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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
October 9, 2001
10:00 a.m.

ARIZONA INDEPENDENT
REDISTRICTING
COMMISSION

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349

1 THE STATE OF ARIZONA INDEPENDENT REDISTRICTING
2 COMMISSION convened in Public Session on October 9,
3 2001, at 10:00 o'clock a.m., at the Sheraton Airport
4 Resort, 1600 South 52nd Street, Tempe, Arizona, 85281,
5 in the presence of:

6

7 APPEARANCES:

8 CHAIRMAN STEVEN W. LYNN

9 VICE CHAIRMAN ANDI MINKOFF

10 COMMISSIONER JAMES R. HUNTWORK

11 COMMISSIONER JOSHUA M. HALL

12 COMMISSIONER DANIEL R. ELDER

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ATWOOD REPORTING SERVICE
Phoenix, Arizona

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2 ADDITIONAL APPEARANCES:

3

4 LISA T. HAUSER, Commission Counsel

5 JOSE de JESUS RIVERA, Commission Counsel

6 DR. ALAN HESLOP, NDC, Consultant

7 DR. FLORENCE ADAMS, NDC, Consultant

8 MARGUERITE MARY LEONI, NDC Counsel

9 DOUG JOHNSON, NDC, Consultant

10 CHRIS HUTCHISON, NDC, Support Staff

11 MARION PORCH, NDC, Support Staff

12 LOU JONES, IRC Staff

13 CINDY LE, IRC Staff

14 KRISTINA GOMEZ, IRC Staff

15 AMY REZZONICO, IRC Press Information Officer

16 PAUL CULLOR, IRC Staff

17 TIM JOHNSON, MC, Computer Consultant

18 LISA A. NANCE, RPR, CCR, Court Reporter

19

20 AGENDA DESIGNATED SPEAKERS:

21 DR. ALAN HESLOP

22 DR. FLORENCE ADAMS

23 DOUG JOHNSON

24 CHRIS HUTCHISON

25

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2 SPEAKERS FROM CALL TO THE PUBLIC:

3

4 NEIL WAKE

5 MAYOR JOE DONALDSON

6 STEVE PERU

7 DENNIS MITCHEM

8 FRANK SEANEZ

9 MONICA NUVAMSA

10 JOE RIOS

11 SENATOR PETE RIOS

12 STEVE OLSON

13 DANNY ORTEGA

14 VICE PRESIDENT TAYLOR MCKENZIE (Navajo Nation)

15 LEONARD GORMAN

16 JIM HARTDEGEN

17 RUDOLFO PEREZ, JR.

18 ERVIN KEESWOOD

19 TERRI LEIJA

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1 Public Session
2 Phoenix, Arizona
3 October 9, 2001
4 10:00 o'clock a.m.

5 P R O C E E D I N G S
6

7 (Whereupon, be it noted on October 9, 2001,
8 from 8:00 a.m. until 10:00 a.m. Chairman Steven W. Lynn,
9 Commissioner Joshua M. Hall, and Commissioner Daniel
10 Elder attended Ethics Training with Pat Dunbar from
11 Arizona Department of Revenue at this location.)

12 CHAIRMAN LYNN: Ladies and gentlemen, good
13 morning.

14 We'll call the Independent Redistricting
15 Commission to order.

16 I apologize for the lateness this morning.
17 We had a couple issues to make sure we had all issues to
18 present on Congressional. We should be able to move
19 through that fairly rapidly.

20 For the record, all five Commissioners are
21 present along with consultants and legal staff as well
22 as our own IRC staff.

23 The first order of business this morning,
24 as it will be every morning during the meeting, it is a
25 public comment period.

ATWOOD REPORTING SERVICE
Phoenix, Arizona

1 This is the time for consideration and
2 discussion of comments and complaints from the public.
3 Those wishing to address the Commission shall seek
4 permission by filling out a speaker slip. Anyone that
5 has not done so, please do so and submit one as quickly
6 as you can, please. Action taken as a result of public
7 comment will be limited to directing staff to study the
8 matter or rescheduling the matter for future
9 consideration at a later date unless the subject is
10 already on the agenda for this date.

11 The agenda, as you well know, is fairly
12 explicit in terms of our purpose here this week.

13 Several individuals requested to speak
14 this morning. The first is Neil Wake, Arizonians for
15 Fair and Legal Redistricting.

16 Mr. Wake.

17 MR. WAKE: Mr. Chairman, Arizonians for
18 Fair and Legal Redistricting is a nonprofit corporation
19 that represents Republican interests.

20 I do have background in Congressional
21 Redistricting. In 1992 I represented another similar
22 group that commenced and prosecuted the Federal Court
23 litigation that resulted in the federal redistricting
24 map that resulted in 1992. Until now the Federal Court
25 accepted the map.

1 We have now embodied fair and neutral
2 bodies for redistricting, which others did not, in the
3 Court's view.

4 We wish the Commission to continue doing
5 what it has done so well up to now, which is to follow
6 the Federal and Arizona requirements of Constitutional
7 law, and other law, and to do so scrupulously.

8 It adopted the draft map for Congressional
9 Redistricting in reasonable and substantive compliance
10 with, substantive compliance, with Federal and State
11 law, made after fair procedures. Specifically we
12 believe it complies with the Voting Rights Act and will
13 have no difficulty obtaining preclearance for Arizona
14 with the Department of Justice after it supplies the
15 necessaries materials to the Department of Justice, and
16 it does and will do so getting preclearance with various
17 criteria as it does so without conscious political
18 partisanship.

19 I'll speak briefly on the so-called
20 Central Phoenix District Plan, misnamed, as it needs to
21 be called a part Glendale, part Phoenix, part Tempe,
22 part Phoenix plan, and I'll speak as to which parts were
23 selected and why.

24 First I'll speak to that plan being in
25 violation of the Voting Rights Act. There's evidence

1 before the Commission which is meaningful as to block
2 voting, polarized voting, voting behavior which reflects
3 the discriminatory intent. Therefore, to avoid Section
4 Two, which is in violation of the map, that should be
5 redrawn to neutralize that block voting. The so-called
6 Central Phoenix Plan does not do so and it results in
7 two minority, minority districts in the state that
8 dilutes from what is now one majority-minority Hispanic
9 district.

10 I point out the situation we have today
11 from what was before in the Federal Court in 1992 where
12 the question was block voting, polarized voting, that
13 was litigated. And the Court found at that time there
14 wasn't sufficient block voting and found it required
15 greater strength for Hispanic voters.

16 Central voting also violates Section Five
17 of the Voting Rights Act, violates retrogression of the
18 proposed draft plan, preserves one majority Hispanic
19 District.

20 The result of the plan we disagree with,
21 two minority Historic Districts, mechanical
22 retrogression, which we don't think would be approved by
23 the Department of Justice, don't think would be
24 sustained by the Courts or Department of Justice.

25 Proposition 106 itself has, as you know,

1 better than anyone, a hierarchy of values. Geographic
2 compactness is a value that must be observed, cannot be
3 compromised. Compactness, being respectful of political
4 boundaries, other geographical features, is a higher
5 priority. And, therefore, there are good reasons,
6 unavoidably some reasons for the subjectivity in
7 identifying some of the communities of interest.
8 Therefore 106 wisely sets a higher criteria for
9 respecting communities of interest.

10 This plan would link disparate parties in
11 the valley and the West Valley, violates the City of
12 Scottsdale's desire to be together. Even the City of
13 Tempe has more in common than it does with Glendale. It
14 violates the City of Glendale's self-identified interest
15 within its own city.

16 What is identified is the City of Glendale
17 identified its city plan. It is simple, pure political
18 partisan advantage, drawn for partisan purposes of
19 magnifying political power beyond its numbers, diluting
20 political power beyond numbers of political
21 competitiveness, which is considered the last value
22 under Proposition 106 and is only provided if there is
23 no significant compromise of the items with senior
24 numbers.

25 What this plan does, it undermines, does a

1 blatant, political gerrymander, is unconstitutional
2 under the terms of Proposition 106 itself.

3 I'd like to quote one line of the campaign
4 literature from the Fair Districts for Fair
5 Redistricting, Jim Pederson, Chairman, principal
6 proponent of Proposition 106.

7 They said, I quote, "Many areas are
8 heavily populated by members of one or another party.
9 Those communities have the right to elect
10 representatives that reflect their beliefs. You cannot
11 make some areas politically competitive without reverse
12 gerrymandering," close quote.

13 This amendment specifically guards against
14 that danger.

15 In short, well, let me conclude with one,
16 or two other briefs thoughts.

17 A quick look at the HH Plan put on the
18 wall yesterday. That plan appears at first blush to
19 have less of a Voting Rights Act problem. It also
20 plainly violates political boundaries to achieve what
21 is -- violates political boundaries, political
22 boundaries to achieve political results of
23 redistricting. It is an exercise that is -- there is no
24 harm in doing the exercise. One can fairly infer that
25 the people who were asked to draw a map more politically

1 close, that's the map you get, a barbell district, does
2 not comport to senior values under 106.

3 One last thought I'd like to add about
4 District H, Southeast Arizona, the East Tucson district.
5 That district is plainly politically competitive. The
6 Bush-Gore election results in that district would be
7 within three percent; running Arizona Corporation
8 Commission races are within one or two percent. Party
9 registration data is within five percent with a
10 Republican edge. Determining competitiveness, one
11 cannot rely on the strength of incumbency.

12 P District, an incumbent across party
13 coalitions does well. In measuring competitiveness, you
14 cannot measure that.

15 CHAIRMAN LYNN: Thank you, Mr. Wake.

16 There may be questions of you. Let me ask
17 the Commissioners or staff if there are.

18 In that case, thank you very much.

19 MR. WAKE: Thank you.

20 CHAIRMAN LYNN: Next speaker, Mayor Joe
21 Donaldson.

22 MAYOR DONALDSON: Thank you, Mr. Chairman,
23 as Mayor, I'll be speaking to the Legislative maps. And
24 as Mayor of Flagstaff, for the Council, on behalf of the
25 City Council, I speak of the request to remain whole,

1 for Flagstaff to remain in one Legislative District.
2 However, as expressed on three prior occasions, our
3 threefold request is equal for wholeness, for
4 recognition of community of interest, to be most closely
5 aligned with the cities and towns in Verde Valley.

6 The Legislative map you considered places
7 Flagstaff in one local government jurisdiction, District
8 A. The Local governments have specific needs and
9 interests which are different than those of Indian
10 Nations. Flagstaff as well as all local governments
11 requires considerations of State funding, state
12 transportation, state planning, police, fire, judicial,
13 management of natural resources.

14 Indian Nations receive federal funding for
15 many services.

16 Indian Nations are sovereign nations and
17 as such are linked to national issues, not local issues.

18 Our social issues are not the only ones
19 disparate. Local governments are structured to respond
20 to local government issues. We do not have similar
21 local issues.

22 I ask you to consider discussions about
23 communities of interests many engaged in yesterday. The
24 discussion included economic issues, discussion of
25 social communities. We heard you labor over how to take

1 communities into consideration. I'd ask you to take a
2 similar effort into considering my remarks this morning.

3 The City of Flagstaff actively pursues
4 strong relationships with Northern Arizona partners,
5 including Indian Nations. However, I ask the Commission
6 to recognize issues of sovereign nations that are not
7 similar to those of local governments.

8 I understand the effort made in defining
9 nations and communities of interest. And I'd request
10 you continue to work and to consider my comments.

11 The inclusion of Flagstaff in District A
12 is not acceptable. May I repeat that for clarity. The
13 inclusion of Flagstaff in District A is not acceptable.

14 I strongly suggest District C as defined
15 in the adopted maps, or District F as defined in the
16 draft maps, which includes the eastern portion of the
17 state.

18 Thank you.

19 CHAIRMAN LYNN: Mayor Donaldson.

20 MAYOR DONALDSON: Yes?

21 CHAIRMAN LYNN: Mr. Huntwork.

22 COMMISSIONER HUNTWORK: Thank you. Thank
23 you for the clear, candid remarks. I need to ask a
24 question. That is for the first time I heard you
25 clearly say that the desire to be connected with other

1 communities of interest was equal to be kept whole. I
2 want to ask you squarely: Can you prioritize those? If
3 we had to split Flagstaff in order to achieve, in order
4 to put part you in another district, would that be --
5 would you rather remain whole or rather have part of
6 Flagstaff associated with other areas?

7 MAYOR DONALDSON: My comments and comments
8 to the community to the Council, Flagstaff is the
9 regional hub for the Northern Arizona District. If you
10 split Flagstaff, this my opinion, to any degree at all,
11 and make it less than an entity in that district in
12 which it resides, it has no political power. It dilutes
13 us.

14 We have many issues. One is the primary
15 source of funding of Northern Arizona University, for
16 one; issues in the MNPO. We work strongly with the
17 partners of the region addressing the issues of the
18 region. But we lose that power as a rural area.

19 If we need to be looking at rural areas as
20 an entity. We are left, in my opinion, with the scraps
21 of the State of Maricopa. We have to recognize rurals
22 must have an opportunity to be equally forceful as the
23 State of Maricopa. That's not going to happen when you
24 dilute it more than what it is. It's just not going to
25 happen.

1 If the northern region, with Flagstaff as
2 the hub, as a powerful entity that works in cooperation
3 more easily as an urban entity achieving their goals, as
4 we talked about across areas in talking to some urban
5 areas, and they began to see how the northern rural
6 areas are a strong entity as themselves, and we help the
7 urban entities themselves achieve their goals, if it is
8 a game, a matter of giving up part of Flagstaff in order
9 to reach a compromise, we'd have to see that. I
10 couldn't make a determination on it. We'd have to
11 discuss it among the partners, make sure it's something
12 that served the interests of rural Arizona.

13 We are rural, have to maintain a dominant
14 force in the rural area.

15 We can't be split.

16 COMMISSIONER HUNTWORK: Thank you.

17 MAYOR DONALDSON: Did I answer your
18 question?

19 COMMISSIONER HUNTWORK: I think so.

20 CHAIRMAN LYNN: Assuming Flagstaff were
21 kept whole, the influence in whichever district you were
22 in was the same, constituted the same percentage of
23 whichever district you found yourself in, by definition
24 the same population was there relative to the district
25 you are in, with your statement would there be any

1 dilution in your political power by splitting, if you
2 set that aside a moment? Wouldn't that argue the same
3 force whether in District A, as currently configured?

4 MAYOR DONALDSON: No. No, sir.

5 Our fear, the issues are not represented
6 as well as they could be outside a sovereign nation
7 entity. Talking about 73, 63 percent power within the
8 sovereign nation over Flagstaff. I don't see our issues
9 as represented between the issues between sovereign
10 nations.

11 CHAIRMAN LYNN: Don't the issues of a
12 sovereign nation go more to the state?

13 I understand the impact of both. Don't
14 they impact both?

15 MAYOR DONALDSON: I know. Income tax,
16 revenue tax. Different -- property rights. There's
17 difference in the way they're handled. It's difficult
18 to send two legislators.

19 If you've only grown up in sovereign
20 nation ideology, it's difficult to understand how to
21 work outside of it, to go outside, find issues to work
22 together on it in common.

23 COMMISSIONER MINKOFF: Mr. Donaldson, I
24 appreciate your comments and appreciate your concerns.

25 When you refer to maps F2 and C -- C and

1 F2, in earlier tests you were looking at, yesterday you
2 made a decision to make a decision to move forward and
3 work with workable districts while uniting Flagstaff and
4 putting together the district of the Navajo Nation.

5 Looking just at test 3G, the one you are
6 looking at, do you have any suggestions, other than
7 scrapping the whole thing, to allow Flagstaff in the
8 district with the Verde Valleys you would like to make
9 that particular map work?

10 There are a lot of people, 50,000 people
11 in Flagstaff. Any --

12 MAYOR DONALDSON: Well --

13 COMMISSIONER MINKOFF: Is there any way
14 you can see making that work?

15 MAYOR DONALDSON: Having been on the
16 school board and being the Mayor, I cannot make
17 suggestions without having the proper knowledge to make
18 suggestion. I don't like to operate without having
19 facts, a lot of facts as to how to manipulate areas. I
20 can see when push would come to shove, it could be done.
21 I in my own right have suggestions. I wouldn't want to
22 make those public, not have things making them public.

23 I'm not avoiding the comment. I just
24 wouldn't want to make the offer. So it's important to
25 the community to remain whole.

1 COMMISSIONER MINKOFF: Is it something you
2 could ask people in the community and come back?

3 MAYOR DONALDSON: Certainly could.

4 CHAIRMAN LYNN: Mr. Hall.

5 COMMISSIONER HALL: Thank you for your
6 input.

7 We understand the desire for unification
8 and to remain whole.

9 Backing up to Mr. Huntwork's idea of
10 possible division, could it not also be argued if
11 Flagstaff were divided, you'd have twice the
12 representatives at the legislature?

13 MAYOR DONALDSON: We had that discussion.
14 But no. It looks great on paper. No. It doesn't work.
15 If I were running for office, look where the numbers
16 are. Not Flagstaff. I'd have to be tied to the urban
17 areas where the numbers are, or the Indian Nation where
18 the numbers are. So it wouldn't work. It would split
19 us even worse.

20 COMMISSIONER HALL: I understand that.
21 There would be four members in the house that would have
22 Flag and two senators.

23 MAYOR DONALDSON: Looks good on paper,
24 sir, but in reality it does not work.

25 CHAIRMAN LYNN: Thank you, Mr. Mayor.

1 Next, Steve Peru, Deputy County Manager.

2 MR. PERU: I'm Steve Peru, Deputy County
3 Manager for Coconino County. I'm here to read into the
4 record a letter by Paul Babbitt from the Board of
5 Supervisors.

6 Dear Mr. Lynn:

7 At the Board of Supervisors meeting on
8 October 2nd, 2001, the Board of Supervisors reviewed the
9 various Legislative and Congressional alternatives.
10 After review and discussion, the Board chose to support
11 the following:

12 Legislative, support the original draft
13 map with adjustments. A copy of our September 4, 2001
14 letter to the Commission is attached which outlines
15 specific comments on the draft map. As a second
16 preference, the board would support alternative F2,
17 however, we would ask that an adjustment be made to
18 include the area adjacent to the corporate boundaries of
19 the city of Flagstaff Metropolitan Planning Organization
20 boundaries. Realizing that to include the area
21 requested would result in an increase of population
22 beyond the allowable range, we would ask that the
23 southern boundary boundary of District C be moved up,
24 possibly to the Maricopa County line.

25 Congressional -- support alternative

1 double A. We reiterate prior concerns surrounding the
2 Moenkopi Village. This area has been expanded to
3 include areas of other existing precincts. Also, the
4 path to Moenkopi is different from th path that is
5 currently being used, State Route 264. Finally, we
6 reiterate our request to work Commission staff and
7 consultants in analyzing the path that is being used to
8 the larger, southern portion of District A, to the Hopi
9 Reservation, be insure that the path has little or no
10 existing or planned residential development or
11 population.

12 Again, thank you for giving the Coconino
13 County the opportunity to comment.

14 CHAIRMAN LYNN: Thank you, Mr. Peru.

15 Are there questions for Mr. Peru?

16 CHAIRMAN LYNN: Next is Mr. Mitchem.

17 MR. MITCHEM: I come before you as a
18 person that was part of the creation. Thank you for
19 taking on this awesome job.

20 Northern Arizona University, I remind you
21 Northern Arizona University is a University located in
22 Flagstaff. 14,000 students are on the campus there.

23 It is our mission to serve all rural
24 Northern Arizona.

25 There are 6,000 students outside the

1 mountain campus.

2 I speak on behalf of Sandy Castro,
3 President. The Administration would speak in support of
4 the position taken by the City of Flagstaff and Mayor
5 Donaldson. I would also like to add a personal comment.

6 For something over 30 years I was a CPA in
7 practice in Arizona doing audits. In the performance of
8 services not only in the City of Flagstaff, Northern
9 Arizona University, but also for several Indian Nations.
10 That experience causes me personally to agree
11 wholeheartedly, to agree with the City of Flagstaff,
12 they are not like communities, the City of Flagstaff and
13 the Indian Nations.

14 Thank you. I'd be happy to add to
15 comments, if it would be useful.

16 CHAIRMAN LYNN: Thank you, Mr. Mitchem.

17 Next is Mr. Seanez with the Navajo Nation.

18 Mr. Seanez.

19 MR. SEANEZ: Thank you.

20 The Navajo Nation is here to again express
21 concerns. The Navajo Nation is very concerned with
22 adoption of the new Legislative test map 3G as the now
23 default standard for the Legislative redistricting. The
24 Navajo Nation was induced by the Commission on the 15th
25 of September to look at a number of scenarios.

1 The Navajo Nation was extremely flexible
2 in trying to provide other options for the Commission in
3 its deliberation.

4 The Navajo Nation provided additional
5 options in addition to the fully acceptable proposal for
6 a Legislative District, Legislative scenarios D and F.

7 The Navajo Nation, in spite of the
8 invitation by the Commission, one Commissioner in
9 particular, look further options. The Navajo Nation
10 went so far as to approve other further option F. D
11 never received a hearing, never, certainly not on the
12 24th of September when the Commission next met.

13 It's scenario F, now called F2, received
14 some discussion, and did survive into the next round of
15 consideration. However yesterday there was no
16 discussion whatsoever of F2 that ever took place.
17 Instead the Commission moved relatively directly to
18 approval, directly to G2.

19 The Navajo Nation finds G2 unacceptable as
20 a Legislative map.

21 The Navajo Nation agrees Flagstaff and
22 Coconino County, Flagstaff and the Navajo Nation in the
23 same Legislative map immediately for 10 years despite
24 the political strength of the Navajo Nation, growing
25 political strength of the Navajo Nation, and growing

1 political strength of the City of Flagstaff and Coconino
2 County, is of detriment to the Navajo Nation and City of
3 Flagstaff, as well it further dilutes and harms the
4 political strength of Northern Arizona rural Arizona.
5 The Navajo Nation is extremely concerned about that.

6 What the Navajo Nation continues to
7 recommend and is flexible in its position about is
8 consideration of test F2 which will maintain the Native
9 American population and voting rights in accord with
10 Section Five and Section Two of the Voting Rights Act.
11 It will maintain separate communities of interest and
12 separate Legislative Districts for the Navajo Nation and
13 City of Flagstaff as well as following clear,
14 unambiguous, unopposed White Mountain Apache Tribe and
15 San Carlos Apache Tribe and the Navajo Nation as adopted
16 by resolution of those tribes, as well as the Navajo
17 Nation adopted by resolutions.

18 The Navajo Nation heard yesterday that
19 there is a report from Frontier, from International
20 Election Consultants, that supports a much lower Native
21 American population for an effective district. In the
22 Navajo Nation Frontier report from Dr. Lisa Handley we
23 find no support for such conclusion in the findings or
24 text of that report. The Navajo Nation inquired whether
25 that was the full report of Dr. Lisa Handley and we were

1 advised that that is the full report of Dr. Lisa
2 Handley.

3 Unless there is other information not
4 being shared with the public, not being shared with the
5 Navajo Nation, we're not aware of information from
6 Frontier or the public which supports such a conclusion.

7 The Navajo Nation supports the conclusion
8 of Flagstaff within the same Congressional district with
9 the Navajo Nation and continues to do so.

10 The Navajo Nation is extremely flexible in
11 it's presentation before the Commission regarding a
12 conclusion as a well-adopted report, internal report,
13 regarding an adopted district is different from the
14 Navajo Nation's proposal. But the Navajo Nation does
15 request one additional change, the inclusion of the Hopi
16 Tribe within the Congressional District including the
17 Navajo Nation and also paring off the necessary 7,000
18 individuals from the southern portion of Yavapai County
19 within that district.

20 The Navajo Nation would appreciate true
21 consideration of both the Yavapai consideration and our
22 flexibility.

23 CHAIRMAN LYNN: Comments or questions for
24 Mr. Seanez?

25 Monica Nuvamsa of the Hopi Tribe.

1 Ms. Nuvamsa.

2 MS. NUVAMSA: Good morning, Commissioners.

3 I'm here representing the Hopi Tribe,
4 Tribal Chairman Wayne Taylor.

5 The Hopi have attended most in of the
6 Commission's sessions in Flagstaff, Phoenix, and the
7 interactive, most.

8 As stated, the Hopi Tribe request to be
9 separate in Legislative and Congressional Districts from
10 the Navajo. The Navajo redistricting position is a
11 blatant disregard to the Hopi request for whole and full
12 representation.

13 The Navajo government-to-government
14 issues, when publicly issued as a proposal to the Hopi
15 Tribe are then proposed to violate equal rights, our
16 position to remain separate.

17 We strongly believe to be included with
18 the Hopi historic enemy, the Hopi Tribe voice will be
19 extinguished.

20 The Hopi Tribe history recently has been
21 one of conflict. In the context of redistricting, it's
22 been a competing district on both tribes. The Hopi
23 Tribe summary on legal summaries and principles
24 outlining the Hopi's request to remain separate from the
25 Navajo Nation is despite the Hopi District A and the

1 Navajo using large blocking even to block Navajo
2 interests.

3 Navajo District Number 3 is represented by
4 one Navajo Senator, Jeff Jackson, and two Navajo
5 representatives, Laughter and Tom. Moenkopi Village was
6 represented by this. Jack Jackson, District Three, was
7 introducing the Hopi senior centers from an
8 appropriation bill for both tribes. He did not know he
9 represented Hopis, too.

10 Although electing a Hopi member would be a
11 great challenge, being separate from the Navajo at least
12 would be equal and fair representation.

13 The Hopi Tribe research bill states it's
14 over the last six bills. Research shows all bills
15 focused on research services only. We hope for the IRC
16 the Hopi are separate from the Navajo in a Legislative
17 District because our issues are federal in nature.

18 The irony of this statement is proven by
19 the position we find ourselves in today for political
20 faith in a political tribe of a sovereign nation which
21 is left in your hands. The Navajo vote will not be
22 heard but lost in the Hopi 61 percent voting power,
23 which is still more than 39 percent. Inevitably
24 District A will continue to be represented by Navajo
25 members.

1 The Hopi Tribe wants to make it known to
2 establish a Navajo dominated district is unfair,
3 unconstitutional, and dominates us unfairly.

4 Hopi is small compared to Navajo. There
5 are few broad issues in common to Navajo, as they would
6 lead you to believe.

7 I'd like to share with you Legislative
8 history.

9 I have here a copy of the research the
10 Hopi Tribe has done on state Legislative bills from the
11 45th Legislature back to 1995, 42nd Legislature,
12 highlight some bills introduced. The Kayenta Schools,
13 \$3.8 million dollars from the State General Fund.
14 Veteran services, 3.8 million.

15 COMMISSIONER ELDER: Hopi.

16 MS. NUVAMSA: By Hopi applying, it doesn't
17 specify any will go to the Hopi Tribe or its
18 communities.

19 To clarify, the Kayenta Navajo community
20 is located two hours north of the Hopi communities.
21 Kayenta College, Sunny Committee, State College, Kayenta
22 College Services of the Navajo Nation, not Hopi.

23 They focus primarily on Navajo culture.

24 We have a 200,000 request for Navajo
25 programs in 1995. None of these bills have any

1 indication there will be service to Native Americans in
2 general or the Hopi Tribe specifically.

3 Finally I'd like to state these are the
4 improper base maps to use, solely, for a certain level
5 minority population rather than seeking a fair and equal
6 population for all minority groups, such as the Hopi.

7 The Hopi Tribe continues to request and
8 continues to maintain the need for separate districts
9 for both the Hopi and Navajo Tribes.

10 CHAIRMAN LYNN: Thank you, Ms. Nuvamsa.

11 Questions for Ms. Nuvamsa?

12 Next speaker, Joe Rios.

13 Mr. Rios?

14 MR. RIOS: I put on I represent myself.

15 I contacted by phone, city leaders, some
16 union leaders, party leaders, it was difficult for them
17 to come down. I was not representing myself, officially
18 coming down, yes, had talked to them. And it's
19 difficult to do. Let me clarify that.

20 I'm here to talk about Pinal County.
21 Kearny, Pinal County.

22 In Pinal County, what we've done to
23 identify ourselves, we've called Northeast Pinal County
24 the mountains; the valley, Casa Grande and Eloy, the
25 valley.

1 When I refer to the mountains, the cities
2 I believe you cut off, away from Pinal County, are the
3 mountain area. The mountain area is a unique area, an
4 area with a lot of mining. It depends on mining,
5 prisons, on state jobs, and is actually a closely-knit
6 group.

7 To illustrate, put us with Tucson, put us
8 with communities, retirement, Rancho Vistoso, the Oracle
9 area, developers have gone to the Oracle area, developed
10 1,500 to 2,000 homes in the Oracle area. Oracle got
11 residences in cities of Mammoth, cities like Kearny,
12 Superior.

13 To help cities in the valley, when I ran,
14 "Pete stopped development." Referendum vote next year,
15 another developer, I got more money. He said, "6,000
16 units West Oracle." Again, what I did was run full-page
17 areas, mountain areas, valleys, too: You should not
18 sign petitions to stop development. Put the referendum
19 to a vote. Keep it there. It's your best interests.
20 People in the mountain areas and valleys, signs: Pete
21 stops development.

22 Again, the referendum vote was not put
23 there.

24 You don't have a community of interest.
25 That will happen. That's my best illustration. You

1 don't have a community of interest for people you're
2 trying to put together and in with.

3 We have the cities of Superior, largely
4 Hispanic, ballpark, 80, 90 percent; Kearny; Dudleyville,
5 70, 80; San Manuel, 40, 50; Oracle, 30, 40 percent. And
6 to illustrate the voting power of the last three
7 decades, Representatives and two from the House of
8 Representatives come from the mountain area going back
9 three decades. We've elected the representative of our
10 choice.

11 You continue to leave us right now, we'll
12 never again be able to elect a candidate. A candidate,
13 party affiliations the way broken down, you'll have
14 diluted the votes of all people in Superior, Kearny, San
15 Manuel, and Kearny areas, disenfranchised anything we
16 have. If you want an opinion in this chase, Pinal is a
17 largely Democratic county. The choices, you split Pinal
18 in half. We won't have that. We'll never elect another
19 candidate of our choice again.

20 As I did mention, I called a lot of
21 people, asked them to come. A lot could not change
22 their calendars for today. A lot did express an
23 opinion. That opinion is why we're doing this. In the
24 meetings we all had, we heard one of the priorities was
25 to make sure Pinal was as whole as it possibly can be.

1 They read it in the newspaper. All in the
2 newspaper, they're taking care of the Pinal County split
3 in middle.

4 A lot not prepared. Hearing from all
5 meetings, this is what was going to happen. Superior is
6 going to be a new edition to the Legislative District.
7 But as far as being able to say yes, they're going to be
8 voting. The same with the rest of the mining
9 communities in the area.

10 To illustrate, there was a saying a couple
11 years ago, in Globe, Miami, a candidate out of the
12 Globe, Miami area, a Hispanic, received quite a few
13 votes in Globe, Miami, and made it through the primary.
14 Come to find out from the County Attorney, District
15 Attorney, she came out and said "This guy was convicted
16 of this, or has been charged with this, whatever.
17 Actually it was a very bad offense. When went to the
18 general, the guy was saying "criminal," but obviously
19 already had done time. Whatever happened? Who do vote
20 for? The Hispanic or someone with whom we not share
21 views?

22 They voted for the a criminal. Not
23 criminal -- the criminal vote -- with a Republican they
24 could never, ever share their views.

25 I believe Superior would come with us,

1 have the same community of interest with us. I talked
2 to a lot of leaders. They'd rather stay with Pinal
3 County, don't want to be Tucson, don't want any other
4 county. Pinal County, that's their this opinion.
5 Unfortunately, like I say, couldn't change schedules to
6 be earlier.

7 Hope you consider putting us back in
8 together.

9 I guess if there are any questions, I'll
10 answer them.

11 CHAIRMAN LYNN: Any questions?

12 COMMISSIONER HALL: Mr. Rios, don't know
13 if here, but we spent a fair amount of time trying to
14 find a work around to compensate for approximately
15 26,000 people in the work-around you describe, literally
16 fighting where to find population, trades for population
17 in the fringes.

18 MR. RIOS: Some conversations I had than
19 during the night, a lot of people say I guess if you
20 made Sierra Vista, if you made them whole, put them into
21 DD and basically rotate Y clockwise, have it come in
22 over here, take Gila Bend, take some of that population
23 away, even out the populations, that might be an answer.

24 CHAIRMAN LYNN: Mr. Rios, thank you very
25 much.

1 The next speaker is also from that part of
2 county, State Senator Pete Rios.

3 Senator Rios.

4 SENATOR RIOS: The other Mr. Rios covered
5 a lot of comments I was going to make.

6 First of all, let me commend the
7 Commission. I know you have a difficult task. I've
8 been there, can attest to that. You have a lot of
9 conflicting testimony on the same particular area. I
10 can appreciate what you are wrestling with.

11 Let me say District Z, Mr. Rios before me,
12 in cases I also believe that that particular draft of
13 the map does disenfranchise and divide a community of
14 interest.

15 If you look at one of handouts from you
16 all, the Hispanic percentages, by those facts, you'll
17 see the shaded areas north of Tucson, Hayden, Winkelman,
18 Mammoth, Oracle, San Manuel, those areas, heavy shaded,
19 Latino areas, 50, 70 percent Latino communities. These
20 are communities that have worked, particularly Eloy,
21 Florence, Eloy, Casa Grande, north of the railroad
22 tracks, it's not worked well with them.

23 The community of interests come together
24 to elect in the Legislature, and its of their choice.
25 Over the last 20, 25 years, candidates of choice, three

1 of three. In those years where not three out of three
2 Latinos, two out of three were Latinos. These are now
3 mountain areas. Mountain areas are now being put in
4 District Z with Tucson that has very little interest,
5 very little community of interest with them. Tucson
6 interests, Rancho Vistoso, Marana, some of the
7 foothills, Saddlebrooke, they are not similar
8 communities.

9 Also, remember some of the communities
10 were mining towns and are not mining towns now, such as
11 San Manuel.

12 VHP shut down a while ago. People didn't
13 leave. A lot of people commute to Tucson on a daily
14 basis to work. The majority of people commute to
15 Florence where there's a state prison, Florence, where
16 there's a federal detention center, Florence, to private
17 prisons owned by CCA, or come out to Eloy that also has
18 a federal prison. That's where a lot of people who were
19 laid off from the copper miners work. The rest of the
20 people laid off the copper miners still work.

21 Very little in Tucson. These mountain
22 people have very little in common with Eloy.

23 Somebody suggested Globe, Miami. I don't
24 think about the EACO block, them being part of Globe,
25 Miami. A lot called. I called a lot. A lot could not

1 change work schedules. Mines or the prison, they said
2 you are an elected official. You are an official. I
3 tried to state away. I was at the beginning. I'm not
4 here as Pete Rios, one term to go before termed out,
5 representing mountain communities, Latino. They believe
6 there's something to be said and don't want to be
7 disenfranchised working for the rest of the Latino
8 electing candidates now in Phoenix. It's a numbers game
9 coming down to that.

10 I guess what I heard was testimony from
11 the Sierra Vista business community Chamber of Commerce,
12 that they have a lot in common. Tucson would like to be
13 part of district B, D. Sierra Vista is divided, other
14 part with Pima County. They've never been whole,
15 Cochise County. They'll pick up a lot there.

16 Mammoth, Oracle, Hayden, Superior, Kearny.
17 If District Y needs additional, pick up Gila Bend as
18 part of the district.

19 Again, for whatever it's worth, take those
20 comments.

21 CHAIRMAN LYNN: Thank you, Senator Rios.

22 Comments, questions for Senator Rios?

23 Senator Rios, I want to return to the last
24 comment. I would ask you about what you stated about,
25 Joe Rios, the prior speaker, and you talked about the

1 possible fix with Sierra Vista.

2 In the testimony from Cochise County, even
3 though absolutely correct there was some testimony from
4 the Chamber, they mentioned a business community,
5 relating to the Chamber connection between the Chamber
6 and Tucson, substantial testimony from others about
7 maintaining wholeness of Sierra Vista, wholeness. Is
8 there anything of the current configuration on
9 wholeness? I understand that it does split Sierra Vista
10 out from Cochise which does suggest one could make an
11 argument for a community of interest being formed at
12 least by political representation over the last several
13 years between Sierra Vista and Tucson.

14 If that's an unfair question, I'll
15 understand that. I'm trying to explore the efficacy of
16 the fix we're talking about in terms of the problem you
17 are talking about.

18 MR. RIOS: There are a couple comments I
19 can relate to that. The sad brake is in our district
20 but they have more in common, Sun City, Rancho Vistoso,
21 and Tucson. Apache Johnson in my district is split down
22 the district. Half wants Tucson and other the half,
23 huh-uh, want to stay with Maricopa. That's what I find
24 and see with a Sierra Vista.

25 Our interest in the Tucson business

1 community and others is trying to maintain our rural
2 identity.

3 The reason I guess I propose that as a
4 fix, I think, is at the end of the day who are the
5 protected classes in the State of Arizona? I think you
6 find mining communities 50, 80 percent Latino, then the
7 City of Sierra Vista.

8 CHAIRMAN LYNN: Mr. Hall.

9 COMMISSIONER HALL: Mr. Rios, southern
10 district, Cochise, why, if I'm not mistaken?

11 COMMISSIONER ELDER: Yes.

12 COMMISSIONER HALL: With a very heavily
13 minority influenced district, almost to the point of
14 majority minority. High forties.

15 MR. JOHNSON: Voting age are high forties.
16 Total populates majority-minority.

17 COMMISSIONER HALL: Adjustments were made
18 pursuant to that. Would not that adjustment affect the
19 majority minority and, if so, what is the opinion of
20 that?

21 MR. RIOS: Putting all Sierra clearly put
22 up with Y, make it a higher minority. The major
23 population of Sierra is not minority. Increase the
24 total majority-minority numbers. I think that's
25 something you probably want to do.

1 CHAIRMAN LYNN: Senator Rios, thank you
2 very much. We appreciate numbers.

3 Steve Olson, Government Relations Office
4 for Scottsdale. I note Mr. Olson has the Norweigen
5 spelled with an O. And there's a basketball coach with
6 the same name. You should get tickets.

7 (Laughs.)

8 MR. OLSON: Mayor Mary Manroth asked me be
9 here.

10 One, to appreciate what did in the past,
11 hold communities of interest, the City of Scottsdale as
12 much as feasible is one Legislative District. We
13 recognize the problem today, there are some hundred
14 thousand people in the Scottsdale Legislative District.
15 We recognize the problem and want to be kept together.
16 And short of bussing a line under the Legislative test
17 map, we appreciate how the Legislative District solidly,
18 as well as how the lines work in the City of Scottsdale
19 and what happened with Legislative Q, have a lot of
20 community of interest with the City of Tempe.

21 The concern we're expressing today when
22 you went to Legislative test map G, what you have done
23 is created a Legislative D. Now that basically
24 encompasses Wickenburg, Yarnell, Mayer, as well as the
25 Scottsdale, Carefree, Cave Creek area.

1 It's tough to define the community of
2 interest in the Scottsdale area, communities of interest
3 of Buckeye, North Yarnell, reveal U and A, north B. As
4 we looked at it before, the August 21st map, August
5 21st, the F August map, we felt that a much better job
6 was done representing the community before us, Cave
7 Creek, Carefree with Scottsdale.

8 We recognized the problems, Cave Creek,
9 Carefree, being with Scottsdale. Not problems you had.

10 We'd like you to reconsider D, find a way
11 to narrow down the closer knit community of interest.
12 That's why I'm here today.

13 CHAIRMAN LYNN: Thank you, Mr. Olson.

14 Next speaker is Danny Ortega for
15 Congressman Pastor.

16 MR. ORTEGA: In the interests of time, I
17 won't repeat what I said in Glendale.

18 One specific reason for the whole idea of
19 a Central District, it involves more than just Phoenix.
20 Of course the Congressman continues to stand with his
21 position to create such a district would disenfranchise
22 a tremendous number of minority voters, Hispanic
23 numbers, the northeast vote. The map is going to,
24 involves, just generally, the area east of I-17, north
25 of I-10, west of 24th and Camelback, the whole area

1 there, and takes those people out District D in a clear
2 violation of 24th and Camelback, what is known as Prop
3 106, for voting dilution.

4 Also understand you take a central
5 district and change District D to include Northwestern
6 areas of Maricopa County to connect El Mirage, put El
7 Mirage in between the Bethany Home area, high growth
8 area that is not Hispanic, and are looking at
9 potentially the next five years, further diluting the
10 Hispanic vote in District D.

11 Once again, I urge this Commission to
12 stand on the map it presently has with a couple changes
13 have been requested.

14 I'm also here to information this
15 Commission it has been said to me "Danny, all you do is
16 represent an incumbent. You do not represent any other
17 constituency."

18 I'm here because the Congressman has
19 represented a constituency for over 10 years. I've
20 represented the Congressman and his constituency for 10
21 years, not only dealing with highly-drawn lines, area
22 the Congressman served, and the constituency he served
23 for over 10 years.

24 Number two, the coalition before the
25 coalition, and with few minor changes, also opposes the

1 Central District idea.

2 We also note, and in the testimony in a
3 bit by MALDEF, it also opposes the Central district
4 idea. Maybe I didn't make it clear enough.

5 I have been working for the Coalition
6 quite a bit. Aaron is here to show up on behalf of the
7 coalition, and no MALDEF will be here to do the same.

8 CHAIRMAN LYNN: Questions for Mr. Ortega?

9 MR. ORTEGA: If it's the Central map I'll,
10 comment.

11 COMMISSIONER MINKOFF: That does give rise
12 to a question. Is your concern with the central
13 district as it is currently drawn.

14 MR. ORTEGA: Only thing I have to go off
15 on is as to what has been proposed. What has been
16 proposed is this area, square area I talked about.

17 Let me just go from the map on.

18 If you take AA, District DD, and go down,
19 Bethany Home on north, I-17 to 32nd Street, you have
20 I-10 on the sought, from I-17 to about 48th Street, and
21 then 48th Street east and I-17 on the west, that is an
22 already of concern. That is what we believe would
23 absolutely put any map drawn by this Commission into
24 very serious trouble for preclearance.

25 There's a tremendous number of Hispanics

1 out of District D. If the Central District D includes
2 that area, that's what we're concerned about, nothing
3 definite or solid. We heard proposals as low as
4 Roosevelt and high as Thomas. If you simply take, take
5 D up northwest up along Grand Avenue, Surprise and make
6 up for what you have, look down there, from a standpoint
7 of competitiveness, I think you place a secondary role
8 issue on competitiveness. If you look at that, gain
9 Hispanic areas, you also gain a high growth area,
10 predominantly Anglo, that's growing by leaps and bounds,
11 slow the growth of the voting dilution in El Mirage and
12 Surprise.

13 Communities in the area pointed out a lot
14 more common than communities in South Phoenix, than
15 areas near Youngtown and Sun City.

16 Those are concerns there, also.

17 This is not to us a matter of simply
18 trying to grab, Democraticwise, as much as possible, or
19 Hispanicwise. It's a matter of trying to keep the
20 community votes together, Hispanics are Democratic,
21 putting us together the way the law requires you to do
22 it.

23 CHAIRMAN LYNN: Mr. Elder.

24 COMMISSIONER ELDER: Yes, Mr. Ortega.

25 We're kind of on the edge of a dilemma.

1 To one extent, we're looking to get another
2 Congressional District to be competitive.

3 We've heard pros, cons. If it is
4 competitive, if you put a good candidate, good issues on
5 the table, you may get another Democratic Congressional
6 person to work with. Would that not be preferable to
7 adjacent --

8 MR. ORTEGA: -- I've answered somewhere
9 else. What's important to the Hispanic community is the
10 best chance possible to elect their candidate of choice
11 with high numbers in voting age population. And another
12 factor I'm sure your consultant will deal with, the
13 issue US citizenship factor brings numbers down.

14 It is our position, the real chance we
15 have, in this whole state of Arizona, to elect a
16 Hispanic is D, with the numbers there as presently, as
17 you've configured District D. Change that, reduce that,
18 you stop that from happening, especially when you reduce
19 a lot of the numbers from happening.

20 Our district is primarily interested in
21 electing a Congressman of its choice. It can be anyone.
22 Clearly we'd like it to be a Hispanic, to be up front
23 with Commission. It can be anyone, whoever it is.

24 The question with regard to
25 competitiveness, if you cannot replace the argument

1 really with competitiveness, you can't. If you wanted
2 to increase the opportunity for a candidate to compete
3 competitively, you have one. And that's a rural
4 district, simply shifting areas in Yavapai to make
5 stronger interest rather than taking splitting interests
6 in Yavapai County.

7 CHAIRMAN LYNN: Mr. Hall.

8 COMMISSIONER HALL: I'm sorry, Mr. Rios --
9 Mr. Ortega.

10 MR. ORTEGA: The Senator only has one
11 term.

12 COMMISSIONER HALL: Mr. Ortega, could it
13 not be argued configuration G, a Hispanic has a high
14 chance being elected?

15 MR. ORTEGA: The way framed, if you look
16 at numbers, voting age population, and the stage it's
17 in, there's less of it likelihood happening in G than it
18 is in D.

19 COMMISSIONER HALL: Thank you.

20 CHAIRMAN LYNN: Mr. Ortega.

21 MR. ORTEGA: The greatest likelihood is D.

22 CHAIRMAN LYNN: I think you clearly
23 articulately and captured the dilemma, dilemma of doing
24 things which, for the sake of proper representation, and
25 voting rights issues, placed them in conflict with the

1 concept of competitiveness as defined in Proposition
2 106.

3 I know you are familiar with the numbers
4 that have been used, and the numbers generally are that
5 with a spread in registration statewide of something of
6 the order of five, six percent, between the two major
7 parties, and that competitiveness needs to be in the
8 range not too far outside that parameter for it to be
9 considered real competitive.

10 When you take the districts that properly
11 are under the Voting Rights Act, you eloquently
12 explained they need to be drawn in order to assure that
13 five, six percent spread for the remainder of the state
14 to be elevated to something like a 14 percent spread to
15 make it far more difficult to draw competitive districts
16 than it was otherwise have been.

17 Based on your experience in the political
18 process, do you have any wisdom you could share with the
19 Commission on how approach that problem, achieve the
20 problem we've tried to achieve, that the law asks us to
21 reach as achievable, we've been trying to achieve?

22 MR. ORTEGA: I don't think you can achieve
23 it. There's a group of communities of interest. You'll
24 end up with much of what you ended up with, what you
25 already had. This is part of the justification, a group

1 of communities of interest. Now, you can divide
2 communities of interest to get to a competitive map.

3 What this comes to is coming to grips with
4 a congressionally balanced district, Democrats and the
5 likelihood of Democrats in certain districts, Democrats
6 elected in other districts.

7 So you have to come grips, and you asked
8 my opinion, come to grips you cannot draw a
9 Congressional map that really shows this community
10 that's created competitive districts. You can't,
11 according to the law. It's very difficult to do so.

12 You say in Tucson you drew, in the
13 southeastern part of it, that it appears competitive.
14 We know who will win that district and run in it.

15 To take the rural district, northeastern
16 Arizona, and truly make it viable for a Democrat, I
17 don't think you'd achieve competitiveness. I don't.
18 More strive to do so.

19 Like others that have come before you,
20 they threaten legal action, that you can't get by
21 justice.

22 The more you toy with competitiveness, the
23 more you toy with the fact you won't get through
24 justice.

25 CHAIRMAN LYNN: Given what you just said,

1 for the record, what is your opinion of the draft
2 Congressional map as it just sits?

3 MR. ORTEGA: I have come before this
4 Commission before -- let's deal with District D, my
5 primary concern. We like the work you've done as
6 relates to District D. District D, with minor
7 modification, the Biltmore Estate, we suggested the
8 South Glendale option, the rest of the state we believe,
9 the rural district you have now can be straightened
10 Democratically, counterclockwise out, moving Yavapai out
11 and Pinal out. The southern district, new southern
12 district, is also a good district. You need to make
13 adjustments counterclockwise in the eastern part of
14 Tucson and up to La Paz. Okay? But other than that,
15 you have a good map, groups of communities of interest.

16 Make the Northern District stronger
17 Democratically and then you're going to be here forever
18 and invite legal challenge dealing with competitiveness.

19 COMMISSIONER ELDER: This you may answer
20 or don't answer if you choose.

21 The numbers requested and reflected in
22 district D, it appears as though you would have the
23 ability to elect a representative of your choice.

24 MR. ORTEGA: Yes.

25 COMMISSIONER ELDER: The five percent

1 competitive thing, Ds and Rs, plus or minus the
2 two-and-a-half percent range in there. I agree we'd
3 probably not get preclearance at one and a half, or drop
4 below the bench mark, or numbers now. We'd only be
5 approved if we had support of the people in that
6 district or a representative of that district.

7 If we are looking for competitiveness, if
8 we asked would you be willing to go in at two-and-a-half
9 percent plus or minus competitive interest, debate
10 things along in communities as well as whatever else is
11 around it, B and F, would it seem reasonable to pull
12 numbers back and get numbers back in?

13 MR. ORTEGA: My answer is the same.

14 COMMISSIONER ELDER: Didn't hurt to try.

15 MR. ORTEGA: Any map, I'm going to be as
16 honest can with you. Taking the northeast corner, if
17 you put us up in the northeast area, we're diluted more.

18 Conceptually, if that's what you're asking
19 me, that's what you're asking me.

20 CHAIRMAN LYNN: I appreciate the honesty.

21 Taylor McKenzie, speaker of the Navajo
22 Nation.

23 Mr. McKenzie.

24 VICE PRESIDENT MCKENZIE: Mr. Chairman,
25 Members of the Redistricting Commission, thank you for

1 giving me the opportunity to appear before you.

2 We did offer other testimony at previous
3 hearings. I won't go over those as you have them in the
4 record. And you also have the initial presentations I
5 gave in Window Rock in the record. I'll say (Navajo
6 Word) to you.

7 I'm Taylor McKenzie, vice president, of
8 the Navajo Nation, Window Rock Nation, and I'm happy to
9 appear before you this afternoon, I think it is. This
10 being the second time I stand before you to address you,
11 Commissioners, of the Arizona Independent Redistricting
12 Commission, I feel it a pleasure to convey to you some
13 of our ideas and some of our concerns. I know you put
14 in long hours and the consultants put in hard and long
15 hours, and I thank you for the long and hard work.

16 You've put in long and hard work and heard
17 conflicting testimony. You have a difficult task in
18 correlating in multiple plans. The concern I have is
19 how do you handle conflicting testimony you receive.

20 With that, there would be opportunity to
21 refute some conflicting testimony presented to you,
22 introduce an element of fairness into the hearings you
23 are conducting.

24 I'm wearing two different hats. I'm an
25 elected official of the population at large, and I'm

1 also here as a member of the executive branch of the
2 Navajo Nation. And I understand that there are six
3 maps, I think I see seven, maybe, that has been
4 discussed.

5 I saw this afternoon no new maps being
6 considered by the Commission on the website.

7 I'm glad to see the Commission, glad to
8 see you consider map F2.

9 Originally the Navajo asked you consider
10 F2 or one similar, one at the top of the Navajo Nation.
11 I as Vice President of the Navajo Nation ask you to
12 consider plan F2. It enhances the voting strength more
13 because it keeps the percentage as a high percentage,
14 high percentage of Native Americans of voting age, 72.5,
15 and also ask you consider this plan or one that closely
16 resembles it, as the first time in history you consider
17 Native Americans' history.

18 Don't resort to the suggested plan that
19 shows a picture of an obvious and, frankly, and
20 blatantly gerrymander. I think the Commission does not
21 want to go down as the creator of that moniker.

22 As you know, Native Americans must
23 maintain their current level of opportunity to elect
24 candidates. We encourage the election of candidates,
25 your recommendation of a plan with more than 78 percent

1 Native Americans in district consistent with the Voting
2 Rights Act.

3 I commend you Commissioners, along with
4 the Apache Nations, to include the Hopi Tribes, Hualapai
5 in three other tests.

6 I have a concern I voice that consistency
7 falls short with including the Hopi Tribe in the
8 Congressional test. I don't understand the reasons for
9 this. And perhaps it's reasonable and prudent for an
10 explanation being given.

11 As staff briefed me in the Show Low
12 hearing, Commissioner Hall overheard testimony on the
13 good, positive the Hopi Navajo Tribe attained over the
14 pass decades. It not only words, if somebody actually
15 were to see this going on, I think you would be
16 convinced. Instead of becoming more unified with this
17 process, we are at opposite ends. This is where
18 conflicting testimony comes in.

19 We think there is some truth to testimony.
20 Maybe there is some need to be proven for it to be so.

21 Is there a mechanism where conflicting
22 testimony be so deal, you with what is real information?

23 It concerns me because we are friends,
24 neighbors, brothers, sisters, husbands and wives. I
25 have reviewed Congressional tests, and none incorporate

1 the Hopi Navajo in the Northern Congressional District.
2 All show the Hopi and Navajo is together.

3 Let me remind the Commission according to
4 the Census, there are 6,593 Native American Hopi, 1,993
5 Navajo Native Americans on the Hopi Reservation, and the
6 Commissioners to recommend a Congressional District
7 which places Hopi, Apaches, Hualapais other Native
8 Americans alongside Navajo Nations, uniting the Indian
9 Nations of this state would enhance the Indian Nations,
10 make it an Indian Nation.

11 I appreciate the opportunity to present to
12 you.

13 CHAIRMAN LYNN: Thank you, Vice President
14 McKenzie.

15 Next speaker, Leonard Gorman.

16 MR. GORMAN: Thank you, Chairman Lynn.

17 The Navajo Nation appreciates your
18 endurance and shares with you the additional Nation's
19 regards and comments made yesterday relative to the
20 Nation was Navajo and even having the opportunity to
21 elect one of its own with a lower percentage in the
22 district.

23 We've done an analysis in voting block we
24 received and competitiveness we received. We're not
25 privy to all the information we received, having it

1 available, which is the basis of the comment made. If
2 there is additional information published and made
3 available, we'd like to be given that and be able to
4 have an opportunity to analyze those documents if
5 they've not been made available to the public.

6 The Navajo Nation has reviewed the
7 comments made by you from yesterday and records that
8 exist. I'm sure you are well aware of documents, as you
9 are, say you are aware in the state, and information
10 shared with you that comes from our statistician,
11 Dr. Ron Faich, F A I C H.

12 There are primarily three areas I come
13 away with from this study that has made. It also
14 refutes the idea made with you, that any Navajo elected
15 official cannot extend a helping hand to another.

16 I think primarily the Hopi Tribe, Navajo
17 and Hopi Tribe, that we don't help Hopi members, or
18 rather don't help a Hopi member, is entirely
19 unsubstantiated, very disheartening, one that we've
20 taken that to heart, and we expressed very strong
21 concerns with you at the Show Low meeting.

22 I felt the Navajos' information was very,
23 very impressive, providing good information.

24 The first information I walk away with on
25 this analysis is the Navajos do vote for nonmembers,

1 non-Navajos. That's a proven fact on the analysis done
2 here of racial block voting in Apache County, Arizona,
3 the primary election 2000, the County School
4 Superintendent. On reservation voters, 50 percent of
5 them voted for non-Navajo, nonmember, on the Navajo
6 Nation. And the rest of the study represents the same.
7 On the rest of the study, it shows the same, they do
8 vote the same, for non-Navajo, nonmembers, which brings
9 us to the point, I think, that if given an opportunity,
10 the Navajos can vote for a nonmember, such as a Hopi
11 candidate. That is a strong suggestion, I believe, in
12 the report given to you.

13 Third is the most important and alarming
14 point suggested by the study. I recommend the
15 Commission look at this.

16 Yes, Navajos will look at a Navajo
17 candidate and also vote for a non-Navajo candidate, off
18 Navajo Nation voters.

19 It's really alarming information that off
20 Navajo Nation voters are not likely to vote for Navajo
21 voters. What does that tell you? I believe that is a
22 danger that exists from this report and has been
23 illustrated for the last couple elections. That's where
24 the Commission has to be careful in looking at this.
25 And it's insistent. We're making the Navajo Nation,

1 being as careful as you can, that off the Navajo Nation,
2 or with off Indian Reservation voters, as more likely,
3 even with non-Native American monies, if you give that
4 opportunity to the non-Native American voter to not vote
5 for that non Native-American voter, that's the real
6 concern that exists. That has to be taken into
7 consideration.

8 I feel good about the fact Navajos do
9 participate in the election process. It's the flip side
10 of the coin that is the dangerous point.

11 I want to share this with you in my
12 concluding comments.

13 The Navajo, in concluding part, in several
14 opportunities, in funding the Navajo election process
15 from the '60s, 1970s, the Navajos have a high turnout
16 rate, 70, 80 percent turnout rate in recent elections.
17 The recent election referendum as presented to the
18 public, 90,000 voters, the turnout rate was around 23,
19 25 thousand. I don't see how that is a very good
20 participation level.

21 I don't understand. If there is other
22 information, other data that exists that is out there
23 that we are not privy to, we'd like that information.
24 This is the data we have.

25 So the Navajo can -- the Navajo can never

1 consent to creep when it feels an impulse to soar. The
2 Navajo believes it feels an impass at this time.

3 CHAIRMAN LYNN: Thank you, Mr. Gorman.

4 The next speaker, Jim Hartdegen
5 representing the City of Casa Grande and Chamber of
6 Commerce for the City of Casa Grande.

7 MR. HARTDEGEN: I'm preaching for Casa
8 Grande, but sometimes it requires I get out of tune.

9 106, to use Pinal County, using Pinal
10 County, it would be nice if we started there and went
11 outward.

12 You guys know it. The consultants know
13 it. You can't put Pinal County in one district. It
14 would be nice to do it, great to it do. There is some
15 stuff, but you can only put as many folks in Pinal
16 County in a Legislative District as you can.

17 We like, for the record, the new 3G, I
18 guess. The people I represent in Casa Grande, both
19 sides of the railroad tracks, greater Casa Grande, the
20 Chamber of Commerce, and the Farm Bureau; but lop it off
21 in District W, lop off the Maricopa County part of it,
22 Gila Bend, and outskirts of Buckeye. That's not that
23 many people. Lop that off. Put it into D, X, somewhere
24 else, those bits and pieces. You can't satisfy
25 everybody. There is no definition for community of

1 interest. I wish there was. There is no definition.

2 You can also take the Maricopa County part
3 of W in Maricopa County on the north side. Then you are
4 going to make more Indian communities unhappy.

5 But take that part and put it into G in
6 Maricopa County, or bits and pieces here and there, and
7 make that northern, the northeast part of Maricopa
8 County, take it out, and put it somewhere else. There
9 are not that many people, and it wouldn't be hard to do.
10 It's land mass, it's not that many people. Then you're
11 not going to satisfy four tribal interests on that one.
12 What you have is a county of 180,000. I'm rounding off
13 to make it simple for me. It's 180,000 people.

14 Z district is concerning people. You only
15 have 20 -- I think the figures yesterday was 24,000,
16 25,000 people. It means the actual existing district
17 right now, 155,000 in Pinal County, those citizens are
18 in one district. It's not too bad. But by the time you
19 take the retirement community Z, push it into Tucson,
20 they don't want you to do Tucson. It pushes it all over
21 Tucson. Get people to take a vacation. You know, I
22 know, we all know, you don't satisfy everybody. There's
23 a loosely defined community of interest. The
24 definition, it means nothing in many cases. We all use
25 it, just very loosely.

1 Also, please don't shoot me, if there's
2 duals a little over moving of E. E has not been moved
3 any. Take E and move it around a little bit, try to do
4 it. It's a hard deal, but existing with W right now,
5 the existing parts of Maricopa County, you have 155,000
6 Pinal County residents in one district. It's not too
7 bad.

8 I live in a district. I'll repeat it one
9 more time, I live in a district that goes from my house,
10 a piece of Casa Grande to New Mexico.

11 The eastern side of Pinal County today,
12 the eastern side goes into Guadalupe, into Avondale.
13 That was done in a basement out of the earshot, out of
14 the earshot of the general public.

15 Pinal County, the public, other parts of
16 the public as far as basement meetings, the general
17 public was completely cut out. This gives me an
18 opportunity come up and talk.

19 But don't let yourself be duped into going
20 into a quasi meeting atmosphere. Please don't do that.

21 Forget my clients for a minute, since I'm
22 wound up. I'm here to do the best job for Western Pinal
23 County, whether Democrat, Republican, whether they vote,
24 I suppose.

25 Western Pinal County always had

1 representatives in the State Legislature. We like
2 people. No one likes to lose a vote. "Hey, Joe, can I
3 go have cup coffee?" Rural legislators have certainly a
4 relationship that city people don't have.

5 Most city legislators aren't recognized.
6 Rural legislators, none of us like to lose
7 representation.

8 Take a look at what you have. If you want
9 Pinal in one district, lob off a little of Maricopa on
10 this side, lob off Maricopa on this side, lose 4,000 of
11 the retirement community down in Tucson. I'm not saying
12 that will make it completely for Pinal County to happen,
13 and you can't push it all in the district, but it will
14 sure hold it down better. This way we don't have to see
15 a psychiatrist tomorrow. We'll unload on you.

16 CHAIRMAN LYNN: Mr. Hartdegen, I do have a
17 question.

18 When discussing with Senator Rios, what
19 might be done with other parts with Senator Rios, the
20 retirement community of Saddlebrooke came up, that
21 there's more of a community interest south. There was
22 never an interest of making it whole. And it's far, far
23 less populated than Casa Grande through the central part
24 of the county. But Senator Rios was talking about
25 dealing with the eastern Pinal cities in a way that

1 necessarily splits Sierra Vista away from Santa Cruz
2 County to move that bottom district up into Pinal and
3 take more of Pinal.

4 Do you have an opinion about that?

5 MR. HARTDEGEN: If you do that, I don't
6 know how you do it without going through the Tohono
7 reservation. If you do that, the Tohono Reservation, it
8 can be done, was done 10 years ago. I hope you don't
9 get into that. As soon as you hit that, pick it all up,
10 there's a couple houses people, we lose somewhere else
11 in Pinal County.

12 COMMISSIONER HALL: So in short, you say
13 you prefer Maricopa vs. eastern Pinal.

14 MR. HARTDEGEN: If there are enough people
15 to get rid of Maricopa, we'd rather have our friends on
16 the eastern side.

17 COMMISSIONER HALL: I don't think there is
18 a way, is what we're concerned with, without significant
19 detriment. So is that what you're saying?

20 I don't think that's the proposal is what
21 Mr. Lynn was saying.

22 MR. HARTDEGEN: Coming around -- the
23 problems, even if you didn't take the Tohono
24 Reservation, if that's what you mean, the headlights
25 test, if that's what you mean, that's a gerrymander.

1 COMMISSIONER HALL: Also Eastern Pinal
2 into E, it doesn't seem like you're interested in
3 exploring the idea because that loses population. If
4 you explored that one, you lose population to the north.
5 It ripple to A, and there's a tremendous ripple, ripple
6 effect. When you indicated the comment, you're
7 considering the ripple ramifications.

8 MR. HARTDEGEN: I don't. I don't have at
9 my disposal all the figures and facts, all the
10 nit-picking of it. I suppose, I don't want my friends
11 from Apache Johnson mad at me, if you move some folks in
12 Maricopa County, there's 82 other cans of worms from
13 pushing those people around. We're willing to drop
14 Maricopa County in the cold, excluding the Gila Indian
15 Reservation, keep that part of Maricopa in Maricopa,
16 exclude the western side, eastern part of Maricopa, have
17 a greater possibility to pick up the eastern side and
18 bring them in.

19 CHAIRMAN LYNN: Thank you, Mr. Hartdegen.
20 The next speaker is Rudolfo Perez, MALDEF.

21 MR. PEREZ: I'm Rudolfo Perez, and unlike
22 the previous speaker, I'm here on behalf of the Mexican
23 American Legal Defense Education Fund. The opposition
24 to the downtown Congressional District, or Central
25 Phoenix, that includes Glendale, Tempe, and other parts

1 of Maricopa County, not just downtown Phoenix, Central
2 Phoenix, to oppose creation of such a district as it
3 would dilute the voting district in Maricopa County and
4 for that reason, and that it also does not respect
5 communities of interest, as Mr. Ortega stated, we're
6 also here this afternoon to talk about Legislative Z and
7 W which previous speakers already talked to you about
8 this morning.

9 We also oppose including the eastern
10 mountain -- eastern community mountain communities in Z.
11 They also disenfranchise a number of Latinos in those
12 communities. They have very little in common with, very
13 little in common with those communities.

14 We prefer those communities in the eastern
15 mountain Pinal counties with W, the rest of Western
16 Pinal County.

17 The Coalition submitted a map that did
18 that. I don't know if they are scheduled to present or
19 comment this afternoon. They can present, Terry Lynn is
20 here representing the Coalition, could be excluded from
21 Pinal, Saddlebrooke, Gold Canyon, the area outside
22 Apache Johnson, be excluded from parts of Apache
23 Johnson, keep the original part of Apache Johnson, and
24 put in a newer development surrounding Apache Johnson, I
25 believe probably the western part or West Apache Johnson

1 close to Gold Canyon in the East Valley, East Valley
2 Legislative District.

3 I urge the Commission to take look at that
4 plan, map, again to protect the voting rights of the
5 East Pinal County communities.

6 CHAIRMAN LYNN: Thank you, Mr. Perez.

7 The last speaker for this session, Ervin
8 Keeswood, also representing the Navajo Nation.

9 Mr. Keeswood.

10 MR. KEESWOOD: Mr. Chairman, Vice
11 Chairman, and Honorable Members of this body.

12 Let me show you what Proposition 106 has
13 done to me. (Holds up bulging briefcase.)

14 COMMISSIONER HALL: We can beat that.

15 CHAIRMAN LYNN: We can beat that big time.

16 COMMISSIONER HALL: I have 50 of those.

17 MR. KEESWOOD: I appreciate the
18 opportunity to speak to this prestigious body.

19 First, at the beginning of this whole
20 initiative, we had heard these words, that the
21 Independent Commission would remain independent to the
22 best extent possible. And I would want to remind the
23 Commission of the wishes of the Commission not to be
24 persuaded by incumbents, not to be persuaded, I know the
25 Commission was lobbied to an extent by the incumbents,

1 where they feel capable. That's the extent where they
2 participated. The Navajo Nation always participated
3 with equality when it comes to votes of native
4 constituents in the State of Arizona and I'd ask you to
5 respect, remember, to the extent the Navajo Nation takes
6 that again. Certainly the Navajo have been at most of
7 the meetings and have been heard continuously on their
8 position. While there would be some, to an extent,
9 that's competitive, we must remain competitive to be
10 sure the Navajo Nation position is heard.

11 While this may not be the adequate forum
12 in which to proceed, I feel for one it's very important
13 to highlight certain forms of the exterior boundaries,
14 for friends, neighbors, the Hopi government and Hopi
15 people.

16 You heard today from speakers that came
17 before you from the Hopi Nation. I heard no
18 consultation from the Hopi Nation. I would refute in
19 June, it was set to come to the table and workout
20 issues, also sent to bring Indian issues together,
21 Indian gaming. I made a presentation regarding, also
22 extended our friendship. And this was for our issue and
23 that we take part. We wanted to make that and can make
24 that part of the report. This may not be the adequate
25 forum.

1 We feel all issues are very important when
2 we speak of the Navajo Nation, and still is today,
3 regarding inclusion of the Hopi people. It's very
4 important.

5 I take you to the issue I brought to this
6 body at one time. If this body is insistent, insists on
7 splitting the Navajo, Hopi.

8 Before I make this statement, prior to
9 today there were conflicts, verbal conflicts between
10 Hopi Navajos. It never got to the point of being
11 physical in nature. I'm hoping it never will happen.
12 In order for it to happen, the possibility is when Hopi
13 and Navajo are recognized in regards to redistricting,
14 then you create a greater separation between the two
15 nations and thus it would never actually give us an
16 opportunity to come together as one people to work on
17 issues, to try to be a body, a native people, and.
18 Essentially this could lead to Zionism within the United
19 States. We hope you as Commission would not be party to
20 this. We hope you as Commission not be party to this.

21 You as a Commission would be a party to a
22 much greater agony than that of this week.

23 I ask on behalf of my people, you have the
24 Hopi and the Navajo people remain in one district,
25 whether it be Legislative or Congressional. This takes

1 me to the next issue, a question I'd like to pose, which
2 is the issue I recognize comes before this body. It is
3 merely a constituency advocacy. Incumbents wish to
4 represent all people, regardless of race. In that
5 regard, the Commission says on one level, advocacy on
6 one level, in one instance take Hopi out; the other,
7 leave Hopi in.

8 We're baffled, how can the two issues be
9 distinct in nature?

10 I also want to remind you ladies and
11 gentlemen, while 3G may look good in terms of number,
12 63.8 percent voting age, however, as we also stated to
13 this Commission, the mere fact possibility of 50 percent
14 or less of that number actually participate in the
15 electoral process, thus bringing the number down and
16 thus making it more difficult for native population to
17 elect a candidate of choice.

18 I'm certain I can elaborate on that with
19 all kinds of information. We can certainly be here all
20 day and speak on issues.

21 The most important theme today is the fact
22 you must let the Navajo people and Hopi people learn how
23 to live together and learn how to share interests which,
24 as we say, are not common, virtually common, to all of
25 us.

1 CHAIRMAN LYNN: Thank you, Mr. Keeswood.

2 The last speaker is Terri Leija
3 representing the Coalition.

4 MS. LEIJA: I'll try be as brief as
5 possible.

6 When we oppose the Downtown Congressional
7 Districts, it's primarily for all the facts Mr. Ortega
8 stated. I'll not go over them again, for all those
9 reasons.

10 We oppose having the Mountain areas
11 included in Z for reasons stated by the Senator and do
12 believe if you look at W in the Coalition 2 map it may
13 solve your problem, as so stated.

14 CHAIRMAN LYNN: Thank you, Ms. Leija.
15 Thank you for your brevity as well.

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

18 Members of the Commission, do you wish a
19 formal lunch break or, again, a working . . .

20 (Simultaneous responses.)

21 CHAIRMAN LYNN: We'll take a lunch break.

22 The Commission will stand in recess for an
23 hour.

24 (Whereupon, the Commission was in recess
25 from 1:02 until approximately 2:02 p.m.)

1 CHAIRMAN LYNN: The Commission will come
2 to order, please.

3 The agenda this afternoon is follows: We
4 will follow essentially the same format, if you will, as
5 we followed with the Legislative map review yesterday.

6 We'd like to ask NDC to make a brief
7 presentation round to generated with respect to the
8 Congressional map. We'd then like to talk in general
9 terms on broad overview issues which include, if there
10 are any alternatives, if there are any you might be
11 interested in having in the area of study.

12 I might remind everyone we have been
13 concentrating on map G on the Legislative side. It
14 doesn't mean map G will be on the final side. It
15 doesn't mean map G will be the final one. We will
16 continue to take testimony daily and hear people's
17 interest in any and all maps.

18 Secondly, we'll have discussion and an
19 overview, then perhaps take a brief tour around the
20 state with respect to areas identified as problem areas
21 Mr. Johnson will share with us at the beginning of the
22 presentation.

23 Finally, with respect to the first round
24 map, the Congressional maps, we'll go over citizen
25 input, or other input any Commissioners feel should be

1 directed for further review or study.

2 We'll follow the same review as the
3 Legislative.

4 If there are no objections, we'll be
5 proceeding in that fashion.

6 Mr. Johnson, if you will give us a brief
7 overview of round two.

8 COMMISSIONER ELDER: Mr. Chairman, before
9 he starts, so it's clear to the public, the citizen
10 input, citizen input will be from round two comments and
11 hearings held around the state, not a citizen comment
12 period. Before we go into --

13 CHAIRMAN LYNN: No. The same way as with
14 Legislative yesterday, at the end of the day, a number
15 of requests on specific areas that had been brought to
16 our attention, that's what I meant; that's Commissioner
17 generated. That's what I meant.

18 Mr. Johnson.

19 MR. JOHNSON: Mr. Chairman, Commissioners,
20 I'll be very brief here. I'll walk through the maps.

21 The Commission established the primary
22 focus for us to test in the latest round two test.
23 Starting yesterday with base maps, the Commission
24 instructed us to carry forward from the last round. We
25 worked on the adopted draft map, a similar name from the

1 convention, and we gave the designation P, adopted draft
2 3PP. There was very little change from the adopted
3 draft except where necessary to move a hundred people in
4 there to balance population.

5 Map 3AA. The next instruction from the
6 Commission, this was a combination of two tests from the
7 last round, Salt River Fort McDowell Reservations, and
8 the other, Sahuarita, Green Valley. GG, both together
9 with the map, we test it for population balance.

10 The third big test the Commission asked us
11 to look at really had two different takes on it: One, a
12 big test, was put Pinal County in with Rural District C,
13 trade off the area which was varied between two takes.
14 The first map, CC before, we population balanced, and it
15 excludes Yavapai County from the rural district. The
16 Rural District takes in Mohave, Coconino, Pinal,
17 Yavapai. Coconino becomes District A.

18 The other one, other take, the map from
19 round two, the Commission instruction was test if we had
20 time. We haven't had time to population balance it, and
21 it is one the Commission left on the table.

22 Test EE, very similar, Pinal is in a rural
23 district.

24 In this case, Yavapai is also in a rural
25 district. The change is Mohave is not. That you have

1 in your maroon binders from the last round.

2 You don't see many changes in the other
3 test.

4 Essentially anything that applies to CC
5 also applies closely to EE.

6 Those are the base maps we looked at.

7 Two general tests the Commission asked us
8 to look at in addition to competitiveness tests, two
9 starting with 3AA map, Salt River, Fort McDowell, and
10 Salt River, then there was no Hopi connection, and Hopi
11 in rural district map 3AA/no Hopi.

12 The other test is -- oh, part of the
13 reason the Commission cited, it gave us an instruction
14 using 3AA, Fort McDowell and Salt River Reservations
15 coming out of the rural district. It made sense to use
16 that for this, Hopi into the rural district. You have
17 that test in the binder.

18 The other general test you asked us to
19 look at related to District D, involved removing
20 Biltmore from District D to B. The first one in the
21 binder, first one finished when we did the binders,
22 those need to balance. We balanced the Northern Phoenix
23 area.

24 Then we also wanted look at, have since
25 looked at balancing in the Western Phoenix area.

1 Two maps, the western Phoenix tradeoff
2 complies better with the Commission's desires in the
3 past at keeping higher tradeoffs on the different sides.
4 There's the 3PP Biltmore tradeoff in the binder. I'll
5 show you that.

6 Chris will walk through the map, show you
7 3PP Biltmore 2, the one you received spread sheets on.
8 He'll now show you that, the change between the two
9 small areas, North Phoenix, West Phoenix. No change --

10 COMMISSIONER MINKOFF: Can I ask a quick
11 question?

12 COMMISSIONER MINKOFF: The Biltmore trade,
13 3PP, is that translatable, minimal changes, some other
14 changes, a self-contained enough switch that you decided
15 to move ahead with AA, CC, or one of the other ones,
16 that testimony, test maps as well?

17 MR. JOHNSON: Definitely would work with
18 AA versions. CC -- I'd have to look for CC. CC
19 involves District G coming up into the Tolleson area.
20 I'd have to look at how that plays out. I think it's
21 already done in CC. I'd have to look to confirm that.

22 COMMISSIONER MINKOFF: No, it's not.

23 MR. JOHNSON: Okay. In CC, then, look at
24 another tradeoff area. South Glendale is already into D
25 in that map.

1 COMMISSIONER MINKOFF: You are correct.

2 MR. JOHNSON: We could look if that's a
3 desire of the Commission.

4 The last set of tests we ran, is the
5 Commission's instructions citizen input is also listed
6 here, we just have been essentially looking at, of the
7 state, the competitive testing.

8 District B has been the main focus of
9 testing. As you know, the first map is the Downtown CD
10 plan submitted at the Glendale hearing. You have that
11 in your maroon binders.

12 The other one still on the table from
13 maroon binders back in September is very similar to
14 Downtown CD except it's fit in to work with test CC.
15 Whereas Pinal is in a rural district, those were
16 essentially demographically politically the same
17 characteristics, working off the same base maps.

18 New tests on a competitive front begin
19 with the Commission's instruction to look at making a
20 Downtown District. We did not take area out of District
21 D. This one is labeled 3HH, you see on the wall, in
22 binders, and you essentially end up with a barbell
23 district.

24 Chris, walk through each of the districts.

25 It does make a competitive district,

1 concerns the barbell district. I'm concerned with that
2 when looking at the map.

3 The next new competitive test is a compact
4 competitive District B. This one pushes down into D
5 somewhat. We can walk through that in detail when we
6 have that in front of you or on the screen.

7 The last one just was finished. I
8 apologize for not having the data sheets yet. It is an
9 attempt to make District A competitive. It works to
10 take District A, bringing a piece of it into Central
11 Phoenix.

12 CHAIRMAN LYNN: Which base map would you
13 be doing for that test?

14 MR. JOHNSON: 3PP, I believe, might be
15 3AA. I'll show you that when he brings it up.

16 Those are the maps we'll show you when we
17 show you the detail on the files. We'll show you that
18 when he brings them up.

19 DR. ADAMS: Commissioner Lynn, Members of
20 the Commission, we'll take the maps just mentioned and
21 take questions at your pleasure.

22 CHAIRMAN LYNN: Good.

23 COMMISSIONER MINKOFF: Do you have or will
24 you soon have printed copies we can add to our binders?

25 DR. ADAMS: We will have for you possibly

1 a little later when at a break, provide copies of other
2 items.

3 COMMISSIONER MINKOFF: Fine.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: Flash through areas,
6 before going into depth.

7 DR. ADAMS: I think I can do that,
8 basically run through the maps as Doug just talks about
9 them, and tell you what each represents as requested
10 from the Commission.

11 MR. HUTCHISON: I'll begin with 3PP.

12 This is 3PP. The only differences is
13 adopted drafts and 3PP, the minor block level to adjust
14 for block population.

15 I can move on to 3PP Biltmore.

16 This is 3PP Biltmore, not Biltmore 2.

17 Taking adopted CDs and making the Biltmore
18 change at the north end of D and south end of P, as you
19 can see, I'll zoom in on an area here. I've now gone
20 into Glendale, the southeastern end of Glendale,
21 Glendale Avenue and Camelback, 59th and 43rd on the
22 east.

23 Without objection, I'll go on to Biltmore
24 2.

25 As you can see, on the first Biltmore, we

1 took areas north of B, Carefree, the Cave Creek area,
2 stuck them in A when we lost part of Biltmore. District
3 2 goes to B, has a tradeoff on the western side. All
4 areas convert to District B. Convert to B, Western
5 Phoenix, right at the border of Glendale, Beardsley and
6 43rd all the way down Peoria Avenue, 43rd Avenue to 35th
7 Avenue. Areas are equaled.

8 Moving down to test 3AA, the draft map
9 with the Salt River and Tucson changes.

10 Starting with the Salt River area changes,
11 District E now has all eastern Maricopa County, east
12 Scottsdale, Rio Verde, and the urban reservations there,
13 Tucson area, Sahuarita down with Green Valley.

14 Moving on to 3AA, Moenkopi, it moves that
15 back to the rural district, District C.

16 COMMISSIONER MINKOFF: Chris, go back to
17 District C and tell us what you took out of District C
18 when you put Hopi back in.

19 MR. HUTCHISON: Grabbed over Mohave County
20 I-40, took these areas here.

21 COMMISSIONER MINKOFF: I can't see that
22 far. What is it?

23 MR. HUTCHISON: East Mohave Valley CAP and
24 southeast of Bullhead City.

25 COMMISSIONER MINKOFF: Unincorporated

1 area, enough population.

2 MR. HUTCHISON: Unincorporated area but
3 has enough population.

4 MR. HUTCHISON: This CC excludes, this
5 excludes Yavapai from CC to allow picking up Pinal
6 District C. District C compensates moving La Paz County
7 and picking up a southwestern portion of Maricopa County
8 and moving into the Tolleson area, Avondale.

9 Moving on from that, test HH, this one
10 creates, test 3HH, starts off with the Biltmore plan,
11 creates a Downtown District that does not impact
12 District D, does not touch any block in District B,
13 District B Tempe, Southern Scottsdale corridors
14 underneath Paradise Valley, and on to Glendale and
15 Southern Glendale.

16 Another impact of this map is District E
17 picks up Northern Mesa just north of 60, actually a
18 little further north of that, along Broadway in Mesa,
19 completely clear across from it.

20 District F comes west in Ahwatukee and
21 remaining portions of Chandler.

22 We'll show the next several competitive
23 maps shown on the Power Point.

24 Competitive B, this shows, excludes Hopi
25 from rural areas. We also have one that includes the

1 Hopi Reservation.

2 What the district does, it sort of
3 patterns, begins off 3PP, patterns to an extent off 3HH,
4 patterns off Mesa, bringing a larger portion of Mesa
5 from Tempe, makes one long division. Tempe is split in
6 two districts right at 60. The rest of Tempe goes right
7 into F.

8 District B is entirely contained in the
9 City of Phoenix and also includes Paradise Valley. It
10 has otherwise crossed no city boundaries. It does take
11 in a portion of District D. District D compensates by
12 picking up more of Southern Glendale, a piece of
13 southern Peoria, and also El Mirage and Old Surprise.

14 COMMISSIONER MINKOFF: Let me ask a
15 question about that one. The splits you identified in
16 Tempe and Mesa, did you look at the possibly of
17 unifying --

18 Can you go back so I see that portion of
19 the map, unifying Tempe in E and then putting some of
20 Mesa which you took out of F back into F? Is there a
21 reason you did not do that?

22 MR. HUTCHISON: Honestly, I hadn't thought
23 of it when I did it last night. I did it fairly
24 quickly. We could. It would be definitely a
25 possibility. It's something we could do.

1 COMMISSIONER MINKOFF: Tempe, possibly
2 Ahwatukee, unify Tempe or unify Mesa or more in F.

3 MR. HUTCHISON: Gives you a split of Mesa
4 now. A good percentage more of Mesa is in District E
5 now than F in this district, a very large percentage.

6 COMMISSIONER MINKOFF: Wow.

7 MR. HUTCHISON: Probably two-thirds.
8 Enough population to account for a population shift.

9 COMMISSIONER MINKOFF: Split Tempe in
10 half, 75,000 Ahwatukee, 165,000 people put into District
11 F from Mesa.

12 CHAIRMAN LYNN: Ms. Minkoff, that's
13 premature. We'll go back over these in detail.

14 MR. HUTCHISON: To move to the other
15 version, Competitive B District, trying to be
16 Competitive B District, I should call it, cuts back into
17 a rural district in C, compensates in C, drops off in
18 some areas in the southeast. That is pulled back, to an
19 extent, and is also adjusting around the edges.

20 COMMISSIONER MINKOFF: You have District C
21 coming into Mesa?

22 MR. HUTCHISON: That's what it had.

23 There's very little left in there now.

24 MR. HUTCHISON: Very little in there now.
25 That's something we could possibly pursue.

1 If no objection, I'll move to Competitive
2 A, now as equally plain and balanced, fairly close.
3 Deviation is about 15 persons. Keeps Hopi excluded. We
4 do not have a version at the moment with Hopi included.

5 Essentially what happens is the idea is
6 instead of a district in Downtown Phoenix, trying make
7 that competitive, District A is competitive. What we
8 found, how to make A competitive, is bring it into
9 downtown Phoenix. Somehow what ends up happening, it
10 makes it more competitive. Portions weren't in downtown
11 A.

12 Essentially Hopi is connected to B,
13 western portions of B, Avondale, Tolleson, and partially
14 Phoenix.

15 District D compensates north, northeast
16 into previously District D. D comes through, takes in
17 Southern Surprise, wraps around Sun City, the Sun
18 Cities, includes the southern portions of Peoria,
19 Glendale, before moving into Central Phoenix.

20 This is made off Competitive E.

21 We made E because C makes more population.
22 E comes over, takes more population, removing E from
23 Maricopa County. This compensated for C's gain taking
24 in more of Yavapai.

25 I believe that's all the maps.

1 CHAIRMAN LYNN: Let's try to go back to
2 square one.

3 I don't know that we need to spend a lot
4 of time on P1, if that's the base map.

5 To refresh, that's the adopted map from
6 August.

7 Want to move to some of the tests from
8 that adopted map?

9 MR. HUTCHISON: Which test?

10 CHAIRMAN LYNN: Same order.

11 MR. HUTCHISON: Biltmore changes?

12 CHAIRMAN LYNN: Always happy to start with
13 Biltmore.

14 MR. HUTCHISON: Growth areas of North
15 Phoenix in A are out of B.

16 CHAIRMAN LYNN: Probably zoom in on that
17 or an option.

18 The other option makes more sense, I
19 think, number two.

20 COMMISSIONER MINKOFF: Biltmore 2 we don't
21 have on our computers.

22 MR. HUTCHISON: You don't have the map on
23 computers. We will provide maps at the break. You
24 should have spread sheets I handed out. If anyone
25 doesn't have one, I have extras.

1 This has the same Biltmore area in D and
2 assigns growth areas to B.

3 CHAIRMAN LYNN: Comments or questions on
4 this option?

5 Mr. Huntwork.

6 COMMISSIONER HUNTWORK: Could we look at
7 the Arcadia area?

8 Some of those comments, if you recall, we
9 split that area right in half on the south end of D.
10 Did we succeed in unifying?

11 MR. HUTCHISON: As far as I understand, it
12 depends how you define the Arcadia area. Perhaps
13 Dr. Adams could -- might speak to that. There is a
14 portion that fits in that.

15 DR. ADAMS: Commissioner Huntwork, there
16 are a number of citizen requests as part of the binder.
17 I know some of them you may wish to look at as a result
18 of having selected, as we did in the Legislature,
19 possibly a base map for us to test some of those
20 requests on the last round as we did with the
21 Legislative. You selected a map and it went forward and
22 you asked us to look at certain citizen requests. So if
23 you think it's appropriate now to take a look, fine.
24 Otherwise we'll move through the maps and test those
25 things at the end.

1 CHAIRMAN LYNN: The question, whether or
2 not the Arcadia test was dealt with in this test.

3 DR. ADAMS: No, it has not.

4 CHAIRMAN LYNN: Fine. That's all we
5 needed at this moment.

6 COMMISSIONER MINKOFF: It is split.

7 CHAIRMAN LYNN: Comments or questions on
8 Biltmore 2?

9 COMMISSIONER MINKOFF: Refresh my memory
10 again. I know what we took out of D. What did we put
11 into D?

12 MR. HUTCHISON: In the southeastern
13 portion, the very southeastern portion of Glendale, four
14 square miles here between Camelback and Glendale, north
15 and south, 59th and 43rd east and west.

16 CHAIRMAN LYNN: All right.

17 MR. HUTCHISON: Next would be 3AA.

18 If you recall 3AA, Fort McDowell and Gila
19 Indian Reservations in E along with Gila River Indian
20 Reservations to the east.

21 COMMISSIONER MINKOFF: Chris, once again,
22 explain what the shift was that. If you put it into E,
23 did you put it directly into C or was it a three-way
24 switch?

25 MR. HUTCHISON: After putting them into E,

1 took it out of C and C added back in -- I believe over
2 in Mohave County.

3 COMMISSIONER MINKOFF: A multiple district
4 switch.

5 MR. HUTCHISON: Two districts.

6 COMMISSIONER MINKOFF: E, C, A.

7 MR. HUTCHISON: Let me throw the adopted
8 draft on top and show you the districts affected which
9 have switched.

10 With regard to E, picked up all of Eastern
11 Maricopa County. E dropped off in the Arcadia area
12 here, into B around Thomas Road where the red line comes
13 through. And I believe that was the only shift on E.
14 And A picked up out of B, the northwestern corner in B.
15 C took out of A, and that completes that balance. That
16 was in Yavapai County, actually. And we straightened
17 out some lines.

18 CHAIRMAN LYNN: Other comments or
19 questions on this map?

20 Okay, Chris, next.

21 MR. HUTCHISON: Next is 3AA no Hopi.

22 After putting the Hopi part back in, they
23 went into District A. This compared 3PP, population,
24 against the adopted draft. Also picked up a portion of
25 Mohave County. It does not pick up the Native American

1 Reservation out there. That was significantly large for
2 that area. And I believe that is the only shift.

3 The difference, 3AA no Hopi was a shift in
4 Mohave County. That was the only difference.

5 CHAIRMAN LYNN: Next?

6 MR. HUTCHISON: Next is test 3CC.

7 Explored Pinal County into the rural district in
8 exchange for Yavapai. This test also unified Mohave
9 into the rural district. Other changes with this map
10 for changing District G, it lost its Pinal County
11 portions and lost all of the La Paz County portion of
12 Mohave County, the entire southern region, southern
13 regions of Buckeye, Goodyear, and Avondale.

14 COMMISSIONER MINKOFF: Questions?

15 CHAIRMAN LYNN: Absolutely.

16 COMMISSIONER MINKOFF: I wondered if you
17 can give us some kind of number for part -- the Phoenix
18 Metropolitan number, not all of it, the Phoenix
19 metropolitan area in this map.

20 MR. HUTCHISON: I can give you exactly,
21 but it will take a minute or two.

22 COMMISSIONER MINKOFF: Do it later, if you
23 want; but I'd like to know what that is on this map.

24 CHAIRMAN LYNN: As long as making that
25 request, I, too, would like to know that. I also would

1 like to know, relative to that configuration of G, not
2 only what the percentage population, or numbers,
3 either/or both are in Maricopa County, that which
4 remains in Pima County, that which is inside the two
5 counties.

6 COMMISSIONER MINKOFF: Consider the
7 portion of Santa Cruz outside the two counties or more
8 linked to Tucson?

9 CHAIRMAN LYNN: Outside.

10 COMMISSIONER MINKOFF: You are the expert
11 on that part of the state.

12 CHAIRMAN LYNN: Urban rural influence on
13 that district.

14 COMMISSIONER MINKOFF: Urban rural, a lot
15 of Pima, the reservation, urban or counties?

16 CHAIRMAN LYNN: Let me be clear. I'd like
17 to know how much of the Metropolitan Phoenix area, that
18 is to say Avondale, Tolleson, Buckeye, that portion of
19 this District G.

20 COMMISSIONER MINKOFF: Goodyear.

21 CHAIRMAN LYNN: Whichever of those, I want
22 to know the number. Either you or I can do the
23 percentages. I trust myself at simple math. And the
24 same number for Tucson and the Tucson urban area, in
25 terms of a percentage of that district, and then the

1 balance of the district.

2 MR. HUTCHISON: No problem.

3 CHAIRMAN LYNN: Next map.

4 MR. HUTCHISON: Following 3CC test 3HH

5 Downtown District Competitive without which is E.

6 Running through, District D remains
7 unchanged. District G remains unchanged. Changes are
8 primarily contained in the Phoenix Metropolitan area,
9 District BB, South Scottsdale, Arcadia, Central, Western
10 Phoenix. It does not go into Glendale. Glendale
11 borders the western border district.

12 District E has taken in a substantial
13 portion of the Maricopa area down Broadway and
14 completely across Mesa. District A has now come over
15 the top to take in the Cave Creek, New River areas.

16 CHAIRMAN LYNN: In this test, Chris, which
17 districts are made competitive by the districts?

18 MR. HUTCHISON: Let me get the data.

19 I believe D.

20 CHAIRMAN LYNN: I'm showing D with a
21 nine-point spread for voter registration.

22 COMMISSIONER MINKOFF: AQD I also had in
23 the book shows a six-and-a-half percent spread.

24 MR. HUTCHISON: Commissioner Minkoff is
25 faster than me.

1 99-and-a-half percent or so on the
2 registration.

3 The attempt is to make it more
4 competitive. Whether or not it was competitive, that's
5 a legal decision.

6 CHAIRMAN LYNN: The definition, an attempt
7 to make it competitive, a 20-point spread to bring down
8 it to 18, it doesn't help much.

9 The intent of the direction is to fall
10 within -- I know we don't have hard-and-fast guidelines.
11 There are a number of standards we've been using to do
12 standings. I hope we need one or more standards in
13 terms of competitiveness.

14 So under AQD it's a six and a half.

15 MR. HUTCHISON: Yes, sir.

16 CHAIRMAN LYNN: Give or take.

17 Okay. Thank you.

18 COMMISSIONER HUNTWORK: Mr. Chairman.

19 CHAIRMAN LYNN: Mr. Huntwork.

20 COMMISSIONER HUNTWORK: I think, somehow,
21 C has come down into Mesa in this draft. I think it's
22 in the little area there. A little finger comes down.

23 MR. HUTCHISON: Yes.

24 COMMISSIONER HUNTWORK: And --

25 COMMISSIONER MINKOFF: Huh?

1 MR. HUTCHISON: There is a portion of Mesa
2 there. Most of it is unincorporated Mesa right-of-ways
3 with it, portions of Mesa right-of-ways in it.

4 CHAIRMAN LYNN: Was that done as a result
5 of the competitive adjustment within Central Phoenix?

6 MR. HUTCHISON: I believe --
7 Commissioner, I have to confess, I didn't
8 actually make this map.

9 DR. ADAMS: We can check on it.

10 MR. HUTCHISON: We can check on it.

11 CHAIRMAN LYNN: When we talk about
12 creating the rural district, I don't think anybody
13 defined rural as Mesa, just to be clear. 3A and H,
14 compared with 3PP the way it came from, District B went
15 from, what, 49 percent Republican on registration to 44
16 and 35, dropped Republican registration from five to
17 three percent, narrowing the gap eight percent overall.
18 District D stayed the same since it wasn't touched. F
19 dropped from 52 percent Republican to 50, 29 percent to
20 30. EE, Scottsdale, went from 48 percent and 30 percent
21 Democrat to 54 Republican and 28. District A went 49
22 percent Republican and 32 percent Democrat.

23 CHAIRMAN LYNN: Chris, I'm sorry to ask
24 this again. Did I understand you to say that 3HH is a
25 derivation of 3PP?

1 MR. HUTCHISON: I believe that's where it
2 came from, yes.

3 CHAIRMAN LYNN: In order to make
4 adjustments in Downtown Phoenix Districts with a narrow
5 registration differential, to make B more competitive,
6 one of the results of that was to drop C into a portion
7 of Mesa?

8 MR. HUTCHISON: Yes, sir, I believe.

9 CHAIRMAN LYNN: To even out population.
10 Is that right, Dr. Adams?

11 DR. ADAMS: Commissioner Lynn, I believe
12 that is correct. I will double-check with Doug who did
13 the actual work on this map. I looked at the other
14 maps. It did not come off one of the other maps.

15 COMMISSIONER MINKOFF: Mr. Chairman, while
16 they are doing those calculations, I'd like to see if
17 you could look at how much -- what is the population of
18 that portion of Mesa and if there's any other place that
19 you can find that population to clean that up a little
20 bit. Because I would agree with the Chairman I don't
21 think Mesa thought they'd end up in a rural
22 Congressional District.

23 MR. HUTCHISON: Sure.

24 CHAIRMAN LYNN: The river bottom in the
25 other one, buildable land growth, and that cannot occur

1 if --

2 If it affects a portion of Mesa's ability
3 to grow in the next 10 years, we clearly need to know
4 that.

5 MR. HUTCHISON: Just looking around the
6 map just to see what counties still are split, there are
7 areas in Yavapai County. Mohave County may contain
8 population to offset that.

9 COMMISSIONER HALL: Can we zoom back in to
10 the B district?

11 CHAIRMAN LYNN: Just want to look?

12 COMMISSIONER HALL: Just wanted to look.

13 CHAIRMAN LYNN: As I understood the
14 definitions, on the southeastern portion of the
15 district, downtown Scottsdale, there are parts of Tempe
16 including --

17 MR. HUTCHISON: All of Tempe.

18 CHAIRMAN LYNN: All of Tempe, parts of
19 Phoenix, parts of Glendale.

20 MR. HUTCHISON: All of Glendale.

21 MR. HUTCHISON: Tracks right around
22 District B.

23 CHAIRMAN LYNN: Darken the city grid a
24 bit?

25 MR. HUTCHISON: Easier to see?

1 COMMISSIONER ELDER: Earlier we had the
2 diamonds, and that was fine. Change the diamonds to red
3 as opposed to white?

4 CHAIRMAN LYNN: That's Glendale.

5 MR. HUTCHISON: In A, the portion of the
6 Biltmore switch.

7 CHAIRMAN LYNN: Under the Biltmore switch,
8 that's not showing.

9 MR. HUTCHISON: The switch, not showing,
10 south of Paradise Valley. And the rest is --

11 CHAIRMAN LYNN: The northern boundary,
12 Pinnacle Peak Road.

13 MR. HUTCHISON: A portion goes to Happy
14 Valley, but it's Pinnacle Peak Road.

15 CHAIRMAN LYNN: Mr. Hall?

16 COMMISSIONER HALL: Well, I'm proud of the
17 fact we created another animal, for what it lacks in
18 aesthetic value.

19 District D is untouched, pursuant to the
20 comment of Mr. Ortega this morning, and the value of the
21 fact is all Tempe is united in one district. And I
22 guess the down side is, what, splits are in Scottsdale,
23 the southern portion of Scottsdale, accurate?

24 MR. HUTCHISON: Splits the southern
25 portion of Scottsdale, unifies the north areas of

1 Phoenix all into District A. It takes the northern
2 portion of Mesa, everything north of Broadway, and puts
3 it into E.

4 COMMISSIONER ELDER: Mr. Chairman, I heard
5 on several occasions in testimony various factions of
6 Tempe had no concern with a split along 60, heard about
7 that split on several occasions. Scottsdale, there was
8 no testimony at all about splitting Scottsdale. It
9 looks like we're going backwards in that respect.

10 Would it be, if testimony is yes, we'd
11 favor that split, sensible to bring more Phoenix into
12 that to have a district?

13 COMMISSIONER MINKOFF: Mr. Chairman, most
14 testimony related to the Legislative Districts. The
15 reason we didn't hear talk about the Scottsdale split,
16 Scottsdale knew they'd be split. They are too large for
17 one Legislative District. They accepted the fact they
18 were going to be split.

19 CHAIRMAN LYNN: Questions or comments?

20 COMMISSIONER ELDER: If we were looking,
21 we have little basis on community of interest to improve
22 that. If gaining enough to make a district truly
23 competitive, then that seems to make sense. If all
24 we're doing an is example of 16 down to 14 so it's still
25 not competitive, it doesn't do any good. If I balance

1 that with trades of community of interest, we shouldn't
2 make the trade. Decide seven percent gets close enough
3 for a competitive district, I want to take a look at it.
4 Issues on community of interest I'm not sure are being
5 achieved here.

6 COMMISSIONER MINKOFF: Mr. Chairman.

7 CHAIRMAN LYNN: Ms. Minkoff, Mr. Hall.

8 COMMISSIONER MINKOFF: Community of
9 interest, an important community of interest is
10 represented by that district and was not represented
11 when we did what we thought was a good thing at the
12 time, put growth areas into several districts. Growth
13 areas are a community of interest, have issues in
14 common. Older, more developed areas are a community of
15 interest. They have different areas in common. They're
16 not concerned with managed growth. They're concerned
17 with maintaining neighborhoods. City type
18 transportation problems, public transportation, those
19 are problems of new growth areas. There is a lot of
20 different communities of interest.

21 There is a lot of community of interest
22 there because, for the most part, it's new growth areas.
23 It's already into growth areas. We do have growth areas
24 in the northern area, for instance, put back into A. It
25 can be justified on that basis, and that's a large

1 community of interest for the State of Arizona.

2 If you look at the official title of Prop
3 106, it's only one criteria, Fair Competitive Districts
4 as it states in the title. Talk to people that voted
5 for it, talk to people that presented it at public
6 hearings, talk to people that worked on it. This is one
7 of the things they felt most strongly about.

8 I think creating competitive districts
9 really has to be a priority, either this way or some
10 other way.

11 Quite honestly, if we cannot create one
12 competitive district in Maricopa County, we've let the
13 people that voted for this down.

14 I think that's a community of interest and
15 a very large one.

16 CHAIRMAN LYNN: Mr. Hall, Mr. Huntwork.

17 COMMISSIONER HALL: Mr. Chairman, for my
18 benefit, those of you that reside in this fair area, our
19 current District B on the current draft map, adopted
20 draft, according to my initial look, east-west goes from
21 Scottsdale Road to 52nd Avenue. What I need someone to
22 help me understand is what that community is.

23 I understand Scottsdale Avenue is
24 sacrosanct southern clear down to Thomas Road clear up
25 to, I think, east Cave Creek or higher. If someone

1 would help me understand the significance, why it's
2 sacrosanct, the difference between those significantly
3 diverse areas?

4 I guess when I hear the argument about
5 somehow this district is damaging that community or
6 currently the downtown of any -- current aspects,
7 downtown aspects, the significant diversity, community
8 interests, I'm asking for enlightenment here from those
9 of you. On its face it seems to me to be a rather
10 superficial argument.

11 CHAIRMAN LYNN: Mr. Huntwork.

12 COMMISSIONER HUNTWORK: Mr. Chairman, I
13 have just seen this map for the first time. I cannot
14 believe it's possible to argue this kind of detail
15 without having a real opportunity to look at it.

16 I do want to put out one thing it does.
17 We had District F, the East Valley. This splits the
18 East Valley right in half. The District I'm looking at
19 doesn't. We have a little -- there, that broadens the
20 horizon. Compare that with F as it appeared before --

21 CHAIRMAN LYNN: Mr. Huntwork, not to
22 interrupt you.

23 Chris, it might be useful, for the same
24 aspect, split the screen, have PP up, comparing, compare
25 them visually as well as conceptually.

1 COMMISSIONER HALL: For the record, we've
2 had the map in the blue binder since Saturday or Sunday.

3 COMMISSIONER HUNTWORK: To be fair, I
4 didn't get my binder until yesterday morning.

5 COMMISSIONER HALL: Okay. Then you saw it
6 yesterday.

7 COMMISSIONER HUNTWORK: No. Yesterday, if
8 you recall yesterday morning, we began to discuss
9 Legislative Districts. I didn't have time to study
10 alternative maps while focusing intensely on those.

11 COMMISSIONER HALL: No, I didn't either.

12 COMMISSIONER ELDER: While waiting on
13 that, could I have comment from counsel?

14 CHAIRMAN LYNN: I interrupted
15 Mr. Huntwork.

16 I interrupted Mr. Huntwork.

17 COMMISSIONER HUNTWORK: What I wanted
18 to -- this is the same shell game we were addressing
19 yesterday where you really try -- go to extreme lengths
20 to pick out an area out of a larger area where the
21 demographics are all one way. A number of districts
22 were split. We had a number of districts that were
23 fairly evenly balanced in terms of not specifically --
24 in terms of the ratio of Republicans and Democrats.
25 Some districts, districts E, were much less competitive.

1 Once again, I believe that's not what we should be
2 trying to do here.

3 CHAIRMAN LYNN: Mr. Elder.

4 COMMISSIONER ELDER: Would counsel give me
5 any kind of interpretation on how the title of a
6 proposition fits in with the legal determination and
7 fits in with the six principles? Now I'm hearing
8 they're superseded by the title.

9 COMMISSIONER MINKOFF: That's not what I'm
10 saying.

11 MS. HAUSER: Mr. Chairman, Commissioner
12 Elder, with respect to the official title, the official
13 title is something that appears both on the initiative
14 itself during the circulation process and appears on the
15 ballot. And in fact, I think in 2000, given a ballot
16 overcrowding situation, the Secretary of State printed
17 tag lines, a yes, no thing, that actually appeared on
18 the ballot itself instead of the full thing, the
19 official thing.

20 The ballot language, publicity brochure,
21 together with the official title, descriptive title,
22 50-word descriptive, essentials, the provision of the
23 measure, that particular descriptive measure was that a
24 Commission was being created. And the yes-no phrase did
25 the same thing, shall there be a Commission or should

1 the Legislature draw the lines, that kind of thing.
2 These tools, the ballot title, descriptive title, yes-no
3 phrase, are useful when it is necessary to determine
4 Legislative intent.

5 Any time a provision is not clear on its
6 face, if it's ambiguous, the court will look to those
7 kinds of tools. One is not necessarily more important
8 than another.

9 Language, the language of a proposition,
10 if the language is considered ambiguous, a court is
11 going behind the words. They will take a look at these
12 and other things.

13 COMMISSIONER ELDER: Okay. The question
14 was asked besides community of interest, compactness,
15 we've got close to being noncontiguous, a linkage there.
16 Probably it's there just because we want two areas tied
17 together, areas with a history of battle.

18 Take a look at the Tempe and Glendale
19 disputes on the stadium.

20 COMMISSIONER MINKOFF: No --

21 COMMISSIONER ELDER: The northern section,
22 opposed to the stadium, newspapers portrayed it as that.
23 Junior colleges, where they commute to business, no
24 linkage there at all. Misses on three primary tenants
25 of 106. And I still, if we're not going to be able to

1 get it down to where it's competitive, does it do
2 substantial harm for why we're here for 106? If we
3 can't get it competitive, don't come back with: Oh,
4 gosh, give it a try; I believe we should give it a try.

5 This isn't it.

6 CHAIRMAN LYNN: Mr. Huntwork.

7 COMMISSIONER HUNTWORK: Mr. Chairman, I
8 want to put forth my previous question in terms of is
9 this a fair and competitive trade.

10 MR. RIVERA: Mr. Huntwork, would you mind
11 getting up to the microphone?

12 COMMISSIONER HUNTWORK: I want to express
13 how to achieve fair and competitive. The problem, I
14 don't believe it is fair to go into an area of
15 population which is all heavily Republican and
16 gerrymander a district out of that area which is not
17 representative of the area as a whole. I don't think
18 that that is fair and competitive. I think if that is
19 the intent, again, I ask the consultants to find
20 competitive districts the other way. That is to find
21 places where there's a natural balance of population and
22 put those together, not by creating this obvious or
23 dumbbelled shaped gerrymander with the arbitrary narrow
24 connecting point.

25 I don't think this achieves the fair and

1 competitive standard, if in fact it's a legal standard
2 that is supposed to be binding us.

3 The second thing I want to address is the
4 problem of growth areas. The Commission did recognize a
5 lot of testimony to the effect when all other things
6 were considered, we ought to try to balance the growth
7 areas. The reason is equal population. This year, or
8 actually last year, it might be possible to argue
9 District B, on the left, proposed competitive District B
10 had competitive population districts for A and B. It's
11 not possible to argue this year and two years from now
12 less, four years less. We've had the situation up to
13 year 2000 where we had districts, some of which had 50
14 percent more people than other districts.

15 I think it's a requirement of equal
16 population in Proposition 106 that requires us to give
17 consideration to balancing growth districts where it is
18 possible to do so.

19 The idea, creating the intention of
20 creating a landlocked district with static population in
21 the middle of one of the fastest growing metropolitan
22 districts in the entire country is counterintuitive and
23 a fairly undesirable thing to do. Obviously the
24 motivations are not what I consider what we should be
25 all about.

1 CHAIRMAN LYNN: If I may, Ms. Minkoff, I'd
2 like to jump in with a couple cents, less than a nickel,
3 certainly.

4 I understand both sides of the argument,
5 heard both sides of the argument, both sides of the
6 table.

7 The fact of the matter is I don't know any
8 more discussion about the point at this point in the
9 meeting will be helpful.

10 Let me suggest something. I think I'm as
11 persuaded as anyone the goal here, at this stage of the
12 game, is to assess where and how to get as many
13 competitive districts as feasible as can be drawn.
14 Having said that, and impugning no ill motive to
15 anyone's point of view, this may or may not be the best
16 way to do that.

17 The way to judge it, way to judge whether
18 or not this is the right solution, does it first and
19 foremost meet the criteria of being competitive? Number
20 two, what does it do to the goals of 106? If we find it
21 competitive and not detrimental, add it to the
22 repertoire. Feel good about it.

23 What I feel about it, I prefer to look at
24 other alternatives, some of which we've seen, look at
25 the relative merits of each. See how strengthening or

1 reducing the spread of competitiveness might be done.
2 Explore the opportunities. See if any meets ones of
3 being competitive.

4 I'm not persuaded this changes things,
5 narrowing the gap. It's not narrow enough to meet a
6 competitive result.

7 Secondly, I don't want to judge this
8 district with itemization of other choices we have
9 already or might create. I don't think that's fair.

10 CHAIRMAN LYNN: Ms. Minkoff.

11 COMMISSIONER MINKOFF: My comments will
12 follow yours fairly well. What I'm talking about, a
13 competitive district, not that this a competitive
14 district. I don't know whether this is the one or not.

15 First of all, in terms of concern about
16 the shape of the district, it's not a perfect rectangle.
17 I like refer to the original draft map, the most recent
18 draft map, District E. It's no more or less attenuated
19 than District B on the map on the left.

20 Secondly, I recognize when I cited the
21 official title of Proposition 106, that's not the
22 definitive legal point in terms of what the court would
23 hold to be the meaning of Prop 106. What I'm talking
24 about is something of equal weight, the moral
25 obligation: What people voted for. For the most part,

1 they're not election law attorneys. People looked to
2 the title and believed they were voting for a measure
3 that would create more competitive districts. They
4 probably, for the most part, overwhelmingly for the most
5 part, didn't really even look at or understand the
6 criteria of Prop 106. It doesn't mean we shouldn't.
7 We're legally bound to follow the criteria. We're also
8 morally obligated, to the extent we can, to do what
9 people of Arizona thought they were asking to us do:
10 Create fair and competitive districts.

11 Thirdly, in doing that, that it makes
12 other districts less competitive, I don't see that as a
13 major issue. As someone that has been a minority in
14 Legislative Congressional Districts most of my adult
15 life, it doesn't really make a heck of a lot difference
16 to me if the margin in my district is three-two or
17 two-one, I know I'm in the minority and the people in my
18 political party are probably not going to be elected
19 from that district. I don't see that as major
20 consideration.

21 The final point I'd like to make, I
22 understand Commissioner Huntwork's concern about growth
23 areas. The equal population requirement of 106 refers
24 to dated Census figures, April 1st, year 2000. Those
25 are the only figures we have a legal obligation to

1 consider. We can, if we want, look forward. I say that
2 has no more standing, no greater standing, than the
3 other issues we're dealing with. I think, quite
4 honestly, they have a lesser standing than competitive
5 districts.

6 People that voted for 106 were not as
7 concerned about those districts being equal population
8 10 years from now as districts being competitive.

9 Of all the things that have come from the
10 responsive more choices ballot box, those things,
11 including growth areas, does not have legal standing, is
12 not a legal requirement under the Voting Rights Act. I
13 say Prop 106 trumps that. People proposed the
14 initiative and voted for it.

15 COMMISSIONER ELDER: I think I agree with
16 90 percent of what Mrs. Minkoff said. There's an
17 obligation to look at the proposition, the tenants of
18 the proposition, where the tenants of the proposition
19 fit into the proposition. There's an argument to
20 obviate the extraneous materials of what I objected to.

21 I also want to put on record in going
22 through two, three, four months of developing a record,
23 developing history, developing communities of interest,
24 all the things we've done, we should not throw them out
25 just to develop competitiveness. If they can't go

1 together, they shouldn't go at all.

2 I have to take the position we need and do
3 have an obligation to attempt to make competitiveness
4 throughout the state as a responsibility to the people
5 of the state. But if it's a detriment to the other
6 issues, substantial detriment, we take the words,
7 proposition of the law. That's what we debate and make
8 decisions on.

9 CHAIRMAN LYNN: Mr. Hall.

10 COMMISSIONER HALL: I hope it's clear to
11 everyone in this room, I don't have preconceived notions
12 of what is the best heart of this great city. All I'm
13 saying is I believe it's possible for us to comply with
14 all the goals of Proposition 106 and at least make one
15 competitive district in this large population area until
16 I can be convinced otherwise.

17 My concern is I challenge my fellow
18 Commissioners, they are more than welcome to give other
19 alternatives that might better well do that.

20 This district, this district does not
21 affect voting rights. It does not touch the initial
22 Districts A, B, and D. This district is less
23 representative of communities of interest, diversity in
24 north-south, east-west District B. I have a hard time
25 seeing that. I don't pretend to be seeing that.

1 I respect compactness, contiguity.
2 Ms. Minkoff's point, it's valid. B, compact,
3 contiguous, it has a tail and buck foot. It has a hard
4 time on compactness and contiguity. The issue is, at
5 the risk of being redundant, a competitive district
6 should be favored, takes precedence, in my mind, over
7 another district that does -- not if it does not cause
8 significant detriment to another goal.

9 Someone argue to me, with however many
10 million people, that we're unable to find a district to
11 be favored that does not cause significant detriment to
12 other goals. I need to be proven, as Mr. Lynn
13 suggested, Mr. Lynn, there are some other alternatives.
14 I'm purchasing alternatives. It makes sense to
15 challenge all of us to not cause significant detriment
16 to other goals. That's the mandate. The optional thing
17 at the tail end, that we're given to try and do that to
18 the best of our ability.

19 CHAIRMAN LYNN: Mr. Elder, if you must.

20 COMMISSIONER ELDER: I must.

21 I agree from the standpoint I agree B and
22 E are no better. I also have been on record B is fixed
23 forever, is the first Legislative, has been stretched
24 out and modified. Yes, we had to work around voting
25 rights issues. We can't combine voting rights issues.

1 One of the things we have to work with,
2 the major thrusts, I vote with you, the way of getting
3 competitive districts in this area, is we have all
4 things sketched, drawn, considered. If it's absolutely
5 the worst, go on. If there's options, let's see them.
6 If there's no benefits, and a better way of doing it, to
7 get competitiveness, we're not near competitiveness.

8 CHAIRMAN LYNN: Years ago, a good planner,
9 he's still a planner, works in Portland, said in the
10 absence of a good plan, a bad plan is the best plan. I
11 don't want to be at that point. I'd like to find better
12 plan. If we can't find a better plan, we have to
13 consider any plan available that does what we think it
14 ought to do and we should give it full consideration.
15 I'm prepared to do that.

16 Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Mr. Chairman, for
18 community of interest, this plan splits the East Valley,
19 which I believe has a community of interest. I believe
20 that split is very detrimental. The combination of Mesa
21 and Scottsdale is detrimental. Heavily Republican
22 areas, I don't think that is a natural combination. I
23 think our original plan had it much better.

24 The depiction on the right is, test AA,
25 added tribal areas in. It makes -- fills out E, and it

1 doesn't look like that anymore. With respect to B,
2 central parts of Phoenix, north parts of Phoenix go on
3 north. The north part of Phoenix is the north part of
4 B. It makes far more sense to combine the part of
5 Phoenix with the growth areas of Phoenix than it does to
6 combine the heart of Phoenix with B, have practically
7 have a shooting war now.

8 CHAIRMAN LYNN: We probably need a break
9 fairly soon.

10 How many more maps, Chris?

11 MR. HUTCHISON: Let me make sure.

12 CHAIRMAN LYNN: HH.

13 MR. HUTCHISON: HH Hopi in or out and
14 Competitive A.

15 CHAIRMAN LYNN: Go to Competitive A.

16 Let's just go to that map. Keep the right
17 map up, HH with Competitive A.

18 MR. HUTCHISON: To go over, this is a
19 district that is more competitive, accomplishes the goal
20 of moving District A further into Central Phoenix,
21 dropping off Central Yavapai County, reverse of the C
22 loss with the reservations. We've taken District B now
23 and connected the Hopi Reservation. District A comes
24 in, the western portions, what was western B here, the
25 cities of Avondale, Tolleson, as well as portions of

1 Phoenix. Also goes into Glendale, the southern Peoria,
2 Surprise, Central Phoenix, once we crossed the Glendale
3 border. West to northeast was B. D now comes up to
4 Bethany Home Road. It moved up one mile with regards to
5 where it is at in Glendale and Phoenix.

6 COMMISSIONER HALL: Did that affect
7 numbers on District B?

8 MR. HUTCHISON: Let me give you the actual
9 numbers.

10 COMMISSIONER MINKOFF: I was commenting on
11 the Bethany Home line that changed where you highlighted
12 it, the eastern edge where the stairsteps disappear.

13 COMMISSIONER HALL: Am I correct in
14 understanding it basically drops the VAP minority of one
15 percent?

16 MR. HUTCHISON: VAP, 53 one and a half,
17 was 57.15.

18 COMMISSIONER HALL: Mr. Chairman, in
19 fairness to all of our time, I would have a hard time
20 arguing for this map with a straight face. It's pretty
21 ugly. I'd welcome input of fellow Commissioners.

22 CHAIRMAN LYNN: No questions? Comments,
23 in terms of understanding it?

24 Anything? Anyone that definitely wants to
25 pursue some aspect of it?

1 Mr. Elder.

2 COMMISSIONER ELDER: Well, to look at it
3 on its face, I made a comment out of earshot of the
4 microphone, "That maybe is a better map, next best
5 option we've got."

6 I think we have a problem on the far west
7 part of the valley. It's shortened. Take more B of the
8 northwest section. I think the demographics are there.
9 A portion of the northeast is -- affects D to a much
10 greater extent than what we're gaining.

11 I don't know, the new purple, or B, what
12 did we get in competitiveness there in this plan?

13 COMMISSIONER MINKOFF: B is not
14 competitive in this plan. A is competitive.

15 MR. HUTCHISON: I can run through that, if
16 you like.

17 COMMISSIONER ELDER: What are the numbers.
18 A in this plan is here to be competitive.

19 MR. HUTCHISON: Registration or AQD?

20 COMMISSIONER ELDER: AQD and voting age
21 population, if we could.

22 CHAIRMAN LYNN: Which district?

23 COMMISSIONER ELDER: A and D.

24 CHAIRMAN LYNN: It's on your sheet.

25 COMMISSIONER HALL: A is over seven

1 percent as D is.

2 MR. HUTCHISON: 7.26.

3 MR. HUTCHISON: BB becomes 61.4 and 38.59

4 Democrat. It was, although a very different

5 configuration, that was 58.32 and 34.64. Three percent

6 on each end, six percent overall greater spread.

7 CHAIRMAN LYNN: Ms. Minkoff.

8 COMMISSIONER MINKOFF: Mr. Chairman, I

9 don't know if this is the district that does it or not,

10 but just a couple of comments. It's not a pretty

11 district, but neither was our draft map. If what we're

12 concerned about is districts that are shaped

13 attractively, go back to the grid. The problem with the

14 grid is it violated every other requirement of 106.

15 I don't think we're going to be able to do

16 our job if we've overly concerned with the look of the

17 districts.

18 The one thing I think this does, which is

19 an improvement, we cut off the head of the scottie dog.

20 We've now cut off the body of the dragon. The district

21 that goes into the Hopi Reservation becomes a much

22 smaller district. You can hardly call it compact. It

23 does cover less territory. That district looks better.

24 I'm not sure this is the right district.

25 However, I do not accept, I cannot accept the premise

1 there is no way to create a competitive district in
2 Maricopa County that complies with all the other
3 requirements of Prop 106 and submit we keep at it until
4 we do it. If this permutation isn't it, go back and
5 find others. I'm unwilling to accept a map that does
6 not have at least one more competitive district in the
7 Maricopa area. We owe that to the area of the state
8 where over 60 percent of the people live.

9 CHAIRMAN LYNN: I wonder if there are no
10 other questions on Competitive A, shall we move on?

11 MR. HUTCHISON: Move on to Competitive B.

12 CHAIRMAN LYNN: If you would, please.

13 MR. HUTCHISON: This scenario makes
14 District B more competitive. It takes, for the most
15 part, areas in the I-17 north-south and continues going
16 east and west, as you see in the corner. District E
17 comes down, takes in two urban reservations and crossed
18 into Mesa, Tempe, splitting both into 60, completely
19 across, and Mesa. I'll tell you what the street is:
20 Splits it at Power Road. Ahwatukee and Power Road go
21 into western Chandler, growth areas.

22 The Carefree area southern, and so on, go
23 into District A.

24 District D compensates for population
25 losses more in southern Glendale, more than the Biltmore

1 tradeoff, in addition to El Mirage, Old Surprise, and
2 cutting through to Avondale, where it began before.

3 CHAIRMAN LYNN: Comments for purposes of
4 Competitive B?

5 COMMISSIONER ELDER: Light in the tunnel,
6 dots up there for density, do you know or can you tell
7 me along the edge of B, D, the interface, a higher
8 density Hispanic density, the word "Camelback" there at
9 I-17, the first two miles of high density --

10 MR. HUTCHISON: If you like, Census
11 tracts, or blocks, if you prefer blocks.

12 COMMISSIONER ELDER: The table given, 8.9
13 percent competitiveness.

14 I was wondering, the area along the edge,
15 the plus sign, somewhere there, if we added an area of
16 high density Hispanics, find an area, the I-10 symbol on
17 the right, expand D further west, Hispanics, get
18 Hispanics out of B, have you looked at it, anything like
19 that? Is the density there?

20 MR. HUTCHISON: I did in fact look at it,
21 did attempt to make it more competitive than it is
22 without significantly bringing down the voting age and
23 populations of Hispanics in District D. There are not
24 in fact any significant concentrations in the minority
25 community other than what were already added to District

1 D. There may be here and there, but not to such an
2 extent to compensate the need to add to D more
3 competitiveness than it is in its current state.

4 CHAIRMAN LYNN: Everybody wants in.

5 Mr. Hall, Huntwork, Minkoff.

6 COMMISSIONER HALL: My mind is zooming
7 back out, Chris.

8 On its face it's a compact, contiguous
9 district. I couldn't argue there's a significant
10 detriment to that goal. D dropped one percent. I'd be
11 interested to hear an argument on community of interest.
12 All of those are already same the district. Certainly
13 there's no significant detriment to a
14 community-of-interest goal. I don't think there's
15 anything on natural boundary.

16 I guess my point is that certainly there
17 seems to be potential to create a district that should
18 be favored that does not cause significant detriment to
19 other goals.

20 I'm wondering if this is not an
21 opportunity for us to pursue and analyze and determine
22 what we can do, if possible, to improve upon it.

23 CHAIRMAN LYNN: Mr. Huntwork and
24 Ms. Minkoff.

25 COMMISSIONER HUNTWORK: I was going to

1 comment on the geometry I feel in this case.

2 CHAIRMAN LYNN: Sorry, Jim, you have a
3 soft voice. We need to get you on record.

4 COMMISSIONER HUNTWORK: Was going to say
5 the something about geometry. This does have much more
6 compactness than the other alternatives that we looked
7 at.

8 One thing I think worth noting, in looking
9 to the future, we have, as Mr. Ortega pointed out,
10 non-Hispanic growth areas in D, at the same time,
11 Hispanic growth areas in B, F, if looking at community
12 of interest, that's basically an irrational allocation
13 of growth areas, for competitiveness purposes, that
14 probably means.

15 COMMISSIONER ELDER: Rational or
16 irrational?

17 COMMISSIONER HUNTWORK: Irrational.

18 The other thing that I wanted to point
19 out: This has some effect on the East Valley.

20 Can you back out a bit? This I think --

21 MR. HUTCHISON: Exactly the same split.
22 Competitive A map is built using the Competitive B
23 model.

24 COMMISSIONER HUNTWORK: You can't look at
25 one map in isolation of all other communities. I'm very

1 concerned about that change in the East Valley.

2 CHAIRMAN LYNN: One quick one,
3 Ms. Minkoff, before you jump into Mr. Huntwork's point.

4 Chris, answer, was Competitive B built on
5 the Competitive A model?

6 MR. HUTCHISON: The other way around.
7 Competitive B was built before Competitive A, even
8 though it doesn't seem right alphabetically.

9 CHAIRMAN LYNN: How would you choose the
10 model? Clearly there are different impacts, other
11 impacts of districts that start in a different place.

12 MR. HUTCHISON: True.

13 CHAIRMAN LYNN: Why was that chosen?

14 MR. HUTCHISON: The reason we chose to
15 build Competitive A off Competitive B was time reasons.
16 Something that prebuilt any bias into the mapping
17 process, without conceding it definitely did, I would
18 say when trying to build Competitive A or B, the same
19 areas, regardless of what map you start with, you're
20 still looking at a zero sum game. Depending on the
21 model, you can't make it competitive without changing
22 everything.

23 CHAIRMAN LYNN: Ms. Minkoff, thank you for
24 that interruption.

25 COMMISSIONER MINKOFF: There are a few

1 things I would like to see tested, because I think that
2 this particular approach may be one we can build on and
3 create something that really works.

4 First of all, in terms of disruption to
5 the East Valley, I would like to just briefly repeat my
6 comments earlier as a way to minimize it, to unify Tempe
7 and take Mesa and put it back where it started from,
8 into District F and try to minimize that, that's maybe
9 something you can look at.

10 In terms of making it more competitive,
11 that's a suggestion. It's slightly less compact. I
12 don't know how much less compact. I think it might be
13 worth looking at. That and to take whatever portion of
14 Tempe remains in District E, whether just the northern
15 portion of Tempe you have then or whether it Unified
16 Tempe and put it in District B and then take the
17 Paradise Valley area and as much of the northeastern
18 portion of B, east of Tatum Road as you need, or Tatum
19 Boulevard, as you need to equalize population and put it
20 back into B, improve the competitiveness of B, since
21 Tempe, as we saw when we did Legislative maps, is pretty
22 much a competitive city, and you are taking an area more
23 heavily dominated by one party and putting it into a
24 district that already has a majority of that party. I'd
25 like you just to comment during whatever time you have

1 to examine things and see if it works.

2 COMMISSIONER ELDER: Do we have a little
3 light pointer?

4 Would you mind giving me an idea where
5 that is?

6 COMMISSIONER HALL: That carries.

7 COMMISSIONER MINKOFF: Except I can't see.

8 CHAIRMAN LYNN: Use the microphone.

9 COMMISSIONER MINKOFF: I think I can.

10 CHAIRMAN LYNN: The microphone.

11 COMMISSIONER MINKOFF: I think I can walk
12 and chew gum at the same time.

13 This is part, suggest unifying Tempe,
14 taking this portion of Mesa out of District F, putting
15 it back into District F. Point one, it has nothing to
16 do with competitiveness of District B. Then suggesting
17 look into the Tempe area, either the portion in there
18 now or, if practical, unify the whole thing. Put that
19 into District B.

20 This is Paradise Valley here.

21 Then the area of -- well, I think actually
22 the City of Phoenix, but it really thinks of itself as
23 Scottsdale, Paradise Valley East of Tatum Boulevard.
24 Tatum here goes up and down here. There is Tatum.
25 Okay. And pull in Paradise Valley. As you go north,

1 it's reasonably densely populated. A lot of
2 subdivisions. If you can't go further, East Mesa, 32nd
3 Street, a population swap, go wherever you go to get
4 that population. That particular area is relatively
5 homogeneous.

6 CHAIRMAN LYNN: Chris?

7 MR. HUTCHISON: If I may, I point out
8 adding in Tempe and those areas would definitely bring
9 competitiveness closer, also make it very similar to
10 proposed test HH.

11 COMMISSIONER MINKOFF: It would.

12 MR. HUTCHISON: Heading straight toward
13 it, this particular test, we didn't put that in there.

14 CHAIRMAN LYNN: Mr. Hall.

15 COMMISSIONER HALL: For the record, while
16 I appreciate Mr. Huntwork's wisdom on growth areas, the
17 practicality of that particular point, it's irrelevant.
18 It's not one of our considerations. Our considerations
19 are to favor competitive districts if there is no
20 significant detriment to goals previously listed.
21 Growth areas are not a goal previously listed.

22 CHAIRMAN LYNN: Mr. Huntwork, briefly. We
23 need to break as quickly as we can.

24 COMMISSIONER HUNTWORK: Okay. Real brief.
25 I don't know that's not a goal.

1 Consideration of all we previously agreed are important.
2 Proposition 106 says equal population. It does not have
3 any language I'm aware of that says you stop thinking
4 with the year 2000 Census. Equal population is a fact
5 we're to consider. I don't know why Prop 106 doesn't
6 protect citizens in the year 2004 just as it does the
7 year 2000.

8 COMMISSIONER HALL: I don't know why, just
9 that it doesn't.

10 COMMISSIONER MINKOFF: Can I say
11 something? I'd like to ask the attorneys after the
12 break to weigh in on that, whether what's their
13 consideration on that after that.

14 CHAIRMAN LYNN: Let us take -- clearly
15 everybody knows that. Why even try? I'd like to
16 reconvene at 5:00 o'clock. Use it as a target.

17 (Whereupon, a recess was taken from 4:40
18 until approximately 5:28 p.m.)

19 COMMISSIONER ELDER: I'd like to request
20 we go into Executive Session.

21 CHAIRMAN LYNN: Under 38-431.01(A)(3).

22 Second?

23 COMMISSIONER HALL: Second.

24 CHAIRMAN LYNN: Ms. Minkoff?

25 COMMISSIONER MINKOFF: "Aye."

1 CHAIRMAN LYNN: Mr. Huntwork?

2 COMMISSIONER HUNTWORK: "Aye."

3 CHAIRMAN LYNN: Mr. Hall?

4 COMMISSIONER HALL: "Aye.".

5 CHAIRMAN LYNN: Mr. Elder?

6 COMMISSIONER ELDER: "Aye."

7 CHAIRMAN LYNN: Chair votes "aye."

8 (Motion carries.)

9 CHAIRMAN LYNN: I'd guess an hour.

10 (Comment from the audience is made about
11 the Diamondbacks Game.)

12 CHAIRMAN LYNN: We'll worry not about the
13 score.

14 (Whereupon, the Redistricting Commission
15 recessed Public Session at approximately 5:32 p.m. to go
16 into Executive Session and reconvened Public Session at
17 6:40 p.m.)

18 CHAIRMAN LYNN: The Commission will be in
19 Public Session.

20 All five Commissioners, counsel,
21 reporters, and the audience and Paul is here.

22 What is the pleasure for the length of a
23 dinner break? 45 minutes too short? Hour? 45 minutes?

24 COMMISSIONER MINKOFF: 45 minutes.

25 MS. HAUSER: It's quarter of 7:00.

1 CHAIRMAN LYNN: Quarter to 8:00. Break
2 and reconvene for Congressional instruction to
3 consultants, things to look at, try.

4 The Commission will stand in recess until
5 quarter of 8:00.

6 (Whereupon, a recess was taken from
7 6:45 p.m. until approximately 7:45 p.m.)

8 CHAIRMAN LYNN: The Commission will come
9 to order.

10 For the record, all five Commissioners are
11 present. Legal counsel as well as NDC staff are
12 present.

13 Ladies and gentlemen, just by way of
14 recap, the Diamondbacks are up, by way of recap, one to
15 nothing, short series. Just thought I'd put that on the
16 record.

17 (Standing ovation.)

18 A VOICE: Never let it be said you didn't
19 get a standing ovation.

20 CHAIRMAN LYNN: Thought I'd put it on
21 record.

22 Congressional maps, as previously
23 discussed on the agenda.

24 We're in the process of asking questions,
25 offering direction to consultants on any maps we've been

1 presented.

2 My suggestion would be, as we did on
3 Legislative, perhaps try to eliminate some options, if
4 we can. Based on that direction, ultimately, then, to
5 move to other specific Commissioner requests with
6 respect to Commissioner mapping; also, then, at that
7 point, whenever that's reached, recess for the evening
8 and tomorrow return to discussion the Legislative map.

9 Mr. Elder.

10 COMMISSIONER ELDER: Mr. Chairman, as with
11 part of the Legislative process, I'd make a motion that
12 to test, or modify, or bring to table as an option for
13 NDC to take look at for us tests with a three-two or
14 better vote.

15 CHAIRMAN LYNN: Happy to do that.

16 Any other questions, comments on the maps
17 we've seen or what is the pleasure to each other on
18 direction or reduction of options?

19 Ms. Minkoff?

20 COMMISSIONER MINKOFF: I'm looking at
21 the --

22 CHAIRMAN LYNN: Microphone.

23 COMMISSIONER MINKOFF: Lost my identity.

24 CHAIRMAN LYNN: We'll work on that for
25 later.

1 COMMISSIONER MINKOFF: -- the last test
2 the consultants did for us, B Competitive, is that the
3 one -- the one where District B is a competitive
4 district and it's relatively square in shape? I would
5 like to request a further test of that district.

6 I'm supportive of the concept represented
7 by this district; however, in earlier rounds, earlier
8 meetings, the Hispanic AUR defined what I think may not
9 be as well-treated by this option as it was by the draft
10 maps that the Commission approved. And I'd like to ask,
11 if you can, if you look at this district to the eastern
12 edge of the D-B boundary, if you move that line from
13 McDowell, where it currently is, to Indian School, two
14 miles north, it takes in a lot of additional territory.
15 I suggest that the compensating territory that you move
16 from D into B might come from the northern part of D
17 where it adjoins B around 43rd Avenue. Take the
18 boundary, move west. I don't know how far to tell you
19 to move it west. Look at it in terms of population.
20 And let's see if that -- respect the AUR. It still
21 leaves B a competitive district.

22 CHAIRMAN LYNN: Ms. Minkoff, if I might
23 make a suggestion, rather than specific boundary
24 movements, if we could instruct the consultants on
25 results we wish to achieve.

1 COMMISSIONER MINKOFF: Fine.

2 CHAIRMAN LYNN: To allow flexibility. I
3 would hate to have them do exactly what we ask them to
4 do and miss an opportunity to do something else rather
5 than not wanting specific instruction.

6 COMMISSIONER MINKOFF: Fine with me, as
7 long as they understand what I'm trying to achieve, to
8 retain as much of the AUR in District D as we can and
9 yet still keep D a competitive district. Seems to me
10 the best way to do it is move the line north. How far
11 to do it, where to move it, I'll leave to you.

12 If you'd test that for us, retain the AUR
13 intact, keep B Competitive intact.

14 CHAIRMAN LYNN: Put that in the form of a
15 motion?

16 COMMISSIONER MINKOFF: I just made it.

17 CHAIRMAN LYNN: Second?

18 COMMISSIONER HALL: Second. Sorry.

19 CHAIRMAN LYNN: Discussion on the motion?

20 Ms. Minkoff, roll call.

21 COMMISSIONER MINKOFF: "Aye."

22 CHAIRMAN LYNN: Mr. Huntwork?

23 COMMISSIONER HUNTWORK: "Aye."

24 CHAIRMAN LYNN: Mr. Hall?

25 COMMISSIONER HALL: "Aye."

1 CHAIRMAN LYNN: Mr. Elder?

2 COMMISSIONER ELDER: "Aye."

3 CHAIRMAN LYNN: Chair votes "Aye."

4 (Motion carries.)

5 COMMISSIONER HALL: I'd also make a
6 request we also consider the same district, probably
7 formalize a request in considering territory to the
8 west, moving the south, a line north. My understanding
9 is he's already in the process of testing that. For the
10 record, it's better to do that publicly. That's a
11 motion.

12 CHAIRMAN LYNN: Second?

13 COMMISSIONER MINKOFF: I'm not sure --

14 COMMISSIONER HALL: South boundary of B
15 north to garner territory to the west to make B
16 competitive.

17 COMMISSIONER MINKOFF: Isn't that what we
18 just said? Does that differ?

19 COMMISSIONER HALL: Is it?

20 COMMISSIONER MINKOFF: I think it is.

21 CHAIRMAN LYNN: Essentially what the other
22 motion was.

23 COMMISSIONER HALL: Sorry.

24 CHAIRMAN LYNN: Chris, okay with it?

25 MR. HUTCHISON: I was just going to say,

1 if going to respect the Hispanic AUR for
2 competitiveness, west or southwest?

3 CHAIRMAN LYNN: Right. Both of those.

4 COMMISSIONER MINKOFF: Maybe ask them both
5 of those, present two different options.

6 MR. HUTCHISON: Yes.

7 COMMISSIONER HALL: Best option.

8 MR. HUTCHISON: Explored HH.

9 CHAIRMAN LYNN: Maybe instruction on HH as
10 well.

11 COMMISSIONER ELDER: Mr. Chairman, I'd
12 like to explore a move to the west, see what the
13 differential is there, an option to go down to Tempe, in
14 effect bring it back to HH, and then the same option on
15 the table; third, see if we move the line interface.

16 CHAIRMAN LYNN: Start with which map?
17 Competitive B?

18 COMMISSIONER ELDER: Competitive BB. The
19 motion on the table, Mr. Hall --

20 CHAIRMAN LYNN: He withdrew.

21 COMMISSIONER HALL: Redundant. I didn't
22 understand what she said.

23 CHAIRMAN LYNN: Didn't pass.

24 COMMISSIONER HALL: I thought she was
25 going east. She was west.

1 COMMISSIONER ELDER: She's going west.

2 Fine.

3 COMMISSIONER MINKOFF: Yeah.

4 CHAIRMAN LYNN: Ms. Minkoff.

5 COMMISSIONER MINKOFF: One possibility,
6 examining Tempe, it doesn't quite get us back to the
7 other Central Phoenix different barbell district. What
8 test option?

9 CHAIRMAN LYNN: HH.

10 COMMISSIONER MINKOFF: Because we don't
11 have that string going way out to the northwest. The
12 only place moving southeast, wouldn't be moving far
13 southeast, unless all Tempe were unified, all Tempe
14 north of 60. It would not have the same physical
15 appearance. Might be something that works better.

16 I originally suggested doing that, moving
17 the northeast district out, another option in terms of
18 looking at competitiveness.

19 CHAIRMAN LYNN: Other directions to the
20 consultant?

21 COMMISSIONER HALL: Mr. Chairman.

22 CHAIRMAN LYNN: Mr. Hall.

23 COMMISSIONER HALL: In an effort to
24 simplify, I'd move to take Competitive A off the table.

25 CHAIRMAN LYNN: Second?

1 COMMISSIONER HUNTWORK: I second that.

2 CHAIRMAN LYNN: Thank you.

3 It's moved and seconded to take the
4 Competitive A map, Competitive A out of consideration
5 for the moment.

6 COMMISSIONER MINKOFF: Okay.

7 CHAIRMAN LYNN: No more work on
8 Competitive A.

9 COMMISSIONER MINKOFF: If it blows up, we
10 reconsider this.

11 CHAIRMAN LYNN: Sure.

12 COMMISSIONER MINKOFF: Fine.

13 CHAIRMAN LYNN: Not over until it's over.

14 COMMISSIONER MINKOFF: Fine.

15 CHAIRMAN LYNN: Till we say it's over.

16 CHAIRMAN LYNN: Discussion on the motion?

17 Roll call.

18 Ms. Minkoff?

19 COMMISSIONER MINKOFF: "Aye."

20 CHAIRMAN LYNN: Mr. Huntwork?

21 COMMISSIONER HUNTWORK: "Aye."

22 CHAIRMAN LYNN: Mr. Hall?

23 COMMISSIONER HALL: "Aye."

24 CHAIRMAN LYNN: Mr. Elder?

25 COMMISSIONER ELDER: "Aye."

1 CHAIRMAN LYNN: Chair votes "aye."

2 (Motion carries.)

3 CHAIRMAN LYNN: Discussion, direction for
4 consultants?

5 Mr. Hall.

6 COMMISSIONER HALL: Additional data each
7 Commissioner received relative to test CC?

8 MR. HUTCHISON: Yes.

9 COMMISSIONER HALL: Pursuant to requests
10 made relative to percentages on populations in key areas
11 of PP, and I would, I guess, am just interested in
12 reaction from fellow Commissioners regarding that
13 information and that particular test in particular.

14 COMMISSIONER ELDER: I'd like to have
15 Chris tell us if there's anything to bring up on the
16 computers, anything you considered on urbanized areas as
17 reflected in this?

18 MR. HUTCHISON: Yes, sir.

19 CHAIRMAN LYNN: While CC is coming up,
20 Dr. Adams, one the problems of CC, all we have is the
21 state version of the map. Wouldn't it be useful,
22 helpful to have the enlarged portion for both the
23 Central Maricopa County, Pima County?

24 COMMISSIONER MINKOFF: It's on your
25 laptop.

1 CHAIRMAN LYNN: I'm sure it is.

2 MR. HUTCHISON: The spread sheet refers to
3 District C. We broke three areas. These were requested
4 by the Commission. The first is an area described as
5 Maricopa, includes all of area District G in Maricopa
6 County. It's easier not to try to exclude Gila Bend,
7 take off 2,000 -- 2,500 people off 97,468 listed here.
8 You can get a pretty good approximation of what is in
9 the Metropolitan Phoenix area. The vast majority of
10 population is in there.

11 The second column is for Tucson. I didn't
12 use all of Pima County.

13 Everything east of Tohono O'odham and
14 north of Sahuarita came out to 302,216. The remaining
15 portions of District G: La Paz County, Yuma County.
16 Remaining portions are Pima County and Santa Cruz
17 County, comes out to 231,645.

18 COMMISSIONER HALL: For the record,
19 Mr. Chairman, this district does remain a
20 majority-minority district, along with D is untouched,
21 right, Mr. Hutchison?

22 MR. HUTCHISON: D is not untouched,
23 Mr. Hall. This district does go into the western
24 portions of D, or of the approved draft of D, by taking
25 in the Avondale area. I'll highlight the pointer,

1 Avondale area, Tolleson, going into Phoenix, both sides
2 of Tolleson.

3 COMMISSIONER HALL: Drops the minority
4 Hispanic percentage two-tenths of a percent, correct?

5 MR. HUTCHISON: D.

6 COMMISSIONER HALL: Correct, from the
7 original draft?

8 MR. HUTCHISON: We need to pull out the
9 test CC.

10 COMMISSIONER MINKOFF: Fifty-one
11 fifty-eight 18 plus.

12 COMMISSIONER HALL: 51.7, that's right?

13 COMMISSIONER MINKOFF: 51.74, something
14 like that.

15 MR. HUTCHISON: Voting age Hispanic?

16 COMMISSIONER MINKOFF: Voting age.

17 51.74 to 54.58? 61 hundreds of a percent?

18 CHAIRMAN LYNN: If looking for reaction,
19 it's certainly not first choice. I'd only want to
20 consider this alternative if we found other alternatives
21 we're trying to achieve that are unworkable and this was
22 what I would consider the last option. The primary
23 reason for that is that, at least my goal for some
24 period of this process has been to attempt, in the same
25 way we attempted to create a rural district, or as much

1 rural as can be drawn, to have, assuming population
2 concerns of two parts of state did not have Maricopa
3 County influence, influence is minimal, more than I
4 wanted it to be if I had a choice, and certainly it is
5 more than some of the other alternatives still under
6 consideration.

7 Mr. Huntwork and Ms. Minkoff.

8 COMMISSIONER HUNTWORK: This map also, on
9 September 24th I was concerned about this map because it
10 seemed to me that it made both District A and District C
11 less competitive. I can't remember at this point
12 exactly what the motivation is for this map. This
13 doesn't create an extra competitive district. This
14 simply does damage to the one competitive district that
15 we already have, or one of two competitive districts.
16 It comes into Maricopa County.

17 If we're willing to come into Maricopa
18 County, let me suggest we had in our original proposal
19 two competitive districts when we divided the state east
20 and west, and we rejected them because of the rural
21 urban issue. If we're willing to reconsider that issue,
22 we can create extra an competitive district and go back
23 to that original plan and still have, as I believe
24 Ms. Minkoff and I voted in the first place, two
25 predominantly rural districts on the east and west.

1 I don't see any point in this particular
2 test.

3 CHAIRMAN LYNN: Ms. Minkoff.

4 COMMISSIONER MINKOFF: One thing this map
5 has going for it, it needs to be stated it's not my
6 first choice either. As in the earlier configuration,
7 most Northern Districts said, "Please don't put Yavapai
8 with us. It's growing too fast and will overwhelm us."
9 Yavapai said, "Don't put it with us." We'd rather
10 extend the Maricopa County situation with the rest of
11 the district." It says they don't want them. Yavapai
12 says they don't want to be with them.

13 It does achieve that goal. It's important
14 to state that.

15 Keeping that in mind, one of the reasons
16 why proposed, another reason, out of the districts,
17 Mohave County looked at that huge incursion. Mohave
18 County, if bothered by it now, overwhelmed by it then,
19 based on testimony heard, Yavapai County claims it makes
20 some sense to try to look at it. That's what we were
21 trying to do with the test.

22 CHAIRMAN LYNN: It's also the case if
23 trying to look for a beauty mark on an otherwise
24 unattractive landscape, it does have the effect of
25 unifying the most populated areas of Yavapai County,

1 unifying them larger, where we started. It's a
2 criticism, the size of the district, and it's somewhat
3 more compact with this.

4 So --

5 Enough reaction, Mr. Hall?

6 COMMISSIONER HALL: I appreciate that. A
7 lot of comments made are certainly valid.

8 With respect to competition, competition
9 evaluated on a district-by-district basis, state level,
10 now five-three vs. five-two. I should say five --
11 six-two vs. six-three. Competitive is not only district
12 by district, Mr. Huntwork. Three Democratic districts
13 is not something too much to ask out of eight total,
14 plus it increases dual representation on a statewide
15 level. Presumably H is somewhat competitive.

16 Probably without the incumbency factor,
17 there's closer overall representation for what we're
18 trying to accomplish. I think that point is somewhat
19 moot.

20 The point of District H in Maricopa is
21 concerning to me also. I don't know if there are other
22 alternatives. I know I would like to see if there's
23 some other ways that number could be reduced
24 significantly. I don't know whether or not there is,
25 are other positive facets. Minkoff pointed out Yavapai

1 indicated it wanted out of a rural district. It
2 accomplishes that. Unification of Pinal County,
3 Mr. Lynn indicated that is a positive aspect.

4 CHAIRMAN LYNN: Mr. Huntwork.

5 COMMISSIONER HUNTWORK: Mr. Chairman, I
6 was at the Yavapai County hearings, too. I remember
7 very partisan comments about changing Yavapai County
8 around. I don't remember there being overwhelming
9 groundswell of community of interest comments to that
10 effect. I don't believe that that is the case. I also,
11 however, most importantly, want to say that the
12 Proposition 106 does not, however you read it, say we
13 are to create a Democrat district. What it says is give
14 consideration to creating competitive districts. Simply
15 creating five rock-solid Republican and three rock-solid
16 Democratic, that's the first I heard that said by
17 anybody on the Commission. I don't believe that's a
18 correct statement by the Commission.

19 COMMISSIONER HALL: I heard that, that
20 place that in front of you, move downtown to insure we
21 follow that directive.

22 CHAIRMAN LYNN: No motion on the floor
23 with respect to CC unless someone cares to make one.

24 COMMISSIONER HUNTWORK: I move we give no
25 further consideration to this map.

1 CHAIRMAN LYNN: Is there a second?

2 Appears the motion fails for lack of a
3 second.

4 (Motion fails.)

5 CHAIRMAN LYNN: Any other motions with
6 respect to CC?

7 COMMISSIONER ELDER: Mr. Chairman, by lack
8 of a second, we'll continue to consider this option?

9 CHAIRMAN LYNN: We simply haven't formally
10 removed it from the list. I guess the question is if we
11 don't give specific instruction to CC in terms further
12 modifications, CC remains in play for consideration in
13 the future. If we remove it, for the moment it's out of
14 consideration for concentration elsewhere. If we choose
15 to modify it in some way, we can obviously look at it
16 for modification.

17 Ms. Minkoff.

18 COMMISSIONER MINKOFF: One of the things
19 getting A lot of discussion tonight, and will continue
20 getting a lot of discussion, is a competitive district
21 in Maricopa County, which CC does not have. Currently
22 we could look at another base map in terms of developing
23 that particular district.

24 I'm not ready to put this version aside,
25 yet I don't think we need to make additional work for

1 the consultants. Whatever develops in District B,
2 whatever they're working with now to make competitive,
3 without doing any complicated tests, just be aware they
4 may need to superimpose that on CC rather than on
5 another version.

6 MR. HUTCHISON: If I may, Mr. Chairman,
7 Members of the Commission, in terms of competitive
8 districts in Maricopa County, the less base, taking
9 basically Democrats out of Maricopa County, that's
10 something to keep in mind. It's difficult to make. I
11 won't say it can't be done.

12 COMMISSIONER MINKOFF: Didn't test DD to
13 do it or CC's perimeter to attempt to create a
14 competitive test.

15 COMMISSIONER HALL: I think it's correct,
16 DD incorporated C District. Central Maricopa didn't
17 affect District D.

18 Is that assumption correct, Mr. Hutchison?
19 That's my recollection. I think DD incorporated HH with
20 CC, is my recollection, which didn't touch D.

21 COMMISSIONER ELDER: Or chop sticks.
22 While looking, could you give me a review
23 of what maps, options you're looking at or kept in the
24 mix so far?

25 CHAIRMAN LYNN: The only thing done to

1 date is all the maps in the blue binder, additional maps
2 added to the mix in terms of Competitive A. Competitive
3 B was not in the binder when you received it.

4 COMMISSIONER MINKOFF: Mr. Chairman, in
5 the earlier binder was test DD, if people want to look
6 at it.

7 CHAIRMAN LYNN: Responding to Mr. Elder's
8 question at the moment:

9 Blue binder districts in the motion with
10 the exception of A which was removed from consideration
11 at the moment. We're currently deciding if we want to
12 do something, at the moment, and I'd ask you, and
13 apologize for going back, if appropriate, if in fact
14 we're going to remove the map from consideration, even
15 temporarily, is it reasonable to try to indicate what
16 substantial difficulties or substantial detriment to the
17 goals of 106 are involved in that map? Is it clear why
18 the map is no longer being considered at this time?

19 Unless there's an affirmative motion,
20 question to be answered, unless an affirmative motion on
21 CC, I'd appreciate clarification on A.

22 COMMISSIONER HALL: If I interject in
23 the motion, D affected only YY. I don't think D
24 affected the lone Downtown District is my point.

25 COMMISSIONER MINKOFF: Downtown District

1 imposed on CC test DD has significant impact on D,
2 significant impact on D.

3 COMMISSIONER HALL: Impacted from both
4 sides.

5 COMMISSIONER MINKOFF: Yeah. It takes the
6 original AUR and removes a significant portion of it.

7 COMMISSIONER HALL: I stand corrected.

8 CHAIRMAN LYNN: Dr. Adams, anything you
9 want to add to that? Is it a correct assessment?

10 DR. ADAMS: Chairman Lynn, Members of the
11 Commission, the answer on test DD, the competitive test
12 to make B more competitive, the test DD was around to
13 test and was revised as necessary to fit into the test
14 CC map, ones mentioned in the summary early on and was
15 an early attempt to do that.

16 I should also mention as regards 3CC,
17 which you've been discussing, that was a draft modified
18 to include Pinal County in Rural District C. That was
19 the original request. In that particular version it
20 excluded Yavapai County in order to do so.

21 Other version around to test EE you also
22 have before you, if you want a different example of
23 that, and excluded Mohave County.

24 You do have another option to look at, as
25 I understand, still on the table. Mr. Hutchison can

1 give you some data from DD.

2 MR. HUTCHISON: It's necessary, in DD,
3 Congressional test DD as we have here, to compare two,
4 compare two adopted draft plans. District D drops 57.87
5 percent Hispanic, 58.04. Impact DD does create a
6 competitive district. It essentially looks like an HH
7 District. I don't know if you have it in the red
8 binders. It looks very much like that.

9 CHAIRMAN LYNN: Mr. Hall.

10 COMMISSIONER HALL: Mr. Chairman,
11 Mr. Hutchison, I believe, was not FF a variation I took
12 out of my binder, a variation of CC that excluded the
13 Verde Valley, I should say included Verde Valley into C?
14 Is that correct?

15 MR. HUTCHISON: Includes Verde Valley.

16 COMMISSIONER HALL: Minimizes population
17 in Maricopa County.

18 MR. HUTCHISON: Test F does not have
19 downtown.

20 COMMISSIONER HALL: Test FF created D as
21 in dog.

22 MR. HUTCHISON: Yes.

23 COMMISSIONER HALL: Less than CC?

24 MR. HUTCHISON: Less than CC. Essentially
25 takes off the southern portion of Avondale.

1 COMMISSIONER HALL: I guess my question
2 is, at first glance, Mr. Hutchison, is it possible to do
3 some combination of FF and keep the bulk of D intact and
4 still incorporate a competitive district in some fashion
5 we are presently considering?

6 MR. HUTCHISON: I couldn't tell you for
7 sure. We may very well be able to. Depends what we
8 have defined as competitive once we see the district,
9 whether or not you can affect D at all.

10 COMMISSIONER HALL: Without objection,
11 Mr. Chairman, I wonder if we can look at that test.

12 COMMISSIONER MINKOFF: Repeat that again.

13 CHAIRMAN LYNN: I wonder what we're about
14 to vote on.

15 COMMISSIONER ELDER: Look right now.

16 CHAIRMAN LYNN: What?

17 COMMISSIONER HALL: Request the test.

18 CHAIRMAN LYNN: Nothing to look at. The
19 motion is if to look at it.

20 Restate it.

21 COMMISSIONER HALL: Map FF,
22 reconfiguration of District C in test CC, wherein the
23 Verde Valley is placed back into C, thereby reducing
24 population of Maricopa County in G, because it
25 simultaneously loses some of Pinal and it picks up more

1 of Mohave.

2 Want to look at it?

3 CHAIRMAN LYNN: What are you asking to be
4 done with that map?

5 COMMISSIONER HALL: To see if this map
6 would dovetail with what -- some of the options we're
7 considering in central Maricopa without negatively
8 impacting D or a potentially -- potential considerations
9 for a competitive district in B.

10 CHAIRMAN LYNN: Is that a motion?

11 COMMISSIONER HALL: Does it need to be?

12 CHAIRMAN LYNN: If it gives direction, it
13 does.

14 COMMISSIONER HALL: So moved.

15 COMMISSIONER MINKOFF: I'll second.

16 CHAIRMAN LYNN: Discussion?

17 Mr. Huntwork.

18 COMMISSIONER HUNTWORK: I'm somewhat lost,
19 because in the draft maps I thought, I still feel we did
20 a good job, the best job in identifying communities of
21 interest, to draw maps on that basis, and then now we
22 face problems of trying to find a way create a
23 competitive districts. There's A lot of talking about
24 Central Maricopa County related to a competitive
25 district. I understand all that discussion. What I'm

1 lost about here, talking about major changes around the
2 periphery of the state. I'm not -- I don't hear any
3 community of interest arguments. I'm not sure why we're
4 making other changes.

5 The question coming back up consistent
6 with the possibility of a competitive district, I
7 understand why we're asking that question. What is the
8 argument in favor in looking at -- I'm not sure why
9 looking at CC, much less EE and FF? Who knows what
10 other variations?

11 COMMISSIONER HALL: A fair question. If I
12 may respond.

13 CHAIRMAN LYNN: Mr. Hall.

14 COMMISSIONER HALL: The intent of the
15 adjustments, I think I proposed maybe potential other
16 adjustments that may seek a spread. I think the spread
17 is seven percent, in that range. So that district is, I
18 think, in my opinion, given voter turn-out issues, in
19 that turn-out district, makes it more, in particular,
20 more competitive, where presently it is listed as
21 competitive but certainly with a Republican leaning.

22 The intent there is to maintain, minimize
23 the Maricopa influence and maintain a majority-minority
24 influence and arrive at the possibility of a competitive
25 influence in B and hoping to have H competitive. And if

1 all those variables dovetail, Mr. Chairman, we'd have
2 three competitive districts, two Democratic districts,
3 and three Republican districts.

4 COMMISSIONER MINKOFF: Mr. Chairman?

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: From the vantage
7 point of Yavapai County, they did not want to be in a
8 rural district. To be put in the kind of district they
9 want to be in, the Verde Valley testimony we heard, they
10 are very comfortable going north, looking at north of
11 Prescott. The tri-cities expressed a desire to be moved
12 south rather than north. I think it works from that
13 standpoint as well.

14 CHAIRMAN LYNN: Further discussion on the
15 motion?

16 Mr. Elder.

17 COMMISSIONER ELDER: It was a long meeting
18 in Yavapai, but I just don't believe there was consensus
19 in Prescott Valley that: Oh, yeah, we want to go to
20 Maricopa. There just wasn't. Questions were asked of
21 Mayors and representatives, would you rather be, and
22 rather be, rather stay rural, given the choice go to
23 south. They chose they'd rather be combined with Verde
24 Valley, people from Cottonwood, Sedona, than south, the
25 Prescott option. Asked the same thing when asked of the

1 Mayor of Cottonwood, Camp Verde, they said they'd rather
2 stay with Flagstaff, and rural and choose Prescott over
3 going into Maricopa County.

4 I don't know where they'd rather be with
5 Maricopa County over.

6 CHAIRMAN LYNN: Ms. Minkoff.

7 COMMISSIONER MINKOFF: Testimony you
8 remember, I think you remember pretty well about the
9 Legislative District, much more on the Legislative
10 District. I recall a lot of testimony from Yavapai
11 County: What are you doing putting us in an enormous
12 Northern District? We don't want to be there. We've
13 been represented by the same representative for some
14 number of years.

15 Of course, while we don't consider
16 incumbency, it means they've been represented by a
17 district from Maricopa County, are happy with that,
18 please don't take that away from us.

19 CHAIRMAN LYNN: Mr. Huntwork.

20 COMMISSIONER HUNTWORK: As compared to
21 test CC, I still don't like, when I compare the two,
22 this one splits an additional county. I think that
23 is -- we had Mohave united and Yavapai, now both aren't
24 united. And again, it's no apparent reason. It's
25 apparent to me -- and I'm somewhat surprised we're

1 broadening and creating additional tests at this point.
2 I'd prefer to be narrowing rather than expanding. I'd
3 prefer to have a more concrete and definite indication
4 of what the result would be before we do this. Having
5 said that, I'll yield to my fellow Commissions. We may
6 be on a wild goose chase.

7 COMMISSIONER HALL: We may well be. I
8 think it's important. The goal here is to try to favor,
9 do not cause detriment to other goals. There's a
10 possibility for that to occur. I do not know that. If
11 this test, that's all I'm asking for is a test, there's
12 a chance to be successful, the potential is there to
13 create competitive districts, it may well impact the
14 voting rights issues in the southwest portion of the
15 state. I don't know that. I think it's important for
16 us to make the best attempt to analyze this issue from a
17 variety of animals. While I also, I'm not attempting to
18 maximize the number of issues to address, I think it's
19 imperative to try to look at it.

20 CHAIRMAN LYNN: Mr. Hall, try to restate
21 the motion exactly on what you're trying to have happen.

22 COMMISSIONER HALL: Mr. Chairman, without
23 going into too much detail, the previous test of it, FF,
24 FF is simply a reconfiguration of CC. Places Verde
25 Valley into K, more of the western river communities

1 into C, and minimizes the influence of Maricopa County
2 into G. The request was essentially to take FF or some
3 appropriate variation and dovetail D as it exists and
4 some appropriate configuration of New Competitive B to
5 see how that impacts all of the other goals as stated in
6 Proposition 106.

7 CHAIRMAN LYNN: Mr. Hutchison, a question.
8 I don't know whether it's a question you can answer off
9 the top of your head.

10 Part of Mr. Hall's motion deals with FF as
11 a starting point, encroaches less in District G in
12 Maricopa County than some other tests we've been looking
13 at.

14 Can you quantify the encroachment, not
15 necessarily numbers, per se, but just make sure I
16 understand on FF how much encroachment District G has in
17 Maricopa County?

18 MR. HUTCHISON: Chairman Lynn, as you see,
19 District G comes up, takes in Southern Buckeye, Southern
20 Goodyear, Avondale. There's not much population in
21 Southern Avondale. I'd really need to run numbers on
22 it.

23 CHAIRMAN LYNN: I understand. I just
24 wanted a picture.

25 Mr. Hall, I clearly want to take any

1 reasonable opportunity we can to find a way to achieve
2 another competitive district. I'm not sure this one is
3 going to help us based on the fact that the starting
4 point is at least as objectionable as some of the other
5 starting points we had. Some other maps afford us a
6 better opportunity of getting there, at least.

7 I'm concerned with the number of
8 assignments we're giving the consultants. We'll need a
9 certain amount of time for the consultants to complete
10 assignments, an amount of time to review those. And
11 again, if nothing else, let's clearly state the
12 objective. I want to do that again.

13 Again, it's on the motion. This is to
14 NDC. What you are hearing from the Commission is a
15 desire to leave no opportunity unlooked at where we
16 believe we have an opportunity to achieve another
17 competitive district. Again, under the conditions of
18 achievement of that district that it does not do
19 significant detriment to things already put in place of
20 the goals of 106 which includes but is not limited to
21 AURs already established in districts of AURs, having
22 said that, I'm not sure this particular test gets us
23 further down the road. I'll leave it at that.

24 Mr. Huntwork.

25 COMMISSIONER HUNTWORK: On the face of it,

1 the thing that concerns me most, FF, CC -- FF is a lot
2 like CC, splits two additional towns. Two additional
3 towns, that's something we're not supposed to split to
4 the extent practicable.

5 I don't know how to argue to FF to CC that
6 we haven't done significant detriment to other goals.
7 So -- so, you know, I'd take serious convincing.

8 CHAIRMAN LYNN: Further discussion on the
9 motion?

10 COMMISSIONER HALL: Mr. Chairman, all the
11 concerns may well be valid, but we don't know until we
12 see the test. The motion is simply asking for a test,
13 for the record.

14 CHAIRMAN LYNN: Further discussion on the
15 motion?

16 COMMISSIONER HUNTWORK: May I ask a
17 question?

18 How long will it take to do the test?

19 MR. HUTCHISON: It's running now. It's on
20 a laptop, so it's slower. If you maybe hold the motion,
21 five, 10 minutes --

22 CHAIRMAN LYNN: The motion is to finish a
23 program running now.

24 COMMISSIONER HUNTWORK: In that case, I
25 agree wholeheartedly.

1 CHAIRMAN LYNN: Vote on it, he's doing
2 work, to continue to do it.

3 MR. HUTCHISON: How much G in Maricopa
4 County.

5 CHAIRMAN LYNN: It answers a question.

6 COMMISSIONER HALL: Mr. Huntwork's
7 question.

8 Chris, merging a couple tests, in your
9 opinion, professional, expert opinion, how much would it
10 take you, less sleep will you receive?

11 MR. HUTCHISON: First off, that's assuming
12 I'm getting sleep tonight.

13 CHAIRMAN LYNN: Sounds like a personal
14 problem to me, Mr. Hutchison.

15 D and B, E to an extent, D is not very
16 split, a portion of Avondale, probably not that
17 difficult, a test out of current competitive scenarios.
18 As regarding a better way to do it, this specific one, a
19 lot longer, probably throw in their a map to whatever
20 scene. Change districts to an extent. D lower is
21 already missing out.

22 COMMISSIONER HALL: I do want D, new work,
23 and B, throw FF and see what happens to G, bottom line.

24 COMMISSIONER MINKOFF: Say again?

25 COMMISSIONER ELDER: Why throw FF if the

1 base is what we're not happy with?

2 COMMISSIONER HALL: Again?

3 COMMISSIONER ELDER: Sorry.

4 COMMISSIONER HALL: At the risk of being
5 redundant, FF minimizes the risk to Maricopa County.

6 CHAIRMAN LYNN: It doesn't.

7 COMMISSIONER HALL: Less than CC.

8 CHAIRMAN LYNN: Not by much.

9 COMMISSIONER HALL: Well --

10 COMMISSIONER HUNTWORK: That was the
11 question, I thought, of the test.

12 CHAIRMAN LYNN: That's the one running.

13 COMMISSIONER HALL: Right.

14 CHAIRMAN LYNN: Let's do this.

15 COMMISSIONER HALL: At the risk of being
16 redundant, it creates more competitive districts in B,
17 D. All we want to do is run a test.

18 CHAIRMAN LYNN: I'd love to be able to
19 vote in favor.

20 Table the motion, finish the test, one
21 more vote or take a nap, your choice.

22 COMMISSIONER HALL: Die on the sword.

23 CHAIRMAN LYNN: Takes a motion.

24 COMMISSIONER HUNTWORK: Table until the
25 laptop finishes.

1 COMMISSIONER MINKOFF: Second.

2 COMMISSIONER ELDER: Call the question.

3 CHAIRMAN LYNN: Ms. Minkoff?

4 COMMISSIONER MINKOFF: "Aye."

5 CHAIRMAN LYNN: Mr. Huntwork?

6 COMMISSIONER HUNTWORK: "Aye."

7 CHAIRMAN LYNN: Mr. Hall?

8 COMMISSIONER HALL: "Aye."

9 CHAIRMAN LYNN: Mr. Elder?

10 COMMISSIONER ELDER: "Aye."

11 CHAIRMAN LYNN: Chair votes "aye."

12 (Motion carries.)

13 CHAIRMAN LYNN: Back to A for a moment off

14 the table, is there discussion related to the reasoning

15 for taking that off the table at this point, any

16 significant detriment to goals of 106 that may be in

17 play?

18 Mr. Huntwork?

19 COMMISSIONER HUNTWORK: My thinking was,

20 firstly, we've driven what includes the western border

21 of the state deep into the heart of Phoenix. It's one

22 thing to bring the West Valley all the way into the

23 heart of Phoenix. Secondly, we've done it creating odd,

24 uneven shapes, a gerrymandered attempt to create

25 competitive districts, which in my view, again, is a

1 violation of the strict requirements of 106. The other
2 alternative we have, test D, at least, has geographic
3 compactness going for it. Test A does nothing but
4 violates other criteria.

5 CHAIRMAN LYNN: Other comments with
6 respect to Competitive District A?

7 MS. HAUSER: A recap of those reasons?

8 CHAIRMAN LYNN: Ask Mr. Huntwork to recap.

9 COMMISSIONER HUNTWORK: Violates
10 communities of interest.

11 CHAIRMAN LYNN: It's late, if we don't
12 stay on task and with the task.

13 MS. HAUSER: If that's why -- more
14 specific communities of interest and the specific
15 district is noncompact.

16 COMMISSIONER HUNTWORK: District A, how
17 incongruous with the Colorado River united with Central
18 Phoenix, with Central Phoenix, and the method doing it
19 has gerrymandered arms and fingers, seems violative,
20 gerrymandered arms, fingers; with other things on the
21 table, it has to stand or fall on the moment.

22 MS. HAUSER: Thank you. Sorry.

23 Apologize. Answering on the question.

24 CHAIRMAN LYNN: I understand. More than
25 one conversation going on at a time.

1 Interesting program. Takes awhile on a
2 laptop.

3 If we could, the laptop is now engaged in
4 a test.

5 MR. HUTCHISON: It can't multitask while
6 doing that test.

7 It's almost done.

8 CHAIRMAN LYNN: I see the completion bar.

9 COMMISSIONER HALL: Mr. Chairman.

10 CHAIRMAN LYNN: Mr. Hall.

11 COMMISSIONER HALL: Before we fall asleep,
12 to reduce, my recollection, a little replication, we did
13 the test Biltmore 1, Biltmore 2. Biltmore 2 seems more
14 acceptable to this Commission. Therefore, I make a
15 motion that be included as part of the map we're working
16 on.

17 CHAIRMAN LYNN: Conversely eliminate
18 Biltmore 1?

19 COMMISSIONER MINKOFF: Second.

20 CHAIRMAN LYNN: Moved, seconded, Biltmore
21 2 be included and Biltmore 1 eliminated.

22 Discussion?

23 COMMISSIONER ELDER: In what base or what
24 included, T2. Tabled? I don't know another map.

25 COMMISSIONER HALL: We're adding

1 everything to the adopted map.

2 COMMISSIONER ELDER: Fine.

3 COMMISSIONER MINKOFF: Fine.

4 CHAIRMAN LYNN: I think the intent is --
5 correction. It is a correction that needs to occur in
6 subsequent maps we see as part of what we consider as we
7 move forward.

8 Further discussion on the motion?

9 Roll call.

10 Ms. Minkoff?

11 COMMISSIONER MINKOFF: "Aye."

12 CHAIRMAN LYNN: Mr. Huntwork?

13 COMMISSIONER HUNTWORK: "Aye."

14 CHAIRMAN LYNN: Mr. Hall?

15 COMMISSIONER HALL: "Aye."

16 CHAIRMAN LYNN: Mr. Elder?

17 COMMISSIONER ELDER: "Aye."

18 CHAIRMAN LYNN: Chair votes "Aye."

19 (Motion carries.)

20 COMMISSIONER HALL: It's my recollection
21 the 3AA test we did constituted a change in the Tucson
22 Salt River change. I'd make a motion we also include
23 those parts of the amendments to the adopted draft.

24 CHAIRMAN LYNN: Second?

25 COMMISSIONER MINKOFF: Second, if you

1 promise to describe what the tests were.

2 COMMISSIONER HALL: It's my recollection,
3 Ms. Minkoff, Mr. Lynn and Elder refresh my memory, the
4 amendments were the Tucson line, one, Tucson boundary
5 line.

6 Mr. Lynn?

7 DR. ADAMS: Sahuarita.

8 CHAIRMAN LYNN: In truth, having looked at
9 that, the districts are the wrong direction for
10 competitiveness. If you'd like to make that change, I
11 can't support it.

12 COMMISSIONER HALL: Can't put it in there?

13 CHAIRMAN LYNN: I wouldn't. That's not
14 helpful.

15 COMMISSIONER HALL: Maybe --

16 COMMISSIONER HALL: Remove change Tucson
17 from 3AA from the table.

18 CHAIRMAN LYNN: Sahuarita switch?

19 COMMISSIONER HALL: Right.

20 CHAIRMAN LYNN: Is there a second to that
21 motion?

22 COMMISSIONER MINKOFF: Second that.

23 CHAIRMAN LYNN: Discussion on the motion?

24 Mr. Huntwork?

25 COMMISSIONER HUNTWORK: Mr. Chairman, 3AA

1 has two changes.

2 COMMISSIONER HALL: Divided one out.

3 COMMISSIONER HUNTWORK: One I was able to
4 understand very well. We haven't really discussed the
5 other one. I appreciate your comments. I'd like to see
6 it again, if possible, before voting, the test on that
7 portion.

8 CHAIRMAN LYNN: All things are possible as
9 soon as that quits counting.

10 Summarize?

11 COMMISSIONER HUNTWORK: Possibly.

12 CHAIRMAN LYNN: The intent was move,
13 reunite Sahuarita with Green Valley in District H. Now
14 in the draft map there are two different districts,
15 Green Valley in H, Sahuarita in G. The result of that,
16 the switch, were modifications in the Tucson area to
17 account for population. This increases the spread in
18 registration in H which is, in my opinion, a competitive
19 district. I don't want to do anything to increase the
20 spread of an already competitive district. That's why
21 I'm not prepared to go forward with that at this time.

22 COMMISSIONER MINKOFF: Mr. Chairman, I
23 have AA here. Days get long and hard. The issue is
24 good maps. Some maps, some are the price of changes. I
25 don't have summaries of AA, so...

1 COMMISSIONER HALL: I believe that's in
2 your maroon binder.

3 COMMISSIONER MINKOFF: Maroon binder.

4 I don't remember the change was Maricopa
5 County at the moment.

6 Mr. Elder.

7 COMMISSIONER ELDER: I guess I have to go
8 back and look at compactness and communities of
9 interest. Sahuarita and Green Valley belonged to it,
10 that was the reason supporting it. That was the reason
11 supporting it, 6,000, 5,000, with the difference
12 Democrat, Republican, voting age, was my recollection,
13 half a quarter shift on H. Based on that I couldn't
14 support not including Sahuarita with Green Valley.

15 CHAIRMAN LYNN: You'd be speaking against
16 the motion?

17 COMMISSIONER ELDER: I would.

18 COMMISSIONER HALL: Mr. Chairman, if I
19 could respond, not knowing specifically, as for the
20 competitiveness issues, there are experts, at this
21 point, working, and I think our expert, his opinion is
22 it's borderline competitive, it's a probably there it's
23 possibly not competitive.

24 CHAIRMAN LYNN: I don't know if we'd tip
25 the balancing and go to the wrong balance.

1 COMMISSIONER MINKOFF: I got the maroon
2 binder. Test AA is not the same test as 3AA in this
3 binder. It doesn't mention anything about Pima, what I
4 have in this binder, at all, keeping facts straight.

5 COMMISSIONER HUNTWORK: Pima County is a
6 separate test.

7 COMMISSIONER MINKOFF: It's not here in
8 all the maps. I'm trying to keep it straight. I cannot
9 do it.

10 DR. ADAMS: Chairman Lynn, the instruction
11 to take, round two maps in the maroon binder, take AA
12 and GG and combine them, AA, one configuration for the
13 Sahuarita area, and GG in another configuration, have GG
14 merged into the AA map, then you had the result which we
15 called 3AA.

16 COMMISSIONER MINKOFF: That's very
17 helpful. I need it in writing when I go over these. If
18 it's here, I don't know where.

19 DR. ADAMS: Front page of the test
20 booklet.

21 COMMISSIONER HALL: I withdraw the motion.

22 DR. ADAMS: It's on the front page.

23 COMMISSIONER MINKOFF: I withdraw the
24 second.

25 CHAIRMAN LYNN: Ms. Minkoff withdraws the

1 second.

2 (Motion is withdrawn.)

3 COMMISSIONER HALL: Another portion, the
4 Salt River Tribes include what Native American Tribes
5 requested to be included with the metropolitan district
6 and had excluded from the rural District C:

7 CHAIRMAN LYNN: Discussion?

8 COMMISSIONER HUNTWORK: Second.

9 CHAIRMAN LYNN: Discussion on the motion?

10 Mr. Hall, restate the motion.

11 COMMISSIONER HALL: Pursuant to the Salt
12 River Native American Tribe request, and Fort McDowell,
13 also.

14 COMMISSIONER MINKOFF: Yes.

15 COMMISSIONER HALL: They requested to be
16 taken from existing, the rural District C, and be placed
17 into the neighboring metropolitan district, which I
18 recall is E. I made a motion pursuant to that test we
19 make that change. I believe somebody seconded it. I
20 don't know who.

21 CHAIRMAN LYNN: Mr. Huntwork.

22 COMMISSIONER HALL: I call the question.

23 CHAIRMAN LYNN: On the motion, roll call.

24 Ms. Minkoff.

25 COMMISSIONER MINKOFF: "Aye."

1 CHAIRMAN LYNN: Mr. Huntwork?

2 COMMISSIONER HUNTWORK: "Aye."

3 CHAIRMAN LYNN: Mr. Hall?

4 COMMISSIONER HALL: "Aye."

5 CHAIRMAN LYNN: Mr. Elder?

6 COMMISSIONER ELDER: "Aye."

7 CHAIRMAN LYNN: Chair votes "Aye."

8 COMMISSIONER HALL: Left on the table, I'd
9 ask the consultants to correct me, with the exception of
10 a variety of tests that include Hopi issues, Downtown CD
11 Congressional, we have the Downtown HH Congressional
12 test, and we have the HH.

13 Dr. Adams, I know, with the exception of
14 the test, the motion tabled the affects of CC and a
15 variety of other issues.

16 CHAIRMAN LYNN: Done in a second.

17 COMMISSIONER HALL: Only remaining is HH
18 and Downtown CD?

19 CHAIRMAN LYNN: It's taken long enough
20 there's a pool in the back room when it will finish.

21 MR. HUTCHISON: It's a fairly new laptop.

22 COMMISSIONER HALL: Mr. Chairman, I wonder
23 what the Commission's wishes are.

24 CHAIRMAN LYNN: Yeah, but it's almost
25 finished.

1 (Laughter.)

2 COMMISSIONER HALL: I wonder if we need to
3 discuss Downtown, quote unquote, "Downtown," or HH test,
4 which most affectionately is referred to as the barbell
5 district?

6 MS. HAUSER: Mr. Chairman, if -- well,
7 since this program is almost finished running, the
8 Commissioners received and have also been distributed
9 the competitiveness analysis using Judge It on the
10 proposed drafts, the ones in the blue binder. That's
11 what was distributed to you a few minutes ago. If you
12 wanted to take a quick look at that, this might be a
13 good time to do that.

14 COMMISSIONER HALL: Because?

15 MS. HAUSER: Because you have a minute to
16 do that.

17 CHAIRMAN LYNN: Fill-in.

18 MS. HAUSER: Also, Mr. Chairman, there's
19 information in there about the relative competitiveness
20 of the districts that are in the proposed test. So as
21 making motions and considering whether moving the right
22 direction or not, it might be something you would want
23 to take a look at.

24 CHAIRMAN LYNN: Okay.

25 COMMISSIONER HALL: Mr. Chairman, while

1 here, while here, I wonder, we can talk about HH.
2 Certainly I'd entertain a motion, because we're almost
3 done.

4 CHAIRMAN LYNN: Nope, too late.

5 Just kidding.

6 Mr. Huntwork.

7 COMMISSIONER HUNTWORK: I'd like to ask
8 what we're going to see here in terms of a base map.
9 That is a couple things that seem to me to be
10 undisputed. We're bringing in AA.

11 MR. RIVERA: Microphone.

12 COMMISSIONER HUNTWORK: Now we've done AA,
13 I'd like to see Biltmore 2 combined with changes made in
14 AA and like to see the Arcadia issue addressed in any
15 version of the map that doesn't basically make the
16 Arcadia issue moot in the way of changes.

17 CHAIRMAN LYNN: I want to hold the Arcadia
18 issue, falls into the issue of the category of
19 instruction after the test is done.

20 The flasher is out of the pool.

21 Get to that, and then go back to the list.

22 MR. HUTCHISON: 38,068 persons in District
23 G in Maricopa County, to answer the question. It
24 includes Gila Bend in the county. Includes Maricopa
25 County. A little over 35,000 persons are taken out of

1 Maricopa County.

2 COMMISSIONER HALL: Correct me if I'm
3 wrong. The reduction, F is a reduction from CC of
4 35,000.

5 MR. HUTCHISON: Yes, sir.

6 CHAIRMAN LYNN: I can't see all the
7 numbers. The test determines, you only run the test
8 numbers for the entire district.

9 MR. HUTCHISON: Just Maricopa County.

10 CHAIRMAN LYNN: Is there a motion to take
11 from the table FF?

12 COMMISSIONER HALL: So moved.

13 COMMISSIONER HUNTWORK: Second.

14 CHAIRMAN LYNN: All in favor say "Aye."

15 (Vote taken.)

16 (Motion carried.)

17 CHAIRMAN LYNN: Discussion of FF for
18 future testing?

19 COMMISSIONER HUNTWORK: How long to do the
20 test Mr. Hall requested?

21 MR. HUTCHISON: Putting in competitive
22 districts; how many versions requested?

23 COMMISSIONER HALL: One, maybe to
24 reiterate it, what the intention was, to more accurately
25 answer his question, I know the interaction between FF

1 and D. Take FF, take D as exists with FF, overlay new
2 Competitive B working on whatever you consider the
3 instruction for working on the best consideration D,
4 what is the best culmination of D and G, specifically of
5 the majority-minority voting rights issues.

6 The purpose of the motion, to reiterate,
7 Mr. Chairman, is in the event all of that was to work,
8 that would provide a map that would have two very
9 competitive districts, one -- actually three competitive
10 districts, depending on the configuration of B, two very
11 competitive. To my guess, H is competitive. C is
12 competitive. D is competitive. D and G would be
13 Democratic majority-minority districts with A, E, and F
14 Republican.

15 COMMISSIONER MINKOFF: Thanks.

16 CHAIRMAN LYNN: Roll call?

17 Ms. Minkoff?

18 COMMISSIONER MINKOFF: "Aye."

19 CHAIRMAN LYNN: Mr. Huntwork?

20 COMMISSIONER HUNTWORK: "No."

21 CHAIRMAN LYNN: Mr. Hall?

22 COMMISSIONER HALL: "Aye."

23 CHAIRMAN LYNN: Mr. Elder?

24 COMMISSIONER ELDER: "No."

25 CHAIRMAN LYNN: Chair votes "No."

1 Motion fails three-two.

2 DR. ADAMS: Did you make CC, raised the
3 test FF, which came up as a result of discussion.

4 COMMISSIONER HALL: The motion just
5 passed, Dr. Adams, FF was considered in consideration of
6 other issues in place of CC.

7 And for your benefit, I make a motion CC
8 be taken off the table.

9 CHAIRMAN LYNN: Second?

10 Motion dies for lack of second.

11 Move to Downtown Congressional District N
12 and HH.

13 MR. HUTCHISON: The Downtown CD first?

14 CHAIRMAN LYNN: Sure. Downtown CD is
15 fine.

16 COMMISSIONER MINKOFF: A quirk, Downtown
17 CD is not in the blue notebook.

18 DR. ADAMS: Red one.

19 COMMISSIONER MINKOFF: HH is in the blue
20 one.

21 MR. HUTCHISON: It has the Moenkopi
22 extension which is something to keep in mind.

23 CHAIRMAN LYNN: I'm not sure we've
24 adequately given instruction. Not a further iteration
25 of the map up to speed with other things done. In other

1 words, the only value is the relative configuration of
2 districts, not exact configuration of districts.
3 Because the second round test, not third round, it's not
4 balanced population. We can't make a judgment with
5 regard to specific outlines of the district. We can
6 make a judgment with respect to relative positions of
7 the district.

8 Dr. Adams?

9 DR. ADAMS: Chairman Lynn, it is indeed a
10 third round test. We made test B as it had not reached
11 the point of population balancing. It is a third round
12 test.

13 CHAIRMAN LYNN: Same configuration, it
14 looks remarkably like.

15 COMMISSIONER HALL: HH.

16 CHAIRMAN LYNN: HH in part, Competitive B
17 in part.

18 COMMISSIONER MINKOFF: One very unlike HH.
19 Competitive changes to -- competitive changes to
20 downtown.

21 COMMISSIONER HUNTWORK: The test I felt
22 was dead on arrival. Because of D, the request on the
23 24th was to see if there was a way to salvage something
24 along the lines worked. I think it's a nonstarter and
25 should be removed from further consideration.

1 CHAIRMAN LYNN: Motion?
2 COMMISSIONER HUNTWORK: Yes.
3 CHAIRMAN LYNN: Second?
4 COMMISSIONER HALL: Yes.
5 CHAIRMAN LYNN: Discussion?
6 COMMISSIONER MINKOFF: Basically, I think
7 what the Commissioner is talking about being done in
8 3HH, it replaces this and fixes some problems in this
9 one.
10 CHAIRMAN LYNN: Further discussion on the
11 motion?
12 Roll call?
13 MS. HAUSER: Mr. Chairman, I just want to
14 clarify. Mr. Huntwork's motion re-referenced negative
15 effects of D, referring to Section Five issues, voting
16 rights compliance issues?
17 COMMISSIONER HUNTWORK: Of course.
18 CHAIRMAN LYNN: Thank you, Ms. Hauser.
19 Ms. Minkoff?
20 COMMISSIONER MINKOFF: "Aye."
21 CHAIRMAN LYNN: Mr. Huntwork?
22 COMMISSIONER HUNTWORK: "Aye."
23 CHAIRMAN LYNN: Mr. Hall?
24 COMMISSIONER HALL: "Aye."
25 CHAIRMAN LYNN: Mr. Elder?

1 COMMISSIONER ELDER: "Aye."

2 CHAIRMAN LYNN: Chair votes "Aye."

3 (Motion carries.)

4 CHAIRMAN LYNN: HH.

5 COMMISSIONER HALL: In light of the fact
6 we're still working on this, it might be appropriate to
7 see, while we're working on this, in light of the fact
8 we're still working on it, I guess I'm looking for
9 direction from my fellow Commissioners on this issue.

10 COMMISSIONER MINKOFF: I'm in agreement.
11 I'd like to keep this on the table since we haven't
12 fully explored all the various possibilities with
13 District B being a competitive district. Even though
14 certain things about this have not met the pleasure of
15 the Commissioners, I believe fixes could be attempted if
16 some of the other tests don't work. I'd like to leave
17 it on the table.

18 CHAIRMAN LYNN: Is that a motion?

19 COMMISSIONER MINKOFF: Yes.

20 CHAIRMAN LYNN: It's on the table unless
21 we take it off.

22 Is there specific direction with respect
23 to HH we wish to give to the consultants?

24 COMMISSIONER MINKOFF: Hold it.

25 COMMISSIONER HALL: Go ahead.

1 COMMISSIONER MINKOFF: I suggest we don't
2 do any further work on it yet, but it remains an option
3 we may yet come back to.

4 CHAIRMAN LYNN: Perhaps it might be
5 instructive, in the ultimate useful, to at least
6 describe to the consultants those attributes in
7 particular of the map we liked or wished different that
8 might provide direction for areas to explore.

9 COMMISSIONER MINKOFF: One of the things
10 that concerns me is the very long tail and heads north,
11 on both sides of I-17. I wonder if there's a way of
12 shortening the district in a north-south configuration,
13 possibly moving a little to the east, picking up
14 population, which does not destroy competitiveness of
15 the district.

16 MR. HUTCHISON: I remember you had
17 concerns about the rural incursion into rural portions
18 of the county.

19 CHAIRMAN LYNN: Iterations with incursions
20 into rural counties.

21 CHAIRMAN LYNN: Iterations with incursions
22 into portions, I prefer it stays as far out of any urban
23 area, any part that has a possibility of any urban
24 growth.

25 Instruction on this one is reasonable.

1 Mr. Huntwork?

2 COMMISSIONER HUNTWORK: I was going to say
3 prevent incursion of Scottsdale into Mesa. I don't know
4 if that's reasonable. I don't like the way it split up
5 the East Valley. At the same time, Ahwatukee is over
6 there. That's a long extension.

7 I wonder if one way to shorten the top
8 part is just bring the district around, pick up
9 Ahwatukee, and take the population off the top of --
10 that doesn't stop the incursion. It wouldn't work.

11 COMMISSIONER ELDER: Mr. Chairman, if B is
12 the least bit competitive, Ahwatukee, lose one, two
13 points, the area on the north. Lopping off does not
14 have same the percentages that Ahwatukee would have.

15 I agree with Ms. Minkoff's comments to
16 shorten the profile would affect my opinion on
17 compactness of some other things. I know most of the
18 split on Tempe was addressed during the Legislative.

19 From a guideline for the consultants, if
20 going along 60, lopping off the southern part would not
21 help at all in trying to make B more compact, to get the
22 numbers you need for competitiveness. I see we at least
23 should look at that as an option on the table. I don't
24 know whether that would fly.

25 COMMISSIONER HUNTWORK: With regard to the

1 top part again, growth areas again, the difference of
2 opinion, importance of that, I sure hate to create a
3 completely landlocked district in the middle of the
4 fastest growing districts in town. I'd rather leave it
5 up north than not leave it up north.

6 COMMISSIONER ELDER: The option, leaving
7 the south, splitting Tempe or whatever, another
8 jurisdiction split, that would allow for an increase in
9 the center part of the district so we would get
10 compactness. I don't know what that does, again, right
11 about where the letter B is. There are areas in there
12 that we could be adding into that that would give -- the
13 sense is we're looking at demographics that might be
14 compatible with the area trying to get Ds, Hispanics, up
15 in the area.

16 COMMISSIONER MINKOFF: It would not,
17 actually. The area north and west of where B is, it's
18 not going to help.

19 COMMISSIONER ELDER: Seemed to me one of
20 the things that had the head of the scottie area.

21 COMMISSIONER MINKOFF: No, much further
22 south. This particular area, Squaw Peak area, Lincoln
23 Drive area, Paradise Valley, would not help
24 competitiveness of that area.

25 COMMISSIONER HUNTWORK: I'm fresh out of

1 ideas. I'm not saying take it off the table. Focus on
2 other things.

3 COMMISSIONER HALL: I agree. Keep it on
4 the table. External -- keep it on the table. See if
5 there are any other facets utilized in B here, may help
6 B there. That's my perception.

7 CHAIRMAN LYNN: Previous instructions,
8 fair latitude, to help competitive --

9 Ms. Minkoff?

10 COMMISSIONER MINKOFF: One area should we
11 need to go back, take off the northern end of the
12 district, bulge of E that goes in, B widens in toward
13 the north. Take that area, possibly put in District A,
14 take some other area, zoom back, Chris, where A and B
15 and D meet, and move west from there. It makes it more
16 compact. I'm just guessing, but I think the
17 demographics there might work.

18 CHAIRMAN LYNN: You have full latitude to
19 take a look at it. The periphery achieve the goals
20 we're trying to achieve.

21 Any further discussion on HH?

22 Hearing none, Mr. Hall, have we exhausted
23 your list?

24 COMMISSIONER HALL: Yes, sir.

25 At this point, I'd like to ask if there

1 are any specific other requests, as we did with
2 Legislative, we need to task the consultants with in
3 terms of other testing?

4 Mr. Huntwork.

5 COMMISSIONER HUNTWORK: Now that we have
6 the computer, can we take a look back at the Tucson
7 split? I'd like to take a look at the proposed split in
8 test AA.

9 CHAIRMAN LYNN: Oh, Sahuarita, Green
10 Valley. Sure.

11 COMMISSIONER HUNTWORK: The Southern
12 Arizona map.

13 COMMISSIONER HUNTWORK: Where's population
14 that made the difference?

15 MR. HUTCHISON: Population made the
16 difference in the center.

17 COMMISSIONER HUNTWORK: It appears to me
18 that this is a way of uniting a community of interest
19 with a minimal impact on competitiveness. That's how
20 I'm looking at it, rather than --

21 CHAIRMAN LYNN: It's left in at this
22 point.

23 Any other areas we want to look at
24 specifically, Mr. Hall?

25 COMMISSIONER HALL: My concern is,

1 Mr. Chairman, please help me if I'm mistaken, that this
2 is so borderline on the competitiveness issue, I
3 would -- I don't want to affect --

4 CHAIRMAN LYNN: My original statement,
5 it's predicated on a direction of change away from the
6 most competitive it could be. The degree of that shift,
7 which is minimal, weighs very heavily with me in terms
8 of the reverse that is true, that uniting of Sahuarita
9 and Green Valley, I think, is important to do.

10 Mr. Elder points out the impact would be
11 relatively minimal, in fact, quite minimal, a fraction
12 of a percentage point. I'm persuaded to leave it in for
13 the moment.

14 COMMISSIONER ELDER: The concern is
15 competitiveness in G or competitiveness in H?

16 CHAIRMAN LYNN: H and other areas of the
17 map.

18 MR. HUTCHISON: NDC requests one other
19 clarification. Is it the desire, should NDC work on or
20 test, does the Commission wish us to test Hopi in and
21 Hopi out on each of these?

22 CHAIRMAN LYNN: Boy, that's a great
23 question.

24 I guess I'd ask a question in return:
25 Many questions we made tonight have minimal impact on

1 the Northern District. What we're trying to achieve is
2 a third competitive district somewhere in the middle of
3 the map. It would be my sense, if I were trying to give
4 you specific instruction, my sense would be to work on
5 that first and to the best result, then see what impact
6 those two options have on that result rather than doing
7 the test on every single map.

8 MR. HUTCHISON: That would be how NDC
9 would approach it.

10 COMMISSIONER ELDER: Mr. Chairman, do we
11 have one test that does both Hopi in and Hopi out?

12 COMMISSIONER HUNTWORK: AA.

13 COMMISSIONER ELDER: As long as we do
14 that, any plans, a number of shifts are probably very
15 close. I agree, we don't need to do it on all options.
16 Identify the perimeter of the effect of the change in
17 one.

18 CHAIRMAN LYNN: Any issues before the
19 consultants get started?

20 COMMISSIONER HALL: Work off the adopted
21 draft as a base.

22 CHAIRMAN LYNN: Have it in as individual
23 tests.

24 COMMISSIONER HUNTWORK: Thinking we might
25 use AA as a base.

1 COMMISSIONER HALL: I apologize,
2 Mr. Huntwork. The adopted draft base, we're tweaking a
3 variety of adjustments as we go. Adjustments say what
4 adjustments go. Broader issues are relative to the
5 question. The draft is as the base goes.

6 CHAIRMAN LYNN: 3PP is the base, which,
7 actually modified by motion to be 3AA, includes GG. Got
8 that? I'm sure you got it in the back of the room and
9 that's absolutely accurate. And that's where you are.

10 COMMISSIONER HALL: And FF.

11 CHAIRMAN LYNN: And FF as an alternative.

12 DR. ADAMS: Did not vote F.

13 MR. HUTCHISON: 3AA incorporated 3PP, not
14 a motion for Sahuarita to change into --

15 COMMISSIONER ELDER: If not a vote to put
16 the Sahuarita change into the map, was it AA?

17 MR. HUTCHISON: PP.

18 MR. HUTCHISON: PP Biltmore 2.

19 MR. RIVERA: How long was he King?

20 (Laughter.)

21 CHAIRMAN LYNN: A motion to include the
22 Sahuarita change in the map.

23 Second?

24 COMMISSIONER HUNTWORK: Second.

25 CHAIRMAN LYNN: Discussion?

1 Roll call.

2 Ms. Minkoff?

3 COMMISSIONER MINKOFF: "Aye."

4 CHAIRMAN LYNN: Mr. Huntwork?

5 COMMISSIONER HUNTWORK: "Aye."

6 CHAIRMAN LYNN: Mr. Hall?

7 COMMISSIONER HALL: "Aye."

8 CHAIRMAN LYNN: Mr. Elder?

9 COMMISSIONER ELDER: "Aye."

10 CHAIRMAN LYNN: Chair votes "Aye."

11 (Motion carries.)

12 CHAIRMAN LYNN: Other matters to give the

13 consultants this evening?

14 Any more business to come before the

15 Commission this evening?

16 Ladies and gentlemen, we stand recessed

17 until 8:00 o'clock tomorrow morning when we will, I

18 believe, return to the Legislative map, hopefully, while

19 these changes are being worked.

20 I'll leave it to the consultants as we

21 return which map we would be better served to visit

22 tomorrow morning at 8:00. We'll be prepared to do

23 either.

24 No response is necessary, Dr. Adams,

25 unless you'd like to give me one.

1 DR. ADAMS: I'd like to give one.

2 We'll be ready to do some Legislative
3 tomorrow, probably the great bulk of it. I would like
4 to allow Doug to continue working while we go through
5 the public comment session.

6 CHAIRMAN LYNN: Public comment first
7 tomorrow, then a short break to get him set up in here
8 afterward.

9 DR. ADAMS: Around 8:30 or 9:00?

10 CHAIRMAN LYNN: Let's not --

11 We're recessed until 8:00. No, 8:30.

12 (Whereupon, the hearing concluded at
13 approximately 9:50 p.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

 BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 181 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 2nd day of November, 2001.

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