STATE OF ARIZONA

ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
June 14, 2002
10:00 a.m.

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349
The State of Arizona Independent Redistricting Commission convened in Public Session on June 14, 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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Phoenix, Arizona
ADDITIONAL APPEARANCES:

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

SPEAKERS FROM THE PUBLIC:

MAYOR JOSEPH DONALDSON, Flagstaff
NEIL WAKE, Arizonans for Fair and Legal Redistricting, Inc.
RUDOLFO PEREZ, MALDEF

SCHEDULED SPEAKERS:

MR. DOUG JOHNSON
DR. MICHAEL McDONALD

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

For the record, roll call.

Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Here.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Here.

CHAIRMAN LYNN: Mr. Huntwork is excused this morning. He had something come up and will be with us along about 11:00 o'clock.

Chairman is present along with legal staff and IRC staff.

We indicated we'd take public comment at 11:00 o'clock. Given Mr. Huntwork is delayed, I'd rather not have Mr. Johnson's report. I thought I'd take any public comment anyone wishes to share with us. If not close to 11:00 o'clock, we'll take another short
break, wait for both Mr. Johnson and Mr. Huntwork.

Without objection, I have two speaker slips, and I'd like to offer to each of the speakers the opportunity to speak now or speak at a later point, or both. It's your option.

We have Mayor Donaldson from Flagstaff and Neil Wake representing Arizonans for Fair and Legal Redistricting.

Gentlemen, if you would like to speak now, we're perfectly happy to have you do so.

Mayor Donaldson?

MAYOR DONALDSON: Good morning, Mr. Chairman, Members of the Commission.

Thank you for maintaining Flagstaff whole and in one district. Yesterday I heard continually throughout your discussions the phrases it is your will to maintain communities of interest, voting rights, et cetera. You have referred to the power of voices and the meetings you have held. Yet, you have refused to grant Flagstaff the same consideration.

One city in a Legislative District is not a community of interest. I still ask with the emphasis of 53,000 voices that you give direction to your consultant to give Flagstaff the same consideration as you have given so many other Arizona communities. At
the very least, I urge you to include the Flagstaff Metropolitan Planning Area with Flagstaff.

Again, thank you for the opportunity to voice my community's concerns before you.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Mayor.

Mr. Elder has a question.

COMMISSIONER ELDER: Mr. Mayor, and Mr. Chairman, do you have any idea what the population in the planning area that is outside of the current district that we have delineated is?

MAYOR DONALDSON: Chairman, Commissioner Elder, yes, I do. The Metropolitan Planning Area, including Flagstaff, is 73,000 people.

COMMISSIONER MINKOFF: I'm sorry?

MAYOR DONALDSON: 73,000.

COMMISSIONER ELDER: 56. 15,000 outside the area we're in now?

MAYOR DONALDSON: It's about 20,000. That includes Flagstaff.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: Other questions or comments?

COMMISSIONER MINKOFF: Mayor Donaldson, I want to kind of repeat, rephrase the question I asked
you yesterday. When I look at this map and I look at
the 30 districts that we have drawn, there are some of
them that make me smile, because they work. This is not
one of them, District 2. You were there when this
district was developed, and you understand the terribly,
terribly difficult time that we had.

We can't add 20,000 people to this
district. It doesn't work. It's terribly
overpopulated. And it also destroys the demographic
make-up of the district, which is extremely important
for Department of Justice preclearance.

We looked yesterday, I asked a question
about moving Flagstaff out of the district and putting
you in with the Verde Valley, as you requested, and
moving some other population into the district. That
didn't work, either.

So I'm really asking for help. I don't
like this district. I don't like what we've done to the
City of Flagstaff. But, I also -- I like the
alternatives even less, because it savages communities
of interest, it creates problems with the Voting Rights
Act.

So we're really looking for guidance. If
you can give us a way to get a district that approaches
171,000 in population, that gives Flagstaff what it

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needs, without violating the Voting Rights Act and
without, you know, doing worse to another community of
interest than we've done to Flagstaff, I would love to
hear how we could do it. If you can give us some help,
please, I'd very much like to hear it.

MAYOR DONALDSON: Mr. Chairman,

Commissioner Minkoff, we understood your offer yesterday
and would like to keep that option open, if possible,
understanding as we get into the process it becomes even
more difficult.

As I stated yesterday, you know, and again
today, if you give us the same consideration as you've
given other districts when -- if you fix pieces
throughout the map and say well, yes, find a way, don't
mess with this, don't mess with that, don't mess with
this other, it makes the solution even more difficult.

If there was no area held sacred within
the configuration of the map, then there is a
possibility. But as long as those fixed pieces remain
an obstacle to create a solution, you'll never have a
solution. But we was well would like to keep the door
open in order to provide you a suggestion.

COMMISSIONER MINKOFF: Mayor Donaldson, I
appreciate that and look forward to hearing from you.

I would tell you the only things that we

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are holding sacrosanct, if you will, are those things that allow us to comply with the Voting Rights Act. And about that we have no choice. Other than that, things are on the table.

Right now we're dealing with competitiveness. This particular area of the state is not in play in that discussion. We went through the districts one by one yesterday and determined, for the purpose of competitiveness, only, not to make any adjustments in these districts. So nothing is going to happen on that today. If you can get something back to us by the time we reconvene next week, we can look at it.

MAYOR DONALDSON: Thank you. Appreciate it.

CHAIRMAN LYNN: Neil Wake.

Mr. Wake?

MR. WAKE: Thank you, Mr. Chairman, members.

Yesterday I favored you with a short but important point, I hope, and I want to offer a different point which hopefully will also be short and I think is very important. I was here most of yesterday, not in the evening, and I heard a lot of talk about what is competitiveness. I can see the members of this
Commission struggling with this. And I watched your consultants address these questions.

I want to offer what I think are some baseline observations on that to avoid a risk of perhaps getting a little bit lost in numbers and losing track of the fundamentals.

I submit that political competitiveness, is, I hope we all know, a matter of degree. If voters have choices, they will have choices within a range of demographics, or party affiliation, and whatnot. If parties field candidates, people have choices.

And I recall that that is part of what the discussion of Prop 106 was about. There was complaint, particularly, that the 1992 Legislative map didn't really give people choices so in many districts candidates weren't running, parties were not fielding candidates.

Most of us remember what happened in '92. I remember it from being involved in the redistricting back then. And the Legislative maps back then were drawn by incumbent legislators of both parties sitting down and carving up to make sure that they were protected. So even in the urban areas in which you have more practical flexibility than others, we saw bizarre-shaped districts that were aimed solely at

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strengthening Republican or Democrat voting abilities so that there weren't candidates running.

And I submit to you that competitiveness within the meaning of Prop 106 has to be understood within that context of the actual motivations and the political debate. So if you have a district that falls within a range that is likely to have candidates running, people will have choices.

The second subpoint relates to the same thing. You heard a lot about statistics yesterday and you will today. I have specific comments about statistics I would like to share, too. That whole statistical exercise is based on something that the political junkies, maybe I should say the political experts, will look at. They take a hypothetical plain, middle Republican and hypothetical plain, middle Democrat and speculate how such persons would fare in a hypothetical district.

Well, that's a way of testing party identification and nothing else. It doesn't identify candidates. And, fortunately, both of our major parties don't seem to serve up to us plain vanilla candidates. They serve up to us candidates that come from all over the Baskin selection, different people, different issues, different backgrounds and campaigns. Actual
voting in our state reflects real diversity from both parties.

Now, I have a specific comment about this plus or minus three-and-a-half percent that Dr. McDonald spoke about yesterday. And I buttonholed him later and talked to him to make sure I was understanding what he was trying to say. And this also came up in the court case, a lot of depositions, including Dr. McDonald, and other experts, interestingly talk about this.

I want to identify with you what I think he was saying to show that’s only a limited tool and by no means the ultimate inquiry.

As I understand Dr. McDonald's exercise, he was trying to identify the break point, fifty-fifty break point at which a Democrat, plain, vanilla Democrat, plain, vanilla Republican, would have about equal chance of winning a district. When he said he was looking for a 95 percent confidence interval, what he meant was he wanted to have 19 times out of 20, he had a range where that fifty-fifty, equal chances, would fall within that range. And that range is plus or minus three-and-a-half percent.

So again, let me restate, the exercise he was undertaking was to feel confidence that 19 out of 20 times he bracketed a range of numbers within which that

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even point would fall. Now I submit to you that is a helpful inquiry for the Commission to look at. But I point out that that is not the ultimate inquiry you are making. You are making inquiry as to what is competitive within the legal meaning of Prop 106. And he acknowledged that that seven percent range was very conservative and that it's necessarily so because of the task he's undertaking.

Let me tell you what some of the other experts said in the court litigation. I want to point to an expert put forward by the opponents, the Minority Coalition. They offered Dr. Lublin. Dr. Lublin said a range of 10 percent is an accurate or fair measure of competitiveness. That's much wider than the seven percent that Dr. McDonald offered.

I want to repeat myself. I'm not accusing Dr. McDonald of saying seven percent was the range. He was saying something different, for which that is helpful.

Now let's look at what these maps do, or the interim map does, if you take my opponents court expert, 10 percent. If you take 10 percent as the measure of competitiveness, we have now 9 competitive districts out of 30. But there's an interesting

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statistical phenomenon. There's a lumping of data points right just beyond the 10 percent range, just beyond. And everybody knows that there is no magical 10 percent. Nine-and-a-half percent could be not much different from 10 percent. 10-and-a-half percent could not be much different than 10 percent. But we find if you move up to 11 percent, there are then 12 competitive districts already. And if you move just a little further to 11.6 percent, we bring within the range 16 competitive districts.

Now the point of all this is there is no arbitrary number. Everything is a matter of degree. A district at 11-and-a-half percent is probably somewhat less competitive than a district at 10 percent. But I submit that your task is to look at the practical reality with the help of statistical devices, but they are only tools, and make judgments about what really meets this constitutional goal of competitiveness.

And I finally will say, which I heard some comments like this, that is competitiveness is a matter of the statewide goal. It's a matter of every voter in the state as a whole. And I would submit that if you have a district that is within the range where candidates will be fielded, and they'll run, and if parties do their job, they put up good candidates,

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campaign well on points of principle and policy, and
maybe you might have a district that in two or three
cases out of three or four, one party is going to win.
But in one case, one election out of three or four, the
other party will win. That's the case, a district in
which there are choices. And I submit that is
competitive. That is the measure of whether people have
choices.

And it would not be right to create more
bulletproof districts so that some other district will
have something closer to that fifty-fifty range. If we
have more districts that are within the broader range in
which candidates are likely to be fielded, and the
parties have to take their chances whether they put up
good candidates or lousy candidates, then you have
served to the maximum this goal of political
competitiveness.

Thank you very much.

I have -- I guess I have one totally
unrelated point I would like to mention.

Commissioner Minkoff inquired a number of
times about minority influence districts and a desire
not to change those numbers. I'd like to point out as a
matter of law, and of course you'll consult with your
own attorneys about this, under the Voting Rights Act,

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there are no legal implications for so-called influence
districts.

For Section Five retrogression, which
hopefully we're already past, it doesn't matter whether
you can make an influence district. The only thing that
matters is whether you've diluted an existing district.
And there is no requirement under Section Two to create
an influence district. Lower court federal cases are
clear about that. It is only when you create a
majority-minority district that a Section Two comes into
play.

Now there may be other reasons not to
tinker with a minority influence district. But I want
to point out there's no federal law prohibition in doing
so.

CHAIRMAN LYNN: Thank you, Mr. Wake.

I believe several Commissioners may have
questions, if you'll entertain them.

COMMISSIONER ELDER: Mr. Chairman.

Mr. Wake, you make a comment that
competitiveness, candidates would be fielded, or could
be fielded.

MR. WAKE: Yes.

COMMISSIONER ELDER: Yet I'm looking at
the newspaper this morning at two or three fall that
within our seven percent to where no opposition party
candidate was fielded. What is the effect or why, if
we're saying 10 percent or 11 percent, in your comments,
is competitive, when we have something in the one or two
percent range and can't get a candidate?

MR. WAKE: My response is twofold. You
can't judge on any one election. You have to use
multiple elections. And especially unfortunate in this
election, this has been burdened with the uncertainty of
preclearance, candidates not knowing what districts
they'll be running in.

I believe this election is a bad one to
judge anything by, precisely, because of the
uncertainties the candidates felt.

Nevertheless, a district within seven
percent, one in the general, ought to be easily
competitive. We have examples of candidates running and
winning across party lines because, frankly, we have
weakening party loyalty in the state, and that's true
generally in the country, and greatly increasing
Independent registration and minor party registration.

That also leads to a further subpoint
worth pointing out. Judge It, and other computer
measures, go back and look at actual past elections. I
believe that that tends to cloud, in some ways, real

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political competitiveness. We've got cases in districts here where there's pretty seemingly real party registration managed. When you run the Judge It, McDonald analysis, they get closer.

Those are districts where the Independents of Arizona voters come into play, lack of party loyalty, independence, quality of candidates. To some extent seven percent may be reflecting the performance of strong candidates, reselections who have cross-party appeal, and they're telling you less about whether seven percent is a measure, or even 10 percent, or anything, is a measure you can put a lot of weight on when looking at party, direct party registration.

Going back to campaign Prop 106, they weren't talking about Judge It, not talking about the McDonald analysis, but the two major parties, those parties, and registration issues there.

I'm wandering, but hopefully that's helpful to your question.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Wake, while I agree competitiveness is on a continuum, and certainly much debate can occur relative to which point, what point or percentage you utilize, would you agree that the methodology that we're utilizing by Dr. McDonald is

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an accurate measurement?

MR. WAKE: I'm sorry, I didn't hear the last couple words.

COMMISSIONER HALL: Would you agree that the methodology utilized by Dr. McDonald is an accurate measure of competitiveness?

MR. WAKE: Well, Mr. Chairman, Commissioner Hall, I -- I would agree that all the inquiries that you are making are appropriate, that none of them is dispositive, and that you have to look at all of these things. And ultimately I believe that under the constitution this Commission is vested with considerable judgment and discretion to determine what degree of competitiveness is satisfactory to meet the constitutional requirement. Beyond the limited -- beyond a certain boundary, the Commission would be abusing it's discretion.

But I believe it is vested in this Commission, primarily, to make the judgments on these many factors. So I wouldn't endorse any one measure, not Dr. McDonald's or anyone else. I believe you have to look at them all and use your knowledge, your experience, and your judgment in saying here is a district that may have, you know, more Republican or Democrat registration and a certain voting district we
think in light of the need to respect communities of
interest, and equal population, this is competitive
even to meet that constitutional criteria.

What I'm saying, I believe you have a fair
bit of discretion judgment in what is competitive.

COMMISSIONER HALL: Not a fair question,
that we have to utilize tools to measure. I'll ask the
question anyway.

Do you have any reason to doubt the
accuracy of the measurement tools we're utilizing by
reason of Dr. McDonald's analysis?

MR. WAKE: The reason I'm hesitating, I'm
not quite sure I understand. I'm sure I don't have any
reason to doubt the numbers, the data that they relied
upon are accurate and reliable, manipulation they've
done is mathematically sound. I'm not questioning any
of that. I'm trying to go beyond that to remind you
that you have to have -- you have judgment about the way
you get to them and value you attribute to each of those
different tools.

CHAIRMAN LYNN: Mr. Wake, I have a couple
questions, if you'll indulge me.

In anticipation of this agenda and this
meeting, we actually invited a number of people to join
us this week, by letter. We invited the major political

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parties, including the Libertarian Party, to join us. We invited individuals who had, in one way or another, represented or become plaintiffs in the suits that have been filed. And our hope was with a focus on competitiveness we'd gain some insight from their best information to help us work on this definition, which we all know is complex because it is -- those of us who studied political science understand there's oftentimes less science and more art in the scientific foundation.

Most of the science in political science is after the fact. They can tell you why something happened by studying after it happened. A predictive nature is another matter. Of course, we're using tools that are designed to be predictive, in some way. It's not just we who use it. Department of Justice uses predictive tools to determine whether Section Five is going to be complied with, in the future. So the questions I have are these:

Assuming that you have this continuum of a definition of competitiveness, would you not agree that there is a point on that continuum where those things that are measurable end and those things totally out of our control begin? I submit those things on that end of the spectrum are people who are desirous of public service, the quantity and quality of those individuals,

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the ideas that they bring forth in any campaign,

confidence of the campaign workers, and the campaign

itself, financial support of the campaign, support of

the main party, the other party's candidates, and, in

fact, a whole range of other things very unique to a
district in which that race is being run that have

nothing to do with anything we do here or anything,

quite frankly, the parties may use to support those

candidates.

Circumstances, in other words, and that,

to your point, the individuals who voted for Proposition

106, I believe, desire exactly what you said, to have

choices, to not go to the -- either the primary or the
general election ballot and have only one name present.

So we have a split responsibility. Our

responsibility is using whatever tools we can fathom to
go as far as we can go to insure choice. And the

reverse of that would be to try to mitigate a chilling
effect on individuals who might want to serve the public

from offering themselves up, an overwhelming voter
disparity in terms of voter registration. Those kind of

things create a chilling effect.

We have an obligation to do that. I grant

you it's slippery. We don't have a bright line. We do

know a certain disparity is more or less than another.

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(Commissioner Huntwork arrives.)

CHAIRMAN LYNN: To the extent we can make things as level a playing field as we can, I'd encourage that participation. Clearly one of the frustrating parts of this is all of those things we cannot control and in fact cannot even know in terms of what happens after we're finished.

So I wonder if, briefly, in terms of your experience, does it square with mine or are there other factors that we're not aware of?

MR. WAKE: Mr. Chairman, I think your observations are entirely compatible with the points I was trying to make, that there are many factors that have come into play by having choices. And a narrow range of Republican-Democrat effectiveness is less important than many of those other factors, within a certain range. Beyond a certain range, I guess we've adopted the vocabulary of bulletproof districts, then you don't have choices, certainly not in the general election.

I think part of the message that I am trying to communicate is that that range, in light of the importance of other factors beyond what this Commission does, that range is broader than just seven percent. I think it's at least seven percent and

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probably broader than that. And it would be actually
detrimental to the political effectiveness of districts
and of voters to be trying to -- yielding more
bulletproof districts in order to try to achieve a more
narrow range of politically competitive districts. A
broad range of politically competitive districts better
serves the choices of the voters, which is what they
thought they were getting when they voted for Prop 106.
Parenthetically, a broader range of politically
competitive districts also does much less damage or
risks less damage to other values that cannot be
substantially detrimented to achieve these purely
political competitive criteria.

Mr. Chairman, I think your observations
are all correct. You expressed some better than I did
and some additional things beyond what I did. I accept
the correctness of everything you've said on that.

CHAIRMAN LYNN: To Mr. Hall's point, I
don't want to badger the witness, so to speak, but I'd
ask the question perhaps a different way in respect to
Judge It, several measures we're using, registration
being the most elementary, moving to AQD, certain races
involved in the analysis, and up to Judge It. Would you
not agree from the standpoint of tools that have been in
use by the Commission that Judge It is the most

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sophisticated of those and has more variables involved?

MR. WAKE: Well, I disclaim being an expert in that. My understanding is that it has more variables involved. However, again, it's based on a limited number of races and all have limited predictive value.

As I said a moment ago, I think part of the problem with that analysis is that it doesn't take account of the cross-party appeal of specific candidates, quality of the campaign, and quality of issues of specific candidates. So it, in some ways, it becomes a statistical identifier of candidates who appeal to their community without regard to political affiliation.

Well, I'm not sure how directly useful that is. Maybe that's an indication that some communities have very weak party affiliation. It may have more to do with the fact certain community leaders acquired the confidence of their communities and people don't care about their party affiliation. If we then try to extrapolate from that, we may be making judgments, hidden judgments, about party affiliation and party loyalty that aren't legitimate, putting too much weight on specific community leaders. We can all think of people, I won't name names, all know people where the
confidence of the community is not due to being Republican or Democrat but they've earned it over many years, over time. Judge It tends to translate back to party politics. I'm not trying to undercut Judge It. It's one tool, useful; but all tools are suspect.

It all comes back to your judgment based on the nonquantifiable knowledge of our community and whether parties are likely to field candidates, whether voters are likely to have a choice. That's what it's about.

If I get wrapped up in my thought again, I'm not attacking Dr. McDonald, because he gave you a useful tool. But I don't think there is anybody in this state who would stand up and say that the purpose of Prop 106 was to yield districts that had a fifty-fifty probability of Democrats or Republicans winning.

Practical politics is much broader than that.

And forgive me for talking maybe in an academic way. Perhaps your constraints are less what I've identified than need not lose significant detriment to all other significant interests.

Thank you for letting me share that with you.

As I watched Dr. McDonald, I started to get worried there was too much emphasis on the
fifty-fifty point, too much emphasis on the 19 out of 20 probability. You'd identify the fifty-fifty point, which is a useful tool, but again, it's not your inquiry, ultimate inquiry here.

CHAIRMAN LYNN: Two other quick points. I appreciate your indulgence.

First, because of the way Proposition 106 is structured, what it's designed to do, certainly what we've tried to do and I believe we've done it, eliminate the so-called political gerrymander from the process, in your opinion, elimination of political gerrymander in and of itself, would you think that would have a positive effect on elections?

MR. WAKE: Yes. My recollection of the campaign for 106, eliminate the politically motivated gerrymander. I remind you, I'm sure you remember everything everybody said in these hearings. The first time I stood up, I read to the Commission language from the brochure of the Prop 106 committee in which they specifically said:

"Question: Does this mean we'll have reverse gerrymandering to yield even-party districts?"

And the answer is "No. Some people live in communities that prefer one party over another, one view of social policy over another. Those people have a
right under Prop 106 to have their communities and political values respected in the line drawing."

So political gerrymandering is what this is about. Elimination of political gerrymandering yields for the most part, political gerrymandering, a prohibition on reverse gerrymandering. I want to be clear. Mr. Eckstein stood up in court and accused me of misleading this Commission about the law. I'm not saying you are prohibited from considering political competitiveness. You are required to consider political competitiveness. You may not do that if it has the effect of significantly detrimenting other interests.

CHAIRMAN LYNN: One last quick question, and hopefully a short answer.

Because we cannot know nor take into account where incumbents, candidates live, when drawing lines, in fact, any observation of the lines drawn, whether in the originally adopted map and certainly in the interim map would indicate in many cases there are districts with no incumbents and other districts with several incumbents than more seats available in the Legislature, would that in and of itself influence the competitiveness of a district?

MR. WAKE: I believe, if by pure accident, and only pure accident, you yielded us districts with no

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incumbents, the whole field wide open, the incumbency
advantage is eliminated, candidates spring up from local
communities, that's helpful to competitiveness in and of
itself.

Cases where incumbents were put in the
same district, like the district I live in, I'm
Republican, favored me eight incumbent Republicans.

CHAIRMAN LYNN: Tried to give you a
choice, Mr. Wake.

MR. WAKE: That's what I was going to say.
As a member of the community, rather than a Republican,
I now have a rich set of choices among experienced and
capable Legislators. That yields choices,
competitiveness, in that way as well. It works both
ways.

CHAIRMAN LYNN: Thank you, Mr. Wake.

Ms. Hauser.

MS. HAUSER: Mr. Chairman, I just wanted
to correct something, for the record.

You indicated that the Commission is not
allowed to take into account where incumbents or
candidates live. But I just want to be very specific
that it is only the plotting of addresses of incumbents
that is prohibited. The fact that we now perhaps know
based on candidate filing we have certain candidates who

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reside somewhere within a district, that is permissible.

CHAIRMAN LYNN: Thank you for that correction and fine point.

MR. WAKE: Thank you, Mr. Chairman.

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

Mr. Wake, thank you. You've been generous with your time.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I wanted to respond to our counsel. I wanted to say, nevertheless, I don't find that information useful in what I'm doing and have no intention of taking it into consideration.

CHAIRMAN LYNN: As is your prerogative.

All right. I see Mr. Johnson is here. Obviously he has spent some time --

Get any sleep, Mr. Johnson?

MR. JOHNSON: Some.

CHAIRMAN LYNN: Good. We'll expect a more coherent presentation than with sleep deprivation.

MR. JOHNSON: Should be some better than others.

I'll let Dr. McDonald start, rather, with the results of the Judge It analysis.

CHAIRMAN LYNN: We'd rather go the other

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way around. I'd like to know what you did before I know what the effect of what you did was. Does that make sense?

Thank you.

MR. JOHNSON: While I bring the files up, let me bring this up. In the instructions, there were four areas of tests you requested NDC, or instructed NDC, to look at. The first was districts 3 and 24. This may not be in order. 3 and 24; 11, 15 and 17; down in Tucson, 26, 28, and 30; and then in Maricopa the 6, 7, 9, 10, 11, and 12.

One comment I should point out, as I was doing this in the big Maricopa area, just to make it more competitive, and made it less detrimental, other criteria included 4. I hope you'll forgive me for adding changes into 4. You'll see me what drove me to that point.

Let me start first with 11, 15, and 17, because there are actually two tests there.

When I started --

The first test I did in this area involved all three districts, 11, 15, and 17.

You can see, the colors on here are the new districts, the test districts. You can see 11 has a weird shape on the left and extends down into

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Scottsdale. Blue lines on here are the interim map lines. You can see where changes took place. I got about this far, ended up picking all the Scottsdale portion from District 17.

COMMISSIONER MINKOFF: Doug, pick that up about Scottsdale?

MR. JOHNSON: Got to this point in the test, had all of Scottsdale of 17 into 11. And I've done some trade-offs. You can see weird arms. Essentially what was happening is districts were getting slightly more competitive, but very slightly. What I realized is it worked where they got more competitive and less impact on city lines and criteria if I did not include 17, just traded between 11 and 15.

I did want to show you this. I took it as far down to 17 as I could go without going to Tempe. It just didn't work as well as if I left 17 out of the mix. So that's the only area where I had two maps to show you.

Let me bring up the one map.

As you can see --

COMMISSIONER HALL: Change the color on 14.

MR. JOHNSON: Oh, yeah.

In this test, only this area, only 11 and

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15 are changed. You can see, essentially, they become a horizontal north-south border in Phoenix, and 15 comes right up to the Paradise Valley border, those areas. Let me get this street name for you that goes across. It goes across Camelback.

And let me see here.

In terms of looking at the criteria and the impacts, there were no additional city splits. The changes are all within Phoenix. No tribal reservations were split. There's none in this immediate area. Obviously no county split changes.

Rural versus urban issues, this is obviously entire urban.

In terms of --

COMMISSIONER HALL: What is the road, straight line right there?

MR. JOHNSON: Camelback.

COMMISSIONER MINKOFF: It's Camelback.

MR. JOHNSON: In terms of AURs, let me put up the Hispanic border. This green line you see is the Hispanic AUR border. It does extend 15 a little further past that.

I'll hand you the stat sheets, the result of this, in terms of the impact on the Hispanic percentage and total minority percentage.
Compactness, it actually is more compact. You can see the northern extension that used to be on 15, goes up actually to 10, is now incorporated into 11, and it's both fairly rectangular.

I've not had a chance to run the actual compactness tests and give you stats. It's one of the tests to look at, have a fairly good sense of.

COMMISSIONER HALL: Is that jog the city line?

MR. JOHNSON: This goes to the Paradise Valley line and doesn't go into Paradise Valley. There may be a block or two that does.

This is a quick test to show where it's going, not completely balanced out.

In terms of growth areas, obviously this is very well-developed already. We're not looking at any major growth area impacts.

Want me to walk through the areas, give stats later or stats now?

COMMISSIONER MINKOFF: Rather now.

CHAIRMAN LYNN: A nice, integrated whole.

Maybe you and Dr. McDonald can tag team.

Dr. McDonald, can you pull up numbers as we go through? Might be nice to record that as we go through.
Mr. Elder.

COMMISSIONER ELDER: Doug, any other AURs besides Hispanic? Seems like close to historical and a couple areas.

MR. JOHNSON: Right. The other one was the historical district.

You can see the red line here, first to point out the main -- the historical area is split as we mapped it back in the process, already split between 14 and 15. This actually unites a little more, picking up some more than areas in 11 now brings those together in the main body of 15. But it's just a small portion of it that is affected.

Other communities that you mentioned, there was testimony from the Arcadia and the Biltmore Country Club area saying they'd like to be with Paradise Valley.

I believe that was the extent -- off the top of my head, and in the time available last night, those are the main comments. You may obviously recall other comments from this area as you go through it.

COMMISSIONER HALL: Before Dr. McDonald comes up, what is the minority percentages in 15?

MR. JOHNSON: 15 was, I believe, 30 -- let me grab my originals.
MR. JOHNSON: 15 was 30.1 percent Hispanic VAP. It is now 33.8. So it has gone down just over four points.

COMMISSIONER HALL: Total minority?

MR. JOHNSON: Total minority, 50.37. And it is now 44.37. So it is -- that has gone up several points. It's not one of the districts Justice considered effective, influence.

COMMISSIONER MINKOFF: Doug, can you give me the figures?

MR. JOHNSON: Let me give you the stat sheets.

COMMISSIONER MINKOFF: How nice.

MR. JOHNSON: While I do this, Dr. McDonald, do you want to give them the numbers?

COMMISSIONER HUNTWORK: You said down 30.12, 33.8.

MR. JOHNSON: Old was 38.

CHAIRMAN LYNN: 38.9 was the old one.

DR. McDONALD: Districts 11 and 15, previously on the interim map District 11 was analyzed as having 44.3 percent Democratic performance in the district, which would make it an uncompetitive Republican district under the test map that Mr. Johnson is presenting to you. That district is now at 45.0.

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It's still an uncompetitive Republican district. As for District 15, the district under --

COMMISSIONER HALL: What is the difference on 11?

DR. MCDONALD: 44.3 to 45, difference.

COMMISSIONER HALL: Spread.

DR. MCDONALD: Spread? 10 percent spread under the test, and it would be an 11.7 -- no -- 11.4 spread on the interim map. I'm having to do that on the fly.

So for District 15, we moved from a 53.7 percent Democratic district, on the interim map, to 51.0 percent Democratic competitive district under this test map. So that's a spread of 7.2 to 2.0.

MR. JOHNSON: Similar change in registration AQD.

One of the things that jumped out at me when we did it, went back, reviewed the whole data base, it seemed odd, there was significant change in the competitiveness 15 from changes and not a very large change in the competitiveness of District 11.

What ended up -- turns out all data was correct. And the explanation for that is the number of votes cast in an election. Turns out one-for-one trade, move a voter from one district to another, taking out of

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one to another, comes to percentages that are not a
one-to one trade. Essentially moving, I don't remember
the exact number, hypothetically, saying, 2,000 people
out of District 11 into 15, turns out to be 2,000 people
casting ballots, a significant factor in District 15,
and virtually insignificant to District 11.

That's why there's a large change in 15,
small in 11, even though direct trade.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman,

Mr. Johnson, another thing I notice here is the
differential in number of voters. We went from 169,369
in 15 to 167,073, giving a deviation from roughly the
171 number we're looking for. Has it expanded? Does
that have an effect on the spread of competitiveness?

MR. JOHNSON: Yes. There's a similar
effect there. District 11, number of voters went down.
District 15, number of voters went up. Registration
spreads in District 11, in the interim plan, Republicans
have a 22.3 percent registration advantage. This is
active voters. In the test plan that is dropped by
three points to 19.39. That three-point drop in
District 11, when the trades are made, result -- trades
into a 9 point drop in District 15.

In the interim map, Democrats have 9.05

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percent advantage in District 15. 9 percent advantage drops to essentially even in the new test District 15. Republicans have 0.3 percent registration advantage. So it was an interesting result. It illustrates the results of turnout and participation in different areas, and all other issues you are very familiar with at this point.

That's the result at this point of this map.

As mentioned before, all these tests, as is mentioned before, are attempts to illustrate the general thrust of this. They're certainly not in line or completely reviewed plans.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, want to talk about these now? I have some strong reactions to this, but shall we defer?

CHAIRMAN LYNN: We can do them while they are fresh.

If you would like to take them, discuss them through -- the goal today is to see the results either ordered for next week, a full mapping to see what the total implications are, or to indicate in no uncertain terms why that would not be a good idea and move on.
I think we can take one at a time and discuss them until ready to do something with them.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, then, I would like to jump in with a couple thoughts here.

CHAIRMAN LYNN: Come late, start early.

Go ahead.

COMMISSIONER HUNTWORK: Number one, 15 was a very awkward district that we never intended to look like, if you will, temporary -- what is left over after we made the necessary adjustments to fix 13 and 14. And the change to make both 11, 15 more compact is something that we would need to consider very seriously anyway, quite apart from the fact that it has a beneficial effect on competitiveness.

So all of the things that we're considering seem to me to work together in favor of that.

And I'm concerned about the effect on the Hispanic AUR. And I'm also concerned about the community of interest between a couple of the areas over in the east end of old 11. But overall, I do think it's something we have to look at very carefully.

Camelback Road is a pretty logical break point for anyone who is familiar with what is really

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1 happening demographically in Phoenix.
2 
3 So you have to consider, having said all
4 that, I'm concerned about one thing which is, you know,
5 we haven't really gotten to the bottom line on our two
6 Hispanic districts with 13 and 14. We have interim
7 districts, but we have not seen the corrected study.
8 And those changes, those districts, have a profound
9 effect on everything we're doing, not just here, this
10 side, the other side as well, with 9, 10, 12, in
11 particular.
12 
13 I certainly recall that one of the tests
14 that was done, which raised the high Spanish voting age
15 level up to 59 percent, as it happened in, I think, 13
16 and 15, left 14 in the middle as a competitive district.
17 
18 Until we have the evidence on
19 effectiveness numbers nailed down, I'm concerned about
20 going too far with any studies because they may very
21 well change and we may be back to something else
22 completely. That was why the difference between this
23 and the alternative plan was dramatic. And 15 would
24 have become the strong Hispanic district. And,
25 furthermore, that was the only way of getting effective
26 numbers up to the 59 percent range, if we find we have
27 to go there. So I just want to leave that on the table.
28 
29 CHAIRMAN LYNN: Ms. Minkoff.
30 
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COMMISSIONER MINKOFF: Mr. Chairman,

regarding Mr. Huntwork's comments about other issues we
have to deal with, I absolutely support him. I think
what we're doing, what remains on the table for
consideration rather than approving any changes to the
maps, because I agree with you, Jim, our prime
responsibility at this point, the first thing we have to
do is comply with the Voting Rights Act and then do
other stuff.

I have a question, Doug. I would like to
look at the eastern area of District 15, what we add
into. Is that the entire Arcadia area?

MR. JOHNSON: Let me zoom in on that to
see more detail.

COMMISSIONER MINKOFF: I want to make sure
we're not chopping up that area. They make it very
clear they want to be united in whatever district
they're in.

MR. JOHNSON: As you see, I can bring up
specific street names, if --

COMMISSIONER MINKOFF: It would help. The
major streets.

MR. JOHNSON: Right.

MR. JOHNSON: Changes the interim line.

You can see blue from the interim district, stairstep
up. Now we move across the canal and all the way to the
Paradise Valley City line.

You can see by the contours of the
streets, this area just south of Paradise Valley is
clearly a fairly united community. And then how contour
changes to get into the City of Paradise Valley, I guess
that's probably because of a hill, but I don't know
intimate details.

COMMISSIONER MINKOFF: Mountain.

MS. HAUSER: Bigger than a hill.

COMMISSIONER MINKOFF: Geography lesson.

MR. RIVERA: Going for a drive at lunch.

MR. JOHNSON: This morning, not a map with
me, one of the things left off the quick tests.

You can see where Camelback Road turns
southeast and levels out there. That's in the middle of
the area moved.

And then over on the east side, I'll point
out this continues as the interim plan to be the border
of Scottsdale, the jagged edge there, because the city
border is jagged.

COMMISSIONER MINKOFF: Thank you.

CHAIRMAN LYNN: Just to be clear as to
where we're headed, with respect to Mr. Huntwork's and
Ms. Minkoff's concerns about a comparison at some point

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between what this would do and what other solutions or
other maps do, the interim map, 2002 map, I like to
refer to it as 2002 map, it's now certain for 2002. In
order to do that, in order to have that comparison, we
still would need to have you finish up -- I know this is
a rough approximation. In order to be able to actually
make a determination, fully, you would have to still do
some work; is that correct, Mr. Johnson?

MR. JOHNSON: Yes. Two pieces not
mentioned, intro AQD number deviation. District 11, in
this test, is still overpopulated by 1,700 people, just
over one percent.

And District 15 is actually underpopulated
by about 3,000 people, or 1.9 percent. I have to
balance those out, double-check, I actually followed the
city line, a lot of clean-up.

CHAIRMAN LYNN: One thing we need to
remember, in this round of adjustments, we don't any
longer have to worry about splitting precincts in terms
of population deviation, because we now have a two-year
window in which the counties can reprecinct for 2004
elections. If we were to work harder at balancing
population, by doing so split precincts would not be a
hardship on the county to do that and get that done.
That helps us.

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COMMISSIONER HALL: Mr. Chairman, I agree with my fellow Commissioners this is a cleaner look, much more compact. Furthermore, it's making 15 a competitive district, which I think is advantage.

With respect to the concerns mentioned relative to Voting Rights Act like 13 and 14, while we don't have preclearance on that, I am comfortable with levels, comfortable it's strengthened by the three-judge panel and Special Master Mr. Cain also indicated in his report a support of those numbers.

While we have some additional analysis to do next week on that subject, I'm not so sure that we can afford, in light of our schedule, to put everything on hold. I think that this is a positive change in many respects and I think that I'm comfortable that 13 and 14 will represent voting trends of the districts to elect a candidate of choice.

CHAIRMAN LYNN: In light of comments, Mr. Hall, are you prepared to move an instruction to Mr. Johnson?

COMMISSIONER MINKOFF: Well --

CHAIRMAN LYNN: I'd like something on the floor. I'm trying to move the meeting along.

COMMISSIONER MINKOFF: I just have a
question before we get to a motion.

CHAIRMAN LYNN: Go ahead.

COMMISSIONER MINKOFF: Doug, I agree with Mr. Hall's comments. It looks better. You've done a good job creating a competitive district in 15. We still have essentially a bulletproof district in District 11, at least according to AQD, a little bit less, according to Dr. McDonald.

What I wondered is 15 is a very competitive district, and there's a leeway, and it still remains a competitive district. I wondered if there is any way to make 11 more competitive without sacrificing, because I think we're all in agreement, good to get another competitive district, without sacrificing -- 15 is now two percent.

MR. JOHNSON: Right.

COMMISSIONER MINKOFF: A lot of leeway, still remains a competitive district, if we do something with 11 now at 10 percent to move it, if not all the way to seven percent, closer to seven percent so voters in that district as well have a good choice.

Is there still population that can be switched? I imagine it would probably be the western boundary of 11 or possibly some of the eastern part of 15.

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MR. JOHNSON: I started to look at that and see if I could go further with that. This, as you can see, mentioned nice, clean lines, nice and smooth. To get much further toward the seven percent range in District 11, it started to get really ugly, lots of jags, a precinct there, precinct there, hunting through it. I can go into more detail, more than impulses, and show you how lines might get closer when we come back with another map.

One thing I would note, as introduction, District 11 doesn't get to the seven percent range Dr. McDonald was talking about, gets closer, ends up by Judge It, at exactly a 10 percent spread which, as you recall, is the spread Dr. Lublin used in his different tests.

We are making progress. I can certainly look at that and have an option for that.

COMMISSIONER HUNTWORK: The reason for the comment, while I like the look of these districts, that is important, but as a voter in District 11, which I happen to be, I'm not going to take a picture of this and put it on my wall. I'm much more concerned with how the district operates than how it looks, although obviously compactness is criteria we do have to take into consideration.
If there's a way you can do it without it being so ugly that people across the street from each other don't know what district they're in, I'd like to see an attempt -- I think you are moving right direction -- I'd like to see an attempt to maintain the competitiveness in 15 while still attempting to enhance the competitiveness of 11. I think that is really what we're trying to do is maximize competitive districts, not get to zero.

MR. JOHNSON: One follow-up on that. I can certainly do that. The only caveat that I had, it won't be the western portion, because that's the only heavily Democratic part, somewhere in the middle.

COMMISSIONER MINKOFF: I'm prepared to make a motion.

CHAIRMAN LYNN: Several Commissioners want in on discussion. Let's do that.

One thing I'd like to do, with all due respect to Ms. Minkoff, the characterization as bulletproof, I don't think a 10 percent spread is bulletproof in any sense of the word.

COMMISSIONER MINKOFF: AQD.

CHAIRMAN LYNN: I'm looking at Judge It. I'm suggesting under Judge It, it's anything under bulletproof.

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COMMISSIONER MINKOFF: AQD is a little over 16. That's the first thing that caught my eye.

CHAIRMAN LYNN: Let's be careful of characterization of districts based on an ever-changing definition of competitiveness.

Mr. Hall, Mr. Elder, then Mr. Huntwork.

COMMISSIONER HALL: Mr. Chairman, I -- in response to Ms. Minkoff's suggestion, I think that would be ideal. I really do. I think an important point Doug made is that the voter turnout to the north is much higher than the voter turnout to the south. And I think that a continued effort to do that is going to constitute some significant jaggedness of the borders. Is that an agreement with your perception, Mr. Johnson?

MR. JOHNSON: Definitely will result in not as smooth a lines we have here, the degree to which is hard --

COMMISSIONER HALL: Still uncertain.

MR. JOHNSON: Will be.

COMMISSIONER HALL: I want to point out, I see certain strengths to this. We certainly don't live in a perfect world, but both of these districts are more competitive by reason of this change. So at this point I'm having difficulty seeing the downside.

I guess what I'm asking is certainly this

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is more compact and both are more competitive, and we
are meeting on goals and favoring a competitive district
where there is no significant detriment. My question --
the only other goal I'm not intimately familiar with is
community of interest, and I'd request from my fellow
Commissioners what, if there is a community of interest
issue here with respect to these two districts.

COMMISSIONER MINKOFF: One community of
interest that I can see is the Arcadia neighborhood,
which is probably more closely allied with District 11.
However, if you put them back in District 11, they
basically undo everything that Doug has done. So it's a
balancing act.

You know, if I were a typical Arcadia
voter, I'd probably be a lot happier in District 11 as
currently constituted rather than in the new map. But
other than that, I don't see community of interest
issues. And the question is: Does the creation of a
competitive district overshadow that, because we have
kept that community of interest intact? We have moved
them in mass. We haven't chopped them up, which I think
would be a serious mistake.

In terms of your comments, I agree with
you, this is good. I'd just like to see if it can get
better.

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CHAIRMAN LYNN: Mr. Elder, then
Mr. Huntwork.

COMMISSIONER ELDER: Thank you, Mr. Chairman.

Commenting on the 11, 15 split you have in the blowup there, I'm a strong proponent of if you can't get there from here type analysis, where we've split Camelback Mountain from one side of one district and another side of another district. The way we've maintained the political boundaries of Paradise Valley, kept it a fine line, people know "I live Paradise Valley or don't;" seems to make it easier for voters to participate in candidates' campaigns. On the whole, I'm in favor of that in the sense it makes it a clean district.

COMMISSIONER HUNTWORK: I have nothing to add. My thoughts were already expressed by fellow Commissioners.

CHAIRMAN LYNN: And for a certain amount of time, we're reading each other's minds.

Is there an affirmative motion with respect to further instruction? Again, we're not adopting anything. We're either moving forward on some of these tests for more analysis or we're not. That's really where we are today.
Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I'd like to move we instruct NDC to continue with the refinement of this test to make whatever adjustments are needed to clean it up, to equalize the population, and, if possible, if possible, to increase the competitiveness of District 11 without destroying the other things that we have gained from this shift.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: With regard to increasing competitiveness of 11 --

COMMISSIONER MINKOFF: Jim, I'm having trouble hearing.

COMMISSIONER HUNTWORK: I can hear myself rather well.

CHAIRMAN LYNN: Can't we all.

MS. HAUSER: Excuse me, Mr. Chairman. Can we identify, the motion didn't identify the test by number.

COMMISSIONER MINKOFF: The test between 11 and 15.

CHAIRMAN LYNN: The only test we have or
only reference we have is a June 14th test of District
11 and 15.

MS. HAUSER: You have -- I think
Mr. Johnson described two tests, Number 1 and 2. This
is Number 2, right?

COMMISSIONER MINKOFF: First was an
abandoned test, is it not, not a completed test?
The test between 11 and 15 making the
primary boundary between the two districts. Does that
define it closely enough?

MR. JOHNSON: Sure.

MR. RIVERA: For the record.

CHAIRMAN LYNN: Give it a number, Doug.

MR. JOHNSON: Call it Test 2, second one I
presented in the area.

CHAIRMAN LYNN: Fine. District 11, 15
Test 2. That's the one incorporated in the motion.

MR. RIVERA: Just to make it easier, as
there's going to be a record of this somewhere, and
other people besides us in the room look at it, if you
give numbers to every one of the tests so they can be
quickly identified off your records and tied to the
transcript, that would make it a lot easier for
everybody. Okay, Mr. Johnson?

MR. JOHNSON: For the record, identified

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Test 2 change 11, 15. Test 1 was a change of 11, 15 and 17.

CHAIRMAN LYNN: So authorizing Test 2.

Thank you.

MS. HAUSER: It's still clear this way.

COMMISSIONER HUNTWORK: That may address my question. I wanted to make sure we're only talking about adjusting between 11 and 15 and not going outside of those parameters.

COMMISSIONER MINKOFF: Uh-huh.

CHAIRMAN LYNN: Further discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and is so ordered.

Mr. Johnson, next area of testing.

Test 3?

MR. JOHNSON: Makes logical sense. If okay with the Commission, I'll continue with the
Maricopa area, go with 6, 7, 9, 10, 12.

So Test 3 is a test, base based on instruction of the Commission, to look at Districts 6, 7, 9, 10, and 12, which already had two districts generally considered competitive, and see if we could turn it into three districts competitive. One caveat as went into the test, started moving populations around, it was clear it would do significantly less impact on different communities and requests of areas if I added District 4 into the mix. If that's acceptable to the Commission, that's the test I have for you here.

So again, the blue lines indicate the 2002 map. And the colors indicate the lines as drawn in this test. Again, it is in this case, you'll see it is definitely a rough test. We started with the big picture and zoom in.

Big picture, District 7, green district, picked up the northern area of Maricopa County, previously District 6, including New River and most of the area of District 6 that was east of I-17.

Also in the big picture, you can see District 12 moved a little to the west. It's picked up the Buckeye area that continued due west of it.

The reason for each of those will become evident when we zoom in.
In this test, there was merely focus that the three districts fall within some or all of our competitiveness measurements and try to make them more competitive generally, I believe the phrase was "by degrees, if possible, obviously keeping other criteria in mind." One of the pieces that did fall into place for this, the main reason why District 12 moves to the west so significantly, is that neck of District 12 in the 2002 map extended over 13 and 14 is now moved into 10. We've improved compactness of 12 there. District 6, which is the district that I, after looking at the plan, looking at different districts, focused on trying to get within our competitive ranges, is now moved obviously more south integration to a fairly squat district that includes the old southern end of District 6, extends east to pick up the southwest corner of what was District 7, and then goes down and picks up the eastern portion of old 2002 District 10.

Let me zoom in and give you some streets here.

On the west side, District 6 is now bordered by the freeway, I-17. East side, it goes over to 40th Street with one jog in there. Then it comes down to what remains the same on the southern side, northern border of 11 at Sweetwater and what was the

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northern border of 15. After district 15 was done, the border was down here, south of Hatcher. On the north side, it's Union Hills Drive is the border there.

Again, running through our various criteria on this district, city splits, this district is now entirely within the City of Phoenix, does not pick up the New River community to the north. County splits, no change. Rural versus urban, really no change. In growth areas, there's obvious, significant change. The growth areas of 6 and 7 are not combined, or former growth areas of 6, 7 are now combined into 7.

Other criteria, AURs, Hispanic AUR, historic district, other districts, don't reach up into this area.

Other communities, in the north we had had the, near the end of the process in October, Cave Creek and Carefree did request to be in District 7 with essentially the northern remainder of Scottsdale, small border of Scottsdale. They stay in that district with no change in the district other than bordering communities are added into it, particularly New River. So that's District 6, 7 on communities.

Obviously significant changes to 9 and 10, also. Let me zoom in on those.

As noted, District 4 has given up most of

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it's Buckeye portion. To make up for that trade, 10 went further to the east. Used to be, in 2002 maps, 66th.

District 9 remains largely the same in the western portion. North it extends a little further north. Let me confirm which city it's going north in. So it moves north in Glendale. It's not -- Glendale is already split. District 10 already had a portion of Glendale. This is not increasing the number of splits, just more of Glendale in District 9.

COMMISSIONER MINKOFF: Majority of District 9.

MR. JOHNSON: Not majority. Glendale is split six ways. Glendale was significant pieces rather than small pieces, and that remains, so --

COMMISSIONER MINKOFF: That has not changed that.

MR. JOHNSON: Increase the portion of Glendale that is concentrated in that district, to a degree, complying with their request.

District 9 extends east into Phoenix now. That is because of the tradeoff in population between 9 and 10.

District 10, as I noted, has given up it's eastern portion, that portion east of the freeway, is

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extended slightly to the north of it's previous border,
extends generally over the Grand Avenue corridor and
picks up the southeastern corner of 9.

As you see from the lines, this is clearly
a rough test shown to illustrate the trends as we
mentioned yesterday and what is possible. That whole
border between 9, 10 is something I'd like to go back
and see if we can make more compact, perhaps follow city
borders better. This got us to where we were in the
test. The last change to District 12 also picked up a
small corner, the southwestern corner of District 9 that
comes up to the border in -- that comes up to the border
of Sun City but does not go into it. So it adds
population into District 12 which was needed but
continues to comply with the request of El Mirage and
Old Surprise not to be in a district that includes the
Sun Cities.

I can give you the statistics and Judge It
numbers, if you'd like that, or take questions
beforehand?

CHAIRMAN LYNN: Mr. Elder, can we get
Judge It numbers and then I'll call on you?

COMMISSIONER ELDER: What Doug
presented --

What is the area in the southeast corner
of 9 now in 10? Is that primarily Peoria? Sun City?

MR. JOHNSON: It actually is Peoria. Yes, that is the Peoria area.

COMMISSIONER MINKOFF: Peoria or Glendale?

MR. JOHNSON: This area that moves from 9 to 10 is Peoria. And then the old border between the two districts was the Glendale-Peoria city line. Now we're crossing over into Peoria.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: And from Dr. McDonald, can we have some numbers for these districts, including District 4, obviously, if that was involved in the shifting?

DR. MCDONALD: For District 4, that was under the interim map --

COMMISSIONER MINKOFF: Dr. McDonald, can you speak up a bit?

DR. MCDONALD: Sorry.

District 4, interim map, Democratic performance, Judge It, 42.4 percent for a spread of 1.2 percent. And under the test map, it is -- remains the same, 42.4 and a spread of 15.2 on competitive, Republican district.

For District 6 --

CHAIRMAN LYNN: Dr. McDonald, the

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acoustics are, unfortunately, not great in this room. The amplification has a lot of echo and it's difficult to hear.

DR. McDONALD: I can hear myself.

CHAIRMAN LYNN: One more time on the Judge It difference, if you would.

DR. McDONALD: There is no change on Judge It numbers on District 4. It remains at 42.4 percent Democratic performance, which is a 15.2 percent spread.

CHAIRMAN LYNN: Thank you.

DR. McDONALD: For District 6, under the interim map, that district had Democratic performance of 44.5 percent for a spread of 11.0 percent. And under the test map, it is now at 45.9 percent for a spread of 8.2 percent, still an uncompetitive Republican district, but less so.

District 7, under the interim map, is a 42.5 percent Democratic performance, for a spread of 15.0, which is a Republican competitive district. And under the test map, it is now 42.2 percent, or a 15.6 spread. A slightly more uncompetitive Republican district.

District 9, under the interim map, was 43 -- excuse me, 44.3 percent, or a spread of 11.4. Uncompetitive Republican. Under the test map, it is

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43.8 percent, or 12.4 Republican uncompetitive. So it's slightly more uncompetitive.

For District 10, under the interim map, the Democratic performance is 48.2 percent for a spread of 3.6 percent, and that is a competitive Republican district. And under the test, it is a 47.9 percent Democratic performance for a 4.2 percent spread, which is -- still remains a competitive Republican district.

For District 12, we have a Democratic performance of 48.1 percent. And the spread of that is 3.8 percent. That is a competitive Republican district. Under the test map, it is 48.2 percent, or 3.6 percent spread. That is -- remains a competitive Republican district.

CHAIRMAN LYNN: So I guess the question is: We didn't, within your definition of competitiveness, gain a third district by moving these lines. We, in fact, made a couple of districts slightly less competitive and one district slightly more, but all of those were in the double digit range?

DR. MCDONALD: Correct. Everything seems to just have washed out here, some slightly more competitive, some of those slightly less competitive, yes.

COMMISSIONER MINKOFF: Dr. McDonald, a few
reactions. One district not competitive, made it significantly closer, District 6, now 8.2. It stands only about a percentage point away from being competitive.

There are some things in the map, even beside the competitiveness, I do like. Number one, I think the shift between District 6 and 7 make sense from a community of interest standpoint. In terms of future population equalization, we tried to spread out those areas. In terms of common interest of a district, it makes sense to have that whole Cave Creek, Carefree, New River area in the same district, because they're all experiencing the same kind of growth and development. Secondly, I think that splitting 10 at the I-17 freeway makes some sense. It is a natural boundary, and that's one of the things that we were asked to consider by Prop 106. And the other big plus I think is putting Buckeye in District 12, because I recall the West Valley communities really asked to be together, Buckeye, Litchfield Park, Goodyear, Tolleson. We haven't been able to put them all together. This is one less split. Buckeye, Litchfield Park have a lot of common areas. I think it improves competitiveness in District 6, significantly. It doesn't get us all the way we want to be, but I think it makes a significant

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difference. Changes in other districts are minimal. I
think it provides some advantages in these other areas
I've mentioned. I think it's worth pursuing another
test.

CHAIRMAN LYNN: Dr. McDonald, a question.
I may have the wrong district, but with respect to
District 10, did you indicate yesterday that District 10
was the 3.55 district rounded up 3.6?

DR. MCDONALD: Yes.

CHAIRMAN LYNN: That's been made slightly
less competitive in this test up to 4.2?

DR. MCDONALD: Correct.

CHAIRMAN LYNN: Okay. Thank you.

Other comments or questions?

MR. JOHNSON: Mr. Chairman, may I clarify
something? These are rough tests, working late and
quickly. The spread -- the one-page handout I just gave
all of you and the audience, at the top, "DOJ 4 State
Legislative Districts," that should be June 14th. The
change didn't get made in that heading in getting this
ready for you.

CHAIRMAN LYNN: Thank you.

Other comments or questions.

COMMISSIONER HUNTWORK: I agree with a
number of things Commissioner Minkoff noted here. But

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one great disadvantage to this in my mind is

equalization of population. I know with the growth

areas in District 7, now in 2002, it is already, I'm

sure, out of line with -- in population with the other
districts. And I think it was a very worthwhile goal I

think everyone agreed on. We had Democrats and

Republicans alike coming in reminding us of the need to
do that in order to protect not only the present but

future voting rights of our fellow citizens for the next

10 years. I think that is very important.

I don't really see a payoff here that

justifies going to all this trouble. We did change 6 in

a positive direction, but we changed 7 in a negative
direction. We obviously changed 9 in a negative
direction. And it was definitely not a bulletproof
district, and it's headed in that direction. We changed

10 in a negative direction. 10 is at a point where I'd

suspect it's in the curve where those changes have a

pretty significant effect on overall competitiveness.

I think the hope was that we could produce

a clear winner out of this, produce a district that was

really, truly, going to be a competitive district. And

that we've not succeeded in doing.

Thank you.

DR. Mcdonald: Chairman Lynn, excuse me.

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Chairman Lynn, I misspoke in responding to your question. District 10 is not the district I was talking about yesterday. That would be District 24 that was just outside the range of competitiveness.

CHAIRMAN LYNN: Okay.

DR. McDONALD: My apologies.

CHAIRMAN LYNN: 10 was a solid 3.6, moved to 4.2.

DR. McDONALD: Still within the seven percent competitive range.

I've given two numbers, asking for both the spread between performances and actual percentage number. It's within the seven percent spread at 4.2 under the test map.

Does that make sense?

CHAIRMAN LYNN: No. Because I think --

thought the seven percent range was plus or minus 3.5.

DR. McDONALD: Give the spread seven percent, if between the two. Some Commissioners were asking for the difference between that spread. I was giving you two numbers there, one being -- for instance, District 10 was a 48.2 percent, which has -- this is the difference number in that Mr. Johnson was telling you about, I guess, yesterday, which is 3.6 percent. So under the test map, it is now 47.9, which, if you took
Republican minus Democrat, would be a 4.2 percent difference.

CHAIRMAN LYNN: Thank you.

Mr. Hall.

COMMISSIONER HALL: Doug, is there any way to eliminate the Trojan horse you created or is that a necessity?

MR. JOHNSON: Shape?

COMMISSIONER HALL: The green Trojan horse.

COMMISSIONER ELDER: The one I was referring to, the southeast horse.

MR. JOHNSON: Westward-headed horse here.

The border between 9, 10 definitely is an area I, if instructed to continue forward with this test, I'd examine and look at ways to clean up. It shows you the kind of numbers you can get to. It may not be the best way to get those specific numbers.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Doug, go back to the area between 6 and 7. There's been a significant change in District 6 in this test, probably more than in any of the districts. All districts are a percentage point and point two percent. District 6 has changed significantly but still isn't quite competitive.

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Have you gone as far as you can go with that or are there other things that might be done truly make six a competitive district without sacrificing 10, 12 which are also competitive?

MR. JOHNSON: Any gains to 6 from here on would come at the expense of 9 and 10 -- I'm sorry, 10's competitiveness level. It might be possible to get a little closer, but I somewhat doubt it would get significantly any closer.

COMMISSIONER MINKOFF: 9 is -- was not a competitive district, is a competitive district now. That wouldn't be a concern. 10 is a competitive district and is a very serious concern.
Are you saying in order to make six competitive, you'd sacrifice 10?

MR. JOHNSON: From what I was able to test last night, getting six within the seven percent range would have it out of it. Once I got that impression of the test, I stopped, in logical order, and got as close as I could. One caveat to that, as I do tests, I get registration, AQD, but I don't get Judge It until later. It's difficult to fine-tune the Judge It number.
There's more focus on those, the attempt to translate them.
Anything is possible. We referred before

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to a district with a possible to link with Kingman and Sierra Vista in a district. With the other criteria and considerations, a desire not have single block-wide districts, it may be possible to get it a point or two more and tradeoff with 10, but it's not going -- I don't foresee getting within the seven percent range we're generally targeting.

CHAIRMAN LYNN: Other comments or questions?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, Mr. Johnson, as I come back to my geography aspects of it, I do like the shift to where 10 is now using the eastern edge of the freeway as a boundary. I don't know if you can cross over the wall, one side to the other. With that said, whether you call it perimeter, compactness, or a characteristic like 9, it's a real difficult edge to determine where you are, who is your representative, and where you vote. I think the same thing could be said of 10 on the other side. Comes in and adds in very circuitous routes to get from one place to another.

I don't know when I look at, as I was worried about yesterday, by combining all these, really we're looking at an analysis of 9, 10, and 6 I guess is

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the three we're looking at there. And it seems like we've done more harm than good on compactness with the exception of 6, which looks a little more compact. But 9, 10 has gone the other direction. We had a gain, and now we've gone backwards on competitiveness. I'm not sure the direction we're going in is the direction to achieve results.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I agree with that overall. I -- we tried very hard here, but I don't see that we've done any good. I would like to see where everybody is. I make a motion we not continue this test.

CHAIRMAN LYNN: Is there a second?

Second?

COMMISSIONER ELDER: All 6 or ones that relate to 9, 10 --

CHAIRMAN LYNN: This test has all the districts in it, with the changes just gone over. The motion is inclusive, that is to say this is a single test. This would be Test 3. And the motion is to not further continue with Test 3.

COMMISSIONER ELDER: I would second that.

CHAIRMAN LYNN: Moved and seconded.

Ms. Minkoff.

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COMMISSIONER MINKOFF: Mr. Chairman, I'm not sure if we proceed with this test I'd vote for incorporating it into our map, but I really would like to see what Doug can do with it. I think there are some positives, I mentioned, even aside from competitiveness. I think some work better, putting Buckeye in with other west communities, dividing 10 and 6 at the Black Canyon freeway, 6 being significantly more compact. The communities do have common interests together in District 7. The one thing I would agree with Commissioner Elder is really ugly is Joshua's Trojan horse. Doug felt with a little more time he could clean that up a little bit.

I don't know what the end result of this is going to be. I'm going to vote against the motion just because I'm not ready to drop it yet. I'd like to see what Doug can do to make 6 a little more competitive, which I think is a positive, and cleaning up the border between 10 and 9 without sacrificing the competitiveness of 10.

Just based on that, I'll vote against the motion.

CHAIRMAN LYNN: Thank you.

Further discussion on the motion.

MR. JOHNSON: Mr. Chairman, to clarify,
I'd like to try to clean up the border of 9, 10. I'm not sure I'll succeed.

CHAIRMAN LYNN: I understand.

COMMISSIONER HALL: Need to clean up compactness, Doug.

What is your confidence we'd create another competitive district by reason of the changes? What I'm seeing is the hope was trying to make 6 more competitive. We're a ways from that, with a lot of Republicans surrounding it. So I guess -- my concern is continuation is simply going to promote more gerrymandering, as in, ie, the Trojan horse, fingers here and fingers there to simply find numbers.

In my opinion, what we've done to District 9 is significant detriment to that district. And we're asking now, not just clean up edges, we're saying clean up edges, make more competitive, find more numbers, if you will.

My concern is given your effort here, and what is done, notwithstanding the growth area issue of District 6, what it's done to District 9, is it possible -- you know, I mean, is it safe to say that in order for you to increase the competitiveness of 6 we're going to require additional fingers and stretching of those districts?
MR. JOHNSON: Yes. To get 6 more competitive, it's going to involve some kind of crossing over into 10 and picking up in 10, have to pick up somewhere else.

I don't foresee, and from testing last night, didn't see a way to get 6 within the seven percent range we're aiming for. It's currently, what, 8.2. So we may get that down, up to a point, and get it closer --

COMMISSIONER HALL: More concerning to me, from a truly competitive standpoint, given my perspective, is that both 10 and 12, and especially 10, has been weakened in its competitiveness. That's already a Republican leaning district, which the turmoil I think in that area between Republicans and Democrats is significant in this discrepancy. I think smaller part, higher turnout areas is more beneficial to increase competitiveness. The change proposed is a 3.6, 4.2, which is a .6 swing. I'm concerned, deep in the heart in Phoenix, that's more significant than it would be in Prescott, per se, or something of that nature.

So -- I welcome Dr. McDonald's input on that, but it seems that for the two-point gain in 6, we may lose more ground in competitiveness in the heart of the valley.

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MR. JOHNSON: I'd just say despite the
long hours, I think you guys on that kind of decision
have a considerably tougher job than I do.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Doug, question,
because this particular test creates a new kind of
border that didn't exist before between District 6 and
District 11, and 11 is not competitive, even with the
new test. We've made 15 competitive but not made 11
competitive. Is there any way to make one of those two
districts competitive, 6 or 11, by switching population
between them without going into 10 or 9 or some of the
others?

MR. JOHNSON: That could very well work.
The western portion of District 11 is relatively heavily
Democratic, now 6 could pick up some of those areas
which would result in 11 moving north and picking up
some of the northeastern parts of 6. I wouldn't know
for sure until I tested it.

COMMISSIONER MINKOFF: You think it is a
possibility and we could make one of the districts
competitive, below the seven percent level?

MR. JOHNSON: Where is 11, 6 is eight.

COMMISSIONER MINKOFF: 8.2.

MR. JOHNSON: 11 is down to 10, six is
Yes. There's certainly a chance that that could lead to getting 6 below the seven percent target and obviously 11 would go up higher than 10 percent.

COMMISSIONER MINKOFF: Or the other. It doesn't really matter to me. But if we make one of those districts competitive, we didn't look at it that way before, there was no common border and now there is.

CHAIRMAN LYNN: So, on the motion.

COMMISSIONER HALL: I was going to say, that sounds like a separate issue there. I don't know if I can understand that, as soon as we understand this.

COMMISSIONER HUNTWORK: What I'd do is vote against the current motion, which is abandon all together, and then move we ask Doug to proceed with this test incorporating new District 11 to see if we could get a competitive district.

CHAIRMAN LYNN: That motion can have its own hearing and we can get to that after we dispose of the first one.

COMMISSIONER HUNTWORK: If defeat the first one, make a succeeding motion.

CHAIRMAN LYNN: If we believe that that adjustment, in and of itself, along with whatever goes with adjustments already made, are sufficient to vote in
favor of it.

Mr. Huntwork.

COMMISSIONER HUNTWORK: That's why we did it, considered it.

I'm not opposed to considering both to make sure we've looked at everything we can. But I do want to understand what we are talking that. You are talking about putting 11 all the way up to what is now the north line of 6? You talked about some things added --

MR. JOHNSON: Just from knowing that the parts, the layout of -- partisan layouts of 6 and 11, the southern end of 6, borders of the western edge of 11, if that extended down, it would be picking up some certainly leaning Democrat areas. And if 11 extended northward, as shown on this test District 6, that would be picking up some both Republican and some fifty-fifty precincts that would result in 6 becoming more competitive, by our measurements, and 11 less by our measurements. That is off the top of my head, just recalling the layout from the test, that is probably the first way I'd approach such a test.

COMMISSIONER MINKOFF: Can you zoom in on 6 and 11?

CHAIRMAN LYNN: Mr. Hall and then

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Mr. Elder.

COMMISSIONER HALL: Ms. Minkoff, we can always request another test. For clarification, from my standpoint, we're speaking if a test occurs. I'm wondering if --

I'm recommending, Mr. Chair, we deal with this motion, and I call the question.

CHAIRMAN LYNN: The question has been called for.

Any further discussion?

COMMISSIONER MINKOFF: I have a question, procedural question on it. The motion is to do no further testing on what we've represented on 6, 7, 9, 10, and 12?

CHAIRMAN LYNN: Correct.

COMMISSIONER HUNTWORK: If this passes, would a new motion that incorporates that and 11 into it be out of order?

CHAIRMAN LYNN: No. These are procedural votes and they have equal standing.

COMMISSIONER MINKOFF: Okay.

CHAIRMAN LYNN: Change the nature of what you're asking to be done, change a district's nuance, they're equal motions.

COMMISSIONER MINKOFF: All right.
CHAIRMAN LYNN: There's a motion on the floor. The question has been called.

All in favor, signify "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER MINKOFF: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries and is so ordered.

Any other affirmative motion on any or all districts we've been working with?

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I would like to move we direct the consultants to move forward with a test incorporating Test 3, is it, Doug?

MR. JOHNSON: Yes.

COMMISSIONER MINKOFF: Test 3 involving Districts 6, 7, 9, 10, and 12, with the inclusion of District 11, to see if one more competitive district can be created in District 6.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: I'll second that.

I'd like to understand it.

COMMISSIONER MINKOFF: I do, too.

COMMISSIONER HALL: If I can.
Mr. Johnson, what I thought I heard her say, Ms. Minkoff say, is bring 6 further south into 11, take 11 further north?

MR. JOHNSON: That is, off the top of my head, the thought with the most likely way to get success.

COMMISSIONER MINKOFF: Move back to what you had before.

COMMISSIONER ELDER: Red light.

COMMISSIONER HALL: What is confusing, 11 is already dominant Republican, right? Are you saying the western side of -- I'm wondering if you can shine back up there your color coding of party registration. Maybe that will clarify my question.

Mr. Johnson, I'm just here to save you from doing unnecessary tests.

MR. JOHNSON: So, just to describe this, the red, obviously as more red, more Republican; yellow, kind of in the middle; darker greens you see on the very edge, more Democratic areas.

District 6, you can sort of make out the black border of it east of the freeway. So you can see, and District 11 comes across below 6 and extends just past the freeway. My thought is in an effort to make 6 more competitive, come down, pick up areas to the south

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of it; District 11, come down, pick up more orange and yellow areas in here.

Again, I won't know -- these are not, until I run the test, hopefully it would not require coming across into the center of 6, heavily Republican areas to get to target percentages. If it did, I'd show it to you.

Any other questions?

COMMISSIONER HALL: Well, I guess, Ms. Minkoff, I, too, would be interested in seeing the results of that. I guess with the caveat that we clean up the compactness issues that were created in 9, some other areas I'm uncomfortable, I think those are -- I certainly am willing, Mr. Chairman, to look at the results of that.

COMMISSIONER MINKOFF: Incorporate that in the motion. I have no problem. You said cleaning up compactness?

CHAIRMAN LYNN: Without objection, it will be included.

Mr. Elder.

COMMISSIONER ELDER: Mr. Johnson, would you pan over to where we see the Trojan horse? Lost the Scottie dog, now we have a horse.

From a registration standpoint, yellow is

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somewhat neutral, or fifty-fifty, or plus five or minus five?

MR. JOHNSON: Correct. Yellow is 50 to 55 percent Democrat -- AQD numbers, I should clarify. And almost yellow to very light orange is 45 to 50 Democratic AQD, 50 to 55 Republican AQD.

COMMISSIONER ELDER: Looks like from that map it could be cleaned up in a fair sense, look at that. Stuff on 9, yellow, if you reverse the location so we have better compactness, again, trying to know where you are and not a whole bunch of streets that cause us to wonder where we're campaigning and where we're voting, it would be helpful.

CHAIRMAN LYNN: Discussion on the motion.

MR. JOHNSON: One thing I realized, my screen projection, in the projection, very light orange fades yellow. Where you see yellow 45 to 55 percent, both ranges, as mentioned.

COMMISSIONER ELDER: Yes.

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COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

Motion carries unanimously and is so ordered.

At this juncture, before we move to the next test, I'd like to take a break. In deference to the members of the public who are here, I had one speaker request come in since we began. I want to give that person an opportunity to speak when we return before we go to the next test.

Please, try to take a 10- to 15-minute break, and we'll be back.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order. All five Commissioners, Commission staff, legal staff, consultants.

We have two more tests to look at.

Without objection, I do have one speaker slip, and I'd like to ask the Commission's indulgence to allow Rudolfo Perez, Director of the Phoenix officer of MALDEF, to be allowed to address the Commission at this point regarding testing.

Mr. Perez, good afternoon.

MR. PEREZ: Good afternoon. Thank you very much, Mr. Chairman, and Members of the Commission.

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I'm here to address the issue of competitiveness. MALDEF would not support a map that would put competitiveness above voting rights of Latinos. Any plans you adopt must avoid retrogression. Any map that does not comply with the Voting Rights Act will not be supported by MALDEF and very likely will not be precleared by Department of Justice.

CHAIRMAN LYNN: Thank you, sir. Any comments or questions?

Ms. Minkoff?

COMMISSIONER MINKOFF: Thank you, Mr. Perez.

We currently have an interim plan in place for the 2002 elections that has not been precleared. Is MALDEF comfortable with that plan in terms of Voting Rights Act compliance?

MR. PEREZ: Yes.

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

Mr. Hall?

COMMISSIONER HALL: Mr. Perez, thanks for coming. I'd like to compliment you and MALDEF for your consistent integrity throughout the process. We've always known where you stood, and we appreciate that. And just for the record, I'd also point out, make sure

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you are aware, all the tests we've run have not impacted
13, 14, 16, 23, those additional districts that have
been identified as districts that are voting rights.
And we're in the process of considering tests in
southeastern Arizona which also were instructed --
instructions were given not to impact voting rights
interests in that area. You probably may or may not be
aware of that.

MR. PEREZ: I appreciate that. I am aware
of that.

CHAIRMAN LYNN: Mr. Perez, Mr. Hall speaks
for all of us. We've enjoyed, and I mean that in the
best sense of the term, enjoyed the interaction with
MALDEF and MALDEF representatives since the beginning of
the process and think your participation has been more
than helpful, vital to our progress. Thank you very
much.

MR. PEREZ: Thank you.

CHAIRMAN LYNN: Mr. Johnson. Test 4?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: 18 through 22 or are you
going somewhere else?

MR. JOHNSON: 3 and 24 or down to Tucson,
whichever you prefer to see first.

CHAIRMAN LYNN: Well, why don't we do 3
and 24. Call this Test 4?

MR. JOHNSON: Yes.

Let me get my numbers together.

In the interim plan, 2002 plan, District 3 had a Judge It spread of 7.6. District 24 had a Judge It spread of 7.2, both just outside of the seven percent range Dr. McDonald has described.

The instructions to NDC were to look if we could do trade-offs between the two districts and attempt to bring them both more competitive and hopefully within the seven percent range without impacting the voting strength of the Hispanics, particularly in District 24, as that district was a topic of the Department of Justice's letter and review.

The trade-offs that I looked at and made are all in La Paz County, and they involve three areas. One is the Census places or towns, Wendon and Salome. Second is Quartzsite, the City of Quartzsite and area surrounding it, and third is Parker and the areas immediately around it.

Let me first have Dr. McDonald describe the impact of the Judge It scores and changes and I'll go into more detail on it.

DR. MCDONALD: All right. For District 3, as Mr. Johnson just stated, the Democratic performance

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in that district was 46.2 percent.

COMMISSIONER MINKOFF: Can you speak up?

DR. MCDONALD: 46.2 percent Democratic performance in District 3 for a spread of 7.6 percent.

That was on the interim map. Under the test, it is now 46.4, or a spread of 7.2 percent, still remains a Republican uncompetitive district but just marginally so.

On Districts 24, the Democratic percentage was 53.6 percent for a spread of 7.2 percent. This was the district that I had mentioned yesterday which is actually 53.55 being rounded up to 53.6 percent, so just barely outside the range of being competitive. Now this district under test is 53.5 percent, and that's actually being rounded up, so it's 53.48, and it's being rounded up to 53.5 for a spread of 7.0 percent, and that is now labeled as a competitive Democratic district.

CHAIRMAN LYNN: Mr. Johnson, a little more detail on the changes and what communities or parts of communities might have been affected.

MR. JOHNSON: In terms of county splits, all changes are within La Paz County, no effect on that. La Paz County was split, remains split.

In terms of city splits, this actually -- one thing, in the 2002 plan, is this kind of generally
square area of Parker just east of the reservation, zero population, but had been split off from the main portion of Parker. It's allowed us to unify it. Zero population, but it's city lines.

And then there had been some members of the public that testified to keeping Wendon and Salome together. We've now moved -- zoom in on that area -- we've moved Wendon from District 24 to District 3 and moved part of Salome from District 24 District 3, as you see, just outside the airport. Quartzsite, a fairly large area in part, need to move the city. What changes were made, keeping kind of a compact area around it, population figures, is the reason for that area.

Quartzsite moves from District 3 to District 24, kind of traded with Parker was the general approach of this plan.

In terms of compactness, again, I haven't run the tests -- numeric tests on this, but it's roughly the same.

The one key thing I wanted to point out this is the tribal reservation on the river there, the Colorado River Reservation, is now divided. This is because this tribal reservation is a fairly interesting configuration. The City of Parker -- I'm not sure if this is technically legally true, but

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according to the Census border, the City of Parker is within the reservation.

MS. HAUSER: That can't be.

MR. JOHNSON: I think it might be the Census Bureau has the line slightly wrong and the reservation wraps around Parker.

Either way, to get -- move population from Parker, 24 to 3 required going through there. That's a relatively unpopulated split of the reservation, if it is a split of the reservation, something we wanted to avoid, one impact I wanted to be sure the Commission was aware of.

As Dr. McDonald noted, 24 crossed over the imaginary line we talked about of seven percent and 3 gets much closer to it. In reality, I think this is as close to that line as 3 can get unless we start taking it down into Yuma County. And I didn't test what that would be. At that part we start picking up Hispanic populations as well and cascading effects as we go throughout through La Paz.

Let me list the registration numbers in the record. The new registration in District 3, Republican party has 13 percent advantage. Let me see if I have the newer ones. Previously they had -- well, previously they had 13.98 percent Republican advantage.

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Now they're down to 13.3, so fractionally more competitive. AQD, District 3 is similar. It was 12.6 percent Republican advantage, now 12.07. And District 24 previously had a 9.4 Democratic registration advantage. It now has an 8.7 -- I'm sorry, 8.97 percent advantage. Again, A fraction gain, fractionally moving toward more competitive districts. 24, AQD almost perfectly balanced zero; .09 Democratic, now 0.44 Republican advantage. Fractional changes all along the way as a result of this test.

CHAIRMAN LYNN: Mr. Johnson, I do have a concern about splitting a reservation. I want to ask a question about whether or not we have additional information. If, for example, the city is in the reservation, as Census data suggests is true, we don't know whether it's encroachment by the reservation or by the City of Parker; but however they are adjusted, both, if one goes into the boundaries of the other, is there a way to determine whether or not that portion of the reservation that has been split off is likely to have population growth other than in the city? I mean -- that would take some doing in finding it out. It would be interesting to know insofar as if there was any growth that was to occur in the population, in the boundaries that are supposedly the reservation
boundaries that would actually be growth from the City
of Parker rather than growth from more populated areas
of the reservation itself. That might be interesting,
if we were going to do something we have haven't done to
date, split a reservation. We've not done that. We
were very keen on not doing that unless there were a
good reason to do it.

COMMISSIONER MINKOFF: A related question,
I think a legal question more than anything else, it
seems to me, Doug, as you described to us, splitting the
reservation, if part of Parker is in the reservation,
I'm not sure that is possible --

MS. HAUSER: It's not.

COMMISSIONER MINKOFF: Indian Reservations
have sovereignty. That would preclude a city from
expanding its boundaries into Indian Reservations, I
believe. Is that correct?

MS. HAUSER: It's not possible.

COMMISSIONER MINKOFF: So then it's just a
matter of clearing up what these boundaries are. It
seems to me we don't have to split the reservation. We
have to find out what the real city limits are of Parker
and what the real limits are of the reservation.

MR. JOHNSON: That would appear to be the
truth to me, too. I don't know how long it would take
to identify. I suspect it could be done in a couple of
days in terms of getting ahold of the right people and
finding borders. I don't know if it could be done by
Tuesday.

CHAIRMAN LYNN: I think if the direction
that the Commission ultimately takes on this test is to
order further review and move forward, that would need
to be incorporated in whatever we do.
I'm clearly -- it does seem to be an
issue. It wouldn't be the first time the Census data
was somehow odd.

That needs to be cleared up if we decide
to move forward with this.

Mr. Elder.

COMMISSIONER ELDER: Request for legal, I
guess, is one of the tenants of the redistricting is the
contiguosity of districts. Is it mandatory? In other
words, can we take just this area, if it is indeed
Parker outside the reservation, and link it with the
other part of District 4?

MS. HAUSER: All of the criteria,
including contiguity, are to be applied to the extent
practicable. Well, that is among the criteria to be
applied to the extent practical. Mandatory are voting
rights compliance, the US Constitution; but with respect
to that criteria, it's to the extent practicable.

COMMISSIONER HALL: Doug, did we split the Navajo Reservation when ran the split for the Hopis?

MR. JOHNSON: In the Congressional plan, yes. No way without.

COMMISSIONER HALL: My recollection is it's extremely low population, but --

MR. JOHNSON: Right. I believe -- I know a one-way split had 9 people, the Navajo portion.

COMMISSIONER HALL: You are suggesting this configuration, population on the reservation in the affected area is very low. Is that what you are suggesting?

MR. JOHNSON: The thing making it difficult to identify, here, this relates to the Chairman's comment, too, there is this area -- let me -- you can kind of make out the yellow line, what the city has defined as Parker, comes right along here and goes east-west in there. There is a small neighborhood outside of that that actually is at least a few hundred people. So if those are part of the reservation, we're looking at a significant -- well, relative to 9, looking at a much larger population. If the city line has changed since the Census defined it, those people are in Parker, we'd be looking at a very low number. It's all
part of the question.

Just to clarify what the Census Bureau does, it draws the line as it best understands them and sends them to the counties for review. Many counties do a very good job reviewing it. Many counties don't realize what the letter is, Census Bureau, not the top of priorities, and they don't all get reviewed. That's how these kind of things happen.

CHAIRMAN LYNN: Can we focus again on the split at the eastern end of the district?

COMMISSIONER ELDER: Wendon? Salome?

CHAIRMAN LYNN: Wendon, Salome.

I want to be sure I understand, Doug, the impact there on -- I guess can you get into the Salome split?

MR. JOHNSON: Yes. Salome is split generally along precinct lines, although there's a lot of zero population blocks here which explains the jagged lines. Obviously the results of this test was fractional gain. I was trying to get additional gain wherever I could. That -- people in District 3, one precinct, precinct results for them, voting behavior, that precinct, all the blocks in it, and here in 24 separate precincts. These are old precincts I'm sure reprecincting or in the process of doing it now.
CHAIRMAN LYNN: What is the pleasure?

COMMISSIONER MINKOFF: What is the impact if we unified Salome in 3 or 24?

MR. JOHNSON: It would move them more -- reduce the change in the test, move it back towards the point they were before. So considering that there is only about a half point change in any of these, a move to somewhere less than a half.

CHAIRMAN LYNN: Regardless of which direction you went?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, one of the things we've tried to do, wherever possible, is not split city and towns. Salome is so small, if we split them, they might never find each other. I think that small gains that we achieve in this are so minimal that I would recommend, I would move you not pursuing the change if it requires splitting the Town of Salome.

CHAIRMAN LYNN: It's been moved we not pursue the change. Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Moved and seconded.

Discussion?

Mr. Hall.

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COMMISSIONER HALL: Mr. Chairman, I would welcome input from whomever desires to answer regarding the changes. This is currently a -- 24 is currently a voting rights district. And I'm looking at those percentages, the effects of those changes in those numbers, and would welcome input from any source, Jose, Lisa, whomever, with respect to whether they have comment on these changes.

CHAIRMAN LYNN: Effect of the changes?

COMMISSIONER HALL: Effect of the changes. Total minority, for example, was -- total minority VAP was almost 46 percent and -- I should say came to 46 percent.

COMMISSIONER MINKOFF: No, 47.

COMMISSIONER HALL: It was 47.42. I mean about a percent and a half.

MR. JOHNSON: Let me read in for the record, in District 24, Hispanic voting age 2002 plan, 41.39. It's now 40.71. It dropped, as you mentioned, about 1.3. And total voting age, as Commissioner Hall mentioned, was 47.42, now 45.92.

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, Commissioner Hall, at your next meeting you will be receiving a more detailed report from Dr. Handley concerning the Voting
Rights Act, implications of the interim plan.
Specifically she's coming back in with some additional analysis under the racial block voting and the electoral opportunities the interim map affords members of minority groups. District 24, of course, didn't change in the interim map and has been precleared. In addition, she will also, in looking at the interim map, will look at any of the changes that you have under serious consideration. You know this -- I can't really say at this point the very small percentage change that you noted is enough to cause any concern. But it certainly is one of the districts that DOJ viewed as effective as originally drafted.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: Well, for a small gain in competitiveness, I don't -- really an almost unmeasurable gain, I don't see any reason to reopen a district that has already been approved by the Justice Department.

Do we have a motion on the floor?

COMMISSIONER MINKOFF: Yes. A motion not to proceed.

CHAIRMAN LYNN: No further development with the test.

COMMISSIONER HUNTWORK: Was it seconded?
COMMISSIONER ELDER: It was.

CHAIRMAN LYNN: Moved, seconded.

COMMISSIONER HUNTWORK: Call for the question.

CHAIRMAN LYNN: Further discussion on the motion? The question has been called.

All 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."

Opposed?

Motion carries unanimously and is so ordered.

On to Tucson.

MR. JOHNSON: Test 5 this would be. The spread sheet, demographic data and Judge It, incorporate all tests except test one, that 11, 15, 17 test. What you are looking at incorporates all of these.

COMMISSIONER HALL: Did you make any population changes in the East Valley?

MR. JOHNSON: No. I did not go into any deviation. In Tucson, or the Tucson area, the districts

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to see if I could make them more competitive were 26, 28, and 30, 30 being the Olive green to the east, 26 being the UFO, I believe it was called yesterday, light green, and 28 being the pink in here.

Let me take the big picture here and then I'll zoom in. The changes, 26 was close to being competitive. 28 was a long way Democratic. And 26 Republican. I'll have Dr. McDonald speak to that. I'll have him do that first.

DR. McDONALD: Okay. For District 26, under the interim map, the Democratic percentage performance was 46.2 percent with a spread of 7.6 percent. Under the test map, it is 46.7 percent for a spread of 6.6 percent. It moves from a Republican District to a competitive Republican district.

District 28 is Democratic performance of 54.5 percent or a spread of 9.0 percent, a Democratic uncompetitive district. In tests, 50.8 percent, or a spread of 1.6 percent, a competitive Democratic district.

District 30, under the interim map, there was Democratic performance of 44.9 percent or a spread of 10.2 percent. Under the test, it is 47.1 percent, or a spread of 5.8, moves from Republican to a competitive Republican district.
CHAIRMAN LYNN: Could we, Mr. Johnson, take a look at each one of those districts in turn.

MR. JOHNSON: Sure.

CHAIRMAN LYNN: Take us through the changes of each of those districts one by one.

MR. JOHNSON: Okay. In District 26, which is the mild green at the top here, two areas change. Number one was actually similar to a change from a proposal during the court proceedings where District 26 comes down, picks up the remainder of Flowing Wells. Flowing Wells is a Census designated place, not a city, and had been split in the 2002 plan. So we unified that. That was about 900 people. And also put in the surrounding area around Flowing Wells, which was about 4,000 Tucson residents. Obviously the goal was, as Dr. McDonald described, it was a Republican district, putting Democrats into the district to bring it into a more competitive state.

The other piece of this, some portions of Catalina Foothills were taken out and put in with the area previously 30 in this test which you can see is District 28.

There's still some population balancing to be done between districts. That was a reflection of District 28 picking up additional Republicans.

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Moving on, probably the most significantly affected district in terms of geography in this test is District 28. Previously it was north Tucson extending not all the way to the city border but into east Tucson and down to 22nd, the border with 29. It now goes up and picks up all of what the Census defined as Tanque Verde, north of the river. A small piece of what the Census defined as Tanque Verde was not picked up. Also picks up a portion of Catalina Foothills that previously in the 2002 plan was in District 30. And it gives up this corridor in Tucson which 30 picks up.

This area generally follows -- I believe it's Speedway on the north. Yes. This is a corridor that is Speedway on the north, goes over to Swan, and Columbus in the west, and down to the former border of 28 and 22nd Street.

District 30, I believe that's the only change to it. Loses areas I described 28 as picking up and picks up that corridor in Tucson.

In terms of city splits, District 26 is now picking up the portion of Tucson south of the river. It had previously had some very, very small pieces of the City of Tucson extended north of the river. So technically Tucson is already split by 26 but now it's a much larger population in Tucson based on 26 and it also
for the first time comes south of the river into Tucson with District 26.

District 28 and 30 already split east Tucson. We don't have additional city splits there. They are all within the County of Pima, no additional county splits.

No reservations are affected by this.

In terms of AURs, we do have the southern Hispanic AUR, but it is primarily focused on districts 27, 29, so it isn't impacted by these changes.

And none of these three districts were topics of the Department of Justice letter or any changes made in the interim review other than the portion of 26 that was up in Pinal County. And this does not affect that area at all.

In terms of compactness, you can see the impact there. Obviously 30 gained a piece into Tucson, and 28 extended out to the east. When you do run compactness tests, they come out not as compact as the previous version.

And growth areas, this area didn't impact the Rita Ranch, which was the main source of discussion on growth areas. Obviously the Foothills have issues as well on that topic.

Have I covered everything --

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Rural versus urban, you are probably more familiar than me on the characteristics of that area at this point.

Let me address registration, AQD impacts. Although similar to the changes in the Judge It scores, District 26 was a 14.77 percent Republican advantage. It is now a 13.1 percent Republican advantage. Republicans retain an advantage, declines by 1.8 percent, by registration.

AQD, District 26, 11.18 percent Republican. It remains a Republican advantage. Advantage declines 9.55 percent.

District 28, Democratic advantage declines from 13.91 to 2.16. And AQD, Democratic advantage declines 21.37 to 7.66.

Finally, District 30, registration, the Republican advantage declines from 17.5 to 10.17. And the AQD declines 14.7 to 6.52 percent, still Republican -- well, was Republican advantage, now is within what we previously defined as seven percent, competitive range AQD, although remains Republican.

Those are the stats from the result of this test.

Any questions?

CHAIRMAN LYNN: I want to be clear I
understand the area, Mr. Johnson, that is where your pointer is right at the moment, is that old 28?

MR. JOHNSON: Yes. Blue lines are the 2002 districts.

CHAIRMAN LYNN: Is that 28?

MR. JOHNSON: That is 28, yes.

CHAIRMAN LYNN: Could we zero in on the new 28 and maybe get some streets in there, just for reference?

MR. JOHNSON: Up in the Foothills, down in Tucson, or both?

CHAIRMAN LYNN: I'd like to concentrate -- I'd like to go all the way around it, but it might take longer than we might want to spend.

Highlight the dramatic changes.

MR. JOHNSON: Up in the Foothills, the Northern District of District 28 isn't a street. It is what the Census Bureau defined as a border of that area, the forest border.

CHAIRMAN LYNN: The Coronado National Forest.

MR. JOHNSON: This extension where the top of District 28 goes to the west, goes over to Alvernon.

COMMISSIONER MINKOFF: Alvernon.

MR. JOHNSON: Alvernon Way.
Then it goes southern to Skyline, and
eastward back to what essentially was the old border
between two districts on Craycroft. Comes down to
actually the precinct line border, Census geography,
it's not a street there, but just south of Calle Barril,
C A L L E, B A R R I L.

MR. RIVERA: Mr. Perez can come over and
pronounce it for you.

MR. JOHNSON: Portuguese or Spanish, I'd
do better.

MR. RIVERA: Barril.

MR. JOHNSON: And westward to Swan.

COMMISSIONER MINKOFF: Okay. Thank you.

MR. JOHNSON: This area, I'd point out I
was following precinct borders in an attempt to run this
test to get data. It may make sense as we clean up, if
that's the Commission's choice, to slightly alter lines
up here.

Down in Tucson, the border between 26 and
28, in this test, is Oracle Road. And then we come back
along the 2002 plan border to Columbus. Southern border
there, the jog there is Broadway. So it's Columbus and
Swan with a jog on Broadway and then up to Speedway.
And in the far east, the border between 28
and 30 jogs up, this street right here -- yes -- along

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COMMISSIONER MINKOFF: Harrison.

MR. JOHNSON: -- Harrison up to the river.

I should note, one thing in my mind as I went through this and attempted this, there was considerable discussion about the river's role as a boundary between these areas. Part of the reason, where 28 had to go north to pick up Republicans in an attempt to make the competitive test reach its goals, I tried to do so east of where the river splits. I don't know if that was an appropriate choice or not, attempt to or not, where there might not be as much of a dividing line as before.

CHAIRMAN LYNN: One of the interesting things, this may be the most classic, to me, anyway, sort of dilemma between more competitiveness and a fairly significant community of interest. One of the interesting things about 28 as it was originally drawn and was adopted as 28, essentially, is the heart of Tucson, the heart of the city, a very homogeneous area from the standpoint of neighborhood cooperation, standpoint of governments, from the standpoint of socioeconomics. That was one of the more impressive areas that we drew just in terms of its character. And you can tell why the district was the way it was. And

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what this does is provides significant improvement in three districts in terms of competitiveness. The question is at what price. And one of the prices here is what happens to District 28.

District 28 takes elements of central Tucson, which you are correct, Mr. Johnson, both rivers have something to do with the way Tucson is configured to the north and as the rivers split in the east. It was obviously occurring, development is obviously occurring in some relationship to where the rivers, which are dry most of the time, but can be significant, present barriers to neighborhoods and development.

And even though the original district moves east of the town alignment, that area of the city is similar to areas around it.

Now we have essentially an arm of District 30 coming in to the center part of the city so that the center part of the city, Tucson, is now in part associated with Sierra Vista. And that is of concern to me. And I'm not sure the tradeoff, as good as the numbers are in the competitive column, is necessarily worth that disruption.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, and we've probably beat the communities of interest to
death, but I've got to go back and say, you know, we've had
the state law where every one of those communities
north of the river in 28 and in 26 has been at battle
with the City of Tucson concerning annexation,
concerning the right to become a city, so they protect
themselves from incursion from the City of Tucson. It's
not a pleasant battle at all. It is very -- it is very,
very pointed and it is very divisive. To try to put two
ever extremely adverse opponents together in 28 does not make
sense at all.

Number two, we had testimony that seemed
like it went on forever from homeowners' associations
along Broadway, do not split us, do not take us out,
must have been 30 pages of testimony in the transcript.
I know one would lady get up, another lady would get up,
another one would get up.

We have strong, strong communities of
interest that span Broadway.

The other community separated here is we
had extremely strong testimony don't split along
Columbus, include or exclude it, something. One of the
reasons why the line is drawn where it was at 22nd
Street was because that was an area where there was the
break in communities of interest.

We take, as Chairman Lynn notes,

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socioeconomic and cohesiveness, how they go for block
grants, how they go for lighting, how to go deal with
things state, federal, city funded, going together, they
don't go together into 26. There's not a streetlighting
program -- sorry, 28, not a streetlighting program in
28. I'm actually in 28, and I have to go around -- 13
miles to my voting place. I can't get there from there.
There's only two places to have crossed the Tanque Verde
River, between the north part and south part. Cotton
Road comes, there's a dip in sections, and a road comes
across.

I have intimate knowledge of 28. I don't
know how I could represent that district. I mean it's
almost -- like discussions in the northeast part of the
state, the Navajo and the Apache, Navajo Counties, and
how the -- dissimilar funding, dissimilar needs have
been addressed. It doesn't work. And this is almost as
much if not more so.

We have rural and urban.

28 is low density, anywhere from two- to
eight-acre density. And we have 30 brought in into the
inner city. It doesn't make sense.

I think the comments, trying to wrap the
inner city with Sierra Vista, is right on. You know, we
take a look at the area to the northwest, look at Casas

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Adobas, Casas Adobas is still in court with the City of Tucson with annexation issues.

To split the community to the left of -- boundary between 28 and 26, I don't know what precinct it is. That doesn't fit anything. There's no road there I remember to divide the Census out. Communities, homeowners' association, school district, homogeneous on both sides of it. That split doesn't make sense.

The incursion to the west up there, Alvernon, Skyline, the Bel Air area, you have a private country club right at that loop. They are isolated from the balance of the section. Sunrise -- Skyline is not the boundary, Sunrise is. It's splitting, again, two neighborhoods that have been together for years, now splitting them apart.

I don't see much benefit to this plan. I would move that we do not make any further studies to this area.

CHAIRMAN LYNN: There's a motion.

Is there a second?

COMMISSIONER HUNTWORK: I'll second it for discussion.

CHAIRMAN LYNN: Discussion.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I
certainly respect the local knowledge of my two fellow
Tucsonians, but, nevertheless, there is -- there are
certain benefits from these changes. And they are that
we now have three competitive districts versus zero, if
I understood correctly.

MR. JOHNSON: Using the seven percent
Judge It range.

COMMISSIONER HALL: Right. Based on
that --

MR. JOHNSON: Yes.

COMMISSIONER HALL: -- dim line.

So I think that's significant. And

harkening back to the Constitution, I guess the
 convincing that I require is that it says we must favor
a competitive district that would provide no significant
detriment to the other goals. What I hear from my
fellow Commissioner is the goal we're referencing
considering detriment to is the goal of community of
interest. So for me, the way my mind works: Is that
significant? If you look at the paper today, districts,
the Senate race, for example, in Districts 26 and in
District 30, there is one candidate running in the 2002
elections under our interim plan. No competition. So
obviously the numbers, and I'm just referring to the
Senate race, the numbers there, under the interim plan,
and configuration of those districts, are such it has
deterred even a contest in the primary of the dominant
party much less a competitor from the other side.

I think our responsibility to favor
districts that are competitive is very, very important.
And I don't -- I don't doubt the characterizations that
Mr. Elder and Mr. Lynn provided with respect to
community of interest of 28. I guess what I'm trying to
understand is is that significant enough to warrant
ignoring competitiveness.

And here's my point which is, in reality,
does someone over the River Road relate that closely
with someone clear down over on Colby Road? Colby
Road -- that is my question.

And are the issues you are referencing,
Mr. Elder, more municipal in nature rather than on a
state level? And would they be represented by a
neighboring district or neighboring representative in a
more competitive environment if those issues were fully
flushed out versus here?

So I'm not saying I know the answer to
that. I'm just requesting an answer to some of those
questions.

CHAIRMAN LYNN: Ms. Minkoff, Mr. Elder,
and then Mr. Huntwork.
COMMISSIONER MINKOFF: Commissioner Hall has posed some very intelligent questions. I think looking at this test, this is really a classic example of the challenge of drawing competitive districts. Competitive districts, I think, by their nature, are not homogeneous districts, because they've got people on both sides of the political spectrum relatively evenly divided between both political parties, and generally you are not going to find that in any district dominated by one community of interest.

I also looked at the paper this morning at the list of people filed to run for the Legislature in the next election. In 18 of our 30 Senate districts, 60 percent of the districts, we have disenfranchised every resident of the minority party in those districts; because beyond the primary, there is no contest. All of those races will be decided in the primary. As a matter of fact, 11 of them don't have any primary contest. We can tell you now who 11 of 30 senators will be in the next election. Every single district in Southern Arizona, 23 through 30, is on this list. There isn't a single contest. District 27 does have a primary contest and District 28 has a minor third-party candidate. Other than that, none of the districts are competitive.
In the House, District 26 has no contest beyond the primary.

I think that this is very, very serious. And I think we've done the voters of Arizona a disservice. We've taken the vote away from them. 11 Democrat districts, seven Republican districts, members of the other party will not have a choice who represents them in the State Senate. I think that's plain wrong with Republicans in 11 districts and Democrats in seven districts.

Here we do have a chance to make three competitive districts. They will not be homogeneous. They can't be homogeneous. That's because there are people with different points of view.

I'd like to see if there's some way my Tucson colleagues can give some guidance to Doug, if you are concerned any communities are savaged, so he can hear about it, see if adjustments can be made. Otherwise, I would like to proceed with this test.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, the discussion, comments Mr. Johnson made of Tanque Verde being a Census place, I don't know that anybody associates themselves as being a Tanque Verdeite, or whatever. It's bureaucratic nomenclature for an area.

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that doesn't exist in the real world. The closest thing
would be Tanque Verde School District, Foothills School
District. They are there because they didn't have any
desire for contact with the Tucson district. Tucson
District 1 had been the largest school district in the
state. I think maybe Phoenix Union is now. But they
will do anything to have exodus from Tucson District 1
to get into Foothills School District. 10, 15 percent
differential in land prices, homes' pricing.

If we take a look at the edges, again, the
river is a distinct edge. City of Tucson, the only way
they can annex now is to go to the state land
department, annex vacant land. As soon as there's a
voter, they lose the election. Serious. The only way
they got 27 square miles to the south is there were no
voters, all state land except for one owner, commercial,
as a way to annex.

The animosity, the -- I would have to say
the political atmosphere between the City of Tucson and
the county is extreme. I cannot see, you know, that
we're not doing what I would classify in this part, any
part of the city -- this has got probably the most
significant detriment to all the other goals of the
Constitution. And the competitiveness should not be the
driving force to continue to do substantial damage to

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these areas.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,

first, I want to compliment Commissioner Elder for doing such a good job summarizing all the testimony we heard on this subject before. This is not a new issue for us, really. We looked very hard at this configuration when we adopted our original districts. We looked specifically at competitiveness and weighed it against the communities of interest, compactness, and similar issues.

The numbers we used, data base corrections made, did not affect this area. We heard yesterday that the information on which we based those decisions the first time was essentially dead on, no change at all other than the fact that we had removed the Hispanic areas from the north end of 26 in order to put them in 23. And we do have a population balancing issue that we have to take into consideration here with 26 which is going to cause some changes here to begin with.

But I'm simply reminded about how hard we worked to do what Proposition 106 requires us to do, which is to the extent practicable, to reflect the communities of interest; to the extent practicable, to create compact districts; and then to favor competitive
districts when it would not cause significant detriment. And I could not agree more that this plan causes a significant detriment to the communities of interest that were well-contained and well-represented by the original configuration of District 28 and, furthermore, that it causes a significant detriment to the compactness of District 28.

Thank you.

CHAIRMAN LYNN: One comment with respect to my colleague, Ms. Minkoff's, statement about candidate filing. I think it would be an overstatement, and frankly I think it's an incorrect statement, to suggest that we, the Commission, caused anything to happen. What we did was draw districts which we thought represented communities of interest, respected community boundaries, respected jurisdictions, complied with the Voting Rights Act and Constitution, and to the extent practicable, in all those instances, we felt competition was an important issue and held to that as well. Again, the fact that people failed to file in districts may have much more to do with circumstances totally beyond our control than they do with things we've influenced one way or another. In order to put comments on the record, I respectfully disagree with those conclusions. I believe we have other issues far beyond our purview.

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beyond people offering themselves up for public service. I think they need to be addressed but not by this
Commission.

With respect to Tucson, things are complex in Maricopa County and are actually quite a bit more
simple in Pima County. The shift and lines between communities in greater Maricopa County is quite
difficult to understand in some cases, intricate in others, and a street here or a neighborhood there may be
able to blend more neatly into a configuration than we have in this particular area of the state. Two examples
I'll cite: One is the issue of polarized voting with respect to geography. Not polarized in any other case.
But here you have a classic example of it. If you look at the dividing line between -- dividing line at the
east and northeastern boundary of what used to be District 28 as it bisects proposed District 28, it's
essentially a bisection of a lot of Republican voters to the east and north and a lot of Democratic voters in the
central part of Tucson, more polarized, in fact, than in many other communities with the exception, perhaps, of Central Phoenix. And to artificially, and I believe it's quite artificial, divide them in this manner in order to make the numbers for competitiveness' sake come into the ballpark does an enormous disservice to it in a
couple ways. First, what we have here as new proposed
District 28 is a combination of a lot of lot Pima
County, unincorporated Pima County and the City of
Tucson. You need to live in Pima County, City of
Tucson, to understand how well the two governments
cooperate, coordinate, get along. They don't cooperate,
coordinate, or get along. That's a very difficult
situation. There are several implications with respect
to state law. The fact those communities would be
represented in this instance by a single set of -- one
Senator and Representative might seem to be a healing
effect. I can guarantee you both of those folks, both
groups, communities, would feel they'd not be well
represented by a single individual having that kind of
conflict of jurisdictions dealing with it.

The second issue is just generally the
sense that the way Tucson is divided, as Mr. Huntwork
said very well, when he originally looked at communities
of interest, all the citations Mr. Elder put on the
record, over and over again the solution for Tucson was
much clearer than for the Phoenix area, not just much
less complex, much more clear in terms of making those
divisions make sense in terms of community.

I clearly am in not support of the motion
and do not think, even for the sake of competitiveness,

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which I believe is very important, we can do this kind
of damage to the communities that this potential map
represents. And I can't in good conscious support it.

Further discussion on the motion?

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I

appreciate your input and that of my fellow
Commissioners. I, too, recall the input in some of the
Tucson meetings. I wasn't to as many as you folks were,
however, I'm not sure if the input in any area was --
well, to varying degrees, was totally unanimous on
certain issues. But I defer to my fellow Commissioners
on this issue of community of interest. The question
is, in my mind, is us complying with our mandate under
Proposition 106. And the words that are -- I'm trying
to understand, in my mind, the two words, which are
favor versus significant, that if we favor competition,
which these tests do, and accomplish, are those -- are
the ramifications of that, or favoring changes,
significant? And I appreciate the input, because it's
helping me crystalize that in my mind.

The reality is whether we can change what
has occurred, whether we have influence on who has run,
hasn't run, it is what it is. The fact is we've
utilized information, all our analysis, and try to
predict the future on what we have in the past. The reality is we have a very noncompetitive situation. That's the struggle I'm wrestling with.

I don't pretend to have an intimate grasp of the neighborhoods of Central Tucson. I'm struggling with trying to assure myself if, in fulfilling my responsibility, as I'm sure all of you are, that we have represented the interests of the citizens in Tucson to the best that is then possible and does helping them have a choice at the polls outweigh the other issues you folks are referencing. That's what is unclear to me.

I'm not sure if having additional choices with additional candidates may not help. And new ideas, new people, versus one person may well help provide new solutions to the problems in a neighborhood, or municipality, county, or whatever you folks are referencing.

Again, I welcome your input in helping me understand that.

CHAIRMAN LYNN: Mr. Elder and Mr. Huntwork.

COMMISSIONER ELDER: Add to that one representative running in District 5.

The aspect we have there in 28 south is going into an extremely urban area. Take that urbanized
area, match it with the rural aspect, we lose another rural district.

I mean the Tanque Verde area is low density, population there, we look at that thing, 28 -- I guess it's 30, has been a rural district and population there that is being placed into 30 is high density, 50, 60, 70, very urban filled, if it changes the character of what 30 is. We had enough trouble in trying to deal with higher density housing and -- in our issue down in Green Valley. But by taking lower density areas going down into, in effect, Cochise to maintain that, affects low density flavor to that representation.

Almost all of the -- you know, we've talked about the sewer and water issues over on the river. 28, Foothills to the north, have those same issues. City of Tucson, and the old 28, is all on sewer. Sewer, water management issues are different from the Foothills.

There isn't anything that I can see that is comparable in the state, any more hard-lined, than this is almost to one side of the politics, almost to the Hopi-Navajo level of animosity.

Rural to urban character, almost -- is well-defined there. The river on, low density. We don't have issues of high density urbanization.

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Representation, representation does not seem to fit.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,

fellow Commissioners, I agree that this is an extremely important issue. It is important here and in every district we've drawn for the State of Arizona.

Our charter is set out in Proposition 106. Proposition 106 does not tell us, does not appoint five citizens to go out and do what makes us feel good or what is right. It gives us guidelines we have to follow. Those guidelines say we have to determine when we make a decision to create a less or more competitive district whether that action has a significant detriment. In my view, that's what we're called upon to do. That's the decision we're called upon to make here. We have to actually decide.

There was a tremendous amount of evidence in the record.

Commissioner Hall, I am not from Tucson, either, but I have looked at it and thought very hard about that evidence. I thought about it very hard before we made our initial determination in this area. And I did attend all the hearings in Tucson as well as reading some of the written material that was provided to us.
I don't think this is a difficult choice. I think we face closer questions in other parts of the state. And we're going to have to make decisions there, too. In my view this is a clear case there would be significant detriment to at least two of our criteria, which as I said previously, are communities of interest, and, secondly, just the compactness of this district. 28 was very well-drawn to capture the central area of Tucson.

CHAIRMAN LYNN: Further discussion on the motion?

I would make one other very brief point, and then I think we can move to a vote. One of the reasons -- there may be many reasons, but one of the reasons some districts involved in this particular test map show individual candidates without much competition on the Senate side of the equation, by the way, from both sides of the aisle, you'll note, in the Tucson area, and the other thing is -- that is also reflective of the geographic polarity I talked about before. The other thing that happened in the last couple years in Tucson, in fact happened just over this last session, is Representatives and Senators from both sides of the aisle have been meeting jointly with constituents every month in an attempt not to differentiate among the

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districts in Tucson but rather to bring them together
and to learn more about how they can work as a voting
block, if you will, to help Tucson get from a Maricopa
County dominated Legislature that which is appropriate
for Tucson. And it's some of that cooperative effort
that has made each of these individuals, who are
incumbents, for the most part, well-respected and
well-liked, perhaps unchallenged for that reason. So
with that having been said, any further comment on the
question?

The question before you is a motion to not
order any additional testing for Districts 26, 28, and
30.

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "aye."

Those opposed?

I believe the motion carries and is so

ordered.

THE REPORTER: I heard three?

CHAIRMAN LYNN: I understand. I didn't

announce a unanimous voice. We're doing this by voice
vote today.

COMMISSIONER MINKOFF: I'd like the record
to reflect I abstained from voting on the motion. I
cannot in good conscious with respect to Tucson
candidates. I did not vote against it.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: I voted "Aye."

CHAIRMAN LYNN: Four, zero and one.

Mr. Johnson, any more to your report?

MR. JOHNSON: That concludes the tests I
conducted last night per instructions yesterday.

The other item outstanding is the question
of deviations.

I can run through that at this point --

CHAIRMAN LYNN: I think -- what I'd like
to do, I know you haven't completed your work on
deviations, or I believe you haven't completed your
work, may not have even started it.

MR. JOHNSON: Right.

CHAIRMAN LYNN: I think what we'd like to
do is give you some specific instruction with respect to
deviation overall.

I want to be sure before we move on to
other matters, are there any other issues of
competitiveness that we need to address at this time?
MR. JOHNSON: Mr. Chairman.

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: If I may, I meant to mention earlier, one item the Commission may wish to consider, the question of zero population of Parker. If the Commission may look at changes of the map, unite the City of Parker in District 24, as described in the test, it's a zero population move.

CHAIRMAN LYNN: I think we need to give specific instruction in that regard if, in fact, you'd like that to happen.

COMMISSIONER MINKOFF: I move to instruct NDC to unite the City of Parker in District 24.

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

COMMISSIONER HUNTWORK: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously.

Let me ask on scheduling, we have a few, very few items yet to take care of today. We need to
issue few more instructions in areas I will get into in a minute. Is your pleasure to take a lunch break or prefer to work through and finish up? Either way, based on what I see, we have less than an hour's worth of work today. It is 2:00 o'clock now.

COMMISSIONER HUNTWORK: I prefer to work through and finish.

CHAIRMAN LYNN: Then why don't we take a 10-minute break and work through to the conclusion as quickly as we can and then move on.

What we'll do --

Mr. Mills, you asked --

Don't need to? Okay.

Then we'll have one more opportunity before we close for a call to the public.

Let's take a 10-minute break and then we'll return.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order.

For the record, all five Commissioners are present along with counsel and with consultants.

Ladies and gentlemen of the Commission, we have instructed the consultant to pursue two additional -- or two tests, but pursue it additionally

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with respect to competitiveness. We now need to deal with a couple other items, the first being dealing with population deviation.

As you may know, I believe it's three districts, Mr. Johnson, in the four-plus deviation category, gives us a total deviation of -- approaching 9 percent.

And it would be my recommendation that we instruct NDC for next week to specifically concentrate on those districts where the deviation is in excess of four percent and any other districts that you may wish to list that are in the high threes in order to bring the total deviation down to the lowest acceptable level, given that that -- that those changes will not cause any significant detriment to the other things that we've established, particularly not cause any detriment to any districts that have voting rights implications that may be adversely affected.

So what is your pleasure with respect to population deviation instructions?

COMMISSIONER MINKOFF: Can you let us go through here and identify districts?

CHAIRMAN LYNN: Sure.

MR. JOHNSON: If I may, to state for the record what you are all aware of, the main reason we...
have large deviations is changes to District 23. And that led to underpopulation of District 26 and overpopulation of the Mesa area. So it would be very difficult and involve almost every district of the state to return us back to the level of population deviation we were at before. There are steps, as you just mentioned, to reduce deviation from the 2002 map. Because of changes in 23 we did in the interim map, it's not going to be possible to get all the way back.

CHAIRMAN LYNN: I understand. Thank you.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I would like to move we instruct NDC to equalize population as much as possible, or correct overpopulation as much as possible, in Districts 19 and 22 and underpopulation in District 26, all of which exceed four percent, and to examine and recommend if there are ways to adjust population deviation in District 12, which is overpopulated by 3.6 percent, and District 16, underpopulated by 3.2 percent, without significantly damaging the demographic makeup, specifically, in District 16 which had been precleared for compliance with the Voting Rights Act.

CHAIRMAN LYNN: Is there a second for that motion?

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COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I think it is important to do this and to give Doug as much flexibility as possible in the approach that he takes. I'm not sure it's not necessarily to cycle population through the entire city in order to do this, but you do have to -- you would have to have involved Districts, I guess, it's 29, 25, I guess, is the border district. I'm not sure that can be done without affecting demographics. Kind of go through the East Valley and, I guess, Ahwatukee, and down into that district, or else the other alternative is ripple all the way through the valley, which does then involve a large number of districts. I'm sure you are well aware of that. But I do think -- I think you ought to take a look at it and see if there's a way to get the population back where it belongs.

The second thing I want to ask is when we do look at the voting rights information in order to make final decisions, I see a dissimilar approach for District 23 I haven't ruled out in my own mind, don't intend to bring up now, either. There still is the...
possibility of making some changes that would obviate
the original problem. I just want to point that out,
that's still on the table until we make further
decisions.

CHAIRMAN LYNN: Further discussion?

Mr. Elder?

COMMISSIONER ELDER: Yes. The concern is
the motion lists specific districts. I'd leave it open
to give Doug, or Mr. Johnson, the opportunity to make
the changes in higher percent districts, if it affects a
district a bit, allow that to be made, the goal being to
equalize as much as possible.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, the
reason I identified those, they are significant
districts, the most dramatically over or underpopulated
districts. Obviously the only way to correct
overpopulation, perhaps 19, is put it someplace else.
This doesn't take any districts off the table. You
know, if it's necessary to take voters out of 19 and 22
to put them someplace else, obviously any districts
where those voters can be switched without changing the
community of interest, the voting rights impact of the
district, they're all fair play. 20 is almost even
population; 21, 2,000 people underpopulated. Those
would be candidates to take population from those two
districts.

CHAIRMAN LYNN: Again, I think we need to
be mindful the deviations that exist exist for a reason.
None of these deviations was intended except as to
accommodate something else decided earlier. We clearly
are not trying to undo things we put in place with any
of these districts. We're trying to, in the most benign
way possible, reduce the overall deviation in the
overall map. Clearly, that's the intent of the motion.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I don't
want to preclude ourselves where utilizing deviations
where appropriate for competitive purposes.

CHAIRMAN LYNN: Or voting rights issues.

COMMISSIONER HALL: Absolutely, or voting
rights issues.

MR. JOHNSON: Mr. Chairman, most of the
areas for these districts we're discussing, through
October, November, there were various plans that did
move population to adjust deviation. I anticipate
changes that will not be a surprise to any of you and
will be similar to what you've seen as we move
deviations and through various tests.

CHAIRMAN LYNN: Mr. Huntwork?
COMMISSIONER HUNTWORK: Mr. Chairman, I want to make one word of caution. I'm not sure we can do population deviations to achieve competitiveness. We certainly cannot do significant damage to other goals. One of the other goals is equal population. We did that for voting rights purposes, and I certainly agree with that. We can do that. But technically, I'm not sure we can do it for other reasons. We cannot do it significantly. I'd look very closely at that.

To the extent that Doug might be making those judgments as he goes through there, I think it's important to have that in mind.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman, I know there was a comment made earlier, not because we have a precleared plan for 2002, we have the opportunity to go in and, if we need, to split precincts. I'd like to take as much burden off the counties. If you can do it without splitting precincts, that's a goal we should try, the new precincts 2002 is based on.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, relative to Mr. Huntwork's comments, can we ask our attorneys in terms of achieving competitiveness, as long as the deviation is modest, is there a problem in

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deviating a few thousand people one direction or the
other for the sake of competitiveness?

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: First let me ask a question.

That sort of deviation would result in, depends on the
district what percentage it would ultimately be,
correct?

MR. JOHNSON: Right. It's more difficult
in competitiveness to define how much we're achieving
than other things deviation is on. Uniting
neighborhoods, following roads, it's yes, no, you either
did or didn't. Competitiveness is a gray area. As
Commissioner Hall said, it has dim lines in it. It
could be one, two percent population shift could result
in a half to one percent change in various
competitiveness measurements, speaking theoretically.

MS. HAUSER: Let me just answer it this
way, for the moment. I think you -- it's appropriate to
ask Doug to reduce deviations as far as possible. I
think when you get back into your next meeting, it's
probably a better time to address that more
specifically.

COMMISSIONER MINKOFF: Will you be able to
point to, advise us a little more thoroughly?

MS. HAUSER: Yes. It's just not something
I would do at this point.

COMMISSIONER MINKOFF: Fine.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: This may be -- I don't know who the question is for, could be Doug, could be our attorneys.

What range of -- I guess what range change do we expect could occur based on the minority block analysis Dr. Handley will be presenting? Is it subtle changes we'll be looking at or could there be changes of a couple thousand people? Where I'm going, do we need to go to the finest fine-tune, utmost degree, when have to make changes after we hear the presentation next week?

CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Chairman, that's not really a question for Doug at this point. It is something Dr. Handley is working on, and she is going to be helpful to the Commission on whether or not the changes you made to satisfy the DOJ objections that were acceptable to the court, in her view, will sustain those districts through the next preclearance process. So at this moment I can't give you a specific answer as to whether or not the changes would, if any, be minimal or not. It's another one of those things that will be on
hold until the next meeting.

CHAIRMAN LYNN: In fact, we still have to order that work to be done. We'll do that subsequently. We have a motion on the floor that deals with an attempt to reduce population deviation to the extent that those changes are benign with respect to other goals of the Commission under Proposition 106.

MR. JOHNSON: Mr. Chairman, my thinking is, of course, is to follow the same procedure we did before. I'll specifically say the deviation in this district, reduced to this amount, had this impact, so the Commission is the one making specific district-by-district choices as before. The reference to me making judgments --

CHAIRMAN LYNN: It is, in fact, a process. You propose, we will dispose.

Further discussion on the motion?

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.

Next, if we have instruction for
Mr. Johnson on administrative clean-up, avoid population
traps and corrections to resolve differences, should
there be any Census boundaries, municipal boundaries,
those kind of things we should ask administratively be
done any time mapping is changed.

COMMISSIONER ELDER: So moved.

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork?

COMMISSIONER HUNTWORK: How much time does
that take and should it wait until we're really done,
Doug, until we have tests on Districts 6, 11, et cetera,
we're still looking to? And should we wait until that
before we do this level of fine-tuning?

CHAIRMAN LYNN: Mr. Johnson?

MR. JOHNSON: Commissioners, my suggestion
would be -- I think I have enough time to get the tests
fully done and do clean-up, if the Commission decides
not make any changes as a result of next week's
meetings, so we're ready to go. If I have a sense
there's not time, clearly I'll concentrate on getting
tests done rather than clean-up. I'll do the tests. I
think there is enough time for both.

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CHAIRMAN LYNN: Trying to get as much done in the time we have, meetings as possible. Mr. Johnson clearly understands the priority.

Further discussion on the motion? All in favor, 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.

Instruction that Dr. Handley review opportunities of minorities to elect under the 2002 map, or the interim map, and to do the same thing for any of the tests that we have ordered be refined today, those two areas, both the interim map and potential of the changes we have ordered Mr. Johnson to look at. Dr. Handley will be with us next week and will be reporting on those findings, should we give her that instruction in person.

Is there a motion to that effect?

COMMISSIONER MINKOFF: So moved.
CHAIRMAN LYNN: Second?
COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: We tried hard to not make changes affecting the Voting Rights Act districts. I'm wondering if any of the tests that we're looking at would have any such effect.

CHAIRMAN LYNN: I'm just saying to the extent any do, she would also look at those.

COMMISSIONER HUNTWORK: Fine.

CHAIRMAN LYNN: I didn't want to preclude anything. Have a full report.

Further discussion on the motion?

If not, all 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.

Ladies and gentlemen, that exhausts my list of things we need to do this week.

Let me ask first, is there any other

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business from the Commission?

Mr. Johnson, anything further from you?

Ms. Hauser, anything further from you?

MS. HAUSER: No.

CHAIRMAN LYNN: Mr. Echeveste, anything from the Director?

MR. ECHEVESTE: No.

CHAIRMAN LYNN: Clearly unless the one member of the public wishes to speak, I'd be happy to hear from her if she does, then it is my understanding that we will or have noticed -- I guess we have noticed.

MR. ECHEVESTE: It's done.

CHAIRMAN LYNN: -- a meeting.

The Commission will stand adjourned until Tuesday, the 18th, at 1:30 in the afternoon at this location.

The Commission is adjourned.

(Whereupon, the Commission adjourned at approximately 2:45 p.m. to reconvene on June 18, 2002, at 1:30 p.m.)

* * * *

LISA A. NANCE, RPR, CCR NO. 50349
Phoenix, Arizona
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 140
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 27th day
of June, 2002.

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

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