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to make a decision. The information we've received from
our consultant and experts leads me to believe that
District A as configured more than adequately satisfies
the Voting Rights Acts concerns. It is retrogressive or
appears to be so relative to the Native American
percentages in the district that currently contains the
Native American tribe; but as currently configured the
demographical information currently suggests the
Navajos, suggests the Navajos would be readily able to
elect candidates of their choosing in that district.
That being the information we have, having carefully
selected our consultants and having received from them
clear information and advice on this matter, I feel that
we need to make that decision; and that were we to
increase the percentage in that district, we would,
based on the information that we have, be guilty of the
opposite sin.

We're talking about minority-majority
districts where voting rights of minorities are narrowly
over 50 percent. Here's a district where it surpasses
that, is over that by a considerable percent, and where
they've had good success turning out the vote where the
vote was considered.

I think with that same scrupulous effort
at honesty and complete analysis, we need to consider

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the request made by the Hopis in terms of the abilities
of Native Americans within that district, again, to
elect on the basis of their choice.

I don't have, I don't know if I have, a
study that shows me what the demographics, shows me if
we did what the Hopis are requesting, exclude them and
adding other districts, add other areas, significant
Native Americans. Maybe we could consolidate some
planning area regions more completely within that
region, perhaps Winslow, perhaps Page. But I think we
should consider that possibility before we make a
decision.

CHAIRMAN LYNN: Ms. Minkoff, Mr. Hall.

COMMISSIONER MINKOFF: Mr. Chairman, I
would very much like to test and see if we can meet the
request of Hopi Nation and remove them from that
district without running into voting rights issues. A
population swap that would be almost exact swap numbers
wise is put page into this district where they want to
be, because they've talked about Flagstaff northeastern
area being community of interest and pulling out Hopi
Reservation and Moenkopi narrow connector to -- blue
district, Mohave district. I looked at demographics I
have, of 6,800 people live in Page, approximately 1,800
of them Native Americans. What we'd be doing is
introducing 5,000 nonNative Americans into District A
and changing its population by about three percent. So
Native American would now drop down to 64 percent.
Given the turnout expressed, the Native American voting
probably still gives them a district able to elect
representatives of their choosing.

What I'm wondering about, I suppose this
is a request for attorneys, whether we run into serious
risk with Department of Justice doing something like
that?

CHAIRMAN LYNN: Mr. Hall --
And not to not answer that question, but
we will --

COMMISSIONER MINKOFF: Right.

COMMISSIONER HALL: Again, to reiterate,
the Navajo Nation seriously represented the had Navajo
Nation representatives of their choice, not reduction in
ability to do so. Nevertheless, numbers are important.
I think it's important to have numbers are still strong
even enough to insurance the Navajo Nation's ability to
elect. And, therefore, really, it's very sensitive, the
size of Flagstaff in the population base currently, any
speaking of a split of Flag. Add Flag, split Flag.

COMMISSIONER MINKOFF: Not add Flag.

COMMISSIONER HALL: Do population trades.

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If you want to maintain the current percentages represented under the demographics of current A, even increase percentages, having spent significant time on the subject, increase the percentages requires splitting Flag. What percentage is something we feel is appropriate and acceptable. And with that understanding, then, determining whether or not the opportunity is there for making other adjustments without affecting that adjustment, choices, boil it down, trade Page for Hopis, percentages drop. I'm not so sure that is a scenario — that's a scenario that concerns me; but on the other hand, for example, while I'm not proposing that, if you make some form of division of Flag, increase percentages in District A and thereby possibly have other alternatives that would be available.

So for me, the critical issue is, in my opinion, is whether to keep Flagstaff whole or not.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Certainly I don't want to divide Flagstaff. I do want to reiterate, though, issue as between Hopi and Navajo is one of the greatest issues I think we have to face. It is serious, significant, from the point of view of both the Hopi and the Navajo. It's a decision I simply don't want to make.
in a vacuum. I'd like to see the same methodology employed to give us the advice District A currently configured would past muster, be applied to the best test possible in which the Hopis are excluded from District A. And I'm not prejudging the result of that test in any way. I simply feel it would be a violation of our responsibility to respond to this request by the Hopi if we failed to consider that as completely as possible.

MS. HAUSER: Mr. Chairman.

CHAIRMAN LYNN: One other Commissioner or do you want to weigh in?

MS. HAUSER: Occasionally in this process we'll need to interject something in the middle.

An important note to make at this point is that Commissioner Huntwork alluded to this in terms of District A as it's currently configured being something that is retrogressive on its face. We want to be sure to reiterate as we've told the Commissioners, retrogression is a totality of issues, the other part Commissioner Huntwork was referring to. So just to make that very clear to the record, we've not given the opinion District A as currently configured is retrogressive, number one. Number two, what counsel would need is to actually have the consultants make the
trade discussed, the Hopi for Page trade, and take a
look at it, not something we can do without having them
actually construct it.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I'd
like to look or have somebody give me information. I'm
not sure I know the ins and outs of it, one trade being
the area north of 40, Winslow over to whatever it is,
over to 40. Is that an area of a high percentage of
Native American, to keep our numbers in balance, keep
that area? Page requested to be in that area, keep
those numbers where we need them to be. It affects
other areas. Don't know where that edge is kept there.
Slipped into the blue district, to the south and east.
That area has better potential than does Page. I'd like
to see if that is true. I'd like to consider that as a
trade area, also.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: I don't have specifics of
that. Talking areas north of Holbrook, hundreds of
people, thousands of people. Not until it cuts into
Winslow north of Holbrook, get near 6,000.

COMMISSIONER ELDER: Percentage.
Predominantly Native American or don't gain anything.
Page is 25 percent if the numbers Ms. Minkoff is reading
are correct, 65, 70, 75 percent range is correct.

MR. JOHNSON: Don't know. I'm sure not comparable to Hopi percentages. In the past, picking up, there's a big gain, significant Native American populations, big populations. That's the main gain. I could find out specifically what percent. Not 65, 90 percent population.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: With respect to the Hopi Navajo issue, there's significant federal issues. It's been hinted to this Commission by the Hopis that their voice has been inhibited in the past few years on a Legislative level. I'm very sympathetic to them in the last few years. The Navajo claim may perhaps not be quite true.

Is there a claim, in light of the fact of a abundance of evidence, I refer to the transcript of the Show Low meeting, five hours, an abundance of areas of cohesiveness, transportation, health care. I'm not so sure the differences with respect to state issues are as pronounced as some portray them to be.

COMMISSIONER ELDER: I guess I've got to go into my romantic mode here before I would have to say I had a precept the Hopi should be separate. I listened to several statistical precepts that described a lot of
difference in an eloquent way and then followed by Mr. Seanez. I said, "Do you want to really follow this gentleman?" It was an extremely moving presentation. I said, "Do you really want to follow this gentleman, this very moving, eloquent presentation?" If there was a way to separate them and keep the numbers close, I'd support it. My sense is there isn't. Consequently, I'd rather err on that side than err on side of separating Hopi.

I have not heard rebuttal. Mr. Canty representing the Hopi, counsel asked, requested data, requested legal precedence. I don't know if they received that. We received this letter this morning, and it does address several rebuttal comments from bills presented, miles, roadway, whatever, joint health care systems, and that which it has had done. This is really the first sort of rebuttal.

We had concise testimony from Show Low. I'm looking to NDC, to some extent, to keep numbers where they are at now through trades. If not, I think need to come down on the side of leaving the Hopi in.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I read the five-and-a half hours of.

COMMISSIONER ELDER: We had to sit through
COMMISSIONER HALL: You are a patient man.

COMMISSIONER HUNTWORK: This is truly one of the most profound issues we have to face. I have certainly taken it that way and tried to do my homework, and the rest of the Commission.

The Hopi's express in this letter quite eloquently what their concern is. That is they would like to have, not saying they don't want to cooperate with Navajos or continue to cooperate, I think what they are saying is they believe they can do that better if they have a negotiating position based upon separate representation. That's certainly how I understand it.

I think they feel if they were represented by a Navajo legislator, they would have to negotiate with their own legislator to get their position reflected. I think from my perspective, I can understand what they are concerned about.

I also agree with what much of Commissioner Elder has said. We may not be able to do much about it.

I don't want to reject this until we've discussed either the best test we can, had it analyzed in terms of block voting, et cetera, determine how strongly Native Americans would be able to express their

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will in what was then District A, and only then do I
think we can make a decision about this grave issue.

CHAIRMAN LYNN: Mr. Hall and then

Ms. Minkoff.

COMMISSIONER HALL: I agree with that. I
think we're past the test mode. I can tell you I've
looked at no less than 20 alternatives on this and
alternatives in the north. In order to progress on
this, it's on the final day they are reversible. We
have to move forward. And in an effort to address a
variety of other issues, my sense is longer-winded, what
I'm sensing as I move forward, I would move we accept
District A as it is in an effort we have as an tonight
down the hall with one another, look at whatever
alternatives, come back with that information, do what
we do. I think it's important we move forward with
that.

CHAIRMAN LYNN: Motion on the floor. Is
there a second?

COMMISSIONER ELDER: Is the intent of the
motion we will be able to look at the options as we go
through the rest of the state, in the interim look at --
you said past test mode, look at in, out in test mode?

COMMISSIONER HALL: Tweak lines of
Yavapai, tweaking lines of this particular district.
General principle, that we would say --

COMMISSIONER ELDER: I second.

CHAIRMAN LYNN: I caution the press in particular, none of the decisions today, as progressing toward final adoption, they are made toward final analysis and what needs to be done and come to play in the final pieces of the map fitting together. If this motion were to pass, it doesn't mean we made a decision on the Hopi and Navajo, a final decision. We're making an option of wanting to see how other alternatives might affect that option. That's my sense of the motion.

Ms. Minkoff.

COMMISSIONER MINKOFF: I think this motion is premature. I don't have all the information on A as it is on the map, if it works or not. I need two things and then I'm prepared to make a very, very quick decision. Number one, I would like to know from the consultants whether moving the Hopi into District P and moving page into District A works in terms of a population switch. And I'd like the attorneys to look at the demographics of that switch and the attorneys to look at that switch and whether or not could survive legal challenges of Section Five or Section Two. Then I'm ready to vote without a lot of further discussion.

Since we have that tested anyway, a vote
on this motion is only going to make the wounds a little
deepener whichever way we finally come down. The Hopi and
Navajo want it decided and want it decided quickly. To
pass a motion that doesn't decide the issue, I think
let's ask NDC and the attorneys how quickly they can do
that. Let's ask our attorneys and NDC how quickly they
can do it.

COMMISSIONER HUNTWORK: I can see three
things to do: Switch Hopi and do B, exchange for Page,
Hopi in A for additional population around Flag, C for
Kachina Village, or E and population around as far as
Holbrook.

I'd like to ask Commissioner Hall, you've
tested 20 ways. I can -- you say you've tested 20. Can
you give us the benefit of your wisdom how best to
preserve A?

COMMISSIONER HALL: Mr. Johnson, if I step
out of line, tell me.

There are a variety of ways to slice that
area. The bottom line is if there is a population
trade, you split there.

COMMISSIONER HUNTWORK: I identified three
ways you don't split Flag.

COMMISSIONER HALL: Again, the assumption
is based on percentages stay in a certain realm. I
should lay that premise.

COMMISSIONER HUNTWORK: Okay.

COMMISSIONER HALL: There was a plan proposed to this Commission months ago of bringing Hopis due south into E and raising population in the new lands, Winslow, Holbrook area. It drops the Native American percentage, does not do so as dramatically as if you trade Page. That is something the Commission appeared to reject on its face; therefore, it never got any opportunity. I can tell you we have that alternative on the computers. That is one of the alternatives given via an attorney.

Certainly, with respect to Page or whatever, if you trade -- yes, trade those two. Similar population trades, but percentages drop. However, as you may recall from previous alternatives, previous alternatives garner some publicity, raise percentages higher than District A. That particular district constituted a split of Flag and I think all of Winslow and all of the new lands and a northern portion of Holbrook, and percentages went up.

So I'm saying with the premise, Doug, please, with the premise we stay within certain a realm of Native American percentages, do we or do we not split Flag?

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CHAIRMAN LYNN: Want to comment,

Mr. Johnson?

MR. JOHNSON: Let me just agree with what Mr. Hall was saying.

Things we looked at, splitting Flag up,
taking the Hopi out, drawing the Hopi out, 3.8, 3.9 percent out, what we trade for the effects. Gain in loss of percentage, splitting Flagstaff, helps percentage strength, but you won't get all that back.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: The map is very simple. Taking out 7,000, that 100 percent, or very nearly so, Native American. And you are adding back something that, at best, may be 50 percent but more likely is 33 percent. That being 3.8 percent, two-thirds of 3.8 percent drop. But we have some new information which is the block voting analysis for that area which was very surprising, to me. And it's not something I can readily run in my computer or do in my head. It's actually a complicated analysis, as my fellow Commissioners know.

As my fellow Commissioners know, I was tending toward test F based on sheer percentages until we got that analysis. Now that we have that analysis, it's a whole different world than it was before.
And the history you described before, Mr. Elder, we now have a completely different weapon in our arsenal and need to use it before we close the book on the issue.

COMMISSIONER HALL: I agree, Mr. Huntwork. I'm listening to our counsel and NDC's counsel. Even in light of analysis, there are parameters they feel most comfortable with. When we step up to the plate we hit the ball out of the park. Within these parameters that's easily done. Within these parameters, that's easily done.

CHAIRMAN LYNN: To that end, we understand the concept of benchmark. What we don't understand is how much is below that number to satisfy what we need to satisfy and achieve the goals we're trying to achieve. There is absolutely evidence to suggest the benchmark, in the opinion of that expert, is not necessary in terms securing the likely outcome of future elections. That may or may not be true, the expert's opinion on that point.

The difficulty is there is a level of unknown to us, which is going to be sufficient to achieve the goal of Native American community in that district and below which we should not drop. But we don't know what that is. We have some evidence to
suggest where redistricting has been done that a
significant drop was not considered retrogressive on its
face. Totality of circumstances did suggest a drop
could occur without doing harm to population involved.
Again, this one hasn't been tested in this state and
will be subject to a test of what we do as DOJ
suggested. I'm wondering about Ms. Minkoff's point,
assist Ms. Minkoff's point.

I'd prefer in terms of short-term
information we might get, I wonder if we might get
information Ms. Minkoff was asking for in the short
period of time, relatively short, after lunch.

In terms of coming up on the lunch hour,
take a break for or work through? Break wouldn't be --
such break wouldn't be a bad thing. I'm wondering if
it's possible in hour or so to have the information to
assist Ms. Minkoff in making that decision.

MR. JOHNSON: Mr. Chairman, I can answer
half the question on the NDC number side.

When the tradeoffs on A to B trades, then
A to B to C trends, look to trade Hopi to Page, those
are only off 150 people, and I think without too much
trouble, Hopi for probably the Holbrook area should be a
fairly easy trade. I don't know how much the Hopi
Kachina Village, could look at that and give you
demographics. The question is legal result.

CHAIRMAN LYNN: Ms. Hauser, Mr. Rivera,

understand the question by Ms. Minkoff?

COMMISSIONER MINKOFF: Mr. Huntwork's.

MS. HAUSER: Mr. Chairman, once we see

what the numbers look like, we need to get in touch with

Dr. Handley, in this particular district in particular.

That's a communication that needs to take place. We

made arrangements ahead of time. Availability is

excellent this week.

I don't know if Doug could be either.

CHAIRMAN LYNN: One of the options seems

to be to begin work on this and move to either the

Phoenix or Tucson area, neither of which is impacted by

this decision, get information timely on the decision,

one tonight, if sufficient momentum make a decision with

the information at that time.

We have a motion on the floor.

COMMISSIONER ELDER: Mr. Johnson brought

out a point. There is a difference of a couple hundred

people. It's well within the percentages, the

differential.

Another item, the percentage, there's a

question we had, if we took Hopi out, does it follow

within a reasonable parameter? Took Hopi out and didn't
dilute balance Navajo left, numbers either equal same
percentage in relation to retrogression.

CHAIRMAN LYNN:  7,000 person variation.

COMMISSIONER ELDER:  7,000, four percent,
three percent deviation from desired. Is that the
option? Might be a request for attorneys. Do we do
something like that? Can we do it and how does it fly
from a legal standpoint.

MR. RIVERA:  Maybe we should answer that
question first.

CHAIRMAN LYNN:  If you have an answer.

MR. RIVERA:  Look at all the answers. All
have options, go to Ms. Handley and get the rationale
for it. All questions ask. Have Doug look into it.
Doug look into it, and get more thorough answer.

CHAIRMAN LYNN:  Motion on the floor.

COMMISSIONER HALL:  I'm willing to
postpone the motion.

My recommendation is the following: Get a
specific recommendation from the consultant. If
recommendations, we need them. I suggest that we
received considerable information and communication and
counsel on this particular issue. We may all do well to
review some of that which answers some of the questions
in my mind answered by some of the fellow Commissioners.
I'm willing to withdraw motion if we give specific instructions to NDC. They don't have much time. If it seems to be something they could do, do that. I'd reiterate, with respect to one or two, most would reduce percentages. With respect to one or two, we'd want to do that.

CHAIRMAN LYNN: Would that scenario be acceptable to you as the seconder?

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Without objection, then, withdraw the motion and let's give specific instructions to not only NDC, perhaps counsel, with respect to this issue.

Again, Mr. Huntwork began the discussion. I don't mean to attribute it to Mr. Huntwork, if not his words, one of the more difficult discussions, two different competing points of view on this issue. And in fact we're literally wrestling with different things we have little control over making the decision we're about to make. I don't think any of other wants to make this decision on less than as much comfort as we're able to put together before the decision is made. If specific requests on a short term get us information in a reasonable time frame, today, to make requests of consultants, or of staff, and we can get that

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COMMISSIONER MINKOFF: We have two, possibly three scenarios for them to test. The Page, Hopi switch. Second is Hopi switch of areas in northern part of District E, and third is the switch moving the Hopi District C and moving areas of District A, unifying Flagstaff. Those are the testing.

Doug, you said you could do those fairly quickly?

MR. JOHNSON: Only one clarification on the request. The last one, if it does, get population numbers, Munds Park, Williams --

COMMISSIONER MINKOFF: Munds Park, Flag. Park, Flagstaff, Munds Park, need something, get something, go to Flagstaff, same thing with Williams.

COMMISSIONER ELDER: Already an alternative that pulls out Hopi. Give numbers to counsel in relation to nonbalance between percentages we have for an ideal district. Say pulling out 6,000 of these numbers to these numbers in various districts, that would be the district. Counsel evaluate it, give us input on that.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Johnson, resurrect increased percentage, look at numbers relative to the
number in Winslow, Northern Holbrook, split Flag, see
that, comparing to Holbrook.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I realize a step
backwards.

CHAIRMAN LYNN: Sorry, Mr. Huntwork.

COMMISSIONER HUNTWORK: Sorry. We won't
have an answer until the block voting analysis, define
the analysis, define the equation. May not be as
complicated as I think. It's also significant the way
they vote in Page versus way they vote in the
area saw surrounding Flagstaff, may vote surrounding
Holbrook, may have different dynamic one on one to
Native American. That's what -- that's issues we're
looking at. The consultant has run three tests.

What I was going to say earlier, support
the original motion in the sense we're going to be
working with District A as it stands. The comment done
with testing -- what I want to do, clarify with A as it
stands, but the question of taking Hopi out will be
subject to additional tests.

COMMISSIONER HALL: If that's a motion, I
second it.

CHAIRMAN LYNN: Mr. Huntwork, can I take
it in the form of a motion?
COMMISSIONER HUNTWORK: Yeah.

CHAIRMAN LYNN: Motion on the floor.

COMMISSIONER ELDER: Somebody restate the motion.

COMMISSIONER HUNTWORK: In the same sense we approved districts in the southern part of the state, F, and so on, giving approval to District A as drawn as a basic approach. But the question of removing the Hopi reservation remains open. Test 3 is a basic approach, one swap with B, two is with Holbrook, and three is a swap with Page.

COMMISSIONER HALL: Want to look again with the previous division of Flag?

COMMISSIONER HUNTWORK: Commissioner Hall, I don't want to divide Flag.

COMMISSIONER HALL: Me either.

COMMISSIONER MINKOFF: I recognize any motion adopted can be revisited. As long as the motion is still under study and we limited the options, basically we all agree the only change that may be made is to remove the Hopi, include some other population, replace them, investigating the three alternatives to do this. Passing the motion, District A is very much in play. I plead the motion be withdrawn. If not, I vote against it or any motion we pass with this direction of

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the Commission moving giving instruction to the

consultants to test.

CHAIRMAN LYNN: None of the motions passed, including this motion, even five-oh, mean some are out of consideration. When we readdress the united whole of the map and when we see the results of putting the pieces together into a map ultimately, we have to decide on, up and down, the majority of the map.

I don't have a problem in terms of caveats. My aim is to move forward in terms of the state in a way that allows a consistent look ahead instead of back. The Phoenix configurations and Tucson configurations, caveats and testing, you were comfortable with testing. I'm not disposed to say this is a different kind of testing.

The press in attendance should know any motion passed today, any vote should not be considered a final or closed issue. We're looking at all in detail.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, there's a signal from the back they are hungry. Call the question.

CHAIRMAN LYNN: I'm not sure.

Roll call.

Mrs. Minkoff.

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COMMISSIONER MINKOFF: "No."

CHAIRMAN LYNN: Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Aye.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion passes four-one.)

CHAIRMAN LYNN: We need those run as quickly as possible. Let us know when they are run.

COMMISSIONER ELDER: I think you'll let us know as quickly as possible, my -- you'll let us know at the end of the day. NDC would amalgamate decisions and directives provided so we start off with a map or set of districts more in line with the direction we want to go, direction today, correct?

CHAIRMAN LYNN: Whether immediately, we continue this tomorrow, or switching back and forth with the Congressional map and permutations and Legislative, there's flexibility.

Without objection, I'd like to take the lunch break in deference to people in the back of the room.

What is the pleasure. A full hour?

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COMMISSIONER ELDER: Yes. If there's benefit of the doubt.

CHAIRMAN LYNN: It's 12:30 now. Reconvene at 1:30.

(Whereupon the noon recess taken was taken from 12:30 until approximately 1:30 p.m.)

CHAIRMAN LYNN: The Commission will come to order.

The record will show all five Commissioners are present along with legal staff and the consultants.

Given the information the Commission said on the Northern District, that it will not fully be available to us -- yours may be. The other consultants are working on numbers that may not be available at least until later today, possibly until tomorrow. I'd like to move on to other districts, other stops, something exterior of the state we need to visit.

MR. JOHNSON: We can continue on with Maricopa unless you were interested on numbers --

CHAIRMAN LYNN: I don't want your numbers unless your numbers are with them. I only want to go back once and then decide it.

COMMISSIONER MINKOFF: I'm looking at the area between District B and District X where La Paz

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Country is split.

I understand La Paz County does have to be split, two small communities have to be split. Unite one district, and the other districts, Salome and Wenden.

CHAIRMAN LYNN: The issue is --

COMMISSIONER MINKOFF: Just not divide --

CHAIRMAN LYNN: Not divide small communities. I don't think we're talking about many small communities.

COMMISSIONER HUNTWORK: Not each of them, but apart from each other, unite them.

CHAIRMAN LYNN: One from each other.

COMMISSIONER MINKOFF: 2,000 people from two communities. If divided evenly, a split of -- a shift of about 1,000 people.

CHAIRMAN LYNN: Mr. Huntwork's point, if so close together, probably in that part of the state, they are the only communities of interest they know, each other. Not much around them they know.

COMMISSIONER ELDER: Mr. Chairman, the ideal deviation, 1,071, if ideal, valid, go ahead allow NDC to bring one side or the other, continuous population or other, continuous district.

COMMISSIONER MINKOFF: Suggestion, find
out which district has largest population, Salome and
Wenden, assuming not divided right down middle, not
divided right down middle, suggest putting in Northern
District, District B, most rest of La Paz County is.

CHAIRMAN LYNN: Also check to see if any
testimony about where that may need to go from
standpoint of public input.

COMMISSIONER MINKOFF: Only public input
is don't split La Paz County. Explained that, too.
COMMISSIONER ELDER: 1.7 million people in
Quartzsite winter season. May be other R.V. interests
in with Salome and Wenden interests.

I suggest same district as Quartzsite.

COMMISSIONER MINKOFF: B.

CHAIRMAN LYNN: Motion?

COMMISSIONER MINKOFF: I made a motion.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Thank you.

Discussion?

Roll call.

Mrs. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Huntwork.

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?
COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

CHAIRMAN LYNN: Anything else on the exterior of I?

Move to Maricopa County.

Mr. Johnson.

Ladies and gentlemen, what is your pleasure with respect to greater Maricopa County?

Mr. Hall?

COMMISSIONER HALL: Clarification. 3G, not 3G Competitive or New Competitive.

MR. JOHNSON: I can lay them side by side.

CHAIRMAN LYNN: Probably not all side by side with any resolution.

COMMISSIONER ELDER: Probably the New and Competitive.

CHAIRMAN LYNN: While waiting for that to come up, I'd call your attention to before the break, there was a letter distributed the to the Commission from the Republican Party, an attachment thereto also distributed results from a number of elections for specific Senate races, primarily, Senate race results

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which support the letter. I call it to your attention

so you have supplemental reading as well.

COMMISSIONER MINKOFF: I received the

letter, no attachment.

CHAIRMAN LYNN: It should have been handed

out as well.

Here it is.

COMMISSIONER MINKOFF: Thank you.

MR. JOHNSON: I'll try to get the best

resolution I can for you.

CHAIRMAN LYNN: Again, first Mr. Johnson,

if you identify first the maps, left, right, the maps

we're looking at and how they differ.

MR. JOHNSON: On the right, map 3G, the

base map we've been looking at. On the left is one of

the attempts to make 3G more competitive.

Let me fix this color.

It's one of the attempts to make

additional districts by making additional districts

competitive. And the changes done are in the West

Valley. You'll see R coming, taking out the Sun Cities,

and most of Surprise, and the Buckeye area, or part of

Buckeye.

D, the Yavapai area, coming down and

picking up Buckeye as well.

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L, coming down, getting El Mirage, Surprise, north of El Mirage and Goodyear areas and coming into the West Phoenix region as well. I can zoom in on any part you wish to see details on.

F has a little unusual shape in the competitive map because it's looking to balance out populations, left of left and right.

If you want major roads or anything like that, that would be helpful.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Is it safe to say that in light of the option, if necessary, to utilize slight deviations, many of those jagged edges of those lines would be less jagged?

MR. JOHNSON: In the competitive map, many would be. The only problem you run into with that is jagged lines are cities. That's a weird effect. In case the jagged line is a city border, you avoid cutting that, many, as we would clean up.

COMMISSIONER ELDER: Mr. Chairman.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Doug, could you point out what we gained here, if anything? What is the benefit, if anything?
MR. JOHNSON: This is the test, I'll leave it to the Commission if it's a gain or loss, how we could bring one or more districts to closer registration AQD.

Left, the gray district, West Phoenix, and L, are competitive districts. Whereas 3G is the only District L which is competitive in AQD. That's the real gain.

Where we could go in that process, obviously a lot of people are moved around. So it did allow us to unite some cities. Peoria went from a three-way split to a two-way split. Glendale had a bunch more significant changes, one, two, three, four -- actually four, five, or six.

COMMISSIONER MINKOFF: Are any of these --

MR. JOHNSON: Earlier discussion today, one of Glendale's might be. Extensive splits, get up pretty fast. Glendale is a real opportunity.

COMMISSIONER ELDER: When you said you increased or got two competitive districts, five, seven percent?

MR. JOHNSON: Five, seven percent AQD.

CHAIRMAN LYNN: We had more sophisticated tested on more. That's one measure of competitive, like one district, like what it does. It is tested by a more
sophisticated analysis of what it's done than AQD.

COMMISSIONER HUNTWORK: I've done the

Quick and Dirty, no districts D, H, I, D.

COMMISSIONER MINKOFF: D --

COMMISSIONER HUNTWORK: D, H, I, D.

COMMISSIONER HALL: Which map?

COMMISSIONER HUNTWORK: Really all maps,

sort of trying to figure out what are the overall
demographics of the area. Took out all lines for who
lives in an area, what ratio of people in the area of
people would be, looks like party registration 60/40.

COMMISSIONER MINKOFF: Where?

COMMISSIONER HUNTWORK: All.

CHAIRMAN LYNN: Big is D?

COMMISSIONER HUNTWORK: Maybe. Didn't

have a pocket calculator. That's about what it looks
like. You know, this goes back to my earlier point. I
just think it's completely bogus to be trying to create
districts of even distribution within a big area that
has such uneven distribution. That's gerrymandering of
the worst kind. I can't imagine participating in that.

Have area 60/40 Republican, I don't believe we're
engaged in activity of finding a way to draw lines
within an area that isolate some portions of it to be
evenly distributed and make others unevenly distributed.
It doesn't seem like the right thing to do.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I don't know if the word "right" is what we're about. I think that's a value judgment. The issue is what are we doing to comply with issues of Proposition 106.

Here are ideas that are additionally competitive.

What are significant detriments to other goals? If there is none, we as a Commission feel there is no significant detriment to other goals, not the total registration, or whatever, then by reason of distribution they should be favored. That's a mandate, favor them. I respectfully favor them. We are in the business of favoring competitive districts pursuant to mandate. It's not an option. The fact it's the last of the options does not minimize the fact it's a requirement.

What I'm trying to look at is let's take the particular option of municipalities, the one of competitiveness, Peoria, this maximizes the number of splits of Glendale. I have a hard time hearing the argument that's somehow a major detriment with the goal with respect to community of interest.

I would be interested to hear feedback on

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these proposed.

Don't misunderstand, I have no vested
interest in these particular lines. Somebody has to
show me proposed changes are of significant detriment or
no, not of significant detriment. To the Voting Rights
Act, data on that is clear. In my opinion, no detriment
municipality lines. So if that is the case in every
case, then we must favor these districts. That's my
understanding.

CHAIRMAN LYNN: Ms. Minkoff and Huntwork.

COMMISSIONER MINKOFF: I agree with
Mr. Hall's comments. The law says favor competitive
districts as long as it does not act to the detriment of
other requirements. I don't see that it does. My only
question, specifically, I guess, about District H, I
notice there are a lot -- 3G New Competitive, the one on
the left, there are a lot of very irregular lines on the
edge of that district. Is that because of municipality
boundaries or just done to adjust for population?

MR. JOHNSON: Those, gold overlaps black,
Peoria City line, come down to Surprise City line. This
is all Surprise in here. Pink -- this is eastern edge
of Buckeye. This we're looking at unincorporated there.

Calling city lines.

COMMISSIONER HUNTWORK: I don't have a
problem with strange looking lines if a city has strange
looking lines. Some are evened out. Don't have city
boundaries, that's my point.

Proposition 106 does not require us to
make some districts more competitive and other districts
less competitive. I don't believe it says that. The
provision says competitive districts should be favored
if there is no significant detriment. If we had a
population base of 50/50, then we could, and we had it
allocated between six districts, all of which were
noncompetitive, and we could somehow adjust those
districts so all were competitive, that would be fine.
That's what we're supposed to do.

What is being advocated here is making
some districts within that area less competitive in
order to make other districts more competitive. I do
not believe there is any mandate in Proposition 106 to
do that. The debate I remember was here is an example
of an incompetent Legislature elected and re-elected and
ultimately become chairman of the committee, or
whatever, because of a completely noncompetitive
district, or whatever. That's the opposite of what this
map is doing. I don't know if the number is 60/40, or
56/44, or what.

If we said we're going to eliminate the

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district that is now 63/37 and bring that back down to a
correct ratio and even out the population in that area
in order to avoid bulletproof districts as much as
possible within the area we have to work with, I think
that's a valid methodology.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman,
Proposition 106 does not require us to make some
districts less competitive in order to create additional
competitive districts, but it also doesn't say we can't
do that, doesn't forbid us from doing that. What it
says is to the extent possible, we should create as many
competitive districts as we can without causing
detriment to other requirements of Proposition 106. In
certain instances, that is an impossibility because of
where people live.

Unless we want to adopt plan used to
integrate public schools where we're bussing voters from
District V to District P it won't happen because of
patterns where people live. There are patterns we can
create competitive districts, even if means making one
district slightly less competitive. Nothing in
Proposition 106 says we should not do that. Proposition
106 says we should do that. Republicans and Democrats
are not necessarily protected classes under 106. Within
the violate other requirements of 106, we need to
respect communities of 106. We have not run roughshod,
have not run roughshod over municipal boundaries or any
other criteria listed in 106. Therefore, I believe not
only can we do this but we must do it.

CHAIRMAN LYNN: Mr. Hall and Mr. Huntwork.

COMMISSIONER HALL: I concur. And the
question I have for any of the Commissioners resistant
to an effort to create more competitive districts in
this particular region, are you indicating,
Mr. Huntwork, it is your opinion in light of the fact
there is a 60/40 registration based on your rough
estimate, it is your opinion it is impossible and
inappropriate to create any more competitive districts
in the downtown or central Maricopa area? Is it your
opinion?

COMMISSIONER HUNTWORK: Mr. Chairman, I'd
like to make a comment and answer that question, point
out a flat contradiction Mr. Hall said, and Ms. Minkoff
said in terms of whether we are required to do that or
not. I understood Mr. Hall to say we're required to and
Mrs. Minkoff to say we are not required to but we'd have
discretion to.

COMMISSIONER HALL: Said not.

COMMISSIONER HUNTWORK: Said clearly,
clearly not required to make every --

COMMISSIONER MINKOFF: Required to make as
many competitive districts as we can.

COMMISSIONER HUNTWORTH: We're at the point
where it could possibly be reconciled. I think we have
discretion at the very least, if not a mandate to stay
away from making some districts less competitive, that's
part of the analysis as well.

I cannot believe the argument is we don't
have the right and authority to take that into
consideration, as I perceive Mr. Hall is arguing. Now,
the way we'd do it would be to find a district that
favors Democrats or is -- even made it noncompetitive
the other way, and add that to the mix.

What I feel is completely bogus is taking
a group of districts that are all solidly one way or the
other and gerrymandering one way or the other and
gerrymandering districts so they don't represent them as
one way or the other, represent districts, don't
represent one way or another. And I'd throw into the
mix different political bonds. Then I think you have
something you can work with.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: What I understood the
answer to your question to be, you are of the opinion --
could I restate what I understood your answer to be, did
I hear you say you don't believe given the current
configuration we can create more competitive districts?

COMMISSIONER HUNTWORK: No. This approach
in my mind is completely imbalanced.

COMMISSIONER HALL: I understand.

Can we or can't we in your opinion?

COMMISSIONER HUNTWORK: I don't know. I
need to know. I need to look at the whole process in a
different way.

Are there, are there Democrat areas that
can be thrown into the overall mix in order to create
greater competitiveness rather than, basically, just
gerrymandering one overwhelmingly political area in such
a way it doesn't truly reflect the demographics of an
area?

COMMISSIONER HALL: If I may make my
point, what I'm saying, Mr. Huntwork, is I believe it
can. Our consultants, without any specific direction
relative to specific lines, indicated it can. Now,
again, obviously they've already taken those factors
into consideration. I'm not a proponent of any
particular line. I'm just saying it is possible to
create more competitive districts in the central
Maricopa area without affecting what those districts
are, what I call hallow ground, those districts with respect to specific voting rights issues.

If we can, then they should be favored, if they are not a detriment to any other goal.

One of the other goals is what the overall party voting -- party registration percentage is in the area.

One of the other goals is whether or not it makes a district less competitive.

One of the other goals, whether or not it affects Voting Rights Act, whether or not it affects compactness, contiguity, in a significant way. If one of the goals is not significantly affected, we're required to favor a competitive district.

CHAIRMAN LYNN: You know, it's a fascinating argument. As much as like jump into it, I'm not sure we can resolve it in the short term. I'll let keep going if you want. I'd like to ask a different question on a different point.

COMMISSIONER HUNTWORK: Go ahead.

CHAIRMAN LYNN: Let me just ask the question: With respect to other goals of 106, primarily concerned with communities of interest, that's how we came to the draw map on the right.

Can you identify in the redrawing in the

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districts on the left any change in communities of interest, not that you consider significant but we might analyze and determine whether or not it's a significant change?

Understand the question?

MR. JOHNSON: Yes. Wording is dead on.

I'll describe the change. The commission can decide whether or not it's significant.

MR. JOHNSON: In terms of community of interest, Glendale is a concern. Communities of interest, as defined by city borders being minimized, communities of interest, compact areas within cities being changed, J is a good example. Even though not splitting additional cities, J has gone from a square, correct, angular area to L crossing it. That's a change in at least compactness. And I is a similar change in compactness.

There's not a lot of detailed, direct testimony from those other than the cities themselves asking to be kept together. Reasons for them being done, a much nicer Democratic District and Republic, Maricopa AQD Democratic districts with minority voting rights, pick pieces of districts, combine two, three together.

Direct answer, compactness of J is a
concern, and Glendale is a concern, significant level is
a concern.

CHAIRMAN LYNN: Other side of the
equation, for my benefit, if nobody else's, what gain do
we lose on the competitiveness arrangement, arrangement
on the left. What are we picking up that is exacerbated
by that change?

MR. JOHNSON: Preserving L as a
competitive district and creating L as a competitive
district.

CHAIRMAN LYNN: Gain one competitive
district out of the mix.

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Which, to Mr. Huntwork's
point, which I'm trying to understand, which is made
less competitive by this configuration.

MR. JOHNSON: I need 10 minutes or so get
the exact numbers. Tradeoffs come out of H and J.
There may be some numbers out of D. I need to get exact
numbers.

CHAIRMAN LYNN: Potentially could be, not
trying to argue, two districts could be less competitive
in order to make one district more competitive.

MR. JOHNSON: Right.

CHAIRMAN LYNN: Accurate?

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MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: Which is the other one?

MR. JOHNSON: H and J.

CHAIRMAN LYNN: H and J.

MR. JOHNSON: D, F, and K all change but less than K.

MS. HAUSER: Competitiveness is a legal conclusion.

CHAIRMAN LYNN: On the plus side, we have one more competitive district. Against that, we balance that, one and perhaps two districts are made less competitive by that change. Granted, not competitive to begin with, but we broaden the split.

Interesting to note, in those two districts, whether or not the registration of the two major parties is enough to cover the split in the two parties going in or outside the parties.

One of the definitions of competitiveness, at least in my mind, is party registration, whatever the numbers are, whatever the spread is. If you have other registration outside two parties, that is more than equal to the spread between the two parties. By definition, it seems to me, potentially competitive district if a swing vote is sufficient to elect, vote

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swing vote for candidates in district for their own
candidate. That's interesting to know in terms of
resolving the issue in my mind in terms of whether we do
no harm.

In terms of looking at it for compactness,
contiguity, we've done some damage by the map on the
left to the degree it becomes significant depending on
what you are -- what issues you are dealing with.

I don't want to be swayed by the fact of
the degree of completeness, and shall I say the beauty
of the two the maps being not quite equal. I understand
the one on left is a work in progress and the other one
is specifically refined, older, has more attention.
That aside, look at the shape of J, shape of H, and
those kind of things, city lines, and other things
impacting on that. But I want to be convinced on one
side of the argument or other. Need that kind of
information to be convinced either way.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I
agree with that. I want to get that information. I
also want to say the map on the left is clearly not as
compact and contiguous. J is obviously not. H is
obviously not. And I think the intent of Prop 106 as
stated to us many times by the following rules, natural

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competitiveness would naturally emerge.

What we know, the whole point of natural
gerrymander was including long, long lines, you
manipulate demographics of a district, create the
original one, completely safe district for Tories from
the population against them, whatever names the
political parties were against them. We drawn lines
like that, kick out clusters of population like that
within the overall community, we're doing exactly the
same thing as a gerrymander.

If districts south of that, southeast of
that, different demographics work on without encroaching
on minority areas, should look at adjustments closer to
central city rather than closer to central woods. If
not, following the rules of Prop 106, we should not, and
do what Governor Hull said. This is not the way to do
it.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: These districts are
not perfectly rectangular. These districts have such
vast improvement, they're not done with creation of the
initial. Theirs were one street wide, hundred miles
wide. We've not done that. Prop 106 said start with a
grid. The grid was essentially rectangular. Then it
said the grid was to be adjusted according to a number
of different criteria. Adjusting the grid means change
the shape of it. Sometimes minimally and sometimes
significantly. As long as we are not destroying
communities of interest, messing with Voting Rights Act,
that's why its heart is moving into the central part of
Maricopa community. As long as not altering the Voting
Rights Act, unequal population, as long as we do not
chop up a community of interest, there's no indication
we've done any of that, we're not hanging it on a wall,
art museum, it's to serve the people of the State of
Arizona. The people of the State of Arizona told us,
passing Proposition 106, told us in public comments
where we can do it, they want us to create competitive
districts.

MS. HAUSER: Mr. Chairman?

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: I just would like to point
out that the Arizona Quick and Dirty under which this
particular plan was tested, once we ran Judge It, has
been shown to have pretty significant differences.
Judge It was having clearly pretty significant
differences discredited Arizona with the Quick and Dirty
on which the Commission should rely. With that
information available to us, I think before we make the
conclusion, before the Commission makes the conclusion
the map on the left is more competitive than the map on
the right, we need the map on the left run under Judge
It.

COMMISSIONER MINKOFF: How long will that
take?

MS. HAUSER: It takes five hours to do the
test. The rest is when can our expert do it. I'll
contact him right away to let him know another plan is
coming, another plan is coming.

Then you have apples to apples, we have a
good analysis on Judge It on all of the tests in the
back we just received.

We're checking numbers to make sure the
numbers on each districts add up to hundred, make sure
we don't have statistical numbers. You have Judge It
coming to you shortly on the district on the right.

CHAIRMAN LYNN: Judge It was not ordered
on the Competitive District?

MS. HAUSER: No. The first time I saw
this district was today.

COMMISSIONER MINKOFF: Seems we need to
get it and get it today.

COMMISSIONER ELDER: Doug, does this
follow between districts?

MR. JOHNSON: No. I think it falls

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through the percentages.

COMMISSIONER ELDER: Sacred cow, or L, P, M, N, and L, are those districts in Central Phoenix, P is 41 percent differential between Democrat and Republicans, simplistic look at it, N is 17? And I guess where I'm going is if there's room in the percentages there to adjust, to help, and that would allow us to work the edges of more districts to keep it more compact, keep it more contiguous, I propose we massage 41/35, M to 21/25, whatever the magic number may be, to give us flexibility to make adjustments in that area. I look at -- I wrote down Judge It's compactness, go across freeways, not compact, chewed up.

H, H is probably next only one to D for being difficult to manage for a campaign, or trying issues -- what issues would be common to any of those areas. Can't find areas common, can't find school districts or towns. It's chopped up. There's little or no value being a member of that district from a citizen trying to participate in development of issues. It looks like the P, N, O area is very much the same between plans.

Areas I, J, K, really F, we know what flexibilities we've got to make adjustments to get more competitive districts.

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If it means we need to get the left-hand, or competitive revised, component thing, we're falling back to the same issues. It's a detriment to the foregoing parts of 106, and competitiveness should not rule in those areas.

CHAIRMAN LYNN: I want to say again for lack of not being understood the first time, the districts on the right were created through a process for good proper reasons, as testimony suggested, communities of interest, compactness, contiguity. Granted, competitiveness was not among them originally. Our task, as I see it, I don't want to debate or parse words of 106. There's no question competitiveness would be enhanced in the maps if we draw looking at the most competitive maps possible given we don't do detriment in the map we've already created. My concern is some of things caused in the creation of the map on the right, the draft map, are done harm by the draft map in this scenario. The question is whether or not, I'm not sure, I don't have a full analysis, whether or not it falls under the scenario of significant. It's a judgment call we'll have to make. One or more of the judgments is significant degradation to some other goals that bother me. If all changes designed achieve one more

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competitive district at the expense of other kinds of
goals we're going after, I'm not sure the tradeoff is
worth making.

So that being said, I think one of the
issues Ms. Hauser brings up, we certainly need to have
the districts compared on an apples to apples basis, the
fact we have Judge It or will have the Judge It base
map, we need to have Judge It on the competitive map
shown on the left of the screen to at least make an
intelligent decision.

COMMISSIONER MINKOFF: Mr. Chairman, I
agree with what you said and defer my discussion of the
west side districts until we get the west side analysis,
Judge It analysis. I think we can get it by tomorrow.

CHAIRMAN LYNN: Depends when they start.

COMMISSIONER MINKOFF: It's so
frustrating. I thought they'd have everything.

COMMISSIONER MINKOFF: We're now lacking
information to make critical information. We now lack
information. Unless comparing apples to apples, I'm
predisposed to favor districts. If Judge It shows not
any more competitive, I don't see any point.

CHAIRMAN LYNN: In pursuing.

COMMISSIONER MINKOFF: Right. I want to
know and want to know quickly.

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MR. JOHNSON: Mr. Chairman, one suggestion: If the Commission wants to show the new map, I suggest sending the first submitted map, 3G Competitive. This is 3G Competitive plus on the computers.

CHAIRMAN LYNN: Not looking at the other map --

MR. JOHNSON: If Judge It is saying.

CHAIRMAN LYNN: The number of tests she sends are multiplied by five hours each. They're not run concurrently. The number of tests sent elongates it to get Judge It to run.

MS. HAUSER: What is the other map referred to?

MR. JOHNSON: Standard map. 3G Competitive.

MS. HAUSER: Did it previously have another name?

MR. JOHNSON: No.

H competitive, U shaped one, L not competitive.

COMMISSIONER MINKOFF: That's not been tested by Judge It, either.

CHAIRMAN LYNN: Neither have been tested, I thought you said, maybe I misunderstood. If trying to
achieve competitiveness, the plus does it better than the other one, unless I misunderstood you.

COMMISSIONER MINKOFF: According to AQD.

CHAIRMAN LYNN: The reason this constructed was to achieve a better result.

MR. JOHNSON: Better competitive result.

Fewer city splits than the other competitive map would and more community space than the other map does.

CHAIRMAN LYNN: If there's sentiment to test both, I wouldn't bother testing a map with more problems in terms of potential detrimental effect, if numbers are better. It's a more skewed view of the alternative. I think this one is less disruptive.

COMMISSIONER MINKOFF: The only advantage, 3G Competitive one the west side district is a little less elongated.

COMMISSIONER ELDER: Before we go down the line trying get to analysis there, I'd like to find out a counsel question: P, M, N, O range 41 percent different, 40 percent differential. Districts, districts dealing with majority minority, or a strong influence district, then they should be somewhat the same. If not the same, not the same communities of interest, edges, jurisdictions. And I'd like to make sure we're not missing a bit where we've got areas

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around -- biggest areas P and M, make districts adjacent more competitive.

Was that looked at in your analysis? Are we on target, communities analysis, and percentages or voting rights analysis, with those districts P, M, N and O?

MR. JOHNSON: To answer that, and the second part to the attorneys, P, M, N and O, it's not altered in the competitive portion. All districts where voting rights concerns were present, all for voting rights minority majorities. One of the districts says Democrat and not majority-minority district, BB in Tucson. I would leave the question of whether we're on percentages, voting rights percentagewise, to the attorneys.

CHAIRMAN LYNN: Mr. Hall, I don't know whether they'll answer now.

Mr. Rivera or Ms. Hauser, want to answer it now?

COMMISSIONER ELDER: I guess I am, to some extent. When I see 25, 26 percent differential, I can't see edges, community of interest.

From the very first submission, from MALDEF, everything we looked at, we can't see variation. I'm trying to find out where it is, trying to pick up
competitiveness. Forcing and almost gerrymandering a
district, adjacent districts to begin with, and try to
ease both sides, one side only, we may end up with
districts that don't look like the stuff on the left.
We want to make sure we don't get Judge It down and
gosh, five percent to burn this district we didn't look
at.

Before we do the testing, I'd like answer
to question.

CHAIRMAN LYNN: Ms. Rivera, Hauser, to
answer that.

MR. RIVERA: Hard to answer, to answer in
a vacuum. I don't have the answer. We have not run the
districts on the competitive aspect. Until we do it,
I'd not feel comfortable, or another lawyer feel
uncomfortable in that opinion.

CHAIRMAN LYNN: We do have Judge It run on
the map on the right for the districts Mr. Elder is
talking about.

Mr. Elder's question doesn't deal with
districts in the West Valley. The central districts are
untouched in either map. His concern is, to restate it,
districts previously identified majority-minority
districts, M, N, O, and P, which are unchanged in either
map.

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First of all, Judge It has been run on those four, has it not? We have the results. And the issue then is, based on the Judge It analysis, is there any adjustment that can be made on the edges of those districts that would not upset the issues we have in place on those districts but would afford us opportunities to move population into surrounding districts to make them more competitive rather than redrawning, in a somewhat wholesale fashion, for example H on the base map versus H in the competitive map, a huge difference the way H looks? One example. F on the base versus what F looks like on the adjusted map.

That's his point.

I don't know whether the numbers are either unavailable or we simply don't have the information to know how much of those numbers could be moved in order to facilitate the competitive goal.

MR. RIVERA: Again, Mr. Chairman, the answer at this point in time, those are issues we have to look at at this point in time. It might not be a bad idea to go into Executive Session.

COMMISSIONER HUNTWORK: Methodology, we have to have a test run on something, one version or other, and take our best shot.

I must point out that's just the
beginning. After that's done, we have to go back and look at those lines and see, think about the school districts we've broken up and the areas of housing here in the valley where people wanted to be together that we looked at previously.

You asked definitely the right question. And you can't answer the question until you know where lines are, lines end up being, and examine what you've done.

CHAIRMAN LYNN: Is there a motion for an executive session?

Mr. Hall?

COMMISSIONER HALL: I -- let me see if I can clarify a few more things.

We made it more competitive, basically. You took, for example, District I. Utilizing party registration figures, of course, there's not any more detailed competitive analysis that changed party registration analysis five percent, 10 Republican, five Republican. That's what I'm showing in figures here. Valid point has been made certainly the most inclusive competitive analysis is probably the more conservative than what AQD --

COMMISSIONER MINKOFF: Quick and dirty.

COMMISSIONER HALL: My point is I'm
wondering under that scenario, in light of previous
projections, whether in reality at the end of the day
that's a competitive district. It would be difficult
anyone, that someone could argue these districts are not
ugly, which is Mr. Elder's point. It's a valid point, I
think. .

What I'd like to see, is there a
possibility within that area to utilize some of those
figures more compactly to amend some of those
neighboring districts?

If you look at District P, for example --
well, you have a total minority percentage of 76 percent
and a VAP Hispanic percentage of almost 54 percent. Is
it possible, reasonable, you and your counsel needs to
answer with our counsel utilizing with our districts,
some of those numbers, if you will, adjust in a more
logical fashion without drawing the horseshoe J
district, if you will. It just seems to me that that is
a possibility.

My question is, with that premise, you
having worked this for a significant period of time: In
your opinion is that possibility?

MR. JOHNSON: From a technical line
drawing point of view, yes. Voting rights, I'd defer.

COMMISSIONER HALL: I suggest,

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Mr. Chairman, we instruct consultants our to do that, bring it back, and look at it from those issues and consult with the experts. If in reality there's not a possibility that affects majority minority, or other voting rights issues in a detrimental way, then we probably ought not to do that.

I'm suggesting we probably ought to do that and there are probably different alternatives than what we're looking at now.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: If we're going to do that this, it is an issue that needs to be brought up.

We do have a voting rights issue, I believe, between districts P and O which involves the African American community, not a Hispanic community.

In current Legislative District 23, African American Districts, 23 percent is extremely successful in electing candidates in that particular district. District P as currently configured drops them down to 11 change. I don't remember exactly what it is. The concentration community split between District P and O, although we tried to unite all Historic Districts in District O, has to take back seat to voting rights issues. We have to look at something more African
American voters in District P under terms of District P and O. Seems like a square, a loop between I-17 and 10, in O, includes Historic Districts, and loop in I-17 in O. The drop that into District P to increase African American percentage, chop off the top of the head of the scottie dog put into O, for voting rights purposes, we have to do it.

CHAIRMAN LYNN: Headlines: Kill the pooch.

Valid point. Clearly something we need to address. In terms of whatever we do, incorporate that direction to consultants on how that would look.

COMMISSIONER MINKOFF: This is an extremely important community of interest we need to deal with.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I'd like take advantage to agree completely with Ms. Minkoff.

COMMISSIONER MINKOFF: In favor of decapitating pooches, too.

CHAIRMAN LYNN: Mr. Elder signs on to sing Kum Ba Yah and move on.

COMMISSIONER MINKOFF: And not tell the Humane Society.

CHAIRMAN LYNN: Let's move on, other than
Mrs. Minkoff, Mr. Hall, if you'll state what we need.

The O and P issue precipitates what -- in light of the
fact of the adjustments, O and P, what Mrs. Minkoff just
stated, that in that area it appears to me that there is
a potential to increase competitiveness, if not at least
in those districts, in paying careful close attention to
percentages that affect voting rights issues. I don't
have any specific suggestions. I'm saying to these
folks I'd like to -- that push envelope a bit, if that
doesn't make sense from an overall standpoint, fine, it
doesn't make sense.

I guess if we put out an alternative, I'll
go out on limb. My guess is people in the audience will
tell us if we go out on a limb too far.

MR. RIVERA: Mr. Chairman, Mr. Hall, let's
see if I understand. We're asking to NDC to look at
Competitive, NDC for wanting of a better line in
Coalition Map 2?

COMMISSIONER HALL: Correct.

MR. RIVERA: Okay.

COMMISSIONER HALL: Previous attorneys
said don't reference previous maps.

COMMISSIONER HALL: Previous maps, other
maps wherein allowed reduction of other numbers.

Therefore, look at that with a very close eye in light

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of other adjustments in making theirs and seeing what
can we do. I'm just not sure it hasn't been done.

CHAIRMAN LYNN: Last time we met, we gave
instruction, instructions for look at creating more
competitive in districts Metropolitan Phoenix, not
necessarily through Coalition's submission, that as a
theoretical construct for how competitive districts
might be drawn. I'd like to know how that instruction
relates to the Competitive Map on left of the screen.
Are there other solutions the consultant worked on based
on that instruction or are we saying that instruction
based on that map.

DR. ADAMS: Doug, I'll --

You can comment.

CHAIRMAN LYNN: Dr. Adams.

DR. ADAMS: What we attempted to do in
this map was make adjustments without any detriment to
voting rights districts. We didn't want to lower that.
In this attempt, that's how we followed that
instruction.

Doug, any other comments?

MR. JOHNSON: I'd agree with that. And
given that caveat, then we looked at three new
competitive districts in Coalition 2: H, I, and Z.
That led us to the other map. We looked at their map.
Their numbers were competitive by our measurements, split a lot of cities and had weird jagged edges. We followed their ideas following --

CHAIRMAN LYNN: Three new districts identified in the map, concentrated on, perfect changes, reduce city splits, less effect on other goals outlined.

COMMISSIONER HUNTWORK: No effect.

CHAIRMAN LYNN: No effect. And -- I guess where in the instruction did you consider we said don't touch the district otherwise designated as Voting Rights District. We understand there are issues there, lines you don't cross. If in some districts sufficient population to adjust them without doing significant harm to voting rights issue, where was prohibition not to do so?

DR. ADAMS: Commissioner Lynn, Members of the Commission, in order to do that, we need to see the final results voting rights reports, racial block analyses. Marguerite wants to see that.

Was that responsive?

CHAIRMAN LYNN: Not so far as I can tell.

MR. JOHNSON: Primarily voting rights weren't related to H, I, and Z.

CHAIRMAN LYNN: Coalition's H, I, and Z.

I understand.

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The instruction not look at the Coalition,
do it better. The instruction is to use the Coalition
map as a theoretical construct and look at creating more
competitive districts in Metropolitan Phoenix area, I
believe. Without using the term "theoretical construct"
that was instruction.

To the extent that has not been fully
explored, maybe we're asking can you return to the
concept to see if that can be achieved some way other
than represented on the Competitive Map on the left?
COMMISSIONER HALL: I'd concur with that a
hundred percent.
I think in light of the fact, again, not
to be redundant, in making changes in districts O and P,
look at the numbers, it appears we have room in
addition, where appropriate, we have room for minor
population deviation.
COMMISSIONER MINKOFF: Mr. Chairman.
CHAIRMAN LYNN: Ms. Leoni.
MS. LEONI: I want to clarify, restate
what Doug said. We're pleased to go back and work on
competitive districts, working with minority districts.
Doug's comment was his analysis of minority districts,
the coalition plan could be approximated without
touching minority districts at all. He did what they
did but without touching minority districts; however,
resulting in something without being policing, you'd
like consulting policing, however, using them as a
source.

CHAIRMAN LYNN: A source, many sources.
Some thresholds you can't go below. Identified one of
many things. Have to fix N and P for another voting
rights issue.

Now, having said that, some adjustments
have to be made.

I guess the question is, again, I'm not
suggesting I'm leaning toward the map on the left,
original map, or the competitive map, or our map on the
right, or the competitive map, or any other solution. I
don't know we can make a judgment until we look at some
of the other options in terms of achieving the ultimate
goal, which is competitiveness without having a full
understanding of other things it achieves in terms of
other goals.

Ms. Minkoff.

COMMISSIONER MINKOFF: Looking at the west
side, the west side competitive districts, Maricopa
County Districts O, P do not help us. They connect more
to the East Valley. Q is already a competitive
district.
Other districts are so far from being competitive, O and P are not going to help.

I'd be very, very cautious of pulling minority population out of M and out of N for a couple reasons. Number one, communities of interest exist in districts. They told us that very, very clearly. Number two, in terms of voting rights implications, we have effectiveness issues to look at in terms of voter turnout. It's very, very easy to look at voter populations over 18, 58 percent. It really great, certainly take some out of there.

If that population votes at a 30 percent clip, nonminority population votes at a 30/50 percent clip, it's not all right. Those are issues, rather than turning consultants loose, they need direction on what is all right and what isn't before they move lines rather than after they move the lines.

MR. JOHNSON: Mr. Chairman, if I may add one more thing, clarify why I didn't look at it. For districts M, N, O, P, four districts, essentially Democratic registration figures, identical two sets, averages one district more Democratic than District Two, for back to Coalition two, don't gain a lot.

COMMISSIONER MINKOFF: Have to be very careful before we change any lines to get legal counsel.

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CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: No question we have to be competitive. I don't think there's any argument. I'm saying looking at some districts of the adopted plan areas, my opinion could be they'd just as well fit in one district as another.

Making some adjustments, in light of the fact will be adjusting O and P, in an effort to combine some communities of interest, or assure neighborhoods are combined where in the past they might not have been, sacrificed exact equal population, tweaking exact majority minority population, deviation in population, an opportunity for additional competitiveness. I don't know that. I'm just asking that we take a real hard look, see if that's the case. If it is, it is. If it isn't, it isn't.

CHAIRMAN LYNN: Consultants understand the direction being given?

Would you like it restated, Dr. Adams?

DR. ADAMS: Chairman Lynn, I think I would like it restated. I wonder if we're going to be given any tolerances other than the citizen map references or the Coalition Two map. Or are we going to be given tolerances based on reports that come out from the experts? That's what I was hoping to understand.
COMMISSIONER ELDER: If the Coalition map is the map I believe it to be, it should be dead on arrival.

I'd the like consultant, this is my preference, to look at compactness of those districts. If I look at L and H, both Republican Districts, I'm not so sure we couldn't come up with a form that would take in the lower part of L, lower part of H, with the I-10 -- we have a gray area going further to the west.

MR. JOHNSON: Commissioner, if I may, L is drawn that way because it's one of the competitive districts.

COMMISSIONER ELDER: I don't believe that to be sacrosanct. If we get a competitive district east-west, as north-south, resolve H gerrymandered, we'd resolve a bunch of problems.

D, one, two, three, four, five legs coming in encroaching on area outrageous districts.

G, or the right plan over there, you look on Districts F, H and L, it's far superior to anything -- it makes it an almost definable edge for D. I think if we're going to pull over from F, we're going to try to have it competitive out of I, J, N in the area there, the heart of where we're going, competitiveness in the left-hand side. Then we should

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be able to clean up the edges.

I don't know what the north are part of H

is, the north part, west part.

What is the population difference?

MR. JOHNSON: North part of H has all

three Sun Cities, large Sun City.

COMMISSIONER ELDER: H is Republican.

Doesn't matter south or west, still influence H.

MR. JOHNSON: I'm sorry, north of H into

District L and making H, this what we're considering --

this is what is there, put there. This area, this the

area, this area and bring in the district there. That

would allow this L here. It may still fit. Hasn't fit.

The northern part still remains as biased as it is.

We have all of these incursions going down

from there. That piece there does include Sun Cities.

13 up D, don't have so much run where you live, vote.

That's the problem with the whole perimeter area. They

don't make sense.

When I look at these, gridlike,

compactness, adjust of communities of interest, whole

series of flow, one on the left, no flow. It's only

done for competitiveness. It isn't valid:

CHAIRMAN LYNN: We've got two, on the base

map, by adjusting the map there's a principled look how

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we've adjusted all criteria we use in this process. I don't want to abandon that simply because we're trying to achieve one more competitive district in this. Analysis of the experts, it's a fairly competitive map. To destroy some things we worked to achieve to gain one district in Phoenix, it's not worth it. That's why the discussion has taken as long as it has.

If we can, using a couple methodologies, forget for a moment we may want to look at any districts that have voting rights, look around them, take a look at some possibility of using some degree of population deviation, or some degree of adjustment around the edges of districts, narrow the margins, bring districts a little more into the range we're looking at, third party voters, and other indicators, to give you more competitive mapping, I'll tell you in my mind, where I'm coming from, my concern is more on the Congressional map than legislative map competitiveness. There's more work to do there than here getting to that final product.

I'm more willing to look there than here.

Don't think I'm picking on Phoenix. When in Tucson, I want to be sure BB in Tucson gets their fair shot as well in terms of being more competitive. We just happen to be here in the process.

I don't think we should spend a heck of

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lot of time having lines drawn for good, proper reasons
except we need to say if there is a way to again
minimally adjust, not redraw, minimally adjust, having
done it, I'm prepared to move on to the next issue.
That's just where I am on this particular issue at this
time.

Ms. Minkoff.

COMMISSIONER MINKOFF: The only point I'd
like to make, considering how few competitive districts
we have, one additional competitive district is not
anything to take lightly. I recognize we can't run
roughshod over the entire map to do it. One more
competitive district, two, three terrific. Three,
that's significant. Four, stop and celebrate. Every
competitive district, celebrate.

COMMISSIONER ELDER: I'll tell you, from
my end, just from my end, I'd start with L from my grid,
our G. I, about nine percent, edges, shift three, four
percent, and J is a 12 percent run. N is a 17 percent.
N fits I and J. N might be where we shed data there.
One Republican, data there, help in the central data.

What I'm trying to express, on the screen,
the outside edge, are ways -- on one side, honor,
respect jurisdictional lines, but in driving recently,
"you are now in Buckeye," it's very difficult to find

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out where I was. I'm almost sure people drive and don't
know one to other for different districts on the way to
the freeway. I think as I got to at least express a
point view, the more grid-like, compact where you know
where you are, and where you go to vote, and where
issues are that affect area, clean up outside issues.

CHAIRMAN LYNN: Let's clean up and then
break.

Is there specific instruction? Otherwise
take a 15-minute break and then that instruction.

COMMISSIONER HALL: The thought there, if
everyone is in agreement, what I thought I understood we
were to tell them to do, make adjustments on O and P
relative to concerns of Mrs. Minkoff, look at concerns
of minority districts, see adjustments made there, and
attempts at equal population, and in the event
population deviation is appropriate, to also take that
into consideration.

CHAIRMAN LYNN: Make that in the form of a
motion?

COMMISSIONER HALL: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion?

MR. JOHNSON: Mr. Chairman?

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CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: The instruction, O, section O into P. Address P? What area to tradeoff to that, P is the tradeoff?

CHAIRMAN LYNN: Ms. Minkoff suggested the head of the dog is where you might look.

Discussion on the motion?

COMMISSIONER MINKOFF: No.

CHAIRMAN LYNN: Vote.

Mrs. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

(Whereupon, a recess was taken from 3:27 until approximately 3:42 p.m.)

CHAIRMAN LYNN: If I can have the Commissioners up front, we'll start.

I'd call the Commission to order.

The record will show all Commissioners,
staff and consultants are present.

There's a request to clarify the motion just passed. I'd ask the stenographer to go back to the motion and read it, just to make sure there's no misunderstanding of the intent or direction given to the consultant.

(Whereupon, the record was read.)

CHAIRMAN LYNN: Let's be sure, because this becomes extremely important. I don't want to arrive back at a discussion on the Legislative map without a very clear discussion of what we're talking about next time we revisit the Legislative map so we're able to make decisions relative to all decisions raised.

At the risk of being a little redundant, let's talk exactly about what we expect from the consultants when they come back to us about the analysis and recommendation for the Central Maricopa area on the Legislative side.

Mr. Hall.

COMMISSIONER HALL: I think the instructions relative to O and P were pretty accurate.

Is there any question on those?

MR. JOHNSON: We have a submitted map from South Mountain, O and P.

The tradeoff area, talk about the scottie

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issue and poodle head, start with that.

COMMISSIONER HALL: So is that a direct trade?

MR. JOHNSON: I won't know until I look at it, do it.

COMMISSIONER HALL: Presumably, there are some majority minority areas, other alterations that need to occur, right?

MR. JOHNSON: At least between O and P.

Part of the concern, the head of the poodle, as you call it, is the Arcadia Airport. There is a significant effect on the percentages of O.

COMMISSIONER MINKOFF: On the --

MR. JOHNSON: District O, inside the loop. There aren't significant batches. We'll look at that and report back on what it does.

COMMISSIONER HALL: Can you explain to me what the little arm -- I hope I'm looking at the right map. I guess I'm not.

That's the adopted draft on the right.

MR. JOHNSON: That's 3G.

COMMISSIONER HALL: All right. I'll come back to my question then.

MR. JOHNSON: The other comment on the motion, I think we have the sense that the Commissioners

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wish us to look at the edges of, in particular, N and O, since trying to look at I as a competitive district, I as a competitive district, and various districts, trying to look at the edges of the district and voting rights --

CHAIRMAN LYNN: Well, mindful of the voting rights impact; but the object is to achieve more competitive districts by adjusting those without doing significant damage to the voting rights impact. One of the answers is it can't be done.

I used to tell my kids, don't ask a question unless you're ready for all the answers, one of which is: No. If you ask a question, there's a full range of answers. You need to know how it works or if in fact it doesn't work.

MR. JOHNSON: We can draw the measure of the impact. You have to have time to get together with the attorneys to answer the second part of the question on the impact.

CHAIRMAN LYNN: If you quantify we'll determine whether or not too much one way or another.

COMMISSIONER HALL: The other variable, where appropriate, if appropriate, the issue of slight population deviation, correct, which has not been a factor of consideration in the previous analysis; is

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that correct?

MR. JOHNSON: Correct.

CHAIRMAN LYNN: That's an additional instruction we voted on earlier today, to continue to address if we feel comfortable with deviation, if we continue to achieve other goals and it's therefore defensible.

Are we still trying to get a map on the board? For clarification purposes, is there any part of the motion the attorneys or consultants do not understand or is not clear?

COMMISSIONER HALL: Question, Doug, what is the thin part of the bottom of G?

MR. JOHNSON: Thin part?

COMMISSIONER MINKOFF: Scottsdale.

COMMISSIONER HALL: Respecting of boundaries of Scottsdale.

MR. JOHNSON: Hatched part is City of Scottsdale, Tempe.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: All kinds of little population shifts requested by citizen groups that don't have impact. When will those be dealt with?

CHAIRMAN LYNN: The moment we finish the Tucson part of the tour, come back, go through, what any...
Commissioner has, like to put into the mix, would like to have looked at.

COMMISSIONER MINKOFF: Okay.

Again, to clarify the motion made, anything to clarify for you to complete the assignment?

MR. JOHNSON: Tucson front --

CHAIRMAN LYNN: No, this.

MR. JOHNSON: Motion -- Maricopa, this motion is fairly comfortable.

COMMISSIONER MINKOFF: One thing, with the comments I made earlier, I don't want to preclude you from looking at those Central Phoenix districts, just want you to do it very, very carefully and with advice of you and guidance from counsel in terms of whether there's anything you can take from M and O and P moving west to make western districts more competitive or in the case of District I moving north. I didn't mean by my comments to take them off the table, just meant you needed to be very, very careful about any changes you make in those districts.

MR. JOHNSON: One comment, I was just told to clarify to the Commission, told to make changes based on map G, starting from that map, not a new one.

CHAIRMAN LYNN: Correct. The map, New Competitive Map, is a derivation of the base map. Right
now the base map is all we have in terms of something
adopted. So it's an adjustment from that.

All right.

If there are no other clarifications
required from Maricopa County, let's move to Pima
County.

MR. JOHNSON: Mr. Chairman, would you like
me to zoom in on exactly where the changes are between
the two on these?

CHAIRMAN LYNN: Yes, please.

Mr. Chairman, Members of the Commission,
the map on the right, 3G map, District BB comes up here,
has a small piece that steps down to the south and stops
in Flowing Wells. The main competitive change is
District Z comes down and takes in the area right
between the two.

This is similar in effect to what
Commissioner Huntwork talked to referring to two
districts right next to each other, one which is
Republican and Democrat, and swap population between
them. Population rotated through the east side of BB
picked up additional population out of DD.

Zoom out, a request for the Commission, DD
picked up the compensating border here along the
foothills.

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You can see how the border changed.

It wasn't the major population shift.

COMMISSIONER ELDER: Map on the left.

MR. JOHNSON: Map on the left, 3G Competitive.

COMMISSIONER ELDER: I don't see that anywhere.

MR. JOHNSON: 3G Competitive.

CHAIRMAN LYNN: You just have different colors.

COMMISSIONER ELDER: No. The districts aren't the same.

COMMISSIONER HALL: 3G Competitive or 3G New Competitive. Should be -- I believe they are the same, down in Tucson. The key difference, Mr. Chairman, looked at obviously the Coalition Map, too, to make it different. Given past testimony and past desires, testimony of the Commissioners past the river foothills. In this map we're able to do it with minimal deviation.

CHAIRMAN LYNN: Doug, on the competitive map on the left, can you put it in about the same scale as the one on the right?

CHAIRMAN LYNN: Couple quick questions. There's a little irregularity on the map on the left under West Roger Road designation that juts south.
MR. JOHNSON: Right.

CHAIRMAN LYNN: Simply on the west, the district see I think, base map in District BB, why does that jog happen? Is there a reason?

MR. JOHNSON: Mr. Chairman, when we drew districts, we first focused on the Hispanic community AUR definition, and joint districts voting rights concerns. First we drew AA and CC, the two bottom districts here. So this would have been part of the consideration of that drawing. And -- let me zoom in, see if I can see what that is. I don't recall exactly what the reason for that was. Didn't alter that to make a more competitive district because of impact on AA that would have occurred.

Let me see if there's a landmark or area of interest there.

CHAIRMAN LYNN: May have been population deviation.

So that's the kind of anomaly we could fix for -- understanding there is some population that should invade the area the way it does and along one of the major thoroughfares, Prince Rogers, whatever, to square that off.

Comments?

Questions?

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COMMISSIONER ELDER: This area?

CHAIRMAN LYNN: Any area.

COMMISSIONER ELDER: Zoom into I-10, I-17.

COMMISSIONER MINKOFF: I-19.


Scroll down to where Ajo is at the bottom.

MR. JOHNSON: Here?

COMMISSIONER ELDER: No.

CHAIRMAN LYNN: Further north.

COMMISSIONER ELDER: Drag it all the way down to the bottom. Okay.

Maybe we have to go in a little further.

What I would like to do is see if we can conform to many of the comments we had from citizens in the citizen hearing.

If you take the diagonal on Aviational Parkway and go up to Congress, somewhere below there is Broadway. Mine shows it. Yours doesn't. Zoom in, get more streets there.

MR. JOHNSON: There. This is Broadway.

CHAIRMAN LYNN: Doesn't show the continuation of Broadway.

COMMISSIONER ELDER: Zoom in so more streets come up.

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MR. JOHNSON: Okay. All the streets aren't up.

COMMISSIONER ELDER: This area, 36th Street is an isolated area of population. There is an area in here, 36th Street, Ajo, along this area, Presidio, Fairland, Barraza area in here, no cross circulation along this area from this area in downtown. Aviation Parkway underpasses this community, Broadway, Tucson. That piece I'd like to see included in CC, because that community is isolated.

Other Barrios mentioned, other side of the river and North El Rio, Munsa, Anita, north of downtown. Downtown divides areas out. A small isolated area should be divided.

South side and to the east, the Rita Ranch area, we have the Rita ranch, the Rita ranch area was right here.

COMMISSIONER MINKOFF: Step aside, Dan.

COMMISSIONER ELDER: Rita Ranch area here.

COMMISSIONER MINKOFF: Okay.

COMMISSIONER ELDER: Rita Road. And that area is one where we had a tremendous amount of testimony on this area is in held in South Tucson. In the context of citizen communities of interest, said this area right here, there's no context rural elements
relate to any of rest of this district. I think that's probably correct. This area here should be pulled into an area to the east or south.

CHAIRMAN LYNN: Doug, did that not happen on one of the permutations of the maps?

MR. JOHNSON: One of the maps, we exchanged Rita Ranch and picked up on the area of the east side, Commissioner. Do you have preference if Rita goes into DD and DD loses population, this into double D?

COMMISSIONER ELDER: This area here should go here. That area here could be traded back.

CHAIRMAN LYNN: In other words, straight trade, CC and BB.

MR. JOHNSON: Rita Ranch.

COMMISSIONER ELDER: That area in. We have an area right in here, if we add in this area here, we should probably take out the blue area between the freeway where we don't have such a peninsula; not contiguous, not compact. Added in area in green, this area here. Compensation that area there, rotate between the three districts.

Yeah? Nay?

CHAIRMAN LYNN: I'm still not sure what you are shifting just above the junction of 19 and 10.
What are you shifting there, 10? Try as you best, you cannot with "here" and "there." Tell me.

COMMISSIONER ELDER: Describe, along Aviation corridor northwest, west from Broadway to Interstate 10, across to the river edge, south to where the river comes in and crossed underneath, I believe right in there at that point, the I-10, I-19 intersection.

CHAIRMAN LYNN: Proposing that be drawn into CC.

COMMISSIONER ELDER: CC, the area southeast. The river has vertical cuts, no possibility for children. Children don't cross that, that peninsula, area here. The river, I-19 cuts off. That area there, Broadway here, back down to Aviation, and it create a barrier in that community.

The barrier in this community across and about a mile, there's no social interaction I can find in talking with the folks.

The Pueblo Gardens area, South Tucson, seems to have cultural matches, go back and forth with parties at the schools, one district with another, cohesiveness. I don't see why we don't put them together.

This area here, go with the University, a

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lot of housing, a lot of people relate back and forth north of Broadway, do not relate to the south and southwest.

I have a feeling if you look at the Hispanic population, there may be a balance there just as well there. If done for racial balance from a numbers, demographic standpoint, I don't know that this would add Hispanics to the southeast, taking out Anglos at the southeast, at Rita Ranch, whether adding in enough at soldiers Trail to keep the numbers exactly the same. I don't know. But from a community of interest standpoint, if anything, that area ought to go with this area to the south and to the east.

We had a lot of comment from this area and this area that said we had absolutely no community of interest in this area. Rita Ranch, IBM, plus they don't trade, there are no socioeconomic areas. Might try the area, and through the community, and that's about it.

CHAIRMAN LYNN: I think in concept, to take the area Dan is pointing out, essentially just south of town, and drop that into CC, to make up for that, I think you are talking about rolling it east, Dan. In other words, if you that, take the downtown area and put in CC, DD rolls into DD, the western part of BB goes up.
If I understand correctly, again, with the caveat about balancing in terms of minority-majority or other considerations, that balancing in mind, that's a reasonable trade.

COMMISSIONER MINKOFF: I have a question about that. If you believe there's any impact on competitiveness of districts where population is shifted, talk about competitiveness overall in the Tucson district. Can we get a sense how this might affect them?

MR. JOHNSON: Actually, using the measurements we have available, system measurements, and AQD, AA, BB, CC are all Democratic Districts, so the change is very minimal on the competitive front. Wouldn't affect looking at 4C.

COMMISSIONER MINKOFF: Putting population from C to BB, Democratic area.

CHAIRMAN LYNN: I'd like you to make those adjustments with respect to the interior of Tucson.

Now look at the Competitive Map. Could you highlight, notwithstanding these changes, these are on the interior, and regardless, zoom out and let us know what you achieved in the Competitive Map in the Tucson area.

MR. JOHNSON: Much less ripple than there

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was in the Maricopa work. The only change in DD, the
pink district, BB and DD: united Flowing Wells, an
unincorporated area, and Casas Adobas was already
divided.

CHAIRMAN LYNN: From what to what?

MR. JOHNSON: I'll zoom in.

CHAIRMAN LYNN: Casas Adobas is also
unincorporated. Tried to incorporate, didn't do so
well.

MR. JOHNSON: In the base map 3G without
competitiveness adjustments, over here, we have north,
first is roughly the border, and Canada -- Canada --

CHAIRMAN LYNN: Actually La Canada.

MR. JOHNSON: La Canada. New map, the
Competitive Map, essentially moves over to La Canada all
the way. And at the point where we go through and clean
up the district, stick to major roads, things like that,
these jags and things will be fixed.

That's the change, the large orange peach
area to the east. La Canada is traded for the remainder
of Flowing Wells and the remainder of some parts of
Tucson.

CHAIRMAN LYNN: Clearly the entire area
east-west, or we'd call the dividing line of the
foothills and northwest of Tucson, don't show, or call
on the map, between La Canada, Oracle further up. Put
on state highways, state highways by sections on the
map. It's a fairly homogeneous area, area of
registration and ethnic composition as well.

MR. JOHNSON: Trade BB and DD on the east
end of the district. Essentially BB picks up more on
the river here, towards the end of the river from DD,
offsets DD, picks up here. The whole circle is all
through here.

CHAIRMAN LYNN: Keeps BB north of the
river or is the river the dividing line?

MR. JOHNSON: I'm not specific how the
river is laid out. The river kind of Ys.

COMMISSIONER MINKOFF: Looks like Tanque
Verde.

CHAIRMAN LYNN: The river meanders.

MR. JOHNSON: Meanders.

CHAIRMAN LYNN: It's the city border. I
think that's okay.

COMMISSIONER ELDER: Yeah.

CHAIRMAN LYNN: Is there a motion with
respect to which of the maps we should be looking at,
what direction we're going to give the consultant?

Mr. Hall.

COMMISSIONER HALL: Just a question. All

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motions were made to make Z competitive, correct?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: And making Z competitive does not do damage to competitiveness in other districts. They were already set. Most interior districts were Democratic. I think DD is going to be fairly Republican regardless of how you slice it. We gain one competitive district when we make these adjustments; is that correct?

MR. JOHNSON: By AQD registration numbers, yes.

CHAIRMAN LYNN: Incorporating Mr. Elder's changes in the lower part of map, I'd like to send it out. As we send out, I'd like to send out this map for more complete testing in terms of its competitiveness, again for apples and apples comparisons, see this map with Mr. Elder's changes sent out for its analysis.

COMMISSIONER HALL: So moved.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Appears to achieve competitiveness. It is in my view legitimate, an appropriate type adjustment.

CHAIRMAN LYNN: You understand things work

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better in other places.

COMMISSIONER MINKOFF: Just simpler than other places.

COMMISSIONER MINKOFF: Simpler, as in minded.

(Chuckling.)

CHAIRMAN LYNN: Further discussion.

For the map, you would like to send out other changes in other parts of the state, don't want us to do that yet. This change, the other Tucson change, or looking at other changes in other parts of the state?

CHAIRMAN LYNN: In the same manner we asked for the Phoenix map, didn't ask for that to be discussed.

COMMISSIONER MINKOFF: We've done a lot of things around the state. Maybe what we need to do, since we did not send the Phoenix part for that analysis, make changes as we direct here, adopt changes that sometime reflect in the map and direct testing of the map.

COMMISSIONER MINKOFF: The only testing we're ordering now is the Metropolitan Phoenix area and District A.

COMMISSIONER HALL: Specific changes in Maricopa area.
CHAIRMAN LYNN: There may be more.

With that understanding of the motion, adopting changes at this point, roll call on the motion.

Mrs. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion passes five-zero.

Other motions, changes you'd like to see mapped?

What I'm doing here, I'm attempting to get the entire Legislative issue dealt with once through.

That means to say is there any other direction you'd like to give on the Legislative adjustments to try to get those in now, then make adjustments to shift to Congressional, or alter discussion in some way for the balance of the evening?

COMMISSIONER MINKOFF: Mr. Chairman, there are a number changes as a result of public testimony.

If they have been tested, fine; if not, I'd like them
We received a number of communications on the Carefree, Cave Creek area asking they be shifted to Legislative District G. I understand it's something looked at already. I'd like to see what that would do, changes in the map, Carefree, Cave Creek in G.

I'd request Isaac School District be completely united.

Westwood Village wanted to be in District O rather than District N. It's a simple shift to have the two populations. Like to see that shown in the map. Those are all that I have in my notes. I'm not sure.

CHAIRMAN LYNN: Some have been incorporated. A number of those requests have been incorporated in maps incorporated. A matrix talks about those.

One other request, based on some information population deviation is acceptable, is maybe even out the jog at the south end of District Q, Tempe, Guadalupe, Elliott Road all in District Q, or all into District T. I don't know, may be too large a population deviation. We have a jog, and deviation, and school districts, so please don't divide school districts.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Go to Elliott.
CHAIRMAN LYNN: Do you have a problem?

COMMISSIONER MINKOFF: Predicated on population deviation, I'm not sure we can.

CHAIRMAN LYNN: Take a look at that, squaring off. It's consistent with testimony heard this morning during call to the public.

COMMISSIONER HUNTWORK: What are you proposing exactly?

CHAIRMAN LYNN: Moving the District to be even with Guadalupe, the yellow and blue box, even at Elliott or Guadalupe, one of the two.

COMMISSIONER HUNTWORK: I'm concerned, don't readily see the important reason for reconsidering. Here we have one of the splits. I think we're talking about nothing but squaring off lines.

COMMISSIONER MINKOFF: School district split people expressed, I think the line is Guadalupe.

CHAIRMAN LYNN: There's also an attendant problem, detail at that map, I think -- Mr. Johnson, I don't know if this was population adjustment, take the intersection of Guadalupe and Rural, the notch out and bulge Elliott east of Rural. Population adjustment is one thing. Seems to me, a reasonable deviation, sides of the street, that sort of thing. That sort of thing is
consistent.

COMMISSIONER MINKOFF: Another tiny adjustment south of Guadalupe, three houses, western end of the district. Another one to be squared off.

CHAIRMAN LYNN: Underneath Guadalupe.

Given the opportunity, as we see it, to do deviation, if you relook at the map, where you have these kind of anomalies, invasions, neighborhood separation, good and proper terms, trying to square off population, or a major thoroughfare, so as to preserve neighborhoods, to the extent we can try do that rather than each one separately, try to take a look at those.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I agree with small changes. The big change, unite the school district one way, a way that matches the school district line, see what the consequence is.

CHAIRMAN LYNN: I'm not sure which it was.

COMMISSIONER MINKOFF: I think it's Guadalupe. I'm not sure.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I received input from rural folks in northwest Maricopa County that requested changes in District D, felt it would make it a little more rural and suggested a trade, received two maps of a
trade. Without objection, it's a really innocuous trade. I wonder if tested, have detail. We're happy to.

CHAIRMAN LYNN: To understand what is tested, zero in on it.

COMMISSIONER HALL: Southern boundary of D I believe.

Doug, I can give it to you and you can zoom in on it.

Zoom in for the benefit of fellow Commissioners.

MR. JOHNSON: The area around Pinnacle Peak Road. This is off the adopted draft.

COMMISSIONER HALL: Right.

Okay, Doug.

MR. JOHNSON: The area, they are looking at an area.

COMMISSIONER MINKOFF: What area are you looking at?

COMMISSIONER HALL: D.

COMMISSIONER MINKOFF: I'm trying to figure out where you are on the map. What is yellow?

MR. JOHNSON: L, H, and D.

COMMISSIONER MINKOFF: L, H, and D.

MR. JOHNSON: L, H, and D. We had this
notch. It is Sun City. Part of Yavapai. They wanted not the notch, have D, Sun City in H. They want Sun City into H, remove this. In exchange, asking to take in the area around Happy Valley Road in here, so this area here. I'm not sure what map they have here.

I guess the question to clarify: I'm not sure what question to clarify. Taken Sun City out, used a different tradeoff.

Do you know if Sun City --

COMMISSIONER HALL: The intent of the trade, they felt D had a significant amount of rural features, so they wanted a trade up further into the north, which I understand has more, some agricultural, rural ties, and try to eliminate heavy. Those more familiar with the area.

CHAIRMAN LYNN: Sounds like, on the face, an illogical trade from a populational standpoint. Fairly dense, Sun City, far less dense area on the north end. Should look at whether it goes beyond what we think is reasonable.

COMMISSIONER MINKOFF: Mr. Chairman is looking close at H for the first time.

I was not aware Sun City was split off from Sun City West and Sun City Grand. The were all together in the initial draft. Testimony from Sun City,
was split at Bell Road. My only concern about that is we also heard testimony from everybody else in that district saying don't do that. Sun City wanted to be in H or a portion south of Bell Road. People in Glendale said: Please don't do that; we don't want them in our district. That's something we maybe need to have the public testimony summarized from. I think we also need to look at testimony from other people in that district, this is not a switch we wanted or supported.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: There's conflicting testimony in this area.

What I think is there's conflicting testimony, and it's most appropriate the way I've seen drawn, at least so far, for that area of the map.

CHAIRMAN LYNN: My recollection is we did have conflicting testimony from Sun City, Sun City West, Sun City Grand.

Not withstanding, again, the look at the tradeoff being asked for, it may be difficult to do in terms of as currently configured --

COMMISSIONER HALL: Problematic.

COMMISSIONER MINKOFF: The testimony as I recall at City of Glendale, that's what I recall. It's reasonably compact, does lots of good things. I want to
make sure we're not overlooking testimony that says do
not put them in my district.

CHAIRMAN LYNN: Just do an analysis and
we'll ask, we'll also maybe ask Dr. Heslop in
summarizing all the testimony at the Glendale hearing
what he thinks about it.

COMMISSIONER HALL: In our hearing, first
hearings, wasn't it, was the Westwood Village group, are
they happy?

MR. JOHNSON: The change that they
requested is not drawn in plan 3G. We have looked at
it. It actually does, as I believe Commissioner Minkoff
mentioned, make a good trade with the Isaac School trade
done the other way. We have looked at it. It's not
done in 3G. We can trade that off.

COMMISSIONER HALL: Fellow Commissioners,
Commissioner Minkoff, fellow Commissioners, I listened
to the 30 comments, listened to 30 comments. It's an
appropriate amendment.

COMMISSIONER MINKOFF: Westwood Village?

CHAIRMAN LYNN: Westwood Village.

COMMISSIONER HUNTWORK: There was no down
side to anyone, make two groups happy, doesn't affect
demographic lines. It's more compact afterwards than
before. It should be done.
CHAIRMAN LYNN: Compact with the map,
direct you adjust that as well.

Other areas of concern before we leave the
Legislative map?

COMMISSIONER HALL: Tucson, I-19 in South
Tucson, slide down there.

COMMISSIONER HALL: This area, zoom in O.

Might help also the river area, Arroyo Chico,
demarcation lines. Turn on very small rivers, hair
lines.

COMMISSIONER ELDER: Aviation corridor.

COMMISSIONER HALL: The boundary you asked
be added in.

COMMISSIONER ELDER: Pueblo Gardens, the
borough north of South Tucson, Tucson Boulevard, and
Tucson Boulevard to Arroyo Chico, Broadway down, I
believe called Barrio Viajo, I believe Mr. Baldenegro
representing Tucson there requested be included with
Barrios to the south. And this area here, take it into
CC without, I don't know what we're trading, how many
people in the area. I haven't come up with it, one of
the areas, from memory, yes, here, included with the
other Barrios to the south and west.

CHAIRMAN LYNN: We did hear conflicting
testimony on that as well. Folks above Arroyo Chico,
Arroyo above -- Arroyo goes all way above 22nd Street.

COMMISSIONER ELDER: Maybe heard -- this area, they share parties, parades, and that. Beyond -- this area is a community of interest with neighborhood associations north and south.

In this area, it almost relates to the Sam Hughes neighborhoods more than it does to the south.

CHAIRMAN LYNN: I think the issue is east or west of Tucson Boulevard.

West of Tucson Boulevard I don't think you have a problem.

If there are no other conflicting requests, do that. If it's a community of interest, Hispanic goal, we should do it.

MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.

COMMISSIONER HALL: 22nd Street, the corner of Tucson, corner of West Arroyo Chico, Aviation Parkway diagonally, southeast back to 22nd Street, west to Tucson Parkway, that way back, the previous request, make that area and Broadway over to the river and down southeast, the area CC.

Taking the area out of AA unless we go back to our -- the garbage area, Flowing Wells, and move something there. It didn't make much difference. Or
whether there's enough population to throw out reasonable population to make a reasonable goal of deviation.

MR. JOHNSON: Initial change, initial change doing it, likely a change dropping below the majority minority.

COMMISSIONER HALL: Citizen input, if we can do it, great. If we can't, we can't.

CHAIRMAN LYNN: Anything else, Mr. Elder?

Anything else?

Ms. Hauser?

Mr. Rivera?

Pardon me.

MR. JOHNSON: If I may, during a pause, Ann Murray talked — Ann Murray talked about the official border between Broadway to Winston to Country Club —

CHAIRMAN LYNN: Comments were all west of Tucson Boulevard.

COMMISSIONER HALL: Steve, do you know where El Con Mall might be?

MS. HAUSER: There it is.

COMMISSIONER HALL: What they're asking for, Broadway, not Arroyo Chico, El Con Mall, coming across to Country Club.
CHAIRMAN LYNN: That's my recollection of what the Coalition or group was asking for in Tucson.

The character of the southern end of the neighborhood is somewhat different, southern end of the neighborhood as divided by Arroyo Chico. Folks in the southern end of the neighborhood identify as much as with folks to the north. Very, very -- may be much ado about nothing to get to a place of understanding, the changes with AA, understanding changes with majority minority. Does appear the character below Arroyo Chico all way to Country Club may have more, I don't want to say significantly more, Hispanic than the area west of Country Club.

MR. JOHNSON: Using Winston instead of Arroyo Chico or prefer Arroyo Chico?

CHAIRMAN LYNN: I think the suggestion was Malvern. Neither Arroyo Chico or Malvern squares with the neighborhood line.

Look at it. Neighborhood associations are important. We may be trying to achieve something different than that.

COMMISSIONER ELDER: I was going to say indeed there's conflicting testimony. The young lady spoke four, five times on this neighborhood association, Ms. Murray, and her cohort. I don't know how many
hundreds, wasn't hundreds, they talked very strongly
about north and south of Arroyo Chico, and conflicting
request from the Barrio Viajo people. They want to keep
it together. May very well come down to throwing
numbers out of AA. We don't have a majority-minority
district, can't do that and honor the neighborhood
association going south to pick up the numbers in BB.
If we get it all the way over to Country Club and it
doesn't affect it, let's go to Country Club.

CHAIRMAN LYNN: Mr. Johnson's question,
northern border, Arroyo Chico, Malvern, 17? Anybody
voting for Eastland?

A lot of choices.

I think if we do this, we should do
something recognizable. I don't know about Arroyo.
Eastland, recognizable, or Arroyo, as the physical
boundary?

COMMISSIONER ELDER: Eastland, Arroyo
Chico, boundary side, same name on both sides of the
wash. South side of the Boulevard, south side of
Boulevard, Arroyo Chico. May be the dividing line, also
coincides with Arroyo Chico.

CHAIRMAN LYNN: Use the street to the
south.

COMMISSIONER ELDER: Yes.
CHAIRMAN LYNN: County wouldn't be confused doing their redistricting.

MR. JOHNSON: Just to add, Commissioner Elder, we did get a number of letters summarized from people in the neighborhood association urging us to use 22nd.

CHAIRMAN LYNN: Right.

MR. JOHNSON: One clarification question. Taking out of AA, just taking BB areas we're discussing or all or nothing question? BB doesn't have the voting right issues we're discussing. AA does. Or --

CHAIRMAN LYNN: Depends where you put them. Take that area out of BB and put it with --

MR. JOHNSON: With CC.

COMMISSIONER HALL: If I understand the question right, not take the area out of AA and put it with CC?

MR. JOHNSON: Is it all or nothing, move all of the area we're discussing or not move any of it, or move any of the portions, or does it have, as determined by the Commission, or whoever has significant impact?

Want us to also look at the BB portion of CC without AA?

CHAIRMAN LYNN: Mr. Hall.
COMMISSIONER HALL: Mr. Chairman, I wonder if it's appropriate for you or Mr. Elder to individually sit and analyze some of those details in this particular area and then bring it back to the Commission in an effort to kind of fine-tune questions for our benefit?

CHAIRMAN LYNN: Without objection, I'd like to delegate that to Mr. Elder.

COMMISSIONER HALL: Okay.

CHAIRMAN LYNN: Mr. Elder will sit with you during some of the break and help you with some of that area.

Other adjustments we need to recommend at this time?

All right. I'd like to do this, then.

I'd like to -- we do need to take a break. What I'd like to do is try to take a 15-minute break. Here's the reason I'd like to stick to 15 minutes. There's discussion on whether or not move to discussion of the Congressional map for the balance of evening or instead give consultants time to begin working on the Legislative adjustments we've asked them to make, which are considerable, and to take up the Congressional map in the morning right after public comment at 10:00 o'clock. Two choices. It's now 20 minutes after. Let's try to be back here at 5:35.
(Whereupon, a recess was taken from 5:20
until approximately 5:35 p.m.)

CHAIRMAN LYNN: The Commission will come
to order.

For the record, all five Commissioners are
present, staff, and counsel.

At this point what I'd like to do is make
sure we have concluded any Legislative direction to the
consultant.

What seems clear, Legislative consultants,
complete the Legislative map this evening, then break
for the evening, convene at 10:00 o'clock in the
morning.

Anyone wanting to join us for the morning,
God love you. Chip, come at 8:00, 10:00, 7:00, have
breakfast, whatever it is.

But 10:00 o'clock -- no earlier than 10:00
o'clock we'll start with call to the public and begin
immediately with Congressional consideration.

So is there anything more on Legislative
we need to talk about this evening?

Mr. Hall?

COMMISSIONER HALL: To make sure there's
no ambiguity relative to the downtown Maricopa County,
my understanding is that we're asking that we push the
Hispanic numbers, where possible, that we look at opportunities where appropriate for population deviation, see other amendments to create more competitive districts. Any questions about those components of those changes?

Any questions about what I said?

CHAIRMAN LYNN: Base map 3G as a jumping off point.

COMMISSIONER HALL: I understand someone said still don't touch majority minority numbers. I'm saying no, go ahead, but go ahead and see if it's okay and then see if it's still too far.

MR. JOHNSON: After done with the lawyers, if we went too far, we went too far.

MR. RIVERA: Seen Superman?

COMMISSIONER HUNTWORK: Want to change a verb. I'm not interested in pushing the envelope. I want -- I don't agree with Commissioner Hall. I want to make it clear I want to examine those majority-minority districts carefully, see if there are opportunities, carefully, without creating any retrogression, take advantage of minority voters.

COMMISSIONER HALL: I agree the Coalition for Fair Redistricting indicated along with the Hispanic Coalition they indicated they were willing to adjust.
their numbers in certain numbers and still feel they
have appropriate representation. I'm suggesting, see
from own input, areas there is willingness for
adjustment, that we examine specifically those areas,
use it in effort to accommodate adjustment in those
areas.

CHAIRMAN LYNN: We have suggested
alterations in terms of those areas.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I think -- I
looked as closely as I could at the majority-minority
districts in Coalition Plan 2. Although there were some
changes, really, when you took the districts as a whole,
there was very little change when moving things out of
those core districts. Most of the competitiveness
changes came out of competitiveness changes in those
plans. If we're only going to consider changes made in
that plan, I don't think we accomplished anything in
that plan.

Is that consistent with what your plan
did?

MR. JOHNSON: That's exactly the question
I raised or raised in my head. The Coalition gave up
three districts, rotated Democratic registration between
them, but did not change -- one district, Democratic
registration changed one percent. Giving the map they submitted, you don't gain anything of significance. My interpretation of the original instruction, to clarify that, is to look at what it would take in changes to those districts to make something competitive as opposed to changes in 3G, to make something competitive as opposed to only changes in Coalition -- Coalition 2 3G.

COMMISSIONER HUNTWORK: I'm uncomfortable.

If in your judgment there are opportunities for excess -- Democratic voters could be moved out of areas without creating significant risk of retrogression, if the answer to first step turns out to be no, it seems to me, that's the end of the inquiry. I'm not interested, there's no desire to see a competitive district that is created by having retrogression or significant risk of retrogression in minority districts.

Start with other districts first, and if there's no opportunity, I'd end the inquiry.

COMMISSIONER HALL: I wouldn't end the inquiry. What I'm asking for, Mr. Johnson, in the event -- what I'd like to see are solutions. I'm convinced, until convinced otherwise. There has to be a solution to this. If there isn't, I'll accept the answer, probably with attorney questioning. Then when you say you cannot find a solution, I want to find every
opportunity, avenue, relative to all of this.

The reason for a solution is because of variables already on the table, additional variables. The potential where appropriate, is additional population deviation.

MR. JOHNSON: Now I have a question.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: The concern is, as you spelled it out, there are two questions here. One is does changing lines make districts competitive; two is do those changes in the lines get us into trouble with voting rights. Number one, I'd look at and ask. Number two is a question for Lisa and Marguerite to address. We can do it in whichever order you prefer.

As you described there, where we look at submissions from the groups in that area and look at population deviations is a more limited look, if that's what you'd like to us do, within those realms.

COMMISSIONER HALL: To be clear and not to beat a dead horse, in a short time frame, receive instruction from our three -- our counsel, your counsel, look: Here's the percentage in light of all the input we have. Don't go below majority-minority districts. Another detailed analysis would be, will be forthcoming saying prima facie, find standard threshold suggesting

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utilize threshold in accordance with input we receive
from leaders in certain communities. In addition to the
option of population deviation and whatever other
creative solutions you find and see what you come up
with.

That look of confidence.

COMMISSIONER HALL: A smile.

MR. JOHNSON: Clear instruction until
other creative elements came into it.

COMMISSIONER HALL: What is ambiguous to
you?

MR. JOHNSON: Discussion reflects where
the voting rights line is reflected. Rather than
lawyers instructing line drawers, lawyers discuss with
the Commission, jump in, that circle, to decide, rather
than lawyers instructing us as we do it, assuming you
all agree with that.

CHAIRMAN LYNN: Lawyers want a shot at
this?

COMMISSIONER HALL: Ms. Hauser, Rivera, in
the general range we can give, obviously simply for the
purpose of analysis, discussion.

Jose, another look of lack of total
confidence.

CHAIRMAN LYNN: Mr. Huntwork, while

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discussing it.

COMMISSIONER HUNTWORK: One concern is the
competitiveness in parts of the state since primarily
talking about the Hispanic AUR in Maricopa County, it is
possible to say there is a number.

CHAIRMAN LYNN: A number.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: The three attorneys are in
agreement.

COMMISSIONER MINKOFF: Amazing.

MS. HAUSER: It would be preferable for
NDC's counsel to work with NDC as NDC is preparing
something on paper, then Jose and I can come in, look at
that, and Jose and I will come in and look at it and
advise whether or not there are Voting Rights Act
problems there.

CHAIRMAN LYNN: All right. With that
said, are there other matters on the legislative map
before we close?

Mr. Elder.

COMMISSIONER ELDER: Yes. We were looking
at Southern Arizona. There was an area I discussed
earlier on. I don't know if it's easier to take a look
at the map, relates to Z, but it also relates to area A
and --

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COMMISSIONER MINKOFF: A or AA?

CHAIRMAN LYNN: A?

COMMISSIONER ELDER: E, A, Z, who knows.

Who knows, the microcosm of Tucson.

The area I'm concerned with is more to the north. In the southern part, community of interest is more related to the retirement recreation, the area from the Gila River, the southern boundary to reservation there, going across there north. Almost relates more to the Globe, Miami, Superior mining communities. One commenter, or person at the hearing said there were a whole lot more union people in this area than nonunion people in this area, nonunion in this area.

I'd like to take a look at using the Gila River and cutting across easterly and including potentially that part of Z with E, the gain being with additional population there, expanding into A, and giving us more of Native American percentages we're looking for in A.

The problem is it could affect Flagstaff or taking the area out here if the trade is in this area. It might affect W. Look at northern part of Z, northern part of the population. Go into Z. Look in tandem with A.

Is there a way of doing that effectively?
MR. JOHNSON: There is. It goes against the Commission's earlier vote today. The big challenge is Z. Where to get population to make up for that is Sierra Vista. It splits Sierra Vista.

COMMISSIONER ELDER: Could we not get that from W?

MR. JOHNSON: Get it from Casa Grande, but poor Florence.

CHAIRMAN LYNN: Eastern part of --

COMMISSIONER HALL: We promised him we wouldn't deal with his area.

CHAIRMAN LYNN: We did deal with it earlier.

Going to the north for extra population, the district south, there tends to be only two choices without significant detriment to other things in place.

COMMISSIONER MINKOFF: I think this is the place. I'm not comfortable with the northern part of District Z.

I think any possible solutions may be worse. That's 12 to 15 thousand people. Don't know now how to get them out of that district without tearing EACO apart or tearing Sierra Vista apart, messing up Pinal County, or doing any one of a lot of things.

COMMISSIONER ELDER: What would happen if
you take this part right through here?

COMMISSIONER MINKOFF: What?

COMMISSIONER ELDER: Eloy and south, trade that back for this area and here?

COMMISSIONER MINKOFF: You are talking about the northern part of Z and E. Now E is overpopulated and you pull something out of E.

CHAIRMAN LYNN: Alternative?

COMMISSIONER ELDER: The area in W, area in Z.

COMMISSIONER MINKOFF: Doesn't work. If you look at Pinal County, Eloy can, and that southern portion of Pinal County, economically, the community, Casa Grande Coolidge, et cetera, the mining communities do not. This is a separate area of Pinal County. They're probably happier with Pinal County than they'll be with northern Tucson. Replace them with Eloy with a worse solution to the problem, because the western portion of Pinal County is a community of interest economically, socially, politically, et cetera. The western portion of Pinal is very different. West is agriculture, east is mining. What you're proposing, the mining, putting with agricultural. Splitting an agricultural community and putting that with northern Tucson, I don't think it's as good a solution.

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COMMISSIONER ELDER: I see your point. I also tend as I drive down the freeway just about to the, trying to think of any conflict, the western part of the freeway, Marana is agra, cotton all the way up to Eloy. Whereas go to the eastern side of the freeway, hit the mountains, hit other things going on, do not agra, industry. Seems as though trading agra for agra.

COMMISSIONER MINKOFF: Doesn't make sense for Pinal County. Maybe Marana, not Pinal. Splitting areas of Pinal. Very unified associations, connections that work together, county wide things relating for agriculture, and don't work with the area around Marana. Eloy works with Casa Grande. Connections are economics, agriculture, and those kind of things. And Kearny and Hayden and Dudleyville and Winkelman do not work that closely with Casa Grande. They work more closely with Globe and Miami.

COMMISSIONER ELDER: I guess we have a disagreement. There's a break from Eloy and Casa Grande, whether agra related from the trucks, the watershed from Santa Cruz going north, picks up part of the Eloy areas. Seems as though the connection is float water, CAP comes from the south, does not come from the north.

CHAIRMAN LYNN: From the beginning of the
discussion today, there was a thread of thought about
district Z being an anomaly. It's an anomaly in that it
connects mining interests of the eastern part of Pinal
County to retirement communities and western,
Northwestern part of Tucson, if you will, Oro Valley, if
you will, north. The option, if you will, was Sierra
Vista as a way for Pima County to pick up population in
F. You hear, we still find it uncomfortable, some of
us, with the configuration of Z. Is there a better way
so that we narrow the interests represented in that
district without having a kind disparity that seems to
occur when you put Hayden, Winkelman, Dudleyville Kearny
with Marana. This may not be a solution. It's
interesting to know if there's another way to work that
so it makes sense. That's part of what you are hearing.
Mr. Hall and Ms. Minkoff.
COMMISSIONER HALL: Mr. Chairman, the area
has significant tradeoffs. Mr. Elder says part of E, in
E, we split Flagstaff. Split, reconfigure the split of
Yavapai, ripple around through D, W, E, or Sierra Vista,
affect W, and then goes into Maricopa County. It is a
significant ripple affect. There's a trade in Z as
well. Those communities indicated a close relationship.
Casa Grande, I think, is separated and may reunite the
eastern Pinal, western Pinal. I'm not sure that trade

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is beneficial ROI, return on investments, if you will.
I think Mr. Johnson and his associates have taken a hard
look at eastern Pinal. I'm not sure there are any new
ideas out there.

Ms. Minkoff.

COMMISSIONER HUNTWORK: If you zoom in,
Census places are highlighted. The I-10 corridor, solid
Casa Grande, solid Casa Grande, look at Eloy, Arizona
City, 15,000 people, more people between them and the
Pinal-Pima County line. People in Pinal, Picacho, more
than the population of Eastern Pinal County. Then not
only splitting Eloy, Arizona City, right next to each
other, that split is more problematic. I don't like Z,
I admit. I don't like it. I don't think the mining
communities are a good fit with the rest of District Z.
The proposed change is a worse fit.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Scrambling the plan
there, didn't do the plan circuitously.
The plan, Doug, took in west Pinal with
Tohono O'odham. One, Mr. Hartdegen, the west, Gila
Bend, if add into Y, that was one they could live with,
shift Z, go this direction, have that dropped off. Add
what is being lost, Gila Bend, going with what is there.

COMMISSIONER HALL: Splits Sierra Vista.
COMMISSIONER ELDER: This population in west equals this. This into this. Population of Kearny, W. W into Y, and Y into the western part of Z. Take area in through this area here, west Marana, west Avra Valley. Make that fly. Tohono O'odham, the whole nation, do the population shift you're looking for.

One of the plans I can't find off the plan had a review, went almost up into the West Valley of Phoenix. I don't know whether it impacted the West Valley of Pinal County. My recollection is it did not.

CHAIRMAN LYNN: My understanding is that proposal, does that then mean the district that we approved earlier, starting with Cochise, would come across through Santa Cruz, up the west side of that district, outside of the reservation, around Tucson, and pick up Marana, if you take the Tohono O'odham Reservation out of Y?

COMMISSIONER MINKOFF: Take Ajo out as well, cut it off from the rest of the district.

COMMISSIONER ELDER: Take Y, taking Sierra Vista out to do this. But looking at it, took the area, added in Gila Bend, Ajo, and the Gila Bend area.

CHAIRMAN LYNN: Out of Y and put in Y.

COMMISSIONER ELDER: Western part of W and put in Y, area outside Tohono, would that make enough
difference and are we in --

COMMISSIONER MINKOFF: The western part of

Pinal County is huge, probably a hundred thousand
people. The whole county is 100,000, 80,000 people.

COMMISSIONER ELDER: Majority is central

and east.

COMMISSIONER HUNTWORK: Where do you
define Casa Grande?

COMMISSIONER MINKOFF: Gila, Ak-Chin

separating.

MR. JOHNSON: Mr. Chairman, if you are,
might go, one thing, Marana, upper Marana areas, this
area in W, I believe, Commissioner Elder, the area in W
you're looking at has zero population, no people to put
into Z.

The other problem area, Gila Bend

population, max 2,000, maybe 3,000 people. We're
talking about significantly more than that.

Kearny.

COMMISSIONER MINKOFF: Destroying the

border district.

COMMISSIONER HALL: How does it destroy

the border district?

COMMISSIONER MINKOFF: Tohono border with

Ajo.

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COMMISSIONER HALL: Florence showed me G4.

G4 goes from that area there all the way around and continues with the border. If you discount inclusion of Sierra Vista, exclusion, ad in the population you get from Eloy down in this area here, you end up with far more, keep Sierra whole, Cochise, the Tohono, the whole border, Pinal west, and keep it with Y, resolve the numbers issue, the problem with Y being Hispanic district, or at a least strong influence district.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I agree. There are unfortunate combinations. The fact it ends up competitive doesn't necessarily justify the way it becomes competitive, because just completely different groups of people are put together in that district. It's not like there's going to be a big public debate about a particular issue and some sort of rational consensus would be reached in that district. That's now how the dynamics of that district would work.

Different groups, unionized groups, regular Tucson areas, outside of Tucson, all mixed together, and it's hard -- that's not an idyllic competitive district that people talk about. It may produce a lot of voter turnout. Somebody is going to win. Someone will lose. Someone will be represented.
and someone completely unrepresented. It's certainly not the kind of district we'd want. How do we want it?

Mining districts go west into EACO?

Either pull something south out of EACO or go all the way around and put Holbrook into A? Take Hopi out of A and put it into C? Now you've got excess in C -- well, I don't know you can solve it that way.

The only solution the other way, just do a trade of parts of E then.

What happens on the north part of Z into E and take something out of the south part of E and connect with E? What happens then.

CHAIRMAN LYNN: The problem, no population on the other part of E that hooks up.

COMMISSIONER HALL: Other than Safford who I'm sure would love to be with North Tucson.

COMMISSIONER ELDER: Initially I was looking for a win-win, Navajo north, looking for additional population.

Where do we find population for the area to offset adding into the Navajo?

Mr. Hall may be right. If we do that, we affect Flagstaff. I'm looking for other areas, other ways not affecting Flagstaff.

It's a pile of worms we've got here. If
we were able to get here for the Navajo, if we can get
the mining interest into EACO where it should be, if we
can continue -- we having a raw culture, a broad area of
impact. Where does it divide easily? I suppose you say
pick Picacho Peak, Eloy north.

South, don't win anything there, being

able to balance.

There's a way -- I don't know numbers well
enough right around Flagstaff to notch out below and
keep Flagstaff whole. Keep Flagstaff whole, new
territories, new lands north of freeway, or I-40, into
Navajo, increase Native American population in that
district, I'd take mining communities, put into EACO,
offset for that loss. Where is population for Z? And
unless we work and instead of having Z be something none
of us, apparently, are happy with, having a Yavapai W we
appear to be happy with, if none of us appear happy
with, is there anything to the east of East Valley that
went north, pull into E, to offset giving Kearny and the
mines to the south, how much is urbanized goals,
principles, urban rule bias or split?

MR. JOHNSON: Commissioner, on the
question of District A, Navajo is 104,000, the Hopi is
7,000, roughly, and Flagstaff is 50, almost 53,000. If
talking taking 10,000 from Z and taking 32, have to
split Flagstaff. Even if you dropped off all
reservations, literally three entities alone make too
big, Navajo, Hopi, and Flagstaff, dropped Havasupai and
Hualapai off, split Flagstaff.

COMMISSIONER ELDER: Have on the table
Hopi may or may not be in the district. May be looking
Native American, looking at bench mark or retrogression
numbers. Look at new lands, an area, may be an area we
need to look at.

In the area south of I-40 and east I-10
where the word Park is on the map now, what is the
population of the entire area, 3,000?

COMMISSIONER MINKOFF: South of I-40, east
of I-17.

COMMISSIONER ELDER: East of I-17, what is
the whole area south of --

COMMISSIONER MINKOFF: Park? Not a lot.
Doug?

MR. HUTCHISON: Munds Park?

COMMISSIONER ELDER: If the whole area
went to EACO.

MR. HUTCHISON: Maybe 1,000 people. Not
even that, probably.

MR. JOHNSON: The only reason we know
that, District F2, because it is so totally deserted.

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CHAIRMAN LYNN: Again, if you can help us in any way, and we may need to revisit Sierra Vista, to be sure we're clear, the difficulty, we're trying to achieve 50,000/50,000 population in order to get the last District to configure. And we either have to go the north or south are the only choices we seem to have. So if there is anything in looking at it that jumps out at you.

COMMISSIONER ELDER: Or even part way to Globe, Superior, five miles, Globe, Superior, go to Kearny. Mining communities with other mining communities.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I think our consultants' plate is full at this point. Obviously there are additional questions we need to answer at least in the northern part of the state. My concern may well be solving hypothetical problems at this point. I wonder if we might be well to take challenges already there and come back with a more solid version of the map. Then when we're able make more decisions, then maybe we can address more concerns.

CHAIRMAN LYNN: Are there other issues we need to discuss legislatively?

If not, the Commission will stand in

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recess until, officially, 8:00 o'clock tomorrow morning.

   There's nothing but ethics training at 8:00 until 10:00. I'm happy to see you at 8:00.

   There's no public comment or any other business done before 10:00.

   MS. HAUSER: Before each of the Commissioners leave, stop by here and pick up something.

   CHAIRMAN LYNN: Pick up something from counsel on your way out.

   The Commission will recess until tomorrow morning at 8:00 a.m.

   (Whereupon, the hearing concluded at approximately 6:45 p.m.)

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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 212 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 26th day of October, 2001.

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

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