The State of Arizona Independent Redistricting Commission convened in Public Session on June 18, 2002, at 1:30 o'clock p.m., at the Wyndham Buttes Resort, Kachina Ballroom, 2000 Westcourt Way, Tempe, Arizona, in the presence of:

APPEARANCES:

CHAIRMAN STEVEN W. LYNN
VICE CHAIRMAN ANDI MINKOFF
COMMISSIONER JAMES R. HUNTWORK
COMMISSIONER DANIEL R. ELDER
COMMISSIONER JOSHUA M. HALL

ADDITIONAL APPEARANCES:

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

ATWOOD REPORTING - LISA A. NANCE, RPR, CCR
Phoenix, Arizona
SPEAKERS FROM THE PUBLIC:

MAYOR JOSEPH DONALDSON, Flagstaff

DAVID CANTELME, Counsel, Flagstaff

PETER MORAGA, Minority Alliance

HELEN PRIER, Director, Phoenix Historic Districts Coalition

KEN CLARK, Asst. Director, Phoenix Historic Districts Coalition

PAUL HEGARTY, Democratic Party

JUDY DWORKIN, Counsel, Navajo Nation

SCHEDULED SPEAKERS:

MR. DOUG JOHNSON

DR. LISA HANDLEY

ATWOOD REPORTING - LISA A. NANCE, RPR, CCR
Phoenix, Arizona
CHAIRMAN LYNN: Good afternoon. We'll call the meeting to order.

For the record, roll call.

Mr. Elder?

COMMISSIONER ELDER: Here.

CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Here.

CHAIRMAN LYNN: Mr. Hall?

Roll call, Mr. Hall.

COMMISSIONER HALL: Here.

CHAIRMAN LYNN: Mr. Huntwork?

MR. HUNTWORK: Present.

CHAIRMAN LYNN: Chairman is present along with legal counsel, NDC, and with NDC staff.

A little housekeeping, ladies and gentlemen, just to give you a sense of the schedule, we will be meeting as long as we need to meet this afternoon. There will be a point there will be a natural break because of the consultants. We'll give
instructions to the consultants at which point we'll recess and reconvene tomorrow. That depends on how extensive instructions are and how much time consultants need to prepare.

We are prepared to finish sometime tomorrow. That means it could be sometime early Thursday tomorrow as well as late tomorrow evening. It doesn't necessarily have to take that long, just depends on all the various factors we're dealing with.

As is the custom in this phase of our work, we will listen to comments from the public periodically throughout the time we meet in deference to the fact people are on various schedules and those that wish to address us can come to any of the sessions and do so.

I have four speaker slips to begin the session this afternoon.

If anyone is present that wishes to address the Commission, they need to fill out one of the yellow speakers slips which can be found in the rear of the room.

The first speaker this afternoon is Mayor Joseph Donaldson, Mayor of the City of Flagstaff.

Mr. Mayor, good afternoon.

MAYOR DONALDSON: Good afternoon.
Thank you, Mr. Chairman, Commissioners, for the opportunity to address you once again and present an alternative proposal. I believe this proposal addresses the Proposition 106 criteria and many of the specific concerns that have been brought before you, namely maintaining the Tri-Cities area, strengthening voting age population in District 1, specific needs of Tucson and Pima County residents, recognizing the importance of rural districts, as well as maintaining Flagstaff and its metropolitan planning organization whole and with communities of interest.

I request at this time our presentation be made by Dave Cantelme. At the conclusion of Mr. Cantelme's presentation, after the Commissioners have had an opportunity to ask questions, I further ask the Commission to provide direction to NDC consultants to run the tests on this proposal. I believe the proposal meets the Proposition 106 criteria.

I've come to understand the importance of professional expertise in the tweaking of any map. Thank you.

Mr. Cantelme.

MR. CANTELME: Thank you, Mr. Mayor.

Thank you, Mr. Chairman, and Members of
the Commission.

If I may approach, Mr. Chairman, I have a written submission I'd like to present.

CHAIRMAN LYNN: Without objection.

And also, I've got, Mr. Chairman, we are somewhat low tech, unfortunately, I have a map here. If I could position it more closely so the Commissioners might see it, so you can take the geography down, so you can see the map and also the Power Point.

COMMISSIONER MINKOFF: Move that way.

MR. CANTELME: Is this better?

MS. HAUSER: I'll get up and move.

MR. CANTELME: I'll get up and move.

COMMISSIONER MINKOFF: Thanks.

MR. CANTELME: What we've taken in mind, and we very much appreciate the opportunity to make this presentation. I'll need to qualify it. May I come down here, if that's all right, so I work with the map?

CHAIRMAN LYNN: I think the amplification is not necessary, or we can let you have one of these, Mr. Cantelme. I don't want anyone in the audience to miss what you are saying. You can use one of the microphones from the dias.

MR. CANTELME: Thank you, Mr. Chairman,

Members of the Commission.

ATWOOD REPORTING – LISA A. NANCE, RPR, CCR
Phoenix, Arizona
What we've done is to the best we can to respect communities of interest, satisfy the constitutional requirements, satisfy voting rights requirements, and to draw districts that represent natural historical communities of interest. We had taken the initial DOJ adjusted map, and we've tinkered with it. There's a template we started with. We have not run this through the computer. We think the figures are accurate. It's done from the US Census website, and hand calculations and a calculator. They do need to be verified.

First, what we have done is made one district out of Yavapai County. And to do that, what we've done is taken your District 1, and we've added all of Yavapai County to it. And in addition, Yavapai and Coconino Counties bisect Sedona. The majority by far, to one majority, is Yavapai. Added all of Sedona to Yavapai County.

We made a lot of additions and changes to this, which we'll come to in just a moment.

Now I'll go to District 2. And District 2, we have option A and option B, depending on where you place the Hopi Reservation. If you place the Hopi Reservation in Coconino County, then you take the area in Coconino north of District 2, this area here, and it
goes to District 2. If the Hopis stay with District 2, this area comes down in Coconino County.

COMMISSIONER ELDER: Does that include Page in that first alternative?

MR. CANTELME: Yes, it does, sir.

To satisfy the concerns of Navajo Tribes and Apache Tribes, what we've done is united them. To do that, we've add the non-Reservation portion of Apache County. And to make sure that we get numbers right to satisfy equal protection, we've taken Pinetop and Show Low and added them to District 2.

Now, District 5, we've added all of Coconino that's non-Reservation, that part of Navajo County which is non-Reservation, minus Show Low and Pinetop, and we've added all of Gila County that is non-Reservation. And we believe this creates a very solid rim country district between the rim country up here, high country of Coconino, high country of Gila, and this area of Navajo, and believe they have a real community of interest for any number of considerations.

Now, I'm not following my Power Point precisely. I feel I can make the points just as well working from the map.

What brought this about, we did a little preface before I get to the treatment of Greenlee and
Cochise. If you take populations of Yavapai, Coconino, Gila, Navajo, Apache, and you add that portion of San Carlos Apache reservation in gray, by my calculation you have the precise, ideal district for three districts plus five persons. It comes almost precisely, as precisely as human beings, I think, are capable of doing. The real question is how do you distribute the population in these five counties and reservations to satisfy the needs and wants of the reservations, of the communities of interest, of equal protection, and of voting rights. And we would submit that this plan does exactly that.

Yavapai County, by history, by demography, by interest, makes a interest. That makes sense. The Indian populations make a district. That makes sense. The rim area make a district. That makes sense. Then if you add the non-Reservation, red, in Greenlee, you'd add approximately 33,000 people to what made this nearly ideal populationwise districts.

So what we do is take these two counties and add them to Cochise in 25. And we believe this is by history, by economics, a southeast Arizona ranching rural district. This is the area that Justice O'Connor described in her book, Lazy D.

If you add these two counties down here,
however, that means you have to take from the western side, because you increase the population beyond what it should be, for equal protection. Now, in 4, we've taken off Yavapai County all together. So we propose adding essentially the Tohono O'odham Reservation plus this western portion of Maricopa County, which is not heavily populated, Gila Bend, this area through here. And if you take Ajo in the western part of Pima and add it to the river counties, to balance off taking Page, now it doesn't balance precisely but it balances sufficiently to satisfy within the parameters of equal protection. Essentially it's a northern district on the river and southern district.

Where you draw the lines, we don't say.

It's not our concern, really. We know the line must be drawn somewhere here between these two river counties, and it's within the province of the experts of the Commission. But what we will say is when you add Ajo and take out Page, you have enough population to make two districts and satisfy equal protection.

The sum and substance of it is we think you create more natural districts, resolve the problems of the Tri-Cities, Flagstaff, Navajos, Apaches, have the potential to resolve the problem with the Hopis, Graham, and Greenlee, which are treated fairly putting them here
with Cochise, and you create a very nice rim, high
country district here that makes sense.

We believe we've satisfied, and you can
see our chart the greatest deviation is minus 2.8
percent, which is old district -- which is District 4
coming down in the Mexican border. The rest of them you
can see is in the two percent variation in terms of
population.

We don't have the computer capacity to do
the other tests that would be required for the
Commission to do it's -- make an informed decision, but
we believe if you do run a certain test, you'll solve a
great deal of the community of interest problems that
have come to the fore in litigation in the state court
lawsuit.

Now, we don't think this is going to
change competitiveness a whole lot. I think 5 becomes
probably a competitive plus towards the Democrats.
That's probably not a lot different from the way old 5
had been.

1 is a Republican district, under both
versions, the existing map and our proposal. The fact
is the northwest has become a Republican area.
Historically it wasn't.

Southeast, southwest, south are Democrat
districts.

This respects the natural distributions of voting populations. We don't really affect that.

It's overall fair to Gila, Navajo, and fair to this part of Apache County. It treats Yavapai superior by far. Coconino, with the tribes, if you run the numbers on it and do the computer tests, our prediction is this will satisfy the federal requirements, voting rights, constitution, will satisfy Proposition 106 and respect to communities of interest, in our opinion, in a superior way.

That concludes my presentation unless there are questions from the Commission.

CHAIRMAN LYNN: Let us, before we ask any questions, Mayor Donaldson, did you want the floor again? Let us hear your entire presentation then ask questions.

MAYOR DONALDSON: That's the entire presentation. David Cantelme was just going to present the map we had come up with as an idea.

CHAIRMAN LYNN: Questions or comments for Mayor Donaldson or Mr. Cantelme?

COMMISSIONER MINKOFF: Is this on?

COMMISSIONER HALL: Can you hear me now?

COMMISSIONER MINKOFF: Mr. Cantelme, I
have one question that involves Voting Rights Act compliance. We currently have Districts 25 and 23 and 24 mentioned in the DOJ analysis as majority-minority districts. The new District 25 I seriously doubt is a majority-minority district. And it looks, I'm trying to find out, Ajo, I imagine, I'm guessing, may be Hispanic enough that moving it into 24 doesn't mess that up. Clearly we've lost 25 as a minority-majority district. Has it been replaced by something else, do you know?

MR. CANTELME: Mr. Chairman, Madam Vice Chairman, you have a valid concern, you are losing some stated minority population. How you balance that up, we don't know the minority population here. That would be the test. My suspicion, there's probably a substantial portion Hispanic.

What we think we can do is probably fine-tune down in the Santa Cruz area to make up that difference. So we would need to tweak through the computers, because you have a very valid concern.

CHAIRMAN LYNN: Other comments or questions for either Mayor Donaldson or Mr. Cantelme?

Mr. Elder.

COMMISSIONER ELDER: Either one. I'll put either the Mayor or Mr. Cantelme on the spot.

Do you have a preference between Hopi in,
Hopi out, and any reasons?

MR. CANTELME: Mr. Chairman, Mr. Elder, we do not. We designed this deliberately so either part would satisfy. We're friends with both the Navajos and Hopis and respect both tribes. We've given an option that resolved it either way.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Let me ask a follow-up to that. If the decision was made to adopt something like this, keep the Hopi with the Navajo, how do you get that area of Page, et cetera, into the district? We need to have contiguous districts.

MR. CANTELME: That's also a very good question.

Mr. Chairman, Madam Vice Chairman, we were informed, I can't verify this is totally correct, but we believe it's accurate, that the tribes here would just as soon go with Coconino as go over to the northeast. So the natural way, of course, would be to simply draw the line and keep all non-Navajo, Coconino, significant in 5. Now, if that's not the case, you could do a thin strip to come around connected over here, continuous, analogous to the strip here.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, just out of
curiosity, why have you included all parts of southern Apache County? We had a plan very similar to voted down, actually, last August, September, when called plan 4H, very similar, a narrow strip coming down the eastern portion boundary of the state to pick up reservations and part of Apache County. Each go in with non-Indian districts.

Here you are talking about the community of interest between Flagstaff and the Navajos, yet you put the non-Native American part of Apache County in with the Navajos when it's not necessary to do so. I'm curious what your thinking is there.

MR. CANTELME: Mr. Chairman, Mr. Huntwork, the only reason we thought so had to do with the numbers. If we don't need to to get the numbers, we're not advocating it. This -- you'll see this part of Apache goes down Navajo, Coconino, Greenlee. I'm not sure you can do that. If I'm wrong, I hope I am wrong. I think it makes sense that way. In some way we need to connect the two and also need to make it within the equal protection parameters of 171,025. If we were taking a group that can be made -- that's the sole reason for doing it that way.

CHAIRMAN LYNN: Other questions or comments?

ATWOOD REPORTING - LISA A. NANCE, RPR, CCR
Phoenix, Arizona
Gentlemen, thank you so much.

MR. CANTELME: Thank you very much.

CHAIRMAN LYNN: You also had a slip. Did you want to speak separately?

COMMISSIONER MINKOFF: Oh.

CHAIRMAN LYNN: One other quickly.

COMMISSIONER MINKOFF: Is this map in any printable or electronic format that could be made available to the Commission?

MR. CANTELME: It should be early Thursday, perhaps tomorrow.

CHAIRMAN LYNN: We definitely need it tomorrow, Mr. Cantelme.

Thank you.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Although we did vote it down last fall, show the gentleman 4H. That's what -- put it up here.

CHAIRMAN LYNN: If Mr. Johnson can find it, I'm sure we can show it.

In the interests of time, I don't want to put pressure on you, Mr. Johnson, we'll take other public comment and come back.

MR. JOHNSON: I think I've got it.

CHAIRMAN LYNN: All right.
COMMISSIONER HALL: 4G had the southeastern district similar to this.

CHAIRMAN LYNN: This is one of the proposals we had under consideration which does some of the kind of things in the current Flagstaff proposal. It doesn't quite sync up with what they are proposing.

There was the -- it was 4G, I think, was the other one that had some similarities as well.

MR. JOHNSON: It had similarities down south.

COMMISSIONER HALL: Southeast, right.

MR. CANTELME: Mr. Chairman, Members of the Commission, if I might, one last question. We do request our plan be submitted and tested, if it could be.

CHAIRMAN LYNN: The question is -- you don't have it in any form other than drawn on that map at this point with instructions how to create various districts. We'd need to create that, would we not, electronically?

MR. CANTELME: Yes, sir.

COMMISSIONER ELDER: Mr. Chairman.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: How long would it take, plus, minus precinct lines, to draw in what they
are showing on the map?

MR. JOHNSON: How --

CHAIRMAN LYNN: 4G, is that available?

MR. JOHNSON: I can look for it.

In terms of redrawing it, redrawing

four-fifths of the state, four hours, three hours, to do

a quick test. As you say, that would be without

cleaning up lines here and there.

CHAIRMAN LYNN: Why don't you, while we

take more public comment, for comparison purposes, we'll

look at that.

Without objection, more public comment.

COMMISSIONER MINKOFF: No. 4G doesn't go

into that.

CHAIRMAN LYNN: The next speaker slip I

had, Peter Moraga.

Mr. Moraga represented the Minority

Alliance.

If you would, please, for the clarity of

the Commission, since I don't know whether that's

shorthand for another group or a new group, if you at

least let us know who the group is and who you

represent.

MR. MORAGA: It's a new group that started

addressing the issue now, myself, Lee Landrum, Richard
Miranda, and other people from the community.

CHAIRMAN LYNN: Thank you.

I have a couple things.

This is a large map of what I'm going to talk about today. We brought some smaller maps you can have as I start talking about it.

CHAIRMAN LYNN: Please.

MR. MORAGA: I don't know if it's easier to look at the smaller map in front of you or larger map. We'll see what is easier. I'll walk you through the proposed changes I was talking about.

Mr. Lynn asked a direct question when I started, what is this Coalition, who are we about. It's important in the context of why did the group ask to speak today.

I'm a native of Arizona, grew up in the West Valley, currently reside in the historic community. This may not sound relevant to you right this second. It will as we go through what I'm going to talk about, what is the goal I'm going to talk about today.

Two goals we have, very important. One is to preserve the minority-majority in District 14 and the second is to keep the Historic Districts in its separate district and community of interest. And that's what we'll talk about.
The changes are very simple. If you look at the map -- and also my talking points, I can submit that as well. It walks you through the map so you have that.

On your smaller map, I put an X you'll see in the lower left-hand corner with a circle around it. That's where we kind of charge, changes are there. It goes changes from District 14 to District 15 which are --

CHAIRMAN LYNN: Mr. Moraga, I don't mean to interrupt. Changes from -- what is your starting point?

MR. MORAGA: Current, as we speak, today, Districts 14, 15.

CHAIRMAN LYNN: Is this on is that on the federal court's approved map? Is that where we're starting?

MR. MORAGA: Yes. If you start at X, that's 19th Avenue and Roosevelt, go east to Central Avenue, go north, following the blue line, turn north to McDowell, then east on McDowell to Squaw Peak, which is basically the red line, north on the red line to Thomas, and then back to 19th Avenue. Currently, that gray area between the blue line and the red line is in District 14. Our recommendation -- and it's primarily Historic
District. Our recommendation is that that be moved into District 15.

The changes to District 14, if you go to the red line, furthest on the right-hand paper, you start at Van Buren and 20th Street. Where we're adding to 14 is basically the pink square that is on the right-hand side of your paper.

What this says is that it preserves the minority-majority in District 14, primarily the Hispanic, preserves the historic communities together in District 15.

Now you ask why? And why, I started off with why I thought I made a good spokesperson for the issue. I currently live in the historic communities and grew up in West Valley. It's important both communities get represented well in the Legislature. Both communities are working hard to preserve their communities, working on common projects relevant to common communities of interest, putting together disputability of areas of history, work projects, develop common goals. Both are important. There are quite many objectives to meet. They need to be in the same areas in order to accomplish those effectively.

The second page of that map I handed you has some information. You may have more current
information than I do at this point that may adjust those numbers.

Doing that, adding the pink square on the right-hand side of the page, shifting into 15, keeping it together, increases the Hispanic representation in District 14, preserves it stronger than they are as we speak. The majority-minority Hispanic population we tried to achieve in District 15, it gives historic communities that have very different interests good incentive to continue working on community projects, continue working on what they need to get done in the Central Phoenix area.

Again, by adding that peach square into 14, shifting historic communities back into 15, it preserves the population numbers as well.

We think these are very easy, very squared-off lines. I don't think it would take too much adjustments. It preserves Historic Districts as a community of interest, preserves 14 as a minority-majority district, and it keeps the population numbers in the area consistent with where they're at today and allows those two to continue working on making their communities stronger.

CHAIRMAN LYNN: Comments or questions for Mr. Moraga?
Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Moraga, the area that you have taken from 14 and put into 15, I know the Willo District is in that and I know Palmcroft District is in that. Can you identify other historic neighborhoods bounded by Thomas Road, Squaw Peak --

MR. MORAGA: Sure. There's another speaker that can speak to that as well.

Encanto, Palmcroft --

COMMISSIONER ELDER: Could you point at the map? For those of us from Tucson, it makes no sense.

MR. MORAGA: Between the pink line and purple line here, it consists of several different historic communities. Encanto is one of them, Willo, Palmcroft, Coronado, Roosevelt, Story. Those type communities reside in this area here. Over the last -- some history for those of you from Tucson. Over the last several years, demographics have been changing significantly. Younger, professional, higher efficacy -- higher voting levels concerning higher efficacy voters mixed in trying to achieve from a minority-majority district could sway what we're trying to accomplish with minority-majority interests, cause confusion. A simple objective takes care of that,
accomplishes the objectives we're trying to achieve overall.

COMMISSIONER MINKOFF: To clear up somebody else's question somebody was asking, those districts on the map are districts you are recommending?

MR. MORAGA: Yes.

COMMISSIONER MINKOFF: The other ones, red ones, are what's approved by the court for 2002?

MR. MORAGA: What is approved is green, the pink is recommended, blue is recommended.

COMMISSIONER MINKOFF: Currently in 14, not 15.

MR. MORAGA: What we tried to do was impact only 14 and 15. We tried not to go into other districts in order to make this happen. We tried to keep it as simple as possible with a small amount of changes and still meet the objectives of both the minority representation as well as population numbers and community of interest.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, Doug, would it be possible to bring up the most recent map of that area, 14, 15?

MR. JOHNSON: Recent, 2002, or last week's tests?
COMMISSIONER ELDER: Both.

MR. JOHNSON: Sure.

COMMISSIONER ELDER: Made modifications to 14, 15. I want to see where those fit in the court approved, modified plan, and this plan.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Doug, this is below the line. It wouldn't affect the changes between 15 and 11.

COMMISSIONER ELDER: I thought we made a change there to move that line, the southern part of 15, but I'm not --

COMMISSIONER MINKOFF: North.

COMMISSIONER HUNTWORK: 15 and 11.

COMMISSIONER MINKOFF: It wouldn't impact this at all.

MR. MORAGA: Yeah.

CHAIRMAN LYNN: So we're clear, Mr. Moraga, do you have the pointer, Doug?

Just so we're clear, using the map on the projector, I think what you are asking is that horizontal line separating 14 and 15 be dropped, lowered, to the alignment you show on your map, then adds a substituted area for the population extending that district eastward?
MR. MORAGA: Right. Exactly.

CHAIRMAN LYNN: Is that correct?

MR. MORAGA: Exactly.

CHAIRMAN LYNN: So the lower part of 15 east of the dividing line between 14, 15 would become part of 15. And 15 would drop to an alignment -- I guess it's just below the freeway?

MR. MORAGA: Right. Taking this out, making that 14, taking pieces of that and putting it in 15, that's what we want.

CHAIRMAN LYNN: Commissioner Minkoff.

COMMISSIONER MINKOFF: Related to that, this is something we're considering, that's all. This is just on the table as something we're considering. Would you confirm for us whether the change you are proposing has any impact on -- basically this shows changes in 11 and 14.

MR. MORAGA: 14, 15.

COMMISSIONER MINKOFF: This map change we're considering, we said we'd keep on the table at the last meeting, just involves a change in 11, 15 designed to increase competitiveness. What I want you to confirm, what you are proposing doesn't affect that at all?

MR. MORAGA: Right. I understand that it
CHAIRMAN LYNN: Ms. Hauser.

MS. HAUSER: Mr. Moraga, are you a candidate for the House in District 14?

MR. MORAGA: I am a candidate for the House in District 14.

MS. HAUSER: Thank you.

CHAIRMAN LYNN: Other questions or comments?

Thank you, Mr. Moraga.

MR. MORAGA: These are my talking points.

CHAIRMAN LYNN: Thank you.

May I also have your map or -- shall we just stick to these?

MR. MORAGA: No. You can have those, too.

CHAIRMAN LYNN: Thank you.

We also have two other speakers which are on, I suspect, a related topic, if not this topic, one closely related, from Helen Prier, Phoenix Historic District Coalition, PRIER.

Good afternoon.

MS. PRIER: Yes. I'm speaking on the same subject.

I'm the Director of the Phoenix Historic District Coalition, have lived in one of the Historic
Districts for eight years. And five years ago, we being
the leaders all the Historic Districts in Phoenix,
numbered 22 at the time, decided to put together a
Coalition to work on common issues relating to all
Historic Districts, as it happens, over the years, it's
related to all the inner city neighborhoods bordering
Historic Districts.

So when we saw the map that basically cut
us in half, we were pretty concerned about that. So we
wanted to come up with an alternate plan that would keep
us together and so that we can move forward on our
common issues.

You were presented with a Power Point
presentation some time ago about the Central Phoenix
Historic District Plan. I don't know whether you recall
this document.

At that time, the presenter went through
the issues that we addressed. Some of them that are
being involved with the Coalition started the Coalition,
and I'm currently Director of the Coalition again.

What I want to do is draw your attention
to a map we came up of the Historic Districts. I'll
pass it around. We've done an overlay, outlined what
Mr. Moraga came up with, to show you the impact that
would do to the Historic Districts. It would pull them
all together with the exception of a few outlying, a few very small Historic Districts, which even though perhaps out of District 15, they're still reasonably contiguous with other Historic Districts. 12 more Historic Districts will be added to the roster. I put those on there in yellow highlight. You see it's growing and growing in the central area.

We want to keep the districts together for all the reasons we discussed in the Power Point. I could go over it again, but if you recall, we have -- the Coalition has worked together on all of the issues, including blight, crime, store situations, forums on increasing shopping opportunities in Central Phoenix, in-fill, blight, transportation issues. And we all work together on those.

I'll leave it to Ken Clark, who is with us, to discuss with you some of the other issues we've been working on and some other district plans we've come up with, not this particular redistricting but others, to show we're constantly working on central districts together because of common interests.

Let me give you this so you can pass around the map.

COMMISSIONER ELDER: Can I see the other map, also, the fold-up?
MS. PRIER: Sure. This was a historic document to promote Historic Districts. This one has in yellow the new ones coming up.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I was going to ask to see the map. We have both versions over there. Maybe share one with us over here.

MS. PRIER: The squiggly line on that indicates the new district down here, where it cuts over.

CHAIRMAN LYNN: Other comments or questions?

MS. PRIER: I think they're looking at the map.

CHAIRMAN LYNN: Ms. Prier, thank you very much.

Next speaker is Ken Clark, also representing the Historic District.

MR. CLARK: I'm the Assistant Director of the Historic District Coalition, a candidate for the State House in District 15. I live in the area north of where we're talking there.

At this point, I'd reiterate, go further into what Helen Prier said, to add that in the past, and certainly in the Phoenix Redistricting process, we've
played a prominent role in attempting to keep these historic neighborhoods together. I do have the -- one example, one of the proposals we've done in the few hours we had in time to get ready for the meeting today. I'd pass that out as well.

Our attempt was try to keep more or less a central city district. We believe, as some were saying, again, there are many common districts. This area here, as you'll see on the map I just gave to you, has a majority of the Historic Districts in them.

There are other issues as well as I'd draw your attention to. Transportation, a new light rail system coming in, I'd point out on paper, follows along here, would come up here and come -- take in a great deal of now 15, this area here, we're hoping to encourage you to move over to 15, place on that.

We had a forum on the light rail with the Historic Coalition not three months ago, addressed many of concerns of the oncoming light rail.

Representatives of many of the Historic Districts you see on the map were present at the forum present to have input like that to talk about the issues.

That's just an example of the kind of in-fill issues we believe we'll better be able to
address if we have many of our historic districts
together in one district.

Whether you were to leave 11 as it is
along Camelback, as you have on the table now, or
whether you would keep District 15 as it is with that
area up there along I-17, I don't know if we have a
comment on that. We certainly are fully in agreement
with Mr. Moraga this area right here should be part of
District 15.

CHAIRMAN LYNN: Comments or questions for
Mr. Clark?

Mr. Clark, thank you. We'll take any
information.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well,
Mr. Chairman, Mr. Clark, Mr. Moraga, I live in the area
you are talking about. I understand exactly what you
are saying. One of the thing that happens in some parts
of the city when divided by a line like this, you get
more representation by having two representatives. One
of the points the Coalition made a few weeks ago, they
felt there was compatibility between the Hispanic
minority agenda and historic neighborhoods. As a
resident of the area, I didn't disagree with that. The
face on other side of the coin, concern is we
deliberately set out to create districts that had 55 percent Hispanic voting age population.

I can readily see you united the Historic Districts, probably did a better job uniting the southern community, southern tier. Do you have any idea what you might have done to the Hispanic voting age population in District 14? Have you set it up to 58, 59 percent? Or what have you done to that we were trying to balance carefully in our previous iterations.

MR. CLARK: I might pass off to Peter. Numbers we came off, our interpretations do a better job creating a minority-majority district on the plan presented here than on the screen.

COMMISSIONER HUNTWORK: Meaning more concentrated.

Yes. Peter has the numbers. Let him use them.

MR. MORAGA: Yeah. Second page. You may have that a little better than we do. Don't adjust up or down that much.

We feel -- we worked to maintain the integrity of a minority-majority district in 14. That was one of the goals.

CHAIRMAN LYNN: If I read this correctly, took a quick look, total Hispanic percentage likely from
your mapping, one could assume VAP would also go up a little over whatever bench mark was.

COMMISSIONER MINKOFF: About 7,600 additional Hispanic voters. How total population is changed, with 7,631 addition.

COMMISSIONER MINKOFF: What is percentagewise in --

COMMISSIONER ELDER: Total minority, 75 percent, according to this.

COMMISSIONER HUNTWORK: Our approved.

COMMISSIONER MINKOFF: 61.48. Total VAP?

COMMISSIONER HUNTWORK: No. I wanted total.

It will go up three percent, basically. The question then will be -- go from 55 to 58 percent.

CHAIRMAN LYNN: 55, 58.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: Next speaker slip, Paul Hegarty.

Are you representing yourself or anybody else, clarify that. We're happy to take it either way.

MR. HEGARTY: Paul Hegarty, an Arizona resident since '76, Political Director of the Arizona Democratic Party, also became one of the more vocal people, self-appointed. We believe people that voted
for Proposition 106, care about the most, that's competitive.

First of all, I want to recognize what a daunting task you have, all you had to do, as far as the Commission in putting together political maps, had been problems, hurdles throughout the process.

We've gotten to the end, the biggest challenge, competitiveness. Even though it seems a simple task, to candidates more than the two candidates being in an election, a fair chance of winning a district, it's hard to actually define what a competitive district is. It's also hard to create one.

Knowing we've gone through a lot of different models, a lot of different computer programs, AQDs, Judge It, guesswork, and things like that, I'd ask you if you'd consider waiting until after the election cycle. We now have maps out there, have one of the most competitive -- major party competitives in statewide districts, Congressional Districts, and the majority of Congressional Districts. Provides good opportunity to wait until after primary elections, after general elections, find out after elections what is competitive, one step from the computer models, everything you've been doing here.

On that note, though, if you do all

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Phoenix, Arizona
continue, I do ask one more time as going through here looking out to describe which districts make it more competitive, which change in the maps. A bigger district, competition doesn't come down. Individual districts, competitive, do stay, don't give a lock to one party. A lot of things voters believed, they wanted to take redistricting out of the basement of the Capitol, from whichever party is in control and could not make sure solidified, having control the last 10 years, borderline on that, Republicans having numbers half solid Republican, don't start making Democratic districts, making more competitive, looking for the bigger picture, give options to Democrats, Republicans, third-party emerge, have a tie in the Senate and House. We believe that has made great strides this year. Thank you.

CHAIRMAN LYNN: Thank you, Mr. Hegarty.

Questions or comments?

COMMISSIONER HALL: As you were utilizing this, as everybody is, in an effort to assign some measurement to what is competitive, I don't know whether you were here, don't believe you were here last week when Dr. McDonald was making his presentation providing analysis in that area on the procedure, process, analysis he uses, called Judge It, as you are well
familiar. I'm just curious. In your opinion, is that an accurate information tool?

MR. HEGARTY: Probably the most accurate information together out there. What I've seen, it's the best one used so far. I know that is a unique field. If Judge It were the one used and a consistent factor for that, that would be the best guess.

COMMISSIONER HALL: Thank you. Appreciate that.

You made -- also mentioned, are you aware what the registration spread is after you take out the majority-minority districts?

MR. HEGARTY: I don't quite understand.

COMMISSIONER HALL: There's an approximate five-point spread in the State of Arizona after you take out majority-minority districts that now have been approved by the three-judge federal court panel. Remove those, if you will, and hold them separate, are you aware what the party registration difference is not considering those?

MR. HEGARTY: I do not know.

COMMISSIONER HALL: Pardon?

MR. HEGARTY: I do not know.

COMMISSIONER HALL: It's 16 percent. I guess, what is curious to me, I concur with you 100
percent we want to have as many competitive districts as possible. What -- speaking for myself, and I think fellow Commissioners, what we're struggling with is ways to find more Democrats. Or, to put it bluntly, while I may have suggestions later on, a registration campaign, nevertheless, we are where we are.

The follow-up question is what suggestions do you or do the Democratic Party have? We spend hours and numerous days working on this very, very important and difficult issue. I guess what we're looking for are suggestions. My question is why doesn't the Democratic Party have more specific answers for ways to do that?

MR. HEGARTY: I don't have specifics here. We did submit maps early on. With the role of the Democratic Party, we felt it might be tainted in some motions. Put stuff out early on, worked with groups, you did work with things, others have. The whole northern region, better regions, Native American populations, districts heavily favored toward one party or the other. Take the northern region, I guess 2 and 1, find a way to bring both -- make a little, both, competitive in both districts.

You all talked about areas in Tucson, 26, 28, 30, that there are probably ways. Unfortunately, Tucson is more dominated -- all of those lien toward one
party in Tucson, one of the few counties, a strong Democratic position. With growth down there, there might be ways to do that. I know it is a challenge. If you like specific districts, I know we're in a position now, the field early on, and have realized, we, as a Democratic Party; it might be too difficult for the Independent Commission as well.

CHAIRMAN LYNN: We certainly appreciate that comment, because it -- it is part of the record and it's been a difficult thinking of a way. We know the party does have interests different from the Commission's and respect that. The difference is as we work those and still maintains an independent perspective.

MR. HEGARTY: I agree, a tough task.

CHAIRMAN LYNN: Appreciate your recommendations or comments.

Thank you, Mr. Hegarty.

The last speaker of this session, again, we'll accommodate public comment as much as feasible, is from Judy Dworkin representing the Navajo Nation.

MS. DWORIN: Good afternoon, Commission members. Thank you for the opportunity to speak this afternoon.

I don't think I need to tell you the
Navajo Nation's position is to have a robust Native American district.

I had an opportunity to meet with Flagstaff earlier today. Although my client has not yet had an opportunity to review the map, but I believe that the Flagstaff proposal has merits and we would urge the Commission to give it further analysis and evaluation. Obviously, with respect to option A or B, the Navajo Nation is clear with respect to being with the Hopi.

That's the end of my presentation.

CHAIRMAN LYNN: Mr. Johnson --

Mr. Huntwork, absolutely.

Ms. Dworkin, would you entertain a question from Mr. Huntwork, please.

COMMISSIONER HUNTWORK: One of the problems that we're struggling with is how much is too much. To analyze the district and Voting Rights Act, we want to make sure the numbers are sufficient to be effective and not so great as to pack a district and deprive a population of influence outside of that district.

As you know, I'm sure we have that issue coming up throughout the Central Phoenix area and other parts of the state where the effort, at least by many, is to reduce the number of Hispanic voters in districts.
so that they have broader influence outside the
district.

We've had negotiation with the Coalition
whether it should be 55, 56, 59 percent Hispanic. The
district you are proposing, Flagstaff proposing, is at
least 70 percent, I think, I believe the numbers are
higher than that, voting age Native American population.
That number seems inordinately high from a Voting Rights
Act perspective. Community of interest perspective is a
totally different analysis. It also leads too much
higher numbers for Hispanic voters in Central Phoenix.
I guess my question is, how do you analyze that? Where
do you come on it?

MS. DWORKIN: Of course, my concern is
only with respect to Native American population. And
the plan adopted by the Commission, I'll comment
specifically on the Native American issue.

I recall your comment last week,
Mr. Huntwork, with respect to packing of that district.
I think you used the word "packing" last week. We do
not believe that the issue packing applies to the Native
American majority-minority district because the concept
of packing has with it the concept of unpacking so that
there can be influence or a second minority-majority
district. There is, as you know, no way to create a
second Native American majority-minority district. So
the issue is completely the issue of allowing Native
Americans to have an opportunity to elect a candidate of
their choice.

The Apaches have never been able to elect
an Apache representative and have expressed to the
Commission, in court, and, I believe, during the
Commission hearings, an interest in being in the same
district as the Navajo Nation so that they would have an
opportunity to be represented by a Native American,
whether that person is an Apache, or Navajo, or some
other Native American, it would be, most likely, a
Native American. So that I believe is responsive to
your issue.

We do not think that there is a packing
issue in the State of Arizona with respect to Native
Americans due to the fact there can only be one Native
American majority-minority district.

COMMISSIONER HUNTWORK: It is responsive.

I appreciate that.

I want to ask you a follow-up question.

I've stated many times and I'll state again, I don't
think there's a more important question we've faced
throughout entire process, at least in my mind, than
this one right now. It did seem to me we had evidence
that the Apache tribes had influence in District 5. In fact, if you took them out of District 5 -- District 5, by our analysis, is a very competitive district by being Democrat. If you look at it, the Apache Reservations would be the marginal tilt point between probably a Republican and Democrat district. It seems to me that they have, by their own definition, they have influence in that district. From what you are saying you would, I surmise, disagree with that. It seems to me they must have influence there and there must be evidence in the transcript as well.

MS. DWORKIN: I guess the only thing I can say is in preparation for the state court litigation, under Section Two, the San Carlos Apache Tribe representatives had indicated there is not that sort of influence and have expressed a clear interest in being with the Navajo Nation.

COMMISSIONER HUNTWORK: What about the White Mountain Apaches?

MS. DWORKIN: The White Mountain Apache we have not been in anywhere as close contact with. The one thing that has been absolutely crystal clear and not -- has not changed from day one is that the White Mountain Apache tribe and San Carlos Apache Tribe want to be in the same district. And the San Carlos Apache
Tribe has been committed to being with the Navajos. The White Mountain Apache tribe has been committed to being with the San Carlos.

I believe that the information that the Commission has received from White Mountain has been several different types of responses that say we like our neighbors, we like the Navajos' plan, we like -- you know, we like Arizona, and, most of all, we want to be with the San Carlos Apache Tribe.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Thank you for your comments.

As you know also, there are some issues relative to drawing district on the basis of race. I wonder if you had a comment relative to that.

MS. DWORIN: I think that the proposals that the Navajo Nation have made, both the Navajo Illustrative Plan, and Navajo Preferred Plan, and in fact the district Flagstaff appears to be proposing, all of those districts are done in a way that do not have a Shaw vs. Reno concern to them. I think that is probably what you are talking about. I think they are all compact, contiguous, and involve bringing sort of a solid district to bear in the northeast portion of the state.
I think that even our position with respect to the adopted Congressional plan, we would be very concerned about a district that sort of reaches down and picks up by a thread the Apache Tribe. However much that would solve issue of Apaches, we think it's much more important -- at least as important to comply with other Proposition 106 requirements. Obviously voting rights has greater weight.

In creating a district, it makes sense to do it in a way that has Prop 106 requirements. We think we've done that in the plans we've proposed to this Commission and the court.

CHAIRMAN LYNN: Other questions for Ms. Dworkin?

MS. DWORKIN: Thank you.

CHAIRMAN LYNN: I have no other speaker slips for this session. We'll have others as we go forward.

Mr. Johnson, were you able to find other tests that had some of the elements of the Flagstaff plan in them?

MR. JOHNSON: Mr. Chairman, the test that we were looking for was Test G, I believe. Yeah. It did, however, have a difference. What I was trying to find was the test that had, similar to their proposal,
Graham, Greenlee, Cochise, and Apache together. I don't have that. I have one from Cochise County that is very similar. I don't have them on this computer.

MR. RIVERA: Mr. Chairman?
CHAIRMAN LYNN: Mr. Rivera.
MR. RIVERA: Mr. Johnson, how does the Flagstaff plan compare to the Navajo Preferred Plan presented by the Navajo Nation in federal court? Can you do that?
MR. JOHNSON: I do have that on here. There are some definite similarities, but I don't know how close it is.

It's significantly changed. You can see --

MR. RIVERA: Nice pointer.
MR. JOHNSON: Yeah.

You can see the -- let me make sure I have the right lines up here.
The Navajo Preferred Plan did not put Yavapai County together. That difference drives a lot of changes throughout Coconino and Navajo County and down south as well. Doesn't have the corner, southeast corner district.

MR. RIVERA: Mr. Chairman, Mr. Johnson, is this in the state court one or federal court one?
MR. JOHNSON: Federal court ones.

MR. RIVERA: Two plans.

MR. JOHNSON: There were two plans, earlier. This is Preferred and there was Illustrative.

MR. RIVERA: Neither one united Yavapai County?

MR. JOHNSON: No, this is the Illustrative Plan which doesn't unite Yavapai.

MR. RIVERA: Mr. Chairman, can I ask Ms. Dworkin if she remembers off Navajo whether either one of them united Yavapai County? Since she won't talk to me, I have to ask you questions.

MS. DWORKIN: This may be a difficult way to get -- unusual way to get to the answer to your question, but when I talked to the attorney that represented, I think, the Tri-City area, I believe that -- I recall my conversation saying that the Navajo Illustrative Plan included Verde Valley, and Chino, Prescott Valley, and Prescott in the same district. I don't know if it included all of Yavapai. Verde Valley and the Tri-Cities are in the same district. But the Navajo Preferred Plan did not. I think neither included all of Yavapai County.

MR. RIVERA: Thank you.

Mr. Chairman, if I continue, hopefully to
make it easier --

These not for you, Ms. Dworkin, let me ask Mr. Johnson some questions.

MS. DWORIGIN: Okay.

MR. RIVERA: So the Commission can look at similar figures without evaluating the whole plan, show the way how similar in Navajo, Apache, in the Native American percentage? Is there a way -- is it similar enough you can present the Commission figures from the preferred map instead of going back and looking at this? If you can't answer that, that's fine.

MR. JOHNSON: The preferred Legislative plan doesn't include Havasupai and Hualapai Reservations, and it would be different, neither are anywhere where close down south in the Cochise area. They are not very comparable.

MR. RIVERA: Okay. Thank you, Mr. Chairman.

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

COMMISSIONER HALL: Can you run the numbers on that test provided by Cochise County? As you indicated, one of the Cochise County proposals, southeast Arizona, are almost identical. I don't know if you ever ran numbers on it. Effectually, what they

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have in district numbers, District 2, is as Mr. Huntwork pointed out, is about the same as 4H, percentagewise.

MR. JOHNSON: In District 2, they are going to be similar; but I would have to check the numbers just to be sure, because the portion of Apache County taken --

COMMISSIONER HALL: Right.

MR. JOHNSON: Our 4H, none did we put Show Low, Pinetop, with the rest of the Apache Reservations and take the rest of the county out.

Down south, the Cochise proposals, we didn't -- it was a long time ago. I don't know if we ran the numbers specifically on those. They will be different because Cochise County did not separate Sierra Vista as the proposal today does.

CHAIRMAN LYNN: Other comments or questions for Mr. Johnson, at this moment?

I wonder if we might, before we take Dr. Handley, and that is anticipated might be as much as a half hour, 40 minutes, why don't we take a brief break now. I'd like to try to keep the break to 10 minutes, if we could, and then be back and take Dr. Handley.

Without objection.

(Recess taken.)

CHAIRMAN LYNN: For the record, all five
Commissioners are present; however, for the record, I'll point out all legal counsel are missing.

As soon as we get legal counsel back in the room --

MR. ECHEVESTE: One second.

CHAIRMAN LYNN: Let the record show we've been joined by legal counsel and can proceed with the afternoon meeting.

We would like to call on Dr. Lisa Handley.

Dr. Handley will be making a presentation this afternoon with respect to her report on racial block voting and the 2002 Legislative Map and the opportunity of minorities to elect.

Dr. Handley, welcome.

DR. HANDLEY: Thank you.

What I have done is I've been asked to review the interim plan and to offer my opinion as to whether it was sufficient or not to meet DOJ objections. And I've done some additional analysis in order to answer these questions. I'd like to spend a few minutes describing the additional analysis I did.

The first thing I did was look at some Spanish surname registration data. Doug Johnson provided me with a data base that identified the Spanish surname registered voters of
total registered voters. And I took a look at the data
base. And the assignment was to replicate the racial
block data base using this. After looking at the data
base, I realized there were serious flaws. First of
all, I merged the data base with my elections and PL
Census data base and discovered that there were hundreds
of precincts in which the number of registered voters
far exceeded the number of population, total population
in those precincts. Second of all, I did a correlation
analysis to determine how closely the Spanish surname
percent matched the Spanish surname percent of the
Spanish voting population and found an extremely low
correlation, which is not what I should have found,
indicating Spanish surname was identifying some people
as Hispanic that probably were not and, more
importantly, missing a great deal of Hispanic
population.

I did go ahead and do the 2000 analysis,
racial block voting population for 2000. That's the
2000 primary and 2000 general, most recent election,
most closely registrationless, which seems to be ballots
of early 2001. Miraculous enough, all racial
polarization I found when I used the voting age data
base disappeared, which led me to believe the Justice
Department also didn't use the data base.
The reason racial block voting disappeared were problems with the data base in not identifying Spanish surname.

I did an analysis. This analysis was not used to form any opinions other than the fact that Spanish surname registration should not be used.

The second thing I did, asked for recompiled election results. In other words, I asked that Hispanic candidates, Hispanic preferred candidates that had run in the Maricopa County area, that their election results be recompiled up to the new interim plan districts. And I got those results for a couple of candidates, for the 2000 general for Pastor and for the Maricopa County Board of Supervisors District 5, Mary Rose Wilcox, and discovered the Hispanic preferred candidate won in the interim District 13, 14.

MR. RIVERA: Excuse me, Dr. Handley, I hate to interrupt. Speak up a little or get closer to the microphone. Pretend you're yelling at students.

DR. HANDLEY: I never yell at students. I speak quietly and force them to listen to me.

As I was saying, both Hispanic preferred candidates won overwhelmingly in these districts. I've also taken a look at some of -- looked at court testimony, looked at Professor Cain's report, went back
to my original block voting analysis, and on the basis
of these things concluded that the interim plan was
sufficient to respond to the DOJ objections. It was a
reasonable alternative, reasonable answer to the
objections.

CHAIRMAN LYNN: Okay. I'm sure --

Mr. Johnson?

MR. JOHNSON: If I may, Mr. Chairman, just
so that the record is clear on all this, on the data
questions, what Dr. Handley is referring to, this is
data compiled specifically for this, not data used by
the IRC through the process or concerned about in
earlier tests.

CHAIRMAN LYNN: In fact, I believe
Dr. Handley was referring to a data base requested to be
constructed by the Department of Justice. And we
complied with that request but it was not our intent to
use that and in point of fact pointed out to Department
of Justice the data would be flawed and would not be of
much use.

DR. HANDLEY: Correct on both counts.

That is where the data base came from, why it was
compiled, and the results: It is flawed.

CHAIRMAN LYNN: I wonder, we had talked
about the possibility of at some point today holding a
brief Executive Session. I'm wondering if now might be
the right time to do it.

COMMISSIONER MINKOFF: One question that
doesn't relate to any of it.

Dr. Handley, did you commit any of this to
writing, anything you can give to the Commissioners that
summarizes your report?

DR. HANDLEY: I have a piece -- an Excel
work sheet that shows compiled election results. I also
have a chart that gives the results of the racial block
voting analysis I hesitate to turn over simply because I
know it's wrong. But other than that, nothing.

COMMISSIONER MINKOFF: Okay. Thank you.

CHAIRMAN LYNN: Dr. Handley, thank you.

We may have additional questions at some
point later, but at this point, I appreciate your
report.

Mr. Elder.

COMMISSIONER ELDER: One other question,
Dr. Handley, does the Department of Justice recognize
the flaws that you have found? Have they done the sort
of same analysis and come up with the same understanding
as far as Spanish surname?

DR. HANDLEY: One can only speculate,
having not had that conversation; but they would surely
have done just about exactly what I did and realized it
was flawed, I would think.

COMMISSIONER ELDER: Thank you, ma'am.

COMMISSIONER HALL: I make the motion we
go into Executive Session.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Pursuant to
38-431.03(A)(3) and 38-431.02(A)(4), it's been moved and
seconded we go into Executive Session.

Those in favor, say "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

(Motion carries.)

CHAIRMAN LYNN: Ladies and gentlemen, I
don't know anything about the length of it.

Traditionally I'd say somewhere between 30 and 60
minutes. That's the best I can guess at this point.

(Whereupon, the Commission recessed Open
Public Session to go into Executive Session from 3:34
until 4:32 p.m. at which time Open Public Session
resumed.)

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Phoenix, Arizona
CHAIRMAN LYNN: On the record.

We'll now take a 10-, 15-minute break in public session.

CHAIRMAN LYNN: The Commission will come to order.

For the record, all five Commissioners are present with counsel, NDC, and Commission staff.

Next agenda item I have is report from NDC on instructions, directions given to NDC last meeting to follow up on some of the issues raised at the last meeting on competitiveness and to further test certain districts for that purpose.

Mr. Johnson, are you prepared to make that report at this time?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Please proceed.

MR. JOHNSON: Mr. Chairman, if I might, over the Executive Session break I took a quick look at the Flagstaff proposal from this morning, wanted to comment on that before going to a more formal report.

As you can see on the screen, I drew District 25, just that district of the proposal, to see what impact it would have, as discussed this morning. The main thing that became evidence and I talked over with the Flagstaff representatives, and what often
happens when working with paper maps, it's difficult to
get lines exact. The way this district is as drawn,
this is 23,000 short, about a 13 percent deviation. So
to address that -- evaluate this district and decide
whether or not it reduces Hispanic voting strength in 25
or anything else, we'd first need to get it up to the
deviation range we're targeting.

I did take a quick look just to see if
that would be something easy to fix. As you can see by
rough lines and coloration, this is a very quick look,
essentially, I am able to determine it's not easy to
address that question. Through here is the appropriate
population, 178,000 people. However, drawing this has
stranded this area, the west Marana area. A plan would
have to come up to address how to reconnect those to
District 4 before we could call it population balanced
and truly appropriate for review.

I've discussed that with representatives
from Flagstaff. I suspect they'll work on that and come
back to you with a map that does that work to address
that. Right now it's not balanced enough to evaluate
whether it truly affects voting rights in the district.

COMMISSIONER MINKOFF: Mr. Johnson, one of
the things that occurred to me as they were explaining
the proposal to us, what they are calling District 25
may very well not be a majority-minority district any longer. They had taken a lot of population out of it, put into 4, Yavapai County, now western Maricopa County, a good part of western Pima County. I don't want you to spend a lot of time doing the analysis on it until we have something back from them, but do you think there's any possibility that may be a majority-minority district?

MR. JOHNSON: With reservation moving, it's a thought I had. I've not drawn any lines or tests on it. The Tohono Reservation has 10,000 people in it, compared to the rest of District 4, which has very -- a relatively very small Hispanic or other minority populations. Really Peoria dominated the district for the most part, Peoria, Buckeye. It's not going to be a significant percentage.

CHAIRMAN LYNN: Mr. Johnson, Ms. Minkoff makes an assertion, I don't doubt it a minute, I wonder if you have an opinion or are able to give us a corroboration, in the map presented by the Flagstaff representatives with respect to their District 25, in your opinion, would that drop to no longer being a majority-minority district?

MR. JOHNSON: Yes. When I put the Tohono Reservation back into it, attempt to get close to
population balance, it was a 45 percent Hispanic total population district. So it does drop below majority status. And again, they may find a way to fix that, but it's not something we could do in a short time frame.

CHAIRMAN LYNN: I understand. Thank you.

Any other questions on that issue before we ask Mr. Johnson to continue with his report?

Mr. Johnson, please proceed.

MR. JOHNSON: The set of instructions at last week's meeting the Commission issued to NDC was including finalizing Districts 11, 15, cleaning up lines, seeing if any of the other criteria could be cleaned up a little bit.

And the larger task was to mix what had been a test of 6, 7, 9, 10, and 12, and then to add into that previous test District 11, see if we could get 6 and other districts more competitive than they had been in the tests last week. I've done that and have two versions of that to show you, two choices I ran into on that.

The third was reduce deviations, primarily in areas where they were highest. And I have the tests to show you on that front.

And then in La Paz, secondary issues. One was a motion for a test uniting zero population in
Parker with the rest of the City of Parker in District 24. That being zero population contiguous, easy enough
to do that. Then a question about Rainbow Estates, a
development just south of Quartzsite and La Paz.
Let me jump into within that one first, if
I may.

MS. HAUSER: Mr. Chairman.
CHAIRMAN LYNN: Ms. Hauser.
MS. HAUSER: I saw some puzzled looks
about Rainbow Estates. That was direction you gave with
respect to cleaning up some problems that occurred with
some Census descriptions not matching with the city or
town lines. And that request would include some of the
things that were brought to our attention over the past
few months where jurisdictions found they had little
problems like that. One of those was La Paz County.
And Quartzsite and happens to have that name, Rainbow
Acres or Rainbow Estates.
CHAIRMAN LYNN: Is that a Census place
name?

MR. JOHNSON: No. A development the
County of La Paz is building.
CHAIRMAN LYNN: Thank you.
MR. JOHNSON: Not a formal motion
instruction, a question about a letter received from
I did talk to a representative of the county and looked at the maps they provided. And at issue, the issue as the county representative acknowledged is this small area just to the south of Quartzsite.

You can see the area just southwest of Quartzsite in those Census blocks. Essentially what they described is the Census map showing this neighborhood is incorrect and the neighborhood is actually to south of Quartzsite not southwest, goes along the southern edge. The other comment was this is just the first stage of a development that will take up a significantly larger area, almost halfway across Quartzsite and going through this area.

Their request was to take the whole square of land, Bureau of Land Management section, Section Seven down there, into District 3 with Quartzsite. And the challenge here is section township lines as we've encountered so often don't match Census geography.

Let me give this more perspective here as I zoom out.

The blocks that would be involved includes the one immediately surrounding what the Census shows as the development, extends south considerably, has about
19 people. The block due south of the middle of Quartzsite has about 100 people in it. Yes, 111 people in it.

So that's the challenge facing the Commission is to unite this area, you would end up with some very irregularity shaped blocks as the district border and we'd be moving about 130 people from one district to another.

It would avoid -- what the county is fearing, people on the outside of Rainbow Way, the border of the Census blocks, are in District 24. People inside Rainbow Way are in District 3. That's the source of their confusion. Given the Census lines, it's not an easy fix.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Are we over or underpopulated in either one of those districts?

MR. JOHNSON: District 3, where these 130 people went into, is 670 people short. So that would bring that closer to balance.

COMMISSIONER ELDER: My question would be, if we connected the dots or precincts, there's an in-held banana looking thing, couple other things. If you took the other precincts, tried to make it more compact, contiguous, how many people are in those
precincts?

MR. JOHNSON: One here is zero pop. Yes, zero pop. We could pick up one, illustrating before, and the inlet there, and we'd address the county's concerns about the Rainbow Way people. That would not get all the section in, all the future development in they'd like to get, but it would address their immediate concern with a move of only, I think, 13 people --

COMMISSIONER ELDER: One circle is State Route --

MR. JOHNSON: Route 95, the red line coming down the screen --

COMMISSIONER ELDER: State route 96, or something like that. I was wondering about the precincts to the west of the state roadway.

MR. JOHNSON: These are Census blocks. Let me put population on them.

COMMISSIONER ELDER: Did it really quickly, about 250 people in all of those. Makes sense to bring them all together, make it more compact, contiguous, and put it all together, bring the population deviation up?

MR. JOHNSON: It is certainly an option, would, as you pointed out, reduce deviation between the two districts. One thing would, the gray line at the
bottom, county line.

COMMISSIONER ELDER: Not split it.

MR. JOHNSON: Splitting La Paz, two people.

COMMISSIONER ELDER: 162, 5, 11, 4, five zeros through there.

MR. JOHNSON: An easy way to do those, and I did.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: You are saying do it?

COMMISSIONER ELDER: Yeah. I would move we combine the Rainbow -- was it called Acres -- Rainbow Estates along with the adjacent zero population in areas to the west of the State Route into District 3, I believe it is.

MR. JOHNSON: Yes.

CHAIRMAN LYNN: Second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: What I'm concerned about is going back. I don't know if we identified the map -- I'm concerned about doing anything other than, frankly, correcting -- looking at those areas where data
bases we had previously were inaccurate and determining
whether or not we want to make any changes on that. A
lot of things we're talking about here are beyond what I
think we should be doing. So even though this might be
a change that has some reason to do it and some not to,
I would be inclined not to do it unless we were already
changing the border for some other reason, to make it
more competitive or because the numbers we were given
previously are incorrect.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: In description, two
factors come to bear: One, the county is saying there's
inaccuracy in the mapping with the Census; and number
two, there's a strong community of interest right there
around the Rainbow Estates that should be made whole.
On those two points, primarily. If we want to use it,
unless there's an error, there's an error in the maps.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, the
other thing is I think we're at the point now except for
the interim map approved by the courts for 2002, that's
the only map we really had. We're blazing new trails
here. There's no precedent to follow. I think that any
time that you look at the map and realize that we can
make it better, I don't see a problem in doing that.
CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Well, Ms. Minkoff, I would be perfectly happy if we would have had DOJ approve our original map. I'm proud of that product. And, frankly, in many respects, it was better for those who pretended to represent other interests, including the issues of competition. And had they been supportive, it would have been more effective for them also. In light of the fact of the DOJ objection, now coming, having to increase numbers in certain districts, we're here where we are. So I'm not sure I agree with the characterization we're here to take a whole fresh look, and whatnot.

We have an interim plan in place for 2002, but essentially the last year plus of my life I've dedicated to this process I don't think is in vain. Most of what I've heard today are readdressing issues we have analyzed in intimate detail and discussed and hashed and tested to numerous degrees.

I'm not speaking necessarily to this particular point. I'm responding to what I sensed the general comment was.

The intent are compliance in every area of DOJ, to make sure every mandate is met set forth in Proposition 106, comparing the new data base received...
which corrected some errors, some errors. I think that basically, I'm still hopeful in every area we made the right decisions. I think that basically we are wanting to reaffirm, in most cases, what we've already said.

COMMISSIONER MINKOFF: We're not disagreeing, Josh. I'm saying there are situations that have been pointed out to us we were not aware of when we approved the interim map to submit to the court. We heard a couple -- several today, some of which may be doable, some may not, some may improve the map, some which don't. All I'm trying to say, I too believe we made every decision we made for the right reasons. I'm not suggesting we live with them. When things are pointed out to us, I don't think we should say we won't get into that because we've already approved the map.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: As to my previous point, it is a valid point. There appears to be a mistake here. When that happens, regardless of not wanting to do other things, I think it's appropriate to take care of things.

CHAIRMAN LYNN: Further discussion on the motion?

If not, all in favor, say "Aye."

COMMISSIONER MINKOFF: "Aye."
COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and is so ordered.

Mr. Johnson.

MR. JOHNSON: Next is going to the next test.

What happened, I went through this twofold. One, two tests I wish to show you today for your review on the competitiveness front as it affected competitiveness of various districts. Second is as machinations moved around in the competitiveness testing, another issue became clear. Where it was possible -- I have one test shows this, one doesn't, this is also for the Commission's review -- it was possible to unite significantly more of Glendale.

Almost -- somewhere between a third and half of the city's population could be united into District 9, taking a portion of Glendale in District 4, trading for Sun City. We end up with Glendale still split in a number of pieces with a large portion united in one district. Also end up with three Sun Cities all together in one district. We obviously had testimony...
both ways on the three Sun Cities. I want to present both of these for you to review.

Test one, you can see it takes District 6, actually, a little further than we originally intended in addition to taking in areas of District 11 —

CHAIRMAN LYNN: Mr. Johnson, before you go too far, give us colors versus lines and what they represent.

MR. JOHNSON: Okay. Red lines you see overlaid on the map are lines from last week's test. For example, over Glendale, you'll recognize what we're calling the Trojan horse piece there, more or less, the horizontal border between 11, and 15 as drawn last week. Colors shown underneath those are test one.

COMMISSIONER HALL: Change colors on 6 and 15.

COMMISSIONER MINKOFF: Change 15. It's the same as the one below.

MR. JOHNSON: Let me show it in Maptitude. Perhaps it will be clearer.

There we go.

So this is in Maptitude. I can zoom in and show any details you wish to see.

Essentially we had two districts last week, 10 and 12, that Dr. McDonald found were within...
seven percent on the Judge It tests. District 6, it was getting close. The goal was to see while keeping 10 and 12 within the seven percent range, attempting to make all districts competitive, see if we could also get District 6 within that seven percent range. What I have for you are two versions of attempting to do that. This one, you can see District 6 as it was drawn north of District 11 which now extends through the western piece of District 11 and actually goes down and takes up a piece of District 15. It comes down to, I'll get the street name --

CHAIRMAN LYNN: Indian School.

MR. JOHNSON: Yes, Indian School Road there and goes along Indian School over to Seventh Street.

The other piece you see here in test one, I did not make the Glendale shift in this map. As you see Districts 9 and 10, the border changed significantly, cleaning up to follow major roads, city lines, that kind of thing. The Trojan horse is gone and the border blue of 9 and green of 9, Agua Fria, Agua Fria over on the west side.

Another small change made is the City of Surprise split into three pieces. It was intentionally split into two pieces. They wanted it in two to keep
Old Surprise out of the district with the Sun Cities.
The portion of East Surprise that was with Number 9 was reunited with Western Surprise in District 4, as long as I had to make changes between District 4 and 12.

COMMISSIONER MINKOFF: Where is Old Surprise?

MR. JOHNSON: Old Surprise in District 12. Essentially just above El Mirage. I can highlight Surprise.

Old Surprise is essentially a square mile.

COMMISSIONER MINKOFF: Okay.

MR. JOHNSON: Right there. This was split off, extension of the eastern edge of Surprise, and have it all unified.

Other changes made, District 11 as it gave up its western portion to District 6 now extends north, goes to what was the northern border of 6 now. And that is -- I believe that is Bell -- oh, Union Hills, goes all the way top to Union Hills, picks up a small portion of District 11 north of Paradise Valley to increase compactness and follow major roads and took out notches.

District 10, main changes, the northern arm that went up north of Union Hills has been taken off and traded for population between it and District 9.

That's in the Glendale, Peoria areas.
District 12 and 4, there's been significant change. The reason for that is -- District 12 gave up a small area to District 10 in the eastern extension in Phoenix or Glendale. To trade off for that, it picked up essentially the western arm of Surprise and far north end of Buckeye.

Now we have Buckeye, the City of Buckeye, united in District 12 except the southern noncontiguous portion of the city. There's a large area that the population in that area and portions of Eastern Surprise equals small pieces dropped off.

So the main changes here, just to summarize, are District 6 coming down into District 11 and 15, and then the trade-offs between 9 and 10, and small changes to Districts 4, 7, and 12.

The --

COMMISSIONER MINKOFF: Are you leaving this test?

MR. JOHNSON: Yes. I have the results side by side for two tests I want to show you.

COMMISSIONER MINKOFF: Oh.

MR. JOHNSON: Let me show you where the lines go.

Test two, very similar, very similar except two changes. Number one, District 6 stops at the
border of 11 and 15. Small changes to 11 and 15 to balance more. District 6 does not go into 15. Other major change between this and test one, this illustrates where 9 picked up more than the border of Glendale, picks up a little more of Peoria, concentrate in Peoria and trades the area for Sun City. District 4 comes up, picks up Sun City and Youngtown. Otherwise about the same as test one. Trades between 4 and 11, 4 and 11 are the same, and 6 and 11 the same. Sun City, Glendale trade is the same as 6, 11. You can choose the pieces from either of the two maps or look at in them in more detail.

What we have here -- and let me pass out the data sheets. I'm handing out the Judge It tests and standard spread sheets for test one and two. You can see on the screen the progress of the tests. Both of them ended up quite similar.

Key changes, as you probably notice, District 4 is largely unchanged through the various tests. The only number that changes, other than decimal points, is the AQD copy, from the 2002 plan, three-judge panel, this election, Republican advantage, 26 percent, and it goes down to 24 percent.

District 6 is where the largest change takes place. Judge It scores Republican advantage 11
points to Republican advantage four points, spread
between the two parties so within Dr. McDonald's seven
point range.

District 7 becomes, by Judge It,
essentially unchanged; but registration AQD is slightly
less competitive, larger range.

District 9 has a similar effect. Judge It
is slightly less competitive, 11 to 12 percent spread in
registration. AQD goes from 16 to 21.

District 10 remains in Judge It seven
point competitiveness range. Registration AQD becomes
one point more competitive.

District 11, roughly unchanged. Becomes
slightly less competitive according to the three
measures.

12 we have virtually unchanged. Judge It
goes from a four-point spread to three-point spread.

Others are unchanged.

And 15 is another one with significant
change. Seven-point Judge It spread to one-point Judge
It spread and AQD from 13 to one.

And the slide goes on to show deviation.

Want me to continue on with deviation or
discuss it?

CHAIRMAN LYNN: Let's at least get the
deviation figures for these districts so we have a complete picture. Then I think we ought to talk about this before we move on to something else.

MR. JOHNSON: Okay.

CHAIRMAN LYNN: As we did with Quartzsite and Rainbow Estates.

MR. JOHNSON: District 4, same for both plans, six-tenths of one percent overpopulation. District 6, also the same for both plans -- no. I have two print-outs of the same plan here.

CHAIRMAN LYNN: Doug, need two more spread sheets for Mr. Hall.

MR. JOHNSON: District 4, six-tenths of one percent over population in test two. And it is a 0.45 percent over population in test one.

District 6 is 84 people off in test one and 40 people off in test two. So almost perfectly balanced.

The reason I should note these are not at perfect deviation, when I was working on these I stopped at major roads, city borders, and other criteria we looked at back in November. I did not have time to prepare a complete list of exactly how to get each one
to zero population deviation. That is the explanation in each case.

District 7 in test one is two-thirds of one percent overpopulated and is identical in test two.

District 9 is seven-tenths of one percent overpopulated in test one and one-and-a-half of one percent overpopulated in test two.

10, is one-quarter of one percent overpopulated in test one and a third of one percent overpopulated in test two.

District 11 is identical in both plans at a quarter of one percent overpopulated.

And District 12 is also identical in both plans at two-tenths of one percent overpopulated.

Finally, District 15 is 133 overpopulated in test one and 169 people overpopulated in test two.

You'll note all the districts I just noted are overpopulated. The reason is attempting to minimize total population in Districts 13, 14, 15, 16, each, spreading that additional population through these districts.

CHAIRMAN LYNN: Comments or questions for Mr. Johnson on these tests?

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Johnson, is it...
possible to put test one, test two, side by side on the
screen so we can look at them both?

MR. JOHNSON: Yes.

13, 14, and 16 are unchanged in both of
these, as is 17.

COMMISSIONER MINKOFF: One on the left and
two on the right?

MR. JOHNSON: Correct.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: I'm having a real
hard time seeing all this with all the different lines
on here.

I really would like to have some way to
actually look at these maps.

CHAIRMAN LYNN: Remove the old districts
and look at what he's proposed? Would that help you?

COMMISSIONER HUNTWORK: Up to a point it
would.

And I think that -- I think it's still
hard -- some of the colors are exactly the same. I
can't tell the difference between six and 10. I'm a
little bit color blind. Pastel greens, if that's in
fact yellow and green, it's hard for me to see.

COMMISSIONER HALL: Same color as money,

Jim.
MR. JOHNSON: If it's helpful, I can walk through each district.

COMMISSIONER HUNTWORK: The frustration is these are major changes I need to be able to look at and think about. I know we're not even looking at 7. 7 is twice as big as it was before. 7 has essentially become all the area out of 16 and 7. All the growth areas I know have been combined into 7.

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Mr. Chairman, Mr. Johnson, what other things do you have on your plate other than these two tests in your presentation today?

MR. JOHNSON: Just walking through the deviation adjustments I made at this point.

COMMISSIONER HALL: Mr. Chairman, I make a recommendation we break for a small period of time and allow individual Commissioners to digest in more detail, simultaneously maybe grab a snack, versus trying to digest in public, coming back in an hour or so having an opportunity to do that to some degree. I'm wondering if our discussion wouldn't be more fruitful at that time. And we'd be able to give any instructions we'd deem appropriate to Mr. Johnson so we assure we can address that.

CHAIRMAN LYNN: I'll take that suggestion
or any other.

Mr. Huntwork, do you have any alternate?

COMMISSIONER HUNTWORK: I'm concerned about a number of things. I don't have access to my computer. I can't look at them the same way as we did when we created the districts. The second time I spent a lot of time looking at districts, thought about all the testimony from communities inside of them, how far to go north, south, east, west. And there's just an awful lot of thought that went into creation of the original districts.

And seeing these for the first time, we're talking about the possibility of taking action tomorrow. For me to understand what these tests do and what they represent, I think I need to get on the computer, take them home, at least look at them overnight, and meet -- talk about them tomorrow. I don't think I could talk about them in an hour in anything like the kind of intelligence and detail we had when we made our original decisions.

CHAIRMAN LYNN: Other comments?

Mr. Hall?

COMMISSIONER HALL: Well, Jim, the challenge is that if we want any additional instruction or input or analysis on his part, that we need to order
it tonight. If we give him instruction in the morning,
he won't have sufficient time -- I'm considering the
time lengths here. You know, my -- I don't think we
noticed this for Thursday. I think we don't have the
calendar type thing.

I understand what you are saying. In
light of the fact of your supreme intelligence, I was
assuming you could assimilate that in an hour.

CHAIRMAN LYNN: Another way of looking at
the same question, this may be an oversimplification, it
appears to me the tests, both, either, in terms of gross
accomplished, we achieved two districts that are
significantly more competitive at the cost of two or
three districts that move slightly in the opposite
direction. And one way of looking at this, not in a
micro way but a macro way, is given the changes that you
observe, not that you can absolutely identify each bit
of, any change made to the original districts clearly
has the potential of having impact on one of the other
goals we've used in drawing those original districts.

The question is do the results justify the
closer look? If in fact they do, I think we need to
build into the schedule enough time for you to take that
look, understand what nuances are, where they impact,
what the changes do, and be able to comment on that.
I ask the opposite question. Do you think results justify a closer look? If they do, I think we need to figure out what way to do that. If the results are not sufficiently improving the overall condition of the map, then it may be a fruitless exercise I'm suggesting.

COMMISSIONER HALL: To restate that, I guess my perspective is that we have created additional competitive districts, and competitiveness is to be favored. I guess the question we need to answer, indeed, in our analysis, is has significant detriment been caused to the other districts. I'm just sensing that obviously one of the other goals is that of communities of interest. And similar to what we discussed in detail in the Tucson area, the feedback I am looking for are areas or communities of interest as you heard from testimony today, you know, relative to this particular discussion about those particular communities of interest. That for me was very beneficial, helpful, to some of what we heard before. I respect these particular changes. I'd welcome and appreciate input from my Maricopa colleagues as to the detail, impact of that.

I guess my question is, Jim, it seems to me Doug could sit, go through an hour, and help you in
that respect, or all of us, and come back and address
more specifics on that.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Let me respond to
that.

I think it would be very helpful for me to
be able to look at these districts and manipulate them
myself. There are things I might be interested in
looking at, aren't what others are looking at.

Do you have them put on laptops those of
us with them can share them?

MR. JOHNSON: I don't have that. I could
make a disk and put it on the computers.

COMMISSIONER MINKOFF: I'd find that
helpful.

The other thing, it seems to me this is
certainly worth not dismissing out of hand. There are
interesting things. I want to commend you for the work
you've put into it. I would like to suggest possibly a
couple things.

Number one, I think we ought to look at
these two proposals and maybe hone in on one of two
being an approach Doug should follow. I don't think his
time is utilized wisely doing two parallel instructions.

Before sending him off to do more work on this, we need
to determine what, if anything, we're going to do relative to the proposal presented changing District 14, 15 to accommodate the Historic District AUR. That would impact 15. If it makes 15 -- if it changes the composition of 15, maybe it will not have created a competitive district but a Republican district. We need that consideration. Need some decision on whether we want to proceed with testing of that proposal.

I suggest we try to make a test on areas that gives us something to look at and Doug something to work on.

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: I agree with Mr. Hall, the mandate of 106, we are to favor competitive districts where they do know significant detriment. I don't know if I can figure that out in an hour or not. I'm more than happy to try. But we gave lots of thought to that question when we drew the districts the first time. I'd hate to substitute an hour's worth of thought for a week's worth of thought with my computer and sleepless nights.

I think what we should see in an hour, or hour and a half, we'll just see.

The other thing, I'd like to emphatically agree with Commissioner Minkoff, we need to take a look
at this Historic District proposal made earlier. And there's no motion on the floor. If I just continue that line of thought, I did when we ordered the previous tests between 15 and 11, in fact, when drawing the Districts 14 and 15 lines for the interim maps, one of the premises was we weren't dividing that Historic District too badly. We have evidence now, I know from my own knowledge, we pretty much divided it down the middle. For better or worse, that's what we did. I think we really ought to consider what would happen if we did something to unite — I think this map over here on the easel was based on the interim map. I would like to see — I'd like to see what would happen if we made that same change as between 14 and 15 at the same time making the proposed change between 15 and 11. I think that would potentially provide — potentially would provide a more competitive District 11, competitive District 15, unite the Historic Districts, and provide a District 14 that more accurately reflects the Hispanic community of interest that, as spread out as it is, is truly better reflected in the proposal.

COMMISSIONER MINKOFF: Something you just said.

COMMISSIONER ELDER: Sure.

COMMISSIONER MINKOFF: Jim, you said doing
that might also impact District 11. How would that impact 11?

COMMISSIONER HUNTWORK: Haven't seen the results of the test between 15 and 11.

COMMISSIONER MINKOFF: Are you suggesting this switch might change the borders of that test?

COMMISSIONER HUNTWORK: I'm merely thinking if we combine this with the new configuration of 15 and 11, the net result be a somewhat more competitive 11, competitive 15, 14, and 15 better reflect communities of interest. I think it's worth a try.

COMMISSIONER MINKOFF: Thank you.

CHAIRMAN LYNN: Mr. Elder, Mr. Hall.

COMMISSIONER ELDER: Mr. Huntwork, if you look at the right plan, that 14, 15, probably with maybe one street offset vertical, respects that Historic District. 14 came up and 15 dropped down on the right side. We may have some analysis or data how it affects us from a historic standpoint. I think as I look at the proportions, where they are, 14, 15, the right-hand side almost reflects what the Historic District asks for.

MR. JOHNSON: Mr. Chairman, if I might, part of the confusion on the different maps, District 6, the one coming down the further, test one versus test
two, 14 is unchanged in both. The changes they are
asking for is not here. They'd be looking to bring 15
almost to the border of 16.

CHAIRMAN LYNN: Let me clear up one point.

Do you have a separate recommendation on 11 and 15?

MR. JOHNSON: No. That test is rolled
into test two. I don't have the details of what the
effect is on 11, purely because of time interests.
District 15 is as the district would be configured
solely in the test of 15. 11 is affected by 6 coming
into it.

CHAIRMAN LYNN: I want to be clear
everything is on the table. We've seen all the tests
we're going to see on these districts or are there
others?

MR. JOHNSON: These are all the tests I
have prepared.

CHAIRMAN LYNN: Okay.

Mr. Hall and Mr. Huntwork.

COMMISSIONER HALL: Mr. Huntwork, just to
serve as institutional memory, our instructions to
Mr. Johnson on Districts 13 and 14 were not to amend
them because, as a Commission, we were pleased with the
fact that the three-judge federal panel has adopted them
for the 2002 election, the Special Master of the court
was complimentary of them. And so with respect to the discussions relative to the presentation we heard earlier on the Historical District, I still have the same concern, we -- from our previous instructions, we didn't want to make changes in areas where we felt that we were -- we felt at least uncomfortable and a variety of interested parties were comfortable. That's my concern with respect to that is changing something previously this Commission and others have felt is in compliance with the Voting Rights Act. So, just for a little historical perspective, whatever that is worth.

CHAIRMAN LYNN: In terms of trying to get us past where we are and move forward, it seems to me the two issues are related. First is individual Commissioners, too, become familiar with these changes in order to comment on them and make a decision on them, should they choose to. The second is as to whether or not a majority of the Commission wishes to include in the discussion the changes proposed earlier to District 14 and 15 by the historic group and then to understand what the impact of those changes would be primarily to 14, both districts, if the changes were to be made.

So it seems to me that one does not require any more work for Mr. Johnson, the former, because the work is there, and it requires us to take
the time and perhaps interact with him individually to
get familiarized with it to the point we could discuss
it.

The other does require work of Mr. Johnson
and may impact our ultimate decision with respect to
this map if the changes, even though changes located are
confined to 14, 15, have any significant impact on
primarily 14, to Mr. Hall's point.

So I guess what I would suggest we might
do: Number one, I believe, Mr. Johnson, you've
estimated it might take, again, depending on how easily
done this might be, it might take an hour or so,
assuming things don't get terribly complex, to
effectuate the proposed change in 14, 15, should we
order it. And it would then give us an opportunity to
take a look at it in the context of other things we have
in front of us?

MR. JOHNSON: Yes. I could do it into one
of these tests or combine it into one of these tests in
an hour. Both, an hour and a half, something like that.

CHAIRMAN LYNN: Given 14 is unchanged in
both tests, it's up to us to pick a 15 we'd like to see
the test run on.

COMMISSIONER HALL: Affects 6 and
everything else.
CHAIRMAN LYNN: The change doesn't affect it. Doug can, say, only run one in an hour.

COMMISSIONER HUNTWORK: Right.

COMMISSIONER MINKOFF: Rather than 15, selecting 15 to work with, look at both maps, express a preference to one approach or the other. If he changes on one, 15, decide we like the other map better, kind of --

CHAIRMAN LYNN: My point is I'm not sure, based on the discussion I'm hearing, Mr. Huntwork, don't I want to put words in your mouth, is able to express a preference without analyzing both maps. If you can analyze both maps, perhaps he may.

MR. JOHNSON: Not to complicate further, the Commission did not rule out last week's test or the interim maps. There are four options. So you have all four.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Couple things.

Number one, I can assure you I will not able to fully assess this map unless I know what happened to District 11. District 11 was changed. I don't know what happened to it. We need that information.

How long will it take to do that?

MR. JOHNSON: Talking about if we didn't
do any of 6, 7 -- what I haven't tested, didn't do any
of the 6, 7, 9, 10 tests, left those as they were in the
2002 plan, only changed 11 and 15? That's the test I
haven't run yet.

COMMISSIONER HUNTWORK: Well, we have
original 11. We have the test -- last week's test
between 15 and 11. I simply need to know what the
competitiveness numbers are in this configuration of 11.

COMMISSIONER MINKOFF: They are here. You
have them, Jim.

COMMISSIONER HUNTWORK: They've been run
through Judge It?

COMMISSIONER MINKOFF: Yes. Test one,
test two.

MR. JOHNSON: Numbers for District 11 are
the two spread sheets. What I haven't presented, if you
didn't do 6, other changes, only did 11, 15, what would
that leave. It would be similar to last week, very
similar to last week's, I'd guess less than a percentage
point. Last week 11 was a 10 percent spread.

COMMISSIONER HUNTWORK: If you didn't make
any changes. What changes did you make to 15, 11?

MR. JOHNSON: Either the Commission stick
with the 2002 plan, or similar to what I showed you last
week.
COMMISSIONER HUNTWORK: Why do anything at all different from last week if not making other changes?

MR. JOHNSON: Cleaning up lines. Last week's session was fairly quickly done, cleaning lines, trying to follow major streets better. It's not a significant change, by "significant" meaning more than a half or one percent at most on Judge It.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I'd ask Mr. Johnson to incorporate the proposed changes to 13, 14.

COMMISSIONER MINKOFF: 14, 15.

COMMISSIONER HALL: 14, 15.

Which test is the right-hand side?

MR. JOHNSON: Two.

COMMISSIONER HALL: On test map two, and we recess for one hour.

CHAIRMAN LYNN: It's a complex motion. Is there a second?

COMMISSIONER MINKOFF: If Mr. Johnson will nod his head an hour is enough time to accomplish it, I'll second it.

MR. JOHNSON: Short of a big surprise on the lines, it should.
CHAIRMAN LYNN: There's a second.

COMMISSIONER HUNTWORK: This means the hour he'd be walking me through changes would be spent working.

CHAIRMAN LYNN: Considering the fact that we don't have, we don't have disks we can have on computers to look at these maps yet, those need to be burned --

COMMISSIONER MINKOFF: Yeah.

MR. JOHNSON: That would probably take about half hour, 45 minutes, to get created and a disk to take with you or get on your computers.

COMMISSIONER HALL: Half hour to load the computers here?

MR. JOHNSON: First you have to make export files, burn them on CD, and get on them yours.

COMMISSIONER MINKOFF: That we could take home tonight?

COMMISSIONER HALL: Take home tonight is not helping.

COMMISSIONER MINKOFF: That's what Jim is saying.

CHAIRMAN LYNN: We're not going to adopt anything tonight. Hopefully we can make enough progress so get to some decision-making tomorrow, seems to me.
Would it then make some sense to -- again, Mr. Huntwork, you would have to -- you'd have to agree to this, it seems to me.

Based on the motion on the floor, I wonder if we might work that motion to the point we take a 90-minute break. The first portion of that would be used to get test one and two onto the computers available here, and that while we then take an additional hour to look at the nuances of those tests, you could make progress on the 14, 15 adjustments part of Mr. Hall's motion.

I wonder if that might move us forward to have a reasonable discussion later this evening about what both of you would like to pursue tomorrow.

COMMISSIONER HALL: I so move and amend the motion.

COMMISSIONER MINKOFF: That's fine.

MR. JOHNSON: Probably two hours is more realistic for that.

CHAIRMAN LYNN: Then two hours. The point is to make as much progress as we can this evening before we close.

COMMISSIONER MINKOFF: We'd not be directing him to do anything on 14, 15, in this first stage or incorporated --
CHAIRMAN LYNN: Incorporated in Mr. Hall's motion is work on these adjustments for 14, 15. I'm trying to sequence it so it provides the Commissioners an opportunity to look at test one and two while that work is being done.

If I may, in terms of the motion, we'll basically take a two-hour break. At the first portion, we'll give Mr. Johnson time to get test one and two on the computers. Once that's accomplished, Mr. Johnson is free to conduct the work on 14, 15. And we'd reconvene after a two-hour period with questions on test one and two and hear from Mr. Johnson on the effects of these changes in 14 and 15.

Discussion on the motion?

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

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

Motion carries unanimously and is so ordered.

The Commission is recessed for two hours.

We'll reconvene at 8:00 p.m.
I ask, first, we really try to reconvene at 8:00 p.m. That will give us an opportunity to discuss in a reasonable manner, at least for a couple more hours while we some have wits about us this evening, and order additional work we need on an overnight basis and reconvene tomorrow. And I'd ask we promptly reconvene at 8:00 p.m. for further discussion.

(Dinner recess was taken.)

CHAIRMAN LYNN: The Commission will come to order.

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

Mr. Johnson.

MR. JOHNSON: My dinner consisted of a Dr. Pepper and a Snickers, so if I'm wired --

CHAIRMAN LYNN: That's three food groups.

MR. JOHNSON: You should have the maps on the computers and also a handout showing Districts 4, 5, 6, 7 --

COMMISSIONER MINKOFF: What?

MR. JOHNSON: No, this.

MR. RIVERA: Doug, can I have one?

Here it is.

MR. JOHNSON: I have a spread sheet showing results of the spread sheet. Kristina is making
copies now. Instructions over dinner in addition to
putting the maps on the computer was essentially to draw
the proposal that the Historical District had brought in
earlier today into test two, June 18, test two.

So wasn't feeling real creative. June
18-2-14, District 14, Historical District test.

A couple complications I ran into in
drawing this, neither very time consuming. The
description given today, described starting at 20th
Street. And actually the border was already at I-10.
That was a one block move over, zero population change.
So that was a small change from the written description
they gave us but didn't affect any population. Second
change was the far eastern edge of new District 14,
written up as 47th Place. 47th Place is only a block or
two long and the border of 16 was 48th Street. I just
used 48th Street. I'll point out differences from right
up. Both seem to be clear from what they intended.

So after drawing this, here is a summary
of the changes. And let me hand this out to you.

Let me point out these are different than
stats of the speaker this morning. This is competitive
test two rather than the DOJ plan. A couple things jump
outright away. Competitiveness based on the
registration and AQD measurements are essentially
unchanged. District 14, registration was 52 percent Democrat and -- 52.1. It's now 52.9. In District 15, Democratic registration was 40.2, now 40.7. And the AQD changes went from a 64.236 spread in 14 to 64.36, change of only a couple decimal points. In 15 it went from a one-point spread to a -- to a three-point spread, I guess that is.

So other than -- 1.23 point spread AQD in District 15 is a notable change but, again, it's still within ranges we still consider competitive.

The other issue, looking at numbers for you to keep in mind, Hispanic voting age percentages. Just to walk through essentially the 2002 plan in District 14, this is the one the Court implemented, Hispanic voting age percentage is 55.16. In the competitive test two, they showed this morning, it remained 55.16. With these changes, it goes up to 59 percent.

In District 15, in the 2002 plan, Hispanic voting age was 38.09. In the competitive test, that went down to 33.1. And with this change it goes down a little more to 29.73. Those aren't changes. The main thing, the reason I note these are just because of the 59 percent topic discussion with the Coalition back when we made the changes in response to DOJ letter, and we do
cross the 30 percent milestone in District 15 and cross
the 50 percent total minority in District 15. I point
those out so you are aware of them.
I'm open to any questions you may have on
the details.
CHAIRMAN LYNN: Ms. Minkoff.
COMMISSIONER MINKOFF: Doug, could you put
the map back up.
MR. JOHNSON: Sure.
COMMISSIONER MINKOFF: I wonder, at the
Northwestern end of District 15 there's a little tongue
south of Camelback that goes, I guess, 19th Avenue over
to the I-17 freeway. See where I mean?
MR. JOHNSON: Yes.
COMMISSIONER MINKOFF: When you put that
into District 14, which would make a little bit
straighter line, I'm not sure that that is as heavily
Hispanic population and there may be found corresponding
population to take out of 14 and put into 15 if we might
tone down those numbers a little bit? It straightens
the line and might have the other benefit as well.
MR. JOHNSON: That area -- let me see, get
the number. I think that is the northern edge of
heavily Hispanic areas. Let me just confirm that.
COMMISSIONER MINKOFF: The other
possibility, might take that area, move south and move
other population out of District 14. I think there are
ways without getting to the Historical District areas we
might be able to move back a little closer to what we've
already got.

MR. JOHNSON: That area is about 3,000
people.

COMMISSIONER MINKOFF: If that's the area
you've highlighted, not what I'm talking about. Right
there, yeah.

MR. JOHNSON: Yeah.

COMMISSIONER MINKOFF: That.

MR. JOHNSON: Actually, not as Hispanic as
I thought, 3,000 people, and 1,000 are Hispanic. About
a third. Putting that into 14 would offset that change
somewhat. I don't know to what degree.

COMMISSIONER HALL: What does it do?

COMMISSIONER MINKOFF: Accomplished a few
things, takes the jog out of there, makes the line
straighter, if we are concerned about exceeding, in
other words, not packing Hispanic voters in District 14,
it might eliminate some of that. They're now at 59
percent. If we dropped down to 58 percent or 57, I
think that they, you know, would certainly be able to
elect candidates of their own choosing but not feel
that, not feel packed.

MR. JOHNSON: Jog offsetting those two.

COMMISSIONER MINKOFF: If that's not the best way to do it, I saw that, not very symmetrical. I didn't think that heavily Hispanic, may be others to look at.

CHAIRMAN LYNN: Part of the difficulty of looking not in isolation but in combination at the two various districts.

COMMISSIONER MINKOFF: 14 doesn't change other districts.

CHAIRMAN LYNN: 15 does.

COMMISSIONER MINKOFF: Absolutely.

CHAIRMAN LYNN: Other comments or questions on this particular aspect of the mapping before we go back to overall changes?

COMMISSIONER ELDER: Say that again?

CHAIRMAN LYNN: Any other questions of Mr. Johnson on this particular part of the mapping, the question of the Historic District on 14 and 15, before we go to a more general discussion?

COMMISSIONER ELDER: Mr. Chairman, Mr. Johnson, could you put up the city limits or town limits on the west side, there, Glendale and --

MR. JOHNSON: 14 --
COMMISSIONER ELDER: Any town limits, city limits close to 14 or close on that?

MR. JOHNSON: Glendale comes in. Glendale has a small piece of 14. The shaded area you are looking at is Phoenix.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Doug, can you put up the June 14th test?

MR. JOHNSON: Overlaid or --

COMMISSIONER HUNTWORK: Separate.

You could make that same change on this test as well, correct?

MR. JOHNSON: Yes.

MR. JOHNSON: And while the end result percentages would be different, the change would be very similar.

If you look at the sheet where it says the change was -- the effect on 14 would be exactly the same?

MR. JOHNSON: 14 would come out exactly the same.

COMMISSIONER HUNTWORK: Numerical effect on 15 would be exactly the same. It would start from a different point.

MR. JOHNSON: Yes. Very, very close.
COMMISSIONER HUNTWORK: Where did 15 start in this map?

MR. JOHNSON: Sure. It started at 33.84 percent Hispanic voting age.

COMMISSIONER HUNTWORK: What about the competitiveness aspects?

MR. JOHNSON: A&D .5 percent Democratic advantage.

COMMISSIONER HUNTWORK: If reading right, 1.7 percent change from Democrat to Republican on today's test?

MR. JOHNSON: The one including the Historical District change?

COMMISSIONER HUNTWORK: Yes.

MR. JOHNSON: This one we end up with a three-point Democratic advantage. So Democratic advantage goes up by a half point over last week's test.

COMMISSIONER HUNTWORK: That's not what I was asking.

The test we did today on District 14 and 15, your 14, 15 change to June 18th test two, changed District 15, 1.07 percent. And if I understand it correctly, it made it -- that was a change toward being more Republicans and less Democrats, is that right?

MR. JOHNSON: Test two from this morning?
COMMISSIONER HUNTWORK: Yes.

MR. JOHNSON: I believe that is correct.

Yes. Went to .5 Democratic percent advantage last week to --

COMMISSIONER HUNTWORK: Not last week.

This handout here.

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: You just handed out. Lower right-hand corner, has the number 1.07 percent. What does that number represent?

MR. JOHNSON: That is the increase in Democratic percentage of AQD.

COMMISSIONER MINKOFF: Over what?

COMMISSIONER HUNTWORK: Over this.

MR. JOHNSON: Over this morning's test two.

COMMISSIONER HUNTWORK: District 15 became slightly more Democrat?

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: District 15?

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: Okay.

MR. JOHNSON: Went Democratic AQD advantage one-half one point over even to 1.15 percent over a fifty-fifty split, if that makes sense.
COMMISSIONER HUNTWORK: Okay. Thank you.

CHAIRMAN LYNN: Other questions on this portion of the mappings?

All right. Then let's --

COMMISSIONER MINKOFF: Oh.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I do have one other comment, since this test that we're looking at primarily deals with Historic Districts, if you recall, Doug, last week we mentioned Westwood Village neighborhood that had been put into District 14 despite reams of testimony they wanted to be with other Historic Districts. And we asked you to see if you could correct that, the area immediately northwest of Thomas and 19th Avenue. That may be the area to put into 15 to compensate for that northern part I suggested moving out. You know, it would have the double advantage of putting with the historic area. They asked to be with other historic areas with them. Those of you at the meeting at Phoenix Union High School Office remember how strongly they wanted to be with the other Historic Districts.

MR. JOHNSON: It is certainly something I could test.

COMMISSIONER MINKOFF: Basically between Thomas and Osborn. I'm not sure it goes all the way to
Osborn. It very well may. 19Th Avenue and I-17 freeway. I'm not sure that's all Westwood neighborhood, but there is data to explain what the area was. How much population is there? 

MR. JOHNSON: 3,000 people. Of them, 1,600 are Hispanic. 

COMMISSIONER MINKOFF: Might work. 

CHAIRMAN LYNN: Comments, questions on the larger test? 

COMMISSIONER HUNTWORK: Let me make sure I understand what I'm looking at, what you handed out this evening. At the bottom of the chart, both are entitled DAQD. Am I correct the bottom should be RAQD? 

MR. JOHNSON: Oh. That's correct. 

CHAIRMAN LYNN: Discussion on the larger area of the map, one or two? Two includes adjustments to 14 and 15. 

Mr. Huntwork. 

COMMISSIONER HUNTWORK: I did get a chance to look at this overall map, certainly not in as much detail as I would like, but at least enough to form some initial, general impressions. 

Firstly, I think that the -- I have a question for you, Doug. I think the areas of 9 and 4 that were changed here, with the Sun City change -- that
could be done in either one of the tests, right?

MR. JOHNSON: Right.

COMMISSIONER HUNTWORK: That's really irrelevant to the question of number 6, for example.

MR. JOHNSON: Relevant whether 6 stops at the border 15 or down into 15. In terms of taking a step back and drawing last week's test, I haven't drawn that. I suspect it can.

COMMISSIONER HUNTWORK: I mean between test one and six, you could have varied only 6, left 9 the same as they were. They are just interchangeable on the two tests?

MR. JOHNSON: Yes. There was population moving that had to be balanced out. It didn't call for anywhere near as significant a change in the Sun City, Glendale move. It could be done with a smaller move.

COMMISSIONER HUNTWORK: Just to understand, the difference between 6 in test one and two required you to make changes in that area?

MR. JOHNSON: Required some balancing changes, did not require a Sun City for Glendale trade.

COMMISSIONER HUNTWORK: I wanted to just understand that part of it, separately.

But stepping back and more generally, I'm very concerned about a couple of things which this map
appears to me to do.

COMMISSIONER MINKOFF: One or two?

COMMISSIONER HUNTWORK: Both of them.

Both of them. There's really no difference between them for purposes of the comment I'm about to make.

Firstly, I'm very concerned about what has happened to District 7. District 7 has become much bigger than it was before, much less compact. That would not make nearly as much difference in some other areas, but in this area it makes a tremendous difference because that is the heart of the growth area of North Phoenix. That area is growing by leaps and bounds. Both what was in our original map, or interim map, have 6 and 7 contained in very rapidly growing areas. And when we combine them both into one, I think the issue of compactness becomes that much more significant. And I think it also shades over into just a sheer question of equal population. I recognize that the population was equal at the time of the 2000 Census, but already, that area has grown tremendously. And in 10 years, over the course of 10 years, I would expect that area to be half again as big or twice as big in terms of total population as some of the other areas.

One of the issues we addressed carefully and took very seriously when we created the original map.
was trying to divide up the growth areas so that the
division of our fellow citizens to equal protection, equal
election, would be reflected today and, to the extent
possible, throughout the period that these maps would be
in effect. I, in fact, wanted to do more. I was very
concerned about District 4, and still am, but it was the
wisdom of the Commission at that time that we had done
as much of that as we could and still preserve other
values.

Another point that is extremely
significant to me is that what District 6 does there, it
created a very long north and south district. It is not
long in comparison with the rural counties of Arizona or
with 7 and 8, which contained some large unpopulated
areas to the north, but in terms of a populated urban
area, it's a very long district north and south. And it
really goes from an area up in Moon Valley, and even
beyond, takes a narrow cut down through and right into
the heart of Central Phoenix. And regardless of which
one of the two configurations we look at, this one in
test two goes south into areas that have nothing in
common with those northern areas and then it even goes
east and picks up areas that are being, at least in my
judgment, separated from other more contiguous areas
that they have much more in common with.
So I think we're dividing communities of interest that people ordinarily think of as how people in Phoenix live, and travel, and choose to group together in neighborhoods, and so on.

The third thing I want to point out is right in the middle of that district, essentially where we drew our lines in the original proposals and in the interim map, are some obvious geographical features. I'm sure they are visible from here, if we'd go out the door here and stand on the edge of the cliff and look north. But we've got essentially The Pointe at Tapatio Cliffs on 7th Street there as it winds up through that area right about where we had the line originally drawn. We have the North Phoenix Mountain Preserves in that area, golf courses, horseback riding areas, big open spaces in there, and not even that many roads uniting the two. They go from 7th Street all the way over to -- I think it might be 19th Avenue, 15th Avenue. And so there's a huge, unmistakable geographical feature right in the purported district.

Now, my way of thinking, at least, those are the criteria that we were to -- we're not to do significant detriment to any of those items that I have just listed solely for the purpose of creating a competitive district. That appears to me to be the
plain wording, plain meaning of Proposition 106. And at
least -- therefore, I would say that this District 6
does not fulfill -- it is an attempt to create a
competitive district between the second mile to
investigate what the possibilities are and see if there
is a way to do it. But at least in my judgment it comes
up against those criteria.

Thank you.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you,

Mr. Chairman.

Mr. Huntwork has made some excellent
points. I'd like to respond to them. I feel they are
all very valid, but I believe that some of the
advantages creating a Competitive District 6 trump some
of those objections, legitimate as they are.

First of all -- I remember our discussions
about trying to accommodate growth areas and trying to
plan ahead to 2010 and not have serious malapportioned
districts, which is probably inevitable, but the attempt
to minimize them is nevertheless commendable. On the
other hand, our first obligation is to follow the
requirements of the Arizona Constitution as amended by
Proposition 106. And the competitiveness clause we're
talking about says competitiveness shall be favored when
it does not cause significant detriment to any of the other requirements. One of those requirements is obviously the equal protection clause. The equal protection clause applies to a snapshot, the 2000 Census. And there's nothing in that that requires us to anticipate where future growth is going to be and to accommodate it. While I believe that's commendable, because we all do have some idea which are growth areas and which are not, I don't believe that it can be used to eliminate competitive districts. I believe that would be in violation of Prop 106. If we can create competitive districts then accommodate growth areas, I'm very much in favor of it. I don't believe we can accommodate the growth areas to the sacrifice of as competitive district. My reading of Prop 106 is that would be in violation.

Secondly, looking at these two maps, because of what Mr. Huntwork mentioned about the north-south character of District 6 under these maps and an attempt to try to create districts that work, I have a slight preference for map number two because the southern boundary is Camelback, and map number one the southern boundary is Osborn. I think Camelback includes North Central Phoenix, includes areas which really seem to fit much more closely to the northern portion of that
district than areas down by Osborn or areas down by Camelback and the area immediately by Central Avenue, part of number 6. If we choose maps on that basis, I have a preference for the second map, which addresses Mr. Huntwork's concern.

Third, in terms of geographic barriers, I recognize they exist, but looking at District 11, we have both Camelback Mountain, Lemons Mountain, and Squaw Peak through part of that district, and very different neighborhoods on either sides of those areas. We've got Sunnyslope, you know, Hatcher Road, and Central which has very little in common with Paradise Valley, and Desert Ridge, and the north Tatum Road area.

It's tough to draw a district of 170,000 people and not find yourself combining different neighborhoods within the same district and not crossing geographic boundaries. So I understand really right along 7th Street, which is the boundary of this district, between Hatcher and the Thunderbird area Mr. Huntwork is talking about, the north areas, around there, there is no real population. 7th Street, North Mountains, that forms the eastern boundary of this area. The boundary goes between The Pointe Tapatio Mountains and golf courses. I don't see that as much of a geographic boundary as geographic boundaries in 11. It
doesn't cut the district in half like the eastern edge
of District 4.

For that reason I really believe in this
approach. And we may want to tweak it and move some
things a little bit here and there, but I believe the
approach, if not the specific boundaries, is a
significant improvement, creates competitive districts
without causing significant detriment to those
considerations which we're obliged under Prop 106 to
take into account.

CHAIRMAN LYNN: I wonder if I could ask a
couple of questions. I'm asking questions for my
colleagues of Phoenix.

I grew up in Phoenix and grew up in an
area I think would be in District 6. One of my concerns
is this. What would appear to be a notch of District 11
moving into District 6, based on my recollection, unless
things changed dramatically -- actually my father still
lives there, so I visit quite often. If you were to
draw a line on either side of Central Avenue going out,
let's say, to at least 15th Avenue and 12th Street or
16th Street north, it seems to me that that is a fairly
homogeneous area all the way up to Sunnyslope. And it
occurs to me that this sort of incursion into that is an
oddity. I don't know how significant it is, but -- I'm
not sure it makes a lot of sense, because that whole
area is very continuously similar.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I'd say in broad
terms I'd agree with that up to Sunnyslope. I think
there's a big change at that point. I think there are
some nuances along the way. In general terms, yes.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Except for the area
immediately bordering Central, which is an area unique
in character, though not large enough to create it's own
district, you made a good point.

The boundary along 7th Street, maybe
consideration would be to run that straight down, take
some northern portion of this area, the Bell Road
corridor, add it to District 11; because the Bell Road
corridor is a rather similar area.

I don't know if it works in terms of
competitiveness. There aren't any voting rights
demographics to be concerned with. I don't know if it
works for population.

Doug, do you think that would change the
competitiveness of this district?

MR. JOHNSON: It certainly will change the
competitiveness. How much, I'd have to test.
COMMISSIONER MINKOFF: One of the areas to
look at.

MR. JOHNSON: Areas up north are somewhat
balanced in registration. In that, where 11 comes over,
is definitely Republican.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman,
Mr. Johnson, could you put up our, I guess, 14 -- you
know, starting place, where you took that plan and came
up, test two and test one. I wanted to see them side by
side.

MR. JOHNSON: Need to do some color
changing.

There we go.

Focusing mostly on 6 and 11?

It's a little tough to show the area side
by side.

COMMISSIONER ELDER: Discussions just
transpired concerning whatever the mountain is, relate
to where Paradise Valley Racetrack is on the north side,
so have I idea at least where it is in geography.

It almost doesn't seem like we're gaining
anything in test two over our original and losing
considerable from the standpoint of access, and
contiguosity, and compactness, and where the edges
are, and geography of the city is. We have some pretty
strong edges. We're not crossing over the freeway. The
mountains seem pretty well identified in the lower part
of District 6. I don't -- you know, is it substantial?
I guess that's the key phrase we keep batting back and
forth. What does substantial detriment mean? Just my
sense is that we're losing considerably, especially in 6
where we're not really gaining that much in the other
districts around it.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, the
area --

COMMISSIONER HALL: Go ahead.

COMMISSIONER MINKOFF: I'm just going to
respond real quickly. The area on the other side of
I-17 goes across District 11 rather than in District 6.
And it's actually a pretty unified -- it's a similar
area. The areas on both sides of the freeway from
Dunlap to Camelback are not really that different.

COMMISSIONER ELDER: Could you say that
from 36 -- no, 24th Avenue, or thereabouts, over to 7th
or 16th Street?

COMMISSIONER MINKOFF: In some areas yes,
some areas, no.

As I said before, you have 170,000 people
in this district. I don't think there's any one of the
30 districts on the map where I can't point to you areas
that are very dissimilar.

There are some, in District 6, as drawn.

I think there's some in that District 6 as drawn. It's
a big district. They all are.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I've
listened intently to my colleagues. I think they've all
made some valid points. I am not convinced, however,
that the detriment described to the other goals is
significant. It isn't whether or not there is
detriment, it is whether or not there is significant
detriment. And I'm not pretending to have any
particular expertise on it, but it just seems to me this
is a classic example of where we had favored a
competitive district which has caused some detriment to
the other goals. I just don't think it's significant
enough to ignore the mandate we have constitutionally to
create competitiveness.

With respect to growth areas, I have a
client who is getting ready to build 1,500 homes in
District 12. That's going to be an extreme growth area
in addition to the north. And while I think that has
been an important and legitimate consideration, the fact
of the matter is south, west, north, and east, Apache Junction included, the valley is exploding, will continue to. It's impractical, impossible for us to accommodate that. The fact is districts on the edge of Metropolitan Phoenix area will be malapportioned.

With respect to geographic features, several things come into play, and I don't think that is necessarily significant enough to preclude this from competitiveness.

So with that, I, too, favor test two. And I think that it still maintains compactness and contiguity. It still may not, as many districts don't, perfectly respect communities of interest. I think in general whether I'm at Thunderbird and voting with the northern district or voting with the southern district, I'm not so sure that's going to be a life-changing event for me.

So with that perspective, Mr. Chairman, I think what I'm saying, we have a mandate to favor a competitive district. This is a classic example.

Therefore, I speak in support of these changes.

CHAIRMAN LYNN: Just so we're clear, Mr. Hall, I think at some point we'll get to a motion and a vote. Would you clarify whether or not you are
supporting test 2-14 which incorporates the historic changes or just test 2?

COMMISSIONER HALL: I'm comfortable with the changes to the historic area simply because it preserves the voting rights issues and in fact enhances them, which I think helps us, and I don't think that it does any significant -- in fact, I think it assists and helps District 15. I think that is a positive change. In answer to your question, I'm in support of test 2 incorporating the changes of 14, 15.

CHAIRMAN LYNN: Thank you.

Other comments on the map?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I want to just -- I don't want to go back over all my previous comments, at all. I do want to focus on a couple points that have been made.

I think there is a question as -- all by itself, I don't think that I would focus entirely on the fact that we're putting so much growth area in a single district when we don't have to do that. But I do want to point out Proposition 106 says two entirely different things. First thing, it says comply with the equal protection clause and Federal Voting Rights Act. The point Commissioner Minkoff made about equal protection
cases requiring a snapshot appears to be correct.

One of the questions that we all have to ask when we take out Proposition 106 and read it is why it says in addition to that, "equal population."

Proposition 106 doesn't have cases that say we can ignore future growth. On the face of it, a state growing as rapidly and predictably as the State of Arizona, I think there's a real serious concern about it.

I think that a decision that is made consciously, knowingly, to pack all growth area into a particular district, particularly anticipating the growth area will be one political persuasion or another, smacks of being a very unfair decision. I think that the people of Arizona had in front of them a provision that said we'd have equal population. Certainly one interpretation and a fair interpretation of that is we would attempt to maintain, or at least be sensitive to, the quantity of population throughout the term. There's no decided case on that. I readily admit it. I think it's an important consideration.

In terms of total geographic area, we doubled the size of 7. That's a compactness issue for 7, and plain on the face of it and undeniable.

The second point I want to make is that
the mandate of Proposition 106 was that we would do our
best to create compact districts, districts that respect
geographical features, and so on, to the extent
practicable. That was the mandate. As has been pointed
out recently in sessions, literature put out by
proponents of Proposition 106 specifically answered the
question on gerrymandering to create competitiveness.
Don't worry, other criteria will protect you. Compact
districts will protect all citizens of Arizona against
this kind of seeking out and then creating long
districts with funny protrusions from them that unite
seemingly unrelated areas in order to artificially
create competitiveness. I simply suggest to you that is
the mandate of Proposition 106.

Depending on who you listen to, you get
all kind of theories on what the mandate Proposition 106
is. I'm reading the words of 106 and literature, very,
very clear, put out by the proponents of 106.

These are not consistent interpretations
of 106. It's not possible to completely reconcile and
be all things to all people. At some point you have to
make a choice as to what interpretation you think is
correct and act on that interpretation.

Thank you.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.
Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you, Mr. Chairman.

I think I have a different interpretation of compactness. Compactness to me doesn't refer to the size of the district but refers to the shape of the district.

For instance, District 5 isn't a very large district, certainly larger than anything we have in Maricopa County, but it's reasonably compact to me except for a little tongue of Gila County. That's the way the county is drawn. That's why has it has an unusual shape.

District 2, the northeastern portion of it is compact. It has a tongue that goes out to the west, that to me is there for a very good reason, it brings additional Native American Reservations into District 2.

So when I look at compactness, it has to do with population -- the size of districts has to do with population density of the district. Compactness to me has to do with shape and edges of the district.

Doug, as I recall, you have some compactness measurements you've run on various districts. Don't they refer more to edges than the size of the district?
MR. JOHNSON: Correct.

COMMISSIONER MINKOFF: In other words, a district encompassing the entire state of Wyoming would be a compact district, would it not, since it would be a rectangle?

MR. JOHNSON: Technically they actually aim for a circle. It's impossible to have perfectly compact, as you can't have two circles next to each other. It's more --

COMMISSIONER MINKOFF: Edges than size.

MR. JOHNSON: Yes.

COMMISSIONER ELDER: Probably 13, 14, 6, very uncompact in relation to 7, though it has large area, has a more defined perimeter?

MR. JOHNSON: By that test. That's the one all the parties use in the lawsuit. I think it was chosen by most parties in the lawsuit as much as it's very easy to run as well as for its standing in the community. There are compactness figures as a percentage of population in a small circle that take a day to run. There are measurement tools out there.

If you look out there in the shape of a circle, that's a pretty good rule of thumb.

COMMISSIONER HUNTWORK: If going to, if I remember correctly, Dr. Heslop told me there were 39
different definitions in the literature and still counting.

MR. JOHNSON: Since he said that, there's probably four more.

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: I think to Mr. Huntwork's point made earlier, I want to juxtapose this issue in the discussion next to the one we had regarding Pima County last week. And to the extent you can relate one to the other, because they're not -- obviously not the same communities, not the same characteristics, it appears to me while there are good arguments on both sides of this issue, as there may have been in the other discussion as well, there does for me tend to be a large degree of difference between significant detriment that might be accorded the changes proposed in Pima County versus the ones proposed here. And perhaps it's because the density of the population in Phoenix and characteristics of various areas we're dealing with across the northern part of the city, and into rural areas, suburban areas, have many similar growth patterns to it over the years. The growth patterns have been quite similar in the area, densities differ, character of neighborhoods differ, but essential growth patterns have been somewhat more consistent.
I think that there may be some additional work that we could do on this test that might make it somewhat more appealing. And I -- I'm persuaded that absent the significant discussion we saw in discussion last week, we should pursue that.

I would certainly favor issuing some instructions to Mr. Johnson to look at some things where we think there might be opportunities to correct some deficiencies we see, at least look at them more carefully to see if this doesn't provide us with an opportunity to achieve one of the significant goals in the law.

Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I would like to put a motion on the floor, because I think it's time to at least pick one of these two tests to use to work with. And I would like to move that we proceed with and work and modifications on the June 18th test 2.

Well, we'll talk about modifications later on. I'm trying to put a motion on the floor to use test 2 rather than test one.

CHAIRMAN LYNN: Point to Mr. Hall earlier.

COMMISSIONER MINKOFF: Test 2 with historic.

CHAIRMAN LYNN: Test 2-14.
COMMISSIONER MINKOFF: Not move to adopt, choice test 2, test 3. I have suggested modifications. I'm sure others do as well.

CHAIRMAN LYNN: I wonder at this point if it might be just as definitive we eliminate one.

COMMISSIONER MINKOFF: I'll move we eliminate the June 18th test 1 from consideration.

CHAIRMAN LYNN: Seconded?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: It's been seconded. I read American sign.

Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORTH: One of the key differences in 1 and 2 is the change in Sun City. I think it's a completely different discussion. I'm inquiring about the sense of the motion here. What all are we encompassing? We prefer the iteration of District 6 in test 2?

COMMISSIONER MINKOFF: I've been told the Sun City configuration is not critical in either plan. Puts all Sun Cities in one district, may decide to go that way, may instruct Doug, moving forward, test 2, to put the split back.

Doug, isn't it correct that can go either
way, two different ways of achieving it?

MR. JOHNSON: Correct. Test 2 has the Sun City change. If the Commission wanted to go back the other way, we could do that in test 2.

COMMISSIONER MINKOFF: While I'm suggesting removing test 1, this does not make a definitive decision on Sun City. It may or may not be subject to further motion.

CHAIRMAN LYNN: Further discussion on the motion?

If not, all in favor of the motion,

signify by saying "aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed, "no."

Motion carries unanimously.

Okay. Mr. Johnson, we've lightened the load by one test.

Now the question is what would you like to continue talking about with respect to Test 2-14.

COMMISSIONER MINKOFF: Mr. Chairman,

picking up on comments made earlier, I'm not sure I want
to put North Central Phoenix into District 6. I think
it fits very, very well in District 11, the area of 7th
Avenue, 7th Street. I think the area west of 7th Avenue
in that jog that goes into -- where 11 goes into
District 6, between Glendale Avenue and Dunlap, if you
move that boundary over to 7th Avenue, you would make 6
a little more compact. Then I would look for areas
either on the northern end of 6 or southeastern end of
6, I'll leave that to you. I don't know the
demographics of those areas as well, but test putting
the area between 7th Avenue and I guess that's 15th
Avenue into District 6 and find areas to move out of
District 6 so that competitiveness in District 6 is not
diminished.

MR. JOHNSON: Commissioner, if I may, I
can tell you that I would be surprised if there's a way
without diminishing competitiveness at all.

COMMISSIONER MINKOFF: Then don't do it.

That's what I'm asking.

MR. JOHNSON: Okay.

COMMISSIONER MINKOFF: What is the make-up
of the area of 7th Avenue and 15th Avenue between
Glendale and Dunlap?

MR. JOHNSON: This is a heavily Republican
area.
COMMISSIONER MINKOFF: I'm surprised.

Okay. Cancel that.

CHAIRMAN LYNN: Other instructions with respect to Test 2-14?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,

number one, I would like to see a version of this test that reverses the Sun City split.

Number two, I continue to be very concerned about the way in which this District 6 is, in effect, gerrymandered in order to create an artificially competitive district. That's what, in my view, that little jog is and curly Q down at the bottom. They are both obvious, unmistakable, undeniable, unambiguous efforts to do exactly that and then, of course, at the expense of compactness.

I do wonder what the total effect on District 6 would be, what District 6 would look like if we actually drew that line straight down 7th Street and just squared it up, made a rectangular district.

COMMISSIONER MINKOFF: Overpopulated.

COMMISSIONER HUNTWORK: Or take a portion of East 7th Street, move it back to District 11. You'd be swapping areas of 6, 11, and 15 in order to achieve that. Square them up. I'm not sure how it would come
out. I'm sure you'd get something more compact and less
gerrymandered than that.

COMMISSIONER ELDER: Mr. Huntwork is
saying take as much off the eastern portion of the lower
leg to balance the in-held piece?

COMMISSIONER HUNTWORK: Come down 7th
Street as far as you can to create a district with the
correct population.

COMMISSIONER ELDER: I guess what I was
saying, if you started moving 7th Street instead of 7th
Avenue, would that be acceptable?

COMMISSIONER HUNTWORK: Yes. I'm thinking
about taking the area here in the southeast corner of
this version of District 6. I'm talking about swapping
this area for this area.

COMMISSIONER ELDER: I'm saying moving
until balanced.

CHAIRMAN LYNN: I think Mr. Elder is just
suggesting if you move that notch eastward and move the
leg westward to equal population until you balance, it's
the same concept.

COMMISSIONER MINKOFF: Can we ask for a
guesstimate of what that would do to the competitiveness
of 6 and 11?

MR. JOHNSON: It would make 6 more
Democratic and -- am I right -- no. Make --

COMMISSIONER MINKOFF: 6 is not competitive any longer and 11 would not be either, would it?

MR. JOHNSON: I can't guess as to the degree to which it would move either one either way, but it would move them away from the points they're at now.

COMMISSIONER MINKOFF: The area between Dunlap and Glendale, 7th Street to 7th Avenue, is a heavily, heavily Republican area. Taking that out and putting it in the southern area would defeat what we're trying to do.

COMMISSIONER HALL: Since Doug and I are Indian brothers, I feel I know him. I don't think he put a jog in for the fun of it.

To Mr. Huntwork's comment, gerrymandering, look at 13, E.T. in a lounge chair. We certainly had to be a little bit creative in an effort to come by that for the Voting Rights Act. I'm not -- some argue -- I'm not saying I agree with it. There's a very high priority for creating competitive districts and we need that. My point is I think you are going to have to follow some creative routes.

Quite frankly, I'm surprised. I consider 6 very compact in light of the fact we're making an
effort to favor competitive districts. There are going
to be some jogs. Compared to other districts where we
had to strive on the Voting Rights Act, certainly this
is very compact. And in my mind, it's acceptable.

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, I've
said it before, and at this -- I'll make the point
again, in this context, that I absolutely believe that
we can sacrifice compactness for -- in order to comply
with the Voting Rights Act, which has a higher priority
than compactness in both Proposition 106 and just the
sheer law of federalism. Also, I was convinced from my
interpretation of 106 that we can trade compactness for
communities of interest because they are of equal
priority and the -- I think that's an equation we know
we have to take into consideration as we have to
maximize both of those to the extent practicable.

The trouble with this context is that
although I agree that we are to consider competitiveness
as a mandatory criteria, it's where it does no
significant detriment to the others, and that's the
difference. We did not have to -- we did not have that
prescription with respect to the Voting Rights Act or
respect to communities of interest. We do have it with
respect to competitiveness. And really, the question
is -- I hope we all agree on this -- simply is it
significant detriment. Are we doing significant
detriment in order to achieve this? And I think in
terms of compactness, there's an obvious detriment.
Also -- I have so many concerns, I think communities of
interest from the north and south that are not even
closely related to each other which we have put together
here, and that may be the most important consideration
of all in my mind.

Thank you.

CHAIRMAN LYNN: Mr. Hall, Mr. Elder.

COMMISSIONER ELDER: I'd weigh in, to some
extent. Pretty old, mature southern districts,
neighborhoods, and the northern part of 6 is so new you
don't, you know, have social relationship with your
neighbor yet. It's a whole different fabric, social is
different, the construct there.

One thing I'd like Mr. Johnson to do, be
prepared to provide us with information on, is city
splits on the various configurations we've got.

We pretty much itemized, and I want to say
in the original map of August took pride in the
reduction in the number of splits, reduction in the
number of city divisions, school districts, et cetera.

And I would also like to see where AURs
fit into both this plan as well as our August -- not August -- June 14th plan. Because those were equal criteria under the 106 jurisdictions as well as communities of interest.

At best I'd say 6 has a functional thing I like, zero population to in-held, in effect flare dense north concentrates, very narrow area, mountains take up so much, then another more mature area. Community of interest, it doesn't seem to provide the continuity you should have in the district.

Based on geography alone, you can't get there from here. If you tried to get down I-17 in the morning, you can't get there from here.

I still -- I would like to see that removed from whatever it is on the east, eastern leg to the west. Try to get a link, squaring off 6 and make it more compact, repair both of them. But right now we have an R district, both of them, trading numbers in an R district. And it doesn't seem like that trade is significant enough to justify the management of edge conditions we have here.

You say contiguous. Yes, it is on the map. Populationwise it is not. I'd like to see that test or modification made, if we can.

CHAIRMAN LYNN: At this point, we don't
have a motion with respect to any of this.

These are good comments. At some point we need the results incorporated into a motion.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, an additional point. The difference in criteria is a distinguishing difference with the issue of competitiveness, and the word is favored. And I've been accused by some of my siblings as being the favored child.

MR. RIVERA: They were wrong.

CHAIRMAN LYNN: I'm sure they were baffled by any advantage you had.

COMMISSIONER HALL: No doubt. Meaning, in their opinion, on occasion, I received preferential treatment in certain areas. So subsequently, I think that the word is on its face obvious that there is some preferential treatment to competitiveness.

I didn't write the Constitution, Daniel. I'm saying that's what it says.

COMMISSIONER ELDER: Take both parts of the sentence, Mr. Hall.

COMMISSIONER HALL: I understand. Would be favored. Talking about precedence. Favored if no
creative difference. Okay. To gerrymander a little bit
because they'll trump it all. To some degree, to allow
flexibility of edges, borders of the line in order to
favor competitiveness. The fact is all Republicans,
Democrats don't live in a little circle. We're trying
to create competitiveness.

With respect to sociality, people across
the road don't play bridge together. We're talking
about going to the polls, voting for a representative
that represents their interests. I'm not saying --
If I'm on the next drafting committee, you
can rest assured I'll make a tremendous effort to remove
what I consider to be some ambiguities, conflicting
issues. It is what it is.

I think, lady and gentlemen, we are
mandated in this case. I -- obviously there's some
detriment to compactness, some detriment, probably, to
some degrees, to community of interest. I don't see it
as significant.

So, to Mr. Lynn's point, I think that -- I
don't think we can fix the east edge of 6, allow it to
be competitive. I recommend we try so, but I would like
to make a motion that we -- that you provide us with an
amended version of this test incorporating the change
Mr. Huntwork requested with respect to the Sun Cities
and to make an effort to increase the compactness of District 6 while maintaining its competitive nature.

COMMISSIONER MINKOFF: Is that it?

COMMISSIONER ELDER: For clarification, without any change to District 6?

COMMISSIONER HALL: I think we defined -- generally agreed we want to stay within certain ranges. I'm not sure it's a bright line. I think we said we want to be in an area where Mr. MacDonald would call it quote, unquote "competitive." I'm saying stay within those ranges he feels are quote, unquote "competitive."

I'm all for competitiveness, geographic features. I trust Mr. Johnson, with his expertise, timeliness, would do that, fine-tune test those areas, accommodate the changes Mr. Huntwork has referenced in Sun City and trying to make District 6 more compact.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

COMMISSIONER ELDER: Can we make other direction to that or a separate motion?

CHAIRMAN LYNN: Let's do it one of two ways. Either suggest additional direction and see if the maker and seconder buy it, or a separate motion.
Either case add.

COMMISSIONER ELDER: Mr. Chairman, if
going to take a look at the test at all, I'd like to
include the change of the little tail, whatever it is
that goes over I-10 in 15 in relation to the Historic
District to the south --

COMMISSIONER MINKOFF: Westwood.

COMMISSIONER ELDER: -- as much as change
in population, try to get that Historic District put
together with the balance of Historic Districts there.

COMMISSIONER HALL: I'm fine with that.

COMMISSIONER MINKOFF: Me, too.

CHAIRMAN LYNN: Included by reference.

Other discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: I want to point
out that on this latest test, the Judge It criteria for
District 11 is 13 percent. For District 6, it's four
percent. If you even them out, it would be
eight-and-a-half percent. Plus, we had at least
preliminary, Doug is saying that area we're talking
about squaring off is a very highly Republican. Reading
between the lines, it's probably a very effective area
in terms of turning out and voting. So I think it would
be worth a test on what would happen if we just squared
that thing off.

I just want to see what the answer to that is. We may end up with two districts very close to being competitive.

COMMISSIONER MINKOFF: Mr. Chairman, in the interests of not having Doug spend too much time on things we're not going to seriously consider, I have some problems with that suggestion, because we are charged, to the extent practicable, with creating competitive districts. It doesn't say more competitive, doesn't say almost competitive, it says competitive districts. We have a measurement that we have been using that says the Judge It number of seven or less is considered competitive. To me, taking a four and a 13 and making two eight and a halves is removing a competitive district rather than creating a competitive district. I don't think we're allowed to do that if we are trying to follow the mandates of Proposition 106. I would have problems with that. I think we need to create competitive districts. That's what it calls for.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I think that's a separate issue. I'm fine to run the test. Is that long to do that? Seems like it would be pretty quick. Or is that more difficult?
MR. JOHNSON: Well, on the competitiveness test, I can do a test and give you registration, AQD results. To measure Judge It results requires sending the file off to Dr. McDonald and time for him to process it and send it back. In terms of getting Judge It numbers, it's considerably time consuming.

COMMISSIONER HALL: Would you be comfortable with AQD analysis?

COMMISSIONER HUNTWORK: I'm not too sure on District 6. On 11, they're very far apart.

CHAIRMAN LYNN: I wonder if not precisely, but it might approximate the nature of the change by looking at the change in the AQD score for this test, what Doug can come up with.

COMMISSIONER HALL: AQD right now is 14 points different, right?

COMMISSIONER HUNTWORK: District 11, AQD is 20. Judge It, it's 13. That's a huge difference.

COMMISSIONER HALL: Apples to apples, six, AQD is six.

COMMISSIONER HUNTWORK: Yeah.

COMMISSIONER HALL: If he runs it, AQD 10, 15, with your mathematical genius, get somewhere.

COMMISSIONER HUNTWORK: I already determined I can't figure out what Judge It does.
CHAIRMAN LYNN: To the extent we're only asking for registration, AQD, Mr. Hall's question, is it significantly more time in terms of instruction to take a look at that, provide us with some feedback?

MR. JOHNSON: I can probably do it in an hour, balancing the line out, giving registration and AQD results just for that one test.

CHAIRMAN LYNN: All right.

Further discussion on the motion?

MR. JOHNSON: If we do want Judge It analysis, Dr. McDonald is actually driving tomorrow day and won't be available until tomorrow night.

CHAIRMAN LYNN: Mr. Hall, Mr. Huntwork.

COMMISSIONER HALL: To be clear, Mr. Chairman, the intent of the motion is to maintain the general integrity of 6 as it stands, incorporate changes in Sun City and changes Mr. Elder -- I'd like to see a map with that configuration.

I'd say I'd support a separate motion, separate test pursuant to Mr. Huntwork's request in an effort see if we square off the eastern edge of 6, what that would do to the general numbers.

CHAIRMAN LYNN: So not incorporated in this motion but as separate motion.

COMMISSIONER MINKOFF: Uh-huh.
COMMISSIONER HALL: Yes.

CHAIRMAN LYNN: Okay.

Further discussion on this motion?

COMMISSIONER MINKOFF: May I ask for a summary?

Sun City, Westwood Village, anything else as a change to --

COMMISSIONER HALL: If ability to clean up the eastern edge of 6 and stay in range.

COMMISSIONER MINKOFF: Those are two instructions, test to the high end of 14 with those two modifications.

CHAIRMAN LYNN: On the motion, all in favor of the motion, signify "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed, "No."

Motion carries unanimously and is so ordered.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I'd like to make the motion we also run a test where we square off the
eastern boundary of District 6 as much as possible along
the 7th Street corridor.

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Moved and seconded.

Discussion on the motion?

Mr. Hall seconded it.

CHAIRMAN LYNN: Ms. Nance would not have
seen that.

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

The motion carries unanimously and is so
ordered.

Mr. Johnson, you've been up there a long
time. As I recall, there were other parts of your
report we've not yet heard.

MR. JOHNSON: Right.

CHAIRMAN LYNN: With respect to population
deviation --

That's actually the last one, is it not?

MR. JOHNSON: Yes.
CHAIRMAN LYNN: Ms. Minkoff?

COMMISSIONER MINKOFF: Mr. Chairman, I do have another competitiveness issue I'd like to propose. If you want this done first and to go back to it, that's fine with me. If moving to something else, I wanted to make sure I got that on the table. I can do it now or later.

CHAIRMAN LYNN: Let me ask Mr. Johnson, how long is your report on population deviation?

MR. JOHNSON: Just my report, fairly brief, five minutes, probably. There may be discussion and questions.

CHAIRMAN LYNN: Is there anything for us to do with that report or is it informational only as to what you've done?

MR. JOHNSON: Informational as to what I've done so far. It may be the Commission wants to stop or you may want me to go further with it. There is a question for the Commission to consider.

CHAIRMAN LYNN: What I would like to do is continue with the discussion on competitiveness and then, time permitting, get to that report either this evening or first thing in the morning.

Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you,
Mr. Chairman.

I really think we've come a long way in terms of working on competitiveness on this map. I'm pleased with the direction things seem to be going.

As things look now, we seem to be looking toward five competitive districts in Maricopa County. I believe, given the other issues we had to deal with, that is a good number.

We have one competitive rural district, District 5. We have no competitive districts in Pima County, in the southern part of the state. It may not be doable, but I would like to give it one more shot.

We had a proposal a while ago to do some changes with 26, 28, and 30 which created competitive districts, but according to people who live there and know the area better than the rest of us, it did not work for communities of interest. I respect their opinion, certainly have no reason to challenge it.

It looks to me like changes were pretty extensive when we were dealing with three districts. As I recall last fall when we adopted the map sent to Department of Justice, there was a test that looked primarily at 26 and 28, may have been minimal changes in 30. I don't recall whether there were or not. But I would really like to ask Doug to give it one more shot,
a lot of the work has already been done, to see if there
is a way -- we've got a Democratic District 28,
Republican district in District 26. I think if we can
create two competitive districts, we've really done what
the spirit of this law is all about, we've given voters
a choice, not to the detriment of either political
party, because we've taken one district controlled by
one party, one district controlled by the other party,
given voters in both those districts a choice.

I would like to move we direct Doug to
look at Districts 26 and 28 and see if there is a way to
make both of them competitive.

This would not restrict you only to 26 and
28, but that would be the primary focus of your
activity. In other words, if you had to pull a little
bit from here or there, obviously trying to stay away
from any Voting Rights Act implicated district, I'd like
to direct Doug to see if we can get competitive
districts in Pima County that do not create significant
detriment to other requirements of Prop 106.

CHAIRMAN LYNN: There's a motion on the
floor.

Is there a second?

Hearing none, the motion dies for lack of
a second.

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Phoenix, Arizona
Mr. Elder.

COMMISSIONER ELDER: No. I was going to make a different motion to that effect. It's all set.

CHAIRMAN LYNN: I'm not -- I'd be more than happy, I think everybody knows my concern with the suggestions made last week. I'd be perfectly happy to go back and look at that previous suggestion with respect to the interaction between 28 and 26, because I frankly don't remember all of it, at the moment. I'd be more than happy to look at it. I think it appeared two, three places, Mr. Johnson. I think we ran a test on it, I believe in one of Coalition 2's maps, I believe also in one of the Navajo maps, Navajo Preferred, maybe not. Maybe it's the other one. But it was in fact a much more limited adjustment to 28 -- primarily 28, 26, perhaps some population equaling through 30. I'm clear about -- I'd be happy to revisit. I'm not sure I'll vote for it. I'd be interested in looking at it.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, if the discussion, or narrative we had last week was complete, which I believe it was, and the only issue which was brought up then, as it is now, was the shift in competitiveness, we voted four-zero with one abstention that there was indeed substantial harm to the other
tenants or factors of 106 in that three-way change.

Going to 26 and 28 I don't think changes that edge
between the two one iota. I don't think we should
continue to spend any time, effort of the consultant or
the Commission, to review that.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I agree
with Ms. Minkoff it would be nice to create an
additional competitive district in Pima County. I
remember very vividly the discussion regarding this
issue. But it was the 11th hour of Tempe, and in fact
crossing the freeway, we ran a specific test on this,
the issue. And the discussion we had had becomes
somewhat vague to me. That's why I became very
supportive when we ran a three-way test which basically
recalled all the issues we discussed, almost identical
in the previous discussion when we adopted our final
plans. And while I would -- I think it would be great
to do that, given the constraints, most of which might
add voting rights in 25, 29, 23, when you take 23, 25,
29, voting rights related districts, it's extremely
difficult to create a competitive district without
causing significant detriment to other goals.

In my mind, it was clear after hearing all
the evidence, if you will, it was significant. So no
disrespect to Ms. Minkoff's motion, I just feel like we've ridden that horse and put him up wet. I don't see any point in opening the barn door again.

COMMISSIONER MINKOFF: Mr. Chairman.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: I'm suggesting 25, 29, voting rights, not be a part. Primary is 26, 28. Might be minimal adjustment to 30 without changing the essential character of that.

Discussion we had last week was a much bigger shift among three districts. 28 ceased to be a central Tucson district, moved east into the Tanque Verde area. A significant portion of central Tucson moved into 26. A total shift.

I'm looking for something much less than that, adjustments primarily between the borders of 26, 28, nothing to do with the Voting Rights Act, everything to do with competitiveness, not touching voting rights districts.

As I recall, all three are pretty close to the edge. I wouldn't want to change the demographic composition of any one of the three.

I have a hard time supporting a map where there is nothing competitive in Pima County. I believe we can take a look at it without impacting the Voting
Rights Act, equal protection clause, all legally significant things. We did it in Maricopa County. I think we're sensitized to how it can be done. I'd just like to give it another shot.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Ms. Minkoff, I'm not sure you understood what I said. Not any of the three tests said competitiveness. We have three voting rights districts. When you have three voting rights districts, you've used a lot Democrats.

COMMISSIONER MINKOFF: There's a lot in 28.

COMMISSIONER HALL: Spent, if you will. But, in fairness, because I'm willing to look at anything, I second your motion.

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: Is there any further discussion on the motion?

Moved, seconded, to take a look at 26, 28, with perhaps equalization of population but avoiding those districts that are covered by the Voting Rights Act.

COMMISSIONER HALL: Basically relooking at the test, Andi, we did --

COMMISSIONER MINKOFF: Not that we did.
COMMISSIONER HUNTWORK: Before voting on this, I want to say I remember the test we did in October. This is not incredulous recollection. The river there created quite a clear boundary line between communities of interest. You could look at the map a lot of different ways, and that was as obvious when you tried to do a switch with 26, 28, as yesterday we tried a three-way switch. There's no change to any demographics here. Numbers used were correct, and I think that there's no reason do it again. We did before in detail. It was a sound decision, did it in public session, did it on the record, and it's just baffling to me why we'd do the same thing again.

If it is something more than a matter of reminding us of what we did before, if --

Andi, if you are saying you have a different approach than the one we did before, that I would be more than interested in listening to. I don't think we need to do it. I remember it.

CHAIRMAN LYNN: One of the reasons I'd like to see it, we made an adjustment between 26 and 23 with respect to taking population out of 26 and moving it into 23. I want to see for my own edification what impact, if any, that might have had, what opportunities may have either been created, or difficulties doing
that, in terms of a competitive district.

I'm looking at Judge It results for the interim plan, and District 26 is 7.6 on the Judge It scale. And again, with all due respect to my colleagues who this evening at various times talked about competitive and noncompetitive, I still find it very difficult to find out at what point a district becomes competitive or ceases to be competitive. I believe it's a continuum: The closer to zero, the better it is; the further away from zero, the worse it is. I clearly understand we may not be able to get any significantly closer than 7.6 percent. I honestly don't know. I wouldn't already consider that competitive, in my own mind. But I'm more than happy to take a look at it. I'm not suggesting I'm ready to accept any of the changes.

Mr. Huntwork.

COMMISSIONER HUNTWORK: I'm very well aware of the fact of population imbalance. One of the reasons I was so abrupt, I want to get past this and on to a discussion of how to balance population. That does offer opportunity, almost inevitably will shift some population in the direction of 26 which would make it more competitive. It's hard to figure out how to do it without doing that. That does not mean rerunning a
whole new test. That means trying to look at something
new. That's what we need to get on to.

CHAIRMAN LYNN: Again, I would like to see
this done even if it is repetitive. Most of it, as you
said, has already been done.

I'd like to take a look at it. I do think
in terms of -- I think the point is well-taken with
respect to the deviation question. We may want to hear
that report from Mr. Johnson and perhaps table this
until we hear it or rethink it after we hear it, I don't
care which. I'm disposed today to look at it again in
the spirit of what we're trying to accomplish here. I'd
do it either way.

We have a motion on the floor. Mr. Elder
kind of informally asked we vote on it.

Further discussion on the motion or would
you like to table it?

Hearing no motion to table, all in favor
of the motion, signify by saying "Aye."

COMMISSIONER MINKOFF: "Aye."
COMMISSIONER HALL: "Aye."
CHAIRMAN LYNN: Chair votes "Aye."
Opposed say "No."
COMMISSIONER HUNTWORK: "No."
COMMISSIONER ELDER: "No."
CHAIRMAN LYNN: Motion passes three-two.

It shouldn't require a lot of work on your part, Mr. Johnson, given the test has already been run.

Again, to put it in perspective, if we could, then, without objection, I wonder if we could get a brief deviation report. And certainly, if you could, highlight -- not that you'll pay short shift to any of it -- the issue with District 26 in particular.

MR. JOHNSON: Mr. Chairman, looking at deviations in this plan, the Commission's instruction was to attempt to reduce deviations, particularly in districts with largest deviations, and to also try to reduce them across the board where possible without impacting other topics discussed in various tests.

Given the time frame and the amount of work that would be required to go into, say, District 23, 13, 14, 16, where we have some very sensitive Department of Justice and other voting rights areas of concern, what I have to report on now, if we don't touch those districts, don't touch key districts, topics of the Department of Justice letter, avoid any impact on that, and also if we try to avoid touching District 17 because of it's competitive nature in the East Valley, what is possible. Looking at districts 18 through 22, I'll get numbers for you, as you probably remember, we
had some significant deviations in the area ranging from 1.74 -- I'll read off 18 through 22, 1.74, 4.95 in 19, essentially balanced in 20, 1.17 percent under in 21, again almost five percent over in 22. Obviously 19 and 22 are very overpopulated and they are the most overpopulated districts in the state. What it was possible to do was to spread this deviation among these districts.

Does someone have the pointer?

CHAIRMAN LYNN: I believe it's in the men's room.

MR. JOHNSON: Okay.

So 19 and 22 are the most overpopulated.

The first step I did was attempt to essentially circle the deviation spread through 19, 18, 21, and 20, first get the deviation down in 22. So you can see the changes in here. Black lines overlaid the 2002 plan. Colors underneath are with the change.

So this reduced the deviation in 22. It also allowed us to square this district border off between 19 and 22. The change there is entirely within the City of Mesa.

The other spot I looked at, this small bump on Baseline where it goes up to the north. That's following the city border of Gilbert. I didn't change
1 that.

2 19 is very overpopulated, even more
3 populated after that change. The next step was move an
4 area of 19 into District 18. You see it here moving the
5 border south of Broadway over to Via Vista into 18.
6 Then there was a double trade in District 18 in an
7 attempt to get the deviations balanced between 18, 19,
8 and 21.

9 You can see where 21 coming north of
10 Southern, that's east of Guadalupe Road there, and
11 because -- to keep it a square, major roads as the
12 border, and without getting weird jags through
13 neighborhoods, it worked best if I traded back the other
14 way with a small area.

15 I don't have the street name on this. I
16 can zoom in when I go to the other map, show you where
17 18 picked up a small piece of 21. That made the border
18 between 18 and 21 essentially straight up and down with
19 21 and 22.

20 And the last part of this was in Chandler,
21 a small piece right here, where District 20 would extend
22 slightly to the southeast below Pecos Road to finish
23 spreading of population deviations among these
24 districts.

25 CHAIRMAN LYNN: Mr. Johnson, at that
point, 20, 21, that is the split in Chandler, the single
split in the City of Chandler?

MR. JOHNSON: Yes. Three northern changes
take place within the City of Mesa, so no city
border changes there. And then 20 and 21, it is
Chandler.

After these changes are made, 18 is two
and a quarter percent overpopulated, 19 is 1.9 percent
overpopulated, 20 is two percent overpopulated, 21 is
2.1, and 22 is two percent. So what this does is
essentially level off population deviations between
districts, two percent over.

In order to get these any lower, we're
kind of boxed in. As I'm sure you remember, 15 and 17
provide the border around 20 in the west, District 23
wraps around this area on three sides. If trying to
avoid touching Department of Justice topic districts,
attempting not to change the competitiveness of 17, this
is as close to even deviations as we can get.

CHAIRMAN LYNN: Questions and comments.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Well, I would not
have given the instruction, do not agree with the idea
of freezing 17 merely because it's competitive. If
someone had come to me saying: Let's make a competitive
district by causing four, five other districts to be out
of population balance by two percent, I would have just
said, in my own mind, at least, I'd have said:
Absolutely not. That's an illegitimate trade and I
can't trade somebody's equal protection for
competitiveness.

Now, what would happen if we rippled this change throughout Maricopa County even back down around
and back into Southern Arizona? Couldn't we do that and
wouldn't that get it down to well below one percent
deviations throughout? Ripple through probably 10 more
districts?

MR. JOHNSON: You make a good point. If we rippled further, we reduce the deviations more where we would -- ideally where we'd end up at the November 9th adopted plan, about 3.7, I think. To go below that you start getting neighborhoods and other things we looked at in November.

We could get it below where it is now if we ripple throughout.

CHAIRMAN LYNN: It occurs to me that, I guess to your point, Mr. Huntwork, would you not concur that the reason we were out of balance in terms of population deviation was consideration of all of the
goals in the Act, many of which were respect for cities, and county lines, and communities of interest, which caused us to draw districts that were somewhat more unbalanced than we would have liked? And this, then, is an exercise to minimize that imbalance without doing as little changing beyond the scope of what we need to do as possible. In other words, I wasn't terribly uncomfortable, I know you were probably more uncomfortable than I, with the range deviation in the adopted map. It was within limits acceptable given other things we were trying to achieve. This solution with respect to Districts 18 through 22 cuts it in half, does a little better than cuts it in half, to me, with minimal impact on districts, certainly an acceptable solution and one, at least for my sensibilities, that doesn't need to be extended beyond the districts involved.

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, at least in my mind, we did a totally different calculation. We did the best we could. We had very little time. The court didn't impose tremendous deadlines on us, the map we currently had, had districts out of balance by a hundred percent, not three or four percent. But now that we're back to the 1990 districts,
have population deviations, some districts twice as
large as others, that's a hundred percent deviation. So
we needed to get better districts than that approved.
And in that context the deviation four, five percent was
certainly acceptable.

I do not see any reason now why we need to
have deviations of this magnitude, certainly not to
preserve the City of Tempe, because it's not a pure City
of Tempe to begin with. We can ripple population
through it, change boundaries at the south side, where
the city is already split, the north side where
Scottsdale is included in it, ripple that population
through the entire valley. I think we ought to do it,
especially because we don't know if it would have a
significant effect on competitiveness of District 17 if
we made the effort to do that.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, the
reason we ended up with overpopulation primarily in two
of the East Valley districts was because of an attempt
to comply with the Voting Rights Act. We took the Gold
Canyon area, a significant portion of Apache Junction
out of District 23, put San Manuel and Oracle into
District 23. And that was one of the things we had to
do to get the court to approve the interim plan that we
used for this election. That leaves most of the
districts in Southern Arizona, at least 25 through 30,
all of them are underpopulated some to very small
degree, some to a couple thousand people. These five
districts are overpopulated. In order -- and they kind
of make a logical grouping to shift population among
these five. If we move into District 17, we're now
splitting Tempe into three districts rather than two
districts. If we take population out of Tempe, out of
District 17, it means we have to pick up population from
either District 15, which is on the brink of
competitiveness, or 16, which is totally different from
15 and has voting rights implications. Taking
population out of those districts means we have to move
other districts, causes far more damage to communities
of interest, Voting Rights Act compliance, than exact
standards according to the equal protection clause not
required by the courts. We're well within the deviation
allowed by the courts. And I think that moving
population among districts 18, 19, 20, 21, 22 makes some
sense, because I've looked at the numbers, and we really
haven't significantly the changed character of any of
the five districts, haven't increased city splits, still
have districts that work.

Once we pour over from these five
districts into the rest of the map, we're basically
redrawing the whole map and changing all the things
we've achieved in the other 25 districts.

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: I move that we
incorporate Mr. Johnson's proposed solution.

CHAIRMAN LYNN: It's been moved we
incorporate the deviation changes in Districts 18
through 22.

Is there a second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on the motion?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman,
personally, I do not see that it is at all true we'd
have to create any additional splits in Tempe. What we
would do is take some area off the bottom, and we'd take
area off, Scottsdale off the top. It's already split
between Tempe and Scottsdale.

Secondly, the reason why we have imbalance
is correctly stated by Commissioner Minkoff. The reason
why we're doing what we're doing now is not. We now
have the opportunity to equalize the population. And
the argument I hear loud and clear is: Well, it's only
the East Valley, why not just stick the entire East

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Phoenix, Arizona
Valley with two percent overpopulation and not even bother to take the time to look at the map to see if there's anything we can do about it.

I don't believe that is correct. I don't believe it's the right thing to do. And I strongly oppose the motion.

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman,

Mr. Johnson, what is the population deviation of 17 and one and to the north, Scottsdale?

MR. JOHNSON: District 17 is slightly underpopulated by 250 people, 0.15 percent. And District 8 is slightly overpopulated 530 or 0.31 percent.

COMMISSIONER ELDER: In other words, if we include 17, take two percent differential in 18, 19, 20, 21, 22, we're down in the one range as opposed to two range?

MR. JOHNSON: That's correct.

COMMISSIONER MINKOFF: Don't you, between the three districts, need 300 people? 500 too many in 8, or 250 too few in 17? 300 people.

COMMISSIONER ELDER: Two percent of --
3,000 people in 18, 19, 20, 21, 22 over as opposed to 300 over. If we took that balance and said let's make all of them, 8, 17, 21, 22, 1,000 people over, we have balance.

CHAIRMAN LYNN: Mr. Hall, Mr. Huntwork.

COMMISSIONER HALL: Mr. Chairman, this is very interesting. Frankly, it's artificial in nature. As pointed out, that was two years ago. All of these are probably well over the percentages, from a practical matter. We just had a discussion of growth areas.

I call the question.

CHAIRMAN LYNN: The question has been called for.

Mr. Huntwork?

COMMISSIONER HUNTWORK: Mr. Chairman, I want to -- I think this is an important point. I appreciate the need to get on with things. At the same time, I think it is -- it is important these are growth areas. And to start in the hole to begin with knowing it's just going to get worse doesn't help my feeling on the subject very much.

The second point I would like to ask, finally, there was a map submitted by the other political party, if you will, with the sole purpose of rippling population through which I've never seen
printed out, don't know if it did.

Did you look at that, Doug?

MR. JOHNSON: I did.

COMMISSIONER HUNTWORK: How did it deal with rippling throughout the valley?

MR. JOHNSON: It aimed at reducing deviations across the board. It changed virtually every district, I think, to some small degree and ended up with about, I think, under four percent total deviation. Part of gain, as they said when they presented it, was looking at reducing deviation, not aiming to change anything else. Many places would reduce deviation. It did what they tried to avoid, crossing major streets and things like that. But they did look at every district of the map to make changes to get to under four percent deviation.

COMMISSIONER HUNTWORK: I know it's late. I apologize. I don't mean to be curt or abrupt. How to do it, how you get through District 17?

MR. JOHNSON: Oh, want to see a specific line?

COMMISSIONER HUNTWORK: Or just characterize for me. Tell me generally how you did it.

MR. JOHNSON: I haven't looked at District 17 in particular, focused more on the Central Maricopa
Districts, a quick sampling.

COMMISSIONER HUNTWORK: You did have to go through 17 in order to do it?

MR. JOHNSON: Yes.

COMMISSIONER HUNTWORK: Just as you'd have to do.

MR. JOHNSON: Made changes to 16, 13, in addition to 17, and I think 23 as well. I didn't look at 23, can't say for sure.

COMMISSIONER HUNTWORK: Mr. Chairman, I'd like to know how they did it, before putting it completely to bed.

CHAIRMAN LYNN: Is that something you can pull up?

MR. JOHNSON: Yes.

CHAIRMAN LYNN: While doing that, I would like to make one point, and that is if our intent was to utilize all the districts in trying to achieve a zero population deviation, that should have been the instructions to Mr. Johnson. I don't believe it was. I believe Mr. Johnson complied with the instruction he was given. Because we focused on the higher numbers in the deviation. We didn't, I don't believe, we can go back and check the record, I don't believe we asked him to make sure every district was as near zero as possible.
1  We asked him to narrow the range of deviation. He
2  concentrated on areas of highest deviation in order to
3  reduce that range.

4  Part of the concern is if our intent had
5  been to come as close to zero throughout the map as
6  possible, that would have been a specific instruction
7  and he would have had time to work on that.
8
9  Again, if that's where we want to go,
10  that's a different instruction. Give him instruction,
11  ask him to work on it.

12  I think what he did was responsive to the
13  instruction we gave him. And the motion on the floor at
14  the moment is, I think, supportive of that instruction.
15  That's all I'm trying to point out.

16  Mr. Johnson, want to answer the question
17  about the Republican?

18  COMMISSIONER HALL: I do. I'll sell it to
19  you. If we end the discussion in 10 minutes, I'll give
20  it to you.

21  MR. JOHNSON: I think a motion, instead of
22  instruction. Over in 18, 19, 20, 21, 22, somewhat
23  similar changes. It actually came up in Southeast Mesa
24  as well, picked up largely -- not as dense population in
25  there at all, picked up some population in there. Did a

26  similar rotation around the City of Gilbert as I
described in the East Valley. Then took a small piece, you see the white area within the red line -- red lines are the Republican map lines -- 17, a little to the south, more or less squared that off. And then changes continued, you can see the north part 17, small green area north of the red line, that area would have moved into District 8.

I don't see and haven't zoomed in down to the super block level.

Not major changes between 6, 7, 8.

Where it goes from there, down in this area, you can see small changes around the borders of 15, 14, and then in 13 -- you may recall 13, 14, 16, all relatively underpopulated as part of the changes made in the federal court plan. So in reducing those areas they actually have blocked here and along the way.

Those are certainly changes we can look at.

Impact on Hispanic percentages in those areas, hundredths of points, maybe up to a 10th of a point in some areas.

Largely the difference between those lines and lines in place for 2002 are a result of following major roads and looking to avoid splits of neighborhoods. That's the tradeoff we face there, lower
deviations, some neighborhood splits.

That gives you a sense where they went
with all of this.

CHAIRMAN LYNN: Ms. Minkoff then
Mr. Huntwork.

COMMISSIONER MINKOFF: First of all, I
commend Mr. Johnson for doing what we asked him to do
and doing it very well.

I support the motion because I think that
there is a commonalty of communities of interests among
Districts 18, 19, 20, 21, 22, and as long as we are not
invading city boundaries, I think switching population
among those districts doesn't have a lot of impact.

There was a time that we had a map for the
State of Arizona that was population balanced. It was
called the grid. It was a long time ago. The reason we
don't have the grid anymore, according to requirements
of Prop 106, we made adjustments to the grid to
accommodate all the other requirements of Prop 106,
equal protection, Voting Rights Act, compactness,
contiguity, respecting political boundaries, et cetera.
That necessitates population deviations.

I think Mr. Johnson's work minimized those
significantly. I'm comfortable with the differences. A
difference of a couple thousand people, one difference
to another, is yesterday's news. At this point, some
differences may be 5,000 people, 10,000 people, or zero
because population of districts is changing constantly.
As I said before, we have no way of being
prognosticators and balancing districts for the next 10
years.

I think to go beyond these districts will
impact communities of interest, will chop up cities, is
going to create changes in voting rights districts.

I recommend approving the changes in these
five districts. If there are other areas that work
together we want to shift population, I'd be pleased to
see motions to that effect. But I do not feel
comfortable rippling population from Districts 18
through 22 into the rest of Maricopa or across a county
line causing splits in Pinal County.

CHAIRMAN LYNN: The question is called
informally.

Mr. Huntwork and Elder.

COMMISSIONER HUNTWORK: I was here when we
gave instructions. I recall no such limitation on the
instructions. If it had been clear there was a
limitation in the instructions, I would have
unquestionably spoken up at that time.

I don't think that it is fair or accurate
to retroactively create a clear limitation, maybe an ambiguous one. It certainly was not in my mind.

I also think equal population is the fundamental thing we have to do. The length we've been going to look for competitive districts is important. It's always worth going the second mile to comply with every requirement. The bedrock is equal population. There's an obvious way. You can argue 17 is a stronger Tempe district after the change than it was before, because there's more Tempe, less Scottsdale in 17, and I doubt any significant effect on competitiveness overall and provides a way in which this can be rippled through.

Thank you.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman.

I, too, did not understand or did not hear or did not comprehend there were limits upon which we had given Mr. Johnson to look at only those districts in relation to balancing of population. My understanding was or the intent of voting for work Mr. Johnson was going to do was to try balance the population, and that includes the districts that are affected by DOJ. In other words, we underpopulated those because we were looking for specific percentages, specific relations to benchmark. If we have areas that do not change those
percentages we can add in or take out to be able to
maintain the percentages for minority voting rights, and
various issues we dealt with during that hectic two-day,
two-and-a-half day period, to get equal population so
there's the one-man, one-vote issue, we should still be
open, should still do that.

CHAIRMAN LYNN: Well, Mr. Johnson, just
for the sake of clarity, did you understand the
instructions on population deviation as I just recounted
them or did you understand them to be something
different than that?

MR. JOHNSON: There was, as I recall it,
and everything gets a little fuzzy after a certain hour,
there was a -- part of the instruction that asked to
look at the other districts and see -- other districts
being Voting Rights Act and competitiveness districts,
and see if there were changes to reduce deviation
without impacting goals in those districts. It was a
time issue.

Looking at that, three-quarters of a day
to a whole, if we keep the same effect. It's a lot of
detailed analysis. That is not incorporated into these
tests.

What I incorporated into the test was the
big picture ones I could get done and report to you.
I have not done the subtitle instruction, I guess, also looking at other districts and seeing if we could achieve the same goals there without -- with smaller deviations.

I will note, just from now balancing districts many, many times in various stages of the process, in 13, 14, 16, and down south in 27, 29, we definitely did consider deviation along with other criteria when we drew these for the court. To achieve the same target voting strength in those districts is really going to require going through neighborhoods and splitting blocks, just because that is what we looked at back then. So I know for those districts that would be the impact, as the Republican Party more or less demonstrated here with their proposal.

Competitiveness of District 17 and other competitive districts isn't something I've looked at in a balancing context, can't characterize over the district we looked at a month ago, or whenever it was, for the court case.

CHAIRMAN LYNN: There's a motion on the floor to accept changes for Districts 18 through 22. Further discussion on the motion? All those in favor of the motion signify by saying "Aye."

ATWOOD REPORTING - LISA A. NANCE, RPR, CCR Phoenix, Arizona
COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Opposed say "No."

COMMISSIONER ELDER: "No."

COMMISSIONER HUNTWORK: "No."

CHAIRMAN LYNN: Chair votes "No."

Motion fails two to three.

I need to explain my vote. I would not want -- I would not want the Commission to make a decision either on the basis of misunderstood or an incompletely understood instruction. I do think it's worth discussion, whether that discussion takes place tonight or tomorrow or at some future date, as to where we as a Commission need to be with respect to population deviation on this map.

I clearly now understand that there is a, at least -- there's a significant difference of opinion on the Commission on this issue. It may also require that we get some legal advice on the issue as well as other advice on the issue. My no vote is an attempt to keep the record clear as to determining those things first before we move to accepting deviations on a piecemeal basis, if we're going to look at the entire map.

So, having said that, we have a couple
things at work here. First of all, if there's more
business to take care of this evening, we do need a
break. Lisa has been at this for two-and-a-half hours,
as of our reconvening. I'd like to do that before we
take a number of other issues, if we have a number of
other issues this evening.

Mr. Elder.

COMMISSIONER ELDER: Can I ask a quick
question of Mayor Donaldson?

Mayor Donaldson, do you have any report as
to where your -- delineation as to where the proposed
plan, plan modifications are, when it will be ready?

MAYOR DONALDSON: Should be ready in the
morning.

COMMISSIONER ELDER: Are parts ready so
Doug can stay up all night?

MR. JOHNSON: I think we've already
covered that.

COMMISSIONER ELDER: I guess where I'm
going, that may well have ramifications, some go into
here, why go in fine-tuning based on concepts or actual
lines until we see that plan?

COMMISSIONER HALL: Mr. Chairman, on the
issue of population, I can recall three executive
sessions where we discussed it in intimate detail.
We're clearly within the parameters required by-law, probably required by adjustments. We need a scope around what we're doing here. Folks, we are stuck in the mud.

I'm concerned that in certain areas we're moving backwards instead of forwards. I think after the break an initial discussion would be appropriate to determine what the scope is of what we want to try to accomplish -- if we go back to equal populize everything to zero, it will never happen in light of voting rights issues.

Do we need to step away a minute and determine what the scope is and determine what we can accomplish or just renotice another week of meetings?

CHAIRMAN LYNN: Let's take a 10-, 15-minute break and reconvene.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order.

For the record, all five Commissioners are present, legal staff, NDC, and Commission staff.

Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I would like to make a motion. I'd like to make a motion to direct Mr. Johnson to look at deviation of all the
districts of the state, because we have the time to do that now. We should look at it for the voting rights aspect one man one vote. We had a two-day window where we did not have the time to take a look at the deviation, and I think as near as possible to getting the snapshot 2002 Census numbers down --


COMMISSIONER ELDER: -- 2000, that's our mandate. And just because we needed to hit certain target numbers in a very short period of time does not mean now when we have the time to take a look at the numbers we shouldn't at least make the attempt to make the deviation smaller in all the places.

CHAIRMAN LYNN: Second to the motion?

COMMISSIONER HALL: Second.

CHAIRMAN LYNN: Thank you.

Discussion on the motion?

Let me ask, clarifying the motion, I take it by the motion when you say "we have time," you are referring to the fact there's an interim plan in place and that the permanent solution for 2004 and beyond does not have to be in place until sometime prior to the 2004 election, which gives us the time to do it?

COMMISSIONER ELDER: That or may only take a day to do this, and we didn't have a day before. If
we can -- whether we meet next week for a day or two is
not a reason for not doing that at this stage.

CHAIRMAN LYNN: Okay. I just want to be
clear on what kind of time frame you think the motion
will carry with it. And to that point, I'll ask
Mr. Johnson at some point what he estimates, if the
motion were to pass, what that would take.

Ms. Minkoff.

COMMISSIONER MINKOFF: I'd like to ask the
maker and seconder if they'd consider in addition to the
motion instructing Mr. Johnson to make these adjustments
throughout the map taking care to cause no significant
detriment to any districts which comply with Section
Five of the Voting Rights Act and to cause no
significant detriment, significant, to the
competitiveness of -- any competitive district already
created.

COMMISSIONER ELDER: Mr. Chairman, I would
not agree to -- as far as the last portion. As far as
the first portion, yes. Second portion, we haven't been
able to determine what competitiveness is, anyway. To
the extent saying "significant," putting significance on
"significant," I don't know what we can do to that. If
it's reasonable, or if it doesn't do -- I want to say it
doesn't change it or take it out of being a competitive
district to a noncompetitive district, yes, I'd agree
with that. Say going from 3.1 to 3.2, that's still in
the seven percent range, that is not significant.

COMMISSIONER MINKOFF: You are right.

COMMISSIONER ELDER: If we get some
semblance to Mr. Johnson of what significant is --

COMMISSIONER MINKOFF: You know, I think
if we have a one percent district, take it to a
six-and-a-half percent district; a three percent
district, take it to a three-and-a-half percent
district, that's probably going to happen.

I'm comfortable, you know, with leaving it
flexible. I think Mr. Johnson understands what we're
driving at.

COMMISSIONER ELDER: With that caveat,
yes.

CHAIRMAN LYNN: Mr. Huntwork, my specific
question is you are the seconder of the motion.

COMMISSIONER HUNTWORK: Yes. I want to be
clear as we go through this what the instruction is.
The reason we're doing this motion is because we had a
miscommunication on the instruction. It's a little too
easy to say Doug knows exactly what we want.

Yes, we will take competitiveness into
consideration.
COMMISSIONER ELDER: Yes.

COMMISSIONER HUNTWORK: As we will all other criteria, communities of interest, compactness, all other criteria, so as to minimize any harm to any criteria as you achieve the overriding goal of equalizing population, to the extent practicable.

MR. JOHNSON: Mr. Chairman, the instruction before was not a matter of confusion, it was a matter of time, my attempt today to get back to you something solid you could look at. It was not a matter --

CHAIRMAN LYNN: Clearly we've looked at it.

Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I'm in total agreement with the motion. I don't -- in the hope the intent of the last motion not to be misconstrued, priority and timing, I don't know how to resolve the macro issues on the table, what we'll do in Maricopa County. There are other tests already on Doug's plate we have to resolve.

We have to determine in a general sense what our big districts are before we ask to make population deviation adjustments.

We're all in agreement we'd like to have
every district be ideal and perfect. That's all well
and good. This motion needs to be tabled until after we
have Mr. Johnson already eat, if you will, everything on
his plate, do that and bring back that information and
let us analyze it and process it and make some macro
determinations on the issues on his plate. Then after
that I think we then instruct him to do precisely what
Mr. Elder has proposed.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, I
agree with Mr. Hall. I'm not sure we need to table it.
I think we can pass the motion, instruct Mr. Johnson
that the first work he is to do is the other kinds of
adjustments to the districts that we've recommended.

Let's get a map that looks good absent
population equalization, approve it in concept, and
direct him to work on equalizing population.

CHAIRMAN LYNN: Clearly none of us wants
to make any more work for Mr. Johnson than we need to to
achieve a solution.

To my point, at some point in our
deliberations you will have a map with which you can
then move forward in terms of a deviation assessment
throughout the state pursuant to Mr. Elder's motion on
the floor at the moment.
Given that we give you the -- direction to write a map to look at, can you give us estimate how long will take to do a full, statewide assessment according to the motion and come back to us with a recommendation?

<Cellphone rings.>

CHAIRMAN LYNN: And perhaps that's the answer right there.

COMMISSIONER HALL: President Bush.

No, Dear, I won't be home for dinner.

(Laughing.)

MR. JOHNSON: Mr. Chairman, you're correct, there's no way do the work until all other tests are done, as Commissioner Minkoff said, and adopted in concept. At that point, it would probably take a minimum of a week, probably a week and a half or two weeks, depending on scheduling, when that falls, if weekends are available to work through, to do a full report like we did back in October and November, balance everything out, so the Commission can look at options where you might want to deviate, et cetera.

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Was that the one, Mr. Johnson, where you also looked at traps and other finesse done at the very end or a previous iteration,
more grander, larger scale modification? Which one was that?

MR. JOHNSON: It could be done as part of the same project. We'd want to address traps and things twice, do it before deviation work and after deviation work. Don't have to do it before we report to you and after, can be within the same period. That's all part of the same clean-up.

CHAIRMAN LYNN: Further discussion on the motion?

I trust the maker and second understand given the time frame of what we're doing, this is a procedural motion. At the point appropriate to do the iteration review, it will be done in this manner. We're not ordering it to be done immediately, because we don't have a map on which it can be done.

COMMISSIONER ELDER: Yes.

COMMISSIONER HUNTWORK: Yes.

CHAIRMAN LYNN: With that in mind, all in favor of the motion, signify "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."
Opposed say "No."

Motion carries unanimously.

We're at a point in the evening where, in the opinion of the Chair, any substantive discussion of any kind ought to be deferred until tomorrow, at some point.

I would like to get from Mr. Johnson an estimate, aside from population, which has been deferred, with the things currently on the agenda to be worked on between now and the next time we get together, recognizing we can begin the day with public comment and other things that will determine the starting point from the time you tell us, you can be ready to give us a report.

When would that be?

MR. JOHNSON: Mr. Chairman, looking at the instructions so far, which is Commissioner Hall's motion on Sun City, the compactness of District 6, and the 15 -- northwest corner of 15 and Westwood Village trade as one test, Commissioner Huntwork's motion testing the squaring of 6 and 11, and the fact it's already 11:00 o'clock, optimistically, I'd say I'd be ready to report by 11:00. I think more realistically we're looking at 12:00 or 12:30.

CHAIRMAN LYNN: And in that time frame,
given one of the instructions this evening was also 26
and 28 in Tucson, but that is a revival of a test
already there.

MR. JOHNSON: Oh, that's right.

CHAIRMAN LYNN: Does that change your
estimate, Mr. Johnson?

MR. JOHNSON: Failed the first time seeing
it.

That would probably -- that one would
probably add about an hour or so. We're looking at, I
would say, 1:00 o'clock would be a good time for me to
report.

CHAIRMAN LYNN: Mr. Elder?

COMMISSIONER ELDER: Mr. Chairman, my
sense is we should just go ahead and start at 11:00 or
12:00, have public comment, and hopefully -- I guess
where I'm going, hopefully Mayor Donaldson and the group
early in the morning would be able to have a contact
point with Mr. Johnson. Because I would like to have,
even if it be a cursory review, some sort of assessment
where we could put it in and say: Look, it just isn't
working or is working, go further, know right at the
beginning. If we needed to recess for an hour or two
because of that, we could. But 11:00, 12:00, public
comment, Mr. Johnson at 12:30 or 1:00, unless he has
work he can do with Flagstaff and that part.

CHAIRMAN LYNN: Let me propose this and certainly throw it out for your discussion and edification. If you want to make a change, please do so.

My sense is what we ought to do is recess until 11:00 tomorrow. I'm going to bet that either Mr. Johnson will decide to get less sleep or the testing will go better than he anticipates. Given neither of those occur, I still think we ought to go ahead and -- let me revise that. Let's say 11:30, meet at 11:30.

My suggestion would be either have a late breakfast or early lunch. The intent would be to start at 11:30, work through the day until dinner time, if not otherwise finished, and then try to work as late as we need to tomorrow to get wherever we're going to wind up.

It would also be my guesstimation given the work out and work that still needs to be done, I'm not at all confident we'll have a final answer tomorrow. So what we may want to do also, tomorrow, is check schedules for subsequent meetings in the couple weeks to come. And there may be a day or so we might be able to find that works. If not, we'll see.

Having said that, let's try 11:30 tomorrow with Mr. Johnson available, let's say, in the 12:30
range, give or take. And that would probably be the
best --

COMMISSIONER ELDER: Can they have a
contact, or way of getting together if they do arrive
early enough, they know where to get a hold of you?

MR. JOHNSON: The only concern with that,
any time I spend talking with Flagstaff will add to the
time before I'm ready to report.

Is that what you are referring to, getting
together with Flagstaff?

CHAIRMAN LYNN: The issue is if you touch
base with Flagstaff tomorrow morning, find out what
information they have or can give you, number two,
you'll know, have better time to touch base with them on
how much work you have to do on the list you are working
on. We might be able to accommodate the schedule in
some way through what you do tomorrow, have you do both,
not at the same time sequentially.

MR. JOHNSON: I can check in with them
just before the meeting starts at 11:30, if that makes
sense.

CHAIRMAN LYNN: To Mr. Elder's point, if
they have information for you before that, if there's a
way for them to get you what they have, so you know what
you have to work with.
COMMISSIONER ELDER: My hope is they are preparing a disk they can hand to you, you put in, look at, run your information, your study on.

MR. JOHNSON: You guys don't have something similar to a mapping system? You'll come back with something similar to today?

COMMISSIONER ELDER: Ms. Minkoff is saying take more time. Should do it at 3:00. If we get that information, we need to have that.

CHAIRMAN LYNN: Flagstaff indicated they will not be able to provide electronic data at any time.

COMMISSIONER ELDER: What were they doing?

MS. HAUSER: What are they bringing?

COMMISSIONER ELDER: What are they going to provide? We had taken a map at 11:00 o'clock today.

MR. JOHNSON: Ran into population deviations today. They're revisiting that, attempting to address it in a similar fashion as a map description, print paper map descriptions, how they'd address that problem.

COMMISSIONER ELDER: Start at 11:00 o'clock then.

CHAIRMAN LYNN: Make it 11:30 to give Mr. Johnson as much leeway as we can.
We'll meet at 11:30, expect to hear your report at or before 12:30.

MR. JOHNSON: I can be here and give you what I've got.

CHAIRMAN LYNN: Without objection, we'll recess until 11:30 tomorrow morning.

(Whereupon, the Commission recessed at 11:11 p.m.)

* * * *

ATWOOD REPORTING - LISA A. NANCE, RPR, CCR
Phoenix, Arizona
STATE OF ARIZONA )
   ) ss.
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing hearing was
taken before me, LISA A. NANCE, RPR, CCR, Certified
Court Reporter in and for the State of Arizona,
Certificate Number 50349; that the proceedings were
taken down by me in shorthand and thereafter reduced to
typewriting under my direction; that the foregoing 190
takes 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 30th day
of June, 2002.

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