STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER’S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
May 23, 2002
10:00 a.m.

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

LISA A. NANCE, RPR, CCR

Certified Court Reporter
Certificate No. 50349
The State of Arizona Independent Redistricting Commission convened in Public Session on May 23, 2002, at 10:00 o'clock a.m., at the Wyndham Buttes Resort, Kachina Ballroom 2000 Westcourt Way, Tempe, Arizona, in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN
VICE CHAIRMAN ANDI M. 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
ADOLFO ECHEVESTE, IRC Executive Director
LOU JONES, IRC Staff
KRISTINA GOMEZ, IRC Staff
DR. FLORENCE ADAMS, NDC, Consultant
DOUG JOHNSON, NDC, Consultant
LISA A. NANCE, RPR, CCR, Court Reporter

SPEAKERS FROM THE PUBLIC:

MARY ROSE WILCOX, Hispanic Coalition
RUDOLFO H. PEREZ, JR., MALDEF
HELEN PURCELL, Maricopa County Recorder,
Elections Department
AARON KIZER, Hispanic Coalition

SCHEDULED SPEAKERS:

DOUG JOHNSON

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

CHAIRMAN LYNN: Commission will come to order.

Given the time we finished, 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: As is half of the legal counsel.

COMMISSIONER MINKOFF: The important half.

CHAIRMAN LYNN: The better half this morning.

Both halves are good. The other half will join us shortly and is in court as we speak, we believe.

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

Along with NDC and with Commission staff.

Ladies and gentlemen, let me give you a sense of the schedule. We’ll have problems with a quorum in the afternoon. The goal is to go as far to
the noon hour as possible, work pretty much straight
through, if the schedule does not become elongated,
anyway. That, hopefully, will not happen.

We'll hear a report from federal court
when Mr. Rivera joins us. We'll hear a report from
NDC's work overnight on the map, hopefully moving toward
a consensus map.

It would make more sense to have public
comment once that map is explained, given that that
schedule will work for everyone.

Without objection, we'll proceed.

Mr. Johnson.

MR. JOHNSON: Mr. Chairman, Members of the
Commission, in light of the schedule, I'll keep it
fairly brief. If there are detailed questions, I can
answer those afterwards.

Let me start first with a quick note away
from the main scene of last night's work instructions.

In District 23, there had been a request
last night both from the public and from the Commission
to look and see, 23 was 49 plus percent total minority
total population, see if we could get that over 50
percent. You may remember in the map we looked at
yesterday, a small jut in 23 came back into 22, this
area. By squaring that off, we actually put 23 up to a
total majority district. That, of course, put extra
population into 22. It was very close to five percent
already. Moved two Census blocks right in the tiny
corner there. That very small population change, did
make 23 a total minority district.

If that had been all I did last night, it
would have been very long night's sleep. However, there
was much more to be done.

The Commission's instruction was to see if
we could, if I could start with the adopted plan and
attempt to get 13 and 14 up to a level at which we
believe they'll be effective, the number was 55 percent,
while attempting to match other criteria, request of the
public, AURs, other feedback we've received throughout
this process.

As you can see from the map, these
districts match the adopted plans, which are
overlaid in black, much better than other plans we've
looked at in recent days. They also, I should point
out, follow precinct lines. The only exception in any
of these four districts is this small piece over here

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

that, as we've discussed the other day, is a piece of
the former Legislative District 7 which was an
effective district that had a history of electing
Hispanics. If we didn't do this, that piece would have
ended up in District 12 and would have been an influence
district not as established in electing Hispanics, and
to avoid another San Manuel-Oracle district, the only
Another change, 13 has given up its southern half. Obviously, as looked at the other day compared to 23, the way it gets up to 55 percent is by incorporating the heavily Hispanic southeast portion of Glendale. It's a little bit of an unusual connector there. That is how we got to the effective point. That connector, again, is a full precinct wide, not just down the street, or anything like that. But it gets us there and also allows us to avoid splitting, significantly splitting, Isaac School District shown here in orange.

There is, as we looked at the other day, a very small split of the northwest corner to follow a precinct line. The southwest corner, it looks like a large chunk follows the precinct, involves two people in the southwest corner. The northwest corner, it's hundreds of people. Those are following precincts. It also helps us get districts to percentages we wanted to get.

Two people in the little corner down there. Northwest is the one that is important.

Given the big picture, and I'll zoom in and give you street references to. This plan in districts 10 up north and districts 11 are unchanged from adopted versions. In part, this is the tradeoff the Coalition map illustrated well to us. Either 15 has
a somewhat kind of elongated shape or you have to bring
11 into the mix, start swapping between 15 and 11. I
12 actually looked at that as an option.

What I ran into is that 15 would have
to -- would be picking up from, I believe, the Arcadia
neighborhood south of Paradise Valley. We had
considerable input from that area they want to stay with
the Paradise Valley.

Given the map change is more significant
than the one in the Coalition map, they didn't go that
far up, so I kept the changes limited to these
districts. 14 gave up its far north piece which is
divided between 12 and 15.

I should note that because it's such a
small -- this change was done at the very, very end.
Some handouts have 15 toward the very west. Some don't.

LI SA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona

Because it took so long to have color maps printed, I
included those. It's one precinct shift in two maps up
there. Everyone's spread sheets reflect the final
version.

So 15 takes up the northeast corner in old
14, 16, instead of two becomes where 14, 16 interact,
it is leveled off. And 16 remains, as you can see in
the spread sheet, slightly above the bench mark both for
Hispanic voting age population, 59.73, and for African
American voting age population, at 13.64.
As was the instruction, 13 and 14 are both slightly above the 55 percent level, which in discussion with the public and among the Commission, it was decided to shoot for as an effective district.

15 ends up at 38.09 percent voting age Hispanic. When I started this I had been hoping to get that over 40. Essentially the tradeoff was between following precincts and getting to 38 percent or dividing a lot of precincts and getting that up above 40.

One thing, when I first finished this test, ran spread sheets and looked at them and found 15 at 49.9 total minority voting age, I made a small change between 12 and 14. That brought 15 up. So the version I'm presenting today has 15 at 50.4 total minority voting age.

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

In terms of demographics, just to note for the record, 12 ended up at 27.3 percent total minority voting age.

Let me zoom in and give you detail on that, each of these maps, and then I can take questions. The west side of this, of district 13, is essentially unchanged from various versions we looked at for the past few days, and various versions of the Coalition map, I believe.

On the eastern half we are looking -- let me zoom first, on Glendale.
In the north we're at Orangewood and Glendale Avenues, provide two north borders of 14. Inlet comes in, 12 comes in at Bethany Home south to Camelback and over to 51st. And then 13 goes over to 43rd. So the connector that connects the main part of 13 up to the Glendale community is between 51st and 43rd and between Camelback and Palo Verde.

So then 13 continues down, I'll get the names all in here, until we get down near Isaac School District where we're looking -- comes down 43rd --

Applause heard from an adjacent room

COMMISSIONER HALL: They like the map, Doug.

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

MR. JOHNSON: Well, they should.

43rd to Osborn jogs over to 46th and picks up this precinct. And then here you can see the difference between the orange line, Isaac School District border, and the precinct that cuts through. And I followed the precinct line there, looking just above Encanto and just east of 51st in that area.

COMMISSIONER ELDER: Doug, before you go off, is there some way of highlighting that precinct?

MR. JOHNSON: Sure.

COMMISSIONER ELDER: I guess my question is going to be, is there any value, what does it do to demographics, let's say put all in with Isaac as opposed
to putting out of Isaac.

MR. JOHNSON: I did try that, and it strengthens 14, weakens 13. And both of them are right at the 55 percent target of 55.1. So while I was hoping for any opportunity to enhance their electability, they would have been at the expense of the other one.

The border between 14 and 16 is Van Buren, and that continues across and is actually the border between 15 and 16, also.

The east side of 14 begins in the north, there's a little jog around. Let me see which precinct that is where it follows the border of the Nicolette or

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

1. Nicolette precinct.

COMMISSIONER MINKOFF: Nicolette.

MR. JOHNSON: Comes down 31st, I believe it's 31st -- yes, 31st, to Missouri, and jogs over to 19th, and comes down 19th to Thomas, and come back -- I'm skipping over -- I assume you want more detail on it -- across Thomas and over to 20th and the edge of the freeway loop.

The last piece to show you is the border between 15 and 12, up north of 14.

Again, following precinct lines, and we're at 37th Avenue, and the jog there is where the street and precinct both jog. And again, 9, 10, 11 are unchanged from the adopted plans.

One piece of this, it does result, as most
of the maps we've looked at in attempting to meet DOJ requirements do, in an additional split of Glendale. One of the advantages of this map over some of the maps we've looked at, Glendale quoted some maps in the process to have a real desire to nearly dominate, have a significant influence, at least, on one Legislative district. While a little unusual shape, and done with more effectiveness in 13, 14, this arm going in and arm above Glendale, the Hispanic community does have a major say in population of District 12. Hopefully that's some consolidation.

Just a note, Pima County Districts are as adopted. District 27, as the Oracle, San Manuel shift, I should show one thing. I did check these districts for, as much as I could with the time, for precinct traps. So there is a slight change in Oracle between Oracle and San Manuel. The map we looked at yesterday, the 26 northern edge had been just slightly further south, if that makes sense, moved it up to match where the Congressional line goes there in order to avoid a four person precinct trap. That only affected four people.

CHAIRMAN LYNN: Thank you, Mr. Johnson.

Questions for Mr. Johnson.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I think the --
keeping Isaac School District together is good and a major accomplishment. I also think they wanted to be west with 13.

When you look at the -- look at the map, there seems to be an opportunity without losing any overall compactness to maybe swap that with the area up north in Glendale, and presumably some other population. Did you try that and why -- would that be a problem?

MR. JOHNSON: I did try that. And it actually is a great idea I was desperately hoping to try. The problem is Isaac School District is very, very dense and very, very Hispanic. Any change involves a huge change in terms of demographics. When I tried to do it, the numbers just didn't balance out. That really is the heart of 14. And trying to shift that out while making population got very ugly and broke up a lot of areas we're trying to keep together. It was a good idea but it didn't work when I tested it.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Other questions or comments for Mr. Johnson?

MR. JOHNSON: I would note, just on the question, the gentleman from Isaac did talk about their links to the west, as with Glendale, and perhaps some consolidation. They will have some connection with the west. The main connection is with 14. Well over 90 percent of the population is in 14.
COMMISSIONER HUNTWORK: Doug, what would it do to 13? Is it even possible? I know there's an area that goes up in Glendale that has good demographics. So you pick that up, come down presumably below that District 12, and what --

MR. JOHNSON: The Glendale neighborhood has both very strong demographic numbers and also, as is

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

19

in the record, a lot of ties to the Hispanic community. And while it is traditionally a Hispanic area, it is not nearly as densely Hispanic as Isaac School District is and is much smaller. While swapping those two, 14 is dropped considerably below 55 and we end up kind of weaving between 14 and 13. And 13 really ends up as Isaac School, Tolleson District, and 14 takes everything in between.

COMMISSIONER HUNTWORK: Would it be safe to say you could, if you split Isaac in half, or something, you could get a good deal of it in 13 but by switching off for Glendale, but you can't get it all into 13?

MR. JOHNSON: Yes. The Isaac School AUR, clearly well-established AUR, made my job considerably more difficult to achieve our other goals.

COMMISSIONER HUNTWORK: I'm not suggesting we split it. I'm suggesting the primary thing is to keep it together, one way or other. And the only way to
do it would be to split it, I guess.

Thank you.

MR. JOHNSON: One thing I should note, put on here so you see, the Hispanic AUR is also on here.

It's on your maps. It's the blue line. You can see the close match between these districts and the Hispanic

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

AUR. Only real area where they differ is South Mountain, and it's just a mountain. It's a difference technically in the way we drew the line rather than the border.

CHAIRMAN LYNN: Mr. Johnson, if I understood your report with respect to precinct splits, I understand that there are actually two areas in Maricopa County where precincts split, one in the west and about four in the Mesa area?

MR. JOHNSON: Yes. The border between 19 and 22 has a couple of precinct splits. I don't remember the exact count, but I can zoom in and show you. Even if splitting precincts, one thing, as you'll see by these lines -- so on the eastern edge of this, these follow precincts. As you can see, we follow precincts along, most of the way here. The only place is these two districts, 19 and 22, are both four plus percent overpopulated, 4.8 and 4.89. So there's not a lot of flexibility in population between them.

So in these -- I believe -- oh, yeah. Now in this one we only have one precinct split here.
CHAIRMAN LYNN: Total of two precincts, one west and one east?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Now, what would the result be of not splitting that precinct?

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

1 be of not splitting that precinct?
2 What I'm getting at is the longer we go, the more burden we place on the county election officials to conduct an election. The best of all worlds would be to present a map with no splits. The extent to which we limit the number of splits makes their job that much easier. I want to know the impact of, on our map, of correcting that and having no splits in Maricopa County.

MR. JOHNSON: The -- this split here would just be, I need to look through these precincts, find a very close population match. So you'd end up with either 19 or 22 having a jog up or down, somewhere along there, where it wouldn't follow Broadway, in this case. But that could be done. Demographically, in terms of city splits, all of that, no impact on districts. Very similar community, and it's all Mesa.

CHAIRMAN LYNN: To the west?

MR. JOHNSON: To the west, the concern is that area that we're splitting out of the precinct has been an effective Hispanic district, as DOJ defined in their letter, and we would be removing them from an
effective Hispanic district and putting them into 12. The other option would be to take the whole precinct south or -- into -- or west -- or east, sorry, take the whole precinct east into 13. But then we run into population deviation and I end up having to split precincts somewhere else.

Really it's the option of a precinct split or put into 12. I believe there's been a concern about legal exposure there similar to the issue DOJ raised on San Manuel, Oracle.

CHAIRMAN LYNN: Let me ask the follow-up in terms of taking the entire precinct rather than a portion of it and bringing it into 13. What does that do to demographics?

You said it's not a demographics issue, a population deviation issue?

MR. JOHNSON: That is -- my recollection from the test I tried to do on there, it did not work. There's a huge population deviation problem. It did not work for some reason, either demographics or deviation. Tried to go another way.

CHAIRMAN LYNN: I want it quantified. "Does not work" doesn't help me understand what the impact of doing it would be. I think, in order to make a decision -- I want to be -- I want to try to be fair to everybody. One of the everybodys are the county election officials. So I would need a very important
reason why that precinct -- I'm not suggesting it be

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

moved into 12. I'm suggesting the entire precinct go
into 13 unless it adversely affects, to the point we
can't live with it, the minority population of 13 or
goes beyond a deviation we can't live within terms of
population. If it does neither of those, I'm not sure
why we wouldn't do it.

COMMISSIONER MINKOFF: Mr. Chairman, I
don't see population deviation being problem at all.
According to statistics, 13 is underpopulated; 12 is
overpopulated. Switch 12, 13 make the deviation less.
The only issue would be the effect it has on minority
percentage.

MR. JOHNSON: As you might imagine,
there's a difference in my memory of details of a test I
ran at 1:00 a.m., compared to ones I ran at 4:30, this
is an early one.

Given the obvious concern there, let me
see.

Total population in that precinct,
currently 12, looking at moving into 13, is 6,000 people
who are 18 percent Hispanic. That would be a -- let me
see, putting in 13 --

COMMISSIONER MINKOFF: Doug, is 6,000 what
you would be moving?

MR. JOHNSON: Yes, a very large precinct.
COMMISSIONER MINKOFF: I thought it was a precinct split.

MR. JOHNSON: 6,000 is the portion we'd be moving, about 200 split apiece. The precinct all together is 6,000. Goes all the way from the freeway to Thomas, Dysart and roughly 118th. 6,000 people total, 18 percent Hispanic.

CHAIRMAN LYNN: Then I'll follow up. I'm going to ask Helen Purcell later to explain the ramifications of that. I need to understand it better from her perspective and in terms of what it would entail to deal with it the way the map is drawn currently. We'll deal with that at an appropriate time.

Mr. Hall.

COMMISSIONER HALL: Dovetailing on that, Mr. Chairman, I'd recommend conceptually as a Commission we are comfortable with this map. I'm confident Mr. Johnson, along with Tim and the election officials, can iron this out. I'd allow them to iron out flexibility to iron out, where possible, some of these election-related issues without adversely affecting key issues.

CHAIRMAN LYNN: Confident they can. Want to make sure that's clear.

Other comments or questions for
Mr. Johnson?

If there aren't any at the moment, I won't cut that off, this is the subject of the morning until we complete our business.

If I can now, those in the audience, particularly those from the Minority Coalition, those as well have had about as much time to look at the maps as we have. I certainly would like to have an initial reaction and input as well as combining that with our general public comment.

So without objection, if we move to that portion of the morning.

The first speaker slip is, in fact, Helen Purcell from Maricopa County. And I know she may have some comments. I certainly may have questions for her.

MR. KIZER: Mr. Chairman, if I may address out of order.

CHAIRMAN LYNN: I'm sorry, Mr. Kizer.

If you don't mind, Ms. Purcell.

MR. KIZER: My only question, Michael Mandell at Brown and Bain is waiting for this to be e-mailed to allow him to start doing his analysis, other people to do their analysis to come back with a more informed analysis. Doug says it takes five minutes.

MR. JOHNSON: Actually, Ms. Handley --
CHAIRMAN LYNN: Lisa Hauser. Doug may be young, hasn't slept in two days, could get a little goofy.

MR. JOHNSON: 10 hours sleep in just over three nights.

She has e-mail access, could send it both to Mike and also to Tim Johnson for the web.

CHAIRMAN LYNN: Thank you.

Thank you, Mr. Kizer.

Ms. Purcell.

MS. PURCELL: Thank you, Mr. Chairman, members of the committee.

Helen Purcell, Maricopa County Recorder.

Not being able to zero in closely, I can't tell what we're talking about. One of the things I'd like to ask, where we're looking at that small piece, District 13 and District 12, if that splits that very large precinct, why isn't the whole portion of that going into District 12? Why are we dealing with that one little corner there?

CHAIRMAN LYNN: We're dealing with it, that particular portion has resided in a district that has been able to elect minority representation, and that's the very subject of the Department of Justice review. Because of that, it's important to the
Commission that the residents of that particular portion
of that precinct remain in a district where that
likelihood exists, and that's District 13, not District
12.

MS. PURCELL: Are you saying in the past
there's been a precinct line along there that allowed it
to be in another district?

CHAIRMAN LYNN: I believe that's the case.

But Mr. Johnson is better able to answer that one than I
am

MR. JOHNSON: I'm sorry, what is that?

MS. PURCELL: Has that piece in the past
been a precinct, either one to itself or been in a
precinct below it, or beside, or something? I'm
hard-pressed to understand what we're dealing with with
that here.

MR. JOHNSON: This is the northern
extension of an old Legislative line. The precinct line
would have had to follow it. I think the precinct
extended to the south as well. This line, edge of it,
would actually have been in the '98-2000 precinct
border.

MS. PURCELL: Possibly dealing with
another coexisting line, say for existence a
Congressional line, or a board of supervisor's line, or

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

something else is the reason we did that. But we would,
of course, want to take a closer look at that and see if there's something we could possibly do.

As you mentioned earlier, Mr. Chairman, any time, from now on, or from about a month ago, that we change any precinct lines or have to create, as we will have to now, new precincts, that is going to cause a problem, as far as we're concerned, in -- not only in delay, but in establishing for those precincts either a polling place, if we have to, to even locate one. In addition to that, precinctmen now have to run in a different precinct than what they originally thought they would and have to determine what signatures would be for all of those instances.

We had a discussion yesterday afternoon during one of your breaks with our attorney, and we are going to have to address the federal court tomorrow on several items that we will have to -- we will hope that we will be able to get relief from. Included in those will be the possibility of asking for a delay in the beginning of early voting, just merely because we won't have ballots ready to begin earlier voting. So we're probably going to have to delay that somewhere in the neighborhood of 10 days. But that pushes everything else back.

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

So we have a number of things we have to look at, not the least of which is dealing with
Rc052302.txt

precincts that might be split. Whether we're talking about one of the precincts or a dozen precincts, we still have the same work to do. It makes, of course, it not quite as bad if we're only talking about a couple precincts, but there is still work to do.

I would also like, if I can now take off that county recorder hat and address you as a citizen.

Since I live in one of the historic districts in Central Phoenix and we have always traditionally been in Central Phoenix districts, it appears to me now that the historic districts are how in a west, in a West Phoenix district. And that concerns me. If the area between, as I understand it, between Thomas and McDowell and 19th Avenue -- I guess it goes down to Van Buren, but there are a number of historic districts within that area. And we have normally been in a Central Phoenix district. And it appears to me that we are no longer but are in a West Phoenix District. And I think that for some of the citizens in that area that does present a problem and will be a concern to many of them, I'm sure.

CHAIRMAN LYNN: Thank you, Ms. Purcell.

Clearly we understand we had significant testimony from representatives of the historic districts, virtually all of them, during the course of this process. And as you may know, I mean I will say again, just so that everybody is clear, we are working
on a temporary solution to the problem based on
guidelines from the Department of Justice. Having said
that, that, in and of itself, means that we are making
some decisions about where lines will be for this
election cycle that we ordinarily would not make. There
will be other considerations at a subsequent time for
this area of Phoenix in terms of a permanent solution.

MS. PURCELL: I understand, Mr. Chairman,
but want to bring that to your attention because members
of that historic district are not here this morning.
I'm the only one that is here and has been for 35 years.

CHAIRMAN LYNN: I understand.

Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman. I
have a question about this little split here from the
standpoint of the Hispanic population statewide has been
growing. And by virtue of it growing, and we still end
up with 171 plus change size districts in areas they can
elect by their choice. And there's going to be areas
out.

Is this the only area we're talking about

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

that had the ability to elect and is outside?

CHAIRMAN LYNN: Mr. Johnson.

COMMISSIONER ELDER: I can't believe
there's not 40 or 50 of them

MR. JOHNSON: Commissioner, the only thing
I was looking at when I reviewed this was what changes we are making and areas that might raise this concern under the assumption that as we discovered Oracle, San Manuel, Justice looking closely at it, had there been other areas, it would have triggered them. For this map drawing, it was focused only on the change, change in districts.

COMMISSIONER ELDER: Okay. The follow-up on that, then, we are charged with developing an interim map. And for 200 people in that area, even though they had been in an area with an ability to elect, to put the load on recorder's office to make that change doesn't seem to be -- it doesn't affect the world turning.

I guess what comes down to, I don't know why we're doing it.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I understand why Doug is suggesting why we do it. The question is why we have to do it.

When dealing is Oracle, San Manuel,

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

they're much larger communities, 6, 7 thousand people involved. They are towns, well-established geographical areas. Here we're dealing with only about 200 people, I believe, Doug.

So I think my question, which really going to be for Lisa -- and you can't confer Jose; you're flying solo -- whether you believe there will be a
problem if that particular area of 200 people was shifted into District 12 which is a strong minority influenced district, not a minority district, in order to unify the precinct? Is that a compelling enough reason you believe would be acceptable?

COMMISSIONER ELDER: And we're not going to DOJ.

MS. HAUSER: Just a question. And if this has been covered, I apologize. I'm doing a number of different things this morning.

Is the two -- are the 200 people in that area, Doug, needed to maintain the percentage in the district? Is it 13, that the number got cut-off in the yellow district?

COMMISSIONER ELDER: Yes.

MR. JOHNSON: Yes. It's 13. Taking them out is only going to change it a hundredths of point or two.

MS. HAUSER: What to what?

MR. JOHNSON: 55.17 --

COMMISSIONER MINKOFF: 19.

MR. JOHNSON: Drop down to 55.15, the biggest drop. So it's not going to have a significant impact.

MS. HAUSER: I don't --

Then, Mr. Chairman, in answer to your
question, Ms. Minkoff, I don't see that as a concern. The -- it's kind of similar to what DOJ said in terms of the state being good as a whole. There is no specific area of population that is entitled to be in a majority-minority district. You just don't retrogress over the state as a whole.

I wouldn't have a problem with that.

CHAIRMAN LYNN: Thank you.

MS. PURCELL: Mr. Chairman, Mr. Elder, too, I don't know in that area, when we overlay the rest of our districts that we have to overlay on any map, I don't know what happened in that area. I would have to look at that. And we would certainly want to have the ability, even with this map, if this is something that the Commission is thinking of adopting, of overlaying all of our districts over it.

Though we might not have precinct splits in some areas, we may have splits of JP districts, that type of thing, and I certainly want to overlay everything before we make a final decision.

CHAIRMAN LYNN: I do know Mr. Johnson has a precinct map. That's how we found these changes. The about -- the concern we have about the entire overlay process, I think what I'm hearing, is at least sense Commission, we don't want to cause any more work than necessary. If, in fact, we can correct those without doing substantial damage to the other priorities we
have, it appears we may be able to do that.

MS. PURCELL: I appreciate that. We're already way behind where we need to be at this point in time.

COMMISSIONER MINKOFF: Ms. Purcell, in terms of looking at the overlays, with your JP districts, and so on, if we unify that precinct, that should cause no problem for that. There can't be any overlap within a precinct.

MS. PURCELL: That's correct.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, is now a time appropriate to go ahead and make a motion?

CHAIRMAN LYNN: We're in the middle of public comment. What I'd like to do, keep a list of things of what you want to do, may want to do, with the map presented, and get back to that discussion when finished.

Thank you very much.

Rudolfo Perez with MALDEF.

Mr. Perez.

MR. PEREZ: Good morning, Mr. Chairman, Members of the Commission.

I'm here this morning to clarify for the record MALDEF's position regarding any test map or any map, proposed map, submitted to the Commission for
consideration.

MALDEF has not had an opportunity to analyze any map that is before you, for your consideration; therefore, we do not support nor oppose any particular map at this time. I just wanted to clarify that for the record and answer any questions that any of you may have regarding MALDEF's position.

If not, then that's it.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Perez, do you, just your -- given a gut reaction to what you saw, based on Doug's presentation of these maps presented this morning, I understand you haven't had a chance to analyze them; I wondered if you had any initial feedback or comments at all?

MR. PEREZ: Not at this time. I'll ask our national office in Los Angeles to review the demographic data.

Is this online yet?

MS. HAUSER: It's going.

MR. JOHNSON: It's being sent to the web master.

MR. PEREZ: I'll ask them to go online and analyze it and ask for comments on this.

CHAIRMAN LYNN: So the record is complete, is the Department of Justice letter on the website as well?
MR. PEREZ: Yes, it is. I've had an opportunity to read that.

CHAIRMAN LYNN: Thank you, Mr. Perez.

Next and at least, at this juncture, the last speaker slip I have is from Supervisor Mary Rose Wilcox representing the Minority Coalition.

SUPERVISOR WILCOX: Several members have come in and out. I'm checking. We're having it checked by Michael Mandell.

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

We think it's a pretty good map. Isaac School District, it doesn't concern us that they are in 13, because I do think they have a lot of intergovernmentals, or interschool, they work on both sides of Isaac, with the Phoenix Elementary and Cartwright. So I think because they are -- they are together, with the exception of one small part, I feel they'll be pretty pleased.

We are very pleased with the percentages. We thought the 55 number was a good one.

At first blush, until we get our analysis, I want to convey the members of the Coalition here, those that have come in and out, are exceedingly pleased.
Mr. Kizer, want to be heard additionally on the subject.

MR. KIZER: I have nothing really to add. Michael Mandell is just getting back to his office. I talked to him a minute ago from court. He's not opened up the map yet for beginning his analysis.

Lisa -- I shared with Lisa the portion that happened in court I saw. I don't know if you'd like me to repeat --

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

CHAIRMAN LYNN: We'd be happy to have you do that. We're not aware of any details.

MR. KIZER: The interesting thing is Judge Silver, when she came out, her opening comments were she understands we've been trying to develop a consensus map, are acting sincerely in good faith, and complimented both sides. For opening comments, I thought that very encouraging.

They were briefed on the motion that passed last night to bring back a proposed map at a 55 percent level.

And her question was, whatever level is adopted, we need to bring back data that supports that population percentage is adequate to elect minority candidates of choice.

They asked specifically if we could supply...
data from school district elections and city elections. And they're really looking at -- they know it's really
13, 14 and 15 we're looking at now. That's what they were addressing. Jose mentioned the problem with City of Phoenix, with the way they did absentee ballots, the way they did elections, may make it difficult for school district election results to be readily available. What level of more detailed analysis is available remains to be seen. But that was -- those were two kinds of

So I'm assuming once we start dealing with the Special Master as to what is available, what other alternatives there are for data, we can work with him to see what he would support or feels comfortable within terms of completing his analysis.

The Court is agreeable with moving back deadlines. The evidentiary hearing will start Wednesday, hopefully will be an evidentiary hearing in support of a map such as this one both sides can come in and present data and evidence on. That was the extent of what I heard.

Michael just told me a minute ago they did talk about a briefing schedule. I don't know what that is.
That's where we were this morning.

CHAIRMAN LYNN: Thank you, Mr. Kizer, very much.

Couple questions. I have some, Mr. Hall has some.

Go ahead, Mr. Hall.

Thank you.

A question for Doug, reaction from the Coalition.

I want to talk a minute about Isaac School District. And I don't, depending on what the answers are, that will determine where I'm going with the line of questions, but I would like to at least explore the possibility, because we are one precinct away, and I know it's a dense precinct, from returning Isaac whole in one district as opposed to having 90 percent of it in District 14 and one precinct of it in 13.

What would that shift do to the demographics of 13 and 14, assuming there were population available on the 14 side to switch back into 13? And did you attempt to do that?

MR. JOHNSON: Yes. This is -- I can give you a detailed answer on this. I tried it many different ways. When I put the precinct, I should highlight the whole area, the precinct goes up to Thomas Road. So I -- picking up all that area into District 14, that takes the District 13 demographics, and as
we're looking at it, the effectiveness level down below what shooting for. Really, when I start trying tradeoff populations, we end up wrapping 13 around -- the only way we could do it, wrap 13 around the north side of Isaac School, come down the east side, and then 14 has to either continue west or, you know, cut this area in half. We end up with essentially 13 and 14 wrapping around each other. It's possible to do but definitely disrupts the areas north and east of Isaac School through these lines.

CHAIRMAN LYNN: Clearly there's a significant amount of testimony on two issues regarding Isaac School District, one, it be kept whole to District 13. Clearly this map, we're not likely, not able to put it in 13, understand that. I was just exploring, to do the other part, make it whole. If it's too hard to fix in this configuration, then we may not be able to do that for this round, either.

Ms. Minkoff.

COMMISSIONER MINKOFF: A further question relative to the Historic Districts.

CHAIRMAN LYNN: Ms. Minkoff, Mr. Hall is next. I thought the question was on the Isaac School District.

COMMISSIONER MINKOFF: Okay.

CHAIRMAN LYNN: Reaction from Ms. Wilcox
before I take Mr. Hall's question then yours.

SUPERVISOR WILCOX: I think because of the changed configuration and the district going to Van Buren, I do not think -- and you put it all together with the except of one small piece, I do not think that it would make a big difference whether in 13 or 14. Let me tell you why.

I believe Isaac felt 13 has the most chance to get Hispanic representation. Now that you evened out the numbers and have 55 in 14 and there's a very good chance for Hispanic representation, and 55 in 13, I think that was one of the main concerns. Because of bilingual education programs and the large Hispanic population, they have very good opportunity to have Hispanic representation who may be able to work with them quite well.

So -- Robert Zamora is not here. I worked with Isaac for many, many years, both with the City Council and as a County Supervisor. I think they'll be pleased. The only other suggestion I can make --

Do you have a pointer?

-- if you wanted to try make it whole, is switch a small part of Isaac in 13 to the south of the freeway and put -- okay. This is only a suggestion, just a suggestion, is you could switch, make this green and bring this is a little further down. You may be able to even it out right there. I know those are --
this is not too populated. If you came down a little more, growth, new homes in this area, you are able to do this.

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

1 16 is a healthy number.
2 I think you could afford to do that, keep them whole, put this small piece; perhaps by just bringing this line down a little bit, even it out.
3 That's the only suggestion I'd make, if you want to make it whole.
4 As for 13, 14, as long as they have equal chance for Hispanic reps, they'll be fine.
5 CHAIRMAN LYNN: Thank you. We appreciate your comments.
6 I think there's ample testimony, as well as discussion by the Commission, about District 16. I think as dense as that piece is, it would have to be a fairly significant chunk of 16 pulled upward. I'm not sure we want to do that because of the circumstances in 16. But I appreciate the comment.
7 SUPERVISOR WILCOX: Could I make a comment on the central neighborhoods? I have a lot of history.
8 CHAIRMAN LYNN: Historic neighborhoods?
9 SUPERVISOR WILCOX: Yes.
10 CHAIRMAN LYNN: Sure. This is the last public comment. We have a lot of work to do. I ask you to be brief.
When I was on City Council during the '80s and early '90s, the historic districts were in my City Council District which encompassed the whole southwest portion of Phoenix. That did pass DOJ. And the historic districts, you know, I know why it came together, but you had basically kept them together. And I have no problem with historic districts being represented in areas predominantly Hispanic. In fact, it was a pretty good mix.

I think the integrity of the Historic Districts being kept together, Coronado, the north high area, you kept Willow, you kept Encanto, kept Story, and Roosevelt, kept the area that is south of west high, the old West High Metro Tech. These are major historic areas, have always been, in my eyes, as a City Councilwoman and County Supervisor, the brunt of the historic community.

I think even though you have kept them together, though not in a true Central Phoenix District, you don't have a true central 15. 15 extends to East Phoenix. I see no problem with this. I've represented this area for over 20 years now.

So just commenting, I think the concern I would have now is keep your block together, which you've really done.

Mr. Rivera arrives.

Thank you, Ms. Wilcox.
Ms. Minkoff.

COMMISSIONER MINKOFF: Yes, Mr. Chairman.

Actually a question for Doug about the historic districts. Understanding what Supervisor Wilcox said, you have done a good job of keeping them all together in District 14. What I'm wondering is demographically if it works, because the Historic Districts, while they do have significant minority population are not as heavily a minority as the rest of District 14, if there is a way of taking that whole eastern edge of District 14, putting it in 15, and if the population at the northern end of 15, you know, bordering the 17 freeway, is of similar demographics, if you could switch that into 14 and not mess up the composition of the district?

MR. JOHNSON: Commissioner, that was something that I tried to do. The three-way split of the north, what was our 14, was something I tried to reduce, in addition trying to keep the Historic Districts where they were. And the area east of, where the old 14 border was, while it's not as dense and heavily Hispanic as the Isaac School neighborhood, it's still considerably more densely Hispanic and more tightly integrated into the Hispanic communities than the north part of 14 and did throw off 15 when I tested
it.

COMMISSIONER MINKOFF: Anticipated every question.

MR. JOHNSON: It was a long night.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: I don't know whether our counsel has finished their discussions or not, but do we need to go like into a five-minute Executive Session to find out the ramifications of anything developed in Court before we go ahead with the work on the map?

CHAIRMAN LYNN: Let me ask counsel whether they believe it would be appropriate at this point or necessary --

MR. RIVERA: I think so.

CHAIRMAN LYNN: Appropriate or necessary for executive?

MR. RIVERA: Five-minute Executive Session.

CHAIRMAN LYNN: Then note Jose is here.

CHAIRMAN LYNN: Need the citations. We need a motion pursuant to A.R.S. 38-431.03(A)(4) and/or A.R.S. 38-431.03(A)(3) for Executive Session.

LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona
COMMISSIONER MINKOFF: So moved.
COMMISSIONER ELDER: Second.
CHAIRMAN LYNN: Been moved and seconded.
All those in favor, signify "aye."
COMMISSIONER MINKOFF: "Aye."
COMMISSIONER ELDER: "Aye."
COMMISSIONER HUNTWORK: "Aye."
COMMISSIONER HALL: "Aye."
CHAIRMAN LYNN: Chair votes "aye."
Motions carried unanimously. We'll now go
into Executive Session.

(Whereupon, the Commission recessed Open
Public Session at 11:20 a.m. and went into Executive
Session from 11:25 a.m. until 11:50 a.m. at which time
Open Public Session resumed.)

CHAIRMAN LYNN: Ladies and gentlemen, if
the Commissioners will take their seats, I'll call
regular session back to order.
Ladies and gentlemen, it's our intent to
take a break. And what I would like to do at this point
is I would like at this moment just to ask the
Commission if there are any other specific questions you
have of Mr. Johnson relative to the map that he
presented.

And if there are no other questions, I
would like to take about a 15-minute break and then come
back and talk about the remainder of the day and what we
need to do to complete our work.

So without objection, the Commission will
take a -- well, the remainder of the lunch break, a
15-minute break at this moment, and get back at five
after 12:00, without objection.

(Recess taken.)

CHAIRMAN LYNN: We're going to call the
session to order this afternoon and resume the afternoon
session.

We'll call the Commission to order. We
have a quorum We don't know where Mr. Hall is.

The next order of business for the
Commission is to continue discussion on what we are now
calling Commission Map Number 4, I believe, Mr. Johnson,

MR. JOHNSON: Yes.

CHAIRMAN LYNN: I believe to offer
instruction, if there is any, to the consultant relative
to administrative or other adjustments we'd like to see
to Map Number 4.

Mr. Elder?

COMMISSIONER ELDER: Yes, Mr. Chairman. I
would like to --

Do we need to make these in the form of
Chairman Lynn: Yes.

Commissioner Elder: I'd like to move we direct Mr. Johnson review proposed Map 4 for traps and for split precincts and to be allowed to make the adjustments that bring the percent deviation more in line and/or maximize the minority voting age population Hispanic numbers higher.

Chairman Lynn: Is there a second?

Commissioner Huntwork: Second.

Chairman Lynn: Thank you.

Discussion on the motion?

Ms. Minkoff.

Commissioner Minkoff: Mr. Chairman, I'm a little confused. I think the first part of the motion dealing eliminating precinct splits, minimizing population deviation, et cetera, makes sense. I am confused. I'd like to ask the maker of the motion to explain the last part of the motion you discussed.

Increasing the percentage of Hispanic voters, we've already done that.

Commissioner Elder: I guess the option, as in the last example, where we can reduce the differential, a choice of which side of the line to put it, put on the side of the line where it benefits it,

LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona
COMMISSIONER HUNTWORK: When it eliminates a split of a precinct.

COMMISSIONER MINKOFF: Oh.

COMMISSIONER ELDER: Eliminate split or looking at different things, if a choice how to do it, I'd prefer to reduce the deviation, in effect, increase numbers where possible.

COMMISSIONER MINKOFF: Let me ask you a question: The one decrease split we're looking at, one between 12, 13, those are kind of cross purposes. Because I think putting it into 13, I -- I'm sorry, taking it out of 13, which is what we're talking about, slightly reduces by a microscopic amount, reduces Hispanics in Districts 13, not so much that it affects the entire district, but has less impact on population deviation than putting the whole thing into 13.

COMMISSIONER ELDER: I think the intent is where it has a domino effect, and there we're talking about moving an additional, was it three to four thousand people that were in that -- no.

COMMISSIONER ELDER: 200 in that trap, if we take the thing -- not trap, the precinct split. If we take the part in 12 now, three, four thousand, bring that into 13, it makes a major change in deviation numbers.

COMMISSIONER MINKOFF: Improves, actually.
12 is overpopulated, 13 underpopulated. Move the whole thing into 13, reducing the deviation, but also reducing Hispanic percentage in 13.

COMMISSIONER HUNTWORK: Andi, what do you suggest?

COMMISSIONER MINKOFF: I'm suggesting, and I think that our ethnic balance in most of these are okay, on small population amounts, I think we move them just based on streamlining, having minimum impact. If you are looking at a precinct with 6,000 voters in it, 5,800 in one district, 200 in another district, as far as I'm concerned, move the 200, not 5,800, regardless of effect. 200 people are going to have minimal effect. 5,800 people could have significant effect.

COMMISSIONER ELDER: I guess I missed somewhere, didn't state the motion carefully enough. If, 3,000, 3,000, swing on whether increased or benefited the minority numbers, if we're looking at swinging of 6,000 or 200, then there is no choice, 6,000 prevails, make the split, take that out and leave in this case, the one we're discussing, District 12.

CHAIRMAN LYNN: I wonder, the problem may be the motion may be a little more comprehensive in its scope than we might be willing to go with. I wonder if we can take them a piece at a time.

COMMISSIONER ELDER: Okay.

CHAIRMAN LYNN: The administrative
portion, eliminating traps, I think is a simple thing to get off the table.

COMMISSIONER ELDER: I'd withdraw the motion.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: Do that.

COMMISSIONER ELDER: I'll revise the motion.

We authorize Doug Johnson, NDC, to review the proposed plan, DOJ Map 4, for administrative traps. Is that --

CHAIRMAN LYNN: And to correct them

COMMISSIONER ELDER: And to correct them

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Hall.

COMMISSIONER HALL: Call the question.

CHAIRMAN LYNN: All in favor of the motion, signify by saying "aye."

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Motion carries unanimously.
So ordered.

Subsequent directions to Mr. Johnson.

Mr. Huntwork?

COMMISSIONER HUNTWORK: I'd like to make the motion that we correct the precinct split in Precinct 13 simply by eliminating the partial precinct above I-10 on the western end by using District 12.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

Ready for the question.

Mr. Huntwork?

COMMISSIONER HUNTWORK: I'd just like to say that it would have minimal effect on the demographics of District 13 and significant administrative benefit by eliminating a precinct split.

CHAIRMAN LYNN: And, I believe, if I recall the testimony, that's less than one-hundredths of one percent.

MR. JOHNSON: Mr. Chairman, that is correct.

I just wanted to clarify something I think is clear, I want to be sure on the record, our goal here is given the emergency situation, I realize the issue of the precinct, given the emergency need of the precinct to get off and happening in time, that's our goal, correct?

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

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

CHAIRMAN LYNN: Opposed, "no"?

Motion carries and is so ordered.

COMMISSIONER MINKOFF: Mr. Chairman, as I recall, there were also precinct splits in the East Valley, I believe, between 19 and 22. Didn't you indicate there were some?

I'd like to instruct Mr. Johnson, to the extent possible, to eliminate precinct splits in those Districts by shifting population between them to minimize any change in population deviation in those two Districts.

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

Districts.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Moved and seconded.

Discussion on the motion?

Hearing none, if you are ready for the question, all those in favor of the motion, signify by saying "aye."

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

Motion carries unanimously and is so ordered.

Are there other instructions to Mr. Johnson?

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Johnson, have we identified all precinct splits you are aware of caused by the latest change in the map?

MR. JOHNSON: We are still -- I think that Maricopa County people are still going over it with a fine-tooth comb, so I think the initial instruction is general enough to cover them.

COMMISSIONER MINKOFF: We've been very specific. We've instructed you on just two specific areas. Do you need more general instruction in case something else crops up?

MR. JOHNSON: My understanding, Commissioner Elder, correct me if I'm wrong, Commissioner Elder's initial motion is a more general one.

COMMISSIONER HUNTWORK: That is traps.
COMMISSIONER MINKOFF: Traps.
I'd make a further motion authorizing

Page 49
Mr. Johnson if other precinct splits are identified, that as long as there is no change, no significant change to the essential character of any district, that he is authorized to unify the precincts, wherever possible.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion?

MR. JOHNSON: Mr. Chairman, if I may, so you know, as I do this, I'll keep an exact record as to which precincts and where people move so you have an exact record where people move.

CHAIRMAN LYNN: As we'd expect.

Ms. Minkoff.

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

COMMISIONER MINKOFF: I'd point out the motion does not specify only Maricopa County. Those are the only ones we're currently aware of. The motion allows if splits are identified in other counties, you can correct those as well.

CHAIRMAN LYNN: Ready for the question?

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

COMMISIONER HALL: "Aye."

COMMISIONER HUNTWORK: "Aye."

COMMISIONER ELDER: "Aye."

COMMISIONER MINKOFF: "Aye."

Page 50
CHAIRMAN LYNN: Chair votes "Aye."
Motion carries and is so ordered.
Other motions to instruct Mr. Johnson in terms of Map 4?
COMMISIONER HALL: Mr. Johnson, I'd confirm with you down in 23 in the Tucson area, that is essentially the same as what we looked at two days ago, whenever that was. For example, some of the Flowing Wells suggestions, none of those things are on this map?
MR. JOHNSON: That's correct. The only difference between this map and ones we've been looking at, NDC developed, is between Oracle and Saddlebrooke. There was that four-person precinct trap. That has been fixed.

COMMISSIONER ELDER: Okay. The answer is yes.
CHAIRMAN LYNN: Further discussion?
Mr. Huntwork.
COMMISIONER HALL: Answer the question again, Doug?
MR. JOHNSON: The only difference in all maps seen in that area, it is the adopted plan with the change of Oracle and San Manuel. And the only new thing, fixed the precinct trap of four people between the towns of Oracle and San Manuel.
COMMISIONER HUNTWORK: Mr. Chairman, I'd like to ask both Doug and also if anyone in the audience...
might have an interest in whether there are any other
technical instructions that would be beneficial at this
time. I can't think of any, but I'd just like to make
sure we've thought of everything.

MR. JOHNSON: I can't think of any.

COMMISSIONER HUNTWORK: Karen, can you
think of anything?

MS. OSBORNE: Mr. Chairman, Mr. Huntwork,
I think the instructions sufficiently take care of what
we need. We appreciate that, two little people over
dere, four little people over there, that will help us.

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

CHAIRMAN LYNN: Further instructions to
Mr. Johnson relative to Map 4?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I would
like to have a consolidated, complete data set on Map 4,
including when it's appropriate, to run
competitiveness, to run all other data we've had on
other maps coming up to this point. And that can be
three, four, five days, when traps and everything are
identified and fixed, so I've got this is the end point
we're at for the interim

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

COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Is there a second?
COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Well, I think in terms of some of the other tests, I would want to wait until the data review is complete and all the data bases are correct before I took in additional numbers on competitiveness.

COMMISSIONER ELDER: I guess either add that to the mix and say another run at that point, if that's going to be weeks down the line. If we are going to have --

CHAIRMAN LYNN: The time frame is shorter than that. We can get that done fairly rapidly.

They're almost done with the data base.

COMMISSIONER ELDER: I'd like the answers with the attorneys when they go to court. If any questions arise, have at least something run on this map to be able to base comments on.

CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Motion carries unanimously and is so ordered.
Further instructions to Mr. Johnson?
COMMISSIONER HALL: Mr. Johnson, I'd be interested to know if anyone in the public at this point --
CHAIRMAN LYNN: I'll get to that. I'm getting there. One thing at a time.
Further instruction to Mr. Johnson?
If not, Mr. Johnson, are you sufficiently comfortable with the instructions given and the ability, should this map be adopted, to put it in a form that would be not only accurate and precise but acceptable to the parties that it will be submitted to, namely the federal court?
MR. JOHNSON: Obviously I'll work with counsel on what form that is, but yes.
COMMISSIONER HUNTWORK: Mr. Johnson, can I ask a question?
CHAIRMAN LYNN: Yes.
COMMISSIONER HUNTWORK: My impression is the motions are applicable to any map, the one that dealt with specific precincts on this map would not, but others, my sense was, they would apply to any map.
CHAIRMAN LYNN: And without objection,
let’s say any generalized instructions correcting or perfecting map to precincts that appear with any particular map; taken in a general context, any map adopted by the Commission, without objection.

Pursuant to Mr. Hall’s suggestion, I think a very good one, let us offer the opportunity, because we are closing in on a time where we will need to

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

conclude, lose a quorum if we do not, offer to the public an opportunity to briefly comment to the Commission on any matter before the Commission on its agenda. And I will be happy to recognize people without speaker slips, if they identify themselves as wishing to speak.

Is there anyone in the audience who would wish to address the Commission at this time?

Mr. Perez, would you state your name for the record, since we’re not doing speaker slips this afternoon.

MR. PEREZ: Rudolfo Perez, Jr., director of the MALDEF office.

There were problems with e-mail to our national office. Based on the information I conveyed to them over the telephone, our position is that we support the test map that was presented to you this morning. We’re very pleased with the data and the statistics, and this is a map we can support at this time.

CHAIRMAN LYNN: Thank you, Mr. Perez.
appreciate that.

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

Mr. Kizer?

MR. KIZER: I just need to talk to Jose.

CHAIRMAN LYNN: Sorry, Mr. Kizer. I didn't mean to impose on your phone call.

For the record, the map Mr. Perez is referring to is DOJ Map 4.

Is that correct, Mr. Perez?

MR. PEREZ: This map here, DOJ Map 4.

CHAIRMAN LYNN: Thank you.

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

If not, we'll close public comment.

I have a question for counsel, and I'll wait until counsel is ready to answer that question.

Ms. Hauser, I was going to ask a question.

I may have already divined an answer. The question I'm asking has to do with legal counsel's opinion, not in terms of any specific litigation or any specific matter before any court, but based on the development of the map, DOJ Map 4. Does counsel see any impediment to the adoption of that map, should we choose to do so?

MS. HAUSER: No.

CHAIRMAN LYNN: Thank you.
extremely important. And communication is occurring as we speak. If it appears as though we're kind of treading water until we have communication completed, you are exactly right. And we need to assure that that is the case.

SUPERVISOR WILCOX: I'm not sure, because I just walked in now.

Karen, Jose are talking, will hopefully have that resolved in a few minutes. One of the things when we read in the stipulation is I wanted to assure the Coalition, because we do have less resources than the Commission, that we will join in work on presenting the evidence that the Court has asked us for. I have prepared a list and given it to Lisa and Jose on the school districts and other resources that we need to get statistical evidence on. And I would like to just hear from you that we will jointly do it together and we will not have the burden all fall on us.

CHAIRMAN LYNN: Certainly it's the intent of the Commission to make as many matters before the court a joint presentation and/or stipulation as possible. That's the intent. And we certainly will
follow through on that intent.

SUPERVISOR WILCOX: Okay. We'll work that

Chairman Lynn: Yes.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I think just a clarification here. I really hate to be splitting hairs, but I think that we will work separately and we will work together. I don't think that the intent of this was to place the entire burden on the Coalition, by any means. And I think if we each do all that we can, I don't think it means, though, we can't provide evidence that isn't joint, we can go forward separately as well with evidence supporting the motion, as can the Coalition go forward separately with evidence supporting the plan and not evidence introduced with evidence not jointly approved.

Chairman Lynn: I appreciate the distinction.

COMMISSIONER ELDER: I'd like to maybe add another distinction here. I think it's important for the court to see and perceive that there is consensus, that this is not a compromised position from the standpoint of, you know, we all got together and here is the mediated line. It's coming from you know, the Commission, it's coming from the Coalition, and we're
developed position. But I think it's very important for the judges to hear that these people are in support of and it's not something reached by our attorneys and their attorneys but actually the people that make the presentation before that judge that says we believe, and then go on with it.

To the extent they need support for documentation and data and we've got it, hey, give it to them for whatever purpose.

CHAIRMAN LYNN: Let me try to make a slight modification of your statement, which I think is very well-intended.

During the course of this deliberation, the Coalition has, on the record, indicated that it is the job of the Commission to produce the map. It is the job of the Coalition to support the map, if possible. And those are the -- those are the roles of the parties in this particular suit.

To the extent that we undertook that responsibility, the map is a product of our work. We have taken input from the public, from the Coalition, and others, relative to the development of any map that we will adopt. And that map, once adopted, is our work product. We will be submitting it to the court.

Support or comment on that map will be the
responsibility, obviously, of the Commission. And we will do so, and of others. And the others will need to do their work both with us and independently.

COMMISSIONER HUNTWORK: I agree with that statement, Mr. Chairman.

SUPERVISOR WILCOX: That's fine.

CHAIRMAN LYNN: If you all bear with us, we'll have a couple moments of relative silence, because there's no other business to fill it. I'm only being honest with everyone that we need to complete our communication so that we can move forward as a Commission. And if you'll just bear with us, as soon as we have notification our communication is complete, we will move ahead.

(Recess taken from 1:28 to 1:44 p.m)

CHAIRMAN LYNN: Ladies and gentlemen, we'll go back on the record.

Ladies and gentlemen of the Commission, the issue is before us. The issue before us is the adoption of a map. And the Chair would entertain an affirmative motion to adopt a map. Please designate the map. And the motion is to present that map to federal court in response to the DOJ objections for interim use for the 2002 election cycle only.

COMMISSIONER ELDER: So moved.
CHAIRMAN LYNN: And designate the map, if you would, Mr. Elder.

COMMISSIONER ELDER: The map is DOJ Map 4.

CHAIRMAN LYNN: Motion has been made.

Is there a second?

COMMISSIONER MINKOFF: I would like to second. I would also suggest we add to the motion DOJ Map 4 as adjusted according to the instructions made by the earlier motion to Doug Johnson.

CHAIRMAN LYNN: Is that acceptable, Mr. Elder?

COMMISSIONER ELDER: That is correct.

CHAIRMAN LYNN: Motion has been made to adopt DOJ Map 4 to be our response to the court to the DOJ objections for interim use for the 2002 election cycle only, that map to be subject to the instructions given to Mr. Johnson earlier for technical corrections and administrative fixes for that map.

Discussion on the motion, Mr. Huntwork?

COMMISSIONER HUNTWORK: Do we have in hand a stipulation from the Coalition to support this map if it is adopted?

CHAIRMAN LYNN: It is my understanding we do. I'll double-check with counsel if we do.

MS. HAUSER: Want to see it?

LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona
COMMISSIONER HUNTWORK: Is the answer yes or no? I don't need to see it. I need to know the answer.

MR. RIVERA: The answer is yes.

CHAIRMAN LYNN: Further discussion on the motion?

MR. HALL.

COMMISSIONER HALL: I think, to Mr. Huntwork's point, I think that is important to this Commission in light of the fact that it is clear that the letter from DOJ has indicated a very, very high benchmark, and it is also clear that we will need the assistance of representatives of the Hispanic Coalition in that area to provide appropriate testimony to help us verify to the court that in reality those percentages are sufficient; and with that local testimony and knowledge, I think that they will be convinced that in reality minority representatives will have the ability to elect a representative of their choice. That's why it's critical the parties involved jointly support that. Furthermore, I appreciate the support from Mr. Perez of MALDEF.

CHAIRMAN LYNN: Further discussion on the motion?

Briefly.

LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona
SUPERVISOR WILCOX: I just want to state you have our stipulation on behalf of the Coalition we do support the joint map. We will, as Mr. Hall said, work with you in the court. It is our hope that when elections occur, there will be proof that the Hispanic community can elect candidates of its choice.

Thank you very much.

CHAIRMAN LYNN: Thank you, Supervisor Wilcox.

Further discussion on the motion?

COMMISSIONER HALL: On behalf of the motion, I think we appreciate that support and look forward to further support as we move into the 2004, et cetera, elections.

CHAIRMAN LYNN: Further discussion?

If not, roll call.

Mr. Elder?

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries five-zero.

Page 63
The Chair would entertain a motion to go
to block level description for Map DOJ 4 and present
that to counsel for use in supplying to the court.

COMMISSIONER MINKOFF: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: All in favor of the
motion, say "aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

So ordered.

The Chair would also ask for
authorization, due to the time frame involved and
ability to reconvene as a Commission in a timely manner,
in order to respond to the court, the Chair would
entertain a motion entertaining that legal counsel sign
the certification to the court on behalf of the
Commission -- certify to the Secretary of State this is
our interim map and to present it on our behalf.

COMMISSIONER HALL: So moved.

CHAIRMAN LYNN: Second?

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

68
COMMISSIONER HUNTWORK: I would like to ask counsel, for the record, whether that -- I'd like counsel to advise us whether that procedure is legally sufficient.

MS. HAUSER: I think so.

Mr. Chairman, I think for this purpose, yes.

CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

So ordered.

Any further business to come before the Commission?

Ms. Minkoff.

COMMISSIONER MINKOFF: I'd like to request when the final map is prepared and when the data referenced by Mr. Elder is available, that the IRC office be instructed to make copies of these available to all of the Commissioners so we may have them for our files.
CHAIRMAN LYNN: I'd add to that and also post all that information to the website as it becomes available as well.

COMMISSIONER MINKOFF: Absolutely.

CHAIRMAN LYNN: Do both of those things without objection.

Other business to come before the Commission?

If not, is there a motion to adjourn?

COMMISSIONER HUNTWORK: So moved.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

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

The Commission will stand adjourned until next call.

(Whereupon, the hearing concluded at approximately 1:51 p.m.)
STATE OF ARIZONA  
COUNTY OF MARICOPA  

BE IT KNOWN that the foregoing hearing was  
taken before me, LISA A. NANCE, RPR, CCR, Certified
Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 70 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 23rd day of May, 2002.

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

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