STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

PUBLIC

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
February 23, 2004
8:44 a.m.

CERTIFIED TRANSCRIPT
(COPY)

PREPARED FOR:

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

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The State of Arizona Independent

Redistricting Commission called to reconvene as it recessed its agenda of 8-22-04 to reconvene at 8:00 a.m. on 8-23-04 in Open Session was delayed and actually convened in Open Public Session on February 23, 2004, noticed for 8:30 o'clock a.m., at the Sheraton Airport, Tempe, 1600 South 52nd Street, Tempe, Arizona, 85281, went on the record at 8:44 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, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
ADOLFO ECHEVESTE, IRC Executive Director
LOU JONES, IRC Staff
KRISTINA GOMEZ, IRC Staff
DOUG JOHNSON, NDC Consultant
MARGUERITE MARY LEONI, NDC Counsel
ALAN HESLOP, Ph.D., NDC Consultant
MICHAEL P. McDONALD, Ph.D., Competitiveness Expert
George Mason University
LISA A. NANCE, RPR, CCR, Court Reporter
SPEAKERS FROM THE PUBLIC:

State Representative Phil Lopes, Legislative District 27, Speaking for Himself
Mike Flannery, Prescott Valley Council Member, Prescott Tri City Area.
also submitting:
Neil Vincent Wake, Attorney, Arizonans For Fair and Legal Redistricting, Inc.
Matt Ryan, Chairman, Board of Supervisors, Coconino County
Delwin Weingert, Apache County Manager,
Apache County
Patrice Kraus, Intergovernmental Affairs Coordinator, City of Chandler
Leonard Gorman, Legislative Chief of Staff, Navajo Nation
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*Footnote to Exhibits: Map "Communities and Competitiveness B2" is Exhibit 1 to the 2-22-04 Session of the Arizona Independent Redistricting Commission and attached to the Original Transcript of that session and described on the Index for the 2-22-04 Transcript. That map is referenced repeatedly in this transcript and was on display all day during the 2-23-04 Session.*
CHAIRMAN LYNN: The Commission will come to order.

For the record, all four Commissioners are present. Ms. Minkoff continues to be excused. We have legal counsel, consultants, and staff.

Ladies and gentlemen, the order of progression this morning, as I see it, is first a report from NDC on the tests that were ordered yesterday. Then I would like to take public comment. And for that purpose, if you have not filled out a yellow slip, please do so, pass it along, and we will take public comment. And at that point, we'll just kind of figure out where we go next. But that's as much as I know. So if there is no objection, I would like to begin with a report from NDC on the tests that were ordered yesterday and the results of those tests, without objection.

MR. JOHNSON: Okay. Let me get it up here.

Mr. Chairman, Commissioners --

Mr. Chairman, Members of the Commission, the Commission last night gave, or yesterday, I guess,
gave NDC six different tests to run. So we have run those. And I have results to print out. Five of the tests are identical in the two versions that have been put around, so on the walls, on the maps on the walls and in the spread sheets test A and test B are identical everywhere except in Phoenix, so just clarify the difference between those. One thing I should also mention, on the spread sheets in District S, those two kind of errant blocks we talked about other day back in the base map. In the spread sheets, S had dropped slightly below being majority minority. It's fixed. There is no impact on anything else we did. On the maps you'll see on the screen those are fixed. To explain on the spread sheets, S should be 50.02, not 49.08. The exact same changes to blocks in Apache Junction.

Let me walk through exactly what the tests were, first.

First we were looking at Chandler which was trying to reduce Chandler from being split between three districts down to being in just two districts. And I'm summarizing these.

The second test was Tucson Foothills to look to take District U out of incorporated Tucson.

Third was looking at the Northern District AA and trying to improve the voting right strengths and Native American
population there. The request was to see if we could get
to 62.15 or as close thereto as we could. The fourth was
looking at the Tucson barrios and trying to unify them in
either District W or T while not affecting the voting
strength of Hispanics in either district. Fifth was
trying to make a compact District R. The district goes
from part of Lake Havasu into Phoenix. And six, this is
where the difference is between the two plans, was
looking at districts A, J, K, and N, which are the voting
rights districts in the South Mountain area. And I'll
show this graphically, but those, A, J, and N, the
districts that are now majority Hispanic voting age, are
identical in both tests, no difference between the two of
them.

What we did is in test B, we just did that
portion of the instruction. And then in test A, the
Commission also instructed us to look at the compactness
and ripple that happens and what we could do to different
other criteria while making these changes. So test A
you'll see we've been able to reconfigure K and districts
around it to make some changes to communities and
compactness for your consideration. That's the
difference between A and B is districts K and Q and ones
north of our voting rights Phoenix districts and ripple
through them.
So let me walk through, actually, the maps and I'll come back to the stats on what happened in each one.

Get this on the screen.

Okay. Starting in Chandler, we actually were able to follow through on the instruction and reduce the number of splits in Chandler. Hide the labels so it's a little less confusing. So I'll highlight the City of Chandler here so you can see it.

So zooming in on that, so Chandler is now only in Districts H, which is the green district you see that actually has a majority of Chandler coming down all the way to the county line, and then which is similar in the 2004 district, turns east and goes east to the 2000 county line. Now, I'll explain why this happened. It comes up in two areas of Mesa. Gilbert I should note is unified in Exhibit X, so District H includes Chandler and far southeast Mesa areas and then kind of central eastern Mesa areas. The other portion of Chandler is District Y, the Ahwatukee District. Let me have Dr. McDonald talk a little bit about the impact on the rest of the valley and what we did in that area.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I apologize here.
And I know this is going to sound funny, but I'm color blind. And I can hardly see those distinctions.

MR. JOHNSON: Right.

COMMISSIONER HUNTWORK: Is there any way you could change the pallet?

MR. JOHNSON: Yes.

COMMISSIONER HALL: Now we know.

CHAIRMAN LYNN: Is that three years' worth of color blindness?

COMMISSIONER HUNTWORK: Explains a lot.

CHAIRMAN LYNN: It does.

COMMISSIONER HALL: If we had known that three years ago, we'd have been done.

COMMISSIONER HUNTWORK: That's a lot better. I can see that a lot better.

CHAIRMAN LYNN: Anything else you wish to share with us, Mr. Huntwork?

COMMISSIONER HUNTWORK: That's more than I really wanted to.

THE REPORTER: Actually, over 10 percent of males are color blind.

COMMISSIONER HUNTWORK: Thank you.

DR. MCDONALD: Mr. Chairman, Commissioners, when we adjusted District H to incorporate the entire City of Chandler within its borders. We lost a
competitive district in that process. And in order to
retain a competitive district, we looked elsewhere within
the region, within specifically the City of Mesa, and
created a District C, which is this key-shaped feature,
which runs through the center of Mesa. And this district
is a competitive district. So in, in adjusting H for
Chandler, we were able to draw a competitive District C
to the north of the old District H in the City of Mesa.

COMMISSIONER HALL: What are the
boundaries, east, west boundaries of that thing?

DR. MCDONALD: Where are we?

MR. JOHNSON: In the east it's Crismon --

MS. HAUSER: "Crismon."


In the north runs along -- I'll probably
mispronounce this one, McKellips.

MS. HAUSER: You got it.

MR. JOHNSON: Then it steps down to
University Drive, and then it comes over to the Tempe
city line, and down almost to the Mesa-Chandler border
stopping at Guadalupe Road.

CHAIRMAN LYNN: Just out of curiosity,
Mr. Johnson, not that it's going to improve things a lot,
you notice an outcropping on the west end of that
district and a notch at the southern end. If you made
that trade, would it no longer be competitive?

DR. McDONALD: That's correct.

CHAIRMAN LYNN: Thank you.

DR. McDONALD: This one is right on the borderline.

COMMISSIONER HALL: Can you highlight Queen Creek, please?

MR. JOHNSON: Sure.

The City of Queen Creek is entirely in H, or the Maricopa County side of that, I should say, is entirely in H.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, the -- Doug, could you somehow, or if it's possible to tell me what the population spread is between Mesa portions in the Mesa area and the Chandler portions?

MR. JOHNSON: Of District H?

MR. JOHNSON: District -- yeah, H, that one, yes.

COMMISSIONER ELDER: Okay. I guess I'll go, we heard from the representative from Chandler that by being split three ways, we had done harm to their community of interest, being a city, because none of the third areas, or three parts of the areas, had any power or strength to be able to implement and they were the
lost child similar to the way Flagstaff was to the north.

So if by splitting Mesa and splitting Chandler, the
splitting Chandler goal was not attained, there's no
reason to split Mesa five, six times, or whatever it is
now, where it was split four times before.

MR. JOHNSON: Uh-huh.

CHAIRMAN LYNN: Mr. Huntwork, did you have

a question of Mr. Johnson?

COMMISSIONER HUNTWORK: Probably. My

question is a quickie. How many splits of Mesa were

there before, previously, in the previous map and how

many in this map?

MR. JOHNSON: Four in the previous map,

which I think is what is required. I'll check how many

is required. Mesa is larger than a district.

COMMISSIONER HUNTWORK: Right.

MR. JOHNSON: Four to six. One of six-zero

population, six, District S; Pinal district fully picks

up zero population areas on the north edge in order to

make the districts compact to pass the Polsby-Popper

test.

COMMISSIONER HUNTWORK: Four to five.

MR. JOHNSON: Four to five and a fifth

unpopulated split.

Okay. Let me see if I've got this.
That's not what I wanted.

Okay. Try this again.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Let me try to understand your question as Doug is doing that. You are wanting to know, Chandler had indicated if split three times they felt their influence in those districts would be so small they wouldn't get representation.

COMMISSIONER ELDER: That's correct.

CHAIRMAN LYNN: You are asking if in a two-district split the portion of Chandler that is in the district that also contains Mesa has enough population to be enough population to be influential. Is that what you are trying to get at?

COMMISSIONER ELDER: I'm trying to say "influence within Mesa," may be strong enough Chandler has no influence or doesn't have substantial influence in the portion left in that district, nor when you look at Ahwatukee, have enough strength there so they are still out in the cold. If that's the case, why go in and for the sake of creating another competitive district, if that is what the goal was there, to replace the one we were missing, and split the Mesa area, and gain nothing for the Chandler area, to me that does substantial harm
to the community of interest Chandler, does substantial harm to the community of Mesa, and we've gained absolutely nothing and, therefore, we've done substantial detriment and we've gained nothing.

MR. JOHNSON: Sorry, Mr. Chairman, Commissioners. What we have is of the 171,803 people in District H, 107,817 are from the City of Chandler. So 60 -- almost 63 percent of the population of District H comes from Chandler in this case.

COMMISSIONER ELDER: Okay. That answers my question. Thank you.

MR. JOHNSON: Almost 63 percent.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: If -- okay. The information that is missing is, and maybe we had it on a previous test, I'm not sure, what do these districts look like if we don't have a competitive district here and try to unite Mesa and Chandler and Gilbert and the other southeast valley cities as well as possible? That's really, I think, the baseline comparison.

COMMISSIONER HALL: And not put Queen Creek with Chandler.

MR. JOHNSON: Let me show you what --

COMMISSIONER HALL: Or Mesa.
MR. JOHNSON: We got to this map through interim step Communities 2A which can fairly easily be swapped in here. Let me put some labels on it and -- so what is on the map here is that Communities 2A plan. And you see this is where Mesa is in four districts. So you have H, C, F, and then the southeast areas of Mesa and X. So this is the plan that -- and none of these are within our JudgeIt competitive range. B -- B always is, in all these plans, of C, F, H, X, and I. So this is the one I showed at the start of this weekend's meetings where we adjusted for voting rights, adjusted for cities, compactness, communities, other criteria.

COMMISSIONER HUNTWORK: Could you show me --

MR. JOHNSON: Well, change the colors, too.

COMMISSIONER HUNTWORK: I can see those -- well, actually, not that well. Show us the current plan, 2004 plan.

Okay. So this has, now, what I believe this plan has, I think four Mesa splits in this plan, too.

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: Two districts almost completely Mesa. There is a very strong Chandler district and a very strong Gilbert district, basically.
Gilbert is united in 22, some pieces of Mesa and Gold Canyon.

COMMISSIONER HUNTWORK: Yeah.

Just out of curiosity, why would -- why -- I know this map came up a different way. Insofar as it does the job of uniting the cities in the area, I'm just wondering, we, even in this new process, we defined the cities as communities of interest. Why -- and that was, I think, our primary goal -- why did we have -- why did it come out differently considering we had the same motivation doing of both plans in this part of the valley?

MR. JOHNSON: The differences are kind of just at the edges and result largely from just a slightly different process we followed in getting to here. What I have on the screen now, I can zoom in now a little bit, this is the Communities 2A plan. The colors overlaid on top of it is the 2004 plan. You can see the differences are, in both plans, you have two entirely Mesa districts. You have this mixed heavily Chandler, also a fairly heavily Mesa District, Mesa coming down in 22, Gilbert united in both. The real difference in rotation came about just through the steps followed of where 22, instead of coming up a little more into Mesa goes down to
the south county line.

COMMISSIONER HUNTWORK: Right.

MR. JOHNSON: Actual equal population trades, more just walking through the districts and trying to keep them compact and uniting communities is a slightly different process, slightly different lines.

COMMISSIONER HUNTWORK: Okay.

MR. JOHNSON: You are right. It could be the 2004 approach rather than 2A.

COMMISSIONER HUNTWORK: Mr. Chairman, I have commentary. Maybe we should just continue with our tour of the tests.

CHAIRMAN LYNN: Happy to give plenty of time to comment. Why don't we go through the presentation.

COMMISSIONER HUNTWORK: Thank you.

MR. JOHNSON: So that's the Chandler test. Next, let me jump down a little bit, jump around a little bit to Tucson and look first at the barrios, and I'll show you the Foothills. Start first with where we began.

So in the B2 test we were looking at yesterday, if I remember, the barrio area, Tucson barrio area which was split between W on the west and T on the east. The instruction was to unite it in one or the
other without impacting the Hispanic voting strength in either district, which we've done, actually uniting it into District W. So you can see the barrio area is united in W, T around it by a split, and then there were trade-offs just around the freeway to balance out populations between the two. So it's fairly straightforward. We may be able to clean up compactness of T in here. It's just a time matter of making sure we accomplished the instruction. And we can revisit that a little bit later. But we got there. All these districts, of course, passed the compactness measurements.

So any questions about that before we go up to the Foothills?

COMMISSIONER ELDER: For the record, this did not change the Hispanic voting rights or voting age in either of the two districts?

MR. JOHNSON: Right. I think it altered it by a couple hundredths of a point.

So to go up to the Foothills area, this one, let me give a little explanation. At first glance it's probably not what was expected. Let me start from the map we started at yesterday. The instructions were to look at District U, which is the red district here, which was crossing from the retirement communities
through the mountain to the Foothills and then down into Tucson. The instruction was to test taking that out of the incorporated Tucson area. What happened is we did that -- is we took it out, and then it, it's kind of a bifurcated district. We have Foothills population, retirement communities population. What we first did was kind of an effort to unite the communities and avoid compactness problems. We then tried to pick up the Marana area from V. And V, of course, we're trading off between these two. V picked up the north Tucson area. As we rotated this through we tried to balance it, ended up with a very, very skinny V, portions of Marana down below the Foothills as we tried to make it compact. What we ended up with is getting one of the two Foothills districts out of incorporated Tucson but rather than V, it actually was U. You could change the lettering and technically meet the instruction, but it's the same goal, I hope.

So what we ended up with, as these districts kind of rotate around and just to keep configured before, V on top or U below, V to the west and U to the south and east, V picks up or has Marana, or the portion of Marana east of the freeway, has retirement communities, and then much of the Foothills. Let me get the road coming across. There is -- the rough part of
the border where you see jagged edges is the Tucson city line. And then it levels out, goes across Snyder Road until you get to -- I believe it's Tanque Verde that jogs up to Mount Lemon in Tanque Verde, areas in incorporated Tucson, and one of the areas you switch in incorporated Tucson, and the other one does not.

Let me have Dr. McDonald comment on what happened with competitiveness of these districts.

DR. McDONALD: Excuse me.

Yes, when we made this switch, hopefully I've got the right lettering on my spread sheets here, we're at test B --

MR. JOHNSON: Both are the same.

DR. McDONALD: Spread sheets here.

District U maintained its competitiveness. It's now at 51.4, and districts five maintained its competitiveness, 46.7 percent, but District V became an uncompetitive district at 44.0 percent.

COMMISSIONER HALL: Which way?

DR. McDONALD: Republican now.

MR. JOHNSON: Questions about any of this rotation?

CHAIRMAN LYNN: Let's press ahead.

MR. JOHNSON: Jumping up north to District AA, what we did up here is first we took it all the way
to the underpopulation level that was adopted in the 2004 plan, 2.06 percent underpopulated, because we had not yet hit the benchmark as we walked towards that number. Got to that number. We were at 62.1. The catch was that district failed -- well, BB which resulted from those changes failed the compactness test. What you are looking at was not that. That district, west of Kingman, came all the way north until it hits the river. That 2.06 percent underpopulation got us to 62.1, just short of the 62.15 number that was mentioned by the public yesterday. We also stopped and checked at 1.75 underpopulated, the reference we've adopted for significant detriment resulting from competitiveness. At that point we reached Native American strength of 61.83, which also failed on the compactness test, less than .17 on the Polsby-Popper score.

COMMISSIONER HALL: BB did.

MR. JOHNSON: Yes, BB did. What you are looking at passes the Polsby-Popper test, .17. AA is underpopulated by 0.55 percent, so about one-half of one percent, and the Native American voting age population of AA is 60.83. So we wanted to lay out those three options.

What you are looking at passes the compactness test AA at 60.83, could also go to 1.75 by
moving up in the west here, which would increase Native
American voting age population in AA, also reduce the
compactness score below .17, or continue further north
and get all the way to 2.06 Native American population
had before. There are three options to consider here.

COMMISSIONER HALL: What populations are
you losing when you reduce AA, specifically?

COMMISSIONER HALL: The areas that were
moved.

MR. JOHNSON: The first step, Grand Canyon
Village and -- Tusayan?

CHAIRMAN LYNN: Tusayan.

MR. JOHNSON: South of the Colorado River
where AA had been crossing over and picking up
population, those were added into BB. Other areas are
area from the Mohave County reservation south. Now AA
stops at the -- includes the reservation and stops at the
reservation border until it comes around to Kingman. So
we're moving in three areas, the Grand Canyon Village
area, south of the reservation in Mohave County, and
north along the river a little bit. If we were to go to
other steps going north along the river north.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: So you are moving
population into BB.

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: Makes it overpopulated.

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: Have you done anything to shed population from BB?

MR. JOHNSON: Yes. BB went up to three percent overpopulated. So what we did is in Lake Havasu, which was already split, District R picks up more population from Lake Havasu to offset those deviations and you end up, and then a little bit of that from R we bled off into P, a little into Q as well. So we end up with BB overpopulated by 1.19 percent, and still we're careful, still passing the competitiveness test, and compactness test. And then R, another one of the steps up, actually R through all net changes, populated net seven four percent because of other things going on in Phoenix. That's how we could have taken those, about two percent through --

COMMISSIONER HUNTWORK: Why couldn't you shed more of BB into R?

MR. JOHNSON: You could, could shed more. It's a matter of time in balancing these tests. Roughly, as you'll see, it's roughly to get right at about one
percent in each district just because that last percent
is a lot of time to work out while still testing.

    We can revisit this.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Mr. Johnson, in the Lake
Havasu area, I know only of one split. Help me
understand what this test did in terms of splitting
Havasu. Where did the greater population, where was it
and where did it end up?

MR. JOHNSON: I'll zoom in on Lake Havasu.

    The black line indicates where we started
this test with the overwhelming majority of population in
District BB, the green district. But there's still a
couple thousand people in the southern portion in
District R. And what happened as a result of test AA
working through, R picked up more population, I think
about 1,500 or 2,000 more people. Maybe not quite that
many, may have picked up more. The majority of
population remains very heavily in BB.

    Mr. Johnson: Actually I can get the exact
numbers.

CHAIRMAN LYNN: No, that's okay.

Could you zoom out again, Mr. Johnson?

To Mr. Huntwork's question about shedding
population, there are obviously a couple places where
that could happen. If you were given enough time, would
one of those solutions, and I apologize for not knowing
it off the top of my head, would one of those solutions
work to improve the split in Lake Havasu or is that
inevitable?

MR. JOHNSON: In all the testing we've done
in different towns, places, trade-offs, we've always
ended up with Lake Havasu split to keep BB competitive.

CHAIRMAN LYNN: I understand that. This
test slightly increased the split. Is there a way to
shed population that would go back toward the original
line in that area?

MR. JOHNSON: We could, one thing mentioned
yesterday was Seligman and Ash Fork, and we also have the
little town of Bagdad in Yavapai County, R and C could
pick up and take -- that would reduce the split. Still
split Lake Havasu, but smaller. We could test the impact
on competitiveness and compactness of that trade,
tradeoff. That's something we could look at.

CHAIRMAN LYNN: Thank you.

MR. JOHNSON: Any other questions?

No?

DR. McDONALD: I think I should state for
the record BB remains a competitive district.

CHAIRMAN LYNN: Thank you, Dr. McDonald.
MR. JOHNSON: As long as in the area, District R, compactness changes made to it. Again, looking at where the black lines are, where we started following the Yavapai County border and following old district 24 border down in La Paz, that led us to the narrow neck discussed yesterday in R and actually failing on the compactness test. What we've done is pick up, let me see, I think it's a total of 30 people from Yavapai County. You can see we picked up the area just in the very corner. There's actually -- bring the streets up a little bit -- if you are familiar with the area, this is Highway 93, it kind of runs along that corner. And we did not go all the way to Highway 93, just the corner of the county, very corner of the county, and picked up the east of Wendon and Salome, I think maybe 10 people, off the top of my head, in that area here. What that did was improve the compactness of R so it passes our compactness test. Before I knew what this was. I don't know off the top of my head.

CHAIRMAN LYNN: While you are finding this, was Yavapai previously split and this added an additional split?

MR. JOHNSON: Correct.

CHAIRMAN LYNN: Two or three?

MR. JOHNSON: We were at two and now this
is a third.

CHAIRMAN LYNN: Thank you.

MR. JOHNSON: After changes District R .16 to .2 one in the Polsby-Popper test. Paragraph any other questions about this? Okay. Paragraph okay. So, now, last of the test, I'll give you some summary stats as well. Let me show you, in Phoenix, this is where I'll have to, actually, to present, A and B. Let me start, actually, with B. Paragraph so the first step was looking down, I'll put up the districts where we started yesterday, down here in A, J, and N, N went to 59th, on the border between N and K, and came to 35th and turn on the border between J and N. And the comments from the public and the instructions were to look at and see if we could get that from its 52.5 percent Hispanic VAP up above 53, try to get it up above at least half point. District A was at 48 and change Hispanic VAP, and the instruction was to see if we could get that up to 52, looking at moving that into K in area below Thomas and McDowell, and then trading areas from the northern portion of A back, and then also to look at seeing if we could get J from its 54.7 percent Hispanic VAP to 55 percent, all -- and the discussion was about helping with DOJ preclearance and community concerns in this area. So what we've done is a rotation very similar to what was
described. One thing I realized, as working on this, is where N should pick up, but I've not thought to ask where N should drop off. That's one area probably different from what we talked about yesterday. We didn't talk about it. N was discussed yesterday slightly south and then slightly east, goes south to baseline, east just comes over 35th, but not all the way to 27th up there. The tradeoff for those areas that were added, actually K, and there was a concern about N not going east of 59th. I'm curious about feedback okay coming west of 59th. Where we did it is actually north of the canal up there. Let me show that.

K comes across 59th along the Grand Canal.

And other than between the Grand Canal and Indian School, north of Indian School, and it goes over to 67th Avenue. So that tradeoff of picking up areas from J and giving up that area to balance it out, brings District N up in both tests to 53.3. So we do meet the 53 percent goal that was mentioned and we also don't come across 59th and thus don't divide those communities as we discussed yesterday. The ripple is from N and J.

As we discussed yesterday, J has given up population to N, then picks it up over here in the eastern end of A and picks up an area that is east of, who is this, yeah, east of 32nd and other than one small
corner north of McDowell. So that's the population tradeoff, and it actually brings J up to -- J is now 55.35 percent, three-tenths of a percent over the target we're shooting for in the instruction. J and N are then have met the goals for that test.

District A, when we brought it over, per the instruction, we brought it over to 51st. When we just started we came to 43rd and it was not enough Hispanic population to meet the target, so we brought it over to 51st south of Thomas and also over to 43rd between Thomas and -- Thomas and Indian School. The first tradeoff there was K, then came into the area north of Indian School and picked up an area going just east of the freeway. There still wasn't an even population shift.

So what made sense was also, or made the most sense, we were looking at the numbers and trying to keep these things compact. Rather than bringing K in this narrow neck across the canal, we brought L down. This both helped L being a competitive Republican district, bringing Democrats in, and it helped us with compactness of A. And we did manage to meet the target goal. A now went 48.3 percent Hispanic VAP to 53.77, and you can also see two areas, a strip right between east of the freeway here and one mile just north of Glendale that
were traded off between K and L to balance out that rotation. So the first part of this instruction, which was to increase the Hispanic voting age strength in A, J, and N were accomplished that way.

I'll let Dr. McDonald comment on what the impact was on competitiveness from test B.

DR. MCDONALD: Previously District K was a -- just outside the competitiveness range being a Democratic district. With these adjustments, K becomes a competitive district at 52.1 percent Democratic competitive district. All voting rights districts remain solidly Democratic and District L as well. I don't have the numbers sitting right in front of me on L. L now is still a competitive Republican district at 47.3.

MR. JOHNSON: We kind of freeze framed that to bring to you as one option. The other portion of this, as doing this to look at other criteria, compactness, cities, other criteria of Prop 106, these changes made possible other adjustments. So what we have here, let me highlight a bit of this, what I've done along that line for your consideration is a couple things. The jagged edge between M and K, K comes into Glendale. The split through Western Glendale is removed. M comes all the way to the city border. And K runs --

CHAIRMAN LYNN: Mr. Johnson, what does that
do to the total number of splits in Glendale?

MR. JOHNSON: Actually, we were at three

and remain at three. The difference in these three
correspond fairly closely to the communities of Glendale
discussed the other day in West Glendale.

CHAIRMAN LYNN: West and east?

MR. JOHNSON: Old Town -- there is still a
split in the north for population reasons, but it is just

the far north tip of Glendale.

MR. JOHNSON: Did you have a different

question?

COMMISSIONER ELDER: The communities
discussed included Old Town. That was one of things we
wanted to unite.

MR. JOHNSON: I can virtually show you the
switch. See, actually test B, where the line kind of
comes up? K actually comes all the way to the southern
border of Glendale here. The split comes through Old

Town, jogs back and forth as is done to make M a

competitive district is a reason for that configuration
while still keeping K to what we're looking for at that
time for voting act reasons. So now we have similar --

more feedback from the public and Hispanic community, a
change in voting rights for K, allows M all the way to

the border unifying the districts in Glendale. One other
thing, the compactness of communities and all that, K
comes up and picks up the southern end of O. That then
triggers a series of changes. O becomes more compact. E
becomes more compact. And P becomes more compact. And
over here, the number of splits in Peoria is still three
but more in line with Peoria communities where instead of
the north-south issue, or north-south running line, just
far north of the portion of Peoria, the central main
body, or small, southern westward edge, I'm sorry, the
southern westward leg of Peoria in M.

A, J and N do not change in both tests.
The only differences between the two tests are the impact
north of those districts on primarily Q, M, K, O, and
then somewhat rippling population into P and E.

So then we will have Dr. McDonald talk
about the competitiveness impacts of this.

DR. MCDONALD: Competitiveness, K remains a
Democratic competitive district at 52.2 percent. M
remains competitive at 52.9. O is no longer competitive,
a 43.4 percent Republican district. E was never a
competitive district. And the last one is P -- P to the
north. P and L, L is not touched as far as I can tell in
terms of competitiveness. And P, again, does not change
its status either.

CHAIRMAN LYNN: Net is loss of one in this
test.

DR. McDONALD: Between A and B, net loss of one district.

COMMISSIONER ELDER: K?

MS. HAUSER: It's O.

COMMISSIONER ELDER: K was brought into --

DR. McDONALD: Net gain between the previous iteration, then when we do these tests, the two, the different tests, one with the additional district, O, and one without that District O, so we have K competitive both in the new districts and we could go one more with O.

MR. JOHNSON: Summary stats here, walking through essentially the maps here, we had the communities AA I mentioned at -- it seems months ago, I guess only a couple days ago, that had 14 cities were split in that. Then we walked through various changes over the past few days. We got to the B2 plan with 15 split cities. Both of these tests keep 15 split cities. The number of city splits, unsurprisingly the plan focusing on city splits, the lowest is 46, picked up a 47, and changes looked at you add two splits in test A and two more in test B. The number of competitive districts Dr. McDonald just talked about went from four in AA up to 10, dropped to nine, which is the loss of the Tucson district in test A which
switched K for O and just lost V.

And test B you have K and O as competitive districts back up to 10.

The number of districts below Polsby-Popper for compactness, many communities, AA is one, and R is below that number, and we fixed that so it's zero in both tests.

CHAIRMAN LYNN: Let me ask, from the Commission, questions of Dr. McDonald or Mr. Johnson of the report?

MR. JOHNSON: For the Commission, very late last night we put up the map and equivalency and spread sheets and sent it to the list of contacts and public, so they received those in the middle of the night.

DR. MCDONALD: Mr. Chairman.

CHAIRMAN LYNN: Dr. McDonald.

DR. MCDONALD: When we looked at the ripples on O, Mr. Johnson I sat down to see if we could contain the ripple by compacting O some by looking -- it looked like something in a previous iteration of O, so we abandoned that line of inquiry.

MR. JOHNSON: Saw we'd end up back at test A.

CHAIRMAN LYNN: If no questions from the Commission, what I'd like to do at this time is ask the
public to comment, understanding that they have just seen
the maps, as we have, but most of the issues, as
explained by Mr. Johnson and Dr. McDonald, are
represented in the maps that have been on the wall. So
we will go through the process as we have before of
asking the public to comment. If you'd like to reserve
comment to a later date, that's fine, let me know that.
The first speaker I have a slip for State
Representative Phil Lopes. Mr. Lopes represents District
27.

Mr. Lopes, good morning.

REPRESENTATIVE LOPES: Mr. Chairman,
Members, if you wouldn't mind putting up the Tucson map,
please, and if you could lend me your pointer.

MR. JOHNSON: Certainly. Hit the circle.

REPRESENTATIVE LOPES: I was called out
late yesterday afternoon by Mr. Gallardo asking if I
could get out late last night. I did this morning.

I'd be happy to comment on the, on this
most recently proposed map.

I'm a 35-year resident of the west side of
Tucson, and I'm an anthropologist by academic training,
so I know a little bit about communities of interest and
that sort of thing. There are three, four comments I
would make.
One, the obvious one is what is that brown there, what letter is there?

COMMISSIONER ELDER: "Brown."

MS. HAUSER: Y.

MR. JOHNSON: Y.

REPRESENTATIVE LOPES: Y.

There is no way you could see District Y as having a commonalty of interest. What you've got in that area right there is essentially the University related area, east of the University related area, and fairly middle class, if you will, working class population. What you have way down at the other end of Y here is an extension of the Hispanic lower income population here, and then Y extends all the way around, as I see it, over into Cochise County down in here. So that -- there is just no way that that could be seen as a -- an area with a commonalty of interest. So that's the kind of most obvious thing that jumps out when you look at the map, gives a whole new meaning to gerrymandering is what it looks like. Be that as it may, the other thing -- I didn't see this until you were making the explanation, correct me if I'm wrong, I think the City of Marana extends to the east side of the freeway. If that's the case, yeah, you're splitting, I don't know if you are aware, you are splitting the Town of Marana.
MR. JOHNSON: Just for the record, we were aware. That was at the Coalition's request.

REPRESENTATIVE LOPES: Now down to the area, what is W, essentially my district now, what you proposed as W is essentially the same as the district is now. I'd make a couple of comments. I know your effort at trying to unite barrios in that area there.

Where you have the point sticking out, east, I would quarrel with that. I think unification of barrios in that area is more a function of north-south than it is east-west. The barrios on the freeway split the barrios all the way up and down here, but the split is greater north of the I-10, I-19 intersection right there. The split is greater because there's much less interaction between the east and west sides of the freeway north of I-19 than there is south. The reason for that is because of what you've got north of I-19 highly elevated freeway. You don't have a lot of commercial activity back and forth, unlike on the east-west sides of the freeway south of the I-19 intersection. On I-19, there is much more interaction east and west of the barrios.

I guess what I'm trying to say, instead of uniting the barrios by extending this east, I'd suggest extending south this way, which is the way they are now.
And I think you get a greater unification of the barrios, although it’s an arguable point because the dividing street down here currently is South 12th Avenue and there is really no difference between the east side of South 12th and west side of South 12th. But I think you get a bit more unification in that, and we're talking about degrees, a bit more unification of the barrios if this is extended south instead of east.

CHAIRMAN LYNN: Representative Lopes, if I may, Mr. Johnson, could you put up the test B before the unification?

MR. JOHNSON: Sure.

CHAIRMAN LYNN: For a second.

REPRESENTATIVE LOPES: Is that the current map?

CHAIRMAN LYNN: Progressive map in terms of process, not current maps used in the 2002 election.

REPRESENTATIVE LOPES: Looks like it.

CHAIRMAN LYNN: Very close, in this part of the community, roughly identical.

MR. JOHNSON: They are.

REPRESENTATIVE LOPES: Excuse me, Mr. Chairman. You get more what I was talking about, get north-south unification of the barrio in this district, and of course there is this split here. This is closer
to a unification of the barrios, seems to me, than the
map we were looking at earlier.

CHAIRMAN LYNN: Thank you. That's
precisely what I wanted you to take a look at.

Are there questions for Representative
Lopes?

Mr. Elder.

COMMISSIONER ELDER: Thank you for coming
this morning.

One of the questions I had, you mentioned
Marana. The Coalition requested we keep 25, 6, 7, and 9
the same as it was in our 2004, or the active map that is
in place right now. And that split Marana.

Would you, and I guess maybe the Coalition
would have to weigh in on it, also, support unifying
Marana, and then at what cost? If we take the population
from Marana, we have to pick it up someplace else. That
may very well be in the southern part of the district.

What trade? It's, again, sort of the discretionary, what
trades do you make?

REPRESENTATIVE LOPES: Mr. Chairman,
Mr. Elder, I really am not in a position to answer that.
I really think that's best answered by the folks in
Marana. So I think I would reserve judgment on that.

COMMISSIONER ELDER: Okay.
CHAIRMAN LYNN: Thank you, Mr. Lopes.

Other questions?

Mr. Lopes, thank you very much.

The next speaker is Mike Flannery representing the Prescott Valley Council and the Tri-Cities area.

Mr. Flannery, good morning.

MR. FLANNERY: Mr. Chairman, Members of the Commission, thank you for allowing me to speak this morning. I've been carrying a letter I would like to have submitted, if I could, from Mayor Killingsworth. So if without objection.

(Letter is submitted and is included Verbatim at the conclusion of Mr. Flannery's remarks.)

MR. FLANNERY: Essentially the letter wishes to thank you for acknowledging our communities of interest in the Tri-City area and for the CYMPO and Yavapai County. To the issue at hand, the test map really doesn't affect Yavapai County that much. It affects 30 people, I think Doug said, so it has no bearing -- relatively no bearing, let me put that way, on Yavapai County. I did want to go to the issue Doug and I discussed this morning, and that was the swap we mentioned yesterday, Ash Fork and Seligman for perhaps,
maybe, Munds Park. Last night when I did get a closer
look, I thought when you brought in Yarnell, those
communities, also talking Bagdad, I realized Bagdad was
in with BB. So if -- I have some concern about Bagdad
because it's one of the old mining communities, one road
in, one road out, owned by a mining community. They have
a very close association with Yavapai County. Right now
it's in with R. And Doug has informed me that
population, you could make those switches with Seligman,
Ash Fork for Munds Park, or -- but I don't know about the
rest of it. It's just something that, you know, in --
when we go to shifting lines, and things like that, if
that could be done -- I hesitate in asking for anything
more, because you have been exceptionally kind to me,
so -- if -- four those communities you could, I would ask
you to, at least look at those, so if those could be
addressed.

MR. JOHNSON: Mr. Johnson.

What Mr. Flannery is looking at, population
places, Munds Park is 1,250 people, Bagdad is fairly
similar, 1,578, and then Ash Fork is about 450, and
Seligman is about 440.

CHAIRMAN LYNN: So among those four, it's
workable.

MR. JOHNSON: Well, the numbers can work
out. Munds Park and Ashfork is similar to Bagdad by itself or Seligman and Ashfork together. The impact on compactness and competitiveness we'd have to look at.


"Dear Commissioners Lynn, Minkoff, Elder, Hall & Huntwork:

"Many thanks for your continuing service to the citizens of Arizona in developing a sound and balanced Arizona Legislative Redistricting plan. I am aware of the particularly difficult legal and political climate that you are working in, and I sincerely wish each of you God Speed in your efforts.

"Town Council Member Mike Flannery has kept me and the other Council Members informed of your progress to-date in developing definitions, identifying
communities of interest, etc. per Judge Fields' Order. I appreciate your having voted to formally identify the Tri-Cities area, the Central Yavapai Metropolitan Planning Organization (CYMPO) planning area, and Yavapai County as communities of interest. All of these areas clearly fit your adopted definition of a community of interest: "A community of interest is a group of people in a defined geographic area with concerns about common issues (such as religion, political ties, history, tradition, geography, demography, ethnicity, culture, social economic status, trade or other common interest) that would benefit from common representation." And the record establishes the many common concerns and issues in those areas, and supports the conclusion that they would benefit from common representation.

"As you continue your challenging process of balancing communities of interest against the competing interests of competitiveness and compactness, I urge you to carefully respect each of the above
communities of interest to the fullest extent practicable. Moreover, I ask you to keep in mind that the Tri-Cities and the Verde Valley communities (including the Intervening County areas) have critical water issues to resolve together in company with their legislative representatives. In any scenario, it will be important that at least the communities located adjacent to the Verde River be recognized as having a Community of interest with the Tri-Cities. Any action that results in splitting the acknowledged community of interest that includes the Tri-Cities area and the Verde Valley will certainly cause significant detriment to the ability of those areas to have effective representation on the critical issues of sustained population growth and long-term water resources, and will violate Proposition 106. You have recently defined significant detriment as follows: "With respect to communities of interest, significant detriment means (a) significant detriment to the ability of that community to have effective
representation, or (b) deprivation of a
material or substantial, but not a minimal
or inconsequential, portion of that
community of effective representation.

"Thank you again for your
consideration of our concerns. I wish you
the best of luck with the challenges that
you face.

"Sincerely, Richard C. Killingsworth,
Mayor, Town of Prescott Valley.

"p.c. Town Council members, Mayor
Rowle Simmons, City of Prescott, Mayor
Karen Fann, Town of Chino Valley."

CHAIRMAN LYNN: The next speaker slip is
from Mr. Neil Wake representing Arizonans For Fair and
Legal Redistricting.

MR. WAKE: Good morning, Mr. Chairman,
Commissioners. I'll make my comments in a fairly general
way. Later I may have other more focused comments. Part

of my job as a lawyer is to tell you what I think legally
is wrong with the maps. Bear with me as I do that job.

Again, as a general matter, these maps
obviously are driven in large part by the definitions
previously adopted. I point out the Commission cannot
violate 106 by definition. All definitions are under the

Look at compactness. Compactness should measure proximity of people, not the proximity of acres. Land without people or without much people should not count for much. Passing by nearby people to capture more remote people is not a better measure of compactness.

I'm not suggesting you ignore purely land-based geographic measures. A far important measure of compactness is people.

I submit to the Commission it abused its discretion in looking only to acres and not to the proximity of people. An example I would like to point to is test B, districts C and O, and -- perhaps I'm misunderstanding, but I thought I heard from the consultants that those pass your test of compactness of .17 Polsby-Popper. Those are the extremely elongated districts drawn solely for the purpose of capturing Democrats and shedding Republicans. Those two districts may pass the .17 Polsby-Popper test, but they do not pass the eyeball test. Remind me, frankly, of the 1992 Legislative map drawn up in the basement of the Legislature by a bunch of incumbent Democrats and Republicans who were drawing districts, stretching lines, and created a map that had districts which resembled a bunch of amebae on LSD, we still have psychedelic amebae
on the map. They pass the compactness test. I suggest compactness cannot comport if those things pass them.

Let me talk briefly --

Maybe a way to summarize that is another fundamental failing of the exercise is that compactness is not a binary concept, they are not either compact or uncompact. Compactness is a matter of degree that can always be pursued to a greater degree of excellence or sacrificed to a greater degree of achievement of other goals. This exercise simply determined that something, including those two districts, were compact, which cannot be what Prop 106 means.

Now, I don't fault your consultants. They've done what you directed them to do. But the exercise itself is illegitimate.

Population, the rough numbers and standards you put forward to allow population, by our quick look at your recent maps which indulge in population deviation up to 5,000 people.

Now, the significance in population deviation has to be understood, as I said before, in relation to the purposes of the inquiry. If the purpose of drawing maps is politically competitive maps, or something else, it has to ultimately be tested by elections. And if considering population deviation, that
is enough to affect the outcome of an election merely by
underpopulating or overpopulating, it cannot be a
sufficient achievement of population equality under
Proposition 106.

Last election we had at least two primary
elections decided by fewer than a hundred votes.
Population, you have to have population deviation
perfectly equal. Probably it is not possible to have
perfectly equal population and still respect some of the
other goals, such as respecting city and county
boundaries, communities of interest, but it certainly is
possible to get down to within a few hundred people of
deviation. And it is not at all proper to accept the
deviations as clearly has been done by your consultants
pursuant to the direction the Commission which has given
deviation of thousands of people for the sake of
predicting how some people are going to vote so you can
get politically competitive districts.

I submit again, your duty under Proposition
106, is to pursue equality permanently, not to get it
down within 1,000 or 5,000 and say we're satisfied and
won't do it any further where the reason you are
satisfied with the inequality is because you prefer the
political competitiveness. And, therefore, the
population deviation that is in all these maps does not
comport with Proposition 106.

Let me just mention city splits. City splits, if other than something trivial, a few hundred people --

Well, let me back up.

You have to have city splits, county splits. The reason you have to, population equality will require that. Political competitiveness does not require city splits. Any time you do a city split because you want to tear apart a city because you like or don't like how some people in a city will vote, you are causing detriment to the city split criterion for the sake of political competitiveness, that is not permitted under Proposition 106.

Now let me talk about incumbents. I'm going to repeat something I've said here a few times before. I've previously stated that the essence of the legitimacy of the map drawing process by this Commission is that this Commission goes through its criteria and applies them blindly without knowledge of where the incumbents are. I assure you everybody out in this room knows where they are, or where some are. The legitimacy is you do not know. You follow general criteria, exercise judgment. Therefore, as I previously stated to you, my clients have objected to the maps or line
drawing, specific line drawing that comes from partisan
sources.

We have never asked you to do that because
we understand that if we submit specific lines to you,
you will know that we know the effects on incumbents.
And we have the same objection to specific lines or maps
that come from other sources.

And we had an interesting exercise
yesterday in which we had incumbent legislators hunched
over the map asking you to make relatively minor changes
in districts. Now I throw out a hypothetical question.
The last thing I want to do is step over the bounds of
proper presentation here. Is it proper for an incumbent
Legislator to ask to move a small line without telling
you that it affects his own residence, whether it does or
does not? And if he asks you to move a small line and
doesn't tell you that is it proper for me or anyone else
to tell you that small line change does affect his own
residence? I don't know what is proper for me to tell
you.

I'm confident it is proper for me to tell
you you should not be making taking specific maps or
making minor changes proposed to you from bipartisan
sources. That's what your judgment and your experts are
here to do.
Thank you very much for hearing me out.

Again, the nature of this process at this speed and not being able to allow detailed comment, s we'd like to do, we may be presenting that later. Therefore I've tried to offer general comments at this time.

In conclusion, my general comment is not an encouraging one for you. I'm suggesting to you these maps, the process is fundamentally flawed. The only sensible thing for you to do is take a deep breath, go back, redo those criteria and the way you got here. The last thing I'd like to urge you uncompensated volunteers is the result where we're headed. We're headed now for multiple clear violations of 106.

Mr. Chairman, I'd be pleased to answer questions with the limitations I don't have a lot of specifics to answer you with at this time.

CHAIRMAN LYNN: Thank you, Mr. Wake.

Questions for Mr. Wake?

Thank you.

Next speaker, Matt Ryan, Chairman of the Coconino Board of Supervisors.

Mr. Ryan.

MR. RYAN: Mr. Chairman, Commissioners, just a few comments in relation to Mr. Flannery's comments. In terms of the community of Munds Park,
Pinewood is located south of Flagstaff, near I-17, if that were to be included in BB, it would be in consistency with the community's interactions with Flagstaff. Their shopping occurs in Flagstaff, youth programs, schools, it's all related to Flagstaff, second home ownership. Actually demographics shifting, predominantly second homes, has gone from a one-to-nine proportion to a three-seven ratio, and it's kind of typical of demographics in the Flagstaff area. Communities used to be second-home ownership. There's a shift of population moving into the communities, a work force associated with the area.

If there were to be a way of having minor boundary modifications, that definitely makes sense.

Also, in terms of capturing, going up along the rim area, by the Grand Canyon, Tusayan, Grand Canyon Village, the economic base is closely aligned with Grand Canyon visitorship which is centered along Highway 180, Highway 64 interaction. Flagstaff usually is derived from I-17, going up in that direction. If it's well within those communities, communities of like interest, again, and just if there are any other additional questions or comments in terms of community interactions in those type of ways I welcome the questions.

CHAIRMAN LYNN: Thank you, Mr. Ryan.
Next speaker, Delwin Weingert.

Mr. Weingert is manager of Apache County.

MR. WEINGERT: Mr. Chairman, Commissioners,

I appreciate the opportunity stand before you. I know it's not easy. Chairman David Brown was here Saturday and spoke to you, did so most eloquently.

I appreciate B 2, the map you are currently working on. We support that.

CHAIRMAN LYNN: Thank you, Mr. Weingert.

It's a long drive for those words. We appreciate them. Appreciate you making it.

Next speaker is Patrice Kraus representing the City of Chandler.

MS. KRAUS: Thank you again for trying to resolve some of the concerns I raised. I haven't had much of an opportunity to study the map that is up right now.

My first impression is that it's -- I don't like it much. I think that it -- it's there in an effort to achieve competitiveness, and that competitiveness may be in name only. So it -- it makes considerable change to our districts. And again, I'm not sure I know for what real end result. I know that there was an interim step that I've looked at but not carefully. I think that might be a better alternative to this particular map. If
it's necessary to achieve some other goal, because it
doesn't achieve competitiveness in another competitive
district in the East Valley, I'd certainly consider that.
If it isn't necessary to achieve some other goal in some
other part of Maricopa County, I think we'd prefer to go
back to the maps as they exist today. I'll take some
time over the break over the next couple hours and look
at different options presented and hopefully have better
comments later today, then I will be having certain
questions.

CHAIRMAN LYNN: Thank you.

Questions for Ms. Kraus?

Ms. Kraus, one quick question. Of the
tests run, one of the tests that was run was an attempt
to return Chandler to a district split instead of in
three districts split to two. I understand your
testimony to state that that test, the result of that
test, in your opinion, is no better than the previous
map.

MS. KRAUS: Mr. Chairman, I believe the
test is up on the screen right now that you are talking
about. Well, it is better than the three splits, yes.
Yes, it is better than the three splits. It still has --
it's an awfully big district, takes in parts of the East
Valley but not particularly similar to the City of
Chandler. I do want to look at the map closely. It's hard to say where all the populated areas are, just what those communities are like. I'd like to take a look at this. This is better than three splits. I think as you move backwards from this particular test, there was that interim stage that I think we prefer over this. And if that test, or that interim stage wasn't necessary to get you to some other goal somewhere, because it didn't achieve competitiveness, another competitive district in the East Valley, we'd prefer to go back to the maps as they exist.

CHAIRMAN LYNN: I understand your position.

Speaker Mr. Gorman, Legislative Chief of Staff for the Navajo Nation.

Good morning, Mr. Gorman.

MR. GORMAN: Good morning, Members of the Commission.

As stated, Leonard Gorman, for the record, from the Navajo Nation.

I'd like to provide a copy of the Navajo Nation position on the issues before you.

CHAIRMAN LYNN: Without objection,

Mr. Echeveste will that take from you.

MR. GORMAN: The Navajo Nation wants to thank the Commission for the movement to run some tests
on the request submitted earlier in these series of meetings. And based on that information, there's a position of the Navajo Nation, resolution number SCRF-01-04 which is a Resolution of the Redistricting Subcommittee Intergovernmental Relations Committee of the Navajo Nation Council. Exhibit A is the position of the Navajo Nation, excuse me, to the Arizona Independent Redistricting Commission on the 2004 redistricting of the Legislative Districts. The date is February 22, 2004.

And it reads as follows, for the record:

The Navajo Nation continues its active involvement with the redistricting process for the legislative districts of the State of Arizona. Efforts by the Arizona Independent Commission, AIRC, to remedy its failure to give sufficient attention to competitiveness must not jeopardize full compliance with the US constitutional requirements and the federal Voting Rights Act or cause substantial detriment to the other criteria of Proposition 106.

In addition to full compliance with the federal requirements, a Legislative plan adopted by the AIRC must satisfy the nonquantitative criteria to the extent practicable. Districts shall be geographically compact and contiguous to the extent practicable. District boundaries shall respect communities of interest
to the extent practicable. District lines shall follow visible geographic features, city, town, and county boundaries, and undivided census tracts to the extent practicable.

The Navajo Nation takes the position in order to comply with the requirements of Proposition 106, AIRC must maintain the Navajo Nation in a Legislative District with a robust Navajo and other Native American voting age population. The Navajo Nation will object to any efforts to dilute the Navajo and other Native American voting age population, or otherwise cause retrogression. The Navajo Nation takes the position that the AIRC must maintain the entire Navajo Nation within a Native American majority-minority district.

The Navajo Nation will continue to be involved in the AIRC redistricting process in order to ensure that the voting rights of Navajo people and other Native American people are protected.

That resolution was submitted on behalf of the Navajo Nation to the Redistricting Commission. And in addition, the Navajo Nation continues to request that, I believe, based on the test runs submitted this morning, that there is an opportunity in which the percentage from 59 percent to 60 percent could also be raised to 62 percent and the Navajo Nation respectfully requests
continued testing be instructed to your consultant to
raise those numbers to the 60 percent -- 62 percent be
raised. The Navajo Nation only wishes the City of
Kingman would have been here to present testimony,
continue to urge the villages in the areas raised at the
hearing in Kingman, that their concerns are related to
the fact they prefer to be in a separate district from
the Navajo Nation.

I hope that they would be able to be here
sometime in the near future to express concerns and their
position relative to that matter. We continue to express
the concerns of the Navajo Nation on that.

THE REPORTER: It's way over.

CHAIRMAN LYNN: One more speaker then we'll
take a break.

Last speaker, Steve Gallardo, State
Representative, who is also representing the Minority
Coalition.

REPRESENTATIVE GALLARDO: Good morning,
Mr. Chairman, Members.

For purposes of cleaning up the record and
commenting on some remarks made earlier, the Minority
Coalition came before the Commission to ask for some
proposed or recommendations on possible changes to
District N, J, and, I believe, K. These changes were
made simply to comply with the Voting Rights Act
irrespective to where anyone may live. Our knowledge and
detailed proposed changes were made simply because of our
knowledge of the area and having lived in those, or at
least that particular area all my life. And other
members also commented yesterday they also lived there
all their life. I don't know the description in that
great detail. The changes made or are asked to be made
are made simply to increase minority population, and
that -- that was all the purpose of our changes. We --
the Coalition will continue to be with the Commission as
long as the Commission is creating the new Legislative
lines, and we wish to continue to work with you all. And
I thank you.

CHAIRMAN LYNN: Thank you, Mr. Gallardo.

We do need to take a break for our court
reporter.

Without objection, we'll take a 15-minute
break and resume call to the public.

(Recess taken.)

CHAIRMAN LYNN: Back on the record.

All four Commissioners are present along
with staff, counsel, and consultants.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.
COMMISSIONER HUNTWORK: As a point of order, are we still in yesterday's session? Have we convened today's session?

CHAIRMAN LYNN: Actually yesterday's session expired being in session. Today's session started today's session. If you want to adjust your watch or sundial, it is Monday. A sundial won't be a lot of help today.

We are still in public comment. I now have three speaker slips and may be getting more. That's perfectly fine. We want to take as much public comment as you would like to give us this morning.

The next speaker is Jorge Luis Garcia, State Senator from District 27. Senator Luis Garcia, welcome.

SENATOR GARCIA: Good morning, Mr. Chairman and Commissioners. I come here this morning to support the February 12th letter, the most recent letter from the Minority Coalition requesting districts in Pima County be retained as nearly as they currently exist. Seeing the current map here, I have concerns in it in that it does change the new addition that map has, the little jettison that is east of the interstate is brand-new to the district and in the original discussions, how it was going to be set, the lines for 2002, there was quite a
number of concerns and testimony about the differences between South Tucson and in the area that comprises South Tucson and the area around it and how it differs from the area west of the interstate. Okay. And I just ask you to retain the current boundaries for those districts out there in Gila as much as possible as they are right now. Take, if you want to look back at the minutes for the original redistricting, those are comments made by folks in the City of South Tucson. That's exactly what this map does.

CHAIRMAN LYNN: Thank you, Senator.

Mr. Elder.

COMMISSIONER ELDER: Thank you, Mr. Chairman.

Senator or Representative Garcia -- Senator, we did hear testimony about the functional area to the east over to the railroad tracks. They also said that they had the barrios to the north. We then had testimony that said that we want to maintain the barrios as best we can as a whole. Are you comfortable talking to the Barrio Anita technically on the east side of the railroad tracks, I-10, around town, through the barrios and South Tucson influenced area, and then separating the Manza, El Rio, everything on the west side of the railroad and the freeway, at that line?
SENATOR GARCIA: That's fine. No problem with that.

COMMISSIONER ELDER: Hispanic, VAP, both districts, you'd rather have it left the way it is?

SENATOR GARCIA: Yes. I'd point out, Mr. Elder, Barrio Anita is right now, even though it's west of -- east of the interstate --

COMMISSIONER ELDER: East of the interstate, west of the railroad tracks, west of Grant Road.

SENATOR GARCIA: It's not in one district cohesive to South Tucson. Right now where we have that right now, South Tucson is packed in the University area, right, it currently doesn't exist right now. The area Barrio Anita becomes part of is the district west of the interstate.

COMMISSIONER ELDER: That's all I needed to know. Thank you very much.

CHAIRMAN LYNN: Thank you, Senator. Thank you for being here.

Next speaker, Ted Downing. Mr. Downing is in the Legislature representing himself.

Representative Downing, thank you.

REPRESENTATIVE DOWNING: Thank you for your work which included the weekend. I apologize to your
families. Perhaps you'll get a weekend another time.

I wish to speak in favor of increased
competitiveness and specifically addressing increased
competitiveness of Y through some possible modifications.

If we look at U for a moment, in the
northeastern corner of U, there's some suggestions you
may look at. You can't see it, about where the shield,
interstate shield is, right there, down, that's it, those
areas in there, that right now I'm looking at
competitiveness of U, actually very competitive, 51.4,
48.6, but I think it, given the Tucson that I know loves
competition, we could see that picking up a piece of that
area where it says Flowing Wells District. In fact, you
have Flowing Wells kind of broken and it kind of hangs
together. Where the shield in some areas identifies part
of Flowing Wells as more heavily Republican, the other
options, there's a strange thing, I don't know I should
comment on this, it's unusual, in terms of the community
of Tucson, U is now, has its dividing line along, if I'm
correct, Speedway, if that's correct, looking at it, is
that the southern boundary of U? That's correct? Yeah.
Is that Speedway? And normally, in terms of how people
interact, looking at things, interactions, shopping
centers, how people deal with the parks, things like
that, 22nd has been known as the traditional dividing
line of Tucson, its politics, as has been for years, in fact, a lot of comments on the radio about north and south of 22nd Street. So that does break up the community.

I understand the need for more competitiveness. Maybe there are some options moving further in terms of the district that is in yellow, which is highly noncompetitive, that's District T, and T is a 58/42 split. And if we wanted to create more competitiveness, my idea would be to at least lob off some of T, those areas, probably, not Hispanic, bring those over into what is now Y, which is that brown area on it, and that would create increased competitive districts. I am still disturbed at the highly noncompetitive nature of several districts in Tucson. 61/38 splits, the other one, which is in W, and, what was the other one, very high, T, yeah, T is 58/42. I think we're capable in Tucson of having a good contest. We like good football games, good competition. So as long as the Wildcats beat, you know, the Sun Devils, we feel happy.

MR. RIVERA: You haven't been happy for a long time.

REPRESENTATIVE DOWNING: Actually, let's -- (Laughter.)

REPRESENTATIVE DOWNING: So my preference
would be more competitiveness to certainly to make the

district, which is -- the brown one is Y, Y more

competitive, T more competitive, and even W, I think that

would be, I think those could be done without breaking

communities of interest.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Downing.

The next speaker is Chris Quiggley.

Chris Quiggley?

(No response.)

COMMISSIONER HALL: Down under?

CHAIRMAN LYNN: Okay.

Representative David Bradley.

Representative Bradley?

REPRESENTATIVE BRADLEY: Thanks. I don't

know if that's a promotion from the House to the

Senate --

CHAIRMAN LYNN: I said "Representative."

REPRESENTATIVE BRADLEY: Thank you for

hearing me out.

Just briefly, all the work you guys are

doing, I realize this is not an easy task with all the

interests involved.

Mine would be a simple, fairly simple

modification from Y to T, which would be the Rita Ranch
area. That loop -- yeah, right there, that just, which
would make T a tad more competitive to -- in regards to
increasing the number of Republicans and makes Y about
even in terms of its competitiveness. Yeah. That's the
only modification I'm talking about.

CHAIRMAN LYNN: Thank you, Mr. Bradley.

Thank you.

Let me ask one more time if Mr. Quiggley is
with us?

Okay. The last speaker slip I have is for
Representative Gallardo.

REPRESENTATIVE GALLARDO: Thank you,
Mr. Chairman, Members of the Commission. I'll make this
real quick and brief.

Just to reclarify: That the Coalition
stands with the February 11th letter to the Commission
indicating that the Districts 24, 25, 27, and 29 on the
previous adopted map remain the same in terms of the
configuration and the Hispanic voting age percentage.
We'd also like to comment on testimony earlier from Phil
Lopes in regards to the old barrio there in Tucson, and
talking to folks, part of our Coalition does agree that
that particular portion of the barrio does have more in
common with the north and south configuration and would
support changing that to the north and south
configuration.

COMMISSIONER ELDER: In other words, Senator -- Representative Gallardo, you are saying put it with T.

REPRESENTATIVE GALLARDO: Yes, sir.

COMMISSIONER ELDER: Rotate Hispanics in from W to keep the HVAP in the same percentages as we had before.

REPRESENTATIVE GALLARDO: Mr. Chairman, Commissioner Elder, yes, you are correct.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Gallardo.

Mr. Hall, Representative Gallardo.

COMMISSIONER HALL: I'm just confused.

Isn't T like it was originally?

REPRESENTATIVE GALLARDO: No.

COMMISSIONER HALL: That was a product of the change of the test.

MS. LEONI: Yes.

MR. JOHNSON: We modified just in that -- to unify the barrio area.

COMMISSIONER HALL: Okay.

MR. JOHNSON: Previously crossed, took T up a bit to W, west W as well.

CHAIRMAN LYNN: We haven't accepted the
tests. We're considering them.

MR. JOHNSON: If I may.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: To clarify, I'm not sure about the last exchange with Mr. Elder. You're interested in unifying everything, talked about as the barrio in T or going back to the border in the 2004 plan?

REPRESENTATIVE GALLARDO: Mr. Chairman, going back to the original plan, I think --

MR. JOHNSON: Okay.

REPRESENTATIVE GALLARDO: -- is what the Coalition is interested in looking at.

MR. JOHNSON: Thank you.

CHAIRMAN LYNN: Thank you, Mr. Gallardo.

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

If not, we'll close this portion of public comment, and it would be my desire to have the opportunity before we consider these tests that have been run to have an executive session to ask our attorneys a couple of important questions.

So under A.R.S. 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4), is there a motion?

COMMISSIONER ELDER: So moved.

CHAIRMAN LYNN: Second?
COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: All in favor?

COMMISSIONER ELDER: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

I'm notoriously bad at judging these.

We'll let you know when we're finished.

(Whereupon, the Commission recessed Open Public Session at 11:06 a.m. and convened in Executive Session until 12:08 p.m. at which time Open Public Session resumed.)

(Brief recess taken to open doors.)

CHAIRMAN LYNN: On the record, with Mr. Hall excused, other Commissioners present as well as staff, legal counsel, and consultant, part of legal counsel.

Without objection, the Commission will recess for one hour, reconvene at 1:00 p.m. today.

(Lunch recess taken.)

CHAIRMAN LYNN: The Commission will come to order.

For the record, all four Commissioners are present with legal counsel, staff, and consultants.

Having heard the report from consultants and comments
from the public, I think it would be appropriate at this
point to move through the map in terms of the tests,
either that we have or would wish to further order, and
I'll be happy to take whoever wants to go first in
whichever area of the state they'd like to deal with.

Mr. Hall, are you --

COMMISSIONER HALL: I wasn't, but I can.

CHAIRMAN LYNN: I'll take whoever is ready.

Mr. Elder?

COMMISSIONER HALL: Dan is ready.

COMMISSIONER ELDER: I don't know I can
read, but I'll ramble.

Go to Tucson, please. I think the first
one that you brought up was the barrios district.

Can you either also bring up or show the
overlay of the previous T and W that matches the 2004
boundaries?

MR. JOHNSON: Sure, I'll show this. The
red line on the map you're looking at, the barrio border
as defined by the Commission, the test, T wrapping
around, and the barrio united in W, and the black line is
the border before the test which matches the 2004 border.

COMMISSIONER ELDER: Mr. Chairman, I'd like
to make a motion we reject the Barrios District as
conformed and go back to the previous district based on
testimony we had this morning. We did have testimony
from --

Do I need to wait for a second?

CHAIRMAN LYNN: Yes. That would be nice.

Is there a second to the motion.

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Thank you.

Mr. Elder.

COMMISSIONER ELDER: Based on testimony we
had this morning, there was concern that the dividing
line really ran down the I-19 corridor, which is -- well,
it's shown there as designated by the freeway logo or
symbol and ran north and south. There is not much doubt
that there is Hispanic communities on both sides, that
there are barrios on both sides. From personal
experience, I've seen the division between the east and
the west and don't have any objection to running the
thing north and south. It's just that we had testimony
earlier that requested that we combine the barrios as a
whole entity. Since both of the barrios are in the
Hispanic VAP districts of T and W, I would propose that
we -- not propose, I suggest that their representation as
Hispanic communities of interest will be maintained even
though they are split. Therefore, I would like to
suggest to the counselors, Commissioners, that we go
ahead and reject the test that combine the barrios in W.

CHAIRMAN LYNN: Further discussion on the

motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Well, also we have

precleared districts in this area. Without a compelling
case for making the changes, I would be very reluctant to
do so. We certainly have considered, and we, I think,
are obligated to consider whether we can get any benefit
from allowing the Georgia vs. Ashcroft approach in this
area. But one of the elements of that is, I think,
unequivocal support from the groups that are affected.
And we certainly don't have unequivocal support for -- in
that area, for making changes in the preapproved plans.
And so I just think it would be somewhat foolhardy to
attempt to do so.

CHAIRMAN LYNN: Mr. Hall?

Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman, I'd like
to respond to Mr. Huntwork's last comments.

One of the things that I find that has been
bothering me all the way through the process is that
we've been holding on very clearly to preapproved
districts. I don't find that that was in the judge's
order. If I'm wrong, counsel, please correct me. I'd
much rather see that we respond to the standards, rules, regulations of the Voting Rights Act, maintaining the Historic Districts, maintaining the Hispanic voting influence in both districts unchanged, but just not move the line because it was a preapproved line. I don't think it would affect timing on preclearance or anything else. I want to make sure that got on the record. I, for one, object maintaining specific districts just because they were sensitive before and had been preapproved. Maybe that's all I need to say.

CHAIRMAN LYNN: Thank you, Mr. Elder.

I, too, concur with the analysis. That is the basis of your motion. I think the testimony was pretty compelling that the preference is to have the barrios in the configuration that had been used prior. And I think this motion restores that. I'm supportive of that.

Further discussion on the motion?

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

COMMISSIONER HUNTWORK: "Aye."

Motion carries and is so ordered.

COMMISSIONER ELDER: Tossup or stay in
Tucson?

CHAIRMAN LYNN: Stay in Tucson? It's easier to get around the state that way.

Mr. Elder.

COMMISSIONER ELDER: Yeah, that's probably the area we need to look at next.

I made a motion to run a test in the area trying to honor and respect communities of interest that had been established and were a part of the communities of interest that we voted on and maintained in the last week or two as far as distinct communities of interest.

In looking at this plan with plan U, or District U, we're probably now doing actually now more damage to three communities of interest simultaneously than the previous plan did, more encroachment across the city, county line. There is more encroachment or division of the Foothills community of interest. I'm not so sure that we really gain much. We are also combining disparate communities where we take a look at already the split Marana, then bringing them all the way into the Flowing Wells district of Tucson, neither of which really have any kind of linkage. They are two different cities, two different locations. And I don't feel that this test really resolved any issues. If anything, it was detrimental to the communities of interest that at least had some
ability to function. Now we probably don't. So for that reason, I would suggest that this test should be rejected. I would so move.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Discussion on the motion.

Mr. Johnson, if you would, for just a second, go back to the map without this test. I know the lines are there, but I'd like to remove the test and look at the previous districts.

I don't think all the red is a single district.

Your pointing -- in trying to help Mr. Johnson -- trying to help Mr. Johnson, that may not have worked.

MS. HAUSER: Which test?

COMMISSIONER ELDER: Foothills -- B2 without any of the ordered test lines in it.

The paragraph of the court order that we are attempting to follow dictates that we need to favor competitiveness where to do so does not create significant detriment and here you have, in my judgment, one of those dilemmas this court order creates. There's no question that the district configuration in Tucson represented by this map would only be put together to
achieve competitive districts. There is no other reason for this configuration to exist. The difficulty here is that despite some minor testimony this morning, the record is not as complete as other parts of the state about the communities that exist within the Tucson general area and what might be considered a complete understanding of what is being caused by this particular configuration. However, having said that, our mission under the court order favor competitiveness. This map certainly does that. Tucson did not have competitive districts when we began the process. This creates, I believe, two.

Dr. McDonald.

DR. McDONALD: This, this map has three competitive districts.

CHAIRMAN LYNN: Three.

DR. McDONALD: V, U, Y.

CHAIRMAN LYNN: Three in the Tucson area.

It is for that reason and that reason alone I'll support the motion.

Further discussion.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, remind me, what is the motion? It's to?

CHAIRMAN LYNN: Reject the test, bring us
back to, for the moment, this configuration.

COMMISSIONER HUNTWORK: Yes, thank you.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman,

Dr. McDonald, can you take me through your process, getting from this to the test? I guess what I'm looking for is, right now, as I stated when I asked for the test was we had three, maybe four communities ask, cities, towns, the Town of Oro Valley there, also. We didn't have that in our pile of tricks. I was looking at just the retirement communities up in the north section, the Foothills, and the area South of the Foothills wholly within the City of Tucson. My intent in ordering the test, I wanted to see what the potential damage was done to competitiveness if we tried to honor communities of interest.

Was there no way to maybe honor two of the three or at least one, all of it by itself and still maintain competitiveness because the test came back probably injuring more communities of interest when we include cities and towns than we had before? I'm just asking because I don't want to order a test with no hope of having any resolution or benefit for or from, not for.

Excuse me. So I guess that's my question. Was anything in the way of started, any premises you used which didn't
give you flexibility if we opened up the balance of
Marana in G, would that have benefited in the flexibility
to -- I'm just throwing things out, have no idea what the
effects of options and alternatives are.

MR. JOHNSON: Mr. Chairman, Mr. Elder, from
the communities' perspective, what we're looking at is
discussion of the urban incorporated Tucson area being
mixed in with other sections of U. As we did that,
trying to maintain competitiveness, since Y wasn't in any
of the areas we're looking at in the retirement areas,
the Foothills and that, we'd not mess with Y because it
is competitive. So we're looking at trades between U and
V. Had we, if we're going to the other approach, A, in
the series, which did not follow the 2004 series, those
plans all united Marana, had a somewhat more compact V,
but they had other issues the Commission has discussed.
So that is kind of a whole other track we
didn't go down in the test because of other decisions of
the Commission. We took U out of the, of incorporated
Tucson. Of course that has to go into somewhere, given
what just talked about. We that into V, then V was
coming down and had compactness problems, and all that.
Because then you had V starting up here north of Marana,
coming around the retirement communities, it's going into
the Foothills down along the neck here.
As we look to improve compactness and respect as much as we could the communities as defined by the Commission, that's where we ended up uniting the eastern portion of Marana, in that area up there, to balance out populations, improve compactness.

The communities, the Foothills would not unite the two of them crossing and incorporating Tucson per instruction, one of them crossing incorporated Tucson. I don't know if there are other specifics in terms of the number of competitive districts.

Dr. McDonald can comment.

DR. MCDONALD: Other than what I already stated, which is we, in the process of reducing the number of competitive districts by not appear on this maps, the new District B was not competitive.

MR. JOHNSON: So we did keep U as a competitive district.

COMMISSIONER ELDER: Zoom out a little more so we get to the bottom of T, even a little further out.

Let's get Sierra Vista and -- there we go.

This district, Y, Y is probably as nasty as any district we have on the map from the standpoint of little necks going in to pick up population. I'm referring to the area of 22nd Street south leaving T whole as we directed you. And that was to balance and
maintain competitiveness, I'm sure. We have an area that had been a part of the Tucson proper area. It's highly urbanized with the balance of the district. It's substantially different from the standpoint that a rural community in Sierra Vista, although probably one of the fastest growing districts, Green Valley, Hispanic districts south of T, rotate around, the fastest growing area in the valley is Rita Ranch, then go into probably what was described in this morning's testimony as the blue collar working class area north of the air base. And it's connected by a very small neck, which is the same sort of condition we had when discussing or will discuss in Mesa where we've got, it may fit the Polsby-Popper compactness test. The functional compactness way communities work it does do detriment to the ability of these people to gain representation. If Y was put into the mix, then we've got Y, U, V, leaving G, W, T, as fixed in place.

Would that have changed your test configuration? Would we have substantially lost competitiveness, lost two districts, lost one, gained three, four communities of interest?

MR. JOHNSON: I guess the communities of interest we're looking at here are Broadway-Broadmoor which really isn't impacted by any of this, the
Foothills, the retirement community, and rural urban
division. I mean, if Y was in the mix we could, you
know, make it more compact, take U out of the rural area,
perhaps, and focus U and V in the urban areas, but we've
had earlier versions that did that. These districts did
not come out as competitive in those tests. I guess in
terms of communities in Tucson, such as discussed this
morning, 22nd to Speedway, in those questions, those are
not part of defined communities, so we're not looking at
them in those tests.

COMMISSIONER ELDER: Other than they were
wholly within the City of Tucson.

MR. JOHNSON: Right, they do fall in the
rural urban issue and city issue.

MR. JOHNSON: I guess if there's a specific
interest you had, I could address that more clearly. In
general that would be, moved back toward earlier maps
that did not have three competitive districts in them.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: We were talking
about this as though trying to do the right thing is
actually the issue. We have a couple identified
communities of interest. The question is how many
competitive districts can we string together, however we
have to do it, without doing substantial detriment to
those, or our compactness test, or whatever. So I think
the argument, Dan, is it really, or the motion on the
floor is a simple one which you made in the first place:
The test did more damage than the map on the screen right
now. So, therefore, we ought to reject it.

    CHAIRMAN LYNN: Further discussion of the
motion?

    All those in favor, vote "Aye."

    COMMISSIONER ELDER: "Aye."

    COMMISSIONER HALL: "Aye."

    COMMISSIONER HUNTWORK: "Aye."

    CHAIRMAN LYNN: Chair votes "Aye."

    Motion carries unanimously.

    Mr. Huntwork.

    COMMISSIONER HUNTWORK: Mr. Chairman, I am,
looking at the information I have in front of me, I lost
a page or two, I'm not sure how many competitive
districts are on that map right now.

    COMMISSIONER HALL: Three.

    DR. McDONALD: V, U, W are all competitive.

    COMMISSIONER HUNTWORK: Look at that. That
configuration cuts the Foothills community of interest in
half. Am I seeing things or is that not exactly what it
does?
COMMISSIONER HALL: That's correct.

COMMISSIONER HUNTWORK: Now, I'm not sure exactly how we're going to define substantial detriment in all cases or apply all cases, but one thing seems obvious to me. Cutting a community of interest almost exactly in half is substantial detriment --

MS. HAUSER: Significant.

COMMISSIONER HUNTWORK: -- significant detriment. Thank you.

I guess my question would be, if you were to create two competition districts in the Tucson area, or one competitive district the Tucson area, what would it take to avoid cutting or at least substantially cutting that Foothills area? What would be the impact? Can you do it to one competitive district, uniting that, eliminate uniting all competitive districts?

COMMISSIONER ELDER: Might I take the opportunity to look and point at the map and see if it brings any ideas?

CHAIRMAN LYNN: I think that would be helpful. I know Dr. McDonald and Mr. Johnson in working on the map and in trying to do the test may have some opinions of their own. And then if Mr. Elder wants to suggest another one, it might be able to react to that.

We don't necessarily want to mix the two, if we can.
I'll defer to you gentlemen, if Dr. McDonald or Mr. Johnson have something they want to offer or want to have the help of Mr. Elder.

DR. MCDONALD: The reason the districts can be competitive in the configuration with the Democrats here is by splitting among the three districts. So anything that is done to, in the way of consolidating the Foothills here, is also going to consolidate the urban area. And in doing so, you are likely to lose all three competitive districts. If we try, there may be other options of just splitting this area between Y and a noncompact V. That may arrive at the solution. That is one of the driving reasons why we had to consolidate this area to the north, because otherwise it wraps around very noncompact --

COMMISSIONER HUNTWORK: Dr. McDonald, you say "very noncompact."

DR. MCDONALD: Failed the 1.17 Polsby-Popper, yes.

MR. JOHNSON: Population numbers in terms of the Foothills, there are three census places that make up the Foothills which total roughly 123,000 people. And then the community -- well, the places and city that make up the retirement area are another 40. We haven't looked up the Saddlebrooke number. I'm not sure how many are up
there. Between -- if you put the Foothills retirement
community together, you end up essentially with a whole
district. Given G, W, and T are unchanged, you end up
with another district. As Dr. McDonald was saying,
Marana is down here snaking around the Foothills and
picking up the Tucson area, a very unusual compactness
situation there. And given the population trades, the
only people that pick up from Y in that trade are people
Y get from picking up the U area. That's the mountain,
and there are only a couple hundred people at most there.

COMMISSIONER HUNTWORK: Mr. Chairman, if I
may, one follow-up question.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: If you were to,
talking about significant detriment, not necessarily
talking about keeping the community of interest entirely
whole.

I just looked at one you cut in half. It's
hard to find significant detriment if that's not it. The
question I'd ask: If you kind of round off the corner of
the retirement community of interest, maybe to some
extent just kind of taking the edges off, could you
possibly create a competitive district that passes the
Polsby-Popper test?

COMMISSIONER ELDER: Since ugly is not a
term used by the Judge or by any of the definitions of --
that the Commission informed us of this morning that the
demographics are being slided of in favor of real areas,
is there anything to taking this district and putting a
real ugly connection in and grabbing U? Where does
Polsby-Popper becomes compact if you could really stretch
that in any sort of way? I mean that's ugly, but yet you
pass the compactness.

MR. JOHNSON: We'd have to test it. I
don't know that there are the blocks to do the circle as
well. I think these are fairly large blocks that end up
taking --

MR. JOHNSON: Right now the City of Tucson,
the city limits, you incorporate the limits. As a matter
of fact, coming down past this area down here, I-10 south
of Vail and Rita Roads, you include Rita Ranch, it then
continues on up through T. But T was off the boards
because of the Hispanic District into the preapproved
aspect of it. But then we have one, two, three, four,
five, I think probably six splits in the City of Tucson
that previously should have two splits based on
population. We come down into different locations, split
the community of interest in the Foothills twice. We
completely combine one community here. That's the only
one in the whole thing that stayed together.
It seems like even this map does substantial harm to the communities of interest, substantial enough that losing the districts for competitiveness seems to be appropriate. I don't know how to make it better. Therefore I don't know that it's even worth arguing the point anymore. I'd just protest exactly what is happening here is in direct relation to what the orders of the court were to be able to comply. And it makes it ugly, does harm to our communities and to the citizens of the state, but that is what is happening. I don't know a way around it unless somebody can give me some help.

MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: Not to disagree with anything you said, but to set the record straight on numbers, Tucson needs three splits. There are five in here, just to set the record.

COMMISSIONER ELDER: T and W counts four of them.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Two different things. Dan, you made a number of good points. I want to make sure I understood what you were saying. On the one hand we see significant detriment here. On the other
hand, you don't have to allow significant detriment. You have to find seven competitive districts in total. Even if it does significant detriment, that's what the court ordered us to do. We have to be reasonable about this, practical about it, but -- I think that is -- I think that's what you were saying. Even if we violated -- for example, if we did a district noncompact, so we did significant detriment to compactness, the criteria allowed us to respect communities of interest and create two competitive districts in the Tucson area. That might be something we need to do in order to comply with the court's order.

So I just raise -- I gathered that from what you were saying. If it is, I agree with it, that's what we have to do.

CHAIRMAN LYNN: We have both an absolute and a relative standard to meet. Let me explain my understanding. Absolute and relative standards cannot both be simultaneously met. With an absolute standard you cannot make a finding of significant detriment. When we can make a finding of significant detriment is relative to the bench mark of competitive districts which the court is going to be looking for.

Ms. Hauser, is that inaccurate in any way?

MS. HAUSER: No.
CHAIRMAN LYNN: Thank you.

And given those two criteria, my suggestion would be, and it's procedural more than anything else, that we go ahead and look at the other areas of the state where tests have been ordered that may or may not have an impact on competitiveness of the map. And let's deal with those as we've dealt with the ones in Tucson to this point. And then let's see what the map looks like and see where we might be able to make findings that would not only allow us to meet the relative standard but the absolute standard.

CHAIRMAN LYNN: If there's no objection to that, let's move to the other areas of the state where tests were run and consider those.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I agree. Let's do that.

CHAIRMAN LYNN: I'm sorry. I'm looking over the shoulder only because I'm trying to look at maps.

CHAIRMAN LYNN: Let's -- let's go to Phoenix.

COMMISSIONER ELDER: Right to the big jaws, the dilemma.

MR. JOHNSON: Mr. Chairman, Chandler or
City of Phoenix, any preference where you start?

CHAIRMAN LYNN: We have to hit them all, so pick one.

MR. JOHNSON: Districts test A are virtually identical to test B. If you like, I'll bring up the map you looked at before or whatever you would like to see.

COMMISSIONER HUNTWORK: I'd like to see something other than that.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Did you say "Mr. Hill"?

CHAIRMAN LYNN: But sometimes it feels like --

Mr. Hall.

COMMISSIONER HALL: I was of the opinion and stated a week ago I felt that the previous configuration of District H caused significant detriment to the City of Chandler wherein their representation was basically dissected into three different districts. Now, Mr. Chairman, by reason of this test, I'm of the opinion we simply shifted the problem to Mesa, which I think Mr. Jernigan said he couldn't drive down his district with both doors open without killing his constituency.

MR. JERNIGAN: Half of it.

COMMISSIONER HALL: I think that's apropos
to this district. I know Mesa pretty well. The eastern
part of that district and the western part of that
district are not miles apart. This test does harm to the
City of Mesa and does not provide for adequate
representation to the citizens within that, and I move
that we reject this test.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Moved and seconded.

Discussion on the motion?

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I agree completely
with the sentiments that Mr. Hall expressed. I don't
know that we can, if we can reject the district when we
haven't found communities of interest inside Mesa, this
being a Mesa District. What I do find, however, that
this map created additional splits of the City of Mesa,
one of which is, I think, insignificant because it has
zero population, although, you know, we all know in
reality it probably does not have zero population
anymore. Nevertheless, the other is a significant number
of people and I think that that, certainly, is an
additional reason why this does significant detriment.
Also, it looks like one of those oil rigs with heavy
weights on both ends, a dumbbell district, exactly what
Prop 106 promised the people of Arizona we'd not be doing anymore.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, we're looking at the effects of trying to find competitive areas within a district. And we're going to have that occur and have already seen it in the Tucson area, that you've got to go great distances to find enough of one party here, run and make a neck down until you find another party there. That's happening in three of these districts here to where you had to take one voter group on the west side and find a way to connect to the east side to get a competitive district. You had to do the same thing. I don't see the letter, the green, wraps all the way around H now.

MR. JOHNSON: Yes.

COMMISSIONER ELDER: H, all the way around X, to again pick up enough people to make a competitive district, or at least attempt to make a competitive district. Neither one of those, under my definition of compactness, not the definition that we voted on and agreed to, for the purposes of the court, allow people to really participate in their government. It's a travesty from that standpoint. Again, I'm looking for a way of finding significant detriment where the only community of
interest is a town or a city because there was no
internalized communities of interest. And is that
enough? That's something we may need to debate. We'll
end up as we move on into Phoenix. This one is only 15
to 18 miles long. Take the corridor through some of the
ones in Phoenix that are upwards of 20, 25 miles long,
the one-mile width we have here, one-mile choke point,
it's not compact. It doesn't function as an area. They
don't have any kind of community ties. There is no glue
that holds them together. All the things asked for, the
people in the public as we went out on about the 52, 54
hearings or meetings we had falls apart in this area. I
can't believe that the judge would have required that we
do that, but it appears as though he has.

CHAIRMAN LYNN: Mr. Huntwork.
Well, actually, Dan, that's what I was
going to say. All that is true. But the judge, we're
following the order of the court. The thing that,
however, just applying the rules mechanically, we have
this district which created additional city splits in
Mesa, one of which I think is insignificant and
insubstantial, in other words, I believe one is
significant and substantial.
I'd like to ask Mr. Johnson, if he would,
to put up the -- this portion of the map in the
Competitive B2 without any tests. What I need him to do is ask Dr. McDonald the net difference in competitive districts between the test and the original map. I know they won't be the same districts, but, in other words, in looking at this portion of the map, does this portion of the map contain the same number of competitive districts?

MR. JOHNSON: As?

DR. MCDONALD: As the test?

CHAIRMAN LYNN: As the test.

DR. MCDONALD: Mr. Chairman, Commissioners, yes, it does.

CHAIRMAN LYNN: On the motion, further discussion?

COMMISSIONER ELDER: And the motion is to reject this test?

CHAIRMAN LYNN: Reject this test. 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."

Motion carries unanimously.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, on the original map, that is the map we were looking at
yesterday prior to this test, I would like to make the motion that the Chandler competitive, well, competitive tests shown on this map does significant detriment to the City of Chandler by increasing the number of city splits from two to three.

CHAIRMAN LYNN: I'm with you. But if you could just bear with me, I'd like to finish the testing portion first.

COMMISSIONER HUNTWORK: I apologize, Mr. Chairman. I'll withdraw the motion.

CHAIRMAN LYNN: Let's see where we are, work through the map, if we may.

Let's go to Central Phoenix, or actually west -- well, Central and West Phoenix.

MR. JOHNSON: Mr. Chairman, one area, two tests, we can look at either one. Essentially B just changes AA, J, K, and N, and A is the additional changes to the north of it. I can bring up whichever one you would like to see.

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Doug, which map is this?

MR. JOHNSON: Test A.

COMMISSIONER HALL: I make a motion we
accept this test right here, Test A.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, Doug, can you put up the city limits of Glendale?

MR. JOHNSON: Yes.

The test is the shading over the black corridors. The city limits, the city limits are over the red area.

COMMISSIONER HUNTWORK: This does for Glendale what we did for Flagstaff earlier, if I can say so. This accomplishes the almost impossible task, what we thought was the impossible task of virtually uniting the City of Glendale in a single district. There is, there are minor splits, but the -- well, in two districts, but the heart of the city has been brought into a single district. Not only is the City of Glendale, of course, a community of district, but the record is replete with testimony about the importance of that area and the connection of that area and the area to the west, and so on. I think that is a great accomplishment of this test.

CHAIRMAN LYNN: Further discussion on the
Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, can we scroll down to where it includes the A and K -- J, there we go. More a question or verification that A, N, and J remain at the 53 or, you know, whatever percent -- it was the percentage we were trying to get to and maintain for the Hispanic VAP in those three districts and we still have the majority in the districts we were looking for there?

MR. JOHNSON: Mr. Chairman, Commissioner Elder, yes, all three of those become majority Hispanic voting age and they are at 52, 53, 55 percent Hispanic voting age. In each case there is some change. As was discussed in the request and instruction, these include those communities and figures.

COMMISSIONER ELDER: Then for just the benefit of the record, to the best of your knowledge, or ability, we responded to what the Coalition requested as far as the moves to be able to generate these percentages in this area?

MR. JOHNSON: Yes, other than like the north side of A and the K-N switch that had not been discussed, everything that was discussed was done.

COMMISSIONER ELDER: Thank you.
CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Doug, can you put the other test superimposed on this?

MR. JOHNSON: Sure.

COMMISSIONER HUNTWORK: I really want to see what the differences are in Glendale, basically. So leave Glendale up. Maybe you can impose the lines or --

MR. JOHNSON: Let me change colors.

COMMISSIONER HALL: It's all one color to Jim, anyway.

COMMISSIONER HUNTWORK: Great.

MR. JOHNSON: The white lines are the other test, test B. The colors are test A, so you see the differences.

Let me take the double letters off.

COMMISSIONER HUNTWORK: Okay. Now, if my colors, if my eyes don't deceive me, and they might, Glendale was split -- it's split three ways in both tests or split four ways in the other --

MR. JOHNSON: Three ways in both tests.

COMMISSIONER HUNTWORK: Three ways in both tests. In one test, kind of the heart of Glendale is together, and the third split is up at the northern tip, is that right, in the test that we are looking at now, the first test we're looking at? I'm trying to make sure
I see correctly.

MR. JOHNSON: Mr. Chairman, Commissioner Huntwork, the test referred to the west Glendale heart, central section corner, North Glendale. Test A unites the west and southeastern corner in one district together, and then the north is largely intact. It does lose the very north piece of it.

COMMISSIONER HUNTWORK: Right. But most of the north is, in fact, intact in one district.

Do you have population densities in there? Never mind. If it's easy, though, I'd like to know, but not -- I remember from the other day it's not that easy.

Okay, that's fine. Thank you.

MR. JOHNSON: I should note just from work done with Glendale, that whole, the heart of Glendale up north is fairly of similar density. The differences the city talks about, when they developed very different characteristics, very dense, recently developed, that's why they distinguish from the southeast corner.

CHAIRMAN LYNN: Again, the question with respect to competitiveness, Dr. McDonald?

DR. MCDONALD: I'm having Ms. Leoni tell Ms. Hauser to tell me.

CHAIRMAN LYNN: A bird told me.

Between the two tests, comment on the
relative competitiveness on this area of the map.

COMMISSIONER ELDER: Original, this test to
the second.

DR. McDONALD: In the original test we had
an uncompetitive K, just ones affected in terms of
competitiveness, rather than go through them all, an
uncompetitive K and competitive O. In -- well, M was
competitive and L was competitive. In the test, the
line -- lines rather than the colored-in shaded, that has
a competitive K and a competitive O in addition to
competitive M and competitive L. The test which is the
shaded test has a competitive K, M, and L but not a
competitive O.

COMMISSIONER HALL: So, just to confirm, if
we accepted this test, pursuant to the motion, the whole
state currently has 10 competitive districts; is that
right? I'm not saying we're finished, just trying to
keep score, here, where are we at, three in Tucson --

DR. McDONALD: Three in Tucson.

COMMISSIONER HALL: Three.

DR. McDONALD: M, K, L, H -- H and D and B,
and BB, so we'll have 10, correct.

CHAIRMAN LYNN: Further discussion on the
motion?

Mr. Huntwork?
COMMISSIONER HUNTWORK: Okay. I'm going to vote for this motion because the, as compared with the other test, this -- the other test does, in my opinion, have significant detriment on Glendale, in comparison with this one. That's the key. This one does the best job of any map we have seen of uniting Glendale. And the other, then, would disrupt that in a way that I believe does have significant detriment.

CHAIRMAN LYNN: I agree with that, Mr. Huntwork. I believe in terms of our definition, we are talking about significant detriment where it relates to representation. And the way Glendale is laid out, the way testimony about Glendale has come into the Commission over and over again, is the Old Town area of Glendale, with it's characteristics, you very much need to have common representation, and, therefore, would suffer significant detriment were they to be split in a manner that the other test accomplishes. And it is for that reason that I, too, am supportive of this test as opposed to it. I feel your point is extremely well-taken with respect to this particular community of interest.

Further discussion on the motion?

Mr. Elder.

COMMISSIONER ELDER: Mr. Johnson, turn off all others. Let's see the one we're going to vote on
Okay. Thank you.

CHAIRMAN LYNN: Back it out?

Make sure which line I was looking at.

All those in favor of the motion to accept this test, this is the February 22nd Test B, signify by saying "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed, "no"?

Motion carries unanimously.

To Mr. Hall's point earlier, if you'd be so kind as to go through the test, give a running tally in the map as we address these, I mean it would be helpful.

DR. McDONALD: Currently, as of this adoption, there are 10 competitive districts.

CHAIRMAN LYNN: Thank you, Dr. McDonald.

Okay. Are we finished in Phoenix?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Let's move north?

COMMISSIONER ELDER: Sure.

CHAIRMAN LYNN: We had a test on AA, I believe.
MR. JOHNSON: Yes.

Mr. Chairman, this is the test where BB picked up some population from AA, and then R picked up a little more population from BB to shift population down, primarily from the Grand Canyon and Tusayan areas which were picked up into BB.

CHAIRMAN LYNN: Again, would, would you help me with -- I know I can look it up, but the Native American VAP before and after the test.

MR. JOHNSON: Mr. Chairman, before we did this test, back on the Competitive B2 plan, the Native American voting age percentage in AA was 59.77 percent. The district was actually overpopulated by 1.2 percent. The version shown, the screen has a -- passes the compactness test and AA is underpopulated by 55/100ths of a percent and the Native American voting age population is 60.83 percent.

The other two things we looked at in the test which had compactness scores, BB is below the compactness score you are using giving 1.75 deviation in AA which gets us up to 61.83 for a 2.6 percent deviation in AA which gets us to 62.1.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman,

Mr. Johnson, what was the total minority percentage in
the before and after?

MR. JOHNSON: Before, in the Competitive B2 plan, the total voting age minority was 64.21. And it is, in the test on the screen, test A and test B, it is 65.05.

CHAIRMAN LYNN: Changes made to AA in order to accomplish this, highlight once again, along A and the long series of tests, the areas of -- in exchange with BB?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Would you highlight those.

MR. JOHNSON: Sure.

We did the black outline here which is BB, so the change was the Grand Canyon Village area was in AA. Plan B2 has now moved south. There was a small fix to the leg on the reservation there which moved into AA because of zero population, then over south of the reservation in Mohave County, essentially between the freeway and reservation border east of Kingman. And New Kingman, we moved that area into District BB. And then right along the river we moved unincorporated areas also south from A into BB. And an additional test, I mentioned going into higher deviations, just take that river arm further north.

CHAIRMAN LYNN: Thank you.
Is there a motion with respect to this test?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I want to make sure I understand what happened with BB and the result of this. You just can't look at these as one district in isolation. BB was a competitive district, I want to make sure it still is and still will be. When you move population in, you have to move population out, maintain competition.

DR. McDONALD: BB maintains its competitive status.

COMMISSIONER HUNTWORK: After equalizing population.

DR. McDONALD: In the tests, both test A and B they remain a competitive district.

COMMISSIONER HUNTWORK: Okay.

COMMISSIONER HUNTWORK: Move people out of BB where?

MR. JOHNSON: Lake Havasu there's a split. We just increased the split, split population in R from Lake Havasu.

COMMISSIONER HUNTWORK: Bear with me. Lake Havasu City is a community of interest. You just said we split a community of interest. We're doing this in order
to create a competitive district? Tell me more about it.
I need to know whether that is significant detriment to
that community of interest.

MR. JOHNSON: Sure.

COMMISSIONER HUNTWORK: You said we split
it further doing more damage to it.

MR. JOHNSON: I don't know if you are
familiar with the streets in Lake Havasu City or not, but
we are -- it is not a city that is laid out in a grid
fashion by any means. The first split was around Rolling
Hills Drive, Totum Drive, and Demaret, D E M A R E T,
Drive. Now with this change it's along Saddlebrooke
Drive, Blue Grass Drive, and -- looks like Chip Drive.
In terms -- oops, in terms of people, it will just take
me a minute here.

CHAIRMAN LYNN: As you are doing that,
Mr. Johnson, it occurs to me when you are dealing with
urban areas, I know this is on a relative scale, when you
are dealing with urban areas, urbanized Phoenix, with
it's 18, 21 incorporated areas in the metropolitan area,
it's often very difficult to really realize when you move
from Phoenix to Chandler, Phoenix to Tempe. I mean we
know where boundaries are, as you are driving through
them, not necessarily as evident as it is in other
places. When you get into the rural areas it's really
easy to figure out when you come to town. It has a
different feel to it, a different concept, a different
ambience.

I guess the point is that when we go out
of our way to split a city we identified as a community
of interest, and particularly a city like Lake Havasu
which is a rapidly growing city and one that has probably
expanded much beyond the 2000 map you have there, it
becomes difficult because you've now linked it with two
districts where an enormous amount of population is
elsewhere. And wherever those wind, in whichever
districts, they're sure to be different in character from
this particular district, this particular portion of the
district. And that is really troublesome to me.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Particularly here
we have a District with two cities at opposite ends, two
cities that have no community of interest between them,
between each other, but strong communities of interest in
themselves. And one of them is being kept whole and the
other is being split. And that may be, you know, that
may be the control of this district, which pole actually,
which end is actually on the heavier side of the balance
here because of the long, empty space in between, which
way will the scales tilt. We're changing the balance,
the further we tip this, the more we change the balance.
Splitting it at all is a concern.

CHAIRMAN LYNN: Mr. Chairman,

Commissioners, the initial test before B2, there are roughly 5,900 people from Lake Havasu put into District R out of total population of 42,000, so almost 10 percent, nine percent. The additional split put, I think, 6,000 more people in, so around 11, 12 thousand people, a quarter of the city.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I've been in Lake Havasu a couple times in the last couple months. It's my recollection, that portion we're referring to, the very highly residential areas, and -- it's not like we're dealing with, you know, a downtown shopping center or something. I think, really, the number of people probably is -- it is certainly significant, much more significant now. Havasu has over 50,000 now and is very rapidly growing.

CHAIRMAN LYNN: Well, it is getting to be a long day and long week, but I don't know we have a motion, just looking at the district. Is there a motion with respect to the test run on AA?

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Mr. Huntwork.
COMMISSIONER HUNTWORK: Just so we focus on this, I move we reject the test.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Discussion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, this is a complex analysis, because we're not just dealing with competitiveness here, although it's one of the things we're dealing with. We're also dealing with a voting rights district and a very important one and very complicated one in AA as well as a competitive one in BB. The Navajo position is that they are going to oppose any retrogression in their district.

Based on the information that I understand about the effectiveness of the voting on the Navajo reservation, I believe that they had an effective district before this test occurred and that the damage that we do to this community of interest is significant. And it's not that I have a problem with the results of the test in AA, but I have a problem with the ripple effect that it causes in other districts. And so I want to reject this test not because of what it does to AA but because of what it does to BB and, in particular, to what it does to Lake Havasu City. If there were another way
to circulate population out of BB that doesn’t have that
effect, then I would certainly reconsider. I just -- you
know, I just don’t want to see it happen that way.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Well, what it does do,
though, too, in addition, in the change between AA and
BB, is it moves Grand Canyon Village back into BB, right?

MR. JOHNSON: Mr. Chairman, yes, moves them
into BB, yes.

COMMISSIONER HALL: From AA to BB.

MR. JOHNSON: Correct.

COMMISSIONER HALL: From a community of
interest standpoint, while I agree, Mr. Huntwork said
Lake Havasu, I think, that is a good move. Certainly
they fit more appropriately with Flagstaff simply because
they can’t go north there because there's a little
canyon. So I --

CHAIRMAN LYNN: Small gully.

COMMISSIONER HALL: Just a little one. So
that is a redeeming factor of the test. However, I
concur with concerns relative to Lake Havasu.

COMMISSIONER HUNTWORK: Mr. Chairman, just
a quickie, Joshua. You will never here me criticize you
talking judgment, common sense, wisdom, and so on. We
didn’t find the Grand Canyon Village, and so on, as a
community of interest, so we can't find that as a reason.

We can use the natural boundary geography as a reason.

Your point there is apropos.

CHAIRMAN LYNN: I don't think there is another natural boundary that can match it in the state.

COMMISSIONER HUNTWORK: Or anywhere in the world.

CHAIRMAN LYNN: As being a divider.

COMMISSIONER ELDER: Mr. Chairman,

Mr. Johnson, all the way around the Colorado there are a series of Indian tribes and reservations there. Are they all kept whole in all of these options or are any of them divided?

MR. JOHNSON: They are kept whole except for a couple of them have noncontiguous square miles far to the south, that kind of thing, but the main body of each reservation is, indeed, intact.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: How many people are in Bagdad? You were talking about moving that into Yavapai earlier, another way to shed population.

MR. JOHNSON: Mr. Chairman, Commissioner Huntwork, there are 1,578 people in Bagdad. Those could be moved into CC rather than the additional population of Lake Havasu. Of course, we'd need to test the impact on
competitiveness and compactness from doing that shift.

COMMISSIONER HUNTWORK: What other population areas are there along the southern boundary of BB?

MR. JOHNSON: There is Ash Fork which was also mentioned earlier, kind of over in the middle, not a lot of population in it, Seligman, another 456, between the 3,000, a little over 3,000 people, reducing the neck of BB there. That's the impact of that.

COMMISSIONER HUNTWORK: Right. And continuing on around the horn, any others before you get to Flagstaff?

MR. JOHNSON: Small numbers of population in unincorporated noncensus places, no incorporated areas or census places until you get to Flagstaff.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.
Dr. McDonald, still at 10?

DR. MCDONALD: Still at 10.

CHAIRMAN LYNN: Thank you very much.

District R, as we move along here. The issue was the fairly narrow connector. Even though it met the definition, it was narrow. We asked you to see if it could be widened out some. Just review what transpired with the widening.

MR. JOHNSON: The neck, you can see here the white line was the previous neck where R was connected between what happened in District 24 and the Yavapai County line. We've widened that out by going into Yavapai County. You get 20, 30 people, get a smaller number of people in La Paz County. What was District 24 is now District DD, east of Wendon and Salome, and that brings the compactness score of District R up.

CHAIRMAN LYNN: Are those by large individual census tracts that were added?

MR. JOHNSON: We were looking to get a relatively compact, smooth border rather than individual jogs, so we were looking more at compactness than where the exact tract was.

CHAIRMAN LYNN: I'm wondering if you could
achieve a partial result by including one thought, in
other words, if you rejected the top portion but accepted
the bottom portion, which improves it some but doesn't
split the county.

MR. JOHNSON: Correct. I don't know where
that would end up on the score, though.

COMMISSIONER HUNTWORK: Do we have a county
as a community of interest in that area?

COMMISSIONER HALL: It's split.

CHAIRMAN LYNN: This is an additional
split.

COMMISSIONER HUNTWORK: Mr. Chairman, no
motion here. I don't find that small number of people to
be significant detriment without something, a natural
resource that isn't related to the number of people that
live there.

MR. JOHNSON: Mr. Chairman, Commissioner
Huntwork, testimony this morning was along that line that
was not a significant split.

COMMISSIONER HALL: Mr. Chairman, I move we
accept this test.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Further discussion on the
motion?

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries.

We need to take a 15-minute break.

We'll reconvene in 15 minutes.

(Recess taken.)

CHAIRMAN LYNN: Back on the record.

All four Commissioners are present, legal counsel, consultants, and staff.

Mr. Johnson, does that, does that complete the first round of test review? Have we missed anything?

MR. JOHNSON: No, that's the fullest.

CHAIRMAN LYNN: Okay. Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, Mr. Johnson, I would like to take a look back at Tucson. And while you are doing that, Doctor, that's a glassy stare, McDonald, we're standing at nine competitive, or standing at 10 competitive districts by your running total?

DR. MCDONALD: At the moment we're standing at 10 competitive districts.

COMMISSIONER ELDER: Okay.

Mr. Chairman, I want to revisit Tucson
because I don't believe in the spirit and intent of Judge Fields' order that we can go through there and lose three competitive districts to hold the communities of interest whole.

What I'd like to do is I'd like to describe another test to see if we can generate a minimum of two. I would hope for two. I don't want to say "minimum" in the direction. We need to at least maintain one and hopefully two districts in the core of Tucson. And that would leave us with the, I want to say, good humor of the court as well as doing the best job we can in the intent that the order was placed to us.

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

COMMISSIONER ELDER: To run a test, yes.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Well, second.

CHAIRMAN LYNN: Thank you. Would you like to be heard, Mr. Huntwork.

COMMISSIONER HUNTWORK: What test?

COMMISSIONER ELDER: I'm getting ready to describe that as soon as they got the screen up and going.

CHAIRMAN LYNN: Fill in a blank here and describe --
COMMISSIONER ELDER: Since I verbally didn't communicate last night when trying to describe a possibility, there were some assumptions. And just looking at the densities and the way things were put together, I would like to try to describe some parameters or some focus that might preclude the same thing from happening that occurred on the original test, on the second test on Tucson.

If I could go to the screen and describe as much as possible, see if that gives Doug and Dr. McDonald and the rest of my Commissioners a sense of where I'm going, I'd like to do that.

CHAIRMAN LYNN: Mr. Elder, what I prefer, you may like to do it exactly that way, let me suggest if you could share with the consultants the outcome you are looking for in terms of either communities of interest or other features other than getting into the specific manipulation. There may be two, three ways to do something to achieve the outcome you are looking for. I understand --

COMMISSIONER ELDER: Okay. I'm going to do it my way. I'll also try to give you a conceptual approach to it.

The conceptual approach is to maintain the communities of interest described in the City of Tucson,
the Foothills, the retirement communities; we also have
the town of Oro Valley; and there's an edge on Marana in
the area in play. Because the other district is one of
the -- that is to west of Marana, that is in the Voting
Rights Act area. So that district, W and T, are not to
be modified or touched, as I would view it. With that
said, then what happened the last time is we ended up
with four vertical breaks going down through the City of
Tucson that were connected to some horizontal breaks in
the Foothills that didn't follow any kind of land form,
geography, roadway system, just horizontal lines that
divided something. I'm not quite sure what it divided,
but it reeked -- "reeked" -- yeah, probably a good word,
reeked havoc on the communities of interest there.

I'd like to give some edges of where you
can keep moving across this way to achieve, probably move
this way to achieve, move where, I don't have enough
without a computer, again, to do what Jim was saying,
clicking on what Jim was saying, how many Republicans,
Democrats. I have to depend on the doctor and Doug to do
it. I'll try to speak loudly so everybody can hear.

These were the areas where we have the two
retirement communities. Keep the Town of Oro in whole
here and the eastern part of Marana. You may very well
be we tie those together. There should probably more
Democrats here, far more Republicans in this area, and coming on down until you start picking up population for a district. We have a river that was dividing the Foothills District from the city. There are roads through the Foothills that the primary flow is north to south. We have very few roads, I'm looking at this, I'd say we have very few roads in this area of the Foothills that run east to west. It seems like most people feed on the outcome of communities and go onto these roads having flexibility to move across the Foothills using Oracle, First Avenue, Campbell, I mean a whole series that tie, people recognize as edges of communities even within the Foothills from Catalina Foothills, Cat 1, Cat 2, Cat 9, and they pretty much follow these roads.

When you get into the City of Tucson, get into that area, the University of Arizona, I believe about right in here, this district in one of -- I want to say previous plans of a year ago came over probably to Campbell, but we have the same demographics there. Maybe to the north of University make maybe -- going through in a vertical direction, end up with something, enough Democrats in this area, enough Republicans in this area, and Democrats spill over. The assumption, I don't know if it will fly, but it may, with the City of Tucson in the configuration primarily south of the river, we're
going to have far more Democrats at that point than we do Republicans. But we are also holding, this says W, W or T, right south of the City of Tucson, here we go, Y, T, this core in the City of Tucson, we also have the Democrats here to the east of University, also have within the city limits, we have Republicans down in Rita Ranch, the Hispanic community of Rita Ranch you don't want in that area, which is how the notch got here in the first place. Balance these Republicans with Democrats we pick up there. It gives up Y. I don't see any way there are enough Democrats left to get. You can't go across the Foothills, couldn't get any before. You can't come across there in my mind. I don't know where there were any Democrats before. Third, competitive, to keep Y, just in my heart of hearts I don't know how you can do that. You might get us two competitive districts in the City of Tucson, this being one competitive district and the part here being competitive, and then this Y picking up the Foothills more rural, more density, Green Valley at the bottom, Sierra Vista, both Rs. The whole rural is R, the Foothill is R. Mesa, as far as density goes, does get us the potential, I hope, of two competitive districts, and it for the most part keeps the Foothills as a community of interest we were looking for as a whole which honors, really, to a greater extent the city limits
of Tucson, combines retirement, resort communities, the
growing new subdivisions of Marana, not agriculture, and
seems to make sense communities of interest all the way
through. That was my guess. That's what I would like to
test.

Any other questions, Doug, for the
Commission to see where we go from there?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I'd like to add so
we don't have to do multiple tests if we find we can't do
two, do one that preserves communities of interest. We
don't want to, you know, by misdefining this miss at
least the opportunity to do one if that's the only
opportunity we have.

CHAIRMAN LYNN: Does everyone understand
the motion that, in fact, was a motion, may have been the
world's longest motion, a motion with explanation, to run
a test?

I should ask Mr. Johnson, Dr. McDonald,
based on their knowledge, how much work is involved in
running this particular test.

Let me ask it. Let me ask the question
later of other tests we're also ordering. There may be
an accumulation of testing.

Ms. Hauser.
MS. HAUSER: The only request I have at this point is an attempt -- it's helpful to have the description there, to attempt in some fashion to frame the motion in a way someone reading it from the record would know. Dan has explained what he intends to have accomplished graphically, visually. But if we could have it concisely put into some kind of words that somebody reading this --

CHAIRMAN LYNN: I'll try.

MS. HAUSER: You know it's impossible to read the record and know what that was.

CHAIRMAN LYNN: Ms. Hauser, if I knew what you were saying, life would be a lot better.

Let me attempt to do that.

I believe the intent of Mr. Elder's motion is as follows: The current map does clear, significant detriment to the communities identified in the Tucson area, those being the City of Tucson, the Foothills, the retirement areas, the Town of Marana, Town of Oro Valley, that there may be a way to restore the damage that has been done to those areas in terms of combining voting blocks from what currently appears as District V, District U, and District Y in such a way as to better provide the opportunity for representation of those areas and in doing so still maintain a, hopefully two,
competitive districts in the area, but to Mr. Huntwork's point, it may require that that area only contain one competitive district. Our hope would be that we could restore the opportunity for appropriate representation in those areas and still maintain two competitive districts.

MS. HAUSER: Effective representation.

CHAIRMAN LYNN: Effective representation and maintain those districts.

Is that closer to what you had in mind?

COMMISSIONER ELDER: Close.

CHAIRMAN LYNN: Made it up. Make them all up.

COMMISSIONER HALL: Crystal clear.

CHAIRMAN LYNN: Discussion on that motion? All those in favor of the motion signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries and is so ordered. Other tests we might want to run?

What I'm envisioning, just for the sake of the Commission, the point which I'll ask Mr. Johnson, Dr. McDonald, how much time is necessary to complete the
testing phase we're currently ordering? I'd intend at
that point to take a break, allow them complete testing,
reconvene at whatever hour they suggest, and continue
with our questions toward the selection of a map that we
might further consider in this process.

Mr. Huntwork.

COMMISSIONER HUNTWORK: One other test I
might talk about a little bit. I also want to talk about
Chandler. I attempted earlier to make a motion we find
significant detriment to Chandler. I'd like to deal with
that sooner rather than later. That one is burning a
hole in my pocket. I don't know if anyone else agrees.

CHAIRMAN LYNN: Fine.

COMMISSIONER HALL: Based on this map.

COMMISSIONER HUNTWORK: Based on this map,
I make a motion the Commission finds this map does
substantial detriment to the City of Chandler by dividing
it into three districts instead of two and by failing to
give it a clear, substantial majority in any of those
districts.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: I second that.

CHAIRMAN LYNN: Discussion on the motion?

I think, for the record, you know, I ask
the Commission to be as specific as possible. We have a
set of specific criteria we're applying, and that
criteria needs to be applied evenly, consistently, across
our map. With that in mind.

COMMISSIONER HUNTWORK: Well, Mr. Chairman,
significant detriment has to do with the ability of
Chandler as a city to substantially control at least one
district in the Legislature. It currently has that
ability. And I think the testimony was, and I think the
numbers are that, as configured, there will be serious
question whether Chandler would be able to control even a
single district.

CHAIRMAN LYNN: And I think that goes to,
certainly, a function of size of districts versus size of
cities or communities of interest that are within a
district.

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: In terms of there ability
to influence, in terms of their ability to generate the
influence necessary for effective representation, I agree
with you, there are communities of certain sizes by
virtue of not just the fact they are divided but how they
are divided, which render them essentially powerless
within the districts that they would be a part of,
insofar as unsubstantial numbers to ultimately get the
representation that they deserve in an effective manner.
COMMISSIONER HUNTWORK: Yes. In this case you have, essentially, a trifurcation, I just made that up. Sounds about right.

DR. McDONALD: Like a crossword puzzle.

CHAIRMAN LYNN: Further discussion on the motion.

COMMISSIONER HALL: For my benefit, Dr. McDonald, in the event that the test in Tucson is successful and the intent of that motion is to unite communities of interest, to restore, I should say, communities of interest loses one competitive district in Tucson, and in the event that this motion presently pending were to make District H noncompetitive, what would be our tally?

DR. McDONALD: Without bringing Tucson into the mix, it would reduce from 10 to nine the number of competitive districts.

CHAIRMAN LYNN: Mr. Hall's point, if you were able configure Tucson in such a way we lose one competitive district, we'd be at eight; if we had to lose two, we'd be at seven?

DR. McDONALD: Correct.

CHAIRMAN LYNN: Mr. Hall --

COMMISSIONER HALL: Mr. Huntwork.

COMMISSIONER HUNTWORK: I feel
complimented.

MR. RIVERA: How low we have fallen.

CHAIRMAN LYNN: No, but I've offended Mr. Hall.

COMMISSIONER HALL: I moved to this side of table and we're buddies.

COMMISSIONER HUNTWORK: Right.

Now I've forgotten what I was going to say.

COMMISSIONER HALL: My question is --

CHAIRMAN LYNN: Mr. Hall, I was right.

COMMISSIONER HALL: Yeah, you are right.

Obviously when you guys did the last test, the key test, you created a long, skinny district in Mesa. It was the product of an effort to unite Glendale and still maintain a competitive district. That leads to my question: Is it your opinion --

CHAIRMAN LYNN: Not Glendale, Chandler.

COMMISSIONER HALL: Sorry, Chandler. Is it your opinion it's extremely difficult to maintain a competitive district and still respect the surrounding cities and communities of interest so they have the opportunity for effective representation?

DR. McDONALD: Correct. What we started with in doing that test is first unite, divide the City of Chandler into two districts, draw a competitive
district, then begin filling in around that as best as
made sense. That would be the only competitive district
that would be available, yes.

COMMISSIONER HALL: I guess my question is,
I mean we're not doing this just to make changes for the
sake of making changes. Obviously we want to create
competitive districts that don't cause significant
detriment to the other goals. What I'm hearing from my
fellow Commissioners, I tend to agree, that the effort to
create a competitive district in the East Valley is
causing significant detriment. My question is in light
of the fact it seems to me that that isn't an option, can
we take the existing districts from our adopted plan, and
will they -- in other words, if we don't, if unable to
accomplish the goal of competitiveness, why make
unnecessary changes for the benefit of the
municipalities, for the benefit of the current
Legislature, the current members of the Legislature?
I'm --

Doug?

MR. JOHNSON: Mr. Chairman, Commissioner

Hall, were you to vote against this plan, for the current
motion, we'd obviously need something in this area. The
two options that you've seen recently, the 2004 plan
districts in this area or the, what we call the
Communities 2B plan, this is what we were looking at the other day which are fairly similar, the main change being how in the 2004 plan, let me show them to you -- get the coloring right --

COMMISSIONER HUNTWORK: Mr. Chairman, while he's doing that, I'd like to make a brief comment to shed light. The motion had to do with finding significant detriment in this case. I wasn't picking a map, rejecting a map, until we know what is happening in Tucson. We don't know, have to have seven competitive districts regardless of whether they do significant detriment or not. Have that in mind.

CHAIRMAN LYNN: I understand the motion only with respect to the declaration of significant detriment of a tri-lateral split of Chandler.

COMMISSIONER HUNTWORK: Right.

CHAIRMAN LYNN: Mr. Hall was asking a question in advance of some other question, I think.

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Mr. Hall, do you need an answer to your question before we vote on the motion?

COMMISSIONER HALL: No.

CHAIRMAN LYNN: If not, all those in favor of the motion, signify "Aye."

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

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries and is so ordered.

Mr. Johnson.

MR. JOHNSON: The map on the screen, the Communities AA plan, the current process we're walking through is in colors. And we take -- what you see is a -- and then the 2004 plan is again in the white lines. So the map under current process in the Chandler area there, H, goes up a little more to Mesa, north and east, than it did in the 2004 plan; and I comes over a little more into Chandler over to Alma School Road. Chandler stops, or District H stops at the Chandler city line. The 2004 district continued east and picked up Maricopa County portions of Queen Creek. That difference is to offset District X with a slightly larger incursion into Mesa in District X -- I'm sorry, no, a smaller incursion into District X rather than larger incursion.

The white lines are from the 2004 plan, C, F in Mesa just moves to accommodate other differences.

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Huntwork.

COMMISSIONER HUNTWORK: Any population moved in or out of that area, boundaries, outer
boundaries, what I call the East Valley Districts, appear
to be identical or is there some slight change?

MR. JOHNSON: There is actually change.

It's a little hard to see.

Yeah. Let me make this go through yet.

Let me make this go through.

Yes. Under our current plan, District B
comes further in and district -- there's a large area
here in question.

In our current plan, the actual South
Mountain is in J. Under the older plan it was in I.

That's only two people, not a big shift. B is coming
further in under our current work which then pushes I
further over to H and it comes through. I think --

COMMISSIONER HUNTWORK: Does that result in
overpopulation?

MR. JOHNSON: My best recollection is
that's the result, reducing overpopulation in the East
Valley 2004 plan. DOJ had an objection, high populations
in the East Valley reduce somewhat in 2004 the current
process since they didn't go through the same process
which has lower deviations in the East Valley.

CHAIRMAN LYNN: Any other tests that the
Commission wishes to order?

Mr. Huntwork.
COMMISSIONER HUNTWORK: Mr. Chairman, at least in my judgment the action we took with regard to adjustments AA, in my mind at least, was based on the unacceptable way in which population was being circulated around and the believe that the changes were not necessary to comply with the Voting Right Act. However, I would, nevertheless, like to know if there is any other way to redistribute the population. One thing that occurs to me, you know, is maybe a couple thousand people or a little over a thousand people might be able to do another way, you might take away compactness of that district and it has to be tested. Another possible way to do it would be to do some detriment to the Flagstaff area, in other words, take some population out of BB in Flagstaff instead of taking additional people out in Lake Havasupi City, add obviously then to the district, to District CC, and then you'd have to adjust something out the bottom of CC. At that point you get into R which is underpopulated, and into, however you're going to distribute out of R in the first place, if R, you took into R and it stayed there. The question simply is: Is there another way to do it so you may do detriment to another community of interest but we might possibly be able to find that it's not significant detriment as opposed to this ever-increasing detriment that we would
be doing to Lake Havasu City?

CHAIRMAN LYNN: And let me ask a related question. I think it's related. It may not be. We have a situation before the test was run. I believe AA was overpopulated 1.2 percent. We do have the option bringing that over population down, simply removing.

COMMISSIONER HUNTWORK: I think BB is also overpopulated.

CHAIRMAN LYNN: I understand, there may be a ripple.

A related question: You might be able to run a test that first adjusts that population, and then, and then has -- a two-stage test. I know we're trying to achieve multiple goals here. One is to address the concerns in AA in terms of Native American voting age population. Second would be to address -- certainly I share the concerns of the split at Lake Havasu. I'm wondering if there is a way try to do both, going through those three districts, AA, BB, and I guess CC and maybe into R.

COMMISSIONER HUNTWORK: Maybe,

Mr. Chairman, maybe up in the population east of Flagstaff, put that back into AA to allow more to be taken out on the west end and put it in BB without necessarily going into the Flagstaff planning area.
CHAIRMAN LYNN: Recognizing that BB is competitive and we want to try to maintain that. Is that -- Is that way too complex a group of suggestions to form into a motion? Understand what we're getting at here, Mr. Johnson?

COMMISSIONER HALL: Before you answer, Doug, there's only like, what, four, five towns you can work with. My fear is we may be asking for the impossible.

CHAIRMAN LYNN: I'm open to that.

COMMISSIONER HALL: Feel free to say that. Don't blink.

MR. JOHNSON: Let me look at -- actually, in addition to the population issue, we have a compactness issue as well. So then -- let me check where we're at on that number.

COMMISSIONER HUNTWORK: Right on the edge is what you said before.

MR. JOHNSON: Yes. The district under the B2 configuration you're talking about is at 1.18 Polsby-Popper score. It is one-tenth of -- one-tenth of 100th point to spare here.

COMMISSIONER HALL: Well, I guess what
we're saying, Doug, run the test, consider people first, and look at whatever the implications are with respect to compactness, but --

CHAIRMAN LYNN: The intent is to try to maintain BB competitive and to make adjustment, see if there is a methodology to make adjustments among those districts that would reduce the damage that we've identified.

Mr. Huntwork, is that a motion?

COMMISSIONER HUNTWORK: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

MR. JOHNSON: Mr. Chairman, if I could just ask for a repeat or clarification of exactly what areas?

COMMISSIONER HALL: Fix it, Doug.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: The idea would be, obviously, as you move population out of AA, any suitable population you move back in somewhere else without changing the competitiveness, although I kind of doubt that that would be the case, but that wouldn't impact the Native American ratios as much as the area you are taking out, that's one possibility. The only thing I think is the area is just northeast of Flagstaff you might have at
least a small number of voters that would fall in that category. The other thing is, look at the area south of Flagstaff or even going into the south side of Flagstaff, take anybody out of there, of course Forest Highlands, the Kachina Village areas there. Kachina Village has a significant number of actual residents as opposed to Forest Highlands which have very few permanent residents. There may be Democrats versus Republicans, I don't know how the effect of competitiveness would be of it. Check everything you can think of. Then, of course, earlier you identified Bagdad and Seligman.

MR. JOHNSON: Ash Fork.

I guess is the goal to bring AA to population balance?

COMMISSIONER HUNTWORK: No. Increase Native American percentages while still complying with the population deviation requirements throughout. BB is already over.

COMMISSIONER HALL: And protecting Havasu.

COMMISSIONER HUNTWORK: It is protecting Havasu from any further detriment.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, direct Mr. Johnson to not split the FMPO there at Flagstaff.

And I'm not positive, and Mayor Donaldson or Vice Mayor,
am I correct in thinking that this area to the right of
the vertical area of the FMPO is outside the FMPO.

MAYOR DONALDSON: Yes.

COMMISSIONER ELDER: I, we want to keep
that is what my addition to the motion is. Make sure
that stays whole. If population to the north and east is
eating into AA, so pull some out or rotates through to
where Havasu City remains whole in R and pick up
population in Kingman and population rotates through to
the east side of Flagstaff.

MR. JOHNSON: Just -- this may simplify the
instructions a little bit.

Doing that, you are right, this area is
definitely more Native American than the area over here.
But that is -- doing that type of change is going to --

COMMISSIONER HALL: Competitiveness.

MR. JOHNSON: Compactness will fail.

COMMISSIONER HUNTWORK: Mr. Chairman, my
motion specifically was to go into the Flagstaff Planning
area, if necessary, without doing significant detriment.

We have to -- I'd say an impact, small
percentage of that area, wouldn't -- it would be
detriment. Our goal is not to do significant detriment.

We're at that line. I feel we're right at that line,
maybe already crossed it in Lake Havasu City.
percent -- five-40ths, or something, 12 and a half percent. I certainly wouldn't want to exceed that ratio anywhere, including in Flagstaff, but I just --

CHAIRMAN LYNN: With that clarification, Mr. Elder, your concern with respect to the planning area is not a part of the motion. If you want to offer an amendment, I'd be happy to accept that, see if that can be added.

I take it Mr. Huntwork doesn't want to add it himself, in fact, his specific instruction was contrary to it.

COMMISSIONER ELDER: Mr. Chairman, Mr. Huntwork, it can't be modified through compromise saying an absolute minimum impact to the FMPO? We can take a look at it. If it's too far for me, I can vote against the test.

CHAIRMAN LYNN: Absolutely.

COMMISSIONER ELDER: I can do that. I'd like to give Mr. Johnson before he starts off possibly a limit, the FMPO, if it crowds in 500 people -- at what point then do I start looking at it, no, that's gone too far, we don't gain that much over Havasu, don't gain that much in AA Native American percentages to justify damage to the community of interest.
COMMISSIONER HUNTWORK: My thinking, in Lake Havasu we have 5,000 out of 40,000; roughly speaking, 12 and a half percent. Flagstaff Metropolitan Planning area may be 70,000. That would be, you know, 12 percent of that would be a higher number. I'm not to suggest we don't have to go that far. Maybe only work the same number people through. Do a smaller impact on that area. That's why I think that it's worth considering. I may also feel, Mr. Elder, it doesn't do enough good and does too much harm. I just want to see what it does. Do basically the same test we just did and redistribute population a different way, see how much harm that does. It may not be possible. Anything we do there may destroy compactness of this district.

COMMISSIONER ELDER: I already have made comments on the district. I biased Mr. Johnson in the way he approaches it. Let's leave it this way.

MR. JOHNSON: It may help clarify the motion, I hope. It's one thing taking the Flagstaff area into CC.

COMMISSIONER HUNTWORK: Yes.

MR. JOHNSON: Per the instruction, this would be using, taking out of Flagstaff to bleed off population from BB pursuant to the instruction, as I understand it; however, unlike R, CC doesn't go down into
Maricopa County, you do have R coming in a little bit here. Unless we start taking Congress and Peeples Valley, and stuff, into R, we're really, there is no pass-through from CC. We're looking to increase CC a little bit.

COMMISSIONER HUNTWORK: No. I think you have to pass through. CC becomes overpopulated.

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: I don't think it can happen unless you pass through. Part of what we look at as well, now we've done harm to something else.

MR. JOHNSON: Okay.

COMMISSIONER HUNTWORK: We have to see. We're attempting to go the second mile and see if there is a way to implement an important test. We didn't turn down what it did to AA, like it did to AA. The problem is what it did to everything else. See if there is another way to accomplish it.

CHAIRMAN LYNN: On the motion, further discussion?

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

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

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

Opposed, "No"?

Motion is carried.

Other tests you wish to order?

Mr. Johnson, given those two tests, and understanding Mr. Hall's comment, don't want you to lose sight of that, "no" is an okay answer if you've given it a good Claremont-McKenna try, if you know what I'm saying, it's a -- it's a --

MR. JOHNSON: I hate to say this. We also need to -- there was no instruction yet on what to do in Chandler in terms of going to -- trying the 2004 lines in AA.

CHAIRMAN LYNN: The idea in Chandler was to only effectuate a single split, I believe.

COMMISSIONER HUNTWORK: Yeah. But in terms of which approach should you start with, the original 2004 approved map or draft map you had up there as an alternative.

CHAIRMAN LYNN: We didn't -- the draft map is what is on the table at the moment, the map we're working with, unless you order something else.

COMMISSIONER HUNTWORK: Okay.

COMMISSIONER HALL: I think the map we're working with is the First Competitive Map.
CHAIRMAN LYNN: Me, too.

COMMISSIONER HALL: The map he flashed up is a step back from that, our Community of Interest Map. My recommendation would be in light of the fact creating the competitive district does cause significant detriment to the community of interest, that we would step back in the East Valley to the Community of Interest Map. That is a motion.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on that motion?

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I'm -- the differences from the approved maps are very small, 2004 approved maps are very small. And I just don't know what the -- how the court would feel if we substituted the approved districts in this area. It doesn't affect competitiveness anywhere. One thing it does --

CHAIRMAN LYNN: Not substituting them. As I understand the motion, we're dealing with iterations of the same process. Forget 2004 a second. Up there, as a reference point, going back to, as you remember, we had the Communities of Interest Map.

COMMISSIONER HUNTWORK: Right.

CHAIRMAN LYNN: We moved to a
Competitiveness With Communities Map.

COMMISSIONER HUNTWORK: Right.

CHAIRMAN LYNN: Mr. Hall's suggestion is go back one iteration to look at that.

COMMISSIONER HUNTWORK: I understand.

Speaking to that point.

COMMISSIONER HALL: Let me answer your question. I think we're better off with the Community of Interest Map, Jim, because, one, the population adjustments that have been made, I think, are more appropriate and, two, I think, as I understand what you said, Mr. Johnson, there are other minor ripple effects from other outlying districts we've created and it's just an automatic fit versus stepping back another level and trying to fit those, already trying to ripple population into Southern Arizona and ripple population in Northern Arizona.

I guess what -- I guess in -- it's -- that map is the product of this particular process we're involved in and I think in this particular situation is appropriate. So I guess --

COMMISSIONER HUNTWORK: I understand. One question. What did we do to Tempe? Tempe was a community of interest.

CHAIRMAN LYNN: Nothing.
COMMISSIONER HUNTWORK: Split Tempe differently than it was or more than it was?

MR. JOHNSON: Let me show it here. The dark shading here is the City of Tempe. White lines are South Scottsdale, Tempe, then you have a split. We have--

COMMISSIONER HUNTWORK: Tempe is more united than it was.

MR. JOHNSON: Yes, now more united than it was. The southwest corner is split off into -- less split than it was before.

COMMISSIONER HALL: In many respects, one good advantage, it treats the southeast valley better, also. I think that's a very -- not only very compact district, very representative of the folks that are in that area.

CHAIRMAN LYNN: On the motion.

Mr. Huntwork?

COMMISSIONER HUNTWORK: I deny this map treats anywhere in the map better than originally.

CHAIRMAN LYNN: Relatively speaking.

COMMISSIONER HUNTWORK: But it does less damage here than in many other parts of the state.

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: All favor of the question,
signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER ELDER: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Motion carries and is so ordered.
As I understand the three tests, the three

tests specifically that are ordered, the Tucson test.

DR. MCDONALD: Mr. Chairman.
CHAIRMAN LYNN: Dr. McDonald.
DR. MCDONALD: I wanted to note we lost one
competitive district. We're are now at nine competitive
districts.
CHAIRMAN LYNN: Beginning testing with
nine.

DR. MCDONALD: Correct.
COMMISSIONER HALL: Because of H.
DR. MCDONALD: Yes, lost competitive
District H.
CHAIRMAN LYNN: Thank you. Appreciate it.
Starting with nine competitive, three tests
to run: The Tucson test; Chandler test; and the AA, BB,
CC, R test, for lack of a better term.
I need a time estimate, Mr. Johnson, for
those tests to be completed.
COMMISSIONER HALL: We need a time estimate for how long it will take to give a time estimate.

MR. JOHNSON: The difficulty is in the north, we could stumble across a solution in 10 minutes or search for it a considerable length of time.

I think talking earlier about the Tucson test, you're probably looking about an hour and a half for that. Up north, it's difficult to say. I mean -- report back to you?

CHAIRMAN LYNN: Do the Tucson one, finish it.

COMMISSIONER HUNTWORK: Mr. Chairman, is we reconvene based on the Tucson test, giving Doug an hour, hour and a half, or something, to work on the Northern Arizona test.

MR. RIVERA: Doug is the only one here, has no one else to back him up.

MR. JOHNSON: That makes sense. It's 4:00 now, 5:30, look at the Tucson test, take a dinner break, do the Tucson test.

COMMISSIONER HALL: 6:00, 6:30, have dinner in the interim, then all the tests.

CHAIRMAN LYNN: I don't know what "all tests" look like.

I understand the problem. What we need to
do is put the tests in order of effectiveness in terms of
your pursuit. If you believe Tucson is an hour and a
half, believe Chandler might be an easier test to run,
please do those in order, then as much time as we can
give you to try to deal with that other test. We'll stop
at a point certain, 6:30, or some number, come back,
report on everything you've done to that point. If more
time is needed, we'll either grant it or defer it at that
time. Make sense?

COMMISSIONER HALL: Just as a point of
clarification, we're not running a test in Chandler.

MR. JOHNSON: Just substitution.

CHAIRMAN LYNN: You knew what I meant.

Ordered a correction there.

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Do we think 6:30? You tell
me.

We want to be sure of Dr. McDonald's
ability to run the appropriate JudgeIt as you go.

MR. JOHNSON: That should work. Hopefully
we'll be done with everything, done at 6:30, if not,
report back to you on everything we've done at that
point.

CHAIRMAN LYNN: I'd suggest, are there
members of the public that wish to address the Commission
at this time? You might --

Sure, Patrice.

COMMISSIONER ELDER: Let Mr. Johnson go.

CHAIRMAN LYNN: I will in either case.

Only one.

Mr. Johnson, you and Dr. McDonald are

excused.

Ms. Leoni, stay with us.

Anyone other than Ms. Kraus at this moment?

Ms. Kraus, if you would, please.

MS. KRAUS: Mr. Chairman, Members of the

Commission, the map selected Chandler had a couple small

changes. I think switching population back and forth

between I and H, that would make more sense to our

community based on, you know, different subdivisions. If

I could work with the consultants to work that out.

CHAIRMAN LYNN: I'm fearful to put a fine

line on it, a fine line on every one of these. I'm not

expecting you to accept half a loaf. We're trying to

help you out.

MS. KRAUS: I understand.

CHAIRMAN LYNN: We cannot draw around

individual trailer sites and homes. We're simply trying

to fix a problem we all recognize in Chandler. My sense

would be if there is a -- if it's a simple suggestion you
might convey to Ms. Leoni on her way out of the room, do the best we can.

MS. KRAUS: Swapping one square mile.

MR. RIVERA: Mr. Chairman, I prefer the public not --

CHAIRMAN LYNN: Are you prepared to tell me what the changes look like?

MS. KRAUS: I don't know exactly what populations are --

CHAIRMAN LYNN: Not a problem.

MS. KRAUS: One section in District I and one section in District H that -- two sections in District I, one at the northern part of I and one in the southern part of I. I suggest the southern part go into H and then adding more from I, or from H into I, the northern part, all the northern part go into I and all the southern part into H.

CHAIRMAN LYNN: Do you have a configuration of that?

MS. KRAUS: I can point at the map.

COMMISSIONER HUNTWORK: It's just population shifting.

MS. KRAUS: It is. There's a subdivision divided in the southern section and like communities divided in the northern section. You can remedy that by
splitting that.

CHAIRMAN LYNN: Well, let me defer to --

Hang on one second.

MS. HAUSER: Both are Republican districts,
so it's not likely to make a difference.

CHAIRMAN LYNN: So -- okay.

CHAIRMAN LYNN: To the extent you can
identify blocks, street names, or --

MS. KRAUS: I think I have it in my --

MS. LEONI: Get the street names.

COMMISSIONER HALL: To Mr. Rivera's
comment, come back put on the public record when you
review what occurred.

MR. RIVERA: I don't mind if you order the
test. I don't want anybody talking to the consultants.

COMMISSIONER HALL: I move we order it.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion?

All in favor of --

MS. LEONI: If I have street names, if I
hear them.

CHAIRMAN LYNN: We'll order the test as she
gives us names.

MS. LEONI: Good.

CHAIRMAN LYNN: We'll order the test
pursuant to Ms. Kraus identifying blocks so we see what
they look like.

All in favor of ordering that test, signify
by saying "Aye."

COMMISSIONER HALL: "Aye."
COMMISSIONER HUNTWORK: "Aye."
COMMISSIONER ELDER: "Aye."
CHAIRMAN LYNN: Motion carries.

Ladies and gentlemen, at 6:30 we'll
reconvene. We're in recess until then.

(Whereupon, the Commission recessed at 4:10
to resume at 6:30 p.m.)
CHAIRMAN LYNN: The Commission will come to
order.

All four Commissioners are present, all
legal counsel, staff, and consultants.

Mr. Johnson, Dr. McDonald, would you walk
us through the changes infused in what you are now
calling the February 23rd Test Map.

COMMISSIONER HALL: Is this BB-6-4 or
something (laughing)?

COMMISSIONER ELDER: Stroke nine.

MR. JOHNSON: Starting up in the north,
north to south here, let me show you where we started.
So we have the same areas and more taken out of AA that
we looked at earlier, the Grand Canyon, Canyon village area out of AA and into B, over in the Mohave County areas east of Kingman east of the reservation also out of AA, and again the area in the west along the river, the same area out of AA. Changes, though, to make the southern portion of BB work on the compactness front, AA picked up the area from the reservation going west and it goes to the, let me put the MPO line, it goes to the MPO border but not into it, so it was about 530 people picked up there. On the south, per the instruction, district -- let me start with CC, CC picked up population to the east, that includes Ash Fork.

COMMISSIONER HALL:  Ash Fork.

CHAIRMAN LYNN:  Not Ash Fork.

COMMISSIONER HALL:  It's Ash Fork.

MR. JOHNSON:  I forgot the second word, Ash Fork.

COMMISSIONER HALL:  It's Ash Fork.

MR. JOHNSON:  Coming down to the north edge, the same area on the north here along the top or close to the top of the Census places around the Tri-Cities comes across and down, really just looking for population that we can feed down to reduce the overall deviation of BB. The other area in question, Bagdad had been discussed. That actually moves from BB into R, and
then to bleed the population through CC into R that we discussed, R also picks up Congress and what are the other places here, and Yarnell and Peeples Valley. So, so those three towns in Bagdad that go into R, and we end up, from a numbers perspective -- oh, then no changes in Lake Havasu City. So the split we looked at the other day, not the split we looked at the other day.

CHAIRMAN LYNN: First split.
MR. JOHNSON: Yes, first split.
COMMISSIONER HALL: 2,500.
MR. JOHNSON: I don't remember --
CHAIRMAN LYNN: 7,000.
MR. JOHNSON: The first one I mentioned today.

In terms of deviation, AA is now underpopulated by 1.06, BB is overpopulated by 1.56, CC is almost balanced, actually, 9/100s of a percent under, and R is actually underpopulated by 0.28 percent, and this passes a compactness score at .1 point compactness and others are higher. Finally, this, I'll have Dr. McDonald talk about competitiveness, the Native American voting percentage is 61.3 percent.

DR. MCDONALD: Mr. Chairman, that,
Commissioners, as far as competitiveness of BB, it retains its competitiveness status score of 47.1.
MR. JOHNSON: Any questions about what happened up here?

CHAIRMAN LYNN: Questions or comments for Mr. Johnson or Dr. McDonald?

Okay, let's move to the Phoenix area.

MR. JOHNSON: Okay.

MR. JOHNSON: The black lines for the B2 plan that the Commission voted on, and then we went back, let me see if I can put the 2A plan over, so we, we were successful in being able to substitute in 2A, and then -- oh, here it is, and then pursuant to the final discussion, the shift in border H and I, I now, it previously came up to the Mesa border along Dobson Road, kind of stepped over to Alma School, now goes all the way up to the Mesa City line, but not into Mesa, so no additional split of Mesa along Dobson, Alma School Road.

What that allowed is unification of the housing development split in the 2004 plan and moving of that area into H. It's not entirely up to Polk to keep deviation down, but the development is all in H.

Otherwise, the rest of the East Valley is all the communities AA plan with the little correction of those two census blocks in Apache Junction we talked about before.

COMMISSIONER ELDER: Deviation?
MR. JOHNSON: Deviation here, H is over by .47 percent, I is under by .69 percent, CC is over by .11, and F is over by .78, and X is over by .73 percent.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: Questions or comments?

DR. MCDONALD: Well, Mr. Chairman.

CHAIRMAN LYNN: Dr. McDonald.

DR. MCDONALD: In terms of competitiveness, Doug and I discussed this, District H, a competitive district, previously, is now uncompetitive Republican with a score of 42.2 percent. All others were not competitive to start with.

MR. JOHNSON: Chandler, the two Districts, H and I in Mesa, four Districts, H, C, F and X.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, on Mesa, by virtue of population, it would have two or three districts required, or -- two or three splits required anyway; is that correct?

MR. JOHNSON: Mesa requires three, so just one more than required.

COMMISSIONER ELDER: We've gotten Chandler down to a two split by this.

MR. JOHNSON: Yeah.

CHAIRMAN LYNN: Mr. Huntwork.
COMMISSIONER HUNTWORK: What we appear to have done, there are two very solid Mesa districts, a solid Chandler district, we have a Gilbert all in one district, we still have Tempe, of course. We even have more of Tempe in one than our original plan, and it's still very competitive, I'm sure one of the most competitive districts on the map. So --

CHAIRMAN LYNN: Yep.

COMMISSIONER HUNTWORK: I feel that very strongly reflects the communities of interest we've identified in that area.

CHAIRMAN LYNN: Thank you.

Moving south.

MR. JOHNSON: Okay.

COMMISSIONER HUNTWORK: What about the Central Phoenix, does that change or was that in the previous map?

MR. JOHNSON: The Phoenix area is just as it was in the Test A configuration.

COMMISSIONER HUNTWORK: Test A, right.

MR. JOHNSON: Now going down to Tucson, the instruction I talked about, looking at the Rita Ranch option, if not, talked about options to go into Tucson Foothills, Tucson worked to achieve the goals. So first let me do a picture. So what we have is, first of all,
as mentioned, W and T are unchanged from what we looked
at before. So then the Foothills area, the very end of
it is in V. The rest of it is all in Y. And other than
that very end in V and V comes down, there is no crossing
of the community border into Tucson, so we achieved that
goal. U is all those areas from 22nd up to our Foothills
community border, and then it wraps around. The first
step is just take the Tucson City area, take, trying to
follow the urban-rural division there, come around, pick
up Rita Ranch, actually tried to pick up the rest of the
City of Tucson and census place of Vail as well. That
just barely failed the compactness test, so we also
picked up a census block that I think had one person
here, maybe about 20 people in the census blocks just on
the edge, might have been a few more than that, census
blocks right on the edge of Tucson to make it fit the
compactness test.

Let me zoom in to where V, U, and Y come
together.

Now we have Y in the Foothills, V is the
East Marana retirement communities coming down in, in the
City of Tucson, and it actually comes down to Speedway in
the south, although the University stays in Y, because we
didn't make any changes in Y, V comes down to University
not picking it up, down to Speedway. Let me check the
streets there for you. Comes over to Palo Verde Boulevard and Howard Boulevard. And then instead of the rest of Tucson being divided as it was before in Y and the Foothills District, the city area, incorporated area in U wrapping around the rest of the incorporated area around T.

Let me have Dr. McDonald talk about the competitiveness results here.

CHAIRMAN LYNN: Population deviation first.

MR. JOHNSON: Oh. These three, U is underpopulated by .69, V is underpopulated by .69, and Y is underpopulated by .43.

CHAIRMAN LYNN: Okay. Dr. McDonald.

DR. McDONALD: In terms of competitiveness, most the interested districts, U, V, Y, two of the previously -- all three were competitive districts. In this configuration, two of the three are competitive districts: Those are Districts U, Democratic competitive district, 50.6; V, competitive Republican district, 47.2; and then Y, now Republican, 40.1 percent.

CHAIRMAN LYNN: Overall total, Dr. McDonald?

DR. McDONALD: Eight competitive districts, 13 Republican, four competitive leaning Republican, four competitive leaning Democratic, and nine Democratic
CHAIRMAN LYNN: Comments or questions by the Commission?

COMMISSIONER HUNTWORK: Well, my only comment would be that I think that we have taken this process about as far as we can, for now. These tests produced results which I'm very happy with. I'm very pleased we were able to find two competitive districts in Tucson. I was afraid, just looking at it, that it almost seemed as if you automatically lost two if you lost one. I think it was very good work to figure out a way.

That little tip at the end of the Foothills District, you describe as a small tip, can you give me just kind of estimate what percentage of the population of that district is involved there? Is that 10 percent or less? Is it -- is it 25 percent? What -- and I'm not asking for a decimal point or anything, I just want to know --

MR. JOHNSON: Casas Adobas, 54,000. Going off geography, half of Casas Adobas, 25,000, if that's evenly distributed people. It will take a minute to dig that up if we need to. Probably looking at 25, 27 thousand out of 123,000, about a fifth.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Mr. Elder.
COMMISSIONER ELDER: Mr. Chairman, as far as this test, I'd like to move we accept this test in the Tucson area.

CHAIRMAN LYNN: What about the whole map?

COMMISSIONER ELDER: Well, I'd move the whole map.

CHAIRMAN LYNN: Move the whole map.

COMMISSIONER ELDER: Just a point of reference. Is this map included in the whole map?

MS. HAUSER: That is the map.

CHAIRMAN LYNN: Just refer to it as the February 23rd Test.

COMMISSIONER ELDER: I move we accept the February 23rd Test as the map we move forward with for consideration by the court.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: I, Mr. Chairman, I simply move -- I would not second that motion. I only want to move forward to next week. I believe our plan had been to have public comment on it for a week --

COMMISSIONER ELDER: I agree to modify my motion.

CHAIRMAN LYNN: It's Mr. Elder's intent to replace -- to test the February 23 with other maps we've been progressing through.
COMMISSIONER HUNTWORK: Right.

CHAIRMAN LYNN: The next iteration of our progress.

COMMISSIONER ELDER: I move we accept the February 23rd Test as the map we move forward with.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion?

I need to say publicly and on the record that this is, as all of you know, this has been and continues to be extremely an difficult process, a process undertaken under protest. And our appeal of the order continues and will continue. The constraints of the order have made it very difficult to do the kind of work we have signed on to do. And it's been most frustrating for all Members of the Commission, save Ms. Minkoff who might be having a good time in Southeast Asia. Hopefully she's having a good time. She'll actually be back to join us on the 1st of March. And that will, will be good to have her back.

I want to publicly thank the counsel and consultants, because without them we could not have gotten to where we are. And as has been the case, NDC has certainly done their usual good job of hearing what we're saying, paying attention to the instructions that they've been given, and giving us options that we can
certainly, we can certainly move forward with, albeit in
the context of the court order and under protest.

I'd also like to thank Dr. McDonald for his
oversight in terms of the competitiveness of the process.
And we very much appreciate having him here. It's been
very helpful.

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

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

Opposed say "no"?
Motion carries unanimously.

Then the motion, without objection, is to
take the February 23rd test, post it to the website,
along with all relevant information, and begin taking
public comment as soon as practicable. And what we must
also do is subsequently order the consultants,
Mr. Johnson, to move forward with this map in terms of
additional population balancing and also any zero
population traps that may result in the congruence
between this map and the Congressional Districts.

Ms. Hauser.
MS. HAUSER: For population balancing purposes, you might want to have a motion to include Doug work with Dr. McDonald to make sure --

CHAIRMAN LYNN: I'll ask for a motion, anything you'd like.

MS. HAUSER: It doesn't matter for traps --

CHAIRMAN LYNN: Right.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I think it's important to apologize to the public. As we all know, and some may remember, the provision and requirement under Proposition 106 is that a 30-day comment period be provided to provide feedback on any map the Commission puts forth. Unfortunately, the judge ignored that important provision. And so we, while the time frame is short to receive input, we are under the time constraint of a court order.

CHAIRMAN LYNN: I'd also say, Mr. Hall, when we next convene on March 1st I certainly intend to ask my fellow Commissioners to ask the court with submission of the map we, in fact, get a 30-day period to provide input from the public. I think that's only fair and only appropriate. So, hopefully, that will occur.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I -- well, as
long as we're apologizing to the public, I want to
apologize for basically the whole map. I think we've
taken a meat cleaver to a process that we had used a
scalpel on before. I think that the original maps are
infinitely superior to this. I think this is the, you
know, the offspring of a forced process that we all find
abhorrent and unnatural, but we have certainly done our
best, in all honesty, to comply with the order of the
court, up to this point. And we will continue to the do
our best to comply with the order of the court.

   CHAIRMAN LYNN: Mr. Elder?

   COMMISSIONER ELDER: No.

   CHAIRMAN LYNN: Then if I could have a
motion directing Mr. Johnson to move forward with the
population balancing and the trap procedures.

   COMMISSIONER HUNTWORK: So moved.

   CHAIRMAN LYNN: Is there a second?

   COMMISSIONER HALL: Second.

   CHAIRMAN LYNN: All those favor of the
motion, signify by saying "Aye."

   COMMISSIONER ELDER: "Aye."

   COMMISSIONER HALL: "Aye."

   CHAIRMAN LYNN: Mr. Johnson?

   MR. JOHNSON: Modified that I work with

   Dr. McDonald?
COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Thank you.

All those in favor, signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Motion carries.

I'd ask this evening if members of the public wish to address us, this is the last call to the public before our March 1st meeting; but I'd also tell you that you will have ample opportunity to address us through e-mail, through snail mail, through any of the normal methodologies available to you with respect to addressing the Commission. But I would ask if anyone wishes to address us this evening, I'll be happy to afford you that opportunity. If you do us the courtesy of making it brief, because it's been a long day and long weekend.

Mr. Mayor, and please state your name for the record since we don't have the slips.

MAYOR DONALDSON: Thank you, Mr. Chairman,

Members of the Commission, for acknowledging Flagstaff's desire, wish, drive, focus, whatever else you want to call it. It was our intention to come here to make sure Flagstaff's community MPO area be kept whole in one
district. We thank you for your hard work and appreciate you for acknowledging our community of interest. And thank you, and get home to your families and enjoy. Thank you very much.

CHAIRMAN LYNN: Thank you, Mr. Mayor.

Mr. Flannery.

MR. FLANNERY: If I don't kill myself first (comment made as speaker negotiates the walkway and chairs to the podium).

MR. FLANNERY: Mr. Chairman, Members of the Commission, first of all, I want to express my appreciation for what you've done to CC. I assume somewhere between now and the first there will be numbers assigned to that to finalize this process. And in that process, I hope that you will recognize, as you did in the past, that CC will turn into a "1." I have to get that in now.

First of all, I want to thank you for everything that you have done, not just for one geographic area, but for the State of Arizona, because I know that the sacrifices have been great. I know sometimes there has been a very testy process that you've gone through, and I know that it's been a challenge. And I know that the intention was honorable. And I know that you may not be satisfied with the product in the end, but
I know that hopefully you have set in motion some fairly
good processes for the upcoming challenge for the next
Commission. And for everything that you have done, I
want to thank you for doing what you've done. So thank
you.

CHAIRMAN LYNN: Thank you, Mr. Flannery.

We thank you for your assistance, those of you who have
been with us along the way. It's always helpful.

Other members of the public?

Mr. Ryan. Obviously if I know you by name,
clearly --

MR. RYAN: Mr. Chairman, Commissioners, I
regret I couldn't greet you in the morning every morning
as we started out, but short and simple: Thank you very
much. I look forward to future meetings. I appreciate
your hard work you are putting in on this.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Ryan.

Mr. Mandell, would you like to say
anything?

Oh, I guess not.

Mr. Gorman.

MR. GORMAN: Good evening, Mr. Chairman.

Also on behalf of the Navajo Nation, we express our
appreciation for your hard work done so far. We reserve
time to review the map as you move forward. If need be,
we'll be submitting comments.

CHAIRMAN LYNN: Thank you, Mr. Gorman.

CHAIRMAN LYNN: Ms. Kraus.

MS. KRAUS: Mr. Chairman, Members of the
Committee, thank you.

CHAIRMAN LYNN: Thank you, Ms. Kraus.

COMMISSIONER HUNTWORK: You are welcome.

CHAIRMAN LYNN: Any other members of the
public wishing to be heard at this time?

If not, Mr. Echeveste has provided the
Commission with a written report. It's in your packets
on the status of the office and our budget, and we
appreciate that.

MR. ECHEVESTE: One clarification,
Mr. Chairman. I also phoned to you by fax from the
January meeting, the January financial report. That is
so you all can keep your copy and be able to see the
progress of expenditures. However, you also received in
this packet the, I think, also, an update as of last
Thursday which shows the amount, or the balance that we
have as of that date.

CHAIRMAN LYNN: Thank you, sir.

I want to thank the NDC staff, and most
especially I want to thank the consultants, legal
counsel. More than anything else I do really want to
thank my fellow Commissioners. This has not been an easy
process for anyone.

If at times it appeared as though we were
frustrated with what we were doing, it didn't just appear
that way. It's a most frustrating experience. Everyone
hung in and we have, we have done our work as directed by
the court to this point.

We will have a few more things to do at the
next meeting of the Commission which is tentatively, I
say this, tentatively scheduled for March 1st at a time
and place to be determined. And that is the next
scheduled meeting or tentatively scheduled meeting.

Any other comments from the Commissioners?
If not, legal counsel? Anything?

MS. HAUSER: Not today.
CHAIRMAN LYNN: Good to go.

The Commission will stand adjourned until
our proper notice of the next meeting.

Thank you all very much.

(Whereupon, the Independent Redistricting
Commission adjourned at 7:15 p.m. on
February 23, 2004.)

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

BE IT KNOWN that the foregoing hearing was
taken before me, LISA A. NANCE, RPR, CCR, Certified Court
Reporter in and for the State of Arizona, Certificate
Number 50349; that the proceedings were taken down by me
in shorthand and thereafter reduced to typewriting under
my direction; that the foregoing 175 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