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

APPEARANCES:

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

ATWOOD REPORTING SERVICE – LISA A. NANCE, RPR, CCR
Phoenix, Arizona
ADDITIONAL APPEARANCES:

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

SPEAKERS FROM THE PUBLIC:

DAVID CANTELME, Counsel, Flagstaff

SCHEDULED SPEAKERS:

MR. DOUG JOHNSON

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Phoenix, Arizona
CHAIRMAN LYNN: Good morning. We'll call the meeting to order.

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

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

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

Mr. Cantelme.

MR. CANTELME: Thank you, Mr. Chairman, Members of the Commission. If I may pull the easel forward again, Mr. Chairman. The plan we presented
yesterday I received a question from Vice Chairman, and
that was a very good question, what do you do down here
with District 25 and do you create a problem by
adjustments of sticking Graham and Greenlee County into
this southeastern Arizona district. And that was really
an excellent question, probably the Achilles heel, if
you will, of this plan.

You could not create, take a majority
minority, and change it into a minority minority. We
met this morning, did a lot of work on that very issue,
met this morning with Doug Johnson, and essentially
we'll adopt for the treatment of this district down here
in southeastern, Arizona, the Navajo Preferred Plan's
treatment. And that solves, Mr. Johnson said he'd be
here at 12:30, we may have leave then to pull up the
plan to show you how it treats that area. That solves
the majority-minority issue, leaves 54.2 percent
majority minority. It solves the population question.
Draw the line there, or actually line at Tohono O'odham,
kind of jagged here, between 24 and 25. And it really,
all the concerns that were raised yesterday, very
legitimate concerns, by adopting that treatment of this
area, it resolves these questions not concerned with
voting rights, equal protection, majority minority,
competitiveness.
This is, as far as I can tell, make any adjustments there. That then leaves us able to solve with this plan the Yavapai issue, the Coconino issue, the Apache issue, the Navajo issue. We then stay with option A and option B to deal with the Hopi issue.

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

I'll present an option C. We believe in the integrity of counties, to the extent possible. A little triangle, only nonportion Navajo. Reservations come first. That's the way it is. Reservations trump county lines. We want to respect county lines to the extent reservations are not involved. This sliver here joined with Navajo, may propose put Greenlee put up there, may need adjustments, haven't refined it. That's an option C, try to put on the table at some point.

That then keeps the full integrity of Navajo County, Show Low, Pinetop, with Snowflake, Taylor.

If we may have leave of Mr. Johnson when he returns, Mr. Chairman, to simply pull up the Navajo Preferred, it would look much better on his computer screen than it does on my last remaining analog
CHAIRMAN LYNN: Last dinosaur in the bunch.

Mr. Hall, Mr. Huntwork.

COMMISSIONER HALL: Nothing.

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

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

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

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

CHAIRMAN LYNN: Mr. Huntwork.

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

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

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

MR. RIVERA: You are asking for legal advice. Considering there's litigation on this issue, at this point in time --
COMMISSIONER HUNTWORK: Let me just say this. I want the answer, because my action may depend on the answer. So if we need to defer it to -- if you advise me we should defer to an Executive Session, that's fine. I do want to say that I think that in addressing this question, ultimately we're going to need to talk about whether -- I'm going to need to talk about whether I believe it's packing or not. I already said recently I was concerned it was packing. That was one of my primary reasons for voting against this type of plan in the first place. I certainly need to have a legal answer to that question, or the best one available, so I can act in public session on the matter before us. If that -- if you want to give me the advice in private, I'll take that advice.

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

Mr. Hall.

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

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

MR. CANTELME: True.

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

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

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

MR. CANTELME: I think that's accurate.

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

MR. CANTELME: I'd say that's a fact.

Whether that would survive on the very same question in court is another question.

COMMISSIONER HALL: Thank you.

CHAIRMAN LYNN: Mr. Huntwork.

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

DOJ did approve it as it is. The question I'm looking at is should we consider increasing Native American population. Because that appears to me to be -- appears to me to be the preponderance of the desires of the Native Americans involved, that we unite the Apaches with Navajos and exclude the Hopis, even
though, obviously, that is not the wish of the Navajo.

I feel in my own mind it's very important whether we
legally can do it or not before we consider it further.

CHAIRMAN LYNN: Mr. Hall.

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

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

CHAIRMAN LYNN: First of all, your
question, information, is whether or not we would allow,
grant you the opportunity to further discuss this when
Mr. Johnson joins us. The answer is absolutely we will,
without question. Having said that, I want to ask another question relative to the proposal. Certainly the Mayor and the other representatives of the City of Flagstaff are to be commended for their perseverance, if nothing else. And certainly they can be commended for a number of other things in addition to their perseverance. No question the Commission has heard on several occasions the position of the local government, at least as represented by the Mayor, about the need to address the issue in and around Flagstaff and it's legislative districting.

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

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

MR. CANTELME: May I respond to that?

CHAIRMAN LYNN: Absolutely.

MR. CANTELME: Whenever you make change
effective, it affects a number of districts. It's a
question of whether it's worth it to do it. What I set
forth in trying to address the plan was to address a
number of issues in the northeast part of the state I
perceived in lawsuits that came about. It makes logical
sense, assuming, just grant me for discussion, we comply
with federal requirements, it makes logical sense to
keep Yavapai County as a whole. It makes logical sense
to draw a rim district. It makes logical sense
because -- I may be wrong about this, Ms. Dworkin might
be wrong, perhaps the Fort Apache White Mountains want
to stay where they are. I had not heard that before.

If they do, they do. Issues of sovereignty, so many
issues between tribes. Solves the Hopi problem,
Tri-City problem, Flagstaff problem. Solves every
problem up in this area. Still treats Graham, Greenlee
fairly. Treats Pima fairly, Gila fairly.

Non-Reservation portions of Apache may not be happy in
the area where voting strength is really overwhelmed by
Indian voting strength. When you solve all those
problems and do not create -- and if we can create, when
Mr. Johnson gets here, do not create a problem in the
southeast, that then let's the Commission focus on, in
terms of the state court case, let's you focus on
competitiveness. We don't, I think, affect
competitiveness.

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

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
rural counties.

CHAIRMAN LYNN: I understand.

Mr. Huntwork.

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

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

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

MR. CANTELME: Here's the problem. I agree with you, we can create, solve our issue, create a few if we want to do that. Here's the problem. Here's
what I wrestled with. If you create the Indian
district, you have isolated Greenlee and Graham.

COMMISSIONER HUNTWORK: Not and bring up

north.

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

COMMISSIONER HUNTWORK: Right.

MR. CANTELME: Right.

COMMISSIONER HUNTWORK: Take out of

Flagstaff, unite with Graham, Greenlee County.

MR. CANTELME: I'm trying to preserve the

Tri-Cities, preserve, keep the issue.

COMMISSIONER HUNTWORK: Straight swap of 2

and 5. Sorry -- just giving something to think about.

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

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

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

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

CHAIRMAN LYNN: Ms. Minkoff.

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

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

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

MR. CANTELME: And I think the answer to that is under the Navajo Preferred treatment of 25, all
this goes into 25. What you do, essentially, trade this
portion of Maricopa lightly populated, put before it,
and trade for that portion of Yavapai. Almost a push.
And you never have to get into the populous districts in
Maricopa. You skirt it.

COMMISSIONER MINKOFF: Does your plan
change any of the boundaries of District 4 that touch,
let's say, metropolitan portions of Maricopa County?
MR. CANTELME: It does not.
You have so many dominos in here we'll not
touch one of them. Once you do that, you have a whole
bunch of dominos falling. I think that's what
Mr. Johnson can show us when he gets here.

COMMISSIONER HALL: Where is Tohono
O'odham's tribe up in your proposed change?
MR. CANTELME: We don't change them, 25.

COMMISSIONER HALL: You said draw a line
right there.
CHAIRMAN LYNN: The northern area.
MR. CANTELME: Tohono changes where you
have them, 25.

COMMISSIONER HALL: What about 23?
MR. CANTELME: Nothing.

COMMISSIONER MINKOFF: Let me pick up on
that as well, Mr. Cantelme. Adding Graham, Greenlee,
non-Reservation portions of it to 25, Graham is a very
small county. I have them backwards. Greenlee is a
small county. Graham has significant population.
Putting a lot of population into District 25, it now
looks to me like only portion you are taking out is Ajo,
now putting Tohono O'odham back in with all that.

MR. CANTELME: Right.

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

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

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

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

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

MR. CANTELME: Madam Vice Chairman.

CHAIRMAN LYNN: Mr. Johnson will be here
and we can renew the discussion. I think we understand
the issues and understand the proposal. Mr. Johnson
will help us understand the nuances of the proposal a
little better, and then we'll continue the discussion.

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

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

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

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

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

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

We have two issues. I would like for Mr. Johnson to get set up, but I think it would be reasonable, based on some of the issues that have been raised this morning, we were going to have another Executive Session anyway. I think it would be
reasonable to have that Executive Session at this juncture then get into Mr. Johnson's presentation.

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

Is there a motion?

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

COMMISSIONER ELDER: Second.

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

All in favor, signify "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed, "No."

Motion carries unanimously and is so ordered.

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

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

Thank you very much.

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

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

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order.

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

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

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

MR. JOHNSON: The substance of the conversation was looking at District 25 we attempted to test yesterday and how that might be modified to create districts within the population range that we're aiming
One suggestion from the Flagstaff folks was would the configuration in Southeast Arizona done in the Navajo Preferred Legislative plan, one of the plans submitted to the court in the federal trial, I guess, would that configuration allow them to do what they want to do up north while drawing districts in the south that met the population and other requirements? Just looking how the pieces fit together, I believe this configuration would work. Obviously in the north what they're proposing is very different than what is in the Navajo Preferred plan, but that piece would, from the initial examination I've done this morning, would fit in with what the Navajo Preferred Plan does in the south, and that is District 25, taking in the Tohono O'odham Reservation, all Santa Cruz County, all Greenlee County, portions of Graham and Cochise. May work, also have to do shifts in the Navajo Preferred Plan, in the Tucson area very similar to some proposals you looked at back in October of this area as well. 26 shifts to the west and 30 moves up into the Saddlebrooke area. This configuration in the south would keep District 25 a majority-minority district with very similar numbers to what there is in the interim plan. It would have the impacts on other districts you can see on the map. And
it would allow the Flagstaff map in the north to function as they aimed.

Questions about that?

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

Ms. Minkoff.

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

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

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

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

COMMISSIONER MINKOFF: Okay. If the same configuration were maintained, might have a population
issue with District 3, would we not? Can't tell from this map. District 3 is completely different.

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

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

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

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

CHAIRMAN LYNN: Mr. Huntwork.

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

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

COMMISSIONER HUNTWORK: Okay.

COMMISSIONER MINKOFF: 28 does not change
in that map at all, 26 and 30?

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

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

MR. JOHNSON: Pardon?

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

COMMISSIONER ELDER: No.

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

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

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

In an effort to answer a question that came up yesterday, how to get District 25 in balance with population, does it stay majority minority, it is possible to use this configuration.
CHAIRMAN LYNN: All right. Move onto the next portion of your report, please.

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

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

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

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

COMMISSIONER MINKOFF: Want to go through questions --

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

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

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

Yes. Here we go.

Let me zoom in on this area.

As you can see, the black outline overlay is the lines relative from yesterday. The new border is 7th Street down in Glendale, runs a little into 10th Street purely because of population reasons. The result is AQD looked at yesterday, 6.4, and new AQD, 9.3. Judge It, Judge It as we looked at yesterday was four percent. As mentioned, we don't have Judge It figures
run on this plan. What I did try to do was take a
guess, educated guess. I looked at the ratio change in
the AQD shift. If the percentage relationship between
AQD and Judge It stays the same, and there's no
guarantee it does, you'd end up with Judge It around 5.6
in this district. No guarantee that's what the test
will show. AQD change of this much, what is the
corresponding change in Judge It, that's the reason for
that.

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

COMMISSIONER MINKOFF: Doug, did you say
you made changes in 10 doing changes in this or not?
MR. JOHNSON: No. 10th Street.

COMMISSIONER MINKOFF: 10th Street.
CHAIRMAN LYNN: Judge It number, guessing
at, 6. --

MR. JOHNSON: Roughly 5.6.

CHAIRMAN LYNN: 5.6.

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

Comments or questions on this particular
portion of Mr. Johnson's report?
Okay. Let's move on to the next.

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

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

While this comes up, I was also asked during the break about the differences in Test 1 and 2 in Tucson. I want to note the deviation, I had a slide for East Valley deviation changes and then kind of took a different approach to deviations. The rest of the
presentation is rendered not relevant to future progress. The next slide is showing the test of deviation fixes in Tucson. That's why the spread sheets, Test 1, Test 2, are different in that area, just deviation tests.

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

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

Those are the three elements of this change.

You can see, just looking at it, District
9 extends to West Lakes in Sun City and Youngtown, again.

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

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

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

MR. JOHNSON: Let me change 10, also.

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

MR. JOHNSON: Red lines are Test 2. As you know, they don't show the Historic District change. This gives a sense of where the change took place. You can see the area of Glendale, Peoria given back into 4 from 9 and the Sun City, Youngtown area picked up into 9. Then down in 14 and 15, see the trade of the small area west, the northwest portion of 15, and the Westwood Village area put into 15 to make the historic areas. Finally, in District 6, there is a small portion up here moved and a tradeoff area down here where 11 gives up to District 6 to offset that change. It's a small change.
that makes a little less narrow of neck in the central
portion of 6. Obviously it doesn't do a huge change.
Any time I try a larger adjustment or more compact 6, I
exceed the seven percent range noted in AQD.

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

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

MR. JOHNSON: Maybe zoom in on each one.

COMMISSIONER MINKOFF: All right.

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

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

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

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

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

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

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

The area we're looking at in District 6, in the north we're just splitting a precinct that is
essentially balanced. And then in the central portion we're picking up heavily Republican areas.

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

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

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

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

MR. JOHNSON: Yes. 36.66 instead of 26. Reading and translating, Democratic registration score, calculate the Republican score, and figure out the difference between them.

COMMISSIONER ELDER: Okay.

MR. JOHNSON: By the time I drew the tests, there was not time to prepare a spread sheet.
Made it easy to read.

District 9, Democratic AQD score, 39.4.

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

Other questions?

I have the Tucson test to show.

COMMISSIONER MINKOFF: Reactions?

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

COMMISSIONER MINKOFF: Okay.

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

Let me add some colors. There we go.

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

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

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

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

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

MR. JOHNSON: Sure.

The process I went through in trying to
figure out where to make changes, I looked at first the
most recent proposals we had in the area that didn't do
all these changes to 30 the Commission already voted on,
which was the Navajo Preferred plan, actually. But that
took a fairly radical approach and moved Saddlebrooke and a significant portion of 26, which I didn't want to present that much of a test, if I didn't need to. That is still in front of you, if you want to look at it. I can bring it up. Then I moved back, went back to 4G-SV3 Revision Revised 3, considered at the very end. I started from that, now that have a new registration data base and AQD data base. In addition, Commissioner Elder made an insightful comment about school districts' boundary line being key. Where I made changes in 28, 30 and 26, 30 follow school district lines more than followed in that test. Following school district lines didn't affect competitiveness, made lines hopefully cleaner for the residents, if we adopt this. Them there were a number of changes that flowed through that because of the new data base and line changes. But the net effect -- let me go figure out notes -- of doing this, tried to balance deviations between the three of these. The end result is each of the three districts, 26, 28, and 30, are between one-half of one percent and eight-tenths of one percent underpopulated. So the deviation in the 2002 plan which is entirely District 26 is now spread between three. Of the largest deviation of any three, 0.78 percent underpopulated, or 1,300 people. That was the approach
I took.

To zoom in and get specific details --

COMMISSIONER HALL: That's Catalina Foothills in District 30?

MR. JOHNSON: Yes.

COMMISSIONER HALL: Same district with Sierra Vista.

MR. JOHNSON: Yes.

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

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

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

COMMISSIONER ELDER: Yeah.

MR. JOHNSON: Not a Census --

COMMISSIONER ELDER: Line for the Census. MR. JOHNSON: I can show you Census blocks.

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

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

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

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

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

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

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

COMMISSIONER ELDER: Okay.

MR. JOHNSON: Let me check blocks far north. All three blocks far north moved are all
zero pop. So in Tucson, just to show you exactly where
these borders come down, as noted, there's one change in
the very north edge between 26 and 30 where the border
moved from the river up to River Road. That's purely
for population balancing. The red line is the river,
and the new border is the River Road. Otherwise we
follow the river itself down through this area. And the
streets, I'll put them up, District 26 comes over to
Columbus and goes down to Blacklidge. And the border
between 26 and 30 is the Route 77, I believe it is, yes
Route 77 or Highway '77.

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

COMMISSIONER MINKOFF: Which district is
that?

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

COMMISSIONER MINKOFF: The figure was --

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

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

In doing the same kind of rough envelope
proportional guess at Judge It, and again, I caution the
Commission on relying on this other than it's all I can
give you right now, but we should certainly run the
numbers, we end up District 26 with about a four percent
Judge It, and District 28 about five and a half percent
Judge It, and District 30 is about 10 percent Judge It.
Again, we should run it for sure. I'm just doing a
proportional judgment.

COMMISSIONER ELDER: What were the
previous AQD and Judge It numbers in the districts?
MR. JOHNSON: District 26, AQD, 11.24, now
reduced to 6.1. In 28, AQD was 22.26, and it's now
reduced to 13.32.
Given the scope of that reduction,
applying the same scope reduction to Judge It, in
particular, don't rely on the Judge It number. I
estimated.

COMMISSIONER MINKOFF: Give us the
original numbers?
MR. JOHNSON: Yes.
CHAIRMAN LYNN: 7.6 and 9.
COMMISSIONER MINKOFF: Okay.
CHAIRMAN LYNN: Respectively.
MR. JOHNSON: Yes. And 10.2 for District
30.
Again, no changes to districts 25, 27 or
29 in this test.
Those are the districts I was going to report on.
Any questions?
CHAIRMAN LYNN: Could you do the same kind of display as you did in Phoenix with registration so we get a sense of what is in and around those changes?
COMMISSIONER MINKOFF: For the whole area?
CHAIRMAN LYNN: For me, concentrating on the area of the river and south.
Almost there. One more change.
Okay. So the lines you can make out are where we started from. So the border between 26 and 28 came through the unincorporated area of Flowing Wells here. Now it extends to the black line you see here. Obviously from the colors you can tell that is a significantly Democratic area. You get 55 percent AQD above in virtually every precinct except one.
COMMISSIONER ELDER: Could you add in a couple of the roads, I think, right where your marker is, maybe first, I'm not positive, also like Rogers Road and I think the bottom line follows the river? So we don't need the river in there.
MR. JOHNSON: First is roughly the border of 29, a little off. And then Campbell, coming over,
past -- so it extends past Dodge Road over to Columbus.

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

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

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

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

CHAIRMAN LYNN: Can you zoom out a bit?

COMMISSIONER ELDER: See how graphics lie?
Four people Republican living in the forest, red, red, red, another area with 6,000 people per square mile, and it doesn't equate.

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

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

CHAIRMAN LYNN: Mr. Huntwork.

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

MR. JOHNSON: Commissioner, no, I didn't do a test of just going that far. This swap to get to
this point, 40,000 people moving each way. If we were
looking at deviations, 26 -- 26, 2002 plan, almost 7,000
people short, so we'd have roughly -- two approaches
could be taken. In the deviation test I didn't go into
the other day, I wasn't looking to move across the
river, or anything like that, or down into Tucson, doing
more balancing through Catalina Foothills. I haven't
actually run to see how much competitiveness would get
if I did balancing between 26 and 28. It would be
significantly less change than we see in this.

CHAIRMAN LYNN: Ms. Minkoff.

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

Just from what I remember of the earlier
test, visually, this looks like it is very different.
I'm not sure 30 played into that earlier test, coming
in, picking up Catalina Foothills, some forest areas
allow different switches between 26 and 28. I think
there's more respecting here of the river with respect
to it being a natural boundary. Is this different from
an earlier test you did? To my memory it is.

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

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

COMMISSIONER MINKOFF: To my mind it looks
different.

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

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

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

In the City of Tucson, other than the neck
coming down and the river and River Road change, it is
close with some changes.

CHAIRMAN LYNN: Mr. Huntwork.

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

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

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

Can anybody enlighten us on that?

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

CHAIRMAN LYNN: Ms. Leoni.

MS. LEONI: I do not have details of it.

I can try to get that next break, see if this was an
area of a mix of active, inactive voters. I can look
that up. I have the ability to do it.

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

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman.

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

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

MR. JOHNSON: The 2002 plan?

COMMISSIONER ELDER: Yeah, 2002 plan.

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

COMMISSIONER ELDER: Yeah. Take out the --

CHAIRMAN LYNN: Registration?

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

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

MR. JOHNSON: It will make more sense if I
put some colors in here. Let me do that.

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

MR. JOHNSON: Correct.

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

MR. JOHNSON: Yes.

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

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

Given the registration data up there,
Mr. Huntwork's recommendation is the right one. What
would happen if all that was changed was enough to
balance population? Because as you move south for 26,
you are basically going to pick up largely Democratic
population. And if you picked up enough population to
balance the total population issue, you should be making
progress toward competitiveness. How much progress, we
don't know, but you are moving that direction.

Ms. Minkoff?

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

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Well, a couple of
comments here. Number one is that the school districts
that respond to the city, county line, are probably -- I
don't know that we have any specific ones there. They
kind of cut over county lines pretty grossly. The
overriding factor there as we went through debates last
week was the absolute animosity between the city, county
along the edge. City, county, and different areas,
communities of interest, are probably far overriding. Flowing Wells School District is central to the city below the river. It doesn't go above the river much. It does go above the river where the historic floodplain is along I-10. West, yes, keep Flowing Wells School District. As soon as you starting to go to Casas Adobes, go into the Foothills, we have a big problem there, the absolute overriding where, in my opinion, when we talk about substantial. This is probably the poster child of being substantial detriment to community.

COMMISSIONER MINKOFF: Isn't Casas Adobes marked? It's not moved.

COMMISSIONER ELDER: I understand. Going into Central City, picking up the area there, we have a pretty contiguous area of interest. If you looked at the homeowner's associations, if you looked at the areas of socioeconomic, where do you live, where do you work, if you look at the high school, elementary school districts, where people go, literally, if there was more available housing to the north, the -- what they call it the sucking sound, one of the last campaigns, tremendous out of the City of Tucson. My sense is that if we go into that area from -- I think the was Blacklidge, we
split some fairly strong communities there. If we went up -- and maybe that's where Steve and I are looking at coming in. If we said let's start our test from Roger Road north, or let's start it from First Avenue west, that makes it more contiguous, compact, don't have fingers going in, splitting up the Central City district.

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

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

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

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

CHAIRMAN LYNN: Using the interim plan.

MR. JOHNSON: Say a half hour, 45 minutes.
CHAIRMAN LYNN: Okay. I just want to keep in mind for scheduling.

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

CHAIRMAN LYNN: Second?

COMMISSIONER HUNTWORK: Second.

CHAIRMAN LYNN: Discussion on the motion?

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

COMMISSIONER ELDER: 2002 map.

CHAIRMAN LYNN: Correct. That's the motion. It's been seconded. We're in discussion. Hearing none, all those favor of the motion, say "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Motion carries unanimously and is so ordered.

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

Is there anything else you want to order

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

Okay. Then let's move on.

What is your pleasure, easy first or hard first?

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

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

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

CHAIRMAN LYNN: Mr. Hall.

COMMISSIONER HALL: Mr. Chairman, I would like to point out detail. Certainly this is ugly. We'd all concur with that. This is a classic example of where, again, we have competing criteria. Competitive being between compactness versus communities of interest, I guess, in this case, where they are saying we want to be north with the related city. So, you know, I guess the question is, you know, in our minds, is which one takes precedence. And certainly I think our wisdom thus far is on a case-by-case basis. I think
we've done excellent job balancing a variety of criteria. I think in this case voting with that entity most closely related with and community of interest most important to them would take precedence over the issue of compactness.

CHAIRMAN LYNN: Mr. Elder.

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

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

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

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

CHAIRMAN LYNN: Mr. Johnson.

MR. JOHNSON: One thing for the Commission, when I looked at this, trying to keep it as
compact as possible given the goal, we do, as we saw the larger view, come down to the county line. It splits La Paz into two pieces. I don't know the degree that that is a concern to the Commission.

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

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

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

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

It's the Yuma Proving Grounds.

COMMISSIONER ELDER: Good.

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

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

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

CHAIRMAN LYNN: Second?
COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion?

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

MR. JOHNSON: It's simply for compactness.

The area of Rainbow Estates the county provided is actually small, here, straight down the border of Quartzsite going across. I'm not sure relative to the Bureau of Census lines how far across. The reasons for going down the block, the majority of development is this 19 person block that extends all the way down here. Attempting to keep it as compact as possible.

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

COMMISSIONER ELDER: I have met with success.

COMMISSIONER MINKOFF: On the fact it comes the down border, splits La Paz County, it's not going to matter to anybody but the jack rabbits.
There's no way to get across. It's no big deal to me. I don't care how we do it. It looks a little cleaner the way it's drawn. If strictly my decision, leave it the way it is. I don't have a serious problem with changing it.

COMMISSIONER ELDER: Call the question.

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

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed, "No."

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

COMMISSIONER ELDER: Oh. One question.

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

MR. JOHNSON: As with many changes we're looking at, we probably have to adjust precinct lines.
There's no Congressional precinct line in this area. It won't create a trap.

COMMISSIONER ELDER: Thank you.

CHAIRMAN LYNN: Shall we move to Phoenix?

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

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

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

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

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

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: Well, Andi, my
question is --

CHAIRMAN LYNN: Is there a second?

COMMISSIONER HALL: No.

CHAIRMAN LYNN: Thank you. Then the

motion dies for lack of a second.

Mr. Hall.

COMMISSIONER HALL: I'm saying we have

larger issues to deal with I think we can look at on a

macro scale. Let's fly over and start making --

COMMISSIONER MINKOFF: We can do that;

except when Doug made the change at Mr. Huntwork's

suggestion, he explained he did not affect -- the big

thing is 6, 11, what is going on with 6, 11. The Sun

City issue doesn't matter at all. 9, 4, et cetera,

aren't in play in whatever changes we make or don't make

between 6 and 11. I'm just, you know, trying to

simplify rather than complicate.

COMMISSIONER HALL: I understand. We're

in agreement.

My point is what are the changes you are

referencing? It does not affect whether or not 12 is

competitive, does it?

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

COMMISSIONER HALL: Changes referencing
are a by-product of changes in 6 and 7.

COMMISSIONER MINKOFF: No. Totally unrelated.

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

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

CHAIRMAN LYNN: Mr. Elder.

COMMISSIONER ELDER: Mr. Chairman, I don't mind getting the gestalt over the whole thing, but one of the reasons why I proposed something different even last week was I didn't want to combine issues any more than I had to. Wanted look at it, if we make a decision on this, here are the ramifications.
I think what the motion originally was
take a look at the effect of Sun City and the
surrounding areas. If that has an effect on 6, 11, 15,
we have to look in whole. Isolated, we don't. We make
that review and get it off the table as a piece.

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

COMMISSIONER ELDER: I didn't understand
the motion.

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

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

COMMISSIONER MINKOFF: I understand.

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

COMMISSIONER HALL: No effect on Sun City.

COMMISSIONER MINKOFF: No effect on Sun
City. All changes we're proposing are to the 2002 interim map. It seemed to have some support among Commission members. Looks like they are making changes in that map.

CHAIRMAN LYNN: Mr. Elder.

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

CHAIRMAN LYNN: I think we have three issues in this particular test. You have the 6 and 11 issue. You have the Historic District issue. And you've got the minor changes that deal with Sun City, with the very small neighborhood to the west of District 15, and so those are sort of secondary clean-up kinds of issues to be added on, the two key issues here, 6 and 11, and the Historic District. If we concentrate on those, we might make progress. Others are just sort of like them or don't, with not a lot of effect with respect to some of the issues we've been dealing with. Clearly there's effect with whether or not people in districts stay where they are in the 2002 map or whether
they are moved. That's a different point. In terms of major change, I think we have two issues to deal with. How about if we concentrate on -- either one of the two? How about the Historic District, just for the sake of discussion.

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

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

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

COMMISSIONER MINKOFF: Population equalization.

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

CHAIRMAN LYNN: Mr. Elder would like to
see the registration spread around that change.

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

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

CHAIRMAN LYNN: Within the 55.

COMMISSIONER ELDER: Yes.

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

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

COMMISSIONER ELDER: Madam Chair?

COMMISSIONER MINKOFF: Temporary Madam Chair, please.

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

COMMISSIONER MINKOFF: I think the essence of the change is really all about neighborhoods.
Neighborhoods being moved into District 15 are Historic Districts, including the little notch for the Westwood Village community; that, and areas we're putting into District 14, while separated geographically, demographically, I think they connect very well with 14. Would you agree, Jim?

COMMISSIONER HUNTWORK: I would agree.

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

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

CHAIRMAN LYNN: Mr. Huntwork?

COMMISSIONER HUNTWORK: That I am not
entirely sure. Creighton School District may be split.
There may be school districts split.

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

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

CHAIRMAN LYNN: Ms. Minkoff.

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

I'm looking at this and how it's drawn and the leg that goes across. I see the area between Washington and McDowell going across that eastern portion of the city as it really, being a homogeneous area. So that narrow finger, you know, attaching it
back to the area to the west I think very well may make
good sense.  

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

CHAIRMAN LYNN: Mr. Elder.  

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

COMMISSIONER MINKOFF: Jog Osborn, the
Westwood Village area?

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

COMMISSIONER MINKOFF: Big difference.

Not competitiveness, different types of competitiveness.

The area north of Osborn between Central and 19th Avenue
is probably closer in character to some Historic
Districts. For instance, the very first subdivision,
between Osborn and Indian School, 7th and 15th Avenue,
right there, I think they're applying for Historic
District status as well.

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

CHAIRMAN LYNN: Is that a motion?

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

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

CHAIRMAN LYNN: Is there a second?

COMMISSIONER MINKOFF: Second.

CHAIRMAN LYNN: Discussion on the motion?
The only thing I would say about this
change, and I think a lot of the discussion mirrors my
own thought, I have to defer to people who know Phoenix
better, what it means to be in those historic neighborhoods. Personally, I think cutting a neighborhood is a tough thing; but grouping neighborhoods because of the age of the housing is not, for me, a particularly interesting community of interest, even though they may think it is, and certainly they have demonstrated in a couple meetings they do think it is. But we -- we certainly are trading off some compactness for this purpose. Clearly we have enough testimony to do it. So if Mr. Huntwork and Ms. Minkoff are satisfied with this change to accommodate it, I don't feel I'm in a position to argue with that. Neither am I overly persuaded. So with that said, any further discussion on the motion?

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

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

Opposed vote "No."

Motion carries unanimously and is so ordered.

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

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

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

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

COMMISSIONER ELDER: Judge It, but also if we make any changes in minority block voting, or any things, we want to make sure we're on top of before we
go forward with final adoption.

CHAIRMAN LYNN: Absolutely.

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

CHAIRMAN LYNN: Ms. Minkoff.

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

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

COMMISSIONER HUNTWORK: I'd like to move into.

MR. RIVERA: Can we take a break?

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

MR. RIVERA: Want it before you speak.

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

COMMISSIONER ELDER: Sorry, Jim.

(REcess taken.)

CHAIRMAN LYNN: The Commission will come
to order.

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

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

Mr. Huntwork, your call.

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

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

COMMISSIONER ELDER: Base map, referring to adopted 2002?

COMMISSIONER HUNTWORK: Court approved.

COMMISSIONER MINKOFF: Jim, the question, though, as I recall, on our base map, 15 had a very different configuration. If you remember, 15 kind of moved to the northwest and was kind of almost like a stairstep part. I think this already, without any
changes between 6, 11, is significantly different from
our map.

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

COMMISSIONER MINKOFF: Right.

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

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

Mr. Elder.

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

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

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

COMMISSIONER MINKOFF: Eleven even?

MR. JOHNSON: 11.0.

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

COMMISSIONER ELDER: The test as drawn?

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

COMMISSIONER ELDER: District 6?

CHAIRMAN LYNN: Sorry, District 11.

District 6, 7.0 AQD spread, 9.54 registration spread. My roughing it Judge It ballpark figures, about 4.2 percent.

Is there a third?

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

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

Doing the same figures for District 11, the 2002 plan District 11 AQD spread is 18.6 percent; registration in the 2002 plan for District 11 was 22.3.
In the plan looking at here, the result of Commissioner Hall's motion, District 11 has a 20.2 percent AQD spread and a 23.1 percent registration spread. And in the test resulting from Commissioner --

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

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

COMMISSIONER MINKOFF: Okay.

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

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

CHAIRMAN LYNN: Mr. Huntwork.

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

Firstly, I think -- I applaud the effort that we have gone to in order to get to this point.

This is really a -- an effort to go to the second mile and third mile and to try everything to see if we can discover another district in the whole mix of Maricopa County that can result in a competitive district that
satisfies the requirements of Proposition 106.

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

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

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

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

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

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

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

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

We heard interesting testimony in Tucson that said: Well, this particular arroyo does not divide but unites the neighborhood, bears the name arroyo, all enjoy it, and so on. That is possible. It is possible
to do. There is no question in this case the mountain
in the middle of this divides it and divides the
population groups on either side from identifying with
each other or thinking of themselves as part of a
logical, electable district.

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

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

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

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

Again, I want to emphasize that each one
of us has to make our own judgment as to these matters.
I think that those are going to be valid judgments. I
respect the judgments made by fellow Commissioners.
There are times I've made it obvious how I see it. And
I'm limited to my own understanding of this situation. Thank you.

CHAIRMAN LYNN: Thank you, Mr. Huntwork.

Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you, Mr. Chairman.

Is this on?

 Doesn't make any difference.

COMMISSIONER ELDER: Here.

COMMISSIONER MINKOFF: I lost my mike.

As the other Maricopa County resident on

the Commission, I would like to give my thoughts on this

proposed change which are, I'm sure, would not surprise

you, different than Commissioner Huntwork's.

Although I do respect the thought

processes that went through his conclusions, I went

through a similar thought process and come to a very

different conclusion.

Let's go back to the requirements under

Prop 106. There are a number of requirements that are

mentioned. Equal protection clause and Voting Rights

Act really do not come into play in these two changes,
in this change. If there are equal protection issues,
those will be cleaned up when we equalize population.

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

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

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

Let's go to communities of interest.
Because that is one of the things that we've really
spent a tremendous amount of time attempting to reflect
in the districts we've created and I think the public
hearings we held, testimony we took from people, all the
questions we asked demonstrate communities of interest
have been very important to this Commission.

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

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

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

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

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

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

I think you can make a case for saying
that District 7 works better as it is currently created
than 6 and 7 worked side by side.

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

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

What we have done with this district is we have given another group of voters a choice. We have created another competitive district. Proposition 106
tells us to favor the creation of competitive districts
as long as it not to the detriment of other criteria, significant detriment. Communities of interest, I don't think it is. I think Moon Valley has as much in common with the areas around Dunlap, 19th Avenue, Glendale and 19th Avenue, as it does with Anthem. Probably has more in common with those areas than Anthem, which was in old District 6.

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

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

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

CHAIRMAN LYNN: Thank you, Ms. Minkoff.

Thank you. We don't have a motion, just
the issue of District 6, District 11.

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

MR. JOHNSON: Let me make it a solid line.

You can see through various tests done the area has changed considerably.

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

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

COMMISSIONER MINKOFF: Alongside it.

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

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

COMMISSIONER ELDER: No population.

Creating a little dumbbell with population on both ends, an older neighborhood context or construct to the south.
and newer to the north.

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

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

I think 11, when I look --

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

COMMISSIONER MINKOFF: No. To the east.

COMMISSIONER ELDER: Okay. To the east.

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

It just seems as though to try to have the same representative try and represent all the constituents of 6 as configured now would be a real juggling act because, based again on densities there, it's about equal to the north and south. So which master does the representative choose in that instance?
And I think with the other issues, it pretty much comes out that not compact. I don't have a real compactness issue.

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

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

CHAIRMAN LYNN: Thank you.

Ms. Minkoff.

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

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

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

The district as it was designed before, when it went up to the Maricopa County line, included the community of Anthem, where New River is on the map, a brand-new, planned development, growing by leaps and bounds, very, very much like new developments around Carefree, Cave Creek, Scottsdale, et cetera, to cover a district, new district to the southern edge of District 6. Unless silly enough to do it in rush hour, the drive is probably going to take 20 minutes. There's a freeway, makes it very easy to go north and south, or 19th Avenue or 7th Street also moves pretty well.
On the 2002 draft map, 6, as it is drawn, to get from the Moon Valley area to New River is all the way to Flagstaff, a 45-minute to hour drive, all freeway, going through lots and lots of desert open space, no development. It is a district that works less in terms of social groupings and social situations, taking an older neighborhood, Moon Valley, the area around Thunderbird, et cetera, and combining it with the brand-new planned community in the process of being built.

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

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

CHAIRMAN LYNN: Mr. Elder.

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

MR. JOHNSON: That's District 10.

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

COMMISSIONER MINKOFF: It's west.

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

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

CHAIRMAN LYNN: Further discussion on this issue?

Mr. Huntwork.

COMMISSIONER HUNTWORK: Mr. Chairman, several points for our mutual consideration. Number one, I find the argument that District 7 is more compact
now than it was before a little hard to take because we
doubled the size and added no people. I know many
definitions of compactness. I don't believe you can get
there from here on that one. I certainly can't. I
suspect somewhere in the literature with 39 different
definitions you can. Somebody sitting up there on top
of their ivory tower thinks that's a perfectly logical
definition of compactness. I don't get it. That
district in my mind is twice as noncompact as it was
before.

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

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

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

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

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

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

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

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

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

MS. HAUSER: Commissioner Huntwork, in
fact, it was a court drawn plan in that particular case, 
so the court not only -- it was not just recognizing 
work done by some other body but incorporating that 
principle into its own work.

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

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

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

And the last point I would make very 
quickly is after all of this, lest we feel that or there 
has been any member of the Commission that feels there's 
been a lot of talk about this and people from Maricopa 
County can't seem to agree on anything, even the shape 
of the table, I might suggest that it would be shocking 
to me to have a change of this magnitude simply adopted
and put onto the people of Maricopa County without any chance to reflect on it or react to it. I am thinking that if we make a change of this magnitude, one thing that we would be obligated to our fellow citizens to do, whether we are legally obligated to or not, and that would be a different question, and that would be to give them an opportunity react to this district and perhaps tell us whether they think we have created a valid district or not. I, for one, would be very interested in that input.

CHAIRMAN LYNN: Mr. Hall.

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

CHAIRMAN LYNN: No. Just talking.

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

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

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

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CHAIRMAN LYNN: Not help you much.

Depends which one you defer to.

Ms. Minkoff has the floor next.

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

And --

COMMISSIONER HUNTWORK: I agree.

COMMISSIONER HALL: I disagree.

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

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

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

MR. JOHNSON: Didn't get to the point of naming it. The test Commissioner Hall directed, Commissioner Hall created, call it June 19 Test 2.
COMMISSIONER MINKOFF: I'd like to move this be incorporated into our draft map.

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

COMMISSIONER HALL: Draft map?

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

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

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

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

CHAIRMAN LYNN: We should keep in mind in this particular area any changes we'd make to the Tucson area, even though in Tucson we ordered one more test to be run, and we've ordered Judge It to be done on both, the same admonition goes here. Any changes we're contemplating from the interim map that have not had the
full battery of tests run we're contemplating for
permanent selection as one of the options in the map, we
certainly ought to run all those tests on them before we
make decisions.

So to that point, is there a second?

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

CHAIRMAN LYNN: It's been moved and
seconded.

Is there further discussion?

Ms. Minkoff?

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

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

CHAIRMAN LYNN: Mr. Huntwork?

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

CHAIRMAN LYNN: Mr. Hall.
COMMISSIONER HALL: Mr. Chairman, I, from purely a cynical perspective, I'm wondering if on occasion some of the discussion may be partisan related.

I don't have an answer to that, but I'm sitting here, as a member of this Commission, which is independent, to weight. The simple question for me in my mind is this, not who it may benefit, who it won't benefit, if benefits anybody. Frankly, I don't know answer to any of those questions. The question is: Have we complied with the law?

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

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

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

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

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

CHAIRMAN LYNN: Mr. Elder.

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

One of the things that concerns me is that we spent probably four to five months collecting communities of interest, collecting, eliciting response, and evaluation, if you will, of the districts we were coming up with, and we made some changes here a week ago just based on the Court mandated requirements and DOJ issues we had at the time to get moving for the 2002 elections. If you look at the map there, we've almost bisected, if not bisected, trisected, just about every
district the public has had a chance review, discuss, debate, give us their responses. We've taken into account and come up with the plan as underlined, or a black line plan, and look at that and say the plan we're coming up today with as a Test 2 stroke S or H, or whatever it, is for the Historic District, just -- there isn't a linkage between what we've done for 18 months. All of a sudden we have this overlay, a response to I don't really know what.

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

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, may I ---
COMMISSIONER ELDER: Oh.

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

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

We thought we were respecting AURs when we drew our original map, thought we were restoring the original Historic District AUR. We goofed. They told us about it, and we made adjustment in the map. If we make further errors going forward, the public will tell us. Before we adopt anything, we'll have a chance to adopt those errors. I don't think we're creating errors specifically with this district.
The AURs we listened to so carefully during the two rounds of public hearings, citizen input, and all kinds of public comment, we have tried to respect to the extent possible. Sometimes, of course, there are competing AURs. By respecting one, couldn't respect the other. Had to make difficult choices, and we did. But these particular districts we're talking about, once you get away from the Hispanic District AUR, Historic District AUR, all others further south, Sun City, Sun City West, we'll deal with that later on, that's a separate issue. There's a lot of testimony about all those areas.

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

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

So while these changes are significant, and while we need to hear from the public to find out whether we got it right or didn't get it right, I don't
think there's any significance detriment or impact on
any AURs that we identified through the public comment
we received.

CHAIRMAN LYNN: Mr. Huntwork.

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

I don't know if you all recall, but
several of the leading proponents of this proposition
also wrote an ad for the Arizona Republic in which they
made that point very strongly that they were applauding
the Commission for looking at communities of interest
and looking at the neutral criteria. It was their hope
and expectation that competitiveness would emerge from
the map once we applied the criteria. And of course
there is the paragraph at the end which says, "Can all
districts be politically competitive? No. Many areas
are heavily populated by members of one or another
party. These communities have a right to elect
representatives who reflect their beliefs. You cannot
make some areas politically competitive without reverse
gerrymandering. This amendment specifically guards
against that danger."

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

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

CHAIRMAN LYNN: Before I take any more
comment from the two sides of the issue, because it
appears as though I'll have the important vote anyway,
let me just say something for the record. The motion on
the floor at the moment orders more testing and keeps
this option alive. It does not, in my mind, place this
option into any sort of draft map, yet, we would put out for comment, in fact, other things have to be done before that decision in my mind can be fully vetted and made. So much the same way Congress has six or eight procedural votes prior to the time they actually vote on adoption of something, this is a procedural vote. As far as I'm concerned, I'd be more than happy to have the option fully tested so when and if we make a decision to include it or not include it in a map, we have all the information we need to do that, including AQD, Judge It, and everything else at our fingertips so it's a fully-informed decision.

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

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

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

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

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

COMMISSIONER HALL: We can vote on this.

Fine. I'd still like to make a comment.
CHAIRMAN LYNN: Go for it.

Mr. Elder, anything?

COMMISSIONER ELDER: No. Go ahead.

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

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HALL: "Aye."

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

COMMISSIONER HUNTWORK: "No."

COMMISSIONER ELDER: "No."

CHAIRMAN LYNN: Chair votes "Aye."

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

COMMISSIONER HALL: I'm a little concerned with things, the draft map, that occurred August. We're here with a final map making changes in an effort to resubmit to DOJ and also improve competitiveness in certain areas. My concern is we'll test ourselves to death. My preference would be, speaking for myself, start making motions in an effort to put a map together so we have Mr. Johnson, before we reconvene again, take that, fine-tune it, get all the analysis of it. My goal, the reason I'm here is do it today, not next week,
next month, but do it today. I guess while I understand what you are saying, I think that is what the motion was. I'm suggesting, folks, we need to start taking things off and putting on the table, one or the other. I'm not -- I welcome input, the best way to proceed to do that. We can test forever.

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

Is that correct, Mr. Johnson?

MR. RIVERA: Right.

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

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

COMMISSIONER HALL: Not a surprise, a separate issue. That can simultaneously be occurring
while other things are done.

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

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

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

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

CHAIRMAN LYNN: Second?

COMMISSIONER ELDER: I'll second.

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

COMMISSIONER ELDER: For the submotion?

CHAIRMAN LYNN: Comment like every other.
Ms. Minkoff.

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

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

So what I would like to see come out of today is not adoption of a map, obviously we're very, very far from that, but a concept that this seems to be what we feel the map should look like, Doug, go test it, give us AQD, registration, Judge It, population equalization to the extent you can on this map, and come back to us with something we can look at and hopefully say: Yes, we were right; it works; let's adopt it. If something in those tests races red flags, obviously what we'll say is no, it doesn't work. We need to change this. Need to adjust this. I really don't like the numbers here. Let's go back to the drawing board.
I would be very, very concerned about coming out of today with a multitude of conflicting tests, because I don't feel that it's really moving us in the direction we need to go. That's my main concern.

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

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

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

First and foremost, I'm going to take some issue as to where you think we are. Where I think we are is that we have an interim map which has 25 precleared districts, five that have been adjusted to meet DOJ requirements or objections, and we have that as a base to begin discussion. We are in the process of, again, visiting certain criteria that we must discuss.
and fully discuss before we go with a final decision on a map. One of those is competitiveness. We have, by my calculation, two areas of the state that we are giving more than serious, very serious consideration with respect to establishing judicial competitive districts. Discussion continues to be at what cost. Whether or not that cost creates significant detriment ultimately will be in the minds of each of the five of us and it may be a number of votes only squeak by one vote one way or the other.

I think we've narrowed down two areas.

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

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

I think those two tests, the Phoenix tests in both iterations, because I think we ought to look at
both the straight line and notched portion of 6, and
fully understand what the variations are on each, so we
make our determination which we'd like to use. The only
complicating factor is the Historic District change
which really doesn't affect the rest of the discussion
and is self-contained, by and large. I think we're in
better shape than we may think we are.

COMMISSIONER HALL: 15 and 11.
CHAIRMAN LYNN: 15, 11, what about it?
COMMISSIONER HALL: Separate test, 15 and 11.

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

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

I'll support the motion to test the
alternative.

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

The 6, 11 split, whether squared off or
left the way it is now is not a major concern to me from
the standpoint of competitiveness, or it is in relation
to compactness, it is in relation to areas of interest,
but I think that we're still a long ways away from being
able to say these districts as proposed in the tests are
even close.

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

CHAIRMAN LYNN: Which map do you want to
use?

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

CHAIRMAN LYNN: The 2002 plan has been
tested. We have it all the way through Judge It. I'm
trying to get a comparison basis.

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

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

If not, all in favor say "Aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Opposed say "No."

Chair votes "Aye."

Motion carries. Test the notch and non-notched.

COMMISSIONER MINKOFF: A technical thing.

The motion -- did we adopt other motions in the same plan, other changes -- test 14, 15, 11 --

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

COMMISSIONER HUNTWORK: Thank you.

CHAIRMAN LYNN: That's where we are.

MR. JOHNSON: Mr. Chairman, if I may, the only motion I remember to actually kill a plan was Test
1, when we had Test 1 and Test 2 the other day, you took Test 1 off the table, a minor difference.

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

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

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

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

COMMISSIONER HALL: Just Tucson --

COMMISSIONER MINKOFF: Just Sun City?

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

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

COMMISSIONER MINKOFF: Sun City, break.

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

COMMISSIONER HALL: Don't care.

CHAIRMAN LYNN: Sun City, one district or
two?

COMMISSIONER HUNTWORK: Two districts.

CHAIRMAN LYNN: That's the issue.

Dan?

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

COMMISSIONER HALL: Second that.

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

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

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

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

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

COMMISSIONER HALL: Second.

COMMISSIONER MINKOFF: Separate Sun City
from Sun City Grand?

COMMISSIONER HALL: Second that, too.

Second all of it.

COMMISSIONER ELDER: Call the question.

CHAIRMAN LYNN: All in favor of that motion, signify "aye."

COMMISSIONER MINKOFF: "Aye."

COMMISSIONER HUNTWORK: "Aye."

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Motion carries unanimously and is so ordered.

Without objection, it's now 20 minutes of 5:00.

Let us break until 6:00 p.m. And we will reconvene at 6:00 p.m. and hear from Mr. Johnson about Tucson and see where we go from there.

Without objection, we'll stand in recess until 6:00.

(Recess taken.)

CHAIRMAN LYNN: Let's call the meeting to order.

All Commissioners are present, legal counsel, NDC.

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Phoenix, Arizona
MS. HAUSER: John Mills.

CHAIRMAN LYNN: IRC staff, and John Mills.

MS. HAUSER: And Marguerite.

CHAIRMAN LYNN: And Lisa, and Mike Mandell.

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

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

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

You can see on the screen here how those people are selected. There were two Census blocks just north of the river. Picked up and moved 200 people. And the remainder was the area of District 28 consisting
both Flowing Wells, Tucson property west of Flowing Wells Road, and to try to get right on the population number, a couple small Census blocks at Flowing Wells and Wetmore.

CHAIRMAN LYNN: W E T M O R E.

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

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

MR. JOHNSON: 11.18 to 10.72.

COMMISSIONER HALL: Guess on Judge It.

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

COMMISSIONER ELDER: What was ADQ?

MR. JOHNSON: 11.18 to 10.72.

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

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

One thing wasn't in the instruction. I didn't go into detail in this, but it would be possible to move an additional about 900 people if we did want to
add District 30 into the mix. Where we'd move more
people from 28 to 26 and take them out of 30 and 28 on
the east side. That would be an additional change. It
would be about one-fifth the size of this change, 900
people as compared to almost 5,000 people. So the
impact -- additional change would be smaller than the
change that was here.

CHAIRMAN LYNN: Mr. Huntwork.

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

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

MR. JOHNSON: These areas, all areas in
District 28, are leaning Democratic or heavily
Democratic. The area picked up west of Flowing Wells
Road isn't quite as Democratic dominated as the area
east of Flowing Wells Road. So it would be possible to
extend 26 in, pick up some of that, 28 come around the
bottom, and pick more of the area west of Flowing Wells
Road back up. I was trying to do this in compliance
with other criteria as well. Don't want to have necks
stretching around, especially a small area like this. Thought I was doing something I do could do. If did do it, as with District 30, 900 additional people being picked up coming out of a heavier Democratic precinct.

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

Ms. Minkoff.

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

CHAIRMAN LYNN: Mr. Hall?

COMMISSIONER HALL: Well, Mr. Chairman, I guess my question is, not having intimate knowledge of the local area, it just seems to me that, for example, the suggestion as referenced by Mr. Johnson is for tweaking this area to equalize population. Is it possible to try and accommodate competitiveness, too? The consideration seems to be -- last time we were talking about 40,000 people, and it was obvious, the significant ramifications of that. This sort of
tweaking border to border, seems to me it would be appropriate to try, you know, if no significant detriment, to -- if we figure we've gone from approximately 7.6 to 7.3, it seems it would be an additional adjustment to try to do that.

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

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

CHAIRMAN LYNN: Mr. Elder.

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

MR. JOHNSON: What I was referring to, if we added District 30 into the mix, District 26 -- take out the old line, District 26, pick up additional population in the area where it already picked up population, and then over in the east, the border
between 28 and 30, we do have a nice, compact, smooth
border, but it is within the City of Tucson. So we
wouldn't be moving across any city lines in that area if
we were to pick up somewhat less than 900 people.
Actually I'm not sure exactly what figure we would be
picking up between 28 and 30. My thought would be to
pick up somewhere between the border between them in
east Tucson.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER ELDER: Doug.

COMMISSIONER MINKOFF: Doug, moving
population in 28, 26, did you equalize so under --
MR. JOHNSON: 26, 1.19, and 28, 1.18.

COMMISSIONER MINKOFF: District is
overpopulated?

MR. JOHNSON: 760.

COMMISSIONER MINKOFF: Approximately how
much are these two underpopulated?

MR. JOHNSON: Now about 2000.

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

MR. JOHNSON: Yes.

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

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we equalized it in each of the districts approximately
the same size, 30 under 1,100, so 28 was and 26 was,
would we be able to achieve a little more in terms of
competitiveness? Is that possibly a way to go, equalize
all three districts? Other districts are voting rights
districts. May not want to go in there.
  MR. JOHNSON: Yes. Given the area, pick
additional population up for, District 26 is Democratic.
  COMMISSIONER MINKOFF: Looks like it has
to be.
  MR. JOHNSON: The other option, when we
pick up population, go from 30, Catalina Foothills.
  COMMISSIONER MINKOFF: Move 28 to 26, 26
to 30, each slightly underpopulated, each about same the
size, may help even more.
  MR. JOHNSON: If we did it, it would leave
us with each district essentially a thousand people
under. Be about 0.4.
  COMMISSIONER MINKOFF: I'd like to see
that.
  CHAIRMAN LYNN: Could you give us an
estimation, if you were going to continue with the
process, adding in the same area, staying, for the
entire purpose of the mapping, staying, let's just say
for the sake of argument, north of Prince Road and going

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

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

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

CHAIRMAN LYNN: Oh.

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

MR. JOHNSON: Just slightly too many
people.

COMMISSIONER ELDER: That's close.

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

MR. JOHNSON: Very quickly, actually.
COMMISSIONER HALL: That would be great.

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

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

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

Is there a motion to ought to do it?

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

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

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

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

CHAIRMAN LYNN: 28, 30.

COMMISSIONER ELDER: Pardon me, no. We're --

CHAIRMAN LYNN: Or 26, 30. Either one.

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

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

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

COMMISSIONER MINKOFF: Looking for brown
and red into 28 to reduce the Democratic margin in 28.

MR. JOHNSON: If aiming to reduce --

increase competitiveness, want to put in Republicans, which in this map are the red, orangeish colors into 28.

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

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

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

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

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

MR. JOHNSON: Red area?

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

Oh, that's low density floodplain area, not going to be very many people in that.
MR. JOHNSON: We're looking to move 5,800 -- almost 6,000 people in this.

MR. JOHNSON: Small numbers for a precinct.

COMMISSIONER ELDER: The precinct spans the river and --

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

COMMISSIONER MINKOFF: Red to the left of that.

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

CHAIRMAN LYNN: Move to the border of the river?

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

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

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

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

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

COMMISSIONER ELDER: 13, 27 --
COMMISSIONER MINKOFF: If you want everything underpopulated, the move you showed us here, 28 is sort of right on, isn't it?

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

COMMISSIONER MINKOFF: How short is 26?

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

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

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

MR. JOHNSON: Yeah, if we want.

COMMISSIONER ELDER: Between 26 and 30 --

CHAIRMAN LYNN: Moved about 900 --

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

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

MR. JOHNSON: 3,700 over. Want each of the districts to end up 1,090 short. Looking at moving 1,800.
COMMISSIONER ELDER: Pull that chart down a second, get the parameters, see what we can come up with.

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

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

If we go, complain about a district, I'm one of the red districts. I guess my precinct only has a hundred people north of the river and it's 13 miles away where I have to vote. There's lack of participation when you can't get there. If we can somehow -- maybe ask for a precinct split. But it's something -- that river is a very strong barrier.

There's almost no comingling or cross fertilization on either side of the river.

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

COMMISSIONER ELDER: East, the brown
mustard color type things there, trying to pick up other population east of Camino de Conejo.

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

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

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

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

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

MR. JOHNSON: Yes.

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

MR. JOHNSON: Yes.

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

Mr. Elder and I were talking and --

MR. JOHNSON: I can't hear you.

COMMISSIONER MINKOFF: I was wondering if

the red areas between 28 and the river, if we can take

one or both of those, add it into 28. The river is a

natural boundary. Do a split precinct, natural split.

There's plenty of time to redraw precinct lines before

2004 elections, redraw those which look heavily

Republican?

CHAIRMAN LYNN: Any of that is fine.

COMMISSIONER MINKOFF: I'd like it there

rather than areas to the east, if possible.

CHAIRMAN LYNN: Any of that is fine.

COMMISSIONER ELDER: Yeah.

CHAIRMAN LYNN: Is there further

discussion on the motion?

And the motion again is to instruct

Mr. Johnson to complete equalization of population among

three districts and to effect as much of a positive

change in competitiveness factors that can be tested for

26 and for 28.

All those in favor of the motion, signify

by saying "Aye."

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

COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Opposed "No."

Chair votes "Aye."

Motion carries unanimously and is so ordered.

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

CHAIRMAN LYNN: Mr. Huntwork.

COMMISSIONER HUNTWORK: It's not my intention to cut off a fruitful line of inquiry, however, my own -- my own feeling is that we have
done -- looked as hard as we can, and we have not succeeded. I would like to make a motion to see if anyone will agree with me that we should not proceed further on looking at this revised version of District 6 and rather proceed from this point forward based on the interim maps currently in use for the 2002 elections.

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

COMMISSIONER HUNTWORK: Correct.

CHAIRMAN LYNN: Is there a second?

COMMISSIONER ELDER: Second.

CHAIRMAN LYNN: Discussion on the motion?

Ms. Minkoff.

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

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

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

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

Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman. I guess my intent or reason for my second on this, as was stated when discussing the 6, 11 adjustments, and I looked at that whole central area, having wholesale changes that we have not looked at, not discussed, have not been supported by public testimony,
all the various things that go along with that, I would
like -- and I guess what I think we should be doing is
taking the record we have and trying to make adjustments
to those districts that represent a plus or a gain for
competitiveness. But to go in and take 10, as I think
it was, you know, shown there, in the interim plan, and
divide it into five different districts, 6 into four
different districts, 11 had three or four different
districts, we don't have any traceable process to go
there from here. I think it's the responsibility of the
Commission to make that change and not lay it back to
NDC to say: Oh, make the whole central or a third of
the state revised that we don't have any backup or any
support or any testimony for. That's the reason for
trying to rescind, if that's the way it's interpreted,
the discussion on the plan Test 2 stroke 14, whatever
it's called.

CHAIRMAN LYNN: Ms. Minkoff.

COMMISSIONER MINKOFF: Mr. Chairman, we
have all the testimony we've heard from people in public
hearings. I don't remember any significant testimony
that related to areas that are here under discussion. I
don't recall people from Moon Valley telling us to put
them in a district with another particular area. I
don't recall people around the Chris-Town area telling
us to put them north, south, east, or west. There really isn't any testimony. There was definite testimony from Sun City, Sun City West, Sun City Grand. Although some of it was in conflict, the majority of it said please put us in at least two districts. We have responded to that and asked for those tests appropriately, I believe.

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

If you want to go back and talk about 15 before as a competitive district, if I look hard enough, I can find reasons why we shouldn't do it. But they are to me less important than the ultimate purpose of giving voters a choice. I took that seriously.
I supported creation of a competitive
district even though it moved people around that might
prefer not to be moved around. I ask my Republican
colleagues on this Commission, please consider doing the
same thing.

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

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

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

Mr. Huntwork.

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

That was my intent.
CHAIRMAN LYNN: Mr. Elder, is that your understanding of your seconding of the motion?

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

COMMISSIONER HUNTWORK: Mr. Chairman.

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

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

CHAIRMAN LYNN: Mr. Elder, with that clarification, is the second still in order?
COMMISSIONER HALL: I'm confused now,

Mr. Chairman.

CHAIRMAN LYNN: Stay with us.

COMMISSIONER HALL: I'm sure we're all

alone.

We made, basically, three sets of changes,

in my mind.

Mr. Johnson, please help me.

We did the 11, 15 test, and 14, 15 test,

and then we did a 6 test that affected 4, 12, 9, 10, and

11, also. What I understood your motion to be was if

you remove the 6 issue, you are basically saying the 9,

10, 11, 4, 12 ramifications of that are effective, but

you still have the historic 14, 15 changes because 15,

11 as configured here, as a result of the 15, 11 test,

excluding what 5 would do.

Is that right Mr. Johnson?

COMMISSIONER MINKOFF: No.

COMMISSIONER HALL: I'm asking

Mr. Johnson, Ms. Minkoff, not you.

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

MR. JOHNSON: 15 is a result of 15, 14

district and 11, 15 test. District 11 has been affected

by both sides.

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

COMMISSIONER HUNTWORK: I'm not sure.

COMMISSIONER ELDER: Withdraw.

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

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

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

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

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

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

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

CHAIRMAN LYNN: Is there a second to that
motion?

COMMISSIONER ELDER: Second for the
purpose of discussion.

CHAIRMAN LYNN: Thank you, Mr. Elder.

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

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

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

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

CHAIRMAN LYNN: Sure.

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

MR. JOHNSON: Commissioner, it would --

once I got it set up to demonstrate, it would be a
fairly fast demonstration. Setting up would take a
considerable amount of time. It's probably faster to go
back through the record and note each test and each
vote.

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

COMMISSIONER ELDER: Who --
CHAIRMAN LYNN: Each test was ordered
specifically.

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

MR. JOHNSON: Commissioner, if I may --
CHAIRMAN LYNN: Mr. Johnson.
MR. JOHNSON: Just to clarify, you
described accurately you gave directions to achieve a
certain goal. What I was referring to were reports
afterwards. The Commission decided whether or not to
accept that piece.

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

COMMISSIONER MINKOFF: Yep.

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

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

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

MR. JOHNSON: What?

CHAIRMAN LYNN: Too many conversations going on at once.

MS. LEONI: Sorry.

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

Do you need clarification?

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

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

Mr. Hall has been trying to get in.

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

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

What I understand is when we then said let's see what can do to District 6. District 6 affected additional impact on 11, 9, 10, 4, and on 12.
COMMISSIONER MINKOFF: And 7.

COMMISSIONER HALL: And 7.

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

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

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

Let me get a comment from Ms. Hauser, then

I'll continue with the discussion.

MS. HAUSER: I want to clarify something.

"Significant detriment to our original map."

Significant detriment to the map or criteria?

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

I appreciate clarification.

CHAIRMAN LYNN: I'll call on Mr. Elder.

Ms. Minkoff wants to get in.

I'll call on Mr. Elder, want to make sure we have a motion. Mr. Elder seconded for purposes of discussion. Be clear the motion on the floor is one you continue to second.
COMMISSIONER ELDER: If what we're talking about, I think from Mr. Hall's characterization, Mr. Huntwork's characterization, is by not asking, in effect, for 6, that ripple does not go through 9, 10, whatever. So that means we're going back with our 2002 plan for those districts and we're looking at the effects and the changes through 11, 15, 14 and 15, correct?

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

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

CHAIRMAN LYNN: Thank you.

Discussion on the motion. Ms. Minkoff.

COMMISSIONER MINKOFF: Thank you, Mr. Chairman.

When the test was ordered to try to create an additional competitive district in Maricopa County, Mr. Johnson explained to us that he felt that the best way to approach it was to include districts 11, 7, 4, 9, 10, and 12, although he says the effects, I believe, on 4 and 12 would not be as significant as on the other districts. We approved that. And that's what he did. And, frankly, what I saw, not that I could have
predicted exactly where the lines were, but it was sort
of what I thought I'd see with the exception of the
change in the Sun Cities we did not authorize and we
have voted to go back to our original map. It doesn't
do other things we were trying to do, probably an option
to try, he was going to show us, decided to go back to
the original map. This map resulted from our
instructions.

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

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

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

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

CHAIRMAN LYNN: Further discussion on the motion?

Mr. Hall.

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

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

There may well be some partisan argument from both sides of the aisle. I'm not speaking from a
partisan standpoint. I'm speaking as an Independent, and I emphasize that, Redistricting Commission, what's best for the people.

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

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

CHAIRMAN LYNN: Further discussion on the motion?

Ms. Minkoff.

COMMISSIONER MINKOFF: One last point. There is a more significant gap between the Republican and Democratic parties when you take the voting rights districts out. We all know that. This shows something can be done.
I don't want to belabor the point, don't want to draw this discussion out any more than it has been. I can see the direction things are going. A plan will ultimately pass with a four-one vote, and we'll see what happens to it.

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

Clearly I was in favor of testing as much as is needed to test to have all the information we needed in order to move forward with consideration of any of the issues that we ultimately might include in the final map. If it's the will of the Commission at this point to take some of those options off the table because of the perception that there are limits -- and there are not, again, this elusive bright line, not bright-line limits, but clearly limits as to how far and how much districts need to change in order to achieve a goal, whichever goal it happens to be, and those are ultimately the judgments each of us has to make for ourselves and on behalf of the people of Arizona, then I'm supportive of that in the sense the collective wisdom of the Commission is always better than any individual Commissioner's individual perspective, no matter who the Commissioner might be.
Clearly I think we've made good collective
decisions, not always on unanimous votes, not always
four-one votes, some good decisions were three-two, and
some of us have been on either side of the three-two.
They've still been good decisions.
It's my opinion group decision making is
almost always better, in hindsight, than decisions made
by any individual on one issue like this.
I will tell you that I, too, was concerned
about -- first of all, I was excited having two
additional districts well within what we'd call
competitive districts. I then started looking at the
cost for achieving that. And it's always the balance
between effect and the cost. And clearly there was a
more significant cost to the achievement of this
particular district than there were in other areas of
the state, not just in Phoenix, but also in Tucson, as
we found out.
Most recently we determined a way at least
not -- not so harmful to the Tucson area as to give us
an opportunity to make districts more competitive, even
though we may not have gotten it down to that zero mark,
but we moved toward competitiveness as best we could.
There's no question in my mind once the
Voting Rights Act was dealt with by the Commission and

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dealt with significantly by the Commission that our choices were going to be somewhat limited. That meant we had to look very carefully at the kind of decisions we then subsequently made in order to achieve additional gains in a number of goals, if we there were to revisit those goals.

I'm not particularly happy with the change to 14 and 15 with respect to the neighborhood association goal, which I know both members of the Phoenix delegation support. I'm perfectly happy to go along with it with respect to the overall decision because I do think their wisdom probably, collectively, outranks mine on the subject, even though I have a very firm opinion about that. And I'm willing to go with a district somewhat less appealing to achieve that goal.

Shorthand, I am supporting the motion because I do think it draws a distinction between those things that we can properly do to carry out our constitutional responsibility and the kind of things we ought not to do because it violates our constitutional responsibility. I believe we are at that point.

Further discussion on the motion?

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

COMMISSIONER HUNTWORK: "Aye."

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COMMISSIONER ELDER: "Aye."

COMMISSIONER HALL: "Aye."

CHAIRMAN LYNN: Chair votes "Aye."

Opposed vote "No."

COMMISSIONER MINKOFF: "No."

CHAIRMAN LYNN: Motion carries four-one and is so ordered.

Other instruction, information we need to give Mr. Johnson this evening?

Let's take a 10-minute break.

(Recess taken.)

CHAIRMAN LYNN: The Commission will come to order.

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

By my calculations, the only item on the agenda that we need to take care of, and I'm certainly willing to have someone contradict me, is to determine whether, and if the answer is yes, we can, when we will next reconvene. We have some tests, the results of which will be available within a week. We have other tests on the issue of population deviation that aren't likely to be ready during that same time frame.

So the point would be, if I understand the sequence, Mr. Johnson, would be to have a meeting in the
near term, if that's feasible, to make final
determinations on the tests we've ordered as to whether
or not those should be included in an ultimate
population deviation exercise or not. And that would
then give you a complete map against which population
changes should be made. At the point when that has been
done and is ready for us, I understand there may be a
scheduling issue and that discussion may not take place
until August. But the issue for the immediate
consideration of the Commission is whether we can hold a
hearing next week and, if so, when.

Mr. Elder.

COMMISSIONER ELDER: Yes, Mr. Chairman.

It seems there are scheduling issues and Thursday did
not look good. Can we meet as early as Wednesday, a
one-dayer?

CHAIRMAN LYNN: You've asked a $64
question everyone asks: When will we be finished. The
answer is sometime after we start. I have no better
guess than that. It seems to me if we were able to get
a full day's schedule, some full-day schedule, the work
we have to do with the two tests could be accomplished
in that time frame, it seems to me, unless other items
come up between now and then. So that's my guess.

COMMISSIONER ELDER: I guess it lays

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Phoenix, Arizona
Can you be ready by Wednesday?

MR. JOHNSON: Mr. Chairman, Commissioners,
I could -- let me be sure I'm understanding where we're going from here or what you are expecting of NDC from here.

CHAIRMAN LYNN: Hold on, Mr. Johnson.
Mr. Hall.
COMMISSIONER HALL: My day is Tuesday or go down the road.
COMMISSIONER ELDER: Tuesday is a good day or bad day?
COMMISSIONER HALL: Tuesday is the day.
COMMISSIONER ELDER: Mr. Johnson --
COMMISSIONER MINKOFF: I'm not available until 1:30 Tuesday.
CHAIRMAN LYNN: What I just heard, in the absence of any other issues, we could begin, at least in terms of our schedule, at 1:30 Tuesday.
COMMISSIONER HALL: Meaning planning being here Wednesday?
COMMISSIONER MINKOFF: I could be here Wednesday.
COMMISSIONER ELDER: You can't.
CHAIRMAN LYNN: Start earlier Tuesday?
COMMISSIONER MINKOFF: I can't be here until 1:30. We've had meetings when everybody hasn't been here.

COMMISSIONER HALL: The most important event next week is my birthday.

MR. RIVERA: When you turn 21, it's important.

CHAIRMAN LYNN: What day is that?

COMMISSIONER HALL: Thursday, the 27th.

CHAIRMAN LYNN: Well, if the card is late, just remember it's the thought that counts.

So the issue is if we're going to meet on Tuesday, and unless I hear an objection from someone else, Tuesday seems to be the day. Just to be clear, Mr. Hall, how late could you stay late Tuesday before you need to head back?

COMMISSIONER HALL: Midnight is not my preference.

CHAIRMAN LYNN: I understand.

COMMISSIONER HALL: Is 1:30 movable?

COMMISSIONER MINKOFF: I might be able to get here at 1:15, can't plan on it.

COMMISSIONER ELDER: The other thing we've done for several meetings while waiting for Mr. Johnson, probably could take public comment for a half hour,
hour, before Andi started, scheduled at 1:30, then a 
recess.

CHAIRMAN LYNN: I'm up for any of that. Why don't we try to do that. With any 
luck, Ms. Minkoff might be able to get here a little 
earlier.

In any case, without objection, notice a 
meeting for Tuesday at 12:30. We don't yet know where, 
but it will be somewhere at 12:30 on Tuesday. And we'll 
anticipate going -- I just don't think it will be that 
long a meeting. I think we can get you out in time to 
get home at a decent hour.

COMMISSIONER ELDER: Take one of the state 
cars up.

COMMISSIONER HALL: Adolfo -- here's 
another option, Mr. Chairman.

Adolfo, can you check with the airline in 
Show Low?

MR. ECHEVESTE: Flying down and back?

COMMISSIONER HALL: They're coming down 
and back, but how many days a week --

COMMISSIONER HUNTWORK: Lights on the 
runway at Show Low?

COMMISSIONER HALL: 30,000 acres now up in 
flames, may not have a runway.
CHAIRMAN LYNN: Mr. Rivera mentioned another possibility, Mr. Hall. Any possibility on Wednesday?

COMMISSIONER HALL: You guys in Pinetop.

CHAIRMAN LYNN: Any possibility of time available Wednesday with you staying up there, in your area of the woods, that is to go to Kinko's, a satellite linkup?

COMMISSIONER HALL: We don't have satellites.

MS. HAUSER: It's not -- time delay.

CHAIRMAN LYNN: Let's just try to do Tuesday. Notice the meeting for 12:30. Hold off on Mr. Johnson's report until 1:30.

COMMISSIONER HALL: If I fly, that's four more hours Wednesday.

CHAIRMAN LYNN: I understand.

COMMISSIONER HALL: Four more hours on Tuesday -- three, you have an hour flight.

CHAIRMAN LYNN: We'll think about that.

COMMISSIONER HALL: One time they chartered me. I don't know. That's why we pay Adolfo the big bucks.

CHAIRMAN LYNN: All right. Without objection, schedule the meeting for then.
Mr. Johnson, now to your point about understanding what we ordered and when it's due, go ahead.

MR. JOHNSON: My understanding, correct me if this isn't the same as yours, starting with the 2002 plan, going to incorporate the changes in La Paz, and -- between 23 and 24, incorporate the 11 and 15 test we looked at before, incorporate the 14 and 15 test, and then do the balancing between 26, 28, and 30 down in Tucson.

CHAIRMAN LYNN: That is correct.

MR. JOHNSON: And then we'll present to you full spread sheets, assuming Dr. McDonald is available, and get the Judge It.

MS. LEONI: He will be available.

CHAIRMAN LYNN: Judge It will have been run by then?

MS. LEONI: Yes.

CHAIRMAN LYNN: Is there other business -- Are you clear?

MR. JOHNSON: So full analysis but I'll not yet have done deviation and trap changes.

CHAIRMAN LYNN: Can't until we give you a map on which to do deviation.

MR. JOHNSON: Right.
CHAIRMAN LYNN: The goal is to complete a map.

MR. JOHNSON: That's what I was hoping you'd say.

CHAIRMAN LYNN: Other business to come before the Commission?

Ms. Hauser?

MS. HAUSER: Mr. Chairman, I'd like to know what you specifically want the agenda to indicate.

CHAIRMAN LYNN: Well, if my fellow Commissioners will give me that license, you and I can work on that between now and the end of the week.

COMMISSIONER HUNTWORK: You have it.

CHAIRMAN LYNN: Is there a reason not to do it that way?

We'll take care of the agenda.

Other business to come before the Commission?

Mr. Echeveste?

MR. ECHEVESTE: No, sir.

CHAIRMAN LYNN: Legal counsel?

Fellow Commissioners?

The Commission is adjourned.

(Whereupon, the Commission adjourned at approximately 8:00 p.m.)
STATE OF ARIZONA )
    ) ss.
COUNTY OF MARICOPA )

BE IT KNOWN that the foregoing hearing was taken before me, LISA A. NANCE, RPR, CCR, Certified Court Reporter in and for the State of Arizona, Certificate Number 50349; that the proceedings were taken down by me in shorthand and thereafter reduced to typewriting under my direction; that the foregoing 174 pages constitute a true and accurate transcript of all proceedings had upon the taking of said hearing, all done to the best of my ability.

I FURTHER CERTIFY that I am in no way related to any of the parties hereto, nor am I in any way interested in the outcome hereof.

DATED at Phoenix, Arizona, this 2nd day of July, 2002.

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

ATWOOD REPORTING SERVICE - LISA A. NANCE, RPR, CCR
Phoenix, Arizona