STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
June 13, 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 June 13, 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 MINKOFF
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER DANIEL R. ELDER
COMMISSIONER JOSHUA M. HALL

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ADDITIONAL APPEARANCES:

LISA T. HAUSER, Commission Counsel
JOSE de JESUS RIVERA, Commission Counsel
M. MARGUERITE LEONI, NDC Counsel
ADOLFO ECHEVESTE, IRC Executive Director
LOU JONES, IRC Staff
KRISTINA GOMEZ, IRC Staff
DR. FLORENCE ADAMS, NDC, Consultant
DOUG JOHNSON, NDC, Consultant
DR. MICHAEL P. McDonald, Consultant
LISA A. NANCE, RPR, CCR, Court Reporter

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SPEAKERS FROM THE PUBLIC:

MAYOR JOSEPH C. DONALDSON, Flagstaff
CHAIRMAN ELIZABETH ARCHULETA, Coconino County Board of Supervisors
NEIL WAKE, Arizonans for Fair and Legal Redistricting, Inc.
CHAIRMAN WAYNE TAYLOR, JR., Hopi Tribe
DANNY ORTEGA, Attorney, Hopi Tribe
MICHAEL MANDELL, Arizona Minority Coalition

SCHEDULED SPEAKERS:

DR. FLORENCE ADAMS
DR. MICHAEL McDONALD
MR. DOUG JOHNSON

LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona
CHAIRMAN LYNN: The Commission will come to order.

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: The Commission is represented by legal staff, and consultants are present. Ladies and gentlemen, to give you an idea of how the next two days will proceed, we're going to begin, as is our custom, with public comment. By no means will the public comment at the beginning of the session be the only public comment we'll take. Because this is a process, and because we will be creating both
possible work products and actual work products as we go through this process, it's important to interact with the public periodically to make sure we're hearing how people are feeling with the work we're doing. So there will be other opportunities for you to speak.

I do at the moment have three requests for public input. I would encourage anyone else who wishes to speak to fill out a form at this time.

We will take public comment first, and then we'll have some reports. And then we will probably have additional public comment based on information in the reports.

There will be at some point in the day an Executive Session. And we'll try -- I'll try to give you -- keep you apprised of how that system will work and what time frames will be.

Without objection, we'll begin public comment. And the first slip that I have is for Chairman Wayne Taylor, Chairman of the Hopi Tribe.

And I don't see Chairman Taylor at this time.

A VOICE: Mr. Chairman, he's in the facility, but we'll call him.

CHAIRMAN LYNN: Since we only have three or four slips, Chairman Taylor has some time --
Here he is.

I don't want to rush you, Chairman Taylor, but if you are ready, we're ready for you.

CHAIRMAN TAYLOR: I apologize. I am not ready just at this moment.

CHAIRMAN LYNN: I'll put you back one or two and get to you as soon as we can.

CHAIRMAN TAYLOR: Thank you.

CHAIRMAN LYNN: Then let's go with Mayor Donaldson.

Mayor Donaldson, Mayor of City of Flagstaff.

MAYOR DONALDSON: Good morning, Commissioners.

Mr. Chairman, Commissioners, thank you for the opportunity to present this morning. Again, please accept my appreciation for the efforts you have made to date.

My remarks are made as Mayor speaking on behalf of the Flagstaff Council and the Flagstaff community.

I have stated during this process and reiterated into it that the council maintains two policy positions on behalf of the community: Number one, the council emphasizes the imperative to maintain Flagstaff...
and its metropolitan planning area in one Legislative
District; and, secondly, the council strongly supports
Legislative District boundaries established in
recognition of our community of interest, that includes
economic, natural resource, cultural, and local
government considerations.

Flagstaff and its metropolitan planning
area are most closely identified with a rural community
of interest that includes Sedona and the Verde Valley.
If you consider possible alternatives or changes to the
2002 Legislative Redistricting Plan with respect to
competitiveness and population deviations, I urge you to
consider all the criteria set forth in Proposition 106,
including geographic compactness, contiguity,
communities of interest, and the use of visible
geographic features, city, town, and county boundaries.

While Flagstaff actively pursues and
maintains strong relationships with its Northern Arizona
partners, including Indian Nations, Northern Arizona and
Flagstaff are not communities of interest.

I provided at the October 2001 meetings
extensive comments on the significant differences
between sovereign nations and local governments. I
believe you understand these differences of government
structure, federal versus state, local funding,
transportation and traffic, private property rights, judicial systems, and public safety, among others.

A Legislative District that places Flagstaff as as one local government in a district or splits Flagstaff, including the metropolitan planning area, is not an acceptable solution.

I appreciate your willingness to consider these points which are presented as a unified position of the state of Flagstaff, Coconino County, Northern Arizona University, and Flagstaff Unified School District.

Thank you.

With your permission, I'd like to read into the record a letter from the Chamber of Commerce.

CHAIRMAN LYNN: Without objection, if it's brief, or we can take the letter.

MAYOR DONALDSON: It's brief. I'd like to read it into the record.

"Dear Mr. Lynn.

"It is my understanding that your June 13th meeting in Tempe may include discussion of possible changes to the new District 2 boundaries. Although I'm not able to attend your meeting, I wanted to be sure you received comments from the Chamber. We were an early and persistent voice throughout the redistricting
process. Our message today remains the same. Any
district boundaries should keep Flagstaff whole and
should group us with our strongest communities of
interest, specifically Sedona and the Verde Valley.

"We, of course, were not pleased with the
final outcome of the redistricting. We are accepting
new boundaries for the upcoming Legislative races hoping
to elect appropriate leaders for Flagstaff.

"I am troubled to learn the IRC may
revisit boundaries, make additional changes that could
set us back further.

"Sincerely, David C. Maurer, president,
CEO of the Chamber of Commerce."

CHAIRMAN LYNN: Thank you, Mr. Mayor.
I believe there may be a question.
Ms. Minkoff?

COMMISSIONER MINKOFF: Thank you.
Mayor Donaldson, this is probably an
unfair question, but I'm sure you are used to those.

MAYOR DONALDSON: Yes, I'm sure.

COMMISSIONER MINKOFF: You were in the
meeting when Flagstaff, the district for Flagstaff was
adopted. You are aware of all the discussions and
really the difficulties that we had in creating some of
the districts in the northern part of the state.
One of the things that we're required to do which pretty much trumps everything else is create districts that allow minorities protected under the Voting Rights Act to elect candidates of their choice. And that was one of the issues that led to the creation of this district as it currently exists.

We heard loud and clear what you said in terms of putting Flagstaff with the Verde Valley. I think most of the Commission recognized that as a community of interest, one of many communities of interest, competing around the state.

What would be helpful for us is if you could provide us some alternatives to achieve the goals that we need to achieve under the Voting Rights Act, keep Flagstaff united, which it seems very important to you, and still achieve the other objections that you asked us to achieve.

Frankly, we've tried to find a way to do that, and we can't. So if there is any input you can give us, some parties have submitted districts. We're happy to receive them. I wonder if that's something you can provide us.

MAYOR DONALDSON: Mr. Chairman, Ms. Minkoff, I'll take the suggestion under advisement with my staff.
If you remember during the process in October I had a discussion with your consultants in charge of putting together your maps, and I asked them if they could keep Flagstaff whole in the area that we were concerned about, that those are communities of interest. And they related to me yes, they could, however, it has to be a direct order or directive from the Commissioners that this is important to them. Okay. So I talked to your folks. And I asked you to give us a directive and in consideration to Flagstaff, as you were giving to the metropolitan areas, I remember very specifically your direction to the consultant on the maps: This is the way we want it; now make it happen. And it happened.

So in suggestion to you that it happened, you directed your map consultant to do that. But don't change the metropolitan area.

Well, there has to be some flexibility within the entire state map in order to achieve what we need in Northern Arizona.

I respect your decision to do what you did in the Maricopa area, but I ask you to consider that Flagstaff, and its metropolitan planning area, is, in Northern Arizona, a rural area, the most underrepresented area in Arizona, with our rural
district, our rural communities.

The -- and as you know, and it's no secret, the -- Maricopa is referred to as the state of Maricopa. They have significant, and rightly so, significant power, because of numbers.

But I think that there needs to be some consideration of rural areas, particularly metropolitan areas, such as Flagstaff, that they be given some weighted consideration in achieving for them what is necessary for them to be a viable, not only economic area, not only cultural area, but Legislative, able to impact legislation that affects their areas.

The way it is, it doesn't do that, in our opinion.

Can it work out? Possibly. But it takes -- it places, in my opinion, an undue burden on the legislators that will represent our area as it is.

I firmly believe in equal representation.

So in order for us to get that in Flagstaff, the way Flagstaff is set up right now, it's incumbent upon -- if it's independent legislators who represent us, it's important they understand how the sovereign piece works and how the nonsovereign piece works. If it's a Legislator from Flagstaff, it's important they know the same thing, how nonsovereigns work and how sovereigns

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work. That's an extra burden on those people to understand those differences.

Are they in conflict? Obviously so.

Many times we have the same issues but our solutions are much more difficult to get at, particularly when you have areas that are not as developed as the City of Flagstaff.

So I just ask you to somehow, if you can, and I'll take it under advisement, take it back to my staff, see if we can make a recommendation to you.

COMMISSIONER MINKOFF: Thank you, Mr. Donaldson.

I do recall when we were looking at test maps, we did ask our consultants to develop a district that included the entire metropolitan planning area. First we told them not to split Flagstaff. We've not done that. Flagstaff is united, although only the City of it. We then asked them to include the metropolitan planning area, and it didn't work. It didn't work populationwise, and it didn't work in terms of the character of the district. So we couldn't even include the metropolitan planning area and obviously couldn't expand into the Verde Valley.

So the reason it ended up this way, as I recall, we asked you what would you rather see. Would
you rather see Flagstaff united but only the City of Flagstaff in this Northern District, or would you rather see Flagstaff divided and some of it in with these other areas? And the response of the city was: Please, at the very least, keep Flagstaff united, which is what we did.

Now, going forward, we are going to be making some changes. I would like to be able to address your other concerns, but it would be helpful if you could help us; because, honestly, we tried. And we haven't been able to find a way to do it. Maybe different minds can be a little bit more creative than we were.

MAYOR DONALDSON: Maybe.

Mr. Commissioner, may I respond?

CHAIRMAN LYNN: Certainly.

MAYOR DONALDSON: Yes. All I ask is that you consider it and see how you can help Flagstaff or assist Flagstaff in achieving, in my opinion, the significant position that needs to happen in Northern Arizona. So I appreciate your consideration.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Mayor.

Next speaker is Chairman of the Coconino Board of Supervisors, Elizabeth Archuleta.
CHAIRMAN ARCHULETA: Thank you. Thank you for the correct pronunciation of my name. Thank you for the opportunity to address you this morning. Thank you for work you've done so far.

I'll be very brief. In the past hearings we suggested that a community of interest be defined as simply those geographic areas, citizens, groups, or issues that relate closely to each other. And as you know, rumors sometimes abound and we understand you might be considering splitting Flagstaff again.

I'm just here to basically ask you, if you are considering heading in that direction, that any proposal to split up Flagstaff, whether it be 5,000 or 25,000, just doesn't work if the concept of community of interest is to be used as the abiding value.

I understand that you've been using that as a guiding value throughout the hearings. There may be some other things that come under consideration in terms of looking at Flagstaff other than a community of interest.

But I would say that that is the priority for citizens is to maintain that community of interest. It will -- as you know, if you split it, it will affect the strength of this community of

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interest, regardless of the size of the split I mentioned.

The Mayor mentioned the Flagstaff metropolitan planning organization. He did mention we've engaged in a regional planning effort for the entire metropolitan area and outlying areas of Flagstaff similar to boundaries of the metropolitan planning organization, just engaged in a land use plan for the area.

And the county and City of Flagstaff have many common efforts where we look at the City of Flagstaff as a whole and its outlying communities.

If it was to be split, we feel like it would be detrimental.

I just wanted to let you know we are concerned about that, I look forward to commenting as the day progresses.

Thank you.

CHAIRMAN LYNN: Thank you, Ms. Archuleta, very much.

CHAIRMAN LYNN: Next speaker, Mr. Wake, representing Arizonans for Fair and Legal Redistricting.

I'm worried. You have typed and prefilled out this form. That scares me.

MR. WAKE: I know that is probably

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frightening. It just means I was working yesterday with
access to a typewriter.

And I really will be brief. I have one
small but very important point that I would like to
express to the Commission, and that is the need to
reduce the population deviation from the interim plan
that has been approved by the court before a permanent
plan is implemented.

And if I may, I brought along a short
letter with an attachment. If I could pass it to
counsel, I would like to have copies for each member of
the Commission, counsel.

CHAIRMAN LYNN: Certainly. Without
objection.

MR. WAKE: Here is the point. The interim
plan has a maximum deviation of 9.1 percent. And the
comments I'm going to make do not in any way presume
that this Commission thinks that that is good or
desirable. To the contrary, I would think the
Commission would like to reduce the population
development.

I would like to speak to some of the
reasons why that is not only a good idea but
constitutionally required. And it is this: The Federal
Constitution cases allow a 10 percent deviation as a

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rule of thumb that is presumptively beyond -- within
that -- federal courts will not allow any further. Any
discrimination within a 10 percent deviation, that would
be sufficient to rebut the federal presumption.

However, our Constitution requires
equality of population to the extent practicable.

I supplied the Court a brief excerpt of
recent cases by the Alaska Supreme Court decided in
March under identical constitutional provisions of their
state constitution.

In that case, their redistricting board
was found to have violated the State Constitution, even
though it would not have violated the Federal
Constitution, with deviation of 9.6 percent. And the
reasoning was that the phrase, "as equal as
practicable," is affected by technology. And technology
allows us now to achieve much greater equality
population than it have been possible 30 or 40 years ago
when the Federal Supreme Court adopted that principle.

The Alaska case also notes that in that
case, their board was presented with an alternate plan
that would have achieved greater population equality and
that the Court held that because they were presented
with alternate plans would have had more equal
population, it was wrong not to pursue the other plans.

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The attachment we've given you is an attempt to do that. It's a revision that works off of the interim plan. And what it does, basically, it takes the few districts in the East Valley have excessive population and ripples that population further out. And it does a little of the same in Pima County, to spread them out. It does no significant change to the character of any district, but it equalizes the population with little effort. We got the deviation down to 3.8 percent.

I'll submit the map, and I can give counsel the computer files.

Again, I'm not presenting this with the request that you adopt that map. I do it to show that it can be done.

And under the Alaska case, if it can be done, then it must be done.

And I'm sure that your experts can do a better job than we did in a short period of time to bring this deviation down.

So again, I prefer to speak in terms of what is wise and fair; but I'm a lawyer, so I also talk in terms of what the law requires. And with -- if one follows the example of this Alaska case, then the law does require that the population deviation be brought

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down. We ask the Commission to make those changes.

Our proposal does not tamper with any districts outside of Pima Pinal and Maricopa County. I think the letter said Pinal County. In fact, we did not tamper with Pinal County. There is no attempt to change communities of interest, not changing that, no attempt to deal with the Northern Districts, which are the subject of no less than four parties who are suing now over those Northern Districts; and the Court's will sort that out if the parties can't reach something acceptable to the Commission.

Those are my comments. If I can leave my disks, I'll yield the podium.

CHAIRMAN LYNN: I believe there's a question.

We'll be happy to have the electronic version so not only counsel but the consultants can see the methodology to attempt to bring down deviation.

COMMISSIONER MINKOFF: Mr. Wake, one of the other Constitutional requirements of the State of Arizona is we need to make districts as competitive as possible when they do not significantly detract from the other criteria. We've obviously just seen this for the first time and haven't had a chance to really look at it. Can you tell us what impact, if any, the changes
you suggest would have on the competitiveness of the
districts?

MR. WAKE: I think it has no great effect
on competitiveness. Mr. Chairman, Commissioner, I would
prefer to look at the numbers and make a focused
analysis. There might be some difference.

We did this exercise with the eye toward
achieving greater equality. So if you will allow me,
I'll do that and perhaps I might speak later if we Judge
there is some effect. But we did not do it with the
purpose of affecting the politics of the districts in
any way.

COMMISSIONER MINKOFF: I'm very
appreciative of your analysis, if you could get to us at
a later date.

MR. WAKE: Thank you. I'll try to do it
later today.

CHAIRMAN LYNN: Let me ask Chairman
Taylor, are you prepared at this point? We'll be happy
to hear from you.

Chairman Wayne Taylor, Hopi Tribe.

CHAIRMAN TAYLOR: Thank you, Mr. Chairman,
Members of the Commission.

The Commission, as part of their mission
to draw Legislative District lines, held hearings and
took committee input throughout Arizona. During those hearings, the Hopi Tribe repeatedly made every attempt possible to inform the Commission of historic, cultural, and political issues that are at the center of the Hopi Tribe's objection to being placed within a Legislative district dominated by the Navajo Nation.

According to the Commission's plan, one of their highest priorities was identification of communities of interest.

The Hopi Tribe has provided the Commission statements and factual background regarding their particular community of interest.

When the Commission issued its final district maps, we were disappointed the Hopi's concerns were largely ignored due to emphasis placed on maintaining a high level of Native American voting age population in a district which is predominantly Navajo.

The Commission's concentration on the Native American numbers disregarded the Hopi's right to choose their candidates of choice and fair and effective representation.

The numbers ignore the reality. The Hopi Tribe cannot be fairly represented within a Navajo dominated Legislative District.

It is an established fact that the Hopi

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Tribe has a long-standing historical conflict with the Navajo Nation and should not be included in the same Legislative District.

The conflict has been evident even in these proceedings when you consider the Navajo Nation's opposition to the Hopi's position to be placed in a separate district. They haven't shown any respect to the Hopi Tribe's desires.

The US Department of Justice did not object to the separation of the Hopi Tribe and Navajo Nation in the Congressional District map. It stands to reason that the same rationale would be applied to the Legislative District map.

The present Legislative Redistricting plan does not give a member of the Hopi Tribe an opportunity to be elected to the State Legislature even when acting in concert with other non-Navajo voters. In addition, the Hopi Tribe's opportunity to elect someone of their own choosing is literally nonexistent within the Navajo dominated Legislative district. The Navajo tribe outnumbers the Hopi ten to one within the new district boundaries. Population of 100,000 Navajos to 10,000 Hopi.

The Hopi Tribe is of the view that the Hopi inclusion within a Navajo dominated Legislative

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District will be detrimental to the rights and political
interests of the Hopi Tribe. This conclusion is founded
on the following principles: First, the issue for the
Hopi is one of fair representation. We are not arguing
that the Hopi are being deprived of the right to vote or
that the Hopi vote is not counted. Instead, we believe
that fair and effective representation is not possible
for members of the Hopi Tribe within a Navajo dominated
district.

Based on an abundance -- second, based on
an abundance of prior experience, the Hopi believe that
their inclusion in a Navajo-dominated district will also
lead to a lack of responsiveness by those elected within
the district, namely citizens of the Navajo Nation to
the political concerns and needs of the Hopi people.

Third, the Redistricting Commission has
proceeded on a false premise. Essentially the
Commission argues just because the Hopi will never be
able to elect a Hopi representative to the Legislature,
in light of the Navajo dominance of the district, does
not necessarily mean that the Hopi will not be fairly
represented.

Should we assume that the Navajo will
adequately represent all identifiable groups within the
district?

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While this conclusion may be valid in another context, it is not valid in the case of the Hopi who would not only have a slim to none chance of electing a Hopi representative but would also have little or no opportunity to influence Navajo representatives to act favorably on behalf of the Hopi and their political interests.

The history of Hopi interests to garner Navajo political support in the State Legislature bears this conclusion out.

The Hopi believe that any Navajo candidate elected to the State Legislature from a Navajo-dominated district will ignore the interests of Hopi interests in favor of the majority constituents, the Navajo.

Political pressure, expediency, and a long history of animosity and competing interests between the Hopi and Navajo will make it impossible for the Hopi to be fairly and effectively represented from within a Navajo dominated district.

And lastly, placing the Hopi within a Navajo dominated district will have the effect of consistently degrading the Hopi vote and the Hopi ability to influence the political process as a whole.

The Hopi testified before the Redistricting Commission previously and demonstrated a
history of disproportionate result, a lack of political
power, and a denial of fair representation whenever Hopi
interests have been lumped in with Navajo interests.

We need only to remember the Hopi's
disastrous experience when lumped in with the Navajo in
the so-called Navajo-Hopi joint use area. The Hopi lost
one-third of their reservation to the Navajo.

Having stated all the above, we propose
that a map be designed that also protects the Hopi
Tribe's community of interest and places the Hopi in a
Legislative District separate from the Navajo Nation.
The proposal would move the Hopi Tribe out of
Legislative District 2 and into District 1. We would
join the Yavapai County area along with the Yavapai
Prescott and Apache tribes. District 2 would include
the Navajo Nation, San Carlos Apache, White Mountain
Apache, Hualapai, and Havasupai tribes. The inclusion
of these tribes in District 2 would increase Native
American voting age population to a percentage that
would be greater than the District 2 that the Commission
designed. We believe that this proposal would protect
all Native American -- Native Americans rights to choose
candidates of their choice and avoid any division of
established reservations by district lines in other
parts of the state.

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One of the stated concerns during the public hearing process, it would also promote the interests of the Eastern Arizona Counties by keeping them together.

We are hopeful that the Redistricting Commission will take what we believe to be an excellent proposal under serious consideration for the 2004 Legislative District maps.

Once again, I thank you all for your diligence in this very important process and for your service to the people of our state.

I will leave a copy of my statement with you.

Also, at this time, I want to have our attorney, Danny Ortega, come up and address any specific questions you might have on our proposal.

CHAIRMAN LYNN: Thank you, Chairman.

Thank you very much.

Mr. Ortega.

MR. ORTEGA: Mr. Chairman, thank you very much.

My name is Danny Ortega. I'm an attorney for the Hopi Tribe. If you have any questions, what we're proposing is just some general ideas to the Commission about what could possibly be done to separate

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the Hopi from District 1 and include the Apache up in District 1.

We believe that it's a win-win for Native Americans tribes. Number one, it will primarily separate the Hopi from District 1, the Navajo Nation; will increase the Native American numbers as the Apache increases substantially, increases four, five percent, depending on what configuration you make.

It would clearly make the connector for the Apache Tribe almost look like the connector for the Hopi Tribe, so we're consistent on both counts.

CHAIRMAN LYNN: Mr. Ortega, a question from me, maybe questions from other Commissioners.

In Chairman Taylor's remarks, he referenced the Commission's solution to the Congressional mapping process with respect to separation between the Hopi and Navajo and the fact that that was a precleared map.

I assume that you and your clients are familiar with the letter we did receive from the Department of Justice -- I believe it's dated May 25th, is that right date of the letter -- the 20th, in which they cite five specific districts in which they had difficulty in approving the map that was submitted but by reference did not make reference to 25 districts that

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had been submitted in which they did not object and did not have a problem. The districts in question in Chairman's Taylor's remarks, and certainly your client's areas of interest, were included in the 25 districts they did not object to.

I trust, number one, you are aware of that, and, number two, it would lead us to believe that a map resubmitted with those districts pretty much intact would result in same response from the Department of Justice.

MR. ORTEGA: I think Chairman Taylor's remarks, if you made a change by separating the Hopi, because they're separated on the Congressional side, it would be approved on the Legislative side.

More importantly, if you took the Hopi out, bring Native Americans down below a number potentially unacceptable to the Department of Justice, we believe our proposal remedies that by including the Apache in that district and increasing numbers even greater than the number approved by Justice for you all.

CHAIRMAN LYNN: Thank you.

Mr. Elder?

COMMISSIONER ELDER: Let me find out which button works this morning.

Have you considered the ripple effect
there? My recollection is that in the Apache, it's something like a 23-, 26-thousand population. And the Hopi is in about a 10,000 population, 9,000, somewhere in that range. We shift those in two separate districts. Now we have either an overload in one and deficiency in other. I believe one of the previous speakers was looking at the deviation we already have now.

Where would you propose to either add the differential, 14,000 back in to where the Apache were, and how do you justify or where would you divest yourselves in District 2 of the 10,000 --

MR. ORTEGA: Commissioner Elder, Members of the Commission, it's suggested in concept, hoping the able-bodied consultant you have would figure out how to handle the ripple and not affect or offend communities of interest.

The Hopi wanted to propose this in concept with the hope there could be a possible solution to the Hopi Tribe's objection to the map.

CHAIRMAN LYNN: Understood.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Ortega, we had -- we did have plans we looked at when we adopted the original map that did what you are suggesting. We

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had a couple alternative plans. The problems that we face included, number one, that we wanted to keep all reservations intact. In other words, we did not want to split any individual reservation. When we moved the Apache Reservations, as a whole, into the district with the Navajos, it certainly did give us numbers that would have allowed us to take out the Hopi Reservation and in fact take out the City of Flagstaff and solve some -- a number of concerns in that regard, but one number, at least in my book and judgment of that map, that was unacceptable, and that was that the voting age population of Native Americans in that district was approaching 80 percent.

As you know, we're facing lawsuits in Maricopa County where we have Hispanic voting age population in the 50 percent range on the ground that we've packed those districts. And as you also know, packing is equally prohibited by the federal Voting Rights Act as well as those considerations under the State Constitution. I looked at those numbers, and I had grave concern that that is exactly what we were doing was packing that district.

I'd be interested in your reaction to those numbers and whether you think there is a Voting Rights Act argument that could possibly justify voting
age populations approaching 80 percent.

MR. ORTEGA: We believe the impact of including Apache tribes with the Navajo Nation in District 1 and taking out the Hopi would not -- would -- it would increase Native American numbers, from the Native American voting age standpoint, not so much as to lead to a conclusion by Justice, or legally, the courts, that it would be packing. I don't think there's any danger of that.

COMMISSIONER HUNTWORK: Would you -- okay.

MR. ORTEGA: You are talking about a three to four percent increase in Native American voting age population if you take the configuration that we are talking about in concept from the numbers that I remember, unless I'm wrong about the numbers. Okay?

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: We'll take a look at those.

MR. ORTEGA: I think a 68 percent voting age population, Native American voting age population in that part of the state, would not be a problem, irrespective of what it was before.

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

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The last slip I have for this morning's session, Michael Mandell.

Any other members of the public wish to be heard?

We do need a slip brought forward fairly quickly at this point.

Mr. Mandell.

Mr. Mandell representing the Arizona Minority Coalition.

MR. MANDELL: Thank you, Commissioners, for the opportunity to speak.

It is curious invitations came out for speakers to come before you yet the minority coalition speaker did not receive one in regard to competitiveness.

MR. RIVERA: Yes, you did.

MR. MANDELL: Was it sent to --

MR. RIVERA: Mary Rose Wilcox.

MR. MANDELL: Copy to Paul?

MR. RIVERA: Yeah.

MR. MANDELL: We didn't clear that up.

CHAIRMAN LYNN: What we tried to do is send invitations to people we viewed as primary spokespersons or the person heading the group, if we knew who that person was. Clearly Supervisor Wilcox was
on the list and sent a letter. I don't know if she received it, but she was sent one.

MR. MANDELL: I know I spoke with Paul Eckstein this morning. He had not received it.

That's beside the point.

I think one of the things we wanted to say, and Commissioner Minkoff touched on it earlier, alternatives to separate Flagstaff out provide for the San Carlos -- fix the San Carlos White Mountain Apache problems as well as fix issues in Flagstaff.

You do have maps before you to do that, the Navajo preferred plan submitted as part of the federal court litigation which modify districts in Maricopa County reflect changes necessary to do that, and you would have a plan that would provide for a competitive Flagstaff district, that would provide a 70 percent voting age Native American population in with the Navajos and other two tribes, and can also keep competitiveness across the state.

One of the things the Constitution requires is competitiveness be favored. That means in districts where you can, you try to bring them closer together. That is easily done in the Flagstaff area by bringing Flagstaff in and following configurations we have provided.
We've also provided or solved the problem that Kingman had, leaving Kingman in with river communities, and also solved the Tri-Cities, Prescott, Prescott Valley, Chino Valley area, by putting them in the same district.

What it does do, it does create a difficulty in EACO because you have to come down by doing that, rather than using a small sliver that comes down to pick up the San Carlos White Mountain Apaches, there is potential, potentially comply with two principles the Commission ought to follow, one being compactness, and the second one being the potential of a Shaw vs. Reno challenge, reaching out based on race to pull in one ethnic organization.

It also violates a third, which is gerrymandering. Bringing the sliver down, I recall going to one of the first meetings the Commission had, and you guys had a Power Point presentation, districts with little fingers, arms, things going out. That would be the effect of doing that.

One of the ways to keep all Navajo County in the same district, come down, pick up that portion, also go in and pick up the San Carlos and White Mountain Apache Tribe.

So with that, I just wanted to provide

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there are tough decisions that need to be made. But in doing so, that would create additional competitiveness. And you could also look to our changes in Tucson which provide for District 26 to probably become a competitive district.

One of the things I notice based on new data provided, the seven competitive districts are down to four. So I think that this would provide an opportunity for the Commission to adhere to its goals as well as provide for competitive districts.

With that, I would be happy to answer any questions.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: With respect to your last comment, that your perception is that the competitiveness went from seven to four, isn't it logical in light of the fact that Department of Justice has required that we place additional Hispanic voters into districts that, therefore, in light of the fact that Hispanic voters typically are registered Democrat, that would have an effect on the ability, on the competitiveness of those districts?

MR. MANDELL: To a modified extent, that's correct.

When you look at an actual map of the
districts deemed competitive before and deemed competitive now, districts in Maricopa County where a large Hispanic area resides, you have the 13, 14, 15, 16. The Districts 10 and 12 are still competitive under the new analysis as well. You actually don't need to change in Maricopa County wherein the large portion of Hispanics reside to find competitiveness across the rest of the state.

24, which was the Yuma area, although was competitive before, we believe is still competitive in the configuration you provide, I think ours is almost identical to that. Why it became uncompetitive, I'm not sure. But, yes, it is possible to continue to adhere to the principles of the Voting Rights Act and provide competitiveness.

COMMISSIONER HALL: When you analyze competitiveness, what analysis are you using?

MR. MANDELL: From the statements I've just made, we had -- well, first off, it was the analysis done by the Commission itself and by Dr. McDonald, using his analysis as well as the AQD analysis. If you look back, the analysis under the old map, before you realized the voting data problems, provided for seven competitive districts. The new analysis just done provided for four. The difference is

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you didn't use any districts in Maricopa County.

The change to comply with Department of
Justice didn't affect competitive districts other than
26. You moved 26 into across the river in Tucson headed
south and to pick up additional competitive areas.

COMMISSIONER HALL: You are saying you
used the same analysis we're utilizing?

MR. MANDELL: Exactly.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I want to make
sure I understood something you said. I'm sure I
misunderstood something you said.

Were you suggesting that District 2 could
be made into a competitive district after including the
Apache Reservations with the Navajo Reservation by
putting in the rest of Navajo County? Did I hear you
say that?

MR. MANDELL: Mr. Chairman, Commissioner
Huntwork, no. It's nearly impossible to make that
district competitive, Navajo District, the Native
American District, no.

What would happen if you took the
native -- the Navajo County, as well as the Navajo
reservation came down and picked up the San Carlos White
Mountain, not competitive, it could create a competitive

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district using Flagstaff as a basis and using the
surrounding areas and Verde Valley.

COMMISSIONER HUNTWORK: Are you saying it
wouldn't be a competitive district using the balance of
Navajo County? I'm trying to understand what the point
is of Navajo County.

MR. MANDELL: Navajo County can be
competitive district. Right now it is a competitive
district, and it would remain so.

COMMISSIONER HUNTWORK: Okay. Thank you.

CHAIRMAN LYNN: Other questions for
Mr. Mandell.

Thank you, Mr. Mandell, very much.

I have no other speaker slips for this
morning's session, however, as I indicated earlier,
there will be other opportunities for the public to be
heard.

I would at this point like to begin the
morning session with some reports.

I think the first report we'd like to
hear, and I believe these may not be exactly in order as
they appear on the agenda, without objection, we'll try
to take these in what I think will be a logical order of
information.

I would first like to hear from Dr. Adams

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on an update of the review of data bases and hopefully a certification, if you will, that the data bases in use at the present time and on an ongoing, forward basis are complete and correct.

Dr. Adams.

DR. ADAMS: Chairman Lynn, Members of the Commission, we have completed the verification of all the data base elements used by the Commission in the process. A draft report has been provided to your attorneys for review.

The data that you are working with today is accurate as can be in light of rereviewed source data. We repeat, based on source data.

Let me summarize the data base.

The Census data base is consistent with source data as reported before.

Registration data base, as you know, had discrepancies. The discrepancies have been addressed. A new data base consistent with source data is now in being and is in use.

Competitiveness data bases, the two data bases and elements of those data bases used by Dr. McDonald were found to be consistent with source data except for one minor transposition error.

Dr. McDonald has been provided the new registration data

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base which is also part of the data that he works with.

On the many AQD data bases, the new registration data base has been incorporated into the AQD data base. Minor discrepancies have been addressed. And these were discrepancies in vote data. They've been addressed, and the data base again is as accurate as can be in light of source data.

Racial block voting data bases, the racial block voting data bases used by Drs. Handley and McDonald have been reviewed. Some discrepancies have been discovered, and we're working with Dr. Handley to assess the impact of those discrepancies. She has the information.

Because we have just recently completed the review of the racial block voting data bases used by Dr. McDonald, we have yet to forward the information to him. I will be talking with him today about those discrepancies so he can assess the impact.

So that is my report on the data bases. And again, your attorney does have a draft report for review.

CHAIRMAN LYNN: Dr. Adams, with respect to racial block voting data bases still in progress, can you characterize the magnitude or significance of errors that were found or is it too early to do that?
DR. ADAMS: I think I will leave it to the experts that work with the data bases to make that assessment.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman.

When you say "as good as can be," I think is the term that you used, is that based on -- I can get a bunch of data, can't find any more data, that's as good as it's going to get. Still, it's so far out it doesn't give us any credibility. Or is it based on something, like a half percent has been accepted nationally, we're well within that.

Can you explain as good as can be?

DR. ADAMS: When I say as accurate as can be in light of source data, source data is sometimes inconsistent.

At the Secretary of State's site, you have a canvass, overall canvass of all elections in the state. And also posted to the site are documents that have come from each county. Those documents are not always completely consistent. They are close, but they are not absolutely consistent. What we have determined, at least to some degree, the inconsistencies have to do with votes that were set aside that needed to be verified, may have been added later, were not in the

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canvass, got posted to the county.

The kind of research that it would require for us to go to each county and to try to track down each one of those pieces -- because, remember, we're talking individual races within individual counties within individual precincts. We're talking about a tremendous number of data base elements.

But as accurate as can be, the differences between those two sources of data are minimal.

COMMISSIONER ELDER: I guess to follow on that, in other words, you have reviewed the data bases, consultants have reviewed the data bases, to where, to me, on a previous data base where I saw five columns with zeros on them, there cannot possibly be any way that can happen. Has it been reviewed for reasonable numbers? Zeros are not reasonable.

DR. ADAMS: Zeros are not reasonable to us, either. They have been reviewed for that.

COMMISSIONER ELDER: They are in the right range, is what you are saying?

DR. ADAMS: Absolutely.

CHAIRMAN LYNN: Other questions for Dr. Adams?

If not, Dr. Adams, thank you.

Do you have -- I know you are working with

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other consultants in terms of racial block voting. Do you have a sense of when those will be corrected and complete or should I ask that question of Dr. McDonald when he comes up?

DR. ADAMS: I need to talk with Dr. McDonald.

The data bases he worked with, I think as you'll recall, at the end, very end of the process, you had additional racial block voting analysis done on propositions. And those data bases were not among the data bases that we were originally asked to review. We were asked to review the ones that were provided to Dr. Handley. So we have only recently reviewed those. I will be talking with him today, probably during a break, sharing information with him.

Dr. Handley has the information, and I believe that she will report to you when she reports before the Commission.

CHAIRMAN LYNN: And she's scheduled for next week. We'll get that information done.

DR. ADAMS: Everything --

Let me say, Mr. Chairman, all data you are working with today, we feel very confident about.

CHAIRMAN LYNN: Thank you very much.

The next report is from Dr. Michael

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McDonald. And he will talk with us this morning about a
number of issues, the general nature of competitiveness,
and other issues as well.

Dr. McDonald.

DR. MCDONALD: Thank you, Chairman Lynn,
Commissioners.

I'll provide a report to you on the
competitiveness of the districts, State Legislative
Districts.

I'll first go through a kind of academic
exercise of what competitiveness means and then talk
about more specifically about Arizona, its overall
center of --

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Dr. McDonald will
we be getting written copies? I really like to listen,
concentrate, than take notes. If I can get copy, that's
what I'd rather do.

DR. MCDONALD: There should be a report.

COMMISSIONER MINKOFF: I have --

DR. MCDONALD: You want the slides
themselves?

COMMISSIONER MINKOFF: If there is a copy.

CHAIRMAN LYNN: I think Ms. Hauser printed
those out and can provide you with a copy of that.
We'll have to have some run. We do have a copy of the slides.

DR. MCDONALD: Yes. We'll go through the overall characterization of competitiveness in the state as a whole and Maricopa County, and then proceed with a district-by-district analysis, and end with a recommendation on how to increase competitiveness.

All right. Let's start with an academic exercise here. I guess I'm the professor, so I have to do that in my head.

What does a competitiveness clause do in the State Constitution with respect to redistricting?

If all districts in a state were a mirror of the state as a whole, then in a competitive state, all districts could be competitive. In a noncompetitive state, all districts would be noncompetitive. Now, in a noncompetitive state, then, a competitiveness clause provides a second major party, the party, second largest party in the state, with an opportunity to elect candidates in the districts other than those that have been mirrors of the state.

You are basically creating opportunities for the second largest party to elect candidates in these competitive districts you may draw where if all districts were a mirror of the state, you would not have
In a big sense, that's what it does. Of course, there are several caveats to this. And just like an academic exercise, first of all, distribution matters.

In a noncompetitive state, the more mixed population, the more opportunities to create competitive districts. This ties very closely in with preserving communities of interest, because these -- the mix of the population will have a lot to do with how closely together, say, Democrats live together, how closely Republicans live together. And that provides opportunities to draw districts that either will be noncompetitive or opportunities of mixing communities, or communities that are competitive in nature to begin with. And those can be drawn into districts.

I'm sure you are aware of that very much in the course of your work here as Commissioners.

Then finally the Voting Rights Act we've also be discussing quite a bit today. I think everybody has an idea what this means to competitiveness. Just in a practical sense, not an academic sense, the Voting Rights Act tends to produce uncompetitive Democratic Districts. To do so, the remainder of the state becomes more Republican, removing Democrats from districts, and

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the rest become more Republican.

Democrats are the second largest party to begin with, and you create voting rights districts, and then you have the remainder of the state, you still have to draw competitive districts, that will aid the Democrats in having opportunities to elect candidates in districts competitive you're going to create out of those nonvoting rights districts.

As an academic exercise, if the Democrats were the largest party in the state, if the Democrats maintained the majority status in the remainder of the districts that were not voting rights districts, then Republicans would be advantaged in a competitiveness clause. You'd been drawing competitive districts for Republicans where otherwise you would not be forced to do so.

And if after you draw the voting rights districts you then reduce Democrats to be the second largest party, which is possible, you moved most of them into these noncompetitive voting rights districts, then you have Democrats advantaged through competitiveness. You would be basically drawing some --

CHAIRMAN LYNN: Mr. Huntwork has a question.

COMMISSIONER HUNTWORK: Professor

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McDonald, as long as we're going through an academic exercise, maybe I can interrupt you just as one of your students would do.

DR. MCDONALD: Please.

COMMISSIONER HUNTWORK: I go back to your original premise about competitiveness versus noncompetitiveness. And I want to pose a hypothetical to you: One of the issues that I've been very concerned about when we talk about competitiveness in Arizona is somewhat of the history of our -- of this provision. The arguments regarding competitiveness focus, I think, in the public mind as much on noncompetitive districts, as much on avoiding noncompetitiveness, perhaps more on avoiding noncompetitive districts, than than creating competitive districts. We had a particular poster-boy for noncompetitiveness, and I won't -- you know, I won't besmirch his memory any more than has already been done by naming him.

The issue was we have all these districts so completely noncompetitive, people become entrenched, they hold to peculiar ideas, have no accountability, and we as a collective political body in the state can't get rid of these people. By seniority, they get to be heads of commissions, and so on and so forth. So noncompetitiveness was as much a concern as

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competitiveness in debating this issue in the State of Arizona.

Now, if you put two districts down next to each other, both -- put down a district that is fifty-fifty and a district that is seventy-thirty, if you are looking at noncompetitiveness, you try to make them both sixty-forty. If you do what you are saying, you take districts that are sixty-forty, turn one into a fifty-fifty and one into seventy-thirty, and that would violate the desire to eliminate noncompetitive districts.

Now, where did you -- what is the basis for your jumping to the idea that that is what we're supposed to try to do? Because that's what I interpreted from your very first slide.

DR. McDONALD: Sounding, drawing to maximize the number of competitive districts. That was my premise.

COMMISSIONER HUNTWORK: What is the basis for that premise? Is that based on the State of Arizona, on history of our provision, public debate concerning our provision, or is it purely an academic hypothesis?

DR. McDONALD: Purely academic. In fact, I heard testimony one plan was more competitive than

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another because it has more competitive districts.

COMMISSIONER HUNTWORK: We've heard that testimony all the time. But that is testimony from a partisan point of view.

DR. MCDONALD: Yes.

COMMISSIONER HUNTWORK: Is it in fact the standard that is in our Constitution?

What is the basis for saying that is the standard that is in our Constitution?

DR. MCDONALD: That's a very good question.

The Constitution is largely silent on competitiveness as ending along six items of what you have to follow in drawing districts. And clearly it's -- my recommendation for competitiveness, and my definition, may not jibe with what your decision is on that.

I would defer to your decision on what competitiveness is. My definition would be maximizing the number of competitive districts.

COMMISSIONER HUNTWORK: When you say maximizing the number of competitive districts, your goal is not to create the maximum amount of competitiveness overall. Your goal is to create the maximum number of competitive, individual districts that

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DR. McDONALD: Yes.

COMMISSIONER HUNTWORK: So using that goal, you might take people out of -- you might put as many citizens in a district that is noncompetitive, where they don't really have a choice, in order to create another district where more citizens do have a choice?

DR. McDONALD: I think I can see what your question is.

In that situation -- instead of thirty-seventy and sixty-forty, what if you had a district that was 45 and you had two districts like that, and they would be on the cusp, being that, draw one to be 50, draw one to 40, one more competitive, to lose competitiveness, is that what you are going at, want to maximize the overall competitive character of every sort rather than sacrifice competitiveness for one district?

COMMISSIONER HUNTWORK: As long as talking academically, I always felt, said what is the bright-line distinction between a competitive district and noncompetitive district.

DR. McDONALD: Uh-huh.

COMMISSIONER HUNTWORK: It's not a given

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number. It's all in context. The goal is create a healthy political debate throughout the state.

I've never been able to see why it's appropriate to sacrifice some citizens by putting them in noncompetitive districts in favor of benefiting others by putting them in a competitive district.

I always thought if other analysis yields forty-sixty Democrat and sixty-forty right next to each other, with no communities of interest involved or other substantial detriment to the other criteria, there's an opportunity to create two competitive districts without harming anybody else. But if we have two that were sixty-forty and both parties could field candidates in those districts, and depending how good the candidates were, overall, and so on, healthy political debate, and either candidate could be elected, I always thought we'd do substantial harm to competitiveness if we made one of them completely off the scale so that nobody of the other party even had a chance of being elected in that district.

DR. McDONALD: I would definitely agree.

Having the opportunity to have debate at a general election is what you want in a competitive -- is part of what competitiveness means. So in any competitive district there would be one in which the other party

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either fielded very weak candidates or didn't field any
candidates at all. And that does happen in the State of
Arizona.

So what I'm going to present here in
numbers, and talking about percentages, is one bit of
information for you to come to make a decision on
whether or not a district is competitive. And if you
have other knowledge you've gained through this process,
which I undoubtedly believe you do have, that leads you
to believe a particular district, even though it doesn't
fall within my measure of what competitiveness is, would
be competitive in your mind, then I would say that that
information -- you should use my information as one bit
of information in coming to a decision on this,
absolutely.

COMMISSIONER HUNTWORK: I think that's not
exactly the point that I was making.

DR. McDONALD: Okay.

COMMISSIONER HUNTWORK: The point I was
making, or I felt I was making, as you look at moving
people around to make one district more competitive,
don't you also have to look at what you are doing to
other districts in making them less competitive?

DR. McDONALD: Absolutely.

COMMISSIONER HUNTWORK: The goal here is
to create as competitive a map overall as we can. That
is look at each district to maximize competitiveness of
that district.

DR. McDONALD: Ideally the sorts of
changes we'd be talking about to the plan would be to
take Republicans from a Republican district, exchange
Democrats from a Democratic district, make two of them
more competitive rather than dealing with two Democratic
districts, moving one in a more competitive direction
while sacrificing another in a more uncompetitive
direction. I think when you think about that particular
instance, you may have to deal with that decision, if a
district is already so uncompetitive that it is
uncompetitive, if you take a few Republicans out of a
Democratic district, overwhelmingly Democratic, it does
not change the overall competitive character of that
district; but you could change the character of another
district.

I wouldn't exclude, necessarily, those
sorts of trades that you may entertain.

But if you are very close with two
districts, then that's a much more difficult trade to
make.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: There is, though, one

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point that I want to revisit, the next-to-last point you
and Mr. Huntwork were discussing. Just to revisit it
for a moment. The assumption in the discussion that
just went on is the measure of competitiveness was
registration, and probably registration alone.

DR. McDONALD: Uh-huh.

CHAIRMAN LYNN: I want to be sure I heard
you. Not only do we have information gained through
this process, but the fact of the matter is, as I do my
independent reading of definitions of competitiveness,
very few people rely solely on registration as a measure
of competitiveness in any district. Would you concur?

DR. McDONALD: If you let me, Commissioner

Lynn, I'll go ahead and skip forward to --

CHAIRMAN LYNN: Mr. Elder, you have a

question. If we can deal with that later.

Let me -- well, let Mr. Elder get in it.

COMMISSIONER ELDER: Starting to flip over
slides. Go back, give the presentation, give us the
context of how all this is going together, and then go
back to the specific response to questions.

DR. McDONALD: Okay. Only one slide.

Chairman, I will address your concern in

just a minute.

First of all, I was asked to assess

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overall competitiveness of Arizona and the County of Maricopa. I did this by looking at the percent registration. I did not use other measures, like the AQD and my own measure, because I felt uncomfortable using my own measure here of this so called Judge It methodology, and that's because the statistics behind it don't lend itself easily.

I can give more detail, if you want it, to drawing up these sorts of measures at a statewide level than at the -- especially when I talk about the deviation of these measures across precincts.

So to proceed, then, this just gives you kind of an idea of the overall competitive character of the state.

You can see that the Democratic registration is 37.9 percent. Republican registration, 43.2. And other non-Democratic, non-Republican, 18.9 percent.

You have roughly a 7.3 percent -- excuse me, 6.3 percent edge for Republicans in registration in state.

Within Maricopa County, Democratic 33.4 percent. Republican is 48.0. Non-Democratic Republican, 18.7.

Even more of an unbalance toward

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Republicans in Maricopa County of roughly 14.6 percent.

CHAIRMAN LYNN: Dr. McDonald, I know Commissioners want to ask questions.

I'd ask my fellow Commissioners to do two things. First, I think it's important to allow Dr. McDonald to go through his presentation. It is designed to be a presentation start to finish.

The second thing I ask, the copies you just received were made on a version of the presentation that has since had some minor correction to it. If you see discrepancies between any number you have on your page and a number on the screen, the number on the screen would dictate. Make the changes from the screen to paper.

I ask without objection you let Dr. McDonald complete -- keep track of your questions and we'll get back and answer every single one.

Thank you.

DR. MCDONALD: Not only is it important as I mentioned earlier as an academic exercise, we're now talking the actual, real world of looking at these, the mean of the registration percentage within the counties. But this is also looking across precincts and looking at the different character of different precincts.

So it's going to be more possible to draw

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competitive districts if there's more of a mix of the
registration across precincts. And so the standard
deviation is the usual statistical deviation.

I could talk about that a little more if
you need to of the spread, measure of the spread of the
percentages in either Democrat, Republican, other.

We see the state as whole, 11.1 percent
standard deviation Democrats, 12.2 Republican, and 4.34
other. Which means there is quite a bit of mix out
there.

In comparison to Maricopa County, you can
see there is less of a spread of these registration
numbers within precincts, 6.7 percent for Democratic,
Republican 7.1, and non-Democrat, Republican is 1.5
percent.

I believe Mr. Johnson will show you actual
maps with registration plotted onto them with levels.
And I think --

This is my take at it. I don't have that
mapping technology available to me. I think that will
be much more instructive to look at that and have a
clear picture of distribution of partisans across
precincts and give you a much better idea of where
you'll be able to find locations of where you can draw
competitive districts. This is my overall take of it.

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Now, in addressing Chairman Lynn's question, earlier question, about what sorts of information is available in order to assess competitiveness, one are registration numbers I've just been talking about. The other is the Arizona Quick and Dirty which is a compilation of elections, four statewide election results, and an average. These sorts of measures are used quite frequently in redistricting across the country. They are used -- the idea behind this statewide partisan office, the votes should reveal within a given precinct, should be very similar to whatever that underlying partisan strength is within that particular precinct or particular location that you are looking at. And it's a technique used quite a bit. So it's not surprising that it's a technique that is presented to you here as well. So that's the Arizona Quick and Dirty. It's not the same as registration, because we're talking about actual election outcomes rather than registration. Registration, as we know, people don't necessarily vote if they are registered to vote, and not necessarily if registered for one party will they vote for that party's member. There is crossover voting that happens, and also I have another category. People

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aren't neither Democratic or Republican, they also will vote some way as well.

I've done no personal analysis of this in Arizona. You can imagine these sorts factors come into play when you actually start talking about predicting the election results in State Legislative elections, because these -- are the partisans going to be partisan, maybe not be partisan, crossover, and what is the behavior of these nonpartisans or minor party registrants, and then do they turn out to vote?

All that will factor into the actually predicting election results.

So that's this forecast model which has been deemed, called Judge It.

What that attempts to do, it attempts, actually, to kind of combine that registration with election, previous election results, to come up with a prediction of election outcomes within given districts.

I don't use the same elections as the Arizona Quick and Dirty. I use actual State Legislative elections that have previously occurred in 2000 and use those to try to forecast what is going to happen in 2002. When I do that, I do take a step as well of predicting the advantage incumbents have in their predicted -- in their election outcomes and previous
elections and use that as a basis to take out that
incumbency advantage and look really at the underlying
partisan vote for State Legislative candidates as if a
district was fully contested, meaning both parties would
field candidates, a full slate of candidates for a
particular district, and that there were basically open
seats, that there were no incumbents present of either
party. This gives us at least an idea of what the
underlying partisan outcome of the district will be.

Now, as a prediction, nobody is perfect on
a prediction. So there's obviously going to be error in
that prediction.

You in statistical analysis -- if I was
perfect on that, I'd be in Yale, somewhere in the
future.

These models are not perfect. Uncertainty
of that prediction is what I use as a basis for
determining whether or not a district is competitive.
If my uncertainty is I can't tell from doing modeling,
coming up with an estimate, whether or not a district
will have more than 50 percent Democrat or 50 percent
vote Republican, I say that's a competitive district.

This could differ model to model.

Have more information, registration,
better information, maybe a worse predictor. For here
in Arizona, that spread turns out to be 50 percent plus
or minus 3.5 percent. And this is a very narrow
definition of what competitiveness is. If you look in
literature, academic literature on this, there are
spreads as great as five percent. There are some as low
as two percent, plus or minus two percent. There are
some that take even completely different tacks on it as
well and say it's the probability of electing a
candidate, Democratic or Republican, 75 percent. So
there's a wide range to look at.

I've chosen what I believe to be a very
conservative estimate of it. I believe this will give
you the most competitive districts possible.

Then, as I said before in response to
Mr. Huntwork's question, I really do believe that this,
all three bits of information here I'll present for
every district, is something that you -- to factor into
making your decision.

You know, as I just stated to you, that my
estimates are not going to be perfect, the registration
is not going to be perfect. Arizona Quick and Dirty is
not going to be perfect. None will be perfect of all
parts and character. There will be some leeway, in your
own mind, information gathered through the process you
should consider in determining the overall competitive

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character of a district. This is just one tool available to you to come to a decision.

I'm going to start going through district by district.

I think now if there were any questions, it might be a good time.

CHAIRMAN LYNN: All right. I know Mr. Huntwork did and Mr. Elder as well. We'll take them in that order.

COMMISSIONER HUNTWORK: Okay. First one. I have two. In the slide entitled "overall competitiveness slide," it showed basically a difference of 18.7 percent based on registration numbers in Maricopa County.

CHAIRMAN LYNN: 14.6.

COMMISSIONER HUNTWORK: I'm sorry, 14.6 percent in Maricopa County.

The question is: Do you know what that goes to, to give us a rough estimate of what that difference goes to, if you exclude the three majority-minority districts, 13, 14, and 16?

DR. MCDONALD: I did not do that. But as a preview for Mr. Johnson, he did come up with the numbers. I believe this is the state as a whole. He'll be able to give you some idea much better than I would.
COMMISSIONER HUNTWORK: Okay.

COMMISSIONER MINKOFF: Another question?

MR. HUNTWORK: Indulge me, another question.

Looking at the difference in the state as a whole, the same slide, you have it, around seven percent difference Republican, Democrat, six to seven percent, we do have success electing Democrats to statewide office. The Attorney General is a Democrat. There's a very good chance of a Democrat being elected Governor. And the question really then relates back to the number of 3.5 percent.

Again, as an academic exercise, it's one thing. As applied to the State of Arizona, the quirks of the people of Arizona, and so on, is that -- is there an empirical basis for that number or is it one that you picked out -- would apply to all states in all circumstances?

DR. MCDONALD: There's empirical statistical use for use of that number. That's statistically speaking a 90 percent confidence interval of the predicted both -- for a candidate, either a Democrat or Republican candidate. That means 95 percent of the time we are confident that the interval lies within somewhere, plus or minus 3.5 percent.
So any district where there's an estimate within 3.5 percent of 50, that then becomes, for me, a competitive district; because I can't be sure that the truest met -- the true value, not the estimate, is greater or less than 50 percent.

So that's where that comes from.

COMMISSIONER HUNTWORK: But then that does not negate the probability of electing a candidate?

DR. MCDONALD: It has correspondence to probabilities as well, yes.

I talked about these 95 percent confidence intervals roughly follow normal curve statistics. You can come up with probability estimates. Like I said earlier, many a competitive district has a 75 percent chance of electing a Democrat or Republican, and that -- you can calculate these as well.

COMMISSIONER HUNTWORK: Can you translate the three-and-a-half percent number into probability for an election?

DR. MCDONALD: I have not.

COMMISSIONER HUNTWORK: Could you do that? How hard would it be to do that? To me, that's more how I would think of this in terms of this if I had -- ultimately if we have to come up with a number we think is competitive and I want to be able to

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make adjustments there, I want to know that.

DR. Mc DONALD: I can do that, if so directed.

COMMISSIONER MINKOFF: Can you do it at several levels, five percent, seven percent --

DR. Mc DONALD: I could, yes.

CHAIRMAN LYNN: I want to be clear about something. I fear we're having a discussion over two perspectives. They cannot both be correct.

DR. Mc DONALD: Actually they're very similar.

CHAIRMAN LYNN: What I'm hearing is discussion around a deviation, I think, Jim, you are referring to as a deviation in registration.

COMMISSIONER HUNTWORK: No.

CHAIRMAN LYNN: I want to be clear about that. The deviation I think we're talking about, three-and-a half percent plus or minus, is a deviation from what would be a purely competitive result, not registration, but a result from running Judge It on a district with all the variables that go into Judge It. An ideal, competitive district would be the result, would be 50 percent. That would be the measure.

And then your reliability for saying a district would be competitive is a plus or minus three

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percent from that 50 percent result. It doesn’t -- it has something to do with registration, but it is not a registration number; is that accurate?

DR. MCDONALD: Yes. I incorporate some information from registration.

CHAIRMAN LYNN: As long as we’re clear on that.

COMMISSIONER HUNTWORK: May I explain? I apologize. I think it will just take me a second. The reason I’m interested in probability of elections is that Dr. McDonald made a very salient point a moment ago at some point a district is already so uncompetitive that it makes -- it probably makes no difference if you pack it a little bit more. In my mind, if we are going to have to make that judgment, even once, I have to know how it’s affecting my fellow citizens in terms of the probability that somebody from a minority party can get elected in that district. To me that would be the meaningful way of understanding whether I’m sacrificing some citizens for the benefit of others.

CHAIRMAN LYNN: Mr. Elder --

DR. MCDONALD: Can I respond to Mr. Huntwork’s question?

CHAIRMAN LYNN: Sure.
DR. McDONALD: Direct correspondence to probabilities and 3.5 percent, if right on the cusp of 3.5 percent, that district is not as competitive as a district that is close to -- more closer to 50 percent. So you can, kind of in your -- do off-the-cuff sort of calculations.

If you see a district has, say, a 41 percent estimate, that's probably a noncompetitive district. Well, it is a noncompetitive district. So you kind of --

It's when you get in that close range of -- and I'll show you one district which is 3.6 percent. And that, by my terminology, does not end up being a competitive district. Really, in truth, it's so close, three -- meaning 3.6 versus a district at 3.5 percent, thinking probability.

So it's just slightly more uncompetitive than a district at 3.5 percent. I think it's an important point to understand. Just because it's that little bit more out, and it has fallen out of my range of where a competitive district is, doesn't mean if you made it 3.5 percent, it would suddenly change from being a completely uncompetitive district to being a completely competitive district. You just moved the gradation a bit, moved into my range for what statistics

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have told me is a competitive district.

When you are thinking about this 3.5 percent, you need to think about it, it's the further out you move, that becomes a less and less competitive district. There's no magic -- I've given you a magic cut-off point. Take that with a grain of salt and understand the uncertainties of estimates are such there really is little difference between 3.5 and 3.6 percent.

COMMISSIONER HUNTWORK: Okay.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman, Dr. McDonald.

A cursory rate on demographics, 300 people, we may have surety, or a level of confidence, plus or minus 20 percent, go in their survey 2,500 and get down to the two percent or three percent range. Do the number of races and the data bases that you have used give you the level of confidence to be down at that three percent plus or minus range?

DR. McDONALD: That's factored, absolutely, in what I'm doing here. You are absolutely correct stating the number of races does play an important role in determining this 3.5 percent number.

If I had more elections to draw from, but we don't, I may have tighter estimates. With less, I
may have more. In fact, I mean this is a very good point to make about the Congressional analysis is here we only had five districts -- six districts, to look at. And those districts, then trying to estimate from those -- it's very difficult. And you really -- I had to do some additional analysis there on the Congressional and really pull in all the elections in the 1990s to come up with a viable estimate for predicting outcomes in Congressional elections. Fortunately, in the state legislative level, I didn't need to go into as much -- drawing in many more elections into 1992.

COMMISSIONER ELDER: In other words, you have data to support 3.5.

Seemed to me going around what is competitive, what isn't, you started with a different number, arrive at 3.5.

I don't know if it's from NDC, you, or maybe a national, oh, yeah, 3.5 is competitive. Somewhere we came up with a bottom line answer to the question is yes, we have the number of races statewide to be able to support 3.5 --

DR. MCDONALD: Correct.

COMMISSIONER ELDER: -- in that area Mr. Huntwork was talking about or you were talking with

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Mr. Huntwork about.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Just so I understand, the 3.5 percent you are saying is 95 percent?

DR. McDONALD: 95 percent confidence rate.

COMMISSIONER HALL: What I heard you say is that is a continuum of a scale, if you will. The five percent is --

DR. McDONALD: Is like 98?

95 percent confidence rule, 95 percent sure it's a true, guiding light. If we go out to 95, you have to increase this plus or minus 3.5, talking probably a '98, '99 percent confidence symbol, somewhere around there, which means that by increasing the confidence, you are basically saying I have less confidence of what my true value is, so I'm increasing the range of what could be. That increases my confidence I indeed have captured the true value. It's kind of inversely related. It's an odd concept.

COMMISSIONER HALL: As the spread goes wider, confidence increases?

DR. McDONALD: Spread increases, plus or minus a hundred percent, capture everything.

COMMISSIONER HALL: What is zero be zero?

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DR. MCDONALD: 15 percent --

COMMISSIONER ELDER: Whereas we have 100 percent variation, his confidence level is zero, if we had seventy-thirty, his confidence level might be 99.5.

COMMISSIONER HALL: What is it, zero?

Zero deviation?

DR. MCDONALD: You can have confidence intervals that come down -- zero, to give a range, is nonsensical when talking points. Say plus or minus one standard deviation, roughly 68 percent; and that would be about 1.7, plus or minus 1.7 gives a 68 percent confidence interval.

COMMISSIONER HALL: Explain to me again this number on the chart, standard deviation number, how it has to do with the measure of spread or mix?

DR. MCDONALD: This is on, typically, mean of distribution. What I've provided here, would be 37.9, the spread, how wide apart those are, measures standard deviation, measures deviation from the means and aggregates them together.

There is averaging over them, some squaring going on. You want to make sure the pluses and minuses all are captured. That's what standard deviation does.

COMMISSIONER HALL: Did I hear you say

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this Judge It analysis does include the incumbency factor or does not?

DR. McDONALD: Does not.

COMMISSIONER HALL: Is it possible to include a separate analysis that does include the incumbency factor?

DR. McDONALD: In some court cases around the country, it is a factor. You can pull off a partisan gerrymander group, other parties' incumbents together, and nullify incumbency advantage to a certain extent. This has been used to look at what hypothetically would happen with no incumbents and hypothetically what would happen if incumbents living within given districts were reliable for particular districts, what will happen when they run in their districts. It is appropriate to use that in certain of those cases.

COMMISSIONER HALL: Let me see if I understand, in general terms.

If you took specifically District 24, which is in Southwest Arizona, Yuma, and you look at the AQD table, it shows me a difference of .1 percent.

DR. McDONALD: Uh-huh.

COMMISSIONER HALL: On the Judge It table it jumps to 7.2.
Is it a gross overgeneralization to say
the difference in those numbers is solely impacted by
defender behavior?

COMMISSIONER MINKOFF: Say the last one
there?

CHAIRMAN LYNN: It's what?

COMMISSIONER HALL: Voter behavior.

COMMISSIONER MINKOFF: Are these our
districts?

CHAIRMAN LYNN: Interim maps.

COMMISSIONER MINKOFF: Okay.

COMMISSIONER HALL: It may be better,
Dr. McDonald, if you explain intuitively, granted I
understand, I'm trying -- the registration is 9.4. If
it goes to .1 AQD and goes back to 7.6 -- I understand
there are more variables depending on the sophistication
of the analysis -- but according to the AQD, 24 is
competitive. According to your analysis, it isn't.

DR. MCDONALD: Yes.

COMMISSIONER HALL: Am I asking for a
tough, an unfair question?

DR. MCDONALD: What can happen?

COMMISSIONER ELDER: Numbers referring to
in your basic question, if you look at them, it is a
direct scale from one to 30, and goes -- right in
sequence, no variation. It's a linear --

COMMISSIONER HALL: Looking at the wrong column, Dan. McDonald difference.

COMMISSIONER ELDER: Difference --

DR. MCDONALD: Put off to the side and shows the level -- increasing or decreasing competitiveness for each district. Don't correspond necessarily to the district in which row.

COMMISSIONER HALL: So back to the question, can you answer that for me?

DR. MCDONALD: Yes, Mr. Hall.

You've four statewide offices to come up with the AQD. There's no guarantee those statewide offices are actually picking up true underlying partisanship. You hope that's what happens, but it could be -- I really don't know anything about where these candidates live, or anything like that. Suppose hypothetically all four candidates for some reason had state wide races, one party had homes, or friends, or organizations in the area of 2.4, and that affected the estimate, the AQD. So that -- that is maybe one explanation of what is happening here. You could spin out several sorts of hypotheticals like that.

COMMISSIONER HALL: Bottom line is the difference between AQD and Judge It is analysis of past

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elections. That's the difference between the numbers.

DR. McDONALD: AQD is statewide, Judge It,

State Legislative elections also incorporating
registration data into the model as well. That's why,
seeing in this instance, Judge It and registration being
in the same direction away from AQD.

COMMISSIONER HALL: Thank you.

One final question: With respect to the
other category here, does your analysis take into
account their mediator, too, in those past elections?

DR. McDONALD: What I've done, estimating
percentage vote of two-party vote for Democratic
candidates. And I'm not looking at any third-party
candidates. And in -- so I'm only calculating, as a
prediction, judge the votes of Democrats as the share of
Democrats, but Democrats plus Republican vote share.

For registration, I'm only looking at the share,
Democratic share of the registration, same sort of
method of Democratic plus Republican registration.

So I'm not directly incorporating
independents into this analysis. In fact, the
statistics on this are so difficult that I think it
would be impossible to do in this situation. So I've
used the next best thing. This is what people use when
they do this sort of analysis, use two-party vote, major

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party vote, or whatever.

You imagine, then, that that vote for those two candidates -- another factor in there is the past performance of candidates, 2000 election, and then -- within a given district. Votes for independents, if they broke systematically one way or the other, may factor themselves into the equation that way as being translated through that devotion to vote through candidates.

In a given district, say Independents tend to break more Republican, Democrat in a particular district, the share for candidates in that state Legislative election would be higher for the Republican candidates. That would be how it would factor through the analysis.

CHAIRMAN LYNN: Ms. Minkoff then Mr. Huntwork.

COMMISSIONER MINKOFF: A few questions, Dr. McDonald.

First of all, in doing your analysis in Legislative elections, did you factor in what I would call aberrative results? For instance, two years ago we had a situation where a Democrat was elected to a Legislature in an absolutely rock-solid Republican district. I think everybody would agree it was not a

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It was because the Republican running in the District, the Republican, was singularly responsible for an alternative fuel measure scandal that cost the state hundreds of thousands of dollars. That Democratic is so sure it's not a competitive district, he's running for statewide office rather than reelection.

Does that factor into election?

DR. McDONALD: I believe there was the one election I removed from the analysis, that one I did, and used other analysis.

MS. HAUSER: He did.

DR. McDONALD: I either used state Senate results in that district or state house results. I'd have to go back.

COMMISSIONER MINKOFF: You would eliminate that kind of race where --

DR. McDONALD: Obvious aberrant races.

When is it possible for a Democrat to win in an uncompetitive Republican district? Elections are variable. Undoubtedly there are going to be cases within my own analysis where we're going to see Democrats or Republicans win out of districts where registration, AQD, Judge It analysis would say that's not a competitive district.
So candidates matter, issues matter, all
these sorts of things matter to elections that can't be
factored into these models, just looking at the
underlying partisan district.

COMMISSIONER MINKOFF: A couple more
questions.

In terms of that particular slide, looking
at the state as a whole, I can go through an exercise,
throw out independent, third-party voters, and it just
looks at the difference between Democrat and Republican
voters.

Now, I know independent voters may or may
not mirror the distribution of the two major parties,
but just using Democrats and Republicans and saying they
are the only registered voters in the state, their
registration is within your three-and-a-half percent
deviation.

If they are the only registrants in state,
actually amount to 81.1 percent of voters in the state,
if you take that number and figure out what percentage
of that number are Democrats and Republicans, it's
within three-and-a-half percent.

Based on that, can we say that Arizona is
a relatively competitive state?

Jim is talking statewide elections. The

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fact there's a Democratic Attorney General, and several
Democrats as well as Republicans running this year for
statewide races, I don't think the result could be
predicted ahead of time.

Would it be correct then to characterize
us state-wise as a competitive state?

DR. McDONALD: Well, this registration
does not necessarily have direct correspondence to my
3.5 percent is one response to that.

The other response is that I'm looking at
the percentage of Democrats as a percentage of Democrats
plus Republicans, and these numbers here with -- the
range would increase if we took out the other
percentages. So there would be a larger spread between
Democrats and Republicans.

I haven't done that, but that is what
would actually happen when you remove the nonmeasured
party registrants from this.

I can't tell you with a hundred percent
certainty whether it would still be within the 3.5
percent range when you just look at two-party
registration. It seems to me it's -- as we go through
this analysis, you can see that Republicans tend to have
more of an advantage over Democrats in terms of
registration and election outcomes. That probably has

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to do with lower turnout rates of Democratic registrants. I haven't done that analysis, but that's an educated guess.

My guess is the 6.3 percent difference statewide does not necessarily -- I mean it would be close to being competitive, it does seem to be a Republican leaning state, at the very least, and may be a Republican uncompetitive state. I don't have that analysis for you. Sorry.

COMMISSIONER MINKOFF: My final question goes back to standard deviation, trying to get a handle on that, and it's just not sinking in.

Across the state, does a higher standard deviation mean that Democrat and Republican voters are more evenly disbursed or less evenly disbursed?

DR. MCDONALD: Less evenly disbursed.

COMMISSIONER MINKOFF: Basically more packed throughout the state than in Maricopa County?

DR. MCDONALD: If I may restate that, no. Not evenly -- evenly distributed would mean every district, every precinct, matched 47.9, 43.2.

COMMISSIONER MINKOFF: Standard deviation zero?

DR. MCDONALD: Zero. More mixed up, higher rate.

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COMMISSIONER MINKOFF: Higher standard deviation, more precincts across the state with very high, very low percentage of Republicans compared to registration in Maricopa County since standard deviation is lower.

DR. MCDONALD: Fewer.

COMMISSIONER MINKOFF: Then the precincts would be closer to 33 percent, 48 percent registration.

DR. MCDONALD: Absolutely.

I think when you see Mr. Johnson's report which plots out this it will become much more clear to you what is going on.

MR. RIVERA: Mr. Chairman, Commissioner, Mr. Johnson, I believe his presentation has the thematic, shows concentration of registration. He'll be able to reasonably have pictures to better explain Dr. McDonald's answers.

COMMISSIONER MINKOFF: I understand pictures better than numbers.

CHAIRMAN LYNN: We do need to take a break.

I think what I'd do is ask Mr. Huntwork to ask his questions. Before we go into district-by-district analysis, we'll take a brief break for Ms. Nance.
Mr. Huntwork.

COMMISSIONER HUNTWORK: I want to be clear. I really would like a translation of this methodology into something I call probability of election, and -- just to see if it's a straight line. I mean is there a simple linear extrapolation?

DR. McDONALD: Close. Follows a bell curve, but close.

COMMISSIONER HUNTWORK: It would be helpful to see that. Sounds like it's a simple thing for you to produce for us. Can I ask that be produced?

CHAIRMAN LYNN: Let's verify how hard or easy it is to do that.

Is that something you can fairly easily do, Dr. McDonald?

DR. McDONALD: Yes. You'd have to understand I would be producing probabilities instead of -- what I've used as my certainty of estimate is being plus/minus 3.5 percent of 50. Okay. Start forecasting, coming up with probabilities, we'll get a larger spread on them. I want to make sure you understand.

In forecasting and bringing in a forecasting error into the model -- I'm just looking at prediction. There's a subtle statistical difference
between the two. Bringing in a forecasting error, I'll have a larger spread than 3.5 percent and those will be reflected in probabilities.

CHAIRMAN LYNN: I get the sense, Mr. Huntwork, we'll be looking at relative values, not absolute values.

COMMISSIONER HUNTWORK: That is correct. And I also want to understand it in the other terms. We can talk about how it translates back and forth when we see it.

COMMISSIONER ELDER: Does the number you'll come up with track parallel to your prediction?

DR. McDONALD: Yes. Absolutely.

COMMISSIONER ELDER: Why see it?

COMMISSIONER HUNTWORK: I think the other one would be easier to understand and work with. This one tends to be a bright-line distinction. Picked a number for competitiveness. As Dr. McDonald explained out at the beginning, it's not a bright line. There are subtle differences on either side. When I'm thinking about it, I want to see the spread.

DR. McDONALD: I would say as well, Mr. Huntwork, when you look at probabilities, you'll still have to come up with a bright line, what will be competitive or not competitive. It just moves it into
another arena of statistics.

COMMISSIONER HUNTWORK: I disagree with you, Dr. McDonald, and I'll have that discussion with you when the time comes.

I want to see it so I'm equipped to have the information.

COMMISSIONER HALL: Make a motion.

COMMISSIONER HUNTWORK: Rather than a motion, I'd prefer it be without objection.

CHAIRMAN LYNN: Not to be contentious, Dr. McDonald indicated it would not be difficult to do. Then we'd have the information and all at our disposal when we move forward.

Without objection.

COMMISSIONER ELDER: I object.

CHAIRMAN LYNN: All right. Then we'll take a motion.

COMMISSIONER HUNTWORK: I so move.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Hall?

COMMISSIONER HALL: I think we've micro-analyzed this to death. And with how many charts in front of us, how many have we seen before, how many

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more do we need to see? At some point we have to decide
what is what.

So I'm not sure more information is what
we need. I think we need to look at it and have
discussion on the merits based on the Constitution and
move forward.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Mr. Chairman, I'm
not sure that the information will help me understand
it, but apparently it will help Mr. Huntwork. And if
it's easy enough to do, I don't see any problem in
getting the additional information. If I choose not to
use it in making my decisions, that's my choice. I have
no objection to giving Mr. Huntwork information he needs
to help him get the information, if not difficult.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman,
Mr. Huntwork, I guess I look at the micromanaging with
one comment. The other is if there are other numbers
that fuzz out the data base, why do it? We can all make
our own choice whether 3.5, 3.6, 3.4 is competitive, you
know, on some other subjective rationale, whatever
reason we have. But to come up with another arbitrary
number, these being arbitrary, also, I don't see the
advantage. It just makes it more difficult to

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substantiate. I use this number, you use that number, and it doesn't make sense.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I think the whole discussion, at risk of being bored to death, as a starting basis, in order to talk about competitiveness in a meaningful way, we really have to see how the actions we take in one district affect other districts and what they really do to competitiveness of other districts.

If we arbitrarily say a competitive district is 3.5, and another district is seven, and therefore it's uncompetitive and it doesn't matter if we change it to 10 in order to get the other district to 3.5, then I think we -- I think that's an illegitimate discussion. We need to have information we can understand, we can talk about together in order to compare the fact.

It's not a simple straight line. It is -- I'm sure it's a bell curve shape of some sort.

We need to know where -- we really need to know where, in truth, a district has become noncompetitive so packing it further will do no harm.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Can I make maybe a
suggestion as a — to this point?

Could I request that Dr. McDonald finish
his presentation and Doug finish his presentation, and
after both of that, both of those presentations, if
Mr. Huntwork is still desirous for additional
information, then I would — I would be more than happy
to support that.

My belief is, folks, is that it's — I
think that we're going to see that there's only so many
areas that there are that there may be potential for a
significant issue. I'm not so sure -- my thinking is
that after that analysis, it may be clear that the
information may not be necessary.

CHAIRMAN LYNN: Mr. Hall, there's a motion
on the table.

COMMISSIONER HUNTWORK: Mr. Chairman,
comparing this -- I won't need it for all districts. I
will, I believe, firmly need it for the limited area
we're talking about of changes so we can perhaps confine
it to that, if waiting until later in the day.

CHAIRMAN LYNN: As a matter of clearing
the decks for that discussion, if you have no objection
to Mr. Hall's suggestion, let's hear out the remainder
of the presentation. You may then wish to make a
different motion on the floor.
COMMISSIONER HUNTWORK: I'll limit it until later. That's fine.

I'll withdraw the motion.

CHAIRMAN LYNN: And second?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: I appreciate that.

Other specific questions at this moment for Dr. -- you'll have more opportunity. Dr. McDonald will still go through each of the districts.

At this point, without objection, let's take a 15-minute break. As is our custom, I'd like it not to be more than a 15-minute break. That will relate to everyone's ability to be back here in 15 minutes. I'd really like to press ahead. We really only have today and tomorrow to get these things sorted out and instructions given.

If we could keep it to a minute 15-minute break, I'd appreciate it.

(Recess taken.)

CHAIRMAN LYNN: For the record, all five members are present along with legal counsel, consultants.

Dr. McDonald.

DR. MCDONALD: Yes.

CHAIRMAN LYNN: If you'd go ahead and
proceed. I know you have a slide of each district. I want to make sure we have the best use of our time this morning.

Is the material contained on the slide in handouts we have or additional material on the slides we do not yet have?

DR. MCDONALD: Same as.

CHAIRMAN LYNN: Same as print-outs we have?

DR. MCDONALD: It might be instructive to go through the districts, see the difference in registration numbers, AQD, and Judge It analysis.

CHAIRMAN LYNN: Are particular districts illustrative more than others you'd like to highlight?

DR. MCDONALD: Yes.

CHAIRMAN LYNN: Is there a sense on the Commission, a need to go through all 30 districts, or for purposes of understanding how these particular numbers work and how they impact our analysis, have Dr. McDonald highlight a few districts for me in an illustrative fashion and then perhaps we can move at some point either before or after lunch to Mr. Johnson's presentation and then have a clearer picture of how each of these fit together?

Without objection?

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Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, just to aid in our own analysis, I haven't looked at these, it would be helpful if Dr. McDonald could take a sample district, walk through it, show how to analyze numbers. Then we can do it on our own.

CHAIRMAN LYNN: Dr. McDonald, if you'd like to start wherever it's a good analysis, complete analysis of other districts, something instructive for us to gain, point out things most instructive.

DR. MCDONALD: Well, there are four districts I identify as having the potential of being competitive, currently are just on the cusp of being competitive under my definition, using the Judge It analysis.

I think it would be instructive to go through those four districts. And hopefully that would be illustrative as well. If I could proceed through those four, we'll get you what you want.

First one would be District 3. And that is, on my analysis, a Republican district which has 46.2. Now, if it was at 46.5, then it would be competitive under my analysis. You can see that it has a sizable Republican registration, 46.5, to Democratic registration of 32.5. And AQD is outside the range of

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being competitive as well, 43.7 percent. So this particular district, you can see a difference -- what must be happening here in order for the Judge It analysis to make this closer to being competitive than registration or AQD is State Legislative election outcomes must have a pattern of history within that district of being closer to being more parity than the AQD or registration show.

McD, that's Judge It, I changed that to save space in the presentation, incorporates registration and Legislative election returns.

Since registration is relatively far, further, than the -- my analysis of being competitive, it must be then that is the case of what is going on here.

CHAIRMAN LYNN: In terms of everybody understanding the numbers on the board, if you would just walk through each one time, what each section represents.

DR. McDONALD: Okay. First we have registration, and we have Democratic, Republican, and non-Democratic, Republican registration.

Then the AQD, Arizona Quick and Dirty, putting up here Democratic registration percentage.

The AQD, like the Judge It analysis, just
has the Democratic percentage, is for the Republican, mirror 100 percent minus whatever this percentage number here. Putting the Republican percent here doesn't provide other information and takes up space. For the sake of convenience, I did not list the Republican percentage for AQD or Judge It analysis. But that is on this that I gave, the handout I gave you. Those percentages are available there.

CHAIRMAN LYNN: Would it be fair, then, just for our own analysis, to make the statement based on numbers represented, first of all, so everybody can be clear, the numbers on the right-hand column, AQD, and what is listed McD, McDonald, or Judge It, that we are using Democratic percentage, but it's a complimentary number? That is to say whatever the percentage is shown for Democrat, minus a hundred, gives you the Republican percentage.

So in this instance, registration suggests that this is a Republican district by registration but that on performance, based on either the criteria in AQD or Judge It, it acts more Democratic than registration would suggest and could be made competitive within the statistical variations that you are comfortable, the 3.5, with some minor adjustment.

DR. McDONALD: Correct. Very well said.
yes.

   So this is a Republican district.

   Let me scroll quite a bit to a Democratic District, 24.

   I point this one out because it's adjacent to District 3. And here we have a district where there is a Democratic registration edge, you see -- again, it's a sizable registration edge, but the AQD has it nearly equal. That's at 50.0 percent. And the Judge It analysis has it slightly above that range. For Judge It, it would be 53.5 percent, 53.6. This one is 53.55.

   If just a small amount of Republicans moved into this district, it would make this, according to the Judge It analysis, a competitive district. And here we have an adjoining District 3 where we have a Republican district. So this may be a good opportunity here for trades that would increase competitiveness in these two districts.

   I'll scroll back to 15. 15 is another district which is right on the cusp of being competitive. Here we have Democratic registration. AQD has it actually falling outside, 56.4 Democratic registration. And Democratic, under AQD, would have a healthy Democratic district. The Judge It analysis has it just right outside of what would be competitive.

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Adding in a small number of Republicans to this district
would put it in that 3.5 percentage range.

Then District 26, kind of a UFO district.

District 26 is a Republican district that registration
favors Republicans, AQD also has favoring Republicans,
and Judge It has it just outside the range of being a
competitive district. So adding just a few Democrats
into this district would increase the overall
competitiveness of the district.

I guess it should also be useful, these
are four cases being right outside the range, with the
Judge It analysis, of being defined as a competitive
district.

It might be useful to go through districts
not competitive, see there are some noncompetitive,
there are competitive districts.

Having some successes, District 5. Even
though Democratic registration is very healthy, it's
tilted toward Democrats. AQD and Judge It analysis have
ranges that would be considered by any standard, by AQD
and Judge It as well, 52.5 percent.

I guess, it's an illustration here,
looking at registration does not necessarily equate to
the AQD or the Judge It analysis. So there can be
sizable differences here.

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We probably would not have come to the conclusion this were a competitive district if just looking at registration alone.

This additional information here about, from the AQD and Judge It, do provide information that well -- maybe there are other things going on in the district which registration wouldn't show us otherwise.

CHAIRMAN LYNN: Ms. Minkoff has a question.

COMMISSIONER MINKOFF: Dr. McDonald, I want to go back to District 26 that you showed us. You feel that it was close enough with some small modification it might make it competitive. Would you move down to District 28 which shares a common border? That's further off. Is it too far off the mark to do some adjustments between these two districts and create two competitive districts? Do you believe that would be a possibility?

DR. MCDONALD: 26 and 28? That I would say has potential, trades between districts.

COMMISSIONER MINKOFF: Possible shifts, one district Republican, one Democrat, one slightly so, create two competitive districts by some adjusting of population?
DR. McDONALD: There would have to be considerable dislocation of Democrats out of the district to do that. It could be possible.

COMMISSIONER MINKOFF: Putting Republicans from 26 into 28?

DR. McDONALD: There are potential areas we can do this. Of course, there are caveats to this as well. I'm sure you are aware of, communities of interest need to be preserved. Communities may be ripe for switches among districts but may not be contiguous along borders with districts. You may have to go deep into districts in order to make changes between two of them on trades. So Mr. Johnson would -- I'd definitely defer to his experience of doing this to talk about the possibility of making these trades.

I would say from my lay knowledge of that, that would be my response to you, it has potential.

COMMISSIONER MINKOFF: As neither of the districts were identified by the Justice Department as majority-minority districts, that would not factor into it, I presume, in terms of moving minority population, should they exist.

DR. McDONALD: Yes. If just two districts. Of course, there's always potential for ripple effects.

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CHAIRMAN LYNN: We'll continue with competitiveness.

DR. McDONALD: District 5, now 10, a competitive Republican district. You see Republican registration is healthy with Republicans, AQD. At least 3.5 point percentage puts it within being competitive, and so does the Judge It analysis.

So this is yet another case where registration alone does not jibe completely with the AQD and Judge It analysis.

District 12, and this particular district is a Republican district, you see -- it's more of a balance than the current -- the previous district I just showed you. I --

Registration shows you, again, registration is -- I'll say it again and again, I guess, registration will show different balances than the AQD and registration and AQD and Judge It.

AQD has it slightly out of range, 46.1. And Judge It has it within that range.

Finally, District 17, see, this looks like a competitive district, probably the most competitive in the state by these numbers. Judge It is showing that's the most competitive analysis by Judge It. AQD, I believe it's the most competitive, 50.0, 50.4. Both

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jibe well. Registrations, all three measures are consistent in showing a competitive district. I would say 49.3 and 50.4. Though I labeled this a competitive Republican district, this one is so close, it could go really either way. This would be a truly competitive district.

Are there any more districts you would want to look at?

Let me just summarize, then. What I mentioned earlier, Districts 15, 24, Democratic uncompetitive, on the cusp of being competitive, could be made to fall within the 3.5 percent range with minimal changes; the same with Republican Districts 3 and 26.

As I mentioned before, you still have to worry about all the other concerns of drawing these districts. So that changes to any particular district may not be neutral in changing other districts. We still have to preserve communities of interest, preserve respect for Voting Rights Act. So all of these things must, of course, be taken into account.

I'm really saying this to say any change I've proposed, suggested here, may not be a change viable, may be one potentially viable.

CHAIRMAN LYNN: Questions for

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Dr. McDonald?

Your schedule, Dr. McDonald, is such you'll be with us today and tomorrow?

DR. MCDONALD: Correct.

CHAIRMAN LYNN: If we have questions that occur throughout the day and rest of the week, you can answer them?

DR. MCDONALD: Correct.

CHAIRMAN LYNN: If no other questions for Dr. McDonald, I'll ask my fellow Commissioners on scheduling, if you want a lunch break now, there's time to do it, probably. A, do you want to; how long to take, if you do want to; or press on and hear Mr. Johnson before we break?

Mr. Elder?

COMMISSIONER ELDER: Mr. Johnson, how long is your presentation?

CHAIRMAN LYNN: Somebody sent questions. Mr. Johnson, just for the sake of scheduling.

MR. JOHNSON: Probably 20 or 30 minutes, but I guess there will be questions all through it.

CHAIRMAN LYNN: So at least an hour.

What is your pleasure?

COMMISSIONER MINKOFF: Mr. Johnson, I'd
like to ask, following Mr. Johnson's presentation, what
you see as the rest of the agenda for the rest of the
day.

CHAIRMAN LYNN: Near as I can tell, once
we have all the information in from consultants, we have
two other obligations. First, I think we do have to at
some point consult with attorneys with respect to legal
issues concerning the procedure we're in now. Secondly,
I'd like to, without objection, hear more from the
public based on input we and they have now received from
consultants relative to things they'd like to ask us to
consider during this portion of the process. Once those
two things are completed, I think it's then appropriate
for us to consult with the consultants, to look at
certain things, to develop certain scenarios, test
certain premises, and have them return to us -- that
would be the time we'd break for the day, return
tomorrow with a report from consultants, what they've
looked at, what the implications are, what things are
created or damaged by certain moves, and then begin
analysis of which of those we might want to consider.

COMMISSIONER MINKOFF: Public comment
following Executive Session?

CHAIRMAN LYNN: Most likely. Although
there's no reason we couldn't proceed with it. In other

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words, if there's a timing sense from the standpoint of
the public, they aren't going go to gain anything by our
being in Executive Session. Their input could be taken
before we break for that.

COMMISSIONER MINKOFF: My only concern is
for those people sitting here and watching us. If we're
going to have Executive Session immediately following
Mr. Johnson's presentation, do the presentation, break
for lunch, go into Executive Session, that allows people
watching the proceedings not to have to take two breaks.

In other words, if we can hear his
presentation, then have lunch break, if they want to
come back, see if there's a motion to go into Executive
Session, they can. The reality is it gives them a
longer break. Break now, rather than break after for
Executive Session. For us it makes no difference, but
the public.

CHAIRMAN LYNN: Fine. The only issue is
they would not know actually when to come back. A lunch
break coupled with Executive Session, and it would take
some amount of time, and they could guess what that
would be.

I have no problem with that. We could do
it it that way.

Are you disposed to hear Mr. Johnson now
and then break?

Mr. Huntwork?

COMMISSIONER HUNTWORK: One thing I would like to have, I don't have my interactive maps in front of me at the moment, I'd like to have a map that shows our current plan to look at as we talk about these things. I don't know how long it will take to get one of those.

CHAIRMAN LYNN: If you have your computer, Mr. Johnson can load one.

Absent that, if you want a printout -- I don't know if you have printing capability where you are at the moment.

MR. JOHNSON: No, I don't.

COMMISSIONER MINKOFF: Mr. Huntwork, I have one on my computer, if you --

COMMISSIONER HUNTWORK: If Mr. Hall will let me use his computer a while, that would be fine.

CHAIRMAN LYNN: If you guys share your toys, that's inspiration for all of us.

We're still addressing the question whether we'd like to hear from Mr. Johnson before breaking for lunch. I'm getting the sense we want to hear from Mr. Johnson, then break for lunch. I don't hear anything other than that.
COMMISSIONER HUNTWORK: Mr. Chairman, I would like -- want to listen to Mr. Johnson, want to ask him questions, too. I'm thinking that the longer period is what will apply. I can't believe I'm the only one that will want to ask a question.

I think it will be a more meaningful, successful presentation if we do feel we have time to do that and are not under time pressure. So for that reason, I think we ought to try to take a break.

CHAIRMAN LYNN: I wonder if we might not reverse the process and --

Let me ask the attorneys kind of a technical question. To Ms. Minkoff's point of trying to accommodate the public, not have them go through two lengthy breaks, if necessary, or if possible, is it possible, then, to move the Executive Session up, have that now, break for lunch, and then have Mr. Johnson after the lunch? Or does the Executive Session in part depend on Mr. Johnson's session, in your mind?

COMMISSIONER ELDER: Mr. Chairman, while concurring, I prefer not to rush through Mr. Johnson's presentation, ask questions, I'd almost prefer to have that after lunch.

CHAIRMAN LYNN: I'm trying to get to a solution that works for both.
Executive Session now, break for lunch, keep those together. Then Mr. Johnson has as much of the afternoon as he needs and we need to ask him questions. If the attorneys feel it preferable to have the exec after Mr. Johnson's presentation, we'll be back in the same dilemma.

MR. RIVERA: Mr. Chairman, I think we'd rather stay with the schedule, have the executive after Mr. Johnson makes his presentation.

CHAIRMAN LYNN: Given the Executive Session is preferable after Mr. Johnson's presentation, am I hearing from the Commission, rather than break for lunch now, hear Mr. Johnson, then do the Executive Session?

I mean it was worth a try. Without objection, how much time would you like for lunch?

MR. RIVERA: Two hours.

CHAIRMAN LYNN: Think we can do it in 45 minutes?

Make it an hour.

COMMISSIONER MINKOFF: Possible.

CHAIRMAN LYNN: Half hour? They're all suggestions.

It's been suggested we return, basically,

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1 at 1:45 and begin our afternoon session.
2 Is there any objection to that time frame?
3 Hearing none, the Commission will stand in
4 recess until 1:45 this afternoon.
5 (Recess taken.)
6 CHAIRMAN LYNN: The Commission will come
7 to order.
8 For the record, all five Commissioners are
9 present along with legal staff and consultants.
10 The agenda for this afternoon begins with
11 a presentation from Mr. Johnson.
12 Mr. Johnson.
13 MR. JOHNSON: Mr. Chairman, Commissioners,
14 it's a pleasure to be back before you.
15 I have two presentations. The main one is
16 the competitiveness presentation and a very, very brief
17 one on deviations we can address after we go through
18 this.
19 To start out, this presentation is crafted
20 as a follow-up to Dr. McDonald's presentation. As part
21 of a typical competitiveness review we do in a general
22 redistricting context, you would do more or less exactly
23 what the Commission is engaged in right now, start out
24 figuring what the approach is to defining
25 competitiveness, looking at competitiveness you want to
follow, and Dr. McDonald addressed that this morning and
got basic issues with the Commission this morning, then
go through different districts based on measurements or
approaches in step one.

Dr. McDonald laid those out for us fairly
well, too. The next step, and as instructed at the last
meeting, NDC is prepared to discuss and is now analyzing
the map from where you might be able to improve the
competitiveness based on definitions or approaches you
could find in step one and measurements you could find
in step two. And the last step, obviously, review the
impact of any of those options. That would be the
Commission's role once NDC completes step three and
you've issued your instructions in step three.

The competitiveness approaches

Dr. McDonald laid out this morning we generally followed
in this process. The Commission, NDC, everyone, Judge
It measurements, AQD measurement, registration with
various looks at registration, and as has also been
mentioned as Dr. McDonald touched on, many other
measurements.

People talked about understandings of
different areas being competitive. People also
suggested other measurements at different points in the
process. These are things that face the Commission as

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it undertakes its review.

Once you focus on which approaches you want to use, you have to look at which ranges. I put these up as a summary of what has been mentioned through the process so far. I'm not defining these as measurements you should use. I'm summarizing, attempting to focus a bit.

Five percent is often mentioned through the process, particularly looking at registration. As Dr. McDonald mentioned, some districts have larger than five percent, still appear quite competitive.

The seven percent range Dr. McDonald used with Judge It, 3.5 each way.

10 percent, the most frequently mentioned source of that number is Dr. Lublin in some of the court filings, expert reports there. He also came up with other points where people look at 10 percent changes, certain elections for registration.

Included 15 percent in somewhat avoiding bulletproof districts.

Commissioner Huntwork, I believe this relates to the point you made earlier, looking to say: Okay, this district may lean, perhaps lean strongly to one party, but is still not bulletproof. Perhaps 15 percent is the range you want to look at there.

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Just to clarify that, the 15 percent range would indicate a standard election, end up with a 57-and-a half, 42-and-a-half percent race. It is a fairly strong win for one side. Again, it doesn't rule out a future win by the other party.

In addition to ranges, other measurements mentioned through the process, the most common, looking at third-party registration. And some speakers have mentioned, I believe Mark Fleisher is one that comes to my mind, I'm sure there were others, that any districts where third-party registration is greater than the difference between the other two parties could be considered competitive. That's one approach the Commission could choose to take.

So once I go through the different areas where we can look at competitiveness, if the Commission does choose to give instructions to NDC to analyze that or test various configurations, what we need from the Commission is to tell us which approach you want us to look at, to do tests, and what ranges you want us to look at.

This presentation, hopefully, will help you in making that decision.

So to analyze the options, we need, as somewhat laid out in instructions from us at the last
meeting, a statewide picture Dr. McDonald somewhat
mentioned, and I'll fill in more information, a
district-by-district review, which you have now in front
of you from Dr. McDonald's presentation, and then a
regional review.

The next step is look at districts such as
Dr. McDonald did close to what we're looking for for a
competitive approach, competitive range, and look at
what is nearby, how those might be changed. That's a
regional view. And I'll walk through that now.

But as I go through, there are two typical
ways in line drawing you can make a competitive
district. The general and most common approach in a
theoretical redistricting world is trade between a
heavily Republican district and heavily Democratic
district and make both competitive. We've done a little
of that in the IRC, particularly Districts 26, 28 in the
Tucson area. They were somewhat an attempt to do that.
But this Commission has not had a lot of opportunity do
that in the process.

District 28 in the adopted plan was the
only non voting rights sensitive district heavily
Democrat. There were not a lot of tradeoff options.

As you'll see as I go through this,
because of changes made in the interim plan, we now have

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a couple other opportunities to look at that. There are some trade-offs for the Commission to think of. But this is really the first time that the Commission has had a number of options to consider in that traditional tradeoff approach, which is traditionally the way it's done, doesn't leave one competitive, one bulletproof, two competitive districts. I wanted to highlight that. Most of our analysis in the past has been point five, where you have to take pieces heavily Democratic or pieces of a heavily Republican district, carve out of all districts one competitive district.

The Commission had NDC test a number of regions on this approach and ended up adopting one of the districts, District 10, done through this approach; took pieces out of different districts to make one competitive. As discussed at length, it leaves other surrounding districts less competitive.

So I'll talk about options to do that through this process.

Obviously, once we've drawn these tests you instruct us to draw, we need to report to you on the voting rights impact and other criteria. You can decide which way to go.

That's the general process. Statewide, as Dr. McDonald mentioned before, the registration spread

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is 43.2 to 37.9, which is a 5.7 Republican advantage.

You asked before excluding Voting Rights Act districts, I should note. Sorry. I will get you copies of this presentation, changing at the last minute, just don't have copies yet. I'll get it. Excluding nine key Voting Right Act districts, the ones key in the litigation, plus 25, once you take those out, the interim plan, AQD, 14.4 Republican advantage; registration, 16.0 Republican advantage.

This gives you a bit of understanding of the challenge facing the Commission.

District by district, Dr. McDonald covered, primarily, in his presentation, wanted to cover in a slide what is on the handout, each page: Judge It, registration, AQD. The far right side is a scale, and you'll see it copied here.

What this says, giving an illustration from the least competitive, by that measurement, to the most competitive. So in Judge It, Judge It's measurement, one district has 32.0 percent one-party advantage. That's the least competitive district by that measurement. The most competitive is a 1.4 percent spread.

What the scale allows you to do is look at it for yourself based on your own ranges.
You can look at this, say by the seven percent measurement of Judge It, four competitive. If you go 10 percent, five more, so nine. If you want to look at it on a 15- or 16-point spread, you actually get 26 out of 30.

So rather than NDC defining a range and giving you numbers, we wanted to give you the whole range as you consider different ranges to use in your instructions. This will give you a sense of where we're at now.

Numbers also for below seven percent, below 10 percent rates, I haven't broken out whether Republican or Democrat. A, it's more information and somewhat hard to follow already; B, looking at making competitive. Doesn't make any difference which way they lean. Should not lean either way.

This also indicates, cutting off at seven percent, the four districts Dr. McDonald mentioned in his presentation, .2, .4, .6 over. There's a similar situation with other points and other measurements.

You have those sheets in front of you with the scale.

COMMISSIONER MINKOFF: A/QD, is that where you have 31 districts? I think .1 percent at the end, it's not a district, what he's put down as total for the
entire state?

MR. JOHNSON: .1 is actually -- I think you are right. The total statewide is in here somewhere. Yeah. This 5.6 here is the statewide total figure.

On your printout, the page you have in the scale, that would be at the bottom. So this is just intended as somewhat of a summary, district by district, that Dr. McDonald did. Now you get into more regional, new information for you.

I'm going to go through region by region, both information on the Power Point and flip to Maptitude, as well, to show areas we're discussing. One thing I want to highlight is when we're looking at competitiveness trade-offs, you have to look at districts side by side. That's how you look at what changes to make.

Regional groupings, went through, looked at what options are. Grouped into regions to make sense of options.

You'll see a north -- I'll start with north and east, go on to west and south. You can certainly look cross regional as
well. If you have questions or wish to look at analysis afterwards, I'm not ruling out mergers across the region. Just seemed to make sense in this approach.

So by north and east, I grouped districts 1, 2, 4, and 5 into this little picture, summary, discussion. District four, the northeast group and into the Maricopa group, there's no clear -- it overlaps both areas.

So as some of the public speakers and Dr. McDonald mentioned, District 5 is competitive by the general ranges discussed on the record of a seven percent range for Judge It and five percent for AQD. 1 and 4 are heavily Republican, the Prescott Valley area and the south Yavapai districts. And 2 is heavily Democratic. You also should note that 2 is, as was discussed at length, heavily Native American.

This is a thematic. The thin lines are individual precincts and the thick black lines, a little hard to make out with colors, are the interim plan lines: Goes south around the reservation, Flagstaff along, and Yavapai, the border of 1 and 4.

This thematic shows Democratic registration advantage. This is Democratic percentage of registration of that precinct minus Republican advantage of that precinct.

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Bright green, the entire Navajo reservation, a Democratic reservation, is 20 percent or more higher than Republican.

Lighter greens, those being reduced, until you get down into the yellows. You can see a few scattered about.

Yellows are fairly well-balanced. Five percent Democratic advantage to five percent Republican advantage. Other side, orange, leaning Republican 20 percent, and dark, dark red, are a 20 percent Republican advantage or more.

This is a sense of the area we're looking at, how 1 and 4 came out districtwise. To be Republican, you see by the thematic, that works.

District 2 you can see clearly by the thematic it's heavily Democratic.

The trick, though you don't want to change District 2 Voting Act concerns, if that is the choice of concerns, there aren't any other Democratic districts in the region to trade off with Republican and make it competitive. It is possible taking pieces, for example, all yellows, lighter greens, and oranges, use a hunt and pick approach to precincts, how we created District 10.

Probably work it -- lines across from east to west, maybe come down to South Yavapai, although some

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precincts are very low in population.

The trick to this area, though, as one of the area speakers noted, you can make District 1 competitive. It has been made competitive in a number of maps submitted to the courts and which the Commission reviewed during its process. However, in more recent plans done, including all those submitted to the courts and this morning, one competitive, District 5, is not competitive.

So that's the challenge NDC has encountered. We'd welcome any number of thoughts. We've gotten very innovative thoughts from the public.

That's the problem in this area. District 1 as drawn does incorporate not heavily Republican, not heavily Republican areas, and still ended up a heavily Republican district.

This is a sense of what we're looking for when evaluating options to test for the Commission. In some other areas, there will be clearer options.

CHAIRMAN LYNN: Mr. Johnson, is it easier or better, I ask the Commissioners as well, want to take questions region by region or go through the whole thing and come back?

MR. JOHNSON: Just because we go through whole regions, I don't want to have it be focused on an
CHAIRMAN LYNN: Go through with the Commission as a whole.

MR. JOHNSON: I'll go through, familiarize you with the thematics.

MR. JOHNSON: That gives you a sense of the maps. West and south, this area looking at districts 3, 24 in the west, Mohave and Gila Bend districts, and 23 and 5 in the south. 3 on the map clearly overlaps in the north. The reason I put it in is because Dr. McDonald discussed potential trade-offs of 3 and 24. It makes sense to present this matter.

As Dr. McDonald mentioned, 3 is Republican, just outside the seven percent range on Judge It he used. 23 and 25, as you well know, are heavily Democratic districts. 23 is the Pinal County District, just changed significantly in the interim plan. And 25 is the border district, also has Voter Rights Act concerns. And 24 is mixed. It's just outside of Dr. McDonald's competitiveness range on Judge It. It is almost perfectly balanced by AQD, and 9.4 advantage by registration, one party.

That's a good example of different measurements to give different answers, and the Commission faces the decision what to do.

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Keep in mind Voting Rights Act concerns, these districts were key districts in the review, particularly District 23.

You you also have in the spread sheet before you the thematic for the area, and state. See District 3, Mohave County, coming down into La Paz. District 4 is Yuma going up into La Paz. And District 23, now that's been the Pinal County District, and 25 is the border county district.

Looking, Dr. McDonald said it might be possible, 23, 24 I haven't looked at in detail and drawn lines. If you look at the map, the border area is fairly balanced. What that means -- as shown by yellow shading. What that means, take a fairly large population shift, enact one, two percent registration, or another shift.

If I'm moving a hundred percent Republican, every person I'm moving, Republican, if the area is 52 percent Republican, speaking hypothetically, 52 percent Republican, 48 percent Democrat, move 10 people, change the parties' balance by one or two.

The fact it is fairly balanced along that border. It does mean we'd have to move more than a few people in order to shift the parties' balance between Districts 23 and 24.
We do have relative population centers, Quartzsite on the border, Wendon, Salome on the border. It's possible to do if that's an instruction of the Commission to look at what would happen if we moved those areas.

Focusing on the Tucson area, Districts 26, 27, 28, 30 in the area, this is the area the Commission reviewed in quite a bit of detail back in October. I'll go through it quickly.

26 and 30 are Republican. And 26 is one of the ones Dr. McDonald mentioned just outside of the range on Judge It, 7.6 percent.

30 is more heavily Republican, 10.2 by Judge It. 27, 28, 29, those are key Voting Rights Act. 28 is not. 28 is not Voting Rights Act. It's a heavily Democratic district in the area and could look at trades.

Looking at the thematic, it shows up fairly well.

I should mention the white areas, precincts don't have population in them. So you can see how 30 is red through virtually all the heavily populated area. The only non-Republican areas are no population. 28 you see very green, very Democratic.

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Through the process we looked at, part because of NDC tests and part because of a number of discussions with the public, tried a tradeoff of 28, 26 in various areas along the river in an attempt to make 26 more competitive.

One thing the Commission may also want to review, you haven't looked at nearly as many tests on, is if you choose revisiting some of those options, also looking at concentrating 28 and 30.

This map, 28 potentially down the Tanque Verde area, and 30 going into the central Tucson area.

Now, I'm just speaking in terms of competitiveness measures, competitiveness impacts. It is possible the tradeoff could make 28 competitive and 30 competitive, if that is something the Commission wished to look into. Obviously it would be a big shift.

Looking at it just from a numbers perspective, you'd probably be talking about moving all of Tanque Verde and the Catalina Foothills portion into 28 and coming halfway across 28 with District 30.

Essentially, 30, south Tanque Verde across south of Tucson and go over roughly probably into the Swan Road area. That's something for looking at for purely competitiveness measures.

The East Valley, this is one of the areas.

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By East Valley, looking at District 17, 18, 21, 22, Ahwatukee, Mesa, Chandler area, and Tempe.

As Dr. McDonald mentioned, 17 is competitive by both Judge It and AQD ranges, a good example of a district that more or less meets the definition of competitive. Looking at it from public comment, it is larger than five percent by registration, 5.8. This may be indication five percent is too restrictive on the ranges we were looking at before.

18 through 22 are all overwhelmingly Republican, 11.6 percent and up by Judge It. You see other numbers there on the spread sheet. And none of the districts were topics of the Department of Justice letter. District 18, 31 percent Hispanic and 36 total minority VAP.

The thematic illustrates what I was just describing. You see the overwhelming Republican nature, especially of the central eastern Mesa and Gilbert area and Ahwatukee area.

This is a good example of looking at hunting and pecking to try to draw a competitive district.

Looking at this map, theoretically it might be possible to start in Apache Junction, pick up yellow, orange precincts, come all the way across Mesa.
from Apache Junction, pick up Western Mesa, jog down, take Central Chandler, hunting and pecking for pieces. Might work, might not. In trying to create a competitive district, you would have split Apache Junction, Mesa, Chandler. As a result of -- as we know, everything spins around, probably splitting Gilbert, Mesa again east as trying to balance out.

Part of what are limiting options, two districts, three districts, 16 and 23, which surround this area, which are both Voting Rights Act sensitive districts, and 17, which we discussed is highly competitive. And we don't want to ruin that in an attempt to make another one.

If you don't have Democrat and Republican next to each other, that's what you have to do is try to hunt and peck, and there's impacts of that.

It worked better, in Phoenix we created 10. It's a very large city, and hunting and pecking within one city.

Looking at Western Central Maricopa, not significantly, and then District 6, 7, 8, and 9 through 16 I included in this area.

This obviously is the main focus of the Department of Justice review that the Commission did.

This is a lot of information, all of which

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is on your spread sheet. At least 10 now result in interim map changes, District 12 is now in our competitive range by Judge It, and they are 6.8 and 7.9 percent Republican by AQD, so fairly competitive, and fairly competitive by registration by 9.1 percent and 9.5 percent registration.

District 12 is a much more Democratic district, as a result of taking -- as a result of changes made in the interim plan, it is now entered into the Judge It competitive range.

I should note there were number proposals submitted to the Commission and courts which included a very different District 12, El Mirage, and came over to Glendale, included as competitiveness in the proposals, that that district no longer possible, one Democratic area is competitive now incorporated into District 13. That's the Hispanic community of Glendale. Those plans we can no longer draw without getting ourselves back in Department of Justice issues.

LDs 4, 6, now heavily Democrat districts. On the voting rights front, Districts 13, 14, 16, I'm sure you remember, were drawn to be responsive to Department of Justice objections. And Districts 12 and 15 were not a key focus of the response to DOJ, more the impact of those changes. They are now

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what could be considered the area of influence districts.

For this report I've just looked at districts with 30 percent Hispanic or 40 percent total minority. You have the whole spread sheet in front of you. Go through and look at it, if you like. These fall into that category.

12, as I mentioned, even in the influence category, tends to indicate strong Democrat, competitive in the plan.

District 15, noting, as you can see from the map, is heavily Democratic.

District 11, however, right next to it, is heavily Republican.

It could be we could use trade-offs there, make one or two competitive districts.

The concern, obviously, the Commission would have to look at in trade-offs, the communities and other criteria and also the voting rights impact.

At 50.4 percent total minority VAP, 15 is just over total majority VAP. Department of Justice in its review focused in its review on Hispanic measurements, not total minority measurements. So that's something for the Commission to consider.

So similar to Dr. McDonald when I did

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regional review, I was looking for options for trading a heavily Democratic district, heavily Republican district, or two almost competitive districts next to each in an attempt to make one competitive, and came up with three areas. And Districts 3 and 24, Dr. McDonald also discussed, Districts 26, 28, and 30.

Dr. McDonald mentioned 26 because it is close to competitive. 28 and 30 he didn't mention, neither are close to competitive. I bring them up because they're bordering. We could do trade-offs, if that's the will of the Commission, if the Commission felt trade-offs did not overly affect the other criteria.

And Districts 11 and 15, Maricopa, have a Democratic and Republican district that could be traded off.

There are voting rights concerns.

I wanted to put up the summary in NDC's mind of potential tests. The Commission may decide on any instruction in doing a test what approach or approaches they want us to keep in mind when doing a test, what ranges or measurements do we want to hit in a test, look at creating Republican and Democratic districts or hunt and pick where to build pieces of districts and whether or not to protect or include in

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our view the influence districts, primarily District 15
and 24.

And the time limit, the last slide,
obviously from instructions, we'd test and draw maps
based on those and report back to you. I believe the
schedule is to report back to you on Monday or the 18th.
That's my presentation.
Questions?

COMMISSIONER MINKOFF: Mr. Chairman, maybe
we could go back area by area, put it back, see if any
of us have questions specific to areas.

CHAIRMAN LYNN: Without objection, start
with northeast districts, 1, 2, 4, 5.
Is that -- this is useful, but returning
to our discussion, it may be better to have the district
maps up?

COMMISSIONER MINKOFF: Except I think if
we're discussing competitiveness, it's helpful to see
where there are concentrations of Democrats and
Republicans.

CHAIRMAN LYNN: We can go back and forth.

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Questions for Mr. Johnson
on the northeast region.

COMMISSIONER MINKOFF: I have a question.
If you can go back to that, where you highlighted the registration concentrations.

Looking at that, quite honestly, District 5 is already competitive. So I don't think we want to do anything that is going to change that. And it is so close, anything we do is probably going to ruin that district.

And District 2 is a voting rights district.

I don't see any other Democrats.

Is there any way between District 1 and District 4 to move some things around and get one really bulletproof District 1 to be a competitive district? I'm not sure there is. I'm not sure there's anything to do in that part of the map.

MR. JOHNSON: The only thing to make one competitive without affecting five, the early tests we did, 1 comes down, takes Democrats from the West Valley portion of District 4, end up with a district that goes from Grand Canyon Village down to Sun City and Goodyear areas. Early tests did that. There was considerable concern about those tests through the process, but --

COMMISSIONER MINKOFF: I'm not sure I understand.

MR. JOHNSON: District 4 continuing to
come down into Maricopa and District 4 joining it along the east side of 4 and also stretching down to Maricopa attempting to pull Democrats way down there. As you see from the map, they really aren't Democrat areas.

COMMISSIONER MINKOFF: There are no Democrats there. That's all red.

MR. JOHNSON: Two yellow areas in District 4, the far northwest corner of Yavapai County.

COMMISSIONER MINKOFF: Nobody lives there.

MR. JOHNSON: Maybe 50 people live there, max.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I think we have to note between 1 and 5 we have a net difference of basically 5.8 percent. You could make two districts that fell within seven percent range out of those two. I don't even know what you would have to do in order to do that in terms of where we draw the line, but that would be --

And, of course, the problem is we have some extremely well-defined communities of interest there.

I still believe Prop 106 as saying we're not to do significant harm to other other criteria.

So, I really don't know anything about

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that. We identified the need to keep the Tri-Cities area intact. I think that's where most of the Republicans in 1 are located.

COMMISSIONER MINKOFF: I don't know how you work with that and still make 1 competitive.

Also, I think your analysis works if you look at Dr. McDonald's figures. But if you look at the AQD figures, it doesn't.

COMMISSIONER HUNTWORK: Well, that's true. That's true. At some point we have to decide what figures we're going to look at, determinations.

At least with the McDonald figures, that possibility is there.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Just drawing, Mr. Chairman, with my finger, let me ask the question. This is not a question on competitiveness as much as one of the earlier people came in and requested we look at the Hopi issue there. Looking at green parts, I'm wondering if you took the Hopi into 1, and down there in right at the border between 1 and 5 there's green, Democrats, put them back in the other portion, could we find a balance there to keep both Voting Rights Act issues in District 2 and the competitiveness in District 5 but rotate those three districts?
MR. JOHNSON: This is, as you may -- I'm sure you recall was a topic of numerous tests throughout the process. We actually looked at a number of approaches, taking Hopi out; 1 taking Hopi for the area tested, northern area of District 5; also taking, trading for Page, Page up north. And there was a third test, I forget what it was. All three of them led to, I believe, two to four percent drops in the Native American voting age of District 2.

So really, as was mentioned this morning, you can take out and put them in Apache Reservations, and the percent will go up. Otherwise, the Commission has drawn a map that keeps that percentage up there. And anything we try to do short of putting the Apache in will reduce that percentage.

COMMISSIONER ELDER: Okay. Thank you.

CHAIRMAN LYNN: I wonder, in keeping with our schedule, I want to make sure we try to do this in the most logical order possible. The discussion we're beginning to get into with Mr. Johnson is sort of leading us toward a place where we could issue instructions and ask for things to be done. I think it might be appropriate for us to have our Executive Session so we understand those issues that may fall into any instructions we may give along with the other

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factors that we have thought out today and have been thinking about through the process.

If there is no objection, I'd like to ask for a motion for Executive Session at this time.

COMMISSIONER MINKOFF: Mr. Chairman, before we do that, I have a question. Because of the legal issues part of the map, normally Mr. Johnson is not part of executive sessions. We might want to look at things on the map, get advice on what is possible. Can we have access to him and the map during Executive Session?

MR. JOHNSON: If I may, Mr. Chairman, through the process we have, if questions come up, I'll come in and answer for you.

COMMISSIONER MINKOFF: Rather than -- access to the map, so we can look at certain things and ask our attorneys questions relative to legal considerations.

MR. JOHNSON: I can leave it up on the screen.

CHAIRMAN LYNN: We should be able to have access to that.

The purpose of the access, we want to get advice from counsel on any pending litigation that bears on our work at this point.

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Without objection, the Chair would entertain a motion pursuant to A.R.S. 38-431.03(A)(3) and/or A.R.S. 38-431.03(A)(4) for Executive Session.

COMMISSIONER ELDER: So moved.

COMMISSIONER MINKOFF: Second.

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Motion carries and is so ordered.

Ladies and gentlemen, I have no way to estimate how long it will last. There's no way to estimate. I suggest you stay close and do whatever you have to do.

(Whereupon, the Commission recessed Open Public Session at 2:50 p.m. to convene in Executive Session until 3:56 p.m. at which time Open Public Session resumed at 4:05 p.m.)

CHAIRMAN LYNN: The Commission will come to order.

All five Commissioners are present along with legal counsel, along with consultants from NDC, and

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NDC legal staff.

Mr. Johnson, it would be useful and move us forward if we would district by district take a look at the current configuration of the district. I'm sure the Commissioners will have questions, comments with respect to possibilities that exist and potential for increasing competitiveness.

I think it's easier, more orderly, if we went through them one at a time.

Let's begin with District 1 and move in that direction.

MR. JOHNSON: I can bring up the precinct schematic live, if that makes sense to you.

Let me know which makes sense for you.

CHAIRMAN LYNN: What is your pleasure, ladies and gentlemen, with respect to District 1?

Mr. Elder.

COMMISSIONER ELDER: In looking at the numbers we received, 27, 48, Democratic, Republican.

COMMISSIONER MINKOFF: No. Oh, yeah.

Okay.

COMMISSIONER ELDER: Based on AQD and the Judge It, McDonald numbers, it's about 41, 44, in that respective division.

In looking at the map we've got there, the

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range around the edge of the district and detriment that
might be done from trying to bring in enough Democrats
into that totally red area there which represents the
Republican districts, it doesn't seem to be reasonable.

If we look at the in-held piece of
Flagstaff and the Tri-City areas, trying to do both,
keep them whole, keep the Tri-Cities' area whole,
connecting either one doesn't make sense in dividing
that district.

I think based on the community of interest
and based on what potential we have, and the extreme
range we have the there, competitive, the district just
doesn't look like it should be changed or modified.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, for
the most part, I agree.

We also have an issue with District 2,
which is one of the districts with Voting Rights Act
implications. It is a heavily Democratic district. I
was trying to see if there was any way of making one
more competitive, possibly putting some Republicans in
District 2 without violating voting rights implications.
It looks to me like one pocket of Democrats could move
out of District 2, are those in Flagstaff, and that's a
large population base.

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Is the population of Flagstaff close
enough to the population of the Tri-City area, which is
heavily Republican, that we might be able to shift
those -- pull Flagstaff into District 1, which would
then have to be renamed? We wanted Prescott District 1.
Put the Tri-City area in District 2, keep the Native
American percentage of District 2 relatively constant,
make more competitive districts; is that doable?

MR. JOHNSON: Commissioner, I can't recall
the numbers off the top of my head. Flagstaff is
basically 53,000 people. Prescott is 34,000; Prescott
Valley, 24,300, and Chino Valley about 7,800.

COMMISSIONER MINKOFF: Too many people?

MR. JOHNSON: Considerably more people in
the Tri-City area we'd be putting into 2 rather than out
of 2. And that doesn't count whatever people are in the
connector we'd use.

COMMISSIONER MINKOFF: All right. Thought
I'd ask.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman,
there are a number of reasons why we configured this
district the way we did. One important one, in my mind,
one, keep the Tri-Cities area together, united the Verde
Valley, which many people in the Tri-Cities area want to
have us do. We also created a district with relative
impact here in this area.

The one possibility that is suggested by
the numbers, without going into a voting rights
district, and really without jeopardizing any other
criteria besides the compactness and communities of
interest, would be to think about switching some folks
around between 1 and 5.

It's very hard to, in the abstract, think
about how one would go about doing that without making
both 1 and 5, which are currently compact districts,
much less so, in both cases. Furthermore, if we did it,
we would run the risk of breaking up communities of
interest that are protected in 1 and breaking up this
very strong community of interest which we have
recognized in 5.

The only -- for all of those reasons, it
seems to me, intuitively, that would be a completely
pointless exercise.

The only question, concern I have, is
without doing it, I don't -- I don't know. I can't
imagine how it would be done in a way that didn't do
damage to one of those criteria.

Doug, have you played around with this
possibility at all? Have you given any broad outline to

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what would happen if you tried to do that?

MR. JOHNSON: Yes. I haven't drawn any
lines, or anything, since the interim map was developed,
but just looking at all the submissions from the public
and past tests done, we do have a number of examples of
moving population in that manner. And in many cases
they do make District 1 competitive by various measures
we've been looking at at those times. However, in every
example where District 1 became competitive, with one
exception, District 5 no longer became competitive.
That one exception was one of the Coalition maps
submitted to the court. And the way it did it taking
the Hopi into District 1 and some other changes. It
ended up bringing both 1 and 5 into generally what we've
looked at as competitive ranges but reduced the Native
American percentage of District 2, I don't remember off
the top of head, I think significantly below 60 percent
voting age.

Each of the tests had impact. Make 1
competitive at the cost of 5, or both competitive at the
cost of -- or potential cost of voting strength of
Native Americans. And the Commission has seen
throughout the process F to H refer to those.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Do you recall what

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it did with compactness of 1 and 5? I understand bringing the Hopis to 1 all by itself substantially detracts from the compactness of 1. What happens to the borderline between 1 and 5?

MR. JOHNSON: Varied depending on the test. But generally the compactness of 1 was fairly consistent and not a huge difference. Compactness of 5 and 2 was -- both of them got much less compact. I don't remember the specifics of the numbers of various tests.

CHAIRMAN LYNN: Further discussion with respect to District 1?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Well, I would also like to ask, if we were to go back to the concept that the Hopis have talked about, the Navajos and Flagstaff, that is we put the Apache Reservation in and try to do something with what is left of -- presumably put Hopis out of 1, do something with what is left of 5, moving population in and out of those districts, what do we get? 5 lopped off, completely separated off in the south part of the state, as I recall.

There's no way -- that does not create competitive districts out of 1 and what is left of 5, right?
MR. JOHNSON: Off the top of my head, the only one I've seen that did was -- no. It didn't put Apache with Navajo. I don't think we should do that. I don't remember any examples off the top of my head that did create competitive districts.

I think in almost every case, if not every case, 1 did not become competitive and 5 became noncompetitive.

COMMISSIONER HUNTWORK: Let me finish that. Those other questions, as I think about those questions and answers, it seems very clear to me, at least, that all of those approaches, as hypothetical as they were, involved significant detriment to the communities of interest that we earlier have recognized and as well as to the compactness of the districts.

CHAIRMAN LYNN: Thank you.

COMMISSIONER HALL: I concur with that.

We'll be moving to District 2 anyway.

It's almost difficult to consider 1 without considering 2, 5, and possibly 4.

To get clarification, to make sure I'm thinking correctly, our first consideration in the area of the state are voting rights related issues which take precedence over all other issues. And we have a precleared district with respect to voting rights in

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The only other way to raise percentages or maintain or increase percentages of the Native American population in District 2 is to bring the Apaches north, as was suggested this morning, again, by the Hopi Tribe. Just as they desire feel a need not to be placed with the Navajos, so does the White Mountain Apache Tribe desire not to be placed with the Navajos, which seems to be a continuing conflicting interest throughout the state.

But with that, then, I think that as we look at numerous iterations of these three districts, as we now look at it, say a favoring of a competitive district, that does not constitute significant detriment to the other goals in this area that we have, out of three, one competitive district. And any iteration that maintains the voting rights related issue in District 2 eliminates competitiveness in the other two districts.

So in an effort to alter the configuration of District 2 and still be in compliance with the voting rights issues, we disassemble competitiveness, disassemble District 5. 1 and 5 are not competitive.

I think it's clear, Mr. Chairman, as you consider those three, I skipped a lot over, but certainly considering 1 and 2, that it is impossible to

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make 1 more competitive and maintain the voting rights
nature, percentages required by the Voting Rights Act in
District 2, with one possible exception, and that is
that we take 4 and run a gerrymander down somewhere in
Maricopa and hopefully pick up enough appropriate voters
to tweak those percentages. And as I recall,
Mr. Johnson, we attempted that, which, in my opinion,
not even -- not even analyzing that particular option in
detail, has significant detriment to 1, not only because
of compactness, communities of interest, also because as
we heard this morning there is, certainly I concur,
sometimes not adequate representation in rural Arizona,
that would not only minimize but probably completely
dilute the rural nature of District 1.

So in my mind it seems like we're somewhat
reliving the past. It's very clear in my mind that we
cannot favor competitiveness without causing significant
detriment.

CHAIRMAN LYNN: During our deliberations,
it would be helpful, on the record, if when identifying
a community of interest either imperiled or being
supported we identify which community of interest that
is. That will make a more clear record of our
deliberations. I don't know whether --

Mr. Huntwork, you referred to them

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Mr. Hall, you just referred to them. If you'd refer to communities of interest you're concerned about.

COMMISSIONER HALL: Specifically District 1, in an effort to make it more competitive, if you, in light of voting rights restrictions of District 2, you need to come into Maricopa County, my recollection is any attempt to do that was some split of the Tri-Cities, which, as we heard vehemently in Prescott, that is certainly a very strong community of interest, not only the Tri-Cities but also Verde Valley. Obviously any change to that effect would cause more than significant detriment to that important criteria. Of course, it would also with respect to compactness and contiguity.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I agree.

I thought I did say I was talking about the Tri-Cities area and important water rights issues that united them with the Verde Valley. And also as far as District 5 is concerned, we heard page after page and hour after hour of testimony District 5 is a community of interest.

The counties, we've assembled three whole counties in the southern half, non-Navajo portions of

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both Apache, Navajo Counties united in a compact
district and people that clearly identify themselves as
a community of interest with page after page of
testimony.

Particularly what I was thinking about,
one thing you could do here with the Judge It numbers,
might create more competitiveness without going into
District 2 at all, a straight swap between 1 and 5. But
you would -- there does not appear to be any way to do
that without jeopardizing those communities of interest
as well as compactness of the districts.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, a
couple other -- really, one of the things I started off
with was not breaking up jurisdictions. And the only
way we had looked at it previously was either by
dividing Flagstaff, dividing the Tri-Cities area, doing
that. That seemed to do more harm than good.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, it
seems to me what we're looking at, the only way to
create a competitive district in District 1 is either
violate the voting act with District 2 or destroy a
competitive district, District 5.

I really think we should move on.

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CHAIRMAN LYNN: Is there an affirmative motion with respect to not touching or asking for a test regarding District 1?

COMMISSIONER MINKOFF: Do we need it?

CHAIRMAN LYNN: I think we need a clear and concise record in terms of what districts we intend to test and which we don't.

COMMISSIONER MINKOFF: I make an affirmative motion we do not order a test on District 1.

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Should we incorporate in the motion reasons why we're making the decision or is the discussion on the -- leading up to the motion sufficient?

CHAIRMAN LYNN: I think it's sufficient.

On the record, in the normal course of events, there's a motion first, then we'd discuss it. In this instance, rather than put a motion on the table and then have to undue it based on discussion, let's go through the record, district by district, and come up with a summary motion that summarizes the discussion, unless legal counsel has problem with that.
I think that will make same record.

Ms. Minkoff.

COMMISSIONER MINKOFF: I have one question, even though I'm the maker of the motion. For the reasons for tests in number 1, can we determine we can't make 1 competitive without sacrificing important communities of interest or violating the Voting Rights Act; however, if this motion passes, I imagine that it will and we move on, and we look at other districts that may abut District 1, I hope we're not precluding any adjustments to District 1 if they may be needed not for the benefit of District 1 but to change another district. Otherwise, by the time get down to District 30, we won't need a motion. We'll have done everything to 29.

CHAIRMAN LYNN: More specifically, I think the motion should refer to whether or not there's an attempt to test or make District 1 more competitive.

That leaves the possibility with District 1 to make other districts more competitive, if appropriate.

COMMISSIONER MINKOFF: Let that be the motion, please.

MS. HAUSER: Mr. Chairman, to avoid belaboring the discussion, if starting the discussion, go through the various factors, when you've stated
those, the person making the motions could say "for the
reasons already given" rather than trying to summarize
them. That way you don't have to worry about missing
something somebody already said.

CHAIRMAN LYNN: Thank you, in that
instance.

COMMISSIONER MINKOFF: Shall I restate my
motion?

CHAIRMAN LYNN: Please do.

COMMISSIONER MINKOFF: I move we order no
further tests to make District 1 more competitive for
the reasons already stated.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Any further discussion on
the motion?

If not, all those in favor signify "aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

Motion carries and it is so ordered.

District 2.

COMMISSIONER MINKOFF: Since we discussed
District 2 in relation to District 1, I'd move we order no further tests to make District 2 competitive for the reasons already given including compliance with the Voting Rights Act.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you.

Any further discussion?

Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman, one quick one for Doug.

Is there any population, or enough population, or maybe too much population, there's the Grand Canyon, and any populations there not to cause a shift to violate the Voting Rights Act in District 2, allow us to remove the Hopi, 6,700, 8,000, and include the reverse area to the north?

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: Mr. Chairman, Mr. Elder, in tests we did, Page, Page alone there was noticeable impact on the voting strength. Adding more of it, there's more significant motion.

CHAIRMAN LYNN: Further discussion on the motion?

If not, all in favor signify by saying

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"aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

Motion carries unanimously and it is so ordered.

District 3.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I think some interesting points were raised by both Dr. McDonald and Mr. Johnson with District 3 and it's correlation in relation to District 24 immediately to the south. It would be my preference to see tests of how to increase competitiveness between both 3 and 24 and allow us to assess and analyze the impact to the other criteria of tests or increasing competitiveness of 3 and 24. I'd make a motion to that effect.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: I'll second the motion.

CHAIRMAN LYNN: Thank you.

Discussion?

Ms. Minkoff.

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COMMISSIONER MINKOFF: Yes. District 24 was one of the districts cited by Department of Justice as being a district where minorities have an opportunity to elect candidates of their choosing. So I would like to add the caveat, maybe it should be incorporated in the motion, in doing this test, which I'd very much like to see, that you keep the voting rights considerations in mind and as you switch population between the two districts, make sure that it does not imperil the integrity of district 24 vis-a-vis voting acts requirements.

MR. JOHNSON: Mr. Chairman, Commissioner Minkoff, certainly as I do the tests, that will be a factor as I'm drawing the lines. The process we've generally followed is that I'll certainly try to draw it so it achieves the goal without changes in percentages. If not possible, I'll draw it so it achieves the goal, report what the impact on voting rights are, and let you make the call.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: On the motion, it's very tempting to think we can achieve something with these districts. I'm skeptical for voting rights reasons and community of interest reasons. We worked very hard drawing the line between the two districts,
where it was in the first place. It had several
iterations. As it is, I think we've received quite a
bit of criticism from residents in the area that we
didn't divide political subdivisions, political units of
the state, divided people that sometimes thought they
had community of interest with other people directly on
the other side of the line, particularly -- so it is for
both of those reasons I think we're going through a
pointless exercise. I'm not saying we shouldn't do it,
because they are close enough and we can't turn our eyes
from that fact. I also don't want to send our
consultant out on a fool's errand, either. I'm
wondering -- for example, just the fact of putting more
Republicans into that district, the political reality,
just plain form I'm talking about, it's going to have an
impact on the ability of voters to elect candidates of
their choice. I just want to bring that up.

CHAIRMAN LYNN: Clearly that is an issue.

Mr. Johnson advised us of that.

Mr. Elder then Ms. Minkoff.

COMMISSIONER ELDER: Seems to me I
received a letter three, four weeks ago, something like
that, was it from Quartzsite, one of the real
considerations was where they were, et cetera. I was
wondering, did NDC get copies of the letters?

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CHAIRMAN LYNN: Was Mr. Johnson apprised of that request?

MR. JOHNSON: Yes.

COMMISSIONER ELDER: The other thing about the public hearing in Yuma, representatives there and people that spoke were very community, pro area, where they felt it was the quality of the candidate that really drove the county. Republican-Democrat mix didn't have much. For that, I wouldn't worry to a great extent about more Republicans in one district. To create a from 48 to 39, separation of Democrats, Republicans to get the District 3 number up to where it would be in a competitive range, putting Democrats out and Republicans in, if there's a way that line between 3 and 24, it's pretty much neutral in color, doesn't mention -- Mr. Johnson mentioned early on, it takes a big shift to get enough numbers to get percentages changed.

CHAIRMAN LYNN: Again, we'll take a look, see what the results turn out to be.

Ms. Minkoff.

COMMISSIONER MINKOFF: Seems to me if population shifted, it won't be in Yuma County at all, it will be in La Paz County, which is already divided. District 24, because of all the reasons Mr. Elder stated, it is and probably will remain a competitive
district. The idea is in view of this kind of switch, maybe make District 3 a competitive district, population adjustment. I guess that would not affect Yuma County at all.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I was going to say I think both 3 and 24, I think they are competitive. I think they -- it's possible we might be able to make them more competitive and still take that into consideration.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, new and improved data, I think we ought to revisit it, run the tests in detail, then make a determination of what impact, if any, to what extent there is violation of the criteria.

CHAIRMAN LYNN: Other discussion?

COMMISSIONER ELDER: Running the test, the primary, absolute, number one area, community of interest, are the river communities, issues they're having with water along the Colorado, sewage, everything like that. Let's make sure we keep the communities whole.

CHAIRMAN LYNN: Clearly the river communities are split between two districts, by and
large. That concern notwithstanding, they will continue to be split regardless of how we configure this. Obviously you are familiar with the AUR, river AUR.

MR. JOHNSON: Certainly.

CHAIRMAN LYNN: How the community impact, community of interest, has been discussed through the record.

MR. JOHNSON: Before you vote, Mr. Huntwork made a comment that reminded me one of the things that would help NDC in instructions, there are different measurements, Judge It, AQD, registration. The Judge It range said 3, 24 were just outside the seven percent spread he gave. Mr. Mandell stood up this morning and disagreed, 24 is competitive. So it would be helpful in instructions if you describe what I should be looking at in a definition of competitiveness. If the goal is to get the Judge It within the seven percent range or, obviously, bring registration and AQD closer, what is the goal for a target for competitiveness?

MS. HAUSER: Can we have a break?

CHAIRMAN LYNN: One second.

MR. JOHNSON: While discussing, just to clarify, as we've seen throughout this process, and was brought home this morning in a lot of detail, there are

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many, many differences in the definition of
competitiveness. I want to make sure I'm following the
orders for this test. It can be different in test to
test.

CHAIRMAN LYNN: We'll answer your question
in a second.

Mr. Huntwork.

COMMISSIONER HUNTWORK: The point I want
to make is I think it is competitive. I think the most
recent sophisticated analysis shows the -- we did a good
job drawing the lines the first time we drew them, drew
them for good and sound reasons; but the issue here,
Power Point, is do -- whether we can make things more
competitive. And that is what I want to see, whether we
can make this more competitive without doing significant
detriment to any of our other criteria.

CHAIRMAN LYNN: The issue, Mr. Johnson, is
one of degrees. Our clear aim here is to move in a
direction of competitiveness as much as possible without
doing significant detriment to other criteria already
established. So the goals obviously are those connected
with each of the methodologies in play. The issue is
how close to those goals can you get, what damage is
done by going in that direction.

Mr. Elder.

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COMMISSIONER ELDER: Yes, Mr. Chairman.

You say one of the things you look at here, we have the new, revised data, and this reconfirms where we were before. I tend to agree, based specifically on what I heard in Bullhead City and down in Yuma, it indeed is competitive. I hear if we push a little bit, one-tenth, one-tenth, it gets close to what Dr. McDonald was looking at earlier. But because of the active input in Yuma, I don't know that we need to get there to still make it competitive. I think it's competitive still, also.

I don't know that we're looking at a specific number.

In that area, with the political activities, and the political things going on, I feel confident. Again, it will depend on that candidate and any issues involved in that area. And I would not do wholesale changes to the plan we have in place based on both previous and revised numbers.

CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

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COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

Both Districts 3 and 24 will be looked at.

District 4.

COMMISSIONER HALL: Mr. Chair.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I think District 4 represents an area that is a significant community of interest, a lot of the north valley, northwest valley.

As we look at the configuration of registered voters in North Maricopa Valley, it appears to me that there are relatively few opportunities without voting rights related issues to increase or favor the competitiveness issue. I guess my question is with respect to District 4, potential considerations in the heart of the city, if you will, may impact this district. But I'm not sure that there would be benefit, as you can see, it is pretty red, meaning highly concentrated Republicans, that there would be any benefit for us at this time to consider a test on 4, myself.

CHAIRMAN LYNN: Is there a motion?

Ms. Minkoff.

COMMISSIONER MINKOFF: I move we instruct NDC to create no further tests for competitiveness for

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District 4 at this time for the reasons indicated.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I've never liked District 4, for a number of reasons. One is I don't think it does a very good job of catching communities of interest. It goes all the way down the southwest valley across the north part of Phoenix, north and east of Scottsdale, goes up and picks up growth areas just immediately south of the Tri-City areas which had there been any way to do it, I would have wanted in the Tri-City areas in the first place. But in terms of competitiveness, specifically, there doesn't seem to be very much we can do with District 4. The only thing that I can see that we could do would be to bring it down into the valley and redefine the lines of 9, 10, and 12, in particular, which are -- 12 -- 10 and 12 are both competitive districts. And 9 is a Republican district but less extremely so than 4. And what we would be doing is blending all those districts so that some were less competitive and others were more competitive.

I think there is a possibility of

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creating, you know, some districts there that are not bulletproof, but there is definite tradeoff between doing that and creating districts that are less competitive than they are right now.

In essence, we eliminate a bulletproof district and create four districts that are -- three that are less competitive, one much more competitive, but the total number of people that live in districts that have a chance of electing candidates for both parties might be increased because we've eliminated one bulletproof district, depending on how you define bulletproof, one district over 15 percent in Phoenix, end up with four districts, while not all in 15 percent, probably all would be in the 10 percent range.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Doing that, I think, would change the character of District 4. Sun City West, Peoria, Sun City Grand is in this district. Other than that, it does have a substantial rural character to it. Any further areas of Maricopa County we pull into this district will destroy many parts of the rural part of this district.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: As I recall, this district is already rural.
COMMISSIONER MINKOFF: What?

COMMISSIONER HUNTWORK: Urban, excuse me.

Population is spread across the West Valley to Northwest Valley.

Doug, do you have any statistics on that?

How much is --

MR. JOHNSON: The district definitely alone, it has Maricopa population, a lot, as mentioned by Commissioner Minkoff. An argument can be made whether urban, rural, whether you consider Buckeye, non Sun City parts of Surprise, rural or urban. It's definitely heavily Maricopa, depending on the viewpoint of those areas, rural, urban.

CHAIRMAN LYNN: Characterization of Tri-City area, growth areas as Tri-City areas, more urbanized, less rural in characteristic.

MR. JOHNSON: Those considered rural now, in six years, not.

CHAIRMAN LYNN: Further discussion?

COMMISSIONER HALL: I concur it has more community of interest with Buckeye and southern portions, even Tri-City, than it does with Central Phoenix. A lot of the West Valley and those growth areas, I think, are more related than it would be down into the heart of the city.
CHAIRMAN LYNN: Further discussion on the motion?
If not, all in favor of the motion signify by saying "aye."

COMMISSIONER MINKOFF: "Aye."
COMMISSIONER HALL: "Aye."
COMMISSIONER ELDER: "Aye."
CHAIRMAN LYNN: Chair votes "aye."
Opposed, "no"?
COMMISSIONER HUNTWORK: "No."
CHAIRMAN LYNN: Motion carries and it is so ordered.

District 5. There's been significant discussion around District 5.
Ms. Minkoff.

COMMISSIONER MINKOFF: District 5 is already competitive. Therefore, I ask we ask NDC to conduct no further tests to make it competitive.

CHAIRMAN LYNN: Second?
COMMISSIONER HALL: Second.
CHAIRMAN LYNN: Discussion on the motion.
Mr. Huntwork?

COMMISSIONER HUNTWORK: Well, I think it's very appropriate to focus on the fact it is already very competitive. Also, though, I would like to add, really,
that it represents one of our primary communities of interest, one that was clearly and strongly advocated and clearly recognized through our process. Also, it's very difficult to imagine how we would change it.

We've already talked about District 1 up in the north, but down in the south we also have some constraints with this District 23. It is a very sensitive district in terms of voting rights issues, is one of the ones that at least in the court-approved interim plan, it is considered to be a minority influence district where minority candidates -- minority population has an opportunity to elect candidates of their choice. And then you get down to Southern Arizona and the communities of interest that we have clearly defined down there.

It is -- can you move the --

We're sharing computers here.

COMMISSIONER HUNTWORK: So we have -- in the south we have Cochise County clearly separated, which the county is not whole. It's as whole as we can make it, if you recall. Still create districts in around Tucson. Graham and Greenlee Counties are whole. And those are important, explicit criteria of the Arizona Constitution.

So -- and it is, as it stands, compact.

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District 1, you could imagine extruding very unusual arms down into Southern Arizona, but they would certainly not be compact, because it would get full circle back to the original point that it is a competitive district to begin with.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman. My recollection is that by the previous data base it is competitive. By the new updated or correct data base it is still competitive, or two-tenths more competitive than it was before. I want to make sure that's on the record.

We had a pretty good consideration when we considered competitiveness before and still have recommendations to follow the data base.

CHAIRMAN LYNN: Further discussion on the motion?

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

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

Motion carries unanimously and is so
ordered.

District 6.

COMMISSIONER HALL: Mr. Chairman, I had a citizen who lives in this area of the valley ask me the question as to why we didn't run 6, 7, 8 horizontal versus vertical. We discussed some reasons. I guess my question is would that make any impact, Doug, from a competitive nature, if those were reconfigured in a similar fashion?

MR. JOHNSON: When we did the configurations, or made those changes, it was both those three districts, 6, 7, 8 and also included 10 and 11 in that area under discussion, generally called North Phoenix. As you can see, 6 through 8 and 11 are about as solidly one color on the thematic as you can get. District 10, obviously, is a competitive district. It would be a minimal impact to rotate that.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Looking at these, all three are not very competitive. The most competitive of the three is District Six. Is there any way of looking at District 6 and 7 together, leaving District 8 out of the mix? To change District 8 requires an additional split of the

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City of Scottsdale. But looking at District 6 and 7, if we had just those, there is green stuff at the southern end of both districts. I wondered if that might make a difference, might have one more competitive district.

MR. JOHNSON: The area at the bottom of you see, there's a couple areas in the plus, minus five percent area range of registration, and then there's some orange in there which is a five to ten percent Republican advantage.

COMMISSIONER MINKOFF: Those are densely populated areas.

MR. JOHNSON: Certainly relative to the northern parts of the district, yes.

We could certainly add those into 6, drop off, I guess, New River and probably the far North Phoenix area. That would reduce the partisan spread in 6. You'd been taking areas out that were a 20 to 25 percent advantage and putting areas in with a five, ten percent Republican advantage, still remain a Republican District by all of our measures. Judge It, for now, 11, might get down, best case, might come down to, say, nine. Of course, that offsets the increase in 6 or 7. Essentially every point you go up --

COMMISSIONER MINKOFF: I'm not really optimistic this is going to work, but I think it's

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probably something worth taking a look at. Some of the others, 3 to 24 -- I think there's maybe something we can do there. I'm not sure about this. But I would like to see it, just to see if it makes more of a difference.

7 is already, by Dr. McDonald's district, is a bulletproof district. Bulletproof is bulletproof. If it goes from 15 to 18, would it make that much difference, if we can create a more competitive district in District Number 6.

I'd like to move we ask NDC to look at adjustments between the two districts to increase the competitiveness of one of them.

CHAIRMAN LYNN: Is that a motion?
COMMISSIONER MINKOFF: That is a motion.
CHAIRMAN LYNN: Second?
COMMISSIONER HALL: I'll second it.
CHAIRMAN LYNN: Thank you.
Discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I think this is a very good example of something I personally don't think we should do. We've got two heavily Republican districts right next to each other, and we're going to try to make one of them competitive by making the other

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one extremely noncompetitive. I do not think that that
is appropriate.

CHAIRMAN LYNN: Speaking against the
motion.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, only
according to Mr. McDonald's analysis, seven districts in
the state are less competitive than District Number 7.
I'm not sure that it's really going to impact the voters
of that district, because it is already a bulletproof
district. I'd like to see no bulletproof districts. I
certainly don't want to see any more than we have. This
one already is a bulletproof district.

I don't see any impact to voters in the
district if bulletproof at 16 percent or bulletproof at
17, 18 percent. It's still a bulletproof district and
members of the minority party will have very little
chance without some kind of scandle to elect candidates
of their party. However, I think that you can give
voters in one more district, District 6, a greater say
in who their candidates are.

I'm not -- as I said before, I'm not sure
it's going to work. I think it's worth looking at. I
don't see what the harm is other than a little less
sleep for Mr. Johnson.

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I would very much like to see the test then let's discuss whether it makes sense or not.

CHAIRMAN LYNN: Mr. Hall, Mr. Huntwork.

COMMISSIONER HUNTWORK: I concur, Mr. Chairman. Why not look at it? One more test. It may well do significant detriment, may well not. I don't think we can make that determination until we have a chance to look at what the test results are.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I think that the more appropriate movement, in this case, would be to see if we can make seven less bulletproof. I think that making it more bulletproof is exactly the opposite of what we should be trying to accomplish here.

If the motion were to blend the two so they were both 13, or for that matter if the motion were to take into consideration District 10 so that the overall ratio in all three districts could be brought down, then I can understand the approach. But I cannot disagree more vehemently with the idea of packing more Republicans into an already heavily Republican district. I think that is just a plain violation of what the voters in Arizona thought they were doing when they created Proposition 106.

COMMISSIONER MINKOFF: Mr. Chairman.
CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I'd point out 10 is one of the very few competitive districts. I'd vehemently oppose anything that changed the competitiveness of District 10, which is why I left it out of the mix.

CHAIRMAN LYNN: I, just speaking on the motion, I think there are other considerations here. I'm not disposed to test. The result will be a nonresult. We have the other considerations here, such as city boundaries. We have other considerations in play in the drawing of these districts that to me -- if we're going to run this kind of a test, there may be 40, 50, a hundred tests that would fall in the same category of being of equal value in terms of potential outcome. I see outcome as payoff, to go back to Mr. Johnson's analysis. After voting rights districts are formed, the spread in the state is no longer a five percent spread. It's a 16 percent spread in terms of registration. This is one of the reasons why. This district and districts around it are all very heavily Republican. That's what they are going to remain.

I think the districts were drawn for good and proper reasons other than this. I don't think it's good use of Mr. Johnson's time.

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Further discussion on the motion?

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I guess my question, Mr. Chairman, don't know how solid the line is between the two, but the question that I think we did address is that competitive districts should be favored where it would create no significant detriment to the other goals. And if we can make District 6 more competitive, the question I have is should we favor that action. And I think we're mandated to do so. And in so doing -- I guess my question is can we determine it does significant detriment to other goals unless we run the test.

CHAIRMAN LYNN: I'd only argue the point it doesn't say "more competitive districts should be favored," it says "competitive." This one will not be competitive no matter what you do.

COMMISSIONER HALL: Again, as discussed earlier, competitiveness on a continuum. We won't know if it will or won't unless we run the test.

CHAIRMAN LYNN: Vote, see if running the test.

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.
COMMISSIONER MINKOFF: I don't think there are city split issues. That's why I left District 8 out of it. It causes a split in City of Scottsdale.

Mr. Johnson can look to city boundaries, Cave Creek, New River, et cetera, which are pretty carefully defined at the northern portion of that district, wherever possible, to try to respect those city boundaries. Phoenix is obviously already split in a zillion different districts. Peoria is already split. I don't think that becomes a factor between these two districts as long as you leave District 8 out of the mix.

CHAIRMAN LYNN: On the motion, further discussion?

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "No."

COMMISSIONER HUNTWORK: "No."

CHAIRMAN LYNN: Chair votes "no."

Motion is defeated two to three.

Is there another motion on District Six?

A reciprocal motion would be further testing.

COMMISSIONER ELDER: Mr. Chairman, I move we make no further tests based on the discussion we've
had and reasons stated that the potential, when we look
at the area available for possible changes in plus five,
minus five percent, to gain the percentages we're
looking for in District 6, there just isn't population
to do it. Therefore, there should be no further
studies.

CHAIRMAN LYNN: That was a motion?
COMMISSIONER ELDER: Yes.

CHAIRMAN LYNN: Is there a second?

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Well, I want to
discuss 7.

COMMISSIONER MINKOFF: We're talking about
6.

CHAIRMAN LYNN: We're still on 6.

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: The motion not been
seconded yet.

COMMISSIONER HUNTWORK: I'm sorry. I must
not have been paying attention.

CHAIRMAN LYNN: Mr. Elder, would you
restate the motion.

COMMISSIONER HUNTWORK: Sorry.

COMMISSIONER ELDER: The motion is not
consider any further studies in District 6 based on
considerations that it appears as though there is not
density of population outside of the yellow areas on the
graph that is minus five, plus five percentages. To be
able to get the percentage we have to have to be
competitive is just not available.

Therefore, I don't believe any further

studies should be run.

CHAIRMAN LYNN: Is there a second to the

motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: I second the

motion.

It might be a good idea to do that. I

especially was voting on a negative way in response to

the previous motion. But I think perhaps to reflect

what we're actually doing it's more appropriate to adopt

that motion in an affirmative way.

I second.

CHAIRMAN LYNN: Discussion on the motion?

If not, all those in favor of the motion,

signify by saying "aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

Opposed, say "No."

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COMMISSIONER MINKOFF: "No."

COMMISSIONER HALL: "No."

CHAIRMAN LYNN: Motion passes three to two.

District 7.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, here we have the other side of the coin. District 7, there is a possibility of making District 7 more competitive. This is the problem with the previous motion, and previous discussion, and discussions like it, which were -- undoubtedly occur with respect to other areas.

Part of our mandate is to try to make each district as competitive as possible. District 7 has as much right to be competitive as does District 6, or District 10, or any other district in the state.

I don't really see a way, based on the map, to make District 7 significantly more competitive without going down and affecting District 10. District 10 is a very competitive district, only a 3.6 percent difference, according to the Judge It scale. It is a 3.6 percent favoring Republicans. So even a clean split between those districts would leave District 10, would leave both districts somewhere in the range of point -- 15 and four, which is around nine.
COMMISSIONER ELDER: Nine.

COMMISSIONER HUNTWORK: So clearly we couldn't just split them.

The question would be whether we could increase the difference in 10 by a couple points and reduce the difference in seven by a couple points.

It appears to me it would cause some damage in terms of the compactness of the districts to do that. Obviously 7 is not very compact, but we were at the point in the map where population was becoming less dense. 10 is very compact, 9 is compact, 11 is compact. And those districts, as they appear now, at least, have a great deal of integrity because of that. So it's hard for me to see how we could make those changes without having significant impact on the compactness of the other districts. And, therefore, I think I'm -- do not favor making an attempt to do so. Do not favor.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, while discussing the previous motion, Mr. Huntwork made the point from Proposition 106, competitive districts should be favored when not to the significant detriment, not making a district more competitive, but not really competitive should be favored. I don't think there's
any way to make 7 competitive. 10 is already competitive. I vigorously oppose any change that destroys the competitiveness of District 10.

I, therefore, move we instruct NDC conduct no further tests regarding District 7 for reasons stated.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

COMMISSIONER HUNTWORK: I wanted to vote in favor of the motion but not necessarily for the reasons stated.

I do firmly believe that Proposition 106 requires us to consider competitiveness of each district. And I do believe that is inconsistent with what Ms. Minkoff said in her remarks. Nevertheless, I do not agree it is appropriate to make a change in District 7, so I'll vote in favor of the motion.

CHAIRMAN LYNN: Further discussion?

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

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CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and is so ordered.

CHAIRMAN LYNN: District 8.

COMMISSIONER MINKOFF: I'd like to move we instruct NDC to conduct no further tests to make District 8 more competitive, unless you are good at pulling rabbits out of hats.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second for the purpose of discussion.

CHAIRMAN LYNN: Discussion on the motion.

Mr. Elder.

COMMISSIONER ELDER: I said since Mr. Hartdegen is not here tonight, 8, the yellow part wraps around Casa Grande, probably would make more --

(Laughter.)

CHAIRMAN LYNN: Further discussion on the motion.

COMMISSIONER HUNTWORK: Mr. Chairman?

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I think it would be appropriate just to state for the record there do not appear to be any significance population areas within reach of District 8 which can be used to make the
district more competitive without going into District 23 which would impact the minority strength in that district and would probably also, in order to provide significant difference in the competitiveness of District 8, require very substantial violation of compactness. Therefore, I don't believe there's any possibility without doing significant detriment.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Just to dovetail on that, Mr. Chairman, there are areas south of 8, it was at the request of the urban tribes to combine the urban tribes in District 23, which we've done. That's a significant community of interest and allows the Native American tribes to have a sovereign voice in District 23 and is in compliance their request. Therefore, utilizing those registration numbers in an effort to tweak competitiveness in District 8 I think would not be beneficial. I concur with comments made.

I think it's also important for us to remind ourselves why we configured 6, 7, 8, not only a community of interest and how they are compact, also spread the growth area of the northern metropolitan area in these -- not only, but among these three districts in an effort to allow a compliance with the constitution in the future, to the extent possible. And there is

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certainly, in retrospect, some wisdom in the way the
districts were configured.

I speak in support of motion.

CHAIRMAN LYNN: Thank you.

Comments?

Mr. Elder.

COMMISSIONER ELDER: Another factor fought

over, discussed considerably, was jurisdictions, the

contiguous parts of the cities involved. And we have

honored, for the most part, city boundaries, urban

tribal boundaries, to a great extent. This is another

factor in the decision, going through this decision for

8.

CHAIRMAN LYNN: Thank you.

Further discussion on the motion?

All in favor of the motion, signify "aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and is so

ordered.

District 9.

MR. JOHNSON: One thing I wanted to point
out, the yellow area down in the southern part of District 9 along Grand Avenue is not very heavily populated.

One thing we're looking at, District 12, which is competitive, meaning Republican, I believe, perhaps more competitive, adding an area into it, as I looked at options, trading off, what that would take, 9 to move to the west, would violate the request of El Mirage and Old Surprise not to be in a district with any of the Sun Cities.

So only going through district by district, I want to clarify that point and make sure the Commissioners are aware of what that yellow competitive area is and what trade-offs would be.

COMMISSIONER MINKOFF: Can I ask --

Doug, I wondered, rather than doing a straight district swap, try do something like that, if you then pull some urban parts of District 4 into 9 to compensate? Do a swap between 4, 9, and 12 and not require moving El Mirage and Old Surprise?

MR. JOHNSON: Could, populations, how you spread through area District 9 would end up wrapping over the top, similar to some of the tests we looked at during the process that eventually led to the creation of 10, old 10.
COMMISSIONER MINKOFF: Probably require Sun City West and Sun City Grand in District 9, be after us.

MR. JOHNSON: Probably involve splitting one or both of the areas.

COMMISSIONER HALL: Would that change or strengthen the minority populations in District 12?

MR. JOHNSON: I haven't drawn the specific lines to see that. It might strengthen it by a point or two, but it wouldn't bring it anywhere near majority status, or anything like that.

CHAIRMAN LYNN: Is there a motion?

COMMISSIONER MINKOFF: Doug, I'm looking again at District 4. Rather than going into Sun City West and Surprise, if you move some of the southern portion of District 9 into District 12, can you just move due north to that part of Peoria, you know, on the western edge, put that into 9, and then move some of the northern part of 12 to 4 to compensate? Does that work or cause other problems?

MR. JOHNSON: It would work. We could put a portion of this.

COMMISSIONER MINKOFF: Into 12.

MR. JOHNSON: The problem is the densely populated area of Peoria in 9. Parts of Peoria in 4 get
very sparsely populated very quickly. We'd not be talking about a lot of people available for pickup up there.

COMMISSIONER MINKOFF: Between Bell and Pinnacle Peak, that's a reasonably populated area. North of Pinnacle Peak, you are right. Bell to Beardsley to Pinnacle Peak, three miles north, it's still pretty heavily populated.

MR. JOHNSON: There definitely are some areas here that could be picked up. I don't think they are large enough to trade off for the whole area. There are some areas that could be traded, yes.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Looking at 9, I see it nestled in there between 10 and 12, both of which are very competitive. 9, in my view, is not as competitive as I would like to see it, certainly not bulletproof, but 9 could be improved. I don't think that increasing the noncompetitiveness of 9 by moving out Democrats is the appropriate response to District 9. I think if we were going to do anything with it, it would be to, in some way, to blend it with 10 and 12 in order to make 9 more competitive without taking those out of the competitive range.

It's really going to depend on what one
considers competitive, and so on. But we're looking at a seven-and-a-half percent standard, which I think is probably just an arbitrary number. You could probably get, let's see, three districts with 3.6, 12, 15, 18.8, 19 -- you could get three districts, all of which were less than a seven percent spread, out of 9, 10, and 12.

So there is a possibility of doing that with 9. I'm not sure what it would do with issues being discussed, how hard it is to move population around in this particular area, which are very germane to that exercise; but to me, if we're going to do an exercise in this area, it would be to try to create a more competitive district here rather than a less competitive district.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I think there might be voter rights implications in doing that kind of switch, a very strong influence district in District 12. If you were to make a significant change in it, I think that that would negatively impact that community of interest.

10 is a competitive district without any voting rights issues to add to it. I'd be very, very concerned about moving any population out of District 12 that was a strong minority population, because I think

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it would dramatically change the character of that
district. And if you just work with two districts, I
think what you do is once again take 10, a good, strong,
competitive district and sacrifice it to make 9 a little
bit less noncompetitive. And I don't think that that
makes sense for the same reason I didn't think it made
sense pairing 10 with 7.

CHAIRMAN LYNN: It might be appropriate
for the purposes of discussion, as we move through this,
think through each of these options, in the instance
where we have a very clear understanding of what the
problem might be, no sense in pursuing it. In those
instances where we have possibilities that we're not
sure of, it is probably preferable to err on the side of
testing than not. You might want to -- might want to do
that, if there's an unsure aspect to some of the things
we're talking about.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, I
think that's a very good point. I would like to ask,
Commissioner Minkoff makes a very important point about
the minority influence in District 12. I'd like to ask
counsel if that -- or our consultant if that is an
accurate characterization, the current status of 12
after the changes that were made to respond to the
CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: Mr. Chairman, Commissioner Huntwork, they did not look influence districts, Hispanic voting, total minority. They did not address influence districts.

Again, I think the question, you are asking the question in a vacuum. It would be better asked, in fact, once you have moved to make a motion to make this test, then comes back with figures, see what the detrimental effect is at that time. That's one of the considerations to be made in accepting a change or not to change. Right now we're speaking to the theoretical aspect of it.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, one of the other things we should look at, one of the reasons why District 12 is the way it is is we had to infuse, or bring in, four, five thousand people to take it out of the deviation of 171,177 population. So it's overpopulated.

If we take a look at those transitional variants and pull out some of that population, bring it closer to 171, go back to 9, make it more competitive by that measure --
MR. JOHNSON: Just to be sure I understand your question right, talking about 12 being overpopulated, maybe take some of that population into 9 to bring it closer?

COMMISSIONER ELDER: Take population, giving us better competition than we've got in that number 9, District 9.

COMMISSIONER MINKOFF: Doug, if I remember correctly, isn't the reason you put additional population in there to create a competitive district and minority influence district? Isn't the reason, overpopulated a competitive district and minority influence district. And if you moved population out, certainly population to move in to improve District 9, you will take away from those two goals in District 12?

MR. JOHNSON: 12 is overpopulated as a result of the interim map changes. But I think the primary goals of the test that eventually were adopted is increasing the strength of 13. So 13, you'll probably note, is underpopulated, as is 14. And a lot of that population ended up in 12.

So it — the question I'm struggling with is how exactly to move the population. The reason for that, 12 to 9, the reason being 12 has this extension that comes across 13 and 14. A small part of 12 comes
If you try to put population into 9, it's difficult to do without cutting off that finger. The finger is probably too large to move it all into 9.

There could be an area you'd look at trading off deviations. And -- from the percentages shown on the schematic, I don't think that kind of balancing would have much impact on competitiveness of either one.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I think it's appropriate for us to discuss Districts 9 through 16 or 17 as a body. And if anybody disagrees, thinks I'm wrong, correct me.

I think -- well, we know that 13, 14, and 16 were -- especially 13 and 14, were the subject of corrections made with respect to response to Department of Justice.

16 also is a minority influence district.

12 have influence, 13 have influence with respect to voting rights interests.

I wonder if it might be appropriate to make a motion to ask Mr. Johnson to run a test with respect to 9 and 12 relative to the discussion that has already occurred and a test between 11 and 15 and 17 in

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an effort to see what impact can be made on competitiveness there without affecting 13, 14, 16, and 10, 13, 14, 16 being voting rights issues, and 10 being a competitive district.

More specifically, on the issue of 11, 15, and 17 is an effort to see if that 15 can be made more competitive utilizing populations from 11 and 17 without making 17 uncompetitive and without having a detrimental effect on the voting rights issues of 15.

I realize that was a very long motion.

COMMISSIONER ELDER: Would it be appropriate to make a motion? Didn't make it.

COMMISSIONER HALL: I make it.

CHAIRMAN LYNN: Before you make it, hang on. I think you may have two motions, two sets of districts. Let's take them one at a time.

COMMISSIONER HALL: Probably had five.

I'd make a motion to run the test between 9 and 12 pursuant to the discussion that occurred.

CHAIRMAN LYNN: Is there a second to the motion?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion.

Ms. Minkoff.

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COMMISSIONER MINKOFF: Mr. Chairman, I'd like to reiterate my one concern about this which is the notion of a minority influence in District 12. I wonder if there's a way to run those tests to see if there are nonminority Democratic areas that you could use for that test.

COMMISSIONER HALL: I think, Ms. Minkoff, it's a given Mr. Johnson is going to be extra sensitive to voting rights issues. I think that's inferred on the basis of any motion. We can add that, but it's not necessary.

CHAIRMAN LYNN: I'm not sure he can identify what are nonminority Democrats with respect to the data base. The results will show the data base in the district once the test is run.

COMMISSIONER MINKOFF: Mr. Chairman, my other concern for the motion is I think it imperils a competitive district. And I'm very, very concerned about that. There were other tests we decided not to run that we didn't want to spend time, didn't think would work. If those misgivings were valid in that particular area, I have the same misgivings in this area.

I'd vote against any change that reduced

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the competitiveness of District 12. And I don't know how you can improve 9, take away from 12, without reducing the competitiveness of 12.

I'll vote against the motion.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I think we're on the right track. What we're going to try doing here is worth the effort. But I want -- personally, I think 10 should be included in this discussion. The reason I'm saying that is because 10 has 3.6, 12 has 3.8. They are virtually identical, the Judge It evaluation, in any event, and 10 may have opportunities for switching around populations that may avoid some of the voting rights concerns that Commissioner Minkoff is referring to.

Also, I feel that the blend of the three, as has been pointed out before, can result in three districts still solidly competitive. Blending two is a little bit dicier because the balance in 9 is as high as it is. The imbalance in 9 is as high as it is. So I'd prefer to have all three districts in play in this test.

CHAIRMAN LYNN: Mr. Hall, let me first ask, are you supposed to modify the motion at this point?

COMMISSIONER HALL: At some point,
Mr. Chairman, we're going to have to give Mr. Johnson clear direction. In other words, at some point we need to identify the target or a range of targets, if you will.

So to Mr. Huntwork's point, I simply --

the intent of the motion, there seemed to be significant discussion regarding the area. If there is discussion, versus discussing a hypothetical scenario, I'm suggesting we just run the test. I have little confidence a test between 9 and 12 will somehow increase the competitiveness of 9 without causing significant detriment to the competitiveness of 10 and 12 if we utilized all three.

I'm saying rather than discuss hypothetical scenarios, make a motion to run the test or don't run a test and pick one or other. I'm happy to reverse the motion not to run the test.

I'm suggesting we do one or the other.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I'd like to point out according to that map the areas in District 10 that would enhance competitiveness of District 9 are not contiguous to District 9. They are at the southeastern end of District 10. I don't know how you get them into District 9. Areas of 10 that abut District 9 tend to be

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more strong Republican areas than District 10. I don't see how it's in play.

COMMISSIONER HALL: Mr. Chairman, maybe I can withdraw my motion.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Sure.

COMMISSIONER HALL: Mr. Chairman, I make a motion we don't run the test, don't run the test with respect to District 9, and leave it as is.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I'll second it.

CHAIRMAN LYNN: Discussion on the motion.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I'll oppose the motion with the intent to make a motion next if this fails that we run a test on 9 and 12, 9 and 10, and 9, 10, and 12, see if that combination can give something positive in this area so that -- in that respect, I'll vote against motion.

CHAIRMAN LYNN: Further discussion on the motion, a motion to order no further testing on District 9.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, clarification from Mr. Huntwork. The options you were
just discussing, was that we're looking at not running
tests on 9, 12 right now. If it fails, a subsequent
motion would be run tests on 9, 10, 12.

COMMISSIONER HUNTWORK: The motion is to
not run any test on 9.

CHAIRMAN LYNN: Right. The motion is to
exempt 9 from further testing. That's what is on the
floor.

COMMISSIONER ELDER: Based on the previous
discussion Ms. Minkoff had, by virtue of saying no, like
not going to do further with it, if it comes up in
further discussions, we can add 9 back in; is that the
case?

CHAIRMAN LYNN: Of course. Any subsequent
motion that would impact a district next to another
district, obviously, you have to be able to order both.

COMMISSIONER HALL: Well, if we can
remember, we're simply running tests. I'm more than
happy to support, as previously indicated, looking at
the results of any tests. I simply would like us to run
one or not.

I'm happy to support a motion that would
run a test on 9, 10, and 12, while I have little
confidence of the results. I think it's appropriate
have results of the tests.
So, Ms. Minkoff, I can withdraw, keep making them, whatever your preference is.

CHAIRMAN LYNN: There is a motion on the floor. And it is to order no further tests on District 9.

Is there further discussion on the motion?

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: The question has been called for.

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Opposed say "No."

COMMISSIONER HUNTWORK: "No."

CHAIRMAN LYNN: Chair votes "No."

COMMISSIONER HALL: Sorry. Distracted.

Your motion is to exempt District 9 from further testing, motion to?

COMMISSIONER HALL: I vote "Aye."

CHAIRMAN LYNN: The motion carries three to two, and it is so ordered.

District 10.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: District 10 has

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many fine advantages. It is competitive, it is compact, and the only problem I have with District 10 is I firmly believe we should look at what would happen if we try to blend it with Districts 9 and 12.

Now, I'm not sure what this does with protocol.

I'd like to make a motion that we run -- we free up Mr. Johnson to do whatever he has to do to determine if there's a way to create three competitive Districts out of 9, 10, and 12. That's my motion.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: I'll second for purposes of discussion.

CHAIRMAN LYNN: Thank you, Mr. Elder.

Discussion on the motion.

COMMISSIONER HALL: Mr. Chairman, I'd like to amend the motion. The reason I feel like --

COMMISSIONER ELDER: First of all --

COMMISSIONER HALL: First of all, with respect to districts --

COMMISSIONER HALL: Did you call on me?

CHAIRMAN LYNN: No.

COMMISSIONER HALL: Sorry. Thought you did.

I thought had till someone started to
interrupt.

CHAIRMAN LYNN: Go ahead.

COMMISSIONER ELDER: Just spit it out.

COMMISSIONER HALL: Apologize,

Mr. Chairman.

We now have competitive districts with respect to Districts 10 and 12. Contrary sometimes to the logic I hear from some of my fellow Commissioners, I don't think we can make two less competitive and make 9 anywhere close to competitive pursuant to the same logic stated up above with respect to 6, 7, 8. District 4, the other neighboring district, is a bulletproof Republican district. Districts 10, 12 are competitive. A test on 9, you'd have to include District 4, 12, 10 or 13 or 14. And actually, just 12 and not 13. 10, 12 are competitive. I think we'd cause significant detriment favoring two districts, pursuant to the Constitution, and District 4 is bulletproof. That's why I felt confident in the motion for not testing District 9 and oppose the motion Mr. Huntwork put fourth.

CHAIRMAN LYNN: Mr. Elder, then

Ms. Minkoff.

COMMISSIONER ELDER: Mr. Chairman, part of it turns on what your definition of competitiveness is, and part turns on communities of interest, and

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contiguousness. I think where I see the most discussion
going, we have almost a three-corner twist between 9,
10, and 12 that looks like it could be reconfigured,
potentially, to achieve some of those goals. But I
don't know, I agree with Mr. Hall, don't know how a 9
percent spread, three eight, three six, something like
that, to come out with three competitive districts.

I wouldn't mind running the test to see if
there's some way of doing it, but my goal out of the
test would be see if we get it more compact, more
contiguous, more so than getting to where it's
competitive.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I'm
very, very troubled and disturbed by this motion,
especially because of defeat of the earlier motion
regarding Districts 6 and 7. People voted against that
motion. The discussion was why do we want to make
District 6 more competitive while we are making District
7 more bulletproof?

This is a situation where we were creating
one more district in which it would be more competitive,
and there might be a chance for a Democrat to be elected
from that district where there currently is not. On the
other hand, now I'm hearing support for a motion that
takes two very competitive districts, that are really
tossup districts, where Republicans or Democrats can be
elected, which was clearly the wish of the people who
voted for Prop 106 based on all the information that was
circulated prior to the election, in order to create
three districts where it is more likely that Republicans
will be elected because it falls just under the line of
competitiveness between six and seven percent rather
than a very competitive district as we have now.

If this test is worth running, then I believe the other test was worth running as well. If the other test was not worth running, I believe this test is not worth running.

Unless District 6 and 7 are added to this motion, I vigorously oppose it.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I think that Commissioner Minkoff makes a good point. I want to try to respond logically and consistently, and maybe change my own view of a couple things in the process.

One point I want to make is that the average competitiveness of these three districts together is less than seven percent. I make no other statement about whether it's possible to get from here to there or what damage we'd do to compactness or

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communities of interest. I only point out that if you
define competitive districts as being a number, and if
you defined it at seven percent, you could get three
competitive districts out of this mix. That's not a
partisan statement, has nothing to do with partisanship.
It is simply arithmetic.

However, I'm very skeptical, as I think
everyone else is, about whether you can do it or not.
I'm looking at the color coding on the map, and I don't
really see how you can do it without destroying the
compactness of both Districts 9 and 10 and without
taking -- dismantling the community of interest that
consists of the portion of Sun City that is in District
9, which is the -- the darkest red area in District 9.

So for the many reasons we talked about
earlier, I almost feel that the test is not worth
running. The trouble is there's that mathematical point
out there that creates a theoretical possibility, at
least, of coming up with an extra competitive district,
at least under one of the definitions of competitiveness
floating around out there. Not that it's a definition I
personally, necessarily agree with. I'm only trying to
do my duty here. But -- you know, I don't wish to make
it seem like partisan interest. If that's how
Commissioner Minkoff interprets it, perhaps it would be

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better to withdraw the motion than to leave with the impression floating over these proceedings, because that's not what any of us wants.

CHAIRMAN LYNN: Is that your --

COMMISSIONER HALL: Before he does that.

CHAIRMAN LYNN: Let me see whether he wants to.

COMMISSIONER HUNTWORK: The other possibility is go back, reconsider the test on 6 and 7.

CHAIRMAN LYNN: May be willing to do that.

We need to clear up what is on the floor at the moment.

COMMISSIONER HALL: Either that, Mr. Chairman, or request the admitted motion to include a test on 6 and 7 pursuant to tests of 9, 10, and 12, in addition to it, I should say.

CHAIRMAN LYNN: Either way.

COMMISSIONER HUNTWORK: Well, one of the points I made in discussion -- I'm very willing to consider that.

One of the points in the discussion on 6, 7 was it would probably reduce the overall spread on 6 and 7, as well, if you included 10 in that mix.

So if we were going to do this, it seems to me that the thing to do would be to say consider 6, 7, 9, 10, and 12 and come back with as many ideas as you
can about how we create competitive districts or not.

COMMISSIONER HUNTWORK: You know, I think

I want to withdraw my motion.

CHAIRMAN LYNN: Mr. Elder, is that

acceptable to you?

COMMISSIONER ELDER: I guess.

CHAIRMAN LYNN: Let's do this: Let's give

Lisa Nance a break. And let's try to hold that break,

seriously, to 10 minutes, if we can. And we'll

reconvene in 10 minutes.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come

to order.

For the record, all five Commissioners are

present along with legal counsel and consultants.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I would

like to move we test District 6 and 7 to derive or see

if we derive a better competitiveness atmosphere.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: I'll second that.

CHAIRMAN LYNN: Discussion on the motion?

COMMISSIONER HUNTWORK: Mr. Chairman, I'd

like to ask Mr. Elder if he would consider amending the

motion to be 6, 7, 9 and 12.
COMMISSIONER ELDER: No, I would not amend my motion. I want to have the analysis or any test be reflective of the districts that there is a synergy or relationship to. By going down into 12, which is eight miles away from 6 and 7, I don't know I would be able to pull apart the pieces we might derive.

I would like to see what the effects are on various edge decisions that we can vote down, or whatever. My intent is to not mix apples and oranges, say yes, it makes sense, or no, it doesn't make sense.

CHAIRMAN LYNN: The motion is to test 6 and 7.

Discussion on motion.

MR. JOHNSON: Mr. Chairman, a question, to clarify, is the goal to make one of them closer to our seven percent Judge It range or is the goal to balance so each of them are roughly the same?

COMMISSIONER ELDER: I guess what I'd like to see are in the various ranges of different experts. I'd like to see us get one more district, see if there's a way of getting one more district competitive. If that means making one more bulletproof, or even more bulletproof -- we're 12, 14 percent, something like that, giant, not half the way there, I don't know whether doable. I think we ought to take a look at it.
The goal is not be able to make both tens. I'd like to see a six and a 14 or 18, or something.

MR. JOHNSON: Okay.

CHAIRMAN LYNN: Discussion on the motion?

COMMISSIONER HALL: Mr. Elder, just to see if I understand what I perceive correctly, what I understand Mr. Huntwork to be saying, is in light of the fact 10 is 3.6, and six is at 11, and we had some discussions with respect to 9 and 12, what I thought I heard him say was is to -- since those are all five somewhat interactive simply by reason of the fact they have neighboring borders, whether there would be a -- whether it would be appropriate to test those kind of all in one venue, from just clarification, so we're able to try to make six more competitive and not significantly affect detrimentally the competitiveness of 10. I'm wondering if that would be giving ourselves a little more flexibility in trying to trade folks in an effort --

COMMISSIONER ELDER: If you give direction you want to have whatever it might be, 6 and 10, or 6 and 12, or something, if that is what the goal is, because if you level them all out, none are competitive, and then you also have a problem going in, then, with 10, you can't lose 10 at the expense of trying to make

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all of them even.

COMMISSIONER HALL: I understand.

If you bring 10 up to six, still, quote unquote competitive, right, or five, and still have an opportunity to maybe utilize neighboring numbers from 7 and 10 to strengthen 6.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, let me see if I can maybe crystallize this.

I can see a way we can look at all five of these districts together. Currently we have two really pretty competitive districts, 10 and 12. And I consider districts in the three percent, obviously, to be more competitive than a district that ends up 6.8. But if we combine these, then I think the direction we give to Doug is out of 6, 7, 9, 10, and 12 to look at adjusting population to create a minimum of three competitive districts. Because we've already got two. The only reason to do this is to create at least three. If he can create four, terrific, but I bet he can't.

CHAIRMAN LYNN: With that clarification, Mr. Elder.

COMMISSIONER ELDER: Yes, that would be acceptable. Modify the motion to modify the change.

CHAIRMAN LYNN: Seconder of the motion?
COMMISSIONER MINKOFF: Me. I accept it.

CHAIRMAN LYNN: Motion on the floor, as I understand it, is for Mr. Johnson to run tests on Districts 6, 7, 9, 10, 12 with the goal for there to be a third, at least a third competitive district.

COMMISSIONER MINKOFF: Mr. Chairman, I would like one caveat. If it's to go any further than my point of view, I don't want to see three districts 6.9.

CHAIRMAN LYNN: Too many restrictions on him --

COMMISSIONER MINKOFF: My own personal point of view.

CHAIRMAN LYNN: It's for a test to be run, if the possibility is here.

Discussion on the motion?

COMMISSIONER HUNTWORK: Mr. Chairman, I am completely in favor of this motion, from my point of view, but also would like to see if we could do it without making any district less competitive than it already is and maybe even trying to get out of that mix none that is bulletproof by any definition that we've used.

I realize it may not be possible, but I want to hear a discussion of that as well when we see
the results of this effort.

CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

Tests will be run on 6, 7, 9, 10, 11 and 12.

COMMISSIONER MINKOFF: I'd like perform a test, in the form of a motion, looking at 11, currently not a competitive district, Republican district. I'm looking at 15, not a competitive district -- almost competitive district, Democratic district. I think this is a possibility of creating a win-win situation and would like to ask NDC to see if adjustments can be made between districts 11 and 15 to create two competitive districts.

CHAIRMAN LYNN: Is that a motion?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: Second?
COMMISSIONER HALL: Mr. Chairman.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I'll second then discuss it.

CHAIRMAN LYNN: Discussion.

Mr. Hall.

COMMISSIONER HALL: I'm wondering if we -- wondering if Ms. Minkoff would add 17 in the mix. I think that might be helpful, 17 with the 1.4.

COMMISSIONER MINKOFF: My only concern is that it is already a competitive district. I wouldn't object to adding 17 as long as we place a caveat that any change to 17 should minimally affect its competitiveness.

COMMISSIONER HALL: I understand.

COMMISSIONER MINKOFF: 1.4, 2.5, still be competitive. Anything much beyond that I don't really see gives us anything.

COMMISSIONER HALL: Again, I think it's the same scenario just covered, just covered in 10, 12. I think that's why we hired Dr. McDonald, to determine what is competitive.

I just think there may be some resources in 17 in connection with respect to 11 and 15. Furthermore, I just think I'd like as part of that

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motion, certainly to broaden it, to insure that we
maintain the total minority VAP population in 15.
That's why I think 17 might be necessary. 15 has total
minority VAP of 50.37 percent total minority age voting
population in 15, which I think is important, as
previously discussed in previous meetings. With respect
to having 13, 14 being majority-minority districts, 15
is a heavily influenced district.

So in utilizing 15, I think in an effort
to try to make it competitive, we may need resources
from 17 and 11 to maintain their important character.

CHAIRMAN LYNN: 17, mix 11 and 15. Is
that acceptable?

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: The motion is Districts
11, 15, 17, with caveats attached.

COMMISSIONER MINKOFF: Yeah.

One issue that I had is that if we say
there will be no change in the minority population of
District 15, essentially, I don't think the test works.
I still -- 15 is not one of the districts that we
submitted to DOJ to respond to their objections. It's
one we sacrificed to strengthen 13 and 14.

I think District 15 must maintain a strong
minority influence. It must be a strong minority

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influence district. I'm not quite as concerned with the
over 50 percent, because it is not one of those
districts that we asked to be considered under the
Voting Rights Act.

We should not diminish the minority
influence impact in this, since it's only 50.37 right
now voting age, if can't lower below 50 percent, we
can't do anything with this.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I guess
in weighting things, look at what we should and
shouldn't do, I take the Minority Voting Rights Act at a
higher level than I do registrations. 17 we had a
tremendous amount of discussion, City of Tempe, the
school district, as Mr. Johnson was doing tests,
considered jurisdictions.

If it needs to be that we break that area
of interest, so be it, to have flexibility.

CHAIRMAN LYNN: Just to be clear, what
will happen in any ordered tests Mr. Johnson will take
our recommendations as to what we'd like tested. He'll
come back with a full analysis of what was necessary,
how far he could go, and what the effects of such
changes were. We clearly -- there's no sense in
ordering a test if we order a test and predispose the
possible outcomes. We need to look at the results of
the test and then decide whether or not those outcomes
are acceptable or not.

Mr. Johnson clearly understands all of the
criteria that we've used from the beginning of this
process. And each and every one of them is potentially
at risk when we order this test or any test.

Mr. Huntwork and then Mr. Elder.

COMMISSIONER ELDER: A quick follow-up,

first. Since Josh got to interrupt, I will.

I'd like Mr. Johnson, when going through
his review, specifically, say, on considering -- number
one was population deviation, number two is competitive,
number three, whatever, so we cover each one of those
when you give us analysis of the tests run so we don't
have one, well, community of interest, next test run
didn't say anything about community of interest or
jurisdictions.

How many jurisdictions are split, what
effect did it have on minority voting rights.

CHAIRMAN LYNN: Detailed impact.

COMMISSIONER ELDER: Try to make a list of
five, six items you address in each study test you do so
we have a comparison.

Thank you.
CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, on the motion, I'm going to oppose the motion on the floor because it includes District 17. The original concept of 11 and 15 I would be wholeheartedly in favor of. 17 I'll personally oppose because it is a community of interest. It is basically the City of Tempe. It was closely defined. We were very careful in drawing that based on communities of interest. And it is a competitive district.

If it were going to be split in some way -- my own preference would be to look at 18. Between 17 and 18 you can arrive at two districts, neither of which is bulletproof, although probably neither of which is competitive within some of those definitions floating around out there. It doesn't make any sense at all to bring Tempe into Phoenix, run with Phoenix districts. It's just what everybody in Tempe to a person told us not to do.

I'm against doing that, even testing that, because of the clear community of interest that would be significantly impacted.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Huntwork, the
northern part of 17, south part of the City of Scottsdale.

I agree with you on the City of Tempe. I do not think we should split it any more than it already is, the portion south of it to the south.

Would you be comfortable with the motion if we limited the instruction to Doug to only look at the area of District 17 not part of the City of Tempe?

COMMISSIONER HUNTWORK: That's a very important point.

The reason I stated before certainly would not apply. However, I do want to point out that at this point it's much more difficult to do a swap between 11 and 15.

Take out a portion of 17, you'll have ripple effects, and we're going to have to think about what those are.

There's significant population in that Scottsdale portion, and it would have to ripple through everything else we've done.

So where do we go? I mean I guess that's what our consultant will test.

CHAIRMAN LYNN: That's what the test is designed to show.

Discussion on the motion.

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COMMISSIONER MINKOFF: Can I ask, all of a sudden there's purple in it? Scottsdale?

MR. JOHNSON: Just braking it up. The Scottsdale area, here's the border of Phoenix, Scottsdale, Tempe. The northern portion is Scottsdale, 17.

COMMISSIONER MINKOFF: My own strong preference is just look at 11 and 17, 15. The reason to vote for the motion, hope we don't have to go into 17. If it becomes necessary that a small portion --

CHAIRMAN LYNN: Again, any comments are speculative until we see the results of the test.

On the motion?

COMMISSIONER HALL: I call the question.

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

COMMISSIONER HUNTWORK: I apologize. Was it modified for just the Scottsdale portion of 17?

CHAIRMAN LYNN: Discussed as other things were tested.

The test would be 11, 15, 17.

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COMMISSIONER HUNTWORK: I vote "No."

CHAIRMAN LYNN: Motion passes four to one.

11, 15, and 17 are included in testing.

We're up to District 13.

Mr. Hall, I believe you go first.

COMMISSIONER HALL: Mr. Chairman, I make a motion that we do not run any test on District 13, 14, and 16 in light of the fact that they are very important districts with respects to the requirements of the Voting Rights Act and were recently amended in an effort to address objections by Department of Justice which now have been approved by a three-judge panel. I think it would be important to maintain the significant characteristics of these three districts.

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Further discussion on the motion?

I think Mr. Hall's quite clear. It's quite evident three districts in particular, because of all that was previously stated, and all the discussions that have gone on with the three districts, it would not be in any way advantageous to try to move these around in terms of a competitive scenario, they clearly are so important to other in terms of voting rights compliance.

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Mr. Huntwork.

COMMISSIONER HUNTWORK: I think as debating districts, for purposes of putting before the federal court, we did acknowledge it is not the final answer and we will have effectiveness tests run on them before we're through with the process.

For the purposes of competitiveness, I agree with the point you've made.

CHAIRMAN LYNN: That is the purpose -- that purpose being only for which we're ordering testing at the moment.

The motion on the floor is to have Districts 13, 14, and 16 not further tested with respect to competitiveness.

Further discussion on the motion?

Hearing none, all those in favor of the motion signify by saying "Aye."

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

Motion carries unanimously and it is so ordered.

District 18.

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COMMISSIONER MINKOFF: Mr. Chairman, 18, 19, 20, 21, 22, in an attempt to move along.

COMMISSIONER HALL: And 23.

COMMISSIONER MINKOFF: No. 18 through 22.

These are all districts somewhat similar in character, none competitive, none likely to be competitive, without moving all over the state to pick up population. My only concern about them is population deviation. Want to deal with that now or later? I'd be happy to ask Doug to run tests to equalize population. I don't think anything --

CHAIRMAN LYNN: I'm disposed either way.

A couple comments. What we need to do here at some point is see if there's a way to equalize population, but I'd be happy to take it now, if it squares with the testing you are going to be doing, Mr. Johnson, or if you'd rather do it at a later date.

MR. JOHNSON: Mr. Chairman, I can do it either way. I do have maybe a five-minute presentation, summarizes deviations and questions run through before the Commission.

COMMISSIONER MINKOFF: I make motion no further tests on Districts 18, 19, 20, 21, 22 be conducted regarding competitiveness.

CHAIRMAN LYNN: Is there a second?

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COMMISSIONER HALL: I don't know why we're not including 23, 24, 25, voting rights --

COMMISSIONER MINKOFF: Different reasons.

CHAIRMAN LYNN: Separate motion.

COMMISSIONER HALL: Okay.

CHAIRMAN LYNN: Is there a second?

Hearing none --

Mr. Huntwork.

COMMISSIONER HUNTWORK: I'd like to focus on 18 before too far afield.

Since we're already tinkering with 17, and if you take population out of 17, in particular, I think it would be appropriate to look at whether there is a way to make 18 more competitive by combining in some way 17. It might be a part of the testing done in 11, 15, 17.

According to the Judge It analysis, 18 is 12.8 percent, 17 is 1.4 percent. The two combined, just over 14 percent; half, just barely over seven percent.

If moving people around, it might be a way to make something -- perhaps not completely competitive, perhaps more competitive, and out of 18.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, the only way to swap population between 18 and 17 is to
break up the City of Tempe. And we made it very, very clear in some discussion of the previous motion, although not part of the motion, Doug heard us, there's not a lot of support for chopping up Tempe to put it into 11 or 15.

By the same token, I can't see any reason to create two, you know, one 6.9, one 7.4, something like that, which is essentially two noncompetitive districts, chop up a community of interest, the City of Tempe doing it. We'd not achieve anything.

There are a few districts I look at and smile because they really work. This is one of them. And it's because of the community of interest represented by the majority of the City of Tempe.

There's no way -- the only parts of District 17 that aren't the City of Tempe are a very small area of Scottsdale to the north. I don't see how we do this without chopping up Tempe.

CHAIRMAN LYNN: There is no motion. We're still looking for an affirmative motion with respect to 18.

Mr. Huntwork?

COMMISSIONER HUNTWORK: The problem is I agree with everything Ms. Minkoff just said.

Let me say what I was thinking more

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clearly. We already said we're going to do a test that
might involve taking out part of 17, which means you
have to change 17, have to add population, move it
around. As long as we're doing that, I'm wondering if
there's a way to accomplish the goal of making 18 a
little more competitive.

I was against tinkering with 17 at all.

If you remember, I was the only one that voted against
it. Now I've voted in favor of it. If something
happens to 17, what will we do?

I think we ought to include 18 in the mix.

There's one that isn't that -- for an East Valley
district, it's probably least uncompetitive, to the
extent you make it less uncompetitive, we've achieved
something.

CHAIRMAN LYNN: There's a strong
suggestion, if you'd like to get that voted on, you move
to include 18 in the test on 11, 15, and 17.

COMMISSIONER HUNTWORK: I so move.

CHAIRMAN LYNN: Is there a second?

It was worth a shot.

We still need an affirmative motion on
District 18.

District 18.

COMMISSIONER MINKOFF: Let me renew the
motion, as I didn't get a second.

COMMISSIONER HALL: I'll second it.

COMMISSIONER MINKOFF: 18 through 22, no further tests regarding 18 through 22.

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Motion remove 18, 19, 20, 21, and 22 from further testing.

COMMISSIONER MINKOFF: Competitiveness testing.

CHAIRMAN LYNN: Competitiveness testing. And it's been seconded.

Discussion on the motion?

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: I want to be sure we're clear why we're taking these districts out of the mix and not testing them, so there's no ambiguity about the motion once we get to a vote.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, the only reason I asked it, when the motion was originally made, we wanted to explore question of 18 separately. Aside from that, I believe this is pretty much of a no-brainer. These are -- firstly, they are compact districts. They fit the political subdivisions in the East Valley very well. Unity in the East Valley has

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given us tremendous support for where we drew the lines and how we drew the lines in this area. And beyond that, there really isn't anywhere we can go to create competitiveness with these districts other than into District 23, which surrounds them on all sides, District 20, which we're getting to, but it doesn't help the competitiveness analysis significantly at all.

COMMISSIONER MINKOFF: That's true.

COMMISSIONER HUNTWORK: And 17, which you just talked about, because 17's community of interest, competitiveness, compactness, and tremendous public community support for that district as well.

I think for those reasons I strongly support this motion.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Elder.

COMMISSIONER ELDER: To say go along with it, the majority of the area around the four districts are urban tribes. We agreed to set a precedence -- not precedence -- we set a precept we would not divide any of the tribes. And that's one of the goals here. So I'd want to stay with the motion and vote affirmatively.

CHAIRMAN LYNN: Thank you.

Further discussion on the motion?
If not, Mr. Hall? No?

If not, move to a vote. The motion is for Districts 18 through 22 to be exempted from further competitiveness testing at this point.

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and it is so ordered.

District 23.

COMMISSIONER MINKOFF: Another multi-multi-district motion.

I move Districts 23, 24, 25, 27, 29 be removed from further testing for competitiveness because of Voting Rights Act implications.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, I
have -- I still have some concern in my mind about whether we can achieve a better result on Voting Rights Act issues dealing with District 23 in a different way, or rather dealing with Districts 23, 25, 27, 29 in a different way. And I'm concerned about the fact if we did look at another alternative way of approaching the districts, one of the factors we might consider, if all other factors were equal, would be what creates the most competitive district out of District 23. Now, that's a long way off.

We can't talk about that until the data base -- based on the table right now, I obviously strongly support this motion. At the point when we are thinking about alternatives for satisfying the Voting Rights Act, then we might want to revisit this issue.

CHAIRMAN LYNN: And we'll have that opportunity before too long.

I appreciate the fact we're separating issues at this juncture. It doesn't mean we won't revisit all the districts in some fashion for final determination.

Further discussion on the motion?

If not?

MR. JOHNSON: Mr. Chairman?

CHAIRMAN LYNN: Mr. Johnson.
MR. JOHNSON: I believe the motion mentioned 24, also?

COMMISSIONER MINKOFF: Yeah.

MR. JOHNSON: We have a motion, 24 as it works with 23?

CHAIRMAN LYNN: Mr. Johnson, thank you very much.

With the permission of the maker and second --

COMMISSIONER MINKOFF: Yes.

CHAIRMAN LYNN: And previous admonitions already in that discussion.

So the motion --

COMMISSIONER ELDER: Could we have Mr. Johnson zoom in on just above the county line where we're looking at 26, 25, you know -- let's look at Pima County except the western portion of it.

I guess what we're looking at, going to be visiting 26, 26, 28, 30. I wouldn't want to preclude looking at 25, see if there's a trade to make the thing more competitive.

MS. HAUSER: Mr. Chairman.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, Commissioner Elder, the focus of the motions with respect to testing
that focus on making particular districts more competitive. It does not mean that that district might not change or be affected in some way by a test done on another district, as we discussed earlier.

A change or motion to take 25 off the table, for example, as a focus of a competitiveness test, does not mean it might not be impacted when some other districts are tested, if they are tested.

COMMISSIONER ELDER: Take all off, come back and revisit them.

MS. HAUSER: No, no.

CHAIRMAN LYNN: Reverse of that.

MS. HAUSER: The difference between focusing a test on a district, trying to make that district more competitive, and whether or not that district will have any change to it at all or not by virtue of test on another district.

CHAIRMAN LYNN: The motion, then, on the floor, is to exempt Districts 23, 25, 27 and 29 from further competitiveness testing at this point.

Further discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER MINKOFF: "Aye."

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COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and it is so ordered.

We're up to 28.

COMMISSIONER ELDER: 26.

CHAIRMAN LYNN: 26, 28, and 30 are remaining districts.

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, three districts here, none of which are competitive, but none of which are very far from being competitive.

I'd like to move we ask NDC to focus primarily on Districts 26, 28, and 30 and see if there are adjustments that be made among those three districts, primarily, in order to create one or more competitive districts with the understanding that if there is any need to go into existing majority-minority districts to create a population corridor or to maintain a community of interest, so long as it does not diminish the majority minority character of those districts, you are authorized to do that as well.

CHAIRMAN LYNN: Is that a motion?
COMMISSIONER MINKOFF: That's a motion.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I recall our previous discussion of these districts very well. We focused on the competitiveness of these districts. And we focused on communities of interest that they represent. We had very strong testimony regarding communities of interest, particularly in that central Tucson area.

Once again, it is really a situation where I am loath to -- I'm really hesitant to vote in favor of intruding on a pretty well-defined community of interest, just as I was with District 17. There may be nooks and crannies that can be explored in that area.

I guess I can't oppose just one test to see, especially as I'm not that -- personally not familiar with that area of Tucson. I do recall we considered this very specifically and drew those lines carefully the first time.

I'm wondering what the difference is -- how have the numbers changed from the first time?

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Do we have anything that would tell us exactly between the numbers we were using the first time and numbers we have now?

COMMISSIONER MINKOFF: District 26 has changed because we pulled some areas out.

CHAIRMAN LYNN: Hang on one second. I think what Mr. Huntwork is asking has to do with data base correction, if I understand the question.

COMMISSIONER HUNTWORK: Correct.

MS. HAUSER: A data base question.

CHAIRMAN LYNN: I'll call on Mr. Hall in the meantime.

COMMISSIONER HALL: I agree with you wholeheartedly. I recall that discussion, too.

I would like us to, one, run the test for three reasons, refresh my memory and, two, we are working with new data. And I want to insure that we have appropriately considered all of the information we received. And, three, there has been a change to some of those surrounding districts with respect to our response to the Department of Justice letter.

For my benefit, simply, I, like you, am not as familiar with this area. I'd appreciate the test just to make sure I understand all the questions before
I feel it appropriate to provide any answers.

CHAIRMAN LYNN: Mr. Johnson?

MR. JOHNSON: What I have on my screen right now, it's a little hard to read as projected, but these are data as we understood them at the time the Commission adopted its plan in November. And we had a -- District 26, believe the AQD spread was 9.4. And the corrected AQD spread is 11.2. For the same district, the difference between Republican and Democratic registration, had almost 12 percent. And corrected we have 14.8.

28, AQD spread went from 21 and essentially stayed the same, 21.

District 30, AQD was 14.8 and stayed 14.8. So 26, registration and AQD spreads are larger than we thought they were at that time. 28 and 30 AQD stayed the same.

CHAIRMAN LYNN: And AQD, I'm sorry, District 23 -- 26 also had other modifications in it with respect to adjusting District 23.

MR. JOHNSON: Yes. Good point. And that is probably the main reason for the change.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: That's part of the point I was going to make, Mr. Chairman.
I certainly do intend we'd equalize populations here at some point and get fairly narrow, small changes in these districts. I'm wondering if we should -- I hate to bring this up.

When we ripple population through the East Valley, which is other major area of imbalance, we are thinking then about probably relatively homogeneous populations and not much change. Here all questions are going to be where do we get the people necessary to equalize the population. And is it terribly meaningful to run these tests when we've dealt with that issue is really the question.

CHAIRMAN LYNN: District 26 is one of the three we're dealing with now, the most problematic with respect to deviation. And, again, I think what we might want to do is keep the issues separate insofar as we are going to talk population deviation statewide, something suggestive as we look at testing, Mr. Johnson, to tuck away to bring up again as we deal with population deviation. Before final adoption, that would be useful. But for the purposes of the testing, I'd look at the possibilities that exist.

Again, I appreciate the deference, Mr. Huntwork, in the Tucson districts. I like you feel very comfortable with districts drawn in Tucson based on

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what I know about the communities of interest.

I think for purposes of the process, I think it's more than fair to take a look at the districts, see if we can't make adjustments that don't do significant damage in other areas to achieve a more competitive balance, if that's possible.

I'm more than happy to support the motion.

I do think the issue of deviation, particularly of District 26, is probably best addressed separate.

COMMISSIONER HUNTWORK: I agree. It seems the numbers we're making a determination on were dead on. The only reason 26 wasn't dead on, population changed. In that light, I'm not sure why we are revisiting the issue, because we made a fair, full discussion of competitiveness, until we know what is going on with District 26. Nevertheless, the point is made.

CHAIRMAN LYNN: It's not inconceivable to me when finished with the discussion, population deviation in 26 won't change. What will change is population on the other side, zero overall deviation in the map. I don't want to predispose that, but it may happen.

Ms. Minkoff.

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COMMISSIONER MINKOFF: Mr. Chairman,

there's nothing to preclude Mr. Johnson when looking at making districts more competitive to improving population deviation by the same token. If he can look at this, 7,000 too few people in District 26, all he needs do is move 3,000 people from 28 to 26. 28 is overpopulated. Makes both more competitive. If he's done two things at once, nobody would quarrel 3,000 out of 26 were put back into 28.

COMMISSIONER HALL: Assuming it doesn't cause significant detriment to anything else.

CHAIRMAN LYNN: On the motion. Okay. Further discussion on the motion?

The motion is to include 26, 28, 30 in a test to improve competitiveness.

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and is so ordered.

Mr. Johnson, what I need from you at this

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point is a guesstimate.

First of all, I'll suggest, I want to give an opportunity to the public, particularly Mayor Donaldson who requested to speak again, I want to give you that opportunity this evening, Mr. Mayor, or tomorrow morning, your choice; because we are coming to the close of today's business.

I'm about to ask Mr. Johnson how long it will take to run these tests and get a preliminary idea what results will be, which will determine our starting time tomorrow.

Had you not intended to stay over this evening, I'm more than happy to take your comments this evening.

MAYOR DONALDSON: I'll wait until tomorrow. Thank you, sir.

CHAIRMAN LYNN: I appreciate your flexibility in doing that.

We'd then begin tomorrow with public comment and hear reports from the consultants and then have additional public comment based on those.

You can choose at which of those opportunities you wish to make comments, and we'll accommodate you whenever you wish to speak.

While the consultants are consulting to

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determine when we may be able to reconvene, my overall question to the Commission is: Is there any other business we need to conclude this evening before we determine tomorrow's departure point?

Ms. Minkoff.

COMMISSIONER MINKOFF: I just would like a quick summary going forward of what we expect to accomplish during tomorrow's meeting. In other words, what is going forward?

CHAIRMAN LYNN: I'm not sure I can answer definitively. Let me give a shot.

As we get the consultants' report tomorrow with results of testing, what we'll begin to see is where -- whether and where significant or partial damage is done to one or more of the objectives by testing the various options that we have ordered.

It would be my hope tomorrow we could make some more definitive decisions with respect to which of those we actually wish to pursue, which we wish to take off the table based on testing, and then get some sense of where we are in terms of overall competitive mapping based on that process. That would conclude sometime tomorrow. That would give us, going into next week, when we have an opportunity to not only have corrected racial block voting but other information in front of
us, an opportunity then to make final recommendations on
a new map based on not only the competitive data but
also the other data that will be available.

COMMISSIONER MINKOFF: When will we be
able to give instructions to NDC on population
deivation?

CHAIRMAN LYNN: Next week. Could happen
now --

COMMISSIONER MINKOFF: I'm not sure why we
wouldn't -- the more tests we have already run, they'll
be ready for us to look at when we reconvene next week.

CHAIRMAN LYNN: Certainly we can do that
with the understanding that the testing on population
deivation, unless it was corrected as a result of a
competitive test that would be run, would be run
subsequently or dealt with subsequently. And we
wouldn't expect a report back on any correction in
population deviation other than those related to
competitiveness adjustments tomorrow. We'd expect those
the following week.

COMMISSIONER MINKOFF: I'd like to make
sure we order them before we adjourn tomorrow rather
than leave the whole issue to next week.

If we order them tomorrow, they can be
worked on and we can have them to look at when we
reconvene.

CHAIRMAN LYNN: Not a problem. We can
give that instruction tomorrow.

I'd suggest you might think about the
manner in which you'd like to give that instruction so
when we have that discussion tomorrow we're clear on
language.

Anything else in terms of tomorrow's
agenda?

All right.

As soon as Mr. Johnson is able to tell us
when he thinks he can be ready, we'll establish a time
to return.

Mr. Johnson.

MR. JOHNSON: Mr. Chairman, Commissioners,
looking at the list of tests, I mean obviously these
won't be full-blown, perfectly balanced, every
neighborhood analyzed tests. My estimate is if we met
at 11:00 tomorrow morning, I could have a fairly good
sketch of where the changes would be, how far they
reach, and what the impacts might be.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman, Doug,
does that also give you time to relay the information to
Dr. McDonald and get some McD numbers?
MR. JOHNSON: Good question.

What this relates to, Judge It isn't compiled as I do work. I send the results to Dr. McDonald and he runs it.

CHAIRMAN LYNN: Dr. McDonald, if you want to join us and weigh in on this tiny issue.

DR. MCDONALD: Once Doug gives me the equivalency file, it should be about an hour.

CHAIRMAN LYNN: If, for example, Mr. Johnson were to complete with his analysis, hypothetically, at 10:00 a.m., for the sake of argument, and he were to transfer those figures to you at that point, by the time he was completing his communication to us about what tests were run, you might be able to have some results?

Ms. Hauser says perhaps not.

MS. HAUSER: Mr. Chairman, I want to make sure he understands what he'll come back with. He's going to come back with trends. When he said not coming back with full-blown mapping, that means he can't give equivalency files to Dr. McDonald unless he actually moves all populations and maps it. He's going to give you trends that are going to show you the direction in which the testing will go if he in fact at some time tomorrow he is told to turn that into a full-blown test,
full-blown map, which he'll come back with for the following week.

The difficulty -- the difficulty is just that. We don't have that particular time. That will blend in nicely with information from Dr. Handley on the 18th. Dr. McDonald doesn't need to be here to do a run on -- under Judge It, on any of these more full-blown tests. In fact, that information can be relayed to him between now and the 18th, and we can get his report electronically.

You need to see the trends in terms of the impact on other criteria versus exactly how that district shakes out in terms of any of the competitiveness measures.

Does that make sense?

CHAIRMAN LYNN: What I hear you saying is this is perhaps a two-stage process. That the first stage to be completed tomorrow is an initial assessment by Mr. Johnson as to what impacts are either apparent or likely with respect to proposed changes in the districts to achieve a greater competitiveness. If those impacts on other criteria are acceptable or negligible and we then instruct that they -- full-blown mapping occur to achieve those changes, it's at that point that Judge It would then be run and we would have a result.
Am I understanding that correctly?

MR. JOHNSON: Let me clarify just one thing. There will be, as Ms. Hauser is mentioning, a lot of squiggly lines, not perfectly straight things in these trend maps, but I can -- we can do an equivalency file, rough Judge It numbers based on that. There's no guarantee, of course, when I, if instructed by the Commission, I finish the map, the Judge It numbers won't change as a result finishing.

CHAIRMAN LYNN: As with other characteristics, we could get a trend in Judge It, are the numbers coming down, going up, staying the same.

MR. JOHNSON: Yes.

DR. MCDONALD: Yes.

CHAIRMAN LYNN: That makes some sense.

So without objection, my suggestion at this point is we recess until 11:00 a.m. tomorrow at which point we will hear Mr. Johnson's report and then to the extent that that, those trends are identifiable, hear from Dr. McDonald as well.

MR. RIVERA: Mr. Chairman?

CHAIRMAN LYNN: Mr. Rivera.

MR. RIVERA: I know there's a time crunch. Perhaps 10:30 for public comments before Mr. Johnson comes up?
MS. HAUSER: Or 10:00.

It's my understanding other people are coming in tomorrow.

MR. RIVERA: Public comment.

CHAIRMAN LYNN: Anything more efficient tomorrow in terms of time is perfectly fine with me. How about -- given the way we normally progress, we recess until 10:00 a.m., decide to take public comment to the extent it exists at that time, perhaps a brief recess, if Mr. Johnson is not prepared to join us. But at the -- at the latest we'll hear from Mr. Johnson at 11:00.

MR. RIVERA: All right.

CHAIRMAN LYNN: Is that acceptable to the Commission?

Without objection, the Commission will stand in recess until 10:00 a.m. tomorrow morning at this location.

(Whereupon, the Commission recessed at approximately 6:49 p.m. to resume on June 14, 2002, at 10:00 a.m.)

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LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona
STATE OF ARIZONA )
) ss.
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 242 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 June, 2002.

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

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