STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
May 21, 2002
2:00 p.m

PREPARED FOR: ARIZONA INDEPENDENT REDISTRICTING COMMISSION
REPORTED BY: LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349
The State of Arizona Independent Redistricting Commission convened in Public Session on May 21, 2002, at 2:00 o'clock p.m., at the W?ndham Buttes Resort, Kachina Ballroom 2000 Westcourt Way, Tempe, Arizona, in the presence of:

APPEARANCES:

CHAI RMAN STEVEN W. LYNN
VICE CHAI RMAN ANDI M. NIKOFF
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER DANIEL R. ELDER
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
DR. FLORENCE ADAMS, NDC, Consultant
DR. ALAN HESLOP, NDC, Consultant
DOUG JOHNSON, NDC, Consultant
BRUCE CAIN, Federal Court Special Master
LISA A. NANCE, RPR, CCR, Court Reporter

SPEAKERS FROM THE PUBLIC:
REPRESENTATIVE RICHARD M RANDA, DISTRICT 22
JIM HARTDEGEN, CITY OF CASA GRANDE AND CASA GRANDE CHAMBER
AARON KIZER, ARIZONA MINORITY COALITION

SCHEDULED SPEAKERS:
DOUG JOHNSON
DR. FLORENCE ADAMS

LI SA A. NANCE, RPR, CCR NO. 50349
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Chairman Lynn: Good afternoon. We'll call the recessed session from yesterday back into order.

For the record, roll call.

Mr. Elder?

Commissioner Elder: Here.

Chairman Lynn: Ms. Minkoff?

Commissioner Minkoff: Here.

Chairman Lynn: Mr. Hall?

Commissioner Hall: Here.

Chairman Lynn: Mr. Huntwork?

Commissioner Huntwork: Here.

Chairman Lynn: And the Chairman is present.

All five members are present.

I want to issue a formal apology to anyone that might have been in the room at 8:00 o'clock in the morning thinking we might start at 8:00. Unfortunately, when we broke at 9:00 o'clock in the evening, there weren't a lot of people here. Those that were here knew we were starting at 2:00, but there were not a lot here. The hotel still listed the meeting at 8:00 o'clock. If you were here at 8:00, I hope you had breakfast. It's
been here since 7:00. I'm not sure if it's fit for anything but looking at now.

Anyway, I do apologize for any inconvenience that may have caused. We'll try to do a better job of notification for when we meet at subsequent sessions.

Ladies and gentlemen, if you wish to provide public comment, please fill out a speaker slip, they are outside the door, and we'll be happy to take you.

I think for the purposes of clarity today, and appropriate comment, what might be best is to get a report from the consultants with potential recommendations for solving the Department of Justice suggestions and then to take public comment relative to those, those choices that we may have within the context of fixing the problems.

So without objection, we'll do it in that order. And it seems to make sense to do it that way.

Mr. Johnson, whenever you are ready. And I don't want to rush you to get there, but if you would

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walk us through your deliberations based on the criteria and instructions that were issued last evening, and then we'll -- I think what we may want to do, Mr. Johnson, is look at areas of the state one at a time. And you may have alternatives, more than one, for one part of the state or not.
Perhaps we ought to concentrate on one area of the state, get some questions to you relative to what the impacts are, and then move on to another part of the state. And then at the conclusion of that presentation, we'll take some input from the audience, if there is any, without objection.

Mr. Johnson.

MR. JOHNSON: Mr. Chairman, thank you. I'm pleased to say we did make considerable progress since the last meeting. And what I have for you today is three not entirely finished but fairly finished scenarios for the Commissioners to review and give NDC some feedback on the choices that they -- each scenario will present to you.

Just as a little refresher, let me walk through the instructions given last night.

The first was to look at the five districts the Department of Justice mentioned and obviously attempt to address the concerns the Department of Justice raised in those areas.

As we reviewed the language of the letter, and specifically what they were asking, we can conclude that there are actually five districts that they questioned but really four problems that they raised. They mentioned both Districts 13 and 14, but the issue was division of the existing district between those two.
So there are really four problems we had to address that involved five districts.

So I have looked at those and drawn these options based on each of those questions and some considerations for you to look at and give me further instruction on.

Also, there was the instruction to use the new registration and AQD data bases in this process. I have done that. They are incorporated into this system.

Just purely on time considerations, I do not have the spread sheets for you, but I can bring up the details as we go through this, and we'll have spread sheets as soon as possible.

Also, there was the instruction to attempt to keep the precincts together as much as possible while addressing DOJ concerns, and indeed I did receive from Maricopa County their precinct file; and I have attempted to follow the precincts where I could.

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One of the steps I needed to take, go back in where possible, match nicks, corners, a block here, block there in Maricopa. I also have not had a chance in Pima to compare to their precinct map. That's something I would take the time to do later today.

We have not yet received anything from Pinal County. Should that arrive, I'll also look at that.

The last instruction related to line
drawing was to take into account the types of changes suggested by the Coalition in their presentation yesterday.

Believe me, I certainly welcome any thoughts from anyone on the options and ideas for addressing this job.

As I walk through the different areas and questions, I will note the specific suggestions of the Coalition and have those incorporated.

CHAIRMAN LYNN: Mr. Johnson, I think the instruction was not only the Coalition, all speakers, speakers from other jurisdictions and groups that spoke.

MR. JOHNSON: That's correct. I had not yet read my next line. That's correct, other speakers that appeared as well.

So let me jump into the maps.

There are three maps I'll be showing you, labeled 1A, 1B, and 2A. Let me start in Pima County because all three maps are identical down there.

Let me zoom in and walk the map along as I show you these areas.

COMMISSIONER ELDER: In other words, by that comment, there are no options in Pima County?

MR. JOHNSON: There are options for you to consider there. I've incorporated one approach in all three tests. I have some questions and additional
instructions I'm seeking from you.

Also, given the DOJ's statement they're looking for us to fix three of the four, the Pima County is one you may choose not to do, if that's the Commission's interest.

Let me start by showing the districts as they were adopted by the Commission back in November so we're all on the same page and put the numbers on here.

As you can imagine, there was not a plethora of time available. This is not the most polished presentation I've ever given. We'll get the information to you.

The Commission, as you can remember, adopted three, really four districts in the urban Tucson area, 26, 27, 28, and 29. There you go. 25 is also kind of moving around the outside of all of these districts but is not in play in the DOJ letter or in any of the options that I'm showing you.

District 27, as adopted by the Commission, was just under 43 percent Hispanic voting age. District 29, as adopted by the Commission, was 45 percent Hispanic voting age. The other districts were very small percentages.

The Department of Justice looked at this. And in the current districts, there's only one majority-minority district, I believe it's District 10. And a majority of old District 10's population ended up
in District 29. So they analyzed that district, and they objected to it in their letter.

It's interesting to note, and this is how Section Five works, there was one district, so they analyzed one district.

District 29 as approved by the Commission is actually higher in voting age than District 27, but that's the way this process works.

So the first thing I did was to look at the big picture and what we might do to address the DOJ's concerns. Obviously given that 27 is a majority-minority voting age district, I did not want to take minority voting age population out of that, if I could avoid doing that.

I looked at districts in the area 26, 28, 30 is on the east side here, but there really wasn't any communities or population that would help us address the DOJ's concerns. So that turned us to 27. And as the Coalition discussed in their presentation yesterday, one area that they suggested we look at is the area between the 19 freeway and the border of District 29. So that's where I started.

As you can see, it's a fairly small geographic area between the district of the November 9th plan and the freeway. It is very dense. And I first moved that into 29. That, however, was not enough.
population to address the Department of Justice's concern, so I had to go further west. I show you -- to address the Department's concerns and meet the benchmark, which in this district was 55.3 percent Hispanic voting age, I went past the freeway over to the river. The river met the criteria of 106 of being a geographic feature we could look at. There's also discussion in the record of the community traditionally extending over to the river.

That was the next step I looked at and ended up taking in the area from the river east down to the top part of the Tohono O'odham Reservation and nature river there.

Let me identify that for you. The Census area wasn't labeled.

CHAIRMAN LYNN: I think it's Valencia.

COMMISSIONER ELDER: Valencia was labeled.

MR. JOHNSON: I'll put some names on here so we can see.

It's just north of Bilby and south of Ushinton, Drexel, Drexel Road there.

I focused more on drawing maps than polishing the presentation.

Once I took that area in and did some trade-offs in the east, actually met the Department of Justice benchmark. The tradeoff in the east, naturally
put population in. Take population out to meet the population requirements, this took place northeast of the Air Force Base. I'll put the old lines on again.

The area that NDC is suggesting we trade off is a little different than what the Coalition presented yesterday. They had suggested looking at the east side of District 29. And while technically this isn't the far eastern side, if you look to the east of the Air Force Base, there's very little population in that strip.

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This is the northeast section.
The other difference between the Coalition's suggestion and --

Keep in mind, as the Coalition suggested, they only had a couple hours between the ruling and their appearing here. We definitely appreciate the detail they were able to give.

They mentioned probably looking to move population from 29 into 30. Obviously, since the anglo population came from 27, it eventually has to get back there. So rather than moving from 29 into 20 over to 28 and back into 27, one of the items that was discussed last night was minimizing the number of districts that are changed in order to minimize the number of districts that the justices, or the Department of Justice, needs to review. So this change takes place directly from 29
to 28 and then follows through with some population moving from 28 into 27.

This final change involves part of Flowing Wells that previously was in 28. And Flowing Wells is a Census designated place, not an incorporated city, is already split. Take the southern portion of that, and take the very northwestern corner of Tucson that was in 28, and we move that into 27. We also move our line.

When we adopted it, it just barely went around the University area, for a number of reasons. And there had been testimony asking us to move it slightly to the east and slightly to the north, because those are very University dominated areas. Since now we needed to move population, that is where we went with that.

In terms of meeting the Department of Justice's objection, there's a lot of flexibility in this area.

So if, if the Commission's preference would be move further east around University, not as far east up north, we could do that, if that's the Commission's desire.

There's more flexibility in this area than there is in the rest of the switch.

So that is the entirety of the changes drawn to address the Department of Justice's objection to 29.
Again, just to summarize, it has -- it adds areas around the I-19 freeway into 29. It drops areas that were in the northeast corner of 29 into 28, and rotates counterclockwise into 27.

If anyone has any questions, I'll be happy to address them.

CHAIRMAN LYNN: Doug, before we take questions, just so we're clear, I think you said it before, could you once again tell us what it does to Hispanic VAP in 29, which is the issue? What do the changes result in?

MR. JOHNSON: The bench mark district, Hispanic bench mark of 55.3. As adopted, 29 had Hispanic voting age of 45.1. We now get it back to just slightly over the bench mark of 55.36 as opposed to 55.32.

CHAIRMAN LYNN: What does that do when it ripples through to our District 27?

MR. JOHNSON: 27 changes from 42.96 Hispanic voting age to 32.87 voting age. Bench mark, just for reference, for that district, was only 16 percent.

CHAIRMAN LYNN: Hispanic voting age despite which way.

MR. JOHNSON: I don't have it in front of me, Pasqua Yaqui, both 10 and where described, total
minority --

CHAIRMAN LYNN: Minority influenced --

COMMISSIONER ELDER: 28?

MR. JOHNSON: 28 was extremely low total minority population and remains so. I don't have exact figures in front of me.

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COMMISSIONER ELDER: About balance, shifts from one end to the other?

MR. JOHNSON: Yes. Again, I'll get spread sheets as soon as I can.

CHAIRMAN LYNN: Mr. Elder and then Ms. Minkoff.

COMMISSIONER ELDER: Doug, zoom in from the bottom where you made changes below the I-19 symbol up to the river.

There is an area to the south there that is called Mid Vail Park. And there's a bunch of new developments in that area. Are the demographics such we're not diluting Hispanics by taking those in? And it would be -- darn, I can't see precinct numbers from here.

MR. JOHNSON: Those are population numbers.

Demographics of this area are overwhelming Hispanic as of the Census time.

COMMISSIONER ELDER: Move north about five miles. Keep going north to where we pick up the river.
Okay. The things I'm a little concerned with there are right at the edge of the University. By picking up three blocks there, that's probably the strongest neighborhood there that is in this whole valley. That's the Sam Hughes District, a strong district, very cohesive, almost to the house. I would rather see, really, any area besides that being split from a community of interest standpoint. That's -- there is no line, there is no edge, it's so cohesive, they'd feel alienated from the balance of the community with the University.

I suggest we look at Campbell Avenue as being the dividing line at that point.

As we go north, you added in from some arbitrary alignment over to First, and that made sense, I think, because that is a fairly good barrier from the way barriers work in Tucson. But then as you go further north, as we drag down, now go to the west more, to make up population I was discussing, east a ways, University, the Sam Hughes neighborhood, what is the population in that sort of quad where it says Ruthrauff Road to Flowing Wells?

Go to the right. Keep going right.

Bring --

MR. JOHNSON: Here.
COMMISSIONER ELDER: That area right there. Is there enough population in there? My sense is it's Hispanic if not more so than this area here.

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This is the Arizona Inn, and it's Anglo. This is the Dell, most of Sam Hughes is professors and people from the University, and it's Anglo. So it seems if looking, trying to keep this as high a population percentage, on the edge Hispanic, this area or taking in both of those, may very well offset population there and give us the percentages we're looking for.

MR. JOHNSON: Commissioner, if I might. There is considerable flexibility where we take, move. Flexibility, we can use Campbell, if that makes sense, and it sounds like it does. The concern I have on Flowing Wells, we're preferring to keep this within 27, 28, 29, rather than going out and changing 26, which leads to additional DOJ review and Justice review. We could take areas from the east of First Street into to balance population, if that makes sense. To go to 26 opens up a can of worms.

COMMISSIONER ELDER: Steve, do you remember what the population is in there? I can't see the roads enough. That's Speedway -- must be Grant Road.

CHAIRMAN LYNN: Numbers --

COMMISSIONER ELDER: Demographics, what kind of character? Strong -- South Point High School --
Rc052102.txt

25

CHAI RMAN LYNN: Back to your point.

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1

COMMISSIONER ELDER: This is more
2
University related, medical school related, pulling into
that area, not as objectionable as Sam Hughes.

3
CHAI RMAN LYNN: The key thing,
configuration you have there, you have split Sam Hughes.

4
You either need to take Sam Hughes all the way west or
all the way east and keep it together. That's clear.

5
That's a very strong community of interest. Beyond
that, making it whole, I think -- I'm fairly comfortable
I think, the way the configuration goes to the north. I
think it makes some sense, first as a dividing line. To
the west there's a lot of commercial property. To the
east it starts being apartments and a mix of commercial
and residential east of the racetrack. So, you know,
that area seems right. I would agree, though, the Sam
Hughes problem needs to be looked at. And it's probably
a relatively minor population issue that you could trade
out anywhere along the border that made sense without
damaging the demographics you are trying to achieve.

6
COMMISSIONER ELDER: I think my sense is
7
if you added in this area into twenty -- the west one.

8
COMMISSIONER ELDER: 27.

9
COMMISSIONER MINKOFF: 27.

10
COMMISSIONER ELDER: -- and took this area
out, it would improve demographics and voting age

Page 18
Hi spanics.
    My sense is this is, without looking at
the precincts, I bet it's 98 percent anglo.
    CHAIRMAN LYNN: I don't know.
    COMMISSIONER ELDER: And this area here,
probably 70 percent, 60 percent.
    CHAIRMAN LYNN: Quite a mix. Look at
those adjustments in terms of the borders.
    MR. JOHNSON: If I can say, in this area,
as you are describing, the demographics are essentially
the same throughout the area, whatever communities make
sense.
    Can I ask one question? The Sam Hughes
neighborhood, is the eastern border Country Club?
    CHAIRMAN LYNN: It is.
    MR. JOHNSON: I guess that's one
instruction to look for. Does that make sense, move
east or west?
    CHAIRMAN LYNN: Campbell on west, Country
Club on the east, and essentially Speedway on the north
and Broadway on the south.
    COMMISSIONER ELDER: Yeah, Sam Hughes.
And then you pick up what I call the Arizona Inn
neighborhood, which is the area north of that square
mile north of that.
CHAIRMAN LYNN: Speedway, where there's the Sam Hughes square mile.

COMMISSIONER ELDER: An equivalent for you folks, Encanto.

COMMISSIONER MINKOFF: Encanto.

COMMISSIONER ELDER: As strong, defined, as that is.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: My concern, I reread the DOJ letter, and they list the majority-minority districts. And they list 27 as one of those majority-minority districts. And it appears to me from the statistics that you've given us that we have solved the problem with 29 and we have bumped up the minority population in 29 to make it acceptable, but we've done it at the expense of 27. And so I'm not sure what we've accomplished because 27, in our current statistics, 27 and 29 in our adopted districts are within about a percentage point of each other, very, very close in total minority population, in voting age population. 29 is actually about two and a half percent higher than 27. They are happy with 27, not happy with 29. But if we bump up 29 like this, it's virtually all at the expense of 27. And we now have 27 way below 50 percent.

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COMMISSIONER HALL: Where do we get 27 in reference to the letters as minority-majority?

COMMISSIONER MINKOFF: The DOJ letter, 10 districts, top of page three.

CHAIRMAN LYNN: Not majority minority. They say --

COMMISSIONER MINKOFF: Minority voters able to elect candidates of interest.

CHAIRMAN LYNN: Minority candidates of interest, or -- combination or the two.

COMMISSIONER MINKOFF: Seems to me they'll look at 29, yeah, did a good job there, are able to elect there. Look at what you did to 27, not able to elect there.

COMMISSIONER HALL: Well --

COMMISSIONER MINKOFF: And I don't -- I guess I'm asking for a legal opinion more than asking --

MR. RIVERA: Ms. Minkoff, the reason you are here today is for an interim plan.

COMMISSIONER MINKOFF: Right.

MR. RIVERA: An interim plan goes through approval through the court and not the Justice Department.

COMMISSIONER MINKOFF: Are the judges going to look at this and say: Hey, wait a minute.
MR. RIVERA: Well, what judges -- if I
could guess what judges were going to do on a daily
basis, I would be a wealthy, wealthy, wealthy man. If
you are looking at --

MS. HAUSER: You already are.

MR. RIVERA: With friends, with

friendship.

The only question you have to answer, I
think, are the questions Justice asks specifically on
that district, to improve those districts on an interim
plan.

COMMISSIONER MINKOFF: Then let me ask a
theoretical hypothetical. If we came up with something
where all five of districts were rock solid districts so
minorities could elect candidates of choice and did so
at the expense of every other minority district in the
state, that would be okay, and we ended up with these
five, no others; is that what you are saying?

MR. RIVERA: No.

COMMISSIONER MINKOFF: I didn't think so.

That's my concern.

COMMISSIONER HALL: Andi, in order to bump
numbers in districts, it is automatically going to
affect other Hispanic districts, we know.

COMMISSIONER MINKOFF: I understand that.
14. When we bump numbers in those districts, this is the point we've been making for months now and others have been unwilling to listen to, when we bump numbers in other districts, it will lower numbers in other districts. That's the reality. Your point is well-taken; but, nevertheless, it is the direction of DOJ.

CHAIRMAN LYNN: And, further, in this instance, in particular, the characterization Mr. Johnson made of surrounding districts is such that we don't have any other voices in terms of target districts from which to move population. None of the other districts contain sufficient population to move from in order to achieve bench mark.

COMMISSIONER MINKOFF: I understand that.

I'm not saying do it another way, find another way to bump up 29 and don't take it from 27, because you can only find people where there are people. My question is is this a doable fix or does the fix cause so many other problems it doesn't make it practicable?

CHAIRMAN LYNN: Let's try to get an answer, if there is one, either from the attorneys or from Mr. Johnson with respect to the proposed solution

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instead of DOJ in this instance.

Anybody, either the attorneys or Mr. Johnson, want to weigh in on Ms. Minkoff's question?

MR. JOHNSON: Let me say one thing on the demographic front and have the attorneys more on the legal side of it.

Commissioner Minkoff is correct, 27 does drop from being total minority-majority. Voting age-wise, the minority populations combined are minority of the adopted district and will drop down to a little over 43 percent under this fix. The one difference I would note is that in Tucson, currently in the north, two 2000 districts, one majority-minority district; as opposed to taking an existing one down, we're creating one. But the legal trade-offs I'll leave for the attorneys.

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

MS. HAUSER: No.

CHAIRMAN LYNN: Okay.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Thank you.

Are there any substantial Hispanic populations in the Tucson Metropolitan area not in 27 or 29, putting aside the goal of keeping the simple, is there -- are we missing anything? Are the only populations of a size that impact DOJ issues in district
25, which are the border district, so they would raise a whole different set of issues there because currently Arizona has a border district and bench mark?

MR. JOHNSON: Of course, I'm always open to ideas and innovative thinking. During the public comment period, I'd certainly welcome those ideas.

COMMISSIONER HUNTWORK: What about if we ideas, when would you welcome those ideas? Is this the time?

CHAIRMAN LYNN: Mr. Huntwork, we're always welcome to give ideas.

Mr. Huntwork, do you have one?

COMMISSIONER HUNTWORK: I do. It's sort of off the wall. You have to pan out to even begin to talk about this.

If you look back up at the areas in 26 that we are -- this map shows going up into Pinal County, but --

(Cellphone noise.)

COMMISSIONER HUNTWORK: It's not that bad of an idea.

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COMM COMMISSIONER ELDER: Sorry about that.

It's off now. Excuse me. I apologize.

COMMISSIONER HUNTWORK: This is -- I guess musical accompaniment.

Suppose we took 25 up and over with a
branch and picked up those communities in order to add them as additional minority in 25 and used some minority population in 25 that is in the -- closer into the Tucson Metropolitan area to strengthen 29 without taking that population from 27. And then we'd have to do something. We'd put that into 29, find an area in 29, I suppose into 28 --

COMMISSIONER HALL: What about 23, then?
You are saying take Oracle, San Manuel to 25?

COMMISSIONER HUNTWORK: Yeah.
COMMISSIONER HALL: Then what do you do when you need numbers for 23?

COMMISSIONER HUNTWORK: You could even do --

CHAIRMAN LYNN: We haven't gotten there yet. There is an inter-relationship -- the brown district north is 23, also on the list.

COMMISSIONER HUNTWORK: Right.
CHAIRMAN LYNN: The relationship between whatever fix you're talking about in Tucson as relates to 23.

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1 to 23.

COMMISSIONER HUNTWORK: Right.
CHAIRMAN LYNN: But what might that do --
CHAIRMAN LYNN: Let's figure out if there are any other questions on 29 at the moment. When you get to 23, let's revisit that, see how they articulate, Jim. I think they do. That's the time to figure out.
how they work together.

     COMMISSIONER HUNTWORK: Okay.

     COMMISSIONER ELDER: Doug, what magnitude
is the number of Sixth Street over to the river, to the
river, in 29, 10,000 people, 20,000 people, or --

     MR. JOHNSON: Hang on one second and I can
find out.

     COMMISSIONER ELDER: I'm trying to get an
idea how many people are we looking to balance out that
shift, I guess.

     MR. JOHNSON: This is a rough number, not
exactly. We're looking for 28,500 people.

     COMMISSIONER ELDER: See, Jim even with
San Manuel and everything added in the world there, it's
maybe 10, 12 thousand, not 28. But maybe pick up some
in Southern Pinal, or something, or Marana, rotate it
around, possibly.

     CHAIRMAN LYNN: Mr. Johnson, with this

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suggested correction, what happens with total population
deviation in the districts? How are they affected with
these shifts?

     MR. JOHNSON: Let me get the exact numbers
with these shifts.

     First, for comparison, the districts that
the Commission adopted were -- I don't know if you can
read that -- 27 was off by three-hundreds of a point.
28 and 29 were offsetting by about 1.7 percent deviation, so fairly close. The new districts under this plan, 27 is off by .66 percent, so a slight increase but not very significant. And then 28 and 29 are off by three percent and two-and-a-half percent respectively, so they go up.

CHAIRMAN LYNN: But they are well within tolerances in terms of deviation.

MR. JOHNSON: They are well within the rule of thumb, yes, thank you.

CHAIRMAN LYNN: Other questions on the Tucson portion of the, of the report before we move on to District 23? And we can always come back. If not, let's move to District 23 and look at that.

MR. JOHNSON: District 23 had two general points in the Department of Justice's letter. One was

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Oracle, San Manuel, and some areas right around them that had population. That put people into 23.

The tradeoff for that, the Coalition yesterday had discussed using Gold Canyon, labeled by the Census Bureau as Gold Camp, for some reason. I looked at that option, and that's a viable option. What I ran into, simply moving Gold Canyon into districts 19 and/or 22 is not enough of an offset for Oracle and San Manuel. You'd also need to take a smaller than shown here slice of Apache Junction into 19 and 22. So rather than show you that piece here which Coalition described to you I did another option for you to consider leaving Gold Canyon in Pinal County, taking all the offset from Apache Junction just north of the Apache Junction area. Apache Junction is a cross county city in our adopted plan. It was split on the county line. This would simply be moving that split to the east and making it obviously a larger division. I should emphasize that while this is one shown, we can certainly do Gold Canyon and much a smaller piece of Apache Junction.

CHAIRMAN LYNN: Mr. Johnson, would you remind the Commission, I know you talked about the DOJ objection, but the solution here is aiming at returning to a benchmark figure. Would you remind us what that is?

MR. JOHNSON: Oh, yes. This is two parts,
returning to benchmark and offsetting the condition of Oracle, San Manuel.

The benchmark district was 30 percent, actually 30.18 percent Hispanic voting age. The district that was adopted was 25.72 Hispanic voting age. And I have a couple more changes I'll show you before I get a final figure. This population, I should note, whether it's Gold Canyon and Apache Junction or just Apache Junction, then gets added into 19 or to 22, added completely into one or other. It then makes that one outside of central deviation ranges.

So there's this narrow strip on the edge of 19 and 22 that is, in this case, traded from 19 to 22. If we were to use Gold Canyon it would go the other way, and that spreads the deviation out and between those two districts and gets us within the rule of thumb numbers.

CHAIRMAN LYNN: And does that strip follow, is it done that way to follow a school district or is it just the way the population follows?

MR. JOHNSON: It was done that way to try to follow a major road, major border there. As you can see, that's Apache Trail, a Main Street there. It's a clear street with -- as I looked at it here, you have a lot of dense blocks below, less dense blocks above, and it flips in the eastern edge.

CHAIRMAN LYNN: It actually improves that
MR. JOHNSON: Yes. Makes the border between those two more compact.

I was mainly concentrating on compaction, but it's nice the way it works out. I concentrated on 21 and 22, no changes in 18 or 19.

COMMISSIONER MINKOFF: Doug, does that mean 19 or 22 are overpopulated? You put population in, haven't taken any out?

MR. JOHNSON: Yes. Both of them have grown in population. 19 goes up 4.49 percent. 22 goes up 4.61 percent.

COMMISSIONER MINKOFF: How many people is that?

MR. JOHNSON: About 7,000 people.

COMMISSIONER MINKOFF: Uh-huh. Do we have any other districts that are that large a deviation?

MR. JOHNSON: You do in these tests, in Maricopa.

COMMISSIONER MINKOFF: I'm not talking about these tests, I mean our adopted plan.

MR. JOHNSON: No. The total deviation in the adopted plan is 6,000 -- about 6,500 people. 3,500 of that was the underpopulation of the Northern District. So the largest district over is going to be...
about 3,000 over it.

COMMISSIONER MINKOFF: So we've doubled that.

MR. JOHNSON: Yes.

One question for the Commission and its counsel to address: When I was doing this, I was looking to stay within the 10 percent rule of thumb and touch as few districts as possible. It would be possible to reduce deviations by spreading through more districts. That would be a question for counsel to address and advise us on. I took the approach of touching as few districts as possible.

CHAIRMAN LYNN: Comments or questions on --

There's more to this solution?

MR. JOHNSON: Yes. There's one more piece to this.

After I've done those changes, the district was still not up to the benchmark. It was up to about 28.6 percent. The options that I looked at, actually started with the Coalition's suggestions last night, looking at Miami, that was a heavy Hispanic community, and the Globe area next to it. But as they described last night, the challenges of trading it off they had not yet addressed. As I looked at it, I could not find a tradeoff that worked without disrupting the whole map and sending all districts back to DOJ for
Obviously, as I knew before, while I was open to ideas and suggestions on that, failing that, I took their suggestion, what Senator Rios suggested, similar to what the Commission did in the Congressional map, and extended the district past its adopted Gila River border into Avondale. This is actually where the existing district goes, as Senator Rios mentioned last night.

Let me show that on the map. The black lines here are the existing District 7.

COMMISSIONER ELDER: Existing area adopted.

MR. JOHNSON: Existing Senator through 2000, District 7.

What I did was generally follow the border in here. I also added in the southern Avondale portion to reduce the city splits involved. There's virtually no population in that part of Avondale. I more or less came up the district lines here, also compared it to the Maricopa precinct lines, followed that same line.

One question for the Commission to address is how far up to go. I went, when drawing this map and attempting to meet Department of Justice, that bench mark, I went up to Western Avenue over here on the west side.
As you can see, District 7 extended further up, just past the 10 freeway. This area in our adopted plan all moved from the old District 7 into District 14, which was a majority-minority district, also.

The challenge, when I was drawing this, that I faced, with the changes I've made in Maricopa in this test, this area is no longer in a majority-minority district. So similar to this --

This raised in my mind a concern I wanted to share with the Commission. DOJ objected to Oracle moving from a majority-minority district to non minority-majority district. Let me share two concerns. Number one, to meet bench mark in 23, going to Western gets us to 30.24 percent Hispanic voting age, six-hundredths of a percent over bench mark. We can --

that leaves us with a deviation of a positive 1.4 percent in District 23. In another map I'm going to show you, actually drew it all the way top to follow that line so District 23 extends and takes in all old District 7 population. That gets us to essentially a four percent deviation, increases Hispanic percentage to 30.94.

The question before the Commission, and I welcome your instruction on, is whether to stop at Western where we meet the bench mark or continue up and take in the rest of that population, even though a
little deviation.

COMMISSIONER HALL: Seven-tenths of a percent, is that right?

MR. JOHNSON: Yes.

COMMISSIONER HALL: If I understood you correctly, that is your concern in adding that northern piece to 23, that it would no longer be part of a majority-minority district?

MR. JOHNSON: If we do not add it.

COMMISSIONER HALL: Do not add it, right.

MR. JOHNSON: If we don't add it to 23, it moves from a district electing Senator Rios to a district well below majority minority population. It's a question -- tradeoff, the deviation.

COMMISSIONER HALL: What district is that, 12?

MR. JOHNSON: Now would be in district 12, yes.

COMMISSIONER HALL: No, I'm saying under the Commission's plan.

MR. JOHNSON: Commission's plan, 14.

COMMISSIONER HALL: Which wasn't precleared.

MR. JOHNSON: Was a majority-minority district. Given the testimony in the record, believe that's correct, it would be precleared. Given changes
Mr. Huntwork, do you want to reintroduce your suggestion or?

COMMISSIONER HUNTWORK: Thank you. I really would like to see the rest of the changes, too.

This is now up to 14, 15 --

CHAIRMAN LYNN: Central Phoenix?

COMMISSIONER HUNTWORK: I'd like to see everything.

CHAIRMAN LYNN: Then we'll return to that. Other questions relative to 23 only at this time.

Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman. We've had two districts in the state that could never pass the compactness test in the '94 alignment. And in looking at 23, and wanting to add north of Northern, or not Northern, north of Western, excuse me, just exacerbates that problem. If we can make the goal out in that end, I would go for the compactness unless there's some community of interest or something else.
It just seems like it's -- I know that district has lived with one of the weirdest alignments ever. I don't know whether done by the court or

Legislature, but it's not right in the way it mixes -- I just can't see a community of interest in 23. It just doesn't fit together. So holding it as compact, not going any further northwestern, would seem to make sense.

CHAIRMAN LYNN: Other comments or questions?

MS. Leoni.

MS. LEONI: Mr. Johnson, could you tell us whether the portion of territory north of Western is part of the City of Avondale?

MR. JOHNSON: Let me highlight the city here on the screen.

This, as you are all familiar at this point, the West Valley is not known for it's compact cities. Let me highlight this.

Yes. That -- that area is part of the City of Avondale. I should mention also I looked at the Maricopa precincts, I suspect, because it is a city line. Precincts also follow that unusual shape there. That's not a concern or factor in this decision.

MS. LEONI: Doug, a follow-up question on that.
How much of the city -- is the City of Avondale now split between our districts?

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MR. JOHNSON: Yes. In the adopted plan it's split between two districts. Actually, the city came in and established an extended record requesting a two-way split at the freeway. Under this, it's a three-way split using freeway as the main border between the split.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I wonder, Mr. Elder's recommendation, Mr. Huntwork's recommendation, we look at the Maricopa County impact and then maybe come back and evaluate.

CHAIRMAN LYNN: Without objection, Mr. Johnson, if you move to the central Maricopa portion of the map. Again, just to stay on target, we are looking at districts 13, 14, and 15.

MR. JOHNSON: The major area and the driving force behind me doing the three options for you to review today. And other than the Avondale change, in all three changes districts 23 and 29 are the same in all three options.

In Maricopa, because the number of districts and nature of the area, it's a little more challenging, so I drew the three options for the Commission to consider.

Let me start with where we were in the
adopted plan. In the adopted plan, District 12 was 29 percent, so the one in the far west was 29 percent Hispanic voting age. And then 13 was 51 percent Hispanic voting age. 14 was 50.6 percent Hispanic voting age, 15 was 43.6 percent Hispanic voting age. I believe, off the top of my head, it was majority-minority voting age. And 16, as adopted, was 13.36 black voting age and 59.45 Hispanic voting age.

COMMISSIONER HALL: 13 point what?

MR. JOHNSON: 13.36 and 59.45.

COMMISSIONER HALL: What is our target?

What is our bench mark?

MR. JOHNSON: Based on the letter, I was looking at, in doing these tests, and I'll defer to legal counsel as to exactly what you should use to decide, I was using two different targets. In the -- in this map I'm going to show you first, I attempted to address all the problems that the DOJ listed, the challenges between 13 and 14 and the challenges in District 15. The Department of Justice has raised the concern in, with districts 13 and 14, that the bench mark district was 65 percent Hispanic voting age and that we had reduced those, as I described, in an attempt to make two districts. When I only attempted to fix 13 and 14, I followed the letter, their letter, and aimed
for the 65 percent benchmark. When I went to fix all
of the issues that they raised in their letter, it was
not possible to get to 65 percent, that I found in my
tests in the new District 14, so I scaled back a little
bit.

The Department of Justice precleared
District 16 at 59.45 percent. So in my tests I'm about
to show you where I addressed all concerns, I aimed at
59.45 percent in each one.

I should note, also, a couple of guiding
issues I had in mind as I did this were, as throughout
this process, the AURs that the Commission had adopted.
Let me show them quickly to you here. I'll show you a
red line around them

This is the Hispanic AUR that was adopted.
Then there was the Isaac School District that requested
to be unified, a much smaller area we had unified in the
entire District 14. And -- I don't have my map of them
but the historic districts, also, were significant
concern, primarily located in District 15, although I
think the very end, I think, were in 14. I tried to
keep all testimony and that feedback in mind as I drew
this. But as you are about to see there's a reason we
drew the districts and the Commission adopted the
districts the way it did. And the plan adopted November

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9th obviously aimed to meet the community requests, comply with other criteria as best as possible.

Given the concerns raised by Department of Justice, obviously some of those things have to change. So this map addresses all of the concerns that Department of Justice raised.

I would note that the Department in its letter really raised four concerns and asked the Commission to address three of them or at least three of them, so we may not have to go to this extreme, if that's your choice. And the next two options I'll show you don't touch 15, so they're a little more compact, a little more in line with your adopted plan.

Starting east, District 15 in this plan drops a little bit around the edge into District 11 around the eastern edge. Let me zoom in. So it's just a little bit north up to Camelback. That primarily was -- it helped a little bit in meeting Department of Justice objections to move pieces up there and moved all the way up in an attempt to not disturb any pieces in that area. Then between Seventh Street and 19th Street, District 13 comes out, takes section of what was 15. And 15 extends to the west south of McDowell and picks up the Isaac School District.

The somewhat unusual shape extending to

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the northern western edge is in order to keep the district unified.

One small portion of Isaac School District taken out in this version, a not very dense area of population, was done solely to comply with Maricopa County precincts is the reason for that change.

So that's the effect on 15.

Oh, I should note, also, the old 15 came down the freeway, and in this map it comes down to Van Buren Street. That is both for demographic reasons to meet the requirements of the letter, also for compactness in order to not have juts down and not have a very narrow corridor.

It does not impact the African American voting percentage of District 16 and actually was one of the ideas discussed by the Coalition last night, part of the idea discussed by the Coalition last night.

I'll continue on here.

To make-up coming down into 16, 16 comes up into old 14, up into Van Buren Street to the Southern edge of Isaac School District.

Big changes are over in 14 and 13.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER MINKOFF: I think you have it misnumbered.
COMMISSIONER HALL: He changed the numbers.

MR. JOHNSON: I'm sorry. Numbers are showing up on old districts.

(Dr. Heslop and Dr. Adams arrive.)

CHAIRMAN LYNN: Mr. Chairman.

COMMISSIONER HALL: Mr. Hall.

COMMISSIONER HALL: So, Doug, this is the fix-all solution.

MR. JOHNSON: Right.

COMMISSIONER HALL: I'm wondering if we can all safely agree that it may be more than we need, if there is such a thing as too much.

So I'm wondering, Mr. Chairman, I welcome input from my fellow Commissioners, I wonder if we may want to look at the next idea or --

Please.

CHAIRMAN LYNN: Before we do that, Ms. Leoni wants to jump in. Let's do that.

MS. LEONI: Thank you, Mr. Chairman.

Mr. Johnson, could you give us percentages in the fix-all plan.

MR. JOHNSON: Certainly. After this is drawn, District 12 is 31 percent Hispanic voting age.

That's the dark brown district coming in from the west here. District 13 which is now rotated around to the north and east ends up at 24.95 percent Hispanic voting
age. District 14, which is kind of stretched east
and -- I'm sorry, west and northwest up into Glendale
and down into Tolleson, ends up at 59.64 Hispanic voting
age. District 15, which I was just describing, ends up
at 59.88 Hispanic voting age. And District 16 is only
slightly changed. It goes up to 59.52 voting age and up
to 13.77 percent black voting age.

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Comments from Commissioner
Huntwork.

COMMISSIONER HUNTWORK: Well,
Mr. Chairman, I'm thinking on the one hand this does a
lot of -- makes a lot of odd-shaped lines. On the other
hand, it solves a lot of problems, too. And rather than
take it off the table, I just think, again, we need to
see everything before we begin to discuss things one at
a time. So really in response to what Mr. Hall said, I
guess, let's see the next plan. I'm not taking this one
off the table. This does some interesting things.

CHAIRMAN LYNN: Ms. Leoni.

MS. LEONI: Thank you, Mr. Chairman.

Mr. Johnson, you called this the fix-all
district; and what did you mean by that?

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MR. JOHNSON: The Department of Justice
raised four problem areas involving five districts in
its letter, and this addresses all four problem areas
getting them up either to the bench mark or, in the case
of new District 14, up to the level at which 16 was
precleared.

MS. LEONI: Okay. So the fix-all
didn't -- I had misunderstood you. That doesn't
indicate that this is intended be a fix for District 13
they identified. You are combining 13 and 14 as a
single problem

MR. JOHNSON: Correct. The objection they
spelled out in their letter is we had taken an existing
district and divided it between 13 and 14. That's the
objection to both of them as I read it.

MS. LEONI: Thank you.

CHAIRMAN LYNN: Comments or questions from
the Commission.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, thank
you.

Mr. Johnson, I'm getting to feel not
knowing what Phoenix looks like, for some reason, or the
valley, because it looks like we have totally lost a
kind of economics synergism economics, agriculture,

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high urban. 14 is an example. 13 goes from retirement

communities and goes across barriers and edges.

If we look at compactness, contiguity, any
of those, it just seems like -- and maybe I need to ask
a question of counsel.

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Are we only to be looking at the Section Two and Five issues and none of the other things that we've been dealing with for the last nine months? Is that where we're supposed to be going?

COMMISSIONER HUNTWORK: Mr. Chairman.

CHAIRMAN LYNN: Let me give counsel a chance to respond if they wish to and then I'll take Mr. Huntwork.

MS. HAUSER: Mr. Chairman, Mr. Elder, obviously under Proposition 106 the voting rights compliance is an absolute. The other criteria are to be satisfied to the extent practicable. In looking at options, all of which satisfy on some level, or we think satisfy the DOJ objection, you can look at the other criteria, but your ultimate goal is to satisfy the objection. You can look at compactness. You can look at contiguity and those kind of things, but you must satisfy the objection.

COMMISSIONER ELDER: So it's a numbers issue and it has nothing to do with whether the person or the community at, say, the north end of 14 has even heard of communities and social structures and things that make it a cohesive unit in the southern part, in Tolleson. That doesn't make any difference. Is that what we're coming down to for objections to DOJ?

MS. HAUSER: If that, Mr. Chairman,
Commissioner Elder, if that is the only way to fix the DOJ objection, the answer to your question is yes. But you are looking at a number of alternatives. And you can evaluate all of them in terms of how they address the DOJ objection. And if they all -- if they all, in your opinion, address those objections, then you can supposedly make your decision based on how they also impact the other criteria and the public testimony that you received and all of the other factors.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I was actually wanting to maybe clarify that discussion or head it off at the pass, to a certain extent, because, Commissioner Elder, I think one of the reasons this solves problems is because it unites communities a little bit. It definitely sacrifices compactness, but I'm not, just from looking at it quickly, I'm not prepared to say that it does damage to communities of interest. It might do a better job. It's something we need to just take a deep breath, look at what options are, and look at in more detail. I'm not sure your premise was completely accurate in looking at this particular map.

CHAIRMAN LYNN: I wonder if it might not be more instructive before we start looking at what might be a disadvantage to any of them, should we look at it comparatively.

Ms. Minkoff.
COMMISSIONER MINKOFF: Comment or question: First of all, relative to the communities of interest represented in these districts, we've got a number of districts throughout the Phoenix area when you have to put 171,000 people in a district, there are going to be a lot of districts disparate. Paradise Valley is in a district that goes over to 119th Avenue, includes Sunnyslope, about as different as can be. District 12, new Estrella communities in it, and other areas of Glendale, two totally different. We've done that throughout Phoenix. I could point to almost every district we have and show you very, very few of them represent one community and most represent a multitude of them.

My question about this particular fix is one of the AURs that we tried very, very hard to be sensitive to, and we already compromised somewhat in terms of creating 16 the way that we did, is the historic District AUR. And it looks to me that by going, I guess you've gone up to McDowell on 15, that the historic district is just carved right down the middle between what you've called 13 and 15. And honestly, Doug, if you look at the earlier map, not to confuse, just what you call 13 in terms of what you call on the map and 13 and 14, so -- I can show you later on, but it's very confusing to me using those numbers, but
if you will, the yellow district and gray district, it looks to me like the historic neighborhoods are not together at all and are pretty much divided between those two districts; is that correct?

MR. JOHNSON: Definitely.
COMMISSIONER MINKOFF: Are some of them also in the brown district?

MR. JOHNSON: I think they generally stop just before the districts right here. But they are right there, at least three districts.

CHAIRMAN LYNN: Mr. Johnson, can we move without objection to other suggestions you have for the Central Phoenix area?

MR. JOHNSON: Sure. Let me do one quick map before this, the number of districts touched or changes in any way so 9 and 10 in this map are completely unchanged and all options are unchanged.

This is only one of three where District 11 changes, also. Part of the reason for that is I can meet the objections without touching them and, obviously, those districts incorporated some of the decisions the Commission wanted to make before, so I attempted to keep them.

Let me bring up option 1A.

COMMISSIONER HALL: If memory serves me correctly 10, for example, is a competitive district; is that right?
MR. JOHNSON: Right. By AQD and other measurements, yes, a competitive district.

1A is one of two maps I drew to present to you that does not address the DOJ's concerns about District 15, leaves District 15 completely as adopted, and addresses the concerns of District 13 and 14.

Let me show you 15 here.

The two options I'm going to present now are two different ways to present the 13, 14 question. In this case, actually in both cases, the southern half of District 14 as adopted by the Commission stays essentially intact, the eastern border stays intact because 16, 15 is unchanged. 16 also stays exactly as adopted in both of these two options. District 14 in this option extends to the west, goes down into Tolleson, and picks up Tolleson and the north Avondale areas.

This gets it, actually, in this map and the following map that only address the 13, 14 question, back up to the bench mark of the current districts. The bench mark was 65 percent Hispanic voting age. And in this plan, District 14 ends up at 66-and-a-half percent Hispanic voting age.

Other changes that result, again, District 13 rotates to the northeast and there are changes to District 12, although much smaller than in the previous
example.

In this case, Districts 9, 10, 11, 15, and 16 are all unchanged in the adopted plan. In this case we do not address the concerns raised by DOJ in District 15.

COMMISSIONER HALL: What percentage in 13?

MR. JOHNSON: In 13, it actually goes from 51.19 as adopted down to 33.1, in this plan. District 12 stays essentially the same, goes from 29 percent Hispanic voting age as adopted to 39.12 Hispanic voting age.

COMMISSIONER HALL: 13, 14 don't change.

MR. JOHNSON: Right.

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COMMISSIONER HALL: Taken Hispanic population from 13 to 14.

MR. JOHNSON: Yes.

COMMISSIONER HALL: So, I'm thinking out loud here, Doug, bear with me, with the two changes we previously discussed in Southern Arizona, with this one, that would be three total; is that right?

MR. JOHNSON: By my count, yes.

COMMISSIONER HALL: Of fixes.

MR. JOHNSON: I'd defer to the attorneys to give an official opinion. That's my count.

COMMISSIONER HALL: I welcome anyone to answer that question who feels so inspired.

MR. JOHNSON: Yes.
COMMISSIONER HALL: In previous, in the previous solution, proposed solution, we were going to have five total; is that right?

MR. JOHNSON: For problems they raised, all five districts.

COMMISSIONER HALL: Five districts would have been fixed, quote, unquote.

MR. JOHNSON: 13, percentages actually goes down, tend to see it as all four problems are addressed.

COMMISSIONER HALL: I see.

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COMMISSIONER HALL: Previous percentage was 59, here it's 65.

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Other comments or questions on this particular suggestion before we move --

One more, is that correct, Mr. Johnson?

Any more questions, Ms. Minkoff?

COMMISSIONER MINKOFF: My only question, when discussing earlier the changes to 23, and there was one option that pulled 23 into the West Valley, does that impact this at all, decisions whether or not to do that?

CHAIRMAN LYNN: It is included.

COMMISSIONER MINKOFF: It is included.
16     MR. JOHNSON: The primary piece included
17 in this, where it goes through Gila River. The only
18 change, instruction, is this corner you can see right up
19 here, the old District 7 extending up, this shows very
20 well that that now goes into District 12; and the option
21 is to go back into 23. But, essentially, it's the same
22 in each.
23
24 CHAIRMAN LYNN: Other comments or
25 questions on this option? If not, Mr. Johnson, if you
26 go into the last option.

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1     As you are doing that, I should, again,
2 mention that on order of the federal court, federal
3 court ordered a Special Master to oversee the
4 proceeding. He is Professor Cain. If you would
5 identify yourself. If in keeping with the federal
6 order, he is not to be approached by anyone. He is
7 observing on behalf of the court. Unless he makes an
8 attempt to ask a question, refrain contacting him. I
9 hate say that that. I'm sure he's a perfectly nice guy.
10 The Court ordered observation be at arm's-length.
11 Appreciate that.
12 Thank you, sir.
13
14 MR. JOHNSON: This description, to be very
15 brief, is very similar to other options you've seen, the
16 difference being, again, the southern half of adopted
17 District 14 stays intact.
18
19 This time, instead of stretching down to
Tolleson, it stretches up into southeast Glendale. The tradeoff between these two, what I'm attempting to illustrate in both of these for you, is that Tolleson, Litchfield Park, we had testimony they wanted to stay together. This map achieves that. However, we also had testimony from the Coalition about the relationship of southeast Glendale to the rest of the Hispanic community in Phoenix being tied together. So this achieves both goals.

The tradeoff is this is a sixth split of Glendale. So we had five in the adopted plan and six in this. I should note competing plans in the lawsuit had seven splits of Glendale. We've done our best to meet the cities' needs while meeting the other requirements.

I'd also note District 13, the yellow one in this case, has a somewhat elongated shape. When I originally drew this test, it did not look like that. Glendale did ask if we did have to split it, it be a significant portion, or preferably a majority portion of a Legislative district. 13 stretches to the west. It's an attempt at a less-than-perfect solution for the city to meet one of their requests. That's part of reason for Glendale being shaped that way.

When you go to Tolleson to avoid an additional split of Glendale, splitting Tolleson and Litchfield Park, that's the option laying in front of
you.

CHAIRMAN LYNN: And percentages achieved by this solution?

MR. JOHNSON: This solution, very similar to the previous one, 12, however, is higher. It goes up to 35.77 percent. 13 goes down relative to the other approach. It is at 29.8 percent. And 14 is essentially the same. It's 65.3 percent Hispanic voting age.

COMMISSIONER MINKOFF: Can you give me those numbers again?

MR. JOHNSON: 35.77 in District 12. District 13 is 29.82. And District 14 is 65.3.

I should note that these maps, I have done a lot of work on them and attempted to keep all our criteria in mind as we worked on this in addition to work with Maricopa County precincts. They are not finished; however, with additional instruction from you, and some additional time, I'd like to revisit them. Primarily I need to run city splits and county splits to make sure there are no inadvertent problems and do more work on precincts, major roads, all fine-tuning.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: In option two, Doug, am I safe in assuming 9, 10, 11, and 15 and 16 are unaffected?

MR. JOHNSON: Correct.

CHAIRMAN LYNN: Ms. Minkoff.
COMMISSIONER MINKOFF: Yeah.

Doug, there was some testimony from the West Valley cities, Buckeye, Goodyear, Avondale, Tolleson, Litchfield Park, they all wanted to be in the same district. In this change, have you put all of them except Avondale in the same district? Are they all now in District 12?

MR. JOHNSON: Yes. And actually a significant portion of Avondale is in there as well.

COMMISSIONER MINKOFF: Okay. Even though that was not a Justice Department concern, that's an added benefit of this plan in terms of some other things that we were asked to consider.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Is 16 the only district in which African Americans have an influence of significant proportion?

MR. JOHNSON: The information that I had was the racial block voting report from Dr. Handley. And she had cited where they did elect on fairly regular basis in that district, and that was the only one where that was a pattern.

CHAIRMAN LYNN: Other questions on this option?

What might be useful, at this point we're coming up on about an hour and a half of testimony.
think we need to give Lisa Nance a bit of a break. My suggestion would be that we take a short break. That at the conclusion of the break, we might want to hear from the public based on anything that they may have seen in this presentation and then return to our own deliberations and can questions on the options. If that makes sense, we'll, without objection, follow that procedure.

Mr. Elder.

COMMISSIONER ELDER: I don't know whether our plotting capabilities are available to us. Is there any way that we can see all three of, like, the Maricopa county plans side by side or -- I don't know if that is capable. During the break we can see that, this works here, over here it's a little awkward, and at least be able to discuss them in tandem?

MR. JOHNSON: Yes. I can bring them up on the screen side by side. We -- Tim Johnson from Maricopa County has just brought us a color printer. We haven't had a chance to print them for you yet. I can bring them up on the screen for you.

CHAIRMAN LYNN: Without objection, a 10-minute break, then we'll resume public comment.

I might add, those that wish to comment and haven't filled out a public comment slip, I'd ask you to do so.

(REcess taken.)
At this point we'd like to invite public
comment on suggested alternatives presented this
afternoon.
I have two speaker slips. I'd like to ask
anyone else that would like to speak to bring their
speaker forward slip forward or give it to one of the
staff.
The first speaker this afternoon is
Representative Richard Miranda from District 22, current
District 22.
Representative Miranda.
REPRESENTATIVE MIRANDA: Do I need to
state my name?
CHAIRMAN LYNN: Go ahead.
REPRESENTATIVE MIRANDA: I'd like to keep
this real brief.
I did like the two maps presented for
Maricopa County, first two. If anything, I like the
going attitude of keeping Avondale, Cashion, and
swinging into West Phoenix. I think traditionally it is
a community of interest and always has been. Tolleson,
Cashion, and lower part of Avondale is heavily Hispanic,
socially identifies with West Phoenix. I think that is
a good start.
The third map, which I think was 1C, is

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one I would not like to see that happen. That takes the
communities of Tolleson and Cashion and puts it into, I
believe, 12. I would not, not advocate or would not
approve of that type of, you know, that direction.
So -- but I like the idea of keeping Tolleson, Cashion,
and the part of Avondale and moving into West Phoenix.
The other part that I did want to say is I
know that Fowler School District is one of the feeder
schools going into Tolleson High and has asked -- is in
the midst of drafting a letter again stating they'd like
to be in that area. It is a community of interest, and
they've been going to that school and identifying with
Tolleson. I do know, I've talked with some people, it's
my understanding they've drafted a letter. I've got to
tell them it has to be very, very soon so you can
understand that.
I know Isaac School District is drafting
something up, and I'll call them and tell them that they
need to do that very, very quickly. Whether they can do
it tonight and present it, give it to you tomorrow, I
don't know if that is going to happen.
With that, basically the idea of keeping,
like I state one more time, Cashion, Tolleson, Avondale,
swinging into West Phoenix is a good direction. I
haven't seen the Coalition. Next morning I have a
graduation to go to.

Those are my thoughts.

I'll talk to Fowler School District and
Isaac School District and let them know they have to get
something in tomorrow.

CHAIRMAN LYNN: Thank you. I know it was
difficult for you to get here and stay here.
Can you stay?

COMMISSIONER ELDER: Representative
Miranda, looking at Western Avenue as the breakdown,
western edge, as a break point, are there any edges that
separate, divide, or is it a pretty homogeneous --

REPRESENTATIVE MIRANDA: Avondale,
Goodyear sort of in and out. There are areas that
are specifically Hispanic areas, one called Los Leagas,
Lower Buckeye and 127th Avenue. That area has always
been known as that, a heavily Hispanic area. The
current maps keeps it in with 13. Those students, some
students also go to school in Cashion, Littleton -- not
Littleton -- Under Down Junior High, they go there, and
from there go to Tolleson High.

I hope that answers the question.

COMMISSIONER ELDER: It does.

This is a growth area. I guess the
question is more maybe an intellectual one. That
freeway was not there 10 years ago or even six years ago, maybe eight years ago, somewhere in that range. I wanted to know what happened when you took the community and put a freeway through it. Is it still a viable community, socialize together, work, the whole thing?

REPRESENTATIVE MIRANDA: My opinion, I think the lower, south of the freeway, is largely Hispanic. If you want to talk about the price of homes in that area, it is not as high, definitely not as high as the price of new housing developments north of the freeway. That's relatively a very new development area. Cold Water, some of the others, have golf courses, things like that. South of the freeway, they just barely built Los Leagas Park. It doesn't even have a bathroom facility. It's -- it's a largely Hispanic area.

You know, it has trouble, I'll tell you, identifying with the area north of the freeway.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: Other questions, questions or comments for Representative Miranda?

REPRESENTATIVE MIRANDA: Thank you.

CHAIRMAN LYNN: The second, last speaker slip I have at this time, is from Jim Hartdegen.

MR. HARTDEGEN: Mr. Chairman,

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Commissioners, thank you very much.

One thing I found out 11 years ago, life could always be better, but life could always be worse.

Map 2A on a temporary basis, I guess, at this point, I'm fairly pleased with it. I think our friends from the west have done a good job. And, Mr. Elder, on your comment about the Avondale area, I'm very familiar with it, it used to be in my old Legislative district. I think I-10 is a good split. There's a world of difference between the north and south side of it, if that's the area you look at.

There is, for your information, looking for straws to go back and tell people I'm working for why I feel the way I feel, we have a community of interest between Casa Grande and Avondale. Avondale has a Home Depot, we do too in Casa Grande now. We do have something of interest in common with each other. I think it's the same store, go to either store and not get lost. But for a temporary basis, I think this plan is good, is probably more than I could expect.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Hartdegen.

Are there other members of the public that wish to be heard at this time? If not, we'll close public comment.

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I have one question for Mr. Johnson before we engage in a general discussion. I just want to get this clear in my mind. The -- in terms of -- and let me try it without musical accompaniment at this time.

In terms of total -- I want to say this right -- majority-minority districts, our adopted maps contain how many total majority-minority districts?

MR. JOHNSON: I actually believe Ms. Leoni has that right in front of her. I'll defer to her.

CHAIRMAN LYNN: Ms. Leoni.

Ms. Hauser.

MS. HAUSER: Mr. Chairman, it's nine.

Nine total majority minority.

CHAIRMAN LYNN: Nine total. And the benchmark that would be applicable for DOJ review is how many?

MS. HAUSER: Eight.

CHAIRMAN LYNN: All right. Then it is my understanding, then, that the solutions that we would ultimately order should, at a minimum maintain the eight. And maybe that's just my opinion, but it seems like that makes sense.

Mr. Hall?

MS. HAUSER: Mr. Chairman, let me clarify that. Based on not just the raw numbers, because based
on the raw numbers, the benchmark would appear to be 10, but what DOJ has said is that there are eight districts under their analysis in which minority voters currently have the ability to elect candidates of their choice. So what we need are eight districts in which minority candidates have the opportunity to elect candidates of choice.

CHAIRMAN LYNN: All right. So the district, what they are talking about is eight districts that effectively offer that opportunity to minority voters.

MS. HAUSER: That's correct.

CHAIRMAN LYNN: Thank you.

Comments or questions from the Commission?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I would like to draw a couple starting thoughts here now that we've seen everything, seen all of the options.

Firstly, the solution in Tucson didn't impress me very much because we were clearly trading from one basket to another. And even at the risk of, as Commissioner Minkoff pointed out, of debilitating one of the districts that it appears to me that DOJ had looked at with approval, if -- furthermore, any solutions down there would have to be fairly heroic. In one I was beginning to suggest bringing communities in Pinal County down and trading population in the Phoenix area,
and so on. So the -- it is, looks to me as if the
so-called fix-all plan in Central Phoenix, plus
suggested fixes to District 23, really make positive
strides towards solving these problems without
cannibalizing areas where we did a good job anywhere.

The fix-all plan -- one other thing about
the so-called fix-all plan. Maybe we can come up with
another name for it. There is an area in the central
corridor of Central Phoenix that comes down to basically
McDowell Road, Seventh Street on one side, 19th Street
on the other. I'm very familiar with it. I happen to
live in it. Really not demographically similar to the
rest of the areas mixed with originally. This plan
comes down, it's this yellow box to the right, and takes
it out of District 15, moves it north where there's much
more compatibility. And that really is why the
demographics are better in all three remaining
districts. It is kind of taking out that population, if
you will, that didn't belong there, according to a
community of interest analysis. It does break the
historic districts into, into two pieces, but that also
reserves, within that area, a very important segment of

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the so-called historic district area, including all of
Encanto, all of Alvarado, a large area of homes from a
similar area that move north through that central
corridor. So it's not bad. And it certainly, this plus
23, I think, would begin to address the problems, get to
the numbers that we need, without doing this shell game
down in Tucson.

CHAIRMAN LYNN: Mr. Hall.
COMMISSIONER HALL: What is the total
majority-minority percentage presently of 27?
MR. JOHNSON: In 27, as adopted by the
Commission?
COMMISSIONER HALL: As adopted.
MR. JOHNSON: Voting age --
COMMISSIONER HALL: No, total
majority-minority percentage.
MR. JOHNSON: 59.56.
COMMISSIONER HALL: 29?
MR. JOHNSON: 60.74.
COMMISSIONER HALL: 23.
MR. JOHNSON: 44.83.
COMMISSIONER HALL: 12?
MR. JOHNSON: 43.74.
COMMISSIONER HALL: 13?
MR. JOHNSON: 67.85 percent.

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COMMISSIONER HALL: 14?
MR. JOHNSON: 67.46.
COMMISSIONER HALL: 15?
MR. JOHNSON: 62.75.
COMMISSIONER HALL: 16?
MR. JOHNSON: 81.63.
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COMMISSIONER HALL: So here's my questions, and -- with respect to Mr. Lynn's comment relative to -- which I think is very important that we keep our eye on the ball as in reference to the DOJ letter, that retrogression is evaluated on a statewide basis, so -- they have a problem with 29, correct?

MS. HAUSER: Correct.

COMMISSIONER HALL: But the total majority minority percentage in 29 is over 69 percent with a VAP Hispanic percentage of 45 percent. But yet, that, what the proposed alternative Mr. Huntwork just alluded to, you know, we're talking about 59 percent. So it -- are they looking at Hispanic numbers or total majority-minority numbers? See --

MS. HAUSER: Mr. Chairman, Commissioner Hall, they are looking at Hispanic VAP.

COMMISSIONER HALL: So in 29, it's 45 percent, which is certainly well below a high 50 number which appears to be what they like, and 27 is 43. So

MS. HAUSER: Mr. Chairman, let me clarify something. 27 is not a district being objected to.

It's also not a district DOJ is counting to be one the
Hispanics to have an effective opportunity to elect. If you look at the letter on page -- on page two, in the last paragraph on that page, it -- about the middle of the paragraph, there's a line where you see -- a line that says Districts 5, 7, 8, 10, 11, 12, and 23.

COMMISIONER HALL: Correct.
MS. HAUSER: And 3 is listed a couple lines above, a Native American District.
COMMISIONER HALL: Eight total.
MS. HAUSER: Those are the eight districts.
COMMISIONER HALL: Right.
MS. HAUSER: DOJ has determined, if you look down another few lines, in these eight districts our analysis indicates minority voters in these districts have the ability to elect their candidates of choice.
COMMISIONER HUNTWORK: Those are old district numbers.
MS. HAUSER: Correct.
COMMISIONER HUNTWORK: Old district numbers, not new district numbers.
MS. HAUSER: I understand.
COMMISIONER HUNTWORK: She's talking to elect 13 to 16, 25 to 25, 27 through 29, of these, 13, 15, 23, and 29 are questionable, means 27 is one of them, not questionable.

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MS. HAUSER:  Exactly.

COMMISSIONER HUNTWORK:  So they are counting 27.

MS. HAUSER:  You have to look.  It's -- it's difficult because our districts don't translate smoothly from old to new.  If you look at where District 27 -- District 10 is the one that aligns most closely with District 29.  So --

COMMISSIONER HUNTWORK:  That may be why they are objecting to 29.  But it doesn't change the fact that 27 is one of the five that we start within the new list toward the eight that we have to achieve.  To be specific, what we have approval for is 16 --

MS. HAUSER:  24, 25, and 27.

COMMISSIONER HUNTWORK:  24, 25, and 27.  And we can't screw up 27.

COMMISSIONER HALL:  Can I -- I don't have the pinky on this.

COMMISSIONER HUNTWORK:  I want to make sure we're on the corner on this.

COMMISSIONER HALL:  What is confusing on this, maybe you can help me understand, if you step in DOJ's mind, I concur with that analysis, why, then, are they saying that when the voting age population for Hispanics in 27 is 43 percent?  Because, and if I may speculate, I welcome -- is it because the total
majority-minority percentage is 59.56? Or --
Marguerite, tell me if I'm asking the wrong questions.

MS. LEONI: Commissioner Hall, could you repeat the question?

COMMISSIONER HALL: What I'm trying to understand with respect to Mr. Huntwork's concern, of harming 27 in fixing 29, which I think may well be a legitimate concern, I'm just trying to understand it, they, then, as I read the letter, 27 is good for -- in which minority voters will be able to elect candidates of their choice, they are not saying Hispanic voters, just saying any minority voter, total minority-majority voter is 59.56 even though Hispanic VAP population is only 43 percent.

MS. LEONI: Commissioner Hall, it's a unique district which includes the Tohono O'odham Reservation which in the past has elected Hispanics and Native Americans.

COMMISSIONER HALL: Racial block voting there.

MS. HAUSER: Cohesiveness.

MS. LEONI: No.

COMMISSIONER HALL: Not --

MS. LEONI: Frequency of different coalitions of cohesiveness of voters in that district. I don't think you can take that one and
say that is what DOJ is looking for.

COMMISSIONER HALL: Right. I understand.

MS. LEONI: As we configured that district, that district is acceptable. There are different configurations in different parts of the state depending on voting patterns.

COMMISSIONER HALL: You concur that pursuant to instructions to Mr. Johnson last night that we would want to not harm 27?

MS. LEONI: I would concur with that.

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I have a question,

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really, about --

CHAIRMAN LYNN: Microphone.

COMMISSIONER MINKOFF: Which I'm trying to understand.

Existing District 7 is probably close to our District 23. That is one of the districts we're wrestling with. There's probably a closer correlation there than any of the other districts we're dealing with. They maintain that, on page two, where they list all of those districts, the seven districts, including District 7, where Hispanic persons are a majority and five districts, voting age population majority, and yet later on they say that District 7, in only 30 some
percent, 30 point --

COMMISSIONER HALL: Don't list 7 as one of the five.

COMMISSIONER MINKOFF: -- Hispanics.

COMMISSIONER HALL: Don't list 7 as one of the five.

CHAIRMAN LYNN: Ms. Hauser.

COMMISSIONER MINKOFF: Not 7, now 23.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, Ms. Minkoff, the situation with District 7 is also unique. And given

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the consistent ability to elect in District 7, it is nonetheless counted as effective for Hispanics even though it is in the 30 percent range.

COMMISSIONER MINKOFF: I understand that. That was the way I understood it. But looking at the letter they sent us, they say Hispanic persons are a majority.

COMMISSIONER HALL: Of 7.

COMMISSIONER HUNTWORK: They do. Doesn't say voting age. Not voting age majority.

MS. HAUSER: Of the majority.

(Reporter interrupts and requests speakers limit comments to be given one at a time.)

CHAIRMAN LYNN: I think that probably is useful more than just for Lisa's purposes. Let's try
one at a time. Ask questions and/or make comments. And let's try to direct those questions to individuals so we get answers.

Ms. Hauser.

Ms. HAUSER: Mr. Chairman, it's a mistake in the letter. Hispanics are not a majority. They are in a majority district. There is no Hispanic majority in District 7. They're making a broader point, at that the spot in the letter.

COMMISSIONER MINKOFF: Is District 7, 

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current District 7, a majority-minority district?

Ms. HAUSER: Yes.

COMMISSIONER MINKOFF: 30 percent Hispanics, a large enough proportion of Native Americans, et cetera, total population in the district, voting age, above 50 percent or total population?

Ms. HAUSER: Just total population. Not even VAP. But it's a very effective district, nonetheless.

COMMISSIONER MINKOFF: That I know.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: So we need to fix three, or rehabilitate three, or whatever the appropriate word, is that right? And so --

Ms. HAUSER: At minimum

COMMISSIONER HALL: I'm thinking out loud.
If we have to harm 27 to fix 29, and if we don't fix 29, then we fix -- and if we fix 23, then we have to fix two in Maricopa, is that right?

MS. HAUSER: That was a little --

COMMISSIONER HUNTWORK: 27 and 29 offset one another.

COMMISSIONER HALL: Don't fix 29 because we harm 27, fix 23, we fix one. Has to be at least two fixed in Maricopa, correct?

MS. HAUSER: That's correct.

COMMISSIONER HALL: And, Mr. Johnson, your last option, if I'm-- only fix one. The last two only fixed one in Maricopa, correct?

MR. JOHNSON: Right.

COMMISSIONER HUNTWORK: One plan with two in Maricopa.

COMMISSIONER HALL: Fixes all three in theory. If 59 is good enough, Hispanic VAP.

COMMISSIONER HUNTWORK: Yeah.

COMMISSIONER HALL: Either due two or three, last two only doing one. If we don't want to harm 27, that is off the table.

COMMISSIONER HUNTWORK: Uh-huh.

CHAIRMAN LYNN: Let's see if we get everybody to understand that. And let me try.

Dan, I'll get you in in just a second.

COMMISSIONER ELDER: One quickie. I want
to know what you mean by "harm 27." If the numbers shift or translate, or don't want to go in there, have DOJ redo them at 27, or try to keep it whole?

COMMISSIONER HALL: Right.

COMMISSIONER ELDER: Or if the percentages stay the same.

COMMISSIONER HALL: They don't. You have

to take Hispanic percentages from 27 to fix 29. It's rob Peter to pay Paul.

CHAIRMAN LYNN: Let's be clear about what Mr. Hall just said. Assuming for the moment that of the alternatives offered we not consider a fix to District 29, just assuming for the moment, and the reason would be ostensibly because of damage to 27 because of the overall review, and we accept the alternative for District 23, then our obligation is to fix at least two districts in Maricopa County. And of the alternatives offered, only one of those alternatives for Maricopa County fixes at least two districts in Maricopa. It in fact fixes all three. Did I state that correctly?

COMMISSIONER HALL: With the assumption that the percentage of the fix is acceptable.

CHAIRMAN LYNN: Is acceptable. Exactly.

Now if I remember correctly, I'd take a head nod from any member of the Coalition here, correct me if I'm wrong. I believe in last night's testimony you
were looking to achieve a percentage in districts in Maricopa of 57 percent, minimum. Is that accurate? I believe I heard that last evening. I want to be clear about that.

MR. KIZER: We're conferring in our answer.

CHAIRMAN LYNN: Absolutely. This is not any kind -- I want to be sure what I heard. My recollection is that. I want to confirm that.

COMMISSIONER HUNTWORK: I just wanted to clarify total population or voting age population.

COMMISSIONER HALL: Hispanic VAP.

CHAIRMAN LYNN: That was a question relative to Hispanic voting age population.

Mr. Gallardo?

MR. GALLARDO: With respect to District 14, we did look, in trying to fix the Maricopa County particular district, we were shooting at a minimum of 57 percent. On the other two districts that I believe you, too, are, the Commission is referring to, we'd like to keep those changes as minimal as possible.

CHAIRMAN LYNN: Minimal changes to 13, 14, 15, 57 percent.

MR. GALLARDO: 57 percent in order to make that a stronger minority-majority district.

COMMISSIONER HALL: Mr. Gallardo, while you are up there and I have you on the spot, would you
be willing to comment on the discussion that just occurred relative to districts 27 and 29?

MR. GALLARDO: You know, I'm not too familiar with the southern part of Arizona.

Are you able to comment?

No. We would have to refer it back to other members of the Coalition.

COMMISSIONER HALL: But as a matter of logic, would --

MR. RIVERA: We'll take judicial notice of that.

MR. KIZER: Mr. Chairman, Commissioner Hall, Aaron Kizer speaking on behalf of the Coalition.

You know, there is logic to what you say about robbing from Peter to pay Paul in terms of taking minorities out of 27 to beef up 29. And really the impact of that really didn't dawn on me today until this meeting, until we had this discussion.

We were, as I said yesterday, looking to move west into 27. But that may -- you are right, that may just create another problem.

You know, just to give you an idea where the Coalition is at, we are drafting maps even now. I called her at the office, they're doing that now. We're trying to download your three maps to see if we can start looking at those. Obviously we can't comment on
them until we see the demographics. Just looking at the maps doesn't tell us anything.

In terms -- we're meeting at 7:30 in the morning. That's probably the first time as a Coalition we'll really as a group be able to start looking at the maps and make sense as a consensus out of them. I indicated to Chairman Lynn I'll be here with our maps and your map.

I think the analysis of your map, if we start at 7:30, will take longer than that. We're looking at late morning before we can get back to you.

One of the things in talking to Jose is we're looking at an interim plan, one possibility, just for the 2002 election, not the final map to be precleared with Justice subject to litigation in January with our trial, we may want to agree to some -- take an approach -- a minimalistic approach, make minimal changes. I believe if we go together to court in good faith, subject to the Special Master's review of what we agreed to, I think with minimal good faith changes, we might be able to get our map you adopted by the court, may not have to do radical changes, deep cuts. It may be able to be something we can work out tomorrow.

COMMISSIONER HALL: So, just to follow up on that comment, because I personally, speaking as one person, I think that that certainly is a limited solution. The fact of the matter is we have to by mid
afternoon tomorrow be pulling things together to be

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ready by 9:00 a.m Thursday morning. That's why I'm trying to move things along to put a scope around when and where. If there is a fix to 23, and my opinion the fix to 23 seems to be amenable, and if we don't touch 29 in effort not touch 27, and at a minimum two districts in Maricopa County, and we have to give Mr. Johnson direction on that tonight. He either has three or one. So I understand the timelines and crunches you guys are under. We welcome it --

MR. KIZER: A2, that, I welcome that. My comment was look to 15 as a primary source for Hispanic voters, minority voters to move into 14 or 13. So that may be where we were looking to get. Because, again, the problem is with 16, the same problem with tapping into 27, a district here precleared, already below bench mark. If you drop it more, there may be problems with Justice. But the good news is, that's why talked about a possible two percent drop at 16, since this is an interim map, it won't have to go back to Justice, if I understand the law, and again my discussion with Jose. Let's say, for example, you lowered 16 two percent voting age population, put that into 13, 14, took some out Hispanics out of 13 or 14, a double swap, could maybe beef up districts with minimal impact to adjacent districts and one who drops the most might be
15, but might get us there. So that's some of the
minimalistic approach I'm suggesting might take care of
raising two other districts besides 23, get us over the
hump. We might be able to go into court together.

COMMISSIONER HALL: But do we want to run
the risk of a possible objection from the African
American community.

MR. KIZER: That's why 16 --

CHAIRMAN LYNN: Drop two percent?

MR. KIZER: African Americans would love a
drop of two percent.

CHAIRMAN LYNN: To that point, Mr. Kizer,
the hope would be that we would arrive at some of the
same conclusions about some of the same problems. And
we've already begun that discussion.

If you would be so kind as to take back to
the Coalition the kind of discussions we're having
today, to help that factor into the discussions that the
Minority Coalition is having about its own mapping, and
we will do the same with whatever information you
provide to us from that discussion, it seems as though
the way you describe moving population among districts
13, 14, and 15, and perhaps 16, to some extent, that's
one stream of logic. And the other stream of logic is
the solution that was presented earlier today that
addresses all of the Phoenix districts simultaneously, that between those two streams of logic there may be a solution that would satisfy both of our interests in terms of returning to the court with something that is mutually agreeable.

MR. KIZER: Yes, Mr. Chairman.

The concern I saw when I saw your -- was that the --

COMMISSIONER HALL: Doug, do you mind pulling that up, again, please.

MR. KIZER: Was that the fix-all?

The changes were so dramatic, for us it just brings in -- we have to bring in so many more Coalition members into the picture, for example, Tolleson -- well -- yeah, see -- it is just such a reorientation that it would require a lot of study on our part to even give you a meaningful review of it. And one actually, it isn't the one that struck me the most. One took Tolleson to 12. I know the Mayor of Tolleson is a Coalition member. I know someone said, maybe Doug said, Tolleson has a special interest on the west side. As I remember, Tolleson wanted to be on the west side congressionally, Legislatively with Phoenix. See, changes like that, have to go see who's affected, things like that. That's why I say these changes

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possibly might be a way to go for an interim plan. The best I can tell you is that, you know, late morning tomorrow we may have comments for you. I apologize for the delay. What I'm told is we're pretty much finalized on our map but we didn't want to bring it down yet, we're still working on it; plus we wanted to see yours and see if we could adjust ours overnight and see if we could come closer rather than further on ours. That's where we are.

MR. RIVERA: Mr. Chairman.

CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: The only problem I see from a legal viewpoint, we're under certain orders by the court that we're supposed to exchange these by 9:00 o'clock Thursday morning. I guess is the Coalition really willing to waive the 9:00 o'clock Thursday morning deadline. To exchange maps, on our side, until you say you have your map all ready, move back to Thursday noon to be able to accommodate you.

MR. KIZER: Sure.

MR. RIVERA: You say come in at noon, won't have anything ready until evening; can't meet the 9:00 o'clock schedule.

MR. KIZER: We can move back the 9:00 a.m schedule. It's so we have time to prepare for the
court. Move back --

Jose, we already agreed to move back the
hearing date from Tuesday to Wednesday, another 24
hours. We might push back that.

MR. RIVERA: The only request I have, I'd
request if you do that, your side get court approval so
we do that.

MR. KIZER: Which part of that?

MR. RIVERA: The part to move to noon
Thursday. Although we stipulate, the court might not be
able to. So I ask somebody do that. Since we're up
here, I'd ask the Coalition get some kind of motion to
the court or response to the court asking us to be able
to exchange those Exhibits and pleadings we had do on
Thursday morning to noon Thursday and both look at each
other's maps.

MR. KIZER: We'll take that
responsibility.

CHAIRMAN LYNN: Ms. Leoni wanted get in.

Mr. Hall is not finished.

Ms. Leoni, go ahead.

MS. LEONI: Mr. Kizer, if I understand the
Coalition's experimentation right now, you'd look at a
fix that involves 14, 16, and 15?

MR. KIZER: 13, 14, 15, and 16.

MS. LEONI: Which to do you increase in
percentages?

MR. KIZER: 13 and 14.

MS. LEONI: Can you give just ballpark, you are looking -- I guess 57, 15, 14; what are you looking at for 13?

MR. KIZER: I've not seen our map. I've been down here while it's being drafted. I don't know our numbers. I don't actually know the numbers in 14 or 13 at this stage.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Well, we didn't pick 59 out of a hat. We just -- for example, 27, total majority minority-majority was 59.6. We felt in more than one case DOJ had approved that number as -- I think 16 is also 59 Hispanic VAP, is it not?

CHAIRMAN LYNN: 59.45.

COMMISSIONER HALL: That's correct. We wanted to be -- presumably the Court will look at it the same way. I guess my question is for whomever wants to answer, if we were to utilize a 57 number, what assurance is there that is something the court would approve on interim basis?

MR. KIZER: My own feeling is that -- most of the adverse parties in the lawsuit are out now due to

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the DOJ ruling. Navajos dismissed, Hopis dismissed, several other plaintiffs are out now. So the real issue
is if the Coalition and the IRC can narrow their differences, either agreeing on one map or having two maps but where the differences are substantially reduced, it then makes it much easier for court to reach a decision. Obviously if we come in with a stipulated map, chances are whether they'll approve it, I think the real question, we know the court can not approve it if it falls below the benchmark set by Justice. Whether the court will be real gung ho about that issue on an interim map remains to be seen because once we get past 2002 elections, whatever you do on a permanent basis has to go back be and be precleared. That's where the test will be. They may look at the task as having -- you really have two tasks now, one, to get an interim map for the 2004 elections under severe pressure from the County Recorders to do precincts balloting, and they may have a different standard of review than one of a permanent fix that may have more significant differences for the IRC than what a permanent fix would.

COMMISSIONER HALL: You are saying you are willing to stipulate on behalf of your clients that 13 through 15, 57 percent is sufficient for Hispanic voting age population?

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MR. KIZER: No, I can't make that stipulation now. I don't know what our direction was today on our map, because I haven't seen it. All I can tell you is tomorrow will be -- I'll be prepared to
answer both, comment on your three options, which your three options not finalized, either. Doug will make changes, too.

We probably won't start looking until morning. Doug has to put them on the website and the demographics. Once you do that, we can look at your map, look at our changes in light of your changes, see if we can agree on those mutually and get back to you and say: Here's where we are.

COMMISSIONER HALL: We're trying to give Doug specific direction on that.

In light of that, it's my opinion, Mr. Chairman, we probably move on the 59 number, we don't have any indication for anything else, that that would be indicated.

CHAIRMAN LYNN: Well, let's see where we go with that.

Ms. Minkoff, you had questions as well.

According to DOJ, there are five districts in play, as it were, and we have to fix at least three of them 13, 14, 15, 23, 29. I'm hearing a lot of concern for a fix of 29.

Mr. Kizer, I presume you are sharing concerns you are hearing from us, that fixing 29 might imperil 27. That doesn't seem like the best solution for the statewide goal we're trying to achieve. I'm
hearing a sense of support for the fix of 23, not specifics, necessarily, but at least the approach to the fix for 23. If, in fact, we decide that 29 is not a workable fix, and 23 is a workable fix, then we're left with the need to fix two of the three Phoenix districts, 13, 14, and 15. And looking at the proposals that Doug gave us, alternatives two and three did nothing for District 15. It stayed the same, right, Doug?

MR. JOHNSON: Actually, can I clarify one thing?

COMMISSIONER MINKOFF: Yeah.

MR. JOHNSON: One thing I will agree on, I know it's not, may not be characterizing this right, when I was doing these changes and options, what I was looking at is specific objections of Department of Justice, which said fix 13, 14, fix 15. I think what the Coalition has done is used another clause in the letter where they said you can pick, as we've looked at it, fix three of four or make another one effective. I think what the Coalition has done, I may characterize this wrong, have characterized it wrong, they're fixing 14 and 13. It's a little different twist on the approach, it sounds like.

COMMISSIONER MINKOFF: But one you did.

Alternative two and alternative three did not fix 15.

MR. JOHNSON: Right.

COMMISSIONER MINKOFF: Both of those,
looking at numbers you gave us, you did fix the district you numbered as 14. It goes up to around 65 percent in both of those plans. However, District 13 drops down to 33 and 29 percent. So both of those alternatives have really only fixed one district. Seems to me, unless we're willing to go into Tucson, those alternatives are no longer viable.

Basically what we're left with is the fix all, which is not a fix-all, drops 13 to 25 percent Hispanic population, fixes 13, 14, alternative 1 or some variation of that, or something along the same lines the Coalition may bring to us.

It seems to me we have to fix two districts in Maricopa County, and neither alternative two or three do that. And so it seems to make sense to focus our attention on alternative 1, on something the Coalition may bring us, or on some merging of those options. But we basically are in a situation we have to fix two districts in Maricopa County and the last two alternatives didn't do it for us. Is that correct?

MR. JOHNSON: Yes. If the determination is we have to fix two in Maricopa, right. Of the three options I presented, 1 does it.

Thankfully, the joy of the public process, you get ideas. The Coalition's idea could be a good option.
COMMISSIONER ELDER: Could you flip to number 1.

CHAIRMAN LYNN: Mr. Huntwork has an idea.

Mr. Kizer, thank you for your indulgence in taking questions. I think we should note you are in an unofficial official position in the sense you've been here with us. I know you haven't had the opportunity to speak with your colleagues with the Coalition. We understand that. We're not doing this for any purpose other than to get information to be moving down the same road as best we can. I appreciate your indulgence if you wouldn't mind indulging Mr. Huntwork with a question.

COMMISSIONER HUNTWORK: No.

CHAIRMAN LYNN: Let me ask if there are any other comments from Mr. Kizer or comments for him.

MR. KIZER: I would like to add one thing.

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To my knowledge, all of our maps have been dealing with 29. I don't recall any of us focusing on the issue of the impact on 27, which I think is a legitimate concern I have to take back.

During the break I did brief the other attorneys and some of our Coalition members as to what took place so far. I've given them some briefing. That's where I got the briefing of where we're at on the maps and the time frame I can get back to you.

CHAIRMAN LYNN: As Mr. Johnson indicated,
the more we discuss things, the more comes to light, and it's helpful to both parties. You have things you're doing in Maricopa County you may want to pursue in terms of identifying other districts that may satisfy the objections. We've raised an issue with District 29 that may be useful in your discussions as well.

Other comments or questions for Mr. Kizer?

I don't want keep you there any longer than you need to be.

We appreciate your willingness to answer those questions. Thank you, Mr. Kizer, very much.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I just want to make an observation about the appearance of this map and why it does what it does. I think it might shed some light and provide some direction.

COMMISSIONER HALL: Before you do, can we get an official name for this map? What is it?

CHAIRMAN LYNN: What test number?

MR. JOHNSON: 2A or DOJ 2A.

COMMISSIONER HUNTWORK: Map 2A. The problem with 1 is that our District 13 had some fairly substantial nonminority areas in it. There's a lot of -- it goes quite far north and, of course, with some exception, the boundary lines relatively east-west; so as you go further north, you get more Anglo and less
Hispanic, generally speaking. What this map does is take those anglo areas of 13 and combine them with that area in 15 which also had relatively low minority population, which then concentrates the minority population in those remaining three districts. That's how it fixes, if you will, those remaining three districts. That configuration there, of 13, as a nonminority district, is what beefs up the other districts. To try to make 13 into a minority district is much more difficult than to combine a minority -- areas of 13 with minority areas of 14 and then, then fix the other districts.

I just wanted to try to -- I don't know if that helps or not, but it certainly helps my understanding of why this works and some of the other things don't.

MR. RIVERA: A Dallas revolt.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Thank you, Mr. Chairman.

MR. RIVERA: A Dallas revolt.

CHAIRMAN LYNN: Mr. Hall.

Ms. Minkoff is here if you need assistance.

COMMISSIONER HALL: I concur with that. I'm just trying to get a tally. So just for the sake of discussion, Doug, if we took the 23, the proposed amendments to 23,
without the proposed amendments to 29, and added these proposed amendments, what would be our total tally of majority-minority districts?

MR. JOHNSON: I believe that would give us eight. Give me one moment. I can pull it up.

COMMISSIONER MINKOFF: This scenario?

COMMISSIONER HALL: Give us eight, if we go down?

MR. JOHNSON: Oh. You are not doing -- if not doing the Tucson change?

COMMISSIONER ELDER: Uh-huh.

MR. JOHNSON: Should give us nine. Let me confirm that.

Let me ask counsel, talking majority-minority districts or majority-minority voting age.

COMMISSIONER HUNTWORK: That is your question, isn’t it?

COMMISSIONER HALL: Both.

MR. JOHNSON: Okay. If looking at the screen, the way I count total minority, where non-Hispanic whites not 50 percent, total population, we’d end up with eight. But note that 23 is not among those, and DOJ is saying 23 is effective. For voting age, I believe we end up with five. But again, 23 is not among them.
COMMISSIONER HALL: Right.

MR. JOHNSON: I'm sorry, those were the numbers with the Tucson fix. So we'd end up with one more than that. So we have six voting age.

COMMISSIONER HALL: Is it nine and six or eight and six?

MR. JOHNSON: Eight and six. 27 -- even with the fix, 27 remains majority minority, however not majority minority voting age.

COMMISSIONER HALL: But effective pursuant to DOJ's analysis.

MR. JOHNSON: For effective definition, I have to turn to counsel.

COMMISSIONER HALL: I'm just, based on the letter.

CHAIRMAN LYNN: The letter left it untouched so assume effective.

Did you get an answer, Mr. Hall?

Other questions or comments from the counsel -- from the Commission to the consultant?

COMMISSIONER ELDER: As far as giving direction?

CHAIRMAN LYNN: Comments, question, or direction.

MR. JOHNSON: Mr. Chairman, if I may, I know the Commission has other items on the agenda. If it wants to address those, by the time you finish on
those topics, I could be back to you with spread sheets on the different alternative, if that would help.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Well, I think we need to, in the interest of time, and not having a false start here, we need to face the question of what we would do to create two districts instead of three in the -- in this plan 2A, how would we adjust that. My own reaction to this is that I like the three. I really think this is an excellent breakdown of the communities of interest. My analysis would be that we would head in that direction. But you look at the issues that are in the lawsuit, ironically enough, it's the Minority Coalition that appears to be saying don't concentrate so much, don't make so many. We have kind of a counterintuitive tension going on here with this discussion. And in order to arrive at an agreement, we need to analyze an approach that has the -- that fixes two districts and not three.

They are going to say -- they are going to be looking at the state law issues. They are going to be looking at the competitive issue that they have raised, in the state case; and I would expect them even in the federal court, to be objecting to a plan that creates an extra majority-minority district or creates percentages that they feel are too high. This is very
ironic and counterintuitive, but that is really what is going on here. So can we not, should we not ask Doug to come back to us with his recommendation for the best way to create two districts in Maricopa County, one less district?

CHAIRMAN LYNN: And perhaps --
COMMISSIONER HALL: Is that a motion?
COMMISSIONER HUNTWORK: Well, if it takes a motion to give him that direction, I'd so move.
COMMISSIONER HALL: I second it.
CHAIRMAN LYNN: Let me make sure everyone, including myself, understands that motion. Inherent in that motion I think is a sense of agreement on 23 and 29 as previously discussed. Is that correct?
COMMISSIONER HUNTWORK: Not necessarily.
CHAIRMAN LYNN: I don't mean on the specific fix, but I mean on the concept that 29 might not be viable because of 27.
COMMISSIONER HUNTWORK: Right.
CHAIRMAN LYNN: And because the general parameters of the 23 suggestion might be acceptable.
COMMISSIONER HUNTWORK: Absolutely, although we have to see what the options are to decide whether we go with three in Maricopa and not 23 or two in Maricopa plus 23, but one piece is missing from our matrix and that is a two-district fix in Maricopa County.
CHAIRMAN LYNN: Okay.

Mr. Hall.

COMMISSIONER HALL: But I think that we are at a point where we need to narrow our focus. And wouldn't you agree that -- I think that we need to agree at this time whether or not we want him to fix 23,

COMMISSIONER HUNTWORK: Mr. Chairman, I think that I want to fix 23. I need to see what the two-district fix is in Maricopa County so I can fit that into the matrix. If we fix 23, I know there's going to be a lot of pressure from the Coalition to only tamper with two districts in Maricopa County. I can't really make a decision until I know what the alternatives are.

CHAIRMAN LYNN: So the intent of the motion clearly is to direct the consultant to work on options for fixing two districts in Maricopa County so as to give us alternatives from which to choose based on whatever decisions we might make in other parts of the state.

COMMISSIONER HUNTWORK: Correct. Yes.

CHAIRMAN LYNN: Discussion on the motion?

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: The question has been
If there is no further discussion, all in favor of the motion say "aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and is so ordered.

Other instructions?

Mr. Elder and then Mr. Hall.

COMMISSIONER ELDER: I guess a general comment for Doug in the Maricopa County area.

One of my objections when I first made the statement, I guess when we first saw it, was that it was really circuitous. I think one of the things besides the rural and urban content that we had during our hearings around the state was I really don't know what district I'm in, am I in this district, am I in that district. And if there is the option of making it more compact, if you can trade some of these ins and outs equally and it doesn't affect the voting age, the majority-minority aspects of it, I would like to see these things smoothed out, if we can, to where it's a very definable I'm south of McDowell and vote in district so and so, that would help. We have areas we
play, get together, that's a context. Just take it into
account for me when making a choice, if not based on
numbers, trying to get back to previous goals in the
process.

MR. JOHNSON: Commissioners, I certainly
agree and will strive very hard to keep all the record
in mind as we go through this.

COMMISSIONER ELDER: It was very prominent
down the Safford area, diagonal pieces, didn't vote,
didn't participate, didn't know where they were, sent
all the fliers, if know where to vote. That's all the
numbers, that's not what counts in Washington.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I'd just like, if we
get some those of like image, move closer to each other.
I'd like to make a motion, Mr. Chairman, we do not make any corrections to District 29.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: It's been moved and
seconded that we instruct no changes be made to District 29.

Discussion on the motion?
Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, by an affirmative motion on the vote, does that take it off the table?

CHAIRMAN LYNN: Well, anything can be revisited, obviously. I think in terms of what we're doing at the moment is instructing the consultant as to where they need to concentrate their efforts in the time remaining during the meeting. I take the motion to mean we're instructing the consultant at this point not to do any further work on District 29. And I'm getting head nods. I think that's what it meant.

COMMISSIONER HALL: That's correct. Obviously we're in the process of receiving feedback from the Coalition. We -- hey, somebody may have some better ideas. I guess what I'm trying to do at this time is to minimize what is on Mr. Johnson's plate because the fact of the matter is we have a fast approaching deadline.

So to restate what Mr. Lynn said, the intent of motion is, I'd be happy to amend the motion with the provision of the second to state I would move Mr. Johnson, at this time, would not spend any additional time or effort or energy with respect to any amendments to District 29.

CHAIRMAN LYNN: Is that acceptable to the
second?

COMMISSIONER MINKOFF: Fine with me.

CHAIRMAN LYNN: Thank you, Ms. Minkoff.

Mr. Elder?

COMMISSIONER ELDER: I guess I go back to the, you know, the tentative, my first comment. There were things in that shift in 29 that cleaned up edges, made them definable, gave communities of interest. There are things there -- we may find up in the Phoenix area that we're really having to work hard to mess this thing up. If we then have a fallback, yes, this is still a viable solution, have data in which to make the judgment, then it seems as though we should at least keep it on the table, at least have numbers crunched, know where we are, not take it off the table now so we don't have data. Don't have data, these didn't work, now need this and don't have the information to deal with.

CHAIRMAN LYNN: Mr. Huntwork and then Ms. Minkoff.

COMMISSIONER HUNTWORK: Mr. Chairman, I'll support the motion as it's been revised. I've looked at that and felt very strongly, as I said before, that it looked like a shell game to me. And I still feel that way. Obviously, we'll keep our ears open. There may be
further comment from the public and even, indeed, from our consultants; so if something changes, we'll be quick to respond to that. It sure does not look to me like a viable way to solve the problem. All we're doing is moving people around from one category to another in a zero sum game.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, as it was described to us, the adjustment in Tucson took District 27 down to a Hispanic population below 35 percent. At that level, I just think it does so much damage to that district that it's not worth pursuing. However, understanding Mr. Elder's concerns, Doug, do you already have the demographic data on that fix? I mean, have you already run those numbers or is that going to take time?

MR. JOHNSON: Are you referring to the fix in the option presented or a fix described earlier?

COMMISSIONER MINKOFF: I'm referring to this kind of sheet we always get on all of the districts for the fix that you did in Tucson. Do have you this already?

MR. JOHNSON: No. It's partially created.

COMMISSIONER MINKOFF: Well, let's live without it. If you had it, I'd suggest printing it up.

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and bringing it to us; but you have enough other things
to do with your time.

CHAIRMAN LYNN: You seconded the motion
and are speaking in favor of it.

Ready for question?

All in favor, signify "aye."

COMMISSIONER HALL: "Aye."
COMMISSIONER MINKOFF: "Aye."
COMMISSIONER HUNTWORK: Aye.
CHAIRMAN LYNN: Opposed, "no"?
COMMISSIONER ELDER: "No."

CHAIRMAN LYNN: Majority voted
affirmatively, and the motion carries.

At this time, Mr. Johnson, if you'd
concentrate your efforts elsewhere other than District
29.

Other instructions to Mr. Johnson?

I wonder if -- I don't want to lose this
point, and perhaps it needs to be a specific
instruction. I'd ask for an affirmative motion.

If in looking at the Phoenix districts to
achieve the two-district remedy that we've already
instructed, if the coalition's approach of looking at
other districts strikes you as an alternative that
should be explored, I would like to at least have the

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freedom to do that. If that takes a motion, I would ask one be made.

COMMISSIONER MINKOFF: Does it take a motion?

CHAIRMAN LYNN: Do you feel you have that instruction already, Mr. Johnson?

MR. JOHNSON: Mr. Chairman, as with -- as I develop these options, I took a lot of the Coalition's comments into account. As I develop the second option for you, I'll take what feedback they've been able to provide and additional feedback they can provide into account.

CHAIRMAN LYNN: Perhaps as an ongoing instruction from yesterday, as public comments made from the Coalition and others, any of those you feel can be helpful, useful, or meaningful in what we're trying to achieve, please incorporate those in your work.

Other instructions to Mr. Johnson?

All right, Mr. Johnson. And again, an estimate will be fine, but for the purposes of scheduling, given what we have asked of you this afternoon, could you give me an estimate as to when you might be able to return to us with results of some of the work we have asked you to do, some or all?

MR. JOHNSON: Mr. Chairman, the first step
will be cleaning up the one option and preparing the spread sheet so you have a full review of that option in front of you. That should only take an hour or two, I believe. Developing a second option is difficult to estimate. It is certainly an hours measure. I would expect tomorrow morning to present to you.

CHAIRMAN LYNN: Given that that is the case, if we were to, I'm going back to some earlier comments, if we were to, whenever we conclude this evening, agree to reconvene tomorrow morning at, let us say for the sake of discussion 9:00 a.m., given that there may already have been some agreement among the parties in the legal proceedings to extend some of the deadlines by some amount, and again, I know that that is not firm but it's in discussion, would that be sufficient time for you to explore the two-district solution option in Maricopa County at this time?

MR. JOHNSON: I believe so, yes.

One thing that would be very helpful, if any information is forthcoming, is in terms of drawing a second option, if we're aiming for 59 percent, it's very hard to think of a second option unless something different is done in Avondale or they're doing a different percentage in our adopted District 13. So if we can get additional feedback on that, it would be a great help. But I can certainly purport their plan or not possible to do a plan with our current guidelines.

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CHAIRMAN LYNN: One of the viable responses to our request is you can't get there from there. We're needing to explore all avenues that might give us something to work with.

Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman.

When you are going through your, knowing the decision, would you run the number enough to say it was knowing because it only came up to 54, 57, 59, and that was not adequate, so that we have an idea that we're within a certain percentage point or two that we can put that into the hats and the decision-making process. What I'm asking, don't arbitrarily cut off, say too low, I didn't do it. Tell us how low it was.

MR. JOHNSON: If I can't do it at current guidelines, try to do it somehow.

COMMISSIONER ELDER: Or when you stop, say: Hey, it was this much.

MR. JOHNSON: Right.

CHAIRMAN LYNN: All right. Then I think what might be best at this point, if there are no other instructions for Mr. Johnson, it would be appropriate to excuse Mr. Johnson.

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COMMISSIONER HALL: Well --

CHAIRMAN LYNN: Apparently there might be something for Mr. Johnson.
COMMISSIONER HALL: Sitting here thinking
to myself, which is dangerous. This is 2, is it not?

COMMISSIONER MINKOFF: Yes.

MR. JOHNSON: Yes.

COMMISSIONER HALL: We've been assuming
it's 3, but it's 2. This is what you've already done.

MR. JOHNSON: As I interpreted the
instruction, you asked me for another version with a
similar result of 2 districts. One thing the
Coalition --

COMMISSIONER HALL: I don't think that was
the intent. It certainly wasn't this side of the
table's intent. Maybe I -- because 16 can change,
right?

MR. JOHNSON: It changed slightly, but
percentages stayed the same.

COMMISSIONER HALL: 14, 15 are two fixes.

MR. JOHNSON: Right.

COMMISSIONER HALL: And 23 would be the
third.

MR. JOHNSON: Right.

COMMISSIONER HALL: This is it. Not that

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this is it, but this --

CHAIRMAN LYNN: This is one version.

COMMISSIONER HALL: I was trying to figure
out the confused look on your face. Now I know why it's
there.
COMMISSIONER ELDER: No sleep.

COMMISSIONER HUNTWORK: Multiple reasons.

CHAIRMAN LYNN: But, Mr. Hall, your point is well-taken in terms of fixing 13 and 14 in this version.

COMMISSIONER HALL: No, 14 and 15.

CHAIRMAN LYNN: 14 and 15.

COMMISSIONER HALL: 13 dropped to 25 percent.

CHAIRMAN LYNN: I think my sense of the earlier instruction was an attempt to look at additional options that may be available, that resulted in at least the same result, meaning that 2 districts in the Phoenix area would have been brought to a level that would constitute a remedy, and there might be a different or better configuration of the districts than currently presented. If, on the other hand, what that side of the table is saying is that that may not either be possible or desirable, we should revisit that instruction and clarify it.

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COMMISSIONER HALL: Well, what I thought we had said, three versions of the same thing, was that if we took 29 off, 23 was one, we had three, only needed 2, do 2; don't have three, we only have 2. And for some reason I was including --

Yeah, who's on first.
-- for some reason was including in the logic, including 16. But 16 was not -- it was already precleared. So -- yeah. I mean I concur we want him to continue to look at ways to fine-tune, but -- correct me if I'm wrong, Mr. Huntwork.

COMMISSIONER HUNTWORK: You are correct, absolutely.

COMMISSIONER HALL: I --

COMMISSIONER HUNTWORK: Furthermore, not having been the one that made the motion originally, I agree with Commissioner Hall, and I would also say that the reason -- for the reasons I stated before, this is probably the most promising approach to getting this job done, precisely because of the configuration here of District 13 which comes down and picks out the nonminority population and moves them up leaving better demographics in the two southern districts.

I don't know how -- again, maybe it's possible, but now that I'm counting correctly, this certainly seems to me to be the most, best approach based on where people live.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I actually think this puts us in the same district, Jim, which would be interesting. And it also -- that wasn't the objective of this particular part of the process, but it makes a more homogeneous district as well, takes away some of...
the western areas of District 11.

MR. JOHNSON: Mr. Chairman, if I may.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: My understanding of the instruction, this is one of two approaches I was going to review and present. Obviously, as I mention, I need to clean up precinct lines, and things like that, and do spread sheets for you.

The other thought I had relates to the Coalition's comments today where instead of -- out of 13, 14, and 15, my approach, and the approach described in the DOJ letter, was to make 15 effective, and make either 13 or 14 effective. What the Coalition suggested was use the other clause in the letter, make 13, 14 effective, 15 would, as done here, drop to be an influence district. It might turn out to look exactly like this but different numbers. But I'm hopeful that there is another approach that would achieve that similar goal.

CHAIRMAN LYNN: Certainly within the scope of the instructions you have, you can certainly explore that instruction.

COMMISSIONER HALL: You are way ahead of us as always, Doug.

CHAIRMAN LYNN: All right. Then, if -- Mr. Rivera.
MR. RIVERA: Can I speak to Mr. Kizer, for a second? Since he didn't leave like he promised, can I speak to him at the podium so we have a recording? So when I cross-examine you, I'll have a recording.

MR. KIZER: Take your best shot, Jose.

MR. RIVERA: Remember, take my best shot. It's my understanding, you have a rough draft.

MR. KIZER: Yes.

MR. RIVERA: You have our drafts. As Mr. Johnson has done along, you are welcome to copy them off the website and everything else. Could I suggest you provide us with whatever rough map you have so we can incorporate that into Mr. Johnson's research tonight. Otherwise it might make the presentation easier tomorrow. We might see if something off the map can blend into the presentation tomorrow.

I'll not hold you to it tomorrow. I'll stipulate I won't do any cross-examination off that when we go to trial.

It would be nice if we could work on a cooperative basis, exchanging maps with you, look at your maps, see if we could get to some common ground. We'll be happy have a messenger pick it up, if you want to.

MR. KIZER: Let me clarify. I don't have the maps. My understanding is we're working on maps.
They may still be there. They were when I called on the break. They may still working on them I don't know to what extent they are finalized. My understanding is they're probably close. I don't know that for a fact.

MR. RIVERA: My understanding, the Commission's maps are not finalized. When you get a draft you think you're comfortable with, give me a call. We'll pick it up tonight. It'll give Mr. Johnson a lot of work tonight, tomorrow. Not that he doesn't have enough tonight. It might be a viable way of approaching it.

CHAIRMAN LYNN: Mr. Kizer, before you answer, and I know you may not be able to speak for the people actually drawing the map, I guess the suggestion is being made here is one of timing as opposed to anything else. We'll take presentation of your map any time it is ready. If we don't happen to be in session remainder of evening because we've asked Mr. Johnson to draw, anything you can do to expedite his use of your map in some way for comparison would be helpful, ready at whatever hour. If you deliver to him perhaps exchange information, at that time, with taking our maps back to your group and giving us what you have, I think that's what Mr. Rivera is getting at, we'd certainly appreciate that.

MR. RIVERA: That's correct, Mr. Chairman.
MR. KIZER: We'll do what we can to expedite.

Two things: How far along, whether I can find the person that actually has it at this hour, and are they agreeable to release it. Those are several hurdles I have to overcome to produce the maps tonight. I'll do what I can.

Again, Jose says we have your map. We don't. What I have is what is up here. We don't have the demographics on it. We'd be interested in looking at the demographics on this map here.

Then, you know, really in terms of where we go from here, if we're looking at the 23 fix, not moving 29, then this is one possibility we definitely want to study, what is up here, to study, may want to look at 13, 14 fix with maybe 15 being the one that is depleted in terms of dropping Hispanic voters. But maybe between those two options we may come up with something.

MR. RIVERA: I understand, Mr. Kizer. Mr. Johnson is working on the demographics even as we speak.

Any information is better no information. Even if you provide us a map, provide things as they come along, we're happy to do that. If we work cooperatively as we do this, it's more efficient and easier for the Master as we work on this.
1 CHAIRMAN LYNN: Thank you, Mr. Kizer. We appreciate it, as always.
2 We've been at this a long period of time.
3 In terms of agenda, there's one other item to take up.
4 MS. HAUSER: NDC.
5 CHAIRMAN LYNN: NDC data base. If we could, I've been asking this for 15 months now, let me ask one more time for old time's sake. Because the court reporter needs a break, I'd like to, because of the hour, we have one more report. And here's the
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7 LISA A. NANCE, RPR, CCR NO. 50349
8 Phoenix, Arizona
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10 tradeoff. If you will hold your break to 10 minutes, we will take that report and probably finish for the evening in a fairly short period of time. So anything more than 10 minutes, you are simply delaying dinner and other activities that you might otherwise undertake this evening.
11 Take a 10-minute break, reconvene, take the last item of business, and reconvene for the evening.
12 (Recess taken.)
13 CHAIRMAN LYNN: As I read the agenda, attorneys are elsewhere, that's okay, as I read the agenda, the only item remaining is report from NDC with respect to the data that we had asked NDC to review and certify or recertify based on the registration data
issue that was previously certified.

I understand Dr. Adams is going to make that presentation. I would ask that she do so at this time. My understanding is that presentation will take approximately 10 to 12 minutes and that plus any questions that we may have would conclude the business for this evening.

So, Dr. Adams.

DR. ADAMS: Yes. Thank you, Chairman Lynn, Members of the Commission.

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Three weeks ago you instructed NDC to verify five data bases used in the restricting. You also wanted any errors in the data bases corrected. When this was done and certain information developed, you wanted us to rerun certain tests NDC had applied to its own and other plans. I'm here to report on how we complied with your instructions.

I should begin by describing the general approach we have used to verify incorrect data. Given the great importance of assuring complete accuracy, we gave a six-stage report and division of responsibility between verification and rebuilding data bases. The first step was to obtain source documents for all data bases such as precinct by precinct reports by counties. The second step was familiarize ourselves with sources and structure layout of data bases which, as you know, were created by EDS. The third step, carefully compare
the sources compared to data bases. The fourth step was bring new corrected data base into being. The fifth step was to post the data base to a secure site. And then create new a data base.

Any time you create a new data base, there’s a potential of creating new error. Bob Walter or I did the first three stages of verification. Tim Johnson did the new or corrected data bases or posting to the website. Bob Walters was responsible for final reverification. And this division of responsibility, combined with multiple checks, provides, we believe, very strong assurance of accuracy.

I'd like to summarize the verification data base by data base.

As previously noted, the data base of demographic data base used with Maptitude software was completely correct in all respects, and this bears emphasis for it means you can be assured of the accuracy of every plan you drew.

The second data base, registration data developed by Election Data Services used in various competitiveness tests, was found to be inaccurate as we reported previously. The major problem related to discrepancies were involving active and inactive voters, but there were numerous other errors as well. As we reported to you May 5th, we abandoned this data base.
And Tim Johnson has created a whole new registration data base. The data base has been posted to a secure website, and Bob Walters completed it's reverification. The third data base, the one called the AQD data base, it was found to have some inaccuracies. The major problem was, of course, it contained the original inaccurate registration data. But two other very minor inaccuracies were identified in the elections data. Again, Tim Johnson brought a new data base into being. He actually corrected the old data base, and he posted it, again, and Bob Walters reverified it.

The fourth data base, so-called Judge It data base, confronted us with a variety of unexpected problems. To begin with, we looked at all elections, both primary and general, for all election years. This is a data base created, again, by Election Data Services. And we looked at the elections that we understood Dr. McDonald to have used. There were a variety of errors in these elections, mostly quite minor. And in actuality Dr. McDonald used a 2000 general disaggregated general base and multielection access data base. In the 2000 general disaggregated general base, discovered two areas of missing data elections not used by Dr. McDonald for his analysis. The only other inaccuracies in the data he actually used were
attributable to rounding errors in the disaggregation process. Nevertheless, we asked Tim Johnson to correct the two errors, to rerun the disaggregation at a higher level of accuracy carrying it two more decimal places. Tim Johnson has now corrected and reaggregated the data base and posted it. And, again, Bob Walters is in the process of reverifying that data base.

The Microsoft access data base custom made by Dr. McDonald he also used in competitiveness data base contained one minor transposition error, 51 was a 15, and he has corrected that.

Now, in a moment I will discuss one further data base that was also used by Dr. McDonald, and I think you'll recall he also did some racial block voting analysis. When you charged us with the five data bases, that was one we neglected to have mentioned, and it is one we are now in the process of verifying. The fifth data base, the racial block voting data base, as used by Lisa Handley, we began by checking the elections that she had used. First we checked the entire data base. Then we narrowed it down to the elections she actually used. Then we found it necessary to look at the election returns on hundreds of precincts, compare them with totals from the paper canvass from the counties, and then compare those totals with the totals reported by the Secretary of State. Unfortunately we
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did discover that there were often discrepancies between county totals, Secretary of State totals, but at the level of the precincts that were used in the Handley analysis, the errors that we discovered working late into last night seemed relatively minor in most instances.

We have understood from Dr. Handley, I should mention this, because it's in my more comprehensive memo, that she was assured that any inaccuracies that she had discovered were actually as a result of differences in the precinct level data posted to the Secretary of State's website and the total summary canvasses. And we did indeed find this to be true. And we have more comprehensive information for you on that.

As yet, we have not created a corrected racial block voting data base. We are still working with some of the counties to be sure that their data is correct and comparing it to the Secretary of State website data.

We don't anticipate that these errors are going to affect the conclusions reached by Dr. Handley in her analysis, but we will be referring it to her, most certainly.

Now, as I've already indicated, that was not the last of the data bases that we found it necessary to check and verify. In addition to his work...
on competitiveness, Dr. McDonald did some racial block
ing analysis on propositions, propositions and a

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1 couple of local races. And for the purpose, he used a
data base again composed again of several statewide
ballot measures and local election results. These were
elections, again, produced by EDS. We're still checking
the components of this sixth data base. And we'll run
it through the same checks and reverification procedure
that we have used with the other data bases.

Now to the issue of rerunning the tests.

At the Commission's meeting of May 5th you indicated a
desire to investigate the counties' approach to
transferring active voters to inactive status before
rerunning any tests, also wished Dr. McDonald to be
involved in the investigation and informed of its
results.

Our understanding is that IRC attorneys
investigated this issue. And as of today we learned
that they could obtain no reliable information on this
issue. And I presume that has already been reported to
this Commission. We also understand that at last
evening's Commission meeting you understood
modifications to redistricting districts to DOJ's
districts be run on active voters. Is that accurate?

CHAIRMAN LYNN: That's accurate.

DR. ADAMS: We await further instruction
the Commission desires in light of the DOJ objection. We're also nearing the point where we can ask Dr. Handley to rerun the racial block voting test, if that is the Commission's desire.

Again, the errors we have found in the data relative to these tests are localized, do not at this stage seem likely to produce results that are significantly different from her initial runs. We recommend, though, as I said previously, seeking Dr. Handley's opinion on this.

Two sum up, your instructions to us have involved considerably more work and greater complexity, I think, than any of us realized to begin with.

Over the past three weeks, working with the able collaboration of Tim Johnson in correcting data bases, we've checked, corrected, and recreated several political data bases. All major problems have been corrected. You are now in a position to order reruns of competitiveness tests. We'll complete a total reverification of the racial block voting data bases this week. We'll be able to transmit them to Dr. Handley and Dr. McDonald, again, using that secure website. We're using that as a control right now to make certain that the data bases that they had are the data bases that we indeed checked and verified.
As you can imagine, there's a great deal more detailed information that we have developed. We're in the process of developing a comprehensive memo covering all this information. We have it in a draft form. It's being reviewed by the IRC attorneys and our attorney, Ms. Leoni. And so as soon as they finish their review, we will finalize it and present it to you for your review.

So, I'd be happy to answer any questions. I know it's a lot.

CHAIRMAN LYNN: Dr. Adams, just let me start with what I know. Other Members of the Commission may have other questions or comments.

Is it fair to say, based on your review, and the work that has been subsequently done as a result of that review, that once completed, the data bases we will have at our disposal and for any future use that we may see fit will be, in your opinion, the most accurate data bases in the state for these subjects?

DR. ADAMS: We believe that's true, yes.

CHAIRMAN LYNN: Thank you.

Mr. Elder.

COMMISSIONER ELDER: Thank you,

Mr. Chairman.

Since I'm not familiar with your levels of
tolerance, or whatever, when you say relatively minor,
is that an affect that would be a 10th of a percent
difference? What might -- what are you talking about as
"relatively minor"?

DR. ADAMS: Let me give you an example. I
think I have that one memo.
I think I've left it. Let me just get it.
Do you have it?
MS. LEONI: Yes.
DR. ADAMS: Okay.
COMMISSIONER ELDER: Maybe contrast that
with some inaccuracies.

DR. ADAMS: Okay. I can certainly do
that.

For example, in the -- the 1998 general
election state house district for Graham County, in the
report that we prepared for you, what we did was look at
the votes for each candidate at the precinct level. We
got to the precinct level data base and added those.
This, because we were informed by Dr. Handley that
Mr. Brace had assured her that the data that he had used
at the precinct level was accurate, when we did this, we
compared it to the Secretary of State's website canvass.
In State House District 4, Graham County, for example,
votes for Brimhall, the Secretary of State's data posted
was 1,344 in their general canvass. The data that
Mr. Brace provided, based on the precincts, and which we
did indeed verify, we checked the precincts ourselves,
did match, 1,220, so short 124 votes. So what we need
to further do is to contact counties in these instances
and make absolutely certain that what was posted to the
Secretary of State's website, which is what many people
are using as their guide, are, indeed, correct numbers.
We found in a number of instances that they do not match
the precinct by precinct totals.

Now let me give you an example, another
problem another potential problem. If you take a look
at State House District 4 in Gila County, and this is
in -- I'm trying to make sure look at the right election
here. This is the 1998 general, again. No, I'm sorry,
1996 primary. So the 1996 primary, State House District
4, Gila County, the precinct-by-precinct totals, I've
put in parentheses following the Secretary of State's
totals, and then I put the EDS data fields. So I'll
give you an example. Votes for Tilton in Gila County,
according to the Secretary of State's website, 2,446;
according to precinct-by-precinct count, 2,434; but in
the EDS data base, zero. That's what I would consider a
fairly major.

So -- but are they errors or are they not?

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What we're discovering is it's far more complicated than first appears. So some additional checking with the individual counties is going to be necessary to make certain that the data that is posted to the Secretary of State's general counties is indeed accurate data.

COMMISSIONER ELDER: Thank you.

CHAIR LYNN: Other comments or questions for Dr. Adams.

Dr. Adams, thank you very much for your report. We appreciate it. And we'll await the more detailed memo and the full report when the work is completed. Thank you very much.

Is there anything further at this session of the Commission's meeting to come before the Commission, either from Commissioners or from counsel or staff?

If not, the Commission will stand in recess until tomorrow morning at 9:00 a.m., without objection.

Have a good evening.

(Whereupon, the hearing recessed at approximately 6:24 p.m.)

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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 130 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 24th day of May, 2002.

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