The Arizona Redistricting Commission

convened in Open Public Session on February 22, 2004, at
8:30 o'clock a.m. at the Sheraton Airport, Tempe, 1600
South 52nd Street, Tempe, Arizona, 85281, and went on the
record at 8:58 a.m. in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER JOSHUA M. HALL
COMMISSIONER DANIEL R. ELDER
ADDITIONAL APPEARANCES:

LISA T. HAUSER, AIRC Counsel
JOSE de JESUS RIVERA, AIRC Counsel
ADOLFO ECHEVESTE, AIRC Executive Director
LOU JONES, AIRC Staff
KRISTINA GOMEZ, AIRC Staff
FLORENCE ADAMS, Ph.D., NDC President, AIRC Consultant
DOUGLAS JOHNSON, NDC VICE PRESIDENT, AIRC Consultant
MARGUERITE MARY LEONI, NDC Counsel
MICHAEL P. McDONALD, Ph.D., Competitiveness Expert George Mason University
LISA A. NANCE, RPR, CCR, No. 50349, Court Reporter
SPEAKERS FROM THE PUBLIC:

Senator Richard Miranda, District 13
Karen Cooper, Council Member, City of Flagstaff
Mike Flannery, Prescott Valley Council Member, Prescott Tri City Area
Patrice Kraus, Intergovernmental Affairs Coordinator, City of Chandler
Representative Steve Gallardo, State Representative
Jim Hartdegen, Pinal County Governmental Alliance & Casa Grande Chamber of Commerce

PRESENTATION BY NDC:
Douglas Johnson
Marguerite Mary Leoni
Michael P. McDonald, Ph.D.
INDEX CONT'D

PAGE


REPORT OF EXECUTIVE DIRECTOR:

Adolfo Echeveste  --
<table>
<thead>
<tr>
<th>NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Map: Communities and Competitiveness B2.</td>
</tr>
<tr>
<td>2</td>
<td>Map: Communities and Competitiveness B.</td>
</tr>
<tr>
<td>5</td>
<td>Map: Communities and Competitiveness A.</td>
</tr>
<tr>
<td>6</td>
<td>Map: Communities and Competitiveness C2.</td>
</tr>
<tr>
<td>7</td>
<td>Speaker Slip: Senator Richard Miranda.</td>
</tr>
<tr>
<td>8</td>
<td>Speaker Slip: Karen Cooper.</td>
</tr>
<tr>
<td>9</td>
<td>Speaker Slip: Mike Flannery.</td>
</tr>
<tr>
<td>10</td>
<td>Speaker Slip: Patrice Kraus.</td>
</tr>
<tr>
<td>11</td>
<td>Speaker Slip: Steve Gallardo.</td>
</tr>
<tr>
<td>12</td>
<td>Speaker Slip: Robert Meza.</td>
</tr>
<tr>
<td>13</td>
<td>Speaker Slip: Stephanie McKinny (Dated 2-20-04, didn't speak.)</td>
</tr>
<tr>
<td>14</td>
<td>Speaker Slip: Steve Titla (Dated 2-21-04, didn't speak.)</td>
</tr>
<tr>
<td>15</td>
<td>Speaker Slip: Neil Wake (Didn't speak this date.)</td>
</tr>
</tbody>
</table>
CHAIRMAN LYNN: The Commission will come to order. For the record, all four Commissioners are present along with counsel, staff, and the consultants. Good morning, ladies and gentlemen. To give you an idea how we're going to proceed, or I think we'll proceed, we have, as you'll notice, a third map, in the communities, or the series. I'll ask Mr. Johnson to walk us through the series.

Once done, I'll ask for a call to the public for input on maps on this side of the room. It would then be our intent to move forward with consideration of one of those maps and to perhaps ask consultants to test certain aspects of the map that we might think need to be different or at least explore possibilities that we think might be advantageous to the final product.

So without objection, first I would ask Mr. Johnson to go ahead and complete his report with the third map. And as you do that, Mr. Johnson, would you also explain why that map C has a 2 behind it.
MR. JOHNSON: Sure.

CHAIRMAN LYNN: Make sure everyone understands how that map was developed.

MR. JOHNSON: Okay. Getting this up on the screen.

Let me first show where we started from.

This is the map that you saw yesterday that had, has at the Northern District, comes around Apache County, Flagstaff, with most of Gila County and Navajo County and Yavapai intact. Let me start in that northern region first so you can see the changes.

Just very briefly, what happened is when we drew C, we had it all done and all population balanced and achieved the goals we were going for. What we realized, District P down here in the edge of Phoenix was noncompact. So the C2 is just we changed about 1,000 people down here in Buckeye for about 1,000 people around the north of Surprise and Peoria area to make those compact, but we had already given you some of the spread sheets that had C. So we added the two. To be clear, this was new. That was the only change.

C is essentially gone, the same map except for one noncompact district.

So in terms of the changes up here, in looking to make a competitive district, I'll put the
labels on here, D, as it was drawn the other day, actually turned out to already be competitive, much as E was competitive before it. So Dr. Mike and NDC, we worked together to see if we could draw another one up there that would be competitive similar to the BB, or as there was a Competitive BB in other plans, tried to get another one in this plan without undermining the key difference here, which is Yavapai is intact and had Flagstaff with Gila and to the east, that area is intact. And we couldn't do it. We couldn't draw another competitive district up there.

So up north it's essentially the same as what we looked at yesterday. Then where the changes were made was we took districts -- well, plans A and B from yesterday are very similar in the Phoenix area, so we imported that into here, those districts. We have the same competitive districts in the Phoenix area as we do in A and B that we looked at yesterday. The differences are up here in R, P, and BB where you're interacting with the rural areas and balancing out the differences up north. But none of those three are competitive, so it didn't affect overall competitiveness of the map. We have same competitive H down in the East Valley. We have competitive M in Glendale, and the Mirage area, and competitive O and L and Competitive B in Tempe in the
1 Phoenix area.

2 And we did a similar thing down in Tucson.

3 We have, it's a little confusing with the community lines
4 on here, we have a competitive U, V, and Y, and then the
5 W and T configuration is the same as in the plan A we
6 looked at yesterday.

7 So essentially what this map, and the A
8 obviously is not the same configuration as the 2004
9 districts, as B and A districts, the same as the A area.
10 Essentially you have a very similar plan through Maricopa
11 and Pima to the Competitive A from yesterday. The
12 differences are that up north communities are rearranged
13 and we don't get Competitive BB and instead of
14 Competitive D, being EACO, Competitive D being Flagstaff
15 and the Gila District.

16 So most of this is similar to either what
17 you saw in the community map yesterday or Competitive A
18 yesterday but we merged those pieces yesterday and ended
19 up with nine competitive districts in this plan, one less
20 than A and in B.

21 I would note one thing yesterday, when we
22 reported on B, we did mention District Y down in Tucson
23 under that plan was just slightly outside of the seven
24 percent range. We made some very minor alterations
25 really between U and Y and part of Tucson. We did as we
expected, as predicted yesterday, to bring Y into the
competitive range. Competitive B, the JudgeIt report we
saw yesterday listed nine, one outside of it, did a
slight change and made it into 10. Does much for A in
that respect.

So that's a quick introduction.

If people have questions. As a comment, I
can answer those as well.

If you have questions.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Doug, in the -- I
guess it's D, you did not include the -- did you include
the entire Flagstaff community of interest all in that
district?

MR. JOHNSON: Yes, the whole Flagstaff
metropolitan area.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Is my understanding
correct the Apache tribes are split by reason of this
map?

MR. JOHNSON: Yes, that's correct. The
White Mountain and San Carlos, they are different
districts, one in Y and one in X.

COMMISSIONER HALL: Urban tribes, two
different districts?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Any other questions from the Commission?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: At this point, ladies and gentlemen, I'd entertain, without objection, public comment on the progression of the maps as you see them on the wall behind Mr. Johnson.

Our goal here is to move forward in refining the maps based on the criteria in the Constitution and the specific requirements of the court order. And your assistance is most valuable in that. If you are willing and able to join us in public comment, we would appreciate it.

What I'll do is go through the request slips from yesterday to make sure that some of you who wanted to defer your comments still have the opportunity to make those comments. Then we have a few new slips this morning. If you have not filled out one of these, please do so. We'll get to you as quickly as we can.

Mr. Wake, want to wait or prefer to speak?

MR. WAKE: Prefer to wait.

CHAIRMAN LYNN: Stephanie McKinny.

Ms. McKinny is not joining us.
Mr. Ryan, do you now?

MR. RYAN: No.

CHAIRMAN LYNN: Take her out of order.

Steve Titla?

A VOICE: Not here.


Mr. Miranda.

SENATOR MIRANDA: Good morning.

CHAIRMAN LYNN: Senator, good morning.

SENATOR MIRANDA: For the record, Senator Miranda for District 13.

Good morning, Chairman, and Commission.

I just have few comments to make and did want to present to you one suggestion on the map. This is concerning District N in district --

CHAIRMAN LYNN: Mr. Miranda, would you identify a map or if it goes through several maps?

SENATOR MIRANDA: If I can refer to the latest map.

MS. LEONI: C2.

SENATOR MIRANDA: I think N, District N, District A, and K have remained the same throughout. I want to comment on that. After talking to several people from my area on the map, although, you know, it's like a
taste of castor oil, or something, they can -- they
didn't really like, you know, fully, weren't a hundred
percent behind the district, but they can be livable with
them. It's acceptable with the provision, they said,
that it no longer changes anymore. They would like it if
it just stay the way it is in District N, not have any
more changes. However, after talking to some other
people also, one other suggestion they wanted to make so
DOJ, no problems with DOJ, and that -- they suggest, we
would suggest District A, part of District K, which is
between McDowell and Encanto, that lower end, the
southeast end, part of that area go over to District A
and therefore make it a minority-majority district. I
think at this point it's 48 -- let me look at the figure,
it's 48.3. In order to get it above, so DOJ won't
scrutinize all of us, that would be our suggestion, and
keep it more cohesive.

If at any point you have to go all the way
to 59th, which I don't know if you are going to have to
do that or not, in N, we would like it to be kept at 59th
Avenue, right there. That would be the line drawn, and
then any shifting that needs to be done, our suggestion
would be to go from that lower end and put it in A. Go
into A, from K to A. That would be my suggestion.

And as far as N, again, we were okay with
the map as long as there was just no other changes made
to it.

Yes?

CHAIRMAN LYNN: One second, Mr. Elder, if I may. Ms. Hauser had her hand up first. Let me ask: Did you have a question for Senator Miranda?

MS. HAUSER: Yes.

Senator, Districts N and J, then, if I understand your testimony, I want to be more specific on the Voting Rights Act implications of N and J. Is it your belief and the belief of those in the Hispanic community you consulted with on this, N and J in these configurations at these levels of Hispanic voting age population will provide an effective opportunity for the election of candidates of choice for members of the Hispanic community?

SENATOR MIRANDA: I'm in a precarious position. I haven't been able to get a lot of the ones from J, haven't been able to get a hold of them. They are out of town. It's that time of month, a lot of trips and conferences. I'm in a dilemma, can only speak for N.

I would assume, I would assume that J has, I believe, 55 percent, which is the highest concentration. And I know that they probably wouldn't want to go any lower than that, I can tell you that,
truthfully.

You know, we're at 52.5, I think. And for that reason, we don't want to go any lower, for that reason, in N. We said we couldn't -- that would be very difficult for us if it -- N changes, it went lower.

MS. HAUSER: N is 53 percent. You believe that provides an effective opportunity to elect candidates of choice?

SENATOR MIRANDA: (No oral response.)

MS. HAUSER: 53.52.

SENATOR MIRANDA: Not really 53. I'll do this. We're at a point we don't know where the maps are going to go anymore. My suggestion --

COMMISSIONER HALL: That's all of us.

CHAIRMAN LYNN: We must live in your district. We're the same.

SENATOR MIRANDA: If we could get to 53, that would be great. If you could get to 53 for N, here is what everyone thought. I didn't know if I was going to put this in here. There's a section from Osborn to Indian School, from 51st, or 55th Avenue west, that voiced that they would like to get back in, if they could. But we all kind of like the 59th. However, there is a small area right there, talking about all to raise
to 53, the population base of 500, not a large amount.
If you look at that Osborn to Indian School, there was
someone there that --
Can we get it to 53, and can we put that
area in?
MS. HAUSER: That area right now currently
is in.
SENATOR MIRANDA: Looking at everything, we
know you push in on one space, something else comes out.
MS. HAUSER: Thank you.
CHAIRMAN LYNN: Mr. Elder.
COMMISSIONER ELDER: Thank you,
Mr. Chairman, Senator.
I guess my question was relating to your
knowledge of the area which is far better than mine.
Suggesting the move from K to A, that
underpopulates that district. Can you see, based on your
knowledge of the surrounding three districts there where
it would be most appropriate to get that population
balance back for K?
SENATOR MIRANDA: Most appropriately, most
appropriately, the area around Bethany to Glendale, maybe
that grid from, what is that, 51st to -- well, actually,
probably 51st to 67th, somewhere in there, between
Bethany Home Road and 67th. Because at 59th Avenue and
Bethany I believe is where Grand is. It's very industrialized there. There is a lot of surface space there. There just isn't a lot of people around 59th and Bethany. That's where it hits Grand.

Again, I know it's going to be a difficult decision for you, but maybe put that back into K. Know, then again, you have to do some shifting around and things like that.

My suggestion, the small area from 27th to 35th, 27th to 35th and McDowell, to even Encanto, it is right by the State Fair on the other side of the freeway. It is very industrial. You are not going to have a lot of population there. That's why I was suggesting, if you had to go, go further out between Thomas and McDowell west.

So as far as you can get it up to above, so there could be a minority-majority district, I think that would be my suggestion on that.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: Further questions for Senator Miranda?

Senator, thank you very much.

SENATOR MIRANDA: Thank you.

CHAIRMAN LYNN: Next speaker, Karen Cooper, member of the Flagstaff City Council.
MS. COOPER: Thank you. Good morning, Chairman and Commissioners. Karen Cooper speaking on behalf of the City of Flagstaff and Flagstaff community.

I recognize the difficult task you've been charged with and commend you with your efforts and perseverance to the citizens of the state. Yours is a Herculean task, and I thank you for recognizing the Flagstaff Metropolitan Planning Organization as a community of interest.

Flagstaff remains committed to Map C9 presented earlier this month. However, given the alternatives, we can support A, B or C, given C2 preserves the FMPO as a whole district.

As Mayor Donaldson indicated, preserving the FMPO is vital to the region, including the University and economy.

The region is, this plan adopted the overwhelming boundary near term in a long-term implementation with many issues, land use, zoning, and transportation systems. Just as a personal footnote, I'd add I spent a year and a half of my life on the Regional Planning Task Force. I really feel it's going to make a wonderful difference to our area to have that cohesiveness.

I thank you for your time and
consideration.

CHAIRMAN LYNN: Thank you, Ms. Cooper.

Mr. Flannery. Mr. Flannery is a member of
the Council in Prescott Valley.

MR. FLANNERY: Good morning, Mr. Chairman,
Commissioners.

I waited with some interest on C2. I think
probably with maybe the river district, I may be the only
one in the room that may like that map. It does protect
Yavapai County and it does protect the river district.
Other than that, I'm not -- and I guess Maricopa and Pima
County. Other than that, I'm not sure what else it does.
It raises havoc with EACO. It does violate some of the
interests, I think, that the Coalition has asked for
protection. It does manage to level the population
within my area. So it does manage to do that.

I'm not sure that with competition
competitiveness, that it manages to bring that into any
better ratio than A or B.

Having said that, I think that for
communities of interest, I think that B serves us better
than does A. I would like to see Yarnell, Congress, and
those areas included, and A extracts those and moves
those over with R. So that I would like to see. If
there can be some adjustment to that. One area I would
like to see adjusted would be with the FMPO you've
recognized, I believe you've recognized Mountaineaire in
with the FMPO, then Munds Park is in with ours.

Would I be correct, Doug?

MR. JOHNSON: I believe so.

MR. FLANNERY: Over on the western side of
that, Ash Fork and Seligman go with BB. If that could be
adjusted so we could swap those, I think that would be a
little bit -- I talked to Mayor Donaldson. He thought if
they went with BB, Ash Fork and Seligman would be treated
properly. I don't --

CHAIRMAN LYNN: Is that an announcement of
some kind?

MR. FLANNERY: I don't know. I think
they'd feel more comfortable with Yavapai and Munds Park
may be more comfortable with Yavapai. If that would be
worked out with registration, if that could be worked
out, I don't know.

I appreciate the effort you put into it.

CHAIRMAN LYNN: Thank you, Mr. Flannery.

The next speaker, Patrice Kraus, Ms. Kraus
represents, has represented for some time, the City of
Chandler.

MS. KRAUS: Thank you, Mr. Chairman.

And, Mr. Chairman, I wasn't just in the
neighborhood. It may surprise you, I'm opposed to the proposal in all three maps.

The City of Chandler does believe this proposal creates significant detriment for Chandler. I have been coming to the Commission with concerns. One of the concerns is we are divided in so many districts, our representation would be diluted. That's exactly what happens in this proposal. Under this we'd end up with no one from the City of Chandler being elected to the legislature. Ahwatukee from the west, Mesa, and Gilbert in the southern portion of the City of Chandler. As the fifth largest city in the valley, sixth largest city in the state, it's critical people that live in our community represent us. This has all been done to achieve the statistical definition of competitiveness. This may not result in any change at the election. We understand your legal issues that you face. But we hope you will not do this at our expense. This has become an exercise more about formulas and numbers. For us it's still very much about the people, people who live in the community and people who would be elected to represent them. We urge you to restore the districts as in the 2004 maps.

I'd be happy to answer any questions.

CHAIRMAN LYNN: Thank you, Ms. Kraus.
The last speaker slip in the session, unless someone gets one -- Mr. Hartdegen?
The last speaker slip is from Steve Gallardo. He didn't list his district. I can't remember. I don't deal with incumbents very well.
Mr. Gallardo, I know you live somewhere.
REPRESENTATIVE GALLARDO: Good morning, sir.

Thank you, Mr. Chairman, Members of the Commission. Once again, it is an honor to be in front of you, like always.

CHAIRMAN LYNN: It's Sunday, Steve.

REPRESENTATIVE GALLARDO: I haven't had a chance to go to Mass. You all are in my thoughts and prayers, trust me.

Real quickly, I'd like to comment on a couple areas, one in particular that was discussed earlier, the District A area. I think it's real important we look real closely at that district and possibly strengthen that area in terms of minority influence. I think you have a pretty nice district there that can be allow the folks there to be able to really have selection in who would be representing them for upcoming legislative sessions. I would ask that you
increase that particular district in terms of percentages for minorities. How you do that I guess is a whole new ball game. But we're looking now, or I'm looking at areas that we could try and increase those numbers without impacting the surrounding districts too much.

Also in respects to districts N, I do like the 59th Avenue alignment. I think if we're going to increase that number in terms of minority, which I believe is something that should be looked at, I would suggest looking up near that Camelback alignment, that northern area. If we start looking at that 59th Avenue alignment you start cutting into minority influence in District K.

Right now District K, correct me if I'm wrong, on at least one of maps, District K right now the Hispanic voting age population is 42.53 percent. I believe if we start chopping at that 59th avenue alignment, my knowing there, living out there, you start cutting into the minority influence of K. Right now it's a pretty large Hispanic population. If anything, we should be strengthening it, not diluting it.

If you are going to influence the district by increasing minority districts, I'd recommend we look at that Camelback alignment. I don't think it would take that much. It's a very condensed area. It wouldn't take
much along the Camelback alignment to increase the
numbers in N at all.

So with that, I thank you, and good luck.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Gallardo, you mentioned
numbers from K a minute ago. I'm wondering, are you
looking for total minority numbers or Hispanic voting
age?

REPRESENTATIVE GALLARDO: Mr. Chairman,
Ms. Hauser, voting age population, Hispanic, 42.53
percent total minority for K, 58.97 -- I'm sorry, 52.51
percent, if I'm not mistaken.

CHAIRMAN LYNN: That's correct.

MS. HAUSER: Okay.

REPRESENTATIVE GALLARDO: If you start
cutting into the 58 alignment, you start cutting into a
large portion of the Hispanic community in that
particular segment of town. By cutting into K, you start
really diluting the minority figures in K. And again, I
think, you start looking at the whole area condensed,
start moving a little bit, you start seeing changes in
the Hispanic minority figures percentages.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Let me make sure I
understood you correctly. Are you saying if you wanted
to adjust the numbers again, basically, north to M,
District M.

REPRESENTATIVE GALLARDO: Start looking
around M. I would guess anywhere from the 67th Avenue to
the 59th or even 77th Avenue to 59th Avenue, start
looking out there. I couldn't tell you from those, just
within those.

COMMISSIONER HALL: Right.

REPRESENTATIVE GALLARDO: Those blocks,
what minority numbers would be, are a starting point.

COMMISSIONER HALL: Question. M as noted
is a competitive district.

REPRESENTATIVE GALLARDO: Yes.

COMMISSIONER HALL: My concern is, doing
that may affect the competitiveness of M, since that's
what the whole thing is about. If, if it's not possible
to increase the percentages in N, as in Nancy, without
affecting the competitiveness of M, what would you
recommend in that respect?

REPRESENTATIVE GALLARDO: Mr. Chairman,
Mr. Hall, I was hoping you wouldn't ask that question.

MR. RIVERA: I heard the church bell
ringing.

COMMISSIONER HALL: Time for Mass.

REPRESENTATIVE GALLARDO: That is a tough
question. I would imagine, yeah, then you would have
to -- I hesitate to have to say to even go into J and A.
We're trying to increase. I would say yeah, then you
start looking at that --

COMMISSIONER HALL: Let me --

REPRESENTATIVE GALLARDO: Can I add one
thing, Mr. Chairman, Mr. Hall? If anything is possible,
there was an area in Avondale that was once part of that
particular community. And perhaps maybe looking at that
area and moving that area back into N, if anything.

COMMISSIONER HALL: What districts are to
the west, Doug?

COMMISSIONER ELDER: What --

CHAIRMAN LYNN: Blue --

COMMISSIONER HALL: P.

Okay.

You think part of Avondale there in
District P may help increase the percentage in District
N, is that what you are saying?

REPRESENTATIVE GALLARDO: I believe so.

Without looking at the details of the map, I can't tell
if P. I was under the impression it was a different
district.

COMMISSIONER HALL: Let me rephrase the
question in a way, Steve. I'm not trying --
REPRESENTATIVE GALLARDO: Sure.

COMMISSIONER HALL: If, if it's a choice between the current numbers in competitiveness, what would be the direction you would give to this Commission? We know.

REPRESENTATIVE GALLARDO: That is hard to say. I would have to right now off the top of my head would have to say just for the purposes of getting it pass DOJ, the fact is this has to get through DOJ, the numbers have to be looked at in terms of percentages. I want to try my best to keep districts as competitive as possible. That's the reason it's back at the table.

CHAIRMAN LYNN: Ms. Hauser, Mr. Elder.

COMMISSIONER ELDER: A side comment. When we started, Steve was not a politician. Now answers are coming back as a politician.

CHAIRMAN LYNN: Mr. Gallardo is a success of this process. I view Mr. Gallardo as a success of this process.

COMMISSIONER HALL: Exactly. He's our poster child.

CHAIRMAN LYNN: I wouldn't put it quite that way.

REPRESENTATIVE GALLARDO: What not to do in redistricting.
MS. HAUSER: I had another question about K focused on total minority population, 52.1, and expressed concerns about seeing that lowered.

REPRESENTATIVE GALLARDO: Increased.

MS. HAUSER: Concerns were lowered, concerns about borrowing from K. Hispanic voting age population, 42.53. My question for you, I guess, in terms of looking at 52.51, total minority voting age population, our experience in that area, it's not total minority voting age, Hispanic voting age population. Do you have any particular evidence of voting patterns among the different minority groups contained in district -- the configuration of K that make that 52 percent number a number DOJ ought to be looking at instead of the 42 percent number? That's one question.

The other question -- I'm sure you are familiar with the arguments that the Coalition made to the court under Georgia vs. Ashcroft, and they -- there are possibilities for substituting districts that are likely to elect, or may be a little less likely to elect a minority member but likely to elect a candidate of choice, such as a member of a party sympathetic to minority interests. And the question is at 42.53 percent Hispanic voting age population, and that district is under JudgeIt coming out as a Democrat district, is that
something that you feel would provide that opportunity under Georgia to elect a candidate of choice?

REPRESENTATIVE GALLARDO: Mr. Chairman,

Ms. Hauser, to answer your first question, in terms of voting patterns in K, to be honest with you, I'm very familiar with the southern portion of K. The northern portion I'm just not that familiar with. In terms of -- I couldn't even tell you currently, trying to think, looking at the current map, what area that would fall into. I'm -- I couldn't tell you in terms of voting pattern.

In terms of the second question, I think the 42.53 percent Hispanic is a good number in terms of having that southern portion have a strong say in terms of who will be elected in K. And I think we should do what we can to try to preserve that number or try to keep it as high as possible without trying to hurt the competitive issues around it. But in terms of K, I think the southern part does have a nice voting block there to have a good influence in K without fully understanding, trying to answer it.

Does that answer it?

MS. HAUSER: That helped.

MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.
MR. JOHNSON: A quick follow-up on the Avondale question, portions of Avondale in P.

REPRESENTATIVE GALLARDO: Is that seven?

MR. JOHNSON: The portion of Avondale in S, I want to clarify, is it the S portion or B?

REPRESENTATIVE GALLARDO: Pinal County, if it is in Pinal County, we prefer not to look at Pinal County at this point.

MR. JOHNSON: Okay. Thank you.

CHAIRMAN LYNN: Mr. Gallardo, thank you very much. We appreciate your input, as always. Jim Hartdegen representing all interests in Pinal County and Casa Grande, or most of them.

MR. HARTDEGEN: The good side, at least.

CHAIRMAN LYNN: I didn't say that.

MR. HARTDEGEN: I know you are in a real tough position, and I realize that after whatever you do and adopt whatever maps and it goes back to the court the judge will take time out of his busy schedule and have hearings over the state, I would imagine; but if he don't, I would just like to address the western edge of Casa Grande. Apparently, under the C -- I'm sorry, the -- C2 map, apparently it follows the city boundary in that area. And it -- if this was the proposal to go, if it was, it would be nice to try to push the boundary a
little bit further to the west because of the community of interest aspect of this whole exercise. But I would hope that C2 doesn't go anywhere. I'm not quite sure that it really meets the interest of a lot of people, not only in Pinal County but in the eastern side, also.

But if this was the map to go, it would just be nice to try to push that western boundary as far to the west as feasible.

CHAIRMAN LYNN: By comparison, Mr. Johnson, could you -- I believe the western part of Casa Grande is the same in the other two maps, A and B? Or is one different from the other --

MR. HARTDEGEN: Quite a bit different.

MR. JOHNSON: A, the border, border district there coming in there, staying outside -- I believe Standfield.

MR. HARTDEGEN: I believe, under A and B, it stays as it is today, under the proposal, under the proposal you adopted. I think as of 23 it stays in A and B and is intact as you presented originally.

CHAIRMAN LYNN: Thank you.

Another question for Mr. Hartdegen?

CHAIRMAN LYNN: Thank you very much.

Is there anyone else wishing to address the Commission at this time?
There will be other opportunities throughout the course of this meeting. What is the Commission's pleasure with respect to narrowing the choices so we can progress with a map?

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, as I look at maps A and B, in my mind, it's between one of those two choices. I question -- my question is for my fellow Tucson compadres, that the essential difference between these two maps is that A treats the Tucson area a little differently than B. So I guess, you know, from my perspective, what I like about map B is how it's the Marana area, how it joined in my limited perspective, makes sense. My question, Mr. Chairman, and you, Mr. Elder, are what your feelings are with respect to how Tucson is treated on that map.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: I may not have understood your question exactly because B splits Marana and A keeps the -- at least the urbanized area together. So was it A you were saying --

COMMISSIONER HALL: Maybe I misunderstood Mr. Elder, the yellow district --

COMMISSIONER ELDER: Looks like V.
COMMISSIONER HALL: District V, it just seems to make more sense.

COMMISSIONER ELDER: I thought you said B in your opinion did a better job.

COMMISSIONER HALL: Is this B or A?

MS. LEONI: That's A.

COMMISSIONER HALL: We go from B and A on the wall, I thought it would be alphabetical, heaven forbid. My eyes are not that good. That is my question. Whatever map this is, A, I'm asking you gentlemen provide insight for me, with respect to other areas, I concur with Mr. Flannery with respect to how Yavapai County is treated on A. I think some are cleaner as far as the Northern Districts. My question centered on Tucson.

CHAIRMAN LYNN: I think both Mr. Elder and I will think about that question. If you permit me, without objection, we have one gentleman out of the room when I asked if there were any other speakers. I want to take him first, Representative Robert Meza.

REPRESENTATIVE MEZA: Thank you, Mr. Chairman, Steve Lynn.

As looking, you were discussing A and K. And being a third generation Phoenician and seeing the demographics shift quickly through the whole area, through A and K, what I visualize and what would make the
area good for both A and K would be to, between McDowell
and Thomas, take A all the way down to 43rd Avenue. All
right? That's part of the Isaac School District. Then I
recommend a shifting, the northern part of A into K
between Indian School and Camelback Road, shifting that
over to K, between the freeway and 35th. Does that make
sense?

CHAIRMAN LYNN: All are recognizable

points, absolutely.

Mr. Hall.

COMMISSIONER HALL: My question is -- thank
you for coming. What -- to accomplish what, to what end?
You are recommending that for what purpose?

REPRESENTATIVE MEZA: In case of DOJ, to

pass DOJ standards for A and J, I believe.

MR. JOHNSON: Mr. Chairman.

REPRESENTATIVE MEZA: I did speak to

Department of Justice about the whole area, was saying to

them it would help all the districts, that little area if

put into A.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: I could suspect the Hispanic

voting area, A somewhat, K, go down the same amount. Is

that what you mean be acceptable to DOJ, both districts?

REPRESENTATIVE MEZA: Correct.
COMMISSIONER HALL: I assume that is what would occur. What I thought I heard from Mr. Gallardo, his concern with respect to K was those numbers are treacherously low now. Would that not K lower?

REPRESENTATIVE MEZA: I spoke to him and now it would make sense.

CHAIRMAN LYNN: Perhaps if left to the Legislature, we don't have these arguments.

REPRESENTATIVE GALLARDO: Mr. Chairman, Mr. Hall, K and A, that's looking at a whole other part of town, one side to the other. Looking at the southern portion he's talking about, that McDowell area, putting into K, taking out -- you are putting in a heavier part of town into a less heavier part of town. The southern part he wants to put into K is a large Hispanic area, not as large a portion, swapping it, swapping populations, and at the same time increasing a Hispanic population, more Hispanics into K, not as much as taking out, keeping percentages a lot better in terms of that area. I understand. Did I confuse you?

REPRESENTATIVE MEZA: What you are doing in K, you are putting more Hispanics into A. You are saying taking Hispanics out.

REPRESENTATIVE GALLARDO: Moving K into A, increasing Hispanics numbers.
COMMISSIONER HALL: In A.

I'm asking, the goal is to get A above 50 percent minority, is that what we're trying to do.

REPRESENTATIVE GALLARDO: Yes, Mr. Chairman and Hall, yes.

COMMISSIONER HALL: You are comfortable with the total, comfortable if in doing that, if it takes, for example, Hispanic 18 plus age below 41, 40 percent, you are comfortable it wouldn't drop that much?

REPRESENTATIVE GALLARDO: I believe there will be a drop. I don't believe it will be that significant or will be that detrimental.

COMMISSIONER HALL: You are fine dropping K to increase the numbers.

REPRESENTATIVE GALLARDO: We need to increase A, Hispanic percentages where we get it, I think, get from that southern portion of town, putting N into A. At the same time that corner area does have Hispanic population, not as great as the southern portion we're putting in. Some put into A, try to balance out a little bit.

CHAIRMAN LYNN: You agree with that?

Senator Miranda is shaking his head.

REPRESENTATIVE MEZA: He agrees, too.

SENATOR MIRANDA: Mr. Chairman,
Commissioners, Robert is right. What Mr. Gallardo said about higher population, the voting age population, if you go to 43rd, adjust for each district, do the grid from 27th Avenue to 35th and Indian School to Camelback, if you do that currently from A and put to K, you should be okay.

CHAIRMAN LYNN: Mr. Johnson,

MR. JOHNSON: Question for all of you, actually, as doing this, one thing, obviously, K is close to being a competitive district. It may actually get it, an additional competitive district, some dense Hispanic population out of this and trade for others. I assume -- that kind of benefit for the Commission's goals, would you all be comfortable with that?

SENATOR MIRANDA: Mr. Chairman,

Commissioners, I think it would remain competitive. I think by the fact of population, the people that vote there, not -- regardless of ethnic background, they remain the same. What you are switching over is from the lower portion to the other. What we are trying to do would work and is trying to make it a DOJ compatible district in A and at the same time when switch over that one grid over to A. I believe when you crunch out the numbers, K will still remain competitive. It's just switching two little corners is what we're doing.
MR. JOHNSON: To clarify, K is just outside the competitive range, not by JudgeIt numbers. This could very well bring it inside this range, add competitiveness.

SENATOR MIRANDA: Again, I wanted to put that point on it.

Thank you.

CHAIRMAN LYNN: I would be remiss, gentlemen, if I didn't mention regardless of how this turns out, and whatever map we ultimately deal with, we will have the additional expense to get it through the Department of Justice. I might add, Senator --

(Senator Miranda offers his credit card.)

CHAIRMAN LYNN: Senator Miranda, here.

We're talking sums larger than a credit limit.

(Senator Miranda offers multiple credit cards.)

CHAIRMAN LYNN: Better, perhaps not enough.

Let me simply add we may be coming to the Legislature for additional funds, as you may expect. We're not certain the litigation will end if this map is put into place. Some are certain it will continue simply with other plaintiffs involved. I'd ask your consideration of that at the appropriate time. I meant that as just a paid
political announcement.

SENATOR MIRANDA: I understand. I'm not envious of you spending weekends like this. I understand and hear your message.

CHAIRMAN LYNN: Thank you for your input.

REPRESENTATIVE MEZA: Thank you for your hard work for the past two years.

A VOICE: Three.

REPRESENTATIVE MEZA: Three years.

CHAIRMAN LYNN: We're now toddlers.

REPRESENTATIVE MEZA: Meeting the standards out there, thank you.

CHAIRMAN LYNN: We appreciate that very much. Appreciate you being out there.

Other members of the public out there that wish to be heard?

In discussion, Mr. Hall raised the question of the Tucson area as between the competitive maps A and B.

Mr. Johnson, can we focus in on perhaps the differences between the two maps with respect to the Tucson area?

MR. JOHNSON: Mr. Chairman, Members of the Commission, as is mentioned in map A, the one in the middle of the wall, District V, as in Victor, comes west,
gets all of Marana, comes out, picks up census places to the west of it, which are Avra Valley and Picture Rocks.

Seeing that same area, if we look at alternate B, this is as drawn in the 2004 plan, District V as in Victor, stop at the 10, the freeway, border district, District G keeps Picture Rocks, Avra Valley.

The Western border stays along what is termed the retirement community border. That doesn't change.

Where the population shift is offset is down in Tucson. So we've seen the paragraph. So if we start with what is on the wall in terms of --

Let me consult with Dr. McDonald here for one second.

Okay. Then in Tucson, we come down, District V comes down to Sabino Canyon Road, Colby Road, that's actually in the Foothills, City of Tucson, under -- comes down to Fort Lowell and down to -- street name, down to Grant Road.

For comparison, and this is coming down, needs to get more population, you couldn't get from Western Marana, a comparison under plan A, where it has that Marana population, comes down, the Foothills coming to Sabina Canyon, a little past Lowell, Prince Road.

One thing this will show, this district only was slightly noncompact. So we fix that in tests.
The B2 test we can show you is similarly, taking zero populations up here near the Saddlebrooke area and a couple blocks up here. But that is the main differences in District V. The communities in U and retirement communities in U and V are the same.

COMMISSIONER HALL: The comparison in District W is the voting rights district.

MR. JOHNSON: The configuration, it's a larger effort, brought the districts entirely within what is defined as the Tucson urban area, highlighted there, except, of course, for the weirdly shaped rural inlet we had to divide for compactness reasons.

W and T are essentially within the cities and census places of Tucson, and its environs. Also in this plan, which is plan A, we altered the border between W and T so Tucson the barrios community is defined, united entirely in W, and the City of South Tucson is included within that.

For comparison, on plan B, which is the plan adopted in 2004, in terms of these two districts, and District G around it, that went through the barrios so it's divided between W and T. You can see W comes out to -- I believe it's three corners --

CHAIRMAN LYNN: Three Points.

MR. JOHNSON: T comes slightly outside the
city borders as well. So -- and then W picks up all of the rural inlet instead of it being divided between V and W.

As a result, if you go over to the eastern border of W, in plan B, W takes in the University, comes to Kino Parkway and what would be Sixth Avenue, whereas under plan A, W actually comes to the edge of the University, only picks up a little corner of it, essentially all way to the University without picking it up.

Those are the primary differences between the two.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: To answer Commissioner Hall's question how it affects the area or metropolitan area around Tucson, neither one of the plans really works. Each one of them does something different to a different area. The plan we're looking at now, V, unites Marana. But then when we pick up the barrio area, we had distinct testimony and presentation for those areas in T and the Rita Ranch area to the east they did not want to have to be together.

The areas that come into Tucson in the A Exhibit, we get half of Marana, half of Flowing Wells, half of Foothills, and there's not any sort of linkage
there. You still end up with battles between the City of Tucson, unincorporated areas, battles with school
districts, battles with resort areas, and growing resort
areas, neither one of them really make any sense. The
question may be which one may be the easiest to try to
start from and try to make some modifications to make it
fly. And without seeing numbers as to where and what, I
don't know it makes any difference to me. Both of them
require major changes to make any sense how the area
functions. Really all the questions we have down in our
definition of community of interest, this probably
applies, I want to say does -- I don't want to take it
purposely out of the term "significant detriment" right
now. It probably does more harm to this area than any
other part of the state. And we'll have to go into it
piece by piece when we look at whichever map we decide to
use to start as a basis of modification and see how we go
about defining those and then turning around significant
detriment and the material aspects of those areas to then
determine do we make a case for maintaining those
interests as material and, therefore, we may end up
losing a competitive district. We'll have to discuss
that back and forth if one outweighs the other. With
that said, it makes no difference, Josh, which one we
start with.
CHAIRMAN LYNN:  Want me to --

COMMISSIONER HALL:  Yes.

CHAIRMAN LYNN:  I wanted to ask Mr. Johnson and Dr. McDonald a question.

At the present time, as I understand it, on competitive maps A and B, we now have, because of the slight modification made, three competitive districts in that area, U, V, and Y.  U, V, and Y, all three are competitive.  Is that accurate?

MS. LEONI:  I'll ask Dr. McDonald.

DR. MCDONALD:  We did look at one test, District Y, I believe, in competitive B was just outside the competitive range.  And by shifting just a few blocks between Y and, I believe, W -- U, excuse me, U, we were able to maintain both of those as being competitive districts.

CHAIRMAN LYNN:  In that respect, we essentially have the same number of competitive districts in the southern part of the state in either of the maps.

DR. MCDONALD:  Correct.

CHAIRMAN LYNN:  Which leads me to believe that differences are elsewhere in either of the maps in order to make a determination.  I'm not sure it makes that much difference.

I would ask the question:  If, to
Mr. Elder's point, if we were to ask, if we were order a test that would attempt to better unify some of the other communities of interest identified in the Tucson area which, as a practical outcome, might reduce competitiveness to some extent, is there one map rather than the other that would facilitate that test? Or can you answer that question?

MR. JOHNSON: Looking at it from what communities we're dealing with, retirement communities, Foothills?

CHAIRMAN LYNN: City of Tucson, the barrios unit in one.

MR. JOHNSON: The real difference between them is the barrios are split in B versus united in A. One last thing we tried to address. The flip side is the reason they're split is because the Coalition requested it. That's the trade-off there.

To follow up on what Dr. McDonald mentioned and Commissioner Elder mentioned, the adjustment, taking the competitiveness aspect, Rita Ranch was a concern. In order to get Y competitive, we took Rita Ranch out of Y into T. I don't know if Dr. McDonald wanted to comment on why it was done to make it competitive.

DR. McDONALD: My feeling is we're going to -- if we're going to look at this area, that we're
going to have to most likely sacrifice a competitive
district. If we make that decision, that would then just
free up looking at all of the area as a whole. What
we're probably looking at is just a radical change to the
configuration here with an instruction to locate two
competitive districts with other instructions as well.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, we
started with the premise from the Coalition they
requested we leave the voting rights districts
essentially the same as they are in our adopted map.

I was just curious, Mr. Mandell, from the
Coalition, if you had any comment relative to other the
version of the voting rights district. I'm not trying to
put you on the spot. I thought that feedback would be
helpful and welcome, if you have any.

MR. MANDELL: Mr. Chairman, members,
Michael Mandell, attorney with the Arizona Minority
Coalition.

To Mr. Hall's question, the Coalition would
prefer districts referred to in our letter 23, 24, 25,
27, 29 would remain the same as they were in the 2004
Legislative map. Those districts were effective
majority-minority districts. None are majority-minority
Hispanic voting age districts. They are all influence
districts in that sense; but they are all districts in
which a minority representative can and have been
elected. To know the effectiveness, we don't know the
effectiveness of change.

We'd request those districts remain the
same. We at least know that they provide minorities the
opportunity to elect candidates of their choice.

COMMISSIONER HALL: Thank you.

MR. JOHNSON: For those of you that haven't
been with us, 23, 24, 25, 27 and 29 are the equivalent of
W and T in this map.

CHAIRMAN LYNN: Thank you, Mr. Mandell.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: You know, I realize
that we are all doing this under protest. But looking at
these maps, I'm really struggling with myself, I find my
feelings are a lot stronger than that. I find it very
difficult to accept the idea of starting to do anything
with any of these maps. The problems that we're talking
about down in Tucson certainly are one example, but I see
big problems over much of the state. One of the things
that really concerns me is what we've done to essentially
Kingman and Mohave County.

I had the experience of flying into Mohave
County for one of our many public hearings right after 9-11, 9-13 or 14, just as soon as we could get a plane up in the air. I remember taking off from Chandler Air Park. There was no other air traffic moving anywhere. We flew up there dodging thunderstorms and landed and drove down Main Street. Flags were up everywhere. And I recall coming into a room full of people, many more than in this room right now, very somber. But it was a very moving experience. We were all there to have this, participate in this exercise in democracy. President Bush had just made a speech on the unshakeable foundation of America, and all this.

One after another these people got up and said we are a community of interest, we -- Mohave County is a community of interest, we share the river, we have real interests that unite us over here at the river. If you have to put us with somebody, take us south, take us into the Phoenix Metro area, they wouldn't mind, I think, being joined up with Yavapai County, in some places, if they had to, in order to make a district, but said for goodness sake, whatever you do, don't put Kingman with Window Rock. That makes no sense whatsoever. We're 300 miles apart geographically and 300 miles apart in terms of communities of interest. And, you know, that is obviously true. And this is not good for either of the
You know, I hate to think that we have to choose between hurting one area and hurting another, but we made that choice before. And somehow the process that we have come through to get to where we are today has not produced any additional alternatives, but somehow it has changed our judgment on it. But what we have now is a very rapidly growing area that is being united with the Navajo Nation. I have no idea what the consequences of that are going to be over a 10-year period, and ones that have absolutely nothing in common with each other.

I know the judge's order said put together, we have to put together disparate areas to make a competitive area. This is not a competitive district, at least not by 2000 numbers. This is pure and simple disenfranchisement. It cuts the heart of Mohave in half, deprives Mohave County of effective representation, I mean one Window Rock District, one Flagstaff District making up Mohave County, at least on the 2000 numbers.

The second thing that really concerns me about this map is what has happened in the City of Phoenix because of the decisions that we made. We found essentially three communities of interest in the entire City of Phoenix. We did get information from the city that identified some of the major communities, but I
remind you the City of Phoenix is, I think, at this point
the fifth largest city now behind New York, Chicago, Los
Angeles, and Houston, just passed Philadelphia, became
the fifth largest city in the United States, is 40 miles
north to south. You could find communities of interest
from outer space, that's how big it is. We have data in
front of us and we couldn't find them. As a result, we
suddenly find ourself able to draw maps that contain up
to nine or 10 competitive districts. Well, duh,
surprise. You take a population of 1,200,000 people, you
close your eyes and fail to find any communities of
interest in that mass of people, apply a very liberal
compactness standard to it in a highly populated
metropolitan area and you'll be able to create
competitive districts that make absolutely no sense for
the community that they are inflicted upon.

Now I want to point out that this result is
not something mandated by the order of the court. The
court required us to come up with seven competitive
districts. This is a self-inflicted wound. This is a
result of decisions that we, ourselves, made closing our
eyes and failing to recognize the communities of interest
inside the City of Phoenix and hundreds of thousands of
Phonecians know that we're wrong. I find it difficult to
believe that when we're being judged under a strict
scrutiny standard, when we find Arcadia is a community of interest but fail to find the Central City of Phoenix or South Phoenix or many other communities, I find it impossible to believe that will pass strict scrutiny.

I find myself, as a resident of the City of Phoenix, find it inexplicable, incomprehensible. I'm tempted to say, will say, if I can't do anything about it as a Commissioner, I'm tempted to do something about it as a citizen. One of the communities of interest I live in was not recognized by this Commission.

I just -- I think it's just fundamentally wrong.

Now I know that the Commission is going to move forward. I'm going to have to come along. But I really, I cannot express how strongly I disagree starting with these maps.

I think there is at least another alternative we ought to consider, that is starting with one of our other maps. Obviously in our first meeting, the primary lawyer for the plaintiffs in the lawsuit stood up and recommended to us that we do exactly that. We could start with our 2001 original map, which is the one that we initially adopted, and I personally think represents the best view of the Commission's actual understanding and belief in this process. We had to
change that map, if you recall, because it failed to be
precleared; but with the judge's order, and with the
additional information and support that we have gotten
from the minority communities, I believe it would be a
simple matter to adjust that map to incorporate these
districts. And that map was, as everyone has pointed
out, more competitive than the one that we ended up with
in 2004.

Another alternative would be to start with
the 2004 map and possibly start even with the
Hall-Minkoff plan which the judge repeatedly cited, with
what appeared to me, to be approval. And let me just say
also that if we did that, we would not be playing Russian
Roulette nearly to as great an extent with the Federal
Voting Rights Act, not so much the issues but the
procedures, because one of the side effects of this
process is that we end up with completely new lines.
These lines don't match precincts. They don't match the
Congressional Districts. And we are, essentially,
walking into a, a problem that I think there is a
potential way to avoid.

My judgment would be to try to avoid it.
To me, rather than starting with one of these maps which
do all kinds of damage to the original calculations that
the Commission made, I think we should start with the map
that we adopted and believed in and make the minimum
changes to that map that are necessary to comply with the
judge's order.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Mr. Hall.

MR. HALL: Well, Mr. Chairman,

Mr. Huntwork, I agree, Mr. Huntwork, with, with some of
what you have to say. I think it's important to respond
to a couple points you made, just for the record. First
of all we agree in the Hilton, first of all, I said I'm
very concerned we do not have enough communities of
interest in Metropolitan Phoenix. In that process at
that time we were adopting communities of interest. At
that time I shared that concern. The concern -- the
additional concern I have is over three million people is
over the three-year process we've had very, very limited
testimony with respect to specific communities of
interest in the valley. The fact we had someone appear
with a map saying you feel Sunnyslope is a community of
interest, we have zero public testimony to that effect.
And I may be wrong. I guess my point is communities of
interest is citizens come and testified, not a city
official presenting Villages, or other issues.

So we have a process that has been dictated
to us by the court wherein we were to define, get
definitions, define specific communities of interest. We
did that. We instructed our consultants to recognize
communities of interest, and thus have the communities
before us. We may not agree with what the judge required
us to do. We'd done it in good faith, done it to the
best of our ability, and we've done it with a map which
is very, very competitive.

With respect to Kingman and concerns there,
I also was in Kingman and hear and understand your
concerns. The Fact of the matter is, this Commission did
not adopt a community of interest on the western portion
of the state. The other fact of the matter, we honored
the Community of Flagstaff, created another community of
interest in favor, if it doesn't cause detriment to
another goal. While this is not necessarily the most
beautiful creation, it certainly accomplishes what we're
required to do. It's important, for the record, to state
that.

With respect to going and starting with a
completely different map, from my limited understanding,
perspective, I don't think we're allowed to do that.
We're required to go back to the grid, to move forward on
a fresh basis. I think we're required to do that.

Given the comments, Mr. Chairman, of the
Coalition, and with respect to the voting rights
districts in Southern Arizona, I am of the opinion that
it would -- it is prudent for us to not adjust the
districts that we already know that have been affected
and have been formed pursuant to the blessing of the
Department of Justice. And, therefore, I would make a
motion that we would move forward with this process
starting with the basis of the map, correct me,
Mr. Johnson, Competitiveness B -- is that correct, which
retains the southern voting rights districts, is it?

MR. JOHNSON: Yes, B contains the southern
districts as drawn in 2004. I might suggest is B2 the
changes --

COMMISSIONER HALL: Communities and
Competitiveness B2 which retains the voting rights map.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

COMMISSIONER HUNTWORK: My discussion is
not on the motion. I'm opposed to using any maps for the
reasons I stated. I guess it's on the motion in that
respect. I would like to say I read the court order
differently. I think the court was attempting to
indicate an idealized process that would be followed in
the future but that the process of going through the
entire process that the court ordered in the time period is completely unrealistic, that is what has led to a situation like two weeks ago on Saturday when we defined our terms and by Monday morning the City of Phoenix was there trying to present us with information. And Mr. Hall contends that the City of Phoenix is too late in getting us information. Ridiculous. But it's ridiculous because of the timing of the process and because we are jumping to the conclusion that the court actually expected us to follow that process this time.

So I would remind the Commission the court upheld the Congressional Districts even though they didn't follow the process because the result was within the parameters required by the court. And the -- we can achieve the result required by the court using our currently established districts without having to go through this, you know, this incredibly compacted process that really doesn't allow -- Mohave County is going to want to have something to say about what we've just done. The -- I think that there are -- when you look at the districts that are being proposed within the City of Phoenix, you are going to get a lot of comment on some of those districts because they are just simply ridiculous in terms of the effect that they have on real communities that really identify with each other, if there is an
opportunity to fold that into the process. But if the
answer to this is that we defined the term community of
interest on Sunday and anybody who was there on Monday
with all of their evidence intact can't be a community of
interest, sure, that leaves -- basically leaves
Flagstaff, who was there, as the only additional
community of interest that we can find beyond the ones
that we identified explicitly in the original proceeding.

I also want to point out to Mr. Hall that
we had two Commissioners, at that time, and still have
two Commissioners, one in Vietnam right now, who were
residents of City of Phoenix. I have lived in the City
of Phoenix since 1977, Ms. Minkoff a lifetime resident of
the City of Phoenix. We were very capable of identifying
the communities within the City of Phoenix, and we had
almost no disagreement with each other. As far as I can
recall the only disagreement we ever had with each other
where communities lay in the City of Phoenix essentially
over the Hall-Minkoff plan, and that had to do solely
with the Moon Valley-Sunnyslope connection. And beyond
that, we were talking about very carefully defined lines,
neighborhood boundaries. I don't believe you will be
able to go back in the record and find a case where
Ms. Minkoff and I were disagreeing with each other or
couldn't talk about it and reach agreement on our
understanding of communities within the City of Phoenix.

I reiterate this has been compressed in such a way it is a preposterous process, cannot result, by our own comments, Mr. Hall, on how ridiculous it is to expect this process to produce meaningful results with respect to communities of interest. I think we're better off going back to something that truly represents to a greater extent the real thinking of the Commission and proceed from there.

Again, I do think, emphasize again, it's very important that may also help to avoid some of the very difficult pitfalls which arise that counties run into with precincts and have to make that coincide with current boundaries.

CHAIRMAN LYNN: I know this is a seminal issue we have to deal with. We're overstepping the bounds with the court reporter. It's an unusual occurrence. I wonder if we could take a 15-minute break in the middle of this discussion, pick up the discussion on the motion after that break.

Without objection.

(Recess taken.)

CHAIRMAN LYNN: On record the record.

All four Commissioners are present along with legal counsel, consultants, and staff.
On discussion on Mr. Hall's motion.

COMMISSIONER HUNTWORK: I'd like to have executive discussion. I'd like to make a motion to table the motion?

CHAIRMAN LYNN: Correct. A motion to table. Is there a second.

COMMISSIONER HUNTWORK: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion to table?

Discussion is only to limit the time for tabling.

All in favor of the motion, signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Motion carries unanimously.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I'd like to move to go into Executive Session in order to obtain legal advice of counsel.

CHAIRMAN LYNN: It's been moved pursuant to A.R.S. 38-431.03(A)(3) and 38-431.03(A)(4) we go into Executive Session.
All in favor say "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Motion is unanimous to go into Executive Session.

CHAIRMAN LYNN: Ladies and gentlemen, I don't think this will be very long, but I wouldn't go too far, but there is no way to guess.

(Whereupon, the Commission recessed Open Public Session at 11:06 a.m. and convened in Executive Session at 11:07 a.m. until 12:33 p.m. at which time Open Public Session resumed.)

(Whereupon, a one-minute recess was taken.)

CHAIRMAN LYNN: Let's go back on the record.

COMMISSIONER ELDER: Mr. Chairman, I would like --

CHAIRMAN LYNN: Let me for the record say all four Commissioners are present with legal counsel and consultants.

CHAIRMAN LYNN: Mr. Elder has indicated his desire to break for lunch. Without objection, today, let's take a full hour. We'll reconvene at 1:30.
(Lunch recess taken.)

CHAIRMAN LYNN: Back on the record.

All four Commissioners are present along

with legal counsel, consultants, and staff.

We have a motion on the table. And the

specific intent of the motion to table was to get to an

Executive Session, so I would ask for a motion to remove

the item for the table.

COMMISSIONER ELDER: So moved.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Thank you.

A motion to remove the item on the table.

All those in favor of the motion, signify by saying

"Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Now in discussion on the motion made

previously by Mr. Hall and seconded by Mr. Elder adopting

competitive, pardon me, Communities and Competitiveness

Map B2.

Discussion on the motion?

Mr. Huntwork.
COMMISSIONER HUNTWORK: Mr. Chairman, I would ask for a test to be done on map C. And I think it may be forthcoming fairly shortly. The purpose of the test was to see what would happen if you added the, I think it is, the White Mountain Apache Reservation to AA and circulated population basically counterclockwise so that basically Mohave County would be united with Flagstaff in District D and -- wouldn't be united, but at least it would be with Flagstaff rather than with Window Rock. And -- so I wanted to see where the -- what the status of that might be.

CHAIRMAN LYNN: It's interesting, because I don't recall that we had voted to order a test of any kind. My concern is that we would proceed as a Commission to order tests together. So that is of concern.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: I don't quite know how to deal with that. I'd be open to suggestion, because it really wasn't a Commission ordered test.

COMMISSIONER HUNTWORK: I'd say the significance of it is I'd like to know if it is possible to do that before I vote on --

CHAIRMAN LYNN: Vote on a selection?

COMMISSIONER HUNTWORK: -- vote on a map.
MS. HAUSER: Motion to do a test.

CHAIRMAN LYNN: We're in discussion on a motion to adopt. If you want to -- my suggestion would be perhaps we again table that motion and see if there is a Commission order to do the test that you suggest, if you want to do that.

COMMISSIONER HUNTWORK: Has the work been completed? Has the work been done?

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: Mr. Chairman, Commissioner Huntwork, this is the idea we discussed before about Apache. As with many things, we try to anticipate questions and try to get a little bit of head start. We have much of head start on that. We have not done a finished test. Maybe in five, 10 minutes I could get that into a form where we could present it as a test, if that was the desire of the Commission.

COMMISSIONER HUNTWORK: Mr. Chairman, that, unlike the process we went through before, I don't have a computer. This is the kind of thing I could just do myself before. And, so before, before the maps were actually the product of the Commission in a very real sense and we could ask people to do tests as a Commission, but I could answer my own questions for myself in many cases. So this was really just something
I wanted to know before I chose, before I made up my
mind. I didn't want this to be a Commission test. I'd
rather have a computer and be able to do this myself.

MS. HAUSER: I'd like to clarify something
for the record. When the Commissioners had Maptitude,
for the record, they were not equipped with software to
move lines. For the record, that might leave a false
record. You wouldn't move lines.

COMMISSIONER HUNTWORK: That's not correct.
I could figure out how many people, could figure out what
the political disposition of what people were. I could
guesstimate what the disposition of that would be, and
that's what I can't do now.

CHAIRMAN LYNN: What is your preference.
We can proceed on the motion you have now or again table
it and --

COMMISSIONER HUNTWORK: Mr. Chairman, if
that is the only way to get the question answered, I'll
try, I'll make a motion to table consideration of the
designated map so I can see if there is a way to
especially avoid having to put so much of Mohave County
into the -- District AA centers on the eastern part of
the state.

CHAIRMAN LYNN: I also strongly suggest if
the motion to table is successful, that we at least, as a
Commission, order that test.

COMMISSIONER HUNTWORK: That would be my next motion.

CHAIRMAN LYNN: So is that a motion to table?

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Is there a second?

Hearing none, we are in discussion on the motion as previously stated.

Further discussion on the motion?

If not --

Sorry, Mr. Elder, I thought I had paused pregnantly.

COMMISSIONER ELDER: Almost.

Discussion on the motion. The term used, "adopt the plan" was used, I believe by you, in one of your comments. I want to make sure that adoption was not the intent of the Commission and the vote on this motion.

CHAIRMAN LYNN: I'm sorry, Mr. Elder. I apologize for that confusion. Let me be clear what we're voting on, a motion to select Communities and Competitiveness B2 as the map from which we will proceed in this process. I apologize for that confusion.

With that clarification, any further discussion on the motion? If not, all those in favor of
the motion signify by saying "Aye."

COMMISSIONER HALL:  "Aye."

COMMISSIONER ELDER:  "Aye."

CHAIRMAN LYNN:  Chair votes "aye."

Opposed vote "No."

COMMISSIONER HUNTWORK:  "No."

CHAIRMAN LYNN:  Motion carries.

At this point we, for purposes of further discussion, have narrowed the focus to the map labeled Communities and Competitiveness B2, with a small change to it, let me explain for the record, since we don't have it on paper, explain the A part of the map, or 2 part of the B2 designation. The competitiveness of it, Dr. McDonald speak to that.

DR. MCDONALD:  Yes. We -- between B and B2, we adjusted some blocks in Y and U to increase the Democratic performance of Y to bring it within the competitiveness range, a small adjustment of a few blocks on the border between a few districts.

CHAIRMAN LYNN:  Does that -- can you depict that graphically for us to show us where that change was made?

MR. JOHNSON:  I can. The computer is finishing up something now in Tucson, a change where the Tucson area is coming to. As soon as this finishes, I'll
put it up.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, while Mr. Johnson's CPU is running, Mr. Johnson, I assume you took a script of notes with respect to comments this morning relative to voting rights districts in downtown Phoenix with recommendations from public testimony?

MR. JOHNSON: I took a lot of notes on them, question areas. It's nice to follow up on public comments. To follow up a little bit, yes, I have detail.

COMMISSIONER HALL: I'm looking to see if anyone --

Steve, mind being the scapegoat?

Thank you.

Mr. Johnson.

CHAIRMAN LYNN: At what point did I lose control? At some point close to now.

REPRESENTATIVE GALLARDO: Mr. Chairman, with your permission, I'm more than happy to try to answer Commissioner Hall's questions.

COMMISSIONER HALL: I think, Mr. Johnson, it's good if you were here to ask the question.

MR. JOHNSON: We were going to put B2 up on the wall.

DR. McDONALD: Ask questions.
MR. JOHNSON: Sorry, I didn't know to ask questions.

COMMISSIONER HALL: Did you get lunch?

MR. JOHNSON: In looking at N, two questions. One was a Tucson question about the difference between A and B and Districts W and T or 27 and 29, and the other was remember looking at District N, and I think it's clear the community doesn't make sense to move east across 59th, which direction. It makes sense to move to try to improve the voting rights strength to improve -- the discussion was about odds of preclearance. Where to move N was the big question.

REPRESENTATIVE GALLARDO: Mr. Chairman, can I approach the map and point at what we were looking at?

Mr. Chairman, Commissioners, what we have thought, and without an actual laptop to see the actual data itself, we thought starting with District A to increase minority numbers, District A, move the border or district westward along, I want to believe it's Thomas Road west, and again we're not sure exactly how far west to go in order to increase the minority numbers in District A. Now, in terms of impacting N and increasing minority numbers for N, moving east, having consultants looking perhaps at moving the southern border a little down south or east into J, to strengthen N.
Now, in order to make up the population that would be laws in J, perhaps looking at this northern, I'm sorry, not northern, but eastern end of District A, so kind of like a three district or four district shift, kind of a rotating circle. Again, I'm not too sure what the actual numbers would be in terms of minority or, you know, do we increase it. I'd assume looking at it, guessing you increase it by how much we're not to sure.

CHAIRMAN LYNN: Mr. Johnson, do you understand the -- Mr. Gallardo's suggestions?

MR. JOHNSON: Yes. I think that works.

COMMISSIONER HALL: I guess, Mr. Chairman, I'd instruct Mr. Johnson to conduct a test based on that feedback. Candidly, I'm struggling a little about specifics to accommodate what I heard. We essentially conduct a test to strengthen Hispanic voting age percentage in A by using voting strength in K, given what the feedback in what appears to be a consensus of the Hispanic representatives we heard this morning and to further increase the percentages in N to where it is at least 53 percent; is that correct.

REPRESENTATIVE GALLARDO: That is correct.

COMMISSIONER HALL: Hispanic VAP.

CHAIRMAN LYNN: Is there a second to that
motion?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, yes, I think that includes most of what I was looking at from my notes from this morning. The only other things I would request is that three-way shift, it appears as though -- oh, something we actually see, the A, K, N, and J area. From the discussions, it appeared as though K, the right-hand edge area, the percentages were higher than they were on the far west side, looking as though trading back down into N, and N into J. When you are doing this, can we look at, I want to say both compactness and the configuration of the districts as we go? I don't want to leave pockets, a one-mile blip in there. The discussions we had early on in our process a year or two ago, going back across roads, nobody knew where they were voting, where their district was. Keep them to at least one-mile grids, if we can. And if, you know, up by Thunderbird, Cactus, I don't know what the demographics of that is in K, or on the far northwest side of N, some little things are going on, if those can be cleaned up in the process. I guess what I'm saying is
keep looking at compactness, keep looking at the east, which public or citizen can participate in the system, know where he votes, know where his community is, and that aspect of things, not just looking at the Hispanic voting age population.

Again, it's something, if increasing J by half to three-quarters of a percent, trying to in effect increase A, that means K is coming down, I believe, in net overall. It may take this out of a competitive district. If it takes it out of a competitive district, other things rotate around K, L. I don't know what the yellow is to the left of K, M. I see -- I'd like to see what the ripple effect is. If there is a reason you have to adjust it, try to adjust toward those parameters, if you can.

MR. JOHNSON: Mr. Chairman, Commissioner Elder, if I may ask a follow-up on that. Let me clarify one thing. When the representatives spoke this morning, the tradeoff they were talking about for A, as you described, A, moving westward in here, the tradeoff was actually K, moving into the northwestern A, rather than into N. I wanted to be sure we were on the same page.

COMMISSIONER ELDER: N is an increase of three-quarters, or something, an increase from somewhere.

MR. JOHNSON: Right.
COMMISSIONER ELDER: I assume coming possibly from K and gain more -- the discussion was N, going a little bit further south in N and J, then J up to pick up some of eastern A, rotates back around and affecting A.

MR. JOHNSON: Clarify N. The confusion this morning, exactly, I guess Representative Gallardo, so used to Mr. Gallardo, rather than N taking from K, N taking from J.

COMMISSIONER ELDER: Correct.

MR. JOHNSON: Same page there.

COMMISSIONER ELDER: N taking from J, Mr. Gallardo said the right-hand eastern part of A, balance population, population balance. Don't know if two districts are the same, making adjustments again, if can't be more compact, can be more contiguous, can fit better, even though in the definition of compactness they should be on the table. Can we trade this for that, yes. Population deduction, take it off the extreme edges as opposed to something out of the middle, make it more compact where there is less distance in the top to bottom. In this case, you know, all the districts have some anomalies, clean-up anomalies in meeting the goals of HVAP, which I'd like to.

MR. JOHNSON: To clarify, H, K, N, J, are
compactness.

COMMISSIONER ELDER: A, K, J, then -- I don't know, and the effects, okay, will it affect L at all? I don't know it would. Possible. Then start looking at O. Ripple effects all the way through a little bit, a thousand people. When you make those, make them toward strengthening our goals. That's all I'm going for now.

CHAIRMAN LYNN: Mr. Elder, good point. I remind everyone, the process to date has included paying attention to those kind of things as you create whichever districts are created, the same thing holds true for the tests as we try to achieve certain things, tests those goals, all of them are still considered.

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: What we're looking for are improvements, so to speak, in the number of issues we may raise and improvements in the goals of Proposition 106 without doing damage in other areas where we have prohibitions against damage.

So with that said, Mr. Huntwork.

COMMISSIONER HUNTWORK: I'm certainly in favor of carrying out this test. I do have -- I don't understand one thing. That is -- we now have a fixed voting rights district, basically, in Southern Arizona.
I'm not quite clear what would happen if we fixed those in Maricopa County. Would we lose a competitive district? Have you done everything possible to determine whether we could get the same number of competitive districts without changing the precleared minority districts at all?

MR. JOHNSON: I guess -- let me see if I might put this correctly. Let me know if I'm not on point here.

MS. LEONI: Do you understand the question or want me to answer it?

CHAIRMAN LYNN: I'd seek clarification, if you are not actually sure.

Try again, make sure Mr. Johnson understands the question, and let's get an answer for you.

COMMISSIONER HUNTWORK: The Commission currently adopted districts enjoined but precleared. Have you exhausted every possibility to try to find the same number of competitive districts without changing those districts at all, the voting rights districts at all?

MR. JOHNSON: I'll let Dr. McDonald --

DR. MCDONALD: Have we looked at that map?

I have not done a competitive analysis of
any such map and, to my knowledge, we have not done such
a map. Mr. Johnson can speak on that part.

MR. JOHNSON: Just going to the process we
followed to get to these, the first instructions were to
go to a purely competitive map, started from the grid.
You saw the results of that. Then we made voting rights
adjustments pursuant to this court order and legal advice
surrounding it. So that's where we walked through in the
process to include.

COMMISSIONER HUNTWORK: I understand.
Okay. So, that may be another motion, Mr. Chairman. On
the current motion, he understands my question.

CHAIRMAN LYNN: If anything, it's another
motion.

On the motion?

If not, on the motion, signify "Aye."

COMMISSIONER ELDER: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chairman votes "Aye."

Motion carries and is so ordered.

Mr. Hall.

COMMISSIONER HALL: With respect to
District H -- is that right? H, X --

Can you highlight the City of Chandler,
Mr. Chairman, in response to testimony we not only heard over the last couple days but we've heard for a couple years that there is ample testimony Chandler is trying to insure that it has appropriate representation pursuant to this process. We have designated cities as communities of interest. And in my opinion it is very clear that this configuration causes significant detriment to the City of Chandler's ability to be represented and I, therefore, would move that we would ask NDC to conduct a test to return Chandler to a state where they are only two districts versus three.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Hall, the purpose of this is to see if there can be a competitive district while still --

COMMISSIONER HALL: Correct.

COMMISSIONER HUNTWORK: -- maintaining those parameters.

COMMISSIONER HALL: I think in this case, Mr. Huntwork, favoring competitiveness very obviously, in my opinion, caused significant detriment to the goal of
that community of interest.

COMMISSIONER ELDER: Mr. Chairman, I'd like to make clear on the record as you are doing this test part of the judge's directive, or the assumption of the judge's direction of the laws here, the laws here of competitiveness, are as long as they are made up of another area, not necessarily laws, or another's laws, the ripples East-West, if it loses competition in the district here, if we effectively bring back a competitive district, not necessarily in this location, as we're doing the test here, and look for an alternative competitive district, we're not just necessarily looking for it in this location.

CHAIRMAN LYNN: I think we have the overall goal in this process to bring in the most competitive test possible. The idea there will be -- there will be occasions where that goal may have to be adjusted based on a finding of significant detriment to one of the other goals. That's how we're going about this. To Mr. Elder's point, we're always looking for opportunities that would, best case scenario, either improve or maintain the competitiveness of the entire map. To the extent we're unable to improve or maintain, we'll have to consider that on a case-by-case basis.

Mr. Huntwork.
COMMISSIONER HUNTWORK: Mr. Chairman, are we at this time finding this causes significant detriment?

CHAIRMAN LYNN: No. We need to see the test, need to see the overall impact on the map, and specifically look at the result of choices in order to make that finding, I believe. Ordering the test, there is no criteria, in my judgment, to look at the test. We can order anything we care to look at. It's when we adopt or move forward with adoption of the test that has an impact on criteria when we have to make certain that we are within our limitations.

Further discussion on the motion? If not, all those in favor of the motion, signify "Aye."

COMMISSIONER ELDER: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."

Motion carries four-zero and is so ordered. Are there other motions you'd like to order at this time?

COMMISSIONER ELDER: Mr. Johnson, I'd like to take a look at the southern part of the state, primarily Tucson.

Okay. Mr. Chairman, I would like to see a
test run that the first time through we look at not
affecting any of the minority-majority or minority
influence districts identified earlier as 25, 26, that
series from the Coalition concern. But what I would like
to see is in U, we have had three distinct communities of
interest there. One was the retirement communities to
the northwest of that unit. We have the foothills
district in the middle of that unit and two areas in the
City of Tucson. South of the river, south of the
community of interest there, there was a distinct, I
don't know which way to suggest to rotate now, but the
communities of interest there, this plan does significant
harm or detriment to all three communities of interest.

As I mentioned earlier on when we were
looking at this, the area, the northern limit of the
Foothills and eastern limit of the retirement community
is the Coronado National Forest. And there's not one
through road in that area. So the only way you can get
there from the other areas is go through the Foothills
and go up the state route until we get into the Town of
Oro Valley. It splits part of Oro Valley, splits
unincorporated areas, place names you've used in the
past, south of the river. There is one -- two crossings
there for a fairly strong geographical and physical
barrier, a strong influence of school districts creating
edges in that area.

So I would like to see it, the minimum of trying to get the area within the incorporated limits of the City of Tucson or our designated community of interest in the foothills separated out. And even with the comments relating to the, in effect, nonconnected, noncontiguous functioning of a district, especially connecting the national forest does do that.

Functionally it doesn't do that. I'm willing to reduce the impact there. If we can reduce the impact to the community of interest by the City of Tucson and county split, the Foothill split, I'd like to see if we pull two promontories that run south of the community of interest to the north. In doing that, it may mean we have to recapture areas to the west.

CHAIRMAN LYNN: Mr. Elder, before you go too much farther, I want to make sure we can understand the motion when you are finished with it. I'm concerned the detail level is difficult.

COMMISSIONER ELDER: Okay.

CHAIRMAN LYNN: What I'd ask, if the goal is something you're looking for, state the goal, and allow -- and any sort of comments with the goal you want addressed, then see if we can get the motion on the floor and discuss it.
COMMISSIONER ELDER: All right. The goal is bring the community interest in the City of Tucson and Foothills, separate those two communities. And that probably will affect other areas. With that said, that's the goal of the first test.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Discussion on the motion?

COMMISSIONER HALL: Doug, highlight which community of interest he referred to, please.

CHAIRMAN LYNN: Yes.

COMMISSIONER HALL: Chairman.

CHAIRMAN LYNN: Commissioner Hall.

COMMISSIONER HALL: The area highlighted in purple is the Foothill community. What I understand Commissioner Elder is referring to is separate, that unincorporated area from incorporated Tucson south of the river area, those two districts meet. So we would be removing this southwest leg from the district and this, these southern areas, as well as south of the Foothills from the district.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I think we need to speak in terms of uniting the community of interest rather in terms of getting that -- avoiding
the mixture of two different communities of interest. So
I would suggest we make this motion in terms of getting
all Foothills into U or V rather than getting U out of
Tucson.

CHAIRMAN LYNN: My concern, also, is I
don't want to restrict options that may come about as
districts are attempted to be moved. There may be some
consequences that are positive as well as negative. And
there may be options that can be shown in terms of doing
it more than one way as things tend to ripple either one
direction or another. I think you are quite correct in
terms of the goal. The goal is to try to unite those
communities of interest, reunite them, see what effect
that would have on our overall map.

Further discussion on the motion?
If not, all those in favor of the motion
signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."
COMMISSIONER ELDER: "Aye."
COMMISSIONER HALL: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Motion carries and is so ordered.
Other tests you would like to order?
COMMISSIONER HALL: Mr. Chairman, I would
also like to instruct NDC to make the requested
adjustment in the percentages of District AA pursuant to
the Navajo Nation's request by reason of population
deviation.

CHAIRMAN LYNN: Is there a second to that motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

We'll look at it.

Mr. Johnson.

MR. JOHNSON: The request this morning is
twofold, underpopulate, in order to increase percentages,
and also meet the benchmark of 62 percent and change.
The district currently is 59 percent and change, so, you
know, underpopulating is probably going to have to be
five, six percent to get all the way to 62 percent and
change.

We can certainly look at moving people
around, especially within deviations done before to see
what we can do.

To clarify the instruction, it's to get to
the 62 or to look in --

COMMISSIONER HALL: The intention,
Mr. Chairman, Mr. Johnson, is do the best we can and stay
within predescribed parameters. We discussed those at
length. They are very clear. Whatever we can do within
what is allowable to strengthen that, something to be
looked at.

CHAIRMAN LYNN: Mr. Elder, then

Mr. Huntwork.

COMMISSIONER ELDER: Just a concern. I'd
like to try not to underpopulate any district. And I
don't know where you pick up Native Americans needed for
that area outside of Flagstaff.

Are there areas where you can pick up
Native Americans and get the percentage up to 62 or
thereabouts?

MR. JOHNSON: I'm fairly familiar with the
Native Americans. You could get to 75 if we went down to
Apache, the communities along the border could be added
into it. There's -- I'm not aware of any community that
is going to be 62 plus percent Native American needed to
be able to raise the overall percentage of the district.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, we
put a factor of 1.7 percent population in this
significant, our definition of significance detriment
limited population deviation, I know that, even though
uncomfortably high for some of the comments some people
made. I'd say we wouldn't want to exceed that, in any
event. I really take the main sense to be to try to
equalize population rather than overpopulate the
district, help the percentage somewhat.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: My recollection is
correct. In our adopted plan we did utilize some
population deviation for the benefit of voting rights
districts. Only we felt in some cases that was
appropriate. In my opinion it is still appropriate and
perfectly acceptable for purposes of voting rights
issues.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: That was the primary reason.

There were other deviations that were ordered based on
following major roads and other features like that, small
deviations. They are all in the record from the August
14th meeting.

CHAIRMAN LYNN: On the motion, further
discussion?

COMMISSIONER HUNTWORK: I would like then
to have clarification of what it is. This -- something
about our parameters. I'm not sure what they are.

CHAIRMAN LYNN: The motion, as I understand
it, is directing NDC to attempt to increase the Native
American voting age population in District AA.

COMMISSIONER HALL: That's correct,
Mr. Chairman. I guess what I'm trying to say, Jim, I think, Mr. Johnson, with their counsel, our counsel, probably have sufficient guidance with respect to what is appropriate. I'm asking they do the best they can, let us look at the test and we as a Commission determine if results of that test would be acceptable to this Commission.

MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: I was going to ask a clarifying question. I think Mr. Hall answered what I was going to ask. It's similar to the original question on voting rights, achieve the goal of parameters we'd discuss with counsel, work out with counsel, similar to that.

CHAIRMAN LYNN: Are there other tests you wish to order?

COMMISSIONER HUNTWORK: We should vote.

CHAIRMAN LYNN: Thank you. It's a long day. Mr. Huntwork, I appreciate that very much.

Further discussion on the motion?

All those in favor of the motion, signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."
COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries and is so ordered.

Thank you, Mr. Huntwork. We just had lunch and I must have been napping.

COMMISSIONER ELDER: Mr. Chairman, I'd like to go back down to Tucson, the southern half.

CHAIRMAN LYNN: Tucson, the southern half.

COMMISSIONER ELDER: I suppose looking here, I suppose Mr. Gallardo, momentarily being the Hispanic Representative for all Hispanic Representatives, on this map, the Tucson barrios, not together in the Tucson map, they precleared the Department of Justice, or elected. One of the reasons we got that extending on the northwest corner of T, were able to remove Rita Ranch on our easterly side of that district, what I'd like to do is I'd like to make a motion, say we'd like to make that district the whole within T, and then I don't know where we have to give up the balanced area to get it back.

If it didn't change percentages, would the Hispanic community be affirmative or negative to that proposal?

REPRESENTATIVE GALLARDO: Mr. Chairman, Mr. Elder, boy, do I miss Ramone Valdez.

Let me be frank. I'm just not familiar
with the Tucson area. I can tell you I've been on the phone this morning from folks Tucson. They're heading down to Phoenix as we speak, plan to be here for the rest of the process. I explained how important it was for them to be here.

I cannot answer that question.

COMMISSIONER ELDER: That said, Mr. Chairman, I'd like to make a motion to test that so it's ready and propose the alternative when we have representatives from Tucson, address that to representatives from the Tucson community. Do it either way, putting with W or T, doesn't change percentages with either. I'd like to make a change, don't know if there is some hold on districts I'm not aware of.

CHAIRMAN LYNN: Is there a second to the motion?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Discussion?

Mr. Hall?

COMMISSIONER HALL: Highlight, for the benefit of the viewing audience, what he's referring to.

MR. JOHNSON: He's referring to the Tucson barrio neighborhood. It wraps around, comes down to the City of South Tucson. And this diagonal border is the
railroad tracks.

COMMISSIONER HALL: Which border?

MR. JOHNSON: The diagonal border is the railroad tracks.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, if interested, want to see the results of this? I do want to say if changes like this in voting act districts don't have an impact on competitiveness, I'm going to be against it. I just think the Judge ordered us to look at these voting rights districts for the purpose of increasing competitiveness of the map. If we do that, fine. If we don't, I think it's foolish for us to actually change the districts. Doing a test is fine.

CHAIRMAN LYNN: I think we're all going to have to make those judgments when the results of tests come back.

On the motion, all those in favor of the motion, signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries and is so ordered.
Mr. Huntwork.

COMMISSIONER HUNTWORK: Building on what I said, I'd like to know if it's possible to achieve the same number of competitive districts in the Maricopa County area without making any change in the voting rights districts in Maricopa County. I think we lose track of the purpose of that exercise if we don't have that information. And considering the, how close we are to the election and the importance of preclearing whatever it is we do, if we don't have to change these districts, we shouldn't.

I would really like to know whether it was necessary to change them.

CHAIRMAN LYNN: In the form of a motion.

COMMISSIONER HUNTWORK: I move that we ask for a test leaving the Maricopa County Voting Rights Districts as they are in the Commission's currently adopted plan to determine whether we can achieve an equal number of competitive districts to those shown on the current test map.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second, for discussion.

CHAIRMAN LYNN: Discussion on the motion.

Mr. Elder.
COMMISSIONER ELDER: Mr. Johnson, could you highlight 15, 16, the voting rights districts Mr. Huntwork was referring to there?

MR. JOHNSON: It's hard to see this circle here. And the districts are being shown by the thick black lines. The colors underneath would be the B2 plan to work from.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Well, Mr. Chairman, in response to this motion, I'm trying to recall out loud where we're here.

My recollection is that one of the, at least discussion points of the judge in the order was relative to the fact that the Commission, I'm sure if I step out of line I'll be told, the Commission may lower some of the percentages in effort to increase competitiveness. I think that was the original instruction to consultants. Pursuant to that order, adjust those downward in an effort to spread out those voters in an effort to increase competitiveness. I'm not sure I see the point of ordering a test to the identical whole point of the order, because the test was to comply with the order which was to lower them.

COMMISSIONER HUNTWORK: Firstly, I don't think the judge ordered us to change them if they had no
impact on competitiveness. The second thing is we
changed the racial ethnic profile of those districts but
haven't necessarily changed the overall competitiveness
of those districts which means we may not have freed up a
significant number of Democrat voters in that total. We
may have just changed the make-up of the Democratic
voters in those districts. I don't know -- even if we
did, we may still be able to achieve the same number of
competitive districts. I don't even know how we can go
to the Justice Department and seek to justify the
reductions in those districts unless we can demonstrate
that it has some benefit. It seems to me it's an
essential part, in any case, under Georgia vs. Ashcroft,
or any other theory, which shows we had a reason for
diluting the minority voting in those districts. If we
don't have a test, we don't have a reason.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Huntwork, I, in no
try to justify or express any agreement with what the
judge did or didn't say, I just want to read to you what
he did say.

COMMISSIONER HUNTWORK: Sure.

COMMISSIONER HALL: He said the Commission
also failed to favor competitiveness favoring
minority-majority voting districts, Hispanic districts,
the excess percentage necessary to meet the state's burden necessary for nonretrogressive in Section Five of the Voting Rights Act. That means the excess of those necessary. That means they must lower the percentages to create those necessary. Whether the numbers are to meet true competitiveness is another question. We're here to comply with the order.

Counsel and consultants have done an excellent job. I guess in my opinion running a test that leaves them identical would be contrary to what I understand the intent of his order to be, not that I object to reviewing that. It seems to be a fruitless exercise.

CHAIRMAN LYNN: Further discussion on the motion?

MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: One piece of information may be useful. I can point out which districts are competitive, ones, whether or not they overlap with districts, if that would be, if --

COMMISSIONER HALL: Please.

DR. McDONALD: -- competitive districts on this map which are hiding in the background are districts M, Districts O, and Districts L, District B, and District
MR. JOHNSON: What I was going to add, with the overlay now, District M takes population from what was District 13. District O has a small area, I don't know from a quick look how many people, from what was District 14. And District L is taking a relatively large area from what was District 15 both on the west side of L and south side of L. So if that was helpful, identify offer that.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I just want to say it's not helpful because of the fact we may have simply added other Democrat voters to those same districts, just traded one type of Democrat voter for another in order to maintain them as safe Democrat districts. I don't know. So, therefore, I don't know whether you could achieve the same result just going left instead — west instead of south. There's no way to know unless you do a test.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, Mr. Johnson, I guess my concern is here I'm not so sure I understand or know the value that we, too, would get out
of running this test. Is this a major effort to do this?
And are we going to preclude looking at other things
because this took so long? I don't know whether that is
a fair question, but it's -- I look at it from that
overlay you just did. Trades in population appear
generally to affect, I think it was, counting five or six
districts and three of the four competitive districts.
I'm not so sure that if we're going to be -- I don't know
whether we would lose all five or lose four, but it looks
like the impact on competitiveness in view of Georgia vs.
Ashcroft may be too excessive to go to the effort of
giving it a try. So how much of an effort is required to
see how many competitive districts you can maintain
there?

MR. JOHNSON: Well, the three, of ones
Dr. McDonald listed, three overlapping with the 2004
voting rights districts mentioned. So all three of those
would be changed. We have --

COMMISSIONER ELDER: Get to the back.

MR. JOHNSON: We have the team here, so as
not to keep us from doing other work. I -- I would be
very hesitant to make a time estimate.

CHAIRMAN LYNN: I'll make you make a time
estimate on all tests ordered at some point.

MR. JOHNSON: This one is a much larger
time frame than the other ones ordered.

MS. LEONI: Yes.

(Discussion off the record between Ms. Leoni and Mr. Johnson.)

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER ELDER: There's a question of Doug.

DR. MCDONALD: As a rough estimate of how much time this would take, look back when Doug and I, Mr. Johnson, I could call him Dr. Doug at some point soon, I hope, when we sat down originally with the map and made competitiveness adjustments to the previous version of this test map, and that was roughly six hours looking at Maricopa.

CHAIRMAN LYNN: Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Johnson, can you tell me, without doing this test, whether it is possible, whether or not it is possible to achieve the same number of competitive districts without changing those preapproved districts at all?

MR. JOHNSON: Let me defer to our competitiveness expert, very happily, by the way.

CHAIRMAN LYNN: Dr. McDonald.

DR. MCDONALD: Can I defer back?
It appears that that edge on L is where there are Democrats. And L is close to being uncompetitive. So that could affect L. O, if we could keep it in its configuration, the Democrats that are making that district, O competitive, are also coming from the very tip there, at the southern end of it, so that, too, could affect the competitiveness of O and as well with M, Democrats we're getting from M are coming from that eastern portion of M. So all three of those districts we are going to have to take a good, hard look at them to see how we may make them competitive.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Another way of looking at it might be to ask in new configurations of the voting rights district did the total spread between Republicans and Democrats go down?

MR. JOHNSON: I'm not sure -- N --

COMMISSIONER HUNTWORK: We have this competitiveness array that shows, the JudgeIt array that shows the spread, if you will, and, you know, after -- we compare the JudgeIt spread on the original preapproved districts with the JudgeIt spread on the revised districts. Is it greater, less, or the same? We have the districts. All you have to do is look at the original districts somewhat.
MR. JOHNSON: 2004 plan --

COMMISSIONER HUNTWORK: Yes.

MR. JOHNSON: -- versus Competitive B2 plan.

COMMISSIONER HUNTWORK: Yes.

MR. JOHNSON: Haven't done it, can get the file.

CHAIRMAN LYNN: Some information.

COMMISSIONER HUNTWORK: If all we've done is switch Democrats, it may not have any effect, total competitiveness from that place. So we actually freed up Democrats, which is a pretty good sign we did increase competitiveness.

CHAIRMAN LYNN: Discussion on the motion.

COMMISSIONER HUNTWORK: One more question, a question for counsel, really.

We are to comply with the Voting Rights Act, to the extent it is consistent with the judge's order. So if the judge actually ordered us to do something contrary to the Voting Rights Act, otherwise we are to comply with the Voting Rights Act.

My question to you is can you justify making these changes?

Could we comply with the Voting Rights Act diluting the minority percentages in these districts
1 without achieving any offsetting benefit to
2 competitiveness or some other criteria?
3
4 Don't we have to have some, under Georgia
5 vs. Ashcroft, don't we have to have some reason for
6 diluting a minority?
7
8 CHAIRMAN LYNN: Ms. Hauser.
9
10 MS. HAUSER: Mr. Chairman, Commissioner
11 Huntwork, no, we don't have to have another reason. The
12 judge has ordered us to apply a different sort of Section
13 Five analysis in terms of complying with Section Five of
14 the Voting Rights Act. And it allows for a tradeoff
15 between districts that are likely to elect members of
16 that minority group versus districts that are less likely
17 to elect members of a minority group or districts that
18 are ones in which minority members comprise a component
19 of the district and the district is able to elect someone
20 sympathetic to a minority group, i.e. Democrats, in this
21 case. So we have a couple of different kinds of
22 districts we can create that include lower percentages.
23 It is important for us to, and we are listening to
24 members of the minority groups who are coming in to give
25 us their view of what they consider to be something that
26 will give them the kinds of opportunities the judges --
27 that the Court is talking about. But the court's view is
28 clearly that by not creating so many likely to elect
districts, that we might in fact improve competitiveness. Now the Department of Justice doesn't care about the competitiveness criteria. But keep in mind this is unchartered waters with respect to DOJ, because Jose and I have looked and there has been no state thus far that has taken a Georgia vs. Ashcroft type plan through preclearance, so we're learning as we go here. I'd say there are no real guarantees. We have to have a number of offsetting districts where other kinds of minority districts come into play.

We certainly can't go down in numbers of minority districts, but there are going to be different kinds of minority districts than previously. It's such unchartered water we can't tell you for sure something under this court order is going to require violating the Voting Rights Act which could come up with something DOJ says is fine, could come up with something DOJ says is retrogressive.

COMMISSIONER HUNTWORK: So your advice is we don't need an answer to answer my question.

MS. HAUSER: Advice --

COMMISSIONER HUNTWORK: We don't need the test?

MS. HAUSER: I don't believe we do.

COMMISSIONER HUNTWORK: I'd withdraw the
CHAIRMAN LYNN: Is the second amenable to the withdrawal?

COMMISSIONER ELDER: Yeah.

CHAIRMAN LYNN: Are there any other tests to be offered by the Commission, ordered by the Commission?

I'm not able to make a motion. Let me try to state an issue --

COMMISSIONER HUNTWORK: I have some --

Go ahead.

COMMISSIONER HUNTWORK: If you are thinking about what I just did, I want to look at North Central Phoenix.

CHAIRMAN LYNN: In what way?

COMMISSIONER HUNTWORK: I want it up on the board.

CHAIRMAN LYNN: Oh, that way.

North Central Phoenix.

Thank you.

One of the reasons I want to look at it, I have no idea what the streets are until now. The districts all, I don't know where they are, so...
CHAIRMAN LYNN: I think, Mr. Huntwork, in every one of the instances, there was an opportunity to move the map in or out, get a sense of where the districts are relative one to another and where they fit on the map. It -- we're clearly happy to have blown it up to whatever level of detail you would like.

COMMISSIONER HUNTWORK: Mr. Chairman, you may have quicker eyes than I do. I never -- it's on the wall over there and certainly does not have the streets on it. I looked at it for half an hour and couldn't figure out what they were. This was all flashed on the map during the initial tour.

The point, my point, District O, is, in my mind, violates the whole point and purpose of Proposition 106. I'm not sure in itself, in its own four corners, it necessarily violates the rules that we have articulated here. I am sure it's not a district that is really intended by Proposition 106, however, it's a competitive district that was found; but I guess my question is, is there anyway in the world that that district can be made more compact?

Just take me through how that became a competitive district. Where are the Republicans, Democrats in the district? How is that put together?

CHAIRMAN LYNN: Dr. McDonald.
DR. McDONALD: Doug, get it on the map on
the screen so we see this.

MR. JOHNSON: 30 seconds here.

CHAIRMAN LYNN: All the time we need.

DR. McDONALD: You should appreciate how
quickly Doug does this. This isn't easy.

COMMISSIONER ELDER: So we found.

DR. McDONALD: Like a batter up at the
plate.

CHAIRMAN LYNN: If you didn't appreciate
Mr. Johnson before, do now. Those that don't work with
these kind of files, Mr. Sissons can tell you these files
are very good to work with, but they take awhile. And
the speed with which Mr. Johnson in particular does this
is quite remarkable.

MR. RIVERA: That's my son.

CHAIRMAN LYNN: I understand in California
where training goes on, there is an award to the student
that can access GIS files the fastest called The Dougie.

COMMISSIONER ELDER: The Dungeon, gets put
in The Dungeon (laughter).

DR. McDONALD: I think I'm ready to proceed
explaining this district.

CHAIRMAN LYNN: Dr. McDonald.

DR. McDONALD: Let me be clear in just
explaining why this district is a competitive district,
not explaining how it's devised. This district, in the
first place, because it's based on all the decisions,
their thread to the district in first place, why this
district is a competitive district, first of all, it's a
leaning Republican district. Its JudgeIt score is 46.6,
so it falls just inside the competitiveness range. The
light blue you see in this district is composed of
basically 45 to 55 percent AQD. We don't have a JudgeIt
score for these areas. This will be used as a proxy. So
these are the competitive areas of the, of this
particular map, if you will, though it's not quite within
the competitiveness range. There's a more Democratic
area which is the light green, the lower corner there.
And then we see that there are Republican
areas of 35 to 45 percent AQD range scattered throughout
the district as well, the reason why this district has to
hook up and over is to pick up those mixed partisan areas
in the east there around East Bell Road, in that area
over on the right-hand side of the screen.
Is that good enough?

COMMISSIONER HUNTWORK: Yeah. Thank you.
CHAIRMAN LYNN: I would assume, from the
color coding on the map that, at that point, that's
essentially the only way this can be configured and be
competitive given the opportunities that you would have
to go in any direction to assemble voters in a manner
that would continue to be competitive.

    DR. McDONALD: Correct. That was the
decision-making process we used here, yeah.

    COMMISSIONER HUNTWORK: Well, Mr. Chairman,
this -- I'm appalled at this district. I mean there is
no way in a logical redistricting process that a district
of that size or that configuration, and that goes from
the northeast end to the Southwest end, would ever come
to exist. It is a gerrymander pure and simple. And I
think, you know, to my mind it goes without saying we
should not be contemplating a district of that kind.

    CHAIRMAN LYNN: I certainly concur. In
normal circumstances we wouldn't.

    Further tests that you would like to order?

    I would ask, Mr. Johnson, let me ask a
couple quick questions, if I may, regarding the Mohave
County area of the map and the extension down south of
Mohave County to probably La Paz. Maybe not as far as La
Paz County, the river section of the map, if you will.

    Specifically, I note on this map as with
other choices, there are some splits of cities. I want
to talk about those in particular and then a more general
question about, I believe, R, which is barely contiguous.
I guess what I'm asking, in general terms, I know BB is competitive. Is that accurate?

DR. MCDONALD: That's correct.

CHAIRMAN LYNN: Is there a way, any way, a test you might run, that you know of, that would address the problem, number one, of city splits in the area of Lake Havasu, and secondly, is there any way to deal with District R, because we're dealing with a fairly remote area, it seems to me, some census tracts that are probably quite sparsely populated in such a way that district would look somewhat better in terms of its overall contiguity. I know it's contiguous, has a pretty small nexus under your R.

Nice job writing that L. I saw it anyway.

MR. JOHNSON: Let me address the second comment there.

In terms of District R, you're right, it would be more compact to have a wider neck through there. The reason for developing the map at the way, north edge of the Yavapai County line, we wanted to avoid another county split. The south side, this is District 24, the Coalition asked us not to change. District R drawn here fails the compactness test slightly. What we did, looking at this, we took the corner of 24 here, which involves a grand total of two people to get us up over
.17 people to improve it more, correct, virtually an
unpopulated southwestern corner of Yavapai County, and
added a split of Yavapai County to improve the
compactness of R.

The question of Lake Havasu, we split Lake
Havasu. I'll let Dr. McDonald talk to it. We worked
quite a bit.

DR. McDONALD: Doug could talk about it as
well.

We looked quite a bit to keep Lake Havasu
whole. When working on BB, we ran short of population,
where we're going to put it. In the end we had to take
some population out of BB. That, unfortunately, had to
come out of Havasu. We didn't see any other way where we
could move population.

CHAIRMAN LYNN: Do you feel a test would
not reveal, with sufficient time to look at it, a test
would give you another opportunity to --

MR. JOHNSON: In the six hours Dr. McDonald
said we spent on it, two, two and a half were on that
issue to address that. Nothing is ever impossible given
enough time. That's a lot.

CHAIRMAN LYNN: I'd ask my fellow
Commissioners is someone interested in reconfiguring R in
a way that makes that district a little better in terms
of compactness? Since I can't make a motion.

COMMISSIONER HALL: Mr. Chairman, I would.

Before we do that, can you walk me along the southern
border of BB. Start me at the goose neck, if you would,
up high. What is this, the yellow line.

MR. JOHNSON: That is the border of Parks,
Williams and Parks here.

COMMISSIONER ELDER: Parks?

MR. JOHNSON: A census designated place
here close to Flagstaff.

MR. RIVERA: Yes, Mayor Donaldson?

COMMISSIONER ELDER: Are there people in
this park?

CHAIRMAN LYNN: One at a time.

MR. JOHNSON: The census place of Paulden,
the north tip of the Tri-Cities area.

COMMISSIONER HALL: What is that?

MR. JOHNSON: On the freeway is Ash Fork.

COMMISSIONER HALL: My memory, there is
some testimony with respect to Ash Fork. If this came
out can Havasu go in complete?

MR. JOHNSON: No. That's one of the things
we looked at.

COMMISSIONER HALL: Because it affects
competitiveness or --
MR. JOHNSON: Correct me if wrong, it was a population issue.

DR. MCDONALD: A population issue.

District B, District B has a competitiveness score of 49 percent. So we can move a substantial amount of population out of BB and maintain it's competitiveness. We can still drop it two percentage points and still be competitive. But we did look at these alternatives. We actually wanted to keep Havasu intact. There was too much population.

COMMISSIONER HALL: Took it all in, it splits Havasu more, is that what you are saying?

DR. MCDONALD: This is the move we did initially to try to keep Havasu intact.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, Doug, go to the river by Havasu and the Yuma community of interest. This almost falls into the discussion we had in Tucson while looking community of interest at the barrios and which priority did we take, the existing precleared whatever districts or the barrio community of interest that was as described.

Doug, would there be much difference there if we took in, say, north of I-10 and broke this district, would that, there be enough people there to
bring it -- or not there, to bring it to where we're not
splitting Havasu? It doesn't have any effect on the
voting rights in DD to move the lines somewhat --

CHAIRMAN LYNN: It's not going to help

Havasu.

COMMISSIONER HALL: Splits it more.

CHAIRMAN LYNN: Splits it more.

COMMISSIONER ELDER: Goes along with Josh's
question, came down to add population to R, took the
northern area to CC.

DR. ADAMS: BB, taking out of BB and rotate
through there might then help Havasu, no?

COMMISSIONER HALL: Has the opposite
effect.

MR. JOHNSON: Mr. Chairman, Commissioners,
we looked, the population numbers, trade-offs of towns,
they don't match up to the number of people in the county
and city.

COMMISSIONER HALL: Havasu is like 50,000?

MR. JOHNSON: The entire city is almost
42,000. I haven't -- don't remember the exact number
there split out.

COMMISSIONER ELDER: To answer the last
question, Yuma, the DD district, the whole did not really
affect the issue of Havasu and the river communities.
MR. JOHNSON: No, it was driven much more by driving DD than R.

COMMISSIONER HALL: Thank you for letting me digress, make attempts to make R more compact and get a cleaner, contiguous look, for lack of a better word.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

COMMISSIONER ELDER: Second, yeah.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

If not, all those in favor signify by saying "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

CHAIRMAN LYNN: Thank you, Mr. Hall, for doing that.

Other tests you wish to order at this time?

If not, Mr. Johnson, given the workload that we have just created, I need a generous effort, a generous estimate on your part, generous, let me be clear in my definition of terms, it is very important in this process, "generous" means I want you to take as much time as you honestly believe it will take, understanding you
have multi-tasking capability, in order to come back with
most if not all of these tests while the balance of the
tests are still being run so we maximize our time here by
only taking as much of a break, for example, as would be
necessary to get most of the work done.

MR. JOHNSON: I was asking go to ask:

Generous to whom?

CHAIRMAN LYNN: Let me put it this way:

Are we hiring you or are you hiring us?

COMMISSIONER HALL: Generous to those who
get paid the least, Doug.

MR. JOHNSON: Let me walk through the
changes to A and J. K is one test, the Chandler test.

CHAIRMAN LYNN: And N, Doug.

MR. JOHNSON: Yes, sorry.

The Chandler test, the Tucson Foothills
test, the District AA voting rights test, the barrios
test, and then the District R test. I would be fairly
comfortable if we took a break through dinner, came back
after dinner. We could have this done --

CHAIRMAN LYNN: After dinner is a long
period of time, Mr. Johnson.

If I came back at 7:00, 8:00, 6:00 --

MR. JOHNSON: I would say 7:00, 7:30, we
should be well along.
DR. MCDONALD: Some tests by then.

CHAIRMAN LYNN: Again, I want it to be
generous, really, to you. I don't want everybody to come
back to be seeing test results and not have them. I'd
much rather err on the side to giving you enough time to
have them done.

MR. JOHNSON: I'd be comfortable saying
7:30, 8:00.

CHAIRMAN LYNN: We already slid a half
hour.

7:00, 7:30; 7:30, 8:00.

MR. JOHNSON: I think 7:00. To be sure,
look at 7:30 or 8:00.

CHAIRMAN LYNN: I'd ask the Commission it's
pleasure. Do you want to recess until 8:00 o'clock this
evening and spend a couple hours looking at these tests
or would you like to recess until tomorrow morning and
maybe even start earlier than 8:30?

MR. MILLS: Oh, God.

THE REPORTER: The record recognizes that as
Mr. Mills.

CHAIRMAN LYNN: I'll have none of that. I
can have you removed. Nothing would give me greater
pleasure.

Or would you rather come in tomorrow
morning at 8:30? I'm concerned. We need to get the most work done in as expeditious a fashion as we can. What is your pleasure? You tell me.

COMMISSIONER HALL: Well, Mr. Chairman, speaking on behalf of my ownself, I, frankly, I don't know what we are going to do at 8:00 o'clock tonight. I mean -- and in the event we -- in short, I recommend we come back at 7:30 in the morning would be my recommendation.

CHAIRMAN LYNN: Ms. Hauser?

MS. HAUSER: At 8:00 o'clock what you could do is view the results of the tests and then if you have any additional work you want done, at least there is time over the evening to get it done. You are going to have -- if done at 8:00 o'clock with tests, it's dead time with the crew in the other room.

COMMISSIONER ELDER: They sleep.

CHAIRMAN LYNN: No.

MS. HAUSER: Keep in mind, additional staff is available and time is limited. That's just my cautionary note. You may in fact have some additional work you might want to order that could then be ready, go one step further for the morning.

CHAIRMAN LYNN: Ms. Leoni.

MS. LEONI: Thank you, Chairman Lynn.
In light of the, I think, reaction to the lateness of the hour and the fact you've been working very hard, maybe one approach would be to bring back at 7:00 the bulk of these tests. It may be by the end of the hour, by working, the last one or last couple will be done, and we can try to eek a couple hours out this evening. Start earlier than 8:00, start at 7:00, have the bulk ready for you.

CHAIRMAN LYNN: That was my question. There are others with you to help do this. Certainly we can take short breaks. I wanted to make the best use of time. If the bulk of the testing is done at 7:00, that's another option. If absolutely no testing, recessing four hours, coming back at 7:00.

Without objection?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I kind of do. I don't know how everyone else feels. I'm tired right now. And I don't think I'll be helpful at 7:00 tonight. I much prefer to get an early start in the morning. I'm a morning person, as they say.

CHAIRMAN LYNN: Mr. Elder, do you want to weigh in on this one?

COMMISSIONER ELDER: Mr. Chairman, I would, I guess, since we don't have a color copier, I'd like to
review them almost without comment at 7:00, see them so I
can look at the data crunch, some other things going on,
and start at 8:00 o'clock tomorrow morning. That would
be my preference. If we see something hair raising,
whatever, at 7:00, have the opportunity to also go into
Executive Session this evening, ask questions about the
law, or whatever else.

CHAIRMAN LYNN: I'm getting the consensus,
or sense, I should say -- I understand, Mr. Huntwork, you
may have a different opinion. I'm getting the sense we
ought to recess until 7:00 this evening. At this time
we'll hear what consultants do have for us to report on
the testing and that at that time we can make a
determination as to how much longer we want to go this
evening or if we want to order other tests for the
morning, further testing.

COMMISSIONER HALL: Is that what he said?
It's not what I said.

COMMISSIONER ELDER: Mr. Chairman, one of
the reasons for not wanting to try to start taking action
on that, on these tests, is the Tucson contingent
Mr. Gallardo mentioned is coming tomorrow. I want input
on that before I vote either way on those issues, at
least have tomorrow open for doing those kind of things
the first little bit of the morning.
Mr. Hall.

COMMISSIONER HALL: What about the idea that whenever done with the tests, provide copies as we did last night --

COMMISSIONER ELDER: Did you get a map?

COMMISSIONER HALL: Last night?

COMMISSIONER ELDER: Neither did I. Answer the question.

COMMISSIONER HALL: Last night --

COMMISSIONER ELDER: They can't do them.

MS. HAUSER: Can come down and post them.

CHAIRMAN LYNN: Sure, can print full copies.

MR. RIVERA: Commissioner Lynn, they can take them down to Alphagraphics or Kinko's, get copies.

COMMISSIONER HALL: My room can hold a big map.

CHAIRMAN LYNN: I don't want to push the Commission beyond its limits. I tell you, the more work we get done today, the sooner we all go home, not just the Commission, those following our work. I honestly would like to spend of the part of evening in session. Just let me know what you would like.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Steve, I honestly
don't feel like I'm up to it. I could sit here and argue with people. I can do that without any limitation.

In terms of being a reasonable participant in the process, I'm not sure I would be much good. I honestly prefer to get information, think about it, for one thing, and start fresh in the morning. That I can promise to do. Honest answers.

CHAIRMAN LYNN: Absolutely I want honest answers.

Mr. Johnson.

MR. JOHNSON: One thought, it may be useful to come back at 7:00, give you what we have, don't take action, just in case questions come up going forward on what you meant by a certain instruction that we're not anticipating at this point the answer of that question so we proceed for the evening rather than losing the night.

CHAIRMAN LYNN: I mean that's a reasonable point, at a minimum.

And I understand, Mr. Huntwork, I understand and sympathize with your position.

I would prefer to recess until 7:00 and see the results. And barring any unforeseen calamities, it would be a fairly short meeting.

Without objection.

COMMISSIONER HALL: I object.
CHAIRMAN LYNN: Are you serious?

COMMISSIONER HALL: Yes.

CHAIRMAN LYNN: Mr. Hall objected.

Unless someone would like to make a motion, we'll do it that way.

COMMISSIONER ELDER: Mr. Chairman, I'd like to know a little bit what the objection is, not wanting to meet this evening or the content of what we might do.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Let me try and be clear. I think our instructions are crystal clear. I think that there is little ambiguity to the instructions. Having now celebrated our third anniversary in the process, my experience tells me sometimes complications causes the time frame for tests to take longer than anticipated, with all due respect, Doug. Therefore, I think the most prudent use of time is to have the tests, give more than ample time to be complete, accurate, thorough, provide copies, data, tests, maps, come back bright-eyed, bushy-tailed, fresh in the morning, and look at that and go forward based on whatever additional input we receive from whatever other parties.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Moved and seconded.

Discussion?
Mr. Elder.

COMMISSIONER ELDER: My only concern with that, and I would agree with Mr. Johnson, to the extent that they may run into some issues, when they start working with the K, A, and N, and start looking at Chandler, and start looking the ins and outs, Arcadia end, east end of A, effects on other districts we don't anticipate, asking questions on which way to go.

If it's all right with the Commission for the individual Commissioners to go down to their room when there is the potential of having the maps and then requesting either modifications or changes to them or additional tests, you know, Doug may arrive at, we might be able to do this.

Are you interested in doing that type of thing, if we can have him go ahead and do that type of thing? If he hits a hard spot, do that with him so tomorrow morning -- I don't want to wait.

CHAIRMAN LYNN: You would vote against this motion.

COMMISSIONER ELDER: I certainly would.

COMMISSIONER HUNTWORK: Mr. Chairman, if Joshua and I simply don't show up at 7:00, you can't do anything.

CHAIRMAN LYNN: Well, there's a point
well-taken, Mr. Huntwork. You are right.

COMMISSIONER HALL: I might add there have been 30 minutes of test time discussing whether or not to be here.

CHAIRMAN LYNN: I think, given that three affirmative votes are required on anything that we do, and the fact we only have four votes to work with this session, discretion being the better part of valor, all those in favor signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: The Chair is compelled to vote "Aye."

Opposed say "No."

COMMISSIONER ELDER: "No."

(Motion carries.)

COMMISSIONER ELDER: I move we adjourn until 8:00 o'clock tomorrow morning.

CHAIRMAN LYNN: Half hour early? Would the mover move for earlier than 8:00? COMMISSIONER ELDER: No. MS. HAUSER: You can't. MR. MILLS: Can't. CHAIRMAN LYNN: I cannot hear you over Mr. Mills. "Can't?" Noticed for 8:30 --
MS. HAUSER: The notice said no earlier than 8:30.

COMMISSIONER ELDER: 8:30.

CHAIRMAN LYNN: Take Mr. Mills out, pat him on the back, then bring him back.

8:30 is posted.

MR. JERNIGAN: You can recess.

CHAIRMAN LYNN: We could recess until 7:00. We could do it. Mr. Jernigan, can we recess until 8:00 o'clock tomorrow morning, and at 8:30 we'll start tomorrow's session.

COMMISSIONER HUNTWORK: I so move.

MR. RIVERA: There is a motion on the floor already.

COMMISSIONER HUNTWORK: Not to recess.

COMMISSIONER ELDER: Withdraw the motion.

CHAIRMAN LYNN: Let me do it.

Without objection, we'll stand in recess until 8:00 o'clock tomorrow morning in this session.

This session is recessed until 8:00 o'clock tomorrow morning in the other room.

(Whereupon the Arizona Independent Redistricting Commission recessed the 2-22-04 session at 3:28 p.m. to reconvene)
the 2-22-04 session at 8:00 a.m. on 2-23-04
at the same address in the adjacent room
with the 2-23-04 session to convene
following beginning, as noticed, at
8:30 a.m.)

* * * *

* * * *
STATE OF ARIZONA    )
COUNTY OF MARICOPA ) ss.

BE IT KNOWN that the foregoing Arizona
Independent Redistricting 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 124 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 14th day of
April, 2004.

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