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 M. MINKOFF
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER DANIEL R. ELDER (Present telephonically.)
COMMISSIONER JOSHUA M. HALL

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

LISA T. HAUSER, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
MARGUERITE MARY LEONI, Counsel
ADOLFO ECHEVESTE, IRC Executive Director
LOU JONES, IRC Staff
KRISTINA GOMEZ, IRC Staff
DOUG JOHNSON, NDC, Consultant
BRUCE CAIN, Federal Court Special Master
LISA A. NANCE, RPR, CCR, Court Reporter

SPEAKERS FROM THE PUBLIC:

AARON KIZER, ARIZONA MINORITY COALITION
STEVE GALLARDO, HISPANIC COALITION
SENATOR PETE RIOS, HIMSELF AND ARIZONA MINORITY COALITION
JIM HARTDEGEN, CITY OF CASA GRANDE AND CASA GRANDE CHAMBER
RONALD LEHMANN, SANTA CRUZ COUNTY

LISA A. NANCE, RPR, CCR NO. 50349
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PROCEDINGS

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

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

Ms. Minkoff?

COMMISSIONER MINKOFF: Here.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Mr. Elder is present by
telephone.

Mr. Hall?

COMMISSIONER HALL: Here?

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Here.

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

We're also joined by Commission staff.

Mr. Echeveste?

MR. ECHEVESTE: Here.

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

Item II, public comment. This is the time
for 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 further consideration and decision at a later date unless it is the subject of an item already on the agenda.

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

In that regard, two members of the Coalition are here representing the Coalition. First is Mr. Aaron Kizer.

Mr. Kizer.

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MS. HAUSER: Excuse me. Mr. Chairman?

CHAIRMAN LYNN: Ms. Hauser.

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

CHAIRMAN LYNN: I'm sorry, thank you very much.
Let me note the presence of Special Master Federal Court Bruce Cain. Would you identify yourself by standing. It is the Order of the Court no one is to have contact with Mr. Cain during these proceedings unless Mr. Cain is contacting you for information. And in that regard I would ask that all Members of the Commission, staff, and the public refrain from contact with Mr. Cain as directed by the Court.

MR. KIZER: Thank you.

Aaron Kizer representing the Arizona Minority Coalition.

The Court's order as to Mr. Cain is very similar to domestic violence, no uninitiated contact. I guess we're all familiar with that. We're here to discuss with you the impact of the DOJ objection and possible solution for remedies. As we read the DOJ letter, they've identified five districts that are problematic, districts 13, 14, 15, 23, and 29. It also says that we must restore in three of those districts the ability of minorities to elect candidates of their choice. We believe that all that appears to be our suggested fix. There are a couple members of the Coalition to speak to that, Steve Gallardo and Senator Rios.
We believe 23 is one of those districts that can be fixed out of the five, does not have to be brought up to majority minority, but does need to be brought back to benchmark level by, I believe, approximately 30 percent. That can be done by, of course, adding Oracle and San Manuel, which we all know is one of the obvious fixes. That adds approximately 6,000 people. Then the question is what is removed. Gold Canyon is a high anglo area. Also parts of Casa Grande north of Florence Boulevard can also be removed. Again, not only high anglo areas, Casa Grande just last weekend, I was amazed by the number of subdivisions going in there, growth of subdivisions not Hispanic. May need numbers based on that. Miami, Arizona, heavily Hispanic, that can be added.

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

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

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

There remains one District to be
corrected, in the Phoenix Metropolitan area, that would be district --

Chairman Lynn: Mr. Kizer.

Commissioner Elder: I'm picking up only half of the comments.

Mr. Kizer: Louder?

Commissioner Elder: Louder or more microphone.

Chairman Lynn: Let me ask you to say a few words.

Mr. Kizer: Mr. Elder, I'm speaking of District 14. Can you hear that?

Commissioner Elder: Seems I'm getting tunnel or echo. I hear Mr. Lynn quite well, but it's a guess.

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Chairman Lynn: I'm not sure we can fix it, Dan.

Commissioner Elder: Okay.

Chairman Lynn: Mr. Kizer, thank you.

Mr. Kizer: District 14, on the southeastern boundary, move that east creating a type of L shape for District 14.

District 16, northeast corner, move that north.

And then on District 15, the western
boundary would go, move that further west towards the freeway.

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

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Kizer.

Would you answer a question.

Ms. Hauser.

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

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

Maricopa County on the L shape.

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

Yes, I believe that's correct.

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

MS. HAUSER: Let --

CHAIRMAN LYNN: If going to speak from the dias, you need to push the push button on your mike to get the green light before you speak or you will not be
recorded. Once you've spoken, turn it off again. That
will help in terms of everybody hearing everyone.

Then we'll do this one at a time.

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

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

CHAIRMAN LYNN: Without objection.

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

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

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

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

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

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

CHAIRMAN LYNN: Question.

Ms. Leoni?

MS. LEONI: Thank you, Mr. Chairman.

Mr. Gallardo, has the Coalition determined upon a number relative to the bench mark that you are attempting to achieve with your fixes?

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

MS. LEONI: VAP or total population?

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

MR. GALLARDO: VAP, yes.

CHAIRMAN LYNN: Mr. Kizer?

MR. KIZER: That concludes our comments.

CHAIRMAN LYNN: Mr. Hall has a question.

COMMISSIONER HALL: Two questions. One is what -- maybe it's too preliminary for you to answer
this. Do you know what the impact of proposed changes would be on District 16?

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

MR. RIVERA: You want our pointer back?

MR. GALLARDO: I'm sorry, we want to bring back Scotties head. For some reason we love Scotties head. It's the little dog head -- I'm sorry, the little dog head up at the corner. If I can walk to the screen, I'll point to it. You have it right there. Bring back Scotties head, a large minority population. Bring that back to District 16, bring additional population to make up for areas you're taking out.

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

MR. GALLARDO: Yes, sir.

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

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

COMMISSIONER HALL: Second question, just reading the letter, as you are, from DOJ, correct me if I'm wrong, the changes you have proposed would create
two -- would increase the percentages of two majority-minority districts, is that correct, make them majority minorities. Am I understanding that correctly?

MR. KIZER: That's correct.

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

MR. KIZER: Well, because the letter goes on specifically to say five problem districts, and you need to restore three of five. One of five is 23. I think they are clear saying that needs to be brought up to its bench mark. That is one of three that needs to be corrected, or can be one of three. Choose to ignore -- the way I the read letter, choose to ignore 23, change other, build majority-minority districts elsewhere, that would satisfy the letter, or raise bench mark in 23, even though not up to majority minority, build to majority minority elsewhere.

CHAIRMAN LYNN: Ms. Minkoff then Ms. Leoni.

COMMISIONER MINKOFF: No. My question was answered.

CHAIRMAN LYNN: Ms. Leoni.

MS. LEONI: Mr. Gallardo, have you had an opportunity yet to look at the impact of changes you are proposing in District 16 on the African American
MR. GALLARDO: No, we have not. No. Not as yet.

MR. KIZER: Just to give rule of thumb we've been kicking around today, the question is where are you going to gain additional minority population to increase those districts, and obviously one potential source is 16. But because it has been precleared, there's a fine line as to what you can do with it. We're thinking any impact in 16 cannot reduce it by more than two percent.

MS. LEONI: That's another.

CHAIRMAN LYNN: Other questions?

MR. KIZER: I --

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

Ms. Minkoff then Ms. Hauser.

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

Would I be correct in assuming that when you are through with these shifts, that the minority population in District 15 would drop and that it would
increase in 14 and perhaps in 16, we're not sure?

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

COMMISSIONER MINKOFF: Thank you.

CHAIRMAN LYNN: Ms. Hauser then Ms. Leoni.

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

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

MS. HAUSER: Thank you.

CHAIRMAN LYNN: Ms. Leoni.

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

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

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

MS. LEONI: That would be helpful. Thank you.
MR. KIZER: I mentioned to Chairman Lynn before the meeting, failed to mention to the Committee, our goal is to meet tomorrow, thought we'd meet at 6:00, have a draft map at 6:00 of our changes. I understand you may meet earlier than that.

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

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

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

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

CHAIRMAN LYNN: Thank you.

Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you.

Mr. Kizer, the description of what you're
planning to do in District 29, it looks like the fix for 29 results in taking population away from District 27
and adding population to District 30. And so I'm

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

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

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

CHAIRMAN LYNN: Other questions for
Mr. Kizer?

MR. KIZER: Thank you.

CHAIRMAN LYNN: Mr. Kizer, thank you.

We've heard --

The reason I kept this separate, Mr. Rios
identified he was speaking for himself. I wanted to
identify whether his comments were for himself or as a member of the Coalition. He's certainly entitled to speak either way.

SENATOR RIOS: Thank you for the opportunity. And I will be speaking for both, for myself and the Minority Coalition as well. And I think what I would like to do, first of all, is thank the Commission, because I remember when the for urban tribes came to us, they wanted to all stay in District 23. And I know that that was difficult for the Commission to do; but at the end of the process, the four Native American tribes that had been in District 7, in my district, were included in District 23. So for that I thank you, and the urban tribes thank you.

When it came to the tribe community area of Oracle, Mammoth, and San Manuel, we were not as lucky. Casa Grande was driving the process to basically dump a lot of minority mining communities in the hopes that Casa Grande would gain more political power and be able to elect legislators of their own. I can't say that I blame them for that. This is a political process. But I recall when I was testifying before the Commission in late October and we were talking about that particular area, I remember pleading with the Commission not to sacrifice those minority mining...
communities, because Casa Grande at that time was pushing for more agricultural type communities. And I made the comment, "Please don't sacrifice minority voting rights for cattle." I remember I got a comment from Joshua Hall, "Hey, I like cattle." That's okay. My point was I knew that putting Oracle and San Manuel with the urban district in Tucson, with Sun City Rancho Vistoso, those communities, for all practical purposes, would be losing the ability to elect candidates of their choice. So here we are again on this particular issue.

So what I'm asking the Commission is to please consider putting Oracle and San Manuel back in proposed Legislative District 23. I'm asking that consideration be given to removing that section of Casa Grande north of Florence Boulevard that is currently not in the district, possibly out of the district, in order to increase the minority voting age population. And if that, for some reason, cannot be done, then I'm looking at the area of Gold Canyon in the Apache Junction area as a possibility for purposes of making the numbers work. And even with those changes, I think that District 23 will still require more minority people in it in order to try to achieve the 30 percent voting age population. So I would be asking for consideration of including Miami, Arizona, in Legislative District 23.
Miami, Arizona, is very high in minority population. And I know that by asking that I'm asking for trouble, because I know how this Commission has bent over backwards in trying to preserve what has been commonly known as EACO, which is the Eastern Arizona Community Organization. And I know that this particular Commission has been very, very reluctant to make any changes in EACO. So by me proposing we put Miami, Arizona in 23, I know that it infiltrates the sacred EACO District. But nevertheless, in terms of trying to protect minority voting rights, that's what I'm asking the Commission to consider.

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

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

And those are my comments.

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Chairman Lynn: Thank you, Senator Rios.

Questions for Senator Rios?

Senator Rios: Thank you.

Chairman Lynn: Mr. Kizer.

Mr. Kizer: We did do some work on changes. I can give you detail on work on the map, if that's helpful.

Chairman Lynn: Any comments are helpful.

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

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

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

That's as far as we got today.

Chairman Lynn: Thank you, Mr. Kizer.

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

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

CHAIRMAN LYNN: Other questions?

Thank you, Mr. Kizer, very much.

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

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

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

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

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

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

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that they are hiding behind.

You could always go from I guess, Casa
Grande and Eloy, you could always go west, pick up minority votes, if you would like to do that.

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

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

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

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

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

Is this process a process of trying to figure out where growth is going to go in the next 10 years or this process based on the 2000 Census? I thought we took a snapshot of population and other things in 2000, and that's what we are using to base our decisions on, not what is going to come in the future, on growth patterns.

You know, guys, I'm just basically at a
loss for words. And I'm very disappointed, I suppose.

You spent a lot of time going around the state, this
group, asking for citizen input, coming up with a
hundred, maybe -- a hundred variations of different
maps. People like myself representing Casa Grande or
Western Pinal County had a chance to talk to you and
tell you our feelings.

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

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

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

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

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

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

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

Be happy, guys. It's politics.

CHAIRMAN LYNN: Thank you, Mr. Hartdegen.

Questions? Ms. Hauser?

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Ms. HAUSER: Not a question.

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

CHAIRMAN LYNN: Thank you.

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

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

Mr. Lehman.

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

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

The county line is significantly north in 30.

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

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

As you may recall, many of our community leaders, I think unanimously, testified, that they were in favor of the split. If I recall, Supervisor John Maynard testified, Supervisor Manny Rios, Mary Lopez for the City Nogales testified, Dennis Miller, who has significant experience with the Legislature testified.

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

Santa Cruz County has some very unique border issues. And we have found that historically
Santa Cruz County has had three separate Legislative
districts that touch Santa Cruz County, and we have
found it has been very advantageous to the county,
especially when it comes to border issues, such as
border crime, health issues. There's a huge problem
with cancer and lupus that uniquely affects our
community, immigration issues, things like that. And we
have found that by having more than one legislator, and
bipartisan representation in the Legislature, that
the -- that it's been more effective in helping us deal
with these unique problems.
Santa Cruz County does have a population
base, 81 percent, the exact number is 80.7 percent, are
Hispanic or Latino, according to the 2000 Census. And
so we don't really have a position. We're here
supporting what the Commission has done.
I've been hired to intervene in the
federal law suit. And our position clearly supports the
Commission's position. We want to uphold what you've
done.
The one thing that I heard tonight when
Mr. Kizer spoke that gives me a little bit of concern,
and I want to make sure everybody understands the
implication here, there was some discussion about fixing
29 by taking a little bit of 30 and perhaps moving 30
into 29 on the -- it would be the west side of 30 and
the east side of 29, if you can follow that.

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

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

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

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

The last thing I want to say, and I appreciate your taking the time, just in response to Mr. Hartdegen's comment about the DOJ, the judges asked
for DOJ to come into court and give a position as to where they were. I don't -- I don't have any criticism whatsoever about the DOJ. The Court asked them to come in and they did. I think a wonderful job of coming in and making what would have been a very complicated, very contentious lawsuit, removed 25 out of 30 districts. So, again, they did their best under a short time frame.

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

I do have an affidavit of Dennis Miller

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

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

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

CHAIRMAN LYNN: Thank you, Mr. Lehman.

Questions for Mr. Lehman?

Other members wishing to be heard?

If not, we'll close the public comment section.
Item III, presentation concerning the May 20, 2002, Department of Justice objection to the Arizona Legislative Redistricting Plan, and for the benefit of Commissioners, the second clause there, including possible presentation by Bruce Adelson representing US Department of Justice, Mr. Adelson has not been able to be with us. Any report on the letter will come from counsel.

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

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M5. HAUSER: Mr. Chairman, Members of the Commission, as DOJ says when you ask them a question, frequently the response is, "Read the letter."

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

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

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

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

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standards?

CHAIRMAN LYNN: Ms. Hauser, Mr. Rivera?

MR. RIVERA: We're conferring.

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

As far as what occurs with your particular decision -- my finger keeps slipping off this thing -- we will bring that back to the Court.
The Coalition may have something of its own to bring to the Court, at that point. And the Court will make a decision as to what the emergency interim plan should be.

They may or may not at that time hear some additional evidence on the state of the emergency, but I would say it seems clear to me that they understand that there is some clear need to move quickly so that the counties can get on with the business of conducting elections.

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

MR. RIVERA: I think you covered it.

MS. HAUSER: Basically gets the candidates on their way, but the counties are not there yet.

So Court indicated it will issue a ruling very swiftly.

But again, we're not back in front of the Court formally until next Tuesday.

The Special Master is here. And his role is the --

CHAIRMAN LYNN: You don't have to hold it down. Touch it and get a green light.

MS. HAUSER: I'm technologically challenged.

MS. HAUSER: The Special Master here.

Just as the Commission has consultants, the Court does as well. He'll be assisting the Court in analyzing and reviewing plans that come before the Court in determining what ought to be ordered on an emergency interim basis.

So it's particularly good that he is able to be here to observe the proceedings in front of the Commission.

Anything else, Jose?

MR. RIVERA: Not to the interim relief.

But remember, this is only for the 2002 election. Any changes that we make that the Commission
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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.
Ms. Hauser or Mr. Rivera on this item?

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

Other comments on Item III?

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

Ms. Leoni: Chairman Lynn.

Chairman Lynn: Ms. Leoni.

Ms. Leoni: I understand Item IV to be an update on the data issue. I would like to report that the principals of National Demographics will be here tomorrow to make a full report to the Commission on
those issues. A draft is with your counsel at this time. The draft was partial, and so it is being updated and will be presented to counsel. And they will be here to present to you tomorrow.

CHAIRMAN LYNN: Thank you, Ms. Leoni.

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

CHAIRMAN LYNN: Ms. Leoni.

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

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

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

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

It -- they are errors of magnitudes that affect primarily the analysis of the competitiveness of
districts and not the demographic makeup. And as Prop
106 requires that competitiveness be analyzed, the
Commission felt that it needed to take a second look at
this issue based on corrected data.

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

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

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

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

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

This is the universe of what will be presented.

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CHAIRMAN LYNN: Thank you, Ms. Leoni.

Mr. Hall?

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

CHAIRMAN LYNN: Thank you, Ms. Leoni.

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

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

CHAIRMAN LYNN: Thank you, Ms. Leoni.

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

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

Does anyone feel that is a necessity this
evening?

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

MS. HAUSER: Very short.

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

Is there motion to go into Executive
Session?

COMMISSIONER HALL: So moved.

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Moved and seconded.

All those in favor, signify "aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

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

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

(Commissioner Elder is no longer present.)

CHAIRMAN LYNN: The Commission will come to order.

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

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

Mr. Johnson?

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

CHAIRMAN LYNN: What I'd ask of the Commission is provide NDC with specific instructions with respect to moving forward to achieve the results directed by the Court. And I'd ask at the end of those
instructions, Mr. Johnson, for you to estimate, as best you can, when you might be able to accomplish much or all of that work in a fashion that would allow us to consider it so we may schedule the next session of the Commission relative to that schedule.

With that, what is the pleasure of the Commission.

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.

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

COMMISSIONER MINKOFF: Okay. Is this better?

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

CHAIRMAN LYNN: I think that would be helpful.

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

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I'd like NDC to look at the five districts identified in the Department of Justice letter, to examine ways of adjusting those districts to address the objections of
the Department of Justice, and to do that in a way that
causes minimal disruption to the other 25 districts.

CHAIRMAN LYNN: Is there a second to the
motion?

COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

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

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

COMMISSIONER HALL: I second as is.

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

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

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

CHAI RMAN LYNN: Let's take the motion as
moved and seconded.

Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I am
in favor of the motion, because it does something. But I think it's important -- I feel it's important to say out loud what I think it does. I believe it will provide additional guidance as well. And that is that to the extent possible, I think even in addressing this very short-term response that we have to make, that we need to keep in mind all of the other criteria that are set forth in Proposition 106. The Proposition starts by requiring that we comply with the Federal Constitution and the Federal Voting Rights Act. That is a given for our state process and something that we labored long and hard to try to do, unnecessarily, regrettably, not completely successfully. It is still the number one criteria that we have. And with the additional guidance that we have now, I think that it will be possible for us, if not in the next few days, at least promptly, to find a solution that satisfies the voting rights criteria and the other requirements of Proposition 106.

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

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requirements were simply to -- the first two.
Beyond that, the State Constitution provided virtually no guidance for the process.
This very open, very Democratic participatory process that we've gone through, allowed us, required us, indeed, to take into consideration many
other factors that were approved by the voters of Arizona. And I don't think we can afford to lose track of those things even for a minute.

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

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Other discussion on the motion?

If not, are you ready for the question?

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

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

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A quorum is still present.

Other instructions to the consultant?

Mr. Hall?

COMMISSIONER HALL: Mr. Chairman, I just want to say, make a motion or move that as part of this analysis and proposals of amended districts that we insure that we are utilizing your new, reconfigured data bases and, I guess, before I finalize --
Is that specific enough direction on this, Ms. Leoni?

CHAIRMAN LYNN: Ms. Leoni?

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

COMMISSIONER HALL: Correct.

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

COMMISSIONER HALL: Yes.

MS. LEONI: I think it would be helpful, Commissioner Hall, with regard to registration the data base, there be further instruction as to which voters are registered -- which registrants we are to be looking at in running the registration analysis. Arizona, as you know, keeps on the registered voter rolls inactive voters for a particular amount of time. They were randomly and not consistently mixed into the data base used in the first round of hearings. They have now been segregated. We have the active roll, the inactive roll, and we also have a combined roll. And it would be helpful to know which the Commission feels would be the appropriate registration data base to run with the new districts.
COMMISSIONER HALL: Well, Mr. Chairman, pursuant to Mr. Huntwork's statement, I think that we're going to have to insure that we analyze all of that information at some point. But I think for our purposes now, since there certainly is an exigency and an effort to move forward, I would add to my motion they utilize the new data bases utilizing the active --

CHAIRMAN LYNN: Active only?

COMMISSIONER HALL: Active only.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I second that.

CHAIRMAN LYNN: Discussion on the motion?

If not, are you ready for the question?

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

COMMISSIONER MINKOFF: "Aye."

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COMMISSIONER HALL: "Aye."
COMMISSIONER HUNTWORK: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Motion carries unanimously.
It is so ordered.
Further instructions to consultants?
Ms. Minkoff?
COMMISSIONER MINKOFF: Mr. Chairman, I'd also like to instruct the consultants, to the extent possible, when reconfiguring districts, that you attempt to keep precincts intact, since those precincts have
already been precleared by the Department of Justice.

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

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Johnson, question?

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

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

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

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

MR. JOHNSON: At this point, it's very hard to say. It may be just small changes needed here and there similar to what the Commission looked at on November 3rd: I just give you a list of little changes necessary, because it just worked out well. It could
also be difficult to do. If it's going to be
significant time, I'll probably come back to the
Commission, say: This is what was easy; I can do more
given more time, and let the Commission make that
decision.

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

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

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

COMMISSIONER HALL: When do we need the
motion back?

COMMISSIONER MINKOFF: Noon tomorrow.
COMMISSIONER HALL: To the extent
practicable, that's good terminology.
CHAIRMAN LYNN: Find out if noon is an
operable number. We need it tomorrow. Clearly we need
it tomorrow.

Further discussion on the motion?
Are you ready for the question?
All those in favor of the motion, signify
by saying "aye."

COMMISSIONER MINKOFF: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER HUNTWORK: "Aye."
Motion carries unanimously. It is so ordered.

Other instructions to consultants.

The Chair would entertain a motion with respect to public comment received this evening, to the extent that the Coalition is going through its mapping process and has shared with us the areas of interest that they are pursuing with respect to their mapping, that we as a Commission, as we have done throughout the process, should be mindful of that and instruct the consultants to take into account the types of changes that were spoken of earlier this evening and, to the extent possible, analyze those changes as possible solutions to the problem and report back on those solutions as far as they are able to deal with them in the current condition they are in.

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

COMMISSIONER HALL: So moved.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: Second.
CHAIRMAN LYNN: Thank you.

Discussion on the motion?

CHAIRMAN LYNN: Mr. Hall.

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

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Mr. Chairman, I would like to add in addition to the very helpful input we received from the Coalition, the other input from public comment, and we should be mindful of that. Sometimes things are mutually exclusive and we have to move one way or another. We should be mindful of what all people have said to us.

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

COMMISSIONER HALL: I agree.

CHAIRMAN LYNN: Further discussion on the motion?

Hearing none, ready for question?

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."
Motion carries unanimously and is so ordered.

Are there other instructions to the consultant?

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

MR. JOHNSON: At this point, I would say I think it's fairly good guidance. I think what will happen tomorrow is we may have all these instructions implemented for Commission to look at, review, decide upon, or may come back with some questions for you. At this point --

CHAIRMAN LYNN: Let me return to the admonition earlier in this agenda item and ask Mr. Johnson, based on the instructions that you've been given, could you at this point estimate when you would have a report sufficiently complete, and I know it won't be totally complete, sufficiently complete so as to warrant another session of the Commission to review it? Approximately what time tomorrow might that occur? And I should add to the discussion that we may very well not be able to generate a quorum until approximately 1:30 tomorrow afternoon. That would be the earliest that we might be able to generate a quorum.
MR. JOHNSON: Mr. Chairman, I realize a lot of factors are playing into the time and equation for this work. And we'll try to be ready as soon as possible.

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

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

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

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

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

If, on the other hand -- -- and maybe this suggests, Mr. Johnson, that to the extent that we have
essentially three areas of the state that we're looking
at which can be considered somewhat in isolation, that
is to say things that are happening in District 29 do
not affect Phoenix districts or should not in any
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
to those districts adjacent, immediately adjacent, and
Phoenix districts are obviously interconnected in a
separate Phoenix area, to an extent you might be able to
concentrate on some of those for presentation at that
time and others for a later presentation, that might
help us get into the possible solutions at an earlier
opportunity.

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

   Does that work for you?
   Mr. Hall?

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

   CHAIRMAN LYNN: Ms. Minkoff?

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

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

COMMISSIONER HALL: Never going to get it.

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

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

COMMISSIONER MINKOFF: Okay.

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

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

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I agree.

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

CHAIRMAN LYNN: We're going to get rather

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

CHAIRMAN LYNN: Ms. Hauser?

LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona

MS. HAUSER: Two things, Mr. Chairman.

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

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

CHAIRMAN LYNN: Tend to think it is not?

MS. HAUSER: Tend to think it is not.

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

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

CHAIRMAN LYNN: It is our understanding Maricopa is working with Pinal to get those for you. Is that our understanding?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Thank you.

Anything further with respect to Item V?

If not, is there anything --

We've dealt with Item VI.

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

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

MR. ECHEVESTE: Not at this time.
CHAIRMAN LYNN: Is there any further business on any of items on the agenda to come before the Commission this evening?
If not, the Commission will stand in recess until 2:00 p.m tomorrow.
Thank you.
(Whereupon, the hearing concluded at 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

LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona