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STATE OF ARIZONA
ARIZONA INDEPENDENT REDISTRICTING COMMISSION

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PUBLIC SESSION

Tempe, Arizona
June 19, 2002
11:30 a.m.

ARIZONA INDEPENDENT
REDISTRICTING COMMISSION

LISA A. NANCE, RPR, CCR
Certified Court Reporter
Certificate No. 50349

1 The State of Arizona Independent Redistricting
2 Commission convened in Public Session on June 19, 2002,
3 at 11:30 o'clock a.m., at the Wyndham Buttes Resort,
4 Kachina Ballroom, 2000 Westcourt Way, Tempe, Arizona, in
5 the presence of:

6

7 APPEARANCES:

8

CHAIRMAN STEVEN W. LYNN

9

VICE CHAIRMAN ANDI MINKOFF

10

COMMISSIONER JAMES R. HUNTWORK

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COMMISSIONER DANIEL R. ELDER

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COMMISSIONER JOSHUA M. HALL

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Phoenix, Arizona

1 **ADDITIONAL APPEARANCES:**

2

LISA T. HAUSER, Commission Counsel

3

JOSE de JESUS RIVERA, Commission Counsel

4

M. MARGUERITE LEONI, NDC Counsel

5

ADOLFO ECHEVESTES, IRC Executive Director

6

LOU JONES, IRC Staff

7

KRISTINA GOMEZ, IRC Staff

8

DOUG JOHNSON, NDC, Consultant

9

LISA A. NANCE, RPR, CCR, Court Reporter

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SPEAKERS FROM THE PUBLIC:

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DAVID CANTELME, Counsel, Flagstaff

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SCHEDULED SPEAKERS:

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MR. DOUG JOHNSON

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1 Public Session
2 Tempe, Arizona
3 June 19, 2002
4 11:30 o'clock a.m.

5 P R O C E E D I N G S

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7 CHAIRMAN LYNN: Good morning. We'll call
8 the meeting to order.

9 For the record, all five Commissioners are
10 present along with legal staff, NDC, legal counsel, and
11 IRC staff.

12 Ladies and gentlemen, I have one speaker
13 slip this morning for our morning session. If there are
14 others of you who wish to speak, I invite you to fill
15 one out as quickly as possible. They can be obtained at
16 the table at the rear of the room, and we will, I'm
17 sure, have more than one opportunity to have you speak
18 today.

19 At the morning session, the only speaker
20 slip I have at the moment is from David Cantelme
21 representing City of Flagstaff.

22 Mr. Cantelme.

23 MR. CANTELME: Thank you, Mr. Chairman,
24 Members of the Commission. If I may pull the easel
25 forward again, Mr. Chairman. The plan we presented

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Phoenix, Arizona

1 yesterday I received a question from Vice Chairman, and
2 that was a very good question, what do you do down here
3 with District 25 and do you create a problem by
4 adjustments of sticking Graham and Greenlee County into
5 this southeastern Arizona district. And that was really
6 an excellent question, probably the Achilles heel, if
7 you will, of this plan.

8 You could not create, take a majority
9 minority, and change it into a minority minority. We
10 met this morning, did a lot of work on that very issue,
11 met this morning with Doug Johnson, and essentially
12 we'll adopt for the treatment of this district down here
13 in southeastern, Arizona, the Navajo Preferred Plan's
14 treatment. And that solves, Mr. Johnson said he'd be
15 here at 12:30, we may have leave then to pull up the
16 plan to show you how it treats that area. That solves
17 the majority-minority issue, leaves 54.2 percent
18 majority minority. It solves the population question.
19 Draw the line there, or actually line at Tohono O'odham,
20 kind of jagged here, between 24 and 25. And it really,
21 all the concerns that were raised yesterday, very
22 legitimate concerns, by adopting that treatment of this
23 area, it resolves these questions not concerned with
24 voting rights, equal protection, majority minority,
25 competitiveness.

1 This is, as far as I can tell, make any
2 adjustments there. That then leaves us able to solve
3 with this plan the Yavapai issue, the Coconino issue,
4 the Apache issue, the Navajo issue. We then stay with
5 option A and option B to deal with the Hopi issue.

6 Mr. Ortega just told me before we left so
7 long as we leave options so that the Hopis are not
8 joined with the Navajo, and that's not our fight, we
9 have an option can go either way, they will support, can
10 support this plan.

11 I'll present an option C. We believe in
12 the integrity of counties, to the extent possible. A
13 little triangle, only nonportion Navajo. Reservations
14 come first. That's the way it is. Reservations trump
15 county lines. We want to respect county lines to the
16 extent reservations are not involved. This sliver here
17 joined with Navajo, may propose put Greenlee put up
18 there, may need adjustments, haven't refined it. That's
19 an option C, try to put on the table at some point.
20 That then keeps the full integrity of Navajo County,
21 Show Low, Pinetop, with Snowflake, Taylor.

22 If we may have leave of Mr. Johnson when
23 he returns, Mr. Chairman, to simply pull up the Navajo
24 Preferred, it would look much better on his computer
25 screen than it does on my last remaining analog

1 presentation.

2 CHAIRMAN LYNN: Last dinosaur in the
3 bunch.

4 Mr. Hall, Mr. Huntwork.

5 COMMISSIONER HALL: Nothing.

6 COMMISSIONER HUNTWORK: Okay. I would
7 like to ask every lawyer in the building, starting with
8 Mr. Cantelme, the same question I asked Ms. Dworkin
9 yesterday, which is, in your opinion, would we run the
10 risk of a packing claim in District 2 if we put the --
11 both Apache tribes in there, either including, excluding
12 Hopis, in terms of voting age population? My
13 recollection is without the Hopis it was 70 plus, with
14 the Hopis it was 75 plus voting age population, from the
15 numbers we saw when we ran the tests before.

16 MR. CANTELME: I thought it was an
17 excellent question. This is the answer I'd give, I
18 think an accurate answer. They're always concerned with
19 packing, DOJ is concerned. It's always a concern.
20 Packing and sprinkling, two techniques to dilute a
21 minority. The answer, here is an all or nothing
22 proposition. Take these 22,000, need to raise the
23 Navajo percentages, and you can't split the
24 reservations. Either put all of it in or none of it.
25 When you consider the two options, are we better off in

1 terms of voting rights, independent voting rights, with
2 all of it in there or none of it in there.

3 I think the answer is pretty obvious. You
4 have a district much more amenable to electing Indian
5 representatives to the Legislature when you put it all
6 together.

7 And I don't think you can -- in fact, my
8 recollection is that the '72 case split, and certainly
9 the '82 case split part of the Apaches. It's just a
10 no-no. You just don't do it. It being an all or
11 nothing proposition, you have to go with all rather than
12 nothing.

13 CHAIRMAN LYNN: Mr. Huntwork.

14 COMMISSIONER HUNTWORK: I'd like to ask
15 our counsel the same question.

16 Do we have a voting rights problem if put
17 the tribes together? We know Justice approved it with
18 them apart, Hopis in. In your opinion, do we have a
19 problem if we put them together?

20 MS. HAUSER: If it is the Commission's
21 pleasure to answer that question in open session, we can
22 do that.

23 MR. RIVERA: You are asking for legal
24 advice. Considering there's litigation on this issue,
25 at this point in time --

1 COMMISSIONER HUNTWORK: Let me just say
2 this. I want the answer, because my action may depend
3 on the answer. So if we need to defer it to -- if you
4 advise me we should defer to an Executive Session,
5 that's fine. I do want to say that I think that in
6 addressing this question, ultimately we're going to need
7 to talk about whether -- I'm going to need to talk about
8 whether I believe it's packing or not. I already said
9 recently I was concerned it was packing. That was one
10 of my primary reasons for voting against this type of
11 plan in the first place. I certainly need to have a
12 legal answer to that question, or the best one
13 available, so I can act in public session on the matter
14 before us. If that -- if you want to give me the advice
15 in private, I'll take that advice.

16 CHAIRMAN LYNN: I think you'll have that
17 opportunity. I'd you to defer that and take care of it
18 in a more appropriate forum.

19 Mr. Hall.

20 COMMISSIONER HALL: Well, Mr. Huntwork,
21 the answer is yes, it's packing.

22 Comment, Mr. Cantelme, since we need to
23 raise percentages, which is obviously the premise of the
24 plan.

25 MR. CANTELME: True.

1 COMMISSIONER HALL: Isn't it true the
2 Department of Justice has approved it as currently
3 configured?

4 MR. CANTELME: As far as I can tell, it
5 has. My understanding is what DOJ focused on was
6 Hispanic districts here, whether there's retrogression.

7 COMMISSIONER HALL: Let me rephrase.
8 Isn't it true DOJ didn't object to District 2 as
9 configured?

10 MR. CANTELME: I think that's accurate.

11 COMMISSIONER HALL: The statement we need
12 to raise the percentages is inaccurate?

13 MR. CANTELME: I'd say that's a fact.
14 Whether that would survive on the very same question in
15 court is another question.

16 COMMISSIONER HALL: Thank you.

17 CHAIRMAN LYNN: Mr. Huntwork.

18 COMMISSIONER HUNTWORK: I simply want to
19 say that's not the question I'm looking at.

20 DOJ did approve it as it is. The question
21 I'm looking at is should we consider increasing Native
22 American population. Because that appears to me to
23 be -- appears to me to be the preponderance of the
24 desires of the Native Americans involved, that we unite
25 the Apaches with Navajos and exclude the Hopis, even

1 though, obviously, that is not the wish of the Navajo.
2 I feel in my own mind it's very important whether we
3 legally can do it or not before we consider it further.

4 CHAIRMAN LYNN: Mr. Hall.

5 COMMISSIONER HALL: I concur with you,
6 Mr. Huntwork. I was just correct in what I thought I
7 heard Mr. Cantelme say. The fact is the Hopis don't
8 want to be with the Navajos. The Navajos do want to be
9 with the Hopis. It seems like we've addressed this in
10 about 10 tests, seems like deja vu.

11 The second one, contrary to Ms. Dworkin's
12 couchy answer, the last written communication with
13 Chairman Massey is they want to stay with their
14 community of interest as currently configured. Four
15 tribes want to do one thing and two want to do something
16 different. So, you know, it's a simple matter of, you
17 know, boils back down to issues of communities of
18 interest and all the other issues of Proposition 106,
19 which I think we considered in the past, and including
20 Voting Rights Act, and acted in accordance with
21 compliance -- in compliance of all of those criteria.

22 CHAIRMAN LYNN: First of all, your
23 question, information, is whether or not we would allow,
24 grant you the opportunity to further discuss this when
25 Mr. Johnson joins us. The answer is absolutely we will,

1 without question. Having said that, I want to ask
2 another question relative to the proposal. Certainly
3 the Mayor and the other representatives of the City of
4 Flagstaff are to be commended for their perseverance, if
5 nothing else. And certainly they can be commended for a
6 number of other things in addition to their
7 perseverance. No question the Commission has heard on
8 several occasions the position of the local government,
9 at least as represented by the Mayor, about the need to
10 address the issue in and around Flagstaff and it's
11 legislative districting.

12 The concern I have is that my clear
13 recollection of testimony in the Flagstaff area was the
14 reaction of the citizens of Flagstaff at times differed
15 quite markedly from the testimony from the elected
16 officials of Flagstaff. Many of the people who
17 testified in that hearing were perfectly happy with the
18 configuration of Flagstaff in the current district, the
19 adopted district, and felt that the similarities between
20 many of the things in Flagstaff and the Navajo Nation
21 were things to be embraced, to be celebrated, to be
22 jointly represented. So there was conflicting
23 testimony. I'm not saying one was pervasive. I'm
24 saying there was conflict in terms of those two issues.

25 I certainly want to go on the record as

1 irrespective of the issue of packing, which has a legal
2 implication as well as social stigma attached to it, I
3 want to go on record as saying that given that the
4 Department of Justice has not objected to the plan as
5 drawn, I need to be overwhelmingly persuaded that this
6 magnitude of change in terms of the number of districts
7 affected and number of things we are taking a relook at,
8 is, essentially, doing no harm and an awful lot of good.
9 And, quite honestly, I'm not convinced of that. I just
10 need to put that on the record and let you know it's
11 going to be a tough sell.

12 MR. CANTELME: May I respond to that?

13 CHAIRMAN LYNN: Absolutely.

14 MR. CANTELME: Whenever you make change
15 effective, it affects a number of districts. It's a
16 question of whether it's worth it to do it. What I set
17 forth in trying to address the plan was to address a
18 number of issues in the northeast part of the state I
19 perceived in lawsuits that came about. It makes logical
20 sense, assuming, just grant me for discussion, we comply
21 with federal requirements, it makes logical sense to
22 keep Yavapai County as a whole. It makes logical sense
23 to draw a rim district. It makes logical sense
24 because -- I may be wrong about this, Ms. Dworkin might
25 be wrong, perhaps the Fort Apache White Mountains want

1 to stay where they are. I had not heard that before.
2 If they do, they do. Issues of sovereignty, so many
3 issues between tribes. Solves the Hopi problem,
4 Tri-City problem, Flagstaff problem. Solves every
5 problem up in this area. Still treats Graham, Greenlee
6 fairly. Treats Pima fairly, Gila fairly.
7 Non-Reservation portions of Apache may not be happy in
8 the area where voting strength is really overwhelmed by
9 Indian voting strength. When you solve all those
10 problems and do not create -- and if we can create, when
11 Mr. Johnson gets here, do not create a problem in the
12 southeast, that then let's the Commission focus on, in
13 terms of the state court case, let's you focus on
14 competitiveness. We don't, I think, affect
15 competitiveness.

16 I believe we probably have a Democratic
17 leaning district, just as Democratic a leaning district
18 here, but not that a Republican can't win in probably
19 either district under certain circumstances. This is
20 where you'll solve competitiveness, in my opinion,
21 affecting those districts. That's where votes are.
22 That's where 24 of the districts are. This takes every
23 issue out of the case but for competitiveness. And I
24 think that advances, solves, it clarifies other issues.

25 CHAIRMAN LYNN: Well, and I appreciate

1 that, Mr. Cantelme.

2 Just, again, to be clear, I think some of
3 the problems that you list as problems I may not see as
4 problems.

5 MR. CANTELME: I'll grant you that.

6 CHAIRMAN LYNN: I'll --

7 MR. CANTELME: Reasonable people can
8 differ.

9 CHAIRMAN LYNN: The same places you are
10 raising issues are not really problems creating things
11 in other parts of state. We've clearly had overwhelming
12 testimony on what the rest of the configuration of the
13 state should look like, EACO being one of them. All
14 situations compensating, balances need to be looked at.

15 MR. CANTELME: Mr. Chairman, I agree
16 completely. The only issue we create with this, I can
17 perceive, as Mr. Johnson will verify, taking care of
18 this, what I call the Achilles heel of the plan, you no
19 longer have an EACO district. That's the tradeoff.
20 Trade EACO, complete District 4, solving at least what
21 some people have complained of in court. And you don't
22 treat these portions of EACO unfairly. That's --

23 You can't solve every problem. I know the
24 Commission has wrestled and done its best. My position
25 is this solves more problems than anything else in the

1 rural counties.

2 CHAIRMAN LYNN: I understand.

3 Mr. Huntwork.

4 COMMISSIONER HUNTWORK: The only thing I
5 don't understand is why you don't propose a solution
6 confined basically to 1, 2, and 5. It's obvious that
7 you could do that or at least partially do it.

8 MR. CANTELME: If I could do it, I'd do
9 it. I'm not taking on any other problems I have to deal
10 with. If a simpler way to do it, I'd love to.

11 COMMISSIONER HUNTWORK: Obvious, could do
12 it, switch population around among districts. One
13 thing, take Graham, Greenlee counties, Navajos north,
14 Flagstaff, unite with what is the rest of EACO,
15 virtually no effect on District 1. You might have to
16 leave part of Flagstaff in, might have a split somewhere
17 in Flagstaff, keep a lot of Flagstaff out, an obvious
18 solution. I'm not suggesting I'd vote for it. I'm
19 suggesting where are you are causing ripples that go
20 through the entire map when you don't have to do that.
21 It's obviously a big problem for us at this stage of the
22 proceeding.

23 MR. CANTELME: Here's the problem. I
24 agree with you, we can create, solve our issue, create a
25 few if we want to do that. Here's the problem. Here's

1 what I wrestled with. If you create the Indian
2 district, you have isolated Greenlee and Graham.

3 COMMISSIONER HUNTWORK: Not and bring up
4 north.

5 MR. CANTELME: If you take them north, you
6 are talking 30, 28 plus eight, 36,000 population. If
7 you run these onto the Indian Reservation.

8 COMMISSIONER HUNTWORK: Right.

9 MR. CANTELME: Right.

10 COMMISSIONER HUNTWORK: Take out of
11 Flagstaff, unite with Graham, Greenlee County.

12 MR. CANTELME: I'm trying to preserve the
13 Tri-Cities, preserve, keep the issue.

14 COMMISSIONER HUNTWORK: Straight swap of 2
15 and 5. Sorry -- just giving something to think about.

16 MR. CANTELME: Here's what I saw when
17 doing this. You have in these, as mentioned yesterday,
18 these counties minus Graham, Greenlee. 5 is an ideal
19 district. Put Graham, Greenlee in there. Talking three
20 ideal districts. Five districts in this proposal.

21 Solves as many problems as possible, once you stick
22 Graham, Greenlee in there, deal with another issue in
23 terms of population. I couldn't solve that.

24 COMMISSIONER HUNTWORK: Your solution is
25 to create waves, ripples, through the entire map.

1 MR. CANTELME: Ripples there and stops
2 there. Does nothing to the river districts. Yes, it
3 does affect 25. As I think we can prove, the Navajo
4 Preferred solves the problems with 25.

5 CHAIRMAN LYNN: Ms. Minkoff.

6 COMMISSIONER MINKOFF: Mr. Cantelme,
7 another district that comes in play there is District 4
8 which contains the rest of Yavapai County but is
9 essentially a western, Northwestern Maricopa County
10 District. You have that going down to the international
11 border with Mexico. So let me add my concerns --

12 MR. CANTELME: We changed that, Madam Vice
13 Chairman.

14 COMMISSIONER MINKOFF: Have to do
15 something with District 4. If you make Yavapai County a
16 district, you've taken a significant portion of District
17 4 and put it someplace else. I would share
18 Mr. Huntwork's concern in terms of how does that ripple
19 through the rest of the map? Once you go into Maricopa
20 County, you have a minimum of 18 districts in play,
21 possibly more than that. I'd like to see some detail as
22 to how, if at all, it impacts on Maricopa County and the
23 districts we're currently working with there.

24 MR. CANTELME: And I think the answer to
25 that is under the Navajo Preferred treatment of 25, all

1 this goes into 25. What you do, essentially, trade this
2 portion of Maricopa lightly populated, put before it,
3 and trade for that portion of Yavapai. Almost a push.
4 And you never have to get into the populous districts in
5 Maricopa. You skirt it.

6 COMMISSIONER MINKOFF: Does your plan
7 change any of the boundaries of District 4 that touch,
8 let's say, metropolitan portions of Maricopa County?

9 MR. CANTELME: It does not.

10 You have so many dominos in here we'll not
11 touch one of them. Once you do that, you have a whole
12 bunch of dominos falling. I think that's what
13 Mr. Johnson can show us when he gets here.

14 COMMISSIONER HALL: Where is Tohono
15 O'odham's tribe up in your proposed change?

16 MR. CANTELME: We don't change them, 25.

17 COMMISSIONER HALL: You said draw a line
18 right there.

19 CHAIRMAN LYNN: The northern area.

20 MR. CANTELME: Tohono changes where you
21 have them, 25.

22 COMMISSIONER HALL: What about 23?

23 MR. CANTELME: Nothing.

24 COMMISSIONER MINKOFF: Let me pick up on
25 that as well, Mr. Cantelme. Adding Graham, Greenlee,

1 non-Reservation portions of it to 25, Graham is a very
2 small county. I have them backwards. Greenlee is a
3 small county. Graham has significant population.
4 Putting a lot of population into District 25, it now
5 looks to me like only portion you are taking out is Ajo,
6 now putting Tohono O'odham back in with all that.

7 MR. CANTELME: Right.

8 COMMISSIONER MINKOFF: Don't you have a
9 seriously overpopulated district in District 25 once
10 you've taken Graham and Greenlee out?

11 MR. CANTELME: Good question. Look at the
12 way the Navajo Preferred plan treats this arc here. You
13 trade off with the district there, make a difference in
14 District 36.

15 COMMISSIONER MINKOFF: Maybe wait. Maybe
16 we ought to wait. Talking Navajo Preferred plan.

17 MR. CANTELME: What I'm saying, Madam
18 Chairman.

19 COMMISSIONER MINKOFF: I'm not the
20 Chairman. He is.

21 MR. CANTELME: Madam Vice Chairman.

22 CHAIRMAN LYNN: Mr. Johnson will be here
23 and we can renew the discussion. I think we understand
24 the issues and understand the proposal. Mr. Johnson
25 will help us understand the nuances of the proposal a

1 little better, and then we'll continue the discussion.

2 MS. LEONI: Mr. Chairman, I want to make
3 it clear for the record, it was unclear to me, counsel
4 for NDC, NDC did not draw lines relative to this plan
5 but simply reviewed with the Flagstaff representative a
6 configuration submitted in litigation known as Navajo
7 Preferred, not line drawing.

8 CHAIRMAN LYNN: There's no implication
9 what he did. What I do think he did. And Mr. Cantelme
10 suggested what he did was take a look at the Navajo
11 Preferred solution as relates to District 25 and may
12 have an opinion about what that solution does or doesn't
13 do.

14 MS. LEONI: He may or may not. We'll see.

15 CHAIRMAN LYNN: I did use both of those
16 options, didn't I.

17 All right. Other members of the public
18 who wish to be heard at this time?

19 Well, look who's here. The man of the
20 hour.

21 We have two issues. I would like for
22 Mr. Johnson to get set up, but I think it would be
23 reasonable, based on some of the issues that have been
24 raised this morning, we were going to have another
25 Executive Session anyway. I think it would be

1 reasonable to have that Executive Session at this
2 juncture then get into Mr. Johnson's presentation.

3 What I would like to do is entertain a
4 motion to go into Executive Session. I don't think it
5 will be lengthy, but I think it's important, and then
6 following the Executive Session we take a 10-minute
7 break and allow Mr. Johnson to complete his setup.

8 Is there a motion?

9 COMMISSIONER MINKOFF: Mr. Chairman, I'd
10 move we go into Executive Session.

11 COMMISSIONER ELDER: Second.

12 CHAIRMAN LYNN: Pursuant to
13 38-431.03(A)(3) and 38-431.03(A)(4), it's been moved and
14 seconded to go into Executive Session.

15 All in favor, signify "Aye."

16 COMMISSIONER MINKOFF: "Aye."

17 COMMISSIONER HUNTWORK: "Aye."

18 COMMISSIONER ELDER: "Aye."

19 COMMISSIONER HALL: "Aye."

20 CHAIRMAN LYNN: Chair votes "Aye."

21 Opposed, "No."

22 Motion carries unanimously and is so
23 ordered.

24 I estimate a half hour. At the conclusion
25 of that, we'll immediately go into regular session, take

1 a break. If that helps plan the next hour of your day,
2 I'm delighted to be of help.

3 Thank you very much.

4 (Whereupon, the Commission recessed Open
5 Public Session to go into Executive Session from 12:20
6 until 1:06 p.m. at which time Open Public Session
7 resumed.)

8 CHAIRMAN LYNN: The Commission will take a
9 recess for 10 minutes.

10 (Recess taken.)

11 CHAIRMAN LYNN: The Commission will come
12 to order.

13 Mr. Johnson, your report, if you would,
14 please.

15 MR. JOHNSON: Mr. Chairman, I have a
16 couple things to report on. First, I had spoken this
17 morning briefly with the representatives of Flagstaff.
18 I don't know if they've spoken yet or not. Did you want
19 me to follow up on that?

20 CHAIRMAN LYNN: They have. You are more
21 than welcome to follow up on that conversation.

22 MR. JOHNSON: The substance of the
23 conversation was looking at District 25 we attempted to
24 test yesterday and how that might be modified to create
25 districts within the population range that we're aiming

1 for.

2 One suggestion from the Flagstaff folks
3 was would the configuration in Southeast Arizona done in
4 the Navajo Preferred Legislative plan, one of the plans
5 submitted to the court in the federal trial, I guess,
6 would that configuration allow them to do what they want
7 to do up north while drawing districts in the south that
8 met the population and other requirements? Just looking
9 how the pieces fit together, I believe this
10 configuration would work. Obviously in the north what
11 they're proposing is very different than what is in the
12 Navajo Preferred plan, but that piece would, from the
13 initial examination I've done this morning, would fit in
14 with what the Navajo Preferred Plan does in the south,
15 and that is District 25, taking in the Tohono O'odham
16 Reservation, all Santa Cruz County, all Greenlee County,
17 portions of Graham and Cochise. May work, also have to
18 do shifts in the Navajo Preferred Plan, in the Tucson
19 area very similar to some proposals you looked at back
20 in October of this area as well. 26 shifts to the west
21 and 30 moves up into the Saddlebrooke area. This
22 configuration in the south would keep District 25 a
23 majority-minority district with very similar numbers to
24 what there is in the interim plan. It would have the
25 impacts on other districts you can see on the map. And

1 it would allow the Flagstaff map in the north to
2 function as they aimed.

3 Questions about that?

4 CHAIRMAN LYNN: Comments or questions on
5 that particular part of Mr. Johnson's report?

6 Ms. Minkoff.

7 COMMISSIONER MINKOFF: Just to help me
8 understand, this is illustrative only for the southern
9 portion of the state, correct?

10 MR. JOHNSON: Correct. Both -- what they
11 are proposing in the central, north, and west is very
12 different.

13 COMMISSIONER MINKOFF: Okay. And my other
14 question is I notice District 24, I believe, on this
15 plan, I believe on their proposal as well, picks up a
16 little Western Pinal County, uh-huh, and I guess that's
17 the only community there. And La Paz is still split.
18 Is District 24 overpopulated now or --

19 MR. JOHNSON: District 24, I haven't
20 looked at the exact spread, should be balanced, about
21 400 people over. The change from the 2002 plan and 24
22 is, as you noted, it picks up Ajo in this area, drops
23 the Wendon Salome area.

24 COMMISSIONER MINKOFF: Okay. If the same
25 configuration were maintained, might have a population

1 issue with District 3, would we not? Can't tell from
2 this map. District 3 is completely different.

3 MR. JOHNSON: Right. Just looking how
4 pieces fit together. Could you get to population
5 targets described.

6 COMMISSIONER MINKOFF: Even though what
7 we're looking at are primarily Southern Arizona, there
8 are ripples to the north with changes to District 3, and
9 et cetera.

10 MR. CANTELME: Madam, Mr. Chairman, can I
11 speak to that point?

12 MR. CANTELME: Madam Chairman, what we do,
13 that goes to Yavapai; 3, essentially Mohave County; plus
14 what happens up here between Hopi and Page. And
15 wherever you draw the line there, as I said, throughout
16 is not an issue for us. The point is you have two very
17 fine river districts in terms of population.

18 CHAIRMAN LYNN: Mr. Huntwork.

19 COMMISSIONER HUNTWORK: Out of curiosity,
20 are any of those Tucson districts competitive?

21 MR. JOHNSON: I haven't rerun the numbers
22 on them, but District 26 is a district frequently
23 proposed as a competitive district.

24 COMMISSIONER HUNTWORK: Okay.

25 COMMISSIONER MINKOFF: 28 does not change

1 in that map at all, 26 and 30?

2 MR. JOHNSON: When you did an early
3 analysis and discussion on the proposals drawn similar
4 to this, 28, I believe, is still fairly Democratic, but
5 I haven't --

6 COMMISSIONER MINKOFF: I'm just looking at
7 the boundaries of it.

8 MR. JOHNSON: Pardon?

9 COMMISSIONER MINKOFF: The boundaries of
10 28. Is that the same as what we've been looking at?

11 COMMISSIONER ELDER: No.

12 MR. JOHNSON: District 26 comes down
13 similar to the test I'll show you today comes down into
14 Tucson.

15 COMMISSIONER MINKOFF: 29 looks like a
16 different shape as well.

17 MR. JOHNSON: 29, 27 are different. They
18 are when the Commission was back long ago at a point in
19 the process. Could be restored back to our adopted, a
20 shape rotating within the districts. Obviously I
21 haven't drawn all the pieces.

22 In an effort to answer a question that
23 came up yesterday, how to get District 25 in balance
24 with population, does it stay majority minority, it is
25 possible to use this configuration.

1 CHAIRMAN LYNN: All right. Move onto the
2 next portion of your report, please.

3 MR. JOHNSON: Next, very quick to report
4 on, La Paz County, had the discussion of Rainbow
5 Estates. And you can see the result of the change we
6 discussed, I can get the figures, actually makes
7 District 24 seven-hundredths of a point higher Hispanic
8 voting age, and seven-hundreds of a point higher total
9 minority population. On a voting rights standpoint,
10 virtually unmeasurable but slightly stronger voting
11 strength in District 24. Somewhat unusual shape that is
12 as looked yesterday, Census block geography section, La
13 Paz described as Rainbow Estates Development. Any
14 questions.

15 COMMISSIONER ELDER: What does it do to
16 population deviation? How many people segments?

17 MR. JOHNSON: Total of 292 people and
18 actually worked with our population deviation to reduce
19 it.

20 CHAIRMAN LYNN: Other questions or
21 comments on that particular portion of Mr. Johnson's
22 work?

23 COMMISSIONER MINKOFF: Want to go through
24 questions --

25 CHAIRMAN LYNN: Let's go through the whole

1 report. I know this one is fairly isolated. I don't
2 want to make a decision on something that would impact
3 later we'd have to go back and redo or have undue.
4 Let's move through the rest of the report.

5 MR. JOHNSON: The next test undertook the
6 motion of Commissioner Huntwork, the impact of making
7 District 6 more compact, attempting to come down the 7th
8 Street corridor. I'll bring that up.

9 While the computer is bringing that up, I
10 was able to balance populations and draw this district.
11 The end result is that in District 6, yesterday when I
12 presented this, we had -- when I presented yesterday's
13 test, the AQD spread is 6.4 percent. And after these
14 changes we do end up, more or less, coming right down
15 7th Street. The far southern end, as you'll see in a
16 moment, does slide a little, or to 10.

17 Yes. Here we go.

18 Let me zoom in on this area.

19 As you can see, the black outline overlay
20 is the lines relative from yesterday. The new border is
21 7th Street down in Glendale, runs a little into 10th
22 Street purely because of population reasons. The result
23 is AQD looked at yesterday, 6.4, and new AQD, 9.3.
24 Judge It, Judge It as we looked at yesterday was four
25 percent. As mentioned, we don't have Judge It figures

1 run on this plan. What I did try to do was take a
2 guess, educated guess. I looked at the ratio change in
3 the AQD shift. If the percentage relationship between
4 AQD and Judge It stays the same, and there's no
5 guarantee it does, you'd end up with Judge It around 5.6
6 in this district. No guarantee that's what the test
7 will show. AQD change of this much, what is the
8 corresponding change in Judge It, that's the reason for
9 that.

10 There was a move of -- let's see, 13,500
11 people each way in this from 11 to 6, in the notch,
12 here, north of Glendale, and from 6 to 11 south of
13 Glendale and east of 10.

14 COMMISSIONER MINKOFF: Doug, did you say
15 you made changes in 10 doing changes in this or not?

16 MR. JOHNSON: No. 10th Street.

17 COMMISSIONER MINKOFF: 10th Street.

18 CHAIRMAN LYNN: Judge It number, guessing
19 at, 6. --

20 MR. JOHNSON: Roughly 5.6.

21 CHAIRMAN LYNN: 5.6.

22 Very little confidence in exactly 5.6,
23 quite confident it will come in below seven.

24 Comments or questions on this particular
25 portion of Mr. Johnson's report?

1 Okay. Let's move on to the next.

2 MR. JOHNSON: One thing I should note, the
3 next response is to Commissioner Hall's motion, an
4 attempt to make 6 more compact while keeping within
5 competitive changes. As I just discussed, I believe, I
6 won't know until we do the actual test, this District 6
7 stays within the competitive range. As I mentioned, it
8 doesn't stay within the AQD range. I haven't
9 incorporated this in the response to Commissioner Hall's
10 motion. This could be put into that plan if that is the
11 Commission's choosing. What you are about to see, a new
12 plan, a district, that keeps 6 in the AQD seven percent
13 range in addition to keeping it in the Judge It range.
14 It could be, if you want to focus on Judge It, that
15 district could be moved into this plan.

16 At this point I should note, I do have all
17 tests completed I was instructed to conduct last night.
18 What I didn't have time to do is put together a spread
19 sheet or slide show. I'm going from handwritten notes.
20 I can get you a more formal report later.

21 While this comes up, I was also asked
22 during the break about the differences in Test 1 and 2
23 in Tucson. I want to note the deviation, I had a slide
24 for East Valley deviation changes and then kind of took
25 a different approach to deviations. The rest of the

1 presentation is rendered not relevant to future
2 progress. The next slide is showing the test of
3 deviation fixes in Tucson. That's why the spread
4 sheets, Test 1, Test 2, are different in that area, just
5 deviation tests.

6 This map, the Maricopa area, is responsive
7 to the instructions in Commissioner Hall's motion. Let
8 me just restate those. The first was to test returning
9 Sun City and Youngtown into District 9 and one portion
10 of Glendale back into District 4. That's included.
11 Second, as I mentioned, District 6, is an attempt to
12 make it more compact keeping within the competitiveness
13 range. So that is accomplished here. Stayed within the
14 range for AQD, seven percent range AQD. Based on
15 previous tests, I have very high confidence it will be
16 within the Judge It range. It incorporates what was the
17 northwest corner of the district, the finger to the
18 freeway, and the Westwood Village area.

19 I actually went on the City of Phoenix
20 website and confirmed the borders of Westwood Village.
21 As Commissioner Minkoff stated, Osborn to Thomas, and
22 exactly the area we looked at.

23 Those are the three elements of this
24 change.

25 You can see, just looking at it, District

1 9 extends to West Lakes in Sun City and Youngtown,
2 again.

3 CHAIRMAN LYNN: Mr. Johnson, this test
4 also includes the adjustment to the Historic District,
5 does it not?

6 MR. JOHNSON: Thank you. Yes. I did this
7 work based on what we called 2-14. It had the Historic
8 District in it.

9 COMMISSIONER MINKOFF: Mr. Johnson, is it
10 possible for you to change the color of 14? It kind of
11 blends with 13 and I'm having trouble with it.

12 MR. JOHNSON: Let me change 10, also.

13 CHAIRMAN LYNN: Not sure people of 14
14 appreciate the color choice, but . . .

15 MR. JOHNSON: Red lines are Test 2. As
16 you know, they don't show the Historic District change.
17 This gives a sense of where the change took place. You
18 can see the area of Glendale, Peoria given back into 4
19 from 9 and the Sun City, Youngtown area picked up into
20 9. Then down in 14 and 15, see the trade of the small
21 area west, the northwest portion of 15, and the Westwood
22 Village area put into 15 to make the historic areas.
23 Finally, in District 6, there is a small portion up here
24 moved and a tradeoff area down here where 11 gives up to
25 District 6 to offset that change. It's a small change

1 that makes a little less narrow of neck in the central
2 portion of 6. Obviously it doesn't do a huge change.
3 Any time I try a larger adjustment or more compact 6, I
4 exceed the seven percent range noted in AQD.

5 Could go to the district showed in the
6 last test. I strongly suggest stay in the Judge It
7 competitive range, exceed the AQD competitive range.
8 This was an effort to show you both.

9 COMMISSIONER MINKOFF: Can I ask Doug to
10 zoom in on the changes in 6 and tell us what they are?

11 MR. JOHNSON: Maybe zoom in on each one.

12 COMMISSIONER MINKOFF: All right.

13 MR. JOHNSON: District 9, I'll zoom in and
14 get -- this is, again, very similar to the previous map.
15 Most of the northern border of 9 is Union Hills. One
16 portion of far east Glendale does go up to Agua Fria,
17 between 59th and the city border.

18 Down here in 15, 14, is the Historic
19 District change we talked about in detail yesterday. In
20 the northwest corner, it's now largely a vertical border
21 at 19th Avenue except between Osborn and Thomas where it
22 goes all the way over to the freeway in order to unite
23 Westwood Village. And then, District 6, starting at the
24 north, this is within -- actually goes the length of
25 Union Hills to Bell moving the border westward from 12th

1 Street to Ninth Street.

2 And then in the central area of District
3 6, the border of -- actually the neck of District 6
4 widens out because the border moves slightly to the east
5 and moves over to 11th Avenue except in the southern
6 extreme. South of Myrtle it goes over.

7 COMMISSIONER HALL: Can you put the
8 freeways on there, please?

9 COMMISSIONER ELDER: Doug, could we also
10 try that population -- not population, but
11 the registration density color map, or whatever it was,
12 seeing what is moving into or moving out of?

13 MR. JOHNSON: Sure. One second to bring
14 that up.

15 This color thematic here is by precincts.
16 And the colors reflect the Democratic performance on our
17 AQD measurement. So the burnt red is zero to 30 percent
18 Democratic AQD vote, so heavily Republican, 70 percent
19 plus Republican; orange, light green, I guess all come
20 out yellow, 45 percent and 55 percent, so essentially
21 balanced; and then the green areas are getting more
22 Democratic. Far south, some darker green, 75 percent
23 higher Democratic.

24 The area we're looking at in District 6,
25 in the north we're just splitting a precinct that is

1 essentially balanced. And then in the central portion
2 we're picking up heavily Republican areas.

3 This also is a good illustration of the
4 previous test their border District 6 becomes vertical
5 along Seventh, gives up more balanced areas in southern
6 6 and picks up balanced areas as well.

7 CHAIRMAN LYNN: Additional comments or
8 questions on this portion of Mr. Johnson's presentation?

9 MR. JOHNSON: Let me make one note. On
10 District 9, competitiveness of District 9 and District
11 4, let me see if I have the details here. It's not a
12 big change. Here we go. I can bring it up on here.
13 District 4, in District 4, under test two, which we saw
14 yesterday, District 4 includes Sun City. The AQD spread
15 is 23 and a half. And it goes up by about four percent.
16 So it's in the high 20s. And District 9 --

17 COMMISSIONER ELDER: Mr. Johnson, were you
18 reading what was in that square?

19 MR. JOHNSON: Yes. 36.66 instead of 26.

20 Reading and translating, Democratic
21 registration score, calculate the Republican score, and
22 figure out the difference between them.

23 COMMISSIONER ELDER: Okay.

24 MR. JOHNSON: By the time I drew the
25 tests, there was not time to prepare a spread sheet.

1 Made it easy to read.

2 District 9, Democratic AQD score, 39.4.

3 As you see here, goes to 40.8. So AQD spread will
4 reduce from 21 to about 19. More or less a straight two
5 percent swap between two very Republican districts. One
6 does drop below a 20 percent spread, if that's important
7 for any of you.

8 Other questions?

9 I have the Tucson test to show.

10 COMMISSIONER MINKOFF: Reactions?

11 CHAIRMAN LYNN: Don't go back. We'll go
12 back.

13 COMMISSIONER MINKOFF: Okay.

14 MR. JOHNSON: In Tucson. The instruction
15 in Commissioner Minkoff's motion was to look at
16 attempting to get 26 and 28 within our competitive
17 ranges.

18 Let me add some colors. There we go.

19 The red line overlaid shows Test 2 yet,
20 which is very close to the 2002 map with some very small
21 attempts at reducing deviations. And those attempts
22 have now been reversed by this test. But --

23 Can you see 26? Let me change the color
24 in 26.

25 Okay. So you can see, District 26, I'll

1 zoom in to show you the detail. District 26 moved
2 southeast into the northern portion of Tucson picking up
3 population from Democratic voters from District 28. To
4 balance, District 28 has moved east actually over to the
5 school district boundary which is very close to the city
6 border. Essentially 28 extends now all the way to the
7 Tucson border. The only exception south is a thousand
8 people. I didn't have time to test trying to move the
9 last thousand. The northern border of 28 is the river
10 all along 28 and 30.

11 Once 28 picked up population from 30, 30
12 circles around and picks up an area along the border of
13 it and 26 including picking up all Census place Catalina
14 Foothills, includes all Catalina Foothills School
15 District and down to the river except for population
16 balancing the very edge where it goes up to River Road
17 and over to the border of Oro Valley.

18 COMMISSIONER ELDER: Could you turn on,
19 like, the national forest?

20 MR. JOHNSON: Sure.

21 The process I went through in trying to
22 figure out where to make changes, I looked at first the
23 most recent proposals we had in the area that didn't do
24 all these changes to 30 the Commission already voted on,
25 which was the Navajo Preferred plan, actually. But that

1 took a fairly radical approach and moved Saddlebrooke
2 and a significant portion of 26, which I didn't want to
3 present that much of a test, if I didn't need to. That
4 is still in front of you, if you want to look at it. I
5 can bring it up. Then I moved back, went back to 4G-SV3
6 Revision Revised 3, considered at the very end. I
7 started from that, now that have a new registration data
8 base and AQD data base. In addition, Commissioner Elder
9 made an insightful comment about school districts'
10 boundary line being key. Where I made changes in 28, 30
11 and 26, 30 follow school district lines more than
12 followed in that test. Following school district lines
13 didn't affect competitiveness, made lines hopefully
14 cleaner for the residents, if we adopt this.

15 Them there were a number of changes that
16 flowed through that because of the new data base and
17 line changes. But the net effect -- let me go figure
18 out notes -- of doing this, tried to balance deviations
19 between the three of these. The end result is each of
20 the three districts, 26, 28, and 30, are between
21 one-half of one percent and eight-tenths of one percent
22 underpopulated. So the deviation in the 2002 plan which
23 is entirely District 26 is now spread between three. Of
24 the largest deviation of any three, 0.78 percent
25 underpopulated, or 1,300 people. That was the approach

1 I took.

2 To zoom in and get specific details --

3 COMMISSIONER HALL: That's Catalina

4 Foothills in District 30?

5 MR. JOHNSON: Yes.

6 COMMISSIONER HALL: Same district with

7 Sierra Vista.

8 MR. JOHNSON: Yes.

9 COMMISSIONER HALL: 2002 plan, as defined
10 by Census, split 29, 30, unite Catalina Foothills,
11 actually split a piece of Casas Adobas off into District
12 30. But --

13 COMMISSIONER ELDER: Could you, while
14 doing that, change the color? I can't see where the
15 forest is.

16 MR. JOHNSON: The forest -- I'm sorry.
17 The northern forest north of the
18 Foothills?

19 COMMISSIONER ELDER: Yeah.

20 MR. JOHNSON: Not a Census --

21 COMMISSIONER ELDER: Line for the Census.

22 MR. JOHNSON: I can show you Census
23 blocks.

24 COMMISSIONER HALL: Old jagged line, east
25 boundary, a precinct line or something? Red -- what is

1 it?

2 MR. JOHNSON: It's the block border. I
3 suspect that this is, as Mr. Elder is asking, this is
4 the forest, I'm guessing, these large blocks north. You
5 can see where the Census drew essentially horizontal
6 line block borders. I'm fairly confident that would be
7 forest boundary but not sure. Up here, if you look at
8 the blocks, they're pretty clearly mountain roads given
9 the curves and cutbacks.

10 COMMISSIONER ELDER: I think that's what
11 we asked for there. No road took residents' summer
12 haven-top mountain to the north. Really be able to
13 drive to vote. Have to vote south, wanted a portion of
14 the forest, whatever district to the south, study the
15 test going to north. I think the fire break road goes
16 to that direction. As long as not isolating where there
17 isn't any population to the north of the foothills in
18 30, then I don't have much problem with the zig-zag line
19 in the forest going up to the county line. If
20 population from the north, going to Sierra Vista to take
21 the freeway, go north, Oracle Highway, come back,
22 because you can't get across that mountain range to any
23 mountain areas north of the area which isolates it,
24 makes it a functional noncontiguous district.

25 COMMISSIONER MINKOFF: Where is that?

1 COMMISSIONER ELDER: Where Doug zoomed in.
2 We asked him where it functions best, is politically
3 best for somebody to campaign as well as vote.

4 MR. JOHNSON: The large block you see
5 moved is this area here. If there is population there,
6 it will be along those roads. The additional block you
7 see right on the edge is Oro Valley. Two squares are
8 one Census block, zero population, I added in, in order
9 to follow Oro Valley city line. Oro Valley is an
10 incorporated city, so a line people are probably
11 familiar with. In the north, at least, hopefully, it
12 accomplishes what you are describing.

13 COMMISSIONER ELDER: Doug, are you saying
14 that circle, state highway symbol north and east,
15 there's zero population in 30 along that edge?

16 MR. JOHNSON: Zero population in the two
17 squares. I believe -- let me check. In the big
18 block -- in the big block, has 30 people, 29 people, I
19 believe, just looking at the streets, unless they live
20 off streets. They probably live right next to the area
21 that was already in 30.

22 COMMISSIONER ELDER: Okay.

23 MR. JOHNSON: Let me check blocks far
24 north.

25 All three blocks far north moved are all

1 zero pop. So in Tucson, just to show you exactly where
2 these borders come down, as noted, there's one change in
3 the very north edge between 26 and 30 where the border
4 moved from the river up to River Road. That's purely
5 for population balancing. The red line is the river,
6 and the new border is the River Road. Otherwise we
7 follow the river itself down through this area. And the
8 streets, I'll put them up, District 26 comes over to
9 Columbus and goes down to Blacklidge. And the border
10 between 26 and 30 is the Route 77, I believe it is, yes
11 Route 77 or Highway '77.

12 The results of this test are that District
13 26 ends up with an AQD spread of 6.1 percent. District
14 28 ends up with an AQD spread of 13.32.

15 COMMISSIONER MINKOFF: Which district is
16 that?

17 MR. JOHNSON: First is 26 and second was
18 28.

19 COMMISSIONER MINKOFF: The figure was --

20 MR. JOHNSON: 6.1 for 26 and 13.32 for 28.

21 District 30, I believe, so District 30 AQD
22 spread is 14.52, essentially unchanged from the previous
23 14.69.

24 In doing the same kind of rough envelope
25 proportional guess at Judge It, and again, I caution the

1 Commission on relying on this other than it's all I can
2 give you right now, but we should certainly run the
3 numbers, we end up District 26 with about a four percent
4 Judge It, and District 28 about five and a half percent
5 Judge It, and District 30 is about 10 percent Judge It.
6 Again, we should run it for sure. I'm just doing a
7 proportional judgment.

8 COMMISSIONER ELDER: What were the
9 previous AQD and Judge It numbers in the districts?

10 MR. JOHNSON: District 26, AQD, 11.24, now
11 reduced to 6.1. In 28, AQD was 22.26, and it's now
12 reduced to 13.32.

13 Given the scope of that reduction,
14 applying the same scope reduction to Judge It, in
15 particular, don't rely on the Judge It number. I
16 estimated.

17 COMMISSIONER MINKOFF: Give us the
18 original numbers?

19 MR. JOHNSON: Yes.

20 CHAIRMAN LYNN: 7.6 and 9.

21 COMMISSIONER MINKOFF: Okay.

22 CHAIRMAN LYNN: Respectively.

23 MR. JOHNSON: Yes. And 10.2 for District
24 30.

25 Again, no changes to districts 25, 27 or

1 29 in this test.

2 Those are the districts I was going to
3 report on.

4 Any questions?

5 CHAIRMAN LYNN: Could you do the same kind
6 of display as you did in Phoenix with registration so we
7 get a sense of what is in and around those changes?

8 COMMISSIONER MINKOFF: For the whole area?

9 CHAIRMAN LYNN: For me, concentrating on
10 the area of the river and south.

11 Almost there. One more change.

12 Okay. So the lines you can make out are
13 where we started from. So the border between 26 and 28
14 came through the unincorporated area of Flowing Wells
15 here. Now it extends to the black line you see here.
16 Obviously from the colors you can tell that is a
17 significantly Democratic area. You get 55 percent AQD
18 above in virtually every precinct except one.

19 COMMISSIONER ELDER: Could you add in a
20 couple of the roads, I think, right where your marker
21 is, maybe first, I'm not positive, also like Rogers Road
22 and I think the bottom line follows the river? So we
23 don't need the river in there.

24 MR. JOHNSON: First is roughly the border
25 of 29, a little off. And then Campbell, coming over,

1 past -- so it extends past Dodge Road over to Columbus.

2 COMMISSIONER ELDER: So would it be my
3 guess, then, this is an area where you found enough
4 Democrats in the whole area around 26, 30, 28, in
5 combination, to try to get the competitiveness up?

6 MR. JOHNSON: Yes. The goal was to try to
7 get 26 and 28, in our competitive measures, to get 28
8 within seven percent AQD spread, more or less where we
9 were last week, AQD rough envelope, hopefully get us in
10 less than seven percent by that measurement and on the
11 flip side getting District 26 competitive by AQD and,
12 thus, almost certainly competitive by Judge It.

13 As you can see from north of the river,
14 the dashed line on the right side of the screen, that's
15 the previous border of 26. You can see the areas they
16 gave up were Republican in the north, although largely
17 unpopulated there, and generally in the middle, in the
18 central area.

19 I can see my screen, color doesn't come
20 out quite as well on projector, those were tossup,
21 Republican leaning areas, Catalina, Flowing Wells, I
22 took out of 26 and put in Democratic areas below the
23 river.

24 CHAIRMAN LYNN: Can you zoom out a bit?

25 COMMISSIONER ELDER: See how graphics lie?

1 Four people Republican living in the forest, red, red,
2 red, another area with 6,000 people per square mile, and
3 it doesn't equate.

4 CHAIRMAN LYNN: Okay. Any other comments
5 or questions on this portion of the report?

6 COMMISSIONER ELDER: Mr. Chairman, are we
7 then going back to the original and then going through
8 to discussion?

9 CHAIRMAN LYNN: Mr. Huntwork.

10 COMMISSIONER HUNTWORK: One thing I never
11 saw in the area, minimum change to balance population.
12 Those changes would be something like this, because
13 obviously 26 interfaces at the river with a high
14 Democratic area. When you switch population, you would
15 inevitably change the competitiveness, especially of
16 District 26. Really, that's what I wanted to see. This
17 test is so much like one we did last October, I was not
18 completely in favor for all the reasons we could repeat
19 or simply read them out of the record from last October.
20 I'd like to know in evaluating this test what would
21 happen if we just did what was necessary to equalize the
22 population? Did you have that on one of your previous
23 screens?

24 MR. JOHNSON: Commissioner, no, I didn't
25 do a test of just going that far. This swap to get to

1 this point, 40,000 people moving each way. If we were
2 looking at deviations, 26 -- 26, 2002 plan, almost 7,000
3 people short, so we'd have roughly -- two approaches
4 could be taken. In the deviation test I didn't go into
5 the other day, I wasn't looking to move across the
6 river, or anything like that, or down into Tucson, doing
7 more balancing through Catalina Foothills. I haven't
8 actually run to see how much competitiveness would get
9 if I did balancing between 26 and 28. It would be
10 significantly less change than we see in this.

11 CHAIRMAN LYNN: Ms. Minkoff.

12 COMMISSIONER MINKOFF: Mr. Chairman, Doug,
13 it seems to me from what I remember of that earlier test
14 you did, that this is significantly different. I recall
15 there were issues in the earlier test with Casas Adobas
16 being part of the Tucson District, school district
17 boundaries not being respected. I remember Mr. Elder
18 specifically mentioned he was very concerned over school
19 districts being split.

20 Just from what I remember of the earlier
21 test, visually, this looks like it is very different.
22 I'm not sure 30 played into that earlier test, coming
23 in, picking up Catalina Foothills, some forest areas
24 allow different switches between 26 and 28. I think
25 there's more respecting here of the river with respect

1 to it being a natural boundary. Is this different from
2 an earlier test you did? To my memory it is.

3 MR. JOHNSON: It's modified. I can bring
4 it up here.

5 COMMISSIONER ELDER: The problem is 24,000
6 northwest, have to get to southeast.

7 COMMISSIONER MINKOFF: To my mind it looks
8 different.

9 MR. JOHNSON: Hard to see there. Let me
10 do a couple things to clear it up.

11 Okay. It is fairly similar. The
12 differences however are over here on the east side. The
13 tradeoff between 28 and 30, no longer crossing north of
14 the river in 28 and following the school district line
15 here is a little cleaner line than over there. In the
16 northwest, it's roughly the same. I don't split Oro
17 Valley, which is done in a previous test, and a
18 difference between the river and River Road are changed.

19 The last changes in 30 in the old test
20 come down a bit south of the river. I followed Tucson
21 city line in that spot, an unincorporated area south of
22 the city line. I was expecting a larger difference
23 given the larger registration data base, AQD data base,
24 although the AQD data base is not significantly changed.

25 In the City of Tucson, other than the neck

1 coming down and the river and River Road change, it is
2 close with some changes.

3 CHAIRMAN LYNN: Mr. Huntwork.

4 COMMISSIONER HUNTWORK: Doug, would you
5 summarize what the changes were in the data base in this
6 area? In Maricopa County we had a problem with
7 inconsistent use inactive voter lists. But what was
8 going on down here?

9 MR. JOHNSON: To be honest, I haven't been
10 involved in the details of analysis. I assume counsel
11 may be able to describe that. I had one data base; they
12 cleaned it up and I got a new one.

13 COMMISSIONER HUNTWORK: Numbers run were
14 identical to a 10th of a percent in 28 and 30 which
15 hadn't been changed. The only change was in 26. I did
16 not remember hearing about inaccurate data from this
17 region. So I wonder -- you said several times "a new
18 data base." I'm not sure what the difference was.

19 Can anybody enlighten us on that?

20 MR. JOHNSON: I'm sure it's something they
21 know, but it may take a few minutes to dig through it.

22 CHAIRMAN LYNN: Ms. Leoni.

23 MS. LEONI: I do not have details of it.
24 I can try to get that next break, see if this was an
25 area of a mix of active, inactive voters. I can look

1 that up. I have the ability to do it.

2 I have the demographics from the November
3 plan, if that's at all helpful to you.

4 CHAIRMAN LYNN: Mr. Elder.

5 COMMISSIONER ELDER: Yes, Mr. Chairman.

6 The plan we're saying this is the only
7 change we made, the line drawn there is the plan soundly
8 defeated from the previous go-round. This is a revised
9 plan we discussed, debated, said no, it doesn't make
10 sense for various reasons. There's like 12, 15 pages of
11 testimony to that.

12 Doug, what is the line prior to last
13 Wednesday, Thursday's test, seeing --

14 MR. JOHNSON: The 2002 plan?

15 COMMISSIONER ELDER: Yeah, 2002 plan.

16 COMMISSIONER MINKOFF: Do we need all this
17 in? I'm getting confused.

18 COMMISSIONER ELDER: Yeah. Take out
19 the --

20 CHAIRMAN LYNN: Registration?

21 COMMISSIONER MINKOFF: Do you need the
22 earlier test, also?

23 COMMISSIONER ELDER: I guess the 2002 plan
24 and then proposed plan to date would be fine.

25 MR. JOHNSON: It will make more sense if I

1 put some colors in here. Let me do that.

2 COMMISSIONER ELDER: So is the dotted line
3 the last approved plan and colors are what is being
4 proposed now?

5 MR. JOHNSON: Correct.

6 COMMISSIONER MINKOFF: Dotted lines are
7 the interim plan, 2002 election plan?

8 MR. JOHNSON: Yes.

9 The only area that is a little confusing,
10 the computer is bringing up dotted, Flowing Wells, that
11 is a dotted line even though it doesn't really look like
12 it.

13 CHAIRMAN LYNN: To Mr. Huntwork's earlier
14 point, what is clear here -- I'm a little surprised as
15 much population moved to accomplish what we needed to do
16 as had to be moved; and, secondly, District 30 was
17 involved as much as it was given we have an over-under
18 population issue between 26 and 28. I understand the
19 connection point between 26 and 28 is fairly narrow.

20 Given the registration data up there,
21 Mr. Huntwork's recommendation is the right one. What
22 would happen if all that was changed was enough to
23 balance population? Because as you move south for 26,
24 you are basically going to pick up largely Democratic
25 population. And if you picked up enough population to

1 balance the total population issue, you should be making
2 progress toward competitiveness. How much progress, we
3 don't know, but you are moving that direction.

4 Ms. Minkoff?

5 COMMISSIONER MINKOFF: I'd like to ask
6 Mr. Lynn or Mr. Elder, to respond to my question. One
7 of the things Doug mentioned in this test that I
8 remember was a concern in the earlier test was that he
9 had more carefully followed incorporated areas and
10 specifically school districts. For instance, he's moved
11 28 east to incorporate the boundary of the school
12 district and united Flowing Wells School District, et
13 cetera. What I'd like to ask either or both of you is
14 whether that is significant, whether that is something
15 we should be doing, or whether splitting the school
16 district is not that critical.

17 CHAIRMAN LYNN: Mr. Elder.

18 COMMISSIONER ELDER: Well, a couple of
19 comments here. Number one is that the school districts
20 that respond to the city, county line, are probably -- I
21 don't know that we have any specific ones there. They
22 kind of cut over county lines pretty grossly. The
23 overriding factor there as we went through debates last
24 week was the absolute animosity between the city, county
25 along the edge. City, county, and different areas,

1 communities of interest, are probably far overriding.

2 Flowing Wells School District is central
3 to the city below the river. It doesn't go above the
4 river much. It does go above the river where the
5 historic floodplain is along I-10. West, yes, keep
6 Flowing Wells School District.

7 As soon as you starting to go to Casas
8 Adobes, go into the Foothills, we have a big problem
9 there, the absolute overriding where, in my opinion,
10 when we talk about substantial. This is probably the
11 poster child of being substantial detriment to
12 community.

13 COMMISSIONER MINKOFF: Isn't Casas Adobas
14 marked? It's not moved.

15 COMMISSIONER ELDER: I understand. Going
16 into Central City, picking up the area there, we have a
17 pretty contiguous area of interest. If you looked at
18 the homeowner's associations, if you looked at the areas
19 of socioeconomic, where do you live, where do you work,
20 if you look at the high school, elementary school
21 districts, where people go, literally, if there was more
22 available housing to the north, the -- what they call it
23 the sucking sound, one of the last campaigns, tremendous
24 out of the City of Tucson. My sense is that if we go
25 into that area from -- I think the was Blacklidge, we

1 split some fairly strong communities there. If we went
2 up -- and maybe that's where Steve and I are looking at
3 coming in. If we said let's start our test from Roger
4 Road north, or let's start it from First Avenue west,
5 that makes it more contiguous, compact, don't have
6 fingers going in, splitting up the Central City
7 district.

8 If you put priority on a 10 to one scale,
9 the city, county line a 10 plus, school districts is
10 probably in the range of three to four. And communities
11 of interest are probably a seven. So school districts,
12 it's if you can without doing harm to other to issues,
13 fine, do it. But if you can't, others take priority.

14 CHAIRMAN LYNN: I concur. There's
15 virtually no testimony in Tucson about keeping those
16 districts together, virtually none. So it's not the
17 same issue as it is in Phoenix, as we've heard.

18 Mr. Johnson, just a technical question,
19 along the line of what I restated as Mr. Huntwork's
20 original sort of concept for this trade of population,
21 how long would it take you to run that test?

22 MR. JOHNSON: Just looking at balancing,
23 spreading deviation between 26 and 28?

24 CHAIRMAN LYNN: Using the interim plan.

25 MR. JOHNSON: Say a half hour, 45 minutes.

1 CHAIRMAN LYNN: Okay. I just want to keep
2 in mind for scheduling.

3 COMMISSIONER HALL: Mr. Chairman, I move
4 we instruct him to do that.

5 CHAIRMAN LYNN: Second?

6 COMMISSIONER HUNTWORK: Second.

7 CHAIRMAN LYNN: Discussion on the motion?

8 A motion has been made to order the test
9 to balance the population between 26 and 28 using only
10 enough population to balance and using the interim map
11 as a starting point as a test.

12 COMMISSIONER ELDER: 2002 map.

13 CHAIRMAN LYNN: Correct. That's the
14 motion. It's been seconded. We're in discussion.

15 Hearing none, all those favor of the
16 motion, say "Aye."

17 COMMISSIONER MINKOFF: "Aye."

18 COMMISSIONER HUNTWORK: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 COMMISSIONER HALL: "Aye."

21 CHAIRMAN LYNN: Motion carries unanimously
22 and is so ordered.

23 We'll get to that sometime today when you
24 have a chance to do that.

25 Is there anything else you want to order

1 with respect to this area of the state before we move
2 on?

3 Okay. Then let's move on.

4 What is your pleasure, easy first or hard
5 first?

6 COMMISSIONER ELDER: Let's go west, young
7 man.

8 CHAIRMAN LYNN: Go west and get to La Paz
9 and Yuma County.

10 MR. JOHNSON: Mr. Chairman, you wanted to
11 know ranges. The dashed line is the 2002 plan, and the
12 change you're seeing in the upper part of the screen,
13 that square is the area of Parker reunited. Zero
14 population moved from three into 24.

15 CHAIRMAN LYNN: Mr. Hall.

16 COMMISSIONER HALL: Mr. Chairman, I would
17 like to point out detail. Certainly this is ugly. We'd
18 all concur with that. This is a classic example of
19 where, again, we have competing criteria. Competitive
20 being between compactness versus communities of
21 interest, I guess, in this case, where they are saying
22 we want to be north with the related city. So, you
23 know, I guess the question is, you know, in our minds,
24 is which one takes precedence. And certainly I think
25 our wisdom thus far is on a case-by-case basis. I think

1 we've done excellent job balancing a variety of
2 criteria. I think in this case voting with that entity
3 most closely related with and community of interest most
4 important to them would take precedence over the issue
5 of compactness.

6 CHAIRMAN LYNN: Mr. Elder.

7 COMMISSIONER ELDER: Mr. Chairman, I would
8 tend to agree. If you look at the map Mr. Johnson just
9 put up, there's a tremendous number of zero population
10 precincts, blocks in area one hundred, whatever it is,
11 111, proposed incorporated -- inclusion area. And it
12 would seem to have, based on other numbers up there,
13 maybe one-third population within this economic area.

14 I would, again, looking at the does it do
15 substantial harm, well, it doesn't look pretty, but it
16 functions. Where do I vote? Who am I getting to
17 represent me? And how do I campaign access? I think
18 this is a good chance and support it.

19 CHAIRMAN LYNN: Do you want to make a
20 motion at this point or go through the whole thing.

21 MR. JOHNSON: Mr. Chairman, can I make one
22 note before that.

23 CHAIRMAN LYNN: Mr. Johnson.

24 MR. JOHNSON: One thing for the
25 Commission, when I looked at this, trying to keep it as

1 compact as possible given the goal, we do, as we saw the
2 larger view, come down to the county line. It splits La
3 Paz into two pieces. I don't know the degree that that
4 is a concern to the Commission.

5 One option, this zero population block
6 could be left in District 24, avoid splitting the
7 county, make it a little more jagged edge there. I want
8 to put that out before the Commission as an option.

9 COMMISSIONER MINKOFF: Zoom in so we see
10 that entire county border.

11 COMMISSIONER ELDER: My other question, or
12 question from graphics, there's a crosshatched area to
13 the west. What is that? Indian Reservation?

14 MR. JOHNSON: No. It's called an area of
15 interest. Let me figure out which one it is.

16 It's the Yuma Proving Grounds.

17 COMMISSIONER ELDER: Good.

18 MR. JOHNSON: The La Paz portion of the
19 Yuma Proving Grounds.

20 COMMISSIONER HALL: One fundamental was
21 not to split towns, counties.

22 I move we adopt this, including the change
23 that Doug has suggested of removing that one little
24 section of zero population.

25 CHAIRMAN LYNN: Second?

1 COMMISSIONER ELDER: Second.

2 CHAIRMAN LYNN: Discussion?

3 COMMISSIONER MINKOFF: I wanted to ask a
4 question. I'm not terribly concerned, but I'm wondering
5 why have it in the first place? Is that an area part of
6 Rainbow Estates we should allow for people moving in
7 there to be with the rest of it, or just to create a
8 regular border?

9 MR. JOHNSON: It's simply for compactness.
10 The area of Rainbow Estates the county provided is
11 actually small, here, straight down the border of
12 Quartzsite going across. I'm not sure relative to the
13 Bureau of Census lines how far across. The reasons for
14 going down the block, the majority of development is
15 this 19 person block that extends all the way down here.
16 Attempting to keep it as compact as possible.

17 COMMISSIONER MINKOFF: I don't see this as
18 a critical issue. Zero population block. I don't have
19 a problem with it, as Doug drew, to quote my esteemed
20 colleague to my left, geographically, not politically.

21 COMMISSIONER ELDER: I have met with
22 success.

23 COMMISSIONER MINKOFF: On the fact it
24 comes the down border, splits La Paz County, it's not
25 going to matter to anybody but the jack rabbits.

1 There's no way to get across. It's no big deal to me.
2 I don't care how we do it. It looks a little cleaner
3 the way it's drawn. If strictly my decision, leave it
4 the way it is. I don't have a serious problem with
5 changing it.

6 COMMISSIONER ELDER: Call the question.

7 CHAIRMAN LYNN: The question has been
8 called for. Any further discussion?

9 If not, all those favor motion signify by
10 saying "Aye."

11 COMMISSIONER MINKOFF: "Aye."

12 COMMISSIONER HUNTWORK: "Aye."

13 COMMISSIONER ELDER: "Aye."

14 COMMISSIONER HALL: "Aye."

15 CHAIRMAN LYNN: Chair votes "Aye."

16 Opposed, "No."

17 Motion carries unanimously. It is so
18 ordered with the change, follow the 19-person block
19 border to the south.

20 COMMISSIONER ELDER: Oh. One question.

21 Does this create a trap or problem for county records
22 like this? Do we isolate something, another voting
23 place, or anything like this?

24 MR. JOHNSON: As with many changes we're
25 looking at, we probably have to adjust precinct lines.

1 There's no Congressional precinct line in this area. It
2 won't create a trap.

3 COMMISSIONER ELDER: Thank you.

4 CHAIRMAN LYNN: Shall we move to Phoenix?

5 While bringing it up, Mr. Johnson, I have
6 a question and want to be sure what you said. You
7 showed us two versions of adjustments in Phoenix. And
8 you indicated that either configuration of District 6
9 would fit within the context of the choices that we
10 have?

11 MR. JOHNSON: That's correct. The first
12 test on Commissioner Huntwork's, trade straight 6 and
13 11, that trade could also be done within the rest of
14 this test.

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

17 COMMISSIONER MINKOFF: Mr. Chairman, when
18 6 and 11 have more discussion. One of the other changes
19 made on this was to separate Sun City from Sun City West
20 and Surprise. Why don't we deal with that first.

21 I'd propose we accept the modification
22 that Doug has made putting Sun City back into district
23 Number 9 and whatever other switch there.

24 CHAIRMAN LYNN: Is there a second?

25 COMMISSIONER HALL: Well, Andi, my

1 question is --

2 CHAIRMAN LYNN: Is there a second?

3 COMMISSIONER HALL: No.

4 CHAIRMAN LYNN: Thank you. Then the
5 motion dies for lack of a second.

6 Mr. Hall.

7 COMMISSIONER HALL: I'm saying we have
8 larger issues to deal with I think we can look at on a
9 macro scale. Let's fly over and start making --

10 COMMISSIONER MINKOFF: We can do that;
11 except when Doug made the change at Mr. Huntwork's
12 suggestion, he explained he did not affect -- the big
13 thing is 6, 11, what is going on with 6, 11. The Sun
14 City issue doesn't matter at all. 9, 4, et cetera,
15 aren't in play in whatever changes we make or don't make
16 between 6 and 11. I'm just, you know, trying to
17 simplify rather than complicate.

18 COMMISSIONER HALL: I understand. We're
19 in agreement.

20 My point is what are the changes you are
21 referencing? It does not affect whether or not 12 is
22 competitive, does it?

23 COMMISSIONER MINKOFF: I don't believe it
24 does. 9 and 4 both, which are Republican districts.

25 COMMISSIONER HALL: Changes referencing

1 are a by-product of changes in 6 and 7.

2 COMMISSIONER MINKOFF: No. Totally
3 unrelated.

4 COMMISSIONER HALL: Then why were the
5 changes made? My recollection --

6 MR. JOHNSON: Commissioner, if I may, they
7 are a by-product of what occurred between the 2002 map
8 and this point. That made that test possible. Because
9 Glendale is at issue, Sun City we've had as an issue
10 every which way. I did want to show that as it was
11 possible, at this point, when comparing to options for 6
12 and 11. That is a separate question that can be
13 answered independently. When we're comparing this test
14 versus the 2002 plan, or plan from a week ago, then we
15 run into issues where it is a factor. So it depends on
16 the focus of the conversation. Between the two tests
17 I'm showing you today, that's a separate piece that can
18 go either way.

19 CHAIRMAN LYNN: Mr. Elder.

20 COMMISSIONER ELDER: Mr. Chairman, I don't
21 mind getting the gestalt over the whole thing, but one
22 of the reasons why I proposed something different even
23 last week was I didn't want to combine issues any more
24 than I had to. Wanted look at it, if we make a decision
25 on this, here are the ramifications.

1 I think what the motion originally was
2 take a look at the effect of Sun City and the
3 surrounding areas. If that has an effect on 6, 11, 15,
4 we have to look in whole. Isolated, we don't. We make
5 that review and get it off the table as a piece.

6 COMMISSIONER MINKOFF: Then why didn't you
7 second my motion?

8 COMMISSIONER ELDER: I didn't understand
9 the motion.

10 COMMISSIONER HALL: A fundamental question
11 before we go there. I'm not expressing a preference. A
12 fundamental question: Are we moving forward on this
13 test map or are we moving forward on the 2002 interim
14 map? That has to be addressed first. If moving
15 forward, I'm in favor.

16 We went down the road. The fork was test
17 versus 2002. Once we turned right at this fork, this
18 test was made and is a by-product of the right-hand
19 fork. Make sense?

20 COMMISSIONER MINKOFF: I understand.

21 One of the things to be tested is a
22 totally unrelated switch between 14 and 15 which hasn't
23 been normally voted on but seemed to be --

24 COMMISSIONER HALL: No effect on Sun City.

25 COMMISSIONER MINKOFF: No effect on Sun

1 City. All changes we're proposing are to the 2002
2 interim map. It seemed to have some support among
3 Commission members. Looks like they are making changes
4 in that map.

5 CHAIRMAN LYNN: Mr. Elder.

6 COMMISSIONER ELDER: Mr. Chairman, to
7 Mr. Hall's question, my understanding of what we were
8 doing with the tests, looking at the 2002 based, two
9 prongs, not saying left or right, one of two decisions.
10 I want to take a look at 2002, see what the change is
11 with either map, see if it's justifiable and reasonable.
12 At least that's what I thought we were doing.

13 CHAIRMAN LYNN: I think we have three
14 issues in this particular test. You have the 6 and 11
15 issue. You have the Historic District issue. And
16 you've got the minor changes that deal with Sun City,
17 with the very small neighborhood to the west of District
18 15, and so those are sort of secondary clean-up kinds of
19 issues to be added on, the two key issues here, 6 and
20 11, and the Historic District. If we concentrate on
21 those, we might make progress. Others are just sort of
22 like them or don't, with not a lot of effect with
23 respect to some of the issues we've been dealing with.
24 Clearly there's effect with whether or not people in
25 districts stay where they are in the 2002 map or whether

1 they are moved. That's a different point. In terms of
2 major change, I think we have two issues to deal with.

3 How about if we concentrate on -- either
4 one of the two? How about the Historic District, just
5 for the sake of discussion.

6 Is there comment on incorporating or not
7 incorporating the proposed change between Districts 14
8 and 15, based on the test and based on the results of
9 the test?

10 Mr. Johnson, you may want to go over -- is
11 everybody clear about what happened to minority
12 population in District 14 as a result of the change? I
13 mean it increased slightly.

14 COMMISSIONER ELDER: It increased. I
15 wanted to see going back to the red, yellow, green map
16 what this east end looks like as far as why we went that
17 far. To pick up enough population to keep majority
18 minority, influence, Hispanic voting rights, and all
19 that involved?

20 COMMISSIONER MINKOFF: Population
21 equalization.

22 COMMISSIONER ELDER: Could be population
23 equalization. Wanted to see where population
24 equalization, does it make sense.

25 CHAIRMAN LYNN: Mr. Elder would like to

1 see the registration spread around that change.

2 MR. JOHNSON: Let me while bringing this
3 up, I'd make one comment on the Hispanic voting age
4 percentage in 14. I looked at it yesterday. It was 59,
5 I think, .09, in District 14. It's now 58.78. It
6 reduced by about a quarter of a point.

7 COMMISSIONER ELDER: But that's well
8 within our range.

9 CHAIRMAN LYNN: Within the 55.

10 COMMISSIONER ELDER: Yes.

11 MR. JOHNSON: Certainly above the level
12 approved by the three-judge court.

13 It's also close to the 59 percent level
14 confident about during that process.

15 COMMISSIONER ELDER: Madam Chair?

16 COMMISSIONER MINKOFF: Temporary Madam
17 Chair, please.

18 COMMISSIONER ELDER: Seeing what this is,
19 really not taking from Peter to pay Paul, or anything
20 here, are there any neighborhoods we're dealing with
21 here, for the two Commissioners that come from Phoenix,
22 that making a long district run would affect the
23 district?

24 COMMISSIONER MINKOFF: I think the essence
25 of the change is really all about neighborhoods.

1 Neighborhoods being moved into District 15 are Historic
2 Districts, including the little notch for the Westwood
3 Village community; that, and areas we're putting into
4 District 14, while separated geographically,
5 demographically, I think they connect very well with 14.

6 Would you agree, Jim?

7 COMMISSIONER HUNTWORK: I would agree.

8 I think we have a opportunity here to do a
9 better job reflecting communities of interest. And
10 we're obligated to do that. As a side issue, this did
11 not have significant impact on competitiveness of
12 District 15, according to the numbers distributed
13 yesterday. So it seems to be a net gain. And almost
14 out of respect, I suppose, there might be an issue of
15 compactness, but we have been fairly clear and
16 consistent in being willing to be less compact in order
17 to accommodate community of interest. I think we have
18 another opportunity to do that here, if we're so
19 inclined.

20 COMMISSIONER ELDER: So in other words, we
21 don't really have any edges, don't have any associations
22 being split, particularly. It's pretty homogeneous
23 there in the eastern leg in 14?

24 CHAIRMAN LYNN: Mr. Huntwork?

25 COMMISSIONER HUNTWORK: That I am not

1 entirely sure. Creighton School District may be split.
2 There may be school districts split.

3 McDowell is a fairly logical dividing
4 point in that area, but there may be other things
5 involved we haven't had an opportunity to focus on.

6 It does create a question in my mind as to
7 what we're going to do with these maps. One thing
8 suggested is put them out for public comment rather than
9 simply adopting them wholesale and making significant --
10 so when making significant changes like this, I think
11 it's a good idea. There are -- you are touching a
12 very sensitive point. Creighton School District around
13 McDowell, I think it has a pretty cohesive school
14 district.

15 CHAIRMAN LYNN: Ms. Minkoff.

16 COMMISSIONER MINKOFF: Creighton is
17 unusual, goes right through the heart of western
18 Paradise Valley, all way up to Lincoln drive. It's a
19 very unusual school district in terms of not really
20 having much of a community of interest.

21 I'm looking at this and how it's drawn and
22 the leg that goes across. I see the area between
23 Washington and McDowell going across that eastern
24 portion of the city as it really, being a homogeneous
25 area. So that narrow finger, you know, attaching it

1 back to the area to the west I think very well may make
2 good sense.

3 I agree, Jim, in making sure we haven't
4 inadvertently done something to neighborhoods we're not
5 aware of. From what I know of, I think it makes some
6 sense.

7 CHAIRMAN LYNN: Mr. Elder.

8 COMMISSIONER ELDER: One last look. I
9 don't know the districts to the north of Osborn Road and
10 west of central, when I look at what are we trading one
11 for other the for, the east end leg concept,
12 compactness, same demographics, it appears that area
13 would not. Would it make sense further east along
14 Osborn Road west and back or make a difference?

15 COMMISSIONER MINKOFF: Jog Osborn, the
16 Westwood Village area?

17 COMMISSIONER ELDER: No. Go north of the
18 word "Osborn." Looking at this area right here. Excuse
19 me. The area starts right at the jog, went to central,
20 included this over to the west. That area seems to have
21 the same percent registration as the eastern end. Any
22 difference?

23 COMMISSIONER MINKOFF: Big difference.
24 Not competitiveness, different types of competitiveness.
25 The area north of Osborn between Central and 19th Avenue

1 is probably closer in character to some Historic
2 Districts. For instance, the very first subdivision,
3 between Osborn and Indian School, 7th and 15th Avenue,
4 right there, I think they're applying for Historic
5 District status as well.

6 COMMISSIONER ELDER: It doesn't appear as
7 though, to Mr. Hall's comments, the compactness issue
8 would really override any factors involved there.
9 Trying to keep neighborhoods together, communities of
10 interest, historic neighborhoods, in context, either
11 make a weird animal or leave it as Mr. Johnson has
12 drawn. I tend to think, as we discussed it, as drawn is
13 probably the way to go.

14 CHAIRMAN LYNN: Is that a motion?

15 COMMISSIONER ELDER: Can a non-Maricopa
16 County make that motion?

17 I move that we accept the changes to
18 District 14 and 15 in relation to the Historic District
19 modification.

20 CHAIRMAN LYNN: Is there a second?

21 COMMISSIONER MINKOFF: Second.

22 CHAIRMAN LYNN: Discussion on the motion?

23 The only thing I would say about this
24 change, and I think a lot of the discussion mirrors my
25 own thought, I have to defer to people who know Phoenix

1 better, what it means to be in those historic
2 neighborhoods. Personally, I think cutting a
3 neighborhood is a tough thing; but grouping
4 neighborhoods because of the age of the housing is not,
5 for me, a particularly interesting community of
6 interest, even though they may think it is, and
7 certainly they have demonstrated in a couple meetings
8 they do think it is. But we -- we certainly are trading
9 off some compactness for this purpose. Clearly we have
10 enough testimony to do it. So if Mr. Huntwork and
11 Ms. Minkoff are satisfied with this change to
12 accommodate it, I don't feel I'm in a position to argue
13 with that. Neither am I overly persuaded. So with that
14 said, any further discussion on the motion?

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

17 COMMISSIONER MINKOFF: "Aye."

18 COMMISSIONER HUNTWORK: "Aye."

19 COMMISSIONER ELDER: "Aye."

20 COMMISSIONER HALL: "Aye."

21 CHAIRMAN LYNN: Chair votes "Aye."

22 Opposed vote "No."

23 Motion carries unanimously and is so
24 ordered.

25 Want to deal with Sun City?

1 COMMISSIONER ELDER: I'd ask of
2 Mr. Johnson, we approved the revision. Does it go part
3 and parcel, run ADQ, Judge It, all the things in
4 relation to competitiveness in that so when we come back
5 this evening or another meeting we look at the effects
6 of any of the changes?

7 CHAIRMAN LYNN: From my standpoint,
8 Mr. Elder -- great question. From my standpoint, any
9 changes we make today, unfortunately because of
10 scheduling, we're not able to run Judge It today.

11 MS. HAUSER: Today. Can't do it today.

12 CHAIRMAN LYNN: My suggestion is any
13 changes made we ultimately have adopted today need to
14 have Judge It run so we have full information at some
15 point. And again, when we get to scheduling, I suggest
16 that we schedule a next meeting with enough interval
17 that can be done and get that information at our next
18 meeting. But it's a very good point. And we should
19 keep in mind any changes we make today need full
20 information before we do adoption, so to speak, making
21 interim changes to look at or do further testing like
22 Judge It.

23 COMMISSIONER ELDER: Judge It, but also if
24 we make any changes in minority block voting, or any
25 things, we want to make sure we're on top of before we

1 go forward with final adoption.

2 CHAIRMAN LYNN: Absolutely.

3 COMMISSIONER ELDER: I'd like the complete
4 plan evaluated: Yes, it works, or we have problem areas
5 we need to address.

6 CHAIRMAN LYNN: Ms. Minkoff.

7 COMMISSIONER MINKOFF: Mr. Chairman, I
8 agree, defer final adoption of anything until we get
9 tests run. Once we get a map in concept that looks good
10 to us, also do population deviation adjustments, then
11 come back with a clean package to approve or not.

12 CHAIRMAN LYNN: Okay. So, having that
13 been said, shall we -- want to dispose of the Sun City
14 issue first or want to move right into the 6, 11 issue?

15 COMMISSIONER HUNTWORK: I'd like to move
16 into.

17 MR. RIVERA: Can we take a break?

18 COMMISSIONER ELDER: Don't want you to
19 speak any more. Quick break.

20 MR. RIVERA: Want it before you speak.

21 CHAIRMAN LYNN: Let's take a 10-minute
22 break.

23 COMMISSIONER ELDER: Sorry, Jim.

24 (Recess taken.)

25 CHAIRMAN LYNN: The Commission will come

1 to order.

2 For the record, all five Commissioners are
3 present, legal counsel, NDC is present, as well as
4 Commission staff.

5 As we left before the break, I think
6 Mr. Huntwork indicated he would like to go to 6 and 11.
7 I made the suggestion we might want to dispose of the
8 issue at Sun City before we did that. I'm happy to go
9 either place any time.

10 Mr. Huntwork, your call.

11 COMMISSIONER HUNTWORK: The reason I want
12 to do this first is because I think that the whole
13 current configuration of those districts is a by-product
14 of an attempt to create a competitive District 6.
15 Without that, we'd be back to the base map.

16 CHAIRMAN LYNN: All right. Let's do 6 and
17 11.

18 COMMISSIONER ELDER: Base map, referring
19 to adopted 2002?

20 COMMISSIONER HUNTWORK: Court approved.

21 COMMISSIONER MINKOFF: Jim, the question,
22 though, as I recall, on our base map, 15 had a very
23 different configuration. If you remember, 15 kind of
24 moved to the northwest and was kind of almost like a
25 staircase part. I think this already, without any

1 changes between 6, 11, is significantly different from
2 our map.

3 COMMISSIONER HUNTWORK: Let's ask Doug. I
4 think that it is. I felt we could isolate that, make
5 that change on any maps, I thought. Remember the
6 proposal there originally shown to us, Andi, on that
7 board there, was on our Congressional, our current map?

8 COMMISSIONER MINKOFF: Right.

9 MR. JOHNSON: The response to that,
10 discussion earlier, forks in the road. There's been a
11 couple forks in the road. An early one is where we
12 looked at tests just 11, 15, and tests on all districts,
13 those somewhat merged together. I don't think
14 there's -- not a vote to eliminate 11, 15 only, a vote
15 to continue with the merged test.

16 CHAIRMAN LYNN: All right. Discussion on
17 District 6 and 11, changes as proposed.

18 Mr. Elder.

19 COMMISSIONER ELDER: Mr. Johnson, just as
20 a basis, could you give us the ADQ and Judge It and, you
21 know, the minority voting percentages, et cetera, for
22 the 2002 and this plan and the proposed changes of
23 Mr. Huntwork, so we have a series of numbers to look at?

24 MR. JOHNSON: Sure. In the 2002 plan,
25 with District 6, AQD is 18-and-a-half percent Republican

1 advantage. Registration is essentially 20 percent
2 Republican advantage. And Judge It is an 11 point
3 Republican advantage.

4 COMMISSIONER MINKOFF: Eleven even?

5 MR. JOHNSON: 11.0.

6 In district -- oh. Continuing forward
7 with District 6 --

8 COMMISSIONER ELDER: The test as drawn?

9 MR. JOHNSON: This test as drawn here, the
10 AQD spread is 20.2 percent Republican advantage.

11 COMMISSIONER ELDER: District 6?

12 CHAIRMAN LYNN: Sorry, District 11.
13 District 6, 7.0 AQD spread, 9.54 registration spread.
14 My roughing it Judge It ballpark figures, about 4.2
15 percent.

16 Is there a third?

17 COMMISSIONER ELDER: The other is squaring
18 off, whatever it was, Mr. Huntwork requested.

19 MR. JOHNSON: Right. The test resulting
20 from Mr. Huntwork's motion yesterday, District 6, AQD
21 spread, 9.3; registration spread is 11.2 percent; and
22 the roughing it, very rough Judge It figure, about 5.6.

23 Doing the same figures for District 11,
24 the 2002 plan District 11 AQD spread is 18.6 percent;
25 registration in the 2002 plan for District 11 was 22.3.

1 In the plan looking at here, the result of Commissioner
2 Hall's motion, District 11 has a 20.2 percent AQD spread
3 and a 23 .1 percent registration spread. And in the
4 test resulting from Commissioner --

5 COMMISSIONER MINKOFF: Do you have Judge
6 It for District 11?

7 MR. JOHNSON: I don't. I didn't have a
8 chance to do it.

9 COMMISSIONER MINKOFF: Okay.

10 MR. JOHNSON: District 11, under
11 Commissioner Huntwork's motion, the test result was an
12 18.6 percent AQD spread and 21.9 percent registration
13 spread.

14 Again, I don't have the Judge It ballpark
15 for that.

16 CHAIRMAN LYNN: Mr. Huntwork.

17 COMMISSIONER HUNTWORK: Mr. Chairman, I
18 have a lot to say about this test map. And I guess I'll
19 go first and work through a lot of different issues.

20 Firstly, I think -- I applaud the effort
21 that we have gone to in order to get to this point.
22 This is really a -- an effort to go to the second mile
23 and third mile and to try everything to see if we can
24 discover another district in the whole mix of Maricopa
25 County that can result in a competitive district that

1 satisfies the requirements of Proposition 106.

2 As I say, I certainly applaud the effort;
3 but I do not like the result. And I do not believe that
4 this district satisfies our criteria. The essence of
5 this is that we each have to make a judgment. And I
6 understand the requirement. We each have to determine
7 whether we can draw this district without creating a
8 significant detriment to the other goals. I know and
9 I'm confident that each of my fellow Commissioners will
10 approach that in good faith, as I have attempted to do.
11 And I know that, you know, our collective judgment is
12 certainly superior to my own. And that's been proven
13 many times already. But my own judgment is that this,
14 this district fails virtually all of the Proposition 106
15 criteria in a variety of different ways. Firstly, with
16 respect to quality of population, I make the point
17 repeatedly, but I think it's an extremely important
18 point, that we created this District 6 by combining all
19 of what used to be 6 and 7 into a single district. I
20 think that everybody in this panel knows that that is
21 going to create a District 7 which has a multiple of
22 number of people in it that the other districts we're
23 looking at there won't have. They are static districts
24 with no growth areas. And within it, we've combined two
25 of most active growth areas in the entire metropolitan

1 growth area in District 7. We've done that
2 intentionally.

3 Every member of the Commission knows that
4 we did that, that that would be the effect of it. And
5 if we do it, we will be making the judgment that it is
6 okay to do that in order to achieve what is currently a
7 competitive district.

8 Based on my reading of Proposition 106 and
9 the fact it requires equal population districts
10 separately and apart from the equal protection clause
11 provision, it is my belief that we must take the effect
12 on population into consideration.

13 Secondly, and perhaps now in an area that
14 is now more easily and widely understood and accepted, I
15 think that this district is not compact.

16 Now, I do think one thing is important to
17 note. That is the alternative version of this district
18 we create, almost a perfectly straight line along the
19 eastern boundary is more compact than the version we're
20 looking at on the screen right now and would be -- would
21 no question be an improvement in this regard. But in a
22 more fundamental way, I don't believe either version or
23 any version of this district could be considered
24 compact. The reason is -- the reasons are, firstly,
25 it's very long and narrow from north to south. We

1 created a kind of bowling alley district here.

2 Secondly, and again probably more importantly, if you
3 look at the population contained within that district,
4 it forms almost a perfect dumbbell. There's an optical
5 illusion, especially if you put a rectangular version of
6 the district on the board, created almost a perfect
7 optical illusion.

8 The problem is the big area in the middle,
9 the mountain. Look at the actual populated area of the
10 strip. It's very narrow, only a few blocks wide. What
11 that strip then connects is to population masses, one to
12 the north and one to the south. That is at least on a
13 population basis exactly the type of dumbbell district
14 that has been so widely criticized and often cited as
15 one of the reasons we needed to adopt Proposition 106 in
16 order to eliminate districts of that kind.

17 The reason, again, that there is this
18 dumbbell shape to the population shape within the
19 district right in the middle of the district is the
20 major geographical feature does not in any sense unite
21 the district.

22 We heard interesting testimony in Tucson
23 that said: Well, this particular arroyo does not divide
24 but unites the neighborhood, bears the name arroyo, all
25 enjoy it, and so on. That is possible. It is possible

1 to do. There is no question in this case the mountain
2 in the middle of this divides it and divides the
3 population groups on either side from identifying with
4 each other or thinking of themselves as part of a
5 logical, electable district.

6 The fact we have these two population
7 masses is significant also in terms of our analysis in
8 terms of community of interest. We don't have any
9 evidence in our record linking these groups. We went
10 to -- we went through months of public hearings. We all
11 spent essentially a year of our lives trying to
12 determine what communities of interest were throughout
13 our state, including within the Phoenix metropolitan
14 area. I would venture to say there's not one person
15 that stood up and said, "I think it would be a great
16 idea to unite Moon Valley with Central Phoenix down
17 around Camelback Road." That on the face of it would be
18 a bizarre proposition that no one, I think, would make.

19 Now, I've gone through virtually all of
20 the criteria in Proposition 106. And in my mind, at
21 least, and I cannot -- I cannot emphasize to my fellow
22 Commissioners how strongly I, at least, believe this to
23 be true, I don't think that the damage is insignificant
24 on any one of those issues. And I think that the mass
25 of damage that we have done as a whole, at least in my

1 mind, is unquestionably significant, as significant as
2 anything that I've looked at on the map.

3 I would have a great deal of trouble if we
4 were to adopt this district understanding or explaining
5 the difference between this district that we approved
6 and others that may have disapproved on the basis of the
7 principles of Proposition 106.

8 To my way of thinking, if we think we'll
9 help our legal position adopting this type of district,
10 I beg to differ. I do not see how when the water
11 dripping starts, as it does, we've all experienced
12 cross-examination from Paul Eckstein and other counsel
13 suing us, if you are going to settle for a district with
14 47 percent voting population in this area, why do you
15 want 51 percent in this area, and so on and so forth.
16 You know if we create this district with these problems
17 that we're going to have one heck of a time explaining
18 on the basis of principle why we disapproved another
19 district on the basis of the principles of Proposition
20 106.

21 Again, I want to emphasize that each one
22 of us has to make our own judgment as to these matters.
23 I think that those are going to be valid judgments. I
24 respect the judgments made by fellow Commissioners.
25 There are times I've made it obvious how I see it. And

1 I'm limited to my own understanding of this situation.

2 Thank you.

3 CHAIRMAN LYNN: Thank you, Mr. Huntwork.

4 Ms. Minkoff.

5 COMMISSIONER MINKOFF: Thank you,

6 Mr. Chairman.

7 Is this on?

8 Doesn't make any difference.

9 COMMISSIONER ELDER: Here.

10 COMMISSIONER MINKOFF: I lost my mike.

11 As the other Maricopa County resident on
12 the Commission, I would like to give my thoughts on this
13 proposed change which are, I'm sure, would not surprise
14 you, different than Commissioner Huntwork's.

15 Although I do respect the thought
16 processes that went through his conclusions, I went
17 through a similar thought process and come to a very
18 different conclusion.

19 Let's go back to the requirements under
20 Prop 106. There are a number of requirements that are
21 mentioned. Equal protection clause and Voting Rights
22 Act really do not come into play in these two changes,
23 in this change. If there are equal protection issues,
24 those will be cleaned up when we equalize population.
25 We can put that aside. Voting Rights Act does not come

1 into play either in District 6 nor 11 nor 7, in earlier
2 configurations or in this current test. They don't have
3 significant populations that are protected classes under
4 the Voting Rights Act, so put that aside. And then you
5 come to the neutral criteria, as they've been called,
6 added to the Arizona Constitution by Prop 106 that
7 referred to issues such as respecting communities of
8 interest, creating compact and contiguous districts,
9 respecting geographic and political boundaries,
10 equalizing population to the extent possible, and that
11 competitive districts should be favored, favored, when
12 it does not do significant detriment to any of the other
13 criteria.

14 I'd like to go through some of those other
15 criterias and tell you why I believe there is no
16 significant detriment to the other criteria and why,
17 therefore, I think a change that creates a new
18 competitive district should be favored.

19 First of all, of course, I've already
20 mentioned the equal protection clause and Voting Rights
21 Act. No impact on that.

22 Let's go to communities of interest.
23 Because that is one of the things that we've really
24 spent a tremendous amount of time attempting to reflect
25 in the districts we've created and I think the public

1 hearings we held, testimony we took from people, all the
2 questions we asked demonstrate communities of interest
3 have been very important to this Commission.

4 We have a number of AURs our consultants
5 developed for us as a result of input that we got from
6 the public. Hispanic AUR, the rural AUR, Historic
7 District AUR, retirement communities out in the
8 northwest valley, there were a number of them. They are
9 not really impacted by this change at all, or
10 significantly. We are not carving up any AURs that were
11 adopted by this Commission in making any of these
12 changes.

13 We did talk in some of our earlier drafts
14 about trying to spread out growth areas. Certainly we
15 haven't done that in all 30 districts. And certainly
16 when our successors tackle the problems we've tackled
17 after the 2010 Census, we know that there are going to
18 be districts that are going to be significantly
19 overpopulated and significantly underpopulated.

20 We have a number of rural districts. And
21 those rural districts are going to be equalized in
22 population to the extent possible. I don't think it
23 takes much of a crystal ball to tell you Phoenix and
24 Tucson metropolitan areas over the next 10 years will
25 probably grow faster than some of rural areas of the

1 state, so we'll have some underpopulated districts. We
2 know that. It still makes sense to create them, at this
3 point.

4 I'm not aware of any court cases regarding
5 the equal protection clause or any population
6 equalization that say that you need to project into the
7 future. The court cases, legal precedent say you take a
8 snapshot based on the Census and must create districts
9 as equal in population as possible as of the Census. We
10 are attempting to do that.

11 We initially had District 6 and District
12 7, both of which went up to the north county line and
13 included what we anticipate are going to be future
14 growth areas. I would suggest to you that it may make
15 some sense concentrating growth areas in District 7.
16 That is, to a certain extent, a community of interest,
17 even though not an AUR developed, certainly an interest
18 of a new community like Carefree, Cave Creek, Anthem,
19 areas north of Pinnacle Peak Road, areas with a
20 tremendous amount of new development have different
21 issues than Moon Valley which is an older, much more
22 established community and does not have a lot of growth
23 taking place.

24 I think you can make a case for saying
25 that District 7 works better as it is currently created

1 than 6 and 7 worked side by side.

2 In terms of compactness, I actually
3 believe that we do have districts that are certainly no
4 less compact and perhaps more compact. What we have had
5 with 6 and 7 before were two very long districts
6 north-south and very narrow districts east-west side by
7 side. District 6 still has a pretty strong north-south
8 orientation. District 7 is actually closer to a square
9 than it was before. So I think it's compactness has
10 increased even though its size has also increased. As I
11 mentioned yesterday, compactness is really about shape.
12 It's not about size.

13 In terms of geographic and political
14 boundaries, I think it makes some sense. Commissioner
15 Huntwork mentioned the mountain in District 7. The
16 mountain is there and not going away. The fact that it
17 is on the boundary line between 6 and 11 makes a lot of
18 sense. Going north of Hatcher to Thunderbird on 7th
19 Street, you drive right along the eastern boundary of
20 that mountain preserve. So putting it at the edge of a
21 district rather than in the middle of a district I think
22 makes a lot of sense.

23 What we have done with this district is we
24 have given another group of voters a choice. We have
25 created another competitive district. Proposition 106

1 tells us to favor the creation of competitive districts
2 as long as it not to the detriment of other criteria,
3 significant detriment. Communities of interest, I don't
4 think it is. I think Moon Valley has as much in common
5 with the areas around Dunlap, 19th Avenue, Glendale and
6 19th Avenue, as it does with Anthem. Probably has more
7 in common with those areas than Anthem, which was in old
8 District 6.

9 I don't think we created detriment to
10 communities of interest. I think we enhanced
11 sensitivity to communities of interest. I don't think
12 we created significant detriment to compactness. 6 is
13 more compact. 7 is more compact.

14 Geographic, no political boundaries. Both
15 are essentially Phoenix districts. Population is or
16 will be equalized to the extent practicable based on the
17 2000 Census figures.

18 I think it is a very, very positive
19 change. I think if we do not make a change that creates
20 a district out of Competitive 6 -- out of District 6,
21 that we have not followed the requirements of
22 Proposition 106; because I think we can do it without
23 causing detriment to any of the other criteria.

24 CHAIRMAN LYNN: Thank you, Ms. Minkoff.

25 Thank you. We don't have a motion, just

1 the issue of District 6, District 11.

2 COMMISSIONER ELDER: Just a request for
3 Mr. Johnson. Could you put up the 2002 dotted boundary,
4 whatever you did before, like in the Tucson area,
5 please?

6 MR. JOHNSON: Let me make it a solid line.
7 You can see through various tests done the
8 area has changed considerably.

9 COMMISSIONER ELDER: So to get -- so to
10 get to where we are now with that modified 6 from where
11 we were with the 2002, we've gone to two, three, four,
12 five -- five, six districts, is what it looks like, to
13 get to the six we've got at the at the present time.

14 We also have 6 that skirts along the north
15 side of the mountain and 11 and 15 that skirts along the
16 south side of the mountain, the boundary appearing to go
17 through the mountain, darn near.

18 COMMISSIONER MINKOFF: Alongside it.

19 COMMISSIONER ELDER: Not what the density
20 shows on the map.

21 COMMISSIONER MINKOFF: There's a golf
22 course, resort, golf course on 7th Street.

23 COMMISSIONER ELDER: No population.
24 Creating a little dumbbell with population on both ends,
25 an older neighborhood context or construct to the south

1 and newer to the north.

2 I would wager the social linkages from
3 south to north are not present, they don't play baseball
4 against the junior high, things that go across that
5 mountain edge.

6 When you take, both cases, old 6, new 6,
7 it does span the freeway. That edge I tend to object to
8 normally is not a factor in the decision-making process.

9 I think 11, when I look --

10 Doug, what I've done is taken density
11 population, make a dot, 200 people per dot type thing,
12 see where the population concentration is. It does
13 indicate where Mummy Mountain, Camelback, Squaw Peak
14 are, because of lack of population, as Ms. Minkoff
15 pointed out, golf courses to the west.

16 COMMISSIONER MINKOFF: No. To the east.

17 COMMISSIONER ELDER: Okay. To the east.

18 We still have a break in there of any kind of linkage
19 between communities and interaction.

20 It just seems as though to try to have the
21 same representative try and represent all the
22 constituents of 6 as configured now would be a real
23 juggling act because, based again on densities there,
24 it's about equal to the north and south. So which
25 master does the representative choose in that instance?

1 And I think with the other issues, it pretty much comes
2 out that not compact. I don't have a real compactness
3 issue.

4 My preference would be to straighten the
5 thing out. We lose some competitiveness. I take both
6 tests that we've just done as a degradation of what we
7 had a week, week and a half ago from the standpoint of
8 how population, the people, how the representatives, how
9 the things function. Compactness was better with the
10 2002 map. The areas of community interest was better
11 with 2002 map. I don't know that we've gained anything.
12 And we've lost considerable characteristics that relate
13 106 to where I think it does indeed do substantial
14 detriment to 106 to a position it doesn't put in a
15 strong competitive base anyway.

16 I don't know we've gone forward is what it
17 comes down to.

18 CHAIRMAN LYNN: Thank you.

19 Ms. Minkoff.

20 COMMISSIONER MINKOFF: Mr. Chairman, a
21 couple -- a couple of points.

22 Number one, in terms of compactness, not
23 dealing specifically with 6 and 7, but changes we've
24 made, a much more compact 15, in the sense we eliminated
25 the tongue going to blue area. There have been gains in

1 compactness. See 15 before versus 15 now, a much more
2 compact district.

3 In terms of the communities Commissioner
4 Elder mentioned, you make a good point that the
5 representative in this district would have to represent
6 Moon Valley as well as the southern portion of the
7 district. Those are both older, established
8 neighborhoods. One part of the district that doesn't
9 fit is a little part of Bell Road, a very small portion
10 of the district. That's newer construction, a newer
11 subdivision, newer homes. Virtually everything south of
12 that is a minimum of 20 years old, probably more than
13 that. Moon Valley has been around at least 30 years and
14 older, a well-developed neighborhood.

15 The district as it was designed before,
16 when it went up to the Maricopa County line, included
17 the community of Anthem, where New River is on the map,
18 a brand-new, planned development, growing by leaps and
19 bounds, very, very much like new developments around
20 Carefree, Cave Creek, Scottsdale, et cetera, to cover a
21 district, new district to the southern edge of District
22 6. Unless silly enough to do it in rush hour, the drive
23 is probably going to take 20 minutes. There's a
24 freeway, makes it very easy to go north and south, or
25 19th Avenue or 7th Street also moves pretty well.

1 On the 2002 draft map, 6, as it is drawn,
2 to get from the Moon Valley area to New River is all the
3 way to Flagstaff, a 45-minute to hour drive, all
4 freeway, going through lots and lots of desert open
5 space, no development. It is a district that works less
6 in terms of social groupings and social situations,
7 taking an older neighborhood, Moon Valley, the area
8 around Thunderbird, et cetera, and combining it with the
9 brand-new planned community in the process of being
10 built.

11 So in those areas I think also -- 6 not
12 perfect district. Very few of these are. Once again,
13 put 171,000 people together, not all are going to be
14 alike. We're going over some pretty large areas.

15 I've made the point District 11 includes
16 Paradise Valley, also includes the heart of Sunnyslope,
17 people living in \$10 million homes in the same district
18 as people getting a lot of government subsidies,
19 government programs, and government social services.
20 It's not perfect. But in order to put 171,000 people in
21 a district, we have to have mixes like this. I think
22 this is a closer and more cohesive community of interest
23 than the original District 6 that went up to the county
24 line.

25 CHAIRMAN LYNN: Mr. Elder.

1 COMMISSIONER ELDER: One real quick
2 question, Doug. I don't remember numbers. On this map,
3 the new blue, proposed 6, numeral 6, 2002 kind of
4 horizontal -- what was the name, number of the district
5 above I-17 where the 6 is?

6 MR. JOHNSON: That's District 10.

7 COMMISSIONER ELDER: District 10, okay.

8 Making -- making most comments looking at
9 10, knowing we had very low population in the old 6. So
10 I misspoke there from the standpoint 6, old 6, new 6,
11 probably 10 is more contiguous with what 6 is now.

12 COMMISSIONER MINKOFF: It's west.

13 COMMISSIONER ELDER: Yeah. More of 10
14 west of the freeway. And 6, really, new 6, two-thirds
15 of it is south of the old 2002 6, almost like going from
16 1980 districts to 1990 to the 2000. They don't transfer
17 readily.

18 COMMISSIONER MINKOFF: Totally different
19 district, this 6 versus 2002 6.

20 CHAIRMAN LYNN: Further discussion on this
21 issue?

22 Mr. Huntwork.

23 COMMISSIONER HUNTWORK: Mr. Chairman,
24 several points for our mutual consideration. Number
25 one, I find the argument that District 7 is more compact

1 now than it was before a little hard to take because we
2 doubled the size and added no people. I know many
3 definitions of compactness. I don't believe you can get
4 there from here on that one. I certainly can't. I
5 suspect somewhere in the literature with 39 different
6 definitions you can. Somebody sitting up there on top
7 of their ivory tower thinks that's a perfectly logical
8 definition of compactness. I don't get it. That
9 district in my mind is twice as noncompact as it was
10 before.

11 Secondly, just for clarification, not a
12 slight, an important one, that this describing the
13 mountains and the facilities, horse trails, golf courses
14 that wind through them as being at the edge of the
15 district, they are not. They are right in the middle of
16 the district, virtually cut in half, 7th Street on the
17 east side all the way over to 15th Avenue, not a road
18 through that area, not a significant one. And there's
19 very little population you'll find in that hourglass in
20 the dumbbell district.

21 Thirdly, I think the difference in
22 populations south of the mountains and north, there are
23 some established neighborhoods north of the mountains,
24 really a lot more growth area up there, and it doesn't
25 just start at Bell Road. When you get north of Bell

1 Road, I agree there's a lot of open space, a lot of
2 in-fill south of Bell Road. Businesses moving in are
3 changing all the time. It's going from car lots to
4 restaurants and an urban village course, and really a
5 lot of growth going on up there as opposed to south of
6 the mountain. Fully settled, fully established
7 neighborhoods looking at the preservation, looking at
8 prevention of decay, prevention of the spread of blight,
9 and so on.

10 Transportation is completely different.
11 South of the mountains we have issues involving public
12 transportation, light rail. North of those mountains,
13 really you are looking at the freeways and much more of
14 a suburban aspect to it than south of the mountain.

15 One of the hard things here to credit is I
16 feel as if, at least in my mind, everybody knows that.
17 I know we can argue this and argue it around in a
18 variety of different ways. I really feel that that is
19 the case.

20 When we talk about compactness, I want to
21 point out that District 11 has gotten quite a bit longer
22 from north to south. It did have -- did come quite a
23 ways south in the original configuration. Those were --
24 came down, picked up relatively homogeneous areas. At
25 least in my mind it was a quite evenly shaped and

1 compact, contiguous district. We were following city
2 lines, well-defined neighborhood lines when we drew the
3 line down at the bottom as we did.

4 We do have the opportunity to make 11 and
5 15 even more compact. After making this change, we can
6 still make a change between 15 and 11. And we had a
7 test on the 14th, I believe, that essentially
8 accomplished that. So we don't have to feel we've lost
9 an opportunity, that we've lost an opportunity to have
10 compact of 15, 11, as well as the other districts we've
11 talked about.

12 With respect to equal population, I asked
13 our counsel if there were any cases that recognized my
14 concern about taking into consideration the rights of
15 citizens in the future when you know that there is going
16 to be a rapid change in population. Counsel has
17 suggested that we think about the case of Smith vs.
18 Clark, which was a 2002 case where the federal court did
19 recognize that as a valid consideration. I don't
20 believe, and correct me if I'm wrong, either of our
21 lawyers felt the court necessarily came out strongly and
22 said you must consider this. They, I believe, said it
23 was a valid consideration and they used it to uphold the
24 proposed districts.

25 MS. HAUSER: Commissioner Huntwork, in

1 fact, it was a court drawn plan in that particular case,
2 so the court not only -- it was not just recognizing
3 work done by some other body but incorporating that
4 principle into its own work.

5 COMMISSIONER HUNTWORK: Mr. Chairman, two
6 other quick things I'd like to suggest. I'll be as
7 brief as possible.

8 The next point I'd make is that if anybody
9 doubts what I'm saying about this, I actually would
10 suggest you can drive it. Just go drive up 7th Street
11 and see what it's like when you go through that pass and
12 get on the other side of the mountain. Then turn around
13 and drive back. And tell me if you don't think there is
14 a significant change at that point in the process.

15 We used the mountain as the edge of a
16 district before in districts we proposed that really
17 divided the districts the way I think they should be
18 divided.

19 And the last point I would make very
20 quickly is after all of this, lest we feel that or there
21 has been any member of the Commission that feels there's
22 been a lot of talk about this and people from Maricopa
23 County can't seem to agree on anything, even the shape
24 of the table, I might suggest that it would be shocking
25 to me to have a change of this magnitude simply adopted

1 and put onto the people of Maricopa County without any
2 chance to reflect on it or react to it. I am thinking
3 that if we make a change of this magnitude, one thing
4 that we would be obligated to our fellow citizens to do,
5 whether we are legally obligated to or not, and that
6 would be a different question, and that would be to give
7 them an opportunity react to this district and perhaps
8 tell us whether they think we have created a valid
9 district or not. I, for one, would be very interested
10 in that input.

11 CHAIRMAN LYNN: Mr. Hall.

12 COMMISSIONER HALL: Mr. Chairman, for my
13 benefit, the discussion for the second time has been
14 very helpful on this subject. And I appreciate the
15 perspectives of both. Just for my benefit, I'm trying
16 to remember, do we have a motion on the table or just
17 talking?

18 CHAIRMAN LYNN: No. Just talking.

19 COMMISSIONER HALL: I'm wondering if we
20 could move one way or the other and talk some more,
21 maybe.

22 CHAIRMAN LYNN: I'm sure we can. Would
23 you like to pick a direction.

24 COMMISSIONER HALL: Well, I'll refer to my
25 urban dwellers.

1 CHAIRMAN LYNN: Not help you much.

2 Depends which one you defer to.

3 Ms. Minkoff has the floor next.

4 COMMISSIONER MINKOFF: I'm prepared to
5 make a motion. First I would like to make a comment
6 that the two representatives from Maricopa County can
7 agree on something, and often do. Jim, I absolutely
8 agree with you. I think if we make any substantive
9 changes to this map, not just 6, 7, anyplace else in the
10 map, there ought to be an opportunity for us to get
11 reaction from the public. So we can agree.

12 And --

13 COMMISSIONER HUNTWORK: I agree.

14 COMMISSIONER HALL: I disagree.

15 COMMISSIONER MINKOFF: Well, you are not
16 from Maricopa County, so you are not joining in the
17 discussion.

18 I would like to move that we incorporate
19 the changes between District 6 and 11 as included in
20 June 18 Test 2.

21 Is that correct? What is on the map right
22 now --

23 MR. JOHNSON: Didn't get to the point of
24 naming it. The test Commissioner Hall directed,
25 Commissioner Hall created, call it June 19 Test 2.

1 COMMISSIONER MINKOFF: I'd like to move
2 this be incorporated into our draft map.

3 CHAIRMAN LYNN: Motion has been made to
4 include this into the draft map.

5 COMMISSIONER HALL: Draft map?

6 CHAIRMAN LYNN: I know. I need to clarify
7 that motion because so far we've not made any motions to
8 put anything into something called a draft map.

9 COMMISSIONER MINKOFF: What did we do with
10 Yuma and La Paz County?

11 CHAIRMAN LYNN: Accepted the change for
12 purposes of discussion. What we've not done is adopt
13 any sort of map with changes in it.

14 COMMISSIONER MINKOFF: Let's do that with
15 this instead. I want to do something similar to La Paz
16 County. If we accepted that for purpose of further
17 tests, let's make this motion correspond to that one.
18 If that's what we did, then that's what we should do
19 now.

20 CHAIRMAN LYNN: We should keep in mind in
21 this particular area any changes we'd make to the Tucson
22 area, even though in Tucson we ordered one more test to
23 be run, and we've ordered Judge It to be done on both,
24 the same admonition goes here. Any changes we're
25 contemplating from the interim map that have not had the

1 full battery of tests run we're contemplating for
2 permanent selection as one of the options in the map, we
3 certainly ought to run all those tests on them before we
4 make decisions.

5 So to that point, is there a second?

6 COMMISSIONER HALL: I'll second for
7 purposes of discussion.

8 CHAIRMAN LYNN: It's been moved and
9 seconded.

10 Is there further discussion?

11 Ms. Minkoff?

12 COMMISSIONER MINKOFF: I wanted to mention
13 one thing relative to important points Mr. Huntwork
14 brought up recently. He is appropriately concerned with
15 growth areas. And I am, too. And it seems to me that
16 the court case that counsel cited said that this is
17 something that was appropriate to consider in drawing a
18 map. I think it's appropriate for us to consider growth
19 areas in drawing a map. To the extent we could, I
20 believe we have. However, Proposition 106 says we must
21 favor competitive districts as long as it does not act
22 to the significant detriment of the other criteria
23 mentioned in Proposition 106. Preparing for future
24 growth is not one of those criteria. It's extremely
25 important for to us do that.

1 I do not think the wording of Proposition
2 106 allows us to sacrifice a competitive district to
3 provide for a very valid, important concern but one that
4 does not rise to the level of being included in
5 Proposition 106. I believe we have to favor competitive
6 districts or future growth. If we can find a way to
7 accommodate future growth without sacrificing
8 competitive districts, yes, let's do it. I don't
9 believe Prop 106 allows us to sacrifice competitiveness
10 to future growth.

11 CHAIRMAN LYNN: Mr. Huntwork?

12 COMMISSIONER HUNTWORK: Mr. Chairman,
13 fellow Commissioners, like many of the provisions of
14 106, we have a new thing that has -- the world has not
15 seen before. The wording that I'm talking about is in
16 Proposition 106. It talks about districts of equal
17 population. There is no case in Arizona that says that
18 that language does not at least require us to take into
19 consideration the growth areas of our state. I think
20 it's an interesting and important question. Now, that's
21 all I'm saying. It is by no means the only reason or
22 even necessarily all by itself a reason I would, myself,
23 rely on to oppose this district. But I do think it is
24 an important consideration.

25 CHAIRMAN LYNN: Mr. Hall.

1 COMMISSIONER HALL: Mr. Chairman, I, from
2 purely a cynical perspective, I'm wondering if on
3 occasion some of the discussion may be partisan related.
4 I don't have an answer to that, but I'm sitting here, as
5 a member of this Commission, which is independent, to
6 weight. The simple question for me in my mind is this,
7 not who it may benefit, who it won't benefit, if
8 benefits anybody. Frankly, I don't know answer to any
9 of those questions. The question is: Have we complied
10 with the law?

11 So, is -- are the issues that Mr. Huntwork
12 so eloquently described, are they, do they constitute
13 significant detriment to the other goals? That's the
14 question I'm trying to answer in my mind. Frankly, I
15 just don't have an answer. But if they do, then we must
16 not adopt this district. But if they don't, then we're
17 obligated to do so because this district is competitive
18 and should be favored. I understand that's a rather
19 redundant process. It helps as I go through my mental
20 process.

21 With respect to equal population, so
22 conveniently provided, that's not addressed in 12,
23 either. In my mind that's moot issue. In numerous
24 districts we've been unable, will be unable to address
25 for growth.

1 The issue for me is communities of
2 interest, compactness, contiguity, geographical
3 features, and whether or not those other requirements
4 have been significantly -- we've caused significant
5 detriment to those by reason of these changes.
6 Candidly, I have some concerns. I guess our focus needs
7 to be there.

8 I appreciate the input of my fellow
9 Commissioners, but really, that's the turning point for
10 me.

11 Mr. Elder, I guess you'll enlighten me
12 some more.

13 CHAIRMAN LYNN: Mr. Elder.

14 COMMISSIONER ELDER: Mr. Chairman, fellow
15 Commissioners, Doug, if you go back in one click there
16 you had a second ago.

17 One of the things that concerns me is that
18 we spent probably four to five months collecting
19 communities of interest, collecting, eliciting response,
20 and evaluation, if you will, of the districts we were
21 coming up with, and we made some changes here a week ago
22 just based on the Court mandated requirements and DOJ
23 issues we had at the time to get moving for the 2002
24 elections. If you look at the map there, we've almost
25 bisected, if not bisected, trisected, just about every

1 district the public has had a chance review, discuss,
2 debate, give us their responses. We've taken into
3 account and come up with the plan as underlined, or a
4 black line plan, and look at that and say the plan we're
5 coming up today with as a Test 2 stroke S or H, or
6 whatever it, is for the Historic District, just -- there
7 isn't a linkage between what we've done for 18 months.
8 All of a sudden we have this overlay, a response to I
9 don't really know what.

10 So if we take this approach, we literally
11 have to ask the public: When you count districts
12 affected, we're talking close to half the state's
13 population incorporated in those eight districts,
14 two-fifths. That's an absolute major change I don't
15 think we should be doing. We gain seven percentage
16 points competitiveness in one district to affect
17 two-fifths of the state. Two-fifths of the state
18 reviewed for compactness, reviewed for competitiveness,
19 reviewed for areas of interest, reviewed for
20 contiguousness, all other factors of 106, and almost
21 appear as though: Well, we'll work with 6, 11, make a
22 change. I don't think that is legitimate.

23 CHAIRMAN LYNN: Ms. Minkoff.

24 COMMISSIONER MINKOFF: Mr. Chairman, may

25 I --

1 COMMISSIONER ELDER: Oh.

2 COMMISSIONER MINKOFF: There has been
3 significant change from the map that we put out to the
4 public. First of all, there has been no public comment
5 on districts 13, 14, and 15 that were approved in the
6 2002 interim map. We redrew those districts, redrew to
7 comply with Department of Justice objections and get
8 court approval of the plan. 23, there's been
9 significant changes in 23. There's been significant
10 changes in 26. We took Avondale out of Maricopa County
11 and put it with Pinal County. And there's been no
12 public comment any of this, yet we'll use it in the 2002
13 election.

14 I think it's very clear from discussions
15 had today, whatever we adopt today, next week, next
16 month, whenever we do it, we want to hear from the
17 public and will hear from the public.

18 We thought we were respecting AURs when we
19 drew our original map, thought we were restoring the
20 original Historic District AUR. We goofed. They told
21 us about it, and we made adjustment in the map. If we
22 make further errors going forward, the public will tell
23 us. Before we adopt anything, we'll have a chance to
24 adopt those errors. I don't think we're creating errors
25 specifically with this district.

1 The AURs we listened to so carefully
2 during the two rounds of public hearings, citizen input,
3 and all kinds of public comment, we have tried to
4 respect to the extent possible. Sometimes, of course,
5 there are competing AURs. By respecting one, couldn't
6 respect the other. Had to make difficult choices, and
7 we did. But these particular districts we're talking
8 about, once you get away from the Hispanic District AUR,
9 Historic District AUR, all others further south, Sun
10 City, Sun City West, we'll deal with that later on,
11 that's a separate issue. There's a lot of testimony
12 about all those areas.

13 We didn't hear from people in Anthem: Put
14 us in Moon Valley or put us in Cave Creek. We heard
15 Cave Creek, Carefree, wanting to be with Scottsdale and
16 aren't because we couldn't do it. It just didn't work
17 when we created the district for them. Probably will
18 work as well because of similar issues.

19 I'd say by not putting with North
20 Scottsdale, putting them with Anthem, it probably works
21 better for them. That was an AUR we couldn't satisfy
22 because there were other issues.

23 So while these changes are significant,
24 and while we need to hear from the public to find out
25 whether we got it right or didn't get it right, I don't

1 think there's any significance detriment or impact on
2 any AURs that we identified through the public comment
3 we received.

4 CHAIRMAN LYNN: Mr. Huntwork.

5 COMMISSIONER HUNTWORK: Mr. Chairman, two
6 quick points. I'm going to hand out here to my fellow
7 Commissioners, once again -- Josh will have to read his
8 later, I guess, copies of the voter brochure put out by
9 the group that sponsored Proposition 106. This
10 information contains a lot of pertinent and very
11 poignant statements that apply to what we're trying to
12 do. It emphasizes the importance of creating
13 competitive districts. But it starts out,
14 "Gerrymandering, why your vote doesn't count." Then it
15 talks about how we are supposed to create
16 competitiveness in the State of Arizona by applying the
17 neutral criteria.

18 I don't know if you all recall, but
19 several of the leading proponents of this proposition
20 also wrote an ad for the Arizona Republic in which they
21 made that point very strongly that they were applauding
22 the Commission for looking at communities of interest
23 and looking at the neutral criteria. It was their hope
24 and expectation that competitiveness would emerge from
25 the map once we applied the criteria. And of course

1 there is the paragraph at the end which says, "Can all
2 districts be politically competitive? No. Many areas
3 are heavily populated by members of one or another
4 party. These communities have a right to elect
5 representatives who reflect their beliefs. You cannot
6 make some areas politically competitive without reverse
7 gerrymandering. This amendment specifically guards
8 against that danger."

9 And then the authors of Proposition 106 in
10 that context put out words we've all been bandying
11 about, "To the extent practicable, competitive districts
12 should be favored when creating them does not create
13 significant detriment to the other goals."

14 It doesn't answer the question, but it
15 certainly does put it right in the cross hairs. Each of
16 us has to make a judgment in our own minds whether we
17 created this district using valid criteria and whether
18 the district, now that it's created, stands up to the --
19 to analysis under the criteria of Proposition 106.

20 CHAIRMAN LYNN: Before I take any more
21 comment from the two sides of the issue, because it
22 appears as though I'll have the important vote anyway,
23 let me just say something for the record. The motion on
24 the floor at the moment orders more testing and keeps
25 this option alive. It does not, in my mind, place this

1 option into any sort of draft map, yet, we would put out
2 for comment, in fact, other things have to be done
3 before that decision in my mind can be fully vetted and
4 made. So much the same way Congress has six or eight
5 procedural votes prior to the time they actually vote on
6 adoption of something, this is a procedural vote. As
7 far as I'm concerned, I'd be more than happy to have the
8 option fully tested so when and if we make a decision to
9 include it or not include it in a map, we have all the
10 information we need to do that, including AQD, Judge It,
11 and everything else at our fingertips so it's a
12 fully-informed decision.

13 I'll tell you earlier in the day I voted
14 in a very similar manner to include full testing for the
15 changes made in 14 and 15. That does the not nor should
16 it in anybody's mind mean I'll ultimately put that in a
17 draft map. My vote will not necessarily support that in
18 a draft map.

19 When we start talking about making
20 significant changes, I can argue both sides of this
21 argument, as have been argued by the Members of the
22 Commission who represent the Phoenix area and feel very
23 strongly both ways, because it's that close an argument,
24 and they all have validity.

25 In a similar way, if you want compact,

1 contiguous districts, as Mr. Huntwork was earlier
2 talking about District 6's interesting configuration,
3 and the fact it's less compact than it used to be, and
4 issues with the center of the district, that it creates
5 sort of a barbell district -- I have, by the way, driven
6 through that part of 7th Avenue going through -- 7th
7 Street, going through the cliffs, The Pointe at Tapatio,
8 and that area, and going into the north valley. So I
9 understand geographically what somebody is talk about.
10 With all due respect, District 14 is worse than with
11 that, in my mind. For that one, I might not support
12 that either in final vote.

13 I'll make it very easy. If the vote is
14 two two, I'm voting to have this test done. I want all
15 the information in front of me before I put it in a map
16 or not. But I will tell you that voting for the test
17 doesn't necessarily mean it's going in the map. I
18 simply want to get beyond testing and get to a place
19 where we can put it in the map for review or not. If
20 that hastens the decision on this particular vote, I'd
21 love to hasten the decision.

22 Mr. Hall asked for recognition. I'm happy
23 to recognize him. The question has been called for.

24 COMMISSIONER HALL: We can vote on this.
25 Fine. I'd still like to make a comment.

1 CHAIRMAN LYNN: Go for it.

2 Mr. Elder, anything?

3 COMMISSIONER ELDER: No. Go ahead.

4 CHAIRMAN LYNN: On the motion to complete
5 the testing on this option, all those in favor of the
6 option, signify by saying "Aye."

7 COMMISSIONER MINKOFF: "Aye."

8 COMMISSIONER HALL: "Aye."

9 CHAIRMAN LYNN: All those opposed, say
10 "No."

11 COMMISSIONER HUNTWORK: "No."

12 COMMISSIONER ELDER: "No."

13 CHAIRMAN LYNN: Chair votes "Aye."

14 We'll test this and it will come back to
15 us with other information.

16 COMMISSIONER HALL: I'm a little concerned
17 with things, the draft map, that occurred August. We're
18 here with a final map making changes in an effort to
19 resubmit to DOJ and also improve competitiveness in
20 certain areas. My concern is we'll test ourselves to
21 death. My preference would be, speaking for myself,
22 start making motions in an effort to put a map together
23 so we have Mr. Johnson, before we reconvene again, take
24 that, fine-tune it, get all the analysis of it. My
25 goal, the reason I'm here is do it today, not next week,

1 next month, but do it today. I guess while I understand
2 what you are saying, I think that is what the motion
3 was. I'm suggesting, folks, we need to start taking
4 things off and putting on the table, one or the other.
5 I'm not -- I welcome input, the best way to proceed to
6 do that. We can test forever.

7 CHAIRMAN LYNN: That being concerned with
8 semantics, we'll deal with it, what we call it, when we
9 get to it: final map, next map, draft map, whatever it
10 is. It's becoming clearer and clearer to me won't get
11 to it today, as much as we'd like to. We've already
12 ordered testing that will take some amount of time,
13 adding additional testing to it in the last motion. We
14 haven't asked Mr. Johnson how much time it will take to
15 do some of it. We know Judge It will not be run today
16 on any of it.

17 Is that correct, Mr. Johnson?

18 MR. RIVERA: Right.

19 MR. JOHNSON: Dr. McDonald will eventually
20 get home, but --

21 CHAIRMAN LYNN: My point, population
22 deviation will take upwards of two weeks to complete.
23 If that's a surprise --

24 COMMISSIONER HALL: Not a surprise, a
25 separate issue. That can simultaneously be occurring

1 while other things are done.

2 MR. JOHNSON: Just on that point,
3 deviation work can't be done until all other tests are
4 completed just because it goes through so many districts
5 and everything rotates around.

6 CHAIRMAN LYNN: So that's the point.
7 We'll get to this in a bit.

8 Everybody wants in. Mr. Huntwork,
9 Mr. Elder.

10 COMMISSIONER HUNTWORK: Mr. Chairman, I
11 voted against the point despite it being a reasonable
12 point because I was concerned it would exclude another
13 test. Nevertheless, I make another motion to proceed
14 with full testing on an alternative version of this that
15 has the straight line on the east down 7th Street. The
16 initial result seems to suggest that might still be a
17 competitive district by some definition. It would
18 certainly be a less noncompact district by other
19 definitions. I think it's a separate test.

20 CHAIRMAN LYNN: Second?

21 COMMISSIONER ELDER: I'll second.

22 CHAIRMAN LYNN: Discussion on the motion.
23 There should be relatively little, by my judgment.

24 COMMISSIONER ELDER: For the submotion?

25 CHAIRMAN LYNN: Comment like every other.

1 Ms. Minkoff.

2 COMMISSIONER MINKOFF: My concern is
3 procedural more than anything else, relating to the
4 comment that Josh made. I think -- obviously, I realize
5 we're not going to adopt anything today. At some point
6 we have to say that this is the direction in which we're
7 moving; this is what we want you to test. And absent
8 something from those tests telling us that it doesn't
9 work, this does close to what we're prepared to adopt.

10 So I'm concerned about ordering a
11 multitude of conflicting tests; because when we come
12 back and finally decide we like A, B, C or D, then we've
13 got to go back and test again.

14 So what I would like to see come out of
15 today is not adoption of a map, obviously we're very,
16 very far from that, but a concept that this seems to be
17 what we feel the map should look like, Doug, go test it,
18 give us AQD, registration, Judge It, population
19 equalization to the extent you can on this map, and come
20 back to us with something we can look at and hopefully
21 say: Yes, we were right; it works; let's adopt it. If
22 something in those tests raises red flags, obviously what
23 we'll say is no, it doesn't work. We need to change
24 this. Need to adjust this. I really don't like the
25 numbers here. Let's go back to the drawing board.

1 I would be very, very concerned about
2 coming out of today with a multitude of conflicting
3 tests, because I don't feel that it's really moving us
4 in the direction we need to go. That's my main concern.

5 Yes. I'd like to see what that does. But
6 initially, knee jerk, I think I favor the scenario on
7 the board. While it doesn't have the straight line, it
8 is more competitive. So picking between the two -- I
9 would like to have a straight line that was as
10 competitive as it could possibly be. If I have to
11 choose between straight lines and competitiveness, as
12 long as the competitive district works, as I believe it
13 does, I favor it. That's my only concern about the
14 motion.

15 CHAIRMAN LYNN: Ms. Minkoff, let me
16 respond very quickly.

17 Mr. Elder, I'll give you a chance to get
18 in.

19 First and foremost, I'm going to take some
20 issue as to where you think we are. Where I think we
21 are is that we have an interim map which has 25
22 precleared districts, five that have been adjusted to
23 meet DOJ requirements or objections, and we have that as
24 a base to begin discussion. We are in the process of,
25 again, visiting certain criteria that we must discuss

1 and fully discuss before we go with a final decision on
2 a map. One of those is competitiveness. We have, by my
3 calculation, two areas of the state that we are giving
4 more than serious, very serious consideration with
5 respect to establishing judicial competitive districts.
6 Discussion continues to be at what cost. Whether or not
7 that cost creates significant detriment ultimately will
8 be in the minds of each of the five of us and it may be
9 a number of votes only squeak by one vote one way or the
10 other.

11 I think we've narrowed down two areas.
12 Let's discount Yuma and La Paz a moment, a technical
13 change, won't weigh in the balance. But we do have two
14 areas where changes have been proposed. One of the
15 reasons I'm so serious about pursuing this, the initial
16 test we did on Phoenix area districts, including 4, 5,
17 6, 7, 9, 10, 11, 12, and 15 could potentially result in
18 two additional competitive districts. That's
19 significant. We need to look at that, fully.

20 Second, with respect to Tucson, we've
21 talked about a more and less severe way of treating that
22 issue to see if we can't create additional competitive
23 districts in Tucson.

24 I think those two tests, the Phoenix tests
25 in both iterations, because I think we ought to look at

1 both the straight line and notched portion of 6, and
2 fully understand what the variations are on each, so we
3 make our determination which we'd like to use. The only
4 complicating factor is the Historic District change
5 which really doesn't affect the rest of the discussion
6 and is self-contained, by and large. I think we're in
7 better shape than we may think we are.

8 COMMISSIONER HALL: 15 and 11.

9 CHAIRMAN LYNN: 15, 11, what about it?

10 COMMISSIONER HALL: Separate test, 15 and
11 11.

12 CHAIRMAN LYNN: I'll tell you, I don't
13 think we'll make decisions today. We could make a
14 number of decisions a week from now absent population
15 deviation information, because it won't be ready. If we
16 wait until that is ready, based on scheduling, it may, I
17 stress may, be much later in the year before we get to
18 that decision point.

19 Again, Mr. Elder, I'm happy to take a
20 moment.

21 I'll support the motion to test the
22 alternative.

23 COMMISSIONER ELDER: I -- Mr. Chairman,
24 Commission members, I guess I go back to my original
25 concern where somebody made a comment we're much further

1 along than I thought we were. Or maybe the -- whatever
2 the verbiage was. My concern is we started off with
3 dark lines here a week ago. And we asked Mr. Johnson to
4 take a look at what could be done to make these
5 districts more competitive and on that alone modified a
6 third of the state, not nibbling along the edges, going
7 through the old 9, it's cut in half; old 10, it's in
8 four pieces. If we look at linkage, a traceable,
9 defensible process, traceable defensible grid, public
10 hearings determine what AURs were. Developing a
11 preliminary draft at that stage, go out to the public,
12 get response again, then come back and make an adopted
13 or draft plan sent to DOJ, then making adjustments based
14 on DOJ's comments, we had a traceable process up to that
15 point. All of a sudden we've come up with districts
16 this Commission did not have any input into. We were
17 presented with these two tests as opportunities to
18 complete or address competitiveness. But every one of
19 them has been cut up so much I don't think the general
20 public or general person would even recognize the
21 district he's going to vote in this time. And there's
22 no linkage, no traceable evolution. That's what I'm
23 concerned about. And I probably will vote -- I'll leave
24 that alone.

25 The 6, 11 split, whether squared off or

1 left the way it is now is not a major concern to me from
2 the standpoint of competitiveness, or it is in relation
3 to compactness, it is in relation to areas of interest,
4 but I think that we're still a long ways away from being
5 able to say these districts as proposed in the tests are
6 even close.

7 With that said, I think we need a step
8 back and at least be testing the previous map, seeing
9 where we're at so we have a comparison, at least; not
10 saying get rid of the other map, go forward with these
11 tests. These tests don't have a linkage, basis,
12 evolution of anything with the process we've had for the
13 last 17-and-a-half months.

14 CHAIRMAN LYNN: Which map do you want to
15 use?

16 COMMISSIONER ELDER: The original DOJ
17 judge panel 2002. Want to go through that, things --
18 took, for example, 18 through 23, population
19 adjustments. Are there things we can do that don't go
20 in the face of all the public comment, all the input
21 we've had throughout the process and throw that out and
22 start over? This to me, in Maricopa County, looks like
23 a start over.

24 CHAIRMAN LYNN: The 2002 plan has been
25 tested. We have it all the way through Judge It. I'm

1 trying to get a comparison basis.

2 The issue on the floor is an option to
3 test, vote on it. We can have this philosophical
4 discussion.

5 Further discussion on whether or not to
6 test the other option?

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

8 COMMISSIONER MINKOFF: "Aye."

9 COMMISSIONER HUNTWORK: "Aye."

10 COMMISSIONER ELDER: "Aye."

11 COMMISSIONER HALL: "Aye."

12 CHAIRMAN LYNN: Opposed say "No."

13 Chair votes "Aye."

14 Motion carries. Test the notch and
15 non-notched.

16 COMMISSIONER MINKOFF: A technical thing.
17 The motion -- did we adopt other motions in the same
18 plan, other changes -- test 14, 15, 11 --

19 CHAIRMAN LYNN: My sense is they were all
20 adopted for further testing, not from the standpoint of
21 doing anything else with them.

22 COMMISSIONER HUNTWORK: Thank you.

23 CHAIRMAN LYNN: That's where we are.

24 MR. JOHNSON: Mr. Chairman, if I may, the
25 only motion I remember to actually kill a plan was Test

1 1, when we had Test 1 and Test 2 the other day, you took
2 Test 1 off the table, a minor difference.

3 CHAIRMAN LYNN: I was just speaking about
4 today's motions.

5 Now the question is -- well, a couple of
6 questions. We do need to talk about wherever we go,
7 however far from the end or how close, and that's a
8 matter of opinion.

9 Let's do this. Let's take a break. It's
10 time to take a break anyway.

11 I guess the question is a brief break,
12 come back, dinner break, and come back --

13 COMMISSIONER HALL: Just Tucson --

14 COMMISSIONER MINKOFF: Just Sun City?

15 CHAIRMAN LYNN: Sun City is academic, I
16 think, easy enough to do. We have the Tucson test that
17 could be completed in approximately an hour, give or
18 take.

19 Perhaps what we ought to do is -- want to
20 deal with Sun City right now?

21 COMMISSIONER MINKOFF: Sun City, break.

22 CHAIRMAN LYNN: Break for dinner, come
23 back and see what happens with Tucson?

24 COMMISSIONER HALL: Don't care.

25 CHAIRMAN LYNN: Sun City, one district or

1 two?

2 COMMISSIONER HUNTWORK: Two districts.

3 CHAIRMAN LYNN: That's the issue.

4 Dan?

5 COMMISSIONER ELDER: Mr. Chairman, I was
6 going to say I don't think the whole difference will run
7 too long as long as we don't split old Sun City, or
8 don't split -- there are three distinct neighborhoods
9 there. As long as they are whole, I don't know there's
10 any problem.

11 COMMISSIONER HALL: Second that.

12 CHAIRMAN LYNN: Well, what do you want to
13 do?

14 COMMISSIONER HUNTWORK: Mr. Chairman, I
15 move to the extent we see this map --

16 CHAIRMAN LYNN: Let's do this: I know
17 it's late. I'll try to maintain some control. God
18 knows it doesn't work.

19 Mr. Huntwork, would you like to make an
20 affirmative motion?

21 COMMISSIONER HUNTWORK: I move in
22 proceeding with this map we divide Sun City for the
23 reason of -- into two pieces.

24 COMMISSIONER HALL: Second.

25 COMMISSIONER MINKOFF: Separate Sun City

1 from Sun City Grand?

2 COMMISSIONER HALL: Second that, too.

3 Second all of it.

4 COMMISSIONER ELDER: Call the question.

5 CHAIRMAN LYNN: All in favor of that

6 motion, signify "aye."

7 COMMISSIONER MINKOFF: "Aye."

8 COMMISSIONER HUNTWORK: "Aye."

9 COMMISSIONER ELDER: "Aye."

10 COMMISSIONER HALL: "Aye."

11 CHAIRMAN LYNN: Chair votes "Aye."

12 Motion carries unanimously and is so

13 ordered.

14 Without objection, it's now 20 minutes of

15 5:00.

16 Let us break until 6:00 p.m. And we will

17 reconvene at 6:00 p.m. and hear from Mr. Johnson about

18 Tucson and see where we go from there.

19 Without objection, we'll stand in recess

20 until 6:00.

21 (Recess taken.)

22 CHAIRMAN LYNN: Let's call the meeting to

23 order.

24 All Commissioners are present, legal

25 counsel, NDC.

1 MS. HAUSER: John Mills.

2 CHAIRMAN LYNN: IRC staff, and John Mills.

3 MS. HAUSER: And Marguerite.

4 CHAIRMAN LYNN: And Lisa, and Mike
5 Mandell.

6 MR. RIVERA: Identified the whole audience
7 by name, minute and a half.

8 CHAIRMAN LYNN: Sad thing when it's a full
9 house and can do the same thing, know who all of them
10 are.

11 MR. JOHNSON: Mr. Chairman, the test was
12 to look at Districts 26, 28, see if we can balance
13 population deviation between them and what is the effect
14 on competitiveness. And on deviation, in the 2002 plan,
15 District 26 is just over four percent underpopulated.
16 District 28 is 1.7 percent overpopulated. So if we try
17 to balance those, the target I was shooting for was
18 essentially 2,000 people underpopulated or 1.18 percent
19 underpopulated. That would have taken moving 4,958
20 people, and I moved almost exactly that number, 4,951
21 people.

22 You can see on the screen here how those
23 people are selected. There were two Census blocks just
24 north of the river. Picked up and moved 200 people.
25 And the remainder was the area of District 28 consisting

1 both Flowing Wells, Tucson property west of Flowing
2 Wells Road, and to try to get right on the population
3 number, a couple small Census blocks at Flowing Wells
4 and Wetmore.

5 CHAIRMAN LYNN: W E T M O R E.

6 MR. JOHNSON: District 26, 11.8, now has
7 10.72 AQD spread.

8 CHAIRMAN LYNN: Do it one more time. 7.6
9 to 7.2?

10 MR. JOHNSON: 11.18 to 10.72.

11 COMMISSIONER HALL: Guess on Judge It.

12 MR. JOHNSON: Judge It, 7.6, using a rough
13 guess, would get to 7.3. When looking at small changes
14 like that, that rough guess will be even rougher.

15 COMMISSIONER ELDER: What was ADQ?

16 MR. JOHNSON: 11.18 to 10.72.

17 The flip side, District 28 AQD, 21.37 to
18 21.54, almost two-tenths of a point change there.

19 Again, the border between the two
20 districts becomes the river on the north side of this,
21 essentially Flowing Wells Road in Tucson, in Flowing
22 Wells.

23 One thing wasn't in the instruction. I
24 didn't go into detail in this, but it would be possible
25 to move an additional about 900 people if we did want to

1 add District 30 into the mix. Where we'd move more
2 people from 28 to 26 and take them out of 30 and 28 on
3 the east side. That would be an additional change. It
4 would be about one-fifth the size of this change, 900
5 people as compared to almost 5,000 people. So the
6 impact -- additional change would be smaller than the
7 change that was here.

8 CHAIRMAN LYNN: Mr. Huntwork.

9 COMMISSIONER HUNTWORK: When we go through
10 whatever map when we do equalize population, I think
11 we'd want to look at doing that. At that point, every
12 little bit helps.

13 My other question, is there any group you
14 could have picked that's more heavily Democratic to add
15 population? Is this the highest percentage, or most
16 compact, or how did you pick this particular?

17 MR. JOHNSON: These areas, all areas in
18 District 28, are leaning Democratic or heavily
19 Democratic. The area picked up west of Flowing Wells
20 Road isn't quite as Democratic dominated as the area
21 east of Flowing Wells Road. So it would be possible to
22 extend 26 in, pick up some of that, 28 come around the
23 bottom, and pick more of the area west of Flowing Wells
24 Road back up. I was trying to do this in compliance
25 with other criteria as well. Don't want to have necks

1 stretching around, especially a small area like this.
2 Thought I was doing something I do could do. If did do
3 it, as with District 30, 900 additional people being
4 picked up coming out of a heavier Democratic precinct.

5 CHAIRMAN LYNN: I guess the question is is
6 this the kind of change that is promising and should be
7 explored or is it the kind of change that does or
8 doesn't give us a clue as to how we might improve
9 things?

10 Ms. Minkoff.

11 COMMISSIONER MINKOFF: Mr. Chairman, it
12 seems to me at some point we have to equalize
13 population. In equalizing population, if we can enhance
14 any other requirements of Prop 106, whatever they are, I
15 think it's a positive step.

16 CHAIRMAN LYNN: Mr. Hall?

17 COMMISSIONER HALL: Well, Mr. Chairman, I
18 guess my question is, not having intimate knowledge of
19 the local area, it just seems to me that, for example,
20 the suggestion as referenced by Mr. Johnson is for
21 tweaking this area to equalize population. Is it
22 possible to try and accommodate competitiveness, too?
23 The consideration seems to be -- last time we were
24 talking about 40,000 people, and it was obvious, the
25 significant ramifications of that. This sort of

1 tweaking border to border, seems to me it would be
2 appropriate to try, you know, if no significant
3 detriment, to -- if we figure we've gone from
4 approximately 7.6 to 7.3, it seems it would be an
5 additional adjustment to try to do that.

6 I guess I'm asking more of a question to
7 you, Mr. Elder. Do you feel that's possible? Here we
8 are in Maricopa County analyzing changes affecting six
9 or seven districts, you know, I guess almost to say I
10 don't have some similar concerns as many of you do
11 simply because of the ripple effect ramifications.

12 I'm saying to me this seems to be a
13 simpler opportunity. Again, I request input on that.

14 CHAIRMAN LYNN: Mr. Elder.

15 COMMISSIONER ELDER: Mr. Johnson, could
16 you put up the -- I call it red, blue, green, yellow,
17 and then scroll over to the east, further, so we can see
18 what that area that you were referring to might be and
19 how it works or if we can see other areas that might
20 better fit in?

21 MR. JOHNSON: What I was referring to, if
22 we added District 30 into the mix, District 26 -- take
23 out the old line, District 26, pick up additional
24 population in the area where it already picked up
25 population, and then over in the east, the border

1 between 28 and 30, we do have a nice, compact, smooth
2 border, but it is within the City of Tucson. So we
3 wouldn't be moving across any city lines in that area if
4 we were to pick up somewhat less than 900 people.
5 Actually I'm not sure exactly what figure we would be
6 picking up between 28 and 30. My thought would be to
7 pick up somewhere between the border between them in
8 east Tucson.

9 CHAIRMAN LYNN: Ms. Minkoff.

10 COMMISSIONER ELDER: Doug.

11 COMMISSIONER MINKOFF: Doug, moving
12 population in 28, 26, did you equalize so under --

13 MR. JOHNSON: 26, 1.19, and 28, 1.18.

14 COMMISSIONER MINKOFF: District is
15 overpopulated?

16 MR. JOHNSON: 760.

17 COMMISSIONER MINKOFF: Approximately how
18 much are these two underpopulated?

19 MR. JOHNSON: Now about 2000.

20 COMMISSIONER MINKOFF: You have
21 underpopulation of 4,000 between two districts and over
22 population of 700.

23 MR. JOHNSON: Yes.

24 COMMISSIONER MINKOFF: That, to me, means
25 in three districts, underpopulation of 3,300 people. If

1 we equalized it in each of the districts approximately
2 the same size, 30 under 1,100, so 28 was and 26 was,
3 would we be able to achieve a little more in terms of
4 competitiveness? Is that possibly a way to go, equalize
5 all three districts? Other districts are voting rights
6 districts. May not want to go in there.

7 MR. JOHNSON: Yes. Given the area, pick
8 additional population up for, District 26 is Democratic.

9 COMMISSIONER MINKOFF: Looks like it has
10 to be.

11 MR. JOHNSON: The other option, when we
12 pick up population, go from 30, Catalina Foothills.

13 COMMISSIONER MINKOFF: Move 28 to 26, 26
14 to 30, each slightly underpopulated, each about same the
15 size, may help even more.

16 MR. JOHNSON: If we did it, it would leave
17 us with each district essentially a thousand people
18 under. Be about 0.4.

19 COMMISSIONER MINKOFF: I'd like to see
20 that.

21 CHAIRMAN LYNN: Could you give us an
22 estimation, if you were going to continue with the
23 process, adding in the same area, staying, for the
24 entire purpose of the mapping, staying, let's just say
25 for the sake of argument, north of Prince Road and going

1 east as far as you might need to go east, maybe to
2 Alvernon, just for the sake of discussion, can you tell
3 us how many residents are in that block?

4 MR. JOHNSON: Sure. Actually Prince is
5 the border of 27 down here. So that -- the area
6 described is the area we were working. That would work
7 out well. Let me pull this up, do it quick.

8 We'd be looking to move essentially 930
9 people, I guess. This is fairly dense population,
10 wouldn't be coming over very fair. Coming over to
11 Fairview and staying north of Limberlost, we get almost
12 twice as many people as we're looking for.

13 CHAIRMAN LYNN: Oh.

14 COMMISSIONER ELDER: What happens if you
15 stay north of Wetmore?

16 MR. JOHNSON: Just slightly too many
17 people.

18 COMMISSIONER ELDER: That's close.

19 CHAIRMAN LYNN: Then the question would be
20 if you added that section, understand you then need to
21 balance population between 28 and 30 to achieve the
22 balance you are looking for in the other to districts,
23 how quickly could you tell us what that block would do
24 to the AQD?

25 MR. JOHNSON: Very quickly, actually.

1 COMMISSIONER HALL: That would be great.

2 MR. JOHNSON: The test showing you
3 previously of District 26, AQD 10.72, this would make it
4 10.6. It's very slim change there. But again, 7.6, 7.3
5 on Judge It, every little bit may help. And one thing
6 to keep in mind, as Dr. McDonald said, these are all
7 degrees. The seven line target, every little bit helps
8 us get it there.

9 CHAIRMAN LYNN: I think when people decide
10 how many competitive districts a map has, they decide
11 from whatever point of view they bring to the map.
12 That's my opinion. I've ridden that point of view of
13 the map. It isn't a continuum, no bright-line
14 distinction between competitive and noncompetitive. If
15 saying seven percent is, that's not to say 7.72, 7.32
16 isn't. It's a matter of degrees.

17 I think part of the obligation here is if
18 we believe that this adjustment does two things, one,
19 helps equalize population, improves competitiveness of
20 the district without doing significant damage to other
21 things, we ought to do it.

22 Is there a motion to ought to do it?

23 COMMISSIONER ELDER: Mr. Chairman, I will
24 so move.

25 CHAIRMAN LYNN: Is there a second?

1 COMMISSIONER HUNTWORK: Second.

2 CHAIRMAN LYNN: Moved and seconded that we
3 in effect order the equalization of population among the
4 three districts adding the shaded area shown on the
5 current map which is just east of the area added in the
6 test and achieve, by doing so, an improved competitive
7 marking, and we don't know what it will be, but we'll
8 test it, of District 26.

9 COMMISSIONER ELDER: When you said we're
10 balancing that, can we take a look at the edge between
11 26, 30 --

12 CHAIRMAN LYNN: 28, 30.

13 COMMISSIONER ELDER: Pardon me, no.

14 We're --

15 CHAIRMAN LYNN: Or 26, 30. Either one.

16 MR. JOHNSON: Needs to be 28, 30. Needs
17 to be 28, 30. Since only messing with deviations, not
18 going to rotate back to 26, just going to rotate --

19 COMMISSIONER ELDER: Let's take a look at
20 that edge, there, 28, 30, so we give Mr. Johnson either
21 some insight or direction.

22 And to further other goals and
23 competitiveness, we're looking for the brown -- or
24 anything except the brown and red?

25 COMMISSIONER MINKOFF: Looking for brown

1 and red into 28 to reduce the Democratic margin in 28.

2 MR. JOHNSON: If aiming to reduce --
3 increase competitiveness, want to put in Republicans,
4 which in this map are the red, orangeish colors into 28.

5 CHAIRMAN LYNN: Does the current line
6 curve around, go north-south? Is that the current
7 district?

8 MR. JOHNSON: Current district comes down
9 along the river to Wrightstown and then continues --

10 CHAIRMAN LYNN: So it isn't your best
11 opportunity -- your best opportunity seems to me go east
12 and pick up an area brown in the east, where population
13 works; and it's a less preferable choice going north
14 across the river.

15 COMMISSIONER MINKOFF: Pick up brown,
16 yellow in between boundaries; don't get to brown.

17 COMMISSIONER ELDER: Wrightstown east-west
18 takes a dive and turns southerly, a red area right to
19 the north of that south of the river. What population
20 are we looking at?

21 MR. JOHNSON: Red area?

22 COMMISSIONER ELDER: Red area to the
23 north, that area right in there.

24 Oh, that's low density floodplain area,
25 not going to be very many people in that.

1 MR. JOHNSON: We're looking to move
2 5,800 -- almost 6,000 people in this.

3 MR. JOHNSON: Small numbers for a
4 precinct.

5 COMMISSIONER ELDER: The precinct spans
6 the river and --

7 MR. JOHNSON: We don't need to take the
8 whole precinct up to the river.

9 COMMISSIONER MINKOFF: Red to the left of
10 that.

11 MR. JOHNSON: One key question: Would it
12 make sense to move the border up to the rest of the
13 border of the river?

14 CHAIRMAN LYNN: Move to the border of the
15 river?

16 MR. JOHNSON: Instead of the lower fork,
17 up to the river.

18 COMMISSIONER ELDER: Come close. Let's
19 look at that area, 13 -- big chunk of people.

20 MR. JOHNSON: We want almost 6,000 people.

21 COMMISSIONER ELDER: I thought still
22 looking at 4,000.

23 MR. JOHNSON: This would be the extra 900
24 plus 2000 originally moved into 28.

25 COMMISSIONER ELDER: 13, 27 --

1 COMMISSIONER MINKOFF: If you want
2 everything underpopulated, the move you showed us here,
3 28 is sort of right on, isn't it?

4 MR. JOHNSON: 28, after the first test I
5 showed you, was then short by 2,000 people. We put 900
6 into it.

7 COMMISSIONER MINKOFF: How short is 26?

8 MR. JOHNSON: Let me pull it up, get the
9 stats.

10 Okay. 26 and 28 are both just over 2,000
11 people short. 30 is 700 people over.

12 COMMISSIONER MINKOFF: You'll probably
13 have to move about a thousand people from 28 to 26 and
14 about 2,000 from 30 into 28 and then be pretty close to
15 equalize. And they are each about 1,000 under, roughly.

16 MR. JOHNSON: Yeah, if we want.

17 COMMISSIONER ELDER: Between 26 and 30 --

18 CHAIRMAN LYNN: Moved about 900 --

19 MR. JOHNSON: This is why it's tough to do
20 on the fly.

21 COMMISSIONER MINKOFF: I know. Talking
22 rough numbers here, Doug.

23 MR. JOHNSON: 3,700 over. Want each of
24 the districts to end up 1,090 short. Looking at moving
25 1,800.

1 COMMISSIONER ELDER: Pull that chart down
2 a second, get the parameters, see what we can come up
3 with.

4 Can you come out a bit so we see a bigger
5 area?

6 Doug, from the red area just referring to
7 at the junction of Craycroft, I guess it is, Road there,
8 and the river, if we come down that diagonal just a
9 little bit, we have a crossing or a bridge across the
10 river. There until we get out to Houghton Road, right
11 there, that's the only other bridge crossing across the
12 river. Anything south of that in there that you need to
13 make up areas I don't think there is a problem with.

14 If we go, complain about a district, I'm
15 one of the red districts. I guess my precinct only has
16 a hundred people north of the river and it's 13 miles
17 away where I have to vote. There's lack of
18 participation when you can't get there. If we can
19 somehow -- maybe ask for a precinct split. But it's
20 something -- that river is a very strong barrier.
21 There's almost no comingling or cross fertilization on
22 either side of the river.

23 MR. JOHNSON: If we draw the line there,
24 you'll get a precinct split.

25 COMMISSIONER ELDER: East, the brown

1 mustard color type things there, trying to pick up other
2 population east of Camino de Conejo.

3 COMMISSIONER MINKOFF: If only moving
4 1,800 people, a denser area, will we get to brown? Go
5 through the yellow to get to the brown.

6 MR. JOHNSON: Each -- there's -- what was
7 a precinct has been split. But there, and then a
8 complete precinct here in yellow that is 1,600, and
9 another one 1,600, along the diagonal.

10 COMMISSIONER ELDER: Maybe the edge
11 population equalization, not a further competitiveness
12 goal. Go up to the north between 30 and 26, see if we
13 can get a shift in --

14 MR. JOHNSON: If we move areas between the
15 two rivers, that will help competitiveness.

16 CHAIRMAN LYNN: Rather than try to do on
17 the fly, you understand the intent.

18 MR. JOHNSON: Yes.

19 CHAIRMAN LYNN: Of what we're trying to
20 get to.

21 MR. JOHNSON: Yes.

22 CHAIRMAN LYNN: There may be yet some time
23 this evening when, if we're not accosting you, you can
24 actually work on it and show us something that might
25 work.

1 COMMISSIONER MINKOFF: Mr. Chairman,
2 Mr. Elder and I were talking and --

3 MR. JOHNSON: I can't hear you.

4 COMMISSIONER MINKOFF: I was wondering if
5 the red areas between 28 and the river, if we can take
6 one or both of those, add it into 28. The river is a
7 natural boundary. Do a split precinct, natural split.
8 There's plenty of time to redraw precinct lines before
9 2004 elections, redraw those which look heavily
10 Republican?

11 CHAIRMAN LYNN: Any of that is fine.

12 COMMISSIONER MINKOFF: I'd like it there
13 rather than areas to the east, if possible.

14 CHAIRMAN LYNN: Any of that is fine.

15 COMMISSIONER ELDER: Yeah.

16 CHAIRMAN LYNN: Is there further
17 discussion on the motion?

18 And the motion again is to instruct
19 Mr. Johnson to complete equalization of population among
20 three districts and to effect as much of a positive
21 change in competitiveness factors that can be tested for
22 26 and for 28.

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

25 COMMISSIONER MINKOFF: "Aye."

1 COMMISSIONER HUNTWORK: "Aye."

2 COMMISSIONER ELDER: "Aye."

3 COMMISSIONER HALL: "Aye."

4 CHAIRMAN LYNN: Opposed "No."

5 Chair votes "Aye."

6 Motion carries unanimously and is so
7 ordered.

8 Let me tell you where I think we are. I
9 think we've ordered a potential improvement in the
10 competitive situation, again, not creating a zero-zero
11 district, improvement in a competitive district in
12 Tucson, perhaps some improvement in a second district.
13 I think we've agreed to fix the problem in La Paz, Yuma
14 County. I think we agreed the Sun Cities, plural, are
15 to be housed in two districts in the Phoenix area. That
16 leaves us with Central Phoenix in terms of a solution to
17 the question of how much additional work are we going to
18 do with respect to improving competitiveness at this
19 juncture in the process. I suggest at this point we
20 might revisit Central Phoenix and see if there are any
21 other thoughts in that area.

22 CHAIRMAN LYNN: Mr. Huntwork.

23 COMMISSIONER HUNTWORK: It's not my
24 intention to cut off a fruitful line of inquiry,
25 however, my own -- my own feeling is that we have

1 done -- looked as hard as we can, and we have not
2 succeeded. I would like to make a motion to see if
3 anyone will agree with me that we should not proceed
4 further on looking at this revised version of District 6
5 and rather proceed from this point forward based on the
6 interim maps currently in use for the 2002 elections.

7 CHAIRMAN LYNN: Let me understand your
8 motion. The motion is to at this point cease further
9 work on this alternative to the adopted map in the
10 Phoenix area?

11 COMMISSIONER HUNTWORK: Correct.

12 CHAIRMAN LYNN: Is there a second?

13 COMMISSIONER ELDER: Second.

14 CHAIRMAN LYNN: Discussion on the motion?

15 Ms. Minkoff.

16 COMMISSIONER MINKOFF: Mr. Chairman, this
17 is 180 degrees apart from a motion we just discussed and
18 voted on before dinner. In that respect, I think it may
19 be out of order, because reconsideration can only be
20 made by somebody that voted with the majority. If we
21 want to discuss again, that's fine. Just it seems to me
22 if we do this we are saying that we do not want to
23 attempt to create another competitive district in
24 Maricopa County. And I think that we owe it our best
25 shot. We've asked for tests. To abandon it without

1 seeing the results of those tests is not an appropriate
2 fulfillment of our responsibilities.

3 CHAIRMAN LYNN: To your point about
4 whether or not the motion is in order, let me respond.
5 In my judgment, as the Chair, since we are, for the most
6 part, making these as procedural motions, they have
7 equal standing and, therefore, the motion that is on the
8 floor, properly seconded, would have equal weight to the
9 motion passed earlier. What we ordered by the earlier
10 vote was additional testing on this particular
11 alternative. If we subsequently decide to not go
12 forward, it would have equal weight.

13 COMMISSIONER MINKOFF: Decide to go
14 forward, not go forward, then what do we do?

15 CHAIRMAN LYNN: This takes precedence
16 over, the more recent motion; not direct rescision of the
17 other motion. This would truncate the process. They
18 are all procedural motions.

19 Mr. Elder.

20 COMMISSIONER ELDER: Yes, Mr. Chairman.

21 I guess my intent or reason for my second
22 on this, as was stated when discussing the 6, 11
23 adjustments, and I looked at that whole central area,
24 having wholesale changes that we have not looked at, not
25 discussed, have not been supported by public testimony,

1 all the various things that go along with that, I would
2 like -- and I guess what I think we should be doing is
3 taking the record we have and trying to make adjustments
4 to those districts that represent a plus or a gain for
5 competitiveness. But to go in and take 10, as I think
6 it was, you know, shown there, in the interim plan, and
7 divide it into five different districts, 6 into four
8 different districts, 11 had three or four different
9 districts, we don't have any traceable process to go
10 there from here. I think it's the responsibility of the
11 Commission to make that change and not lay it back to
12 NDC to say: Oh, make the whole central or a third of
13 the state revised that we don't have any backup or any
14 support or any testimony for. That's the reason for
15 trying to rescind, if that's the way it's interpreted,
16 the discussion on the plan Test 2 stroke 14, whatever
17 it's called.

18 CHAIRMAN LYNN: Ms. Minkoff.

19 COMMISSIONER MINKOFF: Mr. Chairman, we
20 have all the testimony we've heard from people in public
21 hearings. I don't remember any significant testimony
22 that related to areas that are here under discussion. I
23 don't recall people from Moon Valley telling us to put
24 them in a district with another particular area. I
25 don't recall people around the Chris-Town area telling

1 us to put them north, south, east, or west. There
2 really isn't any testimony. There was definite
3 testimony from Sun City, Sun City West, Sun City Grand.
4 Although some of it was in conflict, the majority of it
5 said please put us in at least two districts. We have
6 responded to that and asked for those tests
7 appropriately, I believe.

8 I think that we have a responsibility to
9 proceed to try to create a competitive district. A
10 while ago there was a motion to create a competitive
11 district out of 15. 15 was originally a solid
12 Democratic district. I am a registered Democrat. I was
13 appointed to this Commission as a registered Democrat.
14 I believe my responsibilities to this Commission
15 override my party affiliation. I supported that motion.
16 I believe I may have made the motion to make a
17 Democratic district a competitive district. I now hear
18 my Republican colleagues unwilling to do the same thing
19 with a Republican district to give those people a
20 choice.

21 If you want to go back and talk about 15
22 before as a competitive district, if I look hard enough,
23 I can find reasons why we shouldn't do it. But they are
24 to me less important than the ultimate purpose of giving
25 voters a choice. I took that seriously.

1 I supported creation of a competitive
2 district even though it moved people around that might
3 prefer not to be moved around. I ask my Republican
4 colleagues on this Commission, please consider doing the
5 same thing.

6 CHAIRMAN LYNN: I need to ask a question
7 about, just to clarify the motion in my mind, is the
8 motion concerning only District 6 or is it any of the
9 changes in this cluster and would that also include or
10 not include the previous changes with respect to the
11 Historic District? I need to get that clear in my head.

12 COMMISSIONER ELDER: When you say previous
13 changes, the Historic --

14 CHAIRMAN LYNN: What we earlier voted on
15 was a sense of moving forward to test the result of
16 taking 14 and 15 and making the change that you see on
17 the board. And I want to first know if that, too, is
18 included in the motion on the floor, just for clarity,
19 or whether that would stand even if this motion were
20 passed.

21 Mr. Huntwork.

22 COMMISSIONER HUNTWORK: Mr. Chairman, it
23 was my intent, personally, only to address the attempt
24 to create a competitive district out of District 6.
25 That was my intent.

1 CHAIRMAN LYNN: Mr. Elder, is that your
2 understanding of your seconding of the motion?

3 COMMISSIONER ELDER: I guess, no, it
4 wasn't. I thought by taking that off the table, taking
5 Test 2, I thought clarified during the motion, off the
6 table, and discuss another way of going forward.

7 COMMISSIONER HUNTWORK: Mr. Chairman.

8 COMMISSIONER ELDER: With that said, we
9 had court testimony that challenged how changes were
10 made, not by the Commission, but by the consultants. We
11 need to be very proactive in making the change,
12 directing the change when it is so wholesale on the plan
13 we have here. That's that cluster of districts. Eight
14 districts there, one plan side by side. There isn't any
15 linkage between the two plans. That's what we have to
16 do.

17 COMMISSIONER HUNTWORK: Mr. Chairman,
18 although I was thinking primarily of District 6, I have
19 to say the current configuration of other districts
20 results from some of the other changes that were made.
21 So the motion would have to be to take the whole thing
22 off the table and then perhaps look again at 14 and 15
23 separately.

24 CHAIRMAN LYNN: Mr. Elder, with that
25 clarification, is the second still in order?

1 COMMISSIONER HALL: I'm confused now,
2 Mr. Chairman.

3 CHAIRMAN LYNN: Stay with us.

4 COMMISSIONER HALL: I'm sure we're all
5 alone.

6 We made, basically, three sets of changes,
7 in my mind.

8 Mr. Johnson, please help me.

9 We did the 11, 15 test, and 14, 15 test,
10 and then we did a 6 test that affected 4, 12, 9, 10, and
11 11, also. What I understood your motion to be was if
12 you remove the 6 issue, you are basically saying the 9,
13 10, 11, 4, 12 ramifications of that are effective, but
14 you still have the historic 14, 15 changes because 15,
15 11 as configured here, as a result of the 15, 11 test,
16 excluding what 5 would do.

17 Is that right Mr. Johnson?

18 COMMISSIONER MINKOFF: No.

19 COMMISSIONER HALL: I'm asking
20 Mr. Johnson, Ms. Minkoff, not you.

21 Is 6 as a result of the 15, 11 test?

22 MR. JOHNSON: 15 is a result of 15, 14
23 district and 11, 15 test. District 11 has been affected
24 by both sides.

25 COMMISSIONER HALL: Yes.

1 CHAIRMAN LYNN: Try again for clarity's
2 sake. Both withdraw the motion. Start over. Make a
3 clear motion we can debate and deal with. Are you both
4 up with that?

5 COMMISSIONER HUNTWORK: I'm not sure.

6 COMMISSIONER ELDER: Withdraw.

7 COMMISSIONER HUNTWORK: It is late. Not
8 late for you. I had no sleep last night, as Doug did.
9 We've been commiserating about it. Misery loves
10 company.

11 The point is, the north side of 15, as
12 shown on this map, was definitely affected by other
13 tests. 11 was affected by other tests. 11 affected 15.
14 The south side of 15 not affected and would be the same
15 with our current test maps. What I don't know how to do
16 leaves the south side of 15 in place, takes everything
17 else off the table. That's why take everything off the
18 table, then address it again.

19 CHAIRMAN LYNN: To Mr. Hall's point, we
20 have a sequence of events. And I think the test that
21 was ordered between Districts 11 and 15 which showed
22 improvement in those districts, if we still feel
23 comfortable with those, we can leave them in place. If
24 you still feel comfortable with the change between 14
25 and 15 that affects the Historic District, still leave

1 that in place. But the last change, which attempted to
2 make 6 a more competitive district, which then affected
3 the surrounding district, that's the one that seems to
4 be at issue. And that's the one we're trying to get at.

5 Now, I think the record will reflect the
6 progress of those things. But if there's any ambiguity,
7 we certainly can clear the slate and start over and do
8 it in the same order. We can certainly vote to accept
9 the 11, 15 test, we can deal with Historic District, and
10 then do whatever you want to do with the balance.

11 COMMISSIONER HUNTWORK: I'll try to make a
12 clear-cut motion.

13 I move that we continue testing of the new
14 alignment between 14 and 15 that was approved today,
15 that we continue testing of the alignment between 15 and
16 11 that I believe was tested on June 14th, if I'm not
17 mistaken, and that we discontinue the remainder of the
18 test as it affects districts 10, 11, 12, 9, 6, and 7.

19 CHAIRMAN LYNN: Is there a second to that
20 motion?

21 COMMISSIONER ELDER: Second for the
22 purpose of discussion.

23 CHAIRMAN LYNN: Thank you, Mr. Elder.

24 COMMISSIONER ELDER: Mr. Chairman,
25 Mr. Huntwork, is the goal here to segmentize the changes

1 in all the districts there so we can take a look at them
2 or are we looking at saying no, those are the only
3 changes we want to take a look at and then let's test.

4 COMMISSIONER HUNTWORK: The motion only
5 changes to continue to look at the changes between 14
6 and 15 and between 11 and 15 as they were shown in the
7 current --

8 COMMISSIONER ELDER: Can I ask then a
9 question of Mr. Johnson? I want to know what my
10 alternatives are.

11 CHAIRMAN LYNN: Sure.

12 COMMISSIONER ELDER: Mr. Johnson, I guess
13 my concern as was voiced during the last discussion was
14 that I would like to see the process, or I would like to
15 see the evolution, as a Commission. How long would it
16 take you to either go through the red, blue, green and
17 shifts as we rotate through this central area of Phoenix
18 where we may very well arrive with the plan on board at
19 our direction and knowledge of how shifts made, that's
20 reasonable, let's go for it? How long would it take to
21 have an interactive process? It took you eight hours,
22 probably, to do overnight, or 80 hours, whichever.

23 MR. JOHNSON: Commissioner, it would --
24 once I got it set up to demonstrate, it would be a
25 fairly fast demonstration. Setting up would take a

1 considerable amount of time. It's probably faster to go
2 back through the record and note each test and each
3 vote.

4 I want to clarify one thing. There are no
5 hidden NDC decisions in any maps. Each test was clearly
6 voted on by the Commission.

7 COMMISSIONER ELDER: Who --

8 CHAIRMAN LYNN: Each test was ordered
9 specifically.

10 COMMISSIONER ELDER: Ordered. Ordered
11 with the constraint to try to equalize population or try
12 to increase competitiveness. Whether it went this way,
13 that way, we have no idea how that was derived at.

14 MR. JOHNSON: Commissioner, if I may --

15 CHAIRMAN LYNN: Mr. Johnson.

16 MR. JOHNSON: Just to clarify, you
17 described accurately you gave directions to achieve a
18 certain goal. What I was referring to were reports
19 afterwards. The Commission decided whether or not to
20 accept that piece.

21 COMMISSIONER ELDER: Mr. Chairman, to that
22 whole discussing the motion, then, is that I'm not
23 really comfortable with leaving the discussion at 11,
24 14, and 15 and saying that we're focused and pleased and
25 happy as punch with the balance of that area is what

1 I'm --

2 COMMISSIONER MINKOFF: Yep.

3 CHAIRMAN LYNN: The effect of the motion
4 would be to only move forward with the tests that have
5 impacted 11, 14, and 15. Now, that does -- again,
6 that's for where we are at the moment. Clearly until we
7 adopt the final map, any other test can be ordered, any
8 other condition can be explored.

9 COMMISSIONER ELDER: Well, is the base
10 Test 2 or is the base 2002?

11 CHAIRMAN LYNN: Let's ask Mr. Johnson the
12 base.

13 MR. JOHNSON: What?

14 CHAIRMAN LYNN: Too many conversations
15 going on at once.

16 MS. LEONI: Sorry.

17 CHAIRMAN LYNN: If you need time, I'll
18 give it to you.

19 Do you need clarification?

20 The base for the test of 11 and 15 and the
21 base for the test of 14 and 15 was which map?

22 MR. JOHNSON: The test of 11, 15 was from
23 the 2002 plan. The test of 14 and 15 was then done on
24 top of that. 14 and 15 could be done with the same
25 results in terms of degree of change on the 2002 plan.

1 CHAIRMAN LYNN: Okay.

2 Mr. Hall has been trying to get in.

3 COMMISSIONER HALL: Mr. Chairman, I
4 understand that there may be varying degrees of
5 understanding of the various tests. With due respect to
6 Mr. Elder, in my mind, where we're at is very clear.
7 And the test between 14, 15 we ordered from NDC, the
8 product we received from that test, 15, 11 received from
9 NDC, the product was very similar to what we requested.
10 I disagree with the characterization that NDC was making
11 those decisions. I think we specifically asked them to
12 address certain issues between 11 and 15. I think they
13 achieved the goal that we were seeking in running that
14 test. Similarly, the test proposed in public comment
15 between 14, 15 was basically presented before us, two
16 independent of one another, as Mr. Johnson indicated.

17 As I understand the motion, those -- he's
18 saying leave 14, 15, and 11, those changes to those
19 three districts by reason of specific order from this
20 Commission on those two tests in play. I concur with
21 that. I think they need further analysis. I'm
22 encouraged by the results we see from those tests.

23 What I understand is when we then said
24 let's see what can do to District 6. District 6
25 affected additional impact on 11, 9, 10, 4, and on 12.

1 COMMISSIONER MINKOFF: And 7.

2 COMMISSIONER HALL: And 7.

3 My level of concern, while I'm in
4 agreement we need and have an obligation to favor
5 competitive districts, I, along with Mr. Elder and
6 Mr. Huntwork, who have expressed concerns, I'm concerned
7 now we've rippled that through three, four, five
8 additional districts of a map we all approved and felt
9 comfortable with to go before DOJ.

10 So I guess my intent of this summary is to
11 clarify the record on three points. One, it's very
12 clear that we have ordered what has occurred here and,
13 two, when I came in this morning I was in favor of
14 adopting a -- or voting for, because I was not of the
15 opinion there was significant detriment with respect to
16 District 6. After hearing -- you'll notice I was
17 conspicuously quiet for a good hour and a half. Hearing
18 all of the information on both sides, I believe there is
19 significant detriment to our original map. I think
20 favoring a competitive district in District 6 does cause
21 significant detriment. Therefore, I speak in favor of
22 the motion.

23 CHAIRMAN LYNN: First and foremost,
24 Mr. Hall, I want to thank you sincerely for clarifying
25 where we are and how we got there. It's very good to

1 incorporate somewhere.

2 Let me get a comment from Ms. Hauser, then
3 I'll continue with the discussion.

4 MS. HAUSER: I want to clarify something.
5 "Significant detriment to our original map."
6 Significant detriment to the map or criteria?

7 COMMISSIONER HALL: You're absolutely
8 right, Ms. Hauser. When we adopted the original map, we
9 did so on the basis of consideration of all the criteria
10 of Proposition 106. The question was in making
11 adjustments in an effort to favor a competitive
12 district, significant detriment was pointed out. It
13 clearly caused detriment to issues of community of
14 interest and issues such as respect for other
15 communities of interest frankly not even discussed. I
16 think the issue is rippling, other goals, geographic
17 features, and the ability of folks to be able to
18 appropriately vote for a candidate of choice.

19 I appreciate clarification.

20 CHAIRMAN LYNN: I'll call on Mr. Elder.
21 Ms. Minkoff wants to get in.

22 I'll call on Mr. Elder, want to make sure
23 we have a motion. Mr. Elder seconded for purposes of
24 discussion. Be clear the motion on the floor is one you
25 continue to second.

1 COMMISSIONER ELDER: If what we're talking
2 about, I think from Mr. Hall's characterization,
3 Mr. Huntwork's characterization, is by not asking, in
4 effect, for 6, that ripple does not go through 9, 10,
5 whatever. So that means we're going back with our 2002
6 plan for those districts and we're looking at the
7 effects and the changes through 11, 15, 14 and 15,
8 correct?

9 CHAIRMAN LYNN: If the motion were to
10 pass, what we'd have is effects of 11, 15, and 14 to add
11 to the 2002 map. That's where we'd be at that point.

12 COMMISSIONER ELDER: Yes. That's what my
13 second is for.

14 CHAIRMAN LYNN: Thank you.

15 Discussion on the motion. Ms. Minkoff.

16 COMMISSIONER MINKOFF: Thank you,
17 Mr. Chairman.

18 When the test was ordered to try to create
19 an additional competitive district in Maricopa County,
20 Mr. Johnson explained to us that he felt that the best
21 way to approach it was to include districts 11, 7, 4, 9,
22 10, and 12, although he says the effects, I believe, on
23 4 and 12 would not be as significant as on the other
24 districts. We approved that. And that's what he did.
25 And, frankly, what I saw, not that I could have

1 predicted exactly where the lines were, but it was sort
2 of what I thought I'd see with the exception of the
3 change in the Sun Cities we did not authorize and we
4 have voted to go back to our original map. It doesn't
5 do other things we were trying to do, probably an option
6 to try, he was going to show us, decided to go back to
7 the original map. This map resulted from our
8 instructions.

9 I am much less concerned about changes to
10 our map than I am about responsiveness to the voters in
11 Arizona and allowing them a choice. I'm not going to
12 repeat everything I said before. I guess we see it
13 differently.

14 I believe that the responsibility to
15 create a competitive district should be favored. I do
16 not see any public testimony about what we have done to
17 Districts 11, 9, 10, or 7 that talks about significant
18 detriment to any community of interest.

19 I will vote against this motion. And I'm
20 telling you I'll vote against any final plan that only
21 takes a solid Democratic district, turns it competitive.
22 You'll never make 11 competitive, trust me. You'll
23 never make 11 competitive without similar dramatic
24 changes to the map.

25 I believe that we have not done the job

1 that we were asked to do. I believe that we have
2 created a map more one-sided for one particular party
3 than our interim map is. And I cannot, as a
4 Commissioner, and I cannot live with my conscience, if I
5 support such a change.

6 CHAIRMAN LYNN: Further discussion on the
7 motion?

8 Mr. Hall.

9 COMMISSIONER HALL: Well, Ms. Minkoff, no
10 one agrees with you more on the issue of
11 competitiveness. I think that we're all, in fact -- I
12 think we all agree that we want as many choices at the
13 polls as possible.

14 The fact of the matter is that subsequent
15 to the voter rights issue we have a 16 percent deficit,
16 minimum. And the other fact of the matter is that on
17 its face, when I first see this on its face, if we're
18 looking at geographic shapes on the screen, this makes
19 sense. That's why I felt like it was definitely
20 something that we ought to support. But when I walk out
21 of my hotel room and look out at the mountains
22 Mr. Huntwork was referring to, I think there's some
23 legitimacy to his point.

24 There may well be some partisan argument
25 from both sides of the aisle. I'm not speaking from a

1 partisan standpoint. I'm speaking as an Independent,
2 and I emphasize that, Redistricting Commission, what's
3 best for the people.

4 I'm not sure what is best for the people.
5 I think it is significant degradation for community of
6 interest.

7 The fact we've not taken 600 grand and
8 better spent it on Democratic registration for more
9 white Democrats like you and me, which we have, is a
10 problem for the Democratic Party, because there's not
11 enough of us here. That's not a problem we created.
12 The problem is what it is. In addition to that, if you
13 look at the Hispanic Democrats, black Democrats, they've
14 done an outstanding job of garnering people. Anglo
15 Democrats did a poor job. That's where the challenge
16 lies. It's not a subject that this Commission created
17 but is something far beyond our control.

18 CHAIRMAN LYNN: Further discussion on the
19 motion?

20 Ms. Minkoff.

21 COMMISSIONER MINKOFF: One last point.
22 There is a more significant gap between the Republican
23 and Democratic parties when you take the voting rights
24 districts out. We all know that. This shows something
25 can be done.

1 I don't want to belabor the point, don't
2 want to draw this discussion out any more than it has
3 been. I can see the direction things are going. A plan
4 will ultimately pass with a four-one vote, and we'll see
5 what happens to it.

6 CHAIRMAN LYNN: I don't want to draw this
7 out any longer, either, but I'm compelled to say
8 something.

9 Clearly I was in favor of testing as much
10 as is needed to test to have all the information we
11 needed in order to move forward with consideration of
12 any of the issues that we ultimately might include in
13 the final map. If it's the will of the Commission at
14 this point to take some of those options off the table
15 because of the perception that there are limits -- and
16 there are not, again, this elusive bright line, not
17 bright-line limits, but clearly limits as to how far and
18 how much districts need to change in order to achieve a
19 goal, whichever goal it happens to be, and those are
20 ultimately the judgments each of us has to make for
21 ourselves and on behalf of the people of Arizona, then
22 I'm supportive of that in the sense the collective
23 wisdom of the Commission is always better than any
24 individual Commissioner's individual perspective, no
25 matter who the Commissioner might be.

1 Clearly I think we've made good collective
2 decisions, not always on unanimous votes, not always
3 four-one votes, some good decisions were three-two, and
4 some of us have been on either side of the three-two.
5 They've still been good decisions.

6 It's my opinion group decision making is
7 almost always better, in hindsight, than decisions made
8 by any individual on one issue like this.

9 I will tell you that I, too, was concerned
10 about -- first of all, I was excited having two
11 additional districts well within what we'd call
12 competitive districts. I then started looking at the
13 cost for achieving that. And it's always the balance
14 between effect and the cost. And clearly there was a
15 more significant cost to the achievement of this
16 particular district than there were in other areas of
17 the state, not just in Phoenix, but also in Tucson, as
18 we found out.

19 Most recently we determined a way at least
20 not -- not so harmful to the Tucson area as to give us
21 an opportunity to make districts more competitive, even
22 though we may not have gotten it down to that zero mark,
23 but we moved toward competitiveness as best we could.

24 There's no question in my mind once the
25 Voting Rights Act was dealt with by the Commission and

1 dealt with significantly by the Commission that our
2 choices were going to be somewhat limited. That meant
3 we had to look very carefully at the kind of decisions
4 we then subsequently made in order to achieve additional
5 gains in a number of goals, if we there were to revisit
6 those goals.

7 I'm not particularly happy with the change
8 to 14 and 15 with respect to the neighborhood
9 association goal, which I know both members of the
10 Phoenix delegation support. I'm perfectly happy to go
11 along with it with respect to the overall decision
12 because I do think their wisdom probably, collectively,
13 outranks mine on the subject, even though I have a very
14 firm opinion about that. And I'm willing to go with a
15 district somewhat less appealing to achieve that goal.

16 Shorthand, I am supporting the motion
17 because I do think it draws a distinction between those
18 things that we can properly do to carry out our
19 constitutional responsibility and the kind of things we
20 ought not to do because it violates our constitutional
21 responsibility. I believe we are at that point.

22 Further discussion on the motion?

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

25 COMMISSIONER HUNTWORK: "Aye."

1 COMMISSIONER ELDER: "Aye."

2 COMMISSIONER HALL: "Aye."

3 CHAIRMAN LYNN: Chair votes "Aye."

4 Opposed vote "No."

5 COMMISSIONER MINKOFF: "No."

6 CHAIRMAN LYNN: Motion carries four-one

7 and is so ordered.

8 Other instruction, information we need to
9 give Mr. Johnson this evening?

10 Let's take a 10-minute break.

11 (Recess taken.)

12 CHAIRMAN LYNN: The Commission will come
13 to order.

14 For the record, all five Commissioners are
15 present, legal counsel, NDC, Commission staff.

16 By my calculations, the only item on the
17 agenda that we need to take care of, and I'm certainly
18 willing to have someone contradict me, is to determine
19 whether, and if the answer is yes, we can, when we will
20 next reconvene. We have some tests, the results of
21 which will be available within a week. We have other
22 tests on the issue of population deviation that aren't
23 likely to be ready during that same time frame.

24 So the point would be, if I understand the
25 sequence, Mr. Johnson, would be to have a meeting in the

1 near term, if that's feasible, to make final
2 determinations on the tests we've ordered as to whether
3 or not those should be included in an ultimate
4 population deviation exercise or not. And that would
5 then give you a complete map against which population
6 changes should be made. At the point when that has been
7 done and is ready for us, I understand there may be a
8 scheduling issue and that discussion may not take place
9 until August. But the issue for the immediate
10 consideration of the Commission is whether we can hold a
11 hearing next week and, if so, when.

12 Mr. Elder.

13 COMMISSIONER ELDER: Yes, Mr. Chairman.
14 It seems there are scheduling issues and Thursday did
15 not look good. Can we meet as early as Wednesday, a
16 one-dayer?

17 CHAIRMAN LYNN: You've asked a \$64
18 question everyone asks: When will we be finished. The
19 answer is sometime after we start. I have no better
20 guess than that. It seems to me if we were able to get
21 a full day's schedule, some full-day schedule, the work
22 we have to do with the two tests could be accomplished
23 in that time frame, it seems to me, unless other items
24 come up between now and then. So that's my guess.

25 COMMISSIONER ELDER: I guess it lays

1 with --

2 Can you be ready by Wednesday?

3 MR. JOHNSON: Mr. Chairman, Commissioners,
4 I could -- let me be sure I'm understanding where we're
5 going from here or what you are expecting of NDC from
6 here.

7 CHAIRMAN LYNN: Hold on, Mr. Johnson.
8 Mr. Hall.

9 COMMISSIONER HALL: My day is Tuesday or
10 go down the road.

11 COMMISSIONER ELDER: Tuesday is a good day
12 or bad day?

13 COMMISSIONER HALL: Tuesday is the day.

14 COMMISSIONER ELDER: Mr. Johnson --

15 COMMISSIONER MINKOFF: I'm not available
16 until 1:30 Tuesday.

17 CHAIRMAN LYNN: What I just heard, in the
18 absence of any other issues, we could begin, at least in
19 terms of our schedule, at 1:30 Tuesday.

20 COMMISSIONER HALL: Meaning planning being
21 here Wednesday?

22 COMMISSIONER MINKOFF: I could be here
23 Wednesday.

24 COMMISSIONER ELDER: You can't.

25 CHAIRMAN LYNN: Start earlier Tuesday?

1 COMMISSIONER MINKOFF: I can't be here
2 until 1:30. We've had meetings when everybody hasn't
3 been here.

4 COMMISSIONER HALL: The most important
5 event next week is my birthday.

6 MR. RIVERA: When you turn 21, it's
7 important.

8 CHAIRMAN LYNN: What day is that?

9 COMMISSIONER HALL: Thursday, the 27th.

10 CHAIRMAN LYNN: Well, if the card is late,
11 just remember it's the thought that counts.

12 So the issue is if we're going to meet on
13 Tuesday, and unless I hear an objection from someone
14 else, Tuesday seems to be the day. Just to be clear,
15 Mr. Hall, how late could you stay late Tuesday before
16 you need to head back?

17 COMMISSIONER HALL: Midnight is not my
18 preference.

19 CHAIRMAN LYNN: I understand.

20 COMMISSIONER HALL: Is 1:30 movable?

21 COMMISSIONER MINKOFF: I might be able to
22 get here at 1:15, can't plan on it.

23 COMMISSIONER ELDER: The other thing we've
24 done for several meetings while waiting for Mr. Johnson,
25 probably could take public comment for a half hour,

1 hour, before Andi started, scheduled at 1:30, then a
2 recess.

3 CHAIRMAN LYNN: I'm up for any of that.
4 Why don't we try to do that. With any
5 luck, Ms. Minkoff might be able to get here a little
6 earlier.

7 In any case, without objection, notice a
8 meeting for Tuesday at 12:30. We don't yet know where,
9 but it will be somewhere at 12:30 on Tuesday. And we'll
10 anticipate going -- I just don't think it will be that
11 long a meeting. I think we can get you out in time to
12 get home at a decent hour.

13 COMMISSIONER ELDER: Take one of the state
14 cars up.

15 COMMISSIONER HALL: Adolfo -- here's
16 another option, Mr. Chairman.

17 Adolfo, can you check with the airline in
18 Show Low?

19 MR. ECHEVESTES: Flying down and back?

20 COMMISSIONER HALL: They're coming down
21 and back, but how many days a week --

22 COMMISSIONER HUNTWORK: Lights on the
23 runway at Show Low?

24 COMMISSIONER HALL: 30,000 acres now up in
25 flames, may not have a runway.

1 CHAIRMAN LYNN: Mr. Rivera mentioned
2 another possibility, Mr. Hall. Any possibility on
3 Wednesday?

4 COMMISSIONER HALL: You guys in Pinetop.

5 CHAIRMAN LYNN: Any possibility of time
6 available Wednesday with you staying up there, in your
7 area of the woods, that is to go to Kinko's, a satellite
8 linkup?

9 COMMISSIONER HALL: We don't have
10 satellites.

11 MS. HAUSER: It's not -- time delay.

12 CHAIRMAN LYNN: Let's just try to do
13 Tuesday. Notice the meeting for 12:30. Hold off on
14 Mr. Johnson's report until 1:30.

15 COMMISSIONER HALL: If I fly, that's four
16 more hours Wednesday.

17 CHAIRMAN LYNN: I understand.

18 COMMISSIONER HALL: Four more hours on
19 Tuesday -- three, you have an hour flight.

20 CHAIRMAN LYNN: We'll think about that.

21 COMMISSIONER HALL: One time they
22 chartered me. I don't know. That's why we pay Adolfo
23 the big bucks.

24 CHAIRMAN LYNN: All right. Without
25 objection, schedule the meeting for then.

1 Mr. Johnson, now to your point about
2 understanding what we ordered and when it's due, go
3 ahead.

4 MR. JOHNSON: My understanding, correct me
5 if this isn't the same as yours, starting with the 2002
6 plan, going to incorporate the changes in La Paz, and --
7 between 23 and 24, incorporate the 11 and 15 test we
8 looked at before, incorporate the 14 and 15 test, and
9 then do the balancing between 26, 28, and 30 down in
10 Tucson.

11 CHAIRMAN LYNN: That is correct.

12 MR. JOHNSON: And then we'll present to
13 you full spread sheets, assuming Dr. McDonald is
14 available, and get the Judge It.

15 MS. LEONI: He will be available.

16 CHAIRMAN LYNN: Judge It will have been
17 run by then?

18 MS. LEONI: Yes.

19 CHAIRMAN LYNN: Is there other business --
20 Are you clear?

21 MR. JOHNSON: So full analysis but I'll
22 not yet have done deviation and trap changes.

23 CHAIRMAN LYNN: Can't until we give you a
24 map on which to do deviation.

25 MR. JOHNSON: Right.

1 CHAIRMAN LYNN: The goal is to complete a
2 map.

3 MR. JOHNSON: That's what I was hoping
4 you'd say.

5 CHAIRMAN LYNN: Other business to come
6 before the Commission?

7 Ms. Hauser?

8 MS. HAUSER: Mr. Chairman, I'd like to
9 know what you specifically want the agenda to indicate.

10 CHAIRMAN LYNN: Well, if my fellow
11 Commissioners will give me that license, you and I can
12 work on that between now and the end of the week.

13 COMMISSIONER HUNTWORK: You have it.

14 CHAIRMAN LYNN: Is there a reason not to
15 do it that way?

16 We'll take care of the agenda.

17 Other business to come before the
18 Commission?

19 Mr. Echeveste?

20 MR. ECHEVESTE: No, sir.

21 CHAIRMAN LYNN: Legal counsel?

22 Fellow Commissioners?

23 The Commission is adjourned.

24 (Whereupon, the Commission adjourned at
25 approximately 8:00 p.m.)

