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
THE STATE OF ARIZONA INDEPENDENT REDISTRICTING

COMMISSION convened in Public Session on October 9, 2001, at 10:00 o'clock a.m., at the Sheraton Airport Resort, 1600 South 52nd Street, Tempe, Arizona, 85281, in the presence of:

APPEARANCES:

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

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ADDITIONAL APPEARANCES:

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

AGENDA DESIGNATED SPEAKERS:

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

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SPEAKERS FROM CALL TO THE PUBLIC:

NEIL WAKE
MAYOR JOE DONALDSON
STEVE PERU
DENNIS MITCHEM
FRANK SEANEZ
MONICA NUVAMSA
JOE RIOS
SENATOR PETE RIOS
STEVE OLSON
DANNY ORTEGA
VICE PRESIDENT TAYLOR MCKENZIE (Navajo Nation)
LEONARD GORMAN
JIM HARTDEGEN
RUDOLFO PEREZ, JR.
ERVIN KESWOO
TERRI LEIJA
PROCEDINGS

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

CHAIRMAN LYNN: Ladies and gentlemen, good morning.

We'll call the Independent Redistricting Commission to order.

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

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

The first order of business this morning, as it will be every morning during the meeting, it is a public comment period.
This is the time for consideration and discussion of comments and complaints from the public. Those wishing to address the Commission shall seek permission by filling out a speaker slip. Anyone that has not done so, please do so and submit one as quickly as you can, please. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for future consideration at a later date unless the subject is already on the agenda for this date.

The agenda, as you well know, is fairly explicit in terms of our purpose here this week. Several individuals requested to speak this morning. The first is Neil Wake, Arizonians for Fair and Legal Redistricting.

Mr. Wake.

MR. WAKE: Mr. Chairman, Arizonians for Fair and Legal Redistricting is a nonprofit corporation that represents Republican interests. I do have background in Congressional Redistricting. In 1992 I represented another similar group that commenced and prosecuted the Federal Court litigation that resulted in the federal redistricting map that resulted in 1992. Until now the Federal Court accepted the map.
We have now embodied fair and neutral bodies for redistricting, which others did not, in the Court's view.

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

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

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

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

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

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

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

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

Proposition 106 itself has, as you know,
better than anyone, a hierarchy of values. Geographic compactness is a value that must be observed, cannot be compromised. Compactness, being respectful of political boundaries, other geographical features, is a higher priority. And, therefore, there are good reasons, unavoidably some reasons for the subjectivity in identifying some of the communities of interest. Therefore 106 wisely sets a higher criteria for respecting communities of interest.

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

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

What this plan does, it undermines, does a

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

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

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

This amendment specifically guards against
that danger.

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

A quick look at the HH Plan put on the
wall yesterday. That plan appears at first blush to
have less of a Voting Rights Act problem. It also
plainly violates political boundaries to achieve what
is -- violates political boundaries, political
boundaries to achieve political results of
redistricting. It is an exercise that is -- there is no
harm in doing the exercise. One can fairly infer that
the people who were asked to draw a map more politically
close, that's the map you get, a barbell district, does not comport to senior values under 106.

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

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

CHAIRMAN LYNN: Thank you, Mr. Wake.

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

In that case, thank you very much.

MR. WAKE: Thank you.

CHAIRMAN LYNN: Next speaker, Mayor Joe Donaldson.

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

However, as expressed on three prior occasions, our
threefold request is equal for wholeness, for
recognition of community of interest, to be most closely
aligned with the cities and towns in Verde Valley.

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

Indian Nations receive federal funding for
many services.

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

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

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

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

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

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

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

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

Thank you.

CHAIRMAN LYNN: Mayor Donaldson.

MAYOR DONALDSON: Yes?

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Thank you. Thank

you for the clear, candid remarks. I need to ask a
question. That is for the first time I heard you
clearly say that the desire to be connected with other
communities of interest was equal to be kept whole. I want to ask you squarely: Can you prioritize those? If we had to split Flagstaff in order to achieve, in order to put part you in another district, would that be -- would you rather remain whole or rather have part of Flagstaff associated with other areas?

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

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

If we need to be looking at rural areas as an entity. We are left, in my opinion, with the scraps of the State of Maricopa. We have to recognize rurals must have an opportunity to be equally forceful as the State of Maricopa. That's not going to happen when you dilute it more than what it is. It's just not going to happen.
If the northern region, with Flagstaff as the hub, as a powerful entity that works in cooperation more easily as an urban entity achieving their goals, as we talked about across areas in talking to some urban areas, and they began to see how the northern rural areas are a strong entity as themselves, and we help the urban entities themselves achieve their goals, if it is a game, a matter of giving up part of Flagstaff in order to reach a compromise, we'd have to see that. I couldn't make a determination on it. We'd have to discuss it among the partners, make sure it's something that served the interests of rural Arizona.

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

We can't be split.

COMMISSIONER HUNTWORK: Thank you.

MAYOR DONALDSON: Did I answer your question?

COMMISSIONER HUNTWORK: I think so.

CHAIRMAN LYNN: Assuming Flagstaff were kept whole, the influence in whichever district you were in was the same, constituted the same percentage of whichever district you found yourself in, by definition the same population was there relative to the district you are in, with your statement would there be any
dilution in your political power by splitting, if you
set that aside a moment? Wouldn't that argue the same
force whether in District A, as currently configured?

MAYOR DONALDSON: No. No, sir.

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

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

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

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

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

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

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

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

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

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

MAYOR DONALDSON: Well --

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

MAYOR DONALDSON: Having been on the school board and being the Mayor, I cannot make suggestions without having the proper knowledge to make suggestion. I don't like to operate without having facts, a lot of facts as to how to manipulate areas. I can see when push would come to shove, it could be done. I in my own right have suggestions. I wouldn't want to make those public, not have things making them public. I'm not avoiding the comment. I just wouldn't want to make the offer. So it's important to the community to remain whole.
COMMISSIONER MINKOFF: Is it something you could ask people in the community and come back?

MAYOR DONALDSON: Certainly could.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Thank you for your input.

We understand the desire for unification and to remain whole.

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

MAYOR DONALDSON: We had that discussion.

But no. It looks great on paper. No. It doesn't work. If I were running for office, look where the numbers are. Not Flagstaff. I'd have to be tied to the urban areas where the numbers are, or the Indian Nation where the numbers are. So it wouldn't work. It would split us even worse.

COMMISSIONER HALL: I understand that.

There would be four members in the house that would have Flag and two senators.

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

CHAIRMAN LYNN: Thank you, Mr. Mayor.

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Next, Steve Peru, Deputy County Manager.

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

Dear Mr. Lynn:

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

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

Congressional -- support alternative

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

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

CHAIRMAN LYNN: Thank you, Mr. Peru. Are there questions for Mr. Peru?

CHAIRMAN LYNN: Next is Mr. Mitchem.

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

Northern Arizona University, I remind you Northern Arizona University is a University located in Flagstaff. 14,000 students are on the campus there. It is our mission to serve all rural Northern Arizona.

There are 6,000 students outside the
I speak on behalf of Sandy Castro, President. The Administration would speak in support of the position taken by the City of Flagstaff and Mayor Donaldson. I would also like to add a personal comment. For something over 30 years I was a CPA in practice in Arizona doing audits. In the performance of services not only in the City of Flagstaff, Northern Arizona University, but also for several Indian Nations. That experience causes me personally to agree wholeheartedly, to agree with the City of Flagstaff, they are not like communities, the City of Flagstaff and the Indian Nations.

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

CHAIRMAN LYNN: Thank you, Mr. Mitchem.

Next is Mr. Seanez with the Navajo Nation.

Mr. Seanez.

MR. SEANEZ: Thank you.

The Navajo Nation is here to again express concerns. The Navajo Nation is very concerned with adoption of the new Legislative test map 3G as the now default standard for the Legislative redistricting. The Navajo Nation was induced by the Commission on the 15th of September to look at a number of scenarios.
The Navajo Nation was extremely flexible in trying to provide other options for the Commission in its deliberation.

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

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

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

The Navajo Nation finds G2 unacceptable as a Legislative map.

The Navajo Nation agrees Flagstaff and Coconino County, Flagstaff and the Navajo Nation in the same Legislative map immediately for 10 years despite the political strength of the Navajo Nation, growing political strength of the Navajo Nation, and growing
political strength of the City of Flagstaff and Coconino County, is of detriment to the Navajo Nation and City of Flagstaff, as well it further dilutes and harms the political strength of Northern Arizona rural Arizona. The Navajo Nation is extremely concerned about that.

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

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

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

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

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

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

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

CHAIRMAN LYNN: Comments or questions for Mr. Seanez?

Monica Nuvamsa of the Hopi Tribe.

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Ms. Nuvamsa.

MS. NUVAMSA: Good morning, Commissioners.

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

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

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

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

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

The Hopi Tribe history recently has been one of conflict. In the context of redistricting, it's been a competing district on both tribes. The Hopi Tribe summary on legal summaries and principles outlining the Hopi's request to remain separate from the Navajo Nation is despite the Hopi District A and the
Navajo using large blocking even to block Navajo
interests.

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

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

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

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

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The Hopi Tribe wants to make it known to establish a Navajo dominated district is unfair, unconstitutional, and dominates us unfairly. Hopi is small compared to Navajo. There are few broad issues in common to Navajo, as they would lead you to believe.

I'd like to share with you Legislative history.

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

COMMISSIONER ELDER: Hopi.

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

To clarify, the Kayenta Navajo community is located two hours north of the Hopi communities. Kayenta College, Sunny Committee, State College, Kayenta College Services of the Navajo Nation, not Hopi. They focus primarily on Navajo culture. We have a 200,000 request for Navajo programs in 1995. None of these bills have any
indication there will be service to Native Americans in
general or the Hopi Tribe specifically.

Finally I'd like to state these are the
improper base maps to use, solely, for a certain level
minority population rather than seeking a fair and equal
population for all minority groups, such as the Hopi.
The Hopi Tribe continues to request and
continues to maintain the need for separate districts
for both the Hopi and Navajo Tribes.

CHAIRMAN LYNN: Thank you, Ms. Nuvamsa.
Questions for Ms. Nuvamsa?
Next speaker, Joe Rios.
Mr. Rios?
MR. RIOS: I put on I represent myself.
I contacted by phone, city leaders, some
union leaders, party leaders, it was difficult for them
to come down. I was not representing myself, officially
coming down, yes, had talked to them. And it's
difficult to do. Let me clarify that.
I'm here to talk about Pinal County.
Kearny, Pinal County.

In Pinal County, what we've done to
identify ourselves, we've called Northeast Pinal County
the mountains; the valley, Casa Grande and Eloy, the
valley.
When I refer to the mountains, the cities I believe you cut off, away from Pinal County, are the mountain area. The mountain area is a unique area, an area with a lot of mining. It depends on mining, prisons, on state jobs, and is actually a closely-knit group.

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

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

Again, the referendum vote was not put there.

You don't have a community of interest.

That will happen. That's my best illustration. You
don't have a community of interest for people you're trying to put together and in with.

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

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

As I did mention, I called a lot of people, asked them to come. A lot could not change their calendars for today. A lot did express an opinion. That opinion is why we're doing this. In the meetings we all had, we heard one of the priorities was to make sure Pinal was as whole as it possibly can be.
They read it in the newspaper. All in the newspaper, they're taking care of the Pinal County split in middle.

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

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

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

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

Hope you consider putting us back in together.

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

CHAIRMAN LYNN: Any questions?

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

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

CHAIRMAN LYNN: Mr. Rios, thank you very much.
The next speaker is also from that part of county, State Senator Pete Rios.

Senator Rios.

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

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

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

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

The community of interests come together to elect in the Legislature, and it's of their choice. Over the last 20, 25 years, candidates of choice, three

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

Also, remember some of the communities

were mining towns and are not mining towns now, such as
San Manuel.

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

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

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

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

I guess what I heard was testimony from
the Sierra Vista business community Chamber of Commerce,
that they have a lot in common. Tucson would like to be
part of district B, D. Sierra Vista is divided, other
part with Pima County. They've never been whole,
Cochise County. They'll pick up a lot there.
Mammoth, Oracle, Hayden, Superior, Kearny.
If District Y needs additional, pick up Gila Bend as
part of the district.

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

CHAIRMAN LYNN: Thank you, Senator Rios.
Comments, questions for Senator Rios?
Senator Rios, I want to return to the last
comment. I would ask you about what you stated about,
Joe Rios, the prior speaker, and you talked about the
possible fix with Sierra Vista.

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

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

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

Our interest in the Tucson business
community and others is trying to maintain our rural identity.

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

CHAIRMAN LYNN: Mr. Hall.

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

COMMISSIONER ELDER: Yes.

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

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

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

MR. RIOS: Putting all Sierra clearly put up with Y, make it a higher minority. The major population of Sierra is not minority. Increase the total majority-minority numbers. I think that's something you probably want to do.
CHAIRMAN LYNN: Senator Rios, thank you very much. We appreciate numbers.

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

(Laughs.)

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

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

The concern we're expressing today when you went to Legislative test map G, what you have done is created a Legislative D. Now that basically encompasses Wickenburg, Yarnell, Mayer, as well as the Scottsdale, Carefree, Cave Creek area.
It's tough to define the community of interest in the Scottsdale area, communities of interest of Buckeye, North Yarnell, reveal U and A, north B. As we looked at it before, the August 21st map, August 21st, the F August map, we felt that a much better job was done representing the community before us, Cave Creek, Carefree with Scottsdale.

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

We'd like you to reconsider D, find a way to narrow down the closer knit community of interest.

That's why I'm here today.

CHAIRMAN LYNN: Thank you, Mr. Olson.

Next speaker is Danny Ortega for Congressman Pastor.

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

One specific reason for the whole idea of a Central District, it involves more than just Phoenix. Of course the Congressman continues to stand with his position to create such a district would disenfranchise a tremendous number of minority voters, Hispanic numbers, the northeast vote. The map is going to, involves, just generally, the area east of I-17, north of I-10, west of 24th and Camelback, the whole area.
there, and takes those people out District D in a clear
violation of 24th and Camelback, what is known as Prop
106, for voting dilution.

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

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

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

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

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

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Central District idea.

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

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

CHAIRMAN LYNN: Questions for Mr. Ortega?

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

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

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

Let me just go from the map on.

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

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

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

Those are concerns there, also.

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

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Ortega.

We're kind of on the edge of a dilemma.
To one extent, we're looking to get another Congressional District to be competitive.

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

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

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

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

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

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

CHAIRMAN LYNN: Mr. Hall.

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

MR. ORTEGA: The Senator only has one
term.

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

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

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Mr. Ortega.

MR. ORTEGA: The greatest likelihood is D.

CHAIRMAN LYNN: I think you clearly
articulately and captured the dilemma, dilemma of doing
things which, for the sake of proper representation, and
voting rights issues, placed them in conflict with the
concept of competitiveness as defined in Proposition 106.

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

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

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

MR. ORTEGA: I don't think you can achieve it. There's a group of communities of interest. You'll end up with much of what you ended up with, what you already had. This is part of the justification, a group
of communities of interest. Now, you can divide
communities of interest to get to a competitive map.

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

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

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

To take the rural district, northeastern
Arizona, and truly make it viable for a Democrat, I
don't think you'd achieve competitiveness. I don't.

More strive to do so.

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

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

CHAIRMAN LYNN: Given what you just said,
for the record, what is your opinion of the draft Congressional map as it just sits?

MR. ORTEGA: I have come before this Commission before -- let's deal with District D, my primary concern. We like the work you've done as relates to District D. District D, with minor modification, the Biltmore Estate, we suggested the South Glendale option, the rest of the state we believe, the rural district you have now can be straightened Democratically, counterclockwise out, moving Yavapai out and Pinal out. The southern district, new southern district, is also a good district. You need to make adjustments counterclockwise in the eastern part of Tucson and up to La Paz. Okay? But other than that, you have a good map, groups of communities of interest. Make the Northern District stronger Democratically and then you're going to be here forever and invite legal challenge dealing with competitiveness.

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

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

MR. ORTEGA: Yes.

COMMISSIONER ELDER: The five percent

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

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

MR. ORTEGA: My answer is the same.

COMMISSIONER ELDER: Didn't hurt to try.

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

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

CHAIRMAN LYNN: I appreciate the honesty.

Taylor McKenzie, speaker of the Navajo
Nation.

Mr. McKenzie.

VICE PRESIDENT MCKENZIE: Mr. Chairman,

Members of the Redistricting Commission, thank you for
giving me the opportunity to appear before you.

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

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

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

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

I'm wearing two different hats. I'm an elected official of the population at large, and I'm
also here as a member of the executive branch of the Navajo Nation. And I understand that there are six maps, I think I see seven, maybe, that has been discussed.

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

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

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

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

As you know, Native Americans must maintain their current level of opportunity to elect candidates. We encourage the election of candidates, your recommendation of a plan with more than 78 percent
Native Americans in district consistent with the Voting Rights Act.

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

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

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

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

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

It concerns me because we are friends, neighbors, brothers, sisters, husbands and wives. I have reviewed Congressional tests, and none incorporate
the Hopi Navajo in the Northern Congressional District.
All show the Hopi and Navajo is together.

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

I appreciate the opportunity to present to you.

CHAIRMAN LYNN: Thank you, Vice President McKenzie.

Next speaker, Leonard Gorman.

MR. GORMAN: Thank you, Chairman Lynn.

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

We've done an analysis in voting block we received and competitiveness we received. We're not privy to all the information we received, having it
available, which is the basis of the comment made. If there is additional information published and made available, we'd like to be given that and be able to have an opportunity to analyze those documents if they've not been made available to the public.

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

There are primarily three areas I come away with from this study that has made. It also refutes the idea made with you, that any Navajo elected official cannot extend a helping hand to another. I think primarily the Hopi Tribe, Navajo and Hopi Tribe, that we don't help Hopi members, or rather don't help a Hopi member, is entirely unsubstantiated, very disheartening, one that we've taken that to heart, and we expressed very strong concerns with you at the Show Low meeting.

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

The first information I walk away with on this analysis is the Navajos do vote for nonmembers,
non-Navajos. That's a proven fact on the analysis done here of racial block voting in Apache County, Arizona, the primary election 2000, the County School Superintendent. On reservation voters, 50 percent of them voted for non-Navajo, nonmember, on the Navajo Nation. And the rest of the study represents the same. On the rest of the study, it shows the same, they do vote the same, for non-Navajo, nonmembers, which brings us to the point, I think, that if given an opportunity, the Navajos can vote for a nonmember, such as a Hopi candidate. That is a strong suggestion, I believe, in the report given to you.

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

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

It's really alarming information that off Navajo Nation voters are not likely to vote for Navajo voters. What does that tell you? I believe that is a danger that exists from this report and has been illustrated for the last couple elections. That's where the Commission has to be careful in looking at this. And it's insistent. We're making the Navajo Nation,
being as careful as you can, that off the Navajo Nation, or with off Indian Reservation voters, as more likely, even with non-Native American monies, if you give that opportunity to the non-Native American voter to not vote for that non Native-American voter, that's the real concern that exists. That has to be taken into consideration.

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

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

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

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

So the Navajo can -- the Navajo can never

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

CHAIRMAN LYNN: Thank you, Mr. Gorman.

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

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

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

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

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

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

But take that part and put it into G in
Maricopa County, or bits and pieces here and there, and
make that northern, the northeast part of Maricopa
County, take it out, and put it somewhere else. There
are not that many people, and it wouldn't be hard to do.

It's land mass, it's not that many people. Then you're
not going to satisfy four tribal interests on that one.

What you have is a county of 180,000. I'm rounding off
to make it simple for me. It's 180,000 people.

Z district is concerning people. You only
have 20 -- I think the figures yesterday was 24,000,
25,000 people. It means the actual existing district
right now, 155,000 in Pinal County, those citizens are
in one district. It's not too bad. But by the time you
take the retirement community Z, push it into Tucson,
they don't want you to do Tucson. It pushes it all over
Tucson. Get people to take a vacation. You know, I
know, we all know, you don't satisfy everybody. There's
a loosely defined community of interest. The
definition, it means nothing in many cases. We all use
it, just very loosely.
Also, please don't shoot me, if there's
duals a little over moving of E. E has not been moved
any. Take E and move it around a little bit, try to do
it. It's a hard deal, but existing with W right now,
the existing parts of Maricopa County, you have 155,000
Pinal County residents in one district. It's not too
bad.

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

The eastern side of Pinal County today,
the eastern side goes into Guadalupe, into Avondale.
That was done in a basement out of the eardshot, out of
the eardshot of the general public.
Pinal County, the public, other parts of
the public as far as basement meetings, the general
public was completely cut out. This gives me an
opportunity come up and talk.

But don't let yourself be duped into going
into a quasi meeting atmosphere. Please don't do that.
Forget my clients for a minute, since I'm
wound up. I'm here to do the best job for Western Pinal
County, whether Democrat, Republican, whether they vote,
I suppose.

Western Pinal County always had
representatives in the State Legislature. We like people. No one likes to lose a vote. "Hey, Joe, can I go have cup coffee?" Rural legislators have certainly a relationship that city people don't have. Most city legislators aren't recognized. Rural legislators, none of us like to lose representation.

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

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

When discussing with Senator Rios, what might be done with other parts with Senator Rios, the retirement community of Saddlebrooke came up, that there's more of a community interest south. There was never an interest of making it whole. And it's far, far less populated than Casa Grande through the central part of the county. But Senator Rios was talking about dealing with the eastern Pinal cities in a way that
necessarily splits Sierra Vista away from Santa Cruz County to move that bottom district up into Pinal and take more of Pinal.

Do you have an opinion about that?

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

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

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

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

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

MR. HARTDEGEN: Coming around -- the problems, even if you didn't take the Tohono Reservation, if that's what you mean, the headlights test, if that's what you mean, that's a gerrymander.
COMMISSIONER HALL: Also Eastern Pinal into E, it doesn't seem like you're interested in exploring the idea because that loses population. If you explored that one, you lose population to the north. It ripple to A, and there's a tremendous ripple, ripple effect. When you indicated the comment, you're considering the ripple ramifications.

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

CHAIRMAN LYNN: Thank you, Mr. Hartdegen.

The next speaker is Rudolfo Perez, MALDEF.

MR. PEREZ: I'm Rudolfo Perez, and unlike the previous speaker, I'm here on behalf of the Mexican American Legal Defense Education Fund. The opposition to the downtown Congressional District, or Central Phoenix, that includes Glendale, Tempe, and other parts
of Maricopa County, not just downtown Phoenix, Central Phoenix, to oppose creation of such a district as it would dilute the voting district in Maricopa County and for that reason, and that it also does not respect communities of interest, as Mr. Ortega stated, we're also here this afternoon to talk about Legislative Z and W which previous speakers already talked to you about this morning.

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

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

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

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

CHAIRMAN LYNN: Thank you, Mr. Perez.

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

Mr. Keeswood.

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

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

COMMISSIONER HALL: We can beat that.

CHAIRMAN LYNN: We can beat that big time.

COMMISSIONER HALL: I have 50 of those.

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

First, at the beginning of this whole initiative, we had heard these words, that the Independent Commission would remain independent to the best extent possible. And I would want to remind the Commission of the wishes of the Commission not to be persuaded by incumbents, not to be persuaded, I know the Commission was lobbied to an extent by the incumbents,
where they feel capable. That's the extent where they participated. The Navajo Nation always participated with equality when it comes to votes of native constituents in the State of Arizona and I'd ask you to respect, remember, to the extent the Navajo Nation takes that again. Certainly the Navajo have been at most of the meetings and have been heard continuously on their position. While there would be some, to an extent, that's competitive, we must remain competitive to be sure the Navajo Nation position is heard.

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

You heard today from speakers that came before you from the Hopi Nation. I heard no consultation from the Hopi Nation. I would refute in June, it was set to come to the table and workout issues, also sent to bring Indian issues together, Indian gaming. I made a presentation regarding, also extended our friendship. And this was for our issue and that we take part. We wanted to make that and can make that part of the report. This may not be the adequate forum.
We feel all issues are very important when we speak of the Navajo Nation, and still is today, regarding inclusion of the Hopi people. It's very important.

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

Before I make this statement, prior to today there were conflicts, verbal conflicts between Hopi Navajos. It never got to the point of being physical in nature. I'm hoping it never will happen. In order for it to happen, the possibility is when Hopi and Navajo are recognized in regards to redistricting, then you create a greater separation between the two nations and thus it would never actually give us an opportunity to come together as one people to work on issues, to try to be a body, a native people, and.

Essentially this could lead to Zionism within the United States. We hope you as Commission would not be party to this. We hope you as Commission not be party to this. You as a Commission would be a party to a much greater agony than that of this week.

I ask on behalf of my people, you have the Hopi and the Navajo people remain in one district, whether it be Legislative or Congressional. This takes
me to the next issue, a question I'd like to pose, which
is the issue I recognize comes before this body. It is
merely a constituency advocacy. Incumbents wish to
represent all people, regardless of race. In that
regard, the Commission says on one level, advocacy on
one level, in one instance take Hopi out; the other,
leave Hopi in.

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

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

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

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

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CHAIRMAN LYNN: Thank you, Mr. Keeswood. The last speaker is Terri Leija representing the Coalition.

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

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

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

CHAIRMAN LYNN: Thank you, Ms. Leija.

Thank you for your brevity as well.

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

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

(Simultaneous responses.)

CHAIRMAN LYNN: We'll take a lunch break.

The Commission will stand in recess for an hour.

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

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Phoenix, Arizona
CHAIRMAN LYNN: The Commission will come to order, please.

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

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

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

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

Finally, with respect to the first round map, the Congressional maps, we'll go over citizen input, or other input any Commissioners feel should be
directed for further review or study.

We'll follow the same review as the Legislative.

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

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

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

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

Mr. Johnson.

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

The Commission established the primary focus for us to test in the latest round two test.

Starting yesterday with base maps, the Commission instructed us to carry forward from the last round. We worked on the adopted draft map, a similar name from the
convention, and we gave the designation P, adopted draft 3PP. There was very little change from the adopted
draft except where necessary to move a hundred people in
there to balance population.

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

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

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

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

In this case, Yavapai is also in a rural
district. The change is Mohave is not. That you have
in your maroon binders from the last round.

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

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

Those are the base maps we looked at.

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

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

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

Then we also wanted look at, have since looked at balancing in the Western Phoenix area.
Two maps, the western Phoenix tradeoff complies better with the Commission's desires in the past at keeping higher tradeoffs on the different sides. There's the 3PP Biltmore tradeoff in the binder. I'll show you that.

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

COMMISSIONER MINKOFF: Can I ask a quick question?

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

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

COMMISSIONER MINKOFF: No, it's not.

MR. JOHNSON: Okay. In CC, then, look at another tradeoff area. South Glendale is already into D in that map.
COMMISSIONER MINKOFF: You are correct.

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

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

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

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

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

Chris, walk through each of the districts.

It does make a competitive district,
concerns the barbell district. I'm concerned with that when looking at the map.

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

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

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

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

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

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

CHAIRMAN LYNN: Good.

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

DR. ADAMS: We will have for you possibly
a little later when at a break, provide copies of other
items.

COMMISSIONER MINKOFF: Fine.

CHAIRMAN LYNN: Mr. Elder.

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

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

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

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

I can move on to 3PP Biltmore.

This is 3PP Biltmore, not Biltmore 2.

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

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

As you can see, on the first Biltmore, we

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

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

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

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

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

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

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

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

COMMISSIONER MINKOFF: Unincorporated
area, enough population.

MR. HUTCHISON: Unincorporated area but has enough population.

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

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

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

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

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

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

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

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

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

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

MR. HUTCHISON: Honestly, I hadn't thought of it when I did it last night. I did it fairly quickly. We could. It would be definitely a possibility. It's something we could do.
COMMISSIONER MINKOFF: Tempe, possibly
Ahwatukee, unify Tempe or unify Mesa or more in F.

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

COMMISSIONER MINKOFF: Wow.

MR. HUTCHISON: Probably two-thirds.

Enough population to account for a population shift.

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

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

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

COMMISSIONER MINKOFF: You have District C
coming into Mesa?

MR. HUTCHISON: That's what it had.

There's very little left in there now.

MR. HUTCHISON: Very little in there now.

That's something we could possibly pursue.
If no objection, I'll move to Competitive A, now as equally plain and balanced, fairly close. Deviation is about 15 persons. Keeps Hopi excluded. We do not have a version at the moment with Hopi included. Essentially what happens is the idea is instead of a district in Downtown Phoenix, trying make that competitive, District A is competitive. What we found, how to make A competitive, is bring it into downtown Phoenix. Somehow what ends up happening, it makes it more competitive. Portions weren't in downtown A.

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

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

This is made off Competitive E.

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

I believe that's all the maps.
CHAIRMAN LYNN: Let's try to go back to square one.

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

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

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

MR. HUTCHISON: Which test?

CHAIRMAN LYNN: Same order.

MR. HUTCHISON: Biltmore changes?

CHAIRMAN LYNN: Always happy to start with Biltmore.

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

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

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

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

MR. HUTCHISON: You don't have the map on computers. We will provide maps at the break. You should have spread sheets I handed out. If anyone doesn't have one, I have extras.
This has the same Biltmore area in D and assigns growth areas to B.

CHAIRMAN LYNN: Comments or questions on this option?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Could we look at the Arcadia area?

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

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

DR. ADAMS: Commissioner Huntwork, there are a number of citizen requests as part of the binder. I know some of them you may wish to look at as a result of having selected, as we did in the Legislature, possibly a base map for us to test some of those requests on the last round as we did with the Legislative. You selected a map and it went forward and you asked us to look at certain citizen requests. So if you think it's appropriate now to take a look, fine. Otherwise we'll move through the maps and test those things at the end.
CHAIRMAN LYNN: The question, whether or not the Arcadia test was dealt with in this test.

DR. ADAMS: No, it has not.

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

COMMISSIONER MINKOFF: It is split.

CHAIRMAN LYNN: Comments or questions on Biltmore 2?

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

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

CHAIRMAN LYNN: All right.

MR. HUTCHISON: Next would be 3AA.

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

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

MR. HUTCHISON: After putting them into E,
took it out of C and C added back in -- I believe over in Mohave County.

COMMISSIONER MINKOFF: A multiple district switch.

MR. HUTCHISON: Two districts.

COMMISSIONER MINKOFF: E, C, A.

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

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

CHAIRMAN LYNN: Other comments or questions on this map?

Okay, Chris, next.

MR. HUTCHISON: Next is 3AA no Hopi.

After putting the Hopi part back in, they went into District A. This compared 3PP, population, against the adopted draft. Also picked up a portion of Mohave County. It does not pick up the Native American
Reservation out there. That was significantly large for that area. And I believe that is the only shift.

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

CHAIRMAN LYNN: Next?

MR. HUTCHISON: Next is test 3CC.

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

COMMISSIONER MINKOFF: Questions?

CHAIRMAN LYNN: Absolutely.

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

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

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

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

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

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

CHAIRMAN LYNN: Outside.

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

CHAIRMAN LYNN: Urban rural influence on
that district.

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

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

COMMISSIONER MINKOFF: Goodyear.

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

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balance of the district.

MR. HUTCHISON: No problem.

CHAIRMAN LYNN: Next map.

MR. HUTCHISON: Following 3CC test 3HH Downtown District Competitive without which is E.

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

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

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

MR. HUTCHISON: Let me get the data.

I believe D.

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

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

MR. HUTCHISON: Commissioner Minkoff is faster than me.
99-and-a-half percent or so on the registration.

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

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

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

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

MR. HUTCHISON: Yes, sir.

CHAIRMAN LYNN: Give or take.

Okay. Thank you.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

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

MR. HUTCHISON: Yes.

COMMISSIONER HUNTWORK: And --

COMMISSIONER MINKOFF: Huh?
MR. HUTCHISON: There is a portion of Mesa there. Most of it is unincorporated Mesa right-of-ways with it, portions of Mesa right-of-ways in it.

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

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

DR. ADAMS: We can check on it.

MR. HUTCHISON: We can check on it.

CHAIRMAN LYNN: When we talk about creating the rural district, I don't think anybody defined rural as Mesa, just to be clear. 3A and H, compared with 3PP the way it came from, District B went from, what, 49 percent Republican on registration to 44 and 35, dropped Republican registration from five to three percent, narrowing the gap eight percent overall.

District D stayed the same since it wasn't touched. F dropped from 52 percent Republican to 50, 29 percent to 30. EE, Scottsdale, went from 48 percent and 30 percent Democrat to 54 Republican and 28. District A went 49 percent Republican and 32 percent Democrat.

CHAIRMAN LYNN: Chris, I'm sorry to ask this again. Did I understand you to say that 3HH is a derivation of 3PP?
MR. HUTCHISON: I believe that's where it came from, yes.

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

MR. HUTCHISON: Yes, sir, I believe.

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

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

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

MR. HUTCHISON: Sure.

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

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

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

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

CHAIRMAN LYNN: Just want to look?

COMMISSIONER HALL: Just wanted to look.

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

MR. HUTCHISON: All of Tempe.

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

MR. HUTCHISON: All of Glendale.

MR. HUTCHISON: Tracks right around District B.

CHAIRMAN LYNN: Darken the city grid a bit?

MR. HUTCHISON: Easier to see?
COMMISSIONER ELDER: Earlier we had the diamonds, and that was fine. Change the diamonds to red as opposed to white?

CHAIRMAN LYNN: That's Glendale.

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

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

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

CHAIRMAN LYNN: The northern boundary, Pinnacle Peak Road.

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

CHAIRMAN LYNN: Mr. Hall?

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

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

MR. HUTCHISON: Splits the southern portion of Scottsdale, unifies the north areas of Scottsdale.
Phoenix all into District A. It takes the northern portion of Mesa, everything north of Broadway, and puts it into E.

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

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

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

CHAIRMAN LYNN: Questions or comments?

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

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

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff, Mr. Hall.

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

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

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

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

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

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

CHAIRMAN LYNN: Mr. Hall, Mr. Huntwork.

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

I understand Scottsdale Avenue is sacrosanct southern clear down to Thomas Road clear up to, I think, east Cave Creek or higher. If someone
would help me understand the significance, why it's sacrosanct, the difference between those significantly diverse areas?

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

CHAIRMAN LYNN: Mr. Huntwork.

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

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

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

Chris, it might be useful, for the same aspect, split the screen, have PP up, comparing, compare them visually as well as conceptually.
COMMISSIONER HALL: For the record, we've had the map in the blue binder since Saturday or Sunday.

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

COMMISSIONER HALL: Okay. Then you saw it yesterday.

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

COMMISSIONER HALL: No, I didn't either.

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

CHAIRMAN LYNN: I interrupted Mr. Huntwork.

I interrupted Mr. Huntwork.

COMMISSIONER HUNTWORK: What I wanted to -- this is the same shell game we were addressing yesterday where you really try -- go to extreme lengths to pick out an area out of a larger area where the demographics are all one way. A number of districts were split. We had a number of districts that were fairly evenly balanced in terms of not specifically -- in terms of the ratio of Republicans and Democrats. Some districts, districts E, were much less competitive.
Once again, I believe that's not what we should be trying to do here.

CHAIRMAN LYNN: Mr. Elder.

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

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

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

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

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the Legislature draw the lines, that kind of thing.

These tools, the ballot title, descriptive title, yes-no phrase, are useful when it is necessary to determine Legislative intent.

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

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

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

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

COMMISSIONER MINKOFF: No --

COMMISSIONER ELDER: The northern section, opposed to the stadium, newspapers portrayed it as that. Junior colleges, where they commute to business, no linkage there at all. Misses on three primary tenants of 106. And I still, if we're not going to be able to
get it down to where it's competitive, does it do
substantial harm for why we're here for 106? If we
can't get it competitive, don't come back with: Oh,
gosh, give it a try; I believe we should give it a try.
This isn't it.

CHAIRMAN LYNN: Mr. Huntwork.

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

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

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

I don't think this achieves the fair and

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

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

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

The idea, creating the intention of
creating a landlocked district with static population in
the middle of one of the fastest growing metropolitan
districts in the entire country is counterintuitive and
a fairly undesirable thing to do. Obviously the
motivations are not what I consider what we should be
all about.
CHAIRMAN LYNN: If I may, Ms. Minkoff, I'd like to jump in with a couple cents, less than a nickel, certainly.

I understand both sides of the argument, heard both sides of the argument, both sides of the table.

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

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

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

What I feel about it, I prefer to look at other alternatives, some of which we've seen, look at the relative merits of each. See how strengthening or
reducing the spread of competitiveness might be done.

Explore the opportunities. See if any meets ones of being competitive.

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

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

CHAIRMAN LYNN: Ms. Minkoff.

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

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

Secondly, I recognize when I cited the official title of Proposition 106, that's not the definitive legal point in terms of what the court would hold to be the meaning of Prop 106. What I'm talking about is something of equal weight, the moral obligation: What people voted for. For the most part,
they're not election law attorneys. People looked to
the title and believed they were voting for a measure
that would create more competitive districts. They
probably, for the most part, overwhelmingly for the most
part, didn't really even look at or understand the
criteria of Prop 106. It doesn't mean we shouldn't.
We're legally bound to follow the criteria. We're also
morally obligated, to the extent we can, to do what
people of Arizona thought they were asking us to do:
Create fair and competitive districts.

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

The final point I'd like to make, I
understand Commissioner Huntwork's concern about growth
areas. The equal population requirement of 106 refers
to dated Census figures, April 1st, year 2000. Those
are the only figures we have a legal obligation to
consider. We can, if we want, look forward. I say that has no more standing, no greater standing, than the other issues we're dealing with. I think, quite honestly, they have a lesser standing than competitive districts.

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

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

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

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

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

CHAIRMAN LYNN: Mr. Hall.

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

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

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

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

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

CHAIRMAN LYNN:  Mr. Elder, if you must.

COMMISSIONER ELDER: I must.

I agree from the standpoint I agree B and E are no better. I also have been on record B is fixed forever, is the first Legislative, has been stretched out and modified. Yes, we had to work around voting rights issues. We can't combine voting rights issues.
One of the things we have to work with, the major thrusts, I vote with you, the way of getting competitive districts in this area, is we have all things sketched, drawn, considered. If it's absolutely the worst, go on. If there's options, let's see them. If there's no benefits, and a better way of doing it, to get competitiveness, we're not near competitiveness.

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

Mr. Huntwork.

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

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

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

CHAIRMAN LYNN: We probably need a break fairly soon.

How many more maps, Chris?

MR. HUTCHISON: Let me make sure.

CHAIRMAN LYNN: HH.

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

CHAIRMAN LYNN: Go to Competitive A.

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

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

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

COMMISSIONER HALL: Did that affect numbers on District B?

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

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

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

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

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

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

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

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Mr. Elder.

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

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

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

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

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

COMMISSIONER ELDER: What are the numbers.

A in this plan is here to be competitive.

MR. HUTCHISON: Registration or AQD?

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

CHAIRMAN LYNN: Which district?

COMMISSIONER ELDER: A and D.

CHAIRMAN LYNN: It's on your sheet.

COMMISSIONER HALL: A is over seven
percent as D is.


MR. HUTCHISON: BB becomes 61.4 and 38.59

Democrat. It was, although a very different
configuration, that was 58.32 and 34.64. Three percent
on each end, six percent overall greater spread.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I
don't know if this is the district that does it or not,
but just a couple of comments. It's not a pretty
district, but neither was our draft map. If what we're
concerned about is districts that are shaped
attractively, go back to the grid. The problem with the
grid is it violated every other requirement of 106.

I don't think we're going to be able to do
our job if we've overlyconcerned with the look of the
districts.

The one thing I think this does, which is
an improvement, we cut off the head of the scottie dog.
We've now cut off the body of the dragon. The district
that goes into the Hopi Reservation becomes a much
smaller district. You can hardly call it compact. It
does cover less territory. That district looks better.

I'm not sure this is the right district.

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

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

MR. HUTCHISON: Move on to Competitive B.

CHAIRMAN LYNN: If you would, please.

MR. HUTCHISON: This scenario makes District B more competitive. It takes, for the most part, areas in the I-17 north-south and continues going east and west, as you see in the corner. District E comes down, takes in two urban reservations and crossed into Mesa, Tempe, splitting both into 60, completely across, and Mesa. I'll tell you what the street is: Splits it at Power Road. Ahwatukee and Power Road go into western Chandler, growth areas. The Carefree area southern, and so on, go into District A. District D compensates for population losses more in southern Glendale, more than the Biltmore...
tradeoff, in addition to El Mirage, Old Surprise, and cutting through to Avondale, where it began before.

CHAIRMAN LYNN: Comments for purposes of Competitive B?

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

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

COMMISSIONER ELDER: The table given, 8.9 percent competitiveness.

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

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

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

CHAIRMAN LYNN: Everybody wants in.

Mr. Hall, Huntwork, Minkoff.

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

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

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

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

CHAIRMAN LYNN: Mr. Huntwork and Ms. Minkoff.

COMMISSIONER HUNTWORK: I was going to
comment on the geometry I feel in this case.

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

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

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

COMMISSIONER ELDER: Rational or
irrational?

COMMISSIONER HUNTWORK: Irrational.
The other thing that I wanted to point
out: This has some effect on the East Valley.

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

MR. HUTCHISON: Exactly the same split.

Competitive A map is built using the Competitive B
model.

COMMISSIONER HUNTWORK: You can't look at
one map in isolation of all other communities. I'm very
concerned about that change in the East Valley.

CHAIRMAN LYNN: One quick one,

Ms. Minkoff, before you jump into Mr. Huntwork's point.

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

MR. HUTCHISON: The other way around.

Competitive B was built before Competitive A, even
though it doesn't seem right alphabetically.

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

MR. HUTCHISON: True.

CHAIRMAN LYNN: Why was that chosen?

MR. HUTCHISON: The reason we chose to
build Competitive A off Competitive B was time reasons.

Something that prebuilt any bias into the mapping
process, without conceding it definitely did, I would
say when trying to build Competitive A or B, the same
areas, regardless of what map you start with, you're
still looking at a zero sum game. Depending on the
model, you can't make it competitive without changing
everything.

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

COMMISSIONER MINKOFF: There are a few
things I would like to see tested, because I think that
this particular approach may be one we can build on and
create something that really works.

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

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

COMMISSIONER ELDER:  Do we have a little light pointer?

Would you mind giving me an idea where that is?

COMMISSIONER HALL:  That carries.

COMMISSIONER MINKOFF:  Except I can't see.

CHAIRMAN LYNN:  Use the microphone.

COMMISSIONER MINKOFF:  I think I can.

CHAIRMAN LYNN:  The microphone.

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

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

This is Paradise Valley here.

Then the area of -- well, I think actually the City of Phoenix, but it really thinks of itself as Scottsdale, Paradise Valley East of Tatum Boulevard.  Tatum here goes up and down here.  There is Tatum.

Okay.  And pull in Paradise Valley.  As you go north,
it's reasonably densely populated. A lot of subdivisions. If you can't go further, East Mesa, 32nd Street, a population swap, go wherever you go to get that population. That particular area is relatively homogeneous.

CHAIRMAN LYNN: Chris?

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

COMMISSIONER MINKOFF: It would.

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

CHAIRMAN LYNN: Mr. Hall.

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

Growth areas are not a goal previously listed.

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

COMMISSIONER HUNTWORK: Okay. Real brief. I don't know that's not a goal.
Consideration of all we previously agreed are important. Proposition 106 says equal population. It does not have any language I'm aware of that says you stop thinking with the year 2000 Census. Equal population is a fact we're to consider. I don't know why Prop 106 doesn't protect citizens in the year 2004 just as it does the year 2000.

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

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

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

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

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

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

Second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

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Phoenix, Arizona
CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye.".

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

(Motion carries.)

CHAIRMAN LYNN: I'd guess an hour.

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

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

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

CHAIRMAN LYNN: The Commission will be in Public Session.

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

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

COMMISSIONER MINKOFF: 45 minutes.

MS. HAUSER: It's quarter of 7:00.
CHAIRMAN LYNN: Quarter to 8:00. Break and reconvene for Congressional instruction to consultants, things to look at, try. The Commission will stand in recess until quarter of 8:00.

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

CHAIRMAN LYNN: The Commission will come to order.

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

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

(Standing ovation.)

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

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

Congressional maps, as previously discussed on the agenda.

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

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

Mr. Elder.

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

CHAIRMAN LYNN: Happy to do that.

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

Ms. Minkoff?

COMMISSIONER MINKOFF: I'm looking at the --

CHAIRMAN LYNN: Microphone.

COMMISSIONER MINKOFF: Lost my identity.

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

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

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

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

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Phoenix, Arizona
COMMISSIONER MINKOFF: Fine.

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

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

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

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

COMMISSIONER MINKOFF: I just made it.

CHAIRMAN LYNN: Second?

COMMISSIONER HALL: Second. Sorry.

CHAIRMAN LYNN: Discussion on the motion?

Ms. Minkoff, roll call.

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

ATWOOD REPORTING SERVICE
Phoenix, Arizona
CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

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

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I'm not sure --

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

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

COMMISSIONER HALL: Is it?

COMMISSIONER MINKOFF: I think it is.

CHAIRMAN LYNN: Essentially what the other motion was.

COMMISSIONER HALL: Sorry.

CHAIRMAN LYNN: Chris, okay with it?

MR. HUTCHISON: I was just going to say,
if going to respect the Hispanic AUR for competitiveness, west or southwest?

CHAIRMAN LYNN: Right. Both of those.

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

MR. HUTCHISON: Yes.

COMMISSIONER HALL: Best option.

MR. HUTCHISON: Explored HH.

CHAIRMAN LYNN: Maybe instruction on HH as well.

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

CHAIRMAN LYNN: Start with which map?

Competitive B?

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

CHAIRMAN LYNN: He withdrew.

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

CHAIRMAN LYNN: Didn't pass.

COMMISSIONER HALL: I thought she was going east. She was west.
COMMISSIONER ELDER: She's going west.

Fine.

COMMISSIONER MINKOFF: Yeah.

CHAIRMAN LYNN: Ms. Minkoff.

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

CHAIRMAN LYNN: HH.

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

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

CHAIRMAN LYNN: Other directions to the consultant?

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

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

CHAIRMAN LYNN: Second?
COMMISSIONER HUNTWORK: I second that.

CHAIRMAN LYNN: Thank you.

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

COMMISSIONER MINKOFF: Okay.

CHAIRMAN LYNN: No more work on Competitive A.

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

CHAIRMAN LYNN: Sure.

COMMISSIONER MINKOFF: Fine.

CHAIRMAN LYNN: Not over until it's over.

COMMISSIONER MINKOFF: Fine.

CHAIRMAN LYNN: Till we say it's over.

CHAIRMAN LYNN: Discussion on the motion?

Roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

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Phoenix, Arizona
CHAIRMAN LYNN: Chair votes "aye."

(Motion carries.)

CHAIRMAN LYNN: Discussion, direction for consultants?

Mr. Hall.

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

MR. HUTCHISON: Yes.

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

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

MR. HUTCHISON: Yes, sir.

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

COMMISSIONER MINKOFF: It's on your laptop.

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Phoenix, Arizona
CHAIRMAN LYNN: I'm sure it is.

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

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

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

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

MR. HUTCHISON: D is not untouched, Mr. Hall. This district does go into the western portions of D, or of the approved draft of D, by taking in the Avondale area. I'll highlight the pointer,
Avondale area, Tolleson, going into Phoenix, both sides of Tolleson.

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

MR. HUTCHISON: D.

COMMISSIONER HALL: Correct, from the original draft?

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

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

COMMISSIONER HALL: 51.7, that's right?

COMMISSIONER MINKOFF: 51.74, something like that.

MR. HUTCHISON: Voting age Hispanic?

COMMISSIONER MINKOFF: Voting age.

51.74 to 54.58? 61 hundreds of a percent?

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

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

Mr. Huntwork and Ms. Minkoff.

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

If we're willing to come into Maricopa
County, let me suggest we had in our original proposal
two competitive districts when we divided the state east
and west, and we rejected them because of the rural
urban issue. If we're willing to reconsider that issue,
we can create extra an competitive district and go back
to that original plan and still have, as I believe
Ms. Minkoff and I voted in the first place, two
predominantly rural districts on the east and west.
I don't see any point in this particular test.

CHAIRMAN LYNN: Ms. Minkoff.

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

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

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

CHAIRMAN LYNN: It's also the case if trying to look for a beauty mark on an otherwise unattractive landscape, it does have the effect of unifying the most populated areas of Yavapai County,
unifying them larger, where we started. It's a
criticism, the size of the district, and it's somewhat
more compact with this.

So --

Enough reaction, Mr. Hall?

COMMISSIONER HALL: I appreciate that. A

lot of comments made are certainly valid.

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

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

The point of District H in Maricopa is
concerning to me also. I don't know if there are other
alternatives. I know I would like to see if there's
some other ways that number could be reduced
significantly. I don't know whether or not there is,
are other positive facets. Minkoff pointed out Yavapai
indicated it wanted out of a rural district. It accomplishes that. Unification of Pinal County, Mr. Lynn indicated that is a positive aspect.

CHAIRMAN LYNN: Mr. Huntwork.

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

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

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

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

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CHAIRMAN LYNN: Is there a second?

Appears the motion fails for lack of a second.

(Motion fails.)

CHAIRMAN LYNN: Any other motions with respect to CC?

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

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

Ms. Minkoff.

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

I'm not ready to put this version aside, yet I don't think we need to make additional work for
the consultants. Whatever develops in District B, whatever they're working with now to make competitive, without doing any complicated tests, just be aware they may need to superimpose that on CC rather than on another version.

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

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

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

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

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

CHAIRMAN LYNN: The only thing done to

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

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

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

Blue binder districts in the motion with the exception of A which was removed from consideration at the moment. We're currently deciding if we want to do something, at the moment, and I'd ask you, and apologize for going back, if appropriate, if in fact we're going to remove the map from consideration, even temporarily, is it reasonable to try to indicate what substantial difficulties or substantial detriment to the goals of 106 are involved in that map? Is it clear why the map is no longer being considered at this time? Unless there's an affirmative motion, question to be answered, unless an affirmative motion on CC, I'd appreciate clarification on A.

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

COMMISSIONER MINKOFF: Downtown District
imposed on CC test DD has significant impact on D,
significant impact on D.

COMMISSIONER HALL: Impacted from both sides.

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

COMMISSIONER HALL: I stand corrected.

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

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

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

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

You do have another option to look at, as I understand, still on the table. Mr. Hutchison can
give you some data from DD.

MR. HUTCHISON: It's necessary, in DD,

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

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman,

Mr. Hutchison, I believe, was not FF a variation I took
out of my binder, a variation of CC that excluded the
Verde Valley, I should say included Verde Valley into C?
Is that correct?

MR. HUTCHISON: Includes Verde Valley.

COMMISSIONER HALL: Minimizes population
in Maricopa County.

MR. HUTCHISON: Test F does not have
downtown.

COMMISSIONER HALL: Test FF created D as
in dog.

MR. HUTCHISON: Yes.

COMMISSIONER HALL: Less than CC?

MR. HUTCHISON: Less than CC. Essentially
takes off the southern portion of Avondale.
COMMISSIONER HALL: I guess my question is, at first glance, Mr. Hutchison, is it possible to do some combination of FF and keep the bulk of D intact and still incorporate a competitive district in some fashion we are presently considering?

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

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

COMMISSIONER MINKOFF: Repeat that again.

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

COMMISSIONER ELDER: Look right now.

CHAIRMAN LYNN: What?

COMMISSIONER HALL: Request the test.

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

Restate it.

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

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Chairman Lynn: What are you asking to be done with that map?

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

Chairman Lynn: Is that a motion?

Commissioner Hall: Does it need to be?

Chairman Lynn: If it gives direction, it does.

Commissioner Hall: So moved.

Commissioner Minkoff: I'll second.

Chairman Lynn: Discussion?

Mr. Huntwork.

Commissioner Huntwork: I'm somewhat lost, because in the draft maps I thought, I still feel we did a good job, the best job in identifying communities of interest, to draw maps on that basis, and then now we face problems of trying to find a way create a competitive districts. There's A lot of talking about Central Maricopa County related to a competitive district. I understand all that discussion. What I'm
lost about here, talking about major changes around the
periphery of the state. I'm not -- I don't hear any
community of interest arguments. I'm not sure why we're
making other changes.

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

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

CHAIRMAN LYNN: Mr. Hall.

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

The intent there is to maintain, minimize
the Maricopa influence and maintain a majority-minority
influence and arrive at the possibility of a competitive
influence in B and hoping to have H competitive. And if
all those variables dovetail, Mr. Chairman, we'd have
two competitive districts, two Democratic districts,
and three Republican districts.

COMMISSIONER MINKOFF: Mr. Chairman?

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: From the vantage
point of Yavapai County, they did not want to be in a
rural district. To be put in the kind of district they
want to be in, the Verde Valley testimony we heard, they
are very comfortable going north, looking at north of
Prescott. The tri-cities expressed a desire to be moved
south rather than north. I think it works from that
standpoint as well.

CHAIRMAN LYNN: Further discussion on the
motion?

Mr. Elder.

COMMISSIONER ELDER: It was a long meeting
in Yavapai, but I just don't believe there was consensus
in Prescott Valley that: Oh, yeah, we want to go to
Maricopa. There just wasn't. Questions were asked of
Mayors and representatives, would you rather be, and
rather be, rather stay rural, given the choice go to
south. They chose they'd rather be combined with Verde
Valley, people from Cottonwood, Sedona, than south, the
Prescott option. Asked the same thing when asked of the
Mayor of Cottonwood, Camp Verde, they said they'd rather stay with Flagstaff, and rural and choose Prescott over going into Maricopa County.

I don't know where they'd rather be with Maricopa County over.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Testimony you remember, I think you remember pretty well about the Legislative District, much more on the Legislative District. I recall a lot of testimony from Yavapai County: What are you doing putting us in an enormous Northern District? We don't want to be there. We've been represented by the same representative for some number of years.

Of course, while we don't consider incumbency, it means they've been represented by a district from Maricopa County, are happy with that, please don't take that away from us.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: As compared to test CC, I still don't like, when I compare the two, this one splits an additional county. I think that is -- we had Mohave united and Yavapai, now both aren't united. And again, it's no apparent reason. It's apparent to me -- and I'm somewhat surprised we're
broadening and creating additional tests at this point. I'd prefer to be narrowing rather than expanding. I'd prefer to have a more concrete and definite indication of what the result would be before we do this. Having said that, I'll yield to my fellow Commissions. We may be on a wild goose chase.

COMMISSIONER HALL: We may well be. I think it's important. The goal here is to try to favor, do not cause detriment to other goals. There's a possibility for that to occur. I do not know that. If this test, that's all I'm asking for is a test, there's a chance to be successful, the potential is there to create competitive districts, it may well impact the voting rights issues in the southwest portion of the state. I don't know that. I think it's important for us to make the best attempt to analyze this issue from a variety of animals. While I also, I'm not attempting to maximize the number of issues to address, I think it's imperative to try to look at it.

CHAIRMAN LYNN: Mr. Hall, try to restate the motion exactly on what you're trying to have happen.

COMMISSIONER HALL: Mr. Chairman, without going into too much detail, the previous test of it, FF, FF is simply a reconfiguration of CC. Places Verde Valley into K, more of the western river communities
into C, and minimizes the influence of Maricopa County into G. The request was essentially to take FF or some appropriate variation and dovetail D as it exists and some appropriate configuration of New Competitive B to see how that impacts all of the other goals as stated in Proposition 106.

CHAIRMAN LYNN: Mr. Hutchison, a question. I don't know whether it's a question you can answer off the top of your head.

Part of Mr. Hall's motion deals with FF as a starting point, encroaches less in District G in Maricopa County than some other tests we've been looking at.

Can you quantify the encroachment, not necessarily numbers, per se, but just make sure I understand on FF how much encroachment District G has in Maricopa County?

MR. HUTCHISON: Chairman Lynn, as you see, District G comes up, takes in Southern Buckeye, Southern Goodyear, Avondale. There's not much population in Southern Avondale. I'd really need to run numbers on it.

CHAIRMAN LYNN: I understand. I just wanted a picture.

Mr. Hall, I clearly want to take any

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reasonable opportunity we can to find a way to achieve
another competitive district. I'm not sure this one is
going to help us based on the fact that the starting
point is at least as objectionable as some of the other
starting points we had. Some other maps afford us a
better opportunity of getting there, at least.

I'm concerned with the number of
assignments we're giving the consultants. We'll need a
certain amount of time for the consultants to complete
assignments, an amount of time to review those. And
again, if nothing else, let's clearly state the
objective. I want to do that again.

Again, it's on the motion. This is to
NDC. What you are hearing from the Commission is a
desire to leave no opportunity unlooked at where we
believe we have an opportunity to achieve another
competitive district. Again, under the conditions of
achievement of that district that it does not do
significant detriment to things already put in place of
the goals of 106 which includes but is not limited to
AURs already established in districts of AURs, having
said that, I'm not sure this particular test gets us
further down the road. I'll leave it at that.

Mr. Huntwork.

COMMISSIONER HUNTWORK: On the face of it,
the thing that concerns me most, FF, CC -- FF is a lot
like CC, splits two additional towns. Two additional
towns, that's something we're not supposed to split to
the extent practicable.
I don't know how to argue to FF to CC that
we haven't done significant detriment to other goals.
So -- so, you know, I'd take serious convincing.

CHAIRMAN LYNN: Further discussion on the
motion?

COMMISSIONER HALL: Mr. Chairman, all the
concerns may well be valid, but we don't know until we
see the test. The motion is simply asking for a test,
for the record.

CHAIRMAN LYNN: Further discussion on the
motion?

COMMISSIONER HUNTWORK: May I ask a
question?

How long will it take to do the test?

MR. HUTCHISON: It's running now. It's on
a laptop, so it's slower. If you maybe hold the motion,
five, 10 minutes --

CHAIRMAN LYNN: The motion is to finish a
program running now.

COMMISSIONER HUNTWORK: In that case, I
agree wholeheartedly.
CHAIRMAN LYNN: Vote on it, he's doing work, to continue to do it.

MR. HUTCHISON: How much G in Maricopa County.

CHAIRMAN LYNN: It answers a question.

COMMISSIONER HALL: Mr. Huntwork's question.

Chris, merging a couple tests, in your opinion, professional, expert opinion, how much would it take you, less sleep will you receive?

MR. HUTCHISON: First off, that's assuming I'm getting sleep tonight.

CHAIRMAN LYNN: Sounds like a personal problem to me, Mr. Hutchison.

D and B, E to an extent, D is not very split, a portion of Avondale, probably not that difficult, a test out of current competitive scenarios. As regarding a better way to do it, this specific one, a lot longer, probably throw in their a map to whatever scene. Change districts to an extent. D lower is already missing out.

COMMISSIONER HALL: I do want D, new work, and B, throw FF and see what happens to G, bottom line.

COMMISSIONER MINKOFF: Say again?

COMMISSIONER ELDER: Why throw FF if the
base is what we're not happy with?

COMMISSIONER HALL: Again?

COMMISSIONER ELDER: Sorry.

COMMISSIONER HALL: At the risk of being redundant, FF minimizes the risk to Maricopa County.

CHAIRMAN LYNN: It doesn't.

COMMISSIONER HALL: Less than CC.

CHAIRMAN LYNN: Not by much.

COMMISSIONER HALL: Well --

COMMISSIONER HUNTWORK: That was the question, I thought, of the test.

CHAIRMAN LYNN: That's the one running.

COMMISSIONER HALL: Right.

CHAIRMAN LYNN: Let's do this.

COMMISSIONER HALL: At the risk of being redundant, it creates more competitive districts in B, D. All we want to do is run a test.

CHAIRMAN LYNN: I'd love to be able to vote in favor.

Table the motion, finish the test, one more vote or take a nap, your choice.

COMMISSIONER HALL: Die on the sword.

CHAIRMAN LYNN: Takes a motion.

COMMISSIONER HUNTWORK: Table until the laptop finishes.

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COMMISSIONER MINKOFF: Second.

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

(Motion carries.)

CHAIRMAN LYNN: Back to A for a moment off the table, is there discussion related to the reasoning for taking that off the table at this point, any significant detriment to goals of 106 that may be in play?

Mr. Huntwork?

COMMISSIONER HUNTWORK: My thinking was, firstly, we've driven what includes the western border of the state deep into the heart of Phoenix. It's one thing to bring the West Valley all the way into the heart of Phoenix. Secondly, we've done it creating odd, uneven shapes, a gerrymandered attempt to create competitive districts, which in my view, again, is a
violation of the strict requirements of 106. The other alternative we have, test D, at least, has geographic compactness going for it. Test A does nothing but violates other criteria.

CHAIRMAN LYNN: Other comments with respect to Competitive District A?

MS. HAUSER: A recap of those reasons?

CHAIRMAN LYNN: Ask Mr. Huntwork to recap.

COMMISSIONER HUNTWORK: Violates communities of interest.

CHAIRMAN LYNN: It's late, if we don't stay on task and with the task.

MS. HAUSER: If that's why -- more specific communities of interest and the specific district is noncompact.

COMMISSIONER HUNTWORK: District A, how incongruous with the Colorado River united with Central Phoenix, with Central Phoenix, and the method doing it has gerrymandered arms and fingers, seems violative, gerrymandered arms, fingers; with other things on the table, it has to stand or fall on the moment.


CHAIRMAN LYNN: I understand. More than one conversation going on at a time.
Interesting program. Takes awhile on a laptop.

If we could, the laptop is now engaged in a test.

MR. HUTCHISON: It can't multitask while doing that test.

It's almost done.

CHAIRMAN LYNN: I see the completion bar.

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Before we fall asleep, to reduce, my recollection, a little replication, we did the test Biltmore 1, Biltmore 2. Biltmore 2 seems more acceptable to this Commission. Therefore, I make a motion that be included as part of the map we're working on.

CHAIRMAN LYNN: Conversely eliminate Biltmore 1?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Moved, seconded, Biltmore 2 be included and Biltmore 1 eliminated.

Discussion?

COMMISSIONER ELDER: In what base or what included, T2. Tabled? I don't know another map.

COMMISSIONER HALL: We're adding

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everything to the adopted map.

COMMISSIONER ELDER: Fine.

COMMISSIONER MINKOFF: Fine.

CHAIRMAN LYNN: I think the intent is --
correction. It is a correction that needs to occur in
subsequent maps we see as part of what we consider as we
move forward.

Further discussion on the motion?

Roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

COMMISSIONER HALL: It's my recollection
the 3AA test we did constituted a change in the Tucson
Salt River change. I'd make a motion we also include
those parts of the amendments to the adopted draft.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second, if you
promise to describe what the tests were.

COMMISSIONER HALL: It's my recollection, Ms. Minkoff, Mr. Lynn and Elder refresh my memory, the amendments were the Tucson line, one, Tucson boundary line.

Mr. Lynn?

DR. ADAMS: Sahuarita.

CHAIRMAN LYNN: In truth, having looked at that, the districts are the wrong direction for competitiveness. If you'd like to make that change, I can't support it.

COMMISSIONER HALL: Can't put it in there?

CHAIRMAN LYNN: I wouldn't. That's not helpful.

COMMISSIONER HALL: Maybe --

COMMISSIONER HALL: Remove change Tucson from 3AA from the table.

CHAIRMAN LYNN: Sahuarita switch?

COMMISSIONER HALL: Right.

CHAIRMAN LYNN: Is there a second to that motion?

COMMISSIONER MINKOFF: Second that.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, 3AA
has two changes.

COMMISSIONER HALL: Divided one out.

COMMISSIONER HUNTWORK: One I was able to understand very well. We haven't really discussed the other one. I appreciate your comments. I'd like to see it again, if possible, before voting, the test on that portion.

CHAIRMAN LYNN: All things are possible as soon as that quits counting.

Summarize?

COMMISSIONER HUNTWORK: Possibly.

CHAIRMAN LYNN: The intent was move, reunite Sahuarita with Green Valley in District H. Now in the draft map there are two different districts, Green Valley in H, Sahuarita in G. The result of that, the switch, were modifications in the Tucson area to account for population. This increases the spread in registration in H which is, in my opinion, a competitive district. I don't want to do anything to increase the spread of an already competitive district. That's why I'm not prepared to go forward with that at this time.

COMMISSIONER MINKOFF: Mr. Chairman, I have AA here. Days get long and hard. The issue is good maps. Some maps, some are the price of changes. I don't have summaries of AA, so...
COMMISSIONER HALL: I believe that's in your maroon binder.

COMMISSIONER MINKOFF: Maroon binder. I don't remember the change was Maricopa County at the moment.

Mr. Elder.

COMMISSIONER ELDER: I guess I have to go back and look at compactness and communities of interest. Sahuarita and Green Valley belonged to it, that was the reason supporting it. That was the reason supporting it, 6,000, 5,000, with the difference Democrat, Republican, voting age, was my recollection, half a quarter shift on H. Based on that I couldn't support not including Sahuarita with Green Valley.

CHAIRMAN LYNN: You'd be speaking against the motion?

COMMISSIONER ELDER: I would.

COMMISSIONER HALL: Mr. Chairman, if I could respond, not knowing specifically, as for the competitiveness issues, there are experts, at this point, working, and I think our expert, his opinion is it's borderline competitive, it's a probably there it's possibly not competitive.

CHAIRMAN LYNN: I don't know if we'd tip the balancing and go to the wrong balance.
COMMISSIONER MINKOFF: I got the maroon binder. Test AA is not the same test as 3AA in this binder. It doesn't mention anything about Pima, what I have in this binder, at all, keeping facts straight.

COMMISSIONER HUNTWORK: Pima County is a separate test.

COMMISSIONER MINKOFF: It's not here in all the maps. I'm trying to keep it straight. I cannot do it.

DR. ADAMS: Chairman Lynn, the instruction to take, round two maps in the maroon binder, take AA and GG and combine them, AA, one configuration for the Sahuarita area, and GG in another configuration, have GG merged into the AA map, then you had the result which we called 3AA.

COMMISSIONER MINKOFF: That's very helpful. I need it in writing when I go over these. If it's here, I don't know where.

DR. ADAMS: Front page of the test booklet.

COMMISSIONER HALL: I withdraw the motion.

DR. ADAMS: It's on the front page.

COMMISSIONER MINKOFF: I withdraw the second.

CHAIRMAN LYNN: Ms. Minkoff withdraws the
second.

(Motion is withdrawn.)

COMMISSIONER HALL: Another portion, the Salt River Tribes include what Native American Tribes requested to be included with the metropolitan district and had excluded from the rural District C:

CHAIRMAN LYNN: Discussion?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Hall, restate the motion.

COMMISSIONER HALL: Pursuant to the Salt River Native American Tribe request, and Fort McDowell, also.

COMMISSIONER MINKOFF: Yes.

COMMISSIONER HALL: They requested to be taken from existing, the rural District C, and be placed into the neighboring metropolitan district, which I recall is E. I made a motion pursuant to that test we make that change. I believe somebody seconded it. I don't know who.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HALL: I call the question.

CHAIRMAN LYNN: On the motion, roll call.

Ms. Minkoff.

COMMISSIONER MINKOFF: "Aye."

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Phoenix, Arizona
CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

COMMISSIONER HALL: Left on the table, I'd ask the consultants to correct me, with the exception of a variety of tests that include Hopi issues, Downtown CD Congressional, we have the Downtown HH Congressional test, and we have the HH.

Dr. Adams, I know, with the exception of the test, the motion tabled the affects of CC and a variety of other issues.

CHAIRMAN LYNN: Done in a second.

COMMISSIONER HALL: Only remaining is HH and Downtown CD?

CHAIRMAN LYNN: It's taken long enough there's a pool in the back room when it will finish.

MR. HUTCHISON: It's a fairly new laptop.

COMMISSIONER HALL: Mr. Chairman, I wonder what the Commission's wishes are.

CHAIRMAN LYNN: Yeah, but it's almost finished.

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Phoenix, Arizona
(Laughter.)

COMMISSIONER HALL: I wonder if we need to discuss Downtown, "Downtown," or HH test, which most affectionately is referred to as the barbell district?

MS. HAUSER: Mr. Chairman, if -- well, since this program is almost finished running, the Commissioners received and have also been distributed the competitiveness analysis using Judge It on the proposed drafts, the ones in the blue binder. That's what was distributed to you a few minutes ago. If you wanted to take a quick look at that, this might be a good time to do that.

COMMISSIONER HALL: Because?

MS. HAUSER: Because you have a minute to do that.

CHAIRMAN LYNN: Fill-in.

MS. HAUSER: Also, Mr. Chairman, there's information in there about the relative competitiveness of the districts that are in the proposed test. So as making motions and considering whether moving the right direction or not, it might be something you would want to take a look at.

CHAIRMAN LYNN: Okay.

COMMISSIONER HALL: Mr. Chairman, while
here, while here, I wonder, we can talk about HH.
Certainly I'd entertain a motion, because we're almost
done.
CHAIRMAN LYNN: Nope, too late.
Just kidding.
Mr. Huntwork.
COMMISSIONER HUNTWORK: I'd like to ask
what we're going to see here in terms of a base map.
That is a couple things that seem to me to be
undisputed. We're bringing in AA.
MR. RIVERA: Microphone.
COMMISSIONER HUNTWORK: Now we've done AA,
I'd like to see Biltmore 2 combined with changes made in
AA and like to see the Arcadia issue addressed in any
version of the map that doesn't basically make the
Arcadia issue moot in the way of changes.
CHAIRMAN LYNN: I want to hold the Arcadia
issue, falls into the issue of the category of
instruction after the test is done.
The flasher is out of the pool.
Get to that, and then go back to the list.
MR. HUTCHISON: 38,068 persons in District
G in Maricopa County, to answer the question. It
includes Gila Bend in the county. Includes Maricopa
County. A little over 35,000 persons are taken out of
Maricopa County.

COMMISSIONER HALL: Correct me if I'm wrong. The reduction, F is a reduction from CC of 35,000.

MR. HUTCHISON: Yes, sir.

CHAIRMAN LYNN: I can't see all the numbers. The test determines, you only run the test numbers for the entire district.

MR. HUTCHISON: Just Maricopa County.

CHAIRMAN LYNN: Is there a motion to take from the table FF?

COMMISSIONER HALL: So moved.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: All in favor say "Aye."

(Vote taken.)

(Motion carried.)

CHAIRMAN LYNN: Discussion of FF for future testing?

COMMISSIONER HUNTWORK: How long to do the test Mr. Hall requested?

MR. HUTCHISON: Putting in competitive districts; how many versions requested?

COMMISSIONER HALL: One, maybe to reiterate it, what the intention was, to more accurately answer his question, I know the interaction between FF
and D. Take FF, take D as exists with FF, overlay new
Competitive B working on whatever you consider the
instruction for working on the best consideration D,
what is the best culmination of D and G, specifically of
the majority-minority voting rights issues.

The purpose of the motion, to reiterate,
Mr. Chairman, is in the event all of that was to work,
that would provide a map that would have two very
competitive districts, one -- actually three competitive
districts, depending on the configuration of B, two very
competitive. To my guess, H is competitive. C is
competitive. D is competitive. D and G would be
Democratic majority-minority districts with A, E, and F
Republican.

COMMISSIONER MINKOFF: Thanks.
CHAIRMAN LYNN: Roll call?
Ms. Minkoff?
COMMISSIONER MINKOFF: "Aye."
CHAIRMAN LYNN: Mr. Huntwork?
COMMISSIONER HUNTWORK: "No."
CHAIRMAN LYNN: Mr. Hall?
COMMISSIONER HALL: "Aye."
CHAIRMAN LYNN: Mr. Elder?
COMMISSIONER ELDER: "No."
CHAIRMAN LYNN: Chair votes "No."

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Motion fails three-two.

DR. ADAMS: Did you make CC, raised the test FF, which came up as a result of discussion.

COMMISSIONER HALL: The motion just passed, Dr. Adams, FF was considered in consideration of other issues in place of CC.

And for your benefit, I make a motion CC be taken off the table.

CHAIRMAN LYNN: Second?

Motion dies for lack of second.

Move to Downtown Congressional District N and HH.

MR. HUTCHISON: The Downtown CD first?

CHAIRMAN LYNN: Sure. Downtown CD is fine.

COMMISSIONER MINKOFF: A quirk, Downtown CD is not in the blue notebook.

DR. ADAMS: Red one.

COMMISSIONER MINKOFF: HH is in the blue one.

MR. HUTCHISON: It has the Moenkopi extension which is something to keep in mind.

CHAIRMAN LYNN: I'm not sure we've adequately given instruction. Not a further iteration of the map up to speed with other things done. In other
words, the only value is the relative configuration of districts, not exact configuration of districts.

Because the second round test, not third round, it's not balanced population. We can't make a judgment with regard to specific outlines of the district. We can make a judgment with respect to relative positions of the district.

Dr. Adams?

DR. ADAMS: Chairman Lynn, it is indeed a third round test. We made test B as it had not reached the point of population balancing. It is a third round test.

CHAIRMAN LYNN: Same configuration, it looks remarkably like.

COMMISSIONER HALL: HH.

CHAIRMAN LYNN: HH in part, Competitive B in part.

COMMISSIONER MINKOFF: One very unlike HH. Competitive changes to -- competitive changes to downtown.

COMMISSIONER HUNTWORK: The test I felt was dead on arrival. Because of D, the request on the 24th was to see if there was a way to salvage something along the lines worked. I think it's a nonstarter and should be removed from further consideration.

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Phoenix, Arizona
CHAIRMAN LYNN: Motion?

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Second?

COMMISSIONER HALL: Yes.

CHAIRMAN LYNN: Discussion?

COMMISSIONER MINKOFF: Basically, I think what the Commissioner is talking about being done in 3HH, it replaces this and fixes some problems in this one.

CHAIRMAN LYNN: Further discussion on the motion?

Roll call?

MS. HAUSER: Mr. Chairman, I just want to clarify. Mr. Huntwork's motion re-referenced negative effects of D, referring to Section Five issues, voting rights compliance issues?

COMMISSIONER HUNTWORK: Of course.

CHAIRMAN LYNN: Thank you, Ms. Hauser.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?
COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

CHAIRMAN LYNN: HH.

COMMISSIONER HALL: In light of the fact we're still working on this, it might be appropriate to see, while we're working on this, in light of the fact we're still working on it, I guess I'm looking for direction from my fellow Commissioners on this issue.

COMMISSIONER MINKOFF: I'm in agreement. I'd like to keep this on the table since we haven't fully explored all the various possibilities with District B being a competitive district. Even though certain things about this have not met the pleasure of the Commissioners, I believe fixes could be attempted if some of the other tests don't work. I'd like to leave it on the table.

CHAIRMAN LYNN: Is that a motion?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: It's on the table unless we take it off.

Is there specific direction with respect to HH we wish to give to the consultants?

COMMISSIONER MINKOFF: Hold it.

COMMISSIONER HALL: Go ahead.
COMMISSIONER MINKOFF: I suggest we don't do any further work on it yet, but it remains an option we may yet come back to.

CHAIRMAN LYNN: Perhaps it might be instructive, in the ultimate useful, to at least describe to the consultants those attributes in particular of the map we liked or wished different that might provide direction for areas to explore.

COMMISSIONER MINKOFF: One of the things that concerns me is the very long tail and heads north, on both sides of I-17. I wonder if there's a way of shortening the district in a north-south configuration, possibly moving a little to the east, picking up population, which does not destroy competitiveness of the district.

MR. HUTCHISON: I remember you had concerns about the rural incursion into rural portions of the county.

CHAIRMAN LYNN: Iterations with incursions into rural counties.

CHAIRMAN LYNN: Iterations with incursions into portions, I prefer it stays as far out of any urban area, any part that has a possibility of any urban growth.

Instruction on this one is reasonable.

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Phoenix, Arizona
Mr. Huntwork?

COMMISSIONER HUNTWORK: I was going to say prevent incursion of Scottsdale into Mesa. I don't know if that's reasonable. I don't like the way it split up the East Valley. At the same time, Ahwatukee is over there. That's a long extension.

I wonder if one way to shorten the top part is just bring the district around, pick up Ahwatukee, and take the population off the top of -- that doesn't stop the incursion. It wouldn't work.

COMMISSIONER ELDER: Mr. Chairman, if B is the least bit competitive, Ahwatukee, lose one, two points, the area on the north. Lopping off does not have same the percentages that Ahwatukee would have.

I agree with Ms. Minkoff's comments to shorten the profile would affect my opinion on compactness of some other things. I know most of the split on Tempe was addressed during the Legislative.

From a guideline for the consultants, if going along 60, lopping off the southern part would not help at all in trying to make B more compact, to get the numbers you need for competitiveness. I see we at least should look at that as an option on the table. I don't know whether that would fly.

COMMISSIONER HUNTWORK: With regard to the

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top part again, growth areas again, the difference of
opinion, importance of that, I sure hate to create a
completely landlocked district in the middle of the
fastest growing districts in town. I'd rather leave it
up north than not leave it up north.

COMMISSIONER ELDER: The option, leaving
the south, splitting Tempe or whatever, another
jurisdiction split, that would allow for an increase in
the center part of the district so we would get
compactness. I don't know what that does, again, right
about where the letter B is. There are areas in there
that we could be adding into that that would give -- the
sense is we're looking at demographics that might be
compatible with the area trying to get Ds, Hispanics, up
in the area.

COMMISSIONER MINKOFF: It would not,
actually. The area north and west of where B is, it's
not going to help.

COMMISSIONER ELDER: Seemed to me one of
the things that had the head of the scottie area.

COMMISSIONER MINKOFF: No, much further
south. This particular area, Squaw Peak area, Lincoln
Drive area, Paradise Valley, would not help
competitiveness of that area.

COMMISSIONER HUNTWORK: I'm fresh out of
ideas. I'm not saying take it off the table. Focus on other things.

COMMISSIONER HALL: I agree. Keep it on the table. External -- keep it on the table. See if there are any other facets utilized in B here, may help B there. That's my perception.

CHAIRMAN LYNN: Previous instructions, fair latitude, to help competitive --

Ms. Minkoff?

COMMISSIONER MINKOFF: One area should we need to go back, take off the northern end of the district, bulge of E that goes in, B widens in toward the north. Take that area, possibly put in District A, take some other area, zoom back, Chris, where A and B and D meet, and move west from there. It makes it more compact. I'm just guessing, but I think the demographics there might work.

CHAIRMAN LYNN: You have full latitude to take a look at it. The periphery achieve the goals we're trying to achieve.

Any further discussion on HH?

Hearing none, Mr. Hall, have we exhausted your list?

COMMISSIONER HALL: Yes, sir.

At this point, I'd like to ask if there
are any specific other requests, as we did with Legislative, we need to task the consultants with in terms of other testing?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Now that we have the computer, can we take a look back at the Tucson split? I'd like to take a look at the proposed split in test AA.

CHAIRMAN LYNN: Oh, Sahuarita, Green Valley. Sure.

COMMISSIONER HUNTWORK: The Southern Arizona map.

COMMISSIONER HUNTWORK: Where's population that made the difference?

MR. HUTCHISON: Population made the difference in the center.

COMMISSIONER HUNTWORK: It appears to me that this is a way of uniting a community of interest with a minimal impact on competitiveness. That's how I'm looking at it, rather than --

CHAIRMAN LYNN: It's left in at this point.

Any other areas we want to look at specifically, Mr. Hall?

COMMISSIONER HALL: My concern is,
Mr. Chairman, please help me if I'm mistaken, that this is so borderline on the competitiveness issue, I would -- I don't want to affect --

CHAIRMAN LYNN: My original statement, it's predicated on a direction of change away from the most competitive it could be. The degree of that shift, which is minimal, weighs very heavily with me in terms of the reverse that is true, that uniting of Sahuarita and Green Valley, I think, is important to do.

Mr. Elder points out the impact would be relatively minimal, in fact, quite minimal, a fraction of a percentage point. I'm persuaded to leave it in for the moment.

COMMISSIONER ELDER: The concern is competitiveness in G or competitiveness in H?

CHAIRMAN LYNN: H and other areas of the map.

MR. HUTCHISON: NDC requests one other clarification. Is it the desire, should NDC work on or test, does the Commission wish us to test Hopi in and Hopi out on each of these?

CHAIRMAN LYNN: Boy, that's a great question.

I guess I'd ask a question in return: Many questions we made tonight have minimal impact on

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the Northern District. What we're trying to achieve is
a third competitive district somewhere in the middle of
the map. It would be my sense, if I were trying to give
you specific instruction, my sense would be to work on
that first and to the best result, then see what impact
those two options have on that result rather than doing
the test on every single map.

MR. HUTCHISON: That would be how NDC
would approach it.

COMMISSIONER ELDER: Mr. Chairman, do we
have one test that does both Hopi in and Hopi out?

COMMISSIONER HUNTWORK: AA.

COMMISSIONER ELDER: As long as we do
that, any plans, a number of shifts are probably very
close. I agree, we don't need to do it on all options.
Identify the perimeter of the effect of the change in
one.

CHAIRMAN LYNN: Any issues before the
consultants get started?

COMMISSIONER HALL: Work off the adopted
draft as a base.

CHAIRMAN LYNN: Have it in as individual
tests.

COMMISSIONER HUNTWORK: Thinking we might
use AA as a base.
Mr. Huntwork. The adopted draft base, we're tweaking a variety of adjustments as we go. Adjustments say what adjustments go. Broader issues are relative to the question. The draft is as the base goes.

CHAIRMAN LYNN: 3PP is the base, which, actually modified by motion to be 3AA, includes GG. Got that? I'm sure you got it in the back of the room and that's absolutely accurate. And that's where you are.

COMMISSIONER HALL: And FF.

CHAIRMAN LYNN: And FF as an alternative.

DR. ADAMS: Did not vote F.

MR. HUTCHISON: 3AA incorporated 3PP, not a motion for Sahuarita to change into --

COMMISSIONER ELDER: If not a vote to put the Sahuarita change into the map, was it AA?

MR. HUTCHISON: PP.

MR. HUTCHISON: PP Biltmore 2.

MR. RIVERA: How long was he King?

(Laughter.)

CHAIRMAN LYNN: A motion to include the Sahuarita change in the map.

Second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion?
Roll call.

Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

CHAIRMAN LYNN: Other matters to give the consultants this evening?

Any more business to come before the Commission this evening?

Ladies and gentlemen, we stand recessed until 8:00 o'clock tomorrow morning when we will, I believe, return to the Legislative map, hopefully, while these changes are being worked.

I'll leave it to the consultants as we return which map we would be better served to visit tomorrow morning at 8:00. We'll be prepared to do either.

No response is necessary, Dr. Adams, unless you'd like to give me one.

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DR. ADAMS: I'd like to give one.

We'll be ready to do some Legislative

tomorrow, probably the great bulk of it. I would like
to allow Doug to continue working while we go through
the public comment session.

CHAIRMAN LYNN: Public comment first
tomorrow, then a short break to get him set up in here
afterward.

DR. ADAMS: Around 8:30 or 9:00?

CHAIRMAN LYNN: Let's not --

We're recessed until 8:00. No, 8:30.

(Whereupon, the hearing concluded at
approximately 9:50 p.m.)

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BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 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

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