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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER' S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
May 20, 2002
6: 00 p. m

PREPARED FOR:
ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

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

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The State of Arizona Independent Redistricting
Commission convened in Public Session on May 20, 2002,
at 6:00 o'clock p.m., at the Wyndham Buttes Resort,
Kachina Ballroom, 2000 Westcourt Way, Tempe, Arizona, in
the presence of:

APPEARANCES:

- CHAIRMAN STEVEN W. LYNN
- VICE CHAIRMAN ANDI MINKOFF
- COMMISSIONER JAMES R. HUNTWORK
- COMMISSIONER DANIEL R. ELDER
(Present telephonically.)
- COMMISSIONER JOSHUA M. HALL

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Phoenix, Arizona

2 ADDITIONAL APPEARANCES:

3

4 LISA T. HAUSER, Commission Counsel

5 JOSE de JESUS RIVERA, Commission Counsel

6 MARGUERITE MARY LEONI, Counsel

7 ADOLFO ECHEVESTE, IRC Executive Director

8 LOU JONES, IRC Staff

9 KRISTINA GOMEZ, IRC Staff

10 DOUG JOHNSON, NDC, Consultant

11 BRUCE CAIN, Federal Court Special Master

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

13

14 SPEAKERS FROM THE PUBLIC;

15 AARON KIZER, ARIZONA MINORITY COALITION

16 STEVE GALLARDO, HISPANIC COALITION

17 SENATOR PETE RIOS, HIMSELF AND
ARIZONA MINORITY COALITION

18 JIM HARTDEGEN, CITY OF CASA GRANDE AND.
19 CASA GRANDE CHAMBER

20 RONALD LEHMAN, SANTA CRUZ COUNTY

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Public Session
Phoenix, Arizona
May 20, 2002
6:18 o'clock p.m.

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P R O C E E D I N G S

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8 CHAIRMAN LYNN: I'd like to call the
9 meeting of the Independent Redistricting Commission to
10 order.

11

For the record, we'll have a roll call.

12

Ms. Minkoff?

13

COMMISSIONER MINKOFF: Here.

14

CHAIRMAN LYNN: Mr. Elder?

15

COMMISSIONER ELDER: Here.

16

17 CHAIRMAN LYNN: Mr. Elder is present by
18 telephone.

19

Mr. Hall?

20

COMMISSIONER HALL: Here?

21

CHAIRMAN LYNN: Mr. Huntwork?

22

COMMISSIONER HUNTWORK: Here.

23

24 CHAIRMAN LYNN: All five members of the
25 Commission are present.

26

We're also joined by Commission staff.

27

Mr. Echeveste?

28

MR. ECHEVESTE: Here.

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2 CHAIRMAN LYNN: Legal counsel, Ms. Hauser,
3 Mr. Rivera, and NDC and their counsel; Doug Johnson
4 representing NDC and Marguerite Leoni, counsel to NDC.

5

Item II, public comment. This is the time

5 for consideration and discussion of comments and
6 complaints from the public. Those wishing to address
7 the Commission shall request permission in advance by
8 filling out a speaker slip. Action taken as a result of
9 public comment will be limited to directing staff to
10 study the matter or rescheduling the matter for further
11 consideration and decision at a later date unless it is
12 the subject of an item already on the agenda.

13 Before we start public comment, I want to
14 note for the record that this afternoon following the
15 federal court proceedings this morning, I directed legal
16 counsel to specifically invite the Minority Coalition
17 for Fair Redistricting to speak to the Commission this
18 evening in advance of our reassessment of the maps
19 because of the recent objection of the Department of
20 Justice so that their comments are on the record prior
21 to our deliberations.

22 In that regard, two members of the
23 Coalition are here representing the Coalition.

24 First is Mr. Aaron Kizer.

25 Mr. Kizer.

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1 MS. HAUSER: Excuse me. Mr. Chairman?

2 CHAIRMAN LYNN: Ms. Hauser.

3 MS. HAUSER: Also Mr. Cain from the Court
4 is here.

5 CHAIRMAN LYNN: I'm sorry, thank you very
6 much.

7 Let me note the presence of Special Master
8 Federal Court Bruce Cain.

9 Would you identify yourself by standing.

10 It is the Order of the Court no one is to
11 have contact with Mr. Cain during these proceedings
12 unless Mr. Cain is contacting you for information. And
13 in that regard I would ask that all Members of the
14 Commission, staff, and the public refrain from contact
15 with Mr. Cain as directed by the Court.

16 Mr. Kizer.

17 MR. KIZER: Thank you.

18 Aaron Kizer representing the Arizona
19 Minority Coalition.

20 The Court's order as to Mr. Cain is very
21 similar to domestic violence, no uninitiated contact. I
22 guess we're all familiar with that.

23 We're here to discuss with you the impact
24 of the DOJ objection and possible solution for remedies.
25 As we read the DOJ letter, they've identified five

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1 districts that are problematic, districts 13, 14, 15,
2 23, and 29. It also says that we must restore in three
3 of those districts the ability of minorities to elect
4 candidates of their choice. We believe that all that
5 appears to be our suggested fix. There are a couple
6 members of the Coalition to speak to that, Steve
7 Gallardo and Senator Rios.

8 We believe 23 is one of those districts
9 that can be fixed out of the five, does not have to be
10 brought up to majority minority, but does need to be
11 brought back to bench mark level by, I believe,
12 approximately 30 percent. That can be done by, of
13 course, adding Oracle and San Manuel, which we all know,
14 is one of the obvious fixes. That adds approximately
15 6,000 people. Then the question is what is removed.
16 Gold Canyon is a high anglo area. Also parts of Casa
17 Grande north of Florence Boulevard can also be removed.
18 Again, not only high anglo areas, Casa Grande just last
19 weekend, I was amazed by the number of subdivisions
20 going in there, growth of subdivisions not Hispanic.
21 May need numbers based on that. Miami, Arizona, heavily
22 Hispanic, that can be added.

23 We're, of course, drawing maps tonight as
24 well. These are things we're doing tonight. We hope to
25 come back with you maps tomorrow.

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1 District 29 in Tucson would be another
2 area that could be corrected.

3 Again, changes on western boundary, 12th
4 Avenue, move west to the freeway. Adjustment would be
5 on the eastern boundary, Hutchin, I believe, move that
6 west to pick up whatever population, to lose whatever
7 population you've gained by moving to the freeway. We
8 think that's a possible fix for District 29.

9 There remains one District to be

10 corrected, in the Phoenix Metropolitan area, that would
11 be district --

12 CHAIRMAN LYNN: Mr. Kizer.

13 COMMISSIONER ELDER: I'm picking up only
14 half of the comments.

15 MR. KIZER: Louder?

16 COMMISSIONER ELDER: Louder or more
17 microphone.

18 CHAIRMAN LYNN: Let me ask you to say a
19 few words.

20 MR. KIZER: Mr. Elder, I'm speaking of
21 District 14.

22 Can you hear that?

23 COMMISSIONER ELDER: Seems I'm getting
24 tunnel or echo. I hear Mr. Lynn quite well, but it's a
25 guess.

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1 CHAIRMAN LYNN: I'm not sure we can fix
2 it, Dan.

3 COMMISSIONER ELDER: Okay.

4 CHAIRMAN LYNN: Mr. Kizer, thank you.

5 MR. KIZER: District 14, on the
6 southeastern boundary, move that east creating a type of
7 L shape for District 14.

8 District 16, northeast corner, move that
9 north.

10 And then on District 15, the western

11 boundary would go, move that further west towards the
12 freeway.

13 We believe that -- and these are the areas
14 that we'll be looking at tonight as we draft. And we
15 think these are possible ways of curing DOJ objections.

16 Thank you.

17 CHAIRMAN LYNN: Thank you, Mr. Kizer.

18 Would you answer a question.

19 Ms. Hauser.

20 MS. HAUSER: Aaron, I thought I heard you
21 make suggestions with respect to 14, 15, and 16?

22 MR. KIZER: Changes of 14 would be to
23 increase the minority voting age population there,
24 particularly Hispanic voting age, gain Hispanics out of
25 16, well, that L shape. I'd have to look at a blowup of

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1 Maricopa County on the L shape.

2 When you extend the southern boundary east
3 on District 14, Steve Gallardo is better equipped to
4 comment on this, those are probably actually coming out
5 of 15.

6 Yes, I believe that's correct.

7 MR. RIVERA: Could we ask him to go over
8 them again?

9 MS. HAUSER: Let --

10 CHAIRMAN LYNN: If going to speak from the
11 dias, you need to push the push button on your mike to
12 get the green light before you speak or you will not be

13 recorded. Once you've spoken, turn it off again. That
14 will help in terms of everybody hearing everyone.

15 Then we'll do this one at a time.

16 Now that the districts are up, Mr. Kizer,
17 if you wouldn't mind, Mr. Gallardo, if you want to
18 assist, clear the understanding where the Minority
19 Coalition is looking at produce fixes in the Maricopa
20 area.

21 MR. KIZER: Mr. Chairman, with permission,
22 I'll ask Mr. Gallardo to explain 14.

23 CHAIRMAN LYNN: Without objection.

24 MR. GALLARDO: Thank you, Mr. Chairman,
25 Members of the Commission.

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1 With respect to 14, let me try use this
2 pointer.

3 Anything east of I-17 would be taken out
4 of 14. This, only greater attempts, minority members,
5 maybe go to Roosevelt. The only reason look to
6 Roosevelt, keep the Historical District intact. That
7 was outlined as a community of interest earlier in the
8 process, keeping the Historical District intact.

9 Come down to Roosevelt, Roosevelt all the
10 way down east to, I believe, this is 51, 51 down.

11 This whole section here, putting this into
12 14, taking this out.

13 Any questions?

14 And then again, this fix, or this change,
15 would affect the three districts. But this would be a
16 way to possibly greater the minority numbers. And we
17 would even look at maybe even bringing the northern
18 boundary down some depending on the population figure,
19 just to meet the 160 whatever number that we have to
20 hit.

21 CHAIRMAN LYNN: Question.

22 Ms. Leoni?

23 MS. LEONI: Thank you, Mr. Chairman.

24 Mr. Gallardo, has the Coalition determined
25 upon a number relative to the bench mark that you are

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1 attempting to achieve with your fixes?

2 MR. GALLARDO: We were shooting at nothing
3 lower than 57 percent, nothing lower than 57 percent.
4 We're currently looking at the numbers now, don't know
5 what the numbers would be at. That's what we're looking
6 at, shooting at nothing less than 57 percent.

7 MS. LEONI: VAP or total population?

8 COMMISSIONER MINKOFF: Sorry, I didn't
9 hear the answer to that.

10 MR. GALLARDO: VAP, yes.

11 CHAIRMAN LYNN: Mr. Kizer?

12 MR. KIZER: That concludes our comments.

13 CHAIRMAN LYNN: Mr. Hall has a question.

14 COMMISSIONER HALL: Two questions. One is
15 what -- maybe it's too preliminary for you to answer

16 this. Do you know what the impact of proposed changes
17 would be on District 16?

18 MR. GALLARDO: I'm sorry, can I comment on
19 that?

20 MR. RIVERA: You want our pointer back?

21 MR. GALLARDO: I'm sorry, we want to bring
22 back Scotties head. For some reason we love Scotties
23 head. It's the little dog head -- I'm sorry, the little
24 dog head up at the corner. If I can walk to the screen,
25 I'll point to it. You have it right there. Bring back

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1 Scotties head, a large minority population. Bring that
2 back to District 16, bring additional population to make
3 up for areas you're taking out.

4 COMMISSIONER HALL: You want to go back to
5 similar, to the previous district affectionately
6 referred to as Scottie.

7 MR. GALLARDO: Yes, sir.

8 COMMISSIONER HALL: You guys have analyzed
9 the impact to all minority populations?

10 MR. GALLARDO: We're looking at this now.
11 This is merely a suggestion, still a suggestion. We
12 haven't had much contact with members. We'll do it
13 tonight. It's merely a suggestion.

14 COMMISSIONER HALL: Second question, just
15 reading the letter, as you are, from DOJ, correct me if
16 I'm wrong, the changes you have proposed would create

17 two -- would increase the percentages of two
18 majority-minority districts, is that correct, make them
19 majority minorities. Am I understanding that correctly?

20 MR. KIZER: That's correct.

21 COMMISSIONER HALL: How would you
22 reconcile that proposal? The paragraph references
23 restoring three districts from among these problem
24 areas.

25 MR. KIZER: Well, because the letter goes

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1 on specifically to say five problem districts, and you
2 need to restore three of five. One of five is 23. I
3 think they are clear saying that needs to be brought up
4 to its bench mark. That is one of three that needs to
5 be corrected, or can be one of three. Choose to
6 ignore -- the way I the read letter, choose to ignore
7 23, change other, build majority-minority districts
8 elsewhere, that would satisfy the letter, or raise bench
9 mark in 23, even though not up to majority minority,
10 build to majority minority elsewhere.

11 CHAIRMAN LYNN: Ms. Minkoff then
12 Ms. Leoni.

13 COMMISSIONER MINKOFF: No. My question
14 was answered.

15 CHAIRMAN LYNN: Ms. Leoni.

16 MS. LEONI: Mr. Gallardo, have you had an
17 opportunity yet to look at the impact of changes you are
18 proposing in District 16 on the African American

19 populati on?

20 MR. GALLARDO: No, we have not. No. Not
21 as yet.

22 MR. KIZER: Just to give rule of thumb
23 we've been kicking around today, the question is where
24 are you going to gain additional minority population to
25 increase those districts, and obviously one potential

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1 source is 16. But because it has been precleared,
2 there's a fine line as to what you can do with it.
3 We're thinking any impact in 16 cannot reduce it by more
4 than two percent.

5 MS. LEONI: That's another.

6 CHAIRMAN LYNN: Other questions?

7 MR. KIZER: I --

8 CHAIRMAN LYNN: Senator Rios has a card
9 in. I'll get to him in a moment. I wanted to make sure
10 Mr. Gallardo had an opportunity to complete his comments
11 if he had additional.

12 Ms. Minkoff then Ms. Hauser.

13 COMMISSIONER MINKOFF: I do have a
14 question about the three district switch you are
15 proposing. I understand the details are still in
16 formation.

17 Would I be correct in assuming that when
18 you are through with these shifts, that the minority
19 population in District 15 would drop and that it would

20 increase in 14 and perhaps in 16, we're not sure?

21 MR. KIZER: Well, it's clear that the
22 minority population in 15 would drop, also, that
23 minority population in 14 would increase. The
24 majority -- the minority population in 16 will either
25 stay the same or drop not more than two percent. That's

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1 our goal.

2 COMMISSIONER MINKOFF: Thank you.

3 CHAIRMAN LYNN: Ms. Hauser then Ms. Leoni.

4 MS. HAUSER: Mr. Kizer, when you mention
5 the two percent drop in 16, are you talking about two
6 percent overall VAP or Hispanic VAP?

7 MR. KIZER: We're looking at Hispanic VAP.

8 MS. HAUSER: Thank you.

9 CHAIRMAN LYNN: Ms. Leoni.

10 MS. LEONI: Thank you, Chairman. Have to
11 do it two-handed here.

12 Mr. Kizer, will a representative of the
13 Coalition be able to walk us through in a little more
14 detail the changes you might be suggesting in District
15 29? Because it seems that that is the third, your -- it
16 appears that you are building 14, restoring 23, and what
17 would be the third fix that you are proposing?

18 MR. KIZER: If we go to Tucson, I can walk
19 you through that a little better.

20 MS. LEONI: That would be helpful. Thank
21 you.

22 MR. KIZER: I mentioned to Chairman Lynn
23 before the meeting, failed to mention to the Committee,
24 our goal is to meet tomorrow, thought we'd meet at 6:00,
25 have a draft map at 6:00 of our changes. I understand

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1 you may meet earlier than that.

2 The fix in 29 would be going west to the
3 freeway, yeah, so -- you'd -- the western boundary now
4 becomes I-19 freeway. And to compensate for that broken
5 population, you just move the eastern boundary, Houghton
6 Street there as far as it takes to compensate for lost
7 population on the west side. Conceptually an easy fix.
8 Haven't looked at numbers between the eastern boundary,
9 if that gets us to boundaries.

10 CHAIRMAN LYNN: Point of the eastern
11 district relative to the I-19 freeway, essentially
12 follow the freeway, I-10 and I-19?

13 MR. KIZER: Haven't gotten down to that
14 detail. All factor minority populations in those areas,
15 population growth and loss.

16 All I can tell you is we're targeting this
17 whole area as the first place we will look for gaining
18 minority population.

19 CHAIRMAN LYNN: Thank you.

20 Ms. Minkoff.

21 COMMISSIONER MINKOFF: Thank you.

22 Mr. Kizer, the description of what you're

23 planning to do in District 29, it looks like the fix for
24 29 results in taking population away from District 27
25 and adding population to District 30. And so I'm

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1 wondering if you are also looking at how to equalize
2 those districts so that we don't go off balance in terms
3 of the population figures.

4 MR. KIZER: Unfortunately -- you are
5 correct. That is a result of any of these changes.
6 That's going to happen even in Phoenix, and even in
7 District 23. There is going to be some impact on
8 adjoining districts. And our goal is to keep those
9 changes as minor as possible, or as few as possible.
10 But we haven't gotten to that stage of actually
11 balancing population.

12 You are correct, you have to affect the
13 adjacent districts. It's not as simple as finding two
14 districts and swapping population between them. That
15 was done -- most of the easy swaps took place in your
16 efforts and ours earlier. Now these are a little more
17 subtle fixes.

18 CHAIRMAN LYNN: Other questions for
19 Mr. Kizer?

20 MR. KIZER: Thank you.

21 CHAIRMAN LYNN: Mr. Kizer, thank you.

22 We've heard --

23 The reason I kept this separate, Mr. Rios
24 identified he was speaking for himself. I wanted to

25 identify whether his comments were for himself or as a

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1 member of the Coalition. He's certainly entitled to
2 speak either way.

3 Senator Rios.

4 SENATOR RIOS: Thank you for the
5 opportunity. And I will be speaking for both, for
6 myself and the Minority Coalition as well.

7 And I think what I would like to do, first
8 of all, is thank the Commission, because I remember when
9 the for urban tribes came to us, they wanted to all stay
10 in District 23. And I know that that was difficult for
11 the Commission to do; but at the end of the process, the
12 four Native American tribes that had been in District 7,
13 in my district, were included in District 23. So for
14 that I thank you, and the urban tribes thank you.

15 When it came to the tribe community area
16 of Oracle, Mammoth, and San Manuel, we were not as
17 lucky. Casa Grande was driving the process to basically
18 dump a lot of minority mining communities in the hopes
19 that Casa Grande would gain more political power and be
20 able to elect legislators of their own. I can't say
21 that I blame them for that. This is a political
22 process. But I recall when I was testifying before the
23 Commission in late October and we were talking about
24 that particular area, I remember pleading with the
25 Commission not to sacrifice those minority mining

1 communities, because Casa Grande at that time was
2 pushing for more agricultural type communities. And I
3 made the comment, "Please don't sacrifice minority
4 voting rights for cattle." I remember I got a comment
5 from Joshua Hall, "Hey, I like cattle." That's okay.
6 My point was I knew that putting Oracle and San Manuel
7 with the urban district in Tucson, with Sun City Rancho
8 Vistoso, those communities, for all practical purposes,
9 would be losing the ability to elect candidates of their
10 choice. So here we are again on this particular issue.

11 So what I'm asking the Commission is to
12 please consider putting Oracle and San Manuel back in
13 proposed Legislative District 23. I'm asking that
14 consideration be given to removing that section of Casa
15 Grande north of Florence Boulevard that is currently not
16 in the district, possibly out of the district, in order
17 to increase the minority voting age population. And if
18 that, for some reason, cannot be done, then I'm looking
19 at the area of Gold Canyon in the Apache Junction area
20 as a possibility for purposes of making the numbers
21 work. And even with those changes, I think that
22 District 23 will still require more minority people in
23 it in order to try to achieve the 30 percent voting age
24 population. So I would be asking for consideration of
25 including Miami, Arizona, in Legislative District 23.

1 Miami, Arizona, is very high in minority population.

2 And I know that by asking that I'm asking
3 for trouble, because I know how this Commission has bent
4 over backwards in trying to preserve what has been
5 commonly known as EACO, which is the Eastern Arizona
6 Community Organization. And I know that this particular
7 Commission has been very, very reluctant to make any
8 changes in EACO. So by me proposing we put Miami,
9 Arizona in 23, I know that it infiltrates the sacred
10 EACO District. But nevertheless, in terms of trying to
11 protect minority voting rights, that's what I'm asking
12 the Commission to consider.

13 The other possibility, and I would really
14 hate for this to happen, but if it must, is that if we
15 must pick up minority population and we cannot for
16 whatever reason include Miami, Arizona, in the district,
17 then my district also comes into Maricopa County via the
18 Gila Indian Reservation. And we do abut in South
19 Phoenix Legislative District 16. And we could pick up
20 minority population there.

21 And the reason that I'm saying that's my
22 last choice is because I would hate to try to mix that
23 much more urban area with rural area, because 23, for
24 all practical purposes, is a rural district.

25 And those are my comments.

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1 CHAIRMAN LYNN: Thank you, Senator Rios.

2 Questions for Senator Rios?

3 SENATOR RIOS: Thank you.

4 CHAIRMAN LYNN: Mr. Kizer.

5 MR. KIZER: We did do some work on
6 changes. I can give you detail on work on the map, if
7 that's helpful.

8 CHAIRMAN LYNN: Any comments are helpful.

9 MR. KIZER: If you look at the pocket
10 where Oracle, San Manuel are, what we urge the
11 Commission to consider are merely a linkage of those two
12 communities together and not going down to the county
13 line, because, of course, the Saddlebrook area is there,
14 high population growth. So that's -- if you just
15 connect those areas right there and leave that in 26.

16 Secondly, we played with how do you get to
17 Gold Canyon, which is Gold Camp on this map. There are
18 blocks below Apache Junction of low population. You go
19 straight across south of Apache Junction right to Gold
20 Canyon, possible connectors right through there.

21 Those are a couple of areas we looked at
22 trying to make those changes.

23 That's as far as we got today.

24 CHAIRMAN LYNN: Thank you, Mr. Kizer.

25 Mr. Johnson, a question?

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1 MR. JOHNSON: Mr. Kizer, a quick question
2 for you or Senator Rios on the Miami question. If you
3 put it into District 23, have you looked at what
4 population you put into District 5 to compensate for
5 that?

6 MR. KIZER: I've not been able to look at
7 that at all. None of us have looked at it. The
8 problem, we did first the Oracle, San Manuel exchange
9 for Gold Canyon. And the problem there is it doesn't
10 get you there. 6,000 Oracle, San Manuel, 8,000 Gold
11 Canyon. You make that switch, and I think it only
12 increased the percentage up to like 27 percent. Even
13 our work today, we're still three percent short of where
14 we needed to be. We have to go find some minorities
15 somewhere or lose Anglos somewhere, and we haven't quite
16 figured that out.

17 CHAIRMAN LYNN: Other questions?

18 Thank you, Mr. Kizer, very much.

19 Next speaker, Jim Hartdegen representing
20 Casa Grande and Casa Grande Chamber of Commerce.

21 MR. HARTDEGEN: Thank you, Mr. Chairman,
22 Members of the Commission. It's good to be back because
23 there's nothing on television except reruns. I was very
24 disappointed in the session of X Files last night.
25 Maybe we're in the Twilight Zone today. I don't know.

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2 caution. And the word of caution is that you know how
3 strong the people in Casa Grande feel, western Pinal
4 feel, about being split once again.

5 Remember, the people today who are trying
6 to tell you that Casa Grande needs to be split at
7 Florence Boulevard north are the same people who put my
8 house in with Winslow and almost all the way to the New
9 Mexico line, split Pinal, western county, up real bad.
10 The same people want to do it again.

11 Splitting Casa Grande, if you remember,
12 those of you who were down at the hearing, where we met
13 was at City Hall. And you can take a rock and throw it
14 out to the south and throw it over Florence Boulevard.
15 You split that town right in half, right in the middle.
16 So I guess what good is 106? We're making a mockery of
17 it if you go that route.

18 People who want to split Casa Grande split
19 high school districts, split grammar school districts,
20 split everything in that community right in half if you
21 do that. That is not good. That's called nothing more
22 than pure politics, nothing to do with racial issues,
23 has to do with politics, whether done in this room or
24 the basement of with legislators since one man, one
25 vote. It's called politics. Don't believe the shield

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1 that they are hiding behind.

2 You could always go from, I guess, Casa

3 Grande and Eloy, you could always go west, pick up
4 minority votes, if you would like to do that.

5 You could, you could disappoint the Indian
6 communities by taking Salt River and the Gilas, or the
7 Salt River and Fort McDowell Indians out, and that would
8 about balance it out. That's not going to happen. I
9 realize that.

10 I think the people in Western Pinal County
11 would be very disappointed, very disappointed if that
12 area is split again.

13 Maybe what we could do is use creative
14 thinking like 10 years ago, come down from South
15 Mountain and Guadalupe. It's called gerrymandering, no
16 matter who does it.

17 You've done a great job. You can't
18 satisfy everybody.

19 Casa Grande was split up so bad last time
20 for political reasons. Keep it together. You've done a
21 good job.

22 Is this process a process of trying to
23 figure out where growth is going to go in the next 10
24 years or this process based on the 2000 Census? I
25 thought we took a snapshot of population and other

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1 things in 2000, and that's what we are using to base our
2 decisions on, not what is going to come in the future,
3 on growth patterns.

4 You know, guys, I'm just basically at a
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5 loss for words. And I'm very disappointed, I suppose.
6 You spent a lot of time going around the state, this
7 group, asking for citizen input, coming up with a
8 hundred, maybe -- a hundred variations of different
9 maps. People like myself representing Casa Grande or
10 Western Pinal County had a chance to talk to you and
11 tell you our feelings.

12 I've never seen a Coalition map. I've
13 never seen it. The people in Casa Grande have never
14 seen it. We've had no public hearings about it. At
15 least the Navajo people were decent enough to send the
16 information through the internet with e-mail so as to
17 try to keep us informed on what they were doing. I
18 really appreciate that. We've never seen a Coalition
19 map, never been open hearings down there. It's been a
20 very closed process, just as closed as the basement
21 meetings of long ago in the Legislature.

22 I realize three judges can sit up there
23 and look at something, look at the federal mandates,
24 106, state court, and whatever else. But I beg you
25 guys, again, I'm at a loss for words, don't split

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1 Western Pinal County up for Casa Grande like it has been
2 in the last 10 years. It's just not right. It's not
3 any -- you know, if people over in the eastern side of
4 the county -- I wish they were in Pinal County. I wish
5 Pinal County were whole. But we don't like it any more

6 than they like it. It has nothing to do with miners.
7 It has nothing to do with cattle.

8 Most of my adult life I've worked in
9 mines, not cattle. The only cattle we have in Western
10 Pinal County is feed lots. They are not roaming the
11 fields or anything. Very few people make their
12 livelihood off cattle down there. It would be nice if
13 Pinal County were whole. It can't be because of
14 population restrictions. But I beg you, if you are
15 going to have to do some slicing, take a real thin slice
16 and don't take a butcher knife to it. Do whatever you
17 have to do to satisfy the feds.

18 And I think it's not really fair, either,
19 for the feds to come out with a letter today and present
20 it, apparently, just before the, before the Court went
21 into their deliberation.

22 The general public haven't had a chance to
23 look at that letter and digest it and see what it has to
24 say. I think that was a little dirty pool on their
25 side.

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1 I'll be here the rest of the night and be
2 here every night you guys meet. If you have any
3 questions, I'll be more than happy to answer any of your
4 questions.

5 Be happy, guys. It's politics.

6 CHAIRMAN LYNN: Thank you, Mr. Hartdegen.

7 Questions? Ms. Hauser?

8 MS. HAUSER: Not a question.

9 Mr. Hartdegen, I have a bunch of copies of
10 the DOJ letter. Mr. Echeveste has that and will have
11 additional supplies in the back for anyone that needs
12 that.

13 CHAIRMAN LYNN: Thank you.

14 One more speaker slip. I'd ask anyone
15 that has not yet submitted one to please do so if they
16 wish to speak at this portion of the meeting. We'll
17 have additional public comment as we move through the
18 week.

19 The last speaker slip, Mr. Ron Lehman, an
20 attorney representing Santa Cruz County.

21 Mr. Lehman.

22 MR. LEHMAN: I'm Ron Lehman with the law
23 firm Gabroy, Rollman & Bosse in Tucson. We represented
24 Santa Cruz County for many years. Santa Cruz County
25 recently hired me to intervene with regard to this

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1 matter.

2 We're in Districts 30 and 25, as you may
3 remember.

4 The Commission held two hearings in our
5 community, one in June and one in August. And as you
6 may recall, there -- both meetings were very widely
7 attended. And I believe the August hearing had 168
8 people who came and attended those meetings. There was

9 quite a bit of testimony. And according to the
10 transcripts and the summary that the Commission
11 prepared, there was, quote, near -- nearly unanimous, I
12 think is the way you put it, that Santa Cruz County be
13 split into two areas, the way you had that, as we see up
14 there.

15 The county line is significantly north in
16 30.

17 We were very pleased that the Department
18 of Justice today precleared those two districts. And
19 Santa Cruz County very strongly urges the Commission,
20 and also the Coalition, not to affect the way that our
21 counties have been split.

22 There are several reasons why Santa Cruz
23 County strongly supports the split the way the
24 Commission adopted it.

25 As you may recall, many of our community

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1 leaders, I think unanimously, testified, that they were
2 in favor of the split. If I recall, Supervisor John
3 Maynard testified, Supervisor Manny Rios, Mary Lopez for
4 the City Nogales testified, Dennis Miller, who has
5 significant experience with the Legislature testified.

6 Let me give you a little summary, because
7 I know you have a lot on your plate and you probably,
8 this isn't fresh in your mind.

9 Santa Cruz County has some very unique
10 border issues. And we have found that historically

11 Santa Cruz County has had three separate Legislative
12 districts that touch Santa Cruz County, and we have
13 found it has been very advantageous to the county,
14 especially when it comes to border issues, such as
15 border crime, health issues. There's a huge problem
16 with cancer and lupus that uniquely affects our
17 community, immigration issues, things like that. And we
18 have found that by having more than one legislator, and
19 bipartisan representation in the Legislature, that
20 the -- that it's been more effective in helping us deal
21 with these unique problems.

22 Santa Cruz County does have a population
23 base, 81 percent, the exact number is 80.7 percent, are
24 Hispanic or Latino, according to the 2000 Census. And
25 so we don't really have a position. We're here

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1 supporting what the Commission has done.

2 I've been hired to intervene in the
3 federal law suit. And our position clearly supports the
4 Commission's position. We want to uphold what you've
5 done.

6 The one thing that I heard tonight when
7 Mr. Kizer spoke that gives me a little bit of concern,
8 and I want to make sure everybody understands the
9 implication here, there was some discussion about fixing
10 29 by taking a little bit of 30 and perhaps moving 30
11 into 29 on the -- it would be the west side of 30 and

12 the east side of 29, if you can follow that.

13 What we're very concerned about is you are
14 going to need to pick up some -- if that is done, and I
15 don't think that is necessarily the Coalition's --
16 excuse me, it's not the Commission's idea, but it's the
17 Coalition's idea. And again, Santa Cruz County doesn't
18 really have a position on what you do up in the north
19 part of 30. But the one thing that we would hate to
20 see, and we would very strenuously object to, would be
21 to take any part of Santa Cruz County and making the
22 part that is in 30 any smaller than it is now. We think
23 that that line was very artfully and intelligently
24 drafted with the -- by the Commission. And I would urge
25 both, of course the Commission, and, again, Mr. Kizer

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1 and the Coalition, that as they try to fix 29, please
2 don't give problems to Santa Cruz County by willy-nilly
3 thinking you can take -- you can mess with what they've
4 done down there with 30 in Santa Cruz County.

5 We're not really concerned with what you
6 do with 30 in Pima County, but certainly as it comes to
7 Santa Cruz County, we'd like the line to stay where it
8 is.

9 Obviously we're a small county. We would
10 like to get on with our election matters.

11 The last thing I want to say, and I
12 appreciate your taking the time, just in response to
13 Mr. Hartdegen's comment about the DOJ, the judges asked

14 for DOJ to come into court and give a position as to
15 where they were. I don't -- I don't have any criticism
16 whatsoever about the DOJ. The Court asked them to come
17 in and they did I think a wonderful job of coming in and
18 making what would have been a very complicated, very
19 contentious lawsuit, removed 25 out of 30 districts.
20 So, again, they did their best under a short time frame.

21 Once again, on behalf Santa Cruz County, I
22 would urge you to remember what the citizens down there
23 told you and please don't in any manner move that line
24 from the way that they drafted it.

25 I do have an affidavit of Dennis Miller

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1 that, in affidavit form, sets forth what I've told you.
2 It's an Exhibit in federal trial. I'd ask the
3 Commission to allow me to allow to file that as an
4 Exhibit in this hearing. I can get that first thing
5 tomorrow morning.

6 CHAIRMAN LYNN: Without objection, we'll
7 receive that.

8 MR. LEHMAN: Thank you from Santa Cruz
9 County for allowing me to speak.

10 CHAIRMAN LYNN: Thank you, Mr. Lehman.

11 Questions for Mr. Lehman?

12 Other members wishing to be heard?

13 If not, we'll close the public comment
14 section.

15 Item III, presentation concerning the May
16 20, 2002, Department of Justice objection to the Arizona
17 Legislative Redistricting Plan, and for the benefit of
18 Commissioners, the second clause there, including
19 possible presentation by Bruce Adelson representing US
20 Department of Justice, Mr. Adelson has not been able to
21 be with us. Any report on the letter will come from
22 counsel.

23 Mr. Rivera, Ms. Hauser, is there anything
24 you wish to add in addition to the letter in and of
25 itself?

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1 MS. HAUSER: Mr. Chairman, Members of the
2 Commission, as DOJ says when you ask them a question,
3 frequently the response is, "Read the letter."

4 The letter describes the specific problems
5 that the department found with respect to Districts 13,
6 14, 15, 23, and 29 and indicated that in terms of a
7 statewide view, in order to avoid retrogression, that
8 the Commission needs to increase three of those
9 districts in order to remedy the problems that DOJ
10 found.

11 And I'm not being particularly specific as
12 to numbers, because they -- the districts have their own
13 unique issues. And you have to take a look at the bench
14 mark numbers.

15 They have not suggested any particular
16 fix. They have not indicated that all five are to be

17 corrected. But, obviously, the Commission is going to
18 want to take a look at all five to determine the best
19 course of action.

20 We indicated to the court this morning, as
21 this Commission has indicated so many times, that in the
22 event of an objection, that it was your primary concern
23 that you have the opportunity to make the correction.
24 That is, of course, why we are here. And I would
25 indicate, or just let you know, that counsel indicated

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1 to the court this morning that we will finish our work
2 before Thursday morning and we will meet and confer with
3 the Coalition at that time. And hopefully they'll be
4 involved throughout the entire process and proceedings
5 before the three-judge panel will resume on Tuesday, the
6 28 or 29th?

7 MR. RIVERA: 28th.

8 MS. HAUSER: The day after Memorial Day,
9 Tuesday, and the Court will indicate whatever it's order
10 will be on the 31st of May.

11 That is the time line, as I understand it,
12 at this point. And that's where we are with respect to
13 the DOJ objection.

14 CHAIRMAN LYNN: Questions.

15 Ms. Minkoff.

16 COMMISSIONER MINKOFF: Yes. I have a
17 question about what happens after we make adjustments in

18 the map.

19 Assuming that we are successful this week
20 in coming up with changes in at least three of those
21 districts, according to the information in the DOJ's
22 letter, we obviously don't have time for another
23 preclearance process. So do we then go back to federal
24 court and do they certify, if they believe that our fix
25 meets DOJ's standards, do they just certify these

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1 standards?

2 CHAIRMAN LYNN: Ms. Hauser, Mr. Rivera?

3 MR. RIVERA: We're conferring.

4 MS. HAUSER: Mr. Chairman, Commissioner
5 Minkoff, the Court has indicated that it is retaining
6 jurisdiction. And the fact of the matter is that the
7 Court has been presented with cases in which it was
8 advised that an emergency exists and it was necessary,
9 this was necessary at the time the complaints were filed
10 to come up with an emergency interim plan because there
11 was no precleared plan for state Legislative districts.
12 That remains true today. We have more information,
13 certainly, today, from the Department of Justice. We
14 know that the other 25 districts are in good shape, as
15 far as they are concerned. So we can sharpen and narrow
16 our focus with respect to those five.

17 As far as what occurs with your particular
18 decision -- my finger keeps slipping off this thing --
19 we will bring that back to the Court.

20 The Coalition may have something of its
21 own to bring to the Court, at that point. And the Court
22 will make a decision as to what the emergency interim
23 plan should be.

24 They may or may not at that time hear some
25 additional evidence on the state of the emergency, but I

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1 would say it seems clear to me that they understand that
2 there is some clear need to move quickly so that the
3 counties can get on with the business of conducting
4 elections.

5 A temporary fix -- well not temporary, all
6 of these things are temporary in terms of this
7 particular election. But for this election the Court
8 this morning ordered that candidates go forward in terms
9 of there petition circulation and signature gathering to
10 use either the district numbering, labeling, for the
11 district from the two -- from the 2000 election or the
12 IRC plan that was just objected to. A lot of candidates
13 had already been doing that, to just kind of cover the
14 bases. It doesn't indicate that that is the district
15 they would actually represent but gives them a way to go
16 ahead and circulate petitions. The Court indicated the
17 same way with Clean Election candidates and \$5
18 contributions. It also ordered that the 2000 lines
19 would be used in terms of determining the number of
20 signatures required.

21 Was there a fourth thing, Jose?
22 MR. RIVERA: I think you covered it.
23 MS. HAUSER: Basically gets the candidates
24 on their way, but the counties are not there yet.
25 So Court indicated it will issue a ruling

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1 very swiftly.
2 But again, we're not back in front of the
3 Court formally until next Tuesday.
4 The Special Master is here. And his role
5 is the --
6 CHAIRMAN LYNN: You don't have to hold it
7 down. Touch it and get a green light.
8 MS. HAUSER: I'm technologically
9 challenged.
10 MS. HAUSER: The Special Master here.
11 Just as the Commission has consultants, the Court does
12 as well. He'll be assisting the Court in analyzing and
13 reviewing plans that come before the Court in
14 determining what ought to be ordered on an emergency
15 interim basis.
16 So it's particularly good that he is able
17 to be here to observe the proceedings in front of the
18 Commission.
19 Anything else, Jose?
20 MR. RIVERA: Not to the interim relief.
21 But remember, this is only for the 2002
22 election. Any changes that we make that the Commission

23 considers do not affect 2004 election. That still has
24 to go through preclearance. And the Commission still
25 has to make preclearance on it.

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1 COMMISSIONER ELDER: This is Commission
2 Elder.

3 Can we see if the microphones or people
4 speaking can be louder?

5 CHAIRMAN LYNN: I'll try to ask everyone
6 to speak up.

7 COMMISSIONER ELDER: Chairman Lynn I hear
8 quite well and one, two others. After that, it tapers
9 off quite quickly.

10 CHAIRMAN LYNN: I'm closest to the speaker
11 phone. We'll try to ask everyone to speak as loud as
12 they can.

13 COMMISSIONER MINKOFF: I wanted to
14 clarify, make sure I understand the response.

15 The districts that will be used in the
16 2002 election, only, will presumably be certified by the
17 three-judge panel next week; it's done, and we go
18 forward?

19 MS. HAUSER: Mr. Chairman, Commissioner
20 Minkoff, that's correct. In that situation no
21 preclearance is required. If you want that to be your
22 attempted permanent plan, then you would also submit it
23 for preclearance.

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COMMISSIONER MINKOFF: Thank you.
25 CHAIRMAN LYNN: Other questions for

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1 Ms. Hauser or Mr. Rivera on this item?

2 Let me indicate to members of the public,
3 in trying to get ready for a series of meetings, we put
4 together an agenda that has a number items on it in
5 anticipation of needing to talk about a number of
6 things. It's not the case we'll discuss each of the
7 things at each of the meetings. However, we attempted
8 to make an agenda as inclusive as possible so as to
9 allow consideration of a number of items relative to
10 redrawing of Legislative Districts in a timely fashion
11 to satisfy the Order of the Court. In that regard, some
12 of the things on the agenda may happen this evening, may
13 not happen at all until later in the week, or in fact
14 may not happen at all this week, but they are noticed to
15 be able to put the public on notice they may be
16 discussed.

17 Other comments on Item III?

18 If not, is there a report at this time on
19 Item IV?

20 MS. LEONI: Chairman Lynn.

21 CHAIRMAN LYNN: Ms. Leoni.

22 MS. LEONI: I understand Item IV to be an
23 update on the data issue. I would like to report that
24 the principals of National Demographics will be here
25 tomorrow to make a full report to the Commission on

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1 those issues. A draft is with your counsel at this
2 time. The draft was partial, and so it is being updated
3 and will be presented to counsel. And they will be here
4 to present to you tomorrow.

5 CHAIRMAN LYNN: Thank you, Ms. Leoni.

6 MS. HAUSER: Mr. Chairman, I don't know if
7 this is necessary or not, but for the benefit of the
8 Special Master, I'm wondering if Ms. Leoni could give
9 just a very, very brief explanation of what the data
10 issue is.

11 CHAIRMAN LYNN: Ms. Leoni.

12 MS. LEONI: It's hard to be brief on that
13 one, Lisa, but I most certainly will.

14 MS. HAUSER: That's why I suggested you do
15 it.

16 MS. LEONI: We'll certainly be providing
17 Professor Cain a full data set for his use.

18 In an nutshell, the Commission chose a data
19 provider who was not National Demographics Corporation.
20 In the course of the state court litigation it was
21 discovered that the -- many data sets received from this
22 provider had numerous inaccuracies, some of which went
23 back to root source documents.

24 It -- they are errors of magnitudes that
25 affect primarily the analysis of the competitiveness of

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1 districts and not the demographic makeup. And as Prop
2 106 requires that competitiveness be analyzed, the
3 Commission felt that it needed to take a second look at
4 this issue based on corrected data.

5 I want to be only that brief, Ms. Hauser,
6 to put that in a nutshell.

7 The data bases reviewed were the
8 registration data base, and that has been rebuilt; the
9 AQD, our affectionate term for Arizona Quick and Dirty,
10 which is a data base which looks at down-ticket
11 elections as a one of many methods of assessing
12 competitiveness. We also contracted for the consulting
13 services of Dr. McDonald who assisted us with a Judge It
14 analysis of the districts.

15 The other data base that was analyzed was
16 the racial block voting data base, and there will be a
17 report on that tomorrow.

18 In the course of the analysis, a sixth
19 data base was discovered, not a new data base, we had
20 just forgotten about it, and that has also been
21 reviewed.

22 Dr. McDonald also performed local racial
23 block voting analysis for us.

24 This is the universe of what will be
25 presented.

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1 CHAIRMAN LYNN: Thank you, Ms. Leoni.
2 Mr. Hall?

3 MS. LEONI: Actually that's a good idea.
4 Doug reminded me. I'll say in public again for the
5 umpteenth time, we did recheck all Census figures for
6 Arizona, and it's various subdivisions, and they are all
7 accurate. So the data bases do not affect this process
8 right now except on the issue of competitiveness.

9 CHAIRMAN LYNN: Thank you, Ms. Leoni.

10 COMMISSIONER HALL: Ms. Leoni, just for
11 the record, to clarify, as we move forward in an effort
12 to redraft districts, my understanding is correct, I
13 presume, that Mr. Johnson will be redrafting based upon
14 all new data bases; is that correct?

15 MS. LEONI: That is only partially
16 correct. The Census data base will be the same one
17 we've always used. We're awaiting instruction from the
18 Commission as to whether it wishes NDC to integrate the
19 new registration data base with the PL data. And if you
20 recall, during the process, we ran AQD numbers
21 simultaneously. At instruction, National Demographics
22 is prepared to do that.

23 CHAIRMAN LYNN: Thank you, Ms. Leoni.

24 At this time, I wonder if we might ask
25 whether or not, from the standpoint of either of

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1 counsel, or of Members of the Commission, if it might be
2 appropriate, or necessary, to convene in Executive
3 Session prior to taking up Item V.

4 Does anyone feel that is a necessity this
5 evening?

6 MR. RIVERA: Mr. Chairman, short Executive
7 Session.

8 MS. HAUSER: Very short.

9 CHAIRMAN LYNN: Legal counsel would like
10 to have Executive Session, pursuant to A. R. S.
11 38-431.03(A)(3) and/or 38-431.03(A)(4).

12 Is there motion to go into Executive
13 Session?

14 COMMISSIONER HALL: So moved.

15 COMMISSIONER MINKOFF: Second.

16 CHAIRMAN LYNN: Moved and seconded.

17 All those in favor, signify "aye."

18 COMMISSIONER HALL: "Aye."

19 COMMISSIONER MINKOFF: "Aye."

20 COMMISSIONER HUNTWORK: "Aye."

21 COMMISSIONER ELDER: "Aye."

22 CHAIRMAN LYNN: Chair votes "aye."

23 CHAIRMAN LYNN: We indicate a short
24 Executive Session. It could be anywhere from 20 minutes
25 to an hour and a half. I'd err on the side of 20

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1 minutes this evening.

2 (Whereupon, the Commission recessed Open
3 Public Session at 7:21 p.m. and went into Executive
4 Session from 7:26 p.m. until 8:17 p.m. at which time
5 Open Public Session resumed at 8:29 p.m.)

6 (Commissioner Elder is no longer present.)

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

9 Item V, possible presentation by NDC and
10 legal counsel, discussions and possible decisions
11 concerning alternatives and changes to the adopted
12 Legislative Redistricting Plan to address the May 20,
13 2002, objection to the Arizona Legislative Redistricting
14 Plan from the United States Attorney General under
15 Section 5 of the Voting Rights Act.

16 Is there at this moment additional
17 presentation from NDC or are you prepared for Commission
18 discussion and instructions?

19 Mr. Johnson?

20 MR. JOHNSON: Mr. Chairman, at this time I
21 don't have a lot to present. I'm more -- I think it's
22 better if you have questions. I'm happy to address
23 them, or if you have instructions.

24 CHAIRMAN LYNN: What I'd ask of the
25 Commission is provide NDC with specific instructions

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1 with respect to moving forward to achieve the results
2 directed by the Court. And I'd ask at the end of those

3 instructions, Mr. Johnson, for you to estimate, as best
4 you can, when you might be able to accomplish much or
5 all of that work in a fashion that would allow us to
6 consider it so we may schedule the next session of the
7 Commission relative to that schedule.

8 With that, what is the pleasure of the
9 Commission.

10 COMMISSIONER MINKOFF: Mr. Chairman.

11 CHAIRMAN LYNN: Ms. Minkoff.

12 Back on the mike. Pull the mike and hit
13 the button.

14 COMMISSIONER MINKOFF: Okay. Is this
15 better?

16 It appears to me that the task at hand
17 right now is to come up with some maps that respond to
18 the DOJ objections to our maps and provide maps that we
19 can use for the 2002 election. And in that respect, I
20 would like to direct NDC -- if you like, I can put in
21 the form of a motion.

22 CHAIRMAN LYNN: I think that would be
23 helpful.

24 COMMISSIONER MINKOFF: Although it will
25 not be worded this way, this is in the form of a motion.

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1 I'd like NDC to look at the five districts identified in
2 the Department of Justice letter, to examine ways of
3 adjusting those districts to address the objections of

4 the Department of Justice, and to do that in a way that
5 causes minimal disruption to the other 25 districts.

6 CHAIRMAN LYNN: Is there a second to the
7 motion?

8 COMMISSIONER HALL: Mr. Chairman.

9 CHAIRMAN LYNN: Mr. Hall.

10 COMMISSIONER HALL: May I, with
11 Ms. Minkoff's permission, maybe add a couple provisos?

12 CHAIRMAN LYNN: Let me first ask if there
13 is a second as is.

14 COMMISSIONER HALL: I second as is.

15 CHAIRMAN LYNN: Now, if you'd like to
16 offer a constructive amendment, we can ask Ms. Minkoff
17 if she'd accept.

18 COMMISSIONER HALL: Just for
19 clarification, I think we need to instruct Doug relative
20 to which data bases he'd be utilizing, the -- in the
21 creation or the amendments or the alternatives of which
22 she proposes.

23 COMMISSIONER MINKOFF: I don't have a
24 problem with that. I thought it might be cleaner as a
25 second motion.

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1 CHAIRMAN LYNN: Let's take the motion as
2 moved and seconded.

3 Discussion on the motion?

4 Mr. Huntwork.

5 COMMISSIONER HUNTWORK: Mr. Chairman, I am

6 in favor of the motion, because it does something. But
7 I think it's important -- I feel it's important to say
8 out loud what I think it does. I believe it will
9 provide additional guidance as well. And that is that
10 to the extent possible, I think even in addressing this
11 very short-term response that we have to make, that we
12 need to keep in mind all of the other criteria that are
13 set forth in Proposition 106. The Proposition starts by
14 requiring that we comply with the Federal Constitution
15 and the Federal Voting Rights Act. That is a given for
16 our state process and something that we labored long and
17 hard to try to do, unfortunately, regretfully, not
18 completely successfully. It is still the number one
19 criteria that we have. And with the additional guidance
20 that we have now, I think that it will be possible for
21 us, if not in the next few days, at least promptly, to
22 find a solution that satisfies the voting rights
23 criteria and the other requirements of Proposition 106.

24 It really was a new day in Arizona when
25 this proposition was created, because previously, the

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1 requirements were simply to -- the first two.

2 Beyond that, the State Constitution
3 provided virtually no guidance for the process.

4 This very open, very Democratic
5 participatory process that we've gone through, allowed
6 us, required us, indeed, to take into consideration many

7 other factors that were approved by the voters of
8 Arizona. And I don't think we can afford to lose track
9 of those things even for a minute.

10 As we move through this process, we need
11 for the best of our ability, and to the best of our
12 ability, to keep those things clearly in mind.

13 Thank you.

14 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

15 Other discussion on the motion?

16 If not, are you ready for the question?

17 All those in favor of the motion, signify
18 by saying "aye."

19 COMMISSIONER MINKOFF: "Aye."

20 COMMISSIONER HALL: "Aye."

21 COMMISSIONER HUNTWORK: "Aye."

22 CHAIRMAN LYNN: Chair votes "Aye."

23 Motion carries unanimously.

24 For the record, Mr. Elder had to leave us
25 as of reconvening of the regular session of the meeting.

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1 A quorum is still present.

2 Other instructions to the consultant?

3 Mr. Hall?

4 COMMISSIONER HALL: Mr. Chairman, I just
5 want to say, make a motion or move that as part of this
6 analysis and proposals of amended districts that we
7 insure that we are utilizing your new, reconfigured data
8 bases and, I guess, before I finalize --

9 Is that specific enough direction on this,
10 Ms. Leoni?

11 CHAIRMAN LYNN: Ms. Leoni?

12 MS. LEONI: Commissioner, Chairman Lynn,
13 and Commissioner Hall, I'm presuming that what you are
14 referring to is the registration data base.

15 COMMISSIONER HALL: Correct.

16 MS. LEONI: That has been corrected as of
17 April 1, 2001, and the AQD data base. The reason I
18 reference these, they were typically run for all
19 demographics for all the plans.

20 COMMISSIONER HALL: Yes.

21 MS. LEONI: I think it would be helpful,
22 Commissioner Hall, with regard to registration the data
23 base, there be further instruction as to which voters
24 are registered -- which registrants we are to be looking
25 at in running the registration analysis. Arizona, as

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1 you know, keeps on the registered voter rolls inactive
2 voters for a particular amount of time. They were
3 randomly and not consistently mixed into the data base
4 used in the first round of hearings. They have now been
5 segregated. We have the active roll, the inactive roll,
6 and we also have a combined roll. And it would be
7 helpful to know which the Commission feels would be the
8 appropriate registration data base to run with the new
9 districts.

10 COMMISSIONER HALL: Well, Mr. Chairman,
11 pursuant to Mr. Huntwork's statement, I think that we're
12 going to have to insure that we analyze all of that
13 information at some point. But I think for our purposes
14 now, since there certainly is an exigency and an effort
15 to move forward, I would add to my motion they utilize
16 the new data bases utilizing the active --

17 CHAIRMAN LYNN: Active only?

18 COMMISSIONER HALL: Active only.

19 CHAIRMAN LYNN: Second?

20 COMMISSIONER MINKOFF: I second that.

21 CHAIRMAN LYNN: Discussion on the motion?

22 If not, are you ready for the question?

23 All those in favor of the motion, signify
24 by saying "aye."

25 COMMISSIONER MINKOFF: "Aye."

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1 COMMISSIONER HALL: "Aye."

2 COMMISSIONER HUNTWORK: "Aye."

3 CHAIRMAN LYNN: Chair votes "Aye."

4 Motion carries unanimously.

5 It is so ordered.

6 Further instructions to consultants?

7 Ms. Minkoff?

8 COMMISSIONER MINKOFF: Mr. Chairman, I'd
9 also like to instruct the consultants, to the extent
10 possible, when reconfiguring districts, that you attempt
11 to keep precincts intact, since those precincts have

12 already been precleared by the Department of Justice.

13 CHAIRMAN LYNN: May I take that in the
14 form of a motion?

15 COMMISSIONER MINKOFF: Yes.

16 CHAIRMAN LYNN: Is there a second?

17 COMMISSIONER HUNTWORK: Second.

18 CHAIRMAN LYNN: Discussion on the motion?

19 Mr. Johnson, question?

20 MR. JOHNSON: I was just going to mention
21 one thing along the lines: We have been in touch with
22 Maricopa today. They are are sending their new precinct
23 lines. We've passed the word they'll hopefully pass to
24 other counties in order to hopefully make this
25 instruction able for us to follow.

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1 CHAIRMAN LYNN: When do you hope to have
2 the information?

3 MR. JOHNSON: Maricopa I think is in my
4 e-mail box. Pima is probably. Pinal --

5 COMMISSIONER HUNTWORK: What exactly does
6 it do to the timing to try to work this in? Delay you
7 by hours or by days?

8 MR. JOHNSON: At this point, it's very
9 hard to say. It may be just small changes needed here
10 and there similar to what the Commission looked at on
11 November 3rd: I just give you a list of little changes
12 necessary, because it just worked out well. It could

13 also be difficult to do. If it's going to be
14 significant time, I'll probably come back to the
15 Commission, say: This is what was easy; I can do more
16 given more time, and let the Commission make that
17 decision.

18 COMMISSIONER HALL: I think our
19 instruction needs to give enough flexibility for him to
20 do that.

21 CHAIRMAN LYNN: Are the maker and seconder
22 of the motion amenable to that flexibility?

23 COMMISSIONER MINKOFF: Absolutely
24 amenable. I'd amend the motion to add that.

25 COMMISSIONER HALL: When do we need the

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1 motion back?

2 COMMISSIONER HALL: Noon tomorrow.

3 COMMISSIONER MINKOFF: To the extent
4 practicable, that's good 106 terminology.

5 CHAIRMAN LYNN: Find out if noon is an
6 operable number. We need it tomorrow. Clearly we need
7 it tomorrow.

8 Further discussion on the motion?

9 Are you ready for the question?

10 All those in favor of the motion, signify
11 by saying "aye."

12 COMMISSIONER MINKOFF: "Aye."

13 COMMISSIONER HALL: "Aye."

14 COMMISSIONER HUNTWORK: "Aye."

15 CHAIRMAN LYNN: Motion carries
16 unanimously. It is so ordered.
17 Other instructions to consultants.
18 The Chair would entertain a motion with
19 respect to public comment received this evening, to the
20 extent that the Coalition is going through it's mapping
21 process and has shared with us the areas of interest
22 that they are pursuing with respect to their mapping,
23 that we as a Commission, as we have done throughout the
24 process, should be mindful of that and instruct the
25 consultants to take into account the types of changes

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1 that were spoken of earlier this evening and, to the
2 extent possible, analyze those changes as possible
3 solutions to the problem and report back on those
4 solutions as far as they are able to deal with them in
5 the current condition they are in.

6 And I understand that the Coalition at
7 this moment may be refining those as they move forward.
8 And they have indicated that they would bring that back
9 to us at the earliest opportunity. So at least to keep
10 those in mind as you move forward in looking at
11 solutions. And I ask that be in the form of a motion
12 from someone.

13 COMMISSIONER HALL: So moved.

14 CHAIRMAN LYNN: Is there a second?

15 COMMISSIONER MINKOFF: Second.

16 CHAIRMAN LYNN: Thank you.

17 Discussion on the motion?

18 CHAIRMAN LYNN: Mr. Hall.

19 COMMISSIONER HALL: I totally concur with
20 that. The majority of solutions proposed with respect
21 to District 23 were referenced within DOJ's letter, I
22 think that is certainly appropriate.

23 CHAIRMAN LYNN: Ms. Minkoff?

24 COMMISSIONER MINKOFF: Mr. Chairman, I
25 would like to add in addition to the very helpful input

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1 we received from the Coalition, the other input from
2 public comment, and we should be mindful of that.
3 Sometimes things are mutually exclusive and we have to
4 to move one way or another. We should be mindful of
5 what all people have said to us.

6 CHAIRMAN LYNN: Expand that to include all
7 comments on the motion and second?

8 COMMISSIONER HALL: I agree.

9 CHAIRMAN LYNN: Further discussion on the
10 motion?

11 Hearing none, ready for question?

12 All those in favor of the motion, signify
13 by saying "aye."

14 COMMISSIONER MINKOFF: "Aye."

15 COMMISSIONER HALL: "Aye."

16 COMMISSIONER HUNTWORK: "Aye."

17 CHAIRMAN LYNN: Chair votes "Aye."

18 Motion carries unanimously and is so
19 ordered.

20 Are there other instructions to the
21 consultant?

22 COMMISSIONER HALL: Does the consultant
23 need any other instruction or is your plate sufficiently
24 full?

25 MR. JOHNSON: At this point, I would say I

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1 think it's fairly good guidance.

2 I think what will happen tomorrow is we
3 may have all these instructions implemented for
4 Commission to look at, review, decide upon, or may come
5 back with some questions for you.

6 At this point --

7 CHAIRMAN LYNN: Let me return to the
8 admonition earlier in this agenda item and ask
9 Mr. Johnson, based on the instructions that you've been
10 given, could you at this point estimate when you would
11 have a report sufficiently complete, and I know it won't
12 be totally complete, sufficiently complete so as to
13 warrant another session of the Commission to review it?
14 Approximately what time tomorrow might that occur?

15 And I should add to the discussion that we
16 may very well not be able to generate a quorum until
17 approximately 1:30 tomorrow afternoon. That would be
18 the earliest that we might be able to generate a quorum.

19 MR. JOHNSON: Mr. Chairman, I realize a
20 lot of factors are playing into the time and equation
21 for this work. And we'll try to be ready as soon as
22 possible.

23 The later in the day we can go, the more
24 complete the work will be and probably the more
25 informative the briefing will be for you.

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1 I'll be prepared to give you an update,
2 progress report, show you what has developed, at 1:30,
3 if that's when you want to meet.

4 If solely up to my discretion, I'd prefer
5 to meet at 4:00, 5:00, 6:00. I realize I'm only one of
6 the factors at play.

7 CHAIRMAN LYNN: There's a time line
8 imposed by the Court, and we need to be mindful of that.
9 We need to move as expeditiously as we can without
10 sacrificing the quality of work in doing so.

11 I'd ask that whatever resources NDC might
12 put on the instructions that you've been given between
13 now and tomorrow be done and, at this point, what we
14 might agree to do is to convene, and this is only a
15 suggestion, I'll be happy to have input, what we might
16 agree to is convene at, let's say, 2:00 p.m. for a
17 status report. And if we are at that point able to take
18 up some of the issues, we will.

19 If, on the other hand -- -- and maybe this
20 suggests, Mr. Johnson, that to the extent that we have

21 essentially three areas of the state that we're looking
22 at which can be considered somewhat in isolation, that
23 is to say things that are happening in District 29 do
24 not affect Phoenix districts or should not in any
25 measurable way do that, things might or might not be

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1 happening in District 23 which are relative in the main
2 to those districts adjacent, immediately adjacent, and
3 Phoenix districts are obviously interconnected in a
4 separate Phoenix area, to an extent you might be able to
5 concentrate on some of those for presentation at that
6 time and others for a later presentation, that might
7 help us get into the possible solutions at an earlier
8 opportunity.

9 I might suggest that we shoot for 2:00
10 o'clock to hear what you have to say in terms of
11 progress at that point and then determine how much we
12 can take then and how much we can take at a later point.

13 Does that work for you?

14 Mr. Hall?

15 COMMISSIONER HALL: Can we ask him to
16 start with 23 and move from that point forward?

17 CHAIRMAN LYNN: Ms. Minkoff?

18 COMMISSIONER MINKOFF: I'm just wondering,
19 given the information we got on the availability of
20 precincts --

21 MS. HAUSER: Microphone.

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22 COMMISSIONER MINKOFF: -- if 23 might be
23 the last place. I'm asking you. Do you need more data
24 from that part of the state? Would you rather defer
25 that? Or is it never going to get any better than it is

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1 now?

2 COMMISSIONER HALL: Never going to get it.

3 MR. JOHNSON: I'm always an eternal
4 optimist within the NDC crowd.

5 I'd say the first piece that has to be
6 done in this work is meet the objections in DOJ. That's
7 the first piece I'll focus on. And then kind of
8 matching precincts is the follow-up step to that.

9 COMMISSIONER MINKOFF: Okay.

10 MR. JOHNSON: It can come later, if it
11 comes in.

12 CHAIRMAN LYNN: I ask we not get so
13 specific as to ask a specific starting point only
14 insofar as as Mr. Johnson gets into his work, he may
15 find for a variety of reasons it's easier to move one
16 direction rather than another, and he should have the
17 flexibility to do that.

18 CHAIRMAN LYNN: Mr. Huntwork?

19 COMMISSIONER HUNTWORK: I agree.

20 I need to see, myself, need to see
21 potential solutions in all areas in order to make that
22 decision.

23 CHAIRMAN LYNN: We're going to get rather

24 involved sooner or later. It's just a matter of timing.

25 CHAIRMAN LYNN: Ms. Hauser?

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1 MS. HAUSER: Two things, Mr. Chairman.

2 One, a request that legal counsel has of
3 NDC, a request legal counsel has of NDC that for any
4 hand-outs, print-outs of maps, spread sheets, anything
5 of that kind that is to be distributed to the
6 Commission, we'd request that you also give us, instead
7 of just handing papers out, give us a definite set
8 marked for the Coalition, one for the Special Master,
9 and for legal counsel, so we can very carefully track
10 those documents. The Court was very clear about wanting
11 to make sure that the Coalition had everything that we
12 had, as we move forward.

13 The second thing is, if you give me just a
14 second, I will double-check the Affidavit of Gilbert
15 Hoyos (phonetic), Pinal County Election Director, to
16 determine whether or not the precincting issue is as big
17 a deal in Pinal County. I tend to think it is not.

18 CHAIRMAN LYNN: Tend to think it is not?

19 MS. HAUSER: Tend to think it is not.

20 CHAIRMAN LYNN: While checking that, we
21 will, without objection, order arrangement for copies to
22 be made available to both the Coalition and Special
23 Master, that happen simultaneously as well as when the
24 Commission receives information.

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Ms. Hauser?

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1 MS. HAUSER: Mr. Chairman, Pinal County
2 has 65 precincts, as compared to the over 1,000 in
3 Maricopa. And he indicates in his affidavit that they
4 have adopted their precinct boundaries. I don't see a
5 specific reference here to their preclearance. But they
6 are concerned about the creation of additional voting
7 precincts. So we do need to pay attention to it. But,
8 again, I think that it is less of an issue than in
9 Maricopa or Pima.

10 CHAIRMAN LYNN: It is our understanding
11 Maricopa is working with Pinal to get those for you.

12 Is that our understanding?

13 MR. JOHNSON: Yes.

14 CHAIRMAN LYNN: Thank you.

15 Anything further with respect to Item V?

16 If not, is there anything --

17 We've dealt with Item VI.

18 We are, in terms of Item VII, the
19 Commission, at the end of this session, will stand in
20 recess until 2:00 p.m. tomorrow, same location. At that
21 time we will again hear from the public, should anyone
22 wish to address us, as is our custom.

23 Mr. Echeveste, is there an Executive
24 Director's report at this time?

25 MR. ECHEVESTE: Not at this time.

1 CHAIRMAN LYNN: Is there any further
2 business on any of items on the agenda to come before
3 the Commission this evening?

4 If not, the Commission will stand in
5 recess until 2:00 p.m. tomorrow.

6 Thank you.

7 (Whereupon, the hearing concluded at
8 approximately 8:53 p.m.)

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STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 63 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 21st day of May, 2002.

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

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Phoenix, Arizona