The State of Arizona Independent

Redistricting Commission convened in Open Public Session on April 12, 2004, at 10:00 o'clock a.m., at the Sheraton Airport, Tempe, 1600 South 52nd Street, Tempe, Arizona, 85281, in the presence of:

APPEARANCES:

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

LISA A. NANCE, RPR, CCR, NO. 50349
ADDITIONAL APPEARANCES:

LISA T. HAUSER, AIRC Counsel
JOSE de JESUS RIVERA, AIRC Counsel
ADOLFO ECHEVESTE, AIRC Executive Director
KRISTINA GOMEZ, AIRC Staff
DOUGLAS JOHNSON, VICE-PRESIDENT OF NDC, AIRC Consultant
MARGUERITE MARY LEONI, NDC Counsel
LISA A. NANCE, Registered Professional Reporter, Certified Court Reporter, No. 50349

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Adolfo Echeveste

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CHAIRMAN LYNN: The Commission will come to order.

For the record, roll call.

Mr. Elder?

COMMISSIONER ELDER: Present.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Present.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Present.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Present.

CHAIRMAN LYNN: Chairman is present along with consultants, counsel, and IRC staff.

Ladies and gentlemen, to give you an update to frame the meeting, this is the last opportunity we will have to meet before the Superior Court in Maricopa County considers a map that we may submit to the court this week. The hearings are set for the 15th and 16th. And we are operating under court's order to return to the court with a map that favors competitiveness in a
specific way outlined in the court's order and that has a
minimum of seven competitive districts. That was the
benchmark set by the court and the target that we cannot
go below. The Commission has been dealing with for
basically the month of March and first half of April. We
are at a point where the work of the Commission on this
particular submission to the court currently contains
seven competitive districts. And is configured in many
ways differently from the original mapping that was done
by the Commission in 2003, 2002. What I'd like to do
this morning is since the public comment period court
recognized has now expired, I'd like to begin the meeting
this morning with presentation from Mr. Johnson, NDC,
summarizing public comment that has been received to
date, or since our last meeting, I should say, on April
2nd. The actual date that the public comment period
expired I believe is April 8. So public comment between
the 2nd and 8th. And then I would like to take
additional public comment at this meeting. I know there
are several people here that indicated they would like to
speak. If you do wish to speak this morning and have not
filled out a speaker slip I invite you to do so. They
can be found at the entrance to the room. Mr. Echeveste
has them available for you. If you will give them back
to him if you have one you'd like to submit we'll here

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your public comment this morning as well. Then just for
the purposes of planning and timing, at that point we may
require an Executive Session just because we -- it is the
last meeting before we do go back to the court, and I
think that would be a prudent thing to do, and then we
will proceed with the remainder of the agenda and try to
work through the mapping process. I cannot begin to
predict how long that will take. That will in part be in
part the issues in public comment and result of what has
been said.

Without objection, Mr. Johnson, if you
summarize the public input between the 2nd and 8th.

MR. JOHNSON: Mr. Chairman, Members of the
Commission, as you note, this is just comments that have
come in since that last meeting, in addition to thousands
of comments we reported on at the April 2nd meeting, we
have 75 comments that have come in by e-mail we
summarized for you. As before, a few were personal
questions about how do I get this data, and other
miscellaneous issue items, broken out in support and
opposition comments.

First of all, the supportive ones. We had
58 comments that were supporting even though coming in
after the April 2nd date, they were still commenting on
the March 1st plan endorsing the competitive changes made

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in the plan. None of those 58 referenced whether they supported or opposed the new changes in the April 2nd.

We had an additional five comments supporting the Flagstaff unification, again referencing back to the March 1 map, not two small changes made there, one comment thanking the Commission for unifying the Yavapai metropolitan planning organization, and then a letter from the Hispanic Coalition that supported the plan as adopted but also endorsed what we call the Encanto test or Encanto change between districts 14 and 15.

In terms of opposition comments, again, these are in addition to the thousands reported on April 2nd, four more opposed division in Mohave County, one from Lake Havasu City, acknowledged unification of Lake Havasu, opposed the overall split of Mohave County, two more opposing splits of Tucson, the Foothills, and the other part and linkage of Sierra Vista and one comment actually supported going back to lines drawn in Phoenix for the 2002 plan where -- and four more comments that were concerned about Biltmore not being with the downtown area.

In terms of specific change requests, we have the request from Maricopa County for some technical changes and I have no report for you on that and also Yavapai County shared technical changes, unify changes,
and we have impacts for them.

So -- that is the report on the public comment.

CHAIRMAN LYNN: Are there any questions about the summary public comment today?

If not, I want to remind them, we continue with public comment before we go into our work. And for that purpose, item IV, this is the time four consideration and discussion of comments and complaints from the public.

Those wishing to address the Commission shall request permission in advance by filling out a speaker slip. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for consideration at a later date unless it's the subject of an item already on the agenda. I would add to that the following. Because this process has been interactive from day one and because many of the speakers are speakers we have heard before, I would very much ask that speakers limit their comments either to very brief restatements of positions already taken or, if you are bringing something new to the Commission, certainly I would give you more latitude in terms of bringing new positions up.

To the extent we are taking extensive
public comment today, please keep your comments as brief as possible.

If you have written comments to submit, we're more than happy to take written comments and make them part of the record.

So the first speaker, as usual, Mayor of the City of Flagstaff, the Honorable Joseph Donaldson.

Mr. Mayor, good morning.

MAYOR DONALDSON: Good morning.

Good morning, Mr. Chairman and Commissioners. Once again, I am Joseph C. Donaldson, Mayor of the City of Flagstaff. I thank you for the opportunity to speak before you on behalf of the City of Flagstaff and our community.

At this time, please allow me the opportunity to introduce those from the Flagstaff City Council who have also joined me here this morning.

As I call their name, I encourage them to stand up:

Commissioner White.

Vice Mayor Liberato Silva.

Councilman Carolyn Cooper.

Councilor Karen Kelty.

MS. KELTY: Good morning.

MAYOR DONALDSON: My good friend, Al White.
MR. WHITE: I'd stand if I could.

MAYOR DONALDSON: I recognize the difficult task you've been charged with and recognize your efforts, perseverance on behalf of the citizens of the state. Thank you for recognizing Flagstaff as a community of interest. As I have testified, the FMPO was designated by federal and state actions as indispensable for transportation planning for an incorporated city and population centers in the county areas within its boundaries. As we also testified, the boundaries of the FMPO are identical to those of the Flagstaff area for regional land use. This plan was adopted both by the City of Flagstaff Council, the Coconino Board of Supervisors, and ratified by an overwhelming majority of voters of the Flagstaff area regional land use. The transportation plan utilizes land use, zoning, parks, recreation, open space, and transportation policies. Respecting the FMPO benefits residents, public agencies within its geographic boundaries. It is a benefit to its regional partners as well. We appreciate the difficulty of balancing many interests, decision-making of many factors.

I'd respectfully ask the FMPO be maintained as a community of interest, the whole one Legislative interest, and any reduction in its geographic area is
kept to a minimum.

I thank you for your time and your consideration.

CHAIRMAN LYNN: Thank you, Mr. Mayor.

MAYOR DONALDSON: Thank you.

CHAIRMAN LYNN: Out of curiosity, did you notice the meeting as a City Council meeting?

MAYOR DONALDSON: Yes.

CHAIRMAN LYNN: Way to use the open meeting laws.

MS. KELTY: We also canceled our regular City Council meeting.

CHAIRMAN LYNN: Well, I appreciate you all coming down. Hopefully you won't be disappointed by making the trip.

Next speaker, Ronald, I believe Ramsey, is that correct, pronounced close to correct, sir?


CHAIRMAN LYNN: Ramsey, pardon me,

MR. RAMSEY: Mr. Chairman, Members of the Commission, I'm here on the record for first time at least at a public hearing on behalf of the City of Bullhead City. And I'm the city attorney.

If I may, I'd like to read a brief report.

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The City of Bullhead City in reviewing the progress of this lawsuit filed against Commission but did not really take an active part until we started seeing some of the maps, the March 2, 2004, version which would have divided Mohave County into several legislative districts. The City strongly feels that if adopted, this will destroy the historic Colorado River area comprised of Bullhead City, Lake Havasu City, the unincorporated areas which surround the cities, and Kingman, the county seat. And we are submitting along with this documentation what we have passed by the voters in June 2002 showing our general plan and the regional planning area incorporates all these areas, placing Bullhead City with Flagstaff in a Legislative District that attempts to join communities that are as a diverse as to topography, economies, recreation, seasonal residents, natural resource planning, transportation, and history as any two regions of the state could be. Pretty well a swap of seasonal tourists summer and winter.

As a result of the potential impact of the adoption of the March 1, 2004 map, or any variation which divides Mohave County, the negative impact this would have on the ability of the residents and voters of Lake -- of Bullhead City, we have submitted the record in the past, I'm submitting in today two resolutions signed

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by the City Council strongly protesting the division of
Mohave County, urging permission to use the already
adopted 2002 map, and these resolutions authorize the
city staff to join whatever legal actions might be
necessary to protect the political interests of the city.

The findings of Judge Fields of January
16th, 2004, which set in motion revisions to the map
included that had the Commission further defined the
communities of interest as Arizona units of
representation presented by its consultant, NDC,
attaching an excerpt of the order as Exhibit 4, the court
also found the Commission was required to respect
boundaries of the same communities of interest. Another
excerpt attached clearly sets distinct that boundary as
either the preponderance of evidence on which a county
elicited in Proposition, 106, which concerns us today
concerning Mohave County, county boundaries which are
specifically listed although not defined so far as these
proceedings are concerned.

Bullhead City would urge this Commission to
find division of the Mohave of County under the March
1st, 2004, map revisions we've seen since as part of the
mandated of the court to form more competitive districts
does in fact, quote, create a significant impact in the
Proposition 106 that is to have goals and districts

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distinctly compact, boundaries that respect competitive
interests, and existing city, town and county
jurisdictions.

Mr. Johnson's districts, the district and
towns, we place our comments on record of these
proceedings.

I thank you for your attention.

CHAIRMAN LYNN: Thank you, Mr. Ramsey.

Next, Bruce Murchison, Legislative 29 in
the Tucson area.

Hand that to Mr. Echeveste right there.

MR. MURCHISON: Thank you, Mr. Chairman,
Commissioners. I appreciate you allowing me to speak
this morning. This is my first time here. My employer
sent a quite few e-mails regarding June 29. I admire,
like the Mayor, the enormous task, hard work you've done,
and, of course, you cannot make everybody happy. The
reason I brought this before you is that several
communities of interest in District 29 are together that
should not be in the southern part of Tucson, the western
portions, west of Alvernon, west of the Air Force Base is
primarily Hispanic, a distant populated community, the
Base, south of the Base is a very rural community, and
then you have less densely populated and very different
community of interest, the eastern portion of Tucson.

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You have taken, if I could have the maps in front of you, if I may have one, if I can have all my paper -- gave the Commission all my papers. I've given you the original boundaries, have shown a few problems I believe are present. The second page shows a modified map. I believe will correct these. The problems you'll see, of course, lines the two communities, the Hispanic, eastern part of Tucson, rural, southern portion, density of population that is Hispanic, which prevents equal representation in the eastern portion, high density of Hispanic community. If a mere 53 percent show up, the entire district is committed to whatever is dictated by that portion of the community. The rural portion of the south, of course, is better situated, LD 30.

The second page, gentlemen, LD 26, 28 modified in April 2nd map I must say thank you very much, helps keep the community in northern Tucson intact, I believe has the changes needed in 29 as well.

The yellow portion you see highlighted I believe will keep the issue eastern portion of two intact taking the urban portion of 30, combining with 29 there, the rural portion of 29 to 30. In addition 27, the little lines through it, is very highly density Hispanic community, be better off 27, keep there, the community intact as well. This would -- this would help satisfy

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the Voting Rights Act. The Hispanic community is given equal representation, an equal portion of 29. The eastern portion is unified and another competitive district.

This district, we see in yellow, the similar, not the same as District L from I think competitive map B from February 9th, I believe. That gives you a competitive district and 52, 48, somewhere around there, so that would help out with what you are looking for there, and of course given the rural portion of 29. Now you've seen the lines of 30, so 30 will keep them intact as well.

The base, which is in between those, go with -- well, probably with 29 or 30, depending on population needs.

Based on that, I ask for your consideration in this district.

CHAIRMAN LYNN: Thank you.

MR. MURCHISON: Any questions?

MR. JOHNSON: Yes --

COMMISSIONER MINKOFF: I have one question.

The bottom of the map, lines can be adjusted to account for population shifts. It looks like the area you moved into District 27 you say is a very densely populated area.
MR. MURCHISON: Correct.

COMMISSIONER MINKOFF: Therefore, I assume as a result of this shift District 27 is significantly overpopulated. Have you suggested a shift out, you know, if we have to adjust lines for population shifts, a way we might adjust is take area and put back in 29?

MR. MURCHISON: Ma'am, 25 I believe just north if you need to, how you adjust might be Drexel Heights and -- the map cut-off in that section as you go further west, it's a community less contiguous and the use part of that would not affect the Hispanic community, keep Hispanic community intact. And you don't want to adjust the lines into their area. Also, 26 could be lowered if needed. And the last one, 28 if you wanted to could come down to, the C down here, area of Aviation Highway, somewhere lower than what it's at -- assume lower than what it's at, help take away at least a fair amount of that.

COMMISSIONER MINKOFF: The map you are proposing, the only shifts you made basically are between the one in 29 and 30, and then you've taken some out of 29, put it in 22, 27, but you don't have corresponding --

MR. MURCHISON: What?

COMMISSIONER MINKOFF: Don't have a corresponding shift out of 27 in your map.

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MR. MURCHISON: Yeah. It would be hard, uh-huh, out to Tucson Estates, that portion incorporated into 25 that would not affect the community at large. The Hispanic community goes out to Mission and Alvernon, basically the main focus of that community, take a portion outside, west of mission, I-19 there, next long the line of Mission Road, west of that, Tucson Estates or Drexel Heights, a very rural community as well. That could be given to 25 or however you wanted to shift, line 25 or 30.

CHAIRMAN LYNN: Mr. Johnson?

MR. JOHNSON: Thank you, Mr. Chairman. A quick question so I understand this correctly. The goal here, you are actually unifying the Hispanic community into 27 so we have one Hispanic dominated district rather than two?

MR. MURCHISON: I suppose that would happen. Main concern is the eastern portion of 29 is not given equal representation in the densely populated western portion of 29. The main concern may be another end result, the main concern that East Tucson be given equal representation to nominate people. Each of the communities are so vastly different, there's no reason to have them together.

CHAIRMAN LYNN: Thank you, Mr. Murchison.

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Next speaker, Evelyn Shapiro. Ms. Shapiro is representing the Isaac community.

MS. SHAPIRO: Good morning, Mr. Chairman, ladies and gentlemen of the Redistricting Commission.

For me to get up and speak I need to have someone up here to speak, that's Dr. Scribner, superintendent of the school district. He has maps that understand where I'm coming from. Would that be permissible? He's listed to speak.

CHAIRMAN LYNN: I'd ask you keep it succinct and right to the point.

MS. SHAPIRO: He's our new superintendent we got in July not aware of all the things going along, ready to come here to speak to you.

DR. SCRIBNER: Thank you. You can eliminate my yellow sheet now, put it off to the side.

As K-12 educators in Isaac K District, we believe in teaching assistance and graphics. We're visual learners as well.

I'd like to thank you for this opportunity. I've come to this conversation after it had begun and understand you have a great charge in front of you. But I'd like to speak first about my relationship with Isaac School District and where I've come from in terms of its relevance to this conversation, and that is I began Isaac
on July 1st of 2003. Prior to that I was assistant superintendent here in a very different setting, in Tempe School District. I think that's relevant in that here in Tempe there is a level of Legislative identity, both with the city, politics, with the school district, governance at a school board level, as well as with the State Legislature, the same sort legislative identity I think identified more aptly with what is called now, I guess, the Encanto change, as you know, a change supported by the Minority Coalition for Fair Redistricting, the Historic Coalition for Fair Redistricting as well.

I say that map, our Isaac School community, I represent 9,000 K-8 students. An additional 2,500 students attend Carl Hayden High School. Under the current consideration, it included a portion of Isaac Community School and the Historic District, Downtown Phoenix.

I feel the previous speaker felt very different needs and very different realities which affect the Historic Downtown Community as well as Isaac School community.

Isaac School, you know, I'll only speak of demographics of students, that's my business, 94 percent of the population is Hispanic, Mexican American. 93 percent live at or below the federal poverty line.
percent receive free or reduced lunches, are at the lower income, lower majority.

The Hispanic population without the Encanto change, we believe greatly in balance in this district, not only through race, culture, clearly with regard to socioeconomic status. This is not speculation. And this is not speculation.

I guess as a school teacher -- I apologize. This is not speculation. We have some hard data. We know from the District 4 City of Phoenix election, we had two candidates, two good candidates, running very close race, just come forward, Jessica Flores and Tom Simplot. The race was won by 57 votes, okay? Jessica Flores, a good candidate, won, I understand, zero precincts east of I-17. Tom Simplot won zero precincts west of I-17. I-17 acts as a natural border and it clearly is a close race. Simplot was doing a wonderful job building relationships, but we feel that clearly having one Legislative identity in a school district like exists in other communities would be the right thing to do.

Community leaders also stand in support of this, would have represented this area, our County Board of Supervisors, a member of the school board, both areas, and as well as legislators. Justice Department, you know, would find an additional majority minority district
also desirable. So please give this consideration.

CHAIRMAN LYNN: Thank you.

Mr. Elder.

COMMISSIONER ELDER: Excuse me. Before you leave with the map, could you for reference outline Isaac School District, please.

DR. SCRIBNER: Isaac School District runs roughly from Van Buren.

COMMISSIONER ELDER: Van Buren.

Van Buren up to Thomas, and goes all the way up to Indian School in this area and also goes from 27th Avenue to 51st Avenue.

CHAIRMAN LYNN: Ms. Hausner.

MS. HAUSER: So what I'm seeing from this map, this particular change unites Isaac School District.

DR. SCRIBNER: Yes.

MS. HAUSER: Maybe this question is for Ms. Shapiro, Evelyn.

MS. SHAPIRO: Yes.

MS. HAUSER: You communicated you loved being split.

MS. SHAPIRO: A little to the point, when I came to you back in 2002, District 20, 22, and another district, and only person that came to help us from the State Legislature was District 22 and only part-time. In
your wisdom, you decided to give three districts,
District 14, District 16, and -- they have been very good
to us, with them culture, we understand culture. What is
going on, there are a lot of immigrants there which
cannot speak English. We opened schools at nighttime to
give education in no large part to get people to learn to
speak English, to know that part of the community. We
also have been in a very, if you look at McDowell to 34th
Avenue, 35th Avenue, there have been so many accidents,
children hit by cars, hit and run, we're now trying to
get a bridge built for us. None of this happens without
laws.

13, 14, 16, nobody helped us out. There's
no other way of putting it. We are the last buck. All
the bucks are given out to everybody else.

Finally, with Six House Representatives,
Three Senators listening to cries, go do things working
with them, they understand where we're coming from, they
know not, have Commissioners, Maricopa Commissioners to
understand us.

A lot of people are now taking a look at
Isaac School District, helping out, that before they
didn't. And we need to have people that are going to be
caring for -- helping kids out, me, Evelyn Shapiro, the
children. The children need to have the support of

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people that care, people in districts taking care of them
for the state when they go to pass laws, now have
somebody listening and understanding where they are
coming from.

If you switch us around again, I did send a
letter saying the money used, it's for the kids; the, the
money is near and dear to our hearts, the school
district. That's why I came to you again.

CHAIRMAN LYNN: Ms. Hauser.

So, based on the -- based on the, based on
the Encanto change --

MS. SHAPIRO: You are cutting off Van
Buren, the migrant people, and we're able to work with
it.

See what the map is showing us, it's moving
in this area, and we're playing together, like a family.
When you divide a family after you put a family in three
different areas, a family gets lost somewhere along the
lines of bonding together. Bring this family and keep
them together. We've been able to bond and be there for
one another. And that's what Isaac School District needs
most of all. You gave us 13, 14, and 16, as it was in
2002. Get -- these people are working for us now.

I understand that you have a new one coming
out, looking at it, F cut it anyway. Please give us the
purple, the purple one. Help us out . . .

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: For everyone's sake, the
discussion, what the change is proposing, the division
they're looking at there along McDowell is the same in
both the Commission's April 2nd plan and the proposal
before us today, what changes is the northern portion in
April 2nd from District 15, the black line going east.
And this proposal would put with it neighborhoods to the
north and then the kind of neck going along the south.
That's the difference, looking in this map, is just
shifting that northern majority of the district.

MS. SHAPIRO: Will we have the help we got
now if the shift is put over there, get the large amount
of area where they -- how do I put this kindly, where
they've got more money, they claim they want things
better? Because I have the lower dollar, I can't get the
help I need now.

People understand where I'm coming, the
amount of money we have in our committee. We don't have
a lot of places for work. The people there, they are
having to go outside, they are taking the dollars outside
of the community. We don't have the businesses that put
the money into our area. These people are working to
help us out, and that's what we got to have is the help

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again.

(Directing focus to a next speaker:)

MS. SHAPIRO: Yes, ma'am?

CHAIRMAN LYNN: I am running the meeting.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I want to make sure I understand what you are saying. One thing a little confusing, I believe I understand it, you are saying the current plan, the current legislature which has been elected works for your district but as between the plans that we're considering now, the March 1 plan versus this Encanto plan, that you prefer the Encanto plan because it's closer to the existing improved districts?

MS. SHAPIRO: That's what I'm understanding. I really prefer it the way we had it. I can't see how to do it.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: What I'm hearing you talking about, between two the options, you prefer the Encanto plan to March 1st map, prefer the existing map.

MS. SHAPIRO: Yes. Don't pay attention to names. Look at what is happening to our community.

COMMISSIONER MINKOFF: For consideration of this meeting, the current plan is off the table because the Judge has said we have to change that plan. So what
we're looking at now are changes to the current plan.

MS. SHAPIRO: How to make changes.

COMMISSIONER MINKOFF: Two options, the

March 1st plan vs. the Encanto plan, are you telling us

you prefer the Encanto plan?

DR. SCRIBNER: Yes.

MR. RIVERA: Mr. Chairman, before she

leaves.

You brought up a map. We need to make that

part of the record. We'll make a copy, bring it back to

you.

COMMISSIONER HUNTWORK: Is that the Encanto

plan now?

CHAIRMAN LYNN: Do you know the exact

source of the map or --

DR. SCRIBNER: No, I do not. I can get

that, absolutely, for you.

CHAIRMAN LYNN: It will be made. We'll get

back to you once we identify what it represents.

Mr. Foree, Assistant City Attorney, Lake

Havasu.

MR. FOREE: I really have nothing to add at

this time. My slip was available today depending on what

was presented and what appears to do later on. I'm

presuming agenda item XIII, public comment, will be

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handled much same as the meeting opens up.

CHAIRMAN LYNN: That is custom.

Thank you, Mr. Foree.

Mary Rose Wilcox, supervisor, representing Minority Coalition for Fair Redistricting, Supervisor Wilcox.

SUPERVISOR WILCOX: Thank you, Chairman Lynn, Members of the Commission.

I like to add my thanks for the many hours you put in over the last couple of years in the redistricting plan.

On April 6 of this year the Minority Coalition Fair Redistricting sent a letter and we would like to enter it into record, read it, and answer any questions you have.

Dear Commissioners. On behalf of the Arizona Minority Coalition for Fair Redistricting, we are writing to respectfully request reconsideration of the changes to Legislative Districts 14, 15 and 10, as urged by the historic neighborhood groups, which were represented at the April 2nd meeting by Dr. Ruth Marston, the Encanto proposal. At the time of the meeting, the Minority Coalition did not have an opportunity to thoroughly analyze and provide comments to the Commission on the proposed changes to these Legislative

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Districts. Now having had an adequate opportunity to analyze proposed district changes, demographics, the Minority Coalition strongly supports the proposed changes to District 14, 15 drawn in the Encanto proposal and to do so request the April 2nd vote adopt the configurations of 14 and 15 as outlined in the Encanto proposal. The Minority Coalition takes the position Encanto's proposal configuration of Legislative Districts 14, 15 provide minority voters with greater opportunities to elect the candidates of their choice than do the configurations same districts proposed March 1st, 2004, Legislative plan. We have come to this conclusion for two reasons. First, the Hispanic voting age population of District 14 in the Encanto proposal is 53.78 percent compared to 53.27 percent in the March 1st plan. Although this change seems insignificant, it is achieved while continuing to achieve maintain districts 15 and 10 within the seven percent JudgeIt range, the Commission's adopted definition of a competitive district, continuing to preserve the adopted range, and minority percentages of District 15. Second, the Encanto's proposal's configuration of Legislative District 14 maintains the Hispanic core of voting precincts between Interstate 10 and Van Buren Street and similarly maintains core areas between 24th Street and 27 Avenue and between Indian LISA A. NANCE, RPR, CCR, NO. 50349
School and McDowell Roads and 51st Avenue to Interstate 17. The proposed District 14 also includes Hispanic areas of high voter efficacy south of Camelback Road and near 59th and 67th Avenues. Moreover, the district excludes many of the Historic neighborhoods which are included in District 15 of the March 1st plan, but which typically are not supportive of Hispanic candidates. Accordingly, given the accomplishments achieved in the Encanto plan in maintaining the competitiveness of the districts and the additional protection provided for minority voting rights Hispanics in particular, we support the inclusion of these proposed changes in the Commission's final plan, and we respectfully ask that the Commission reconsider its previous vote and include the Encanto plan previous districts.

Thank you. I'll submit for the record this. You have it. I'll submit another one and answer any questions.

CHAIRMAN LYNN: Thank you, Supervisor Wilcox. Thank you very much.

SUPERVISOR WILCOX: Thank you for your hard work again.

CHAIRMAN LYNN: A question from Mr. Rivera.

MR. RIVERA: How does the Minority
Coalition, what has the Minority Coalition taken into account? Will they still support the plan?

SUPERVISOR WILCOX: We would prefer this plan, would try to support the plan, know the communities very well.

The plan, of the known configuration, would have supported the March 1st plan. We do support the efforts of the Redistricting Commission and are very glad you are working with the Judge, so we will support it; but we would a hundred percent be behind the changes and believe the Justice Department would respond very cordially to these changes.

CHAIRMAN LYNN: Any additional question as well?

Bear with us for a second.

All right. Thank you very much.

Next speaker. It's our day, four elected officials. We appreciate you all being here.

Honorable Buster Johnson, Supervisor from Mohave County. He made the trip down, don't know if on his Harley or not.

Supervisor Johnson. Thank you for coming down.

SUPERVISOR JOHNSON: I gave you a brief outline, handed that out.
Mohave's main concern is the break-up of
the main operation center which is divided in two
districts, each dominated by larger population centers,
interests different than Mohave County. Lake Havasu with
residentially dominated Flagstaff; Kingman, dominated by
Eastern Arizona Counties; southern Mohave dominated by
Peoria. Mohave County has three major cities. We ask to
be recognized as a community of interest, that Mohave
County boundaries be respected as Legislative boundaries,
the Colorado River, economic, environ, waterways, water,
also ALCO, Western Governor, Colorado Regional Sewer.
The Coalition came burst in. It includes not only
cities, nonincorporated, the Quad State Coalition, Utah,
Colorado, and Nevada, west not east. Mohave residents
have suffered significant detriment, the latest
determined by the IRC,
Move residents voting strengths reduced
split, two legislative districts, likely result in loss
of influence with funding from the state. All three of
no Mohave County Legislative Districts dominated large
population centers outside county election legislators
not fully committed to pursuing Mohave as unique. The
conclusion is Mohave asks you respectfully reinstate the
original district map created August 2003, modify April
2nd, 2004, Lake Havasu City, Kingman, Bullhead in one

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Legislative district which follows the general boundaries, Mohave boundaries.

CHAIRMAN LYNN: Thank you, Mr. Johnson, appreciate you being here.

Next speaker, Mayor of the City of Kingman, Honorable Lester Byram.

MAYOR BYRAM: Mr. Chairman, Members of the Commission, thank you again for letting me have another opportunity to be up here before you. I know you are struggling with a -- to comply with an asinine ruling by Judge Fields. In Mohave Fields, recalled Forest, if in Mohave County he would be. Nothing cope with this morning, but I would like, Buster Johnson, of course that many commonalities, governmental commonalty, share a Congressional District, share the Western Arizona government. District 6 has the State Transportation Board, Colorado River Sewer Coalition, and Mohave County water authority. So we have just a great many commonalities in addition to governmental commonalities.

I reviewed the comments that were made in Kingman, Bullhead City two years ago, comments made a week ago, and I am absolutely astounded by what is happening in Kingman, Mohave County. You have six golden guidelines, the first two pertain to single districts other if they four pertain to Legislative Districts, C,
districts geographic compact contiguous to, D, district boundaries respect, to the extent practicable, extent practicable, district lines visible geographic features, undivided Census tracts. Also extent to be practicable, competitive districts, favorable to do so, create no significant detriment to other goals. By tearing Mohave County apart you are violating every one of your goals set forth in the guidelines you work by. We are astounded by that. We're also astounded why you have taken the grid to go west and remove the Flagstaff cultural trading center for that area, over a hundred years. Even greater than that, why have you not gone south, the Apache Navajo counties. Where there are greater commonalities than in any other area, Navajo Nation, hopefully not all keep that one from being included in Navajo Nation. The Navajo stood, everyone of you sitting Commission knows what you are doing Kingman, Mohave County, is wrong.

I urge you today not to continue this travesty, this injustice that, this will be a part of your legacy four having served on this Commission.

Any questions I can answer for today, I'll be happy to do so.

CHAIRMAN LYNN: Mr. Mayor, thank you for being here. I really do appreciate your comments. As
always, they cut through a lot of lot and get right to
the point. I appreciate that.

MAYOR BYRAM: I think your comments get
around to calling a spade a spade.

CHAIRMAN LYNN: I like your position on
judicial review, admire that greatly, am quite supportive
of it.

MAYOR BYRAM: If you want Mohave County,
tell me.

CHAIRMAN LYNN: Appreciate it.

Mr. Hall.

COMMISSIONER HALL: Let me just reference
to -- you referred to, inferred a personal attack. Since
I'm -- I just think it's important to recognize that
there are two competitive districts in Northern Arizona,
and one we created. One was already existing, which was
the homogeneous EACO district, a very competitive
district. The other created, I agree, was created in
creating pursuant to, caused damage to Mohave County.
They're absolutely right. I agree. Nevertheless, we're
under court order.

If we went to the south, we would have
eliminated another competitive district, since there are
only two there. I just think it's important to keep in
mind the reason we're here is because in the court's

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mind, competitiveness is paramount and so just wanted to
make sure we had a clear perspective on why we're here
why at.

MR. BYRAM: Does it make more sense to you
to leave an area that abuts Indian Reservation go 300
miles across Northern Arizona Northern Arizona?

COMMISSIONER HALL: No. We're here because
we were ordered to do that.

MAYOR BYRAM: I understand might be enough
pack bone not to in just ties Kingman and Northern
Arizona.

CHAIRMAN LYNN: For the record made aware
other meetings part of the process, this part of the
process is being undertaken under protest and certainly
we believe the maps we're about to for use in 2004 and
beyond which do none of the injustices the Mayor just
spoke so eloquently of are maps should be used rest of
decade subject of appeal of judges ruling, so to be clear
on record.

Bob Taylor, City of Kingman.

Mr. Taylor, why morning.

MR. TAYLOR: I have some copies of the, I
guess brief position statement from City of Kingman.

CHAIRMAN LYNN: Certainly.

MR. TAYLOR: Joins the Commission in
believe the map originally adopted did serve the
interests of proposition 104 and the community of
interest and the other interests involved in Kingman and
Mohave County. We felt that map complied with the
constitutional requirement that the districts be
devologically compact, be contiguous and respect
commonality of interest. We feel the map proposed, and is
being considered today completely ignores all the goals
of Proposition 106, particularly with respect to Kingman,
and as the other representatives from the Mohave County
will show, it substantially does detriment to those goals
balance of Mohave County. Citizens of Kingman, Bullhead
City, Lake Havasu City, other areas Mohave County several
common unique issues require common representation, we're
one of fastest growing counties of state, people coming
in from all over country very high population, high
percentage of population of retirees. Governmental
programs, such as the Western Arizona Council of
Governments, District 6 of the State Transportation Board
in BORD, involve the entire community. Law enforcement
agencies throughout community are involved in MAGNA, a
narcotic task force, GITEM, a gang intervention task
force, all areas of economic, manufacturing, tourism,
transportation -- the Colorado River and national,
elective national recreation area that serves as an

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entire area as a recreational and economic resource.

Communities within the entire communities within county national corridors. These common concerns as well as some will be identified from Mohave County community require participation, cooperation among government none go bodies governing community and participation all citizens of that community. Proposed map separates community places 350 miles across state much larger community similar interests effectively causes Kingman to lose any hope of representing its interests within its community and it substantially diminishes the ability of balance in the Mohave community to address common concerns legislatively. Feel community of interest, identity Mohave, is paramount concern here. That goal not being served. The goal geographically compact area not being served. We certainly, I wouldn't consider our area contiguous, own contiguous, on tail end of salamander classic end gerrymander. The county urges Commission reconsider proposed April 2nd map and consider the interests of the community, overriding interests of the Mohave come county community and bring us all back together. We have, our city as well as other cities Mohave county resolved take whatever legal action necessary in order to have our interests acknowledged. We feel, Kingman feels perhaps unlike any other city in

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state we're completely being denied the protection and
rights Proposition 106 should afford to our citizens as
well as any other citizens in the state.

CHAIRMAN LYNN: Thank you.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Taylor. I have
a quick question, if you can tell me. Do you know the
approximate population of the accumulated metropolitan
area, not just Kingman, other areas there?

MR. TAYLOR: Kingman is growing constantly,
right now somewhere in excess of 22,000 people the within
the City of Kingman proper, we have an area immediately
outside the Kingman City limits, primarily to the north
of Kingman, that probably contains another 59, 20
thousand people, other population areas, such as Golden
Valley, and Dolen springs, a little spread out. In the
immediate Kingman region, right immediately around the
city, probably close to 40,000 people and it's growing
five to seven percent a year I'm told.

COMMISSIONER MINKOFF: One other question
you may not know as well. Do you have idea of similar
statistics for Bullhead City and Lake Havasu City.

MR. TAYLOR: No. Perhaps Mr. Ramsey can
address that.

MR. SISSONS: Yes.
MR. TAYLOR: As far as Bullhead City goes.

MR. RAMSEY: Approximately 35 to 37 percent of it is incorporated with Bullhead City. For Mohave Valley, another 15,000, which in between Golden Valley 15,000.

COMMISSIONER MINKOFF: Bullhead is pushing 15,000?

MR. RAMSEY: On the record, there's a petition for a new Anthem, the buyer is expanding around Eloy, come to annex 11,000 acres, 44,000 residences build up to 2,700 homes, 27,000 people in the next five years.

COMMISSIONER MINKOFF: I think I lived here long enough to know when there wasn't a town in Bullhead City, but there always was Kingman.

CHAIRMAN LYNN: Next speaker.

COMMISSIONER HUNTWORK: May I make a short comment? Ordinarily we just listen to the public comment and then discuss later. I just wanted to have the opportunity to say while the representatives of Mohave County are all still here and before you get away that I personally could not agree with you more and I think that is true of every member of the Commission. As far as I'm concerned everything you are saying is exactly right on target with the exception of, might take issue of the personal attacks to the extent they were. Commissioner

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Hall, as he said himself, I verify to myself vote heartbeat to change this back if we felt we had the ability to do that under the judge's order. The Judge, as far as the Judge is concerned, I don't think what he did was asinine. I don't think it's appropriate to attack the Judge. We are all part of a process. If I were going to find I was fouled by anybody in the process, my disappointment is with the Court of Appeals for putting us all through this aspect of the process. They could have stayed the Court's order while they looked at the substance of the -- of what we're doing here. I think when that happens, I hope, at least, that this is not going to prevail. The Judge, in my opinion, made a number of legal mistakes in his order that I cannot see how they will stand up. One is he ruled our actions are subject to strict scrutiny as opposed to the broad Legislative discretion that has always characterized redistricting and that seems to be obvious from the way that this Commission was selected and constitutes that we're not technical experts, we represent politically, geographically, diverse positions the obvious inn opportunity was we'd get together and use common sense.

Second issue. The Judge ruled we can't use own knowledge but have to take the record that had been

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created by people coming up and talking to us. I thought
about should I get up walk up there to make the comments
around the citizen that side microphone as record so take
into consideration judgments as Commissioner, how -- how
arbitrary, is that?

So, you know, I think there are other
issues equally valid. But perhaps the most obvious and
most painful of all is the requirement that before we had
gone through this process and everybody anybody knew
where it was going to come out we had to have, we had to
end up with seven competitive districts no matter what.
That is the thing that is preventing this Commission from
doing anything about your complaints. If we were to
unify Mohave County, we would eliminate a competitive
district there would then be six. Where are we to
restore them. We are already doing significant detriment
to Tucson in keeping one competitive district there.
We've done terrible detriment to, my opinion, at least,
to City of Phoenix at least where the Commission has not
found the communities of interest that exist throughout
the city but it's, you know, 40 miles to north to south,
includes everything from five million dollar homes ghetto
and barrio areas that obviously are subdivided into
numerous and very important communities of interest that
we're doing damage to, but we also, of course, are

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legitimate citizens of the State of Arizona. We have
been ordered by a Judge to go through this process. We
are legally compelled to go through this process and
produce seven competitive districts. So I apologize for
that, Mr. Chairman.

Ordinarily I wouldn't take everyone's time
at this stage of the meeting to do that. But your
arguments are so compelling so obviously true in my
opinion I felt I needed to acknowledge them and explain
at least, as best I could, why we're, at least up to this
point, have been forced to ignore them anyway.

CHAIRMAN LYNN: No apology, Mr. Huntwork.

I think you speak for many if not all the Commissioners
when you explain that circumstance.

Next speaker Tom quarter, Mr. Charter
explains Chamber of Commerce City of Kingman, Mr. Carter,
welcome.

MR. CARTER: Thank you.

Chairman Lynn, Commissioners, thank you for
the opportunity to address you again regarding the fate
of Mohave County, Kingman. I would like to probably take
a little different tact. I'd like to thank you, first of
all, attempt to reunite Lake Havasu. I think that's a
step in the right direction. I think it shows that your
intentions were certainly honorable and wanted to do

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that. I don't think anybody here questions that.

Paragraph I guess it's important for me to say that we
want to be on the record we protest the new map. We
think the map of 2001, 2002, which was approved by this
same body and approved by the Department of Justice is in
fact a legitimate map. We agreed with the lawsuits you
folks are going to see through. We hope that at a
different court level that this will be reversed.

On the part of the Kingman Chamber, we
share with the other chambers in Mohave County a
Coalition of Chambers.

This has all come about, frankly, with the
new Legislative District that we've enjoyed for the last
several years, and we've been able to become cohesive
unit working four many different aspects of benefits four
Mohave County, you know, especially in view of tourism,
tourism important aspect of our revenues. We come
together to try to work on Legislative agendas, very
important as spoke of what we do in the business of
government relation committees. We try to come up with
united agenda to give to legislators so they understand
fully what the citizens of Mohave County would like to
see happen and work to our benefit. Under the new leges,
new map, what commonalty will we have now? We also have
something that has happened recently as a result of two
things, one, new Legislative issues that we enjoy and the
department of commerce has seen fit to recognize and
appoint an employee now represents Northwestern Arizona.
So we have the county, Bullhead City, Lake Havasu, and
Kingman together in the regional committee to work
towards economic development as a whole for the benefit
before Mohave County as a whole. So what will we have
now, we'll be competing for the same dollars from
different agencies through different Legislative
entities. I guess the obvious question is what is the
commonalty will we have? Paragraph. Four our first
century, Flagstaff, I won't entertain you, I'm Arizona
native, Flagstaff commerce four Navajo and Hopis. I
think as the result of that, there's some obvious
comments to be made. Number one, had it been Kingman,
we'd probably have four year University and prosperity
give us population we'd be standing perhaps where
Flagstaff is now saying we want to be in a different
district. But that's not the case and I suggest to you
that as a result of this new map, that will not happen
either. I don't think we're going to enjoy the
prosperity Flagstaff has from dealing with the Navajo and
Hopi. I don't think we're going to have any commonalty
of interest with other folks in the new district. That's
my comments.
Any questions.

CHAIRMAN LYNN: Mr. Carter, thank you very much. That you for coming down and appreciate it.

We're about 15 minutes away from a break.

We'll see how much public comment we can get in before we need to take that break.

Next speaker, Paul McCormick.

Mr. McCormick, representing a number of organizations in and around Kingman.

Mr. McCormick, good morning welcome back.

MR. MCCORMICK: Thank you. Appreciate your time, efforts, to start out before I want to cover area I want to give is on economies and business, businesses Mohave County. Until you ask the question, what is population, I believe the population right close to 175,000 between three, all communities, it's getting up there, to point where we reach 200,000 we are allowed by-law to have five member Board of Supervisors. So that's how close we are, and it's just going like mad.

Again, I remember Mohave Highway Commission, involved with candidates, also representative of realtor association representing our realtors. What I'd like to discuss, you heard a awful lot of, might throw different tangent on, economies businesses in around Kingman.

Kingman as you know, major truck center, due to location

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along I-40 I-3. There's also a major railroad in Mohave County. The City of Kingman, 92 trains a day go through Kingman. Also has major developing airport. Kingman has an industrial park, as you heard before, more than 70 businesses, 2,000 employees. Therefore, Kingman is becoming a major distribution center of highways, airports, rail and trucking industries. It is one of the major parts of CANAMEX, which I'm proud to be a member of this Commission, CANAMEX will be part of NAFTA Mexico south America United States and Canada. We're working vigorously getting major highway up through 93 makes Kingman all more important major distribution centering go up to upper United States and Canada. Counties of Mohave, La Paz and Yuma becoming part of what we call an economic development district which allows the counties to become available to economic grants and to help all prosper under the E, DD development program. Kingman's other major industry told before tourism and recreation because of what it has to offer, because of its location to the Colorado River, communities, and it's lakes. We draw thousands of people over the weekends, as you probably saw the Easter break, Lake Havasu major collecting points four spring break. Another thing heard about retirement, Kingman alone 25 percent more population retired gained all more people moving

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California. So you see, we are definitely, different, geographically, demographically, and culturally, that not to be placed district so many differences. I look this way, like mixing water and oil. They don't mix. So I appeal to you, and I don't know whether you can appeal to the Judge to say to him, this just isn't right, may we look at it, could there been an eight district created. I want to throw thought out to you, could there been eight district created. Maybe Navajo, Apache people, don't know whether this they'd like to join together, full recognition also. My recognition, create eight district, possibility. My last comment, please help us keep district as it is.

CHAIRMAN LYNN: Thank you Mr. McCormick.

Mike Flannery, as always, represents the Tri-Cities area of Prescott, Prescott Valley, and Chino Valley.

MR. FLANNERY: Good morning, Mr. Chairman, Commissioners, unlike before when I've come to you and spoke on behalf of Tri-Cities, to ask four recognition, today I'd like to speak to you about the changes regarding the April 2nd map. I did not comment on those, that map, last Friday, as we concluded business, because I was unsure of what those changes were. Afterward I had gone to Doug and asked him to pull up and did high
altitude fly over of fly over and changes look like may be all right and I left fairly pleased with those changes. But as Doug recognized, the Yavapai County recorder and elections department have indicated some, some problems with those changes. And I believe, Doug, did they get a copy of those?

MR. JOHNSON: They have a copy of your remarks, yes.

MR. FLANNERY: You have a copy of those requests. On the west side, some of those lines go straight down through precincts, one case divides one community, as Doug had drawn line across top of mountain, normally nothing on top of mountain, one case community rests top of mountain, Highland Pines, divides right in half, half going to be in District 1, half in District 4, in Chino number of districts there been split, so what they would like to do is see those lines be moved over to, to the 2002 map, if possible, and, quite frankly, that is going to move population in into a district that is already overpopulated and I would be willing to suggest perhaps maybe some remedy for that, LD 4 is underpopulated, if we could make a shift from LD 1 to LD 4 with Black Canyon City that would create shift 2006 hundred '97 into LD 4, perhaps maybe this could be done. I don't want to touch, I know some of that, has cause
four concern in L 323LD-5 three something we prefer not touching, so would I, L D three, competitive district don't want to touch that, if make adjustments LD 1 LD 4 would be appreciated by Yavapai County recorder and elections.

So, with that, let me say that -- now I've gotten Yavapai County on record with that, let me go on record saying as I sit here and I listen to comments made by Mohave County, Kingman, Lake Havasu, Bullhead City, and Flagstaff, Flagstaff, I must, I must say that I think what we have done is moved this process from good intentions of moving from background -- back room gerrymandering to a public forum, court assisted gerrymandering, and what we're doing in Kingman and Mohave County is wrong. What we've done to Flagstaff, if Kachina village and Mountaineaire doesn't belong with Flagstaff I don't know who does. I think right now where we're going is waters that don't need to be tempted. I just wanted to get that on the record because you call it public comment. So if I can answer any questions, I will.

CHAIRMAN LYNN: Thank you, Mr. Flannery.

Without objection, let's take 15 minute break, and we will resume public comment immediately thereafter.

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(Recess taken.)

THE Chairman LYNN: Commission will come to order. For the record, Ms. Minkoff is back with us.

COMMISSIONER MINKOFF: And coming car ready.

CHAIRMAN LYNN: For the record, Ms. Minkoff's car is here.

All five Commissioners, legal staff, and consultants. Are present continuing public comment.


Still good morning for five minutes.

DR. MARSTON: Thank you, Mr. Chairman. I'd ask your reconsideration as to the April 2nd vote. Notice I'm actually representing somebody this time, the Historic Neighborhood Coalition. There was time to allow me to convince them, although it wasn't difficult, no negative impacts. I'd like to begin this morning by telling you a store, Saturday morning, about 5:30, I had made coffee and I was blowing up helium balloons a woman yard sale blowup helium balloons 70 block neighbors started arriving at house coffee hot cross buns, of course, I had blown up enough balloons they started distributing them we had 96 yard sales helium balloons in
one neighborhood one Saturday morning. I think this is
an important story because it is characteristic of
Historic neighbors trying to unite into one Legislative
District, the neighbors themselves have this sort of
community of interest so that for one neighborhood yard
sale you can have 3,000 people turn out. We had people
all over the street. We do this twice a year, very
common in our historic neighborhoods, along with yard
sales, whom tours, all kind of newsletters, et cetera.
We are really significantly different from the neighbors
that were represented by Dr. Scribner, Ms. Shapiro, and
superintendent Wilcox, but we have a similar goal with
plan calling Encanto plan which is not divide the
communities of interest for either westside Hispanic
neighbors or historic neighborhoods, that's what I'm
asking you to reconsider. Also, although the Phoenix
element real school district divided I told you before as
board member Phoenix Elementary as Mrs. Shapiro is in
Isaac, we believe the Encanto plan will allow all
communities in both those districts to be appropriately.
I have some new information for you this
morning which I would like to submit and I'm taking the
least possible amount of time here. I have a letter from
Andrew George talking about the ethnic and social
economic diversity of Roosevelt neighborhood, mentioned

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briefly last time that the silver crest apartments and
Westward Ho would be different district than Westwood
historic neighborhood, plan felt really different from
the northern part of that neighborhood, here's letter
from there chairperson affirming that. I have a similar
letter from Helen Trujillo, President of Garfield
Neighborhood talking about how the plan divides that
neighborhood, and I have petitions for the Encanto
Estates and Greenway Terrace neighbors on the border of
15 and 14 in this Encanto plan talking about their
preference for the Encanto plan. So I would leave those
for you, and I appreciate your giving me opportunity to
speak to you once again.

CHAIRMAN LYNN: Thank you, Dr. Marston.

Next speaker, Alberto Gutier.

Mr. Gutier, as always, represents himself,
does so most of the time.

MR. GUTIER: Most of the time.

CHAIRMAN LYNN: Many places.

MR. GUTIER: Thank you. I won't bore with
you a lot of things said before. You have a tough charge
admire you what you've done I think on April 2nd you
mapped adjusted and that map sounds fine. What really
bothers me we came here, we should split District 14, 15
and also add a number of precincts to District 10 where I
live or proposed District 10 where I live, same time has
only one purpose splitting so-called Encanto plan not
protection Historic Districts simply two incumbents, no
way incumbent protection incumbent protection incumbent
protection admire both senators not charge of Commission,
not what voters intended, and that's -- I put together a
little map I'll past out to staff in which you show the
little corners where one of incumbents gets protected --

MS. LEONI: Can't have that --

CHAIRMAN LYNN: Don't want see that, don't
want part of record, don't want made part of record.

MR. GUTIER: Let me tell you what happen
do, split example 7th Street south Maryland one part of
district, south end north Maryland northern part of
district Central Avenue puts it evenly riding path
Central Avenue, we own three townhouses, north of that,
splitting, why split bridle path, why go other side of
I-17, instead leaving District 10 as had it, April 2nd
alone that's where should be left alone not do incumbent
protection. With that,

CHAIRMAN LYNN: Thank you, Mr. Gutier.

Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you.

Mr. Gutier, as you know we are not allowed
to consider the residences of incumbents of districts,
feel a little uncomfortable with the statement you've made. Is it also true you are planning to be a candidate for Legislature next election your district would be impacted by the changes that are being proposed.

COMMISSIONER HUNTWORK: Mr. Chairman Minkoff not allowed to be considered either actual potential candidates.

CHAIRMAN LYNN: Candidates four office potential either one question best unanswered at this point.

CHAIRMAN LYNN: Can I ask --

MS. HAUSER: What was the question?

CHAIRMAN LYNN: Whether or not Mr. Gutier is a candidate for office.

MS. HAUSER: Has he announced --

CHAIRMAN LYNN: No, he has not announced his address.

MR. GUTIER: No, he has not.

CHAIRMAN LYNN: Thank you very much. Asked you -- said Ms. Hauser -- a asking in either question.

CHAIRMAN LYNN: Mr. Gutier, Ms. Hauser has a question.

MS. HAUSER: Mr. Gutier just to question, we have a prohibition against having information with

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respect to the specific addresses or locations, resident -- locations of residences are not to be plotted or considered by the Commission. So that's why your map is not, something we're not to see. But I think we've had known the past with respect to various maps. If you remember one of the Coalition maps came in there was some testimony that was Mr. Wake presented with respect to the numbers of districts or numbers of incumbents protected or whatever. If Mr. Gutier has some information that he can share with us to explain his statement that this particular change is one that is being offered four incumbent protection I think that would be helpful to Commission as stands now just statement can't see map need not know specifically who or specifically where they live and what location moving from or to. If anyway you can -- maybe there isn't. If there is anyway you can elaborate or give sort of an avowal to the Commission with respect to how you know this and -- you know, how many incumbents are being protected, are they one party versus another, some kind of information, that the might be of some help. I guess, Commissioner, you can indicate whether that would be of some help. While still here I wanted to at least put that forward.

CHAIRMAN LYNN: Up -- I don't know what feeling S I suggest that that, even though we've had that

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kind of information in the past at various times with respect to various maps might have been considering, one thing we have really tried very hard to do is avoid getting anywhere close to this notion of considering incumbency or candidacy with respect to making decisions, and I would have some concerns if we go down that path might not be the right one. But that's -- I mean -- I understand your assertion, and assertion as stands is that, assertion it has a purpose other than what was presented.

I understand Ms. Hauser's point if there is a way to substantiate, adjourn in some manner that doesn't violate our proceedings more weight to assertion, I don't know that his possible ask Ms. Hauser, listen carefully, jump in if getting close to somewhere there shouldn't be.

MR. GUTIER: Mr. Chairman, members of the Commission, the Commission has done an excellent job of drafting maps, March 1st, April 2nd, lines drew people put against each other to senators each other same district and happens to be the other two, and it is also a different party, is also in the same district, that's what happens have you to do the job charged to do by the Judge, especially the order of the Judge and different between, don't want to mess up his word, heterogeneous
district and homogeneous districts, order from the Court.
This particular case, again, the other to senators ended
up in same district, no question aura tempt to the map
because you have very difficult job.

My main point in this particular case four
some reason, one particular case, this particular
District 14 and 15 is where the, when the map was created
some degree, make sure those two income bands were
separated. That's what my concern was, nothing be
considered, happen to not because happens to know one of
the Senators lives, by doing that, split into two
different districts, you know, which is very nice.

CHAIRMAN LYNN: Okay.
Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Gutier, I don't
know where either of the senators live, district, matter
of fact not sure where any of the Senators or
Representatives live. I do have a question.
The person who presented the proposal we're
now calling the Encanto of the proposal doctor Ruth an
Marston she present herself as Republican committee
person. Are you aware of that.

MR. GUTIER: I don't live that district.

COMMISSIONER MINKOFF: She presented
herself. Are you also -- are the people you are talking

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about of her party or of other party.

COMMISSIONER MINKOFF: From the other party.

COMMISSIONER MINKOFF: Do you believe it would be in her best interests to help people from the other party have easier districts to run in.

MR. GUTIER: Has little signs on top of signs.

CHAIRMAN LYNN: Thank you, Mr. Gutier.

Daniel Kincaid, homeowner, Encanto Estates area.

Mr. Kincaid.

MR. KINCAID: As a native Arizonian that you for service on this Commission, I just wanted to, that you for on April 2nd and encourage you to tape Encanto estates and neighbors in District 14 proposed. I lived there for almost 27 years, moved in because wanted to send my daughter to west high, wallet west high, have the Encanto park that separates us, 19th Avenue to all of that, separates us, fair grounds to West Valley, I just would like to raise my voice say I encourage you to keep us in District 14 I greatly appreciate your consideration. Thank you.

CHAIRMAN LYNN: Thank you, Mr. Kincaid.

COMMISSIONER MINKOFF: Thank you. Historic
map. Give me approximate boundaries area we are talking
about.

MR. KINCAID: West of 19th Avenue, south
of 19th, South of Thomas, sorry. And the 3400 is the
boundary for both Encanto and Greenway Terrace on the
west, to the south of Encanto neighborhood association.
It's a stabile neighborhood with a lot of minorities that
move into the neighborhood. Like I said, I've been there
almost 27 years. It's a great place to live. I hope we
can remain in District 14.

CHAIRMAN LYNN: Thank you, Mr. Kincaid.

Next speaker, have to more speaker slips.
If you have yet to fill one out. If do session, David
Cantelme representing City of Flagstaff.

MR. CANTELME: David Cantelme, Jennings,
Strouss, Salmon, representing City of Flagstaff.
To be brief, two comments to make. On the
discussion of population this morning, I just happen to
have with me the Department of Economic Security's
population for Arizona cities beginning in 1997 and
projected into the future. I'd like to add those to the
record, if I might.

CHAIRMAN LYNN: Without objection.

MR. CANTELME: Kingman, year 2000, 20,000
people, projected in 2010 to be 25,225, net gain of
5,225; Flagstaff, 60,708 projected to go, 2010, 70,981, net gain 973. The March 1 plan as adjusted on April 2, following in Northern Arizona, Lake Havasu kept whole, Bullhead City kept whole, Kingman kept whole, FMPO kept whole, Kachina Mountainaire kept as one. I strongly recommend make no further changes in Northern Arizona.

Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: With the difference between Flagstaff and Kingman so great, what is the significance of comparing 60,000 to 20,000 population? Do you have the statistic for the 60,000 people who replaced Flagstaff as a whole rather than the City of Kingman separately?

MR. CANTELME: I do not. I heard discussion this morning where growth was going to be, who had grown so far. Rather than guesstimates, I thought useful for you to have statistics.

COMMISSIONER HUNTWORK: It's useful to understand what the projection for Flagstaff is. The court ordered us not to consider future growth.

MR. CANTELME: That is true.

COMMISSIONER HUNTWORK: If it is relevant, it is only relevant in comparison to other 60,000 people we're replacing with, in my mind, so Kingman alone would
not be a particularly relevant comparison.

MR. CANTELME: Thanks so much.

CHAIRMAN LYNN: The last speaker slip is
Karen Osborne, director of elections for Maricopa County.
Ms. Osborn, as she approaches, I'd like to
thank Helen Purcell and Karen Osborne for Tim Johnson for
the continued work in support of the Commission's
activities, primarily support with respect to website.
Mr. Johnson has done an outstanding job maintaining our
website and continues to communicate with us with respect
to those individuals who have addressed the website,
adressed the Commission through the website, and
provided comments in that way.
Mr. Johnson, if would you stand so we can
recognize you and show our appreciation.
And, Helen, thank you very much, and,
Karen, we really appreciate your loaning Tim to us. We
know it's difficult and know he's not home as much as he
should be working both you and for us. We do appreciate
it very much.

Good afternoon and welcome.

MS. OSBORNE: Thank you, Mr. Chairman, and
Committee. We've taken the last memo, said we need to
change a few lines thank your Mr. Johnson for doing that.
I believe that will be of help to us.

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The second thing, we've aggressively tried
to chase your lines. I don't know how else to put it.
You lay down a line, we try to lay down precincts. Tim
is very good at it. He has adjusted more than 150
precincts to accommodate lines. We've asked the Board of
Supervisors to adopt them, sent them to Justice saying we
don't intend to implement these unless or until your
lines are precleared. Bruce Adelson, Department of
Justice, did call, me wanted to make sure I understood, I
guess in laymen's terms, how deep the water was. He
wanted to make sure I understood they weren't going to do
anything with our precinct lines until they had dealt
with what comes to them with your Legislative lines. And
we may still be chasing your lines somewhat.

We'd beg, plead, obviously, if anything can
be made to cut down either a precinct line, we would be
grateful if you make any changes.

The other is to let you know downstream
kind of what is happening. And we've always been asked:
Last time in May, late May we gave you map, and you can
handle it then, you can handle it now. Late May two
years ago we were handed a map from the Court which is
the only thing that trumps Justice. We can do an
election for you.

Where we are right now is four days behind.

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On the 9th of June is the last day for candidates to file with the Secretary of State. And Judge Fields has given her permission to take filings on old lines. That's great for them. But she's going to turnaround and hand me a certification and print a ballot on lines that have been ruled unconstitutional.

Now, those stripes on those prison suits still go round and round and round.

MR. RIVERA: And up and down and up and down and up and down and up and down.

MS. OSBORNE: I don't want to know where Sheriff Jo's Jail is.

 Doesn't happen on August 5th. It takes me 33 days to print a ballot or more. We're talking July 2nd to go to print.

Well, the challenges don't happen until June 23rd, but if I don't spree clearance from the Department of Justice, if Lisa and Jose sent them today, 60 days from now is four days past the filing deadline. We're in what I have learned to say is exigent circumstances. For the record I may even be able to spell it now, which I wasn't able to previously. We're in more than exigent circumstances because I don't know how to produce a ballot to have somebody vote on the Legislature. We can't do either/or. That's my
institutional whining. I wanted to put it on the record again.

I'll be happy to answer any questions anybody has.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Help me to understand the comment you made.

Judge Fields said we could use the existing map for filings.

COMMISSIONER MINKOFF: Mr. Chairman, Ms. Minkoff, the Secretary of State asked for relief from the Court to permit them to take the candidate, the candidate petitions and nomination paper from the candidates for the Legislature, either in your, districts he decided are unconstitutional or on any map that would be precleared. So they have relief to gather their signatures. They have relief to file their signatures, and presumptively, the Secretary of State will issue our order that says this is where you put them on your ballot. I have no such relief. We asked the Judge for relief for our precincts and were turned down. He said only the Legislative can issue that. Unfortunately, that's how we build the Legislative lines. We're in the catch .22 here.

COMMISSIONER MINKOFF: Let me ask a further
question. I don't know whether it's for you to answer or
the attorneys to answer.

Assuming that a candidate circulates a
petition and gets signatures under either the adopted map
or under the map we're proposing now and ends up in a
different district, what happens to that candidate?

MS. OSBORNE: Mr. Chairman, Ms. Minkoff,
I'm sure they get to file, I'm sure they get to file, if
people sign petitions that are contested. I can tell you
if I were in either one, I don't know how I print them on
the ballot.

COMMISSIONER MINKOFF: Okay. Does anybody
else know?

CHAIRMAN LYNN: I think the question has to
be answered by a court somewhere at some point, as to how
do you that.

MS. OSBORNE: That's our belief, someone
would have to give us permission to print something that
would not put me in jail.

You know, when we disenfranchise, we
disenfranchise the military if we wait. That is printing
time. We print everything all together. We do NOT print
early ballots separately. When you print, you print the
whole thing for that print, the whole amount. Maybe it's
a thousand, maybe it's less or more. If you take the top

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off or test 25, rest or early, the rest for a precinct, they are all done at once. The early ones are sent out. Early ones are called submariners' ballots. Chase submariners around, on top of a mountain with a yak taking off a ballot. We do have yak patrol. That is the first part we disenfranchise, then comes rolling down the line.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, Ms. Osborne, I was Ms. Osborne's attorney for some period of time, know her fear of horizontal or vertical stripes. I used to always keep her out of jail, and I did that for many years.

In this particular case, let me ask you a couple of follow-up questions.

The Secretary of State, the relief the Secretary of State got from Judge Fields, of course, also had to be precleared.

MS. OSBORNE: Mr. Chairman, Ms. Hauser, correct, it has been precleared.

MS. HAUSER: Do you know when it precleared?

MS. OSBORNE: 10 days ago.

MS. HAUSER: July 2nd was the printing deadline, one mentioned.
MS. OSBORNE: Yes, correct.

MS. HAUSER: Is that your drop dead printing deadline?

I guess what getting at, of course, there is going to be a challenge period with respect to the nomination petitions. And a printing deadline usually gets pushed a good bit and is one of the deadlines I think the court's are a little skeptical of.

So what is your latitude with respect to that printing deadline? How does the July 2nd date, did you have date for the nomination challenges you were certainly facing as well?

MS. OSBORNE: Mr. Chairman, Ms. Hauser, we start building the ballot obviously the day the candidates come to us. On the 23rd, the night of the 23rd at 5:00 o'clock is the last time for anyone to challenge the nomination of any candidate running anyplace in the state at any level. That night we have representatives from the Secretary of State's Office, Attorney General's Office, our County Attorney, we have a large piece of paper on the wall. Anything that is not contested, we are in contact with our printer that night and they begin to print. Anything that is contested we hold back. And so perhaps if we're very lucky it's just one political party. We're never that lucky. A small JP
district that holds those precincts, mix and match, whatnot, under contest at all, we can send, much like a piece of a pen going off the end of a table that will balance for awhile.

    July 2nd, that night, that's when goes it off the table.

    We do not have the ability, no matter how much money we throw at it to come off and print that ballot.

    MS. HAUSER: Can't you just start printing on July 2nd if you find out on July 2nd if you find out what your districts are, I assume?

    My question is you are going to have everything all ready to go to a set of new lines. If those new lines are precleared, you can essentially flip a switch, figuratively speaking, and go to the new map. What is the last date that you believe you can flip that switch and meet your July 2nd printing deadline?

    MS. OSBORNE: Mr. Chairman, Ms. Hauser, if we do not have a definitive answer by May 15th, I cannot conduct the 2004 election on lines I have right now.

    MS. HAUSER: Rather than -- I guess, I know from working with you before, a lot of detail goes into your answer. If I ask you a question what has to happen between May 15th and July 2nd, I think in preparing for
your federal court testimony two years ago, we spent two
days going over that detail.

What I'm asking you for something with
respect to the work that is entailed between the May 15th
and July 2nd deadline I can use in connection with
telling the Department of Justice when we need to have an
answer with respect to preclearance of the map we're
about to submit. So, can you work with your counsel and
get something to me that lays out that particular time
period?

MS. OSBORNE: Mr. Chairman, Ms. Hauser, we
would be happy to. That's where I learned the word
exigent circumstances.

CHAIRMAN LYNN: It takes an attorney to
learn that term, I inferred.

MS. HAUSER: She was ready to go and could
explain exigent circumstances. I can't say it today.
She could explain it two years ago.

I think I have one other question for you.

It's left my mind momentarily.

CHAIRMAN LYNN: Mr. Huntwork has a
question.

Mr. Huntwork.

COMMISSIONER HUNTWORK: It's not really a
question. I just wanted to take everybody's time for a
second to relate some experiences that I have shared with
Ms. Osborne that might bear on this situation.

In October of 1991, she and I had the
opportunity to fly to the Ukraine in the former Soviet
Union, then the Soviet Union, to assist the Central
Election in the Election of the Ukraine to create rules
under which their independent referendum was held on
December 1 of 1991. And as she may recall, it was the
Ukrainian vote for independence that essentially
destroyed and ended the independence of the former Soviet
Union.

Ms. Osborne and I flew on to Romania and
observed the Soviet election, were interrogated,
attempted to be intimidated by KGB agents. We prevailed.
I personally can testify Ms. Osborne is not given to
undue panic or unfocused anxiety. If she says we have a
problem, I just want to say, we've got a problem.

COMMISSIONER MINKOFF: This is worse than
the KGB.

CHAIRMAN LYNN: Mr. Huntwork, I appreciate
your comments. As one detained by border guards of the
Ukraine for about two-and-a-half hours myself on one
occasion, I understand your comments perhaps more than
most.

Ms. Hauser has remembered her last

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question.

Ms. Hauser, if you'd indulge us.

MS. HAUSER: Ms. Osborne's experience is much broader than that. As the Director of Maricopa County, my client, the Assistant Secretary of State, having served under Secretary of State Mofford and then under Secretary of State Shumway, and if you can harken back to those days, maybe it will help you answer this question. If you feel your answer is out of date, you can't answer it, just let me know.

My question is: You got this ability to prepare all the way along and do what I explained, what I characterized, what I characterized as flipping a switch, you can run a dual system, you can essentially reprecinct place voters in new precincts under one set of registration rules and be ready go under a new plan with one set of registration ready to go under the precleared plan, right?

MS. OSBORNE: Yes, that's right.

MS. HAUSER: Other counties don't have that ability, correct?

MS. OSBORNE: That's absolutely correct.

MS. HAUSER: I don't know if you were here, Ms. Purcell was here, the County Recorder for Pima County testified she doesn't have that ability. Counties that
don't have that ability, and I think it's almost all of them, what is your professional opinion, really, with respect to how much more time, I'm assuming they'll need more time than you, you've given us a May 15th deadline, what do you think they need in order to be table to get to the point where they could fully implement a new plan?

MS. OSBORNE: Mr. Chairman, Ms. Hauser, I'm not aware of their technology. Last week I was at a meeting of all election directors statewide. I can tell you those counties are as nervous as we are. They do not enjoy the technological we have. Mrs. Purcell gives us technology we lean on. We stand here, tell you a drop dead date, have testing, with thanks, to go on.

If you can't even run parallel, and they cannot, I'm not aware of anybody else that can, it is very difficult to draw on resources that are imaginary to create a ballot.

I don't know when their drop dead date would be. I know they are fairly well terrorized right now for their job, as mine, and every voter in their county, or those away, the ability to vote. We simply can't do it.

MS. HAUSER: The part, they can reprecinct, the board's approve lines, send them to Justice, do all those things. I think where the difference between

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parallel systems comes into play is registration rules;
is that right?

MS. OSBORNE: Mr. Chairman, Ms. Hauser,
that's absolutely correct.

We've blown past the March 1st date when we send cards to anyone who -- we changed anything. We chose not send them; don't know where to tell them to go. Can we clean up for the record? We have a precinct called Pogo. I can't get Paquito on the file, it's too large.

MS. HAUSER: How long does it take, additional resources, a lot more voters than everybody else, just for a ballpark figure for me, how long does it take you to reassign voters to new precincts?

MS. OSBORNE: It's a 30-day operation for us. We can do it in three weeks, but it is very, very tough. We pushed with the three-week change we did last time. Tim, I'm sure, has not seen his family. I'm not sure there would be any less, Mr. Chairman, Ms. Hauser. The film crew, technical people, they have one person.

MS. HAUSER: If you were put in a position of less than 30 days, if the county has less than the time it needs to make that change, are there risks created, for example, in terms of voters being assigned the wrong precinct, illegal votes being cast, people
voting for candidates in precincts they don't really reside in, those kind of things? What are the problems?

MS. OSBORNE: I can tell you the risk is accuracy. We ran into that two years ago. Had the map, had preclearance from the panel. When we went into that, we were scrambling all the time to prove up again and again and again were we doing this accurately. When changing precincts, it's not just precincts that fit the Legislative, there's a tunnel that comes down from that of all of the different Boards of Supervisors, Justices of the Peace, Community College Boards, technical boards, precinct boundaries, also. All of that has to be manually lined up in a county that does not have our technology, let alone splits for school districts and all of the things that happen there. And you test and test and test. When you can hit a 30-day time period for printing is when you have everything in place. But to not do that requires testing of every single rotation. We have the most complicated rotation in the United States called the Arizona-Wyoming rotation, and Wyoming gave up.

The theory is that everybody is on top an equal number of times before an equal number of people, and that has to be done by political party. Everything that you are thinking about doing, everything we are
thinking about doing is further complicated not because
this is a Presidential year but because it is a primary
election and this primary this year there are three
parties. I don't have 1,065 precincts, I have 3,215,
because I have to have the same lines for the Democrats,
for the Republicans, and for the Libertarians. And the
testing goes on work with political parties, all the
little minutia, elections is what hits us in the back
side. What suffers is the accuracy.

MS. HAUSER: All right. In connection with
the 2002 election, I recall there being a significant
number of ballots needing to be verified at the end of
the 2002 election. I recall some of that because of the
time it took to finish and make those. There were a
number of ballots, the name of days, that counties still
went on to determine the Governor's race in 2002, was any
of that extra to be ballot testing. Something that came
from being Legislativewise late last time or something
related to something else.

MS. OSBORNE: Mr. Chairman, Ms. Hauser,
late recording for voting what that did was permit time
to print, compress time for people to request and to
vote. Mrs. Purcell had us go to every length possible to
get people these ballots. We got them little packets and
sent them, did everything in the world to make sure
people could participate so compressed. Did lead to a
lot of problems, the biggest of which is exactly what you
speak to, ballots to be verified. If 50,000 ballots to
be verified from a whole variety of things, but as
Mrs. Purcell said last week, the two groups that are
impacted the most with this delay are the voters and the
candidates who would want to be candidates, those are two
the of greatest impact.

Yes, it did impact our primary and, yes, we
always have great fun with provisional, now called
provisional, a new techy term, came from the feds as
well.

MS. HAUSER: Well, Mr. Chairman,
Ms. Osborne, thank you as always. We hope to have an
order from the Court very shortly after the hearing on
the 15th and 16th. And that is a -- Thursday and Friday
of this week. So we're hoping to be prepared to submit
to Justice on Monday or Tuesday of the very next week.
So the sooner we can get something from you that
explained in more detail, at least from March the
county's perspective, that May 15th to July 2nd time
frame, that would be really helpful.

If in the course of any discussions the
federal election directors, six counties direct by map
come up with any information by them, pass on to us as
well, that would also be real helpful.

MS. OSBORNE: Ms. Chairman, Ms. Hauser,

we'll be happy to deliver to the airport for you when you
get that ready.

COMMISSIONER ELDER: I'll probably stumble
over this, as I do when something means something to me.

Ms. Osborne, I've been pessimistic,
optimistic, and then into cynicism many times during this
process, and the professionalism, creative way you think
and try to solve problems, the passion that you bring,
I'm proud to have you as one of my best people I've met
in this process who -- you are just an outstanding -- I
hate to use the term bureaucrat, public --

CHAIRMAN LYNN: Public servant.

COMMISSIONER ELDER: -- public servant.

You refresh my belief in the system, desire to believe in
my country, people of the state. I appreciate your
service.

CHAIRMAN LYNN: Mr. Elder speaks for all of
us.

We really have -- there have been few
things truly enjoyable about this process. Many were
onerous. Dealings with maybe the county because of
Ms. Purcell and you, Ms. Osborne, certainly Mr. Johnson,
have been the most pleasant, one of the most pleasant.
COMMISSIONER MINKOFF: As a resident of Maricopa County, I'm proud to have you as ours. As I said to Mr. Elder: Maricopa County rocks, a geographically partisan statement.

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

Ladies and gentlemen --

Mr. Mills, I don't have a slip with your name on it, Mr. Mills.

MR. MILLS: Sorry, a few things were brought up by Ms. Osborne.

John Mills, Arizonans for Fair and Legal Representation --

MS. HAUSER: -- Redistricting.

MR. MILLS: -- Redistricting.

CHAIRMAN LYNN: We know who you represent.

MR. MILLS: The talk of the time frame here, at this point, we right now have candidates, in fact elected representatives and senators, who even today do not know what House they are going to be running for, the reason being they don't know who their competition is going to be. We have candidates who don't know if they are willing to get into the race. Again, they don't know who they are going to be facing. They could be running for either a House or Senate race, and because of some
information we have been given from the Secretary of State's Office, and I realize there is some conflict --
whenever you have three lawyers in a room you have four opinions -- lawyers that say this is true and others that say this is not. According to the Secretary of State's office once you file, open a campaign committee, you are there for a candidate for office, not when you file your paperwork, when you open your campaign committee.

We also have a statute on the books that says you cannot run for more than one office at a time. So there was some talk of these individuals who thought maybe they'd run for the house or maybe the Senate, thought about going and collecting a signature for both the House and Senate. Yes, it's a lot more work for them, have a stack of House signatures and stack of Senate signatures, and then they would go ahead and on that day of, in June, when filed, just pick which one and do it. You cannot do that because you have to open a campaign committee to even start collecting those signatures. So they are at a huge disadvantage, both incumbents and candidates.

Two years ago we had a very low percentage of districts that are were, there was competition in them, and that was not necessarily just because of the lines that you had drawn that disavowed competition, it
was because there was such uncertainty of where people were going to be running. And competition every day we'd get further and further down this road. It's one more day and the candidates do not know where they are going to be running. And I'm sure all the Commission realizes that a candidate running for public office takes an inordinate amount of time and effort on their part to go ahead and make the sacrifice to run. It's not something you can do in 20 minutes. If you have a huge amount of resources, if you are an incumbent around for a while you can probably get enough people around to get your signatures, maybe 300 or four or 500 in week or 10 days, not going to do get someone maybe thinking about running in the last few months, don't have big campaign group to draw on, go out and get signatures pretty much on their own, and May 15th, with only a three-week filing deadline window is not going to give those people enough time unless they just do it 24 hours a day seven days a week. Start knocking on a door at 8:00, 9:00 o'clock night, people get testy and won't sign very well.

All the issues, it's not just filing deadlines that counties are doing, which is definitely a problem, but to even go ahead with these elections, you have to have candidates. And we're fast running out of some of them. Some candidates have already decided they
have parties that are not going to run because they don't
know where, who their competition is and they don't know
if they can get it done in time.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, has the AFLR, or
any other party, to your knowledge, approached the
Pre-Election Clean Elections Commission about getting any
relief from their particular requirements that would
allow candidates to get started, maybe run in a low
track? The Secretary of State when they asked for their
relief with the trial court with respect to boundaries
they also asked for it with respect to the $5
contributions on the old and new lines.

MR. MILLS: Yes.

MS. HAUSER: Has anybody went to the Clean
Elections Commission to get additional relief?

MR. MILLS: My understanding, their relief,
because granted by the trial court to collect $5, either
one of them, that is acceptable to them, and they're not
having a problem with that, collect signatures, $5.

MS. HAUSER: Your point was you can't have
more than one committee, can't switch money -- that rule
is there for a reason --

MR. MILLS: Right.

MS. HAUSER: I suspect that rule is not

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there to deal with that situation.

Has anyone talked to them about getting relief from that particular?

MR. MILLS: Not necessarily just clean elections? This law can't switch money from one campaign to another.

Before the clean elections came about, that was done. Didn't want candidates getting a huge pot of money, running to another office or converting to another. The campaign committee has a lot of money in it. The only thing to do is rebate it to the people that did it on a prorated basis or send the money back to charity.

MS. HAUSER: Mr. Chairman, all I can report from our end is we will submit to the Department of Justice as soon as we have an order, and that's about all we can do.

CHAIRMAN LYNN: And request expedited consideration.

MS. HAUSER: And all of these factors will play into our request for expedited consideration. That's all we can do.

MR. MILLS: Could also be some type of relief, not necessarily from the Court, would this help in any type of either the appeal or other types of relief
you might be asking for down the road from the Court of
Appeals?

MS. HAUSER: I can't answer that question.

MR. MILLS: Thank you very much.

CHAIRMAN LYNN: For planning purposes, it
would be my intend to have an Executive Session prior to
a lunch break. And so I would say for planning purposes
for those members of the public, I'd ask the Commission
go into Executive Session.

I can't estimate exactly how long that will
take, as all of you know. I've never been good at that,
don't try anymore. It will take until it's over. And
following it, I would like to hold us to a 45-minute
lunch break following the Executive Session.

So if that is acceptable to the Commission,
than I would ask that pursuant to A.R.S. 38-431.03(A)(3),
38-431.03(A)(4) we have a motion for Executive Session.

COMMISSIONER MINKOFF: So moved.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: All in favor, say "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Ladies and gentlemen, I
guess you can take this for what it's worth. I'd estimate the sum total of the Executive Session and lunch break to be somewhere between an hour and a half and two hours.

(Whereupon, the Commission recessed Open Public Session at 1:02 p.m. and convened in Executive Session at which time they recessed for the afternoon lunch break for approximately 45 minutes and resumed Open Public Session at 3:07 p.m.)

CHAIRMAN LYNN: The Commission will come to order.

For the record, all five Commissioners are present along with legal counsel and consultants, IRC staff.

At this point we'll ask Mr. Johnson to give us an update on the map as it currently is configured under consideration by the Commission with specific attention paid to any adjustments or changes made as a result of instructions at the last meeting particularly with respect to changes that might have been -- might have needed to occur adjustments that needed to occur to the latest portion of the map developed late in the process last time as well as input received from Yavapai and Maricopa Counties or Pima Counties, Pima and Yavapai,
and also anything that was done with respect to
population deviation.

Mr. Johnson.

MR. JOHNSON: Mr. Chairman, Members of the
Commission, a lot of this is going to be similar to what
has been done in the past with population deviation
testing and looking at neighbors, major roads, and the
other criteria and small changes that can be used to
improve compliance with those criteria. Mixed in with
this, primarily because they actually in many cases
actually helped balance districts, are a couple of tests
the public requested.

So what I have to show you today is first
what I've termed technical adjustment requests from
Yavapai County, precincts, precincts and technical
adjustments, a balance of technical LDs.

The Commission looked in March at
population balancing in all districts and explained and
reviewed report at that point. What I'm presenting now
is population balancing now against districts changed
since that point. Population balancing in the northern
three, then my mistake, one change in Winslow West,
explain that point in District 5, then as mentioned,
want to revisit, clarify work done in the meeting last
time, clean up Tucson, with three little changes there
followed by population among those three districts, then, and -- in the issues, clean-up of the Tucson testing and population balancing in Pima County concerns raised before, finally go through the major county technical adjustments. The Power Point received didn't go through in detail at the last meeting where they had a few technical changes, which I'll walk through quickly.

Finally one precinct trap in Phoenix in Coconino County to Phoenix.

Listing through, try do this fairly quickly, then get any questions.

First, Yavapai County asked for a couple items. A graphic image shown here, a little shown here, but the blue lines that come around are the lines from at the last meeting, the April 2 lines. And then the colors are the result of these tests.

So what they asked was previously the April 2 line which follows right along the city boarders and Census place boarders, literally right up to them. Everything else is outside the border. District 4, the green district, and everything inside District 1.

What the county asked through that area, Prescott, Paulden, is the border move west slightly back to where border was for the 2002 election to reunify those precincts, and then a little south of there, around

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the southern part of Prescott, Prescott Valley, Dewey, and Maricopa area, they asked if we could unify some Census tracts there, those community borders, Census tracts, and stopped to request people just outside the Census communities, put them with the rest of their community. That is the testing there.

And then as mentioned earlier today, that we make two moves, District 1 picking up population in both of those, the tradeoff, pursuant to that request, is Black Canyon. The second piece of this, I'll cover in the next slide, involves a change from 3-1, similar, moving west, 2003 border, not directly tied in because of District 3.

So I made these changes between 4 and 1. And compactness, let me see scores, .21, .23, deviation, we're still in District 1 much larger than District 4, but this gets them closer together.

The second part of this request mentioned was the switch in District 3 and 1 where 1 comes west to what was the 2002 border, because that's where the precincts were drawn. That involved moving 755 people, I'll mispronounce this, but in Seligman, and that's -- I was working on that at the break, in Seligman. And then there wasn't any offset proposed to that with no -- that change doesn't impact compactness of District 1, District

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3 actually .18 after that change, and District 1's deviation has gone up slightly. District 3 has gone down because there is no offset there.

So, really, it's a lot of walking through.

What we're looking for is unifying precincts to the west of the Tri-Cities and unifying Census tracts just below the Tri-Cities around Dewey and Maricopa and trading that for Black Canyon that leads into, and because that brought the districts closer together and started from that point on balancing, balancing changes, you may remember or may not -- it does this all wrong together.

CHAIRMAN LYNN: Those are the choices: We may remember or may not.

MR. JOHNSON: Either way, I'll fill in.

After the last meeting, District 1 and 4, Districts 1 and 3, were overpopulated by 1.75 percent and District 4 was underpopulated by a similar percentage. That's a big gap between those. Attempting to narrow that difference, a couple things became clear. One, I hadn't looked at this at the last meeting. After we unify Lake Havasu City, the whole strip over here, District 4 used to come into Mohave County, 300 people, 298. So we actually looked at that at one point unifying all that into compactness issues. Given the change in

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Flagstaff, Flagstaff FMPO, we now can unify that and stay within the compactness issue of 1.57. The Mohave split, Kingman, the most discussion today, one county was split. Move those just under 400 people.

Other steps here, previously the border between 3 and 4 in Yavapai County kind of in the middle of nowhere, so in efforts of both a balance of population, since 4 needs to pick up people, follow other criteria doing that, you're able to move District 4 up toward 40, I-40 there. That actually only has 74 people involved in that move, helps population balancing and follows a major road.

The next step here was -- oh, an area just west of Seligman here, I can zoom in later, just west of Seligman.

COMMISSIONER HALL: Very good.

MR. JOHNSON: Not in the town, just people near that area. Also moved from 3 into 4, as I was trying to balance populations, all three districts, equaled out with equal deviation.

The last piece of this is District 1 moving north, goes North to Ash Fork. Coconino County picks up a few people east of here. All the details, moves east to the highway and is also picking up people from District 3.

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Those changes bring District 3 down. It was one of three higher. It unfortunately brings District 3 down putting into one, one more overpopulated relatively to the two. Switch Cordes Lakes, Spring Valley, the two communities in the IRC's plan, District 4 with Black Canyon to balance all out, those three people in 2004. That doesn't impact the area the county talked about. That request is still just as the county asked for, a big change in terms of people rather than just offsetting Black Canyon, also setting off with Cordes and Springerville.

After all the changes are complete that Yavapai has asked for and population deviations between 1, 3, and 4 are all the same after this, just to zoom in a little on Flagstaff changes I mentioned, see the blue district, or blue district line, it is where we were August 2nd, just moving from Census block borders over to the highway here.

CHAIRMAN LYNN: April 2nd.

MR. JOHNSON: I'm sorry, april 2nd.

We moved east to the highway north a bit. The neighborhood here has about 90 people around Snow Bowl. Therefore, those that know the area see those changes this is taking up and a swap. A block here is unincorporated area, 296. People three people, again, in
an effort to balance these, present to the Commission, population is balanced to swap in the two. The result in District 3, 1,134. District 4, 1,136. I'm sorry, District 1, 1,136. All three in question, .166 deviation. One note, compactness, District 3, .19, find even a higher rate than that .17.

Yes.

COMMISSIONER MINKOFF: Doug, do any moves impact the Flagstaff metropolitan planning area more than the initial? I no we took Kachina and Mountainaire, but areas moving around, does that have any significant impact?

MR. JOHNSON: Two blocks right on the edge of Flagstaff. Those are -- 300 people moving -- 300 people, none in incorporated areas from District 1. 300 people moving the other way. When you switch afterwards, see the border, see where the NPO border is here. Off the top of my head, I'm not sure where that is or not. I should note, on the slide, east of the highway, 970 people. That's probably the biggest chunk of bringing District 3 down to balance NPO districts.

Mentioned balancing other districts, the reason for balancing other districts rather than perfectly balanced districts, we're somewhat locked in on earlier decisions the district made for reasons you made
them in the Northern District, Phoenix area districts, all those addressed earlier.

Winslow west, what happened here is when we were doing some testing in the last round, we moved the whole reservations. Looking at Hopi options with Navajo, Winslow West, the tiny area at the edge of the City of Winslow, Winslow West is officially part of the Hopi Reservation. When we moved the Hopi before we moved Winslow West, in switching back, restoring District 5, every Census block, matching what it did before.

CHAIRMAN LYNN: Let me understand, Mr. Johnson: I mean, if I understood what you said, does this split the Hopi Reservation?

MR. JOHNSON: No. Winslow West, 130 people in District 1 to District 5, before not -- the main body of the Hopi Reservation was. We talk about different reservations, often, having outlying islands, noncontiguous pieces of reservations.

CHAIRMAN LYNN: I guess what I want to be clear about, in this iteration of the map, with the change restored, it's a similar circumstance to the 2004 map, for example?

MR. JOHNSON: Yes. Either way, if we didn't do an adjustment, Winslow West was not with the Hopi. This is restoring it. In the 2004 spread sheet,
it was off by 130 people in District 5. This is where
the 130 people were.

COMMISSIONER HUNTWORK: Doug, why didn't
you, there appears to be a zero population track that
connects District 2 to Winslow West or am I --

MR. JOHNSON: Oh. It's a little hard to
see. If I can focus this --

Those are district numbers. It's hard to
read: District 2, 1, 5. Is that -- Winslow -- it's a
little weird. This is City of Winslow, here, and then
continue with the area here which is Winslow West.

COMMISSIONER MINKOFF: Across the county
line?

MR. JOHNSON: Across the county line,
three, four Census blocks.

COMMISSIONER MINKOFF: Winslow West,
surprised that is Hopi. Winslow West, I don't believe
that's populated by Hopis. It's advertised as a real
estate development.

MR. JOHNSON: Could be. Winslow West is a
development in Winslow, the name, to be on the
reservation, reservations, is a Census place.

COMMISSIONER HALL: The Hopis own ranches
west of Winslow for significant --

COMMISSIONER MINKOFF: But don't live
there.

COMMISSIONER HALL: I hear you. A couple
do.

COMMISSIONER MINKOFF: Got it.

MR. JOHNSON: Going to the south.

COMMISSIONER ELDER: Mr. Johnson, District
6 seems like some of the things, we're reading through
the list, we're affecting precincts or traps in about six
counties. Does this move add in an additional county or
we're already affecting six?

MR. JOHNSON: Putting a line back to where
it was in 2002 and where the county thought would be in
2004, reducing the workload for almost six.

MR. JOHNSON: 2000 changes, informational,
not change the testing, District 24, Yuma, La Paz
District, there's been a lot of talk about that same
district. Essentially it is, one thing we wanted Flag so
everyone is on the same page, the Commission earlier was
drawing District 4, drawing a competitive District 3.
We -- District 4 was failing compactness the test and
moved two people west, I'm sorry, east of Salome and
Wendon from District 24 to District 4.

If you do compare 2000 -- the IRC 2000 for
this one, District 24 has a two-person change.

Just for your information, we did not

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I should note, all the changes up north, District 3, it's a competitive district by JudgeIt.

CHAIRMAN LYNN: Thank you.

MR. JOHNSON: The Next area, Tucson, if you compared the 2004 spread sheet to one of April 2nd, the districts 5, 25, and 27, it's not clear when it happened. Two Census blocks moved in some test we were doing. This is returning you do match block for block the IRC 2004 plan, move one person in the National Park over to the west side of town. I'm stating for the record it's correcting an inadvertent error made at some point.

Around District 29, because of all the testing that went on with 28 and 26, 30, there are a few more inadvertent blocks moved in one of the set blocks of population. So on the top side, recognize District 29, Rita Ranch here, the red circles on the one, north air base, the one down here by Rita Ranch, the one on the south side of the district, too, over here on the western side, zero population blocks at some point in testing I snagged and moved them, so away from the 2004 plan, this is just restoring those. It does match block for block the 2004 plan. Zero population.

Three wanted -- up here, the Broadway Broadmoor neighborhood, adopted a community of interest.
That's fine. No changes made there. Removing that, remember a couple tests were removed one way or another. This here is the Broadway Broadmoor neighborhood. And what happened is we also moved three Census blocks not part of that community out of District 29 in a test. So this is restoring this. Those are the only populated blocks, all changes, and a total of 196 people we're restoring back to District 29 which puts it back to the 2004 plan. The two changes mentioned we're putting back to the 2004 plan.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER ELDER: Mr. Johnson, for the record, somebody correct me for record if I'm wrong, Josh.

I don't believe we adopted for Judge Fields' order Broadway Broadmoor as a community of interest. In Tucson the communities of interest were the Foothills and Barrio communities of interest.

MR. JOHNSON: No, Broadway Broadmoor was adopted as a community of interest along with the Barrio, Foothills, and Retirement communities as communities of interest.

CHAIRMAN LYNN: It was. I believe it was.

COMMISSIONER HALL: Foothills, Barrios, Broadway Broadmoor, and Retirement.
MR. JOHNSON: This is population balancing
26, 28, 24, 30 changes that happened. Since we last
reviewed the population last year, the first piece of
this is District 30.

You can see that District 3, the thicker
line here that comes down, yes, the old District 3 from
30 from April 2nd, balance population, District 30 was
larger than others, District 28 comes east and picked up
this area around Langley and LeHigh. That's incorrect,
it should say "east" there.

COMMISSIONER MINKOFF: Doug, 28 is purple
and 30 is green?

MR. JOHNSON: Correct. Right by 22nd, 22nd
Street, and below it is District 29. So that's what the
position is.

COMMISSIONER ELDER: Street names? Any
north–south streets we can pick out?

MR. JOHNSON: Yes. Let me describe, I'll
zoom in both for you on Maptitude.

28 picked up population, and we need to
pass some on to 26, to bring three into balance. Over
here by University in District 27. The old line came
right across here, went up, squared off among 27, balance
these populations, this is Kleindale Road here. One
block here, Fort Lowell, and Los Altos, see the pink,
these five blocks, one here, picked up by District 26 in order to reach balance.

So note on the slide more balanced but less compact.

COMMISSIONER MINKOFF: Before we do that, a question?

MR. JOHNSON: Sure.

COMMISSIONER MINKOFF: The area where you got five Census blocks.

MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: The upside down U.

MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: Why do it that way instead of Census blocks in the middle of it, made a little more compact.

MR. JOHNSON: Interestingly, moving these Census blocks was 45 minutes' work. Get numbers to balance in a more compact way, not equally populated, and goal to get, see numbers there, these are all off by only one person. So I was maximizing the balance between them and took a little jog there.

CHAIRMAN LYNN: And what was, before those changes were made, Mr. Johnson, what was the balance, in both districts, or deviation in those districts?

MR. JOHNSON: Let's see. I have that. I
don't have that right in front of me. If I pull that up, switch over to the computer.

CHAIRMAN LYNN: If making a shift, one of the actions I have to this particular slide, and reaction is to both, the top shift and the bottom shift, is that there is -- there is a point at which the term, as is practicable should apply to a neighborhood or groups of streets that are part of a certain area of community.

And I'd be very concerned in the top shift that we have taken half of a neighborhood and shifted it to a district where would could have gone to a major street and withstood a little more deviation and would have alleged a good and proper reason to do so because of the way that community is organized.

The same thing would be true of the bottom shift.

I do think -- go ahead and move over. I think it would be helpful to have those, have those amplified in terms of street names.

MR. JOHNSON: With the first one we're down here south of Broadway, get the names a little larger. And the area that we're talking about is down here, we are west of Colby Road, see it here, and north of 22nd, and the border is moving from, actually it's Tucson's boundary. They send it south of Mann, see Mann up here,
over to 17th and LeHigh. You can see, see exactly what
you are talking about, the neighborhood, picking up a jog
rather than a north-south division. It's this jog here
because that's where the Census block jogs.

CHAIRMAN LYN: How many people are we
talking about in that adjustment?

MR. JOHNSON: That is 568 people.

CHAIRMAN LYN: So the percentage shift by
making the adjustment?

MR. JOHNSON: We go, let me pull up the old
stats for comparison. Paragraph it will be a little hard
to read on the screen. I'll read them out.

Paragraph so prior to this testing,
District 30, District 30 was 525 people underpopulated,
and it was at negative 0.01, 3 percent deviation. Which
is actually the largest of these three districts, which
is why taking people out, negative taking people out to
balance it with 26 and 28. Then District 28 was negative
1,086 people, or negative .064 percent. And then
District 26 was the smallest 1,473 people or negative .86
percent. So the net of these two changes is to take 568
people from 30 into 28 and then 379 people from 28 into
26, and that leaves us with all three districts balanced
against them if, the Commission chooses to you adopt
these changes.

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Did you want me to zoom in on the other area as well?

CHAIRMAN LYNN: Please.

MR. JOHNSON: Over on the border of 28 and 26, see the old blue line was the April 2nd border, see how that runs along the Fort Lowell, turns up again on Kleindale to Campbell, in this case the intersection of Fort Lowell and Los Altos, go over by Vine and Cherry five Census blocks and does result in the upside down U shaped Commissioner Minkoff referenced.

CHAIRMAN LYNN: Ms. Minkoff referenced fill a whole Census block because of interim population which you don't achieve a more balanced in a couple districts. I take that, I understand that. I guess the question is what would the deviation be if you did that, that is to say square off 36. Is that what that block is?

MR. JOHNSON: 26 is pink, light pink.

COMMISSIONER HALL: 132.

CHAIRMAN LYNN: 132.

COMMISSIONER MINKOFF: 31, 152 out, and then --

CHAIRMAN LYNN: It would be better not to just pick off one of those Census blocks, rather make some sense, either with a major street or squaring off as best you could.

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COMMISSIONER MINKOFF: Actually if you took off 16 and 31.

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I think Doug said he spent 45 minutes on these two changes.

I guess rather than us microchanging the mapping process, I'm wondering if we're of the opinion as a Commission we want to increase the acceptability of potential deviations of compactness, give him general direction to that effect. Because I think what I --

Doug, you wanted to just get close to zero deviation as possible, right?

MR. JOHNSON: I was aiming for one person difference in these three differences.

CHAIRMAN LYNN: That's why I want to return, Mr. Hall, to the calculation prior to making the changes, give me a deviation four 28 and 29.

Is that where the changes occurred?

MR. JOHNSON: 26.

COMMISSIONER MINKOFF: 26, 28, 30.

MR. JOHNSON: Those are three districts.

26 started before any changes were negative .86 percent.

28 started negative .864 that, and 30 was negative .31.

CHAIRMAN LYNN: And they wound up at --
MR. JOHNSON: Wound up negative .8366.

CHAIRMAN LYNN: I don't see the value.

COMMISSIONER MINKOFF: See -- I wonder what we're trying to do. Take one over in the corner, can't see if population is 36 or 35.

MR. JOHNSON: 35, 16, 16 back in, and certainly pretty darn close.

Yes, that would be -- the Commission can go either way, drive back into 28 and really --

COMMISSIONER MINKOFF: Off by 30 people.

MR. JOHNSON: Square off Cherry, or if the Commission preferred go back to the mountain borders, the border of April 2nd, or anywhere in between.

MR. RIVERA: Let's go back to February.

COMMISSIONER HUNTWORK: I think we ought to take the change or reject it.

CHAIRMAN LYNN: I think that's why I was going --

COMMISSIONER HALL: I move we reject it.

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, it just seems, in the midst of an urban area like this, breaking
up neighborhoods almost by definition, I'm obviously not familiar with this, to go and start moving lines so minutely does seem to me almost by definition an assault on communities of interest. To the extent we have discretion to take common sense into consideration, we might do it and leave it at that.

CHAIRMAN LYNN: Further discussion on that?

MR. JOHNSON: Mr. Chairman, Chairman on the 26, 28 change or --

CHAIRMAN LYNN: At the moment. We'll take the other one up.

COMMISSIONER MINKOFF: We intend to make 434 motions.

COMMISSIONER HUNTWORK: I'm supporting both for the same reason.

CHAIRMAN LYNN: Want to include both.

COMMISSIONER HALL: Correct.

CHAIRMAN LYNN: This change and the change to the east as well.

The motion is to reject this test for population balancing in terms of the lines that were in the previous map.

MR. JOHNSON: For the record, may I add none of the three districts are the largest or smallest districts, or won't impact total deviation of the plan.
CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

(Motion carries.)

CHAIRMAN LYNN: Those two changes, we'll live with the deviations.

With respect to the other portions of the map that you did provide some population balancing, let's revisit those so we get those on the record.

MR. JOHNSON: Population in the north starts with the Yavapai County request and gets part way, add in some changes that the primary goal is population balancing in the districts but because it worked out and another criteria is also following the county line, Mohave rather than the line through the middle of the county we had previously. So up here, let me get the similar comparison for you.

April 2nd lines in District 1, we had deviation. The Tri-Cities district deviation, 1.73
percent, District 3, Flagstaff to a Lake Havasu District, 1.4 positive deviation, and then District 4, we had a negative 1.48 percent deviation after these changes. After we go to changes described at this point, all three are .3, .6, .6; .5, .9, .6; .5, .9, .9.

COMMISSIONER MINKOFF: Include changes in Flagstaff only, slides put up so far do not show Flagstaff?

COMMISSIONER ELDER: Showed Flagstaff.

COMMISSIONER MINKOFF: Ones more than the northwestern, once with Flagstaff are the next line.

MR. JOHNSON: Included in the Flagstaff change.

Show the FMPO question or one you had earlier.

So I mentioned those two blocks swapped on the west side down obviously in the NPO. In addition, come east to the highway and north a little bit as well, we are getting some people on the even of the NPO as well.

COMMISSIONER MINKOFF: How many people does that involve?

MR. JOHNSON: That was 970 people moving up in that stretch and then exchange about 300 people on the east of town.
COMMISSIONER MINKOFF: Now -- help me on this again. 900 people moving into District 3.

MR. JOHNSON: Out of District 3.

COMMISSIONER MINKOFF: Moving everybody out of District 3, 900 plus 300.

MR. JOHNSON: One block of people moving the other way, but yes. Roughly 100 people out of District 3, what is needed to bring District 3 to balance the other two.

COMMISSIONER MINKOFF: What happens if we leave in just the area closest to Flagstaff, 300 some people did you say? What does that do to the population deviation?

MR. JOHNSON: Going from 1.75 to .76, so talking about just the 297 people --

COMMISSIONER MINKOFF: So close to the City of Flagstaff.

MR. JOHNSON: Sure.

That would be a deviation of .84, then .66.

CHAIRMAN LYNN: Mr. Elder.

MR. JOHNSON: This is a question for Mayor Donaldson. But since we're asking questions about incumbency, not specifically as to where they live, but does this change the effect of any incumbency in your area?
MAYOR DONALDSON: Not that I'm aware of.

COMMISSIONER MINKOFF: They don't have any incumbents in Flagstaff, that's part of the problem.

COMMISSIONER MINKOFF: Mayor Donaldson or other members of the council here, can you comment on these proposed changes? I asked the question. Almost 300 people seem right next to Flagstaff, others further north. You pleaded with us to keep as much of the Flagstaff Metropolitan Planning Area together as we possibly could. I'd like to know what your thoughts are on these proposed changes.

MAYOR DONALDSON: Mr. Chairman,

Ms. Minkoff, I'd like to keep as many in the FMPO as we can. We understand the challenges you are under. We'd like the more you keep in the FMPO you can.

COMMISSIONER MINKOFF: Can you characterize, one has almost 300 people, the other almost 900. A larger area, more removed from Flagstaff, is that part of the FMPO?

MAYOR DONALDSON: The whole area is the FMPO.

Can you bring it up larger?

MR. JOHNSON: Yes. Let me put in streets.

CHAIRMAN LYNN: Reiterate, Mr. Johnson tried go down as far as he can for deviation, which was

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appropriate. We were charged with doing this as
practicable as we can do this, notwithstanding that
admonition, some made public comment, some made how close
you get to zero, some practical matters affect decisions.

I think we need to either reject or accept
changes Mr. Johnson suggested given he spent the
considerable amount of time spent as possible. Some
choices may be better.

COMMISSIONER MINKOFF: Seems suggestions
were made in different areas. Some more in the western
part of the state, one in particular is one less county
split. I'm not sure we need to accept the whole thing.

CHAIRMAN LYNN: Each picture. Rather than
trying to create pictures, pick between pictures.

COMMISSIONER MINKOFF: Right.

CHAIRMAN LYNN: Mr. Hall's point earlier.

MAYOR DONALDSON: Near the Snow Bowl north
of Rita Road, an important part of Flagstaff, growing
population area.

COMMISSIONER MINKOFF: That area to the
west of 180 you are talking about.

MAYOR DONALDSON: Yes. It's an important
area for us, in my opinion, only us in Flagstaff would
know how to represent them well. There are major
problems out there with roads, you know. We need to take

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a look at the effect of increased traffic to the Grand
Canyon, that kind of stuff, the highway, the Grand
Canyon, again, heavily used. We always are working with
ADOT to improve road conditions out in that area. The
trick is the APO.

COMMISSIONER MINKOFF: Area further south.

MAYOR DONALDSON: Same. Integral part of
city, share same concerns within city proper, recognizing
Flagstaff very environmentally concerned community see,
and this area heavy with those environmental concerns,
particularly as talking about lake snow mountain talk
about impact water line have on that area and also the
engine rating station, pumps for the snow maiden, those
people out there have been very adamant and forceful to
getting Snow Bowl to eliminate illuminating go runs at
night. So it's only other as city Flagstaff that
understand those environmental concerns, cultural aspects
of the area. It's important to us.

CHAIRMAN LYNN: Is there a motion with
respect to any of those population changes. Ms. Minkoff,
first shot.

COMMISSIONER MINKOFF: Doug showed us three
separate pictures. Motion encompasses three. Identify
suggest accept first two corrections, once that are in
the western part of the state dealing with Mohave County,
primarily, and reject the switch around the City of Flagstaff. That would be my motion.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, that last one, one affected 200 people and looks like a brontosaurus, I would oppose that change, certainly, the other one affects about 900 people makes significant contribution toward balancing population, all things considered I'd be in favored that change way motion stands at the moment I think I would vote against it, just that one reason.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, Mr. Johnson, right below oh three piece added in to get to I-40, how many --

MR. JOHNSON: It was '97 I think.

COMMISSIONER ELDER: Are there any roads, anything, where polling please. Can they get from here. Currently tied to the I-40 and East-West along that spine. If take outing south. Anywhere participate in representative government.

CHAIRMAN LYNN: Mr. Chairman, Commissioner
Elder, I might suggest a representative here from Yavapai County might be better able to speak impact of that change than I could if I put him on the spot.

COMMISSIONER ELDER: Mr. Flannery.

MR. FLANNERY: Let me see if I understand your question, Mr. Elder, Mr. Chairman. What was --

CHAIRMAN LYNN: What is the weather --

MR. FLANNERY: You want to know if they can reach a polling place from there.

COMMISSIONER ELDER: Is that group of people tied more to the 40 or is it tied more to the southern part of Yavapai? They would be.

COMMISSIONER ELDER: Work, play, recreate.

MR. FLANNERY: Sparsely populated.

Probably more tied to 40 within Yavapai County probably have preexisting polling places already that serviced by Yavapai County in District 1 or District 4, so I don't imagine that would change I'd say more constriction to 40 than the southern half.

COMMISSIONER ELDER: Blue line splits oh 403, hand on, do they function to the south of that line?

MR. FLANNERY: To south of line, major community is Bagdad mining community have essentially to your point, one way in, one way out, once come out there is a split. And they have a connection with southern
Yavapai you but that goes down to Wickenburg that area
down here.

COMMISSIONER ELDER: That answers my
question. Mr. Chairman this part of mass motion I would
like to see if we get pulled out because it doesn't make
sense the way people participate apparent compactness of
district where they work, place, all the definitions that
we have community, this flies in the face of take out so
I don't vote against other.

CHAIRMAN LYNN: Too multifaceted.

COMMISSIONER MINKOFF: I withdraw my
motion.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Yeah.

CHAIRMAN LYNN: Easier. One at time.

Mr. Huntwork want to try one?

COMMISSIONER HUNTWORK: I have a question
that bears exactly on what we are talking about. Doug,
one is competitive district. I presume you've done
competitiveness tests on districts all changes having
been made. Do you have information about how competitive
be if made one of changes but not the others?

MR. JOHNSON: Don't have specific
measurement tell you end up between number measured April
2nd and number measured today, so it would stay in that
competitive range.

COMMISSIONER HUNTWORK: No permanent station or combination knockout of competitive range?

MR. JOHNSON: Marguerite will pull up to reports and see the net change and tell you how much change there is. Paragraph in each -- one thing tell you in area around Flagstaff more Democratic than rest of district area Mohave more Republican rest of district not doing either one of changes very slightly increase competitiveness of the district. Hear you go. Paragraph as adopted on April 2nd had 46.6 percent Democrat percentage so it was competitive leaning Republican, and then with these changes, with changes drops to 46.5, just rounding within that point.

COMMISSIONER HUNTWORK: Let me ask you this. If we add -- if we were to add, so area north of Flagstaff is Democrat.

MR. JOHNSON: More Democrat than the rest of the district.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: What is pleasure to anyone of adjustments in area. Start anywhere you like, I'll take any of them in any order. Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I move that we accept the change that would unite southern
Mohave County in District 3, although I state that somewhat ironically because we're still dividing it right through the heart but nevertheless even tiny step right direction better than none.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion. All in favor something signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

The motion carries and is so ordered.

Where shall we go next? Mr. Elder wanted to talk about an area north of there.

COMMISSIONER ELDER: I move take area south of I-40 and to the east of Mohave County, it is currently 14, and reject that move:

CHAIRMAN LYNN: Is there a second? --

COMMISSIONER MINKOFF: Need propose to reject something.

CHAIRMAN LYNN: No. If we don't accept change, accept something, understanding change not made reverts to previous line.

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COMMISSIONER MINKOFF: I'd like to question before move on, how many might be, in area Mr. Elder talking about.

MR. JOHNSON: Senator.

CHAIRMAN LYNN: What about area near Flagstaff. Heard Commission drafts which of those may wish to act. Paragraph Mr. Elder. Why don't start with you. Paragraph Mr. Chairman, as Commission, I move that we -- maybe this is -- negative -- like to get the brontosaurus, Mr. Huntwork, area down central city area, I guess -- negative -- never mind -- paragraph --

CHAIRMAN LYNN: Don't make change.

COMMISSIONER ELDER: Do not want to make that change.

CHAIRMAN LYNN: Are there any changes in Flagstaff we do wish to accept? Paragraph Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman quite significant population deviation rejected come changes would have addressed it. I think that the one change that basically is north of the City of Flagstaff still certainly within the metropolitan planning area but that change. I would like to -- I would like to accept that change really on the ground that it equalizes population where we have kind of community of interest, equal population conflicting go on. This is not a

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competitiveness issue, according to our experts, but in
this case, we have one of the more unbalanced population
situations. This is an opportunity to at least partially
address it. I'd ask we use it.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.


COMMISSIONER MINKOFF: Mr. Chairman I think
this is wrong way to go. I understand a lot of
population, 900 some odd people. Honestly Mayor
Donaldson told me area talking about, I have driven on
area no idea area west side freeway no different east
side freeway City of Phoenix, thought that all part of
Flagstaff Mayor Donaldson indicated issues dealing with
relative traffic on highway, to expansion of the Snow
Bowl those kind of things I think we'd be doing very
serious discover it area separate rest of district. I
understand our mandate try equal eyes population to
extent we can I think doing this case causes significant
detriment to area belongs rest of Flagstaff, talked about
Flagstaff NPO long time little damage as possible,
already carved out southern part NPO Kachina village
Mountaineer significant part, hate to see do again
western edge. I vote against.

CHAIRMAN LYNN: Mr. Huntwork.
COMMISSIONER HUNTWORK: I'll clarify, to extent the calculable, not significant detriment, to balance population, preserve communities of interest. I'm saying that in this case we will, do less damage to community of interest and better damage to balancing population. Need to do something.

CHAIRMAN LYNN: Further discussion on the motion. All those favor motion signify saying "Aye."

COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Opposed to say "no."
COMMISSIONER MINKOFF: "No."
COMMISSIONER HALL: "No."
COMMISSIONER ELDER: "No."
CHAIRMAN LYNN: Chair votes "no."

Motion is rejected.

Other affirmative motions with respect to population deviation. Ms. Minkoff. I thought to pictures looked at in Northwestern part of state and only dealt first one. Another one need to look at. Don't know if any motions made or not.

MR. JOHNSON: Mr. Chairman if I might. Other areas involved are around the Tri-Cities area and then north along the Yavapai Coconino County line around Tri-Cities Yavapai request to move west to match up existing precinct lines and south to unify Census tracts
in that area and then Black Canyon and then there's
further step moving District 1 north into Coconino County
a bit more and then trading that four Spring Valley and
Cordes Lakes through Flagstaff population. May not do
both of those now, now Flagstaff population is not
moving. What Yavapai County request west south, and to,
population balancing of moving north into District 3 a
bit and trading that, let me look really quick here;

CHAIRMAN LYNN: Mr. Elder. Do you know
where watershed or headwaters, you know, much concern and
discussion when we met Prescott, Cottonwood, and Camp
Verdes is, went up that area, unify issues about water in
the region or hinder it.

MR. FLANNERY: Big Chino headwaters, which
is, and I think, let's see, I think that read markings up
around the Tri-City area up to where that blue starts
taking off on its own right there, just a little bit
Southwest of right where your palm is right there.
Uh-huh. I'm dangerous with these things, but right in
that area right there is where the head water is right
there. So in terms of the adjustments that, Doug has
made, yes, that does bring that in.

COMMISSIONER ELDER: If laws areas north of
that, would that affect the watershed big Chino.

MR. FLANNERY: Property, property

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headwaters is, property there, the drilling stack there, property go long to 40 there.

COMMISSIONER ELDER: Yes. Flag.

MR. FLANNERY: Yes.

COMMISSIONER ELDER: AMA --

MR. FLANNERY: AMA, active purchase -- CV ranch.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: Further discussion on motion to accept the changes.

CHAIRMAN LYNN: Don't have motion.

COMMISSIONER HALL: Don't have one, I'll make one.

CHAIRMAN LYNN: Thought we did. Wish full thinking my point.

COMMISSIONER HALL: Make we accept these changes.

CHAIRMAN LYNN: Yavapai County changes.

COMMISSIONER MINKOFF: I'll second it.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork, Ms. Minkoff.

COMMISSIONER HUNTWORK: Does this motion include Black Canyon City.

COMMISSIONER HALL: Yes. I think Black Canyon City in District 4. Is that correct, Mr. Johnson.
MR. JOHNSON: Yes, mentioned earlier on record Black Canyon currently under IRC's plan District 4.

COMMISSIONER HALL: My opinion makes more sense anyway yes it does.

COMMISSIONER HALL: What does population deviation look like with these changes not the Flagstaff changes.

MR. JOHNSON: That would take me a minute to run, see exactly where it ends up.

CHAIRMAN LYNN: Well, then -- paragraph oh, okay. Paragraph if we do the Yavapai request, and this is, I note, just doing the trade between four and one, not doing northern part, four one, trade these areas into one, Black Canyon one, end up with a deviation of plus 1.2 seven District 1 down from 1.74 minus 1.0 three District 4, reducing deviation from district a little larger.

CHAIRMAN LYNN: Wouldn't that increase deviation of map total, degrees one of the would reduce one of two.

COMMISSIONER ELDER: Deducted population of south Mohave change, and if we take Black Canyon out, reducing population in Yavapai, we're adding it, whether it was Senator people to northwest, and whatever the

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perimeter was overdue west, still looks like we're pulling more out of there than we've got to play with.

COMMISSIONER HUNTWORK: But were going to miss -- thousand -- add one. And, the --

MR. JOHNSON: Currently, well, under the April 2nd plan, District 3 was actually the largest district. Yes. So given change there Mohave District 1 now largest district. So given change now Mr. Discussion, question asking, this indeed reduce total deviation of the plan.

CHAIRMAN LYNN: Further discussion on the motion. You'll all those favor motion signify by saying "Aye."

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

Motion carries.

We need to take 15 minutes, so let's take a 15-minute break and resume at that time.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order, all five Commissioners are present along with staff, counsel and consultants.

LISA A. NANCE, RPR, CCR, NO. 50349
All right. Mr. Johnson, of the changes that you reported on, where are we in order? What more have we to decide on?

Mr. Hall.

COMMISSIONER HALL: Were you able to fine out, Mr. Johnson, what the most recent motion we adopted did south of Prescott?

COMMISSIONER MINKOFF: In terms of what.

COMMISSIONER HALL: Spring Valley.

MR. JOHNSON: Motion Spring Valley request A, does not affect Cordes Lakes, between 1 and 1, moving one west precinct borders, 2002 election lines, south Census tracts below to you he, offsetting that Black Canyon District 4, that more than den not the affect Cordes Lakes Spring Valley.

COMMISSIONER HALL: Flagstaff one did, right?

MR. JOHNSON: Reduced need to move them.

Cordes Lakes Spring Valley tested in part passing Flagstaff through to four.

COMMISSIONER HALL: More simple. Where are they now, which district.

MR. JOHNSON: In District 1. Where they began today.

COMMISSIONER HALL: Thank you.

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MR. JOHNSON: Let me think currently. What did I in computer take in District 1 to where it is based on motions made so far. So it, let me zoom in on Flagstaff, you see it's back to line as of April 12, it does not include the area over by highway over the area down in here, can you see it's back into the Flagstaff district, it also, you remember the earlier version showing proposed, and in the test, I can bring this back up, walk north of Coconino and also west over Seligman, which is not shown at this point. Paragraph other thing not shown and will affect overall deviation is over here in Winslow West, Commission not yet voted that concept. So that would actually take 130 people out of District 1 and thus make it, District 1 closer to the ideal doing that district change as well. Paragraph currently, though, let me get you measurements, District 1 down to 1.27 percent deviation, down from 1.75, District 3, however, 1.97, because we put in Mohave County area not taken anything out of it at this point. And District 4 is at negative .26.

Let me bring up lines new test and you can see --

COMMISSIONER MINKOFF: You are saying District 4 is underpopulated and District 3 is overpopulated?
MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: Was there suggested shift we have not adopted or was there a shift we did adopt maybe we shouldn't have to equalize those a little more? In other words, --

COMMISSIONER MINKOFF: In other words, have we taken anything out of four, Mohave County area out.

MR. JOHNSON: Mohave County area out, and also took the, took the areas just west of the Tri-Cities and south of the Tri-Cities out of District 4. Paragraph District 4, however, started the day at negative 1.4 eight and it's now at negative 1.26, so it is slightly improved where it started day thanks to putting Black Canyon which is larger than the changes that we've made.

CHAIRMAN LYNN: So I thought I heard you talk about Winslow West. Is there --

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Just to get on the record and beyond it, is there a motion with respect to Winslow West. Again, Mr. Johnson, summarize very briefly the issue here.

MR. JOHNSON: Issue here is earlier we attempted to move to contradict five back to its configuration as previously adopted and missed Winslow West matter sometime took it out restoring District 5 to

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its 2004 configuration, putting 2004 with its adjacent
community as well. As can you see all the people around
Winslow West are to the east.

COMMISSIONER HALL: Move we accept this
change.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on the motion.

All those favor motion signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries.

Mr. Johnson, next issue.

Keep this current as we go along. Next

once we have knocked, looked at, would be whether to move
District 1 north, and this is actually an unnamed road
north of Ash Fork running over Seligman, and whether to
also move District 1 west into District 3. So that that
would unify those precincts and match up with the house
to line and whether to move four north to I-40 as we
mentioned. Then should the Commission consider changes
up here moving one to north or northwest, we would then
need to offset that with a shift of -- suggestion from
the test was Cordes Lakes and/or Spring Valley area.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I
think -- this is loud, I think District 3 is
significantly overpopulated and to the extent that we can
move people from three into one, I think we need to do
that. We had a standard, actually, or significant
detriment based on population deviation, no not doing
that, very uncomfortable exceeding that, I think 1.7,
seven five percent, at point nine something here, and --
no obvious community of interest here, involved --

COMMISSIONER HALL: Where is Ash Fork?

MR. JOHNSON: Ash Fork currently in one.

Currently one, areas northwest of it.

COMMISSIONER HALL: Ripple affect is going
down to Spring Valley.

MR. JOHNSON: Those two areas combined
1,406 people, Spring Valley, Cordes Lakes are a total of
3,100 people.

COMMISSIONER MINKOFF: They'd move into
District 4, which is underpopulated?

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: How many people
live other area District 3 we propose to move into.

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MR. JOHNSON: Area District 4 move into
district 40 was Senator people.

CHAIRMAN LYNN: Just so clear District 3
competitive these changes would not affect the
competitiveness of District 3?

MR. JOHNSON: Make it somewhere between
46.5 and 46 point six percent numbers April to number and
full test number.

COMMISSIONER HALL: Mr. Huntwork I agree
with your assessment with respect to population
deviation. I'm just of the opinion that Spring Valley
and Cordes should stay with Prescott Valley. I think
that moves it with more of Phoenix area. My opinion,
Black Canyon is more, there is arbitrary transition line
one makes that trek --

COMMISSIONER HUNTWORK: Could we take
separate issue.

COMMISSIONER HALL: I think effect what
we're proposing northwest of this. Am I correct, Doug?

MR. JOHNSON: Let me look at one quick
thing. All this is changing very quickly as we run
through little tests.

MR. JOHNSON: If we move areas three into
one without the offset, we would take one, from 200047,
plus 14 oh six, that would leave District 1 at two
percent overpopulated, so we would not need to do, could
reduce deviations by taking just Cordes lake not Spring
Valley to -- as opposed to before hit Flagstaff area and
needed both of them. But if we didn't do either of those
offsets it would leave us at two percent over. I guess
there are different pieces of this I could calculate for
you if specific interest one piece.

COMMISSIONER HUNTWORK: I didn't follow, go
back one step numbers adding District 1, added almost
3,000 people, I only heard 1,000 people.

MR. JOHNSON: Right. Adding 1,406,
population of these, that's two different sections up
here in the northwest.

COMMISSIONER HUNTWORK: Right.

MR. JOHNSON: 2000, District 1 is already
overpopulated. As you see on screen without areas,
District 1 is overpopulated by 2,000 people. Put those
in, it would be 3,000.

COMMISSIONER HUNTWORK: Your proposal four
moving people from one into four, what was that, again,
and where is it that you show on the map.

MR. JOHNSON: Sure. Cordes Lakes and
Spring Valley area this area down here right along the
17. First thought, when doing testing take area around
Black Canyon that area zero populated don't get people
until up to Cordes lake and Spring Valley.

COMMISSIONER HALL: What happen if took more three into four to reduce these, isn't four less as much deviation?

MR. JOHNSON: That is correct.

COMMISSIONER HALL: Why not do that and bring three two standing --

MR. JOHNSON: I could try that quick, try that quick. It will take two minutes quick.

CHAIRMAN LYNN: In terms of population done.

COMMISSIONER HALL: Population.

MS. LEONI: Technical changes Maricopa County still, I think that's it, correct?

MR. JOHNSON: Yes. Technical changes in Maricopa, and zero population precinct tract in Maricopa,

MS. LEONI: One minor thing in Coconino.

CHAIRMAN LYNN: Why don't we motion, while Doug looking up, zero population Maricopa County.

Motion?

COMMISSIONER HALL: So moved.

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: All those in favor?

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

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COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

So moved.

COMMISSIONER HUNTWORK: I -- finally, take

one second instead of 20 minutes.

CHAIRMAN LYNN: Calculate some of the

things.

While Mr. Johnson is finishing the
calculation, in abundant interests of trying to get out
of here sometime today, I wonder, Ms. Hauser, can we try
to go through our agenda?

MS. HAUSER: Sure.

As you, as you know, the Arizonans for Fair
and Legal Representation has been represented in court
and in front of this Commission by Neil Wake. And
Mr. Wake has been appointed and confirmed as a United
States District Court Judge. He has not yet taken the
bench but will do so very shortly and is making
arrangements to transfer his cases to other attorneys.
The attorney who will be taking over representation of
the AFLR, Mark Dangerfield, he's with the firm of
Gallagher and Kennedy. Mr. Wake contacted me last week
because Mr. Dangerfield represents the State of Arizona
in connection with some Alt fuels matters and because the

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Commission is a state agency, and this is hopefully one
of the last meetings you'll have any time soon, just in
the event that becomes an issue, at some point down the
road with the Attorney General's Office and whatever, we
wanted to at least bring to your attention and seek
approval for the Commission's waiver of any conflict in
connection with Mr. Dangerfield's representation of AFLR.

CHAIRMAN LYNN: Is there a motion to waive
the conflict?

COMMISSIONER MINKOFF: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I
certainly don't see any reason why this Commission should
be concerned the situation. I think to the extent that
we have the ability to waive, I would certainly vote in
favor of it. I do wonder if it's not the other state
agency that might have a concern about it and they might
need to.

MS. HAUSER: It is. Those matters are
being addressed by the Attorney General. We also, a
state agency, it's sometimes up to the Attorney General,
as a whole it's up to us, have taken action a bit

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attenuated in the event it becomes a problem and we don't need to come back to you to have any telephonic meeting to deal with this.

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

COMMISSIONER ELDER: "Aye."
COMMISSIONER MINKOFF: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER HUNTWORK: "Aye."
MR. JOHNSON: Okay. Mr. Chairman, Commission, bring this up on the screen, good news.

The blue lines back to April 2nd lines, going from old border 4 and bringing 4 up and picking up areas to the north, this includes Seligman and then areas just west of Ash Fork into District 4, from a deviation perspective this brings District 3 down to 1.43 percent, brings District 4 up to negative 0.72 percent. You see real quickly, District 3 is now our largest District, 1.43 percent, but that is a smaller total deviation than started this with. The other piece of this is the easiest way to reduce deviation is an undue deviation change, resplit Mohave part of this is keep Mohave County splits down. On the compactness front we came up with a fine -- it's hard to read the screen, District 3 is .19,
same thing it was in the other test. District 4 is down to .20, well above our .17 measurement.

If there are other questions about this test, I'd be happy to answer them.

COMMISSIONER HALL: Well, Mr. Chairman, while I'd like Spring Valley, we're probably better off going north than south. Certainly Seligman is better off going north than being hooked with Phoenix. I'm not sure this is any better.

I would move that we would adopt the first attempt at population balancing, not this one.

CHAIRMAN LYNN: Let's turn to that so we understand the motion.

MR. JOHNSON: The easiest way to show this is put in the overlay, happy colors.

Give me --

So the shift here would be District 1, coming west, to its old 2002 lines, you know precincts, and moving north, picking up areas of Ash Fork out of Coconino County, the district north, coming north on I-40, and then trading off with Cordes Lakes and Spring Valley, and --

COMMISSIONER HALL: Seligman right.

MR. JOHNSON: Seligman in District 1, correct.
CHAIRMAN LYNN: So that is the motion.

Is there a second.

COMMISSIONER HUNTWORK: I'll second.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, once again, there aren't any real good solutions. We're dealing with a problem that shouldn't exist and trying to make the most of it.

I do agree with Mr. Hall's assessment that going much further north and pulling down to Phoenix doesn't make any sense. This is the lesser of the two evils.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Is this an all or nothing motion? Looking at the area discussed before right by, oh, 3 on map 19 or something, I wanted at least to look at or I wanted to look at bringing to north.

CHAIRMAN LYNN: Out of 4.

COMMISSIONER ELDER: Out of --

CHAIRMAN LYNN: Into 3.

COMMISSIONER HALL: Preferable. Would make 4 even significantly underpopulated, wouldn't it?

COMMISSIONER ELDER: If you bring in Cordes

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Lakes and that stuff, still --

COMMISSIONER HALL: Back to three being overpopulated.

MR. JOHNSON: Mr. Chairman, one thing probably draw in give deviation figures that result from this. Spare me two minutes.

CHAIRMAN LYNN: I think that's a good idea at this point.

We'll be heading to Maricopa County after we're finished with this issue, are we not, Mr. Johnson?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Give me an ETA.

MR. JOHNSON: A couple minutes.

CHAIRMAN LYNN: I'm looking at the agenda to see if there is anything we might quickly dispense with.

COMMISSIONER HALL: Do adjournment --

CHAIRMAN LYNN: One I'd most like to do today.

Mr. Echeveste, do you have an Executive Director's report?

MR. ECHEVESTE: No.

CHAIRMAN LYNN: Okay.

COMMISSIONER HUNTWORK: If couldn't get you home before rush hour, we'll get you down after.

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CHAIRMAN LYNN: No, way, it's after.

COMMISSIONER ELDER: Let me ask you a couple questions of counsel. No change appeals, no issued any opinions on stays or appeals or stays or any of the above?

MS. HAUSER: The only recent developments are a stipulated briefing schedule was agreed to and submitted to the Court of Appeals, at their request, and we haven't gotten anything back confirming that, but that schedule evidences the fact that all parties recognize that it won't be the appeal that will determine what is used this particular election.

What else, Jose? Anything else?

COMMISSIONER HALL: How are the kids?

MS. HAUSER: How are things in Tucson?

Amended final judgment was entered into by Judge Fields' that incorporates in the attorney fees' award.

COMMISSIONER ELDER: Any movement since the House approved the appropriations for the Commission in pushing it through the Senate, or wherever its going from here?

MS. HAUSER: Late last week the Senate --

CHAIRMAN LYNN: House bill, Senate approved first.

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MS. HAUSER: It has been approved by the Senate House, and majority minority caucuses. Both voted support and concurrence. In that amendment, no other action has taken place in the House I'm aware of. I checked that just a little while ago.

Anything else?

Today's temperature is supposed to be 78 degrees.

THE REPORTER: We're witnessing the Dougie Award.

MS. HAUSER: You usually don't see his computations in action.

CHAIRMAN LYNN: No one can accuse us of not doing everything in front of the public, sometimes quite embarrassingly so.

Mr. Johnson.

MR. JOHNSON: Mr. Chairman, Members of the Commission, this does, easy numbers first, compactness stay at .19, District 3, and District 4 goes up to .22. What I've drawn with District 1, picking up to northwest areas, but District 4 not picking up area between the April 2nd line and I-40. Excuse me. What we end up with in terms of deviations, District 1 as expected is higher, 2.02 percent, District 3 comes down to 1.15 percent, and District 4 stays down at negative 1.26 percent. That's
why the next piece not drawn into this would be a switch of the Cordes Lakes, Spring Valley area, or somewhere else, between 1 or 4.

CHAIRMAN LYNN: District 1, bring that deviation down.

MR. JOHNSON: This would, indeed, reduce total deviation of the plan. District 3 would no longer be the largest district.

CHAIRMAN LYNN: All right. I believe the motion is to effect this change. I do remember we do have a motion this time.

Concern would be that -- I mean if we make a change in isolation, we have a concomitant problem.

COMMISSIONER HUNTWORK: Exactly. I'd be opposed to making a change in isolation only because we're correcting deviation of 1.19 percent by creating one 2.02 percent. I would have to see the clear piece of the second --

COMMISSIONER HALL: The motion includes not that specific motion, but all three. That's what the motion includes.

COMMISSIONER HUNTWORK: That's what I thought. It hasn't been added in.

CHAIRMAN LYNN: The remainder of the motion, subsequent adjustment of one and four.
MR. JOHNSON: Cordes Lakes and Spring Valley.

COMMISSIONER HALL: The motion was to adopt Doug's original proposal, seconded. Dan asked, one little piece, 97 people. Doug said we need to do total numbers. We did. We're back. Here we are.

CHAIRMAN LYNN: So the three-way swap is what --

COMMISSIONER HALL: What the motion is.

CHAIRMAN LYNN: Half the motion.

Dan asked about 97 folks as an option to that, could go either way because 97 people doesn't make a huge amount of difference one way or the other.

MR. JOHNSON: Right. I guess on that point I'd address -- yes, a change between four and three brought District 3 1.15 percent putting another 97 people out of that very small reduction, 1.15.

CHAIRMAN LYNN: What does that shift due to District 1?

MR. JOHNSON: The one Commissioner Elder is referring to doesn't affect District 1.

COMMISSIONER HALL: Right.

CHAIRMAN LYNN: Yes.

MR. JOHNSON: A quick thing.

COMMISSIONER HALL: Amend the motion,
pursuant to Mr. Elder's recommendation of one change in the north, up there in the northwest,

COMMISSIONER HALL: Did you second?

CHAIRMAN LYNN: Jim.

COMMISSIONER HUNTWORK: Second.

What did you say?

CHAIRMAN LYNN: Did you second?

COMMISSIONER HUNTWORK: Right.

CHAIRMAN LYNN: Motion amended with that change with 97 people.

MR. JOHNSON: Mr. Chairman, if I may, if we ran to include Cordes Lakes Spring Valley shift District 1 almost at the ideal of .2, District 3 unaffected by that shift, .15, District 4, 0.56 percent overpopulated, so, 1 and 4 are close together.

CHAIRMAN LYNN: All right. Sounds like an improvement.

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

THE COURT: Chair votes "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Motion carries.
Maricopa County.

MR. JOHNSON: Everything in Maricopa County are technical changes. Some small numbers of people, labeled for our reference. The first is in the East Valley, right along the Mesa Gilbert border there is essentially the difference between a road and something else, a narrow, two person area where District 21 actually extends to the east. Let me show it on a larger scale, here.

So down here where 18, 21, and 22 come together, you'll see in this red area there is a very small couple blocks between essentially Baseline and the edge of Baseline. I've -- I'm showing it already moved into the area between the black lines this narrow neck extending over. That area has a total of two people. I just -- the area didn't catch when making earlier adjustments.

The next one --

CHAIRMAN LYNN: Why don't we deal one at a time, get rid of them as we go.

The motion --

COMMISSIONER MINKOFF: I move we adopt this.

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.
CHAIRMAN LYNN: Discussion. All those in favor say "Aye."

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

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

Mr. Johnson.

Okay. Request B, a very similar issue.

Essentially over here between 18 and 22, and -- just moving to the east here, there's an area where the border shifts, city border of Gilbert splits. Go to the south edge of Baseline to the north edge of Baseline, zero population just unifying that.

CHAIRMAN LYNN: Motion?

COMMISSIONER MINKOFF: I'd move we adopt this change.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

COMMISSIONER HUNTWORK: Mr. Chairman, I apologize. I'm just confused. This is literally the street?

MR. JOHNSON: Yes.
COMMISSIONER HUNTWORK: Maricopa County precinct for this or --

MR. JOHNSON: Mr. Chairman, Commissioner Huntwork, the issue is that that -- technically by law, yes, also unifying the city. The City line jogged, I didn't catch it, moved north 30 feet, or whatever this is.

COMMISSIONER HUNTWORK: By law, a street, a homeless person in a street? Sorry. Sorry if I make light of it.

MR. JOHNSON: It's larger than some traps fixed.

MS. HAUSER: Let me confirm with Mr. Johnson here.

CHAIRMAN LYNN: Like to confirm with Mr. Johnson.

COMMISSIONER HUNTWORK: Haven't already confirmed?

MS. HAUSER: Haven't already confirmed.

CHAIRMAN LYNN: Mr. Johnson, Tim, confirm you'd need to create a precinct for the distance which is between the curbs.

MR. TIM JOHNSON: Mr. Huntwork, not their own precinct, they'd go to the precinct to the north. The precinct boundary, in this case, if the line stayed
where it is, that ballot would have to be a city field.

There's no way --

CHAIRMAN LYNN: That's the problem.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: All in favor, signify by saying "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Mr. Johnson.

(All references to Mr. Johnson are Mr. Douglas Johnson of NDC unless otherwise noted.)

MR. DOUGLAS JOHNSON: Mr. Chairman, zooming out, there's a narrow section entirely within Mesa in this case, but the interesting thing, the Census says there are 47 people here. Technically, according to numbers, the 47 people, the County discovered the Census was off. The homes are slightly north of it, so -- while the Census counted them in the southern district, the County issues ballots in the Northern District, so this is making our lines match what gets implemented in the election. The difference is the Baseline access road and

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homes.

CHAIRMAN LYNN: Next, a motion correcting the federal government.

Motion to accept this change?

COMMISSIONER MINKOFF: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion?

COMMISSIONER ELDER: How many people are we talking about, 47?

This is a stupid question, being in this part of the valley: Does it change competitiveness, change any kind of minority voting rights, or any incumbent partisan issues?

MR. JOHNSON: Neither of these change competitive issues by JudgeIt measurements. They are all within Mesa. And obviously we have no idea, no comment, on the incumbency question.

CHAIRMAN LYNN: Further discussion on the motion?

All in favor, say "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

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CHAIRMAN LYNN: Motion carries unanimously.

THE REPORTER: May I have a short, five-minute break?

CHAIRMAN LYNN: Why don't we take a five-minute break and everybody stay in place except you, Lisa.

(Three-minute recess taken.)

CHAIRMAN LYNN: Back on the record.

MR. JOHNSON: Mr. Chairman, four more of Maricopa County.

CHAIRMAN LYNN: Just four more. I can hardly wait.

MR. JOHNSON: Next one, jumping up Scottsdale along the Scottsdale-Phoenix border, the red circle here, right where 11, 7, and 8 all come together on the City border, and what it is, as drawn, currently there is a very, very narrow neck with zero population accidentally in the Northern District that comes down between two districts below it. This is unifying with District 8 to the east because the area's in Scottsdale and that's a Scottsdale district.

COMMISSIONER HUNTWORK: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

COMMISSIONER MINKOFF: I'm trying to figure

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CHAIRMAN LYNN: Don't. It's Scottsdale Road.

COMMISSIONER MINKOFF: Don't? .

I have no objections to it. I'd like to know, are there two Scottsdale Roads in there?

MR. JOHNSON: It is -- it's going to be between Scottsdale Road and something right next to Scottsdale Road, a sidewalk, might be the width of the street.

CHAIRMAN LYNN: Further discussion?

All in favor?

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Chair votes "No."

Motion carries.

Technical changes.

(Motion carries.)

MR. JOHNSON: Next two, the Gilbert border.

Gilbert is extremely fast growing. Lines adopted April 2nd followed the 2000 Census border for Gilbert. Gilbert since then annexed portions of the Census blocks just to the south and what Maricopa County raised is the, a nice,
take the border down to Queen Creek Road. One key
reasons asking for that is that one of the jogs, whatever
you want to call the thousands in the 2000 Census border,
cuts right through what is now a development. Zoom in on
which they provide how the line cuts right through the
development. This would, the suggestion to be move the
border from the 2000 Census border to pick up additional,
what was at the time nonincorporated areas. And these
two tests, this, the first is this western swing going
over to the canal, which includes 28 people. This is an
area currently dividing housing developments. That said,
less urgent but might also be useful to them in the
future, move an area over to the west at Higley Road.
This area, however, involves 130 people. So it would
either be 28, just do the 100 left, or 158 people to do
both of them.

COMMISSIONER MINKOFF: And what does that
do to population. Does it have a population issue?

MR. JOHNSON: Deviations in these, let's
see, 21 is overpopulated and it -- both of these changes
together 1.19 percent overpopulated. 22 is currently
just underpopulated and this takes it to 2,200 and 23
people under. Actually the second change makes 21 our
largest district at 1.19 percent if we just did the first
change.

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CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: These are some more than technical issues. Also, those areas have lot more people now than they did before, not that we should necessarily consider that. But I'm opposed to making this change. Let it stay right where it is. I say it is a done deal, kind of neutral, let the chips fall where they may, leave them there.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I agree. The area to the eastern boundary, the area in the west, far fewer people, also makes the district more compact. They don't have all the zig-zags, so I'd like to move we include the western portion of the proposed change.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Opposed "no"?

COMMISSIONER HUNTWORK: "No."

COMMISSIONER HALL: "No."

CHAIRMAN LYNN: Well, one of those.
COMMISSIONER MINKOFF: Not a biggie.

CHAIRMAN LYNN: Chair votes "Aye."

(Motion passes.)

MR. JOHNSON: Last change, zero population change, Districts 13 and 16, a couple jogs down Baseline that followed the border up, both jogs are zero population.

COMMISSIONER MINKOFF: So moved.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion, all those in favor signify "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

MR. JOHNSON: The trap motion was already addressed.

COMMISSIONER MINKOFF: Have we addressed everything in this sheet you handed out or do we need to?

MR. JOHNSON: That sheet, the final tables assumed -- incorporated all these tests. I'll replace it with an updated version, updated --

COMMISSIONER MINKOFF: We're already considered all the issues. That's what doing up here.
MR. JOHNSON: Let me run through real quick. The first section, part, March 1 testing, report Commission reviewed back on March 1st or 2nd. And it walks through changes made to clean up traps and say splits and balance districts to zero deviation outside of the Native American Northern District concerns that were already made. Then from that balanced plan it walked back to visible geographic features and all other criteria. So these are three actions. The only difference in this memo, if one looked back and then added parentheses district numbers, at the time looking letters. The first part is unchanged from the version looked at then, the summary of the Commission's decisions on each of those steps. Then on page seven you see starts the April 12 testing. And this walks through essentially the details piece by piece, items summarized in the Power Point. Mention some out of date, but it starts out with Yavapai, request population balancing, addressing general issues in the north, then the clean-up of the April 2 test, population balancing in the Tucson area, and finally Winslow West adjustment and Maricopa County technical changes. Same topics covered before, updated current information. The last page, a deviation table completely off at this point.

CHAIRMAN LYNN: Based on the changes.

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MR. JOHNSON: Yes. I'll update this, distribute to the Commission, get it posted as well.

CHAIRMAN LYNN: What you can do, however, based on the changes made today, just give us a baseline overview of the deviation of however the map is as it currently exists.

MR. JOHNSON: As now drawn after those decisions, the smallest district unchanged, District 25, one referred to as border district, majority-minority district. It is at negative 1.93 percent. In past when looked at ways to address that, really we're impacting other Voting Rights Act sensitive districts or cutting in and taking population out of Casa Grande community or cutting into Phoenix urban area take population out of Phoenix Buckeye Goodyear put into the border, the Commission's decisions in the past ended up with that deviation for those reasons.

In terms of what is now the largest districts, I think we may -- this actually incorporates both those changes in a border a little off. 3 and 21 are very close in deviation. 3 we've just addressed in the earlier tests and 21 was at 1.19, now going to be a few people less than that, so a smaller deviation than 1.19. Once I do that I'll know exactly what ends up to be largest.

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CHAIRMAN LYNN: Total deviation is three.

MR. JOHNSON: Yes, a couple hundredths of a point over three.

CHAIRMAN LYNN: That is an improvement?

MR. JOHNSON: Yes, Mr. Chairman. Actually the IRC's 2004 plan, 4.22 deviation and then the plan before we started today, was it -- oh -- oh -- was at about three and a half. So we're down, down from where we started.

CHAIRMAN LYNN: Thank you.

Let me draw the Commission's attention to item VIII. Where we've been, continue to be, item VIII on the agenda deals with adjustments either in response to public comment hearings, traps, any sort boundary, equal population, any other items under the Commission under item VIII.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, a very long time ago at the start of the meeting we heard presentations from some people in the Central Phoenix area and I really think we owe it to them to give thoughtful presentation at another hearing. So I would like to propose.

CHAIRMAN LYNN: Under Robert's Rules to Reconsider, since we had already dealt with that rule at
a previous meeting, for a motion to reconsider, we need it to be made by a person who voted on the prevailing side. If I recall the vote on that it was three-to-two with Ms. Minkoff, Mr. Huntwork on the affirmative and the remainder of the Commission on the negative.

I'll take one of other Members of the Commission to reconsider the Encanto changes.

COMMISSIONER ELDER: Mr. Chairman, does it take a second from the affirmative, also?

CHAIRMAN LYNN: It does not. Under Robert's Rules, the maker of the motion must be, have voted on the affirmative side. The second can be any member of the Commission.

COMMISSIONER HALL: Mr. Chairman, I move we reconsider that.

CHAIRMAN LYNN: Mr. -- for the record, Mr. Hall was one of those that voted against the motion originally.

Is there a second?

COMMISSIONER MINKOFF: I'll second.

CHAIRMAN LYNN: Moved, seconded, to reconsider.

Let me explain the motion so everybody is clear. An affirmative vote on this motion simply puts us back in discussion of the original Motion which was to
make adjustments as proposed by the neighborhood, does not presuppose the ultimate vote on that vote, simply puts us back in discussion.

So on the motion to reconsider, all those in favor of the motion, signify by saying "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "No."

CHAIRMAN LYNN: Chair votes "No."

Motion passes three-two.

Reconsideration to get Encanto back on board for reference, visual reference.

While Mr. Johnson is doing that, we're in discussion.

Further discussion on the motion,

Ms. Minkoff?

COMMISSIONER MINKOFF: Mr. Chairman, if you recall at the last meeting, Mr. Huntwork and I have something like 80 years' residency in the Phoenix area. We both said we believed this proposal made sense, made sense for a number of reasons. The Historic Districts in Phoenix are very different in character, and the Historic Districts would be in District 14 under this proposal are heavily minority districts, they are generally lower
income districts, the other Historic Districts, those a
little further to the north are essentially becoming, I
believe the term is "gentrified." These are districts
that are really undergoing renaissance, people going in,
buying older homes fixing up, as Dr. Marston said home
tours group garage sales very different neighbors makes
sense to put in separate districts. We have a lot of
support for this proposal. The only negative comment
today came from someone who is considering running and
prefers the other orientation. All of the other people,
both those people that would be in District 14 and
District 15, I'm not sure we heard much testimony from
people in District 10, all the testimony was in favor of
this change. It makes modest improvement in the minority
population in District 14. The Coalition representative
acknowledged it wasn't a large difference, still half of
one percent; maintains competitiveness of District 15 and
District 10. Quite honestly, except for the potential
candidates who might like the other configuration a
little better, it really doesn't seem to have much of a
down side. District 14, as a matter of fact, looks
pretty similar to District 14 in the adopted map, 2004
map, also has that little feet that goes off to the east.
I really think it represents the central portion of the
City of Phoenix much better than what we have before us,
and I believe it's a better map, urge my fellow
Commissioners to vote for it.

CHAIRMAN LYNN: Mr. Huntwork, I will vote
for it. And --

COMMISSIONER HUNTWORK: Where are we? In
Voting for it, do we have it?

CHAIRMAN LYNN: The motion on the floor
made changes as recommended, the original motion of April
2nd.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Thank you. Mr. Hall.

COMMISSIONER HALL: The last time we
discussed the issue I had a couple issues, one was
concerns relative to the impact upon representatives from
the Northern Coalition, because we listened, I think,
intently in previous meetings to their input.

One of the reasons I would like to
reconsider now, I have a letter from the Minority
Coalition indicating support they feel this is beneficial
from their perspective.

The second concern I have previously stated
on the record, I felt the source of these changes was
suspect at best. I'm not so sure that concern in my mind
is completely alleviated. Nevertheless, I don't know how
we get information one way or another with respect to
that. I felt more comfortable with respect to the
Minority Coalition in support of these things, have
always lent trust to both the Tucson and Phoenix
Commissioners with respect to more actively representing
communities of interest. And I just -- wanted to explain
my current position.

CHAIRMAN LYNN: Mr. Elder, Huntwork.

COMMISSIONER ELDER: Mr. Chairman, Judge

Fields has put us, just by virtue of this point in the
lawsuit, put us in a point of partisanship no matter how
we function. The change, quote, in community of
interest, the portion of the community of interest
adopted by Judge Fields' request, or order, not request,
puts them into a West Phoenix location. The, the area
that is to the east and to the north of this area is
pretty homogeneous. We have a golf course that divides
the area, but the linkage to Encanto neighbors always has
gone to the east, not gone to the west. I truly believe
that there is, I won't call it subterfuge, that's the
best call for it, the Historic Districts used to be the
calling card to get a view of this a second time. I just
cannot see that, from an ethical, principled position
this Commission has supported, sworn an oath, say we will
not take into account partisanship, not take into account
residences of potential or current incumbents, you know,
it's just, I -- I can't express -- I'm not feeling well -- how livid I am, even taking a look at this.

The areas involved, I spoke with one of the Representatives from the, the minority-majority Coalition District who said: We can probably elect from either 14 or 15. Did it change the fabric or change the community?

Yes. We can still elect from either district.

This is not a majority-minority district.

It's not strictly incumbency. Partisan. We shouldn't participate. I have to vote no, no matter what.

CHAIRMAN LYNN: Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, Mr. Chairman, this incumbency issue is really a difficult one. You can wrestle with it all day long. Yes, I am -- I, too, am more than suspicious about the origin of this map. I think when Dr. Marston introduced this she did not say she had drawn the map herself. It would be somewhat incredible had she said so. Drawing a map is extremely difficult to do. Had we -- I've been complaining about not having a computer. Even if I had one, even if Maptitude functions were fully enabled, I can't draw a map, check population, get ideas. It would be great to have it, zero in on exact boundaries, exact detail.

Drawing a map, figuring out what the heck it does, is a
really complicated process. I have no doubt whatsoever
this map was created by somebody somewhere who had access
to a lot of technical information and drafting ability.
And we know it wasn't the Minority Coalition. We know it
wasn't the Redistricting Commission. And the number,
candidates -- I think, you know, I think that the map
probably was prepared by partisans for partisan reasons.
However, I challenge you with this thought: We can't
reject a map that makes sense because it was prepared by
partisans for partisan reasons. That is taking
incumbency into account in a negative way. It is an
extremely difficult issue. What we have to force
ourselves to do is take a look at the map in its own
terms and judge what it does by comparison. Now, with
that in mind, my honest assessment of this map, and as
it's the same as it was the last time, is, number one,
if it eliminates that extremely long north-south District
14 which made no sense at all in the previous map, that
district more than any others doesn't reflect a Phoenix
community of interest. Putting the top half of that into
District 10 doesn't make whole lot of sense, either. A
little more sense, in my opinion. I-17 is a barrier up
there to some extent, just as it is further south, I
think probably less of one. I do think that this gets a
little more in the direction of a test we had in front of

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us when we adopted the 2004 approved maps. That created a competitive District 15 which was more compact than what you see up there right now. If you were to make the comparison, I don't remember exact boundaries, as if we squared 14, 14 is very similar to the way it is now, squares 15 off at Maryland Avenue and puts more of North Central Phoenix in with District 15 and has taken District 15 less into, into, in effect, Paradise Valley, which is the wrong way to go. So this map does not do nearly as good a job of capturing the Phoenix communities of interest as the map that we had in front of us, and that ironically, you know, at that point, we had just rejected a map that turned a Republican District into a competitive district. That change would have turned a Democratic district into a competitive district. Ms. Minkoff is now supporting this map as opposed that one, but these are all ad hominem arguments, just as is the argument it was created by someone. The question I have in front of me, does this do a better job of reflecting the communities of interest than the previous map. The question to me is all the more calling because you, my fellow Commissioners, have not seen fit to recognize any of the other communities of interest that exist inside Phoenix. We are now here with one limited opportunity to address one very limited issue in a way.
that only partially addresses it. But nevertheless, all
that being said, I think this does a better job than the
map we have in front of us right now. That is the only
honest answer I can give. In fact, if this does benefit
incumbents, it certainly benefits Democrat incumbents.
If I can't give an honest answer to that question, I
can't give an honest answer to any question. That's what
we're here to do.

CHAIRMAN LYNN: Further discussion on the
motion?

Mr. Elder, Ms. Minkoff.

COMMISSIONER ELDER: A couple comments
about your discussion of the issues there, Mr. Huntwork.
In linear miles, 14 in the new configuration is exactly a
mile longer than 10 before. It's gotten worse not
better. The Historic District that is labeled Phoenix
Historic Districts in a map contiguous and complete is
the entire district and makes a change splitting the only
community of interest we have and we're taking it out of
that. So, two strikes on the thing. I can't see it.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, it's
splitting a community of interest at their request. We
also have the community of interest split interest, split
like Gall in three parts. It seems to make more sense.
We have support from different areas of the community of interest being put in different districts.

The other thing I'd like to remind the Commissioners, even though we may not know the source of the map, if it works, it makes sense we adopt it.

We had a map to redo the districts in the southeast valley brought to us by a former member of the State Legislature, an announced currently precinct committeeman. The comment of the political partyman when over said, legitimately, I know addresses of committeemen, I think I'll find I've been told in the reconfiguration there are no protected incumbents in that part of the valley, people brought it to us and said this makes more sense for our area, works for us, please do not change our districts; we like the way you have drawn it; it works for us. And did not have testimony saying no, they are wrong, it's the minority, and it doesn't work for us.

I submit to you this is the same situation that existed in the East Valley that we supported and it exists here.

Whatever the source was of this map, which I don't think we know for sure, it works better for this area. There has been overwhelming testimony in favor of the configuration from people that live in this area and
are voting in this area. So for that reason, I believe that we should approve it.

CHAIRMAN LYNN: Perhaps because the judge's order takes away our discretion, certainly on this, particularly where competitiveness is concerned, it, thereby, limits our discretion to those areas where we don't have that problem. And this is one of those areas that we can exercise discretion and make a determination based on not only what we've heard but also what we know. And I would add to that, I suspect, what we suspect, which is part of either what we know or what we heard or what we think about this item. And it's very clear, this is going to sound perhaps orally like a, a certain candidate for president who may have voted on all sides of every issue over time, but having said that, it's very clear since the item first came up I voted against it. But I am, I am persuaded by this fact, and this is something I know, and something that I believe, and that is I have two members of this Commission, both of whom I respect, from two political parties, telling me that their community, Phoenix, would be better off with this change in place. They may be coming from different points of view on this issue, different political perspectives. Both have a pretty good feel for the communities of interest in that area. One of them has
taken us to task numerous times about the number of communities of interest we've been able to adopt in this process. And partly because I, I would expect the same deference in other parts of the state, based on that knowledge I have, because of my place of residence, I need to extend deference to those who understand Phoenix better than I. I don't purport to understand Phoenix, don't visit as often as I should, I guess, to really get the sense it's the Great State of Maricopa.

Having said that, I understand almost any map presented by anyone to the Commission may have both overt and nonovert purposes. And at some point we're just simply going to have to make those determinations on balance that they improve the situation or they don't.

I did vote not to reconsider this item because I thought our original decision was appropriate. I am probably persuaded today to vote in favor of the change if for no other reason than the respect that I have for the two Members of the Commission representing Maricopa County and the deference I think on an issue like this they should be shown absent absolute incontrovertible evidence to the contrary.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chair, I agree in principle with several things you said. One of the
things I look at from a philosophical standpoint when we have doubts and have suspicions as to origin, is that there at least should be some thread of dominant thought or, you know, I guess one of six, six issues, in one of the six, as I combined them, there at all. I find two of our Commissioners from Phoenix say it seems to fit, but I haven't heard any reason why it fits. It doesn't fit. It's probably very narrow on the compactness. You know, that half mile neck connects the east part of 14 west part of 14, you know, it just doesn't appear from that standpoint, barriers arrive at various areas that it makes for the connectivity. It breaks the community of interest. There isn't anything that gives us a plus on any of the issues of 106. All I can see is negatives, yet we're conceding. So --

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I just want to clarify. One thing which is that the argument against Old District 14, or proposed District 14 from our March maps and current April 2nd map was not how long it is, because it passed the Polsby-Popper compactness test, it was that it makes no sense in terms of communities of interest, makes no sense to have Cactus Road with McDowell Road, that North-South dimension makes absolutely no sense in terms of the City of Phoenix. The
East-West dimension which is, which captures, you know, similar communities North-South of McDowell Road on the East-West access makes sense in terms of communities of interest, not in length, dimensions, just which one of them does a less bad job in reflecting Phoenix communities of interest. That being said, district whatever it is, the, the -- what is District 15, I guess, the horizontal district in my mind, made no sense with the west end of that district, had no connection at that end with the historic communities right in the middle of it. Those connections made no sense at all in my mind. So you've got, having District 15 in this configuration way up to Paradise Valley Northeast makes no sense. The configuration in front of us at our meetings when adopted in the 2004 plan, which had almost, you know, a straight north boundary, also a competitive district, made more sense. I'm assuming we can't go back to that, because that was -- I'm sorry, we are here changing three districts in union. If we were to try to go back to that, we would have side effects all over the map. So we're trapped. And -- but I just wanted to reassure you, Commissioner Elder, it wasn't dimensionality elements I'm talking about, it's true communities of interest in this part of the city. Saying that, I feel no better about the map as a whole, no better about the fact the whole
City of Phoenix is sliced and diced and strung out like a
Thanksgiving turkey, you know, but this is only place in
the map I seem to have any possibility of doing anything
about, and do my best.

CHAIRMAN LYNN: Ms. Minkoff.
COMMISSIONER MINKOFF: No.
CHAIRMAN LYNN: Any further discussion on
the motion?
If not, all those favor of the motion say
"Aye."

COMMISSIONER HUNTWORK: "Aye."
COMMISSIONER MINKOFF: "Aye."
COMMISSIONER HALL: "Aye."
CHAIRMAN LYNN: Chair votes "aye."

Opposed?
COMMISSIONER ELDER: "No."
CHAIRMAN LYNN: The vote, a negative vote
for Mr. Elder.
The record will note a vote of four-to-one
to accept the motion four-to-one.

I might suggest we have two to three
significant pieces of business yet to do. I think what
I'd like to do at this point, we're coming up on a break
anyway, take a 15-minute break. At the end of that break
I'd like to do two important things. Item VII on the
agenda and then also make sure that Mr. Johnson's report on population deviation is completely clear on the record and adopted by the Commission, and then I think we may be ready for a -- four item IX, which is the last item we'll take today. Without objection, a 15-minute break and reconvene.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order.

All five Commissioners, counsel, consultants, and staff are present.

On Mr. Johnson's population deviations, corrections, I understand we need to correct a correction.

MR. JOHNSON: That's correct, trying to stay on top, I had misspoken on one point, the Gilbert border, the two possible changes. The Commission adopted one of them, other one, an increase in deviations, I misspoke, it reduces deviations. You take people out of the largest district, so in making the second piece of the change you improve deviations.

CHAIRMAN LYNN: An affirmative motion to accept.

Is there a second based on the new information?
COMMISSIONER ELDER: So moved.

CHAIRMAN LYNN: Thank you.

Moved and seconded.

Is there further discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I want to make sure I understand it. Where is the -- do we have the map up of that?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Doug, online.

COMMISSIONER HUNTWORK: Okay.

MR. JOHNSON: This would take the area on the north edge bound by the, what was the Chandler City border, Gilbert City border, over to Higley Road, on the east, down to Queen Creek Road on the south against the city border on the west. 130 people there, from District 21 to District 22, and currently District 21 is the largest district.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

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COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

The Commission, on the record, as to the population balancing technical changes for March 1st and April 12, I would entertain a motion that the Commission has accepted, understood, and adopts this particular report with the changes that have been ordered by the Commission today as it reflects the individual deviations that occur in the map and the rationale for each.

Ms. Minkoff.

COMMISSIONER MINKOFF: That incorporates all the votes taken previously.

CHAIRMAN LYNN: If it does not now, it will by the affirmative votes taken this afternoon.

COMMISSIONER MINKOFF: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Authorizing our consultant to finalize the report using same the methodology.

CHAIRMAN LYNN: That's correct, same methodology, each of the individual votes we adopted
today.

MR. JOHNSON: Mr. Chairman, I won't be adding anything to it, taking out changes not adopted today, adding the Encanto change.

MS. LEONI: And adding.

MR. JOHNSON: Not population balancing.

CHAIRMAN LYNN: Further discussion on the motion.

All those in favor, signify "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

Under VII, any other modifications to the record that the Commission would like to make with respect to the current map's configuration?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I would like to discuss further the changes that we made in the Tucson Metropolitan area.

CHAIRMAN LYNN: Mr. Johnson, if would you bring up that map, please. And I think the best way have that discussion, Mr. Johnson, if you could show us the
March 1st lines and the subsequent adopted lines,
tentatively adopted lines that the Commission considered
on April 2nd.

MR. JOHNSON: Okay. That's on the screen.

CHAIRMAN LYNN: Just for clarification, the
March 1st lines are the ones, are the black border and
colors now represent the current configuration we are
considering. Is that correct?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I
would like to make a motion that the March 1 map did
significant, caused significant detriment to the
community of interest that is the City of Tucson by
trapping the portion of the city which is shown on this
map as the gray area --

It's going to be difficult to see.

MS. HAUSER: Weatherman.

COMMISSIONER HUNTWORK: Vocabulary.

MR. RIVERA: How to describe that area,
Mr. Johnson.

MR. JOHNSON: Describe the portion of
District 26 that came down to the edge of the University.

MR. RIVERA: Is that how you describe it?

MS. HAUSER: Not very good.
MR. RIVERA: Not very good.

COMMISSIONER ELDER: Northwest Tucson.

CHAIRMAN LYNN: The portion of District 26 that goes furthest south and east into 26, Tucson.

COMMISSIONER HUNTWORK: Ironically enough, looks like the end of an elephant's trunk.

CHAIRMAN LYNN: Anatomical jokes aside.

COMMISSIONER HUNTWORK: But by trapping --

COMMISSIONER MINKOFF: We don't a have motion.

CHAIRMAN LYNN: Sorry.

COMMISSIONER HUNTWORK: Being in hurry.

CHAIRMAN LYNN: Not a hurry.

I prefer specific discussion on a motion.

I'd ask you to make motion in terms of stopping at the March 1st lines, doing significant detriment to this portion of the state, because I think there are multiple areas we'd want to discuss as part of the motion.

COMMISSIONER HUNTWORK: The motion is only the City of Tucson. There are other things.

CHAIRMAN LYNN: I think.

COMMISSIONER MINKOFF: Other things.

CHAIRMAN LYNN: Okay. I think --

COMMISSIONER MINKOFF: Others believe there are other things.
COMMISSIONER HUNTWORK: I can stop there, discuss why I believe causes detriment later.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second for discussion.

I don't understand why three, four, five, six other things, know the effect, know the guidance of Mr. Johnson, why we're fixing.

COMMISSIONER MINKOFF: Not fixing,

CHAIRMAN LYNN: It's already fixed, we're making it clear why we fixed.

Motion has been moved and seconded the March 1st lines as depicted on this map in the dark color outline caused significant detriment to the City of Tucson discussion on the motion. This was seconded by Mr. Elder.

COMMISSIONER HUNTWORK: Okay. That area represents 33 percent of a district in my -- in District 26, specifically. It is an area that as soon as you get outside the city limits of Tucson, almost immediately shifts to a different, a completely different community of interest and one that is different in terms of economics, in terms of geography, and certainly in terms of relating to annexation, the other Legislative issues that we have discussed previously. That portion of Phoenix -- of Tucson, in my opinion, is simply wasted.
It is lost in a district that it is too small to control, too small to influence significantly, and which can in all other respects has just completely different interests and, thereby, simply is lost to any benefit to the City of Tucson and yet it is a very significant number of people so that if Tucson were configured differently, if that same population could be applied somewhere elsewhere, it would have efficacy and potential interest to the City of Tucson.

CHAIRMAN LYNN: Further discussion on the motion?

COMMISSIONER ELDER: Mr. Chairman, I think another aspect of that, if we were looking and proposing new communities of interest, that the area that is the gray portion, sort of northwest, north central Tucson best fits with the area gray to the right-hand side of that border. The socioeconomic, the school districts, everything clusters around that sort of central nucleus in Tucson as opposed to being connected to the AMPHI district, Flowing Wells District, and all other areas beyond the school districts. The ethnicity of it are distinct, divided to two different areas. I know Judge Fields liked disparate communities maybe to antagonize us. In any case, I think it is something that we need to try and get a nucleus so that there is some sort of

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responsible presence in that area for this portion of the
district. So on that basis I would vote to find
substantial detriment to this area of Tucson.

CHAIRMAN LYNN: I think it's pretty clear
that the Judge made the decision with respect to how we
should proceed maybe has never spent any time in Pima
County, because if -- I certainly support the finding.
And I think the issue here with respect to the City of
Tucson's ability to be represented effectively, in all of
its interests, is at the heart of what we're dealing with
in terms of what we're trying to create competitive
districts in this part of the state. The City of Tucson,
and its environments, and its surrounding environments
have many things which they do not share in common, so
the division of the city in any form, any number of
districts must be undertaken very carefully in order to
assure representation of those various interests is
maintained as best as one can and still achieve the goals
the Court has set forth. Let me give you an example of
that. In this particular configuration, and talking
about the dark lines, March 1st, the City of Tucson has
two competitive districts. However, those competitive
districts are drawn in such a mapper as once you look at
the voting rights district this the area, which all of us
believe need to be kept intact for good and proper and

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appropriate reasons, you are now talking about the
central portion of Tucson, the extent of the Foothills,
north areas, Casas Adobes retirement communities, moving
all the way to Saddlebrooke and the Foothills, Rita
Ranch, Green Valley, Vail School District, all way down
to Sierra Vista and Cochise County. The way you have to
divide those communities, in order to come up with two
competitive districts, does significant detriment to the
ability of Tucson to be represented against interests
that surround it with respect to issues such as
annexation where the City of Tucson is attempting to
increase its size by annexing a more unincorporated area
in the immediate vicinity. I know several communities
surrounding Tucson have at one stage or another either
developed their own incorporation scenarios, one even was
going to the ballot, although it failed. In the case of
Casas Adobes, there was enough interest, pardon me --

COMMISSIONER ELDER: Failed on a
technicality, did not fail the ballot box.

CHAIRMAN LYNN: Failed a technicality. The
significant point, much like we protect the City of
Tucson, at the same time, we keep designated the
Foothills community of interest, in fact, it's
impossible. Since its impossible, what becomes necessary
is to make the divisions that do the best job of

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protecting both of those recognizing that they will both have to be split in some manner in order to create the districts this this part of the state. Mr. Huntwork's point about this section of the city being included in a district where it really will have nonsignificant representation is critical because of the issues that I mentioned earlier and other issues that divide the city and the county in this part of the state in ways that are too numerous to mention and frankly too contentious to often understand but in fact they are. And, so I certainly support the notion that the March 1st map does significant detriment to the ability of the City of Tucson to receive fair and appropriate representation in the Legislature.

Further discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I just want to be quantitative, Mr. Johnson. This was about -- about what 60,000 Tucsonians what. What was the number of Tucsonians in that gray area?

MR. JOHNSON: In the area defined by the gray area at the end of the extrusion, it goes down to University, remember, we didn't have an easy way to describe it. I hope we all understand what area that is.

MR. JOHNSON: I don't have numbers in front
of me, but I'll grab those.

CHAIRMAN LYNN: Did you understand the question?

MR. JOHNSON: Talking about the number of Tucson City residents in District 26.

CHAIRMAN LYNN: That is correct.

MR. JOHNSON: Okay. Here we go. It is 56,000 people, 33 percent of District 26.

COMMISSIONER HUNTWORK: In fact just to be quantitative, 56,000 out of 220,000 potential Tucson voters who are not in the minority districts who are just completely wasted, in fact.

CHAIRMAN LYNN: Further discussion on the motion.

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

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: The Chair votes "Aye."

Motion carries unanimously.

Other affirmative motions with respect to this area of the map?

Mr. Elder.
COMMISSIONER ELDER: Mr. Chairman, I'd like to find the March 1st map does significant detriment to the area of Foothills known of Casas Adobes.

CHAIRMAN LYNN: Is there a second to the motion?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion.

Mr. Rivera.

MR. RIVERA: Mr. Chairman, Casas Adobes is not a community of interest in and of itself, so the finding of significant detriment would be a portion of that community of interest, in -- identify the community of interest.

CHAIRMAN LYNN: I'd ask the maker and second to modify the general motion as to the general Foothills community of interest, how that significant detriment is accomplished by discussing the various parts.

COMMISSIONER ELDER: I'd modify the motion.

CHAIRMAN LYNN: Is the second okay?

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: The motion is modified to make a finding of significant detriment to the Tucson area from the testimony as to the Foothills community of interest.
Discussion on the motion.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, we've had several instances where I was a proposer of the community interest of the Foothills not thinking that we needed it subdivided into multiple areas. We find that the Pima Association of Governments handles Intergovernmental Relationship with Oro Valley, Marana, the City of Tucson, Pima County, and South Tucson, designates the three areas in the Foothills as areas of management, areas of significance knowingly, intelligently, and voluntarily as concerns, one of which is Casas Adobes, one is the central Catalina Foothills, and the third Tanque Verde.

Tanque Verde is geological as well as geographical, bounded by Tanque Verde on the south and bounded by the Sabino Creek and Sabino Wash on the west. The Central Foothills runs all the way over to the area the citizens that inhabit the area know or the Census have known as Casas Adobes which is distinctly defined and submitted a map with a defined area known as Casas Adobes. They took advantage of the state law that allowed communities within, I believe, five miles of an incorporated area to incorporate for a certain time, specific period of time. Only through some protests and
litigation by the City of Tucson did they find petitions
signed had error in it from the standpoint of the way it
was posted and way it was phrased, yet the citizens
overwhelmingly adopted the limits that were presented in
the plan as well as voted for incorporation to stop the
City of Tucson from trying to incorporate any further
into the Foothills in that area. It has not been as
vociferous in the Central Foothills or Catalina area.
But the animosity and representation the eastern, pardon
me, western part of the Foothills district needs in state
law and representation at the state level to have any
kind of effective representation has to preclude it being
split, number one, as in the March 1st plan to being
brought into the area that is part of the central portion
of City of Tucson. That I would submit, that is
substantial detriment to the Foothills area and we should
support the motion.

CHAIRMAN LYNN: Further discussion on the
motion?
I think the issue here is what do you do
when you declare a community of interest and then
determine for variety of reasons you can't protect it in
a manner outlined by the court as your only opportunity
to protect it. You also have a competing interest with
respect to the court's order of using disparate or
heterogeneous communities of interest to create interests
by nature competitive, politically. And we have that
situation in Central Tucson and the Central Foothills.
Whereas the March 1st map did divide the Casas Adobes
area Foothills, known Casas Adobes, oriented of the
western Foothills, a subsequent map the Commission
considered also divides the Foothills, in fact divides
the Foothills as Ms. Minkoff earlier so well subsequently
put it as Gall was divided, into three parts, but
truthfully, the three-part division is a kinder cut,
single division, single map. Let's be clear why that is.

Mr. Elder stated the Foothills developed
essentially from the center outward. Central Foothills
is the oldest part. That's the area in the new map, the
map we are considering, is deemed with Central Tucson to
create a competitive district thereby complying with the
judge's order to take two disparate areas and combine in
way that makes a competitive district. That combination,
unlike areas in the prior map, makes sense and makes
sense in older areas of the Foothills that have character
somewhat more akin to politically defined characteristics
more akin to the central city, area west Casas Adobes
east Tanque Verde. Those two areas, Tanque Verde more
properly belongs to east and south, eastern southern end,
the fringe of Tucson, characteristics, housing density,
interest, land use issues, school districts, other issues
which make tremendous amount of sense, more things in
common than they would with the Central City of Tucson
and with respect to the west. Casas Adobes certainly
belongs in the area that includes the northwest section
of the county, retirement communities, and areas to the
west. That area does not go into the City of Tucson.
The advantage for the City of Tucson, as previously
stated, also for that district, is it maintains an area
that is far more common in terms of its need for
representation in the Legislature.

So the truth is that in order to save the
Foothills the way it makes sense and must be divided
twice, this division both maintains a competitive
district and at the same time allows us to make a
division that we can at least in some fashion support
with the idea that it does reflect some of the things we
are trying to achieve in the Tucson area.

Mr. Elder.

COMMISSIONER ELDER: I think an additional
aspect of that, and we've run into that same problem up
in Kingman, Mohave runs through District 1, is that the
Foothills as configured in the March 1st plan are not
contiguous in any manner with the balance of the district
that we put them in, put them with, I believe that was
District 30. The area on the east side of Tucson goes all the way out, and this would be District 25, is it, Steve?

What is the area with the Haughten corridor.

CHAIRMAN LYNN: 25.

COMMISSIONER ELDER: Okay, 25.

COMMISSIONER ELDER: Goes all way out to the National Monument, Saguaro National monument, Coronado Forest. The are no roads, link, to any part Sierra Vista or Vail. That break there is significant, a totally different community, and does not fit as well as the eastern part of Tanque Verde which is more rural, larger lots, four acre and larger and larger, than Central Foothills, one-acre and smaller, the density is smaller, density is lower. Functionality is noncontiguous, an aspect of the Foothills the way configured in the March 1st plan, no way to campaign for citizens to participate in government and have fair representation.

With that I would like to call the question, if I can.

CHAIRMAN LYNN: The question is called for.

Further discussion on the motion?

COMMISSIONER HUNTWORK: This is one where I
have to defer. I defer to colleagues from Tucson. It seems to me that the very issue that divides the discussion on Casas Adobas and City of Tucson just exacerbates the point we're making, divide each one in a rational way and put together the same district on top of that, you canceling two out. The types of issues we're talking about, you cannot debate and have intelligent debate where one group wins, one group loses completely. There is not going to be compromise on basic gut issues. It underscores the fact this particular split does significant detriment to both.

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 MINKOFF: "Aye."
COMMISSIONER ELDER: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Carries unanimously."Other changes we wish to make to the map under item VII?
I'm sorry, changes to the record regarding that, Mr. Huntwork?
COMMISSIONER HUNTWORK: Mr. Chairman, I would like to move, make a motion, the Commission finds the proposed configuration of Districts 26, 28, and 30 do not do significant detriment to the Foothills community of interest for the reasons that have been discussed.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on that motion which is really the reverse of the previous motion.

COMMISSIONER HUNTWORK: Explained technically, the definition says we find significant, material versus find insignificant, immaterial, the reverse side of that. I think we have in effect but should explicitly make a finding that these are not material, significant detriments.

CHAIRMAN LYNN: Further discussion on the motion?

If not all those favor motion signify by saying "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

LISA A. NANCE, RPR, CCR, NO. 50349
COMMISSIONER HUNTWORK: One more.

I'd also like to show, make a finding the split shown on the April 2nd plan in the City of Tucson into District 30 does not cause significant detriment to the City of Tucson.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, this configuration, number one, puts the -- I believe the statistic over 43 percent of that district is the City of Tucson itself, City of Tucson proper. Additional portions of that district are areas just to the east of Tucson which I believe share a good deal in common with the eastern portion of the City of Tucson. We've not heard the same extent of rancor and divisiveness in that area that characterizes the relationship with the communities to the north that we were discussing further. So certainly the City of Tucson community and environs control this District 30. In addition to that, the remainder of District 30 is quite spread out, doesn't have as sharp of a focal point, so that, you know, in effect, I think, that throughout that district it would be readily acknowledged that the City of Tucson has very
significant influence in that district in a portion of
the City of Tucson in that district which is not -- does
not consist of wasted Tucson votes.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Further discussion on the motion?

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

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

Chair votes "Aye."

Motion carries unanimously.

Are there further motions to be made under
item VII?

If not, without objection, what I would
like to do, we are awaiting some additional testing to be
done to make sure our final map adoption is, is in order,
for us to deal with. I want to make sure that is being
done.

MS. LEONI: Yes.

CHAIRMAN LYNN: ETA?

MS. HAUSER: Yes.

CHAIRMAN LYNN: Deal other items without
objection, return to item IX on the agenda.

LISA A. NANCE, RPR, CCR, NO. 50349
One of the items we always try to save for late in the day is additional call to the public. I want to take that at this time without objection.

Are there members of the public who wish to address the Commission on any of the work we have done so far or any items we've taken up today? Any member of the public that wishes to be heard?

Mr. Flannery?

MR. FLANNERY: Mr. Chairman, Commissioners, let me be brief.

CHAIRMAN LYNN: State your name.

MR. FLANNERY: Mike Flannery, Prescott Valley Town Council.

Mr. Chairman, Commissioners, on behalf of the Prescott Town Council, I'd like to thank you on behalf of the County Recorder and Elections Director. This will make their life a lot easier. I know you worked with our concerns throughout the process. And for that, I would like to thank you. I know that you've had a difficult and daunting task, and you've performed that admirably. And I thank you for that. So with that, I will take my seat.

CHAIRMAN LYNN: Thank you, Mr. Flannery.

Always appreciative to hear positive comments from the public along with all the others we seem to hear.

LISA A. NANCE, RPR, CCR, NO. 50349
Other members of the public that wish to
address us at this time?

I know you are from Kingman.

MR. TAYLOR: Bob Taylor, City Attorney from
Kingman.

I'd like to request this Board consider
declaring that the proposed map does significant
detriment to Kingman and Mohave Counties communities of
interest.

I think you've heard significant testimony
here today that would support that. I think there's been
some expression of opinions among the Board itself that
support that. I also request the Board find the proposed
map does significant detriment to the concept of
compactness. We're spread completely across the state.

CHAIRMAN LYNN: Thank you. Mr. Taylor.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I
could be wrong. I believe the Board did have in its
resolution which adopted the change in Tucson, included
in that, I thought was a finding that we recognized that
we were doing significant detriment to Mohave County. It
was certainly my intention in making that motion that
that portion be included in the motion because we
recognized at the time that it was one or other and could
not be both.

CHAIRMAN LYNN: I don't have a complete recollection of that.

Ms. Hauser.

MS. HAUSER: Mr. Chairman, Mr. Huntwork, that's true.

Mr. Taylor, is Mohave asking it be recognized as a community of interest by the Commission and further recognize significant detriment has been caused Mohave County in this map?

MR. TAYLOR: Yes.

MS. HAUSER: So the finding that was has been made previously was made as a concept but without Mohave as a specific community of interest because we have the notice issue in the last meeting.

COMMISSIONER HUNTWORK: True.

Do we this meeting?

MS. HAUSER: No.

COMMISSIONER HUNTWORK: Making a motion, do we -- I remember although recognize doing significant detriment to community of interest consists of Mohave County. So in spirit, at least, I know we had, we traveled this road, I -- if it's in order, if appropriate, I would move that we recognize, firstly, that we recognize Mohave County as a community of

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MS. HAUSER: Ms. Chairman, Mr. Huntwork, based on public input received subsequent to the adoption of the communities of interest, in February?

COMMISSIONER HUNTWORK: Ms. Hauser, you know, the honest answer to that is yes to some extent it is. We were dramatically reminded by the overwhelming input from the people and their representatives from the county, all major communities within the county that they are a community of interest and amplified the record many times over as to types of issues they have in common and why those issues bind them together, but also, I admit, to some extent to answer the question fully, we also historically had some of that information in the record but wasn't, we failed to, I think, appreciate, but we didn't have all the information in the record. We gained a good deal of good information over the last few week's in very professional, focused presentations received from Mohave County. So certainly that is largely the case but not entirely.

CHAIRMAN LYNN: Before we discuss, I want to know if there is a second.

COMMISSIONER MINKOFF: Wanted to make, I don't think it is in order. We are in the middle of
public comment. Conclude public comment, then put motions on the table.

CHAIRMAN LYNN: Great point. Great motion. We are in public comment. Other members of the public wish to be heard at this time?

Then I will --

Ms. Minkoff is absolutely right. I appreciate that. It's been a long day. That's why Ms. Minkoff is Vice-Chairman of the Commission. She helps me do that.

We'll conclude the public comment portion and now recognize Mr. Huntwork for a motion.

COMMISSIONER HUNTWORK: Mr. Chairman I recognize -- I move the Commission recognize Mohave County is a community of interest.

CHAIRMAN LYNN: Is there a second to the motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I'm very unhappy with what has been done to Mohave County with the map as it's been proposed, and this will probably be adopted shortly. But -- however, I would
feel more comfortable if we recognized counties. I don't
know that Mohave County is any more a community of
interest than Cochise County who asked very solicitously
for one Legislative District. We did not have -- have
not designated them as a community of interest or a
number of other counties that we have spoken to, had to
split.

The other thing that concerns me, I believe
that adoption of communities of interest needs to be done
while the map is still under consideration. I don't
believe anybody on the Commission really believes we're
going to go back and redo districts. I'm a little bit
uncomfortable adopting a community after the fact, after
we've already created a map we're about to approve
subject to any technical adjustments that have to be
made.

While I'm sympathetic to Mohave County,
while I think what we've done, created a very, very
difficult situation for them, and I'm certainly willing
to acknowledge that on the record, I believe that's clear
to all of us, I have difficulty singling Mohave County
out as a community of interest, and also doing that at
this the point in process.

Based on those reasons, I will vote against
the motion though I certainly support the sentiment

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behind it.

CHAIRMAN LYNN: Thank you.

Mr. Hall.

COMMISSIONER HALL: I think Commissioner Minkoff is right on target. There are significant issues and harm caused to Mohave County.

For the purpose of historical perspective, we were handed an inch and a half handout of communities of interest we reviewed in detail, which the river community was one of the communities of interest. For some reason, for the record, I wanted to just adopt that wholesale. Nevertheless, we went through that line item by line item, and I think at this point it would be, for our purposes of complying with the court order, it muddies the water, has no lasting effect because we adopt first then, we the adjusted map pursuant to adoption of public interest.

Public input has been very clear. It's evident with respect to their concerns, their community of interest. I don't think official adoption at this point in light of simply adopting the map, complying with the judge's order, has any benefit and may be counterproductive.

CHAIRMAN LYNN: Further discussion on the motion?

LISA A. NANCE, RPR, CCR, NO. 50349
Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, the Judge imposed on us a procedure, but I don't know that this is contrary to procedure that we imposed. You know, his -- the basic issue was we were not to use communities of interest in a pretextural way, and the Judge felt that, had hope, determinations, determinations based on personal knowledge, I was suspicious of those, he used the word pretextural. I respectfully disagree with that. I feel the Commission did their honest best in using their honest best to write it the best it did. They are the true, best maps for the State of Arizona at this point. I do not believe anyone could possibly believe it's pretextual to recognize Mohave County as a community of interest. The record is as clear as anywhere in the state. I do think that the additional information that has been provided to us since we made this terrible mistake has underscored that, you know, underlined it 10 times and put 10 exclamation points at the end of the sentence. Mohave County is a community of interest or our definitions and our process is meaningless. I don't see any prohibition or bar that would prevent us from making that finding.

I do recognize we cannot protect that community of interest as we have been unable to protect
other communities of interest around the state. The fact we can't protect it doesn't mean it doesn't exist and if we fail to find it's a community of interest we're going to be the only people in the State of Arizona that don't recognize that it is.

CHAIRMAN LYNN: Further discussion on the motion.

COMMISSIONER HALL: What are we trying to accomplish? What do we gain by this?

COMMISSIONER HUNTWORK: I think what we gain by it is we, we follow the process that we are engaged in honestly. That's what we gain by it. We gain the truth. And the truth is always important. The truth, with all due respect, does make us free. This was to be an exercise in democracy. Democracy of exercise of having a Commission has been, in my judgment, damaged by the, by the fact that our discretion, having been selected as we were, and so on, has been overruled by a single judge. The only thing that could have been worse if this process we're doing now had been performed by a single expert in the back room of the Maricopa County Courthouse. As distasteful as this process is at least it has been performed here in front of the public. And for better or worse, they know what we did and why. I'm sure we've made lots of mistakes. Here's one where I'm
certainly not going to be able to look myself in the eye if I vote against the motion.

CHAIRMAN LYNN: If I may, Mr. Huntwork, this is very difficult for me, because I agree wholeheartedly with the concept that if we were to list areas of the state that have not been treated fairly by this process as outlined by the judge and executed by the Commission to satisfy his order, and atop that list would be Mohave County. There's no question in any of our minds that the way this is. This has been employed, and the only way we felt it could be employed with a floor of seven competitive districts that must be achieved regardless of where damage is done anywhere in the state, it forces us into a position have not just favoring some not favoring others but ignoring some completely where we would want to make significant changes. And I think that, I think that in and of itself is enough reason to be very upset and very concerned about the product of that process, whatever it looks like when we're finished. Having said that what, bothers me is that there was a time to make a designation of communities of interest in this process, and it was earlier. And I must tell you, must confess one of the reasons I was not supportive of wholesale adoption of every community of interest that came before us was the knowledge in my own mind that the

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number of communities of interest that we adopted related
to the numbers of communities of interest that we would
have to do significant detriment to in order to comply
with the Court's order and the fact we had so little time
to do it meant we would continue to debate each of those
as we went through the process. For that reason, I was
actually pleased in some way that we adopted fewer
communities of interest because it meant less angst as we
went through the map in order to comply with the judge
and his order.

The truth is, I'll say it again and will
say it again on the record, I don't care how you approach
this process don't care whether you used the methodology
we used two years ago, two-and-a-half years ago, or the
methodology the judge imposed in history with the
exception of Florida, seven competitive districts, if you
take that out, go through, create a grid, apply
competitiveness first, use no other criteria and come up
with 23 competitive districts, apply the Voting Rights
Act, automatically five competitive districts,
rehabilitate, and talk about communities of interest, if
you are fair, balanced on all six criteria in the manner
you should be, as a Commissioner, someone sworn to uphold
the Constitution, to have a map somewhere with three,
six, competitive districts in this state, it is my belief
you cannot balance the other interests and you avoid
doing the kind of damage we're talking about with respect
to Mohave County, do not have the same range in that area
of competitiveness, because other things simply take
precedence when you try to balance the interests. So
without that floor, I think we'd be at place very similar
to where we were with the 2002, 2004 map, would look very
similar to that approximately same number of districts.
So the artificial floor puts us in a position of having
to do significant damage, detriment to various parts of
the state.

My conflict is this: I recognize, want the
record, I as Chair of the Commission recognize we have
not dealt with Mohave County in a way that in any way
reflects what they have presented to us which is a
cohesive and compelling case to be kept intact, to be in
a portion of the state that is far more aligned with
their interests as was the case in the 2004 adopted map.
I suspect if we gave Mohave County and its representative
the opportunity to go back to that map somehow magically
at this moment. They'd be delighted to do so. We didn't
hear anything from Mohave County when we adopted that map
about how they felt they were treated, how the district
looked, who they were with, how that district was going
to function and operate.

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There is no question but this is significantly damaging to that portion of the state. I agree with Ms. Minkoff. I think if we had our druthers we would certainly put Cochise County back together, have it remain whole.

I think there are several changes we'd make in the state that allow us to feel better about the end product but we simply can't. My concern at this point, I would rather have something I might say that is the sense of the Commission resolution about Mohave County as opposed to a specific designation of community of interest at this late date knowing where we are in the process. I am afraid that rings hollow. I don't know I can support it.

Mr. Huntwork then Mr. Elder.

COMMISSIONER HUNTWORK: What I believe I understand you and Commissioners Hall and Minkoff to be saying is that you feel constrained by the court's order not to vote in favor of a motion like this at this time. It's not substance of the motion you feel you can't act on substance of the motion at this time. I do not feel, personally --

COMMISSIONER HALL: I agree with that.

MS. HAUSER: Was some assent. Might want to get that on the record.

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CHAIRMAN LYNN: Some agreement to that point of view, Mr. Huntwork.

COMMISSIONER MINKOFF: Yes.

COMMISSIONER HUNTWORK: Well, I don't want, I don't want to put you in the position of knowing how strongly you feel about this, I don't really want to put you in the position or any of you in the position of appearing to vote against Mohave County, but I don't, I have to think very hard to craft a motion we could all vote in favor of --

COMMISSIONER MINKOFF: Mr. Huntwork, if I interrupt a moment, Chairman Lynn said something that was the sense of the Commission, a resolution. We haven't done anything like that before, maybe it's time for it. I certainly would be supportive of a statement that expresses displeasure with what has occurred in that particular district without creating community of interest.

If you withdraw your motion, rephrase it in some way that is a sense of the Commission that -- you know, I would be -- I don't know I'd vote for it, but --

COMMISSIONER HUNTWORK: Suppose I were to say --

COMMISSIONER MINKOFF: First withdraw your motion.
CHAIRMAN LYNN: First we're discussing the motion on the floor.

COMMISSIONER HUNTWORK: It's the sense of Commission but for the court's order we would have found once again as we did before Mohave County is a community of interest and would have not divided --

COMMISSIONER MINKOFF: Never did.

COMMISSIONER HUNTWORK: -- the river.

COMMISSIONER MINKOFF: The rivers.

COMMISSIONER ELDER: Anything in the judges order that says, anything in the judge's order that says we cannot have on the record things that the Court doesn't agree with? That is probably a poor way of putting it. Something that I, right now, believe that we should have something on the record as a formal vote in relation to Mohave County and Kingman in particular, and if no other way of getting it on the record, then I need to vote for this motion. If there's another way of getting on the record so it can be reviewed by the judge he put constraints on us that in our opinion, my opinion, I'll state it that way, it's unreasonable, and do not fulfill the goals of Proposition 106 or anything that the citizens of this state committed to when they voted for that proposition, I -- I guess, again, I stated I'm frustrated, have been frustrated all day, don't feel

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well, am incoherent. Hopefully the sense comes through.

Give me some sense of lead, where we can go, not
offend -- no, offend the Court if we need to, get on down
the road.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, Mr. Elder, there
is history through the process, starting in early
February, actually late January, the Commission
indicating its discomfort or displeasure with certain
portions of the court's order, if not the entire order of
January 16th. And there are, I think, numerous instances
of the Commission doing so under protest and having
various problems with the order. So I think along those
lines what you are stating would be consistent with what
the Commission has done all along.

CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: Commissioner Elder, every time
you speak, state dissatisfaction court's order that goes
on the record gets submitted to the judge and will be
used as basis whatever legal action take from here on, if
asking showing your concern, quote, to put it --

COMMISSIONER ELDER: Restate my concern,
another tally, quarter in the pool.

MR. RIVERA: State as many times as you
want to. Every one of the concerns is part of the
Talking about official action by omission, that's another question. Is that what you are asking?

COMMISSIONER ELDER: Yes.

MS. HAUSER: Yes. A sense of the Commission, a resolution.

COMMISSIONER ELDER: A sense of the Commission is a fluffy way of going on the record. I almost rather would have something right to the point, say yes, it does do significant damage, significant harm, and representationally, geographically, you know, all the things we've talked about and issues that hold that community together and yet we cannot do anything about it because of the order of the court. So --

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: There is no legal prohibition against doing that. How the Commission chooses to address this particular issue is within your discretion.

CHAIRMAN LYNN: Mr. Hall and then Mr. Huntwork.

COMMISSIONER HALL: Mr. Chairman, I think to more clearly understand my position is, so we are now preparing to submit a map to the court and we are again in a defensive mode. I think as we speak there may be those lining up to find something down the road with what
our current situation is. I'm just a little leary who is
on our side and who isn't. So I, I -- I guess the answer
to my question is, maybe help me, Mr. Huntwork, I
personally am recalling statement that were we not
limited by a minimum of seven competitive districts? I
would be willing to rectify the problems of Mohave
County, the statement, wondering if all fellow
Commissioners agree with, maybe some kind compromise with
your desire, something that is the will of the Commission
upon the record.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I would consider
that.

Let me ask you a question, ask maybe our
counsel a question, may not be able to answer like that,
but, I'll preface this way: I feel terrible about the
map we have created in many ways. You know, I detest
what we've done to the City of Phoenix throughout. I
don't believe this map reflects my city. I think we've
done a better job in almost every other part of the state
than we have in City of Phoenix, and that's not saying
much for the rest of the state, the notable exception is
Mohave County. We have simply disenfranchised Kingman.
Kingman, ironically speaking, was in favor of Proposition
106. If you go back to publicity material for 106,
people said this will never happen to us again once we've adopted Proposition 106. Just as Pinal County considered themselves the poster boy for 106, Kingman was right there with them. There was a lot of support for this, historically. Here we are, here we are doing the same damn thing, pardon me, but I actually meant it.

I think that I would feel somewhat less bad if the net result of all the litigation were that we were stuck with every single portion of the map except what we've done with Mohave County. If there were some way I felt I could actually legally equip Mohave County to succeed in the courts in challenging what we have done as opposed to merely making a bland statement about it, I would prefer to do that. And my question would be do you see any significance, to my counsel --

MR. RIVERA: I won't answer publicly.

COMMISSIONER HUNTWORK: You cannot answer that question.

COMMISSIONER HALL: Answer.

MS. HAUSER: We decline to answer the question.

COMMISSIONER HUNTWORK: Okay.

MS. HAUSER: I think sometimes you don't want to get your legal advice in open session.

COMMISSIONER HUNTWORK: Fine.
COMMISSIONER HALL: Mr. Huntwork, I think I hear what you are saying. And I guess my concern is that if you hand one soldier equipment, my fear is others may pick it up and use it, too. You have nailed my very concern. So thus my hesitance.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Another question for the attorneys.

Is there any opportunity, statements to the court at the beginning, found significant number of problems the way it's -- any potential relief from the seven floor and have a potential plan that would allow us to submit one with six?

MS. HAUSER: Can always ask, but --

MR. RIVERA: You know, but -- the Court is aware of the Commission's dissatisfaction in terms of the entire ruling but specifically to the manner in which the process supposed to be used, every hearing we've had addressed that both at the beginning of the hearing, end of the hearing, how we're doing it under protest. You know, we could always ask. But the question becomes he's already committed to ruling, already made a determination of ruling. You've already expressed your dissatisfaction of the ruling.

COMMISSIONER HALL: In short, he doesn't
Well --

You don't have to have that opinion.

That's my opinion.

CHAIRMAN LYNN: The important thing here is as follows: Let's not lose sight where we are in this process. We're complying with the court's order, doing so under protest, have an active appeal of that order.

With all due respect to Mayor Joe and everyone from Flagstaff, I think they know my position very clear, my hope is our original map of 2004 is upheld on appeal, reinstated, and that will solve the problem for Mohave County. I believe that was right solution in the first place. We're still committed to that map and believe it was the right choice. We have to, here, suck it up and submit to the court. What we have is a really ugly task, made ugly by that floor of seven districts. It means we can't do the things we would normally do, respond to people we'd legitimately respond to as a Commission that ask for relief on the basis of damage to a community.

Mohave did, expect us to respond. It's our inability to respond that my opinion is constrained only, solely, and completely by the judge's imposition of a floor of seven competitive districts because there are places in this map I certainly would vote to change if we had more

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opportunity to do so.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, for these reasons I don't know what the best way to handle this is. I do know that my fellow Commissioners are speaking in complete good faith about this. It's not fair to put them in the position of voting against something they believe is right purely because of this form and procedure where we are in the process. I also believe that forcing that vote is counterproductive to what I'm trying to achieve, make a motion, not the greatest. Two, three Commissioners believe it's not a timely and appropriate moment, not because they disagree in substance, but I know that a negative vote would then be used against Mohave County.

My best judgment at this point would be to withdraw the motion, although I personally believe in it a hundred percent in favor of a resolution of the type Mr. Hall suggested if the Commission can agree on such a resolution and -- so at least temporarily I'll withdraw my motion if the second will allow me to and see if we can work out Mr. Hall's suggestion.

CHAIRMAN LYNN: Who was the second?

COMMISSIONER ELDER: I guess.

CHAIRMAN LYNN: Thank you.
Mr. Hall, do you want to offer?

COMMISSIONER HALL: Sure. I was just going
to say that with respect to providing assets for Bob, I
think that this transcript of this discussion has done
just that. I think -- I think that would certainly be
helpful.

I guess the motion would be: The
Commission unanimously resolves were we not limited by
the court order in having a minimum of seven competitive
districts, we would repair the significant detriment that
has occurred in that county.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

COMMISSIONER HALL: I --

CHAIRMAN LYNN: Please, I hope the
representatives of -- I hope the representatives of
Mohave County, Kingman understand the sense of the
Commission and understand the constraints we're operating

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under. Make no mistake about our support for your situation.

MR. TAYLOR: Thank you for your support.

We're operating under some rigid restraints, too. The expression today "exigent circumstances" aptly extends.

MS. HERBERT: Yes.

COMMISSIONER HALL: To the extent you gave animated support, your name.

MS. HERBERT: Deborah Herbert, Mohave County attorney's office.

COMMISSIONER HALL: Chairman, I'd like to spend more time.

I move we adopt the April 2, 2004, map, as amended on April 12, 2004, as the Legislative Redistricting Plan solely for the purpose of submitting it to Judge Fields in compliance with his January 16th and subsequent orders with the express understanding that by doing so we are not repealing the final 2002 Legislative Redistricting plan currently enjoined by the trial court in order to continue our appeal of the trial court's decision.

CHAIRMAN LYNN: Is there a second to that motion?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion?
Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I'll vote for this motion, but I want state something for the record before I do.

Just to clarify what I believe is a position I felt consistently ever since the beginning, a lot of mention has been made that we are all doing this under protest. I'm not sure that's an accurate statement of the approach I took to this. I wholeheartedly support our appeal of the judge's ruling. I stated on any number of occasions I believe it's very important to have an appellate court decision interpreting Proposition 106. We all served under the uncertainty of exactly what Proposition 106 means.

While I certainly don't agree with all aspects of Judge Fields' order, I do believe that through his order competitiveness has received the emphasis mandated by 106 and emphasis I maintained all during our discussions of the earlier map. I know that I am expressing a minority opinion, but I truly believe that while this map is not perfect, it is a better map than the adopted map which Judge Fields has rejected. I voted against that map, and I believe this is a better map because it is a more competitive map. That doesn't mean it's a perfect map, just a better map.
I too am very, very troubled by what has happened to Mohave County under this map but I was troubled by what happened to Flagstaff in the adopted map. I am troubled what happened Sierra Vista in every single map, the earlier map, this map. I'm sorry we were not able to unite the entire Flagstaff FMPO, and what happened to Tucson and Phoenix. It's not a perfect map. I want to make sure the record reflects even though I support the appeal and want the appeal to go forward that I do not share the views of my fellow Commissioners that the map that was adopted earlier is a better map. I believe this is better map. And the Court will tell us which one is right.

CHAIRMAN LYNN: Thank you, Ms. Minkoff.

Further discussion on the record?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I respectfully disagree with Commissioner Minkoff. I sincerely mean "respectfully."

My own conscience, I could not vote in favor of this map and do exactly what the Mayor of Kingman suggested. If this were the final set, I do have confidence in the court's confidence in Judge Fields to consider potentially what happened in Mohave County, possibly relent on that point. I have confidence if he

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does not the appellate courts will ultimately look at
this and vindicate the discretion of the Commission and
judgments that we are entitled to make. It's possible
that it will result in our having to come back again do
it one last time under final set of rules promulgated by
Supreme Court. I hope it doesn't come to that or if it
does, it's one more time and not the remainder of our
10-year terms.

In any event, I vote, under severe protest,
and only reason I can, in fact, is it's simply presenting
the plan to Judge Fields and the next step in the process
is the appeal is continuing.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Further discussion on the motion?

Suffice it to say I join Mr. Huntwork in
his comments.

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

Mr. Hall.

COMMISSIONER HALL: I move we direct

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counsel to complete preparation of the Section 5 submission of this April 12 map to US Department of Justice as directed by Judge Fields.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

Chair votes "Aye."

Motion carries unanimously.

Mr. Hall.

COMMISSIONER HALL: I move we direct counsel to request that any order directing use of this April 12 map be contingent on the map being precleared under the Voting Rights Act.

CHAIRMAN LYNN: Second?

Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: I have a question.

It seems to me, why do we need this motion since they
can't use map if it isn't precleared anyway?

COMMISSIONER HUNTWORK: To remind the
Judge --

MR. RIVERA: He doesn't have the authority.

CHAIRMAN LYNN: Ms. Hauser?

MS. HAUSER: Yes, Mr. Chairman,
Commissioner Minkoff.

The Secretary of State requested an order
of the Court allowing candidates to collect signatures
and clean election contributions outside possible
district lines change requested contingent on
preclearance and it is something that would be consistent
for us to request as well. I think would be something
that would help some of the counties who are, you know,
unsure really how far they are supposed to go under the
order. So just four clear fashion, happen that way are
anyway eliminate an argument if the Judge put in order.

COMMISSIONER MINKOFF: Thank you.

CHAIRMAN LYNN: Further discussion on the
motion?

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

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COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries.

COMMISSIONER HALL: I move we direct counsel to amend our notice of appeal from the trial court's January 26 order to include our appeals from the March 30 amended final judgment and any order of the trial court ordering use, implementation or administration of the April 12 Court ordered plan.

THE REPORTER: Can you repeat that?

MR. RIVERA: You'll have them in writing.

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion?

Moved and seconded.

COMMISSIONER HUNTWORK: I wholeheartedly.

I respect counsel and that in any event they will fulfill their professional ethical duty to us, at a minimum, also at a very high standard of efficacy that we know that they are able to achieve by doing everything that is in our best interests in order to protect our position and ultimately to prevail. So if there is some little, or big thing we haven't included, I'm getting worried all specific motions now. I do not mean to exclude anything else necessary and appropriate by virtue of authorizing specific things doing.
CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, Commissioner Huntwork, only concern here on reflection was that taking an action that is an appeal is legal action and is something that the Commission should decide to do just as when you take a vote to bring a lawsuit. Once that legal action is pending counsel can act within, exercise there professional judgment motions to file and other things along those lines without coming back for specific authority.

Mr. Chairman, Commissioner Huntwork, an example would be, if the time becomes ripe as we move down road with preclearance caution and as circumstances warrant, the time may come where the Commission, counsel may feel it's appropriate to renew the request four stay which the Court of appeals previously denied and set if there's a change of circumstances come talk to us again. That's the kind of thing where I think it's not necessary to come back for a formal vote of the Commission and if that is the understanding of the Commission as well, then I think we're fine, with the authorization we're in the appeal and we can deal with the rest of it. I think we have the direction we need then.

CHAIRMAN LYNN: I think we should state unless there is objection, that is understood and the
intent of this motion.

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Those should be continued and pursued as appropriate.

Further discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Motion carries unanimously and is so ordered.

Anything further to come from legal counsel?

Consultants?

MR. JOHNSON: No.

Staff?

Members of the Commission?

If not, Item XIV, discussion of future Commission meetings.

The Commission will next meet at the call of the chair.

MR. RIVERA: Tomorrow.

CHAIRMAN LYNN: The Commission will next
meet at the call of the Chair when circumstances or
issues have arisen sufficient to require us to gather
again together.

As much as I have grown like and respect my
fellow Commissioners, I hope it's a while. But -- to get
together again, at least collectively, and perhaps we'll
see each other along the way.

Item XV, the Commission will stand
adjourned until a call of the Chair.

(Whereupon, the hearing concluded at
approximately 7:44 p.m.)

* * * *

LISA A. NANCE, RPR, CCR, NO. 50349
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 230 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 15th day of April, 2004.

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

LISA A. NANCE, RPR, CCR, NO. 50349